

**CITY OF MESA**

**PERSONNEL RULES**

**EFFECTIVE DATE - DRAFT**

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THE PERSONNEL RULES BOOK  
IS A HANDBOOK AND NOT A CONTRACT OF EMPLOYMENT.

IT IS SUBJECT TO CHANGE  
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## CHAPTER 1: GENERAL

### SECTION 110. DEFINITIONS

The following words and phrases used in these Rules have the defined meanings unless otherwise clearly indicated by the context.

**Administrative Leave** - Management-directed time off with pay for an employee that is not charged against the employee's paid time off categories.

**Alcohol** - Includes Brandy, Whisky, Rum, Tequila, Mescal, Gin, Wine, Porter, Ale, Beer, any Malt Liquor, Malt Beverage, Absinthe, or compound or mixture of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one percent ( $\frac{1}{2}$  of 1%) of alcohol by volume.

**Anniversary Date** - The date on which an employee's eligibility for paid time off accruals is based.

**Announcement** - The public notice of examination to fill positions by open competition, or the notice to employees of an examination to fill positions from within the City.

**Applicant** - A person who has filed a valid application for employment.

**Appointment** - The placement of a qualified individual (following examination or other evidence of competence) in an at-will position.

**At-Will Employee** - An at-will employee (previously referred to as unclassified) is not protected by the merit system, serves at the will and pleasure of the City, and may be dismissed at any time, with or without cause and without right of appeal. Such employees include part-time employees, seasonal employees, temporary project employees, grant funded employees, employees on initial regular employment probation, and generally, but not exclusively, those serving in administrator-level positions and above. The City Manager has the discretion to designate positions as at-will when they become vacant. Dismissal of at-will employees other than part-time, seasonal, temporary project, grant-funded, and employees on initial regular employment probation, shall require the approval of the City Manager or City Manager designee. Termination of service or assignment by sworn employees in designated at-will positions will be in accordance with public safety at-will procedures approved by the City Manager. At-will employees are protected by state and federal employment anti-discrimination laws.

**Benefited Part-Time Employee** - An employee who is budgeted to work a minimum of forty (40) hours per pay period on a fiscal year basis (fifty-two [52] weeks per year) and is eligible for regular part-time benefits. A benefited part-time employee is at-will. (See [Management Policy 320](#) - Benefited and Non-Benefited Part-Time Employee Benefits)

**Benefited Full-Time Employee** - An employee who is budgeted to work a minimum of forty (40) hours per week on a fiscal year basis (fifty-two [52] weeks per year) and is eligible for regular full-time benefits. (See [Management Policy 320](#) - Benefited and Non-Benefited Part-Time Employee Benefits)

**Biweekly Pay** - Includes the employee's current range and step and any components of pay (not including overtime) for the pay period before taxes and voluntary deductions.

**Candidate** - An applicant who has successfully completed the selection process and is being considered for employment.

**City Manager Designee** - For purposes of these rules, a “City Manager designee” includes but may not be limited to: Assistant City Manager, Deputy City Manager, Chief Financial Officer, City Attorney, City Magistrate, City Clerk, and City Auditor. The City Manager may designate other positions as such when deemed appropriate.

**Classification** - (Class) A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title and the same pay range apply to each position in the group.

**Class Title** - The designation given to a class, each position allocated to the class, and to the occupant of each position.

**Classified Employee** - All City employees in designated classified positions who have passed an initial regular employment probation period.

**Classified Position** - A position with a designated initial regular probationary period.

**Common Review Date** - A common date of July 1 in which employees are evaluated for step pay increases.

**Components Of Pay** - Extra compensation given to an employee who has additional and/or specialized knowledge, skill and ability that meets the City’s requirements for such extra compensation (for example: bilingual compensation, hazardous materials, toxicology paramedic, advanced life support, etc.).

**Contract Worker** - An individual who is not employed by the City of Mesa and has been retained to perform services for the City under a contractual agreement and is left free to do the contracted work and to choose the method for accomplishing it.

**Corrective Action Plan** - A written plan that alerts an employee about a performance problem and provides a period of time to correct the performance problem. The plan outlines the supervisor’s performance expectations, steps to be completed by the employee and warns the employee of the potential consequences for failing to complete the plan successfully. A corrective action plan is signed by the employee, or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee’s official personnel file. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

**Criteria-Based Promotion** - The advancement of an employee from one class to another class (with a higher maximum pay range) in a class series based on pre-approved criteria, without a competitive examination. In most instances, the class eligible for a criteria-based promotion will be a trainee or entry-level position not yet functioning at a “full performance” level. Full performance includes the ability to perform journey-level duties in a class that requires independence and/or duties with a higher level of difficulty. (See [Management Policy 343](#) - Criteria-Based Promotions)

**Critical City Services Personnel** - All full-time non-sworn employees in classifications where the number of employees available to perform the function is limited (minimum staffing); the function requires specialized skills; or failure to perform the function may have serious consequences. Add link

**Days** - Calendar days unless otherwise stated.

**Demotion** - Considered the third (3<sup>rd</sup>) level of formal discipline. Demotion is the movement of an employee from one (1) class to another class having a lower maximum rate of pay. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

**Department** - A major unit of the City government.

**Department Director** - The City employee responsible for the operation of a department.

**Disciplinary Probation** - In accordance with the Personnel Rules, Section 540 D., an employee may be placed on disciplinary probation for violations of the Standards of Conduct listed in [Section 510](#) of the Personnel Rules. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

**Dismissal** - Considered the fourth (4<sup>th</sup>) level of formal discipline. Dismissal is the separation of an employee from City of Mesa employment for cause.

**Division** - A unit of a department.

**Dock Status** - Unpaid time away from work.

**Drugs** - Includes prescription-only drugs, marijuana, peyote, dangerous drugs, narcotic drugs, vapor releasing substances containing a toxic substance or a controlled substance, all as defined by the laws of the state of Arizona.

**Effective Hourly Rate (Effective Rate of Pay)** - The employee's base hourly rate of pay (pay range and step).

**Elimination Period** - A period of time after a covered disability commences before short-term or long-term disability benefits can begin.

**Essential Personnel** - Full-time sworn fire and police employees in classifications where the number of employees available to perform the function is limited (minimum staffing); the function requires specialized skills; or failure to perform the function may have serious consequences.

**Examination** - The evaluation procedure used to determine the relative qualifications of applicants.

**Executive Benefits Plan** - A plan, considered by the City Council during budget hearings that provides a flexible pay scale and additional benefits to attract and retain management personnel.

**FLSA** - [Federal Fair Labor Standards Act](#), and amendments.

**Grievance** - A grievance is an allegation by a classified employee that the Personnel Rules or the written rules and procedures of any City department have been misinterpreted or misapplied as to that employee; or that the employee has been denied a regularly scheduled step pay increase.

**Hire Date** - The date an individual begins work.

**Human Resources Director** - (See Personnel Director)

**Initial Regular Employment Probation** - Formerly known as original City probation. A stipulated time period beginning at hire or rehire to the City that a full-time employee must successfully complete in order to be protected by the Merit System.

**Job Share** - Two (2) employees filling one (1) full-time budgeted position by each employee working one-half (½) of the regular work shift. (See [Management Policy 321](#) - Job Sharing)

**Management Policy** - Provides Citywide policy statements, administrative regulations, and associated procedures for the efficient and effective operation of the organization and the administration and execution of Citywide matters. Management policies are created and modified at the sole discretion of the City Manager.

**Non-Benefited Part-Time Employee** - An employee appointed to perform the duties of a position for nineteen (19) hours or less a week on a fiscal year basis and is not eligible for benefits. A non-benefited part-time employee is at-will. (See [Management Policy 320](#) – Benefited and Non-Benefited Part-Time Employee Benefits)

**Paid Time Off** - The time an employee is absent from work but receiving pay. Paid time off categories include, but are not limited to: observance of a holiday, vacation, sick, compensatory time, discretionary time, voting, jury duty/witness, bereavement, administrative leave, and donated time. Refer to [Management Policy 400](#) for a complete list of all paid time off categories.

**Part-Time Employee** - Includes all benefited and non-benefited part-time employees unless otherwise stated. See definitions for benefited part-time employee and non-benefited part-time employee.

**Performance Appraisal** - The evaluation of an employee's performance of job duties and responsibilities.

**Personnel Director** - The Personnel Director position title is required by the Mesa City Charter; however the working title for this position is Human Resources Director.

**Pre-Deprivation Hearing** - A hearing where a classified employee is given an opportunity to present reasons, either orally or in writing (or both) as to why a proposed disciplinary reduction in pay, disciplinary action of suspension (of more than twenty (20) working hours), demotion, or dismissal, is not warranted. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

**Probation** - A pre-determined period of time during which an employee is required to demonstrate ability to perform the duties of the job in a satisfactory manner.

**Probationary Employee** - An employee who has not completed the probationary period for a rehire, reinstatement, or new hire.

**Promotion** - The advancement of an employee from one (1) class to another class with a higher maximum rate of pay.

**Public Service Employee** - A person appointed under the provisions of a public service employment program. These persons shall not be entitled to benefits unless specifically approved by the City Manager.

**Qualified** - Meeting the minimum qualifications as defined in the job description plus any special requirements that may be published for that position.

**Rater** - The individual who completes the Performance Appraisal Form.

**Reclassification** - Changing the classification of a position when a material change in duties or



responsibilities occurs.

**Recruitment Summary List** - A list of qualified applicants for an open competitive recruitment.

**Regular Full-Time Employee** - A person who is appointed to a full-time position that requires working a full schedule or regular workweek for the job class, who has successfully passed a probationary period.

**Regular Rate Of Pay** - An hourly rate of pay determined by dividing the total compensation actually earned for the normal non-overtime workweek by the total number of hours worked. Includes all remuneration for employment paid to, or on behalf of, the employee, except payments specifically excluded under Section 7(e) of the [FLSA](#).

**Reinstatement** - An employee who has resigned or been separated in good standing and is rehired into a position at the same or lower range as that held at the time of separation. Reinstated employees serve a new probation period.

**Reinstatement List** - A list of names of persons qualifying for reinstatement.

**Resignation** - A written notice filed by an employee indicating their intention to terminate employment with the City.

**Retirement** - Any employee covered by either the [Elected Officials' Retirement Plan](#), [Elected Officials' Defined Contribution Retirement Plan](#), [Public Safety Personnel Retirement System](#) or the [Arizona State Retirement System](#) who has reached the designated age and possesses the appropriate number of years of service, and who elects to receive an annuity benefit from either plan.

**Salary Adjustment** - An increase in an employee's pay based on the needs of the department with approval of the Human Resources Director and the Department Director. An increase in pay above five percent (5%) must be approved by the City Manager, Assistant City Manager or City Manager Designee.

**Seasonal Employee** - A person who is appointed to perform the duties of a position that requires staffing during certain parts of each year. Seasonal employees are hired for a defined period of time in support of a specific program (e.g., Summer Recreation or Aquatics). A seasonal employee is non-benefited and at-will. (See [Management Policy 320 – Benefited and Non-Benefited Part-time Employee Benefits](#))

**Section** - A unit of a division.

**Seniority** - Total consecutive years/months of City of Mesa employment (except in cases of reinstatement for sworn employees as stipulated in [Section 250 E](#)). Active duty reserve military training during City of Mesa employment will be considered as credited employment (without a break in service) up to the limits stated in [Management Policy 338](#) - Military Leave. Federal active duty or active duty for special work during City of Mesa employment shall be credited toward continuous employment providing the employee's obligation to report back to work or request reemployment is met. Absences authorized under the [Family Medical Leave Act](#) and the [Crime Victims' Rights Act](#) shall be considered continuous employment. Absences caused by a compensable industrial injury shall be considered credited employment. An employee hired in a full-time classification, who subsequently converted to part-time status, and then returned to full-time status, shall only receive credited employment for one-half (½) service credit for the time spent in part-time status, in addition to the years/months employed in a full-time classification.

**Separation** - The end of employment with the City of Mesa via resignation, reduction in workforce, retirement, dismissal or death.

**Service** - Duties or work performed.

**Special Leave** - Any authorized time-off in excess of thirty (30) consecutive calendar days that is not covered by the [Family Medical Leave Act](#) (FMLA), [Crime Victims' Rights Act](#), [Military Leave](#), or any additional authorized time-off required after exhaustion of FMLA.

**Step Pay Increase** - A salary increase within the limits of a pay range established by class.

**Suspension** - Considered the second (2<sup>nd</sup>) level of formal discipline. The employee is released from work duties for a specified period of time without pay. The suspension form is signed by the employee or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

**Temporary Agency Worker** - A person employed by a temporary employment agency and on assignment to the City of Mesa. (See [Management Policy 331](#) - Temporary Agency Workers on Assignment to the City)

**Temporary Project Employee** - Appointments either full or part-time, generally for a period of less than one hundred-eighty (180) days.

**Termination** - The end of employment with the City of Mesa via resignation, reduction in workforce, retirement, dismissal or death.

**Transfer** - The movement of an employee from one (1) position in the City of Mesa to another position in the City at the same pay range.

**Unpaid Time Off** - The time an employee is absent from work and is not receiving pay. The following are examples of unpaid time off: industrial dock, voluntary dock, disciplinary dock, absent without authority dock.

**Written Counseling** - A memo from a supervisor that documents and counsels an employee about a performance and/or behavior issue, and identifies potential consequences should the problem continue. Written documents of this nature, regardless of title, shall be maintained in the employee's workstation file. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

**Written Reprimand** - Considered the first (1<sup>st</sup>) level of formal discipline. A written reprimand is written documentation to make an employee aware of unacceptable conduct or performance. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

## SECTION 120. GENERAL PROVISIONS

- A. **Delegation of Authority:** Unless otherwise stated in these Rules, upon approval by the City Manager, authority granted in these rules to the Assistant City Manager, Deputy City Manager or City Manager designee may be delegated.
- B. **Availability of Funds:** The granting of any compensation in these Rules is contingent upon the availability of funds, as determined by the City Manager. In addition, the City of Mesa works to provide its employees with benefits and employment conditions that are desirable, but the City must and does reserve the right to change benefits and employment conditions when deemed reasonable to do so by the Mesa City Council or City Manager.
- C. **Conflict with Federal or State Requirements:** Any provision of these Rules that conflicts or is inconsistent with state or federal rules, regulations or standards shall not be applicable to any department.
- D. **Service of Notice:** If any document or notice is to be given to any person or department, the notice or document may be served personally or by certified mail to the last known residence or current business address of the addressee. Unless otherwise provided by law or these Rules, notice is complete upon mailing.
- E. **Correction of Errors:** The Human Resources Director may correct a manifest error or clear inequity affecting an employee or an applicant for employment.

## SECTION 130. APPLICABILITY

These Rules are applicable to all classified employees and positions in the City, and to all at-will employees and positions unless a specific chapter or section is excluded from applicability for at-will employees or positions. In the event there is a conflict between these Rules and a Memorandum of Understanding (MOU) entered into through the Meet and Confer process set forth in [Management Policy 358](#) - Meet and Confer, the Personnel Rules will take precedence and will apply to those eligible employees as defined in Management Policy 358.

## SECTION 140. EQUAL EMPLOYMENT POLICY STATEMENT

The City of Mesa is committed to being an Equal Opportunity Employer, as set forth in Section 902 (A)(1) of the [City Charter](#). Appointments, promotions, reclassifications, transfers, compensation, training, reduction in workforce, terminations, or any other type of personnel actions will be based on merit, fitness, or other factors determined to be nondiscriminatory, and without regard to race, color, national origin, age, disability, religion, sex, sexual orientation, gender identity and expression, veterans' status, pregnancy, marital status, or genetic information, or any other class or characteristic protected under federal, state, or local law.

## SECTION 150. PERSONNEL RECORDS

- A. **Content:** Each employee's official personnel file shall contain:  
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1. Employee application
  2. New employee hire form
  3. Loyalty Oath
  4. Personnel changes
  5. Notices of promotion
  6. Disciplinary forms and employee responses, (e.g., grievances and appeals)
  7. Final performance appraisals
  8. Corrective Action Plans
- B. **Access:** An employee shall have access to their official personnel file during normal City business hours.
- C. **Access to Other Files:** The presence of copies of any item listed in [Subsection A](#) in any other informational file concerning an employee shall not in itself confer upon such employee any immediate right of access to such file.
- D. **Control:** The official personnel file will remain in the control of the Personnel Office, unless otherwise ordered by a court of competent jurisdiction.

## CHAPTER 2: EMPLOYMENT

### SECTION 210. GENERAL EMPLOYMENT PROVISIONS

- A. **Citizenship:** Applicants for sworn law enforcement positions must be United States citizens. Applicants for all other positions must present evidence of United States citizenship, or of status as a legally registered alien who has a right to work, prior to employment.
- B. **Age:**
1. The only minimum age requirement for employment in the City of Mesa is that imposed by state law on the employment of minors.
  2. The minimum age for the initial employment of recruit police patrol officers and recruit firefighters shall be as designated in administrative regulations.
- C. **Residency:** The City Manager will designate those employees required to live in the incorporated City limits. Any change in a City employee's residency status shall be reported to the Personnel Office within fourteen (14) working days.
- D. **Physical and Mental Disabilities:** Physical and mental conditions of an applicant for City of Mesa employment shall be disqualifying only if they are of a nature which will preclude the full performance, with reasonable accommodation, of the essential functions of the position. Evaluation of physical and mental condition shall be conducted by a physician or other health care practitioner designated by the City.
- E. **Pre-Employment Requirements:** All individuals recommended for employment with the City of Mesa are required to pass a criminal background, and may be required to pass a driving record check if applicable to the position. Individuals recommended for employment may also be tested for drugs and/or controlled substances. (See [Section 550](#) and [Management Policy 316](#) - Alcohol and/or Drug Free Workplace)
1. **Fingerprinting:** The City of Mesa shall obtain a full set of fingerprints from the persons identified in this Section. Exceptions to this Section may be made by the Human Resources Director based on operational needs.
    - a. For persons in groups 1) – 4) below, the City of Mesa shall forward those fingerprints for the purpose of obtaining a state and federal criminal history records check. These criminal record checks shall be done in accordance with Arizona Revised Statutes [\(ARS\) Section §41-1750](#) and [Public Law 92-544](#).

At the discretion of the Department Director and with approval of the Human Resources Director, employment may begin prior to the City receiving Department of Public Safety (DPS) and Federal Bureau of Investigation (FBI) criminal records results; however, individuals who start employment before DPS and FBI criminal records results are received must be closely supervised if the individual is anticipated to be in contact with minors, disabled or homebound individuals.

- 1) All prospective City employees eighteen (18) years of age and over

(including prior City employees being rehired or reinstated), and

- 2) All current City employees who turn eighteen (18) years of age and have not previously submitted fingerprints (except seasonal employees who turn eighteen [18] years of age during the season, shall only be required to submit a full set of fingerprints to the City as a returning staff member in the subsequent season, if applicable), and
- 3) All seasonal employees eighteen (18) years of age and over who have not provided services to the City of Mesa for a period of twelve (12) months or more, and
- 4) All non-City workers (examples: temporary agency workers, contract workers, volunteers, etc.) eighteen (18) years of age and over who are anticipated to be in contact with minors, disabled or homebound persons, or work in security sensitive areas, unless previously fingerprinted for the City within the last twelve (12) months.

b. For all prospective employees, temporary workers, independent contract workers, or volunteers in groups 1) – 4) below, the City's Police Department shall use those fingerprints to conduct an Arizona Criminal Justice Information System (ACJIS) criminal history record search and provide clearance:

- 1) Police Department criminal justice positions;
- 2) Justice Administration positions within the City Court or Prosecutor's Office;
- 3) Facilities maintenance positions servicing the Police Department; and
- 4) Information Technology Department and Communications positions performing maintenance or support services on Criminal Justice Systems as authorized by ACJIS regulations.

2. Pre-employment/pre-placement drug and/or controlled substance testing: Individuals recommended for employment/placement into "safety sensitive" positions shall successfully pass a drug and/or controlled substance test prior to the hire/placement date, if applicable. (See [Section 550](#) - Alcohol, Drug, and/or Controlled Substance Testing)
3. Driving Record: The City of Mesa shall obtain driving records for persons recommended for employment in which driving is a requirement of the job.

F. **Academic Achievement:** All postsecondary academic achievements required to meet the minimum qualifications of a position must be attained in an academic institution recognized by an accrediting association, as determined by the Human Resources Director.

G. **Loyalty Oath:** Every officer and employee of the City of Mesa shall take and subscribe to the [Loyalty Oath](#) prescribed by state law.

H. **Outside Employment:** A regular full-time employee may engage in outside employment, if the employment does not adversely impact the employee's City work and does not create a conflict

of interest or the appearance of a conflict of interest with the employee's City job. An employee who wishes to engage in outside employment shall inform their Department Director in writing about the scope and nature of the outside employment. The employee may be asked to choose between their City of Mesa employment and their outside employment if it is found that the outside employment interferes with the employee's duties with the City.

- I. By accepting employment with the City, employees assign to the City all rights to patent or otherwise protect inventions or intellectual property of any kind the employee may develop on City time, or with City property, or arising out of their City duties and responsibilities.

## SECTION 220. EMPLOYMENT LISTS

- A. **General:** A classified position vacancy in the City of Mesa may be filled first by any employee who, by direction of the City Manager or designee, is being transferred or demoted into the class of that position. An at-will position vacancy may be filled by appointment on the basis of merit and fitness demonstrated by examination or other evidence of competence. Persons appointed to at-will positions must meet minimum qualifications as determined by the hiring authority and Human Resources.
- B. **Employment Lists:** If there are no employees to be transferred or demoted to a class, the Human Resources Director shall forward names from lists established for that class in the following order:
  1. Reduction In Workforce (RIWF) Lists
  2. Promotion Lists/Reinstatement Lists/Recruitment Summary Lists (Open Competitive Recruitments)
- C. **Order Of Employment Lists:** Consideration for hire must first be given to qualified candidates who are on a reduction in workforce (RIWF) list. Consideration may then be given to candidates on a promotion list, reinstatement list, or recruitment summary list.
- D. **Duration on Lists:** Candidates remain on lists as follows:
  1. **Reduction in Workforce (RIWF) List:** (See [Management Policy 353](#) - Reduction in Workforce [RIWF])
  2. **Promotion Lists:** Generally, six (6) months or until the employee is promoted or separates from City of Mesa employment, whichever occurs first, or until fewer than three (3) candidates remain on the list. A promotion list may be extended one (1) time, not to exceed the duration of the original list, upon the request of the Department Director with approval of the Human Resources Director. Requests for extension must be made prior to the expiration date of the original list.
  3. **Sworn Promotional Lists:** The duration of the promotion lists for Police Sergeant, Police Lieutenant, Fire Engineer, Fire Captain, and Battalion Chief shall be a minimum of six (6) months, not to exceed a maximum of two (2) years, upon request of the Police Chief or Fire Chief with the approval of the Human Resources Director. The duration of the list will be stated on the promotional job announcement. A sworn promotional list may be considered expired if fewer than three (3) candidates remain on the list.

4. **Reinstatement Lists:** One (1) year from effective date of request for reinstatement. (See [Section 250 E](#))
  5. **Recruitment Summary Lists:** The duration of this employment list is generally six (6) months or until fewer than three (3) candidates remain on the list. A recruitment summary list may be extended one (1) time, not to exceed the duration of the original list, upon the request of the Department Director with approval of the Human Resources Director. Requests for extension must be made prior to the expiration date of the original list.
- E. **Insufficient Candidates:** If the Human Resources Director determines that there is an insufficient number of appropriately qualified candidates with the necessary preferred skill sets on existing lists, the Human Resources Director may expire the list(s) and/or initiate a recruitment to fill a vacancy. Recruitment of qualified employees from within the City of Mesa will have first priority. If the Human Resources Director determines that there is an insufficient number of qualified employees for the class of the vacancy, an open competitive recruitment may be initiated.

## SECTION 230. RECRUITMENT

- A. **Notice of Vacancies:** Public notice of position vacancies in the City of Mesa shall be accomplished by posting announcements of the vacancies by such means as the Human Resources Director shall direct.
- B. **Applications:** All applications for City of Mesa classified employment shall be submitted on the forms designated by the Human Resources Director. The applications must be submitted during the time period specified in the announcement. All applications and any accompanying documentation become the property of the City of Mesa and shall not be returned.
- C. **Disqualifications:** Applicants for classified positions may be denied further examination processing for any of the following reasons:
  1. Failure to meet the minimum qualifications specified in the announcement.
  2. Failure to submit a complete and accurate application.
  3. Misstatement of any pertinent fact on the application.
  4. Previous dismissal from City of Mesa classified employment for cause.
  5. Lack of a satisfactory performance rating at the time of a previous resignation.
  6. Lack of physical or mental ability with reasonable accommodation to perform the essential functions of the position.
  7. Fraud or deception in the application process.
- D. **Confidentiality:** All applications are confidential and may be reviewed only by the applicant, an individual who has written notarized authorization from the applicant, City officials in the normal line of duty, or officials acting in response to court orders or subpoenas.



## SECTION 240. EXAMINATIONS

- A. **General:** To ensure compliance with equal employment opportunity standards and test construction validity, the Human Resources Director has authority for reviewing and approving employment examination and related selection processes. All examinations for City of Mesa classified employment shall be designed to reveal the ability to perform the type of work for which the applicant has applied. All examinations shall be job-related. Employees or other individuals who participate on oral boards or other applicant examination processes shall not have relationships with applicants that could represent a conflict of interest or compromise the validity of the testing and selection process.
- B. **Types of Examinations:** Examinations shall include, but not be limited to, all or part of the following: written tests, interviews, performance tests, physical agility tests, evaluation of work performance, examination of work samples, medical tests, evaluation of training and experience, or any combination of these tests.
- C. **Preference Points:** Preference points authorized by [ARS §38-492](#) will be added to any applicant's score after the final rating is determined, provided that a passing grade has been earned without the addition of preference points.
- D. **Notice of Examination Results:** Examination results shall be communicated to each applicant after the rating has been completed.
- E. **Adjustment of Errors:** The Human Resources Director shall correct any error in the rating of an examination; provided, however, that any such correction shall not invalidate any appointment of any other applicant previously made.
- F. **Preparation of Recruitment Summary Lists:** After each recruitment the Human Resources Director shall prepare a Recruitment Summary list, or merge the names of new candidates with those on an existing Recruitment Summary list.

## SECTION 250. CERTIFICATION, SELECTION, AND APPOINTMENT

- A. **Certification of Candidates:** Upon receipt of a request from a department to fill a vacancy, the Human Resources Director shall send a list containing the names of all persons on the appropriate employment list to the Department Director or City Manager designee. The Department Director or City Manager designee may interview and select any person on the list regardless of placement on the list with the exception of the Reduction in Workforce List. (See [Section 220.C](#))
- B. **Notification of Candidates:** The Human Resources Director or designee shall notify all candidates selected for interview of the date, time, and place of the interview.
- C. **Appointing Authority:** The City Manager or designee shall appoint successful candidates to vacant positions. The Human Resources Department or Department representative shall notify the successful candidate of the date, time, and place at which the candidate must report to commence work. The Human Resources Department shall make arrangements for orientation of new personnel.
- D. **Temporary Project Appointment:** A Department Director, City Manager designee, Assistant City Manager, Deputy City Manager, or City Manager may select a qualified applicant (following

examination or other evidence of competence) for a temporary appointment in order to meet project-related business needs. Project-related temporary appointments are generally less than one hundred eighty (180) days but may not be longer than twelve (12) months without approval by the Human Resources Director. Appointees working twenty (20) or more hours per week for twenty (20) weeks or more must enroll in and contribute to the [Arizona State Retirement System](#). Time served as a temporary project-based employee is not applied toward benefits or probationary status.

- E. **Reinstatement:** An employee who has resigned or been separated in good standing is entitled, upon written application to the Human Resources Director within one (1) year of-resignation, to be placed on a reinstatement list for classes for which the former employee is qualified in the same or a lower range as that held at the time of separation. Former employees who are rehired into a full-time position shall serve a new probation period. All former benefited employees who met the requirement of two (2) years of continuous employment (accruing at a higher rate) prior to separation from the City and are rehired within nine (9) months of separation will begin accruing vacation time at the same rate they accrued at the time of separation. If the two (2) year requirement had not been met at the time of separation, the employee will return to the beginning accrual rate (the vacation accrual date will reset). All former employees who are rehired within nine (9) months of separation with previously accrued sick time that had not been used or paid out shall have their sick time balance restored upon rehire. (See Sections [423.B.5](#) and [423.D](#).) Stability pay shall not be restored. A returning sworn employee's seniority shall also be restored to the level it was prior to the separation if rehired within nine (9) months of separation (for internal promotions and shift bids).

## SECTION 260. EMPLOYMENT OF RELATIVES

Employment of relatives of current City employees shall be governed by the provisions of [ARS §§38-481, -502, and -503](#) and the following paragraphs.

- A. **Definition of Relative:** Relative means employee's spouse, child, parent, sister, brother, grandchild, grandparent and their spouses; and the parent, sister, brother, or child of a spouse. Step relationships and employee court-appointed legal guardians are included in this definition.
- B. Managers and officers in the positions listed below shall not have a relative employed as a full-time or benefited part-time employee in any position within three levels of supervision of the manager's or officer's position. This Section shall not be construed to require the dismissal of an employee who was hired before a relative is hired or promoted into one of the positions listed below.
- Assistant City Manager  
City Attorney  
City Manager  
Deputy City Manager  
Human Resources Director
- C. **Mayor and City Council:** Mayor and City Councilmembers shall not have a relative employed in any City department as a full-time or benefited part-time employee. This Section shall not be construed to require the dismissal of an employee who was hired before a relative is elected.
- D. **Employing Relatives:** Except as identified in Paragraphs B and C above, a relative of a current City employee may be employed as a full-time, part-time, seasonal, or temporary project
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employee, or a worker employed through a temporary employment agency, in the same department as the currently employed relative. However, an employee shall not: (i) participate in the hiring process of a relative, (ii) directly supervise a relative, or (iii) approve or recommend hiring, promotions, disciplinary actions, or participate in any other employment-related decisions for a relative. As provided in ARS §38-502(10(j)), this Paragraph D does not prohibit an employee from approving or recommending employment-related decisions affecting a class of ten or more employees, one of whom is a relative, as long as the relative's interest in the decision is no greater than that of other class members. In any disciplinary appeal by a relative of the City Manager, the City Auditor shall render the final decision.

- E. **Post-Employment Relationships:** In the event two (2) current employees marry, they must comply with Section D(ii) and (iii) above, which may require one (1) such employee to submit a request for transfer through their Department Director or City Manager designee to the Human Resources Director. If a transfer compatible with this policy cannot be made within ninety (90) days, then one (1) employee may be transferred at the discretion of the Department Director or City Manager designee.

## **SECTION 270. PUBLIC SERVICE EMPLOYMENT PROGRAMS**

- A. **Regular Positions:** An employee in a public service employment program is eligible to compete for regular employment with the City of Mesa while continuing in their public service employment program.
- B. **Eligibility for Benefits:** Employees who are employed on a full-time basis under the provisions of a public service employment program may, with the approval of the City Manager or designee, receive all benefits of regular employees except for stability pay.
- C. **Probation:** An employee in a public service employment program who obtains a regular position with the City of Mesa shall be required to serve a probationary period in that position.

### CHAPTER 3: CLASSIFICATION AND COMPENSATION

#### SECTION 310. CLASSIFICATION

- A. **General:** Subject to the approval of the City Manager or designee, the Human Resources Director shall place every position in City of Mesa classified employment in a class based on its essential functions, and shall establish and maintain a system of job descriptions for each class in the City.
- B. **Job Descriptions:** Each job description shall contain the title of the class, a statement of the essential functions of the class, knowledge, skills, and abilities within the class, and the minimum qualifications for entry into the class. Minimum qualifications shall include educational and experience requirements, and any special requirements that pertain, or may pertain, to all or some of the positions within that class.
- C. **Changes in Job Descriptions:** The Human Resources Director may establish new classes, and divide, combine, alter, or abolish existing classes.
- D. **Changes in Job Duties:** If a material and permanent change has taken place in the duties and responsibilities of a position, the Department Director or City Manager designee may request a reclassification study of the position (See [Management Policy 329](#) - Classification and Compensation. An employee who is in the position at the time of reclassification is entitled to continue to serve in that position in the new classification.

#### SECTION 320. SALARY PLAN

- A. **General:** The Human Resources Director, with the approval of the City Manager, or designee, will assign each class in the City of Mesa to a specific salary range.
- B. **Salaries:** Except as otherwise provided, all City classified employees shall be paid a salary within the range to which their class is assigned.
- C. **Entrance Rates:**
  - 1. Except as specified below, all new employees shall be paid at a step not higher than the midpoint of the range to which their class is assigned.
  - 2. If the Assistant City Manager (or designee) or City Manager designee determines that a particular applicant has special qualifications that justify a salary higher than the midpoint of the range, the Assistant City Manager (or designee) or City Manager designee may authorize a special entrance rate at a higher step than the midpoint within the salary range for that individual.
- D. **Specialty Pay Scale:** Under limited circumstances, the City Manager may establish position classifications according to a specialty pay scale.
- E. **Promotion:**
  - 1. Except as specified in Paragraph 2 below, an employee who is promoted shall receive a salary that is **at least** the same or higher than the salary received at the former range.

Increases greater than the midpoint of the range shall be in accordance with approval processes established by the City Manager.

2. Employees who are criteria-based promoted from a Recruit classification to the Firefighter classification or the Police Officer classification will start at the first step of the range for these classes.

F. **Transfer:** An employee transferred in the same range while remaining in the same classification shall receive the same salary as before the transfer. If the transfer involves a lateral change, (a change in job classification that is in the same pay range) the employee's salary may be adjusted.

G. **Reclassification:**

1. An employee whose position is reclassified to a class in the same pay range shall receive the same salary as before the reclassification.
2. An employee whose position is reclassified to a class in a higher pay range shall receive the same salary as before the reclassification, unless this salary is less than the first step of the new pay range, in which case the employee shall receive the salary of the first step of the new pay range.
3.
  - a. If an employee's position is reclassified to a lower salary range, the employee will be placed at the lowest salary step in the new pay range that does not cause a decrease in salary.
  - b. If an employee is reclassified to a lower range, and the employee's current salary is higher than the maximum step of the lower range, the employee shall be retained at the current salary level until the salary range of the new pay range reaches the level of the employee's salary.
4. An employee whose salary range is adjusted from their current salary range to a higher salary range based on a salary survey shall be entitled to a salary increase as indicated in Paragraph 2 above.
5. The City Manager may approve exceptions to this Section based on financial considerations.

H. **Demotion:** (See also [Section 820](#))

1. An employee who is demoted for disciplinary reasons shall be paid at the highest step in the lower pay range that is at least five percent (5%) lower than the employee's salary prior to the demotion. The demoted employee will be placed on disciplinary probation for one (1) year (See [Section 540.D](#) regarding disciplinary probation and pre-deprivation hearings with a disciplinary reduction in pay). A Department Director can remove the employee from disciplinary probation early, if warranted.
2. An employee who is demoted for disciplinary reasons whose new salary as computed under Subsection G above exceeds the maximum salary of the lower range shall receive the maximum salary of the lower range.

3. An employee who requests demotion shall be paid at a rate within the new salary range recommended by the Department Director and approved by the Deputy City Manager, Assistant City Manager or City Manager designee. A voluntary demotion may only occur if the intended position is currently existing and vacant.
4. An employee who is demoted for failing to meet the requirements of the position shall be demoted to the formerly held position if existing and vacant or to a currently existing, vacant and funded position for which the employee meets minimum qualifications within the employee's department. The employee's salary will be computed as in Subsection H1 above. If the employee's former position is not currently existing and vacant at the time the employee is demoted or there is not a vacant and funded position within the employee's department, the employee shall be dismissed.
5. An employee demoted for the City's convenience will continue to receive the same salary as before the demotion. If this salary is higher than the maximum of the new pay range, the employee will remain at this rate until the salary range for the class reaches the employee's salary, at which point the employee will again be eligible for salary increases.

**I. Shift Differential:**

1. a. Shift differential is a premium paid to nonexempt employees working an eligible shift. An eligible shift starts on or after 2:00 p.m. and before midnight. Eligible employees who start work on or after 2:00 p.m. will receive shift differential premium for all work performed from 3:30 p.m. to 8:00 a.m. Part-time employees (benefited or non-benefited) will receive shift differential premium if working an eight (8) hour shift that starts on or after 2:00 p.m. for all work performed from 3:30 p.m. to 8:00 a.m. Sworn Fire personnel and seasonal employees are not eligible for shift differential premium.
- b. Sworn nonexempt Police Department employees and Critical City Services employees shall be paid shift differential premium for working an eligible shift. An eligible shift starts on or after 10:00 a.m. and before midnight. Eligible employees who start work on or after 10:00 a.m. will receive shift differential premium for all work performed from 3:30 p.m. to 8:00 a.m.
2. Shift differential premium shall be paid to employees for hours worked over the regularly assigned eligible shift when such work is a continuation of the regular shift and falls within the designated hours of 3:30 p.m. to 8:00 a.m.
3. With the exception of sick time, shift differential shall not be paid for any employee on paid time off, as outlined in [Chapter 4](#) of the Personnel Rules. An employee normally assigned to an eligible shift is not eligible for the shift differential premium when working a day shift or attending training during the day.
4. An employee who is called back to work outside their regularly assigned shift shall receive shift differential premium, if the shift is eight (8) or more hours, and the call back shift starts on or after 2:00 p.m. and before midnight or on or after 10:00 am for sworn nonexempt Police Department and Critical City Services employees. Employees will receive shift differential premium for all work performed from 3:30 p.m. to 8:00 a.m. and shall be compensated in accordance with call-out policies.

5. Shift differential premium shall be paid according to the chart identified in [Management Policy 400](#) - Timekeeping and Leave Administration.

### **SECTION 330. PERFORMANCE INCREASES AND DECREASES**

(See [Section 530](#) Performance Evaluations, [Section 320 H](#) Demotion, [Section 820](#) Demotion)

- A. **Eligibility - New Employees:** After initial employment in a City of Mesa classified position, an employee becomes eligible for advancement in the employee's pay range (step pay) upon successful completion of initial regular probation.
- B. **Eligibility - Full-Time and Benefited Part-Time Employees:** Full-time and benefited part-time employees are eligible for a step pay increase upon: successful completion of initial regular probation (for full-time classified employees) or one (1) year from hire date (for full-time at-will and benefited part-time employees) and then annually on the common review date until the employee's salary reaches the maximum of the pay range.
  1. If a part-time benefited, grant-funded, or project funded employee moves into a classified full-time position within the same department after one year, the employee will not have to serve initial regular probation if the most recent performance appraisal review was successful.
  2. If a part-time benefited, grant-funded, or project funded employee moves into a classified, full-time position in a different department, the employee will serve a six-(6) month initial regular probation period from the date of the change to classified status, which cannot be extended.
  3. If the movement into a classified position occurs prior to one year, the employee will serve a twelve-(12) month initial regular probation from the date of the change to classified status.
- C. **Qualifying Requirement:** An employee must attain the performance rating indicated by City Management in order to qualify for a step pay increase.
- D. **Pay Decreases Due To Performance:** If an employee's overall performance rating is "Performance Improvement Required", the employee may receive one (1) pay reduction not to exceed five percent (5%) per regularly scheduled evaluation. A classified employee must be given an opportunity to attend a pre-deprivation hearing after receiving the evaluation notifying them of the intended action, but prior to the salary being reduced.

**Pre-Deprivation Hearing:** Upon recommendation of a reduction in pay, the employee will be notified that a pre-deprivation hearing will be held by the Department Director or designated acting Department Director, or City Manager designee. The employee will be given not less than twenty-four (24) hours' notice of the pre-deprivation hearing and is allowed to bring a personal representative. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline)

- F. **Exceptional Performance Recognition Award:** Upon approval of the Assistant City Manager, Deputy City Manager or City Manager designee, an exceptional performance recognition award may be given to full-time and benefited part-time employees to recognize exceptional

performance in the employee's class. An employee may receive no more than one (1) individual and one (1) team award during a twelve (12) month period. This award will be for a specified amount and paid in a lump sum separate and apart from biweekly wages. After the City deducts the appropriate amount of taxes, the amount shall be from \$100 net up to \$500 net. (See [Management Policy 322](#) - Special Performance Rewards)

Eligible employees must have been employed for one (1) year and received an overall "Meets" or "Exceeds" Expectations rating on their most recent performance appraisal. Additionally, written justification shall be provided to support the recommendation for an Exceptional Performance Award. Team members considered for Exceptional Performance Recognition must have received a rating of "Meets" or "Exceeds" Expectations on their most recent performance appraisal. (See [Management Policy 322](#) - Special Performance Rewards).

- G. **Unscheduled Pay Increases:** Upon approval of the Assistant City Manager, Deputy City Manager or City Manager designee and review by the Human Resources Director, an Unscheduled pay increase may be processed as a salary adjustment and awarded to an employee to recognize exceptional performance in the employee's class. This award is a permanent increase and may be given only to employees below the maximum of the salary range to which they are assigned. (See [Management Policy 322](#) - Special Performance Rewards)

#### **SECTION 340. STABILITY PAY**

- A. **Definition:** Stability pay is a payment made to eligible full-time employees that is designed to encourage and recognize continued City of Mesa employment.

B. **Eligibility:**

1. Employees hired prior to July 1, 1988, who have worked for the City of Mesa for five (5) continuous years and are currently in a full-time position, will receive ten percent (10%) of their pay, as set forth in Section 340.C below. The stability payment begins on the first pay period after five (5) years of full-time employment.
2. Employees hired on and after July 1, 1988, but before June 30, 1992, who have worked for the City of Mesa for five (5) continuous years and are currently in a full-time position, will receive five percent (5%) of their pay, as set forth in section forth in Section 340.C below. The stability payment begins on the first pay period after five (5) years of full-time employment.
3. Employees hired on or after July 1, 1992, will not be eligible for stability pay.
4. Part-time employees are not eligible for stability pay, regardless of benefited status. Employees who were previously eligible for, or received stability pay as a regular full-time employee, will not receive stability pay as a part-time employee. If an eligible part-time employee regains regular full-time status without a separation from City of Mesa employment, the employee's stability pay will be reinstated. Eligibility for stability pay is determined by the employee's status at the end of the biweekly pay period and will not be prorated.

C. **Stability Payments:**



The City shall pay eligible full-time employees stability pay on a biweekly basis and the payment will be included in the employee's paycheck. The amount of stability pay is determined by the employee's biweekly pay, regardless of the number of hours worked. Deductions will not be made for paid or unpaid time off in a pay period or use of donated time.

## **SECTION 350. OVERTIME**

### **A. Eligibility:**

1. All employees, except those identified in Paragraph 2 below, are eligible to receive overtime pay when earned.
2. Executive, administrative, professional, certain computer-related occupations, or certain recreational employees who meet the criteria established in the federal [Fair Labor Standards Act](#) (FLSA) as amended, are exempt from overtime pay.
  - a. Notwithstanding any other provision of these Personnel Rules or any other policy of the City, for purposes of public accountability, all City of Mesa [FLSA](#) exempt employees must use accrued leave for absences of more than four (4) consecutive hours unless approval is given by the Department Director or designated acting Department Director or City Manager designee. Otherwise, FLSA exempt employees who do not have accrued leave available will have their pay docked or be placed on special leave.
  - b. All employees, including FLSA exempt employees, must seek and obtain a supervisor's permission to be absent during the workday. FLSA exempt employees who regularly work more than forty (40) hours per week need not use accrued leave for occasional absences of four (4) consecutive hours or less in a workday with supervisory approval. Department Director or designated acting Department Director or City Manager designee approval is required for absences greater than four (4) hours if accrued leave is not used.

**B. Overtime Schedules:** All personnel except those identified above shall be eligible to receive overtime compensation for hours worked in excess of forty (40) hours during any work week. Effective July 1, 2012, for purposes of calculating overtime for employees working a forty (40) hour work week, the following paid time off categories will not be considered time worked: authorized director's time, sick, compensatory time, and observance of a holiday for critical City services and essential personnel.

Fire personnel working a twenty-four (24)-hour shift are eligible to receive overtime compensation for hours worked in excess of two hundred four (204) hours during the twenty-seven (27) day work period. Fire personnel working a twelve (12)-hour shift are eligible to receive overtime compensation for hours worked in excess of ninety-one (91) hours during the twelve (12) day work period. Effective July 1, 2012, for purposes of calculating overtime for fire personnel working a twenty-four (24)-hour shift or twelve (12)-hour shift, the following paid time off categories will not be considered time worked: compensatory time and observance of a holiday.

**C. Overtime Authorization:** FLSA nonexempt employees must seek and obtain approval prior to working any overtime or outside of their normal scheduled shift/hours. The employee shall accurately report and record all hours worked. The supervisor shall monitor hours worked, record/review timecards, and approve all overtime worked by employees.

- D. **Identification:** The Human Resources Director will publish a list of all positions in the City, identifying those positions eligible for overtime, and identifying the category of overtime for each position.
- E. **Payment:** Eligible employees, when authorized to work overtime, shall be compensated at one and one-half (1½) times the employee's regular rate of pay. Once an employee has been paid overtime, that time cannot be converted into compensatory time.
- F. **Compensatory Time:** Eligible employees (full-time and benefited part-time) may receive compensatory time in lieu of overtime payment if an agreement is entered between the supervisor and the employee before the overtime hours are worked. Compensatory time accrues at one and one-half (1½) hours for each hour of overtime worked. Employees who request to use accrued compensatory time shall be permitted to use the time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt operations. Once an employee has accrued compensatory time, that time will not be converted into overtime hours. (See [Management Policy 311](#) - Compensatory Time)
- G. **Working on a Holiday:** (See [Section 421 D, 1 and 2](#))

#### **SECTION 360. STAND-BY AND CALL-OUT PAY**

**Eligibility:** Employees who are eligible for overtime pay, as specified in [Section 350 A](#) are eligible for stand-by or call-out pay. For Information on Citywide Stand-By and Call-Out, (See [Management Policy 357](#) - Citywide Stand-By and Call-Out)

#### **SECTION 370. EXECUTIVE/ADDITIONAL BENEFITS**

- A. The City Manager, Assistant City Managers, Deputy City Managers, and those City officers specifically established in the City Charter and management employees designated by the City Manager shall participate in an executive benefits plan created and approved by the City Manager. The City Council shall consider the executive benefits plan during annual budget hearings.
- B. The City Manager may provide additional benefits, (e.g., authorize the provision of an established bank of vacation and/or sick time or other benefits deemed appropriate), for any position as determined by the City Manager. Accrual schedules outlined in [Sections 422](#) and [423](#) will not be affected by an established bank of time.

## CHAPTER 4: BENEFITS

### SECTION 410. ABSENCE FROM WORK

- A. **Absence From Work:** Except as otherwise set forth in [Section 423. Sick Time](#), absence from work is subject to supervisory approval. All requests for absence from scheduled work should be submitted to the employee's supervisor at least forty-eight (48) hours prior to the beginning of the absence (or according to Fire staffing policy for Fire employees), except for emergencies or unanticipated sick time, in which case the request shall be submitted as soon as possible. The request must be submitted and must be approved by the employee's supervisor. This requirement applies to both paid and unpaid time off.
- B. **Unexcused Absences:** An employee who is absent without supervisory approval (unpaid time off), subject to the restrictions set forth in [Section 423](#), has an unexcused absence and is subject to the disciplinary action listed below. Unexcused absences may be for full or partial days.
1. For the first (1<sup>st</sup>) instance of unexcused absence, the employee shall receive, at a minimum, non-disciplinary corrective action (i.e., oral counseling, written counseling, or corrective action plan).
  2. For the second (2<sup>nd</sup>) instance of unexcused absence within twelve (12) months of the first (1<sup>st</sup>) unexcused absence, the employee shall receive, at a minimum, a written reprimand.
  3. For the third (3<sup>rd</sup>) instance of unexcused absence within twelve (12) months of the second (2<sup>nd</sup>) unexcused absence, the employee shall receive, at a minimum, a suspension of one (1) day, or discipline up to and including termination with the approval of the Human Resources Director. (See [Section 820.C.](#) for suspension of exempt employees)
  4. For the fourth (4<sup>th</sup>) instance of unexcused absence within twelve (12) months of the third (3<sup>rd</sup>) unexcused absence, the employee shall be dismissed from City of Mesa employment, unless the City Manager or designee, in consultation with the Human Resources Director, find that extraordinary circumstances do not justify the termination.
  5. An unexcused absence of three (3) consecutive workdays, or two (2) consecutive twenty-four (24)-hour work shifts or more is considered to be abandonment of City of Mesa employment. Per [Section 820.](#), the City must attempt to notify the employee to schedule a pre-deprivation hearing by certified mail to the employee's last known address.

### SECTION 420. PAID TIME OFF

Paid time off is the time an employee is absent from work but receiving pay. Paid time off categories include, *but are not limited to*: observance of a holiday, vacation, sick, compensatory time, discretionary time, voting, jury duty/witness, bereavement, administrative leave, and donated time. Refer to [Management Policy 400](#) for a complete list of all paid time off categories.

All paid time off can be taken in quarter (¼)-hour increments, unless otherwise noted. An employee receiving pay in any of the paid time off categories will be paid at the employee's effective rate of pay. With the exception of sick time, shift differential shall not be paid for any employee on paid time off.

## SECTION 421. HOLIDAYS

- A. **City Holidays are as Follows:** New Year's Day, Martin Luther King, Jr./Civil Rights Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day (December 24<sup>th</sup>), and Christmas Day.
- B. **Observation of Holidays:** When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Saturday, it will be observed on the preceding Friday. If the holiday falls on an employee's regularly scheduled day off, the employee will observe the holiday on a regularly scheduled at any point from the time of accrual to the end of the calendar year.

Effective July 1, 2012, departments will determine whether employees in the department will follow an actual or observed holiday calendar. (See [Management Policy 400](#) - Timekeeping And Leave Administration)

- C. **Eligibility:** Unless required to maintain City services as indicated in Section 421.D., employees are relieved from duty for their full shift if the holiday falls on a day they are normally scheduled to work; benefited employees shall be paid during their absence from work.
- D. **Employees Required to Work to Maintain City Services:**
1. All nonexempt employees who are required to work on a holiday (actual or observed as set by the department shall be paid a holiday premium at the rate of one and one-half (1½) times the employee's effective hourly rate.
  2. Critical City services and essential personnel: Employees required to work to maintain City services as designated by the City Manager or designee, are paid for the holiday separately in the pay period the holiday occurs. Critical City services and essential personnel receive holiday premium at their effective hourly rate based on their current schedule, except that Fire personnel working a twenty-four (24)-hour shift are paid fourteen (14) hours at their effective hourly rate. Fire personnel working a twelve (12)-hour shift are paid ten point five (10.5) hours at their effective hourly rate. Critical City services and essential personnel except fire personnel working a twenty-four (24)-hour shift or twelve (12)-hour shift, shall be paid a holiday premium of one and one-half (1½) times the employee's effective hourly rate of pay for time worked on a holiday.
- Critical City services and essential personnel required to work on a holiday may not flex the holiday time to another day. All personnel (including essential personnel in an administrative assignment) are required to obtain supervisory approval to work on a holiday.
- E. **Holidays During Paid Time Off:** All benefited employees (except those designated in [Section 421.D.2](#)) on paid time off when a holiday occurs will receive no additional pay and will not be charged any paid time off categories.

- F. **Holidays During Unpaid Time Off:** An employee who is on unpaid time off status shall not be paid for a holiday unless the employee works a shift or submits paid time off on the employee's scheduled workday either the day before or the day after the holiday. An employee on disciplinary dock on a holiday is not eligible for holiday pay.
- G. **Starting Employment:** If a holiday falls on the first scheduled workday, an employee who starts to work for the City on the following day shall not receive pay for the holiday.
- H. **Terminating Employment:** If an employee is terminated for any reason on the day before a holiday, the employee will not receive pay for the holiday. An employee's last day worked cannot be a holiday unless that is a regular scheduled workday.

**SECTION 422. VACATION TIME**

- A. **Definition:** Vacation time includes all periods of approved absence with pay which are not chargeable to another paid time off category.
- B. **Accrual:**
  - 1. Effective January 1, 2013, eligible employees will accrue vacation time in accordance with the following:
    - a. **Full-Time:**
      - Years Zero (0) Through Two (2):**
        - Three point five (3.5) hours per pay period.
        - An additional five (5) hours will be granted on January 1 of each year
      - Years Two (2+):**
        - Five point five (5.5) hours per pay period.
        - An additional one (1) hour will be granted on January 1 of each year.
    - b. **Fire Personnel Working A Twenty-Four (24)-Hour Shift:**
      - Years Zero (0) Through Two (2):**
        - Four point nine (4.9) hours per pay period.
        - An additional seven (7) hours will be granted on January 1 of each year.
      - Years Two (2+):**
        - Seven point seven (7.7) hours per pay period.
        - An additional one point four (1.4) hours will be granted on January 1 of each year.
    - c. **Fire Personnel Working A Twelve (12)-Hour Shift:**
      - Years Zero (0) Through Two (2):**
        - Three point six seven five (3.675) hours per pay period
        - An additional five point two five (5.25) hours will be granted on January 1 of each year.
      - Years Two (2+):**
        - Five point seven seven five (5.775) hours per pay period

- An additional one point zero five (1.05) hours will be granted on January 1 of each year.

d. **Benefited Part-Time:**

**Years Zero (0) Through Two (2):**

- One point seven five (1.75) hours per pay period.
- An additional two point five (2.5) hours will be granted on January 1 of each year.

**Years Two (2+):**

- Two point seven five (2.75) hours per pay period.
- An additional point five hour (.5) will be granted on January 1 of each year.

2. Effective January 1, 2013, employees accrue vacation time once they have met a minimum number of hours in a biweekly pay period. This hourly requirement may be satisfied through any combination of hours worked and paid time off. At the beginning of employment, if an employee works less than the minimum number of hours in their first pay period, they will not accrue vacation time for that pay period and will begin accruing on the next pay period provided the minimum number of hours is reached. The minimum number of hours is as follows:
  - a. Full-time employees must meet a minimum of sixty-five (65) hours in a biweekly pay period;
  - b. Fire personnel working a twenty-four (24)-hour shift must meet a minimum of fifty-four (54) hours in a biweekly pay period;
  - c. Fire personnel working a twelve (12)-hour shift must meet a minimum of forty point five (40.5) hours in a biweekly pay period;
  - d. Benefited part-time employees must meet a minimum of thirty-two point five (32.5) hours in a biweekly pay period.
3. Effective January 1, 2013, the effective date for change in the accrual rate is the first (1st) biweekly pay period immediately following two (2) years of continuous employment.
4. Eligibility to use accrued vacation time shall begin on the date of accrual for full-time and benefited part-time employees.
5. Former benefited employees who met the requirement of two (2) years of continuous employment (accruing at a higher rate) prior to separation from the City who are rehired within nine (9) months of the date of their separation shall begin accruing vacation time at the same rate they accrued at the time of separation. If the two (2) year requirement had not been met at the time of separation, the employee will return to the beginning accrual rate (the vacation accrual date will reset). (See also [Section 250.E.](#))

- C. **Accumulation:** The maximum accumulation of vacation time is two hundred forty (240) hours for regular full-time employees, three hundred thirty-six (336) hours for fire personnel working a twenty-four (24)-hour shift, two hundred fifty-two (252) hours for fire personnel working a twelve (12)-hour shift, and one hundred twenty (120) hours for benefited part-time employees.

Employees who have in excess of the above amounts on December 31st of each year will be paid for the excess amount of time after December 31st , provided the regular full-time employee has taken eighty (80) hours vacation time, seventy-two (72) hours for Fire personnel working a twenty-four (24)-hour shift, fifty-four (54) hours for Fire personnel working a twelve (12)-hour shift, fifty-one point seven two (51.72) hours for Fire union members working forty (40)-hours a week, eighty (80) hours for Fire personnel (BC) working forty (40)-hours a week, and forty (40) hours for benefited part-time employees during that calendar year. If the employee has not taken the required amount of time during the year, all excess time shall be forfeited and placed in the Citywide donated leave bank. Donated time counts as used vacation time.

- D. **Use of Vacation Time:** Vacation time may be taken at any time if approved by the supervisor; the minimum unit allowed is one-quarter ( $\frac{1}{4}$ ) hour. Vacation time shall not be advanced to an employee nor may vacation time be transferred between employees unless authorized by the Department Director or City Manager designee in accordance with the Donated Leave Program. (See [Management Policy 317](#) - Donated Leave Program)
- E. **Separation:** A full-time or benefited part-time employee who separates from City of Mesa employment shall be paid for all unused vacation time.
- F. **Change in Benefits:** An employee who transfers from a benefited position to a non-benefited part-time position shall be paid for all unused vacation time.

#### SECTION 423. SICK TIME

- A. **Definition:**
  - 1. Earned paid sick time shall be provided to an employee for the following reasons:
    - a. The employee's mental or physical illness, injury or health condition; or to care for a family member with an illness, injury or health condition;
    - b. The employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or to care for a family member with the same need;
    - c. The employee's need for preventive medical care; or to care for a family member with the same need;
    - d. Closure of the employee's worksite by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease;
    - e. Absences necessary due to domestic violence, sexual violence, abuse or stalking, provided the absence is to allow the employee to obtain for the

employee or the employee's family member:

- 1) Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
  - 2) Services from a domestic violence or sexual violence program or victim services organization;
  - 3) Psychological or other counselling;
  - 4) Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
  - 5) Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.
2. For purposes of this Section 423, the term family member means:
- a. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a committed partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor;
  - b. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or committed partner or a person who stood *in loco parentis* when the employee or employee's spouse or committed partner was a minor child;
  - c. A person to whom the employee is legally married under the laws of any state, or committed partner of an employee as registered under the laws of any state or political subdivision;
  - d. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or committed partner; or
  - e. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

For purposes of the definition of "family member" in this subsection, "committed partner" means an individual who has been declared the committed partner of an employee under the requirements of the City of Mesa Benefits Plan Document, or an individual who is at least eighteen (18) years of age living together in a common household with an employee who is at least eighteen (18) years of age; and in which the employee and the individual are each other's sole committed partner; they are not legally married to each other; they are not legally married to, legally separated from, or a committed partner to any other person; and they are not related by blood closer than would bar them from being legally married in the State of Arizona.



**B. Accrual:**

1. Effective January 1, 2019, employees will accrue sick time as follows. See [Management Policy 400](#) – Timekeeping and Leave Administration – for the pro-rated grant schedule for new hires.
  - a. **Full-Time:**
    - Two (2) hours per pay period
    - An additional forty-four (44) hours will be granted on January 1 of each year, or a prorated amount on date of hire for new hires.
    - Total combined accrued and granted hours will not exceed ninety-six (96) hours in a calendar year.
  - b. **Fire Personnel Working A Twenty-Four (24)-Hour Shift:**
    - Two point eight (2.8) hours per pay period
    - An additional sixty-one point six (61.6) hours will be granted on January 1 of each year, or a prorated amount on date of hire for new hires
    - Total combined accrued and granted hours will not exceed one hundred thirty-four point four (134.4) hours in a calendar year.
  - c. **Fire Personnel Working A Twelve (12)-Hour Shift:**
    - Two point one (2.1) hours per pay period
    - An additional forty-six point two (46.2) hours will be granted on January 1 of each year, or a prorated amount on date of hire for new hires
    - Total combined accrued and granted hours not to exceed one hundred point eight (100.8) hours in a calendar year.
  - d. **Benefited Part-Time:**
    - Forty-eight (48) hours will be granted on January 1 of each year, or a prorated amount on date of hire for new hires.
  - e. **Non-benefited and Seasonal:**
    - Forty (40) hours will be granted on January 1 of each year, or a prorated amount on date of hire for new hires.
2. Effective January 1, 2019, full-time employees accrue sick time once they have met a minimum number of hours in a biweekly pay period. This hourly requirement may be satisfied through any combination of hours worked and paid time off. At the beginning of employment, if an employee works less than the minimum number of hours in their first pay period, they will not accrue sick time for that pay period and will begin accruing on the next pay period provided the minimum number of hours is reached. The minimum number of hours is as follows:
  - a. Full-time employees must meet a minimum of sixty-five (65) hours in a biweekly pay period;
  - b. Fire personnel working a twenty-four (24)-hour shift must meet a minimum of fifty-four (54) hours in a biweekly pay period;
  - c. Fire personnel working a twelve (12)-hour shift must meet a minimum of forty point five (40.5) hours in a biweekly pay period.

3. Full-time and benefited part-time employees may begin using sick time hours upon accrual.
4. Non-benefited and seasonal employees cannot begin using sick time hours until the ninetieth (90<sup>th</sup>) calendar day after their date of hire. These employees can use up to a maximum of forty (40) paid sick time hours per calendar year. The ninety (90)-day waiting period does not apply to returning/reactivated non-benefited/seasonal employees, nor does it apply to non-benefited/seasonal employees who met the 90-day waiting period prior to separation and are rehired within nine (9) months of separation.
5. Former employees who are rehired within nine (9) months of separation with previously accrued sick time that had not been used or paid out shall have their sick time balance restored upon rehire. Employees rehired within nine (9) months of separation and within the same calendar year as their date of separation will not receive a prorated grant on date of rehire. Employees rehired within nine (9) months of separation and within the following calendar year after date of separation will receive a prorated grant on date of rehire. See [Management Policy 400](#)– Timekeeping and Leave Administration for the pro-rated grant schedule for new hires. See also Sections [250.E](#) and [423.D](#).
6. Returning/reactivated non-benefited and seasonal employees who return to work within the same calendar year as last day worked/date of inactivation will not receive an additional grant upon return. Returning/reactivated non-benefited and seasonal employees who return to work in a subsequent calendar year, will receive a full grant (not pro-rated) on the date of their return to work.

**C. Conversion of Sick Time to Vacation Time:**

Unused accrued sick time is carried over from year to year with no cap, subject to the limitations on usage. However, employees may elect to convert sick to vacation time under the following circumstances:

1. Full-time employees with a balance of four hundred eighty (480) hours can elect to convert 50% of future accrued sick time hours to vacation time.
2. Full-time employees with a balance of one thousand forty (1,040) unused sick time hours can convert 100% of sick time hours accrued above 1,040 unused sick time hours to vacation time.
3. Part-time benefited employees with a balance of two hundred forty (240) hours can elect to convert 50% of future accrued sick time hours to vacation.
4. Part-time benefited employees with a balance of five hundred twenty (520) unused sick time hours can convert 100% of sick time hours accrued above 520 unused sick time hours to vacation time.
5. Fire personnel working a twenty-four (24)-hour shift with a balance of six hundred seventy-two (672) hours can elect to convert fifty percent (50%) of future accrued sick time hours to vacation.
6. Fire personnel working a twenty-four (24)-hour shift with a balance of one thousand four hundred fifty-six (1,456) unused sick time hours can convert one hundred percent (100%) of sick time hours accrued above one thousand four hundred fifty-six (1,456) unused sick time hours to vacation time.

7. Fire personnel working a twelve (12)-hour shift with a balance of five hundred and four (504) hours can elect to convert fifty percent (50%) of future accrued sick time hours to vacation.
8. Fire personnel working a twelve (12)-hour shift with a balance of one thousand ninety-two (1,092) unused sick time hours can convert sick time hours accrued above one thousand ninety-two (1,092) unused sick time hours to vacation time.
9. Part-time non-benefited and seasonal employees are not allowed to convert any accrued sick time hours to vacation time.

Employees who elect to convert sick time to vacation time in accordance with this subsection are required to execute the [Sick Time Conversion Election Form](#).

If elected, an employee's sick time shall be converted to vacation time on the basis of one (1) hour of vacation time for every one (1) hour of excess sick time accrued according to the hours listed above.

If an employee's balance exceeds the above-referenced applicable amount, and the employee elects to convert the excess sick time to vacation time, the option to convert in accordance with this section is only available for newly accrued hours after the election is effective.

**D. Payment at Retirement/Death:**

A regular full-time or benefited part-time employee who retires from City of Mesa employment or dies shall be compensated for all accumulated sick time at the rate of fifty percent (50%) (rounded to the next fifteen (15) minute increment) of the accumulated sick time hours at the employee's effective hourly rate, up to a maximum of five hundred twenty (520) hours for full-time employees, two hundred sixty (260) hours for benefited part-time employees, seven hundred twenty-eight (728) hours for Fire personnel working a twenty-four (24) hour shift and five hundred and forty-six (546) hours for Fire personnel working a twelve (12) hour shift.

**Payment at Termination:** An employee who terminates City of Mesa employment for any reason other than retirement or death shall forfeit all accumulated sick time.

**E. Use of Sick Time:**

1. Employees shall be allowed to use earned paid sick time for the reasons listed in [Section 423.A.1](#).
2. Sick time can be used in one-quarter ( $\frac{1}{4}$ ) hour increments.
3. Requests to use sick time must be submitted to the employee's supervisor. Whenever possible, the request shall include the expected duration of the absence.
4. When the use of sick time is foreseeable, the employee shall make a good faith effort to provide advance notice and shall make a reasonable effort to schedule the time in a manner that does not unduly disrupt operations.
5. When the use of sick time is not foreseeable, the employee must notify the immediate supervisor at least one-half ( $\frac{1}{2}$ ) hour prior to the beginning of the work shift, unless the

employee is unable to do so due to circumstances beyond the employee's control. Failure to report within the specified time period may result in the employee being docked a day's pay and subjected to disciplinary action.

6. Employees are not required to find a replacement worker to cover the hours during which the employee is using paid sick time.
7. The use of paid sick time under this section cannot count as an absence that may lead to or result in discipline or any other adverse employment action.
8. For paid sick time absences of three (3) or more consecutive workdays, a Department Director (or designee) or City Manager designee may require reasonable documentation that the paid sick time has been used for a reason set forth under [Section 423.A.1](#). Documentation signed by a health care professional indicating the time is necessary shall be considered reasonable documentation for purposes of this section.

In cases of absences due to domestic violence, sexual violence, abuse or stalking, the following types of documentation selected by the employee shall be considered reasonable:

- a. A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual violence, abuse or stalking;
- b. A protective order; injunction against harassment; a general court order; or other evidence from a court or prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual violence, abuse or stalking;
- c. A signed statement from a domestic violence or sexual violence program or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual violence, abuse or stalking;
- d. A signed statement from a witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization;
- e. A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is a victim of domestic violence, sexual violence, abuse or stalking; or
- f. An employee's written statement affirming that the employee or the employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking, and that the time was taken for one of the reasons set forth in [Section 423.A.1.e](#). The employee's written statement, by itself, is reasonable documentation for absences under this paragraph. The written statement does not need to be in an affidavit format or notarized but shall be legible if handwritten and shall reasonably make clear the employee's identity, and if applicable, the employee's relationship to the family member.

A supervisor may not require that the documentation provided under this subsection explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.

9. For all absences listed in Section [423.A.1](#) sick time will be used first; followed by, if needed and with supervisor approval, other forms of paid time off or dock status. For FMLA-related absences, See [Management Policy 345](#) - Family Medical Leave Act (FMLA) for use of time.
10. For non-workplace injuries or illnesses, a Department Director (or designee) or City Manager designee may require an employee receive an Independent Medical Examination (IME) by a licensed health care practitioner designated by the City Manager or designee. If the initial examination occurs on a scheduled workday, the employee shall be paid for their time including travelling to and from the examination (contact Time & Labor for the appropriate pay code). All related medical expenses resulting from the initial exam are paid by the employee's department. The employee is responsible for the payment of all other related medical expenses if additional treatment is required. If the licensed health care practitioner determines that the employee should not work due to illness or injury, the Department Director (or designee) or City Manager designee may place the employee on sick time, or if the employee's sick time is exhausted, on leave without pay. If the licensed health care practitioner determines that the employee cannot perform the essential functions of their regular class, the employee may be transferred to a class for which the employee is suited or a [reasonable accommodation](#) may be made for the employee. The Department Director (or designee) or City Manager designee may require the employee to obtain approval from the licensed health care practitioner prior to the employee's returning to work or returning to their former class.
11. A Department Director (or designee) may send home an employee who is ill at work. In these instances, sick time will be used first, followed by, if needed and with supervisory approval, other forms of paid time off or dock status.

- F. **Confidentiality and Nondisclosure:** A supervisor may not require disclosure of details relating to domestic violence, sexual violence, abuse or stalking or the details of an employee's or an employee's family member's health information as a condition of providing earned paid sick time. If a supervisor possesses health information or information pertaining to domestic violence, sexual violence, abuse or stalking about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.
- G. **Advancement and Transfer:** Sick time shall not be advanced to an employee, and sick time cannot be transferred between employees.
- H. **No Retaliation or Discrimination:** Retaliation or discrimination against an employee or former employee for the proper use of sick time is unlawful and strictly prohibited.

#### SECTION 424. BEREAVEMENT TIME

- A. **Authority:** Regular or probationary full-time employees and benefited part-time employees may be granted paid bereavement time due to a death in the employee's immediate family.
- B. **Definition:** For the purpose of this Section the term immediate family means the employee's spouse, committed partner, child, **stillborn child**, stepchild, mother, father, sister, brother,
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mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-parent, step-parent-in-law, grandparent, grandchild, aunt, uncle, and former legal guardian, or a minor child or an adult for whom the employee is a legal guardian. For purposes of this section, a committed partner is an individual who meets the definition of committed partner as described in the City of Mesa Health Plan Document (whether covered in the Health Plan or not).

- C. **Amount of Time:** For full-time employees, an absence up to fifty (50) work hours will be allowed for bereavement time to provide an employee time to grieve, which includes attending and/or preparing for funerals/memorial services. Forty (40) work hours will be paid as bereavement time; however, the additional ten (10) hours, if taken, will be charged to any paid or unpaid time off category at the employee's discretion. For Fire personnel working a twenty-four (24) hour shift, an absence of up to forty-eight (48) work hours (two [2] work shifts) will be allowed and paid as bereavement time to provide an employee time to grieve, which includes attending and/or preparing for funerals/memorial services. For Fire personnel working a twelve (12)-hour shift, an absence of up to thirty-six (36) work hours (three [3] work shifts) will be allowed and paid as bereavement time to provide an employee time to grieve, which includes attending and/or preparing for funerals/memorial services.

For benefited part-time employees, up to twenty-five (25) work hours will be allowed for bereavement time to provide an employee time to grieve, which includes attending and/or preparing for funerals/memorial services.

Up to twenty (20) work hours will be paid as bereavement time; however, the additional five (5) hours, if taken, will be charged to any paid or unpaid time off category at the employee's discretion.

## **SECTION 425. INDUSTRIAL INJURY PROGRAM - WORKERS' COMPENSATION LEAVE**

(See [Management Policy 346](#) - Industrial Insurance Program [IIP])

- A. **General:** An employee who sustains a job-related disability that is compensable under the Workers' Compensation Law may be placed on the [Industrial Insurance Program](#). This program is an additional benefit offered by the City of Mesa and will supplement the Workers' Compensation wages as established by state statute for a period of time established by the City of Mesa and state statute. During the period of job-induced disability, the employee's vacation and sick time accrual shall be frozen (See [Sections 422](#) and [423](#) regarding accruals) and step pay increases shall not be granted. If the employee returns to work and must go back on Workers' Compensation at a later date due to the same injury, the employee's benefits will be based on the pay range and step at the time of the original injury.
- B. **Absence From Work:** An employee who is absent from work due to an industrial injury will have this time designated as [Family Medical Leave](#) (See [Management Policy 345](#) - Family Medical Leave Act [FMLA])
- C. Holiday pay will be paid to employees who are receiving industrial dock pay, however, employees will not receive the holiday premium (time and one-half [1-½]).

## **SECTION 426. JURY DUTY OR WITNESS TIME**

A full-time or benefited part-time employee who is subpoenaed as a witness or summoned for jury duty (other than sworn police employees summoned in connection with performance of official duties) must notify their supervisor of the subpoena or summons in advance of the performance of this duty. For all

time that the employee is absent from work, the City will pay the employee at their effective hourly rate. Documentation is required with the time off request. All eligible employees (including benefited part-time employees and employees working an alternative work schedule) only receive jury duty or witness time if summoned on a scheduled workday/hours. The employee may retain any travel pay received.

#### **SECTION 427. MILITARY LEAVE**

The City of Mesa complies with the requirements of the [Uniformed Services Employment And Reemployment Rights Act](#) (USERRA). The City Manager may amend the benefits extended by this policy that go beyond those required by USERRA. (See [Management Policy 338](#) - Military Leave)

#### **SECTION 430. UNPAID TIME OFF**

- A. **Paid Time Off Accrual:** Effective January 1, 2013, employees accrue vacation time once they have met a minimum number of hours in a biweekly pay period. Effective January 1, 2019, full-time employees accrue sick time once they have met a minimum number of hours in a biweekly pay period. This hourly requirement may be satisfied through any combination of hours worked and paid time off. At the beginning of employment, if an employee works less than the minimum number of hours in their first pay period, they will not accrue vacation and/or sick time for that pay period and will begin accruing on the next pay period provided the minimum number of hours is reached. The minimum number of hours is as follows:
1. For sick and vacation, full-time employees must meet a minimum of sixty-five (65) hours in a biweekly pay period;
  2. For sick and vacation, fire personnel working a twenty-four (24)-hour shift must meet a minimum of fifty-four (54) hours in a biweekly pay period;
  3. For sick and vacation, Fire personnel working a twelve (12)-hour shift must meet a minimum of forty point five (40.5) hours in a biweekly pay period;
  4. For vacation only, benefited part-time employees must meet a minimum of thirty-two point five (32.5) hours in a biweekly pay period.
- B. **Stability Pay:** An employee on unpaid time off for more than thirty (30) consecutive calendar days does not accrue credited time toward the award of stability pay while on the unpaid time off.
- C. **Step Pay Review Date:** When an employee returns to work after an unpaid time off of more than thirty (30) consecutive calendar days, the employee's step pay Review Date will be deferred to reflect the time absent from work while on the unpaid time off.
- D. **Insurance Participation:** Employees on unpaid time off without a paycheck or in receipt of a paycheck that is insufficient to cover all owed insurance premiums, are responsible for the payment of the employee portion of the insurance premiums for the coverage they desire. Employees will be invoiced by and must make payments directly to the Payroll Office when due. Failure to make timely payments may result in termination of coverage, loss of any COBRA continuation privileges (or life insurance portability or conversion privileges) that might otherwise apply to a termination of coverage and collections proceedings by the City to obtain payment. Employees may also be responsible for reimbursing the appropriate health plan and/or insurance carriers for benefit payments made for services incurred and claimed (for self and/or

family members) after the coverage termination effective date.

#### **SECTION 440. SPECIAL LEAVES**

- A. A special leave is either: any authorized absence from work in excess of thirty (30) consecutive calendar days that is not covered by the [Family Medical Leave Act](#) (FMLA), Crime Victims' Rights Act, [Military Leave](#), or **any** additional authorized time-off required after exhaustion of FMLA. Special leave includes but is not limited to extended use of paid and unpaid time off; leave for a non-FMLA eligible employee; or leave for a non-FMLA eligible circumstance. Special leaves may be for a medical or non-medical reason.
- B. **Approval:** Special leaves must be approved in advance and in writing by the City Manager, Assistant City Manager, Deputy City Manager or City Manager designees who are not the Department Director.
- C. **Use of Time:** An employee may be required to exhaust any available paid time off categories prior to using unpaid time.
- D. **Return to Work:** Where a special leave is granted for a non-ADA Qualifying Condition, an employee who is able to return to work after a period of special leave is entitled to a position in the class held at the start of the special leave, if such a position is available and funded. If such a position is not available and funded, the employee may be terminated. Positions will be held open when a special leave is approved for an ADA qualifying condition. (See [Management Policy 318](#) - Reasonable Accommodations for Disabled Workers)
- E. **Insurance Participation:** Employees on unpaid special leaves without a paycheck or in receipt of a paycheck that is insufficient to cover all owed insurance premiums, are responsible for the payment of the employee portion of the insurance premiums for the coverage they desire. Employees will be invoiced by and must make payments directly to the Payroll Office when due. Failure to make timely payments may result in termination of coverage, loss of any COBRA continuation privileges (or life insurance portability or conversion privileges) that might otherwise apply to a termination of coverage and collections proceedings by the City to obtain payment. Employees may also be responsible for reimbursing the appropriate health plan and/or insurance carriers for benefit payments made for services incurred and claimed (for self and/or family members) after the coverage termination effective date.

#### **SECTION 450. FAMILY AND MEDICAL LEAVE**

The City of Mesa supports and complies with the [Federal Family And Medical Leave Act of 1993](#) (FMLA), as amended. The City Manager may amend the benefits extended by this policy that go beyond those required by FMLA. (See [Management Policy 345](#) - Family Medical Leave Act [FMLA])

#### **SECTION 460. CRIME VICTIM RIGHTS ACT**

**Eligibility:** Pursuant to [ARS §8-420](#) and [ARS §13-4439](#) all City employees who have been the victim of a crime or a juvenile offense will be granted leave to attend certain court proceedings. (See [Management Policy 344](#) - Victim Leave)



## SECTION 470. SHORT-TERM DISABILITY BENEFIT

- A. **General:** A full-time or benefited part-time employee who has enrolled in and is current on paid premiums for short-term disability coverage may claim a short-term disability benefit when off work due to their own covered illness or injury for longer than the policy elimination period. The employee shall use **sick** time first, followed by **vacation** time (or other applicable paid time off category associated with the employee's circumstances) if needed during the elimination period. If the employee is eligible for FMLA leave, short-term disability benefits (including the elimination period) are concurrent with [FMLA Leave](#) (See [Section 450](#)). If the employee is not eligible for FMLA leave, the employee may be approved for leave as a reasonable accommodation (See [Management Policy 318 – Reasonable Accommodation](#)). At the start of short-term disability benefit payments, the employee's remaining sick and vacation accruals will be frozen. An employee cannot receive paid time off for the same period of time during which they receive short-term disability benefits. Employees may not use the short-term disability benefit to care for a family member.
- B. **Eligibility:** A full-time or benefited part-time employee must be enrolled in and accepted by the short-term disability carrier prior to their disability effective date to be eligible to use this benefit. Program eligibility is determined by the contracted provider and not the City of Mesa.
- C. The short-term disability benefit is for a period not to exceed six (6) months after the elimination period.
- D. **Insurance Participation:** Employees in receipt of short-term disability benefits without a paycheck or in receipt of a paycheck that is insufficient to cover all owed insurance premiums, are responsible for the payment of the employee portion of the insurance premiums for the coverage they desire. Employees will be invoiced by, and must make payments directly to the Payroll Office when due. Failure to make timely payments may result in termination of coverage, loss of any COBRA continuation privileges (or life insurance portability or conversion privileges) that might otherwise apply to a termination of coverage and collections proceedings by the City to obtain payment. Employees may also be responsible for reimbursing the appropriate health plan and/or insurance carriers for benefit payments made for services incurred and claimed (for self and/or family members) after the coverage termination effective date.

## SECTION 480. INSURANCE PROGRAMS - HEALTH & WELFARE

**Eligibility:** All regular full-time employees are eligible to participate in the health and welfare insurance and self-insurance programs offered by the City. (See [Plan Document](#) on the Internet – Benefits link)

All benefited part-time employees are eligible to participate in the self-insurance and insurance health care programs, and some of the welfare benefit programs offered by the City. (See [Plan Document](#) on the Internet - Benefits link for eligibility and other coverage provisions and [Management Policy 320 - Benefited and Non-Benefited Part-Time Employee Benefits](#))

## SECTION 490. TRAINING PROGRAMS

- A. **Responsibility:** Department Directors, City Manager designees and the Human Resources Director have joint responsibility to ensure that all eligible employees receive necessary training. Supervisors, Department Directors and City Manager designees have the responsibility to utilize

the [Employee Development Guide](#) (provided by the Human Resources Employee Development Office) to ensure employees complete required training courses within stipulated time frames.

Supervisors should encourage and provide employees sufficient opportunity to attend courses as recommended by the Guide, which will further enhance competencies, knowledge, skills and abilities.

- B. **Required Training:** The City shall pay all approved costs associated with the attendance by an employee at any course, seminar, workshop, etc., required of the employee. The employee shall not be charged any paid or unpaid time off categories while in attendance at such a course but shall be considered to be on duty while at the course or proceeding to or from the course.
- C. Temporary agency workers (with the exception of Interns) and contract workers are generally not eligible to take City training classes. Seasonal City employees are generally not eligible to take City training classes unless required by the City or requested by the supervisor. Volunteers may take City training classes on a space available basis.

## CHAPTER 5: CONDITIONS OF EMPLOYMENT

### SECTION 510. STANDARDS OF CONDUCT

- A. **General:** In addition to the conduct prohibited to all Arizona public employees by [ARS §38-501](#) through [ARS §38-505](#), [ARS §38-531](#), and [ARS §38-532](#), a violation of the Standards of Conduct listed in Subsection B below, or Article IX, Section 902, of the [Mesa City Charter](#), is cause for discipline or dismissal of a City employee. (See also [Section 820.F](#) Dismissal)
- B. **Causes for Discipline or Dismissal:**
1. Incompetence or inefficiency in the performance of duties.
  2. Abusiveness in attitude, language, or conduct to the public, wards of the City, or fellow employees.
  3. Violation of any policy or procedure, lawful or official regulation or order or failure to obey any lawful and reasonable direction given by the employee's superior officer or supervisor.
  4. a. The use or possession of drugs, unless:
    - 1) such use or possession is pursuant to orders from a duly licensed physician as part of a lawful course of treatment, or unless
    - 2) in the case of a vapor releasing substance containing a toxic substance, such use or possession is consistent with manufacturer's instructions and is authorized by the City for the performance of certain job-related functions.
  - b. The use or possession of alcohol while on duty or during a break (including meal breaks) or reporting for duty under the influence of alcohol or with a detectable odor of alcohol on one's breath or about one's person.
  5. Accepting a bribe in the course of work or in connection with it.
  6. Using, threatening to use, or attempting to use undue influence, extortion or blackmail in securing employment benefits or advantages for the employee or any other person.
  7. Conduct of a type that will bring discredit or embarrassment to the City.
  8. a. A felony conviction.
    - b. Failure to report any felony or misdemeanor conviction.
    - c. Failure to report any felony arrest.
    - d. A misdemeanor conviction, depending on the severity and nature of the conviction.

Employees are required to report to their chain of command upon the start of the employee's next scheduled workday following the conviction or arrest.

9. Knowingly or intentionally falsifying City documents or records, making false, incomplete, or misleading statements to any individual, or using fraud to secure an appointment with the City.
10. Causing bodily injury to person(s), theft of or damage to public property or wasting public supplies due to negligence or willful misconduct.
11. Being absent from duty without authority.
12. Engaging in outside business activities on City time or using City property for personal use unless authorized by written City or departmental administrative policy.
13. Engaging in unlawful harassment or discriminatory conduct committed on or off the job against another employee or applicant for employment on the basis of race, color, national origin, age, disability, religion, sex, sexual orientation, gender identity and expression, veterans' status, marital status, or genetic information or engaging in retaliation against another for filing a complaint or participating in any investigation. (See [Management Policy 308](#) - Workplace Harassment and Discrimination Policy)
14. Failure to maintain minimum standards, licenses, or qualifications required for any position.
15. Failure of an employee to operate a City vehicle in a safe and lawful manner. Disciplinary action for moving violations received will be based upon the severity of the moving violation and the number of violations in a one (1) year period.
16. Knowingly destroying, deleting or altering documents (including e-mail or computer files) that are related to an investigation.

## SECTION 520. WORK RULES

- A. **Work Week:** The work week for all employees is the period of seven (7) consecutive days starting Monday at 12:01 a.m. and ending Sunday at 12:00 p.m. midnight. The standard work week for full-time employees, shall be forty (40) hours per week (see work period for Fire personnel working a twenty-four (24)-hour shift).
- B. **Work Period:** The work period for all Fire personnel working a twenty-four (24)-hour shift is a period of twenty-seven (27) days, starting at 12:01 a.m. on day one (1) and ending at 12:00 p.m. midnight on day twenty-seven (27). The work period for all Fire personnel working a twelve (12)-hour shift is a period of twelve (12) days, starting at 12:01 a.m. on day one (1) and ending at 12:00 p.m. midnight on day twelve (12).
- C. **Pay Period:** A pay period is defined as two (2) work weeks. Paychecks are issued for the two (2) weeks that ended at midnight the previous Sunday in accordance with [Arizona Revised Statutes, Title §23-351](#).
- E. **Rest Periods:** Each employee may have one (1) separate rest period of fifteen (15) minutes, each four (4) hour period during the workday, which shall be counted as time worked. Rest periods shall not be combined so as to provide an extended rest period or meal break or to

shorten the workday unless approved by the Assistant City Manager, Deputy City Manager or City Manager designee due to operational needs. If an employee is required to work during either or both of the normal rest periods, the time worked shall not be considered as qualifying for overtime or compensatory time. Supervisors will determine the rest period schedule. Reasonable break times will be afforded to nursing mothers in accordance with the mandates of the [Patient Protection and Affordable Care Act](#).

- E. **Meal Breaks:** Unless otherwise stated by department regulations, each full-time employee shall receive a meal break which shall normally be thirty (30) minutes to one (1) hour each day. The employee shall not be paid for the meal break and is not subject to recall for duty during this period. If it is determined to be in the best interest of the City government, the City Manager or designee may authorize some employees to eat a meal during the hours of work. In such instances the employee is subject to recall at any time and must not leave the work premises unless authorized. Supervisors will determine the meal break length and schedule.
- F. The City reserves the right to establish an employee's work schedule in accordance with operational needs.

### SECTION 530. PERFORMANCE EVALUATIONS

- A. **General:** Each City employee shall receive a performance appraisal as scheduled in Subsection B below. The performance appraisal will be accomplished on forms approved by the Human Resources Director. (See [Management Policy 300](#) - Performance Appraisal Program and Procedures Manual)
- B. **Frequency:** Performance appraisal reports shall be completed two (2) weeks prior to the completion of any probation, and two (2) weeks prior to any scheduled step pay increase. All appraisals shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file. All employees shall be evaluated at least once per year.
- C. **Rating Authority:** An employee's supervisor shall be that employee's rating authority.
- D. **Reviewing Authority:** The head of each department is designated as the official reviewing authority.
- E. **Review:** Each employee shall be allowed to review the completed appraisal form. The employee shall sign the appraisal to acknowledge receipt and shall receive a copy of the completed appraisal. The original copy of all appraisal forms shall be submitted to the Human Resources Director for filing in the employee's personnel file. (See [Management Policy 300](#) - Performance Appraisal Program And Procedures Manual)

The employee shall be given three (3) working days after signing the appraisal to make comments on the form. In cases of employee illness or other extenuating circumstances, the supervisor may allow more time for comments.

- F. **Grievance:** If an employee receives a performance appraisal that results in the denial of a step pay increase, the employee may submit a grievance as provided for in [Chapter 7](#).

**SECTION 540. PROBATION**

A. **Types of Probation:** The types of probation allowed in City of Mesa employment are initial regular employment probation and disciplinary probation.

B. **Part-Time, Grant-Funded, and Project-Funded to Full-Time Employment:**

1. Part-time non-benefited employees reclassified to a full-time classification shall serve an initial regular employment probation as specified in Subsection C below.

2. If a part-time benefited, grant-funded, or project-funded employee moves into a classified full-time position within the same department after one (1) year, the employee will not have to serve initial regular probation if the most recent performance appraisal review was successful.

If a part-time benefited, grant-funded, or project funded employee moves into a classified, full-time position in a different department, the employee will serve a six- (6) month initial regular probation period from the date of the change to classified status, which cannot be extended.

3. If the movement into a classified position occurs prior to one year, the employee will serve a twelve- (12) month initial regular probation from the date of the change to classified status.

C. **Initial Regular Employment Probation:**

1. **Duration:** The duration of initial regular employment probation shall be:

a. Eighteen (18) months for Police Officer-Recruits required to attend a Police Training Academy, Police/Fire Dispatcher Trainees, Police/Fire Dispatcher Laterals.

b. Fifteen (15) months for Police Officers who are lateral entry candidates at the time of their entrance and who are not required to attend a Police Training Academy.

c. Twelve (12) months from the date of reclassification from Firefighter Recruit to Firefighter upon completion of the Fire Training Academy and receipt of required certifications.

d. Twelve (12) months for all other full-time employees not referenced in Section 540 B.2 and 540.C.1. a, b, and c above.

2. **Extensions:** Initial regular employment probation may be extended one (1) time in writing with the approval of the Department Director or City Manager designee. The extension shall not exceed the original probation period.

The probationary period shall be extended for the corresponding period for which the probationary employee is absent from work for any reason for thirty (30) or more consecutive working days. Absences for less than thirty (30) working days shall not extend the initial regular employment probation period.

4. **Completion of Probation:** A performance rating that satisfies the requirements of the department on the final evaluation shall confirm the probationer to regular City of Mesa employment status after the completion of the required probationary period. An employee placed on initial regular employment probation shall receive a written performance evaluation prior to the end of the probation period.  
If the completed probationary evaluation is not reviewed by the probationer by the last day of the probation period, the probationer will be considered to have successfully completed probation.
5. If the Department Director or City Manager designee determines at any time during an initial regular employment probationary period that the services of the probationary employee are no longer required for any reason, or for no reason, the employee may be dismissed without the right of appeal. The employee shall be provided a copy of the Notice of Dismissal.

**D. Disciplinary Probation:**

1. The Department Director or City Manager designee (or authorized representative) may place an employee on probation for a disciplinary purpose. Disciplinary probation will be twelve (12) months and cannot be extended beyond its original length. A Department Director can remove the employee from disciplinary probation early, if warranted.
2. Disciplinary probation will be based on infractions as outlined in [Section 510](#). Disciplinary probation is intended to notify the employee that any act(s) by the employee, which could result in further disciplinary action, occurring while the employee is on disciplinary probation, may be grounds for demotion or dismissal.
3. While on disciplinary probation, an employee will not be allowed to compete for any promotion or any promotional testing but may apply and be considered for positions that would be a demotion or a lateral transfer to a position at the same pay range as the employee's current position with City Manager Designee approval. The salary will be set by the department at a rate no more than the current salary and no more than five percent (5%) below that salary. The employee's salary will be frozen for the duration of the probation period.
4. If an employee's step pay review falls during the disciplinary probation period the review may take place, but no step pay increase will be granted. The step pay performance appraisal may be deferred until such time as the employee is removed from disciplinary probation status. The rater may complete the evaluation and indicate step pay denied (at which time the employee will not be eligible for the step pay increase until the end of the disciplinary probation if the employee has a successful performance appraisal).
5. Upon recommendation of a disciplinary probation with a reduction in pay, the employee will be notified that a pre-deprivation hearing will be held by the Department Director or, designated acting Department Director, City Manager designee, or acting City Manager designee. The employee will be given not less than one (1) working day's notice of the pre-deprivation hearing and is allowed to bring a personal representative. If the employee's representative is a City of Mesa employee, the representative must secure the approval of the employee's supervisor to attend the hearing. The personal representative may speak and participate in the process with the concurrence of the Department Director conducting the hearing. (See [Management Policy 339](#) - Implementing Corrective Action and Discipline for Pre-Deprivation Hearing Guidelines)

6. An employee on disciplinary probation may apply for positions that would be a demotion, or may apply for a transfer to a position at the same pay range.
7. The disciplinary probation form is signed by the employee or a witness (if the employee refuses to sign) and shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

#### **SECTION 550. ALCOHOL, DRUG, AND/OR CONTROLLED SUBSTANCE TESTING**

The City will conduct alcohol, drug, and/or controlled substances testing under all circumstances required by federal or state law. In addition, the City may conduct substance abuse testing when permitted by law. This may include, but not be limited to: pre-employment or pre-placement testing, reasonable suspicion testing, random testing, post-accident testing, and follow-up testing. For further information (See [Management Policy 316](#) - Alcohol and Drug Free Workplace Program)

#### **SECTION 560: ADMINISTRATIVE LEAVE**

- A. **Authority:** A Department Director or designee or City Manager designee may place an employee on administrative leave.
- B. **Duration:** Administrative leave shall not extend beyond ninety (90) days without notification to the City Manager (or designee), Assistant City Manager, or Deputy City Manager. For the length of administrative leave the City will pay the employee at their effective hourly rate.
- C. **Chargeability:** The time will be charged to administrative leave.



## CHAPTER 6: CHANGES IN ASSIGNMENT

### SECTION 610. PROMOTION

- A. **Eligibility:**
1. Promotional examinations are open to all City of Mesa employees who meet the minimum qualifications, except that an employee who is on disciplinary probation may not compete in a promotional examination during the probationary period. This limitation may be waived by the Assistant City Manager, Deputy City Manager or City Manager designee with approval of the Human Resources Director and the City Manager.
  2. If two (2) or more qualified employees apply for a promotional opening, the Human Resources Director may require a competitive examination to determine the best qualified candidate.
- B. **Step Pay Review Date:** Upon promotion an employee shall remain on the common review cycle.

### SECTION 620. TRANSFER

- A. **Intra-Department Transfer:** A Department Director or City Manager designee after review by the Human Resources Director, may transfer an employee to a different position within the department at the same pay range.
- B. **Inter-Department Transfer:** An employee may be transferred to a different position in the same pay range in another department with the approval of both Department Directors. Assistant City Manager, Deputy City Managers or City Manager designee approval required if the transfer includes a promotional increase above the midpoint of the range.
- C. **Reason for Transfer:** An employee may be transferred at the employee's request, for the convenience of the City, or because the employee is no longer capable of performing the functions of the position.
- D. **Qualifications:** A transferred employee must meet the minimum qualifications for the class to which the employee may be transferred.
- E. **Multiple Requests:** If two (2) or more employees request transfer to the same vacant position not in their department, the Human Resources Director may require examination in the same manner as for promotional vacancies. If an employee requests a transfer for which the employee is qualified and such a position is not open, the employee's name may be placed on an employment list for that classification.

### SECTION 630. SPECIAL ASSIGNMENT

- A. **Authority:** A Department Director or City Manager designee may place an employee on special assignment for assuming higher level job responsibilities than normally covered by the employee's job classification.

- B. **Duration:** Special assignments shall not extend beyond a period of twelve (12) months. Requests for an extension of up to an additional twelve (12) months shall be reviewed and approved by the City Manager, City Manager designee, Assistant City Manager, or Deputy City Manager. Special assignments may be revoked at any time at the discretion of the City Manager, City Manager designee, Assistant City Manager or Deputy City Manager. Revocation is not disciplinary and not subject to due process.
- C. **Sworn employees:** Sworn employees serving in a rotational capacity can be placed on special assignment for up to two (2) years. After two (2) years, special assignments will be subject to a yearly renewal and approval at the discretion of the City Manager or designee.
- D. **Compensation:** An employee placed on special assignment shall receive a five percent (5%) salary increase to compensate the employee for the higher-level work performed. The City Manager, City Manager designee, Assistant City Manager or Deputy City Manager may authorize a salary increase of up to ten percent (10%) as appropriate.

An employee assigned on special assignment for one (1) pay period or less shall receive the same salary as before the assignment. An employee on special assignment for more than one (1) pay period may receive a salary at the higher pay range if recommended by the Department Director or City Manager designee.

- E. **Step Pay Increases:** During the period of a special assignment, the employee will continue to receive step pay increases based on the common review date cycle, if eligible.

## CHAPTER 7: GRIEVANCE

### SECTION 710. DEFINITION

A grievance is a complaint filed by a classified employee alleging the employee has been harmed by misinterpretation or misapplication of a rule or procedure. The process set forth in this Chapter provides a mechanism to resolve such complaints.

### SECTION 720. GRIEVABLE AND NON-GRIEVABLE ISSUES

#### A. Grievable Issues

1. The interpretation or application of City of Mesa Personnel Rules, Management Policies, or individual department rules or policies as to the grieving employee
2. A performance appraisal that results in the denial of a step pay increase.

#### B. Non-Grievable Issues include, but are not limited to:

1. Matters related to any retirement system.
2. The City's participation in any insurance program.
3. Matters related to any exam process, certification, or appointment.
4. Job classifications.
5. Disciplinary actions. (Appeal rights related to disciplinary actions are set forth in Chapter 8.)
6. Reductions in Workforce.
7. Complaints by at-will employees.
8. Any matter not within the City's control.
9. Management rights, including:
  - a) The right of the City to direct its employees and their work.
  - b) The City's decision to hire, promote, transfer, assign, and retain employees.
  - c) The City's right to maintain efficient government operations and to determine the methods, means, and personnel by which these operations are to be conducted

### **SECTION 730. GRIEVANCE PROCESS**

- A. An employee wishing to file a grievance shall complete and submit the [Notice of Employee Grievance Form](#) to the employee's Department Director, with a copy to the Human Resources Director, within fifteen (15) days after the occurrence of the action being grieved. If the subject of the grievance is the Department Director, the employee shall submit the form to the Assistant/Deputy City Manager over the department within the same time frame. If the Assistant/Deputy City Manager is the subject of the grievance, the employee shall submit the grievance to the City Manager within the same time frame.
  
- B. The Department Director (or Assistant/Deputy City Manager, as applicable) shall issue a written decision to the employee within thirty (30) days after receipt of the grievance and provide a copy of the decision to the Human Resources Director. The deadline may be extended if circumstances arise that preclude a timely decision. If the grievance is not resolved to the employee's satisfaction, the employee may appeal the decision to the City Manager by submitting the grievance to the City Manager, with a copy to the Human Resources Director, within ten (10) days of issuance of the original decision. The City Manager will review the grievance and issue a decision in writing, with a copy to the Human Resources Director, within thirty (30) days of receipt of the grievance. This deadline may also be extended if more information is required or if other circumstances arise that preclude a timely decision. The City Manager's decision shall be final.

## CHAPTER 8: CORRECTIVE ACTION AND DISCIPLINE

### SECTION 810. TYPES OF CORRECTIVE ACTION; NON-DISCIPLINARY AND DISCIPLINARY; PROGRESSIVE DISCIPLINE

#### A. Non-Disciplinary Corrective Actions

1. Non-disciplinary corrective action is in the form of an oral or written counseling, and/or a corrective action plan. These forms of corrective action are defined in [Management Policy 339](#), Corrective Action and Discipline.
2. Non-disciplinary corrective action can be issued by a supervisor or a manager.
3. Corrective action plans must be signed by the employee (or witness if the employee refuses to sign) and are maintained in the employee's official personnel file. Written counselings are maintained in the employee's workstation file.

#### B. Disciplinary Corrective Actions

1. Disciplinary corrective action is corrective action in the form of a written reprimand, disciplinary probation, suspension, involuntary reduction in pay, demotion, or dismissal from employment.
2. Disciplinary corrective action is formal discipline and maintained in the employee's official personnel file.

#### C. Progressive Discipline

Managers and supervisors are encouraged to follow progressive discipline whenever appropriate, imposing the lowest level of appropriate discipline and progressing to higher levels for successive performance problems or conduct violations. However, progressive discipline is not required for criminal violations, egregious conduct infractions, or extraordinary incompetence in the performance of job duties.

### SECTION 820. DISCIPLINE AGAINST CLASSIFIED (NOT AT-WILL) EMPLOYEES; DUE PROCESS

#### A. Written Reprimand

1. Authority: A written reprimand, the lowest level of disciplinary corrective action, may be issued to an employee by the employee's Department Director (or designated acting Department Director or Manager) or, if the employee is a Department Director by the applicable Assistant/Deputy City Manager, for performance shortcomings or conduct violations, as set forth in the City Personnel Rules or Management Policies, when non-disciplinary corrective action measures have been unsuccessful in correcting the shortcomings or conduct, or such measures are not appropriate for the seriousness of the issue(s) and more severe discipline is not warranted.
2. Employees are not entitled to a Pre-Deprivation Hearing for a written reprimand.

3. Appeals: An employee may appeal a written reprimand by completing and submitting a [Notice of Appeal of Written Reprimand Form](#) and submitting it to the Assistant/Deputy City Manager in the employee's chain of command, with a copy to the Human Resources Director. If the manager that issued the written reprimand is the Assistant/Deputy City Manager, then the Notice of Appeal of Written Reprimand must be submitted to the City Manager, with a copy to the Human Resources Director. The form must be received within fifteen (15) days after the Written Reprimand is signed by the employee (or witness if the employee refuses to sign). The Assistant/Deputy City Manager (or City Manager when it is the Assistant/Deputy City Manager's decision being appealed) will review the matter and issue a decision in writing to the employee within thirty (30) days after the Notice of Appeal of Written Reprimand is received. The Assistant/Deputy City Manager (or City Manager) may extend the deadline to rule on the appeal if circumstances arise that preclude a timely ruling. The decision of the Assistant/Deputy City Manager (or City Manager) is final.

## B. Disciplinary Probation

An employee may be placed on disciplinary probation for a period of twelve (12) months by the employee's Department Director (or designated acting Department Director or Manager) or, if the employee is a Department Director, by the applicable Assistant/Deputy City Manager, for performance shortcomings or conduct violations, as set forth in the City Personnel Rules or Management Policies. The Department Director or Assistant/Deputy City Manager may remove the employee from disciplinary probation early, if warranted, after consultation with the Human Resources Director. Disciplinary probation cannot be extended beyond its original length.

1. Violations of City Personnel Rules or Management Policies while on disciplinary probation may result in further discipline, up to and including termination of employment.
2. Pre-Deprivation Hearing: Disciplinary probation without a pay reduction does not require a Pre-Deprivation Hearing. The Department Director or Assistant/Deputy City Manager may reduce the employee's pay by up to five percent (5%) below the employee's current salary during the period of probation. Upon recommendation of a reduction in pay, the employee shall be served with a Notice of Pre-Deprivation Hearing. The notice shall notify the employee of the date, time, and location of the hearing and the basis for the recommendation for a reduction in pay. The notice shall be hand-delivered to the employee at least twenty-four (24) hours before the hearing if the employee is in the workplace. If the employee is not in the workplace (i.e. on administrative leave), the notice shall be hand-delivered at least twenty-four (24) hours before the hearing to the employee at the employee's last known address. If hand-delivery at the employee's last known address cannot be made after reasonable attempts, the notice shall be served by certified mail, return receipt requested, and the hearing shall be scheduled far enough in advance to give the employee sufficient notice. The employee may bring one personal representative to the hearing, who may speak and participate in the hearing. If the employee's representative is a City employee, the representative must receive approval from their supervisor to attend the hearing. The Department Director presiding over the hearing may set a reasonable time limit for the employee and/or the employee's representative to present the employee's case. For additional information about the Pre-Deprivation Hearing, please refer to [Management Policy 339](#) – Corrective Action and Discipline.
3. Employees on disciplinary probation are prohibited from competing for any promotion or any promotional testing but may apply and be considered for positions that would be a demotion or a lateral transfer to a position at the same pay range as the employee's current position with City Manager Designee approval.

4. Employees on disciplinary probation are not eligible for step-pay increases. Supervisors shall periodically meet with an employee on disciplinary probation to review the employee's performance and progress. Supervisors shall complete the employee's midpoint and annual performance appraisal forms (PAF). Employees on disciplinary probation are not eligible for the Common Review Date step increase. The employee will be eligible for a step-pay increase at the end of disciplinary probation if the employee receives a successful performance appraisal.
5. The disciplinary probation form must be signed by the employee (or a witness if the employee refuses to sign) and forwarded to the Human Resources Director for inclusion in the personnel file.
6. Appeals: An employee may appeal disciplinary probation by completing and submitting a [Notice of Appeal of Disciplinary Probation Form](#) and submitting it to the Assistant/Deputy City Manager in the employee's chain of command, with a copy to the Human Resources Director. If the manager that issued the disciplinary probation is the Assistant/Deputy City Manager, then the Notice of Appeal of Disciplinary Probation must be submitted to the City Manager, with a copy to the Human Resources Director. The form must be received within fifteen (15) days after the disciplinary probation is signed by the employee (or witness if the employee refuses to sign). The Assistant/Deputy City Manager (or City Manager when it is the Assistant/Deputy City Manager's decision being appealed) will review the matter and issue a decision in writing to the employee within thirty (30) days after the Notice of Appeal of Disciplinary Probation is received. The Assistant/Deputy City Manager (or City Manager) may extend the deadline to rule on the appeal if more information is required or if other circumstances arise that preclude a timely ruling. The decision of the Assistant/Deputy City Manager (or City Manager) is final.

### C. **Suspension**

1. Authority: An employee may be suspended from their position by the employee's Department Director (or designated acting Department Director or Manager) or, if the employee is a Department Director, by the applicable Assistant/Deputy City Manager, for performance shortcomings or conduct violations, as set forth in the City Personnel Rules or Management Policies.
2. Duration: An employee may not be suspended for less than one full workday/shift or longer than two hundred forty (240) work hours for a single violation of the City Personnel Rules or Management Policies with the exception of Fire employees working a twenty-four (24)-hour shift may be suspended for less than 24 hours. An employee cannot be suspended for more than two hundred forty (240) working hours in any twelve (12)-month period. Suspension hours must coincide with the employee's normally scheduled work hours. Exempt employee suspensions may be served in no less than one (1) or more full-day increments unless the reason for the suspension is violation of a workplace safety rule of major significance.
3. Pre-Deprivation Hearing: Employees, other than sworn police employees, served with a Notice of Intent to Discipline in which the recommended discipline is for more than twenty (20) work hours shall have the right to a Pre-Deprivation Hearing. Sworn police employees shall have the right to a Pre-Deprivation Hearing for any suspension. The Department Director (or Assistant/Deputy City Manager, as applicable) may preside over the hearing; provided, however, that if the Department Director has been substantially involved in the

matter leading up to the recommended discipline, they are encouraged to recuse themselves and have the hearing held by another Department Director who has had no involvement in the matter. A Notice of Pre-Deprivation Hearing notifying the employee of the date, time, and location of the hearing and the basis for the recommendation shall be hand-delivered to the employee at least twenty-four (24) hours before the hearing if the employee is in the workplace. If the employee is not in the workplace (i.e. on administrative leave), the notice shall be hand-delivered at least twenty-four (24) hours before the hearing to the employee at the employee's last known address. If hand-delivery at the employee's last known address cannot be made after reasonable attempts, the notice shall be served by certified mail, return receipt requested, and the hearing shall be scheduled far enough in advance to give the employee sufficient notice. The employee may bring one (1) personal representative to the hearing, who may speak and participate in the hearing. If the employee's representative is a City employee, the representative must receive approval from their supervisor to attend the hearing. The Department Director presiding over the hearing may set a reasonable time limit for the employee and/or the employee's representative to present the employee's case. For additional information about the Pre-Deprivation Hearing, please refer to [Management Policy 339](#) – Corrective Action and Discipline.

4. Notice of Suspension: If the hearing results in the recommendation for suspension being upheld, the employee will be served with a Notice of Suspension. The form will set forth the reason(s) for the suspension and the duration. The suspension must begin to be served within ninety (90) days after receipt of the Notice of Suspension. The form must be signed by the employee (or a witness if the employee refuses to sign). A copy of the Notice of Suspension must be forwarded to the Human Resources Director or designee within twenty-four (24) hours of service of the notice on the employee. The Notice of Suspension shall be served in the same manner as required for the Notice of Pre-Deprivation Hearing.
5. Insurance Premiums: The City will not pay any portion of the employee's insurance premiums during the suspension if the suspension is for thirty (30) or more days . If the employee does not have enough money in the employee's bi-weekly paycheck to cover the employee's portion of insurance premiums during the suspension period, the City's Payroll Division will invoice the employee for the premiums.
6. Appeals:
  - a. Sworn Police Department employees. A sworn member of the Police Department may appeal a suspension by submitting a [Notice of Appeal of Suspension Form Sworn PD](#) to the City Manager with a copy to the Human Resources Director. The form must be submitted within fifteen (15) days after the Notice of Suspension is signed by the employee (or witness if the employee refuses to sign). Within fifteen (15) days after receipt of the Notice of Appeal of Suspension form, the City Manager will refer the case to the Personnel Appeals Board for a hearing. The Personnel Appeals Board hearing will be scheduled at the earliest possible date. The Personnel Appeals Board will render an advisory opinion to the City Manager in writing within five days after the hearing. Except as provided by Personnel Rule 260(D), the City Manager shall render a final decision in writing within thirty (30) days after receipt of the Board's advisory opinion. Except as provided by Personnel Rule 260(D), the City Manager may amend, modify, reject, or reverse any part or all of the Board's recommendation that is arbitrary or made without reasonable justification and shall explain in writing the reason(s) for such amendment, modification, rejection, or reversal. For additional information about the Personnel Appeals Board process, please refer to the [Personnel Appeals Board](#)



[Procedural Rules for Sworn Law Enforcement.](#)

- b. All other classified City employees. An employee may appeal a suspension by submitting a [Notice of Appeal of Suspension Form](#) to the Assistant/Deputy City Manager in the employee's chain of command, with a copy to the Human Resources Director. If the manager that issued the suspension is the Assistant/Deputy City Manager, then the Notice of Appeal of Suspension must be submitted to the City Manager, with a copy to the Human Resources Director. The form must be submitted within fifteen (15) days after the Notice of Suspension is signed by the employee (or witness if the employee refuses to sign). The Assistant/Deputy City Manager (or City Manager when it is the Assistant/Deputy City Manager's decision being appealed) will review the matter and issue a decision in writing to the employee within thirty (30) days after the Notice of Appeal of Suspension is submitted. The Assistant/Deputy City Manager (or City Manager) may extend the deadline to rule on the appeal if more information is required or if other circumstances arise that preclude a timely ruling. The decision of the Assistant/Deputy City Manager (or City Manager) is final.

**D. Involuntary Reduction in Pay**

1. An employee may be issued an involuntary reduction in pay by the employee's Department Director (or designated acting Department Director or Manager) or, if the employee is a Department Director, by the applicable Assistant/Deputy City Manager, for performance shortcomings or conduct violations, as set forth in the City Personnel Rules or Management Policies.
2. Pre-Deprivation Hearing: Employees served with a Notice of Intent to Discipline in which the recommended discipline is for an involuntary reduction in pay shall have the right to a Pre-Deprivation Hearing. Upon recommendation of a reduction in pay, the employee shall be served with a Notice of Pre-Deprivation Hearing. The notice shall notify the employee of the date, time, and location of the hearing and the basis for the recommendation for a reduction in pay. The notice shall be hand-delivered to the employee at least twenty-four (24) hours before the hearing if the employee is in the workplace. If the employee is not in the workplace (i.e. on administrative leave), the notice shall be hand-delivered at least twenty-four (24) hours before the hearing to the employee at the employee's last known address. If hand-delivery at the employee's last known address cannot be made after reasonable attempts, the notice shall be served by certified mail, return receipt requested, and the hearing shall be scheduled far enough in advance to give the employee sufficient notice. The employee may bring one (1) personal representative to the hearing, who may speak and participate in the hearing. If the employee's representative is a City employee, the representative must receive approval from their supervisor to attend the hearing. The Department Director presiding over the hearing may set a reasonable time limit for the employee and/or the employee's representative to present the employee's case. For additional information about the pre-deprivation hearing, please refer to [Management Policy 339](#) – Corrective Action and Discipline.
3. Notice of Involuntary Reduction in Pay: If the hearing results in the recommendation for involuntary reduction in pay being upheld, the employee will be served with a Notice of Involuntary Reduction in Pay. The form will set forth the reason(s) for the involuntary reduction in pay. The form must be signed by the employee (or a witness if the employee refuses to sign). A copy of the Notice of Involuntary Reduction in Pay must be forwarded to the Human Resources Director or designee within twenty-four (24) hours of service of the

notice on the employee. The Notice of Involuntary Reduction in Pay shall be served in the same manner as required for the Notice of Pre-Deprivation Hearing.

4. Appeals: An employee may appeal an involuntary reduction in pay by completing and submitting a [Notice of Appeal of Involuntary Reduction in Pay Form](#) and submitting it to the Assistant/Deputy City Manager in the employee's chain of command, with a copy to the Human Resources Director. If the manager that issued the involuntary reduction in pay is the Assistant/Deputy City Manager, then the Notice of Appeal of Involuntary Reduction in Pay must be submitted to the City Manager, with a copy to the Human Resources Director. The form must be received within fifteen (15) days after the Notice of Involuntary Reduction in Pay is signed by the employee (or witness if the employee refuses to sign). The Assistant/Deputy City Manager (or City Manager when it is the Assistant/Deputy City Manager's decision being appealed) will review the matter and issue a decision in writing to the employee within thirty (30) days after the Notice of Appeal of Involuntary Reduction in Pay is received. The Assistant/Deputy City Manager (or City Manager) may extend the deadline to rule on the appeal if more information is required or if other circumstances arise that preclude a timely ruling. The decision of the Assistant/Deputy City Manager (or City Manager) is final.

E. **Demotion** (See also [Section 320.H.](#))

1. Authority: An employee may be demoted from their position by the employee's Department Director (or designated acting Department Director or Manager) or, if the employee is a Department Director, by the applicable Assistant/Deputy City Manager, for performance shortcomings or conduct violations, as set forth in the City Personnel Rules or Management Policies.
2. Pre-Deprivation Hearing: An employee served with a Notice of Intent to Demote shall have the right to a Pre-Deprivation Hearing. The Department Director (or Assistant/Deputy City Manager, as applicable) may preside over the hearing; provided, however, that if the Department Director has been substantially involved in the matter leading up to the recommended discipline, they are encouraged to recuse themselves and have the hearing held by another Department Director who has had no involvement in the matter. A Notice of Pre-Deprivation Hearing notifying the employee of the date, time and location of the hearing and the basis for the recommendation shall be hand-delivered to the employee at least twenty-four (24) hours before the hearing if the employee is in the workplace. If the employee is not in the workplace (i.e. on administrative leave), the notice shall be hand-delivered at least twenty-four (24) hours before the hearing to the employee at the employee's last known address. If hand-delivery of the notice at the employee's last known address cannot be made after reasonable attempts, the notice shall be served by certified mail, return receipt requested, and the hearing shall be scheduled far enough in advance to give the employee sufficient notice. The employee may bring one (1) personal representative to the hearing, who may speak and participate in the hearing. If the employee's representative is a City employee, the representative must receive approval from their supervisor to attend the hearing. The Department Director presiding over the hearing may set a reasonable time limit for the employee and/or the employee's representative to present the employee's case. For additional information about the Pre-Deprivation Hearing, please refer to [Management Policy 339](#) – Corrective Action and Discipline.
3. Notice of Demotion: If the hearing results in the recommendation for demotion being upheld, the employee will be served with a Notice of Demotion. The form will set forth the reason(s) for the demotion. The form must be signed by the employee (or a witness if the employee refuses to sign). A copy of the Notice of Demotion must be forwarded to the Human Resources Director

or designee within 24 hours of service of the notice on the employee. The Notice of Demotion shall be served in the same manner as required for the Notice of Pre-Deprivation Hearing.

4. Assignment and Position Availability: A demoted employee will be placed in a currently existing, vacant and funded position for which the employee meets minimum qualifications at the pay range assigned to the position. If no position is currently existing, vacant and funded, the employee may be dismissed unless an alternative form of discipline is imposed.
5. Disciplinary Probation: An employee demoted for disciplinary reasons shall be placed on one year of disciplinary probation. See [Section 820.B](#).
6. Step Pay Increase: An employee on disciplinary probation is not eligible for a step pay increase until disciplinary probation ends with a successful performance appraisal.

7. Appeals:

- a. Sworn Police Department employees. A sworn member of the Police Department may appeal a demotion by completing and submitting a [Notice of Appeal of Demotion Form Sworn PD](#) to the City Manager with a copy to the Human Resources Director. The form must be submitted within fifteen (15) days after the Notice of Demotion is signed by the employee (or witness if the employee refuses to sign). Within fifteen (15) days after receipt of the Notice of Appeal of Demotion form, the City Manager will refer the case to the Personnel Appeals Board for a hearing. The Personnel Appeals Board hearing will be scheduled at the earliest possible date. The Personnel Appeals Board will render an advisory opinion to the City Manager in writing within five (5) days after the hearing. Except as provided by Personnel Rule 260(D), the City Manager shall render a final decision in writing within thirty (30) days after receipt of the Board's advisory opinion. Except as provided by Personnel Rule 260(D), the City Manager may amend, modify, reject, or reverse any part or all of the Board's recommendation that is arbitrary or made without reasonable justification and shall explain in writing the reason(s) for such amendment, modification, rejection or reversal. For additional information about the Personnel Appeals Board process, please refer to the [Personnel Appeals Board Procedural Rules for Sworn Law Enforcement](#).
- b. All other classified City employees. An employee may appeal a demotion by completing a [Notice of Appeal of Demotion Form](#) and submitting it to the City Manager, with a copy to the Human Resources Director. The form must be submitted within fifteen (15) days after the Notice of Demotion is signed by the employee (or witness if the employee refuses to sign). Except as provided by Personnel Rule 260(D), the City Manager may review the matter and issue a decision in writing to the employee within thirty (30) days after the Notice of Appeal of Demotion is submitted. Except as provided by Personnel Rule 260(D), the City Manager may extend the deadline to rule on the appeal if more information is required or if other circumstances arise that preclude a timely ruling. Except as provided by Personnel Rule 260(D), the City Manager may also refer the matter to the Personnel Appeals Board for an advisory opinion before making a final decision. If the matter is referred to the Personnel Appeals Board, it must be referred within fifteen (15) days after receipt of the Notice of Appeal of Demotion. Except as provided by Personnel Rule 260(D), the City Manager will issue a decision in writing within thirty (30) days after receipt of the Board's advisory opinion. The decision of the City Manager, or City Auditor in situations governed by Personnel Rule 260(D), is final. For additional information about the Personnel Appeals Board process, please refer to the [Personnel Appeals Board Procedural Rules for Classified Employees](#).

**F. Dismissal**

1. Authority: An employee may be dismissed from their position by the employee's Department Director (or designated acting Department Director or Manager) or, if the employee is a Department Director, by the applicable Assistant/Deputy City Manager, for performance shortcomings or conduct violations, as set forth in the City Personnel Rules or Management Policies.
2. Pre-Deprivation Hearing: An employee served with a Notice of Intent to Dismiss shall have the right to a Pre-Deprivation Hearing. The Department Director (or Assistant/Deputy City Manager, as applicable) may preside over the hearing; provided, however, that if the Department Director has been substantially involved in the matter leading up to the

recommended discipline, they are encouraged to recuse themselves and have the hearing held by another Department Director who has had no involvement in the matter. A Notice of Pre-Deprivation Hearing notifying the employee of the date, time and location of the hearing and the basis for the recommendation shall be hand-delivered to the employee at least forty-eight (48) hours before the hearing if the employee is in the workplace. If the employee is not in the workplace (i.e. on administrative leave), the notice shall be hand-delivered at least forty-eight (48) hours before the hearing to the employee at the employee's last known address. If service at the employee's last known address cannot be made after reasonable attempts, the notice shall be served by certified mail, return receipt requested, and the hearing shall be scheduled far enough in advance to give the employee sufficient notice. The employee may bring one personal representative to the hearing, who may speak and participate in the hearing. If the employee's representative is a City employee, the representative must receive approval from their supervisor to attend the hearing. The Department Director presiding over the hearing may set a reasonable time limit for the employee and/or the employee's representative to present the employee's case. For additional information about the Pre-Deprivation Hearing, please refer to [Management Policy 339](#) – Corrective Action and Discipline.

3. Notice of Dismissal: If the hearing results in the recommendation for dismissal being upheld, the employee will be served with a Notice of Dismissal. The form will set forth the reason(s) for the dismissal and the effective date. The form must be signed by the employee (or a witness if the employee refuses to sign). A copy of the Notice of Dismissal must be forwarded to the Human Resources Director or designee within twenty-four (24) hours of service of the notice on the employee. The Notice of Dismissal shall be served in the same manner as required for the Notice of Pre-Deprivation Hearing.
4. Appeals:
  - a. Sworn Police Department employees. A sworn member of the Police Department may appeal a dismissal from employment by completing and submitting a [Notice of Appeal of Dismissal Form Sworn PD](#) to the City Manager with a copy to the Human Resources Director. The form must be submitted within fifteen (15) days after the Notice of Dismissal is signed by the employee (or witness if the employee refuses to sign). Within fifteen (15) days after receipt of the Notice of Appeal of Dismissal Form, the City Manager will refer the case to the Personnel Appeals Board for a hearing. The Personnel Appeals Board hearing will be scheduled at the earliest possible date. The Personnel Appeals Board will render an advisory opinion to the City Manager in writing within five (5) days after the hearing. Except as provided by Personnel Rule 260(D), the City Manager shall render a final decision in writing within thirty (30) days after receipt of the Board's advisory opinion. Except as provided by Personnel Rule 260(D), the City Manager may amend, modify, reject, or reverse any part or all of the Board's recommendation that is arbitrary or made without reasonable justification and shall explain in writing the reason(s) for such amendment, modification, rejection or reversal. For additional information about the Personnel Appeals Board process, please refer to the [Personnel Appeals Board Procedural Rules for Sworn Law Enforcement](#).
  - b. All other classified City employees. An employee may appeal a dismissal from employment by completing and submitting a [Notice of Appeal of Dismissal Form](#) to the City Manager, with a copy to the Human Resources Director. The form must be submitted within fifteen (15) days after the Notice of Dismissal is signed by the employee (or witness if the employee refuses to sign). The City Manager will refer the case to the Personnel Appeals Board for a hearing. The Personnel Appeals Board hearing will be

scheduled at the earliest possible date. The Personnel Appeals Board will render an advisory opinion to the City Manager in writing within five (5) days after the hearing. Except as provided by Personnel Rule 260(D), the City Manager shall render a final decision in writing within thirty (30) days after receipt of the Board's advisory opinion. The decision of the City Manager, or City Auditor in situations governed by Personnel Rule 260(D), is final. For additional information about the Personnel Appeals Board process, please refer to the [Personnel Appeals Board Procedural Rules for Classified Employees](#).

### **SECTION 830. AT-WILL EMPLOYEES**

At-will employees are protected by federal and state employment discrimination laws. At-will employees are not entitled to the due process procedures (pre-deprivation notice and hearing and post-decision appeal) provided to classified employees under these personnel rules. Dismissal of at-will employees, other than part-time, seasonal, temporary, project or grant funded, and employees on initial regular employment probation, requires the approval of the City Manager or Assistant City Manager.

### **SECTION 840. COUNTING TIME**

Whenever a deadline set forth under Chapter 8 falls on a Friday, Saturday, Sunday or City holiday, then the deadline shall fall to the next City business day.

## CHAPTER 9: SEPARATIONS

### SECTION 910. RESIGNATION

- A. **Requirements:** An employee who wishes to leave the City of Mesa employment in good standing shall file a written resignation with the Department Director or City Manager designee at least fourteen (14) days prior to the employee's final work day. The Department Director or City Manager designee may waive this requirement. The written resignation shall be forwarded to the Human Resources Director.
- B. **Failure to Meet Requirements:** An employee who fails to comply with the requirement for resignation in good standing cited in Subsection A above may be denied authority to take any competitive examination for future employment.
- C. **Withdrawal:** An employee who has submitted a resignation may withdraw this resignation with the consent of the Department Director or City Manager designee, provided the employee's position has not been filled by another employee.
- D. **Medical Retirement:** An employee who is unable to work due to a medically certified disability may apply for medical retirement. This application shall be treated as the resignation from City employment upon decision from the provider. A medically retired employee will be eligible to continue insurance coverage as an employee for the duration of the medically certified disability.
- E. **Constructive Discharge:** Per [ARS §23-1502](#) employees who wish to claim constructive discharge must give the City advance notice of their intent to resign due to working conditions that are so difficult or unpleasant that a reasonable employee would feel compelled to resign. An employee must notify an appropriate representative of the City in writing. The City of Mesa will respond in writing to the employee's concerns within fifteen (15) days of the constructive discharge notice. Under the law, an employee may be required to wait for fifteen (15) 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 City. An employee may be entitled to paid or unpaid time off of up to fifteen (15) calendar days while waiting for the City to respond to the employee's written communication about the employee's working condition.

### SECTION 920. REDUCTION IN WORKFORCE

- A. **Authority:** The Human Resources Director and the Assistant City Manager, Deputy City Manager or City Manager designee, with the approval of the City Manager, may institute a reduction in workforce of employees whenever necessary due to lack of funds or work. The Human Resources Director, the Assistant City Manager, Deputy City Manager or City Manager designee, and the City Manager shall determine the number and classes of employees to be laid off.
- B. The City shall adopt procedures for the reduction in workforce (RIWF) in accordance with [Management Policy 353](#) - Reduction in Workforce (RIWF), as issued by the City Manager.
- C. **Reduction in Workforce (RIWF) List:** An employee who is laid off or placed in another position as the result of a RIWF will be placed on a RIWF list to be considered for re-employment to their previously held position, unless the employee opts out. Employees may

remain on a RIWF list for a period time identified in the RIWF [Management Policy 353](#) - Reduction in Workforce (RIWF).

### **PROFESSIONAL CONDUCT (ETHICS)**

The City of Mesa expects and promotes the highest standards of ethics from all of its employees, officials, volunteers and temporary workers, whether hired, elected, appointed or acting as a representative of the City. City employees and officials retain positions of public trust and must afford fair and equal opportunity to conduct business with the City. (See [Management Policy 354](#) - Professional Conduct [(Ethics)])



## LOYALTY OATH

I, the undersigned, hereby execute this document in compliance with Arizona Revised Statutes, [Section §38-231](#):

### OFFICERS AND EMPLOYEES REQUIRED TO TAKE LOYALTY OATH; FORM; CLASSIFICATION; DEFINITION

- A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.
- B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.
- C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section [§13-2301](#) the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.
- D. Any of the persons referred to in [article XVIII, section 10](#), Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.
- E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation:
- As an employee of the City of Mesa, I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of my position with the City of Mesa, Arizona, according to the best of my ability, so help me God (or so I do affirm).
- F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political

subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

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