

TOWN OF EAGAR PERSONNEL POLICY
TOWN OF EAGAR
PERSONNEL POLICY
AND
SAFETY POLICY STATEMENT

Effective September 10, 1985

TOWN OF EAGAR
SAFETY POLICY STATEMENT
Established July 1991

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AMENDMENTS WILL BE MADE TO THE PERSONNEL POLICY BY RESOLUTIONS OF THE EAGAR TOWN COUNCIL. CHANGE SHEETS WILL BE DISTRIBUTED TO ALL HOLDERS OF THE PERSONNEL POLICY. HOLDERS OF MANUALS WILL BE RESPONSIBLE FOR CHANGING HIS/HER PERSONAL MANUAL. WHEN AMENDMENTS CALL FOR A PAGE CHANGE, DIRECTIONS WILL BE GIVEN FOR INSERTION AND/OR REMOVAL. WHEN IT CALLS FOR A PEN AND INK CHANGE, DIRECTIONS WILL ALSO BE GIVEN. THE CHANGE SHEET IS TO BE FILED IN THE FRONT OF THE BOOK FOLLOWING THE "CONTENTS" PAGE.

AMENDMENTS

Amendment No. 1, Section 8.7 through 8.8.F; amended 1/14/86; effective 1/14/86.

Amendment No. 2, Sections 5.6, 4.3.D, 7.2, 8.8.A, addition of definition terms and new 'Contents' page; amended 11/11/86; effective 11/11/86.

Amendment No. 3, Regarding Leaves of Absence; Section 8.4; amended 7/14/87; effective 7/14/87.

Amendment No. 4, adding classifications to Public Works, and job descriptions; amended 9/8/87; effective 9/8/87.

Amendment No. 5, Section 8.2, Maternity Leave; Amended 2/9/88; effective 2/9/88.

Amendment No. 6, addition and changes to job descriptions and job classifications; amended 9/12/89; effective 9/12/89.

Amendment No.7, Sections 8.1.E, 8.1.G, 8.1.H. 8.2.A, 8.2.C regarding changes in leave policies and payment of leave time, and addition of a definition for "Bereavement Leave;" amended 1/16/90; effective 1/16/90.

Amendment No. 8, Sections 2.1.A and 2.1.I, Equal Opportunity Employer (EOE) policy; Section 2.6 and 12.4.B Personnel Appeals Board; Section 4.8, Travel and Expense; Rule 13 - Rules of Appeals to the Personnel Appeals Board; and addition of Job Descriptions; amended 2/14/91; effective 2/14/91.

Amendment No. 9. Section 8.1.G, lump sum payment of accrued vacation leave; Definition of Terms, "Part-time Employee;" amended 5/14/91; effective 5/14/91.

Amendment No. 10, Second Revision, January 1992.

Amendment No. 11, Rule 16 Sexual Harassment Policy; amended 8/11/92, effective 8/11/92. Resolution No. 92-11.

Amendment No. 12, Rule 2, Section 2.10, 'General Provisions;' Rule 5, Section 5.6, "Hiring of Related Persons"; Adds the position of a Plant Operator and a Planning and Zoning Administrator to the Manning Table; and includes job descriptions for the new position of Plant Operator and updates that for Water Accounts/Financial Accounts Clerk; amended 4/12/94.

Amendment No. 13, Revises Rule 16, Sexual Harassment Policy; adds Rule 17, A Drug-Free Workplace; adds "Public Employee Standards" and "Employee Dress Code" to Definition of Terms; adds Finance Director to "Unclassified Employees" in "Definition of Terms"; updates the Manning Table and Job Descriptions; amended 12/6/94. Resolution No. 94-20.

Amendment No. 14, adds Rule 18, the "Town of Eagar Drug and Alcohol Policy", which pertains to employees holding Commercial Drivers Licenses(CDL). Resolution No. 96-9, passed November 12, 1996.

Amendment No. 15, Section 4.8.D, Mileage rate increase. Resolution No. 2001-3, passed April 3, 2001.

Amendment No. 16, Revises Rule 1, "Definition of Terms", "Classification of Employees", "Classified Employee", "Department Head", "Exempt Employee", "Open Employment List", "Overtime, Part-time Employee", "Probationary Employee", "Temporary Employee", "Unclassified Employee". Rule 2, "General Provisions", Section 2.1.K, Section 2.6. Rule 3, "Classification", Section 3.1, and 3.3. Rule 4, "Compensation" Sections 4.1, 4.2.5, 4.5. 4.6. 4.8.A, 4.7.5, 4.8.G. and 4.8.1. Rule 5, "Method of Filling", Section 5.5. Rule 6, Section 6.1. Rule 7, "Probationary Period", Section 7.1, and 7.3. Rule 8, "Attendance and Leaves", Section 8.1, 8.1.A, 8.2, 8.2.C, 8.8.A. 8.8.B, 8.2.B, and in this Section the number 8.4.C. is used twice. Rule 9 "Transfer", Section 9.2. Rule 10 "Discipline", Section 10.1,E,F,O. Rule 11, "Separation from", Section 11.1, 11.2, 11.3.A. Rule 12, "Grievance Procedures", Section 12.1.A, 12.2, 12.3, 12.4.B, 12.4.C, 12.4.D. Rule 13, "Rules of Appeal", Section 13.3, 13.4, 13.7. Rule 14, "Training of Employees" Section, 14.3. Rule 16, "Sex/Prohibited Harassment Policy Change Title" Section 16.1, 16.2, 16.3, 16.4, 16.5. Rule 17, "Drug-free Workplace" Section 17.2 Resolution No. 2002-2, passed February 12, 2002

Amendment No. 17, Section 4.5, "Overtime". Resolution No. 2002-21, passed October 8, 2002.

Amendment No. 18, adds Rule 19, "On Call Positions" for water & wastewater systems. Resolution No. 2003-19, passed October 7, 2003

Amendment No. 19, removes wording from Section 4.6-"COMP TIME". Resolution No. 2004-18, passed September 14, 2004.

Amendment No. 20, Section 4.7, Uniform clothing allowance pay back; Section 8.1 Probationary employees not eligible to be reimbursed for vacation; Section 8.8D, Holiday pay for Police officers; Section 8.2, Employees working another job cannot use sick hours. Resolution No. 2005-13, passed December 6, 2005.

Amendment No. 21, Section 8.2.C, Sick leave sold back to Town. Resolution No. 2006-01, passed January 10, 2006.

Amendment No. 22, Section 2.13, “Retirement Plans” Arizona State Retirement System and option of participating in 457 retirement plan. Resolution No. 2006-04, passed February 7, 2006.

Amendment No. 23, Section 14.3, Employee tuition repayment. Resolution No. 2006-05, passed February 7, 2006.

Amendment No. 24, Section 8.1.A, Rates to accrue vacation credits; Section 8.2.C, Rates to accrue sick leave and sell back. Resolution No. 2006-16, passed April 4, 2006.

Amendment No. 25, Section 20, adds the “Section 125-Flexible Spending Account”, which pertains to employees participating in a tax-advantaged financial account that allows the employee to contribute a set amount from their paycheck in order to cover out-of-pocket medical, dental, vision expenses, and/or dependent day care. Resolution No. 2008-19, passed July 15, 2008.

Amendment No. 26, Section 20.10, “Insurance in Lieu Program”, allowing the employee to be compensated through the Flexible Spending Account for medical expenses when they are not on the town’s health insurance plan. Resolution No. 2008-20, passed July 15, 2008.

Amendment No. 27, Section 4.7, adds “Wireless Phone Policy” to comply with I.R.S. regulations for the use, monitoring, and taxation of wireless phone benefit. Resolution No. 2008-21, passed August 5, 2008.

Amendment No. 28, Section 4.9, Per diem allowance and mileage reimbursement. Resolution No. 2008-23, passed August 5, 2008.

Amendment No. 29, Section 4.8, amends “Uniform or Clothing Allowance”, reimbursement of uniform purchases will occur only when receipts have been received requesting reimbursement. Resolution No. 2008-22, passed October 14, 2008.

Amendment No. 30, Section 14.4 amends “Firefighter Training Incentive”, monetary value is applied per hour of the number of hours that a fire fighter attends fire fighting training. Resolution No. 2008-28, passed October 28, 2008.

Amendment No. 31, Section 8.1.A amends “Annual Vacation Accrual”, as employees accrue vacation credits. Resolution No. 2008-30, passed October 28, 2008.

Amendment No. 32, Section 2.15 adds a policy for the employee work week or the hours of operation for the town. Resolution No. 2008-31, passed October 28, 2008.

Amendment No. 33, Section 8.7 revises “Paid Holidays”, by removing two holidays, Columbus Day and the Friday after Thanksgiving Day, and amending the holiday compensation from 8 hours to 10 hours after the Council amended the employee work week or hours of operation for the Town. Resolution No. 2008-35, passed November 18, 2008.

Amendment No. 34, Section 4.8.A revises “Yearly Uniform Allowance”, by adding a yearly uniform maximum allowance per employee. Resolution No. 2008-29, passed December 9, 2008.

Amendment No. 35, Section 8.1.E revises “Annual Vacation Leave”, by placing a cap of 240 vacation hours that an employee is allowed to accrue. Resolution No. 2008-36, passed December 9, 2008.

Amendment No. 36, Section 21 added “Fraud Policy”, facilitates the development of controls to aid in the detection and prevention of fraud against the Town. Resolution No. 2009-03, passed February 3, 2009.

Amendment No. 37, Section 8.8.A revises “Paid Holidays”, full-time and part-time employees will receive the day off with pay for the number of hours normally scheduled. Resolution No. 2009-04, passed February 3, 2009.

Amendment No. 38, Section 15.2 revises “Light Duty”, adds definitions for “Family Medical Leave Act”, “Industrial Injuries”, “Medical Condition”, and “Non-Industrial Injuries”. Adds several guidelines and procedures to be followed when employees are released by a physician to be able to perform light duty and when the department supervisor approves light duty. Resolution No. 2010-02, passed January 19, 2010.

Amendment No. 39, Section 19 revises “On Call Positions”, requiring certain employees to participate in on call scheduling, also requiring on call employees to maintain residency within the immediate area that will allow for a maximum fifteen-minute response time. Resolution No 2010-21, passed August 3, 2010.

Amendment No. 40, Section 20 revises “Section 125 Flexible Spending Accounts”, mandated changed due to Health Care Reform eliminates reimbursement for over-the-counter drugs without a prescription. Resolution No. 2010-29, passed November 16, 2010.

Amendment No. 41, Rulee 22 added “Purchases, Account Use, Requests for Payment”, ensures that all employees abide by the purchasing policies of the Town, ensures employees are authorized to make purchases on the Town’s behalf, to prevent fraud or abuse of Town accounts and funds, and to ensure timely and proper submission of payments. Resolution No. 2011-13, passed June 21, 2011.

Amendment No. 42, Section 4 revises “Compensation”, provides that Town employees in positions for which overtime compensation is not mandated by the Federal Fair Labor Standards Act (commonly referred to as “FLSA-exempt employees”) may be paid additional compensation at the discretion of the Town Council. Resolution No. 2011-23, passed July 5, 2011.

Amendment No. 43, Section 8.3 revises “Military Leave”, changes military leave to be compensated with differential pay up to a five-year cumulative service limit and provides more details of what is expected of employee and employer during military leave. Resolution No. 2011-36, adopted November 1, 2011.

Amendment No. 44, Section 4.7 revises “Wireless Phone Assignment and Usage”, clearing and clarifying the policy, and eliminating any requirements by the I.R.S. Resolution 2012-06, adopted March 6, 2012.

Amendment No. 45, Section 20 revises "Section 125 Flexible Spending Accounts", caps the flexible spending account limit as set by federal (IRS) caps. Eliminates old practice of Insurance in Lieu program, the cash in lieu of medical insurance; the Insurance in Lieu Flexible Spending Account remains. Insurance in Lieu Flexible Spending Account only applicable to medical reimbursements (excludes dependent day care.) Resolution 2012-15, adopted May 1, 2012.

Amendment No. 46, Rule 23 (unadopted Employee Computer Operating & Security Policy) and added "Use of Computer Hardware, Software, and Network Systems" to comply with standard computer use practices relevant to the Town. Resolution 2013-01 adopted January 15, 2013.

Amendment No. 47, Rule 24 added "Use of Internet and E-Mail Services" to comply with standard electronic mail use practices relevant to the Town. Resolution 2013-02 adopted January 15, 2013.

Amendment No. 48, Rule 26 added "Social Media" posting of communications and other content to the Internet via blogs, journals, bulletin boards, chat rooms, etc. Resolution 2013-03 adopted March 5, 2013.

Amendment No. 49, Rule 15, Section 15.4 added "Public Safety Supplemental Benefit", to comply with A.R.S. §38-961 an additional benefit to supplement time away from work due to a workers' compensation injury; only applies to those employees who are enrolled in the Public Safety Personnel Retirement System. Resolution 2013-04 adopted March 5, 2013.

Amendment No. 50, Rule 4, Section 4.9 added "Tool Replacement", to allow certain and eligible employees a tool replacement programs. Resolution 2013-07 adopted April 2, 2013.

Amendment No. 51, Rule 2, Section 2.16 added "Part-Time or Off-Duty Employment", to require employees to provide a written notice of part-time or off-duty employment to their supervisor and departmental administrator. Resolution 2013-16 adopted November 5, 2013.

Amendment No. 52, Rule 2, Section 2.5 revises "Employee Personnel Records", provides permissive language allowing the Town Manager/Personnel Director discretion on when evaluations of employee performances are conducted annually. Resolution 2013-17 adopted December 10, 2013.

Amendment No. 53, Rule 8, Sections 8.12 and 8.20 revises "Attendance and Leaves", by providing a paid Bereavement Leave and adding clarification language in the Town's use of the Family and Medical Leave Act. Resolution 2015-02 adopted January 20, 2015.

Amendment No. 54, Rule 2, amending the Town's Equal Opportunity Employment policies to be more inclusive, and to better bring the policy into compliance with Federal and State provisions. Resolution 2015-03 adopted January 20, 2015.

Amendment No. 55, Rule 5, amending the application process to include pre-employment drug and alcohol screening, as well as the ability to pass a pre-employment physical to determine fitness to perform jobs for which an applicant has applied. Resolution 2015-14 adopted August 18, 2015.

Amendment No. 56, Rule 18, amending the Commercial Driver License Drug and Alcohol Policy to be a town-wide, employee drug and alcohol testing policy for pre-employment, reasonable suspicion, post-accident (vehicular, machinery, of workman's compensation injury) for all employees and prospective employees. All commercial drivers testing is to remain the same. The policy also allows for employees to seek assistance with substance abuse before it affects the workplace. Resolution 2015-11 adopted August 18, 2015.

PERSONNEL SYSTEM RULES AND REGULATIONS OF THE TOWN OF EAGAR

Effective September 10, 1985

Revised: September 1989

Revised: January 1992

Revised: November 1994

Revised: February 2002

The Town Council is authorized and directed under the provisions of Resolution #85-27 to adopt rules and regulations for the administration of the Town of Eagar personnel system. The rules are designed to facilitate efficient and economical services to the public and to provide a fair and equitable system of personnel management.

The rules set forth detailed procedures designed to insure equitable treatment for those who compete for original employment and promotion, and define the obligations, rights, privileges, benefits and prohibitions which are placed upon all employees of the Town. The Town manager is charged with ensuring that these rules are applied to all persons equally.

This employee handbook is designed to assist you in understanding the personnel practices and benefits in effect at the Town at the time of this printing. It is not, however, intended to be an employment contract or to give employees property rights. The Town reserves the right to amend, change, or discontinue the practices and benefits described in this handbook at any time. We hope the handbook will be helpful to you and you should retain it for future references. If you have any questions about anything in the handbook, please talk with your supervisor or contact someone who deals with personnel.

MISSION STATEMENT

The Mission of the Town of Eagar is to provide excellent services for its citizens, in a courteous, open and professional manner.

STATEMENT OF PRINCIPLES

In every administrative organization it is necessary and desirable to set forth basic rules and regulations dealing with the rights, duties and obligations of employees and of the organization with regard to term and conditions of employment. This need arises from considerations of fairness and equity and the basic concept that all employees should understand those things

expected of them and the standards by which conduct and performance will be measured. The following principles underlie the rules and regulations set forth in the following pages.

1. Government is a trust created by the people for their benefit. Those who serve in government are charged with the responsibility to be worthy of the trust of the public; and all their actions, both public and private, must be directed toward advancement of the public interest.
2. Because government is a trust and stands or falls on the faith and confidence of the people, all that serve in government must strive in their every action to deserve the confidence of the people. Public employees are expected to manifest high standards of businesslike behavior during working hours and of personal honesty and integrity at all times.

Because government is a trust and represents the ideals and highest standards of the people, it is expected that all officers of the Town will manifest high standards of fairness and equity in all dealings with employees and the public, and that the rules and regulations which follow will be interpreted and applied in a spirit of fairness with the aim of rendering the highest possible service to the community.

3. We who serve the Town recognize and acknowledge a commitment of loyalty to the ideals of public service and pledge ourselves to act always in the best interest of the Town and the people of Eagar. The Town Council of the Town of Eagar recognizes that a personnel system based on merit and fitness, which will attract and retain competent and dependable Town officers and employees, is indispensable to efficient and effective Town government. The Council has, accordingly, ordered the creation of the personnel system set forth in the following rules and regulations.

RULE 1 - DEFINITION OF TERMS

The following terms, whenever used in these rules, shall be defined as follows:

“ALCOHOL”:

The intoxicating agent in beverage alcohol. Ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl.

“ALLOCATION”:

The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibilities exercised.

“ANNIVERSARY DATE”:

For the purpose of determining benefits such as vacation, sick leave and medical benefits, this will be the date the employee is hired as a full-time employee of the Town. For the purpose of performance evaluation/advancement in the step system of the compensation plan, this date will be the date the employee was assigned, promoted to or hired into his current pay grade.

“APPOINTING POWER”:

The officers of the Town who, in their individual capacities or as a board, commission or Town Council, have the final authority to make the appointment to the position to be filled.

“BEREAVEMENT LEAVE”:

Time needed to care for family members, other matters, or mourn the death of an immediate family member as defined in ‘Relative’ in Section 5.6.

“CLASS”:

All positions sufficiently similar in duties, authority, and responsibility, to permit grouping under a common title and the application with equity of common standards of selection, transfer, promotion and salary.

“CLASSIFICATION OF EMPLOYEES”:

Employees shall be classified as permanent (nonexempt and exempt including part-time), temporary or contractual.

“COMMERCIAL DRIVER LICENSE (CDL) DRIVER”:

Any person who operates a commercial vehicle and is subject to Title 49 Code of Federal Regulations (CFR) Part 40.

“COMPUTER HARDWARE”:

Hardware can be any of the following: personal computers, laptops, tablets, smart phones, printers, scanners, projectors, keyboards.

“COMPUTER SOFTWARE”:

Programs and applications for computers: programs and applications that can be run on a computer system, e.g. Microsoft word processing, Caselle, or other program packages.

“CONFLICT OF INTEREST”:

A direct or indirect interest that conflicts substantially with an employee’s official duties and responsibilities.

“CONTRACTUAL EMPLOYEES”:

Any employee who receives compensation and other benefits as provided for in individual contracts negotiated between the employee and the Town.

"COPYWRITE OR COPYWRITED MATERIAL"

The legal right of creative artists or publishers to control the use and reproduction of their original works which are protected, controlled, or restricted by copyright.

“COVERED EVENT”:

A serious health condition covered under the Family and Medical Leave Act involving incapacity and/or treatment for an employee’s own serious health condition or to care for a seriously ill family member.

“DEMOTION”:

The movement for disciplinary purposes of an employee from one class to another class having a lower maximum rate of pay.

“DEPARTMENT HEAD”:

An exempt employee who directs a major department and has been appointed to the position by the Town Manager. This employee does not have access to the appeal process and serves at the will of the Town Manager. These positions may include, but are not limited to: Town Clerk, Chief of Police, Public Works Director, Fire Chief, Parks and Recreation Director, Assistant Town Manager, Chief Financial Officer, Town Engineer, and Planning and Zoning Director.

“DEPENDENT DAY CARE (DDC)”:

The DDC can pay for certain expenses to care for dependents that live with the employee while they are at work through the Flexible Spending Account-Section 125.

“DESIGNEE”:

Staff member designated by the Town Manager to represent him in personnel matters.

“ELIGIBLE”:

A person whose name is on an employment list.

“EMPLOYEE DRESS CODE”:

Employees shall wear clothing suitable to the job they are performing. Suitable clothing means clothing that will protect the employee from injury, sunburn, or harmful agents. Employees’ manner of dress, wording or designs on clothing shall be non-offensive to the general public or co-workers.

“E-VERIFY”:

An electronic employment eligibility verification system administered by the U.S. Department of Homeland Security

“EXEMPT EMPLOYEE”:

An employee who regularly works 40 hours a week and is exempt from overtime status due to Federal Government Fair Labor Standards Act designations as an executive, administrative, or professional employee. Exempt employees other than Department Heads have access to the appeals process. Per A.R.S. § 23-391 the Town Council may approve additional compensation or compensatory leave on an hour-for-hour basis if there is availability of appropriated funds.

“FAMILY AND MEDICAL LEAVE ACT (FMLA)”:

A federal requirement that generally requires covered employers to allow eligible employees to take unpaid, job-protected leave for certain reasons (covered events.) The Family and Medical Leave Act of 1993 allows employees to take unpaid leave due to a serious health condition that makes the employee unable to perform the job or to care for a sick family member or to care for a new son or daughter (including birth, adoption or foster care). It is available to those working for employers with 50 or more employees within a 75-mile radius. In addition, employees must have worked for the company at least 12 months and 1,250 hours in those 12 months.

“FLEXIBLE SPENDING ACCOUNT–SECTION 125”:

A tax-advantaged financial account that is an employer-provided benefit that allows the employee to contribute a set amount from their paycheck in order to cover out-of-pocket medical, dental, vision expenses, and/or dependent day care.

“ILLEGAL DRUG”:

A substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. Includes any of the following controlled substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), benzodiazepines, methadone, methaqualone, and propoxphane.

“INCAPACITY AND TREATMENT”:

Relating to covered events under the Family and Medical Leave Act – means a period of incapacity for three consecutive, full calendar days and any subsequent treatment or incapacity relating to a covered event.

“INDUSTRIAL INJURIES”:

Injuries that occur at work.

“INSURANCE IN LIEU”:

In lieu of an employee enrolling in the town’s health plan, the employee may opt out and receive compensation by way of “insurance in lieu”. This compensation will be applied to a Flexible Spending Account.

“IT”:

Technology services organization or person/technician.

“LONGEVITY”:

This refers to the time determined by the employee’s most recent hire date as a full-time employee used for determining benefits.

"MALICIOUS PROGRAMS":

Computer programs such as computer viruses, worms, Trojan horses and e-mail bombs that can extensively damage computers and data that are downloaded with or without the users knowledge or permission.

"MEDICAL CONDITION":

May include but are not limited to:

- Recovery period for surgical procedures.
- Maternity leave.
- Any other condition that in the opinion of the employee's physician will not allow employees to perform their required job duties.

"MEDICAL REVIEW OFFICER (MRO)":

A licensed physician responsible for receiving laboratory results generated by the Town of Eagar's drug testing program. (Must meet the qualifications per Department of Transportation 49 CFR 40.3 for CDL drivers.)

"MERIT INCREASE":

A salary increase granted on the basis of meritorious service within the limits of a pay range established for a class.

"MILITARY LEAVE":

Leave required for those employees who are required to participate in National Guard or Military Reserve Unit training or deployment.

"NEXT OF KIN":

Relating to a covered servicemember – meaning the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter as designated in writing by the covered servicemember.

"NON-INDUSTRIAL INJURIES":

Injuries that occur during off-duty time and are not job related.

"NEPOTISM":

Favoritism showed to relatives, especially in appointments to desirable positions.

"NON-EXEMPT EMPLOYEE":

A full-time, part-time, or temporary employee who is eligible for overtime pay.

"OPEN EMPLOYMENT LIST":

A list of names of persons who have applied for employment as a permanent employee other than Department Head and have qualified for consideration by demonstrating their fitness for such employment.

"OPEN COMPETITIVE EXAMINATION":

An examination for a particular position that is open to all persons meeting the qualifications of that position.

"OVERTIME":

Overtime is the actual time worked, or actual time worked plus holiday time, in excess of 40 hours in a scheduled workweek and is accounted for in a pay period. Overtime for 207(k) employees (police and firefighters) is defined by the Department Head or the Fair Labor Standards Act.

“PART-TIME EMPLOYEE”:

These are permanent employees who work less than an average of 32 hours per week during any 6-month period. They do not accrue benefits but are eligible for holiday pay for hours normally scheduled that may fall on a Town designated holiday. Part-time employees also have access to the appeal process. They will be hired through the normal process.

"PASSWORD":

Any word or phrase that is used to protect and restrict access to computer systems or programs and to ensure that only Town employees have access to the systems or programs as it relates to their assigned tasks and computer systems.

"PERIPHERAL DEVICE":

Printer, scanner.

“PERSONNEL APPEALS BOARD”:

The Personnel Appeals Board consists of the Vice-Mayor of the Town of Eagar, the Town Clerk and one public representative selected and approved by a majority of the Town Council. Any decision by the Personnel Appeals Board is final and binding upon the Town and upon the employee who is appealed. No further appeal is permitted either by the Town of Eagar or by the employee.

“PERSONNEL APPEALS PROCESS”:

The process by which all personnel appeals by employees are made. Every effort is made in this process to be fair to both the employee and the Town. The personnel appeals process is to be final and binding upon both the Town of Eagar and the employee.

“PERSONNEL DIRECTOR”:

The Town Manager or his designee who administers the comprehensive personnel program as established by Town Code.

“PREMISES”:

Includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the Town.

“PROBATIONARY EMPLOYEE”:

Any permanent employee serving a probationary period.

“PROBATIONARY PERIOD”:

A trial period during which an employee is required to demonstrate fitness for the position to which appointed by actual performance of the duties of the position.

“PROMOTION”:

The movement of an employee from one class to another class having a higher maximum

rate of pay.

“PROTECTED CLASS”:

Those persons belonging to a class which, because of race, color, religion, sex, national origin, handicap, or age is protected by State or Federal law.

“PROVISIONAL APPOINTMENT”:

The appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class subject to successful completion of the probationary period.

“PUBLIC EMPLOYEE STANDARDS”:

Public employees are expected to manifest high standards of behavior during working hours and of personal honesty and integrity at all times. Employee conduct that reflects negatively on the Town or is offensive to others may be cause for disciplinary action.

“RECLASSIFICATION”:

The movement of an employee, for reasons other than promotion or demotion, from one class to another class having a higher or lower maximum rate of pay.

“REFUSE TO COOPERATE”:

To obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

“SAFETY-SENSITIVE CDL FUNCTION”:

Includes all on-duty functions performed from the time a CDL driver begins work or is required to be ready to work. It includes driving, waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in loading and unloading, repairing or waiting for help with a disabled vehicle, and performing driver requirements related to accidents.

“SECTION 125 – FLEXIBLE SPENDING ACCOUNT”:

A tax-advantaged financial account that is an employer-provided benefit that allows the employee to contribute a set amount from their paycheck in order to cover out-of-pocket medical, dental, vision expenses, and/or dependent day care.

“SENIORITY”:

This refers to the employee’s seniority as determined by the appointment to his most recent position/pay grade. It may be used as a factor in promotions, employee privileges, etc.

“SPECIAL MERIT INCREASE”:

A pay increment which is available to an employee at the discretion of the Town Manager on the recommendation of the Department Head concerned in recognition of

outstanding performance or other special circumstances and is recorded in the employee's personnel file.

"SOCIAL MEDIA":

All means of communicating or posting information or content of any sort on the Internet, including to one's web log or blog, journal or diary, personal web site, social networking or similar web site, web bulletin board or a chat room.

"SUPERVISOR":

A person who has been designated to a leadership role.

"SUPPLEMENTAL BENEFITS PLAN FOR PUBLIC SAFETY":

Additional benefit to supplement time away from work due to a workers' compensation injury; only applies to those employees who are enrolled in the Public Safety Personnel Retirement System.

"SUSPENSION WITHOUT PAY":

The temporary separation from the service of an employee without pay for disciplinary purposes.

"SUSPENSION WITH PAY":

The temporary relief from duty of an employee during a period of inquiry into actions of the employee.

"TEMPORARY EMPLOYEE":

An employee who is hired for the express purpose of job(s) or project(s) that are of a temporary nature. The approximate length of time of the job or project will be defined in advance and will be communicated in the working conditions upon the hire of the temporary employee. The Town Manager may authorize an extension in the length of service for the temporary employee if it is determined that the job or project must be extended. An extension shall not be made for an unreasonable length of time or for the purpose of circumventing the policies of a permanent classification. Temporary employees do not accrue benefits and are excluded from the appeal process under these rules. Temporary employees serve at the will of the Town Manager and may be dismissed at any time without cause. Temporary employees may be hired by the Town Manager or the head of the department with the manager's approval without going through the hiring process for regular employees.

"TRANSFER":

The change of an employee from one position to another position in the same pay range.

"UN-REIMBURSED MEDICAL (URM)":

The URM allows the employee to contribute a set amount from their paycheck per plan year in order to cover out-of-pocket medical, dental, and vision expenses such as health insurance co-pays, uninsured treatments, or over-the-counter drug purchases through the Flexible Spending Account-Section 125.

"UNDER THE INFLUENCE OF ALCOHOL":

An alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“UNDER THE INFLUENCE OF DRUGS”:

A confirmed positive test result for illegal drug use. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

“UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)”

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other “uniformed services:” (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.

“VENDOR”:

A vendor is defined as any supplier of goods and services that extends credit to the Town of Eagar including credit cards.

“VOLUNTEER, FIRE PERSONNEL AND POLICE RESERVES”:

Volunteers, fire personnel and Police Reserves are excluded from coverage under these Rules and Regulations.

RULE 2- GENERAL PROVISIONS

SECTION 2.1 - Equal Opportunity Employment Policy. The Town of Eagar uses E-verify to check for all potential employee’s employment eligibility.

SECTION 2.1.A - No Town employee shall discriminate against any applicant who seeks employment with the Town or any fellow Town employee based on sex, race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation or gender identity, or political opinions or affiliations as regards to hiring, removal, promotion, work assignment, or disciplinary action. The Town’s Equal Opportunity Employment Policy applies to all human resources related activities.

SECTION 2.1.B - No question on any test or on any application form shall be framed as to attempt to elicit information concerning sex, race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation or gender identity, or political opinions or affiliations of any applicant. Employment decisions shall be made on the basis of qualifications for a job, not on non-job-related characteristics.

SECTION 2.1.C - Selection procedures used to hire, assign, or promote employees or candidates for employment shall be regularly reviewed by the Personnel Director to insure that they are truly related to the job and that the requirements for a particular job are realistic and job related.

SECTION 2.1.D - The Personnel Director shall serve as the Affirmative Action Officer for the Town and shall supervise and oversee the selection, promotion, assignment and disciplinary procedures of the Town. Each Department Head shall be held fully responsible for ensuring that the intent of this Equal Opportunity Employment Policy is aggressively pursued in his or her department.

SECTION 2.1.E - The Personnel Director will determine the requirements/job description for each position.

SECTION 2.1.F - All hiring in the classified service shall be done at the direction of the Personnel Director.

SECTION 2.1.G - The Personnel Director will also serve as employee counselor and shall assist employees in obtaining job or personal counseling services from available sources. All employees are encouraged to discuss their employment, assignment and promotional possibilities with the Personnel Director after informing the supervisor.

SECTION 2.1.H - All jobs not filled by other provisions of these rules and offered to the public will be advertised in a newspaper of general local circulation and will indicate that the Town is an 'Equal Opportunity Employer' (EOE).

SECTION 2.1.I - Present employees shall be given equal opportunity in filling jobs as provided by these regulations.

SECTION 2.1.J - "POLITICAL ACTIVITY": Employees are prohibited from engaging in any personal political activity other than voting while on duty as a Town employee or while wearing a uniform or official insignia identifying their office, position, or employment with the Town of Eagar.

SECTION 2.2 - "VIOLATION OF RULES": Violation of the provisions of these rules shall be grounds for disciplinary action.

SECTION 2.3 - "AMENDMENT AND REVISION OF RULES": An interested person Proposed may suggest amendments and revisions to these rules to the Town Manager. The council may, by resolution, change or modify these rules as may, from time to time, be necessary. Amendments and revisions to these rules shall become effective upon an appropriate resolution of the Town Council.

SECTION 2.4 - "PERSONNEL DIRECTOR": The personnel program established by this resolution shall be administered by the Personnel Director, who shall be responsible for administering these rules and more specifically for administering the classification and compensation plan, benefit program, recruiting, testing, performance rating system, and related programs. The Personnel Director shall be responsible for training, health and safety, wage and salary administration, benefit and service award programs, personnel relations, personnel research studies and for employee counseling. The Personnel Director shall:

Administer the provisions of this policy and of the personnel rules and compensation plan.

Prepare and recommend revisions and amendments of the personnel rules to the Town Council.

SECTION 2.5 - "EMPLOYEE PERSONNEL RECORDS": The Personnel Director may maintain a personnel file, to be known as the EMPLOYEE'S PERSONNEL FILE, on each employee.

Employees have the right to review their individual personnel folder and to have copies of any materials. They may request that any material be removed from their folders. Employees have the right to prepare and submit a rebuttal to any material in the file. Employee's access to his or her personnel file may be scheduled at the convenience of the employee and the Personnel Director and may be reviewed only in the presence of the Personnel Director or his designee and the employee.

In order to insure competence in the performance of assigned duties, the Personnel Director may prepare a formal evaluation system or systems, and evaluations of performance may be made by the employee's immediate department head/supervisor. His or her supervisor shall evaluate each employee at least annually. The employee shall have the right to review the evaluation with the department head and the Town Manager.

SECTION 2.6 - "ACCESS TO PERSONNEL RECORDS": Personnel files shall be protected from access by persons other than the following:

- Personnel Director
- Department Heads for employees of his department
- The employee

If an employee appeals any matter to the Personnel Appeals Board, then the members thereof may have access to his or her personnel files.

A Town employee who reveals any information contained in another employee's personnel records to any person except as provided for in the personnel policy shall be subject to disciplinary action.

SECTION 2.7 - "DISCLOSURE OF INFORMATION": No information about any employee will be disclosed without authorization from that employee or subpoena.

SECTION 2.8 - The Council has the authority to appoint and remove officers, boards and commissions of the Town as the Code allows. The Town Manager has the authority to appoint and remove all others. Unless otherwise provided, the "appointing power" with regard to those employees covered under these rules will be the Town Manager, provided, however, that the Town Manager shall be empowered to delegate such functions as he deems appropriate to a subordinate employee. Nothing in this section will prohibit the personnel director from discussing information about the employee with the town attorney or with the employee's supervisor(s).

SECTION 2.9 - In addition to State statutes regulating and defining Conflict of Interest, no employee shall accept any gift, favor or service that might reasonably tend to improperly influence the officer or employee in the discharge of official duties. In the event that any free gift

is received from the public or a vendor, a drawing will be held using the names of all Town employees and the winner will receive the gift or it will become the property of the Town.

No employee of the personnel office, or examiner, or other person shall defeat, deceive or obstruct any person in his or her right to examination, eligibility certification or appointment under this plan, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the Town government.

No employee shall have a direct or indirect financial interest that conflicts substantially with his or her official duties and responsibilities; nor accept or solicit a fee, payment or expense, gratuity or any other thing of monetary value; nor influence or coerce others in the Town government to gain a financial or other advantage for themselves or a family member or other interest; nor engage directly or indirectly in a financial transaction as a result of or primarily relying on information not available to the general public, nor accept contemporaneously with his or her Town employment any other employment for compensation that would tend to conflict with Town duties or tend to reflect unfavorably upon the appearances and purposes of Town government and services.

SECTION 2.10 - In addition to any restriction or prohibitions placed upon the employment of relatives by the State of Arizona, OR OTHER SECTIONS OF THIS CODE, the Town of Eagar will not accept applications for employment or promotion where the applicant would be supervising or supervised by a person related by blood, marriage or adoption in the following manner: parent, spouse, brother, sister, grandparents, grandchildren and in-laws of same. (See also Rule 5.6 of this policy, "Hiring of Related Persons".)

SECTION 2.11 - "OPERATOR'S (DRIVER'S) LICENSES": All operators of Town equipment shall hold a current Arizona operator's and/or other appropriate licenses at all times and record of such shall be maintained in the Personnel file.

SECTION 2.12 - "HOSPITALIZATION INSURANCE": Full-time employees may be covered under the Town's group insurance program. Dependant coverage may also be obtained at a minimal cost to the employee. The plan provides health, accident, and life insurance coverage for the employee and his or her family. A group dental insurance plan is also available.

SECTION 2.13 - "RETIREMENT PLAN": Membership into the Arizona State Retirement System (ASRS) is mandatory for those employees who meet the following criteria: All employees who are engaged to work at least 20 weeks in a fiscal year and at least 20 hours a week qualify for membership in the retirement plan. Both the employee and the Town contribute to the member's retirement as an equal percentage of compensation paid.

In addition, all Town employees have the option of participating in the 457-retirement plan offered by the Town at which the employee is responsible for the full contribution.

SECTION 2.14 - "WORKMEN'S COMPENSATION INSURANCE": All Town employees are covered by this form of insurance at no cost to the employee. Workmen's compensation provides medical and hospitalization expense benefits, as well as partial payments in lieu of salary for workers injured on the job.

SECTION 2.15 – “EMPLOYEE WORK WEEK”: Hours of operation for the town are ten (10) hours a day, Monday through Thursday, or a scheduled workweek may be defined by the department in which the employee works.

SECTION 2.16 – “PART-TIME OR OFF-DUTY EMPLOYMENT ”: Before engaging in any outside employment or business activity, an employee shall submit a written notice of part-time or off-duty employment to their supervisor and departmental administrator. Part-time or off-duty employment activities shall not render an employee unavailable during regular working hours, during on-call assignment, during an emergency; nor shall part-time or off-duty employment activities physically or mentally exhaust the employee to the point that his performance on duty will be affected. Off-duty employment shall not in any way conflict with the objectives of the Town of Eagar nor impair its reputation. Town of Eagar uniforms or supplied clothing shall not be worn during off-duty employment. Other departmental regulations may apply within individual departments of the Town.

RULE 3 -CLASSIFICATION

SECTION 3.1 -“PREPARATION OF PLAN”: The Town Manager or his designee or the person or firm employed for that purpose shall ascertain and record the duties and responsibilities of all positions and shall recommend a classification plan and staffing level for such positions. The classification plan shall consist of classes of and specifications, including job titles. The classification plan shall be so developed and maintained to insure that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class. Job descriptions shall reflect normal duties but shall not preclude the assignment of additional duties as best meets the needs of the Town.

SECTION 3.2 -“ESTABLISHMENT, AMENDMENT AND REVISION OF PLAN”:
The classification plan shall be established and may be amended by the Town Manager when approved by the Council.

SECTION 3.3 - “ALLOCATION OF POSITIONS”: Following the establishment of the classification plan, the Town Manager or his designee shall allocate every position to one of the classes established by the plan.

SECTION 3.4 -“NEW POSITION”: When a new position is created, the position shall be placed in an appropriate class.

SECTION 3.5 - “RECLASSIFICATION”: Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Town Manager or his designee to a more appropriate class. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions. Requests for reclassification shall be made, in writing, to the Town Manager or his designee.

RULE 4- COMPENSATION

SECTION 4.1 - "PREPARATION OF PLAN": The Town Manager or his designee under his direction shall prepare and maintain a pay plan covering all classes of positions. In arriving at salary rates or classes, consideration shall be given to prevailing rates of pay and consideration of working conditions for comparable work in other public and private employment, to current cost of living, to recommendations of department heads, to the Town's financial condition and policies and to other relevant factors. The Town Manager or the person or agency employed for that purpose shall thereafter make such further studies of the pay plan as may in their judgment be necessary or that are requested by the Town Council.

SECTION 4.2 - "ADMINISTRATION OF THE COMPENSATION PLAN": The Town of Eagar will be governed by the principles and rules set forth below:

SECTION 4.2.A - There shall be created a schedule of pay rates, setting forth grades and steps within those grades, with each grade consisting of a beginning pay rate, and additional increments expressed in dollar terms.

SECTION 4.2.B - Each employee other than Department Heads shall be assigned at all times to a specific grade and a step within that grade.

SECTION 4.3.A - "COST OF LIVING": An adjustment to compensation based on the overall increase or decrease in the cost of living. This will generally be based on, or at least influenced, by the inflation factors published by state and federal agencies. When the Council approves the cost of living adjustment (COLA), it will apply by percentage of pay to the compensation plan thereby increasing each pay grade and step.

SECTION 4.3.B - "MARKET ADJUSTMENT": An adjustment in pay rates made as a result of a salary and fringe benefit study or as a result of some other form of analysis indicating the need for general adjustments. Such adjustments normally apply to a large number of job classes, are always by job classification rather than overall group of employees, and will generally be made at the beginning of a fiscal year (or when conditions warrant an increase). A COLA, in no way, relates to the eligibility of an employee for any merit increase, and may or may not be given depending upon the financial condition of the Town.

SECTION 4.3.C - "PROMOTIONS": Promotions shall be made as provided in these personnel regulations. Employees promoted to a pay grade that overlaps their present pay grade shall be placed in the lowest step in the new grade that will result in an increase in pay with the pay plan, and shall thereafter be evaluated and advanced incrementally in accordance with the established pay plan grade and step.

SECTION 4.3.D - The date for determining advancements in steps in the pay grade will be the date the employee is assigned, promoted to or hired into his current pay grade. Part-time employees must work an average of 15 hours a week to be eligible for advancement via the step system.

SECTION 4.4 - "GENERAL PRINCIPLES": In addition to these rules, several general principles may be set forth which provide the basis for the operation of the compensation plan.

SECTION 4.4.A - Equal pay for equal work. All members of a class shall be treated equally, insofar as is practicable, consistent with length of service and other relevant factors.

SECTION 4.4.B - Compensation rates of the Town should be competitive with compensation rates of other similar public employers insofar as is practicable.

SECTION 4.4.C - The fringe benefits offered by the Town of Eagar should be commensurate with those offered by other similar public employers insofar as is practicable.

SECTION 4.4.D. - The purpose of a pay plan is to enable the Town as an employer to deal equitably with its employees in the Town service.

SECTION 4.4.E - In order to insure competence in the performance of assigned duties, the personnel director shall prepare a formal evaluation system or systems, and evaluations of performance may be made by the employee's immediate department head/supervisor. His or her supervisor may evaluate each employee annually. The employee shall have the right to review the evaluation with the department head and the Town Manager.

SECTION 4.5 - "OVERTIME": Overtime shall be paid at the rate of time and one-half for any time worked in excess of forty (40) hours in a scheduled work week. A scheduled workweek shall be defined by the Department in which the employee works and will be communicated to the employee when hired.

SECTION 4.5.A - As A.R.S. § 23-391 provides that Town employees in positions for which overtime compensation is not mandated by the Federal Fair Labor Standards Act (commonly referred to as "FLSA-exempt employees") these employees may be paid additional compensation at the discretion of the Town Council.

The provisions of the Town of Eagar Personnel Policy Manual prohibiting the payment of additional compensation to FLSA-exempt employees may be temporarily suspended with respect to such employees, other than Elected Officials, who have worked hours substantially in excess of the normal expectations for their positions during the period of declared emergency, or when stipulated by a grant, agreement, or contract.

The various Town departments shall submit to the Town Manager the names of such employees and the hours worked by each in connection with the declared emergency during the period that is declared an emergency and until the declaration is rescinded by the Mayor and Council of the Town of Eagar. And that the various Town departments shall submit to the Town Manager the names of such employees and the hours worked by each in connection with a grant, agreement or contract with appropriated funds.

Exempt employees are hereby declared to be eligible for additional compensation on a straight time basis at their regular hourly rates solely during the period described in paragraph 2 and 3 or compensatory leave on an hour for hour basis, but only to the extent that such additional compensation is eligible for reimbursement pursuant to federal or state disaster programs, grants, agreements, or contracts.

This policy shall not create any enforceable right to additional compensation on the part of such employees to the extent that such additional compensation is not eligible for reimbursement

pursuant to federal or state disaster programs, grants, agreements, or contracts. Nor shall this policy have any affect whatsoever on the characterization of any employee's position as being FLSA-exempt or not.

SECTION 4.6 - "COMP TIME": All non-exempt employees may receive comp time off work in lieu of overtime pay at the rate of one and one-half hours for each hour of overtime worked. The conditions for the employee's election of comp time are as follows:

No employee may accrue more than forty (40) hours of comp time. The Town of Eagar reserves the right to "buy back" accrued comp time at any time at the employees prevailing wage.

Employees may use their comp time when they wish, provided such usage is requested within a reasonable period of time and the request does not unduly disrupt the operations of the Department or the Town of Eagar.

SECTION 4.7 – "WIRELESS PHONE ASSIGNMENT AND USAGE": A personnel policy is needed to ensure the employees pay for any charges in excess of the approved policy.

The Town will subscribe from an authorized vendor a wireless phone service plan that will be called a "basic service plan" and will include a limited amount of "out of network" plan minutes and a limited amount of "out of network" text/picture messaging to be determined as the plan is renewed. (This policy will be renewed as advanced technology becomes available.)

SECTION 4.7A - Several town "key employees" will be provided with a Town wireless phone and service program. Determination of "key employees" will be made by each department administrator as to which employees' positions require a wireless phone assignment. The Town will obtain from these employees an acknowledgement and agreement at the time of hiring or upon assignment of a wireless phone that they are required to carry a wireless phone for town duties.

4.7A.a) The wireless phone bill will be paid the Town.

4.7A.b) Any charges in excess of the council approved phone stipend will be reimbursed by the employee to the town. This reimbursement will be made in a timely manner.

SECTION 4.7.B – If the "key employees" elect to use their personal phone, the Town of Eagar will give "key employees" a monthly allowance, approved by the council, for wireless phone usage. The employee shall make the wireless phone number accessible for Town of Eagar use. The allowance for the wireless phone will go through payroll and the allowance is taxable.

**WIRELESS PHONE USAGE
ACKNOWLEDGEMENT AND AGREEMENT**

I, _____, hereby acknowledge that I have read and understand the Town of Eagar policy and procedure outlining the requirements for wireless phone usage.

I understand that I am a “key employee” required by the Town to have a wireless phone and that the phone number is accessible to the Town of Eagar.

I understand that I will be compensated and taxed for reimbursement of the “basic service plan” monthly allowance.

I understand that I will be fully responsible for all charges that are over and beyond the Council approved monthly phone stipend.

Date _____ Signature _____

SECTION 4.8 -- "UNIFORM OR CLOTHING ALLOWANCE": Uniforms, clothing, or uniform allowance may be provided for certain classes of Town employees as in the best interest of the Town of Eagar. Clothing allowance will provide all items retained by the individual on separation from Town employment. Where provided, such uniforms, items or clothing shall be worn while on the job in accordance with departmental regulations, and shall not be worn while the employee is on personal business. Violations of this section shall be cause for disciplinary action.

SECTION 4.8.A – As approved by the Council the Town will give eligible employees a reimbursable allowance for uniforms. Reimbursement of uniforms will occur only when receipts have been received requesting reimbursement.

Advances on clothing allowance can be approved by the department head or town manager. If an advance was granted to a new employee, receipts shall be submitted to the accounts payable department for the purchases.

The uniform or clothing allowance shall be paid back to the Town of Eagar by the employee in the event that the employee leaves employment for any reason before he has worked for the Town of Eagar for six months. If the employee leaves employment for any reason after he has worked for six months but before he has worked for one year, the uniform or clothing allowance shall be prorated over the six-month period and the employee must pay the prorated amount back to the Town of Eagar.

The uniform allowance maximums for departments are as follows:

Uniform Allowances for Police Department:

Officer:	\$1,500.00 per year per employee
Animal Control:	\$ 800.00 per year per employee
Police Admin:	\$ 300.00 per year per employee
Reserve Officer:	\$ 700.00 per year per employee

Uniform Allowances for Public Works:

Full-Time Employee:	\$ 300.00 per year per employee
Temporary/Seasonal:	\$ 50.00 per year per employee

Uniform Allowances for Fire Department:

Regular Fire Fighter:	\$ 400.00 per year per employee
Volunteer Fire Fighter:	\$ 300.00 per year per employee

SECTION 4.9 – "TOOL REPLACEMENT": To provide a standard for the implementation and continuation of the Town's Tool Replacement Program.

SECTION 4.9.A – "ELIGIBLE EMPLOYEES": This policy only applies to full-time, regular employees holding positions such as auto or equipment mechanic who are required to possess and use personal tools in the performance of their job tasks. Probationary employees are not eligible for tool reimbursement.

SECTION 4.9.B – "TOOL PURCHASES AND REIMBURSEMENT": Subject to the approval of the employee's supervisor prior to purchase, the Town will reimburse an employee for the

replacement of hand tools that are damaged or destroyed on the job. Tool replacement may only be used for hand tools that cost less than \$100. This policy is not meant to supply the employee with a complete set of tools but rather is meant to defray the employee's expense in maintaining his stock of tools and for replacing those personal tools which are lost, stolen, broken, or otherwise become un-useable as a result of their employment with the Town.

Tools must be paid in full prior to receiving reimbursement and the invoice date must be in the same fiscal year as the reimbursement. A copy of the sales receipt shall be submitted to the Finance Department for reimbursement.

Tools purchased with the Town Tool Replacement Program become the property of the employee and the employee will retain such tools upon separation from town employment.

If any tools are required for a specific job and the cost is over \$100, the tools will be purchased by the Town and be Town of Eagar property and entered in that department's asset inventory.

SECTION 4.9.C – "EMPLOYEE RESPONSIBILITY": Upon hire and upon reimbursement of tools, the employee shall provide an updated list of tools they will be using for their employment and job tasks to the Town's Risk Management Representative for insurance purposes.

SECTION 4.10 - "TRAVEL AND EXPENSE": It is the policy of the Town of Eagar to pay expenses incurred by employees and other Town officials who are required to be out of town in the performance of their lawful duties as representatives of the Town and with the approval of the Town Manager. The Town will advance funds or reimburse the employee and other Town officials for out-of-pocket expenses under the following conditions:

SECTION 4.10.A - Prior to departure, a travel authorization will be approved by the Town Manager or Department Head. After return, the employee files a travel voucher indicating the date/time of travel and the authorization for travel.

SECTION 4.10.B - Employees and other Town officials will be prudent in selecting moderately priced lodging which will be reimbursed by the Town upon submission of receipt with travel voucher.

SECTION 4.10.C – The Town will only pay per diem if a town employee is required to stay overnight at a rate of \$30.00 per day to cover meal expenses.

The Town will only pay per diem if Town Council members or their designees are required to stay overnight at a rate of \$60.00 per day. As this rate is above I.R.S. allowable minimums, receipts for per diem expenditures shall be turned into the accounts payable department.

SECTION 4.10.D - Mileage may be paid at a rate established by the Town Council when travel in a non-town vehicle is necessary, but every effort should be made to use Town vehicles for work-required travel. Mileage rate is .52 cents per mile pertaining to reimbursement mileage of a non-town vehicle.

SECTION 4.10.E - Travel by aircraft will be reimbursed at aircraft rental costs. Town Council members or their designee will be responsible for the airfare for anyone else accompanying them.

SECTION 4.10.F - Miscellaneous expenses, such as parking fees, taxi fare, car rental expenses and telephone expenses, can be paid by the Town, if they are necessary to the performance of the work the employee or other Town official is required to do. Such expenses should be itemized on the actual travel voucher.

SECTION 4.10.G - "CREDIT CARD POLICY" .The Town has acquired credit cards for the use of certain Town employees and/or officials that are required to travel often. The use of these cards is encouraged for all expenses except those covered by per diem. When used, the receipt for the credit card and for the item paid for should be submitted with the travel voucher. Any time the credit card is used the receipt must be submitted to the Town. Individuals with credit cards assigned may sign them out from the Town Manager, Department Head, or Clerk prior to departure and should return them upon their return.

SECTION 4.10.H - Entertainment expenses, such as drinks, the payment of a non-employee's meal, or the cost of a show attended by the employee are not to be paid by the Town unless prior permission has been granted.

SECTION 4.10.I - In no case will an employee be required to serve a duty day beyond 12 hours where they are required to operate a vehicle. In this case, the employee will plan to include a nights lodging. An employee traveling on official business for the Town of Eagar may be allowed travel time on a work day if transportation scheduling permits and travel time will be either paid or comp time earned.

Unreasonable or unverifiable expenses shall not be reimbursed. The employee shall repay expenses advanced and unverified or advanced and determined to be unreasonable.

RULE 5 - APPLICATIONS, APPLICANTS AND EXAMINATIONS

SECTION 5.2 – "ANNOUNCEMENT": All vacancies for Town employment not filled by the special conditions of Rule 6 shall be advertised in a newspaper of general, local circulation. The Town Manager may advertise outside the community when appropriate.

SECTION 5.4 – "APPLICATION FORMS": Applications shall be made as prescribed on the job announcements. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians, references and fingerprinting. All applications must be signed by the person submitting the application. Applications received by the Town of Eagar will be kept in an active file for a minimum period of thirty months.

SECTION 5.6 – "DISQUALIFICATION": The Town Manager or his designee may reject any application that indicates that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the applicant is unfit for the performance of the duties of the position to which he seeks appointment, has made any false statement of any material fact, or has practiced any deception or fraud in his or her application.

SECTION 5.8 – "NATURE AND TYPES OF EVALUATIONS": The selection techniques used in the evaluation process shall be impartial and shall be job related. Selection techniques will test the qualifications of candidates as fairly as possible and such procedures may be, but are not necessarily limited to applications, achievement and aptitude tests, other written tests, evaluation

of daily work performance, work records, medical tests, oral examinations, or any combination of these or other accepted tests.

SECTION 5.10 – “PRE-EMPLOYMENT DRUG AND ALCOHOL TESTING”: The Town requires applicants to whom a conditional offer of employment has been extended to pass a drug and alcohol test. Offers of employment are contingent on the test results. Refusal to submit to testing will result in disqualification of further employment consideration. (See section 18.16.A. of this policy.)

SECTION 5.12 – “PRE-EMPLOYMENT PHYSICALS”: The Town of Eagar requires applicants to whom a conditional offer of employment has been extended to undergo job-related medical examinations to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others.

If the Town determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.

SECTION 5.12.A – Medical examinations required by the Town will be paid for by the Town and will be performed by a physician or licensed medical facility designated or approved by the Town.

SECTION 5.14 - “HIRING PROCEDURE”: A hiring panel may be from the Council, staff and, if desired, outside involved or experienced people. Interviews will be structured questions based on job description and determined qualification requirements. Each applicant will be objectively scored. The panel will then reach a consensus on the person to be hired. This procedure may be used on all full-time and part-time hiring.

SECTION 5.16 - “HIRING OF RELATED PERSONS”: No person may be employed in a position with the Town in any department in which a relative of that person is employed. Seasonal, temporary, youth positions may be exempted with prior authorization. “Relative” is defined as spouse; father; mother; son; daughter; brother or sister; mother-in-law, father-in-law; brother-in-law or sister-in-law; grandparent or grandchild. (See also Section 2.10 of this policy.)

RULE 6- METHOD OF FILLING OF VACANCIES

SECTION 6.1 - “APPOINTMENT”: Permanent positions deemed vacant by the Town Manager may be opened to other regular or part-time Town employees (this includes employees on probationary status) for a five (5) day period. Such jobs may be posted on all official employee boards. Applicants shall meet the minimum qualifications as specified in the relevant job description and shall be selected by merit and qualifications.

Vacant department head positions may not be posted, although the Town Manager or his designee will review the qualifications of current Town employees to assure that equal opportunity is afforded them in filling the vacancy. Permanent employees placed into a position in this manner shall be required to serve a minimum six-month probationary period.

SECTION 6.2 - “TRAINING POSITIONS”: The Town Manager or his designee may place an individual in any vacant job as an on-the-job training position. Upon placement, the Town

Manager or his designee may set the length of the training period. Upon successful completion of the training period, the trainee may be permanently appointed if a position is available. An employee not successful in meeting the job criteria at the end of the training period shall be returned to his or her previous position or a comparable position as best meets the needs of the Town. Persons not previously Town employees placed in training positions may be terminated at any time.

SECTION 6.3 - "TEMPORARY EMPLOYEES": The Town Manager may authorize temporary hiring as best meets the needs of the Town.

RULE 7- PROBATIONARY PERIOD

SECTION 7.1 - "REGULAR APPOINTMENT FOLLOWING PROBATION PERIOD": All permanent appointments shall be tentative and subject to a probationary period of not less than six months actual service except in the case of police department personnel. They shall be subject to a probationary period of not less than 12 months.

SECTION 7.2 - "OBJECTIVES OF THE PROBATIONARY PERIOD": The probationary period may be regarded as a part of the evaluation process and may be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to the position. The department head concerned may evaluate all probationary employees in accordance with established Town policies and may prepare a Notification of Personnel Action form indicating how the individual has been trained, counseled and given every reasonable opportunity to perform the duties of the position and if the employee would be given regular status, probation extended or terminated. Probationary employees may be evaluated approximately three months from date of appointment to that position/pay grade and again every three months throughout probation.

SECTION 7.3 - "REJECTION OF PROBATIONER": At any time during the probationary period an employee may be terminated for any reason and without cause. A probationer is to serve at the will of the Town throughout the probationary period and may be terminated for any reason and that employee does not have the right to appeal to the appeals board and the Town's decision to terminate shall be final and binding. Notification of termination in writing shall be forwarded to the probationer and a copy filed in the probationer's personnel file.

RULE 8- ATTENDANCE AND LEAVES

SECTION 8.2 - "ATTENDANCE": Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees. Failure on the part of an employee to report to duty is cause for immediate discharge, and such employee automatically waives all appeal rights under the rules.

SECTION 8.4 - "REDUCTION IN WORK HOURS": A permanent employee's request for a temporary reduction in work hours may be considered by the Town Manager. The Manager may allow the employee to continue to accrue benefits during this temporary reduction of service.

SECTION 8.6 - "LEAVE OF ABSENCE WITHOUT PAY": The Town Manager may grant a permanent or probationary employee leave of absence without pay for not more than one calendar week. Such leaves shall be reported in writing to the Town Manager prior to the beginning of the leave or as soon after as practicable. At the conclusion of this leave of absence, the employee may return to work at the position and pay that he/she left. An employee may not be granted more than one of these leaves of absences per year. If a leave of absence is requested in excess of one week (7 calendar days) it may be granted at the Town Manager's discretion under the following guidelines:

8.6.a) The absence may not exceed 120 days.

8.6.b) During the absence, no benefits will be paid, earned or accrued.

8.6.c) At the conclusion of the absence, the Town will not guarantee an immediate return to employment, but will hire the individual back in the next available opening for which the individual is qualified. Pay will be per the new position at entry level, but the longevity and benefit position that he/she held prior to the absence will be restored. If that position happens to be the same work and department the employee left, he/she will not have to serve a probationary period and will start at the same pay he/she received previous to the absence. If the individual holds a managerial or supervisory position, the Town may fill that position and has no responsibility to hold it open for the employee's return.

8.6.d) The final criteria will be that the Town's functions and responsibilities will not be hindered. If this is the case and the employee chooses to leave, the Town will consider the employee to have quit, fill the position and these provisions for returning to work will not apply.

SECTION 8.8 - "PAID HOLIDAYS": The holidays to be paid and observed by full-time employees are the following:

New Year's Day
President's Day
Martin Luther King/Civil Rights Day
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Christmas Eve Day
Christmas Day

SECTION 8.8.A - When any of the holidays enumerated falls on a Sunday, the following Monday shall be observed as a holiday. When any of the holidays enumerated falls on a Friday or Saturday, the prior Thursday shall be observed as a holiday. Holiday benefits are applicable to full-time employees and permanent part-time employees. Full-time and part-time employees will receive the day off with pay for the number of hours normally scheduled. Holiday benefits are not applicable to temporary employees. Any scheduled holiday may be traded for another day during the year with written approval of the Town Manager providing work conditions allow.

SECTION 8.8.B - With the exception of sworn police officers, all non-exempt employees will receive overtime at the rate of time and one-half in addition to their holiday benefit if work is performed on a scheduled holiday. Sworn police officers will be compensated through a regular holiday paycheck to be issued monthly (see section 8.8.D). Exempt employees performing work on a scheduled holiday may receive compensation time at straight time in addition to their holiday benefit.

SECTION 8.8.C - If an employee is absent from work the working day before or after a holiday, he may be required to present a slip from a doctor stating he was ill. Any other absence will be reason for reprimand unless prior arrangements for leave have been made with the supervisor.

SECTION 8.8.D - Holiday Pay: Police officers will be paid holiday pay as follows: There are 10 paid holidays, and 10 hours per day, which will be calculated $10 \times 10 = 100$ paid holiday hours per year, times the individuals hourly rate of pay, equaling a yearly rate of holiday pay to be paid to each officer monthly, throughout the year, beginning with the fiscal year starting July 1st.

Example: Officer Rate of Pay of \$5.00 per Hour

10	Paid Holidays
<u>x10</u>	Hours per Holiday
100	Hours per Year Holiday Pay
<u>x \$ 5.00</u>	Officer Rate of Pay
\$500.00	Yearly Holiday Pay Divided by
	12 months = \$41.67 per Month, per Officer,
	for Paid Holidays.

SECTION 8.8.E - If the holiday falls on an employee's regular scheduled day off and he does not work, he shall be allowed to take another day off with pay for the holiday not taken. No additional pay is due.

SECTION 8.8.F - If the holiday falls on a full-time employee's regular scheduled work day (employees other than those covered in Section 8.8.D above) and he does work, he will receive his regular wages for the holiday plus time again for the actual hours worked.

SECTION 8.10 - "JURY LEAVE": Every employee of the Town who is required to serve as a trial juror shall be entitled to absent themselves from their duties with the Town during the period of such service or while necessarily being present in court as a result of such call. Employees will be paid their regular compensation during these absences.

SECTION 8.12 - "BEREAVEMENT LEAVE": Employees requesting Bereavement Leave for a relative as defined in Section 5.6 are entitled to three (3) days of Bereavement Leave with pay. The employee will need to use other leave for any bereavement leave needed beyond three days.

SECTION 8.14 - "ANNUAL VACATION LEAVE": The purpose of annual vacation leave is to enable each eligible employee to return to his or her work mentally refreshed. All regular full-time employees shall be entitled to annual vacation leave with pay. Temporary employees will not receive annual vacation leave. Probationary employees who have served less than six months in the service of the Town may not take vacation leave. Probationary employees are not eligible

to be reimbursed for vacation if they leave before their probationary period is completed.

SECTION 8.14.A – Eligible regular full time employees shall accrue vacation credits at the following rates:

- Persons employed as regular employees will accrue forty (40) hours in their first year of employment.
- Persons employed as regular employees will accrue eighty (80) hours in their second year of employment and each year thereafter through their fourth year of employment.
- Persons employed as regular employees will accrue one hundred twenty (120) hours in their fifth year of employment and each year thereafter through their ninth year of employment.
- Persons employed as regular employees will accrue one hundred sixty (160) hours in their tenth year of employment and each year thereafter through their fourteenth year of employment.
- Persons employed as regular employees will accrue two hundred (200) hours in their fifteenth year of employment and each year thereafter.

SECTION 8.14.B - The times during a calendar year at which an employee may take his or her vacation shall be determined by the department head with due regard for the wishes of the employee and particular regard for the needs of the service. If the requirements of the service are such that an employee cannot take part or all of his or her annual vacation in a particular service year, such vacation shall be taken during the following service year. Length of service shall be used to resolve conflicts over vacation periods between employees of the same class. Employee anniversary dates will determine how much vacation leave time is available to that individual.

SECTION 8.14.C - Earned vacation credits will not normally be taken in increments of less than one working day; however, an employee may, with permission of the department head, use vacation credits in smaller increments.

SECTION 8.14.D - Employees must submit for approval a Request for Vacation/Sick Leave form to his or her immediate supervisor before any leave is taken.

SECTION 8.14.E - No employee may accrue more than two hundred forty (240) vacation leave hours. Vacation leave earned beyond the maximum amount accruable will be forfeited. If an employee is ill while on vacation, those days will be charged to sick leave with approval of the Town Manager or department head, providing a doctor's verification is submitted.

SECTION 8.14.F - In the event one or more municipal holidays fall within an annual vacation leave, such holiday shall not be charged as vacation leave and the vacation leave shall be extended or credited accordingly.

SECTION 8.14.G - Employees who have satisfactorily completed probation and who terminate employment shall be paid in a lump sum at a rate of one day for each day earned for all accrued vacation leave earned prior to the effective date of termination.

Employees may not use vacation leave for their final days of employment.

SECTION 8.14.H - Earned vacation hours may be transferred from one employee to another in order to alleviate a hardship for an employee who has used all his/her leave due to a personal or family emergency.

SECTION 8.16 - "SICK LEAVE": Sick leave with pay shall be granted to all regular and probationary full-time employees. Temporary and part-time employees will not accrue sick leave. Sick leave shall not be considered as a right that an employee may use at his or her discretion, but shall be allowed only in case of necessity. Employees capable of performing light duty shall so advise their department head, who may then make these arrangements. Unnecessary use of sick leave shall be cause for disciplinary action. When an employee is sick on a holiday, the holiday shall be taken as a holiday and not charged against sick leave.

SECTION 8.16.A - In order to receive compensation while absent on sick leave, the employee shall notify his or her immediate supervisor prior to his or her daily duties. The employee may be required to file a physician's certificate or a personal affidavit with the Department Head stating the cause of absence. Prior to planned sick leave, or upon returning to duty after unplanned sick leave, an employee must submit a "Request for Vacation/Sick Leave" form to his or her immediate supervisor for approval. Sick leave may also be used for necessary assistance in medical treatment.

SECTION 8.16.B - Eligible employees shall accrue sick leave at the rate of 3.70 hours per pay period with a limited accumulation of seven hundred twenty (720) hours. Sick leave earned beyond the maximum amount accruable will be forfeited. Upon separation of service the employee will forfeit all sick leave time. At the option of the employee, the first forty (40) hours of his or her annual sick leave may be sold back to the Town at full pay within 45 days after the employee's employment anniversary. Example: "An employee has been sick only 8 hours the previous year. They could choose to sell the remaining 32 hours of the first 40 to the Town for 32 hours pay. If the employee had used 40 hours of sick leave they would have none to sell." In the alternative, at the option of the employee, he or she may exchange the first 40 hours of his or her annual unused sick leave hour for hour for accrued vacation leave.

SECTION 8.16.C - An employee receiving temporary disability payments under the workman's compensation laws may use accumulated sick leave in order to continue to maintain his or her regular income. The purpose of this provision is to insure that an employee does not suffer an undue economical hardship as a result of a work related injury.

SECTION 8.18 -- "MILITARY LEAVE": Military leave for those employees who are required to participate in National Guard or Military Reserve Unit Training will be handled in accordance with federal law and with Arizona Revised Statutes. In general, employees will be paid differential pay for up to a five (5) year cumulative service limit. Leave that extends beyond five (5) years shall be without pay for the remainder of the active duty period.

All employees entitled to military leave shall give their supervisor an opportunity, within the limits of military regulations, to determine when such leave shall be scheduled.

SECTION 8.18.A – During an employee's military leave of absence, the employee may use

accrued vacation leave while performing military duty. During this military leave of absence vacation leave and sick time will not continue to accrue.

While on military leave of absence the employee may continue coverage on the town's health insurance and other health insurance coverage with the same contribution rate as active employees up to 30 days. If the military leave of absence exceeds 31 days, coverage may be continued up to twenty-four (24) months and the full cost of continuation of coverage will be the financial responsibility of the employee. If the employee does not have pay during a pay period from which insurance contributions are drawn, an invoice for the employee's premium will be sent to the employee's home address.

While on military leave of absence group life insurance will be administered in accordance with the provisions of the life insurance policy.

The employee's participation in the Arizona State Retirement System (ASRS) or Public Safety Personnel Retirement System (PSPRS) shall be in accordance with federal law and Arizona Revised Statutes.

SECTION 8.18.B – Reinstatement to employment and reemployment rights will adhere to the provisions set under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

SECTION 8.20 – “FAMILY AND MEDICAL LEAVE ACT”: The Family and Medical Leave Act (FMLA) requires the Town to allow eligible employees to take up to 12 weeks (26 weeks of military caregiver leave) in a 12-week period of unpaid or paid (sick or annual leave), job-protected leave a year for certain family and medical reasons.

SECTION 8.20.A – “ELIGIBLE EMPLOYEES”: Employees are eligible for FMLA leave if they have worked for the Town for a total of twelve (12) months (need not be consecutive within 7 years) and have worked at least 1,250 hours over the previous 12 months.

SECTION 8.20.B – “FMLA LEAVE ENTITLEMENTS”: To take any portion up to 12 weeks of Family and Medical Leave employees shall submit the *Notification for Family and Medical Leave Act* form to the Human Resource Manager notifying the Town of their need for FMLA leave.

SECTION 8.20.C – “SERIOUS HEALTH CONDITION”: A serious health condition is a covered event involving incapacity and/or treatment for an employee's own serious health condition or to care for a seriously ill family member (spouse, child, parent) a serious health condition means an illness, injury, impairment, physical or mental condition that involves:

8.20.a.) Inpatient Care – an overnight stay – in a hospital, hospice or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care.

8.20.b.) Continuing treatment by a health care provider.

Employees may request FMLA leave on the basis of an employee's own serious health condition, to care for a seriously ill covered family member, the birth or placement of a child,

urgent military leave, and military caregiver leave up to 12 weeks of leave (26 weeks of military caregiver leave) for a 12-month period which will be calculated on a rolling calendar from the date the covered event occurs. In general, if a covered event is going to last more than three (3) days, the employee is encouraged to apply for FMLA leave.

Employees shall report to the Human Resource Manager weekly notifying them on the status of their leave, unless the leave is of a predetermined time period. The employee may be required to present a fitness-for-duty certificate to be restored to employment.

The Town is required to maintain group health insurance coverage for an employee on FMLA leave on the same terms as if the employee continued to work – the employee continues to be responsible for their portion of the health insurance premiums. The Town’s obligation to maintain health benefits stops if and when an employee informs the Town of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave is exhausted. The Town’s obligation also stops if the employee’s premium payment is more than 30 days late and the Town has given the employee written notice at least 15 days in advance.

The employee will be restored to the same or equivalent job upon return from leave.

A Certification of Health Care Provider for Employee’s Serious Health Condition form shall be submitted to the Human Resource Manager in order for the employee to receive the benefits of the covered event offered in this policy.

Short-term conditions requiring only brief treatment and recovery are not included as serious health conditions (e.g. cold, flu, dental work) and are covered by sick leave.

Employees who are on workers’ compensation leave who also qualify under FMLA may choose to take their worker’s compensation leave with FMLA leave concurrently to receive the guarantee of reinstatement.

SECTION 8.20.D – “MATERNITY/PATERNITY/ADOPTION LEAVE”: Maternity/Paternity/Adoption FMLA Leave is a leave associated with the birth of an employee’s own child or complications thereof, or the placement of a child with the employee in connection with adoption or foster care. 12 weeks of leave provided by FMLA includes:

8.20.c) Prenatal medical treatment, incapacity due to pregnancy (e.g., morning sickness).

8.20.d) A serious health condition related to the pregnancy of the mother that occurs before or after the birth of the child.

8.20.e) Leave for either parent beginning on the date of the birth or adoption of the child.

Both the mother and the father are eligible for leave for the birth or placement of the child. “in loco parentis” (employee who intends to provide the day-to-day care or financial support and assume the responsibilities of a parent – as in a grandparent raising a grandchild) also qualify for leave. Spouses whom both are employed with the Town shall be limited to a combined total of 12 weeks of family leave.

Leave for a child's birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

SECTION 8.20.E – “URGENT LEAVE TO TAKE CARE OF NONMEDICAL MILITARY MATTERS”: The National Defense Act permits an employee to take FMLA leave for a covered event. Covered events may arise out of the foreign deployment of an employee's spouse, son, daughter, or parent who is a member of the armed forces and who is on active duty or has been notified of an impending call or order to active duty. An exhaustive list of covered events includes:

8.20.f) Short-term notice of deployment.

8.20.g) Military events and related activities (e.g. official ceremonies, programs, family support or assistance programs, informational briefings).

8.20.h) Arrangement of child care or school enrollment or meetings.

8.20.i) Care of military member's parent who is incapable of self-care.

8.20.j) Preparing and executing financial and healthcare powers of attorney.

8.20.k) Nonmedical counseling for the employee, covered military member, or child.

8.20.l) Fifteen (15) days each time the covered military member is given temporary rest and recuperation leave.

8.20.m) Post-deployment activities up to 90 days following termination of the military member's active duty (e.g. arrival ceremonies, reintegration briefings, issues arising from death of covered military member).

8.20.n) Additional activities where the Town and employee agree to the leave, timing, and duration.

SECTION 8.20.F – “MILITARY CAREGIVER LEAVE”: The National Defense Act also created a caregiver leave that permits a spouse, son or daughter, parent, or next of kin (may be any blood relative designated by the service member in writing) to take up to 26 weeks of FMLA leave. Caregiver leave is to care for a service member who is undergoing medical treatment, recuperation, therapy, is in outpatient status, or is on the disability retired list for a serious injury or illness.

SECTION 8.20.G – “VETERANS”: Veterans who are undergoing medical treatment, recuperation or therapy for a service injury or illness are covered if the veteran was a member of the armed forces at any time during the last five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Documentation verifying the reason for requested leave for military matters may be required by the Human Resource Manager.

NOTIFICATION FOR FAMILY AND MEDICAL LEAVE ACT

Application Requesting Family and Medical Leave

I, _____, am making notification to the Town of Eagar
(Print)

that I am requesting to take up to 12 weeks of Family and Medical Leave.

As the requested Family and Medical Leave is scheduled, the beginning date is _____ and ends on _____. If the dates are unscheduled I am aware that the hours, days, or weeks will be counted against my FMLA 12-week entitlement.

I request that the leave requested be paid_____ unpaid_____ (or both). To be deducted from my annual sick or vacation leave.

The reason for this FMLA leave request is for:

_____ My own serious health condition; (Certification from Health Care Provider required.)

_____ I need to care for a _____ spouse; _____ child; _____ parent due to his/her serious health condition;

_____ The birth of a child, or placement of a child with me for adoption or foster care;

_____ For a qualifying urgent need for a _____ spouse; _____ son/daughter; _____ parent who is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

_____ I am the _____ spouse; _____ son/daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

Signature

Date

RULE 9- TRANSFER, PROMOTION, DEMOTION SUSPENSION AND REINSTATEMENT

SECTION 9.1 - "TRANSFER": No person shall be transferred to a position for which he does not possess the minimum qualifications unless the Town Manager authorizes an on-the-job training appointment.

SECTION 9.2 - "PROMOTION": Insofar as is consistent with the best interests of the service, vacancies in Town employment may be filled by promotion from within current employees of the Town.

SECTION 9.3 - "DEMOTION": The Town Manager may demote an employee whose ability to perform his required duties falls below standard, or for disciplinary purposes. Written notice of the demotion shall be given the employee before the effective date of the demotion.

SECTION 9.4 - "SUSPENSION": The Town Manager may suspend an employee at any time for a disciplinary purpose. Suspension with out pay shall not exceed thirty calendar days, nor shall any employee be penalized by suspension for more than thirty calendar days in any fiscal year. Department heads may suspend a subordinate employee for not more than three working days at any one time, and not more than once in a thirty calendar-day period. Suspension shall be reported immediately in writing to the Town Manager or his designee.

SECTION 9.5 - "SUSPENSION WITH PAY": Department heads may suspend an employee with pay for a three day working period for the purpose of expediting an investigation of an allegation, which if true, may result in suspension or discharge. The Town Manager may authorize a longer period where necessary. All such suspensions shall be reported immediately to the Town Manager.

SECTION 9.6 - "REINSTATEMENT": Former employees with less than thirty days break in service may be reinstated at the request of the department head and upon approval of the Town Manager. Other former employees will be treated in the same manner as all other applicants and subject to all normal selection processes.

RULE 10-DISCIPLINE

SECTION 10.1 - The tenure of every permanent employee in the Town service shall be contingent upon acceptable conduct and satisfactory performance of duties. Failure to meet such standards of conduct and work performance for any of the following listed reasons, such reasons not to be considered all inclusive, are sufficient grounds for disciplinary action, up to and including dismissal:

- A. Falsification of any information required by or presented to the Town;
- B. Absenteeism;
- C. Tardiness;

- D. If the employee is incompetent or inefficient in the performance of his or her duties;
- E. Insubordination or any act of omission or commission of a similar nature discrediting or injuring the public service or any act jeopardizing the effective functioning of their service;
- F. A criminal act while an on-duty employee;
- G. Misappropriation, destruction, theft or unauthorized use of municipal property;
- H. Prohibited political activities;
- I. Favoritism on the part of a supervisory employee;
- J. Substance abuse affecting the employee's job performance or the image of the Town;
- K. Discrimination or harassment by an employee on the basis of sex race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation or gender identity, or political opinions or affiliations toward any other employee or applicant;
- L. Neglect or carelessness resulting in physical or legal damage to municipal property, equipment or personnel;
- M. Abusiveness in attitude, language or conduct to fellow employees or to the public;
or
- N. Acceptance of gratuities, kickbacks or bribes.

Taking any action that will impair the efficiency or reputation of the Town of Eagar or its employees.

RULE 11-SEPARATION FROM THE SERVICE

SECTION 11.1 - "DISCHARGE": Any employee may be discharged for cause at any time by the Town Manager or department head. A written statement of the reasons for such action shall be placed in the employee's personnel file.

SECTION 11.2 - "LAY-OFF": The Town Manager may lay off an employee because of material change in duties or organization or shortage of work or funds. The employee may be rehired when work or funds are again available.

SECTION 11.3 - "RESIGNATION": An employee wishing to leave the permanent service in good standing shall file with the Town Manager through his department head a written resignation stating the effective date and reasons for leaving, at least two weeks before leaving the service, unless such time limit is waived by the Town Manager. Failure to give notice as

required by this rule, shall be cause for denying future employment by the Town.

SECTION 11.3.A - Upon termination of employment by the Town, the employee will return to the personnel director any keys, credit cards, employee identification cards, or other items belonging to the Town. All matters must be cleared with the Town Clerk before a last paycheck will be issued.

RULE 12- GRIEVANCE PROCEDURES

SECTION 12.1 - "PURPOSE OF RULE":

SECTION 12.1.A - To promote improved employer/permanent employee relations by establishing grievance procedures on matters for which appeal or hearing is not provided by other regulations.

SECTION 12.1.B - To afford employees a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them through discussions.

SECTION 12.1.C - To provide that grievances shall be settled at the lowest supervisory level possible.

SECTION 12.1.D - To provide that appeals shall be conducted as informally as possible.

SECTION 12.2 - "MATTERS SUBJECT TO GRIEVANCE PROCEDURE": Any permanent employee shall have the right to appeal under this rule, any decision affecting employment or working conditions. All decisions that are appealed to the Personnel Appeals Board shall be final and binding upon both the Town of Eagar and the employee.

SECTION 12.3 - "INFORMAL GRIEVANCE PROCEDURE": A permanent employee who has a problem or complaint should first try to get it settled through discussion with the immediate supervisor without undue delay. If, after this discussion, the permanent employee does not believe the problem has been satisfactorily resolved, he/she shall have the right to discuss it with the supervisor's immediate superior. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision.

SECTION 12.4 - "FORMAL GRIEVANCE PROCEDURE": Levels of review through the chain of command are listed below:

SECTION 12.4.A - "FIRST LEVEL OF REVIEW": The grievance shall be presented in writing to the employee's immediate supervisor, who shall render a decision within five calendar days after receiving the appeal.

SECTION 12.4.B - "FURTHER LEVEL OR LEVELS OF REVIEW AS APPROPRIATE": If the permanent employee does not agree with the immediate supervisor's decision, or if no answer has been received within five calendar days, the he/she may present the grievance in writing to the supervisor's immediate superior. This procedure shall continue to the highest supervisory level. Failure of the permanent employee to take further action within five calendar days after receipt of the written decision of the superior, or within a total of ten calendar days

from the date on which the grievance was presented to his immediate superior if no decision is rendered, will constitute a dropping of the grievance. The supervisor receiving the appeal shall review it, render a decision, and comment in writing, and return them to the employee within five calendar days after receiving the appeal. Such decision may be appealed to the Personnel Appeals Board as provided in Rule 13 of these rules.

SECTION 12.4.C - “PRE-DISCIPLINARY HEARING RIGHTS”: The 14th amendment to the Constitution provides that a citizen may not be deprived of “life, liberty, or property, without due process of law.” Public employees have a limited property interest in continued employment sufficient to require due process in any administrative proceedings that might result in suspension or dismissal. The Town seeks to observe due process of law in the philosophy of the 14th Amendment in any disciplinary proceeding.

SECTION 12.4.D - If the recommended disciplinary action against an employee includes suspension or dismissal, then the employee may follow the grievance procedures as outlined in this section. Once the grievance has reached the level of the Department head, the employee may request a pre-disciplinary hearing and is entitled to an opportunity to respond to the charges against him. Because of the property interest in the job, the Town shall provide oral or written notice of the charges against the employee, an explanation of the employer’s evidence or a copy of the investigation, and an opportunity to tell his side of the story.

SECTION 12.5 - “CONDUCT OF GRIEVANCE PROCEDURE”:

SECTION 12.5.A - The time limits specified above may be extended to a definite date by mutual written agreement of the employee and the reviewer concerned.

SECTION 12.5.B - Employees shall be assured freedom from reprisal for using the grievance procedures.

RULE 13-RULES OF APPEAL TO THE PERSONNEL APPEALS BOARD

The provisions of this rule shall not be pursued until the permanent classified employee has pursued the grievance procedures outlined in Rule 12.

SECTION 13.1 - “PERSONNEL APPEALS BOARD”: The Eagar Town Council shall select three (3) persons to serve as the Town’s Personnel Appeals Board. This Board may be comprised of the Vice-Mayor, the Town Clerk, and one public representative selected and approved by a majority of the Town Council. A majority of the members of the Board shall constitute a quorum for the transaction of business. Meetings shall be conducted informally in accordance with such rules and procedures as may be adopted by the Personnel Appeals Board.

Section 13.2 - “DUTIES” . The duties of the Personnel Appeals Board shall consist solely to conduct hearings and render rulings on matters properly brought before the Board under the grievance procedures established in Rule 12 of these rules and to review its own procedures and organization. All decisions of the Personnel Appeals Board shall be final and binding upon both the Town of Eagar and the employee.

Section 13.3 - “HEARINGS” . Hearings conducted by the Personnel Appeals Board shall be

conducted in private unless the employee involved in the matter requests a public hearing in writing. The Board shall exclude from any meeting, during the examination of a witness, any or all other witnesses in the matter being investigated. The hearing need not be conducted according to technical rules of evidence and witnesses.

The appealing employee shall receive written notice of specific grounds for suspension or termination. The appealing employee shall be entitled to disclosure of evidence supporting termination, including the names and nature of the testimony of adverse witnesses. The appealing employee shall appear personally, unless physically unable to do so, before the Personnel Board at the time and place of the hearing. The appealing employee may be represented by an attorney and may, at the hearing, produce on behalf of himself oral or documentary evidence.

The appealing employee shall have the burden of proof of showing by clear and convincing evidence that there is not enough evidence to support suspension or termination. The appealing employee shall state his case first and, at the conclusion, the Town's case may then be presented. The appealing employee will have the right to confront and cross-examine any witnesses. The conduct and decorum of the hearing shall be under the control of the personnel appeals board who shall choose its own chairman.

SECTION 13.4 - "RIGHT OF APPEAL": Any permanent employee other than Department Heads shall have the right of appeal to the Personnel Appeals Board any disciplinary action or interpretation or alleged violation of these rules.

SECTION 13.5 -- "METHOD OF APPEAL": Appeals shall be in writing, subscribed by the appellant, and filed with the Town Manager or his designee, who shall within fifteen calendar days after receipt of the appeal, inform each member of the Personnel Appeals Board, the Council, and such other persons or officers named or affected by the appeal, of the filing of the appeal. Appeals should be in writing, addressed to the board, explaining the matter appealed and setting forth therein a statement of the action desired by the appellant, with his or her reasons therefore. Appeals must be filed within fifteen calendar days from the date that the employee received the supervisor's decision. The formality of a legal pleading is not required.

SECTION 13.6 - "NOTICE": Upon the filing of an appeal, the Town Manager or his designee shall set a date and place for a hearing on the appeal not less than ten days, nor more than thirty days from the date of filing. The Town Manager or his designee shall notify all interested parties of the date, time and place of hearing. The appellant shall appear personally, unless physically unable to do so, at the time and place of the hearing.

SECTION 13.7 - "FINDINGS AND RECOMMENDATIONS": The Personnel Appeals Board shall, within 10 calendar days after the conclusion of the hearing, submit a written statement as to the evidence it relied upon and the reasons for the determination made. This shall be provided to the Town Manager and the appealing employee. The findings and decision of the Personnel Appeals Board shall be final and binding upon the Town of Eagar and the employee. No further appeal is allowed.

RULE 14-TRAINING OF EMPLOYEES

SECTION 14.1 - "RESPONSIBILITY FOR TRAINING": The Town encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Town Manager and department heads. Such training programs may include lecture courses, demonstrations, assignment of reading matter, or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

SECTION 14.2 - "CREDIT FOR TRAINING": Participation in and successful completion of special training courses will be considered in making advancements and promotions. Evidence of such activity may be submitted by the employee to the Town Manager or his designee and his department head to be included in his personnel file.

SECTION 14.3 - "TRAINING OR EDUCATION REIMBURSEMENT": Repayment for training and tuition for education classes may be made by the Town when the training is successfully completed or a "C" grade or better is received in a class. In order for an employee to qualify for reimbursement, the class, or degree in which the class is in advancement of, must be taken on the employee's own time and be directly related to his job description or the job description of a Town position which he aspires to move toward. Such repayment shall be by prior arrangement with the employee's department head, and the Town Manager. There shall be a \$2000.00 cap for tuition repayment per fiscal year per employee.

SECTION 14.4 - "FIRE FIGHTER TRAINING INCENTIVE": It has been the practice of the Eagar Fire Department to offer to its regular employees and volunteer employees a training incentive. Whereas, a monetary value is applied per hour of the number of hours that a fire fighter attends fire fighting training whether that be in-house training or formal training. For fire fighters the training incentive is in the amount of \$12.00 per hour, for engineers the training incentive is in the amount of \$13.00 per hour, and for officers the training incentive is in the amount of \$14.00 per hour.

RULE 15-EMPLOYEE HEALTH

SECTION 15.1 - "JOB RELATED DISABILITY": Any employee suffering a recurring disability resulting from a job-related accident or illness may be required to be examined by a physician prior to his return to work.

SECTION 15.2 - "LIGHT DUTY": The purpose of this policy is to establish guidelines and procedures to be followed when employees are released by a physician to be able to perform light duty and when the department supervisor approves light duty.

SECTION 15.2.A - This policy shall not be interpreted as guaranteeing to any employee that a light duty position within the Town will be available. Employees permitted to return to work in a light duty status would be assigned in a manner most advantageous to the department. The purpose of this order is to establish guidelines and procedures to be followed when employees are released by a physician to be able to perform light duty, and when the department head or town manager approves light duty. Employees who are found by their physicians to be able to perform light duty may be assigned to such duty in their own department, or in another town

department with town manager's approval. The town manager or his designee may work with the employee's physician to resolve any conflicts. Every attempt shall be made to return the employee to duty as soon as possible.

SECTION 15.2.B - "PROCEDURE TO OBTAIN A LIGHT DUTY ASSIGNMENT": A written release for light duty from a physician must be submitted to the department supervisor. This must include:

1. Type of injury/illness or condition
2. Expected recovery date or date of next evaluation
3. Duty limitations due to the injury/illness or condition

The department supervisor will review the release for light duty and will make a determination about a light duty assignment based on the needs of the department. The department supervisor has the sole discretion on whether a light duty assignment is in the best interest of the department and the Town.

A written contract for an assignment to light duty status will be completed. At the end of each contract the department supervisor will review the light duty needs of the department. If there are no further light duty needs, employees will be required to use sick, vacation, comp-time, FMLA or return to Workman's Compensation (for industrial injuries only) until released for duty.

SECTION 15.2.C – "WHILE ON LIGHT DUTY": Employees on light duty will be under the supervision of their regular supervisor unless changed by the department supervisor.

1. The supervisor will assign work hours and work days that best meet the needs of the department.
2. Employees on light duty are not on-call during their lunch break; therefore their lunch break time will not count as time worked.
3. Employees on light duty will be required to make up the time used to attend physical therapy and doctor appointments during their working hours by adjusting their work hours or using sick, comp-time, vacation or FMLA.
4. No overtime/comp-time will be permitted for employees on light duty unless approved by the department supervisor.

SECTION 15.2.D – "OFF-DUTY WORK": Employees on light duty due to an industrial injury, non-industrial injury, medical condition, or on FMLA status may not be allowed to work off-duty or department extra duty in any capacity (i.e. off-duty police work, off-duty fire fighting-wild land fires, water tenders).

Employees not working light duty and off due to an industrial injury, non-industrial injury, medical condition or on FMLA status will not be allowed to work off-duty or department extra duty in any capacity.

SECTION 15.2.E – "PROMOTION / COMPENSATION": Employees on probation and not working due to an industrial injury, non-industrial injury, medical condition, FMLA, including any time on light duty, will not be released from their probationary status until they have returned to work and actually worked in the probationary position for the required probation period.

Employees not working due to an industrial injury, non-industrial injury, medical condition, FMLA or on light duty may not receive step pay increases until they have returned to work and actually worked in their regular position for the one year step pay period.

Employees not working due to an industrial injury, non-industrial injury, medical condition, FMLA or on light duty will be permitted to test in any promotional process if qualified and able.

Employees not working and off due to an industrial injury, non-industrial injury, medical condition, FMLA or on light duty will not use uniform allowance unless approved by the department supervisor.

SECTION 15.2.F – “TRAINING, MEETINGS, AND COURT”: Participation in training/meetings/court will only be allowed to the extent allowed by the physician’s light duty release.

Employees assigned to light duty will attend scheduled training/meetings during their working hours. Training/meetings scheduled during their non-working hours will be adjusted out to avoid overtime/comp-time.

Employees not working light duty but off due to an industrial injury, non-industrial injury, medical condition, or FMLA may attend scheduled training/meetings at the discretion of the department supervisor or if their condition or circumstance permits. If they are unable to attend, it is the employee’s responsibility to notify their supervisor. The time spent in training will be counted as regular work hours. (Participation in training/meetings will be only as an observer.)

SECTION 15.2.G – “RELEASE TO FULL DUTY”: Employees must submit a written release completed by their physician stating that they are able to perform the duties of their regular position.

The department supervisor reserves the right to require a fitness for duty exam by a physician of the department’s choice and at the department’s expense.

SECTION 15.3 - “OTHER DISABILITY”: Any employee suffering an accident or illness while off duty may be required to be examined by a physician before returning to work if the employee’s capability to perform assigned duties may have been affected. If the employee cannot satisfactorily perform his/her assigned duties, the Town may reassign the individual to other duties at the pay appropriate to the newly assigned duties.

SECTION 15.4 – "SUPPLEMENTAL BENEFITS PLAN FOR PUBLIC SAFETY EMPLOYEES": The purpose of this Supplemental Benefits Plan for Public Safety Employees (plan) is to meet the requirements of A.R.S. §38-961 and provide additional economic benefits to police employees who are injured and eligible for a specific category of workers' compensation benefits.

SECTION 15.4.A – "ELIGIBILITY": The Town has discretion to determine eligibility of an employee to participate or continue in this plan. To be eligible for supplemental benefits under this plan initially and to continue in the plan as described in this policy, the employee must meet all of the following criteria:

Be a police officer, employed full-time by the Town at the time of injury.

Be injured or eligible for workers' compensation benefits pursuant to A.R.S. §23-1021.

Be receiving workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041 and related statutes.

Request supplemental benefits, in writing addressed to the Town Manager's office, within 30 days of receiving first payment of workers' compensation lost-time wage replacement benefits pursuant A.R.S. §23-1041.

Follow all other procedures for requesting benefits as outlined in this policy or related documents.

Participate in all risk management activities related to his or her workers' compensation injury.

Be physically unable to return to work for the Town in any capacity, including alternative work assignments or light duty, as determined by the Town and as supported by the employee's physician or an independent medical exam ordered by the Town directly or through its workers' compensation insurance provider. The employee's inability to work in a capacity assigned by the Town, including inability to work light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this supplemental benefits plan.

Remain a Town full-time employee during the time period the employee is receiving the supplemental benefits.

SECTION 15.4.B – "BENEFITS": All benefits under this plan will be provided while the employee meets all eligibility criteria, for a period up to six months from the date the employee receives first payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1041. Benefits under this plan include:

Payment by the Town of the difference in salary between the employee's base pre-injury salary, less taxes and the workers' compensation benefit paid to the employee under §38-961, and any other voluntary deductions on the part of the employee.

Continued payment of the Town's employer portion of premium for health care benefits as was paid pre-injury and/or is paid other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health care benefits as was paid pre-injury and/or as is paid by similarly enrolled employees.

Payment by the Town of both employer and employee contributions to the Public Safety Personnel Retirement System as based on the employee's pre-injury salary.

Credit for service in the Public Safety Personnel Retirement System at the same accrual rate as pre-injury.

Maintenance of accrued Town leave balances at pre-injury level, including sick and vacation leave.

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

SECTION 15.4.C – "PROCEDURE": The Town Manager's Office will receive all requests for plan benefits, in writing from the employee outlining the request and any relevant information needed for decision making by the Town. Such request must be made within 30 days of the employee's receipt of his or her first lost-time wage replacement benefit paid under workers' compensation. The Town Manager's Office will provide the request to the employer-designated Supplement Benefit Plan (SBP) administrator. Failure to make a request within the timeframe established herein shall be construed as a waiver of any rights under A.R.S. §38-961.

The Town SBP administrator will review the written request, the circumstances surrounding the injury, employee eligibility for workers' compensation, and any other relevant factors. Within 30 days of receipt of request for benefits under this plan, the SBP administrator shall provide the employee with written determination of benefits eligibility under this plan.

Supplemental benefits under the plan will be provided from the date of an employee's injury for a period not to exceed six months, as long as the employee continues to meet all eligibility criteria.

Employees granted benefits under this plan will cooperate fully with the Town, SBP administrator, and others working to coordinate benefits.

The employee's Town leave accounts will be frozen as of date of injury until conclusion of participation in the plan.

If an employee is denied participation in the plan for any reason, he or she has a right to appeal such denial. The process for doing so is, exclusively, the following:

Within 10 (ten) working days from receipt of denial letter file a written appeal with the Town Manager stating the reason for the appeal and facts that the employee wishes to have considered. Within five (5) working days the Town Manager will render a written opinion affirming or denying eligibility based upon the information provided.

RULE 16-PROHIBITED HARASSMENT POLICY

SECTION 16.1 - The Town maintains a strict policy prohibiting sexual harassment and/or harassment based on race, color, age, religion, national origin, disability, or any other factor made unlawful by law, ordinance, or regulation.

SECTION 16.2 .“POLICY”: This policy applies to ALL persons and prohibits such harassment by any employee (including supervisors/managers or co-workers), any customer/client, or any vendor/supplier to our Town. Harassment in any form including verbal, physical conduct, visual conduct, threats, demands, and/or retaliation is unlawful, is prohibited, and will not be tolerated.

SECTION 16.3 - “DEFINITION OF PROHIBITED AND SEXUAL HARASSMENT”:

Harassment based on sex/gender, race, color, age, religion, national origin, disability, or any other protected factor includes, but is not limited to:

Verbal conduct, such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitation, or comments;

Visual conduct, such as derogatory posters, cartoons, photographs, drawings, or gestures;
Physical conduct/contact, such as unwanted touching, blocking normal movement, or interfering with work directed at you because of your sex/gender or any other protected factor;

Threats or demands to submit to sexual requests in order to keep your job or avoid some other loss and/or offers of job benefits in return for sexual favors; or, retaliation or retribution for opposing, reporting or threatening to report harassment, or for participating in an investigation, proceeding, or hearing conducted by an investigating person, firm, or agency.

Sexual harassment is defined as including:

Unwelcome or unwanted sexual advances, including patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any physical contact considered unacceptable by another person;

Requests or demands for sexual favors, including subtle or blatant expectations, pressures, or requests for any type of sexual favor;

Verbal abuse or kidding which is sexually oriented and is considered unacceptable by another individual, including innuendoes, jokes, sexually-oriented comments, or any other action that another person finds tasteless or offensive;

Unwelcome sexual advances, requests for sexual favors, and/or verbal abuse proposed as a condition of employment or as a basis for making employment decisions that affect the individual;

Engaging in any type of sexually oriented conduct which would reasonably interfere with another person’s work performance, productivity, or safety; or,

Creating a work environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversations, suggestions, demands, request, physical contacts, or attentions.

SECTION 16.4 - "REPORTING HARASSMENT INCIDENTS": You may have a claim of prohibited harassment even if you have not lost your job or some other economic benefit. Harassment that impairs your working ability or emotional well being at work also is prohibited, violates this policy, and will not be tolerated. If you believe you are being or have been harassed on the job because of your sex/gender, race, color, age, religion, national origin, disability, or any other protected factor, you should use the procedure outlined below to file a complaint. The Town requests that all employees report conduct that they observe which is prohibited by this policy, whether or not they are personally involved. The Town encourages all employees to report any incidents of harassment forbidden by this policy immediately, so that complaints/allegations can be resolved quickly and appropriately, and so that relevant witnesses can be interviewed while events are fresh in their minds or memories.

All supervisory/management employees who witness such conduct or otherwise become aware of any allegations or complaints of such conduct must immediately report it to the Department Head and their supervisor. Any supervisor's failure to immediately report such activity, complaints, or allegations will result in disciplinary action toward that supervisor, up to and including termination of employment.

All employees have the right to redress for prohibited harassment. In order to secure this right, you must provide a complaint, preferably in writing, to your own supervisor, to the Department Head, Town Clerk, Town Manager, or to any other manager as soon as possible after the incident occurs that you believe is prohibited harassment. Your complaint should include the details of the incident(s), the names of any individual(s) involved, and the names of any witness(es).

SECTION 16.5 - "INVESTIGATION AND DISCIPLINARY ACTION": Those persons to whom complaints are made will immediately refer them to the Town Manager. The Town Manager or his designee will begin investigating the complaint/allegations. When the investigation is completed, a determination will be made regarding the complaint/allegations. The employee(s) who complained will be informed of the determination reached.

The Town will treat all complaints/allegations seriously. ALL employees are expected to cooperate with, be candid to, and be truthful to any investigator. If evidence arises that an employee participating in an investigation has knowingly made a false, deceptive, or incomplete statement, that employee will be disciplined up to and including termination of employment.

If the Town Manager (or designee) conducting the investigation determines that prohibited harassment has occurred, The Town will take remedial action(s) appropriate for the severity of the offense. Action(s) also will be taken to deter any further harassment. The Town will not retaliate against any employee who files a complaint/allegation; however, if it is determined that an employee knowingly made a false complaint/allegation, he/she will be subject to disciplinary action up to and including termination of employment.

The Town will not permit retaliation by any supervisor or other employee toward the person making a complaint/allegation. If any employee believes he/she is being or was retaliated against in any manner, he/she should immediately report it to the Town Manager. Any changes to the terms and conditions of work of an employee who has filed a complaint/allegation (i.e., schedule change, transfer, discipline, termination, etc.) will not be made without prior input and approval of the Town Manager.

RULE 17- DRUG-FREE WORKPLACE POLICY

SECTION 17.1 - "PURPOSE": It is the Towns policy that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace is prohibited. All employees are required to abide by this policy.

SECTION 17.2 - "POLICY": Any employee who is convicted of a drug statute violation in the workplace must notify the employer no later than the following business day after the occurrence of the conviction. Failure to abide by this policy and/or failure to report a conviction could result in a disciplinary action up to and including dismissal.

SECTION 17.3 - "PROCEDURE": New employees will be required to sign an acknowledgement of this policy as a condition of employment indicating that the individual employee has read and is aware of the Town of Eagar policy.

NOTICE REGARDING A DRUG-FREE WORKPLACE

TO: ALL TOWN OF EAGAR EMPLOYEES

The unlawful manufacturing, distribution, dispensing, possession or use of a controlled substance as defined in Schedules I through 5 of Section 202 of the Controlled Substance Act (21 USC 812) and as further defined by Regulation 21 CFR 1300.11 through 1300.15 is prohibited in the workplace. These substances include: narcotics, barbituates, benzodiazepine, alcohol or any other mood-altering chemical. These are drugs that dull the senses, cause drowsiness, induce sleep or impair physical or mental abilities. Any employee who has been prescribed any of the above medication by a physician must be able to perform job duties without any impairments.

Any employee who is found to be manufacturing, distributing, dispensing or in possession or use of a controlled substance as defined in this notice shall receive appropriate personnel action up to and including termination.

Any employee who is under the influence of alcohol or drugs will not be allowed to work. Before returning to the work area, an employee who has been sent home for alcohol or drug abuse must first contact their direct supervisor. Programs may be available through the group health insurance plan to provide resources and assistance to employees who need help.

DRUG-FREE WORKPLACE ACKNOWLEDGEMENT

I, _____, hereby acknowledge that I have read and understand the Town of Eagar policy and procedure outlining the requirements of a drug-free workplace.

I understand that I must abide by this policy and that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Town of Eagar workplace.

I also understand that I must notify my immediate supervisor of any criminal conviction of a drug statute violation in the workplace no later than five calendar days after such conviction.

I understand the penalty for failure to abide by this agency's policy and/or failure to report a conviction will result in a disciplinary action up to and including dismissal.

I am aware that programs may be available through the Town of Eagar Group Health Insurance Plan for anyone who wishes to voluntarily participate in substance abuse prevention or rehabilitation.

Date _____ Signature _____

Note: This form must be signed by each employee and placed in their personnel file.

RULE 18- DRUG AND ALCOHOL TESTING POLICY

SECTION 18.1 - "PURPOSE." In compliance with the Drug-Free Workplace Act of 1988, the Town of Eagar has a longstanding commitment to provide a safe, quality-oriented and productive work environment consistent with the standards of the community in which the Town operates. Alcohol and drug abuse poses a threat to the health and safety of Eagar employees, citizens, and to the security of the Town's equipment and facilities.

The Town of Eagar is also required under the provisions of the federal Omnibus Transportation Employee Testing Act of 1991 to administer a drug and alcohol testing program for all persons subject to commercial driver's license (CDL) requirements.

For these reasons, the Town of Eagar is committed to the elimination of drug and alcohol use and abuse in the workplace.

SECTION 18.2 - "SCOPE." This policy outlines the practice and procedure designed to correct instances of identified alcohol and drug use in the workplace.

This policy applies to all CDL drivers, compensated employees including officers, directors, administrators, supervisors, and all applicants for employment for the Town. The Town Manager with assistance from the HR department is responsible for policy administration.

Department of Transportation (DOT) drug and alcohol testing for CDL drivers shall be completely separate from non-DOT drug and alcohol testing in all respects. In addition, the Town is responsible for maintaining appropriate records and notifying drivers of the requirements and consequences of the CDL drug-testing program.

SECTION 18.3 - "SUBSTANCE ABUSE AWARENESS." Illegal drug use and alcohol misuse have many serious adverse health and safety consequences. Information about those consequences and sources of help for drug or alcohol problems is available from the HR department.

SECTION 18.4 - "EMPLOYEE ASSISTANCE." The Town will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this policy. The Town shall provide for the identification of a Substance Abuse Professional (SAP) for treatment for those employees who have violated this policy or DOT regulations. This information shall include the names, addresses, and telephone numbers of SAP's and counseling and treatment programs. Any rehabilitation or evaluation sought shall be at the expense of the employee.

Such employees will be allowed to use accrued paid time off, placed on leaves of absence, and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once a drug test has been scheduled, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and possible discipline, up to and including discharge, will be unavoidable.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to the Town, underlying medical conditions unless directed to do so.

SECTION 18.5 – “NOTIFICATION.” The Town shall ensure that all covered employees receive this policy explaining the Town of Eagar’s drug and alcohol testing, as well as, abuse prevention materials when requested.

1. The identity of the policy administrator, a contact person knowledgeable about the Town’s policies and the Omnibus Act;
2. Sufficient information about the safety-sensitive functions performed by CDL drivers to make clear what period of the work day the driver is required to comply with Title 40 CFR Part 382, and the requirement that a driver submit to alcohol and drug test administered in accordance with federal law;
3. Specific information concerning prohibited conduct;
4. The circumstances under which employees will be tested;
5. Procedures used in the testing process;
6. An explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
7. The consequences for employees found to have violated the drug and alcohol prohibitions, and the consequences for CDL drivers as regulated by 40 CFR Part 382. Including procedures for referral, evaluation and treatment;
8. Information on the effects of drug and alcohol misuse on personal life, health and safety in the workplace.

SECTION 18.6 – “WORK RULES.”

SECTION 18.6.A – Whenever employees are working, operating any Town vehicle, are present on Town premises, or are conducting town-related work offsite, they are prohibited from:

1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
2. Being under the influence of alcohol or an illegal drug as defined in this policy.
3. Possessing or consuming alcohol.

No CDL driver shall use alcohol while performing safety-sensitive functions. No driver shall perform safety-sensitive functions within eight (8) hours after using alcohol. An employee fails an alcohol test by registering a 0.04 or greater alcohol content.

SECTION 18.6.B – The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee’s body system, while performing town business or while in a town facility, is prohibited. An employee fails a drug test by testing positive.

SECTION 18.6.C – The Town will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

SECTION 18.6.D – Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

SECTION 18.7 – “REQUIRED TESTING.”

SECTION 18.7.A - Pre-employment: All applicants must pass a drug test after the offer of employment but before employment commences. Offers of employment are contingent on the test results. Refusal to submit to testing will result in disqualification of further employment consideration.

SECTION 18.7.B - Reasonable Suspicion: Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. The Town Manager or HR department shall be consulted before sending an employee for testing. Any qualified supervisor or Town of Eagar administrator who has reasonable suspicion to believe that an employee or CDL driver has violated the alcohol or drug prohibitions of the Town of Eagar shall require the employee to submit to reasonable suspicion test. A qualified supervisor or administrator must be a person who has been properly trained, in accordance with federal regulations (in regards to CDL drivers) to make a determination that reasonable suspicion exists. This reasonable suspicion must be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indication of the chronic and withdrawal effects of drugs.

Alcohol testing is authorized for reasonable suspicion or only if the required observations are made just before, during or just after the period of the workday when the employee must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the Town shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours, and the Town will state in the record the reasons for not administering the test.

A qualified supervisor or Town of Eagar administrator who makes observations leading to a reasonable suspicion test shall make a written record of his or her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

SECTION 18.7.C - Post-accident: Employees are subject to testing when they are involved in an accident that seriously damages a Town vehicle, machinery, equipment or property or results in an injury to themselves or another employee requiring medical attention, or receives a citation under state or local law for a moving traffic violation arising from a recordable accident during the workday. A recordable accident includes:

1. Bodily injury requiring immediate treatment away from the accident scene.
2. Disabling damage to one or more vehicles requiring the vehicle to be towed or transported away from the scene of the accident.

A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle or performing safety-sensitive functions (including a Town forklift, backhoe, dozer, dump truck, pickup truck, emergency vehicle, bucket trucks, and aerial/man-lifts) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

SECTION 18.7.D – Random testing: Random drug and alcohol testing for CDL drivers shall be conducted on a random basis at unannounced times throughout the year in accordance with the federal DOT regulations. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. Drivers shall be selected by a scientifically-valid random process, and each driver shall have an equal chance of being tested each time selections are made. Random selections shall be spread throughout the year. Drivers who have been told of their random selections shall, from the point of being informed, devote every action to providing a specimen. Any action that impedes the proper administration of a test shall be considered refusal to test.

SECTION 18.7.E - Follow-up. Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending on the circumstances and the employee's work history/record, the Town may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms which could include follow-up drug testing at times and frequencies determined by the Town for a minimum of one year but not more than two years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. An employee who is subsequently identified by a substance abuse professional as needing assistance in resolving an alcohol or drug problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional as well.

If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be subject to immediate discharge from employment.

Follow-up alcohol testing shall be conducted just before, during or just after the time when the employee or driver is performing safety-sensitive functions. Refusal to Submit to Tests -- No employee or driver shall refuse to submit to any of the tests. An employee will be considered to refuse to submit when he or she fails to provide adequate breath or urine for testing when notified of the need to do so, or when he or she engages in conduct that clearly obstructs the testing process. Such refusal will be treated as if the Town of Eagar received a positive test.

SECTION 18.7.F – Return to duty testing. An alcohol or drug test shall be conducted when a CDL driver or employee who has violated the Town of Eagar's alcohol or drug prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty test produces a verified test result of less than 0.02. Any test showing results greater than 0.02 shall not perform or continue to perform safety-sensitive functions until the start of the employees next regularly scheduled duty period but not less than 24 hours after the test was administered. Employees whose conduct involved drugs cannot return to duty in a

safety-sensitive function until the return-to-duty test produces a verified negative result.

SECTION 18.8 – “COLLECTION AND TESTING PROCEDURES.” The Town shall follow the federal guidelines and standards of the Department of Health and Human Services and the Department of Transportation regarding testing and laboratory procedures as it relates to CDL drivers.

Any drug testing or alcohol impairment testing required by the Town will be paid for by the Town. Employees subject to alcohol testing will be driven to a Town-designated facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee’s breath alcohol concentration is 0.04 or more, a second breath specimen shall be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the Town’s discretion. For purposes of this policy, test results generated by law enforcement or medical providers may be considered by the Town.

Applicants and employees subject to drug testing will be driven to a town-designated medical facility and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphane use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There shall be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the Town, who will offer persons with positive results a reasonable opportunity to rebut or explain the results upon their request. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant’s or employee’s own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the Town until such time that the MRO has confirmed the test to be positive.

SECTION 18.9 – “CONSEQUENCES.” Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the employer believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be

scheduled to discuss the results of the test; this meeting will include a member of management/supervision, and HR. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

SECTION 18.10 – “CONFIDENTIALITY.” Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among the employee or perspective employee or their agent; managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant, and to a subsequent employer or other identified person only as expressly requested in writing by the employee. The tested employee or perspective employee has a right of access to their own written test results upon request.

SECTION 18.11 – “INSPECTIONS”: The Town reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees and contract employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

SECTION 18.12 – “CRIMES INVOLVING DRUGS.” The Town prohibits all employees, including employees performing work under government contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on town premises or while conducting town business. Town of Eagar employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The Town does not desire to intrude into the private lives of its employees, but recognizes that employees’ off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the Town reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to HR within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee’s past record with the town.

SECTION 18.13 – “REASONABLE SUSPICION AND POST-ACCIDENT TESTING PROTOCOL.”

1. The employee will be advised that the Town believes that there is reasonable suspicion to believe that he or she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported to any one of the town’s contracted testing facilities (e.g., health services, health clinic, hospital lab). One member of management will accompany the employee. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from the Town will be arriving and will need a drug or alcohol test completed.
4. The employee should be provided water to drink prior to leaving the company premises.
5. The employee to be tested must present a photo ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained.
6. The employee will be given reasonable time—not to exceed 15 minutes—to secure photo ID in the company of a Town representative.
7. The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the “Consequences” section of this document.
8. A Town representative must sign as a witness to the collection procedure, along with the tested employee.
9. After returning to the Town of Eagar or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless testing results are immediate). Under no circumstances will the tested employee be allowed to drive himself or herself home.

RULE 19 – ON CALL POSITIONS

SECTION 19.1 – “ON CALL POSITIONS”: Pertains to working on call for various employees including but not limited to emergency services, and water/waste water department that may compel an employee to be on call after normal work hours, weekends, and holidays.

SECTION 19.1.A – Certain departments and certain employees within a department shall participate in on call including but not limited to emergency services, and water and waste water employees.

SECTION 19.2 – “TIMELY RESPONSE”: All positions that require the employee to be on call (i.e. emergency services, water and waste water) shall maintain residency within the immediate area that will allow for a maximum fifteen (15) minute response time to their regular employment site driving under normal conditions at the posted speed limit.

SECTION 19.3 – “COMPENSATION FOR ON CALL TIME”: An employee scheduled for on call will receive compensation for each hour on call at the established on call pay as set by council resolution.

SECTION 19.3.A – When an employee is called out during the scheduled on call time, he will receive a minimum of one hour for the call out, regardless of the call duration. Anytime the call out is over one hour, the employee will be paid for the actual length of the call only.

SECTION 19.4 – “WATER & WASTEWATER SYSTEMS (ON CALL POSITION)”: This water/waste water position is a permanent, fulltime position with benefits. Out of the 168 total hours in a week, it will require 22 hours of regular hours worked, 77 hours of on call time, and 69 hours of time off per week. Hours will vary slightly during winter schedule. (See next paragraph). Starting rate of pay will be the prevailing wage for the water/waste water position for the 22 hours worked and the on-call salary as set by council resolution for a 40-hour week. No additional pay will be accrued unless actual call out time exceeds 18 hours per week. All call out hours accrued in excess of 18 hours per week will be paid at time and one half normal rate

unless holiday pay applies (22 hours actual work plus 18 “called out” hours equals 40 hours).

SECTION 19.4.A – “REGULAR HOURS”: Regular hours worked will be 10 hours on Friday, 10 hours on Saturday, and 2 hours on Sunday unless scheduled otherwise by supervisor. Time off will be Monday 6:00 a.m. through Wednesday 4:30 p.m. and Thursday 6:00 a.m. to 4:30 p.m. during summer hours (April-October). During winter hours, time off will be Monday 7:00 a.m. through Wednesday 3:30 p.m. and Thursday 7:00 a.m. to 3:30 p.m. All other hours of the week will be on call hours.

SECTION 19.4.B– “VACATION TIME”: Vacation time will be accrued as though employee is working a 40 hour week. Use of vacation time will be hour for hour for regular work hours and prorated, using one hour of vacation time to equal four (4) on call time.

SECTION 19.4.C– “SICK LEAVE”: Sick leave will also be accrued as though employee is working a 40 hour week and use of sick leave will be same as vacation time use.

SECTION 19.4.D – While on call, employee must remain close enough to the area to be able to respond to an emergency in Eagar’s Town limits within a fifteen (15) minute time frame.

RULE 20 – SECTION 125 FLEXIBLE SPENDING ACCOUNTS

SECTION 20.1 – “FLEXIBLE SPENDING ACCOUNT”: A flexible spending arrangement, or Flexible Spending Account (FSA), as they are commonly called, is a tax-advantaged financial account that is an employer-provided benefit that allows the employee to contribute a set amount from their paycheck in order to cover out-of-pocket medical, dental, vision expenses, prescribed drugs, and/or dependent day care. The employee contribution is deducted through regular, equal payroll deductions per plan year.

Money deducted from an employee's pay into an FSA is not subject to payroll taxes, resulting in a substantial payroll tax savings. Using this concept of “pre-tax” dollars can reduce your medical costs by as much as 30% depending on your tax bracket. Let’s say you have a \$100 per pay period deduction....your actual check may only be \$75 smaller because a smaller amount of taxes were withheld.

SECTION 20.2 – “EMPLOYEE CONTRIBUTION”: There are two types of Flexible Spending Accounts: The first is un-reimbursed medical (URM) and the second is dependent day care (DDC). At the beginning of each plan year, the employee will elect a specific dollar amount for each FSA they wish to participate in. The Town determines the maximum benefit that may be elected for each plan year.

SECTION 20.3 – “UN-REIMBURSED MEDICAL (URM)”: The URM allows you to contribute a set amount (aligned with federal cap) from your paycheck per plan year in order to cover out-of-pocket medical, dental, and vision expenses such as health insurance co-pays, uninsured treatments, or over-the-counter prescribed drugs, and expenses other than drugs.

To be eligible for reimbursement, an expense must be for medical care.

20.3.a) Medical care means diagnosis, cure, treatment, or prevention of disease.

- 20.3.b) Medical care does not include cosmetic surgery or similar procedures. Cosmetic surgery means any procedure to improve a person's appearance.
- 20.3.c) A surgery or procedure necessary to correct a deformity resulting from a disfiguring disease, an accident, or trauma may be eligible.
- 20.3.d) Expenses for medical care will be limited to expenses incurred primarily for the prevention or improvement of a physical or mental defect or illness.

If an employee submits a claim that contains an expense that is not clearly for medical care, the Plan Administrator may request additional information from the employee to substantiate that the expense is for medical care. The employee can normally provide substantiation by submitting a physician's statement of medical care. The physician's statement should contain the following information and may only be applied to the plan year in which it is used:

- Patient's name
- Specific medical condition for which treatment is prescribed
- Description of the treatment and how it treats the medical condition
- Length/frequency of the treatment program (if related)

SECTION 20.3.A – “QUALIFYING MEDICAL EXPENSES”:

Eligible Medical Care Expenses

Acupuncture	Adoption-related medical cost	Air Conditioner–allergy relief
Alcoholism Treatment	Ambulance Services	Attendant Blind/Deaf Student
Autoette	Band-Aids/Bandages	Blind Person Accessories
Capital Expenditures-home modification for handicapped	Birth Control Pills	Childbirth prep classes-mother only
Chiropractors	Car Modifications-for handicapped	Carpal Tunnel Wrist Supports
Condoms	Christian Science Treatment	Cold/Hot Packs for Injuries
Cosmetic Surgery-nonelective	Crutches	Contact Lenses
Contact Lens Clean Solution	Dentures	Deaf Person Accessories
Dental Fees	Domestic Aid-In Home Nurse	Diagnostic Fees
Doctors' Fees	Electrolysis – Medical Only	Drug Addiction Treatment
Dyslexia Language Training	Fertility Enhancement	Elevator-Cardiac Conditions
Eye Exams/Glasses	Hair Transplant-Medical Only	Fluoride Device
Guide Animals	Hospital Care	Hearing Aids
HMO's	Insurance Premium-Post Tax	Indian Medicine Man
Incontinence Supplies	Laetrile-Legal Use	Iron Lung
Insulin	Learning Disability-Dr. Rec.	Laser Eye Surgery
Lab Fees	Limbs (artificial)	Legal Expenses related to medical condition
Lead Paint Removal	Long Term Care Services-qualified medical only	Liquid Adhesive for Cuts
Lifetime Medical Care Prepaid retirement Home	Nursing Home-medical reason	Lodging (for medical care away from home)
Long Term Care Contracts-	Orthodontia	Meals-medical care away

qualified medical only		from home
Medical Conference-related to illness	Oxygen Equipment	Operation-legal
Organ Donor	Pregnancy Test Kit	Orthopedic Shoes
Osteopaths	Psychotherapists	Prescription Drugs*
Pedialyte for Ill Child	Spermicidal Foam	Sexual Dysfunction Treatment
Psychiatric Care	Stop Smoking Program	Telephone Equipment-hearing impaired
Sterilization	Weight Loss Program-doctor prescribed for medical reason	Wheelchair
Reading Glasses	X-rays	Counseling-medical reason only
Vasectomy	Rental Medical Equipment	
Thermometers	Wigs-alleviation of physical or mental discomfort	Insurance Co-pays & Deductibles

*Prescription drug receipts reflecting an insurance co-payment or deductible will be considered eligible.

This list does not include all reimbursable items but is the best guidance provided by the Internal Revenue Service to date.

Over-The-Counter Drugs Eligible for Reimbursement With a Prescription

The following is a list of common non-prescription over-the-counter items the IRS has determined to be primarily for medical care and eligible for reimbursement when purchased with a prescription. Over-the-counter drugs that are used to alleviate or treat personal injuries or sickness must require documentation identifying the name of the over-the-counter drug.

Allergy Medicine	Antacids	Bactine
Anti-diarrhea Medicine	Bug Bite Medication	Calamine Lotion
Cold Medicines	Cough Drops	Diaper Rash Ointment
First Aid Cream/First Aid Kit	Hemorrhoid Medication	Laxatives
Menstrual Cycle Products-for Pain & Cramps	Motion Sickness Pills	Muscle or Joint Pain Products
Nasal Sinus Spray/Strips	Nicotine Gum/Patches for Stop Smoking	Pain Relievers
Rubbing Alcohol	Sinus Medications	Sleeping Aid-Treat Insomnia
Sunburn Ointment/Cream	Throat Lozenges	Visine/Other Eye Products
Wart Remover Treatment		

Dual Purpose Items

The following list of dual-purpose over-the-counter items can be reimbursed if used for medical purposes. They must be accompanied by a medical practitioner's note stating the item is to treat a specific medical condition and not a cosmetic procedure.

- Acne treatment (Retin A) only to treat a specific medical conditions such as acne vulgaris

- Dietary supplements or herbal medicines to treat medical conditions in narrow circumstances
- Fiber supplements under narrow circumstances
- Glucosamine/chondroitin for arthritis or other medical conditions
- Orthopedic shoes and inserts (only the cost difference between orthopedic and non-orthopedic shoes will be reimbursed)
- Hormone therapy and treatment for menopause symptoms such as hot flashes and night sweats
- Pills for lactose intolerance
- Prenatal vitamins
- St. John’s Wort for depression
- Sunscreen
- Weight-loss drugs to treat specific disease including obesity

SECTION 20.3.B – “NON-QUALIFYING MEDICAL EXPENSES”:

Spouses’ Group Plan Medical Premiums-Pre-tax	Chap stick	Face Cream/Moisteners
Medicated Shampoos/Soaps	One-a-Day Vitamins	Suntan Lotion

Over-the-counter drugs purchased for personal/cosmetic reasons or simply for good health do not qualify as eligible expenses. This includes drugs such as anti-aging treatments, vitamins, and nutritional supplements. An expense that is merely beneficial to a person’s general health is not an eligible expense.

SECTION 20.4 – “DEPENDENT DAY CARE (DDC)”: The DDC can pay for certain expenses to care for dependents that live with the employee while they are at work. While this most commonly means child care, it can also be used for adult day care for senior citizen dependents that live with the employee, such as parents. The dependent care FSA is federally capped at \$5,000 per year.

DDC expenses may be reimbursed for work-related expenses for any Qualifying Individual described below whom resides with the employee:

20.4.a) A dependent age 12 or under who entitles the employee to a personal tax exemption.

20.4.b) A spouse or other tax dependent that is physically or mentally unable to care for himself/herself.

SECTION 20.4.A – “ELIGIBILITY FOR REIMBURSEMENT”: The DDC expenses must meet all of the following conditions to be eligible for reimbursement:

20.4.A.a) **Qualifying Individual:** Expenses must be incurred for a Qualifying Individual.

20.4.A.b) **Work-related:** Expenses must be incurred to allow the employee to work. If the employee is married, expenses must be incurred to allow the employee

and spouse to work unless the spouse is a full-time student or incapable of self-care.

- 20.4.A.c) **Claims incurred:** Expenses must be incurred for services performed after the date of the DDC election and during the current plan year.

SECTION 20.4.B – “ELIGIBLE DDC EXPENSES FOR QUALIFYING INDIVIDUALS”:

- 20.4.B.a) **Care outside the home:** Expenses incurred for services outside of the employee’s household for the care of a dependent (for example, a baby sitter). If the dependent is age 13 or older, he/she must be disabled and spend at least eight hours per day in the employee’s home.
- 20.4.B.b) **Dependent care center:** Expenses incurred for services provided by a dependent care center i.e., a facility providing care for more than six individuals not residing at the facility. However DDC is not eligible for long term care for parents that live elsewhere such as in a nursing home.
- 20.4.B.c) **Payments to relatives:** Expenses incurred for services provided by a relative who is not the employee’s dependent even if he or she lives in the household. However, the employee may not claim any amounts paid to:
- ◆ An individual for whom the employee or employee’s spouse is entitled to receive a personal tax exemption as a dependent, or
 - ◆ Any of the children who are under age 19 at the end of the year in which the expenses were incurred even if he or she is not a dependent.
- 20.4.B.d) **Summer day camp:** Expenses incurred for a day camp that is primarily custodial in nature rather than educational. However, expenses for overnight camps are not considered work-related and are ineligible.

SECTION 20.5 – “ELECTION IRREVOCABILITY” - An employee may not make changes before the beginning of the next plan year unless there is a qualified change in status that affects eligibility. Qualified changes in status include:

- 20.5.a) Change in employee’s legal marital status.
- 20.5.b) Change in number of tax dependents.
- 20.5.c) Change in employment status that affects eligibility.
- 20.5.d) Dependent satisfies or ceases to satisfy eligibility requirements.
- 20.5.e) Change in residence that affects eligibility.
- 20.5.f) Judgment, decree, or court order dictating provision of coverage.
- 20.5.g) Entitlement to Medicare or Medicaid (URM only).
- 20.5.h) Change in cost of the benefit (DDC only).

- ◆ Addition or elimination of benefit option
- ◆ Change in coverage of spouse or dependent under his/her employer's plan
- ◆ Significant curtailment of coverage

If a change in status occurs, the employee may make changes consistent with the qualifying event. See Human Resources for further details about making changes.

SECTION 20.6 – “FILING A CLAIM”: Medical and dependent day care expenses reimbursed under a FSA must be incurred during a specified coverage period called the Plan Year. Expenses are incurred when medical and dependent care is received and not when the bill/invoice is billed, charged for, or paid. The employee will have sixty (60) days to file a claim for expenses incurred after the previous plan year has ended.

A claim form may be obtained from the Plan Administrator and must be accompanied with a legible receipt(s) from the service provider showing:

20.6.a) Provider name.

20.6.b) A description of the service or a list of supplies furnished.

20.6.c) The charge(s) for each service.

20.6.d) The date(s) of service.

20.6.e) The name of the person(s) receiving the service.(The service provider's signature on the claim form can be substituted for a receipt.)

SECTION 20.7 – “NO TRANSFER” - The employee may not transfer money between the DDC and the URM FSA accounts once the plan year has started.

SECTION 20.8 – “USE-IT-OR-LOSE-IT RULE” - Money remaining in the employee's FSA account(s) will not be returned to the employee at the end of the plan year. Any amount remaining after the end of the runoff or grace period will be forfeited. Because of the use-it-or-lose-it rule, it is important for the employee to carefully estimate the out-of-pocket URM and DDC expenses for the upcoming plan year.

SECTION 20.9 – “TERMINATION OF EMPLOYMENT” – When the employee terminates employment, their participation in the DDC and URM Account plan ends and the employee will no longer be able to incur expenses for reimbursement. Salary redirections will end; however, the employee may still file claims for dates of service that were incurred before the termination as long as they are within the eligible plan year.

SECTION 20.10 – “INSURANCE IN LIEU PROGRAM” - In order to help the Town continue to get affordable, quality health insurance for its employees, the Town has initiated an Insurance in Lieu Program Flexible Spending Account in lieu of benefits. The Town may give these employees – the insurance in lieu in a Flexible Spending Account in a URM Account only.

This program will allow employees with other insurance to opt out of the Town's insurance. Employees that choose Insurance in Lieu will need to provide proof that they have medical

insurance elsewhere to be eligible for the program.

Employees may receive per month, ninety percent (90%) of the amount of what the Town pays for an employee only premium for medical insurance into a Flexible Spending Account. No more than the amount that has been aligned with federal caps for all participants of the Flexible Spending Account. This amount may fluctuate from year to year based on the medical insurance premiums.

The "No Transfer", "Use-It-Or-Lose-It", and "Termination of Employment" rules also apply to the Insurance In-Lieu Program.

RULE 21 – FRAUD POLICY OF THE TOWN OF EAGAR

SECTION 21.1 – “BACKGROUND”: This fraud policy of the Town of Eagar is established to facilitate the development of controls which will aid in the detection and prevention of fraud against the Town of Eagar. It is the intent of the Town of Eagar to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

SECTION 21.1.A – “SCOPE OF POLICY”: This policy applies to any fraud, or suspected fraud, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the Town of Eagar (also called the Town). Any investigative activity required will be conducted without regard to the suspected wrongdoer’s length of service, position/title, or relationship to the Town. To effectively prevent or deter fraud, the Town should have an oversight function in place. Oversight can take many forms and can be performed by many within and outside the Town offices, under the overall oversight of the Audit Committee.

SECTION 21.1.B – “POLICY”: Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the Town Clerk, who coordinates all investigations with the Investigations Unit of the Audit Committee, the Police Department, the Town Attorney and other affected areas, both internal and external.

SECTION 21.2 – “DEFINITIONS”:

21.2.a) Audit Committee – The Audit Committee is a subcommittee of the Town Council. Its responsibilities include evaluation of management’s identification of fraud risks, implementation of antifraud measures, and creation of a culture with zero tolerance for fraud. The Audit Committee also plays an important role in helping the Town Council fulfill its oversight responsibilities with respect to the Town’s financial reporting process and the system of internal controls. The Audit Committee has the responsibility to oversee the activities of senior management and to consider the risk of fraudulent financial reporting involving the override of

internal controls or collusion. The Audit Committee receives information from external auditors in evaluating and assessing the Town's internal controls and the potential for fraudulent financial reporting.

As part of its oversight responsibilities, the Audit Committee should encourage management to provide a mechanism for employees to anonymously report concerns about unethical behavior, actual or suspected fraud, or violations of the Town's code of conduct or Statement of Principles. The committee should also receive reports describing the nature, status, and eventual disposition of any fraud or unethical conduct. A summary of the activity, follow-up and disposition should also be provided to the Town Council in executive session. The Audit Committee typically has the ability and authority to investigate any alleged or suspected wrongdoing brought to its attention.

All Audit Committee members should be financially literate, and the committee should have at least one financial expert with an understanding of generally accepted accounting principles as they relate to governmental accounting and reporting as well as audits of financial statements prepared under those principles.

21.2.b) Investigations Unit – A party or parties named by the Audit Committee and charged with the responsibility of determining the facts in any report of fraud, unethical behavior, or violations of the Town's code of conduct received by the Audit Committee.

SECTION 21.3 – “ACTIONS CONSTITUTING FRAUD”: The terms defalcation, misappropriation, and other fiscal wrongdoings refer to, but are not limited to:

- Any dishonest or fraudulent act.
- Forgery or alteration of any document or account belonging to the Town.
- Forgery or alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Profiteering as a result of insider knowledge of Town activities.
- Disclosing confidential and proprietary information to outside parties.
- Disclosing to other person's securities activities engaged in or contemplated by the Town.
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the Town.
- Exception: Gifts less than \$15 in value.
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment.
- Any similar or related inappropriate conduct

SECTION 21.3.A – “OTHER INAPPROPRIATE CONDUCT”: Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and Human Resources, rather than the person who suspects impropriety. If there is any question as to whether an action constitutes fraud, contact the Town Attorney for guidance.

SECTION 21.4 – “INVESTIGATION RESPONSIBILITIES”: The Audit Committee has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred the Audit Committee will issue reports to appropriate designated personnel and, if appropriate, to the Town Council. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final decisions on disposition of the case.

SECTION 21.5 – “CONFIDENTIALITY”: The Audit Committee treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the Investigation Unit immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see REPORTING PROCEDURE section below). Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the Town from potential civil liability. Any Audit Committee member who wrongfully discloses confidential information will be immediately removed from the committee, and may be held individually liable for any damages assessed against the Town in a civil suit.

SECTION 21.6 – “AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD”: Members of the Investigation Unit will have:

- Free and unrestricted access to all Town records and premises, and
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

SECTION 21.6.A – “INVESTIGATING PROCEDURES”: Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way. An employee who discovers or suspects fraudulent activity will contact the Audit Committee immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Audit Committee or the Town Attorney. No information concerning the status of an investigation will be communicated with others, shared or given out. The proper response to any inquiries is: “I am not at liberty to discuss this matter”. Under no circumstances should any reference be made to “the allegation,” “the crime,” “the fraud,” “the forgery,” “the misappropriation,” or any other specific reference.

SECTION 21.7 – “REPORTING PROCEDURES”: The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with *anyone* unless specifically asked to do so by the Legal Department.

SECTION 21.8 – “DISCIPLINE AND TERMINATION”: If an investigation results in a recommendation to discipline or terminate an individual, the recommendation will be reviewed for approval by the designated representatives from Human Resources and the Town Attorney and, if necessary, by outside counsel, before any such action is taken. The Investigations Unit does not have the authority to terminate an employee. The decision to terminate an employee shall be made in accordance with the Town’s Employee manual.

SECTION 21.9 – “ADMINISTRATION”: The Finance Director is responsible for the administration, revision, and interpretation of this policy. The policy will be reviewed annually and revised as needed.

Fraud Policy of the Town of Eagar

EMPLOYEE ACCEPTANCE

I have read the Fraud Policy of the Town of Eagar, and agree as an employee of the Town of Eagar to live and work by its conditions.

Employee

Date

RULE 22 – PURCHASES, ACCOUNT USE, REQUESTS FOR PAYMENT

SECTION 22.3 – “EMPLOYEE’S VENDOR USE - For employees to be added to the town list of authorized buyers, they must read this policy and return the Vendor Use Agreement to the town clerk’s office for retention in the employee’s personnel file. (Employees should retain this policy with a copy of their signed agreement for future reference.)

SECTION 22.3.A – Authorized buyer’s responsibilities include:

- 22.3.A.a) Only authorized employees of the Town of Eagar may use the Town of Eagar vendor accounts which are only to be used for the purchase of goods or services for official business of the Town of Eagar.
- 22.3.A.b) Ensure that vendor accounts are used in compliance with the Town’s Purchasing Policy. (Eagar Town Code Chapter 3.12)
- 22.3.A.c) The employee using a vendor and/or credit card must submit receipts, documentation detailing the goods or services purchased, cost, date of the purchase and the official business explanation thereof.
- 22.3.A.d) Above said receipts and documentation must be submitted to the accounts payable clerk in a timely manner to reconcile against the monthly statement.
- 22.3.A.e) The authorized buyer and/or credit card holder is responsible for the protection and custody and shall immediately notify the Town Manager and Finance Office if a card or account is lost, stolen or compromised.
- 22.3.A.f) The vendor and/or credit card may not be used for cash advances, personal use or any other purpose not permitted under the Town’s Purchasing Policy.
- 22.3.A.g) Employees must immediately surrender any credit cards upon termination of employment. The Town reserves the right to withhold final payroll checks and payout of accrued vacation until the credit card is surrendered.

SECTION 22.3.B – Penalty: Any employee guilty of illegal or unauthorized use of a Town of Eagar vendor account and/or credit card may be subject to penalties allowed by law and/or disciplinary action(s) under the Town’s Personnel Policy up to and including termination.

SECTION 22.4 – “INTERNAL CONTROL PROCEDURES”: The Town Manager is the administrator of this policy and shall be responsible for the issuance and retrieval of assigned Town of Eagar authorized buyer lists and/or credit card holders to personnel and generally for overseeing compliance of this policy.

The Finance Director shall be responsible for:

- 22.4.a) Assisting and maintaining record of issuance and retrieval of Town of Eagar credit cards and over seeing this policy.

- 22.4.b) Accounting and payment of expenses, ensuring that all documentation accompanies invoices before payment is made.
- 22.4.c) Ensuring accuracy of the statement and that activity and account information is noted on the credit card statement for each line of entry.
- 22.4.d) The balance including interest due on an extension of credit under the credit card arrangement shall be paid for not later than the due date on the statement.

**Town of Eagar
Vendor Use Agreement**

Requirements for authorization and use of a Town of Eagar Vendor and/or Credit Card:

1. The vendor and/or credit card is to be used only to make purchases at the request of, and for the legitimate business benefit of, the Town of Eagar.
2. The credit card must be used in accordance with the provisions of Rule 22 – Purchases, Account Use, Requests for Payment Policy established by the Town of Eagar.

Violations of these requirements may result in revocation of use privileges. Employees found to have inappropriately used the credit card will be required to reimburse the Town of Eagar for all cost associated with such improper use through a one time direct payment or payroll deduction. Disciplinary action(s) may be taken per Town of Eagar Personnel Policies, up to and including termination. The Town of Eagar will investigate and commence in appropriate cases, criminal prosecution against any employee found to have misused the credit card or who violated the provisions of the cardholder agreement.

Credit Card Account Number: _____

Received by: _____
Name (Please Print)

I acknowledge receipt of the attached Rule 22 – Purchases, Account Use, Requests for Payment Policy and agree to abide by said Policy.

Signature: _____

Date: _____

(Below For Town Finance Use Only)

Credit Card Returned

Authorized Signature: _____

Date: _____

RULE 23 – USE OF COMPUTER HARDWARE, SOFTWARE AND NETWORK SYSTEMS

SECTION 23.1 – "PURPOSE": The purpose of this policy is to provide guidance and procedures governing the use of Town owned computer hardware, software and network systems. This section will also help ensure consistency among Town departments regarding use, and control of computer hardware, software and network systems.

All Town-supplied technology including computer hardware, software, electronic systems, and Town-related work records belong to the Town of Eagar and not the employee. All files created, saved, sent, or retrieved with the Town's computers are the properties of the Town and are generally presumed to be public information. As such, all information and communications carried on the Town's network or computer systems may be subject to public access, pursuant to the State of Arizona Public Records Laws (A.R.S. §39-121).

SECTION 23.2 – "COMPUTER HARDWARE ": The Town of Eagar maintains various configurations of computer hardware for business related use by its employees. The hardware remains the property of the Town, and is to be returned to the Town upon request. For purposes of this policy, "hardware" is defined as personal computers, laptops, pocket PC's and all related peripheral equipment (including, but not limited to printers, scanners, projectors, keyboards, mice, etc.)

Portable personal computers (laptops, tablets, smart phones) may be made available to an employee to assist them in the performance of Town business. Because information contained on portable computers is especially vulnerable, special care should be exercised. These devices may only be removed from Town facilities with the permission of the Town Manager, Department Director, or Administrator.

If the hardware is not working properly, such as the personal computer will not power up, keyboard or mouse will not work, or food or drink is spilled on the hardware, employees need to notify their Department Director.

SECTION 23.3 – "COMPUTER SOFTWARE": Any software purchased for use by the Town of Eagar should be registered in the name of the Town of Eagar and/or a Town department, not an individual or employee. Individual departments should generally handle the registration of software and all licenses and logins be filed in the Town Clerk's office.

SECTION 23.3.A – "INSTALLING SOFTWARE": All users are prohibited from installing any software on Town of Eagar computers without proper authorization. If there is a work-related need to install a software package, a request must be submitted to the Department Director who is in turn responsible for working with the Town's IT personnel or consultant to insure that the software is compatible with the Town's systems and is being used in conformance with the software's license. The software, license agreement, and documentation must be brought to IT personnel/consultant in order to arrange a check of the license agreement, and determine compatibility with internal operating systems, hardware, and network configuration. All computer games (not part of the standard operating system) and non-business related software on Town computer equipment is prohibited.

SECTION 23.4 – "APPROPRIATE USE OF COMPUTER HARDWARE AND SOFTWARE" – Employees may use the hardware and software supplied to them to perform functions in the normal course of their employment for the Town that clearly support the mission, vision, and goals of the Town.

Employees may utilize the supplied hardware and software for non-business purposes, provided that they have the prior written consent of their immediate supervisor. The written consent should specifically list the additional usage in which the employee is authorized. The supplied software will be loaded by the information and technology services organization (IT) used by the Town on a personal computer, fileserver, or other network computer system in which the employee is authorized to use.

Customizing the windows desktop with personal preferences for resolution, color, wallpaper, screen saver, and using the options and software provide with the operating system is permissible.

Section 23.5 – "INAPPROPRIATE USE OF COMPUTER HARDWARE AND SOFTWARE ": Any activity involving the Town's hardware, software or network which knowingly contradicts the mission, vision, and goals of the Town, is inappropriate. Activities that violate local, state, or federal laws are also prohibited. Actions that violate public trust or hamper the ability of IT services staff to provide network support are likewise prohibited. Some examples of inappropriate use include, but are not limited to the following:

- 23.5.a Loading any software on a personal computer (PC) without the knowledge and consent of the Department Director. This includes wallpaper, screen savers, sound effects, and other software components.
- 23.5.b Altering system hardware settings of a personal computer through any system setup or windows utility.
- 23.5.c Addition of peripheral devices (modems, printers, etc.) to a personal computer without the knowledge and consent of the Department Director.
- 23.5.d Possession of a password does not extend any rights of privacy in e-mail, Internet access, word processing or other software.
- 23.5.e Knowingly and falsely taking the identity of another employee while accessing any Town-owned computer system. Example: finding a personal computer, which somebody else had signed on, and sending e-mail using the person's identity.
- 23.5.f Changing the software or hardware settings on another user's personal computer.
- 23.5.g Attempting to gain access to information, computer accounts, or other computing resources in which you are not authorized.
- 23.5.h Damaging, altering, or tampering with another's data contained within the Town network, without the other's approval and/or consent of the employee's supervisor.
- 23.5.i The use of profane, abusive, or threatening language in any electronic files or correspondence.
- 23.5.j Any action in which the employee knowingly affects the efficient operations of the Town's network. Example: streaming movies or music.
- 23.5.k Violating any copyright protection or license agreements for computer software.
- 23.5.l Violation of any other Town or information and technology services policy such as the Internet and E-mail Use Policy.

- 23.5.m Employees are not allowed to load or download any software on Town-owned computers without prior authorization from the Department Director.
- 23.5.n Staff will not connect, disconnect, relocate, upgrade, repair, or change the configuration of Town-owned computer equipment without the approval of the Department Director.

Sensitive and confidential information exists throughout the organization. Staff will not compromise security measures or access materials that are not meant for their viewing. Employees will not read another employee's e-mail or access, delete or alter someone else's files unless they have that employee's permission or unless they are directed to do so by qualified authority.

SECTION 23.6 – "PASSWORDS": The confidentiality and integrity of data stored on company computer systems must be protected by access controls to ensure that only Town employees have access. This access shall be restricted to only those capabilities that are appropriate to each employee's job duties. Every employee shall be responsible for all computer transactions that are made with his/her User ID and password. Below are some security guidelines of password usage:

- 23.6.a Employees should use passwords that will not be easily guessed by others.
- 23.6.b Passwords should not be recorded where they may be easily obtained.
- 23.6.c Employees should log-out or lock the workstation when leaving for an extended period.
- 23.6.d Staff cannot use unauthorized passwords. All passwords used by staff will be recorded with an assigned person.
- 23.6.e Passwords must be changed immediately if it is suspected that they have become known to others and the new password filed in the Town Clerk's office.

Revealing any system passwords to another employee or using the password of another is forbidden unless authorized by the Department Director. Mechanisms are in place that would allow qualified personnel access to an employee's computer systems should that employee be unexpectedly unavailable.

SECTION 23.7 – "LICENSE AGREEMENTS": All Town employees are legally bound to comply with the Federal Copyright Act (Title 17 of the U.S. Code) and all proprietary software license agreements. Noncompliance can expose the Town and the responsible employee to civil and/or criminal penalties. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the Town or the employee does not have an active license is strictly prohibited

SECTION 23.8 – "MAYOR AND COUNCIL COMPUTER USE": In addition to *the Computer and E-mail Personnel Policies* of the Town of Eagar, the Mayor and Council have additional responsibilities associated with the use of e-mail, the "Open Meeting Law", and the "Public Records Law". Mayor and Council must use the Town e-mail system and their Town e-mail accounts when conducting their official duties. Only the Town e-mail addresses of Mayor and Council will appear on the Town's website or be given out to the public.

RULE 24 – USE OF INTERNET AND E-MAIL SERVICES

SECTION 24.1 – "PURPOSE": The purpose of this policy is to provide guidance and procedures governing the use of Town internet and e-mail services. This section will also help ensure consistency among Town departments regarding use, and control of the internet and e-mail services. This policy establishes the parameters of appropriate internet and e-mail service usage for employees.

The following guidelines have been established for using the internet and e-mail in an appropriate, ethical and professional manner. All Town-supplied technology including internet and e-mail systems is Town-related work records that belong to the Town of Eagar and not the employee. All files created, saved, sent, or retrieved within the Town's internet and e-mail service are the properties of the Town and are presumptively public information. As such, all information and communications carried on the Town's network or computer systems may be subject to public access, pursuant to the State of Arizona Public Records Laws (A.R.S. §39-121).

Every employee has a responsibility to maintain and enhance the Town's public image and to use the internet and e-mail in a productive manner. Any employee who abuses the privilege of Town facilitated access to e-mail or the internet, may be denied access to the internet and, if appropriate, be subject to disciplinary action up to and including termination. The Town of Eagar may routinely monitor usage patterns for its e-mail and internet communications.

SECTION 24.2 – "INTERNET SERVICE": Although encouraged to explore the vast resources available on the internet in connection with their jobs, employees should use discretion in the sites that are accessed. Access to the internet and use of computer systems and network owned or operated by the Town is a privilege, which imposes certain responsibilities and obligations on employees.

The reason for providing internet access to the Town of Eagar employees is to enable staff to better serve their internal and external customers. Employees will be allowed to browse and retrieve the wealth of research information that is available on the internet; however, access to the internet is provided to employees by the Town for business use and must be to achieve the Town's mission, goals, and objectives.

SECTION 24.3 – "E-MAIL SERVICE": The Town of Eagar maintains an electronic mail system, and it is the policy of the Town to encourage and promote the responsible use of electronic communications in the administrative, business, and technical operations of the Town.

The Town's e-mail system, transmitting, receiving and storing information is for Town business purposes. It is not recommended that Town personnel use the Town's e-mail system for personal communications. E-mail information is presumed to be open to the public for inspection upon public record requests, and as provided by law. Use common sense about what is said or sent; you cannot control who will ultimately read it. Confidentiality is a misnomer and privacy does not exist in this context. A good rule of thumb is "never write anything to email that you would not want to become public knowledge."

All messages composed, sent, or received on the e-mail system are, and remain, the property of the Town of Eagar. A Town e-mail account does not inherently authorize the employee to represent the Town or to act on its behalf.

The Town reserves the right to audit, review, intercept, access and to disclose any and all e-mail messages created, received, or sent over the Town's e-mail system or equipment and to take appropriate action regarding the finding of these audits. The Town reserves the right to discontinue e-mail accounts with or without warning, for any reason including, but not limited to, violations of this policy.

Copyrighted materials belonging to entities other than the Town of Eagar may not be transmitted by employees on the Town's network. All employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. If you find something on the internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his/her own.

SECTION 24.4 "STORING OF E-MAIL RECORDS": Communications sent via the Town's network are intended as a medium for communication, not for storage of official records. Therefore, e-mail should not be used for the storage or maintenance of official Town records. If official records are transmitted via e-mail, such records should be transferred to an appropriate storage area (folders) in a format approved and in accordance with each department's State of Arizona Records Retention and Disposition Schedule.

Practice good housekeeping rules. Storage space on the computer is critical:

- 24.4.a Create folders for received and sent messages. Use folders to save important information but make it a regular habit to review all folders and delete old or out-dated material. Delete unimportant messages as you read them.
- 24.4.b Keep your "in" and "sent" boxes clean. We recommend that all employees purge their files every 60 days.
- 24.4.c Do not save multiple copies of threads. When you send a message and get a response with your original message attached, you begin to have several layers; only the last one needs to be saved. Do not reply with attachments or use "reply all" unless the response requires it.

SECTION 24.5 – "APPROPRIATE USE OF INTERNET AND E-MAIL SERVICES": The e-mail system is available to employees of the Town of Eagar to assist them in their work. Occasional and reasonable personal use is permitted within reasonable limits, provided that this does not interfere with the performance of work duties and responsibilities. In addition, it must be consistent with restrictions defined elsewhere in this policy.

SECTION 24.6 – "INAPPROPRIATE USE OF INTERNET AND E-MAIL SERVICES": Violation of any provisions in this policy can result in disciplinary action, up to and including termination. Deliberate attempts to degrade or disrupt network performance or circumvent network security may be viewed as criminal activity under applicable state and federal law. If necessary, the Town will advise appropriate legal authorities of any violations of law.

- 24.6.a Town's internet and e-mail access may not be used for transmitting, retrieving or storing of any communications with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted.

- 24.6.b No disparaging (belittling or mocking), abusive, profane, or offensive language; materials that might adversely or negatively reflect upon the Town of Eagar or be contrary to the Town of Eagar's best interests.
- 24.6.c Harassment of any kind is prohibited.
- 24.6.d Town's internet is not to be used to view or subscribe to pornographic websites or e-mail addresses.
- 24.6.e Any illegal activities—including piracy, cracking, extortion, blackmail, copyright infringement, viewing pornographic material, and unauthorized access to any computers on the internet or e-mail are forbidden.
- 24.6.f Town's internet is not to be used for games or entertainment.
- 24.6.g No issuing or forwarding e-mail chain letters or other frivolous messages, such as practical jokes.
- 24.6.h Employees are not to use the Town's network systems e-mail system or internet for personal gain as in accessing to solicit business for a non-work-related venture or for any personal cause, including, but not limited to, those associated with political or religious issues.
- 24.6.i Staff may not print, display, run, play, download, or send any programs, audio, images, messages, cartoons, or jokes that are in conflict with any Personnel Rules of the Town of Eagar. Employees receiving any of the foregoing from another person or entity, either inside or outside the organization, should immediately advise the sender that they are not permitted to receive such information and not to send it again.
- 24.6.j Political statements – political statements and/or campaigning are unacceptable uses of the e-mail system.
- 24.6.k Confidential e-mails may not be used to create or transmit messages relating to discipline, grievances, and/or any other confidential matters.
- 24.6.l Creation and/or sending of "spam" is prohibited.
- 24.6.m No e-mail generated or received by any member of the police department may be viewed, reproduced, printed, transmitted or disseminated without the express written permission of the chief of police. No assumptions shall be made with respect to what is or is not subject to release pursuant to applicable free of information acts, and as provided by law.

SECTION 24.7 – "MALICIOUS PROGRAMS": The internet is full of useful programs that can be downloaded, but some of them may contain malicious programs such as computer viruses, worms, trojan horses and e-mail bombs that can extensively damage Town computers. These malicious programs are designed to make unauthorized changes to programs and data, and then propagate itself throughout the network and therefore causing destruction of Town information and resources. It is important to know that computer viruses are much easier to prevent than to cure. Defenses against computer viruses include protection against unauthorized access to computer systems, using only trusted sources for data and programs, and maintaining virus-scanning software. Be sure to virus-check downloaded files immediately. Instructions on how to check for viruses are available through the Town Manager's Office.

To keep damages from occurring due to malicious programs:

- Employees shall not knowingly introduce a computer virus into Town computers.
- Employees shall not load from any type of medium (DVD's, thumb drives) of unknown origin.

Any employee who suspects that his/her computer has been infected by a virus shall IMMEDIATELY POWER OFF the computer and contact their immediate supervisor.

Also, many browser add-on packages called "plug-ins" (such as Adobe Flash Player or QuickTime) are available to download. There is no guarantee that such will be compatible with other programs on the network and such may cause problems; therefore, please verify the compatibility before downloading such plug-ins.

SECTION 24.8 – "E-MAIL COMMUNICATIONS FOR COUNCIL, COMMISSIONS, BOARDS, AND COMMITTEES": In this section "Board" also refers to Town Council and all Commissions, Boards, and Committees either created by statute or appointed by Town Council.

E-mail communications between Board members and between Board members and the public concerning Town business or Town related issues are normally considered public records. As such:

- 1) In order to preserve the communication, copies of messages sent and received by Board members will be forwarded to a mailbox accessible by the Town Clerk. The Town Clerk will preserve the communication per record retention rules and make it available for public inspection.
- 2) The signature line of e-mails sent by Board members will include an appropriately worded statement indicating the applicability of e-mail communications to the open meeting and public records laws.
- 3) E-mail communications between Board members and between Board members and the public concerning Town business or Town related issues are subject to Arizona's Open Meeting Law (OML). Board members are encouraged not to communicate with a quorum of Board members about Board business through e-mail. More specifically:
 - a. E-mail cannot be used as a means of discussion, deliberation, or taking legal action by a quorum of members of the Board on matters that may foreseeably come before the Board for action. The exchange of facts or opinion between a quorum of the Board on matters that may foreseeably require Board action may constitute "deliberation".
 - b. Examples of other potential violations include:
 - i. A Board member sending communications regarding a potential action item to less than a quorum of members, but also including the opinions of other Board members that would constitute a quorum.
 - ii. E-mail discussions related to a potential action item between less than quorum that are forwarded to a quorum.
 - iii. Splintering the quorum by intentionally having separate and serial e-mail discussions between a quorum of Board members on a potential action item.
 - c. Examples of permissible communications would include:
 - i. Staff member or the public sending an e-mail to a quorum of Board members and there are no further e-mails on the topic amongst a quorum of Board members.
 - ii. A staff or Board member sending e-mail to a quorum of Board members indicating that a specific item will or should be placed on a future agenda for action.

- iii. A Board member copying a quorum of other Board members an e-mailed response to a citizen or other public inquiry.
- iv. Board member copying a quorum of Board members on a request to staff for specific information, providing that no Board members reply to a quorum of Board members.
- v. Board member e-mailing an article, report, or other factual information to a quorum of Board members with a request to include the information in the Board's agenda packet. However, a quorum of Board members may not discuss this factual information prior to the public meeting.

RULE 26 – SOCIAL MEDIA

SECTION 26.1 – "PURPOSE": At the Town of Eagar, it is understood that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist all employees in making appropriate, responsible decisions about social media use, the following policies have been established.

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to one's personal or someone else's web log or blog, journal or diary, personal web site, social networking or similar web site, web bulletin board or a chat room, whether or not associated with the Town, as well as any other form of electronic communication. Ultimately, employees are solely responsible for what is posted online.

SECTION 26.2 – "ETHICAL CONDUCT WHEN USING SOCIAL MEDIA SITES": Any conduct on social media sites that adversely affects job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of the Town or Town of Eagar's legitimate business interests may result in disciplinary action up to and including termination.

The same guidelines found in the Town of Eagar's *Ethics Handbook*, and Town of Eagar Personnel Policies *Rule 16 Prohibited Harassment Policy*, *Rule 23 Use of Computer Hardware, Software and Network Systems*, and *Rule 24 Use of Internet and E-mail Services* apply to employee's activities online; employees should ensure their postings are consistent with these policies.

Inappropriate postings that may include complaints or criticisms using statements, photographs, video, or audio that could be viewed as malicious, obscene, threatening, or intimidating, that disparage customers, employees, boards, commissions, associates, or suppliers or that might constitute harassment or bullying are prohibited. Discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action up to and including termination. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Town policy. An employee is more likely to resolve work related complaints by speaking directly with co-workers, or supervisors utilizing an "Open Door" procedure than by posting complaints to a social media outlet.

Employees should ensure that their social media postings are always honest and accurate when posting information or news. Internet activities are archived, therefore, any mistakes shall be corrected immediately, an employee shall be open about any previous posts that have been altered; even deleted postings can be searched. An employee shall never post any information or rumors they know to be false about the Town, customers, employees, boards, commissions, associates, or suppliers, or others working on behalf of the Town.

The Town prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Post only appropriate and respectful content

- The Town has a minimal amount of information that is confidential or protected information, however, employees shall maintain the confidentiality of those certain records.
- Employees shall not create a link from their blog, website or other social networking site to a Town of Eagar website without identifying themselves as a Town employee.
- Employees shall only express their personal opinions. They shall never represent themselves as a spokesperson for the Town. If the Town is a subject of the content being created, the employee shall be clear and open about the fact that they are an employee and it be made clear that their views do not represent those of Town customers, employees, boards, commissions, associates, or suppliers.
- If employees choose to publish a blog or post online related to the work performed, it shall be made clear that they are not speaking on behalf of Town. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the Town.”

SECTION 26.3 – "USE OF SOCIAL MEDIA AT WORK": It is against Town policy to use personal social media sites while on work time or on equipment provided by the Town, unless it is work-related as authorized by a supervisor or consistent with the Town's personnel policies. Employees shall not use Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

SECTION 26.4 – "MEDIA CONTACTS": Employees shall not speak to the media on the Town's behalf without contacting the Town Manager. All media inquiries should be directed to the Town Manager.

TOWN OF EAGAR

SAFETY POLICY STATEMENT

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TOWN OF EAGAR

SAFETY POLICY STATEMENT

JULY, 1991

It has always been the policy of the Town of Eagar to provide a safe environment in which to live and work. It will continue to be a foremost policy of the Town to provide an even safer community for all of our people. On July 9, 1991, the Town Council adopted Resolution No. 91-11 declaring this document as the official safety policy for the Town.

In keeping with this policy, we have established a Safety Officer to formulate and implement a formal Safety Program.

The primary purpose of the Safety Program shall be the development of specific policies and regulations promoting the protection and safety of Town employees, facilities, equipment, and resources as well as the protection of the general public in its relation to Town functions.

SAFETY POLICY

Purpose

The primary purpose of this Safety Program shall be the development of specific policies and regulations promoting the protection and safety of city employees, facilities, equipment, and resources as well as protection of the general public in its relation to Town functions. In addition to the Town Safety Policy, the Department of Public Safety and the Department of Public Works have safety rules which apply to their particular departments.

Responsibility

The Safety Officer shall have the responsibility to formulate and implement a formal safety program with input from a designated safety representative from the following areas of responsibility: Department of Public Safety, Department of Public Works, Finance, and Parks and Recreation.

Procedures

The Safety Officer will function as an advisor to develop and recommend to the Town Manager matters of policy and procedure affecting the administration of the Town Safety and Loss Prevention Program.

Safety Officer

The Safety Officer will serve as a direct link between the employee and the Town Manager. The specific duties of the Safety Officer shall include, but not be limited to, the following:

1. Put safety policies and procedures approved by the Town Manager into practice;

2. Formulate recommendations for safety meeting materials, new policies and procedure changes, equipment needs, and personal needs that can enhance the loss program;
3. Be responsible for one group safety meeting per month;
4. Be responsible for one group safety meeting to be held at the beginning of the summer season to include all temporary - seasonal employees. Request MVR's and give Vehicle Road Tests at this time. Review evacuation plans at this meeting;
5. Keep records of safety meetings on file;
6. Review safety suggestions presented by employees;
7. Review accident records and evaluate the progress of departmental loss prevention efforts;
8. Prepare for submission to the Town Manager those department matters that cannot be resolved as well as safety promotion recommendations developed by employees within the department;
9. Review work procedures that involve the general public to attempt to foresee any dangers to the public that could be eliminated from that procedure; and
10. Other duties as may be assigned.

LOSS PREVENTION RESPONSIBILITIES

Each Town employee shall be fully responsible for implementing the provisions of this program as it pertains to the operations under his or her jurisdiction. The responsibilities listed below are minimum and they shall in no way be construed to limit individual initiative to implement more comprehensive procedures to reduce loss.

Safety Officer

The Safety Officer will be fully responsible for the direction and administration of the program. His duties specifically shall be:

1. Present recommendations to the Town Manager for approval and implementation;
2. Develop and maintain the loss prevention program to incorporate the current practices and philosophies adopted as the most effective in preventing injuries, occupational diseases, vehicular collisions, liabilities and damage to equipment and material;
3. Consult directly with management personnel on loss prevention matters and provide guidance to assure effective administration;
4. Prepare quarterly summaries of accidents to be submitted to the Town Manager. The summaries should include cause analysis to determine trends, problem areas and overall

safety performance;

5. Make follow-up investigations when required to insure that unsafe conditions or practices identified by department heads have been properly corrected;
6. Inform the Town Manager and department heads about the status of matters affecting the loss prevention program;
7. Periodically evaluate compliance with the program within departments by making inspections of facilities for unsafe conditions and practices; and
8. Act as coordinator with federal, state, and local safety officials.

Department Heads

Each department head has the full responsibility and authority for maintaining a safe and healthful working condition within his jurisdiction. Each department head is responsible for providing the type of work environment, work procedures, and service to the public that will promote to the highest extent possible the safety of the municipal employees and the general public. Therefore, each department head shall:

1. Develop and actively support a departmental safety program that will effectively reduce and control accidents; and
2. Make sure that the department is in full compliance with all federal, state, and local safety laws that are applicable to the department operations.

Supervisory Personnel

A supervisor has full responsibility for the safe actions of his employees and the safe performance of machines and equipment within his operating area. The full potential of an effective safety program can only be realized when supervisors cooperate in all phases of the program. The following is a list of the loss prevention responsibilities of supervisors:

1. Aggressively enforce the safety procedures that apply to the work and work area they supervise;
2. Provide adequate basic job training and safety instruction to all employees under their jurisdiction;
3. Insure that all policies herein are fully implemented for maximum safety on each job;
4. Provide continuing safety instruction while issuing daily work assignments to focus attention upon potential hazards, changes in work conditions or procedures;
5. Assure that all employees are instructed in and understand the use and need for protective equipment for specific hazardous jobs;
6. Continually observe and evaluate work conditions and procedures to detect and correct

unsafe conditions and practices;

7. Promptly investigate and report accidents and make certain that the recommended corrective and preventive actions are completed;
8. Assure that the necessary safety equipment and protective devices for each job are available, used, and maintained properly; and
9. Establish monthly safety sessions with employees to review previous month's accidents. Original minutes are to be kept by the Safety Officer showing date, subject addressed and those present.

Employees

All employees are required, as a condition of employment, to develop and exercise safe work habits in the course of their work to prevent injuries to themselves, their workers and to conserve material resources. All employees shall:

1. Promptly report to their supervisor all accidents, near misses and injuries occurring within the course of their employment;
2. Assist in the investigation of accidents in order to identify the cause and to prevent reoccurrence;
3. Promptly report to their supervisor all unsafe actions, practices, or conditions they observe;
4. Become familiar with and practice approved safe work procedures during the course of their work;
5. Keep work areas clean and orderly at all times;
6. Avoid engaging in horseplay and distracting others;
7. Obey all safety rules and follow published work instructions;
8. Wear protective equipment when working in hazardous operation areas and/or as required by the Supervisor; and
9. Inspect all equipment prior to use and report any unsafe conditions to the supervisor.

LOSS PREVENTION METHODS

Each of the following loss prevention methods shares an important part in the overall loss prevention program. Omission of any part will mean that even minimum accident prevention cannot be obtained.

SAFETY INSPECTIONS

Safety inspections shall be conducted by the Safety Officer or a safety representative and a representative of the department. Informal inspections shall be made at a frequency to assure that hazards are kept at a minimum and safe work practices are enforced. Emphasis should be placed upon condition of facilities, equipment, and machines, as well as implementation of the overall program such as:

1. Good housekeeping;
2. Use of prescribed protective equipment;
3. Compliance with published department work rules;
4. Qualification of drivers and condition of vehicles;
5. Proper storage of flammable liquids and maintenance of fire fighting equipment;
6. Proper guarding of open pits, ditches, tanks, etc.;
7. Proper maintenance of electrical equipment, power tools, and hand tools; and
8. Administrative compliance with this policy and other pertinent directives.

First Aid Treatment for Sick or Injured Employees

1. All injuries or illness, regardless of how minor, shall be reported, and the supervisor shall send the injured employee to seek first aid or medical treatment, if warranted.
2. The Safety Officer and department head shall be notified immediately of all disabling and probable disabling injuries.

Emergency Medical Treatment

In the event of a serious injury requiring immediate medical treatment, administer first aid as necessary and call for the paramedic. Each department should have first-aid trained personnel.

Interaction of Medication

An employee reporting to work, who is obviously under the influence of alcohol or drugs, shall not be permitted to work that day or shift and shall be subject to disciplinary action. Upon evaluation of the facts and confirmation of a violation of work rules, the employee may be dismissed in accordance with personnel policies.

Occupational Illness and Injury Control

There are several steps that may be taken to reduce the possibility of occupational illness and injuries. At the present time it is not a policy of the Town of Eagar to require pre-employment physicals with the exception of the police officers. However:

1. An injured employee who has recently received medical attention must have medical approval before returning to work when there is doubt as to the employee's physical well-being following absenteeism because of illness, injury, or any other reason.
2. A doctor's statement may be required when an employee has been absent three or more days.

The physical fitness of employees is a prime requisite in preventing a significantly large number of personal injuries. All employees should be encouraged by their employer to seek regular exercise activity.

Accident Investigation

Investigation of any accident is an invaluable tool in controlling losses. Each accident must be considered a total loss unless its true cause is objectively determined and all contributing deficiencies are corrected. Thorough investigation, recording and corrective follow up of each accident can be time consuming but are important if we are to learn from the experience.

Every injury shall be reported to the supervisor and an investigation made by that supervisor as soon as possible after it has occurred. The investigation shall be in the report form established by the Personnel Office. The following procedures shall be adhered to as closely as possible:

- A. Check the scene. Begin where the accident occurred and reconstruct as much as possible. Also take pictures if at all possible.
- B. Collect the evidence. If an injury or near miss occurs when machine parts or structures fail, it is essential to determine what failed and why.
- C. It is important to interview witnesses at the scene immediately or as soon thereafter as possible.
- D. Interview the victim. If the injury is minor, the interview should be made as soon as possible. If the injury is serious, selecting the right time is a judgment factor and it must be considered.
- E. Weigh the evidence and make recommendations upon remedies to eliminate reoccurrences.

SAFETY DISCIPLINARY ACTION

When violations of policies, which are directly associated with saving lives, preventing injuries or eliminating suits occur, corrective action shall be immediate and positive. Disciplinary action shall be taken when any person causes injury to himself or others or destroys or damages equipment either by willfully violating safe work rules or by disregarding traffic regulations or by demonstration of an attitude of indifference or defiance.

Disciplinary action will be taken in accordance with the Town of Eagar Personnel Policy,

Resolution No.85-27, Rule 10, Section 10.1. The recommended minimum action for violations, but not limited to, depending on the severity * of the violation are as follows:

1. The first offense - documented oral warning with immediate correction;
2. The second offense — written warning with loss of pay during correction;
3. The third offense — written warning, 1 — 3 day suspension without pay; and
4. The fourth offense — written warning with job termination.

*Should the violation be very life threatening and very negligent, the employee could be dismissed on the first offense.

Department heads shall have some latitude in determining the extent of a disciplinary action to be taken within their departments.

The correction of improper performance that leads to the unsafe act requires much more attention than the correction of mechanical and machine hazards. These are relatively easy for all to see, but the correction of improper or unsafe actions requires possible instruction, a demonstration of how to do the job, and follow up to see that the instructions are followed.

Disciplinary action resulting from safety violations shall be monitored closely by the Safety Officer. The inaction of the supervisors responsible shall be reported to the Town Manager.

Personal Protective Equipment

The designation and use of protective equipment for all jobs that have an inherent injury potential shall be specified by the departmental safety rules, if any. Detail specifications for the design, purchase, and use of all protective equipment shall be coordinated among authorized department personnel and supervisors. Employees shall be fully accountable for the use of specialized protective equipment provided by the employer.

Equipment listed should be worn when hazards as described exist:

1. Hard hats to protect against falling or flying objects, head bumping situations or electrical conductors;
2. Goggles, face shields or safety glasses to guard against flying debris and welding sparks;
3. Approved earplugs or earmuffs to guard against prolonged exposure to noise exceeding sound tolerance levels as defined by law or excessive noise exposures;
4. Respirators, gas masks and self—contained breathing apparatus to protect employees against toxic or abnormal atmospheric conditions;
5. Safety shoes to protect feet against possible injury;
6. Reflective vests or bright articles of clothing to increase visibility of workmen or police

officers while working in or around traffic lanes; and

7. Protective clothing such as gloves, sleeves, aprons, leggings, and full suit to protect against lacerations, abrasions, bumps, heat or melted metals.

When the use of personal protective equipment has been specified for hazardous work, its use shall be mandatory, and the equipment shall be kept in a well-maintained condition. Supervisors shall be held accountable for employees allowed to work without compliance. Enforcement can be made easier by educating employees on the reasons for using or wearing the articles and the possible injuries that can result when the need is ignored.

Proper Dress for Work

Each employee shall wear clothing suitable to the job he is performing at all times. Suitable clothing means clothing that will minimize damage from moving machinery, hot or injurious substances, sunburn or other harmful agents. Employees working in hazardous areas shall not wear tennis shoes, loafers, or sandals.

RECORD KEEPING

Employee Files

A file should be kept for each municipal employee by the Personnel Department. This file should include, but not be limited to the following: Job application, accident history and notices of disciplinary actions. Records of medical treatment during employment are kept by the personnel Department.

Safety Meeting Minutes

Departmental Safety Meeting minutes should be kept with the Department Head and a copy should be sent to the Safety Officer. A copy of the minutes shall be kept in the Town Clerk's office.

Inspections

All department heads are responsible for keeping inspection reports of their areas of responsibility on file.

Accidents

There are several types of forms that must be completed and filed with the particular authorities. In the case of on-the-job injuries or illnesses, the Employer's Report of Industrial Injury must be completed and forwarded to the Town Clerk within 72 hours; these forms are completed by the personnel office upon receipt of the Supervisor's Report of Industrial Injury. A Supervisor's Report of Industrial Injury shall be filed with the Personnel Office regardless of the severity of the injury. In the case of a vehicle accident, the Police Department must be notified immediately so that they may investigate. In addition, a town accident report must be filled out by the driver or his supervisor and forwarded to the personnel office. In the event of occupational death or the

hospitalization of five or more employees, the Industrial Commission must be notified within 48 hours of the accident occurrence and the Safety Officer shall be notified immediately.

FLEET SAFETY

Driver Selection

The selection of employees who will be required to drive full or part time should be done with care. Drivers of municipal vehicles can be considered qualified when they meet the following criteria:

1. Possess a valid Arizona driver's license of the proper class;
2. A review of their traffic record shows that they do not pose an unreasonable risk; and
3. Successfully pass a road test administered by their supervisor where required by their department.

Preventive Maintenance

Establishment of a preventive maintenance program for all municipal vehicles is essential. Record jackets should be maintained on all vehicles so that a log can be maintained on all planned maintenance as well as repairs.

Vehicle Inspections

Each vehicle or piece of equipment shall be inspected on a daily basis by the operator. Each operator is responsible for the safe condition of the equipment. Any vehicle having steering or brake problems is not to be operated until repairs have been made.

Vehicle Operation

All town vehicles and equipment are to be operated in a safe manner and adhere to all applicable laws. Seat belts shall be worn by all town employees while operating or while a passenger in a town vehicle. The operator is totally responsible for the safe operation of the equipment. The vehicle operator shall report any accidents or damage immediately to the supervisor.

EMERGENCY PREPAREDNESS

An emergency action plan is a plan describing what the employee life safety hazards are and what actions the employees must take in a life or injury-threatening emergency. The Town would be responsible for setting up this plan and training programs to facilitate the implementation of the plan. These plans should include:

1. Escape procedures and assignments;
2. Rescue and first aid duties;

3. Fire fighting procedures and assignments;
4. Means of reporting and the establishment of acceptable backup methods;
5. Establishing a means of alarm or warning;
6. Establishing a list of persons who may be contacted for further information or explanation of duties; and
7. List of procedures to be taken to notify the proper authorities.

LIABILITY CONTROL

Municipal resources may be severely depleted by liability suits. It is, therefore, necessary that the Town protect itself from property risks, fidelity risks, contractual liabilities, and tort liabilities.

Property risks may be assessed by a written survey identifying exposures in order to avoid overlooking assets and the Town should take steps necessary to minimize the impact of these possible losses.

Fidelity risks are the loss or destruction of money or securities due to theft, or dishonest, or improper appropriation or use of public funds. The prudent use of audits and financial review will reveal where and when the fidelity risks are present. It would be advantageous to keep money or securities in a fireproof safe or store valuable papers in a second site.

Contractual liabilities are likely to arise by the improper inspection of contracts entered into with others. Contractor and subcontractors are to file a certificate of insurance and sign a hold harmless agreement with the Town. Also the Town shall be named as an additional insured on the contractor and subcontractor's insurance policy.

Tort liabilities often result from alleged actions, errors, or omissions by Town employees. Several methods may be used to reduce this risk:

1. Pre-employment physicals;
2. Access to psychological counseling; and
3. The establishment and use of procedural manuals to minimize the possibility of negligence.

**PERSONNEL SAFETY AND LOSS CONTROL POLICY DECLARATION
BY EACH EMPLOYEE**

The Town of Eagar has adopted a town-wide Personnel Policy and Safety and Loss Control Program as part of its operating procedures.

I have read and understand the written personnel and safety policy statements and pledge to abide by them. I promise to work diligently to make the performance of my job and the work place safer by reporting and eliminating all unsafe or unhealthful conditions associated with my job and to abide by the rules and regulations set out in the Personnel Policy Manual

To have effective programs, the Town of Eagar requires the support of every employee. I will do my part.

Date _____ Signature _____

Note: This form must be signed by each employee and placed in their personnel file.