

# **Town of Clarkdale Personnel Policies and Procedure Manual**



Adopted by the Mayor and Common Council  
of the Town of Clarkdale  
on January 10, 2006 by Resolution #1176

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# **PREFACE TO THE TOWN OF CLARKDALE**

## **Personnel Policies and Procedures Manual**

The Town of Clarkdale is an affirmative action/equal opportunity employer and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status in any of its activities or operations.

This manual is designed to assist you in understanding the personnel practices and benefits in effect in the Town of Clarkdale at the time of this printing. It is not intended to be a contract of employment, and the Town reserves the right to amend, change, or discontinue the practices and benefits described in this manual at any time.

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## **Section 1 - Probationary Period**

### **1.1 Objective of Probationary Period**

The probationary period shall be regarded as a part of the testing process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the position and for rejecting any employee whose performance is not satisfactory. The Town of Clarkdale can terminate employment at any time and bypass any discipline policies if the situation warrants such. Completion of probationary period is not a guarantee of further employment.

### **1.2 Rejection of Probationer**

During the probationary period, an employee may be rejected at any time by the Town Manager upon recommendation by the Department Head without cause and without right of appeal. Notification of rejection, in writing, shall be forwarded to the probationer and a copy filed in the employee's file.

### **1.3 Term of Probationary Period**

All new non-public safety employee job appointments shall be tentative and subject to a probationary period of six months actual service. All subsequent job appointments of an existing employee as a result of a promotion or other change in job position shall have a probation period of three months. All Public Safety Personnel job appointments are subject to a probationary period of one year. The Town Manager, with cause, may establish an extension to the probationary period. The Employee shall be notified of the reason for any extension through the performance evaluation process, and a further report and decision shall be required prior to the end of the extension period.

### **1.4 At Will Employment**

Employment with the Town of Clarkdale is "at-will". The term "at-will" is a legal doctrine, which Arizona courts have interpreted as meaning that an employee may resign at any time or may be terminated at any time for any legally acceptable reason. This doctrine covers not only employees at the Town of Clarkdale, but also employees of any other employer in the State of Arizona.

## **Section 2 - Hours of Work, Attendance, Holidays, and Supervision**

### **2.1 Hours of Work**

The work week for full-time, non-public safety employees shall be forty (40) hours. The work week for all employees begins on Sunday morning at 12:01 a.m. and ends the following Saturday at midnight. The work week for all other employees shall be determined by his/her Department Head, and will be in accordance with applicable local, state and federal regulations.

### **2.2 Attendance**

Employee work attendance shall be in accordance with the sections in this manual regarding hours of work, holidays, Paid Time Off and Paid Sick Time. All departments shall keep daily attendance records of employees which shall be reported to the Town Manager in the form and on the dates the Town Manager shall specify.

### **2.3 Town Holidays**

The holidays observed by the Town of Clarkdale are as follows:

New Year's Day	Martin Luther King Day
President's Day	Memorial Day
Independence Day	Labor Day
Veteran's Day	Thanksgiving Day
Day after Thanksgiving	Christmas Day

### **2.4 Supervision**

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.

## Section 3 - Paid Time Off (PTO)

- 3.1 Paid Time Off is accrued and granted to all probationary and regular full-time and part-time employees in lieu of Vacation and Holidays. PTO is not available to temporary and seasonal employees.
- 3.2 Accrual
- A. PTO is a benefit accrued each pay period according to Section 3.6 (PTO Accrual Schedule) per the number of hours paid per pay period (up to a maximum of 80 hours and exclusive of on call hours), the job classification, and the number of years of service with the Town of Clarkdale. This accrued time may be used for any purpose including holidays, a death in the family, vacation, personal business, family needs, etc.
  - B. The maximum number of PTO hours that an employee may accumulate is 296.
  - C. Accrual of PTO will begin on the first day of employment and will continue through the final day of employment as provided herein.
  - D. When an employee at any time should become eligible for a change in their applicable PTO Accrual Schedule rate, that change shall take place at the beginning of the next full pay period following the date of eligibility change.
  - E. PTO time and Paid Sick Time (PST) may not be taken unless previously accrued. In the event your department is closed on certain days during the year, you must have sufficient unused PTO accrued to be paid for that day.
  - F. Accrued hours of PTO used should equal the difference between actual hours worked and regularly scheduled weekly hours, and may not be used at any time to exceed an employee's regularly scheduled work week hours.  
  
Example for an employee who is regularly scheduled to work 40 hours per week:  
One day (9 or 10 hours) of PTO is taken, but you actually work 35 hours that same week; your PTO should then be recalculated to 5 hours in order to equal a total of 40 hours for that work week.  
  
Example for an employee who is regularly scheduled to work 25 hours per week:  
One day (9 or 10 hours) is taken, but you actually work 20 hours that week; your PTO should then be recalculated to 5 hours in order equal a total of 25 hours for that work week.
  - G. Leave accruals are reflected on bi-weekly paystubs issued to each employee. Employees are responsible to track their individual accruals.

### 3.3 Procedure

- A. Employees must request and receive advance approval from their Supervisor/Department Head to receive Paid Time Off. Employees must request PTO at least 3 working days in advance for PTO requests of two working days or less; and must request PTO as least 10 working days in advance for PTO requests of over three working days. Supervisor/Department Heads may deny requests for Paid Time Off if an employee fails to request the time off within the time frames specified above or when the staffing requirements of the department are such that the time off cannot be granted.
- B. An employee who resigns or is terminated will be paid the balance of their accrued PTO hours. Unused PTO time does not extend the date of termination of employment.
- C. The maximum hours allowed to build up in any PTO Bank is 296 hours. Upon reaching this amount, an employee will no longer earn PTO until additional time off charged to PTO is taken. Once a PTO bank total is again below the maximum, PTO will accrue at the previous rate.

### 3.4 Donated Paid Time off

- A. Eligibility. Any full-time regular Town employee may apply to the Human Resources Department for approval to receive donated PTO for any FMLA designated leave. To qualify, the employee requesting donated PTO must:
  - 1. Have already received qualification for FMLA leave; and
  - 2. Have an insufficient amount of total accrued paid time to cover the estimated period of absence; and
  - 3. Not have been offered non-work related Return to Work Modified Duty.
- B. Approval. Upon approval by the Town Manager of an employee's request for donated PTO, the Human Resources Department shall:
  - 1. Notify Town employees of the requesting employees' need for donated PTO, while respecting the employee's right of privacy; and
  - 2. Transfer any such donated PTO from the donating employee to the requesting employee on a pay period by pay period basis up to the amount of donated leave, or the hours necessary to provide the employee with their normal, straight-time pay for such pay period, whichever is less.
  - 3. The approval of donated PTO will be re-evaluated bi-weekly.
- C. Donating PTO. An employee may donate accrued and unused PTO to their credit to any Town employee who has been approved to receive donated PTO.

D. Terms and Conditions. The following additional terms and conditions shall apply to PTO donation hereunder:

1. All donations of PTO shall be in 1-hour increments.
2. An employee receiving donated PTO shall be paid at their regular, hourly rate (including applicable benefits pay); regardless of the rate of pay of the employee donating such leave.
3. PTO shall be deducted from donating employees in the order donated and shall be credited to the receiving employee's account on pay day up to the amount necessary for the employee to be paid their normal 2 weeks' pay. No donated PTO shall accumulate in the account of a receiving employee or be converted to cash. Any PTO donated by an employee that is not used shall remain in the account of the donating employee.
4. An employee using donated PTO shall not accrue PTO or Paid Sick Time (PST) while receiving any donated PTO and be entitled to any other benefits they would normally receive. All PTO or other paid leave provided to or accrued by an employee while using donated PTO shall be used in the following pay period first before donated PTO is used.
5. An employee approved to receive donated PTO shall be eligible to receive such leave until:
  - i. The employee returns to work;
  - ii. The employee exhausts all donated leave;
  - iii. The employee's physician or Town's Independent Medical Examiner releases the employee to return to work and the employee fails to return to work on a return to work assignment consistent with the employee's medical restrictions.
6. Employees absent from work and receiving donated PTO may not work, perform services, receive, or earn compensation for or from any other entity, including the employee's own business, from the beginning of such absence until the employee returns to work, unless authorized in advance by the Town Manager.

### 3.5 Special Provisions

- A. Pay Advances are not granted for Paid Time Off.
- B. Discretionary Annual Payment. The Town Manager may, at his/her sole discretion, approve an annual payment for a maximum of 40 hours of accumulated PTO for each employee. The paid PTO hours are deducted from that employee's accumulated total. To qualify under this paragraph employees must have taken one week PTO (other than scheduled Town holidays) during the preceding year.
- C. Employees may take unpaid leave upon receiving prior approval from both their supervisor and the Town Manager.



3.6 PTO Accrual Schedule:

	PTO Earned per hour worked*	Accumulation based on 80 hour pay period*	Annual Accrual based on 80 hour pay period	Maximum Accrual
Employees with 0 through 5 years of service	.0884	7.07 hours	184 hours (23 days)	296 hours (37-8hr days)
Employees with over 5 years through 10 years of service.	.1076	8.61 hours	224 hours (28 days)	296 hours (37-8hr days)
Employees with over 10 years of service.	.127	10.16 hours	264 hours (33 days)	296 hours (37-8hr days)
Department Heads with 0 through 5 years of service.	.1076	8.61 hours	224 hours (28 days)	296 hours (37-8hr days)
Department Heads with over 5 through 10 years of service.	.127	10.16 hours	264 hours (33 days)	296 hours (37-8hr days)
Department Heads with over 10 years of service	.1346	10.77 hours	280 hours (35 days)	296 hours (37-8hr days)
FSLA Exempt, non Department Head employees with 0 through 5 years of service	.098	7.84 hours	203 hours (25 days)	296 hours (37-8hr days)
FSLA Exempt, non Department Head employees with 5 through 10 years of service	.1173	9.384 hours	243 hours (30 days)	296 hours (37-8hr days)
FSLA Exempt, non Department Head employees with over 10 years of service	.1308	10.464 hours	272 hours (34 days)	296 hours (37-8hr days)

\*Except where indicated otherwise.

## Section 4 - Paid Sick Time (PST)

4.1 Paid Sick Time (PST) is granted to all probationary and regular full-time, part-time, temporary and seasonal employees as provided herein.

4.2 Accrual

- A. PST is accrued each 80-hour (2 workweek) pay period according to the number of hours paid per pay period (up to a maximum of 80 hours and exclusive of on call hours). Employees will accrue 1 hour of PST for every 30 hours worked, beginning on their first day of employment or July 1, 2017, whichever is later. All exempt employees are assumed to work 40 hours per week.
- B. The maximum number of PST hours that an employee may accumulate is 1040 hours, however a maximum of 560 may be cashed out upon an employee leaving if the employee voluntarily resigns and has worked for the Town for 5 years or more. Employees who have worked for the Town for 5 through 10 years will be paid \$1.00 for each hour accrued in the PST Accrual Bank upon termination. Employees who have worked for the Town for over 10 years through 15 years will be paid \$2.00 for each hour accrued upon termination. Employees who have worked for the Town for over 15 years will be paid \$3.00 for each hour accrued upon termination.
- C. Accrued hours of PST used should equal the difference between actual hours worked and regularly scheduled weekly hours, and may not be used at any time to exceed an employee's regularly scheduled work week hours.

Example for an employee who is regularly scheduled to work 40 hours per week:

One day (9 or 10 hours) of PST is taken, but you actually work 35 hours that same week; your PST should then be recalculated to 5 hours in order to equal a total of 40 hours for that work week.

Example for an employee who is regularly scheduled to work 25 hours per week:

One day (9 or 10 hours) is taken, but you actually work 20 hours that week; your PST should then be recalculated to 5 hours in order equal a total of 25 hours for that work week.

- D. Accrued PST is retained but may not be used during the time an employee transfers to an "On Call" status.

4.3 Use

- A. An employees' accumulated PST Accrual Bank may be used to continue that employee's regular salary for absence due to:
  - 1. Their own mental or physical illness, injury, or health condition;
  - 2. The mental or physical illness, injury, or health condition of a family member;

3. Absences related to abuse, stalking, sexual violence, or domestic violence of either the employee or the employee's family member; and/or
4. When a public health emergency causes the employee's workplace to close, or the employee's child's school or daycare to close.

B. For purposes of PST, "family member" is defined as:

1. Children of any age (including biological, adopted, or foster children, as well as legal wards and children of a domestic partner);
2. Parents (including biological, foster, stepparents, adoptive parents, and legal guardians of the employee or the employee's spouse or domestic partner);
3. Spouses and domestic partners;
4. Grandparents, grandchildren, or siblings of the employee or the employee's spouse or domestic partner; or
5. Other individuals related by either blood or affinity whose close association with the employee is the equivalent of a family relationship.

#### 4.4 Procedure

- A. Requests for use of earned PST should be made to an employee's supervisor or Department Head. Requests may be made orally, in writing, or by electronic means.
- B. Any use of PST for 3 or more consecutive work days must include a PST Verification Form with the time sheet when turned in.
- C. When the use of earned PST is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time in advance. When the use of earned PST is not foreseeable, the employee shall notify the appropriate supervisor at least 1 hour before scheduled starting time for the employee. Failure to do so may result in the employee being considered absent without approved leave.
- D. For PST absences of 3 or more consecutive work days, the employee may be required to provide reasonable documentation that the earned paid sick leave time has been used for an allowable purpose as enumerated in Section 4.3.A above. Such documentation shall be signed by a health care professional indicating PST is necessary, or as otherwise provided in ARS §23-373(G). Such notice is not required to contain disclosure of details relating to the need for the use of PST, but shall, when possible, include the expected duration of the absence and/or certification that the employee is fit to perform the essential functions of his/her position and is approved to return to duty, or shall note any necessary accommodation (such as alternate duty) as the expected duration of such accommodation.
- E. Employees who have been absent for medical reasons at the direction of their physician, will be required to provide their supervisor with a physician's statement that they are medically able to perform the essential functions of his/her position and is approved to return to duty, or shall not any necessary accommodation (such as alternate duty) and the expected duration of such accommodation.

4.5 Special Provisions

- A. Employees will be allowed to use a maximum of 40 hours per calendar year from time available in their PST Accrual Bank for time off due to the death of a family member.

4.6 Paid Sick Time Accrual Schedule:

PST accrual per hours worked	0.03333
Maximum PST accumulation per pay period	2.67

## Section 5 - Family Medical Leave Act (FMLA)

### Definitions

For purposes related to the Family Medical Leave Act (FMLA), the following definitions apply:

- A. 12-month period: The Town of Clarkdale uses a 12-month calendar (January 1<sup>st</sup> through December 31<sup>st</sup>) to measure the yearly period for FMLA leave entitlement.
- B. Health care provider:
  - 1. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices;
  - 2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law;
  - 3. Nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under State law and performing within the scope of their practice as defined under State law;
  - 4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
  - 5. Any health care provider recognized by the employer or the employer's group health plan's benefits manager; and,
  - 6. A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.
- C. Immediate family: A spouse, parent, daughter or son, which are defined as follows:
  - 1. Spouse: a husband or wife as defined or recognized under State or local law for purposes of marriage including common law marriage in States where it is recognized.
  - 2. Parent: The biological parent of an employee, an individual who stood in place of the parent to that employee, or an employee who has day-to-day responsibilities of caring for a child.
  - 3. Daughter or Son: a biological, adopted, or foster child; a stepchild; a legal ward; or child of a person standing in the place of a parent who is under 18 years of age or 18 years of age or older and incapable of self-care because of mental or physical disability.
- D. Next of kin (re: Military Caregiver Leave): the nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court of decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

- E. Serious health condition: an illness, injury, impairment, or physical or mental condition that involves:
1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
  2. A period of incapacity requiring absences of 3 or more consecutive work days that also involves continuing treatment by, or under the supervision of, a health care provider; or
  3. Continuing treatment by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 calendar days, and for prenatal care.

Per the FMLA, examples of situations that do not normally meet the definition of a serious health condition are: conditions for which cosmetic treatments are administered; the common cold; the flu; earaches; upset stomach; minor ulcers; headaches other than migraine; routine dental or orthodontia problems; periodontal disease; etc.

- F. Total accrued paid time: An employee's total accrued paid time is the combination of any earned Paid Sick Time (PST), Paid Time Off (PTO) and Comp Time.

### **Family and Medical Leave**

- A. The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:
1. 12 workweeks of leave in a 12-month period for:
    - i. The birth, adoption, or foster care placement of a child if the leave is taken within 12 months of birth, adoption or placement;
    - ii. To care for the employee's spouse, child, or parent who has a serious health condition;
    - iii. The employee's own serious health condition which prevents the performance of the essential functions of his/her job;
    - iv. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty" (Qualified Exigency Leave, 29 CFR 825.126); or
  2. 26 workweeks of leave during a 12-month period to care for a covered servicemember with a serious health condition if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).
- B. Leave may be taken intermittently if medically necessary.
- C. To maintain health benefits during FMLA leave, the employee must continue to pay any financial contributions that he/she made to the plan prior to taking leave. Failure of the employee to pay his/her portion of their benefit premium may result in a loss of coverage. The Town is entitled to recover premiums paid for maintaining an employee's health coverage if an employee fails to return to work.

- D. It is the responsibility of the Town to designate leave, paid or unpaid, as qualifying under the FMLA. The following terms and considerations apply to FMLA leave designations:
1. **Basic Leave:** An employee may be eligible to have his/her leave designated as FMLA leave when attending to the birth, adoption, or foster care placement of a child or to attend to their own serious health condition or the serious health condition of the employee's parent, spouse, son, or daughter, or because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty status in support of a contingency operation.
  2. **Qualified Exigency Leave:** An eligible employee may take up to 12 weeks of FMLA designated leave to address qualified exigencies related to the employee's spouse, son, daughter, or parent being on active duty or being called to active duty status in the National Guard or Military Reserves.
  3. **Military Caregiver Leave:** An eligible employee may take up to a combined total of 26 weeks of leave (by using both Basic and Military Caregiver Leave) to care for a covered service member (next of kin) who is recovering from a serious illness or injury sustained in the line of duty while on active duty.
- E. In the case where both husband and wife are employees of the Town, 12 weeks of leave designated as FMLA may be used by each employee in any 12-month period for any event qualifying under the Basic Leave or Qualified Exigency FMLA, or 26 weeks if Military Caregiver Leave is used.
- F. If an employee who qualifies for FMLA leave has accrued paid leave, the employee must use their total accrued paid time first and take any remainder of the 12 weeks as unpaid leave or donated time.

### **Eligibility and Designation of FMLA**

- A. Employees are eligible for FMLA if the employee has worked for the Town for 12 months, and the employee has performed at least 1250 hours (156 days) of service for the Town in the preceding 12-month period. Unpaid time is not included in consideration of FMLA eligibility.
- B. Within 5 business days after the employee has submitted the appropriate certification form, the Town will provide the employee with a written response to the FMLA leave request.
- C. Workers' compensation leave will be designated as FMLA leave provided the absence is due to a qualifying serious health condition; FMLA then runs concurrently with workers' compensation leave.

### **Use of Paid and Unpaid FMLA Leave**

- A. In the case of the employee's own serious health condition, the employee shall use all accrued PST time before using accrued PTO time;

- B. All accrued leave and benefits available shall be used before unpaid leave may be used;
- C. The amount of unpaid leave available shall be the time remaining from the 12 or 26 weeks (whichever applies) after having deducted the total accrued paid time used during FMLA leave and shall be counted towards the total 12 weeks of FMLA leave.
- D. The employee will not accrue PST or PTO time while on unpaid leave;

### **Reduced or Intermittent Leave**

- A. Intermittent or reduced leave shall be granted for the employee's own serious health condition or the serious health condition of the employee's spouse, parent, son, or daughter, or due to qualifying events as described in the military family leave provision.
- B. Intermittent or reduced leave for the birth, adoption, or foster placement of a child will be allowed only with the consent of the department director and the Human Resources and the use of intermittent or reduced leave shall be limited to a period of 12 consecutive weeks.
- C. The department director may temporarily transfer the employee to a position that better accommodates the leave, provided the transfer does not deprive the employee of hours that he/she is otherwise available to work.

### **Medical Certifications**

- A. The Town may require medical certification from a health care provider to verify a serious health condition. In certain situations, the Town, at its own expense, may also obtain an additional medical opinion. A copy of any requested certification shall be provided to Human Resources within 15 calendar days of the request for certification. The certification must include the following:
  - 1. The date on which the serious health condition commenced;
  - 2. The anticipated duration of the condition;
  - 3. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
  - 4. If emergency FMLA leave is to be granted for an employee's own treatment, a statement that the employee is unable to perform the duties of his/her position;
  - 5. For planned employee intermittent leave or reduced work schedule, the dates and duration of each period, what treatment is expected and a statement of the medical necessity;
  - 6. A statement that the leave is necessary for planned intermittent or reduced work schedule time for the care or assistance in the recovery from illness of a child, parent or spouse.
- B. Failure to provide certification to Human Resources within 15 calendar days may result in denial of leave designated under the FMLA until a certification is provided.



- C. The Town may require the employee obtain subsequent recertification which would be at the employee's expense. This includes situations of reduced and intermittent leave.
- D. When FMLA leave is taken for an employee's own serious health condition, upon or before returning to work the employee may be required to provide the department director written certification from a physician or similarly qualified medical practitioner indicating at what capacity the employee is able to resume the essential duties and functions of their position including any relevant limitations the employee may have doing so.

### **Notice Requirements**

- A. An employee needing FMLA leave must provide the Town with notice of the need for the leave. The employee should provide as much advance notice as possible in order to allow appropriate arrangements for coverage of work to be performed during the absence. Failure to provide timely notice may result in a delay in the leave and/or cause the absence to be considered as unexcused. The minimum required notice under the FMLA is as follows:
  - 1. When the need for leave is foreseeable, the employee must provide 30 days' advance notice;
  - 2. If 30 days' notice is not practicable, notice must be given as soon as practicable, usually within 1 or 2 business days of when the need for leave becomes known to the employee;
  - 3. If the approximate timing for leave is not foreseeable, an employee still should give notice of the need for leave as soon as practicable.
- B. The Town may inquire further if information received is not sufficient towards enabling a designation of FMLA leave.
- C. Employees on FMLA leave must provide weekly reports to Human Resources regarding their status and intent to return to work, unless another reporting schedule is previously arranged with Human Resources.

### **Returning to Work From FMLA Leave**

- A. An employee should notify the Human Resources Department of his/her intention to return from FMLA leave before he/she can be reinstated to active status.
- B. Upon returning from leave an employee will be restored to his/her original position or to an equivalent one in terms of pay, benefits, and other terms and conditions of employment providing the employee is able to perform the essential functions of the position as determined by medical certification, and unless a job elimination has occurred which would have terminated an employee's job or placed him/her into a different job..
- C. An employee need not be reinstated if the employee would not otherwise have been employed at the time reinstatement is requested.

## **Failure to Return From FMLA Leave**

- A. Failure of an employee to return to work upon the expiration of qualifying FMLA leave will subject the employee to immediate termination unless a non-FMLA (paid or unpaid) leave of absence is granted prior to the date established for returning to work. If such leave of absence is necessary, the employee must submit a completed request for Unpaid Time Off to the Human Resources Department. This written request should be made as soon as the employee realizes he/she will not be able to return at the expiration of the FMLA leave period, but no later than the date established for returning to work.
- B. Any subsequent non-FMLA approved unpaid leave shall not be subject to the conditions and protections afforded under the FMLA.

## **Section 6 – Absent without Leave, Jury Duty, Military Leave, Maternity Leave**

### 6.1 Absent Without Leave

An employee who is absent from duty without approval shall receive no pay for the duration of the absence and shall be subject to dismissal or other appropriate disciplinary actions. It is recognized that there may be extenuating circumstances for unauthorized absence and due consideration shall be given to each case. Failure of an employee to report for work at the expiration of such leave shall be considered as absent without leave.

Failure on the part of an employee, absent without leave, to return to duty within 48 hours after written notice to return has been sent to the employee's last known address, shall be cause for immediate discharge.

### 6.2 Jury Duty

Every employee of the Town who is required to serve as a juror shall be entitled to absent themselves from their duties with the Town during the period of such service or while necessarily being present in court as a result of such call. Under such circumstances, employees shall receive their regular pay and pay received by the court while serving on jury duty will be remitted to the Town, except for travel pay for such duty. Employees subpoenaed to testify as witnesses in criminal or civil cases shall be entitled to absent themselves in the same manner as for jury leave.

### 6.3 Military Leave

Military leave shall be granted in accordance with the provisions of State and Federal Law. All employees entitled to military leave shall give their supervisors an opportunity, within the limits of military regulation, to determine whether such leave shall be taken. When taking military leave, the employee shall provide a copy of his or her military orders to their supervisor.

## 6.4 Maternity Leave

All maternity leave will be in accordance with Federal Law as outlined in the Family Medical Leave Act. Pregnancy shall be considered by the Town on the same basis as any other medical condition.

## **Section 7 – Overtime**

### 7.1 Policy on Overtime

The policy of the Town of Clarkdale is to avoid the necessity of overtime whenever possible, however, when overtime is required it shall be approved by the employee's Supervisor or Department Head. In the event of hours worked beyond the normal work day, all efforts shall be made to allow the employee to take off an equivalent number of hours within the same, designated work week (flexing the schedule).

### 7.2 Overtime Compensation

A. A full-time classified employee, not exempted from the applicable provisions of the Fair Labor Standards Act, who performs authorized work in excess of his or her regular work week shall be compensated for such overtime at the rate of one-and-one-half (1-1/2) times his or her regular rate of pay. Overtime shall be calculated to the nearest one-half (1/2) hour of overtime worked.

B. Non-exempt, (hourly) non-safety employees who work in excess of forty (40) hours in the seven (7) day work week have the option to be compensated in the form of "comp time" credited at time and a half up to a maximum accumulation of forty (40) hours.

C. Non-exempt (hourly) safety employees who work in excess of the maximum authorized work period as defined by the Fair Labor Standards Act have the option to be compensated in the form of "comp time" credit at time and a half up to a maximum accumulation of 115 hours.

D. Upon termination of service, employees will be paid for their accrued compensatory time (accrued compensatory time is recorded at 1 1/2 hours per each hour worked).

## **Section 8 – Employee Benefits**

### **8.1 Benefits and Insurance**

At the discretion of the Town Council, the Town of Clarkdale may offer health insurance, retirement benefits, accident insurance, disability insurance, life insurance, or other types of benefits or insurance to employees. The Town Council may elect to offer dependent benefits and or insurance. Information about the availability of current employee and dependent benefits is available through the Finance Department.

### **8.2 Workmen’s Compensation Insurance**

Workmen’s Compensation Insurance provides medical and hospitalization expense benefits as well as partial payments in lieu of salary for workers injured on the job. All employees of the Town of Clarkdale are covered by this form of insurance at no cost to the employee. Employees qualifying for and receiving Workmen’s Compensation may use PST, or PTO when PST is exhausted, at a rate equal to the difference between Workmen’s Compensation payments and their normal rate of pay. An employee on Workmen’s Compensation using PST and PTO leave, shall be credited with full PST and PTO accrual as long as the employee has PST or PTO being used in this manner. When all accrued leave is depleted, the employee shall be placed on industrial leave without pay status.

### **8.3 Social Security**

The Town of Clarkdale matches the contributions withheld from each employee’s earnings.

### **8.4 SUPPLEMENTAL BENEFIT PLAN FOR PUBLIC SAFETY EMPLOYEES**

#### **A. Purpose**

The purpose of this Supplemental Benefit Plan for Public Safety Employees is to meet the requirements of A.R.S. § 38-961, mandating the provision of additional economic benefits to sworn Police and Fire Officers who are injured in a duty status and eligible for a specific category of workers’ compensation benefits.

#### **B. Eligibility**

The Town of Clarkdale (hereinafter “Town”) has sole discretion to determine eligibility of an employee to participate or continue in this supplemental benefit plan for full-time public safety employees who are enrolled in the Arizona Public Safety Personnel Retirement System (“PSPRS”).

To be eligible for supplemental benefits initially, and to continue in the plan as described in this policy, the employee must meet all of the following criteria:

1. Be a full-time public safety employee enrolled in PSPRS at the time of injury.
2. Be injured and eligible for workers' compensation benefits pursuant to A.R.S. § 23-1021.
3. Be receiving workers' compensation lost-time wage replacement benefits pursuant to A.R.S. § 23-1021, § 38-961 and related statutes.
4. Make a written request for supplemental benefits, addressed to the Town Human Resources Department as described in this policy, within thirty (30) days of receiving first payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. § 23-1021, § 38-961 and related statutes.
5. Follow all other procedures for requesting benefits as outlined in this policy.
6. Participate in all risk management activities related to his or her workers' compensation injury.
7. Be unable to return to work for the Town in any capacity Town, including light duty assignments as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by the Town. The employee's inability to work in a capacity Town assigned by the Town, including inability to work light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this supplemental benefits plan.
8. Remain a full time Town employee during the time period the employee is receiving the supplemental benefits.

An employee will be ineligible for benefits under this plan, regardless of any other determination under workers' compensation or any other benefit, if the employee's injury results from or is worsened in whole or part by:

- Horseplay
- Unapproved physical activities, as defined by department policy
- Intentional misuse of tools or equipment
- Any form of dishonesty surrounding the cause of injury
- Any form of gross negligence committed by the employee

#### C. Benefits

All benefits under this plan will be provided while the employee meets all eligibility criteria, for a period of six months, while the employee receives payments of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. § 23-1021, § 38-961 and related statutes. Approval of an employee for this plan is at the sole discretion of the Town.

The supplemental benefit plan may be extended for an additional six month time period at the sole discretion of the Town. In no case will plan benefits be offered for more than a period of one year. Benefits under this plan include:

1. Payment by the Town of the difference in salary (or hourly rate, as applicable) between the employee's base salary pre-injury, less taxes, and the workers' compensation benefit paid to the employee.
2. Continued payment by the Town of the employer's portion of premium for health care benefits as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health care benefits as was paid preinjury and/or as is paid by similarly enrolled employees.
3. Payment of both the employer and employee contributions to the PSPRS based upon the employee's pre-injury salary.
4. Credit for service in the public safety retirement plan at the same accrual rate as pre-injury.
5. Maintenance of accrued leave balances at pre-injury level, including sick and vacation leave, and/or Paid Time Off ("PTO").
6. No PTO will accrue while a qualified employee is participating in this Supplemental Benefit Plan.

To the extent the employee is otherwise eligible for and receives changes in salary or benefits while receiving the supplemental benefits under this plan, said supplemental benefits will be adjusted accordingly. For example, if all employees are provided automatic salary adjustments as part the annual budget process, the employee will receive benefits under this plan based on his/her new adjusted salary as he/she would if not injured. Such adjustments may result in a lesser benefit to the employee, e.g., if during the benefit period under this plan the Town changes employer health care benefits contributions from 80 percent to 70 percent, the employee may be required to pay additional premiums as would any other similarly situated employee.

D. Procedure

- The Human Resources Department will receive all requests for plan benefits, in writing from the employee outlining the request and any relevant information needed for decision making by the Town. Such request must be made within 30 days of the employee's receipt of his or her first lost-time wage replacement benefit paid under workers' compensation. The Human Resources Department will provide the request to the employer-designated SBP administrator. Failure to make a request within the timeframe established herein shall be construed as a waiver of any rights under A.R.S. §38-961.

- The Town SBP administrator will review the written request, the circumstances surrounding the injury, employee eligibility for workers' compensation, and any other relevant factors. Within 30 days of receipt of request for benefits under this plan, the SBP administrator shall provide the employee with written determination of benefits eligibility under this plan.
- Supplemental benefits under the plan will be provided from the date of an employee's injury for a period not to exceed six (6) months, as long as the employee continues to meet all eligibility criteria.
- Employees granted benefits under this plan will cooperate fully with the Town SBP administrator, and others working to coordinate benefits.
- The employee's Town leave accounts will be frozen as of date of injury until conclusion of participation in the plan.
- If an employee is denied participation in the plan for any reason, he or she has a right to appeal such denial. The process for doing so is, exclusively, the following:
  - Within ten (10) working days from receipt of denial letter file a written appeal with the Town Manager stating the reason for the appeal and facts that the employee wishes to have considered.
  - Within five (5) working days the Town Manager will render a written opinion affirming or denying eligibility based upon the information provided. (If the Town Manager is also the SPB administrator, the appeals process shall be to the City/Town Council. Under such provision, the City/Town Council shall have up to thirty (30) days to render a written opinion.)

## **Section 9 - Termination, Reduction in Force, Suspension, Resignation and Working Conditions**

### 9.1 Termination

Any employee may be terminated at any time by the Town Manager. Any employee who has been discharged shall be furnished with a written statement of the reasons for such actions and shall be entitled to an appeal if the employee so requests, as provided within this document.

### 9.2 Reduction in Force

The Town Manager may invoke a reduction in the Town work force because of a material change in duties, or organization, or shortage of work or funds.

### 9.3 Suspension

The Town Manager may suspend an employee from his/her position at any time for a disciplinary purpose. Suspension without pay shall not exceed 30 calendar days, nor shall any employee be penalized by suspension for more than 30 calendar days in a fiscal year. Department Heads may suspend a subordinate employee for up to three days not more than once in a 30 calendar day period. Suspensions shall be reported immediately to the Town Manager.

### 9.4 Resignation

An employee wishing to leave the Town's employment in good standing shall file with the Town Manager, through the employee's Department Head, a written resignation stating the effective date and reasons for leaving, at least two weeks before leaving the service, unless such time limit is waived. Failure to give notice as required by this Section may be cause for denying future employment by the Town.

### 9.5 Constructive Discharge

You are encouraged to communicate to the Town whenever you believe your working conditions have become intolerable and may cause you to resign. Under § 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the Town in writing that a working condition exists that the employee believes to be 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 Town alleging that the working conditions 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 Town. An employee may be entitled to paid or unpaid leave of absence of up to fifteen calendar days while waiting for the Town to respond to the employee's written communication about the employee's working condition.

Communication made in this regard should be to the Town Manager through the relative Department Head. It is recommended to confirm any such communication to the Town in writing, although a verbal communication is all that is required.

## **Section 10 - Grievance Procedures**

### 10.1 Purpose

To promote employer-employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided within this document.

### 10.2 Grievance Procedure

An employee who has a problem or complaint should first try to get it settled through



discussion with the employee's immediate supervisor. If, after this discussion, the employee does not believe the problem has been satisfactorily resolved, the employee shall have the right to review it with the employee's supervisor's Department Head or the Town Manager, in accordance with the following procedure:

- A. First Level Review: The problem shall be presented in writing to the employee's immediate supervisor, who shall render a decision and comments in writing and return them to the employee within five (5) working days after receiving the problem. If the employee does not agree with the supervisor's decision, or if no answer has been received within the five (5) working days, the employee may then present the problem in writing to the supervisor's immediate supervisor.
- B. Further Level or Levels of Review as Appropriate: The subsequent level supervisors receiving the problem shall review it, render their decisions and comments in writing, and return them to the employee within five (5) working days after receiving notice of the problem. If the employee does not agree with the decision, or if no answer has been received within five (5) working days, the problem may be presented in writing to the Town Manager.
- C. Time Limit: Failure of the employee to take further action within ten (10) working days after receipt of any decision will constitute a waiver of any further action.
- D. Town Manager: Upon receiving the problem, the Town Manager, or designated representative, should discuss the matter with the employee and the Department Head. The Town Manager may designate a fact-finding committee to advise him/her concerning the problem. A decision shall be rendered in writing to the employee within twenty (20) working days after receipt of the problem.
- E. A permanent employee has the right of appeal as set forth in Section 12 herein.
- F. Employees shall be assured freedom from reprisal for using the grievance procedures.

## **Section 11 - Disciplinary Action**

### 11.1 Disciplinary Action

The good standing of the employment of any employee in the Town service depends upon acceptable conduct and satisfactory performance. The following listed reasons, which are not considered all inclusive, may be sufficient grounds for disciplinary action:

- A. The employee is incompetent or inefficient in the performance of his/her duties.
- B. The employee has been abusive in his/her language; or has engaged in conduct resulting in physical harm or injury to fellow employees or to the public. Workplace violence is conduct declared unlawful under Federal, State or local law.

- C. The employee has violated any lawful or official regulation or order, any policy enacted by the Town of Clarkdale or failed to obey any lawful or reasonable direction given by the supervisor.
- D. The employee has been found under the influence of alcohol or illegal drugs or inappropriately using prescription drugs. Refer to the Substance Abuse Policy.
- E. The employee has been convicted of a felony or a criminal offense involving moral turpitude.
- F. The employee has falsified any document, report or statement.
- G. The employee, through negligence, gross negligence, or willful conduct, has caused damage to, misappropriated, or misused Town property, or wasted Town supplies or resources.
- I. The employee is unsafe to himself/herself or other employees in the performance of his/her duties and responsibilities.
- J. The employee has been guilty of intentional discrimination against, or harassment of, another employee because of race, color, religion, sex, national origin, sexual orientation or age.
- K. The employee has engaged in conduct either during or outside of regular duty hours which is of such nature that it causes discredit to the Town.
- L. Using authority or influence for the purpose of interfering with, or affecting the result of, an election or a nomination for office.
- M. Directly or indirectly coercing, attempting to coerce, commanding or advising a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.
- N. Favoritism on the part of a supervisory employee.
- O. Visiting with non-employees about non-work related topics or permitting nonemployees in the work area, other than for work related business, which is excessive in nature, causes a disruption in the workplace, and/or takes up an unreasonable amount of the employee's time.
- P. Violation of any policy or procedure pertaining to attendance and leaves.
- Q. Failure to follow the established chain of command contained in the grievance procedure in attempting to resolve problems.
- R. Using Town communication devices, including, but not limited to computers, e-mail, pagers, internet, cell phones, office phone systems and fax machines for personal business.

- S. The employee, having access to a Town vehicle, or who drives a Town vehicle as part of his or her job, did not notify his or her supervisor that his or her Driver's License was suspended.

#### 11.2 Types.

Disciplinary actions may include, but are not necessarily limited to: written reprimands, loss or reduction of pay, return to probation, suspension, demotion, and termination.

## **Section 12 - Substance Abuse Policy**

#### 12.1 Purpose

To establish the Town's policy prohibiting use, possession, manufacture, sale, purchase, transfer, or being under the influence of alcoholic beverages, illegal drugs or other intoxicants at any time while employees are working in their official capacity as an employee for the Town of Clarkdale.

#### 12.2 Scope

This policy applies to employees and applicants for employment.

#### 12.3 Policy

The Town has an obligation to its employees, customers and the public at large to reasonably ensure safety in its workplace. Consequently, the following are strictly prohibited and will result in immediate disciplinary action, including but not limited to discharge: Reporting to work under the influence of intoxicating liquor or illegal drugs; or the use, possession, purchase or transfer by an employee on Town premises or property including storage in a desk, locker, car, etc., or during work time of an intoxicating liquor, controlled or illegal substance, a drug not medically authorized, or any other substances which impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees; or the sale of such item.

#### 12.4 Testing

- A. Test Results. The applicant, by submitting to drug examinations, or employees by signing their receipt of the Town's Personnel Policy, give his or her/their permission for drug/alcohol test results to be released to the Town of Clarkdale.
- B. Pre-employment Testing. The Town may conduct pre-employment drug examinations on all applicants to detect individuals who use illegal drugs.

C. Reasonable Suspicion Testing. Employees may be required by their Department Head, with approval of the Town Manager, to submit to a drug/and or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may adversely affect the job performance or the work environment. Factors that individually or in combination could result in reasonable suspicion include, but are not limited to the following:

- Direct observation of an individual engaged in a drug-related activity;
- A pattern of abnormal conduct;
- Unusual, irrational, or erratic behavior;
- Unexplained, increased or excessive absenteeism or tardiness;
- Sudden changes in work performance;
- Repeated failure to follow instructions or operating procedures;
- Violation of Town safety policies or failure to follow safe work practices;
- Unexplained or excessive negligence or carelessness;
- Discovery or presence of drugs in an employee's possession or near an employee's workplace;
- Odor or residual odor peculiar to some drugs;
- Arrest or conviction for a drug-related crime;
- Information provided either by reliable and credible sources or independently corroborated;
- Evidence that an employee has tampered with a prior drug test;

If a supervisor believes reasonable suspicion exists, the supervisor should report his or her findings and observations to the Town Manager.

D. Random Testing. Random testing will be conducted as required for Town employees with Certified Drivers Licenses as required by Law.

E. Post-accident Testing. Employees will be required to submit to a drug and/or alcohol test following an accident or other occurrence that involves one or more of the following covered events: a fatality, an injury to an employee or other individual, damage to vehicles resulting in estimated damage equal to, or above \$500, and/or damage to property resulting in estimated damage equal to, or above \$500.

## 12.5 Inspection of Property.

The Town reserves the right, with reasonable cause, to inspect and/or search all Town property, as well as any employee's personal property on Town premises, for intoxicating liquor, controlled or illegal substances, or any other substances which impair job performance. Refusal to submit to any such inspection or refusal to cooperate in any investigation will subject the employee to disciplinary action including, but not limited to, immediate suspension or discharge.

## 12.6 Procedures

Employees are encouraged to seek voluntary treatment for substance abuse. If an employee wishes assistance or referral information, he or she may contact the Town Manager. Voluntary inquiries will be maintained in confidence.

Supervisors must receive approval from the Town Manager prior to requiring that an employee undergo substance abuse testing.

All substance abuse tests will be conducted at a licensed medical or laboratory facility, using recognized procedural safeguards and confidentiality requirements.

## 12.7 Disciplinary Action

In the case of a first-time violation of the Town's substance abuse policy, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, dispensation, or purchase of drugs or alcohol on Town property or while on duty), the employee will be disciplined up to and including termination.

The Town may suspend employees with or without pay under this policy pending the results of a drug/alcohol test or investigation.

## 12.8 Arrest or Conviction for Drug-Related Crime

If an employee is arrested for or convicted of a drug-related crime, the Town will investigate the circumstances, and the Town may utilize the drug-testing procedure if reasonable suspicion exists as a result of the investigation. In most cases, an arrest for a drug-related crime constitutes suspicion under this policy.

As a condition of employment, an employee shall notify the Town of any criminal drug statute conviction for any plea for guilty, 'no contest' or suspended imposition of a sentence that has been entered on a criminal drug statute charge. The employee must give notice in writing to the Town within three days of such conviction.

# **Section 13- Appeals**

## 13.1 Right of Appeal

Any permanent employee shall have the right to appeal to the Personnel Board and disciplinary return to probation, suspension, demotion, or termination.

## 13.2 Method of Appeal

Appeals shall be in writing, signed by the appellant, and filed with the Town Manager, within ten (10) working days of the date to the action to be appealed. The Town Manager shall, within ten (10) working days after receipt of the appeal, inform each member of the Personnel Board, the Town Council, and such other persons named or affected by the appeal, of the filing of the appeal. The appeal shall be a written statement, addressed to the Personnel Board, explaining the matter appealed and setting forth therein a statement of the action desired by the appellant, with reasons therefore. The formality of a legal pleading is not required.

## 13.3 Pre-hearing Conference

At least three (3) working days prior to the hearing date, the appellant and the Town Manager shall meet with the affected Department Head to discuss and exchange any information which is to be presented at the hearing. The Town Manager shall then forward this information to the Personnel Board prior to the hearing.

## 13.4 Personnel Board Meetings

The Personnel Board meetings shall be closed. The appellant shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of the meeting. He/She may be represented by any person (other than a Board Member) or attorney as he/she may select. Appellant shall state his/her case first and, at the conclusion, opposition matter may then be presented. Rebuttal matter not repetitive may be allowed at the discretion of the Personnel Board. Cross-examination of witnesses shall be permitted. The conduct and decorum of the meeting shall be under the control of the Personnel Board by its Chairman, with due regard to the rights and privileges of the parties appearing before it. Meetings of the Personnel Board need not be conducted according to technical sections relating to evidence and witnesses. The Personnel Board may exclude from any meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Board.

## 13.5 Findings and Recommendations

Within ten (10) working days after the conclusion of the meeting, the Personnel Board shall certify, in writing, its findings and recommendations to the Town Manager, and to the appellant. These recommendations shall be advisory to the Town Manager. Any member of the Personnel Board may submit a minority or supplemental findings and recommendation. The Town Manager shall review the findings and recommendations of the Personnel Board and may then affirm, revoke, or modify the action recommended as, in his/her judgment deems warranted, and the action taken by the Town Manager shall be final.

## **Section 14 - Personnel Board**

### 14.1 Personnel Board

A three (3) member Personnel Board shall be appointed by the Town Manager and shall consist of: 1) a personnel director, human resources director or equivalent from a government entity located within Yavapai County; 2) a citizen of the Verde Valley with a professional background or education in legal, governmental, social services, or related fields; and 3) a citizen from the Town of Clarkdale. The members shall select from among themselves the Chairman of the Board.

### 14.2 Meeting

The Personnel Board may hold meetings at such time and place within the Town as shall be designated by the Chairman of the Board. Any meeting may be adjourned to a certain time and to place designated by the Chairman. The Board may hold meetings upon the call of the Chairman, a majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted informally in accordance with such sections and procedures as may be adopted by the Personnel Board.

### 14.3 Duties

The duties of the Personnel Board shall consist solely of the conduct of meetings relating to, and the rendering of advisory opinions on matters properly brought before the Board under the appeal procedures established in Section 13 of this document.

## **Section 15 - Exempt Positions**

15.1 Positions that are FLSA Exempt (overtime exempt) are denoted as such in the Town's Salary Schedule passed from time to time by Resolution of the Town Council.

## **Section 16 - Department Heads**

### 16.1 Department Heads

- A. Evaluations. Department Heads, or his/her designee shall conduct a written performance evaluation on each employee at least once per calendar year. Each employee will review their evaluation with their Department Head. The Department Heads shall be evaluated by the Town Manager. The Town Manager shall be evaluated by the Town Council.
- B. The Department Head may provide a separate procedure manual for an individual department, as long as it in no way conflicts with any of the policies or procedures outlined in this manual. Such manuals are subject to the approval of the Town Manager.

## Section 17 - Policy Against Harassment

### 17.1 Policy Against Harassment

The Town of Clarkdale, consistent with its commitment to provide equal employment opportunities, will not tolerate any form of employee harassment, including sexual harassment, harassment based upon race, gender, national origin, religion, age, or disability. Harassment is unlawful activity and is prohibited by Title VII of the Civil Rights Act of 1964.

- A. Sexual Harassment. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature 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 individuals, 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.
- B. Other Harassment. Any conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating any intimidation, hostile, or offensive work environment, based on the individual's race, gender national origin, religion, age, or disability, is also unlawful and will not be tolerated.
- C. Education. The Personnel Director shall be responsible for formally notifying all employees, department directors, elected officials, volunteers, and contractors/vendors of the existence of this policy. The Personnel Director shall periodically conduct training on the topic of offensive behavior/harassment, and attendance will be mandatory for all employees and will be offered to elected or appointed officials and others.
- D. Implementation. The Town Manager and Department Heads are responsible for creating a productive work environment in which offensive conduct or harassment is completely out of place, taking immediate and appropriate corrective action on all confirmed violations of this policy, and assuring that no reprisals are taken against those who complain or against corroborating witnesses.
- E. Enforcement. The municipality is committed to thoroughly investigate each complaint and take immediate and appropriate corrective action on all confirmed violations of this policy. The Personnel Director is responsible for auditing the operation of this policy, providing counsel, and resolving any unsettled questions which may arise from this policy. The Town Manager is responsible for ensuring the thorough investigation and resolution of complaints.



## 17.2 Reporting Possible Harassment

Any employee who feels that he or she has been harassed should immediately contact either their supervisor or Department Head, or the Town Manager to report the situation. All other employees, including supervisors or Department Heads who become aware of possible harassment of an employee, either as a result of having received a complaint directly from the employee or from any other reliable source of information, or from his or her personal observations, should report the situation to the Town Manager.

## 17.3 Investigation

The Town Manager, or his/her designee, shall be responsible for overseeing the investigation of any complaint of harassment. The goal will be to investigate any such complaint promptly and thoroughly. Furthermore, to the extent possible, a harassment complaint, as well as the investigation of any such complaint, shall be kept confidential. Following the investigation, the Town Manager shall take (or recommend, if appropriate) appropriate corrective action on all violations of this policy against harassment.

## 17.4 No Reprisals

No reprisals of any kind by any employee shall be taken against an employee because that employee has asserted a complaint or against any witness because that individual has reported or has assisted in any way in the investigation of a harassment complaint.

## 17.5 Penalties

Any violation of this policy will result in appropriate discipline being taken. The appropriate action to be taken necessarily will depend on consideration of all the circumstances in a particular situation.

# **Section 18 ADA Employment Policy**

## 18.1 ADA Employment Policy

It is the policy and practice of the Town of Clarkdale to comply fully with the Americans with Disabilities Act of 1990 and ensure equal opportunity in employment for all qualified individuals with disabilities. The Town of Clarkdale is committed to ensuring nondiscrimination in all terms, conditions and privileges of employment. All employment practices and activities, whether provided or conducted by the Town of Clarkdale or another entity on our behalf, will be conducted on a nondiscriminatory basis.

Recruiting, advertising and job application procedures have been reviewed and provide individuals with disabilities meaningful employment opportunities. Upon request, applications are available in alternative, accessible formats, as is assistance in completing the

application. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential functions of the position, not any disabling condition. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Pre-employment physical examinations are required only for those positions in which there is a bona fide job-related physical requirement, and are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodation is available to all employees and applicants. Work stations will be accessible as appropriate to each individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classification, organizational structures, position descriptions, lines of progression and seniority lists. Leaves of all types will be available to all employees on an equal basis.

All fringe benefits, whether provided or administered directly by the Town of Clarkdale or another entity on our behalf, must be accessible to individuals with disabilities. Training, apprenticeship programs, conferences, professional meetings, as well as financial support and leave for them will be available to all employees. Recreational and social activities sponsored by the Town of Clarkdale will be accessible to all employees.

The Town of Clarkdale is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with an individual with a disability. The Town of Clarkdale will follow any state or local law that provides individuals with disabilities greater protection than the Americans with Disabilities Act.

The Town of Clarkdale is committed to taking all other actions necessary to ensure equal employment opportunity for individuals with disabilities in accordance with the Americans with Disabilities Act and all other applicable federal, state and local laws.

## 18.2 ADA Internal Grievance Procedures

The Town of Clarkdale has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to: Town Clerk, P.O. Box 308, Clarkdale, AZ 86324, phone: (928) 634-9591, the ADA Coordinator, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or orally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed in writing within 30 days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the ADA Coordinator. These Sections contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than 10 working days after its filing.
5. The ADA Coordinator shall maintain the files and records of the Town of Clarkdale relating to the complaints filed for a minimum of three years.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 10 working days to the Town Manager.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal Department or Agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These Sections shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that the Town of Clarkdale complies with ADA and implementing regulations.

## **Section 19 - Tobacco Use**

- 19.1 In keeping with the Town's intent to provide a safe and healthful work environment, smoking and use of all tobacco products is prohibited throughout the indoor workplace and in all Town Vehicles. Smoking and use of tobacco products is also prohibited within 20 feet of any town building entrance or exit or air handling devices (swamp coolers, etc.)

## **Section 20 - Performance Evaluations**

- 20.1 Frequency of Performance Evaluations

A formal written performance evaluation will be conducted at the end of an employee's probation period, and then annually thereafter.

Department Heads and supervisors shall evaluate the performance of their subordinates in writing and forward the evaluation report to the Town Manager for finalization.

## **Section 21 - Nepotism and Favoritism**

### 21.1 Nepotism

Relatives shall be defined to include: Mother, Mother-in-law, Father, Father-in law, Sister, Sister-in-law, Brother, Brother-in-law, Daughter, Daughter-in-law, Son, Son-in law, Husband, Wife, Step Children, Step Parents, Grandchildren, Grandparents.

- A. Appointment of relatives of Town employees to employment positions shall be permitted, provided that the relative shall not be employed in positions where:
  - One would be supervising the other, or
  - A conflict might arise concerning a question of internal control.
- B. A Town employee may not be promoted or transferred into a position involving supervision by or of a relative.
- C. In the event that marriage occurs between two employees which results in a situation as defined above, the employees' Department Head shall be notified immediately. A change in supervisory status for one of the two employees will be required to address the objectives of this Section.

### 21.2 Avoidance of Favoritism Resulting from Close or Intimate Relationship

In the event that a close or intimate relationship develops between two employees, and either one employee would be supervising the other or a conflict would arise concerning a question of internal control, a change in supervisory status for one of the two employees will be required to address the potential conflicts.

## **Section 22 - Education**

### 22.1 Education

- A. Approval for reimbursement of specific courses or curriculum must be granted in advance by the employee's supervisor. Requests for reimbursements not received prior to the registering for a class will not be considered. Supervisors will consider the applicability of the course and the education budget allotted to them in considering the request. All continuing education expenses paid for by the Town must be job related or must enhance the employee's skills and aptitude.
- B. In cases where a letter grade is given, such as a college course, a "C" or better is required for the Town to reimburse the employee for the costs as outlined below. Where no letter grade is given, "passing" is required.

- C. When Employees receive extensive training at the expense of the Town (i.e. Police Academy) and leave the employment of the Town within 2 years after the completion of such training, the employee may be required to reimburse the Town for the costs, or a portion of the costs, of the training.
- D. College Courses and Degree Programs. The Town will reimburse employees for the cost of tuition and books for approved work related courses. The Town will not pay for time in class, meals or other related expenses.
- E. Workshops, Seminars and Conferences. The Town will pay for employees to attend approved workshops, seminars and conferences, including tuition, books, time in class, travel time, meals and other related expenses.
- F. The Town Manager has the authority to waive any of these conditions if he/she has determined that it is in the best interest of the Town to do so.

## 22.2 Reimbursement for Education

When an employee is eligible for education reimbursement through other funding sources, the employee will seek reimbursement through other funding sources, rather than through the Town.

## **Section 23 – Computer, Email, Internet and Social Media Policy**

### 23.1 Purpose and Applicability

This policy applies to the use of all of the Town of Clarkdale’s (“Town”) electronic devices including computer, email, internet and social media applications (“Electronic Devices”) by any person and is intended to make all users aware of what is deemed to be acceptable and unacceptable use. As a condition of using any of the electronic equipment owned, leased or operated by the Town, Electronic Device users expressly waive any right of privacy in anything they create, store, send or receive through the Town’s Electronic Devices, including both business and personal information. As a result, no users of the Town Electronic Devices should have any expectation of privacy regarding any information viewed, created, stored, sent or received through the Town’s Electronic Devices. The Town reserves the right to monitor, inspect and/or copy any information relating to any person’s use of its Electronic Devices at any time, with or without notice. If there is evidence of violation of any part of this policy or any other Town policy or law, the Town reserves the right to take appropriate action, including disciplinary action, up to and including termination and/or revoking a person’s ability to continue using the Town’s electronic devices for employees of the Town.

Further, this policy sets forth the parameters for the proper preservation, disclosure and disposition of email and social media. The policy also provides the necessary framework for use of social media, Web 2.0 and social networking technologies on behalf of the Town.

## 23.2 Scope

This policy applies to (1) all users of the Town's Electronic Devices and (2) elected officials, appointed board and commission members, Town employees and contractors who access any of the Town's social media or websites for business purposes.

## 23.3 Philosophy

Computers, email, the internet and the use of social media are business communication tools and users are obliged to use these tools in a professional, responsible, effective and lawful manner. Access to email and the internet is provided to Town employees for the purpose of conducting official Town business. Personal use of email, the internet, phones or other technology for limited family or personal communications is acceptable as long as those communications meet tests of reasonableness, such as:

- There is no cost to the Town associated with the use.
- Use is moderate in time.
- Use does not interfere with an employee's or co-worker's productivity at work or normal business activities.
- Use is primarily during non-working hours such as lunch periods and breaks.
- Use does not violate any Town policy or any applicable federal, state or local law.

## 23.4 General Policies

Town representatives and employees shall not use the Town's internet, email, online service or social media applications:

- for operating a business for personal gain;
- for sending chain letters, junk mail, jokes;
- for soliciting money for religious and/or political causes;
- for any gambling, betting or gaming activity;
- to view, transmit or download material that is offensive, obscene, or pornographic;
- to create or send a communication that might constitute discriminatory, harassing, intimidating, hostile or offensive communications on the basis of gender, race, color, national origin, sexual orientation, disability, or other grounds;
- for unethical, illegal, unprofessional or disruptive activities;
- for any activity that would jeopardize the legitimate interests of the Town or the citizens of the Town;
- to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws;
- to provide access to confidential information or to provide access to public information without following the existing rules and procedures of the Town for dissemination.

- Town representatives and employees shall not use an Internet, email or online service account or signature line other than their own.
- Town representatives and employees shall take all reasonable precautions to prevent the inadvertent dissemination of anyone else's information via the Internet, email, online services or social media applications.
- Internet, email or online services usage are subject to limitations as imposed by supervisors to prevent excessive or improper use. All messages distributed via the Town email system are the Town's property.

Access to and use of the Internet, including communication by email, is not confidential and no person using the Town's Electronic Devices should have any expectation of privacy with respect to such use. Internet access on the Town's system can and will be monitored for use consistent with this policy.

## 23.5 Email

The purpose of email is to provide expeditious communication similar to oral conversation and voice mail. This section addresses the use of electronic mail with a special emphasis on records-related issues and covers the use of computers owned or controlled by the Town. It also applies to any official Town email correspondence by an employee, elected official or appointed Board or Commission member when conducted from computers not owned or controlled by the Town. Upon appointment, new employees, elected officials and appointed officials (including Board and Commission members) are required to read this policy and sign and return the Policy Consent Form to the Town.

### 23.5.1 Email Security, Privacy and Ownership

- A. Email is not secure. Email users expressly waive any right of privacy in anything they create, store, send or receive on behalf of the Town or anything they create, store, send or receive on Town owned equipment.
- B. Email is generally considered to be a public record subject to disclosure under the Arizona Public Records Law (ARS 39-121). Confidential messages should never be sent electronically.
- C. Employees shall not read the email of another employee without a legitimate business purpose consistent with the Town's policies and business communications practice.
- D. No employee or Town representative shall send an email under another person's name without that person's authorization, and the sender shall indicate their identity in the message.

## 23.5.2 Email Records Retention and Disposition

- A. Email communications may be records. Any email communication that meets the following definition of a record pursuant to ARS 41-1350, shall be preserved in accordance with this policy.
- “A record means all books, paper, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produces or reproduced on film or electronic media pursuant to 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.”
- B. Employees who transmit email shall determine whether to preserve or delete the email communication. As a guideline, consider what you would do if the message was standard/paper correspondence. The content of the message, not the medium, determines whether and how long you save it. Refer to the Town’s Records Retention Plan, which is on file in the Town Clerk’s office for further guidance.
- C. Routine Email - communications of a transitory value, may be deleted after being read and after the required action is taken. Examples of routine email include:
- Messages or notes made about phone calls
  - “Post-its” from colleagues
  - Bulletins about Town social or recreational events
  - Routine information requests
  - invitation to a business meeting
  - Messages between the email user and a supervisor concerning a memo drafted for his/her signature and various drafts of the memo itself. (However the final signed memo should be saved.)
- D. Email that is Considered a Record - Communications that meets the definition of a record under ARS 41-1350, transmitted inside the Town offices or received from outside the Town, through the email system, shall be forwarded or copied to the Town’s records email account: [records@clarkdale.az.gov](mailto:records@clarkdale.az.gov) The sender shall, if the email system allows, ensure that the message contains:
- The time and date the message was sent and received
  - The complete sender and receiver identification, and;
  - The message is complete.

## 23.6 Internet Use Policy

The Town’s connection to the Internet primarily exists to facilitate the official work of the Town and the efficient exchange of information.



Use of the Town's internet connections is a privilege and not a right. Users should be aware that monitoring of internet usage, including sites visited, occurs without user consent or prior notice on a regular basis. If inappropriate use is determined, the Town may deny, revoke, or suspend internet access to any user at any time, and, for employee's, may take any other disciplinary actions as outlined in the Town's Personnel Policies and Procedures Manual.

#### A. Downloading Software

Employees who wish to download software or browser plug-ins must obtain authorization from their Department Head.

#### B. Personal Responsibility

Some internet sites routinely keep logs of who visits their website. Individual users must be aware of and at all times attempt to, prevent potential Town liability in their use of the internet.

Employees should be aware that there is a wide variety of information on the internet. Some individuals may find some information on the internet offensive or otherwise objectionable. Individual users should be aware that the Town has no control over, and can therefore not be responsible for, the content of information available on the internet.

#### C. Records Retention

The same policy for retention of records, set forth in the email use policy, shall apply to all records obtained or received via the internet.

#### D. Copyrighted Material

All communications and information accessible via the internet should be assumed to be private property. Internet users shall honor copyright laws including those protecting software and intellectual property.

- Duplicating, transmitting, or using software not in compliance with software license agreements is considered copyright infringement.
- Users shall not make copies of software or literature without authorization and full legal right to do so.
- Internet users shall not transmit copyrighted materials belonging to others over the internet without permission.
- Users may download copyrighted material from the internet, but its use must conform with restrictions posted by the author or current copyright law.

## 23.7 Social Networking and Social Media

Social media is content created by people using highly accessible Internet based publishing technologies. Social media software tools allow groups to generate content and engage in peer-to-peer conversations and exchange of content (examples are Blogger, Twitter, Wikispaces, YouTube, Flickr, Facebook, etc.). The Town's goal is to encourage the business use of social media technologies to enhance communication, collaboration, and information exchange in support of the Town's Vision and Mission. By openly sharing knowledge, best practices, and lessons learned within the Town, with and from the public and with and from other federal, state, and local partners, we can provide more effective solutions and efficiencies to enhance excellence in the business of government. However, any user must be careful not to use, post or transmit any confidential Town information and/or any private information about any individual.

### 23.7.1 Permission to Publish Official Social Media Content on Behalf of the Town

- A. Only individuals with written authorization from the Town Manager may publish official social media content on behalf of the Town.
- B. Individuals who are granted authorization to publish official social media content on behalf of the Town are ultimately responsible for what they post.
- C. Individuals who are granted authorization to publish official social media content on behalf of the Town must also follow the Town's "Social Networking and Social Media Guidelines".

### 23.7.2 Social Media Security, Privacy and Ownership

- A. Social Media is not secure. Social Media users expressly waive any right of privacy in anything they create, store, send or receive on behalf of the Town or anything they create, store, send or receive on or through Town owned equipment.
- B. Social Media content may be considered to be a public record subject to disclosure under the Arizona Public Records Law (ARS 39-121). Confidential messages or information should never be conveyed through Social Media and users should follow the Town's privacy, confidentiality and any applicable legal guidelines for external communications.
- C. No employee or Town representative shall post in a Social Media application under another person's name without that person's authorization. Always get permission to publish or report on conversations that are meant to be private or internal to the Town.

### 23.7.3 Social Media Records Retention and Disposition

- A. Social Media content may be records. Any social media content that meets the following definition of a record pursuant to ARS 41-1350, shall be preserved in accordance with this policy.

“A record means all books, paper, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to 41-1348, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.”

- B. Duplicate/Copies of Records – Duplicate/copies of records posted in social media content may be deleted after their reference value has been served. Examples of duplicate/copies include a non-record office copy that is substantially a duplicate in nature (i.e. a notice about an event where the actual record is an event flier or meeting notice).
- C. Transitory Materials – Transitory materials posted in Social Media content may be deleted after the administrative or reference value has been served. Examples of transitory materials include:
  - General postings and comments
  - General correspondence
  - Walls, feedback and related records
  - Non-Historic Public Information records (including press releases, photographs, public service announcements, notices of upcoming events and other related records).
- D. Employees who transmit social media on behalf of the Town shall determine whether to preserve or delete the Social Media communication. Refer to the Town Records Retention Plan, which is on file in the Town Clerk’s office, for further guidance.

#### 23.7.4 Personal Use of Social Media

- A. The Town acknowledges that many elected officials, board and commission members and employees have personal social networking, Web 2.0 and Social Media sites. Because there are public records disclosure issues and possible other implications in the workplace when Town business is referenced on personal sites, it is in the best interests of the individual and of the Town that these sites should be used to share personal opinions or non-Town related information only. Following this principle helps ensure a distinction between sharing personal and agency views.
- B. Executives, managers, Elected Officials and Town Board and Commission Members should take additional caution when posting to personal Social Media, Web 2.0 or social networking sites. By virtue of their position, they should consider whether published

personal content may be misunderstood as expressing an official Town position, even when the subject is not directly related to the Town.

C. The following guidance is for town employees, elected and appointed officials who decide to comment on posts on the Town's official Social Media, Web 2.0 or social networking sites, from their personal Social Media, Web 2.0 or social networking site:

- State your name and, if relevant, role, when discussing Town business;
- Use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the Town (or the Clarkdale Town Council) or the department (or Board or Commission) for which I work.
- "Elected officials and appointed officials such as board and commission members should take great care to consider the comments they post on the Town's official Social Media, Web 2.0 or social networking sites. Consideration should be given to ensure compliance with the Arizona Open Meeting Law. Policy issues should not be debated by decision makers in the Social Media arena.
- Only those authorized by the Town or a department may use brand marks or logos in communications. Do not include the Town, individual department logos or program logos in personal blogs or postings.

## 23.8 Regulation and Enforcement

22.8.1 Any person who uses the Town's Electronic Devices shall comply with all provisions of this Computer, Email, Internet and Social Media Policy. The Town Manager and Department Heads (or their designee) shall be responsible for managing situations arising from the lack of compliance with the provisions of this policy and for investigating suspected noncompliance. Violation of this policy by Town employees may result in any of the disciplinary actions outlined under the Town's Personnel Policies and Procedures Manual, including and up to termination of employment.

22.8.2 Regulation and enforcement of violations by elected and appointed officials will be dictated by Arizona law, local ordinances and Town procedures. In addition, any person who violates this policy may be denied further use of the Town's Electronic Devices.

## **Section 24 - Working Outside Job Classification**

24.1 The Town Manager or, upon the Town Manager's written approval, a Department Head may temporarily appoint an employee to assume the duties of another vacant position. Such assignments shall be limited to six months. In the case where the vacancy is a position one or more pay levels above the employees current position, the employee will have an increase in pay for the additional duties and responsibilities. This increase will be a minimum of 5%. When the employee resumes his/her regular duties, the employee's salary will revert back to his/her normal rate of pay. In the case where the vacancy is one or more levels below the employee's current position, the employee's rate of pay will not be reduced while performing the duties required by the vacancy.

## **Section 25 -Oath of Office**

- 25.1 All employees are required to sign the Oath of Office (Loyalty Oath) form as required by State Law.

## **Section 26- Confidential Information**

- 26.1 Confidential Information: You may receive Confidential Information in the course of your employment. Materials, products, designs, plans, and data are the property of the Town and should never be given to an outside firm or individual except through the normal channels and with appropriate authorization. Any disclosure of information, even though it is not apparent that an employee has personally gained by such actions, constitutes unacceptable conduct. By accepting employment, you agree to use that information only in the course of the employment, and to keep that information confidential during the term of the employment and afterwards. Any employee who participates in such a practice will be subject to corrective action, which may include termination and legal action.

## **Section 27 - Amendment and Revision of Personnel Policies and Procedure Manual**

- 27.1 Proposed amendments and revisions to this employee manual will be necessary from time to time. Suggested changes to the manual will be made to the Town Council by the Town Manager, and will be effective upon approval of the Town Council. Amendments and revisions to these policies shall become effective upon adoption of an appropriate Resolution by the Town Council.

## **Section 28- Severability**

- 28.1 If any provision of these Policies and Procedures or their application to any person or circumstances is held invalid, the remainder of the Policies and Procedures shall not be affected.