

Resolution No. 2018-23

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, AMENDING AND RESTATING THE TOWN OF FOUNTAIN HILL PERSONNEL POLICIES .

WHEREAS, the Town's personnel policies were last comprehensively rewritten in 2013, and updated from time to time, and

WHEREAS, the Town desires to amend and restate its personnel policies to reflect changes in the law, provide for staffing flexibility, and increase employee satisfaction, and

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS as follows:

SECTION 1. That the Town, through its Mayor and Council, hereby amends and restates the Town of Fountain Hills Personnel Policies, attached hereto as Exhibit A.

PASSED AND ADOPTED by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 20th day of March, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

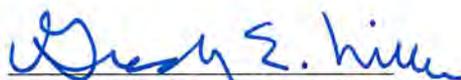
ATTESTED TO:


Linda M. Kavanagh, Mayor


Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Grady E. Miller, Town Manager


Dickinson, Wright PLLC, Town Attorneys

EXHIBIT A
AMENDED AND RESTATED
TOWN OF FOUNTAIN HILLS PERSONNEL POLICIES



TOWN OF FOUNTAIN HILLS

PERSONNEL POLICIES

Amended and Restated March 20, 2018

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

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ABOUT THE ORGANIZATION

The Town of Fountain Hills (or the “Town”) municipal government provides a variety of services such as zoning ordinances and the Town code.¹ Major departments include Administration, Community Services, the Court, Development Services, law enforcement (contracted with the Maricopa County Sheriff’s Office), and fire and emergency medical service (contracted with Rural Metro). The Town is operated with a seven-member Town Council handling policy decisions for Fountain Hills. The Town Manager is responsible for all personnel and administrative matters at Town Hall.

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



Town of Fountain Hills

MISSION STATEMENT

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

**Town of Fountain Hills
Personnel Policies**

SECTION: GENERAL INFORMATION
POLICY: GENERAL PROVISIONS AND PURPOSE
POLICY NO: 101
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To establish Town of Fountain Hills Personnel Policies and describe overall content and relationships to other regulations.

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

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

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

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

LOYALTY OATH

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

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

(signature of officer or employee)

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

**Town of Fountain Hills
Personnel Policies**

SECTION: GENERAL INFORMATION
POLICY: EQUAL EMPLOYMENT
POLICY NO: 103
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

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

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

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

SCOPE: This policy applies to all Town employees.

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: TEMPORARY ASSIGNMENTS
POLICY NO: 202
EFFECTIVE: April 20, 2018
REVISED: April 20, 2018

PURPOSE: To clarify the circumstances by which the Town may utilize temporary assignments or temporarily staff a position.

STATEMENT OF POLICY:

“Acting” Assignments – Town employees may be temporarily assigned to perform all of the duties and assume all of the responsibilities of another position.

“Increased Work Duties” Assignments – From time to time, Town employees may be temporarily assigned by the Town Manager to perform some or all of the duties and assume some or all of the responsibilities of a position or other positions.

SCOPE: This policy applies to all Town Employees and all Town Departments.

PROCEDURE: Temporary Assignments shall be administered in the following manner:

1. **“Acting” Assignments** – When the Town Manager identifies or otherwise determines that a Town Department is in need of an “Acting” Assignment, the Town Manager and other Town personnel, as deemed appropriate by the circumstances, shall identify and select an individual best-suited to meet the Department’s needs.

During such temporary assignments, the Town employee shall be designated as having an “Acting” position. Changes in compensation during an “Acting” assignment shall be determined by the Town Manager. Temporary assignments do not become “Acting” assignments unless and until such assignment has lasted or is expected to last a minimum of three (3) consecutive weeks. “Acting” assignments should generally not last longer than nine (9) months, unless extended in writing by the Town Manager.

2. **“Increased Work Duties” Assignment** – When the Town Manager identifies or otherwise determines that a Town Department is in need of an “Increased Work Duties” Assignment, the Town Manager and other Town personnel, as deemed appropriate by the circumstances, shall identify and select an individual best-suited to meet the Department’s needs. Changes in compensation during an “Increased Work Duties” assignment shall be determined by the Town Manager. Temporary assignments (“Increased Work Duties”) do not become assignments for purposes of changes in compensation unless and until such assignment has lasted or is expected to last a minimum of three (3) consecutive weeks. A temporary assignment (increase in work duties) can be in place of or in addition to an employee’s regular duties.

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: TEMPORARY STAFFING
POLICY NO: 203
EFFECTIVE: April 20, 2018
REVISED: April 20, 2018

PURPOSE: To clarify the circumstances by which the Town may temporarily staff a position.

STATEMENT OF POLICY: From time to time, Town Departments may be in need of staffing to meet needs and/or fulfill responsibilities the Department may otherwise be incapable of performing with its current staffing. In such cases, the Town may determine that the Department's needs warrant additional staff in order to meet its needs and/or fulfill its obligations.

SCOPE: This policy applies to all Town Employees and all Town Departments.

PROCEDURE: Temporary staffing shall be administered in the following manner:

Town Departments in need of temporary staffing (usually for periods of no greater than one year), may obtain such staffing from outside agencies, temporary employees, or through the use of temporary Town employees. Town Departments in need of temporary staffing shall consult with Human Resources before initiating any temporary staffing in order to discuss, among other things, the potential implications of the temporary staffing.

Outside agencies may be used for temporary staffing with approval of Human Resources and Finance. Generally, agencies on a previously approved statewide contract are to be used.

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: IDENTIFICATION BADGES AND BUILDING ACCESS
POLICY NO: 204
EFFECTIVE: October 7, 2004
REVISED: August 1, 2013

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

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

SCOPE: This policy applies to all Town employees.

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: BASIC WORK WEEK AND HOURS OF WORK
POLICY NO: 205
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: CODE OF CONDUCT
POLICY NO: 206
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

PERFORMANCE OF DUTIES:

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

ABUSE OF POSITION:

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

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

CONFIDENTIALITY:

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

NOTE:

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: CONFLICT OF INTEREST
POLICY NO: 207
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

SCOPE:

Employees are subject to the provisions of A.R.S. Section 38-501 through 38-532 regarding conflict of interest. The Arizona Legislature has provided a series of laws covering the subject of conflict of interest. The laws apply to all officials, officers and employees of the Town. The law allows an official, officer or employee (or relative of an official, officer or employee) to do business with or to obtain services from the Town so long as the officer, official or employee makes known their conflict of interest and refrains from participating in the decision in any way. The Town Attorney will assist any employee or official who has any questions regarding conflict of interest. At any time, an employee is responsible for notifying their supervisor of any potential of conflict of interest. It is the duty of the employee and/or supervisor, if there is any concern regarding the possible conflict of interest, to contact the Town Attorney and request a written opinion.

PROCEDURE:

While not exclusive, specific examples of conflict of interest are enumerated below for the guidance of employees.

a. Interest in Appointments

Employees should not canvass the Mayor or members of the Town Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to a Town job. This does not apply to positions filled directly by the Council. Conversely, the Mayor, members of the Town Council, Board or Commission members, directly or indirectly, should not canvass the Town Manager or Human Resources Director to obtain preferential treatment for any appointment to a Town job on behalf of relatives.

b. Preferential Treatment to Individuals

Granting any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen is prohibited.

i. Disclosure of Confidential Information

The Town maintains confidential materials of various kinds (i.e., financial records, personnel data, administrative/legal opinions, software programs, and nonpublic records) designated as confidential by the Town Manager or his/her designee.

All employees are expected to assume responsibility for safeguarding Town records, equipment, property, and other materials. Access to certain material is based upon job classification and a need-to-know basis. Appropriate confidentiality will always be maintained.

ii. Representing Private Interest before Town Agencies or Courts

No person whose salary is paid in whole or in part by the Town shall appear on behalf of private interests before any agency related to Town activities. They shall not represent private, business, and/or financial interests in any action or proceeding against the interest of the Town in any litigation to which the Town is a party.

iii. Interest in Contract with the Town

No employee of the Town shall have any interest in any contract made by them in their official capacity or by any committee, board, or commission of which he is a member, agent, or employee.

iv. Disclosure of Interest

An employee who has a financial or other private interest shall disclose conflict of interest in writing on the records of the Town or other appropriate authority, the nature and extent of such interest.

Any employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale, purchase, or service.

Any employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an employee in such decision.

GUIDELINES:

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: SOLICITATION
POLICY NO: 208
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

SCOPE: This policy applies to all Town employees.

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: POLITICAL ACTIVITY
POLICY NO: 209
EFFECTIVE: August 1, 2013
REVISED: April 20, 2018

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

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

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

No paid employee will seek election to public office with the Town while still employed by the Town. Any employee desiring to hold such office will resign from their position upon filing for the office. Employment will terminate upon filing for the office of Town Council by any employee.

Political activity on the national, state, or county level is unrestricted, except that no paid employee will use their position to sell, solicit or distribute any campaign material during working hours or in a uniform used by or identified with the Town government.

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

SCOPE: This policy applies to all Town employees.

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

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

This section does not prohibit an employee from voting as provided by law and are encouraged to do so.

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: NEPOTISM AND PERSONAL RELATIONSHIPS
POLICY NO: 210
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

The Town believes that romantic, dating, or sexual relationships between employees who are in the same chain of command, has the potential to disrupt the work environment. Some of the possible adverse effects of such relationships may include the following: poor work performance or attitude; distraction from work duties; creation or suggestion of a sexually hostile or offensive work environment for the involved employees or others around them; and the possibility, appearance, and/or perception of favoritism or conflict of interest. For these reasons, and in furtherance of its policy against sexual harassment in the workplace, the Town forbids its supervisors to have a romantic, dating, or sexual relationship with any other employee who is under them in the chain of command.

In regard to non-supervisory relationships, the Town will become involved and will take appropriate action if problems resulting from such relationships manifest themselves on the job. In all cases of employment with the Town, the Town reserves the right to transfer or reassign any employee at any time with/without cause or notice.

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: SECONDARY EMPLOYMENT
POLICY NO: 211
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

SCOPE: Town of Fountain Hills' employees should avoid:

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

VOLUNTEER ACTIVITIES:

Employees are encouraged to engage in volunteer activities, especially activities to improve community life. However, employees should evaluate their volunteer activities in the same manner as outside employment to identify any potential conflict with the employee's Town position and discuss these potential conflicts with

their supervisor on an individual basis. Employees should declare volunteer activities only if the employee believes there is some reason for concern consistent with the spirit of the policy.

EXHIBIT 211-A

TOWN OF FOUNTAIN HILLS SECONDARY EMPLOYMENT DECLARATION
--

Employee Name: _____

Position: _____ Department: _____

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

Other Employer Name: _____

Other Employer Address: _____

Position/Title (if any): _____ Hours of Work: _____

Description of work performed: _____

Employee Signature: _____ Date: _____

Approved: **Yes** **No**

Immediate Supervisor Signature _____ Date

Comments: _____

Approved: **Yes** **No**

Department Head Signature _____ Date

Comments: _____

Approved: **Yes** **No**

Town Manager Signature _____ Date

Comments: _____

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: HARASSMENT
POLICY NO: 212
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

STATEMENT OF POLICY: It is anticipated that Town employees will treat each other with courtesy and civility at all times, and harassment or intimidation of any form will not be tolerated. It is specifically unlawful, and therefore strictly forbidden, for any person to harass an employee based on sex, sexual orientation, race, color, ancestry, national origin, religion, age, disability, or any other legally protected characteristic.

SCOPE: Harassment is defined as any conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating any intimidating, hostile, or offensive work environment, based on that individual's race, color, gender, sexual orientation, national origin, religion, age, or disability.

Sexual harassment:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another person. Sexual harassment may occur between members of the same or opposite gender.

Other harassment:

Other harassment consists of unwelcome comments or conduct having specific or reasonably implied references to race, color, national origin, religion, age, disability, or any other legally protected characteristic. Such harassment may include, without limitation, insulting comments, "kidding," "teasing," and "practical jokes," slurs, taunting, verbal abuse or epithets, degrading comments or jokes, jokes about certain traits, and insulting pictures, drawings, objects, cartoons, posters, pictures, or printed or other visual material.

Unlawful harassment:

Such harassment is unlawful when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

PROCEDURE: Every employee of the Town has an affirmative duty to maintain a work place free of harassment and intimidation. An employee should take complaints or reports of harassment directly to their supervisor, or, if their supervisor is the subject of the complaint, or if there is some other reason for doing so, to their supervisor's supervisor (See Exhibit 212-A). Department Heads or supervisors who receive complaints or reports of harassment must immediately inform the Human Resources Administrator of such complaints. The Human Resources Administrator will expedite an investigation into the allegations. Confidentiality of all parties involved in a harassment charge shall be respected except to the extent that it interferes with the Town's legal obligation to investigate allegations of misconduct and to take appropriate action. When an investigation has been conducted, all associated persons will normally be advised of the outcome of the investigation. The Town Manager shall take such disciplinary action as is warranted, up to and including termination of the offending party. Any reprisal or retaliation for reporting harassment under this policy or participating in an investigation is strictly prohibited. All department heads, supervisors and employees must attend harassment prevention training when provided by the Town.



EXHIBIT 212-A

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

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

If you are a current Town employee:
Supervisor's Name:
Department:

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

<p>Briefly describe the nature of your complaint: Please explain the problem as you see it and any ideas you have to solve the problem. Where possible, specify the date(s) of the incident(s) and name(s) involved. If additional space is needed, please attach additional pages.</p> <hr/>
--

The Town of Fountain Hills will not tolerate employment discrimination or harassment upon an employee's or applicant's race, color, national origin, sex, sexual orientation, religion, disability or age. An employee or applicant asserting a good faith employment discrimination or harassment complaint and/or participating in an investigation of such a complaint will be protected from retaliation or discipline. Any employee found guilty of harassment or retaliation will be disciplined, up to and including termination.

Signature: _____ Date: _____

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: ABSENTEE REPORTING, PERSONAL PHONE CALLS, AND RECORD CHANGES
POLICY NO: 213
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

PROCEDURE:

ABSENTEE REPORTING:

Whenever an employee is unable to report for work for any reason, they must contact their immediate supervisor or designee telephonically or by email at least thirty (30) minutes prior to the start of their scheduled working hours or as soon as otherwise practicable.

When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to the their supervisor or their designee in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the Town. Such notice shall be given telephonically or by email. When possible, the notice shall include the expected duration of the absence.

In all cases, employees who leave a voicemail message should ensure that the recipient of the message has received it.

If the employee is not able to call or email personally, another person may call the employee's immediate supervisor or designee to relay a message on behalf of the employee prior to the start of the employee's scheduled working hours. A brief explanation should be provided concerning the reason for the absence with an estimate of when the employee will be able to report for work. Failure to provide this notification within the time specified, except in very specific circumstances, may result in the employee being placed on leave without pay status for the duration of the absence. When an employee needs to leave work during the workday, the employee should notify their immediate supervisor or designee.

In all cases, if the immediate supervisor or designee is not available, the employee should either contact their supervisor's supervisor or the Town Human Resources Department.

PERSONAL TELEPHONE CALLS

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

RECORDS CHANGES

Changes of name, address (both mailing and residence), telephone number, or marital status must be reported immediately to the Human Resources Office in order to update employee records. A record change form is provided for this purpose and must be signed by the employee (See Exhibit 213-A). Supervisory managers must also be notified of such changes. This information is required to be able to reach employees in an emergency, for insurance purposes, and to properly prepare payroll-related documents.

Town of Fountain Hills
PERSONAL INFORMATION CHANGE FORM

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

Type of Change (check all that apply)

_____ Name

Required to be brought to Human Resources

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

_____ Emergency Contact

_____ Telephone

_____ Address

_____ Marital Status

_____ Change of Gender (check one) _____ Male to Female _____ Female to Male

Employee Name (Example: Smith, Jane A.) _____

New Name (Example: Jones, Jane S.) _____

Social Security Number/Employee ID _____

Employee Home Phone (with area code) _____

Local Street Address _____

City, State, Zip Code _____

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

Emergency Contact (Example: Jones, John B.) _____

Emergency Contact Phone Number (with area code) _____

Marital Status _____ Married _____ Divorced _____ Separated _____ Single _____ Widowed

Employee Signature _____ Date _____

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: DRESS CODE AND UNIFORMS
POLICY NO: 214
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

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

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

Professional Attire

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

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

Business Casual

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

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

Casual/Dress Down Thursday

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

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

Exceptions:

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

Work-Study Students

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

Jewelry, Tattoos, Facial Hair, and Hairstyles

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

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

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

Employees will be requested to return home to change and return to work if not complying with the Town's appearance/grooming and footwear policies. Employees will be sent home on vacation leave (if available and with supervisory approval) or will not be compensated for this time out of the office. A documented verbal

counseling should be given to the employee and the Town's dress and appearance standards should be reviewed. A second or subsequent deviation from acceptable grooming and attire standards will again result in the employee being sent home on vacation or unpaid leave. Such subsequent incidents will be cause for disciplinary action up to and including termination.

Employees with religious needs related to this policy may be reasonably accommodated and should discuss those needs with their supervisor and/or Human Resources.

**Town of Fountain Hills
Personnel Policies**

SECTION: CONDITIONS OF EMPLOYMENT
POLICY: VIOLENCE IN THE WORKPLACE
POLICY NO: 215
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

SCOPE: This policy applies to all Town employees

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: RECORDS
POLICY: CONFIDENTIALITY AND EMPLOYEE RECORDS
POLICY NO: 301
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

Access to the personnel files of Town employees are controlled as follows:

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

**Town of Fountain Hills
Personnel Policies**

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

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: RECORDS
POLICY: PERFORMANCE EVALUATION
POLICY NO: 303
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: RECORDS
POLICY: JOB DESCRIPTIONS
POLICY NO: 304
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

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

The Town Manager has the discretion to require employees to work outside their job description as deemed appropriate under the circumstances. The Town Manager may require workgroups to cross-train and redeploy across departments, divisions, or sections in order to ensure essential functions are completed. In some cases, contractors or part-time employees will be hired on a temporary basis to fulfill essential service requirements.

In these instances, provisions will be made to allow for temporary access to Town resources (door badges, access to shared physical and digital files, etc.) as necessary.

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH AND WELFARE
POLICY: DRUG AND ALCOHOL ABUSE AND TESTING – ALL EMPLOYEES
POLICY NO: 401
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: The Town is committed to maintaining a Drug Free Workplace that is safe, healthy and productive work environment for all employees free from the effects of substance abuse. Abuse of alcohol, drugs, or controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision making.

SCOPE: This policy applies to all Town employees and all applicants who have received conditional offers of employment with the Town in a “safety sensitive” position.

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

POLICY: To ensure a safe and productive work environment the Town prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs, controlled substances, medical marijuana, or drug paraphernalia on any Town premises or work sites. This prohibition includes Town-owned vehicles, or personal vehicles being used for Town business and/or parked on Town property. Additionally, the Town may take disciplinary action, including discharge, for the illegal (under federal or state law) off-duty use, sale, dispensation, manufacture, distribution, or possession of drugs and controlled substances and the illegal use or distribution of alcohol.

No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee’s system or otherwise be impaired. A detectable amount refers to the standards generally used in workplace drug and alcohol testing.

Medical Marijuana.

Subject to its designation of Safety-Sensitive Positions, the Town will not not make employment decisions relating to a medical marijuana cardholder, based solely on their status as a cardholder or solely upon a positive drug test for marijuana. However, cardholders may be disciplined or terminated if impaired while at work, or if the employee possesses or uses marijuana while at work. Signs of impairment include but are not limited to: red, bloodshot eyes; dilated pupils; poor concentration; impaired perception of time; loss of energy; impaired perception of distance; abnormal or erratic behavior; slow and deliberate responses; slow reflexes; incoherent speech; odor; and impaired balance or coordination. Additionally, if the Town would lose a monetary or licensing benefit under federal law or regulation, including the Drug-free Workplace Act, the Town will enforce its drug policy regardless of an employee’s status as an Arizona medical marijuana registered cardholder.

When an employee must take prescription or over-the-counter drugs, the employee must ask the medical professional or pharmacist if the drug has any side effects which may impair the employee's ability to safely or productively perform the employee's job duties. If there is potential impairment of the employee's ability to work safely or productively, the employee must report this information to the supervisor. With input from the employee, the Town will determine if the employee should work in their regular job, be temporarily assigned to another job, or placed off work.

Furthermore, if the Town has designated a position as safety-sensitive and the Town has a good faith belief that the employee is using any drug, whether legal, decriminalized, or prescribed by a physician, that could cause an impairment while working, or otherwise impact the employee's job performance or ability to perform job duties, then the Town may take appropriate action to exclude the employee from the safety-sensitive position. For instance, the Town may assign the employee to another job or place the employee off work.

Any violation of this policy will result in disciplinary action up to and including termination.

EMPLOYEE AND APPLICANT DRUG AND ALCOHOL TESTING

To promote a safe and productive workplace, the Town will conduct the following types of Drug and Alcohol testing as described below:

- A. Post-Offer/Pre-Employment
- B. Reasonable Suspicion
- C. Post-accident
- D. Return-to-Duty/Follow-up Testing

CATEGORIES OF EMPLOYEE SUBSTANCE TESTING

A. Post-Offer/Pre-Employment Testing:

1. All persons seeking employment with the Town in a position designated as "safety-sensitive" shall undergo post-offer drug testing on or around the time employment commences. Applicants will be informed that as a condition of employment they must pass a drug screening test.
2. Applicants who test positive will be notified that they have not met the standards for employment and will be informed they can have the confirmed positive test re-tested by a government certified lab selected by the applicant.

B. Reasonable Suspicion Testing:

An employee will be asked to submit to drug and alcohol testing when the Town reasonably suspects the employee is impaired or has used illegal drugs.

1. Reasonable suspicion testing may result from one of the following examples, and is not limited to the following:
 - a. Specific, personal, and articulable observations concerning the employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, or irrational or unusual behavior.
 - b. The employee's negligence or carelessness in operating equipment, machinery or production or manufacturing processes; disregard for the safety of the employee or others; involvement

in an accident that results in serious damage to equipment, machinery or property, disruption of a production or manufacturing process, or any injury to the employee or others.

- c. Violation of a safety rule or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor/manager to believe that the employee's functioning is impaired.
 - d. Other physical, circumstantial, or contemporaneous indicators of impairment.
2. When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
 3. The Town will place the employee on a leave pending the receipt of drug testing. If the results of the testing are negative, upon return to work, the employee shall be paid for the leave. However, if the results of the testing are positive, employee will not receive pay for the leave.

C. Post-accident Testing:

An employee must submit to a drug and alcohol test after an on-the-job accident, including workplace injuries.

1. An accident for purposes of this policy is defined as an incident or occurrence in which:
 - a. A person dies or requires medical treatment.
 - b. Property damage is estimated at greater than \$250.
 - c. The accident involves use of a Town vehicle.
 - d. The accident involves an employee in a personal vehicle accident while on the job.
2. An employee who is involved in an accident must immediately report the accident to their supervisor/manager.
3. When a supervisor/manager observes or is notified of an accident as defined in #1 above, the supervisor/manager will initiate drug and alcohol testing. The supervisor/manager will order the employee to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
4. The Town will place the employee on leave pending the receipt of drug testing. The employee shall be paid for the leave if the testing results are negative. The employee will not be paid for the leave if the results are positive.

D. Return to Duty/Follow-up Testing

If the Town elects to allow an employee to return to work following a positive test result, the employee must first pass a drug and alcohol test and subsequently submit to a program of unannounced testing for a period of not more than 12 months from the date of return to duty.

THE KINDS OF SUBSTANCES TESTED MAY INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING SUBSTANCES OR THEIR METABOLITES

- A. Marijuana
- B. Cocaine
- C. Opiates
- D. Phencyclidine (PCP)
- E. Amphetamines
- F. Alcohol

INSPECTION AND SEARCHES

The Town may conduct unannounced inspection for violations of this policy in the workplace, work sites, or Town premises. Employees are expected to cooperate during any inspection.

VOLUNTARY TREATMENT

The Town supports sound treatment efforts. Whenever practical, the Town will assist employees in overcoming drug and/or alcohol problems as long as this policy has not already been violated.

If an employee seeks treatment for drug and/or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through The Town medical insurance program or at their own expense.

If the employee enters an appropriate treatment program, The Town may place the employee on unpaid statusⁱ, but the employee will be required to use any accrued vacation time and sick leaveⁱⁱ while participating in the program, so long as the employee is complying with the conditions of treatment. The Town can require a release to work and/or verification that the employee has successfully completed the entire rehabilitation, treatment, and/or counseling program treatment from the health care provider. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department. The employee may also be required to pass a retest, at the employee's expense, before returning to work upon completion of such rehabilitation, treatment, and/or counseling. The employee may also be subject to periodic retesting after return from leave.

SAFEGUARDS/CONFIDENTIALITY

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the drugs tested or for alcohol, a second confirmatory test shall be performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported as positive for review and analysis. Human Resources will contact the employee in the case of a positive test result.

An applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result.

Each applicant or employee will have an opportunity to discuss the test results in a confidential setting. The Town will keep the test results confidential and will share the results only within the Town on a business need to know basis, in administrative law proceedings, and/or when required by law.

Each applicant or employee upon their written request may be provided with a written copy of the positive test result. Upon written request within seven days of taking the test, an employee may access records relating to his drug and/or alcohol test.

DISCIPLINARY ACTION

A. Testing Positive

Employees who test positive for drugs and/or alcohol are in violation of this policy.

B. Refusal to Comply

Employees who refuse required testing are in violation of this policy.

C. Interference with Testing

Employees who adulterate, tamper with, or otherwise interfere with accurate testing are in violation of this policy.

D. Any employee who has been observed using or possessing illegal drugs, medical marijuana, or alcohol during work time, including lunch breaks, or on Town premises is in violation of this policy.

Assistance

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

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Offers all eligible employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

If you have a problem with drugs and/or alcohol and wish to undertake rehabilitation, you may request an unpaid leave of absence for this purpose, which may be covered leave under the Family and Medical Leave Act under certain circumstances. It is your responsibility to seek help before the problem adversely affects your work performance or results in a violation of this policy. If you need assistance in seeking this help, you may contact the Employee Assistance Program (EAP). There is no adverse treatment against an employee for voluntarily undertaking rehabilitation (as opposed to being impaired in the workplace or failing a drug test which do have adverse consequences).

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

For an employee who is permitted to seek treatment after a failed drug test, the employee shall not be permitted to return to work until they have successfully completed the entire rehabilitation, treatment, and/or counselling program and only for so long as the employee successfully remains in any aftercare program recommended by the rehabilitation, treatment, and/or counselling program. The employee shall also be required to pass a retest, at the employee's expense, before returning to work upon completion of such

rehabilitation, treatment, and/or counselling. The employee may also be subject to periodic retesting after return from leave.

Shared Responsibility

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

All employees are required to report to work unimpaired in a drug free state.

In addition, employees are encouraged to:

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

It is the supervisor's responsibility to:

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

Communication

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

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



EXHIBIT 401-A

**DRUG & ALCOHOL ABUSE – ALL EMPLOYEES POLICY
ACKNOWLEDGMENT**

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

I understand that this policy in no way implies, infers, or guarantees my continued employment for any definite term and that I may be non-selected for hire, disciplined, and/or discharged by the Town for other reasons than failing to follow the terms of the Policy.

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH AND WELFARE
POLICY: DRUG AND ALCOHOL ABUSE AND TESTING – EMPLOYEES
REQUIRED TO MAINTAIN A VALID COMMERCIAL DRIVER’S
LICENSE
POLICY NO: 402
EFFECTIVE: April 20, 2018
REVISED: April 20, 2018

PURPOSE: To establish a drug-free workplace and a drug and alcohol testing program conducted in accordance with state and federal law, including Department of Transportation regulations applicable only to certain Town employees.

SCOPE: This policy applies only to those Town employees and prospective Town employees whose positions require the possession of a valid commercial driver’s license (“CDL”).

For purposes of this policy, a Town employee is covered by DOT regulations as those regulations relate to the employee’s fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this policy requires that employees abstain from the use of controlled substances at any time or risk violating DOT regulations prohibiting the presence of controlled substances in their body. For purposes of this policy, the term “controlled substances” means marijuana, cocaine, amphetamines (including ecstasy and analogous drugs), opiates, and phencyclidine (PCP).

Under this policy performing a safety sensitive function means all of the time after an employee begins to work or is required to be ready to work until the time the employee is relieved from work and all responsibility for performing work. Safety-sensitive functions include: (1) All time spent at Town facilities, property, or any other public property, waiting to be dispatched, unless the employee has been relieved from duty by the Town; (2) All time inspecting equipment as required by the law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth; (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

When an employee must take prescription or over-the counter drugs, the employee must ask the medical professional or pharmacist if the drug has any side effects which may impair the employee’s ability to safely or productively perform the employee’s job duties. If there is the potential impairment of the employee’s ability to work safely or productively, the employee must report this information to the supervisor. With input from the employee, the Town will determine if the employee should work in his regular job, be temporarily assigned to another job or placed off work.

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

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

1. No employee shall unlawfully manufacture, use, possess, or distribute controlled substances.
2. No employee shall report for work, perform any safety-sensitive functions or, while in the employ of the Town, have at any time, any controlled substance present in their body. Presence of controlled substances will be determined by testing performed as described in this policy.
3. No employee shall perform safety-sensitive functions within 4 hours after consuming alcohol.
4. No employee shall consume alcohol while performing safety-sensitive functions.
5. No employee shall possess alcohol while on duty.
6. No employee shall report to work or perform safety-sensitive functions while having an alcohol concentration of .02 or greater. Employee alcohol concentration will be determined by testing performed as described in this policy.
7. No employee shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
8. No employee shall consume alcohol after an accident unless 8 hours have expired, the employee has been tested or the Town has determined that the employee's performance could not have contributed to the accident, whichever occurs first.
9. No employee shall refuse to take a required test.

Any violation of this policy will result in discipline up to and including termination under the Town's independent authority, as provided for by the DOT.

An employee who tests positive for marijuana is in violation of this Policy, even if the employee is an Arizona medical marijuana registered cardholder. Be advised that a positive drug test for marijuana constitutes a violation of this Policy and may lead to your termination. For more information, please speak your supervisor and/or Human Resources.

Employees who adulterate or otherwise interfere with accurate testing required pursuant to this policy are in violation of this policy.

Any employee who has been observed using or possessing controlled substances or alcohol during work time, including lunch breaks, or on Town property, is in violation of this policy.

The Town will not hire applicants who test positive for controlled substances.

The Town will provide to any employee who violates a DOT drug and alcohol regulation a listing of Substance Abuse Professionals readily available to the employee.

Minimum Consequences of Violation as Mandated by D.O.T.

If an employee tests positive for a controlled substance or has an alcohol concentration of .02 or greater, the employee will be removed from safety-sensitive functions.

To be eligible to return to work after testing at an alcohol concentration of .02 to .039, the employee must be off-duty for at least 24 hours. Pursuant to the Town's independent authority, employee testing between 0.02 and 0.039 may be subjected to discipline up to and including termination.

To be eligible to return to work after a positive controlled substance test or test indicating an alcohol concentration of .04 or greater, the employee must be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that additional treatment is necessary, the employee must complete such treatment. In addition, the employee will be subject to follow-up testing.

The above consequences are minimum requirements as set out by the D.O.T. Compliance with the above does not guarantee an employee will be returned to work following a violation of this policy. Employees will be subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the DOT regulations.

Before an employee returns to duty requiring the performance of a safety-sensitive function after violating the alcohol or controlled substance provisions outlined by DOT, the employee shall undergo a return-to-duty test with a result indicating a verified negative result.

PROCEDURES:

TESTING:

General

For the purpose of ensuring compliance with the Federal Department of Transportation regulations and this policy, applicants for safety-sensitive positions and employees who perform safety-sensitive functions will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and employees are required to submit to testing in the following circumstances as a condition of their employment.

Post-Offer/Pre-Employment Testing

Applicants for Town positions that require possession of a valid commercial driver's license that are deemed by the Town to be "safety-sensitive" undergo a test for the presence of controlled substances post-offer and on or about the time employment commences. Under no circumstances may an employee perform a safety-sensitive function until a confirmed negative result is received.

Applicants who refuse to submit to testing will not be hired.

Testing for Current Employees

1. Post-Accident Testing

Any employee involved in an accident in which a fatality occurs must immediately submit to a controlled substance and an alcohol test. Any employee who receives a citation for a moving traffic violation must immediately submit to a controlled substance test, and an alcohol test if, (a) the accident results in a fatality, or bodily injury to a person who must immediately receive medical treatment away from the scene, or (b) one or more of the vehicles involved is towed from the scene.

An employee will not be allowed to return to work until a confirmed negative test result is received. The Town will place the employee on a paid leave pending the receipt the of drug testing results.

2. Reasonable Suspicion Testing

An employee will be required to submit to controlled substance or alcohol test upon reasonable suspicion. Reasonable suspicion means that the actions, appearance or conduct of the employee on duty are indicative of the use and/or presence in the employee's body of a controlled substance or alcohol. Reasonable suspicion is based on specific, contemporaneous, articulable observations concerning the appearance behavior, speech or body odors of the employee.

An employee will not be allowed to return to work until a confirmed negative test result is received. The Town will place the employee on a paid leave pending the receipt of drug testing results.

3. Random Testing

Employees will be subject to controlled substance testing and alcohol testing at any time on a random basis as a term and condition of holding an employee position. Upon being notified of selection, the employee must immediately proceed to the testing site.

Random testing will be spread reasonably throughout the year and will be unannounced to ensure that no employee receives advanced knowledge of the time of testing. All employees will have an equal chance of being selected each time a random selection is made number of controlled substances tests conducted annually shall equal or exceed 50 percent of the number of employee positions subject to testing.

The number of alcohol tests conducted annually shall equal or exceed 10 percent of the number of employee positions subject to testing.

An employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

4. Follow-Up and Return to Duty

Any employee who has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to a drug test and receive a confirmed negative test result and an alcohol test (with a result of less than .02) before returning to work. In addition, the employee will be subject to follow-up testing not to exceed 60 months following the employee's return to work.

TESTING PROCEDURES

1. Controlled Substances

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

Precautions shall be taken to ensure that the specimen is not adulterated or diluted during the collection procedure and that the information on the sample matches the information on the custody and control form.

Dilute test results will be treated as follows:

- Dilute positives are treated as a verified positive test;
- Dilute negatives with the creatinine concentration equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL will be retested under direct observation. A second dilute negative result will be treated as a negative test result;
- Dilute negatives with the creatinine concentration greater than 5 mg/dL will be retested. A second dilute negative result will be treated as a negative test result unless the MRO directs the Town to retest under direct observation.

The substance screen will test for the following drugs - marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP) and ecstasy.

Any positive initial test will be confirmed by a gas chromatography/mass spectrometry (GC/MS) test.

The Town shall employ a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated or substituted specimen, the MRO will provide the employee an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to the Town. The Town will consider the verified adulterated or substituted specimen as a refusal to test and immediately remove the employee from performing safety sensitive functions. The employee may then be subjected to the disciplinary action under the Town's independent authority.

The MRO will be the sole custodian of the individual test results. The Medical Review Officer will advise the Town only of whether the test results were negative or positive.

After receiving notification of a verified positive test, an adulterated or substituted specimen, an employee may request that the split sample be analyzed. Such a request must be made within 72 hours of notification of the verified positive test. If such a request is made, the sample will be tested at another DHHS certified laboratory, at the employee's expense. Upon written request within 7 days of a verified positive test, the employee may obtain copies of any records pertaining to their controlled substance tests.

Each applicant or employee will have an opportunity to discuss the test results with a representative of the employer in a confidential setting. The Town will keep the test results confidential and will share the results only within the Town on a business need to know basis, in administrative law proceedings, and when required by law.

2. Alcohol Testing

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The employee will provide a breath sample. If an employee's alcohol concentration is greater than .02, a second, confirmation test will be performed.

REFUSAL TO SUBMIT TO TESTING

This provision regarding the refusal to submit to testing excludes applicants for employment. Refusal to submit to testing is a violation of this policy. Any Employee refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. The following behaviors constitute a refusal:

Refusal to submit is defined as:

- a. refusal to appear for testing,
- b. failure to remain at the testing site until the testing process is complete,
- c. failure to provide a urine specimen,
- d. in instances of observed or monitored collection, failure to allow observation or monitoring,
- e. refusal to sign the testing form,
- f. failure to provide adequate breath,
- g. failure to take a second test as directed,
- h. otherwise fail to cooperate in the testing process,
- i. perform any actions which prevent the completion of the test,
- j. a test result reported by the MRO as a verified adulterated or substituted test,
- k. inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation,
- l. failure to undergo a medical examination or evaluation when directed,
- m. tampering with, attempting to adulterate, adulteration or substitution of the specimen, or interference with the collection procedure,
- n. not reporting to the collection site in the time allotted,
- o. leaving the scene of an accident without a valid reason before the tests have been conducted.

ASSISTANCE

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

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Offers all eligible employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

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

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

Confidentiality

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



EXHIBIT 402-A

**ACKNOWLEDGMENT AND RECEIPT
DRUG & ALCOHOL ABUSE – EMPLOYEES REQUIRED TO MAINTAIN A VALID
COMMERCIAL DRIVER’S LICENSE POLICY**

I have received a copy of the Town’s Drug and Alcohol Abuse and Testing – Employees Required to Maintain a Valid Commercial Driver’s License Policy. I further acknowledge that I understand it is my obligation to read and that compliance with the rules and provisions contained within the Policy is a condition of continued employment with the Town.

Employee’s Printed Name

Employee’s Signature

Date

I understand that this policy in no way implies, infers, or guarantees my continued employment for any definite term and that I may be non-selected for hire, disciplined, and/or discharged by the Town for other reasons than failing to follow the terms of the Policy.

Employee

Date

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH & WELFARE
POLICY: SMOKE-FREE WORKPLACE
POLICY NO: 403
EFFECTIVE: October 7, 2004
REVISED: August 1, 2013

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH & WELFARE
POLICY: WEAPONS
POLICY NO: 404
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

- Any form of weapon or explosive
- All firearms; and
- All illegal knives or knives with blades that are more than six (6) inches in length

If an employee is unsure whether an item is covered by this policy, please contact Human Resources. Employees are responsible for making sure that any item they possess is not prohibited by this policy. Police officers, security guards, and other individuals who have been given consent by the organization to carry a weapon on the property will be allowed to do so.

Pursuant to Arizona law, employees may have a firearm that is lawfully possessed stored in a locked vehicle so long as such firearm is not visible from outside of the vehicle. This policy does not apply to Town vehicles. No firearms or weapons of any kind may be transported or stored in Town vehicles.

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH & WELFARE
POLICY: ON-THE-JOB INJURY AND ILLNESS
POLICY NO: 405
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

SCOPE: All employees.

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH & WELFARE
POLICY: TEMPORARY MODIFIED DUTY
POLICY NO: 406
EFFECTIVE: October 7, 2004
REVISED:

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: HEALTH & WELFARE
POLICY: DISABILITY & ACCOMMODATIONS
POLICY NO: 407
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To define the Town’s position on reasonable accommodations for qualified individuals with disabilities and for employees whose work requirements interfere with a religious belief.

STATEMENT OF POLICY: The Town of Fountain Hills is committed to complying fully with the Americans with Disabilities Act, as amended, (ADA) and state law concerning the employment rights of qualified persons with disabilities. It is the policy of the Town to conduct all employment practices and activities on a non-discriminatory basis.

The Town will make reasonable accommodation to the known physical or mental disabilities of qualified applicants or employees unless doing so would result in an undue hardship to the Town or cause a direct threat to health or safety.

The Town will also make reasonable accommodations for employees whose work requirements interfere with a religious belief, unless doing so poses an undue hardship on the Town or causes a direct threat to health or safety.

Examples of undue hardship would include if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

PROCEDURES: An applicant or employee who requests an accommodation should submit a Request for Accommodation Form (See Exhibit 407-A) to the ADA Coordinator. The applicant or employee may be required to provide medical documentation of their disability and of the effectiveness of the accommodation sought. The Town may also require a medical examination to assist in assessing the existence of a disability and the effectiveness of accommodations.

The determination of whether an accommodation will be provided will be made by the ADA Coordinator, following consultation with the applicant or employee and the supervisor (See Exhibit 407-B) and with Town legal counsel if deemed necessary. An employee or applicant who fails to provide requested information or otherwise fails to engage in the interactive process of assessing the existence of a disability and the necessity, availability, and effectiveness of an accommodation will be deemed to have withdrawn any request for accommodation. Any employee who is not satisfied with the response to an accommodation request should let the ADA Coordinator know and should work together with the ADA Coordinator to identify reasonable accommodation.

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

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

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



EXHIBIT 407-A

TOWN OF FOUNTAIN HILLS

ADA Accommodation request

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

Employee Information

Name	Job Title
Department	Division
Telephone	Email
Supervisor's Name	Supervisor's Telephone

1. Describe how your condition affects your ability to perform a major life activity and whether you use any mitigating measures (medication, assistive technologies such as wheelchairs, etc.). Which major life activity(s) is/are most significantly affected? Examples of major life activities are: seeing, hearing, breathing, walking, smelling, care for yourself, thinking, concentrating or working.

2. Describe how your condition limits your ability to perform the essential functions of your job. Identify the essential functions affected and be specific about how the medical condition impairs your ability in each instance.

3. Describe the accommodation you are requesting.

4. Explain how the accommodations you are requesting will enable you to perform the essential functions of your job. Be Specific.

5. Will you be able to perform all of the essential functions of your job if you receive the requested accommodation? If not, describe the specific functions you will not be able to perform.

6. Do you need assistance to identify accommodations that will enable you to perform the essential functions of your job? If you do, explain what type of assistance you need.

7. Provide any information or suggestion you can on how the requested accommodations(s) can be provided. If known, include the names, addresses and telephone numbers of vendors and the model number and approximate cost of any equipment requested.

Employee Name (Please print)

Work Telephone

Signature

Date



EXHIBIT 407-B

TOWN OF FOUNTAIN HILLS

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

Employee's Name: _____

Department: _____

Position: _____

Supervisor: _____

Today's Date: _____

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

Your request will be granted effective _____, and will be implemented as follows:

I have determined no accommodation is required because:

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

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

Please note:

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

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

Sincerely,

ADA Coordinator

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

**Town of Fountain Hills
Personnel Policies**

SECTION: RECRUITMENT AND ANNOUNCEMENT OF POSITIONS
POLICY: RECRUITMENT
POLICY NO: 501
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To establish guidelines to fill vacant positions.

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

PROCEDURE: Recruitment for positions shall occur in the following order:

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

Application Process

Applicants are expected to submit a completed Town of Fountain Hills online application form. Failure to complete the online application form may result in disqualification. Completed applications become the property of the Town of Fountain Hills and are not returned to applicants. If an applicant needs an accommodation in order to submit a Town application form, they should notify Human Resources.

Any application may be rejected for reasons including, but not limited to:

1. The applicant appears not to possess the qualifying experience and training required for the position.
2. The applicant has made any misstatement of any material fact.
3. The applicant has practiced any deception or fraud in their application.

The Town Manager may abbreviate the recruitment process up to and including direct appointment, for positions that report directly to the Town Manager, only in circumstances where both the Human Resources Head and Town Manager approve of, and recommend the appointment.

**Town of Fountain Hills
Personnel Policies**

SECTION: RECRUITMENT AND ANNOUNCEMENT OF POSITIONS
POLICY: BACKGROUND CHECKS
POLICY NO: 502
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To establish a policy concerning background checks.

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

Any individual offered a position that has responsibility for initiating or affecting financial transactions may be required to submit to a credit check. These responsibilities could include, among other things, collecting or handling cash or checks, writing checks or approving them, access to a direct money stream, or being a fiduciary to the organization. Any employee subject to a credit check will be provided with written notices required under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq. (“FCRA”). The Town will obtain the applicant or employee’s consent, in writing, to the procurement of the report. If the report is used as the basis for adverse employment action, the employer must do the following. For purposes of this section, “adverse action” means any decision that “adversely affects” the applicant, including without limitation a denial of employment to an applicant.

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CLASSIFICATION
POLICY: EXEMPT/NON-EXEMPT EMPLOYEE CLASSIFICATIONS
POLICY NO: 601
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To establish guidelines that ensure that all Town employees are classified in compliance with the Fair Labor Standards Act (FLSA) and state law.

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

EXEMPT – Employee positions with the Town that are not eligible for overtime pay.

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period on a weekly basis that shall ordinarily not be subject to reduction because of variations in the quality or quantity of work performed. The Town is committed to complying with salary basis requirements which allows properly authorized deductions.

If an exempt Town employee believes an improper deduction has been made to their salary or that their salary has been improperly docked, they should immediately report this information to their supervisor and/or Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be promptly reimbursed.

NON-EXEMPT – Employee positions with the Town that are eligible for overtime pay.

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

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

OVERTIME COMPENSATION

The primary implication of assignment of a particular position to either exempt or non-exempt status pursuant to the Fair Labor Standards Act involves determination of eligibility for overtime compensation.

1. Non-exempt

Overtime compensation for non-exempt employees is paid at the rate of one and one-half the regularly hourly wage. The rules for overtime are as follows:

Overtime must be scheduled and approved by an employee’s immediate supervisor. No overtime may be worked without such advance approval, and failure to obtain approval before working overtime may result in

discipline, up to and including dismissal. If you believe that an assigned task requires overtime hours for timely completion, it is your responsibility affirmatively to bring this to the attention of your supervisor.

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

Holiday time will be included as time worked in the computation of overtime. Sick time, vacation time, personal time, standby time, jury duty, military leave, bereavement leave, etc., are not counted toward hours worked during a week. Thus, for example, the circumstance may arise where an employee may be paid for more than (40) forty hours during any given workweek and not be entitled to receive overtime compensation.

2. Exempt

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

Exempt Town employees generally need not use accrued leave for absences of four (4) consecutive hours or less in a workday. However, in order to promote public accountability, and notwithstanding any other provisions of these Personnel Policies or any other Town policy, all exempt (i.e., salaried) Town employees are required to use available accrued leave during absences of more than four (4) consecutive hours unless approval is given by the Town Manager, or from a designated Acting Town Manager.

**Town of Fountain Hills
Personnel Policies**

SECTION: CLASSIFICATION
POLICY: EMPLOYEE CLASSIFICATIONS
POLICY NO: 602
EFFECTIVE: July 1, 2017
REVISED: June 15, 2017

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

STATEMENT OF POLICY: All Town employees fall into one of these three categories:

1. **FULL-TIME** – An employee who is normally scheduled to work forty (40) hours per week for fifty-two (52) weeks per year.
2. **PART-TIME REGULARLY SCHEDULED** – An employee who is consistently scheduled, for less than forty (40) hours per week, is expected to establish a continuity of service, and whose weekly scheduled work hours do not normally vary. A regularly-scheduled part-time employee is expected to work more than twenty-six (26) weeks per year.
3. **PART-TIME NON-REGULARLY SCHEDULED, TEMPORARY (or SEASONAL)** – An employee whose work schedule is intermittent, variable, or seasonal in nature. It is expected that an employee should not remain in temporary job status longer than six (6) months.

**Town of Fountain Hills
Personnel Policies**

SECTION: CLASSIFICATION
POLICY: CALL-BACK PAY
POLICY NO: 603
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

PROCEDURE:

1. Eligibility

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

2. Assignment

Call Back Pay does not apply when:

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

3. Compensation

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

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

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

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CLASSIFICATION
POLICY: STAND-BY DUTY (ON-CALL)
POLICY NO: 604
EFFECTIVE: April 20, 2009
REVISED: April 20, 2018

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

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

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

PROCEDURE:

1. Eligibility:

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

2. Assignment:

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

- d. While assigned to Stand-By Duty employees shall maintain a physical readiness to respond to emergency call situations and be capable of performing safety-sensitive functions.
- e. While assigned to Stand-By Duty employees shall maintain a physical proximity to the applicable Department building that allows for no more than a thirty (30) minute response time for call to duty.
- f. Employees while assigned to Stand-By Duty shall remain accessible at all times by pager and/or by telephone.
- g. Exchanging Stand-By Duty assignments – Employees may exchange stand-by weeks/days assignments with supervisory approval.
- h. Subject to meeting the above obligations, employees on stand-by are free to go about their normal day-to-day activities.

3. Compensation

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

**Town of Fountain Hills
Personnel Policies**

SECTION: CLASSIFICATION
POLICY: JOB SHARING
POLICY NO: 605
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

PROCEDURE: If the supervisor identifies a position deemed conducive to job sharing, the supervisor should meet with the department director, then Human Resources in order to be aware of job share logistics and benefit eligibility consequences (See “Eligibility for Benefits” #901). Human Resources, the department director, supervisor and employees should be clear on:

1. The hours and days each employee must be present in the workplace;
2. The work equipment that will be necessary for the employees to job-share;
3. The performance expectations;
4. The reporting requirements for each job under the job-sharing arrangement;
5. Holiday compensation; and
6. Usage of leave.

The Town of Fountain Hills reserves the right to revise or rescind this arrangement at its sole discretion.

**Town of Fountain Hills
Personnel Policies**

SECTION: WAGE AND SALARY ADMINISTRATION
POLICY: WAGE AND SALARY ADMINISTRATION
POLICY NO: 701
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

PROCEDURE:

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

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

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

Reclassifications

A reclassification may occur when a position or group of positions and/or classification have undergone a significant change in the type, difficulty, or degree of responsibility entailed in the work performed within that position. Such a situation may result in the assignment of classification to a higher, lower, or similar classification based on the type of changes which have occurred. A reclassification is only appropriate on a Town or department-wide basis. The concept of reclassification will not be used to circumvent promotions into a higher job classification.

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

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

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

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

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

Development of New Job Positions and/or Classifications

The Town's position/classification system strives to be responsive to organizational and environmental changes. The Human Resources Department will assist with the revision of position/classification specifications and the development of new position/classification specifications within the broad class concept as necessary to meet the on-going operational requirements of the Town.

Job Evaluation

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

Pay Structure

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

Starting Pay

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

Promotions

Employees may be promoted up to the starting salary range of the applicable position. If the employee is already being paid more than the starting salary range of the new position a promotional increase may be given at the discretion of the Town. All promotional appointments require written Town Manager approval.

Transfers/Demotions

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

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

Equity Adjustments

An equity adjustment is a discretionary adjustment to an employee's pay outside of the Town's normal salary programs (e.g., reclassifications, promotions, merits, COLAs, etc.) to remedy pay issues such as external pressure in high demand areas, internal salary compression, retention considerations, and other, similar issues. Equity adjustments are not granted to reward performance.

Procedure:

- A. A request for an equity review may be initiated by a Department Director by submitting an Equity Review Request to Human Resources. The request shall include reasons why the request fits this adjustment category as opposed to other categories such as reclassification, promotion, COLA, and why the equity review is warranted. If a previous request was submitted within the past two years, the request shall identify specific conditions that have changed since the previous request.
- B. After receiving a request for an equity review, Human Resources will identify other positions performing similar work and compare the qualifications, experience and education of incumbents and evaluate the compensation to assure equity in pay and compliance with this policy. Such review shall be completed as soon as practicable.
- C. As part of the equity review, Human Resources will also take into consideration the employee's pay factors including, but not limited to:
 - Merit and Cost of Living Increases for the position(s) being considered;
 - Comparison of positions within the employee's Department;
 - Relative value to the organization;
 - Unique job responsibilities
 - Pay for similar duties and responsibilities at comparable public entities within the State of Arizona.
- D. Human Resources shall make a recommendation as to whether an equity adjustment is appropriate based upon the information gathered. Any recommendation for an equity adjustment shall not go outside of the salary range for the position.
- E. An equity review that results in a pay increase may be retroactively applied, depending on factors including the Town's Annual Budget and fiscal year, but in no case shall such retroactive application extend beyond the beginning of the current fiscal year during which the equity review was completed. Any request for review that results in a decrease in pay shall be effective upon completion of the equity review.
- F. The Human Resources Department will submit a recommendation for equity adjustments to the Town Manager.

G. The Town Manager shall be responsible for making a final determination as to whether the equity adjustment will be made. This decision by the Town Manager is final and not appealable.

H. The Department Director requesting such review and any employees impacted by the review shall be notified in writing of the determination.

Merit Increases

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

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

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

Cost of Living Adjustments

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: WAGE AND SALARY ADMINISTRATION
POLICY: PAY PERIOD AND WORKWEEK
POLICY NO: 702
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To identify the Town's Pay Periods and established Workweek.

STATEMENT OF POLICY: The pay for all Town employees is based in part on the Town's workweek

PROCEDURE:

Workweek

The Town's Workweek begins on Monday at 12:00 AM and ends on Sunday at 11:59 PM.

Pay Period

Town employees are paid based upon the services rendered over two (2) Town Workweeks.

Employees are paid bi-weekly, typically on Thursdays. New employees should be advised by their supervisor when they can expect to receive their first payroll check. Due to payroll processing time, all hours worked by employees through the Sunday prior to the payroll date will typically be included on the payroll check for that pay period.

SCOPE: This Policy applies to all Town employees.

**Town of Fountain Hills
Personnel Policies**

SECTION: INTRODUCTORY PERIOD
POLICY: INTRODUCTORY EMPLOYMENT PERIOD
POLICY NO: 801
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

STATEMENT OF POLICY: The provisions contained in the *Town of Fountain Hills Personnel Policies* relating to notices required before demotion, suspension, or dismissal of a regular status employee shall not apply to employees in their introductory period of employment.

Informal communication and feedback is encouraged throughout an introductory period so that the employee will have clear expectations and an opportunity to make corrections as necessary. This is also a time for encouragement, support, and reinforcement from the immediate supervisor and Department Head.

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

SCOPE: Introductory period for full-time employees, is defined as the first six (6) months. Introductory period for part-time employees is defined as the first 1,040 hours worked.

PROCEDURE:

Introductory Periods

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

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

All employees hired after July 1, 2017 are eligible to begin utilizing accrued Paid Sick Time on the 90th calendar day after commencing employment with the Town, in accordance with the Arizona Fair Wages and Healthy Families Act.

Full- and Part-Time, Regularly-Scheduled employees are eligible to begin utilizing accrued vacation or other leave as applicable, after satisfying their initial introductory period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Employees are not allowed to be promoted within the initial, promotional, demotion, or lateral transfer introductory periods.

Introductory Period Extensions

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

Any type of leave taken (e.g., vacation, personal, etc.) during the introductory period (with the exception of sick leave) or while drawing compensation under Workers' Compensation that is in excess of five (5) consecutive calendar days shall not be credited toward an employee's introductory period. Instead, the employee's introductory period shall be extended for a length of time equal to the length of leave taken.

Rehire

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: ELIGIBILITY FOR BENEFITS
POLICY NO: 901
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

- FULL-TIME REGULARLY-SCHEDULED employees are eligible for all benefits currently offered by the Town.
- PART-TIME REGULARLY SCHEDULED employees are eligible for some but not all of the benefits currently offered by the Town.
- PART-TIME NON-REGULARLY SCHEDULED, TEMPORARY, OR SEASONAL employees are currently only eligible for sick leave benefits (See Policy 903 “Sick Leave – Part-Time Non-Regularly Scheduled, Temporary, Seasonal and Other Employees”) unless otherwise required by federal, state, or local law.

Classification as a “full-time”, “part-time regularly-scheduled”, or “part-time non-regularly-scheduled” employee is determined by the classification of the employee’s position, not solely by the number of hours actually worked in any given week. (See Policy 602 “Employee Classifications”).

For questions concerning classification, please contact Human Resources.

The Town of Fountain Hills pays a significant portion of the costs of these benefits for employees. Employee contributions for certain benefits will be deducted from employee paychecks as applicable.

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: SICK LEAVE – FULL-TIME AND PART-TIME REGULARLY
SCHEDULED EMPLOYEES
POLICY NO: 902
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

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

SCOPE: All Full-Time Town employees are eligible to earn sick leave for paid-status hours. Part-time regularly scheduled employees are also eligible to earn proportional sick leave for paid-status hours. (See policies 602 “Employee Classifications” and 901 “Eligibility for Benefits”).

PROCEDURE: Upon hire, all Full-Time Town employees and Part-Time, Regularly-Scheduled Town employees (as outlined above) will begin to accrue sick leave. Full-time Town employees will accrue sick leave at a rate of 4.0 hours biweekly, assuming they are in a paid-status. Eligible part-time Town employees will accrue sick leave at a rate proportionate to the accrual rate of Full-Time Town employees based on their paid-status hours and may carryover hours, subject to the caps on accumulation of sick leave. Use of sick leave is permitted during the initial introductory employment period with the Town. Accumulation of sick leave shall not exceed 1040 hours at any time. Time off in excess of hours accrued may be deducted first from vacation days if available, and thereafter will be uncompensated.

Employees who are exempt from overtime requirements under the Fair Labor Standards Act of 1938 (29 United States Code section 213(A)(1)) will be assumed to work 40 hours in each work week for purposes of earned paid sick time accrual unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.

Actual accrual amounts, for eligible part-time employees will vary depending on the actual amount of paid-status hours reported through payroll records by an eligible part-time employee. Paid status hours include actual hours worked as well as leave taken under the Town’s Vacation, Sick Leave, Holiday, and other paid leave policies.

Sick leave may be used for any of the following reasons:

- An employee’s mental or physical illness, injury or health condition; an employee’s need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; an employee’s need for preventive medical care.
- Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive care.

- Closure of the employee's place of business by order of a public health official or need to care for a child whose school or place of care has been closed by order of a public health official.
- Care for oneself or family member when it has been determined by health authorities or a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of their exposure to a communicable disease.
- Absence due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
 - Medical attention needed to recover from injury or disability caused by domestic violence, sexual violence, abuse or stalking
 - Services from a domestic or sexual violence program or victim services organization
 - Psychological or other counseling
 - Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
 - Legal services related to the domestic violence, sexual violence, abuse or stalking.

The term "family member" means the following for purposes of this policy:

- Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor,
- A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood *in loco parentis* when the employee or employee's spouse or domestic partner was a minor child,
- A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- A grandparent, grandchild or sibling (whether biological, foster, adoptive or step) of the employee or the employee's spouse or domestic partner, or
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

For earned paid sick time of three (3) or more consecutive work days, the employee may be required to submit reasonable documentation that the earned paid sick time has been used for a purpose covered in this policy. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation. In cases of domestic violence, sexual violence, abuse or stalking, documentation set out in A.R.S. § 23-373(G) shall be sufficient.

Any employee who abuses sick leave will be subject to disciplinary action. Actions that may lead to disciplinary action include, but are not limited to, falsifying illness or reasons for using leave, unsubstantiated excessive use (three (3) or more consecutive absences without appropriate documentation) and not complying with the authorization requirements above.

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

The Town may require that accrued and unused sick leave under this Policy be used concurrently with leave taken under other applicable leave policies, including leave taken under the Family and Medical Leave Act (FMLA). Sick leave hours will not count toward hours worked for purposes of computing overtime.

Upon retirement, Full- and Part-Time, Regularly-Scheduled employees with 10+ years of continuous service will qualify for a payout of fifty percent (1/2) of their available accrued sick leave hours at their regular rate of pay upon separation of service. Sick leave will not be paid out under any other circumstances. Refer to Policy 901 “Eligibility for Benefits” and Policy 602 “Employee Classifications” for clarification on eligibility.

If an employee separates from employment with the Town and is rehired within nine (9) months, that employee’s previously accrued and unused sick leave will be reinstated and will be available for immediate use.

Employees who are denied needed sick leave for one of the purposes listed in this Policy should contact Human Resources for an individualized review.

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: SICK LEAVE – PART-TIME NON-REGULARLY-SCHEDULED,
TEMPORARY, SEASONAL, AND OTHER EMPLOYEES
POLICY NO: 903
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

PURPOSE: To establish the means by which Town of Fountain Hills part-time non-regularly scheduled, temporary, seasonal, and other employees may earn and use paid sick time.

STATEMENT OF POLICY: Paid sick time is a form of sick leave and part of the integrated program of benefits for Town employees. Such leave is intended for use only under specific conditions as set forth in the Arizona Fair Wages and Healthy Families Act and reflected in this this policy.

SCOPE: All part-time non-regularly-scheduled, temporary or, seasonal, and other Town employees are eligible to earn paid sick time for hours worked.

PROCEDURE: Upon hire, all part-time non-regularly scheduled, temporary, seasonal, and other Town employees will begin to accrue sick leave at a rate of one (1) hour of sick leave for every thirty (30) hours worked.

Up to forty (40) hours of accrued and unused sick leave may be carried over. The Town limits use and accrual of sick leave under this policy to forty (40) hours per calendar year.

Use of sick leave is permitted during the initial introductory employment period with the Town.

Sick leave may be used for any of the following reasons:

- An employee’s mental or physical illness, injury or health condition; an employee’s need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; an employee’s need for preventive medical care.
- Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive care.
- Closure of the employee’s place of business by order of a public health official or need to care for a child whose school or place of care has been closed by order of a public health official.
- Care for oneself or family member when it has been determined by health authorities or a health care provider that the employee’s or family member’s presence in the community may jeopardize the health of others because of their exposure to a communicable disease.
- Absence due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee’s family member:
 - Medical attention needed to recover from injury or disability caused by domestic violence, sexual violence, abuse or stalking

- Services from a domestic or sexual violence program or victim services organization
- Psychological or other counseling
- Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
- Legal services related to the domestic violence, sexual violence, abuse or stalking.

The term “family member” means the following for purposes of this policy:

- Biological, adopted or foster child, stepchild or legal ward, a child of domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor,
- Biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee’s spouse or domestic partner or a person who stood *in loco parentis* when the employee or employee’s spouse or domestic partner was a minor child,
- A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision. domestic partner
- Grandparent, grandchild or sibling (whether biological, foster, adoptive or step) of the employee or the employee’s spouse or domestic partner, or
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

For earned paid sick time of three or more consecutive workdays, the employee may be required to submit reasonable documentation that the earned paid sick time has been used for a purpose covered in this policy. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation. In cases of domestic violence, sexual violence, abuse or stalking, documentation set out in A.R.S. § 23-373(G) shall be sufficient.

Any employee who abuses sick leave will be subject to disciplinary action. Events that may lead to disciplinary action include, but are not limited to, falsifying illness or reasons for using leave, unsubstantiated excessive use (three (3) or more consecutive absences without appropriate documentation) and a failure to comply with the authorization requirements above.

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

The Town may require that accrued and unused sick leave under this policy be used concurrently with leave taken under other applicable leave policies, including leave taken under the Family and Medical Leave Act (FMLA). Sick leave hours will not count toward hours worked for purposes of computing overtime.

Employees may not exceed the 40 hours paid sick time in any given year. Paid sick leave accrued under this Policy will not be paid out at separation from employment.

If an employee separates from employment with the Town and is rehired within nine (9) months, that employee’s previously accrued and unused sick leave will be reinstated and will be available for immediate use.

Employees who are denied needed sick leave for one of the purposes listed in this Policy should contact Human Resources for an individualized review.

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: VACATION LEAVE
POLICY NO: 904
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

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

SCOPE: All full-time Town employees accrue vacation leave hours. Part time, regularly scheduled employees accrue vacation leave at a proportional rate up to the maximum accrual rate of full-time employees (based on 40 hours per work week). Part-time, non-regularly scheduled, temporary, or seasonal employees do not earn vacation leave. (See “Eligibility for Benefits” Policy 901 and “Employee Classifications” Policy 602).

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

Upon completion of six (6) months of actual service, each full-time employee shall be credited with up to fifty-two (52) hours of vacation and shall accrue vacation thereafter at the rate specified in this policy. Upon completion of six (6) months of actual service, eligible part-time employees shall be credited with a proportional amount of vacation leave relative to the accrual of full-time employees (based on 40 hours per work week).

ACCRUAL RATE MAXIMUMS & OVERALL MAXIMUMS – ELIGIBLE EMPLOYEES (Based on 40 Hours per Work Week):

Length of Service	Maximum Hours per Pay Period / Year	Overall Maximum
Start date through completion of 3 rd year	4.00 / 104	208
4 th year through completion of 7 th year	5.00 / 130	260
8 th year through completion of 10 th year	6.00 / 156	312
11 th year through completion of 15 th year	7.00 / 182	364
16 + Years	8.00 / 208	416

Maximum vacation accruals increase with length of service as depicted in the chart and the overall maximum is limited to two times the yearly maximum accrual.

Actual accrual amounts for eligible part-time regularly scheduled employees will vary depending on the actual amount of paid-status hours reported through payroll records by an eligible part-time employee. Paid-status hours include hours worked as well as leave taken under the vacation, sick leave, and other paid leave policies. The "Overall Maximum" column in the table represents a fixed amount and will not vary with actual amount of hours worked.

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

Vacation time will not accrue for workweeks in which there are no hours paid by the Town of Fountain Hills. If the employee has an accrued vacation balance, the vacation time must be used before any unpaid time off is approved. Vacation hours must be used for sick leave if accrued sick leave hours have been exhausted. Vacation hours will not count toward hours worked for purposes of computing overtime.

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

Separation of Employment

Accrued but unused vacation leave hours will be paid at the employee's regular hourly rate upon separation of employment.

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: HOLIDAYS
POLICY NO: 905
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

STATEMENT OF POLICY: The annual holiday leave bank for each Full-Time, employee is 80 hours. Part-time, regularly-scheduled employees are not subject to the holiday leave bank; however, these employees will receive Holiday compensation for the number of hours they were originally scheduled to work if a designated holiday falls on one of those days.

Part-Time, Non-Regularly scheduled employees do not receive Holiday compensation unless they work on the designated Holiday.

The Town of Fountain Hills observes holidays as identified below:

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

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

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

ACCUMULATION OF HOLIDAY LEAVE:

- a. The annual holiday leave bank for each Full-Time, Regularly Scheduled employee is 80 hours. For purposes of this policy, the holiday will be defined as the 24 hour period (12:00 AM – 11:59 PM) on the designated holiday. Eligible part-time employees normally scheduled to work on a day that falls on a designated holiday shall be compensated with holiday pay for the number of hours they are normally

scheduled to work on such days. Temporary, seasonal and other non-regularly-scheduled employees are not eligible for holiday compensation unless they work on the designated holiday.

- b. The leave banks will be populated during the first payroll in January. New hires will receive a prorated number of hours based upon their hire date.

USE OF HOLIDAY LEAVE:

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

HOLIDAY COMPENSATION:

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: PERSONAL LEAVE (OPTIONAL)
POLICY NO: 906
EFFECTIVE: December 17, 2015
REVISED: April 20, 2018

PURPOSE: To provide for personal leave for Town employees.

SCOPE: This policy applies to all Full-Time, Regularly-Scheduled Town employees.

STATEMENT OF POLICY: Full-Time, Regularly-Scheduled Town employees hired before July 1st are eligible for thirty (30) hours of personal leave time during their first calendar year of employment and 30 hours each year thereafter. Full-Time, Regularly-Scheduled Town employees hired after July 1st but before October 1 are eligible for twenty (20) hours of personal leave time during their first calendar year of employment and thirty (30) hours of personal leave time each year thereafter. Full-Time, Regularly-Scheduled Town employees hired on or after October 1st do not receive any personal leave time within the balance of the calendar year, but are eligible to receive thirty (30) hours of personal leave time each year thereafter.

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: FAMILY & MEDICAL LEAVE ACT (FMLA)
POLICY NO: 907
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

The Town shall provide Family and Medical Leave in accordance with the federal Family and Medical Leave Act ("FMLA"), as summarized below. This policy is intended to summarize the material terms of the FMLA, and not to create an independent policy in addition to the FMLA. Any conflict between this policy and procedure and the terms of the FMLA is inadvertent and the terms of the FMLA shall govern.

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

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

Where the need for leave is foreseeable for the birth or placement of a child, or for planned medical treatment, the employee must provide at least thirty days' notice before the leave is to begin if possible, or such notice as is "practicable." Medical certification will be required if the leave request is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided. Because the Town wishes to ensure the well-being of all employees, any employees returning from FMLA for their own serious health condition will need to provide a Fitness for Duty statement signed by their treating physician. An employee failing to provide a Fitness for Duty statement will not be permitted to resume work until it is provided. Qualifying FMLA leave will not be counted as an absence under the organization's attendance policy.

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

Employees must use any accumulated sick, vacation, or personal time to the extent available during this leave period, unless such leave is covered under Workers' Compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of these accumulated days will be treated as leave without pay. Upon return from leave, the employee will be restored

to their original or an equivalent position. If an employee fails to return at the end of the FMLA leave, the employee will be considered to have voluntarily resigned their position with the Town of Fountain Hills.

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

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

All but "key" employees will be reinstated to their job, or a substantially equivalent position, at the expiration of leave and upon the presentation of a fitness for duty certificate (unless they would have lost their job in any event for any other reason, such as layoff). "Key" employees, who may be reinstated to their job, are salaried employees who are among the highest paid 10 percent of all the employees employed by the Town.

Upon conclusion of 12 weeks, FMLA leave is no longer available. An employee may request an extension of medical leave beyond the 12-week period because of their own serious medical condition by submitting medical certification. The Town of Fountain Hills will review such requests on a case-by-case basis in order to determine whether it can reasonably accommodate such a request.



Exhibit 907-A

Family and Medical Leave Request/Notification

Employee Name _____
(Last, First, MI) Security Number _____

Department Work Telephone _____

Dates of Leave Actual Anticipated

From _____ To _____

Reason for Leave (check all that apply)

- Birth of my child or care for my newborn child or placement of my child for adoption or foster care.
- To care for my spouse, child or parent with a serious health condition.
 - Intermittent Reduced Work Schedule Full-time Leave
- A serious health problem which makes me unable to work.
 - Intermittent Reduced Work Schedule Full-time Leave

Describe the medical necessity for intermittent or reduced work schedule.

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

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

Employee's Signature

Date

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: EXEMPT LEAVE
POLICY NO: 908
EFFECTIVE: January 1, 2017
REVISED: April 20, 2018

PURPOSE: To establish the Exempt Leave benefit for salaried employees in positions that are exempt under the Fair Labor Standards Act (exempt employees), to provide a definition of the Exempt Leave benefit, and describe how Exempt Leave should be administered, for eligible employees.

SCOPE: Exempt Town employees are not entitled to overtime pay.

POLICY:

Overview:

While hours may fluctuate, Exempt employees are expected to normally work a minimum of forty (40) hours per week. The job requirements of most exempt employees mean that they regularly work considerably more than 40 hours, and that the time worked frequently occurs during hours outside of the normal work schedule. It is not the Town's intent to replace time on an hour-for-hour basis, but to provide "Exempt Leave" to acknowledge these realities.

Exempt Leave:

Exempt Leave is scheduled, paid time taken off the job that is available to FLSA exempt employees who work beyond the normal workweek. Exempt Leave is a benefit provided in recognition of the many hours in excess of forty (40) hours per week, which may be required but are not directly compensated on an hourly basis. Exempt leave is in addition to other leave provided by the Town as a benefit to employees.

Exempt Leave is awarded as time off, up to a maximum of forty (40) hours per payroll calendar year. The payroll calendar year begins the first day of the first pay period of the year and ends the last day of the last pay period of the year. Exempt Leave is not accruable beyond the payroll calendar year. An Exempt Employee shall not be paid out any accrued unused Exempt Leave when the employee's employment with the Town ends. Exempt Leave shall not be carried over beyond the end of the last day of the last pay period of the payroll calendar year. Exempt Leave is a "use it or lose it" benefit based on the payroll calendar year. The full forty (40) hours are available to an eligible exempt employee as soon as they are appointed to an FLSA exempt position on a pro rata basis, depending on the time of the payroll calendar year the employee starts in said position. See table on the next page.

Exempt Leave is scheduled by the employee in the same manner as vacation leave, is to be taken at the convenience of the department to which the employee is assigned, and shall be approved in writing, or through automation, by the employee's supervisor or the supervisor's designee. It is the responsibility of the exempt employee to request to use their Exempt Leave in compliance with departmental workloads and needs. Requests for usage should be submitted to the supervisor as far in advance as possible.

Exempt Leave Table

Following are suggested guidelines for approving the use of Exempt leave during the first year of hire into a position eligible for Exempt Leave: Start Date on the Job	Number of Hours of Exempt Leave
Jan 1 – February 28	40
March 1 – April 30	30
May 1 – June 30	25
July 1 – August 30	20
September 1 – October 30	10

The Town Manager may grant additional leave to employees throughout the year in recognition of commendable or outstanding performance in the form of “Merit Leave”. Please see the Policy entitled “MERIT LEAVE”.

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: MISCELLANEOUS LEAVE WITH PAY
POLICY NO: 909
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

SCOPE: This policy applies to all Town employees.

STATEMENT OF POLICY:

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

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

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

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

Bereavement Leave - The Town of Fountain Hills recognizes the need for time away from work in instances of personal loss. Should a death occur in the immediate family of any full-time or part-time regularly scheduled employee, they will be granted a paid leave of absence, not to exceed three (3) consecutive working days, as determined by their regular work schedule.

If employees need time in excess of three days, they may use accrued vacation or personal leave time with the approval of their supervisor and the Human Resources Administrator.

Immediate family for the purpose of such leave is defined as spouses, children, grandchildren, parents, grandparents, siblings and in-laws and all “step” relationships in these categories.

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: LEAVES OF ABSENCE WITHOUT PAY
POLICY NO: 910
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

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

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

PROCEDURE: Leaves of absence request will be considered first under the Family and Medical Leave Act (FMLA) Policy (Policy 907). Should the request for leave fail to meet the criteria specified under the FMLA policy, only then will a non-FMLA leave without pay be considered. Generally, a leave without pay shall not normally exceed two (2) calendar weeks. A longer leave of absence may be granted if appropriate for legal reasons, such as ADA (which is not bound by the two week limitation) or other circumstances. Requests for such leave must be made in writing to the employee's immediate supervisor. Requests for leave without pay will not be granted until the employee has exhausted available leave with pay to include vacation, sick leave, personal leave and FMLA leave. If the immediate supervisor approves the leave, approvals must also be obtained from the Department Head and Town Manager.

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

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

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

Except for ADA reasonable accommodation leave, the Town is not obligated to hold the employee's position open while the employee is on leave without pay and the employee's right to return to a position from such leave shall be conditioned on the availability of an appropriate position and sufficient funding. The position may be filled on a temporary or regular basis.

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: MERIT LEAVE
POLICY NO: 911
EFFECTIVE: January 1, 2017
REVISED: April 20, 2018

PURPOSE: To establish the Merit Leave benefit that can be awarded occasionally by the Town Manager for commendable or outstanding employee performance. To provide a definition of Merit Leave, and describe how it should be administered.

SCOPE: All Town employees are eligible regardless of FLSA (Fair Labor Standards Act) status. Both “exempt” and “non-exempt” employees are eligible.

STATEMENT OF POLICY: Merit Leave is scheduled, paid time taken off the job. The Town Manager may approve Merit Leave to Town employees (both exempt and non-exempt) for commendable or outstanding performance. Award of Merit Leave is generally limited to instances when the employee has demonstrated exceptional effort or achievement on a special project.

No more than forty (40) hours of Merit Leave may be awarded to an employee in a calendar year. The payroll calendar year begins the first day of the first pay period of the year and ends the last day of the last pay period of the year. Merit Leave must be used within twelve (12) months from when it was awarded and Merit Leave is not accruable beyond the payroll calendar year.

Merit Leave is a “use it or lose it” benefit, and may not be carried over beyond twelve months after awarded. An employee shall not be paid out any accrued unused Merit Leave when the employee’s employment with the Town ends.

Merit Leave is scheduled by the employee in the same manner as vacation leave, is to be taken at the convenience of the department to which the employee is assigned, and shall be approved in writing, or through automation, by the employee’s supervisor or the supervisor’s designee. It is the responsibility of the employee to request to use their Merit Leave in compliance with departmental workloads and needs. Requests for usage should be submitted to the supervisor as far in advance as possible.

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: MILITARY LEAVE
POLICY NO: 912
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

SCOPE: This policy applies to all Town employees.

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: HEALTH & WELFARE BENEFITS
POLICY NO: 913
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: 401A RETIREMENT PLAN
POLICY NO: 914
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: DEFERRED COMPENSATION
POLICY NO: 915
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: EMPLOYEE ASSISTANCE PROGRAM
POLICY NO: 916
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: TUITION REIMBURSEMENT
POLICY NO: 917
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

The maximum amount of reimbursement is based on the IRS educational assistance “exclusion from wages” limit that has been set at \$5,250 per year since 1999 (IRS publication 15-B Fringe Benefits) and is subject to availability of Town funds on a fiscal year basis. Town employees should contact Human Resources to obtain information regarding the maximum annual reimbursement amount they may be eligible to receive. The Town reserves the right to limit or expand reimbursements if this limit fluctuates.

Reimbursable expenditures include tuition only. Administrative fees, laboratory and technical fees, required textbooks, incidental fees such as parking permits, supplies, recreation fees/activity fees are not covered under this plan.

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

SCOPE: All Full-Time, Regularly-Scheduled Employees who have completed a minimum of twelve (12) months of paid continuous service.

PROCEDURE:

Definitions:

1. “Allowable amount” is approved by the Finance Division based upon budgeted funding and the criteria set forth within this policy. The determination of the allowable amount is made prior to the beginning of each fiscal year. Funds in excess of those approved in the Town’s budget cannot be expended without prior Town Manager approval.
2. “Fiscal Year” is defined as July 1st through June 30th.

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

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

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

1. A completed Tuition Reimbursement Application, including the Department Head's signature of approval, must be provided to the Human Resources no less than thirty (30) days prior to the first session of class.
2. The employee must be actively employed by the Town of Fountain Hills in a full-time, regularly-scheduled status at the time the course is completed and when the employee receives the final grade.
3. The actual amount of reimbursement is dependent on funding availability and total dollar amount requested for reimbursement. Reimbursement will be made upon successful completion of the course (a grade of "C" or better or a "pass" for a pass/fail course).
4. Proof of satisfactory completion and detailed invoices must be submitted to the Human Resources.
5. Employees who receive financial assistance for their education from grants, scholarships, or other sources must disclose the source on the request for tuition reimbursement. If employees are receiving funding other than student loans for their education from another source, the Town will not provide reimbursement for that portion of the cost. The amount of reimbursement shall be reduced by any financial assistance the employee receives from any outside source.

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

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

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

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

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

Procedure:

1. All requests for tuition reimbursement must be submitted on a Tuition Reimbursement Application (see Exhibit 917-A).
2. All requests must include identification of the agency accrediting the college and a description of the course(s). Both of these may be photocopied from the school catalog or website. For degree programs, a copy of the requirements for the degree must be submitted, including a list of all required courses. As above, a photocopy from the school catalog or website will generally suffice.
3. Upon final approval or disapproval, a copy of the Application is returned to the requesting employee and Department Head.
4. Upon successful completion of the course, the employee shall re-submit their copy of the Application to Human Resources, along with proof of successful completion (grade report) and detailed invoices for reimbursement within thirty (30) days of completion of the class(s).

Separation from Employment - It is anticipated that the employee and the Town of Fountain Hills will both benefit from employee development activities and the organization's financial investment in such activities. In order to remain eligible for tuition reimbursement, an employee must remain employed by the Town at the time the course(s) completes and a final grade is issued. If an employee's employment with the Town is terminated for any reason prior to such time, the employee will be no longer eligible for tuition reimbursement.

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

EXHIBIT 917-A

TUITION REIMBURSEMENT APPLICATION

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

SECTION I – PREAPPROVAL FOR TUITION REIMBURSEMENT

DATE: _____
EMPLOYEE NAME: _____ DATE OF EMPLOYMENT: _____
JOB TITLE: _____

(ELIGIBILITY – Full-Time, Regularly-Scheduled, Post-Introductory employee who has completed 12 months of paid continuous service at the time of request)

SCHOOL NAME: _____
(ELIGIBILITY – Universities and colleges must be accredited by a body recognized by the US Dept of Education)

DEGREE PROGRAM: _____ MAJOR COURSE OF STUDY: _____
ACADEMIC SEMESTER (Circle One): Fall Winter Spring Summer

COURSE TITLE: _____ COURSE START DATE: _____

(ELIGIBILITY – Course must be related to the employee’s current job or future career growth with the organization. If a degree program is approved, all courses necessary to obtain the degree will be eligible for reimbursement, even if the course is not directly related to the employee’s job. However, a Tuition Reimbursement Application must be submitted and approved prior to the beginning of each course under the degree program.)

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

REQUESTED AMOUNT: \$ _____

EMPLOYEE’S SIGNATURE: _____ DATE: _____

DEPT HEAD’S SIGNATURE: _____ DATE: _____

HUMAN RESOURCES SIGNATURE : _____ DATE: _____

TOWN MANAGER’S SIGNATURE: _____ DATE: _____

SECTION II – TUITION REIMBURSEMENT REQUEST

COMPLETION DATE OF ABOVE COURSE: _____ GRADE RECEIVED: _____

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

TUITION REIMBURSEMENT AMOUNT: \$ _____

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

SECTION III – HR ONLY

APPROVED REIMBURSEMENT AMOUNT TO EMPLOYEE: \$ _____

HUMAN RESOURCES SIGNATURE: _____ DATE: _____

TOWN MANAGER’S SIGNATURE: _____ DATE: _____

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: TRAINING FUNDING
POLICY NO: 918
EFFECTIVE: August 1, 2013
REVISED: April 20, 2018

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

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

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: FRINGE BENEFITS AND LEAVES
POLICY: SERVICE AWARDS
POLICY NO: 919
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: TRAVELING ON OFFICIAL BUSINESS
POLICY: TRAVEL TIME
POLICY NO: 1001
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

Commute Time

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

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

Travel During the Workday

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

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

Out-of-Town Travel

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

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: MEMBERSHIP IN PROFESSIONAL AND CIVIC ORGANIZATIONS
POLICY NO: 1101
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: USE OF TOWN VEHICLES BY TOWN EMPLOYEES
POLICY NO: 1102
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

STATEMENT OF POLICY:

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

PROCEDURES:

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

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

1. To employees who are frequently required to use a Town vehicle at night, during the weekend, or if they have substantial emergency responsibilities. This does not include employees whose homes are outside Fountain Hills unless the Town's emergency response or other important Town business would be greatly facilitated.
 2. In situations where the conduct of Town business can be facilitated by overnight use of a Town vehicle by an employee who normally does not keep a Town vehicle overnight.
 3. To any number of employees rotating a specific assignment and vehicle at night or on weekends.
 4. All employees making overnight trips with a Town vehicle must have prior approval of their Department Head as denoted on a Travel Authorization form.
- C. Town vehicles shall be operated in a responsible, safe manner, as outlined below:
1. Seat belts shall be worn by all employees and passengers using a Town vehicle and the vehicle shall not be operated until all vehicle occupants have buckled their seat belt.
 2. Town vehicles shall be driven in compliance with motor vehicle laws.
 3. Employees are personally responsible for the prompt and proper reporting to their supervisor, and payment, of fines for any citations received while using a Town vehicle. Under no circumstances are these citations to be paid for by the use of Town funds. All moving traffic citations shall be reported within three (3) working days to the appropriate Department Head.
 4. All employees who operate a Town vehicle shall become familiar with policies and procedures relating to the reporting of accidents. Employees involved in an accident may be required to submit to a test for drugs or alcohol, including possible urine or blood screening. Such tests would be conducted in accordance with Town regulations as outlined under the Drug Free Work Environment Policy and Town of Fountain Hills Personnel Rules.
 5. Employees operating Town vehicles are responsible for keeping them clean and litter free. Employees assigned to a specific Town vehicle on a regular basis are also responsible for ensuring the vehicle is in good working order at all times. Any known defects or malfunctions of a Town vehicle are to be reported promptly to the Fleet Mechanic.
 6. Routine maintenance and repair of Town vehicles will be supervised through the Fleet Mechanic employed by the Town of Fountain Hills.
 7. Fuel cards shall remain in Town vehicles at all times and should be stored in the glove compartment.
 8. Use of cell phones or texting while operating a Town vehicle is prohibited.

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: USE OF TOWN PREMISES, PROPERTY AND MATERIALS
POLICY NO: 1103
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

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

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

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: ACCEPTABLE USE OF INFORMATION SYSTEMS
POLICY NO: 1104
EFFECTIVE: December 17, 2015
REVISED: April 20, 2018

OVERVIEW

The Town is committed to protecting the integrity of its information systems. The enterprise network and Internet/ Intranet/ Extranet-related systems, mobile communications and data, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, are the property of the Town. These systems are to be used for business purposes in serving the interests of the town, and our customers in the course of normal operations. Any and all functions performed by an employee while utilizing Town electronic equipment and resources is considered as public in nature and can in no way be considered personal or private. And thus, employees should understand that there is no expectation of privacy when using such resources. It is the responsibility of all computer users to know these guidelines, and to conduct their activities accordingly.

PURPOSE

This policy is intended to outline the acceptable use of computer equipment owned by the Town. These rules are in place to protect the Town, its employees and its citizens. Inappropriate use exposes the Town to risks including virus attacks, compromise of network systems and services, and legal issues.

SCOPE

This policy applies to employees, contractors, consultants, temporary employees, and other workers at the Town, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the Town.

POLICY

General Use and Ownership

- Users should be aware that the data they create on the Town systems remains the property of the Town. Because of the need to protect the Town's network, management cannot guarantee the confidentiality of information stored on any device belonging to the Town.
- Employees should not engage in personal use of Town information systems in a manner that results in a detrimental impact on the Town. Employees should presume that personal use other than minimal amounts might result in a detrimental impact on the Town. The Information Technology Administrator shall have discretion to determine detrimental use.
- For security and network maintenance purposes, authorized individuals within the Town may monitor equipment, systems and network traffic at any time, per *Information Technology Division's Audit Policy*.

- The Town reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

Security and Proprietary Information

- Passwords must be kept secure and NOT be shared with other users. Authorized users are responsible for the security of their passwords and accounts. Application passwords should be changed quarterly, network passwords will expire every 75 days and must be changed.
- Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the “Laptop Security Tips.”
- Postings by employees from a Town e-mail address to any online venue must contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the Town, unless the posting is in the course of business duties.
- All hosts used by the employee that are connected to the Town Internet/Intranet/Extranet, shall be continually executing approved virus-scanning software with a current virus database.
- Employees must use extreme caution when opening e-mail attachments received from unknown senders; such attachments may contain malicious programs (e.g. viruses, e-mail bombs, Trojan horse code, etc.).

Unacceptable Use

- The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).
- Under no circumstances is an employee of the Town authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing the Town-owned resources.
- The lists below are by no means exhaustive, but instead are an attempt to provide a framework for activities that fall into the category of unacceptable use.

1. System and Network Activities

The following activities are strictly prohibited:

- The installation or distribution of “pirated” or other software products that are not appropriately licensed for use by the Town.
- The installation of “freeware” software applications without the prior authorization of the Information Technology Division.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. Users should consult the IT Helpdesk prior to export of any material that is in question.
- Knowingly introducing malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
- Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
- Using a Town information systems asset to obtain and/or transmit material could create a hostile and offensive workplace or a sexually charged workplace in violation of applicable law.
- Viewing or transmitting sexually oriented materials.
- Making fraudulent offers of products, items, or services originating from any Town account.
- Causing security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a

server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties.

- Port scanning or security scanning is expressly prohibited unless prior notification is made to, and permission has been granted by, the Information Technology Division.
- Executing any form of network monitoring that will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
- Circumventing user authentication or security of any host, network or account.
- Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.

2. E-mail and Communications Activities

The following is a summarized list of prohibited uses. Please see the *Intranet/Internet and E-mail* for more detailed information.

- Any form of harassment via e-mail, voicemail, telephone or paging, whether through language, frequency, or size of messages.
- Sending email that are unprofessional, use foul language, sarcasm or other language that is not proper business etiquette.
- Mass mailing of e-mail "junk mail", jokes or non-Town-business-related advertising material to individuals who did not specifically request such material (e-mail spam).
- Solicitation of e-mail for any other e-mail address, other than that of the poster's account, with the intent to harass or to collect replies.
- E-mail posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
- Unauthorized use, or forging, of e-mail header information.
- Use of the Town's information systems to engage in threatening, intimidating or harassing conduct including but not limited to constituting the alleged harassment that constitute threats, intimidation or any other kind of act that interferes with the individual's ability to function as an employee of the Town.
- Sending an email using another person's log-in/identity without authorization.

Confidential Files

The files of confidential employees will be preserved to contain confidential information, and will not be accessed by IT or anyone else until permission to do so has been granted by a person having authority to do so. Examples of confidential employees are Human Resources and the Town Attorney.

Enforcement

The Town, through its department directors and Information Technology Division, reserves the right to review an employee's use of Town-provided information technology services, such as but not limited to, Internet, LAN, on-line services, telephone and e-mail use to determine whether the system's use is appropriate and conforms to this policy.

If an employee violates this policy, Information Technology will inform the employee's supervisor, or someone higher in rank, in writing and the department director or other authorized individual may authorize the Information Technology Administrator to remove the employee's access to the Town's computer network resources and/or to take appropriate remedial action.

Any employee who fails to abide by this policy may be subject to disciplinary action up to and including termination.

Laptop & Personal Electronic Device Security Tips

- Never leave your laptop or personal electronic device in open view in your vehicle; remove it or secure it in the trunk or other secure location! Do not leave the device stored in the trunk for any great length of time; exposure to either extreme cold or heat can damage the machine. Always use your laptop or personal electronic device in a cool, dry place.
- Never leave your laptop or personal electronic device unattended in a public place. Don't forget to secure all other products associated with your laptop: batteries, power cords, cables, external drives, LCD projectors, etc.
- Never put your laptop or personal electronic device on the airport security x-ray machine belt before you have a clear path to the end of the belt. Check your device's battery and make sure it's fully charged. If you take your machine through an airport, the security checkpoint personnel may ask you to turn it on to prove it isn't a suspicious device.
- Back up all irreplaceable information daily. Remember, it's not just the loss of the device, it is also the loss of the hard work and important information.

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: INTRANET/INTERNET AND EMAIL
POLICY NO: 1105
EFFECTIVE: December 17, 2015
REVISED: April 20, 2018

OVERVIEW

Electronic mail (e-mail) is a fast and efficient way to communicate internally within an organization using an internal e-mail system and Intranet and externally using the Internet. The Internet is also a powerful research tool that can greatly expand the amount of information gathered on a subject and reduce the amount of time it takes to conduct research activities. It is the policy of the Town to encourage the proper use of e-mail and the Internet to communicate inside and outside our organization. Furthermore, it is the Town's policy to encourage using the Internet as a research tool. Employees should use good judgment and common sense when using e-mail, the Internet, and the Intranet and understand the Town's policy outlined below.

PURPOSE

The purpose of this policy is to ensure that use of the Intranet, Internet and e-mail technologies among employees of the Town is consistent with Town policies, guidelines, operating procedures for use of specific Town resources, all applicable laws, and the individual employee's job responsibilities.

SCOPE

This policy applies:

- To all Intranet/Internet and e-mail services provided, owned, or funded in part or in whole by the Town;
- To all users and holders of Town Intranet/Internet and e-mail systems or accounts, regardless of intended use;
- To all Town Intranet/Internet and e-mail Official Records and/or Public Records in the possession of or generated by Town employees and other users of e-mail services provided by the Town; and
- Equally to transmission and receipt of data including e-mail headers, summaries, and addresses associated with e-mail records and attached files or text.

This policy does not apply to:

- Printed copies of e-mail, but other laws and policy may apply to such documents. Under Arizona public records laws and other state laws, information appearing in this format may need to be retained as Official Records or treated as State Publications under A.R.S. § 35-103.

INTRANET/INTERNET AND E-MAIL ACCESS

Intranet/Internet Access

- Unauthorized access into the Intranet/Internet using Town equipment or Town Intranet/Internet accounts, or another employee's Intranet/Internet account, or through other means, is in violation of policy.

Obtaining e-mail access

- Unless otherwise directed by the employee's immediate supervisor or designated representative, employees are automatically given an e-mail account upon receipt of a LAN account.

Removing Internet or e-mail access

- The department director must submit a request to the IT HELPDESK to remove or disable an employee's Internet and/or e-mail account.
- By request, the department director can be given access to the files in the disabled account for a period of 30 days after notification to disable.
- LAN and e-mail accounts of employees who have separated from the Town will be deleted 30 days after separation of employment to disable the account unless otherwise directed by a department director. Email will be forwarded to a designated address for a period of up to one year.

Access and usage limits

- The Town's Internet access method has a finite capacity and is subject to periods of heavy use. Therefore, employees may be requested to limit access when system capacity is being exceeded.
- Employees must abstain from personal use of Internet or e-mail services for any reason during the time when employees should otherwise be engaged in Town business and performance of their job duties.

Investigative access

- The Town reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system for any purpose. The contents of electronic mail may be received and disclosed without the consent of the originator. Electronic mail messages are public information.
- Request for e-mail messages, calendars, or records may be treated like any other public record in the possession of the Town.
- E-mail contents may be subject to subpoena in legal matters and may be subject to public records request.
- Management reserves the right to retrieve and/or review e-mail messages to monitor or prevent misuse of the system.

Procedures to request access to an employee's e-mail files:

1. Action by department director:
 - a) Submit a request to Human Resources for investigative access on the employee's account.
2. Action by Human Resources:
 - a) Consult with the Town Manger about the investigative access request.

- b) Coordinate with the Information Technology Administrator.

ACCEPTABLE USE OF THE INTRANET/INTERNET AND E-MAIL

The definition of acceptable use of the Internet is any use that is related to Town business or the performance of work related duties.

Research and general information access on behalf of the Town

- Authorized employees may use Internet and e-mail technologies to conduct official Town business, gain technical or analytical advice as part of their jobs, communicate or exchange files and/or data with employees, citizens, clients, vendors and contractors as part of their jobs.
- Databases can be accessed for information as needed as long as they do not require some form of subscription to participate. Access to subscription-based Internet services must be initiated using existing Town policies for purchased services.

Participation in News/Discussion Groups

- Users may participate in news/discussion groups based around a topic in which the Town has an interest.
- Users may participate in news/discussion groups, listservs or web sites created by professional organizations of which the Town or the user in their professional capacity is a member.
- Disclaimer: Postings by employees from a Town e-mail address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Town, unless posting is in the course of business duties.

Limited Personal Use

- The Town's Intranet/Internet and e-mail resources are intended for business use in performing the duties of an employee's job. Limited personal use may be permitted, according to the following guiding principles:
 - It is incidental, occasional and of short or moderate duration.
 - It does not interfere with any employee's job activities.
 - It does not result in incremental expense to the Town. Examples of "incremental expense" include, but are not limited to:
 - a) If the Town were paying for a limited bandwidth connection to the Internet, and an employee's personal use incurred additional charges; and
 - b) Long-distance telephone, cellular phone or fax charges.
- The employee has their supervisor's prior approval for said personal use, which approval shall only be given when consistent with the requirements of this policy.

- It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.
- It does not violate the other “unacceptable uses” or other specific limitations outlined in this policy.
- It will not create a real or perceived conflict of interest.

UNACCEPTABLE USES OF THE INTRANET/INTERNET AND E-MAIL

Activities of law enforcement or Town Attorney’s office related to criminal investigations, or personal investigations by any department in general, would not constitute a prohibited or inappropriate use. The following are unacceptable uses of the Intranet/Internet and e-mail technologies. All issues raised in the Town of Fountain Hills Code of Ethics are applicable.

The unacceptable uses shall include, but are not limited to:

Appropriate Email

- Email should be business-like
- Be truthful and accurate
- Avoid sensational and exaggerated language
- Focus on the facts
- Comply with the “New York Times Rule” – the writer would not be concerned or embarrassed if the email were published on the front page of a newspaper

Inappropriate e-mail and Intranet/Internet content

- Communication of material that is offensive or derogatory, slanderous and/or defaming towards any individual, corporation, agency or organization and disparagement of any trade or product.
- Communication that is derogatory or discriminatory in any way toward persons for reasons of their race, religion, gender, age, disability, lifestyle, political affiliations, social status or any other personal characteristic.
- Communication describing or picturing specified anatomical areas of the human body and communication describing or picturing sexual activities.
- Sexually oriented content or materials.

Non-IT purchase of software or computer equipment for Town business

- Users must not download any software packages and/or upgrades from the Internet, and must comply with the Town of Fountain Hills software policy.
- The Information Technology Division purchases all software and/or computer equipment (e.g. microcomputers, printers, modems, hubs, speakers, subwoofers, keyboards, mouse, etc.). Departments

should always submit a request via e-mail to purchase software and/or computer equipment to the IT Helpdesk.

Non-Town business solicitations and subscriptions

- Employees shall refrain from any type of postings or subscriptions, whether on a Web site, to a news group or via e-mail, that constitutes a solicitation of any type (i.e. religious, political, personal gain, or in support of illegal activities).
- Employees shall refrain from using the Town's e-mail or Internet resources for personal for-profit business activities or schemes to generate income or result in personal financial gain.

Advertising

- Employees shall refrain from any type of postings, whether on a web site, to a news group or via e-mail, that are for the purpose of advertising.

Distributing chain and spam e-mail

- Distribution of chain mails, "Ponzi" or other "pyramid" schemes of any type or other communication that is any way in violation of public law or Town policy is prohibited.
- Users should not in any way participate in the further dissemination or re-distribution of e-mail "spam" e-mails, communications with long mailing lists of other recipients, or other inappropriate e-mail communications. Upon receipt of any of these items, a user should immediately delete it from their e-mail in box and trash, and completely refrain from sending it on to other persons in or outside the Town.

Performing copyright infringements and other illegal actions

- Any use of the Internet that violates copyright laws is prohibited. Infringing on third party copyrights or other intellectual property rights, license agreements or other contracts; for example, illegally installing or making available copyrighted software.
- E-mail shall not be used to send (upload) or receive (download) copyrighted materials, and any other unauthorized materials, without prior written authorization of the originator.
- Users will refrain from the posting of any materials that violate federal or state laws.
- Use of the Intranet/Internet or e-mail in support of illegal activities is prohibited.
- Unauthorized attempts to break into any computer whether in the Town or another organization.

Causing disruption of service and performance

- Use of the Intranet/Internet or e-mail must not disrupt the operation of the Town network or the networks of other users.
- Hacking or modifications to the Intranet/Internet and e-mail software in a manner that restricts the ability of the Town to monitor its resources is prohibited.

- One or more files totaling 30mb or more in size should not be attached to internal e-mail messages. Users instead should utilize the network share drives to distribute the files to other users.
-

Using the Intranet/Internet and e-mail for political purposes

- The Town’s Intranet/Internet and e-mail resources are not to be used for political purposes.

For Misrepresentation

- The use of aliases while using the Intranet/Internet is prohibited. Anonymous messages are not to be sent. No employee shall attempt to obscure the origin of any message.
- The misrepresentation of an employee’s job title, job description, or position in the Town is prohibited.
- The release of untrue or distorted information regarding Town business is prohibited.

Execute real-time utilization of Intranet/Internet resources for non-Town-business-related services

- The accessing, viewing, downloading, or any other method for retrieving non-Town business information or services that utilizes the Internet resource in real-time is prohibited. This includes, but is not limited to, streaming audio or video (such as Pandora, XMRadio, Hulu, or NetFlix), streaming wallpaper or screen savers.

INTRANET/INTERNET AND E-MAIL PRIVILEGE RESPONSIBILITY

Use and compliance

- Access to the Intranet/Internet and e-mail is a privilege. Employees are expected to use the Intranet/Internet and e-mail in a professional manner that reflects positively upon themselves and the Town.
- Employees and their immediate supervisors are jointly responsible to ensure compliance with this policy.
- Employees are responsible for text, graphic or audio content they place, send or receive over the Intranet/Internet and e-mail. It is recognized that some unsolicited electronic mail may be received or random access to an undesirable Internet site may occur. In those instances, the individual will not be held responsible for that content or undesired site access.

Account

- Employees shall not “loan” their access to the Intranet/Internet to other employees who have not been authorized use of the Internet and e-mail technologies. Employees will be held responsible for all actions taken using their access permissions.
- Employees shall not intercept or disclose messages, or assist in the interception or disclosure of messages unless otherwise authorized. Information Technology, under the authorization of Town Attorney may intercept or disclose messages when misuse of the Town system is suspected.

USER'S RESPONSIBILITIES REGARDING RECEIPT OF OFFENSIVE MATERIAL

Generally, the same policies of appropriate behavior apply in network usage, as apply in the workplace. If you believe that you are the victim of harassment, do not delete the message. Immediately notify your immediate supervisor or department director and Information Technology.

Confidential Disclosure

Public Records and Privacy

- E-mail from an internal system and/or the Internet, is NOT private nor can the security of e-mail be guaranteed. Caution shall be used when conveying confidential or sensitive information, as part of normal business transactions, when confidentiality cannot be maintained. This includes documents such as performance reviews, disciplinary and/or corrective actions, attorney-client-privileged information, personnel information, and health or medical information.
- All e-mail messages (whether created or received) are the property of the Town and may be considered to be public records pursuant to the Arizona Public Records Law. If there is concern about potential public disclosure or internal disclosure, e-mail should not be used.
- The Town reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system for any purpose. The contents of electronic mail may be received and disclosed without the consent of the originator.
- When communicating with legal counsel or seeking legal advice, consideration should always be given to the fact that e-mail may contain information that may not be entirely confidential. It is advisable to check with the Town Attorney's Office as to whether such request should be made by e-mail or through written communication.
- All requests for public records disclosure of data shall be routed to the Town Clerk.

E-mail messages may be recoverable

- Deleting e-mail messages from a computer does not guarantee it has been erased from the system. Further, email constituting a public record must be maintained.
- Employees should use good judgment when creating e-mail and always assume that it is discoverable.

Monitoring and auditing

- The Town owns the network providing access to Internet and e-mail technologies. The electronic records created by use of the system may be considered public records under Arizona Revised Statutes and the law governing retention of public records. The Town reserves the right to monitor all electronic records, at any time, to insure compliance with state law and this policy.

Retention of E-Mail

- All e-mail messages that are not subject to a specific retention schedule are stored by Information Technology for 1095 days and may be required to be stored longer in the event of litigation.

- Any messages that are permanent records are required to be copied or moved to the appropriate file location.
- Information Technology is not responsible for backup or restoration of any e-mail items saved outside of the e-mail system by individual users.
- Records retention schedules can be found on the Arizona Secretary of State's Arizona State Library, Archives & Public Records website – www.azlibrary.gov.

Virus Exposure

- Use of the Internet and e-mail risks exposure to viruses that can cause serious damage to Town computer resources.
- Material downloaded from the Internet must be virus checked before use. Inbound and outbound attachments to e-mail will be scanned for viruses.

Plug-Ins and Helper Programs

Plug-ins and Helper programs should be used prudently and only if its purpose is to enhance the browser to provide services that are within the “acceptable uses” and it does not violate the “unacceptable uses” or other specific limitations outlined in this policy.

Enforcement

- The Town, through the Town Manager, its department directors and Information Technology Division, reserves the right to review an employee's use of Town provided information technology services, such as but not limited to, Internet, LAN, on-line services, telephone and e-mail use to determine whether the system's use is appropriate and conforms to this policy.
- If an employee is found violating this policy, the department director together with the Information Technology Administrator may remove the employee's access to the Town's computer network resources.
- Any employee who fails to abide by this policy may be subject to disciplinary action up to and including termination.

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: SOFTWARE/HARDWARE
POLICY NO: 1106
EFFECTIVE: December 17, 2015
REVISED: April 20, 2018

PURPOSE

It is the policy of the Town to respect all software copyrights and to adhere to the terms of all software licenses to which the Town is a party. The Town users may not duplicate any licensed software or related documentation for use either on Town premises or elsewhere unless the Town is expressly authorized in writing to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or the Town to both civil and criminal penalties under the United States Copyright Act. The purpose of this policy is to prevent copyright infringement and to protect the integrity of Town's computer environment.

SCOPE

This policy applies to employees, contractors, consultants, temporary employees, volunteers and other workers at the Town. This policy applies to all software that is owned or leased by the Town. Contractors with the Town shall become aware of the requirements of this policy.

POLICY

Budgeting for Software/Hardware

- Some software and hardware needs are limited to specific departments. Departments are responsible for requesting new software or hardware specific to the department's needs through the Information Technology Division.
- When requesting such software or hardware, departments must work with the IT Department to ensure technology costs, compatibility, licensing, support, and integration issues are addressed.

Approval for Purchase of Software/Hardware

To purchase software or hardware, users must obtain the approval of their supervisors and the Information Technology Division, then submit a request to the IT Helpdesk to acquire the software/hardware.

Acquisition of Software/Hardware

- All software or hardware acquired for the Town must be purchased through the Information Technology Division.
- Software or hardware may not be purchased through user corporate credit cards or petty cash.
- Software and hardware acquisition channels are restricted to ensure that the Town has a complete record of all software that has been purchased for Town computers and can register, support, and upgrade such software accordingly.

- Freeware software or mobile apps downloaded from the Internet must be authorized by the Information Technology Division.

License Agreements

Software may only be used in compliance with applicable license (including “shrink-wrap” agreements) and purchasing agreements.

Ownership of Software

All software acquired for or on behalf of the Town or developed by Town employees or contract personnel on behalf of the Town is and shall be deemed Town Property. All such software must be used in compliance with applicable purchase and license agreements.

Storage of Software Media/Licenses

- All software media and original license agreements are kept and stored by the Information Technology Division.
- Software media that must be accessed for support of an application (e.g. clip art, GIS data, etc.) will be kept with the workstation licensed for its use. Use and distribution of these types of media must be in compliance with the software licensing agreement.
- IT will monitor the license term length and will notify users of any necessary actions

Duplication of software

- Users are not authorized to produce backup or duplicate copies of any software for any purpose.
- Unless otherwise provided in the applicable license or contract document, any duplication of copyrighted software may be a violation of federal and state law and is strictly prohibited.
- The Information Technology Division creates all authorized duplicate media and retains the master copy. The software inventory registry will be updated with this information.

Registration

- The IT Helpdesk is responsible for completing the registration documentation and returning it to the software publisher
- All software that is Town Property must first be delivered to the IT Helpdesk to complete registration and inventory requirements.
- All software must be registered in the name of the Town. Because of personnel turnover, software will never be registered in the name of the individual user. Information Technology maintains a register of all software and will keep a library of software licenses. The register will contain:
 - the title and publisher of the software;
 - the date and source of software acquisition;

- the location of each installation as well as the serial number of the hardware on which each copy of the software is installed;
- the name of the authorized user(s);
- the existence and location of the media and any back-up copies;
- the software product's serial number and/or key codes.

Installation of Software

- No software, including freeware, may be installed on any Town-owned or leased computer without prior approval by the Information Technology Division and without being registered to the Town.
- After the registration requirements above have been met, the software will be installed with the authorization of, assistance of, or performance by, Information Technology support personnel. Manuals, tutorials and other user materials will be provided to the user.
- Once installed on the hard drive, the original media (USB drives, CD-ROM, DVD, etc) will be kept in a safe storage area maintained by the IT Helpdesk.
- Users may not give software to anyone, including contractors, customers and others.
- Town users may use software on local area networks or on multiple machines only in accordance with applicable license agreements.
- Town computers are Town-owned assets and must be kept both software legal and virus free. Only software purchased through the procedures outlined above may be used on Town machines.
- Installation of personal non-business related software on Town computers is not authorized. The Town will remove any unauthorized software that puts the Town at risk or liability.

Removable Media Drives & USB Drives

To protect the Town's network and computers, restrictions have been placed on external drives including USB hard drives and flash drives, and the following guidelines should be followed to enhance security. In addition, files written to or copied from such devices may be logged and audited to ensure compliance with policy.

- Software may not be executed from external and USB hard drives and flash drives.
- Confidential files or files with sensitive data should be encrypted when saved on removable drives to protect the contents in the event the device is lost or stolen.
- Any removable or USB drive should be scanned for malicious code and viruses prior to use.

Support

Software compatible with installed operating system, client, application and system configuration standards for workstations and/or file servers will be supported by the Information Technology Helpdesk.

Uninstalling Software

- Unauthorized removal of software from Town computers is prohibited.
- Software removals should not be performed without the authorization of, assistance of, or performance by, Information Technology support personnel.
- IT reserves the right to uninstall or remove any software found to be causing a negative impact on the workstation, the Town's enterprise network, or any Internet/Intranet/Extranet-related systems.

User Responsibilities

Each User is individually responsible for reading, understanding, and adhering to all licenses, notices, and agreements in connection with software that they cause to be acquired, copied, transmitted, or used or seeks to acquire, copy, transmit, or use. IT will provide all necessary copies of such licenses.

If a computer must be reconfigured or replaced and it contains software that has been licensed specifically for that computer, the user should notify Information Technology of such installation to ensure the software is reinstalled, tested and documentation of the installation location is updated.

Shareware Software

It is the policy of the Town to pay shareware authors the fee they specify for use of their products. Registration of shareware products will be handled the same way as outlined above.

Software Games

- The installation of computer games on Town computers is prohibited unless there is a Town business or service justification.
- Games packaged with the operating system installation (e.g. FreeCell, Minesweeper, Pinball, and Solitaire) are included in the workstation image and are exceptions. However, IT reserves the right to remove these games.
- Software Games that impact network resources are strictly forbidden.

Screensavers and Wallpaper

- Screensaver and wallpaper software are permissible only after the Software Policy procedures to purchase (commercial and/or shareware), license, register and install have been applied.

-

Decompiling software

No User shall decompile, disassemble, or reverse-engineer any software.

Transfer of Software

No User may sell, rent, sublicense, lend, transmit, distribute, give, or otherwise convey or make available Town-owned software or an interest therein to any unauthorized individual or entity.

Audits

The Information Technology Division will conduct audits of all PCs, including portables, to ensure that the Town is in compliance with all software licenses. Audits will be conducted using an auditing software product or through manual inspection.

Enforcement

- A Town user who makes, acquires, or uses unauthorized copies of software will be subject to disciplinary action up to and including termination.
- The Town does not condone the illegal duplication of software and will not tolerate it. Any doubts concerning whether any employee may copy or use a given software program should be addressed with IT Helpdesk.
- Any User who suspects an incident of noncompliance with the Software Policy by another User shall promptly notify the Information Technology Division.
- The Town, through its department directors and Information Technology Division, reserves the right to review an employee's use of Town-provided information technology services, such as but not limited to, Internet, LAN, on-line services, telephone and e-mail use to determine whether the system's use is appropriate and conforms to this policy.
- If an employee is found violating the sections of this policy, the Department Director together with the Information Technology Administrator may remove the employee's access to the Town's computer network resources.
- Any employee who fails to abide by this policy may be subject to disciplinary action up to and including termination.

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: AUDIT OF INFORMATION SYSTEMS
POLICY NO: 1107
EFFECTIVE: December 17, 2015
REVISED: December 17, 2015

PURPOSE

To provide the authority for members of Town' Information Technology team to conduct a security audit on any computer or communication system (hardware or software) at the Town.

Audits may be conducted to:

- Ensure integrity, confidentiality and availability of information and resources
- Investigate possible security incidents
- Monitor user or system activity
- Enforce information system policies

SCOPE

This audit policy covers any equipment owned, leased or otherwise possessed by the Town, including, but not limited to all of the following devices:

1. hand-held devices (iPhone, iPad, etc.)
2. computers (desktop and laptops)

Communication devices, including but not limited to:

1. telephone and voicemail system
2. network hardware (routers, printers, firewalls, etc.)
3. other wireless devices, including pagers

Employees should be aware that loading Town programs or property on their own personal devices may result in public record information being on those devices and creating a Town interest in those devices to the extent such information is present. The use of personally-owned information and communication devices for Town business is discouraged unless a department head and the Information Technology Administrator determines there is a necessary business use for such equipment.

POLICY

When requested, and for the purpose of performing an audit, any access needed will be provided to members of Town' Information Technology team. This access may include:

- User level and/or system level access to any computing or communications device
- Access to information (electronic, hardcopy, etc.) that may be produced, transmitted or stored on Town equipment or premises
- Access to work areas (labs, offices, cubicles, storage areas, etc.)
- Access to interactively monitor and log traffic on Town networks.

Enforcement

The Town, through its department directors and Information Technology Division, reserves the right to review an employee's use of Town-provided information technology services, such as but not limited to, Internet, LAN, on-line services, telephone and e-mail use to determine whether the system's use is appropriate and conforms to this policy.

If an employee is found to be violating the sections of this policy, the department director together with the Information Technology Administrator, may remove the employee's access to the Town's computer network resources.

Any employee who fails to abide by this policy may be subject to disciplinary action up to and including termination.

**Town of Fountain Hills
Personnel Policies**

SECTION: OTHER WORK PLACE POLICIES
POLICY: TOWN FURNITURE AND WALLS
POLICY NO: 1108
EFFECTIVE: October 7, 2004
REVISED: August 1, 2013

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

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

**Town of Fountain Hills
Personnel Policies**

SECTION: SUPERVISION AND DISCIPLINE
POLICY: SUPERVISION AND DISCIPLINE
POLICY NO: 1201
EFFECTIVE: July 1, 2017
REVISED: April 20, 2018

PURPOSE: To establish the employee discipline process.

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

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

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

Grounds for Disciplinary Action

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

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

8. The employee, through negligence or willful misconduct, has caused damage to public property or waste of public supplies.
9. The employee has engaged in conduct, on or off duty that is of such a nature that it causes discredit to the Town.
10. The employee has purchased, possessed, used, manufactured, distributed, dispensed, or sold alcoholic beverages, unauthorized drugs or controlled substances, or any other intoxicants on Town property, while operating Town equipment, or while in the performance of Town duties unless authorized to do so.

The employee has reported to work under the influence of alcohol or drugs or otherwise violated the Town's procedures regarding drug free workplace.

11. The employee has intentionally falsified any document, report or statement relating to their employment with the Town.
12. The employee has secured employment with the Town through misrepresentation or fraud.
13. The employee has refused to subscribe to any oath or affirmation required in connection with Town employment.
14. The employee has violated the rule or regulation governing outside employment (See Policy 211, Secondary Employment).
15. The employee has been inexcusably absent, has failed to receive prior approval for any paid or unpaid absence other than those absences taken pursuant to the Town's Sick Leave Policies, has abandoned their position, feigns sickness or injury, or otherwise deceives a supervisor as to their condition or ability to perform the duties of the position, or the employee has falsified a certificate justifying medical leave.
16. The employee has had excessive absenteeism or tardiness (absenteeism or tardiness shall not include work time missed as a result of leave taken pursuant to the Town's Sick Leave Policies, Policy No. 902 and No. 903).
17. The employee has refused to perform reasonable modified duty that is assigned because of an illness, injury or disability.
18. The employee has worked at outside employment while on medical leave, industrial accident leave, or Family and Medical Leave.
19. The employee has concealed information or failed to properly report an accident or incident under the purview of any state statute or Town resolution or regulation.
20. Failure of an employee convicted under a criminal drug statute for a violation occurring in the workplace to notify their Department Head within five (5) days after such a conviction.
21. The employee holds a Town of Fountain Hills elective office prior to resigning from a Town position or holding any other office incompatible with a position with the Town.
22. The employee has used or attempted to use political influence in securing a promotion, leave of absence, transfer, or an increase in pay.

23. The employee has accepted a fee, gift, or other item in the course of performing the duties and responsibilities of their position in violation of the conflict of interest rules.
24. The employee has committed an act of discrimination or harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability or any other category identified in the nondiscrimination policy or otherwise protected by law.
25. The employee has failed to follow appropriate chain-of-command.
26. The employee has committed any other conduct of equal gravity to the reasons enumerated in this section.
27. The employee has committed a material violation of the rules of this Manual.

TYPES OF DISCIPLINARY ACTIONS:

Counseling

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

Warning

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

Reprimand

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

Special Review Period

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

Demotion

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

Suspension Without Pay

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

Suspension of Exempt Employees

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

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

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

OR

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

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

Dismissal

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

Due Process:

Prior to an involuntary termination, or a suspension without pay an employee who has successfully completed their Introductory period will be provided with a written notice from their supervisor and/or Department Director of the intent to terminate with the supporting reasons. The employee shall be given an opportunity to respond to the charge, orally or in writing within ten (10) calendar days to their supervisor and/or Department Director contesting the proposed action.

The department's explanation in the notice shall be sufficient to apprise the employee of the basis for the proposed action. This shall not limit the employer at subsequent proceedings from presenting a more detailed and complete information as to the reason for the adverse action. If, after considering the employee's response, the Town proceeds with termination, the employee may appeal in writing within ten (10) calendar days of the decision. Human Resources will then set an administrative hearing to adjudicate the appeal. The employee may have legal counsel present at the hearing.

Employees who are not directly supervised by the Town Manager shall generally have the Town Manager as their hearing officer. In cases involving an employee working with the Town Manager as their direct supervisor, the hearing officer shall be the Presiding Judge of the Fountain Hills Municipal Court.

The Town Manager or the Presiding Judge may appoint the town of Fountain Hills Human Resources head, another manager, or Judge from another Arizona city or town to serve as the hearing officer in their place if they so choose. The hearing officer shall, no later than five (5) calendar days after the conclusion of the hearing, deliver a written opinion which shall contain three (3) basic elements:

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

The written opinion shall be delivered to the affected employee, their supervisor and/or department director, and the applicable appointment authority (Town manager or Presiding Judge). A copy of the opinion shall also be placed in the employee's personnel file.

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



TOWN OF FOUNTAIN HILLS
RECORD OF COUNSELING/DISCIPLINARY ACTION FORM

Employee Name: _____

PART I: ALLEGED OFFENSE

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

PART II: EMPLOYEE RESPONSE

Employee's Signature

Date

PART III: TYPE OF ACTION RECOMMENDED

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

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

Employee’s Signature

Date

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

Employee’s Signature

Date

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

Employee Name (Please Print): _____

Title: _____ Department/Division: _____

Supervisor's Signature: _____ Date: _____

Department Head's Signature: _____ Date: _____

Town Manager's Signature (if required): _____ Date: _____

Personnel Rules and Regulations Violated (Section/Item ____):

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

Date of Oral Reprimand: _____

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

Date of Written Reprimand: _____

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

Duration: From: To: Total Hours: _____

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

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

Duration: From: To: Total Hours: _____

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

**Town of Fountain Hills
Personnel Policies**

SECTION: SEPARATION FROM SERVICE
POLICY: SEPARATION FROM EMPLOYMENT
POLICY NO: 1301
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To establish a process the Town will follow for all terminations of employment, whether voluntary or involuntary.

STATEMENT OF POLICY: All employees leaving the Town's employ, whether voluntarily or involuntarily, shall be required to make proper disposition and accounting for all funds and property (s)he was responsible for and to repay any amounts owed to the Town before final payment will be made to the employee.

All employees leaving the Town's employ, whether voluntarily or involuntarily, shall be afforded an opportunity to participate in an exit interview. However, participation is entirely voluntary on the part of the terminating employee.

SCOPE: All employees.

PROCEDURE:

1. Voluntary Resignation

- a. If termination is the result of a voluntary resignation, the employee is to document their intent to resign their position by submitting a letter of resignation to their supervisor bearing the current date, the last day of work, and the employee's signature. A "**Voluntary Resignation and Retirement Notice**" (See Exhibit 1301-A) may be used for notification purposes.
- b. Failure to give at least ten (10) working days resignation notice, fifteen (15) working days for Department Heads, could result in separation with prejudice and denial of rehire. Waiver of required notice may be granted by the Town Manager (in writing).
- c. The effective date of termination is the last day the employee actually works. Exception: The effective date of termination due to expiration of a leave of absence is the last day of the approved leave.
- d. Group benefits such as medical, dental and life insurance terminate on the last day of the month in which termination occurs. Deductions will be taken, as needed (e.g., pro-rating insurance). Contact Human Resources for further detail.
- e. The Town, acting through the Town Manager, reserves the discretionary right, upon receiving the ten day resignation notice, to immediately accept such resignation and provide the employee with two (2) weeks of regular pay pay in lieu of notice.
- f. All documentation is to be promptly forwarded to Human Resources.

- g. Arizona law requires final payment to voluntarily terminated employees to take place no later than their next regularly scheduled pay date.

2. Involuntary Termination

- a. An employee, regardless of employment status, may be terminated by the Town Manager at any time during their initial Introductory Period.
- b. Introductory, seasonal, and temporary employees may be terminated at-will.
- c. The Due Process in Policy 1201 will apply for other terminations.
- d. Group benefits such as medical, dental, and life insurance, terminate on the last day of the month in which termination occurs. Deductions will be taken, as needed (e.g., pro-rating insurance). Contact Human Resources for further detail.
- e. Arizona law requires final payment to involuntarily terminated employees to take place on the earlier of the next regular payday or within seven (7) working days.

In regard to all departures with employment from the Town, amounts payable to the employee shall be paid only after offset for any advances or monies owed to the Town by the employee. This includes, without limitation, the cost to replace any Town equipment that the employee fails to return.

3. Notice

An Employee is encouraged to communicate to the employer whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. Under section 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Under the law, an employee may be required to wait for fifteen calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the employer. An employee may be entitled to paid or unpaid leave of absence of up to fifteen calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

VOLUNTARY RESIGNATION and RETIREMENT NOTICE

Failure to give at least ten (10) working days resignation notice, fifteen (15) working days for Department Heads, could result in separation with prejudice and denial of rehire.

VOLUNTARY RESIGNATION

I, _____, voluntarily resign my position of _____
Print Name Job Title

with the Town of Fountain Hills. My last day of work will be: _____
Last day worked is termination date

Reason for resignation: (Check one)

- To accept another job
- To attend school
- To stay at home
- Moving out of area
- Dissatisfied with job
- Other (explain)

RETIREMENT RESIGNATION

I, _____, submit notice of retirement from my position of _____
Print Name
_____ with the Town of Fountain Hills. My last day of
Job Title
work/retirement will be: _____
Last day worked is termination date

Arizona State Law requires final payment of voluntary resignations no later than the next regularly scheduled pay date.

My mailing address with the Town of Fountain Hills is current: Yes No

If no, please provide current or forwarding mailing address:

Mailing Address City State Zip

Employee's Signature Date

Resignation Accepted _____
Supervisor's Signature Date

**Town of Fountain Hills
Personnel Policies**

SECTION: SEPARATION FROM SERVICE
POLICY: REFERENCES
POLICY NO: 1302
EFFECTIVE: October 7, 2004
REVISED:

All inquiries regarding employees who are currently employed or who have been previously employed by the Town of Fountain Hills are to be referred to Human Resources. Supervisors and/or coworkers should refrain from writing letters of reference. All requests for letters of reference are to be referred to Human Resources. When Human Resources receives inquiries regarding previously employed employees, they will refer to the signed Employee Authorization to Release Reference Information Form in the employee's personnel file and release only the information authorized. When Human Resources receives inquiries regarding currently employed employees, they will only provide information limited to dates of employment and job title.

The only exception to the above statement is that Human Resources may release salary information to credit institutions when the request for salary information is made in writing and the employee authorizes release of the information.

**Town of Fountain Hills
Personnel Policies**

SECTION: SEPARATION FROM SERVICE
POLICY: REDUCTION IN WORKFORCE
POLICY NO: 1303
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To establish a systematic process which the Town will follow in the event the Town Manager deems it necessary to reduce positions due to reorganization, lack of work, funds, or other budgetary limitations, and ensure business operations remain sound and employees are treated objectively.

STATEMENT OF POLICY: A Reduction in Workforce (RIWF) is an extremely difficult business decision for an organization. It is the Town of Fountain Hills' intent to treat all impacted employees with dignity and respect, and to assist employees through the RIWF process. The Town Manager, with input from Department Heads, shall determine the number and classifications of employees to be laid off. In addition, the Town Manager and the Human Resources Administrator shall determine the specific procedures to be followed and the benefits that may be offered to affected employees.

Employees affected by a Reduction in Workforce shall have the opportunity to continue their medical, dental, and vision insurance coverage (if applicable) in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provisions.

SCOPE: All employees.

PROCEDURE: In selecting employees who will remain with the organization, only job-related criteria will be used. The criteria used will be determined based on the reason for the reduction in force and the determination of the department's needs. Job related criteria may include, but are not limited to, the employee's current performance (as noted by the most current performance review), competencies, skills, responsibilities, experience, leadership, education and training, personal commitment, and salary. Seniority will be used only in the case of a tie.

Severance

Full-time employees who are laid off may be provided a severance package as determined by the Town Manager.

Grievance Rights

Grieving a Reduction in Workforce action is specifically excluded from the grievance procedure.

**Town of Fountain Hills
Personnel Policies**

SECTION: PROBLEM SOLVING AND GRIEVANCE PROCEDURES
POLICY: PROBLEM SOLVING
POLICY NO: 1401
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE: To effectively and professionally address work-related issues or concerns.

STATEMENT OF POLICY: The Town will treat all employees fairly, with respect, and as members of the team. This includes you, your fellow workers, supervisors, management, elected officials, Board and Commission members, our customers, and the Fountain Hills community. In order for this to happen, the following procedure needs to be followed.

DISCUSSION: This policy establishes the policies and procedures for the administration of the Town's Problem Solving process. This process does not replace the Grievance procedures in Policy 1402 or any other complaint or reporting procedures established in policy. Rather, this process has been established to advise employees of the proper avenues to use in communicating work-related issues or concerns. Examples of issues or concerns include, but are not limited to, any issues that impact an employee's work unit or impact an employee's ability to do their job.

Employees need to remember that they may not take work-related employment issues and concerns to the Mayor and Town Council. Taking employment issues and concerns to the Mayor and Town Council disrupts chain-of-command of employees under the jurisdiction of the Town Manager (Ord. 230-97); and any such issues or concerns will be referred back to staff. This process does not prohibit staff from discussing Town projects and/or business with Council that would normally be brought to their attention.

Town of Fountain Hills employees who have work-related issues or concerns should address them within a timely manner. Matters raised within five working days will be considered timely. Employees are to use the following process to resolve such matters. For matters involving harassment, discrimination, or legal violations, Policy 212, ("Harassment") is to be followed.

PROCEDURE:

1. Employees are to go to their first-line supervisor in a timely manner with any work-related issue or concern unless it involves harassment or discrimination, in which case they should follow the procedures set forth in Policy 212, ("Harassment"). For legal violations involving their supervisor, employees should go to their supervisor's superior, the Human Resources Administrator, or the Town Manager. Employees may have a regular employee of the Town as a silent witness at meetings in which work issues or concerns are discussed.
2. If the work-related issue or concern has not been resolved at the first-line supervisor level within five working days after the meeting in step 1 (above), employees should go to the next higher level of management. Both the employee and supervisor should document the reasons as to why the concern or issue was not resolved at the first-line level.

3. Only after employees have worked their way through their respective Department Head should they take their work-related issue or concern to the Human Resources Administrator or Town Manager.
4. Employees are required to exhaust all internal avenues before taking their work-related issue or concern outside this procedure.
5. The Mayor and Town Council, as well as those outside of the organization, are not in an employee's chain-of-command and therefore are not in a position to address work-related issues or concerns.

There will be times in every employee's career when decisions are made that they do not agree with. That is natural; however, employees are expected to abide by decisions made under this grievance system whether agreed with or not.

Failure to follow this process will have a negative effect on Town organization and will therefore be considered a violation of the Town's Personnel Rules.

No employee will be subject to any form of retaliation or discipline for using this process. Any employee found guilty of retaliation will be disciplined.

**Town of Fountain Hills
Personnel Policies**

SECTION: PROBLEM SOLVING AND GRIEVANCE PROCEDURES
POLICY: GRIEVANCES
POLICY NO: 1402
EFFECTIVE: October 7, 2004
REVISED: April 20, 2018

PURPOSE:

1. To promote improved employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.
2. To afford employees a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussion.
3. To provide that grievances shall be settled at the lowest possible level.
4. To provide that appeals shall be conducted informally.

STATEMENT OF POLICY: The Town of Fountain Hills, in keeping with its policy of maintaining satisfactory working conditions, will provide a means to insure fair handling of employee complaints and grievances. Any employee whose state of mind is so affected by a grievance that they will not endeavor to, or cannot do the proper thing in the course of performing their regular duties, should immediately pursue the prescribed procedures for grievances.

SCOPE: Covered Employees defined in Policy 1403 (“Covered/Uncovered Positions”) shall have the right to file a grievance under this rule regarding a decision affecting their employment over which their immediate supervisor has partial or complete jurisdiction, with the exception of suspensions, demotions, or dismissals, which shall be appealed directly to the Town Manager.

- A. This procedure may be used to review the following types of problems, which are intended as examples and not strict limitations:
 1. Work Hours
 2. Assigned Duties
 3. Working Conditions
 4. Application of Town policies, as they relate to the employee (e.g. discipline)
- B. This procedure shall not be used for problems concerning:
 1. Due Process related to involuntary termination
 2. Compensation
 3. Classification
 4. Matters covered by state or federal law
 5. Performance evaluation

PROCEDURE:

A. Informal Grievance Procedure

1. An employee who has a problem or complaint should first try to get it settled through discussion with their immediate supervisor without undue delay.
2. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, they will have the right to discuss it with their supervisor's immediate department director. If the employee's supervisor does not have a department director, the employee shall discuss the matter with Human Resources. In some circumstances, Human Resources will determine that the matter should be referred to the Town Manager, or his designee, at this stage.
3. Every effort should be made to find an acceptable solution by informal means at the lowest level of supervision. If an employee fails to follow this informal procedure, the grievance will be denied and they will not be permitted to proceed to the formal grievance procedure outlined below.

B. Formal Grievance Procedure

Levels of review through the chain of command are listed below:

1. If the employee has properly followed the informal grievance procedure and the matter is not resolved, the employee is eligible to elevate the grievance to this level. Initially, the employee must reduce the grievance to writing citing the article and section of the Personnel Policies alleged to have been violated, if applicable, the date of the violation that forms the basis for the grievance, the nature of the grievance and the relief requested.
2. The written grievance will be presented to the employee's immediate supervisor, within twenty (20) calendar days of the occurrence, and no later than ten (10) calendar days after the informal grievance procedure has been fully exhausted. The supervisor will render his/her decision and comments in writing and return them to the employee within fifteen (15) calendar days after receiving the grievance.
3. If the employee does not agree with their supervisor's decision, or if no answer has been received within fifteen (15) calendar days, and the employee wishes to continue in the process, the employee may present the grievance in writing to their supervisor's immediate department director, or in the absence of a department director, to Human Resources.
4. Failure of the employee to take further action within five (5) calendar days after receipt of the written decision of their supervisor or within a total of twenty (20) calendar days if no decision is rendered, will constitute a withdrawal of the grievance.

Further Level(s) of Review as Appropriate

1. The second level supervisor receiving the grievance will review it, render his/her decision, and comments in writing, and return them to the employee within fifteen (15) calendar days after receiving the grievance.
2. If the employee does not agree with the decision, or if no answer has been received within fifteen (15) calendar days, and the employee wishes to continue in the process, they may present the grievance in writing to the Town Manager – through the Human Resources Administrator.

3. Failure of the employee to take further action within five (5) calendar days after receipt of the decision, or within a total of twenty (20) calendar days of referral to their second level supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

Town Manager – Final Step

1. Upon receiving the grievance, the Town Manager or his/her designated representative should discuss the grievance with the employee and with other appropriate persons.
2. The Town Manager or designee may, but is not required, to designate an external fact-finding committee to advise him/her concerning the grievance.
3. The Town Manager or designee will render a final decision. The Town Manager's or designee's decision may not be appealed.

TOWN OF FOUNTAIN HILLS EMPLOYEE GRIEVANCE FORM

Step 1: In accordance with Town of Fountain Hills Personnel Policy 1402, the employee is responsible for instituting the first step of the grievance procedure without undue delay after becoming aware of, or being reasonably expected to be aware of, a violation of the Town of Fountain Hills' Personnel Rules and Regulations. The employee and the supervisor should make a good faith effort to informally resolve the grievance at Step 1 of the grievance process.

Step 2: I have informally discussed this situation with the appropriate supervisory staff, but have been unable to reach an acceptable resolution. I therefore submit a formal grievance to my immediate supervisor in accordance with Town of Fountain Hills Personnel Policy 1402.

Grievant's Name:	Job Title:	
Submitted to:	At Step II	Date:

HISTORY AND FACTS OF GRIEVANCE: Provide as much specific information as possible, including all pertinent names, dates and places. Indicate specifically which section of the Personnel Rules and Regulations you believe was violated, if applicable. Attach additional sheets and supporting documentation if necessary.

REMEDY SOUGHT: State specifically what action(s) you are requesting to resolve your complaint.

Grievant's Signature: _____ Date: _____

Step II – Supervisor’s Response: Grievance response must be returned to the aggrieved employee within fifteen (15) calendar days of receipt. Attach additional sheets and documentation if necessary.

Step II – Supervisor’s Signature _____ Date: _____

GRIEVANT’S ANSWER TO STEP II RESPONSE:

I accept resolution at Step II: Yes No

Submitted to:	At Step III	Date:
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If answer is no, grievance must be submitted to Step III within five (5) calendar days of receipt of Step II response. Give specific reasons why the Step II response is unsatisfactory, and what further action(s) you are requesting to resolve your complaint.

Grievant’s Signature: _____ Date: _____

Step III – Department Head’s Response: Grievance response must be returned to the aggrieved employee within fifteen (15) calendar days of receipt. Attach additional sheets and documentation if necessary.

Step III – Department Head’s Signature: _____ Date: _____

GRIEVANT'S ANSWER TO STEP III RESPONSE:

I ACCEPT RESOLUTION AT Step III: Yes No

Submitted to:	At final step	Date:
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If answer is no, grievant may submit the grievance within five (5) calendar days of receipt of Step III, the grievance may be submitted to the Town Manager at the Final Step. Give specific reasons why the Step III response is unsatisfactory, and what further action(s) you are requesting to resolve your complaint.

GRIEVANT'S SIGNATURE: _____ DATE: _____

Final step – Town Manager's Response: The Town Manager's grievance response will be returned to the aggrieved employee within a reasonable amount of time to fully review the complaint. The Town Manager may respond using the grievance form OR by separate letter which will be attached to the grievance form.

TOWN MANAGER'S FINAL DECISION: As per Town of Fountain Hills Personnel Policy 1402 ("Grievances"), the decision of the Town Manager is final and is not subject to appeal.

TOWN MANAGER'S SIGNATURE: _____ DATE: _____

**Town of Fountain Hills
Personnel Policies**

SECTION: PROBLEM SOLVING AND GRIEVANCE PROCEDURES
POLICY: COVERED/UNCOVERED POSITIONS
POLICY NO: 1403
EFFECTIVE: August 1, 2013
REVISED: April 20, 2018

PURPOSE: To distinguish covered and uncovered positions with respect to the Town's merit system in accordance with Town Code § 3-2-1

STATEMENT OF POLICY: The merit system regulating the conditions of employment and removal of employees of the Town (including grievance procedures established in Policy 1402) shall not apply to:

- elected officials;
- officers subject to appointment and removal by the council;
- consultants hired on a contract basis;
- contract employees;
- non-permanent or temporary employees;
- volunteer workers who receive no regular compensation from the Town; and
- members of boards, committees and commissions established by the Council.