

**TOWN OF EAGAR, ARIZONA**  
Personnel Rules



Effective February 8, 2017

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## **SECTION 1**

### **Scope and Administration of Rules**

#### **1.1 Scope**

The Town Council authorizes the adoption of these Personnel Rules which may be modified or changed from time to time. These rules will follow the generally accepted principles of good personnel administration and apply to all employees in the service of the Town of Eagar, unless excluded. Elected officials, members of boards and commissions, volunteers, as well as contract positions (such as Town Manager, Town Attorney, Town Magistrate, Computer Technician) are not considered employees within the scope of the Personnel Rules except as specifically referred to.

Certain employees of the Town serve on an at-will basis and do not have access to rights of Appeal as set forth in Section 14 (see Section 16 for definition of at-will employee.) The following positions are filled with at-will employees:

- Town Manager
- Town Clerk
- Finance Administrator
- Public Works Director
- Chief of Police
- Fire Chief
- Community Development Director

The due process procedures relating to Disciplinary Actions in Section 12 of these rules are never applicable to employees who serve at will. All part-time employees (those employees normally scheduled to work less than 32 hours per week) and temporary employees (those employees hired seasonally for not more than 19 weeks in a calendar year) are at-will and exempt from the due process provisions of these rules. Employees who are in their orientation/probationary period with the Town of Eagar will be considered temporary employees and exempt from the due process provisions of these rules until such time as they have satisfactorily completed their orientation period.

#### **1.2 Equal Employment Opportunity**

The Town is an Equal Opportunity Employer. These Personnel Rules will be administered in a manner consistent with federal and state laws, and rules and regulations concerning equal employment opportunity. No employee of the Town of Eagar will be appointed or promoted to, demoted or terminated from, any position or in any way discriminated against because of his or her sex, race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation, gender identity, or any other legally protected status. An eligible applicant or employee will be considered solely on merit and the basis of his/her qualifications and ability as required by the position he/she seeks or holds.

#### **1.3 Administration of These Rules**

The ongoing administration of these Personnel Rules is the responsibility of the Town Manager, who will perform the administrative duties under these rules unless federal or state laws or the rules provide otherwise. Powers and duties may be delegated to another officer or employee of the Town.

#### **1.4 Administrative Procedures**

The Town Manager may authorize adopt, amend, or rescind written administrative procedures or guidelines consistent with these rules to provide specific guidance and assist in practical application. These procedures

or guidelines are effective on the dates issued and will be retained on record in the Town Clerk's office, together with these rules, open to public inspection during normal working hours.

## **SECTION 2**

### **Requirements for Recruitment and Original Employment**

#### **2.1 Americans with Disabilities Act**

The Town follows the requirements of the Americans with Disabilities Act. A qualified, disabled individual who, with or without reasonable accommodation, is capable of performing the essential functions for a particular job and meets the other job and performance requirements of the position will be given equal consideration in all aspects of employment, including hiring, promotion, and salary. The Town is committed to providing reasonable accommodations to allow disabled employees to perform their essential job functions.

#### **2.2 Recruitment**

The Town values its employees and strives to hire applicants of the highest caliber. To increase awareness of positions available, all openings are posted on the Town's website. Open positions may also be publicized or advertised in the local newspaper, association websites and newsletters, and through any appropriate media to attract the best qualified applicants.

#### **2.3 Applications**

Applicants for employment will be required to file applications on forms provided by the Town which require information covering training, experience, certifications, and references.

#### **2.4 Selection**

The Town maintains high standards for its employees and will make hiring selections based on merit. It is the responsibility of the Town Manager, or his/her designee, to select the best-qualified applicant for each position.

#### **2.5 Operator's (Driver's) Licenses**

All operators of Town vehicles and equipment shall hold a current Arizona operator's and/or other appropriate driver's licenses at all times with records maintained in the employee's personnel file.

#### **2.6 Conditional Offer of Employment**

The Town is a drug free workplace and requires applicants receiving a conditional offer of employment to pass pre-employment physical and drug screening examinations. Offers of employment are contingent on the test results. Refusal to submit to testing will result in disqualification from further employment consideration. (See *Section 11 Substance Abuse Policy*.) Required medical examinations will be paid for by the Town and will be performed by an approved designated physician or licensed medical facility.

Fingerprinting by the Eagar Police Department will be required if the applicant will have unsupervised contact with any minor. Fingerprints will be forwarded to the Arizona Department of Public Safety to obtain a state and federal criminal history records check.

#### **2.7 Nepotism Prohibited**

The Town personnel system is based on merit. Nepotism in any form is prohibited. Specific restrictions are listed below. "Relative" as used in this section means a person related by blood, marriage, or adoption in the

following manner:

- Spouse, or an individual in a cohabitant relationship;
- Parent, step-parent, adopted parent;
- Grandparent, grandchild; step-grandchildren; adopted grandchildren
- Sibling, step-sibling, or half sibling;
- Child, step-child, adopted child;
- Father or mother-in-law;
- Son, or daughter-in-law;
- Brother, or daughter-in-law.

Under no circumstances is an employee of the Town permitted to make a hiring decision, or attempt to influence anyone else making a hiring decision, about the employee's relatives.

No relative of an employee of the Town who is a full-time employee shall work in the same department or report to one another, either directly or indirectly. Relatives of department heads are also restricted from working within the organization without specific prior permission from the Town Manager. Temporary or seasonal employees may be employed by the Town within the same department with prior authorization, but in no circumstance will a relative supervise an immediate family member. Part-time employees may be employed by the Town provided that a relative does not work within the same department.

In the event two employees that are employed within the same department marry or enter into a cohabitant relationship, one of the employees shall be transferred to a position in another department. One of the employees may be laid off if a similar position is not available. Exceptions may be made at the discretion of the Town Manager. If the situation involves a relative of the Town Manager, exceptions require the approval of the Town Council.

If a spouse or individual in a cohabitant relationship with an employee of the Town chooses to run for an elected town position and is successful in his/her election to office, the employee relative must resign or be removed from his/her position prior to the candidate taking his/her seat as an elected Town official.

## **2.8 Relationship Between Employees**

The operation of the Town depends on effective working relationships and good morale between workers. For that reason, the Town requires all employees to observe the following guidelines on personal relationships with coworkers.

Personal relationships with other employees must not interfere with work. Town employees shall not pursue amorous relationships with co-workers to whom they give work direction, disciplinary actions, are in the chain of command, or are otherwise in a reporting relationship. Relationships between Town employees who report to each other, either directly or indirectly must be kept strictly and exclusively professional. This will help avoid the appearance of favoritism, protect morale, maintain employee productivity, and avoid claims of sexual harassment. In all cases the Town reserves the right to transfer one or both employees to another department, or if not feasible, to terminate the employment relationship of one or both employees.

## **2.9 Residency**

To ensure a timely response to assist citizens in emergency situations, certain positions subject to on-call and call-out, as well as the Town Manager and Department Administrators shall be required to reside within a certain distance that will allow the employees to respond within a specified time. Each department may

have their own rules and procedures establishing response time requirements.

### **2.10 Probationary Period**

All Town employees will go through a six (6) month probationary period in each position to which he/she has been hired, promoted, demoted, or transferred with the exception of police officers who will go through a one (1) year initial probationary period. During this probationary period, all employees must meet performance requirements for the position. Employees undergoing the probationary period are “at-will” and may be released at any time.

## **SECTION 3** **Performance Evaluations**

### **3.1 Performance Evaluations**

The Town has high expectations for employee performance. To encourage and reward good performance, the Town will maintain an evaluation system to be used as both a goal-setting tool and review of each employee’s progress. Evaluations of performance will be made at least annually by the employee’s immediate supervisor and will become a part of his/ her personnel file. All evaluations will be discussed with the employee and signed by both the supervisor and employee. Signing the rating form does not necessarily mean the employee agrees with the evaluation, serving instead as acknowledgement that the evaluation was discussed. Performance evaluations are not appealable, but an employee may attach a written statement or response to the evaluation to be included as part of his/her personnel file. Failure or refusal to sign acknowledgement of the evaluation may result in disciplinary action.

### **3.2 Review During Probationary Period**

A written employee probation review will be completed on each employee at six (6) months of their initial employment period to foster communication and feedback between the employee and supervisor. Individual departments may adopt additional probationary evaluation requirements.

## **SECTION 4** **Conditions of Employment**

### **4.1 Working Hours**

Unless otherwise authorized, the normal workweek for full-time Eagar employees is 40 hours, exclusive of lunch breaks or similar interruptions of work. Full-time law enforcement officers and firefighters may count lunch breaks as duty time. Each department will determine the schedules of the various shifts of the Town, subject to approval. A Town supervisor may require changes in an individual’s schedule from time to time as a working situation or assignment may require. All departments will keep attendance records of employees.

### **4.2 Rest Periods and Lunch Period**

Employee work schedules will generally provide fifteen (15) minute break periods for employees during each five (5) hour period of continuous work. These breaks are not a mandatory benefit of employment and unused break periods may not be accumulated. Full-time employees will be granted an unpaid lunch period of thirty (30) minutes during each work shift. The normal lunch period should be scheduled near the middle of each work day. Exceptions may be made by supervisors for the sake of operational efficiency.



### **4.3 Classification and Compensation**

The Town will maintain a personnel classification plan with job descriptions and the assigned grade classes for all Town positions. Job descriptions of position duties and responsibilities will be kept current. Positions substantially similar in duties, responsibilities, and character of work will be included within the same class or grade. Members of a class will be treated equally and consistently. Length of service, certifications, and other relevant factors may be taken into consideration. In arriving at salary rates or classes, consideration will be given to the prevailing market rates of pay and working conditions for comparable work in other similarly situated public and private employers. Changes to the personnel classification plan are subject to the availability of budgeted funds.

### **4.4 Reclassification**

Amendments or a reclassification will not be used to avoid or circumvent the personnel classification system. Requests for reclassification shall be made in writing to the employee's department director for review/recommendation and forwarded to the Town Manager for final review and/or approval.

### **4.5 Promotion Adjustment**

Employee development is important to the Town and encourages a strong workforce. If an employee is promoted and an overlap occurs between his/her old and new pay grade, the Town Manager may approve an adjustment in pay of up to five (5) percent.

### **4.6 Transfers**

The Town personnel system is based on merit with minimum qualifications established through the personnel classification system. No employee will be transferred to a position for which he/she is not qualified or does not possess the minimum qualifications. An on-the-job training appointment may be made with prior approval from the department director and the Town Manager in isolated situations if the appointment is found to provide a demonstrated benefit to the Town.

### **4.7 Overtime**

The Town follows the Fair Labor Standards Act (FLSA). Non-exempt employees are eligible to receive overtime for time worked over 40 hours in any work week. Overtime will be paid at one and one-half (1.5) times the employee's hourly rate. Prior to working overtime, the employee must obtain authorization from his/her supervisor.

### **4.8 Exempt Employees Overtime Special Circumstances**

Many Town employees are in positions for which overtime compensation is not mandated by the FLSA, or "FLSA exempt." Arizona Revised Statutes (A.R.S.) § 23-391 provides the Town with the ability to provide FLSA exempt employees with additional compensation for excessive hours worked during declared state or federal emergencies or to fulfill the requirements of a qualifying grant, agreement or contract. With prior approval from the Town Manager, FLSA exempt employees may be paid additional compensation on a straight time basis at their regular hourly rates. Each Town department will keep records that include the names of employees and hours worked by each in connection with the declared emergency, grant, agreement or contract to submit to the Town Manager.

### **4.9 Compensatory Time**

To provide greater flexibility to employees, non-exempt employees may be approved to accrue compensatory (comp) leave instead of overtime pay. Employees earn comp time at the rate of one and one-half (1.5) hours for each hour worked in excess of 40 hours in any work week. Employees may bank up to forty (40) hours of comp time. Under special circumstances, the Town Manager may grant FLSA exempt employees compensatory leave on a straight-time basis.

Employees may use their comp time when they wish with prior approval. Use of comp time will not be granted if the request unduly disrupts the operations of the department or the Town.

#### **4.10 On-call Time**

Regular, full or part-time, non-exempt employees required to be on-call will be paid special compensation for the hours they remain on-call after normal work hours, on weekends, and holidays. Employees required to be on-call shall respond to call-outs in a work-ready condition, within a response time set by their department's rules/policies, and shall be accessible by phone or any other communication device provided by the Town. On-call employees shall refrain from consuming alcohol beverages or using any intoxicant (including prescribed or over-the-counter substances) that may impair their ability to satisfactorily perform required job duties.

An employee scheduled for on-call duty will receive compensation for each hour on-call at the rate established during the annual budget preparation process. When employees are called out during scheduled on-call time, they will receive a minimum of one hour compensation for the call-out. If the call-out is over one hour, the employee will be paid for the actual length of the call. Time spent on-call does not count as hours worked for overtime purposes. On-call pay will not be earned in conjunction with any other type of compensation such as regular pay, overtime, long-term disability and/or worker's compensation.

Employees on paid or unpaid leave will not receive on-call duties except when a department authorizes an employee on holiday leave to receive on-call pay in order to meet the needs of the Town.

#### **4.11 Employee Training and Tuition Reimbursement**

The Town values a skilled and well-trained workforce. Employees should seek to maintain and improve their personal and professional development through participation in training and educational programs relevant to their duties and through any licensing or certifications required for their position. Successful completion of special training courses may be considered in advancements and promotions.

On-the-job training will be provided by supervisors and department heads for employees. Additional mandatory or voluntary training generally applicable to all employees may be offered by the Town. Required certifications and training may be paid for by the Town. Certification and training courses mandatory for a particular job will be completed within departmental specified time limits. Employees who participate in approved training will be paid for any days in training sessions and, if the training is off-site, for travel time.

The Town encourages employees to continue their education and offers a tuition reimbursement program. Employees may qualify for up to \$3,000 per year as reimbursement to cover tuition expenses and books for pre-approved classes. To qualify for reimbursement, the employee may submit a request through their department head for prior approval by the Town Manager. Reimbursement may be available for students who successfully complete courses on their own time with a "C" grade or better.

#### **4.12 Uniform or Clothing Allowance**

Uniforms, clothing, or uniform allowances may be provided for certain groups of Town employees. Where provided, these uniforms, items, or clothing shall be worn while on the job in accordance with departmental policies, and shall not be worn while the employee is on personal business. Employees are strictly prohibited from wearing uniform items to social events unless the employee is attending in an official capacity and at no time shall an employee consume alcohol while in any Town uniform. Violations of this section will be cause for disciplinary action.

The uniform allowance amounts for departments will be set through the annual budget process. The departments may elect to purchase uniform items directly and issue them to employees. With prior approval in special circumstances, eligible employees may receive reimbursement for uniform items after submitting receipts.

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/she has worked for the Town of Eagar for one year.

#### **4.13 Wireless Phone Use Reimbursement**

Designated employees may be required to maintain a mobile phone service with local access. Designation will be made by each department head based on the employee's position and approved by the Town Manager. When hired, the Town will obtain from these employees an acknowledgement and agreement that they are required to carry a wireless phone for Town duties. These employees will receive a "basic service plan" monthly allowance, an amount to be set through the annual town budget process, for wireless phone usage. The employee shall make the wireless phone number available to the Town. The allowance for the wireless phone will go through payroll and the allowance is taxable.

#### **4.14 Employee/Town Official Travel**

It is the policy of the Town to pay expenses incurred by employees and other Town officials who are required to travel in the performance of their duties as representatives of the Town. Travel time is to be included as part of the work week and employees are to be compensated as long as they are traveling directly to and from the qualified destinations. The Town may advance funds or reimburse the employee or other Town official for out-of-pocket expenses under qualifying, pre-approved conditions.

Prior to departure, a travel authorization must be approved by the department head or Town Manager. When an overnight stay is required, employees and other Town officials shall be prudent in selecting moderately-priced lodging and receipts must be retained and submitted with a travel expense voucher. A per diem allowance may be authorized for required overnight stays. Per diem rates will be set during the annual budget process and will be comparable to the annual federal allowance. If the trip includes meals that are already paid for by the Town through a registration fee for a conference, those meals are not eligible for an allowance.

Every effort should be made to use Town vehicles for work-required travel. In the event a Town vehicle is unavailable or impractical to use, mileage may be reimbursed at a rate established through the annual budgeting process and comparable to the annual federal mileage allowance. Travel by aircraft will be reimbursed at actual costs for the airfare and the employee or Town official shall seek the most moderately-priced airfare. The Town will reimburse airfare for the employee or Town official only.

Incidental expenses such as parking fees, taxi fare, and car rental 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. Expenses should be itemized on a travel expense voucher with receipts attached and submitted to the Finance Department.

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

#### **4.15 Outside Employment**

In qualifying circumstances, employees may engage in outside employment. Before starting any outside employment or business activity, an employee shall submit a written request to his/her supervisor and

department head. Permission may be withheld or may be revoked if it is determined that the outside employment is likely to hamper the employee's ability to do the job required by the Town, reflect unfavorably on the Town's service or employees, or conflict with the employee's duties as a Town employee. Town of Eagar uniforms or supplied clothing shall not be worn during outside employment. Other specific departmental policies may apply.

#### **4.16 Use of Town Property**

The Town is responsible to our citizens to use resources in a proper manner. Property, equipment, vehicles, and Town-owned materials are not to be used for private gain or convenience. This property is restricted for the use of employees in the performance of official Town duties connected with official Town functions. Use of Town property in violation of this rule may be grounds for disciplinary action or termination.

#### **4.17 Conflict of Interest**

Under A.R.S. § 38-503, public officers or employees are precluded from participating in any manner as an officer or employee with respect to matters that constitute a conflict of interest with the interest of the Town.

#### **4.18 Employee Conduct and Appearance**

The Town's professional atmosphere is maintained, in part, by the image Town employees present to the public and fellow employees. All employees are expected to conduct themselves in a manner which reflects favorably upon the Town and which demonstrates tact, courtesy, and good judgment. Dress and personal grooming should be appropriate for the position held and employees are expected to devote their energies to the service to the Town, and not to their personal affairs, during working hours.

#### **4.19 Political Activity** (Town Code Section 2.52.040)

The Town workplace is a professional work environment and no political activity is allowed. All employees shall remain free from any political activity in any Town municipal election and no employee may solicit or attempt to solicit support for a candidate, political party, or ballot item of any kind, related to a Town municipal election. Employees may exercise their rights as citizens to vote, privately express personal opinions away from work, and sign nominating petitions, initiative, referendum, or recall petitions. Employees are prohibited from seeking election to public office within the Town while still employed by the Town.

For all elections, including federal, statewide, countywide, special district, school district, or municipal, no officer, official, active volunteer, or employee of the Town may use any influence or pressure on employees to solicit contributions of money or time, either direct or indirect, for any political campaign or personal gain and no employee or active volunteer shall use his/her position or Town resources to sell, solicit, or distribute any campaign material during working hours. No employee or active volunteer may use his/her position to introduce, guide, recommend, or collect petition signatures for any candidate, political party, or election ballot item on Town premises.

## **SECTION 5**

### **Discrimination and Harassment**

#### **5.1 Equal Employment Opportunity**

The Town provides equal employment opportunities to all applicants for employment and employees without regard to sex, race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation or gender identity, or any other legally protected status in accordance with applicable federal, state, and local laws. This policy applies to all terms and conditions of employment, including but not limited

to hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

If an employee believes that they have been discriminated against in violation of this policy, the employee should immediately report the complaint using the reporting procedure outlined below.

## **5.2 Non-Discrimination**

The Town complies with applicable state and federal laws governing non-discrimination in employment. This policy applies to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfers, leave of absence, compensation, and training.

The Town also provides equal treatment for disabled employees who are able to perform, with reasonable accommodation, the essential tasks of the position. The Town is not required to make such accommodation if it would impose an “undue hardship” on the business of the Town.

State and federal discrimination laws also protect employees against retaliation by other employees for complaining about discrimination, participating in an investigation relating to discrimination laws, or proceeding under such discrimination laws including the filing of a discrimination charge or lawsuit. Improper interference with the ability of the Town’s employees to perform their expected job duties will not be tolerated. Employees are responsible for respecting the rights of their co-workers. Additionally, each member of management is responsible for creating an atmosphere free of discrimination and harassment.

Violations of this policy may be cause for the full range of disciplinary action up to and including termination.

## **5.3 Anti-Harassment**

The Town strictly prohibits any form of unlawful employee harassment based on sex, race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation or gender identity, or any other legally protected status in accordance with applicable federal, state, and local laws. Harassment is unwelcome conduct that is based on the above listed protected groups and 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.
- Threats, 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 may be 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 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.
  - 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.

Harassment in any form is unlawful, is prohibited, and will not be tolerated.

#### **5.4 Reporting Discrimination or Harassment Incidents**

The Town encourages all employees to immediately report any incidents they believe have subjected them to an act of discrimination or harassment forbidden by this policy. Every effort shall be made to resolve the issue at the lowest level practical and the complaint will be kept confidential to the maximum extent possible. Complaints should be reported, preferably in writing, to the employee's supervisor, department head, the Town Manager, elected official, or to any other manager as soon as possible after the incident occurs. The complaint should include:

- Details of the incident(s) (including dates);
- Names of any individual(s) involved; and
- Names of any witness(es).

All other employees, including supervisors, managers, or directors, who become aware of possible discrimination or harassment of an employee, either as a result of having received a complaint directly from the employee, from any other reliable source of information, or from his/her personal observations, shall report the situation to the department head or the Town Manager. A supervisor's failure to immediately report such activity, complaints, or allegations will result in disciplinary action toward that supervisor up to and including termination.

#### **5.5 Investigation**

The Town is committed to investigating any complaint promptly and thoroughly. If the Town determines that an employee has harassed another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

#### **5.6 No Reprisals**

No reprisals in any form shall be taken against an employee because that employee has asserted a complaint or because that individual has reported, witnessed, or has assisted in any way in the investigation of a discrimination or harassment complaint.

#### **5.7 Option to Report to Outside Agency(s)**

The employee may also contact the State of Arizona Department of Law Civil Rights Division, 1275 West Washington, Phoenix, Arizona 85007 or the Federal Equal Employment Opportunity Commission, 3300 North Central Avenue, Suite 690, Phoenix Arizona 85012 for assistance.

## **SECTION 6**

### **Health Benefits**

#### **6.1 Full-Time Employees**

The Town provides health benefits to full-time permanent employees. All insurance benefits are effective on the first of the month 30 days after the date of hire. The Town contributes 90% of the health, dental, and vision insurance premiums for employees and 70% of the dependent coverage. The Town also contributes 100% of the premium for employee and dependent life insurance coverage up to \$10,000 for employee and spouse, and \$5,000 for each dependent, and 100% of the premium for the Employee Assistance Program.

Employees covered under another group health care plan may waive coverage under the Town's plan within thirty (30) days of hire or during any subsequent open enrollment period. Employees electing to waive coverage must provide proof of alternative coverage to the Town. If the employee's coverage is terminated, the employee may enroll in the Town's plan within thirty (30) days of loss of coverage or during any subsequent open enrollment period.

Employees who waive coverage under the Town's health care plan may receive an insurance in-lieu benefit that includes a Flexible Spending Account up to the federal flexible spending account limit. (See Flexible Spending Accounts Guidelines for more information on this benefit). Employees covered by the Town's health care plan as a dependent of another Town employee are not eligible for this benefit.

#### **6.2 Part-time Employees**

The Town does not provide insurance benefits for part-time, temporary, seasonal, or contract employees. The only exception is that part-time employees will receive the benefits of the Employee Assistance Program.

#### **6.3 COBRA (Consolidated Omnibus Budget Reconciliation Act)**

The Town provides COBRA benefits as prescribed by federal law, allowing qualified employees and qualified beneficiaries the opportunity to continue to participate in the Town's group health insurance plan after coverage would otherwise end. The Town will provide COBRA notification to eligible employees if required by law. To the extent consistent with COBRA, it is the employee and/or the qualified beneficiary's responsibility to contact the Town upon termination of coverage, to determine eligibility.

#### **6.4 Long-term Disability**

Town employees receive long-term disability coverage in accordance with their respective plan through the Arizona State Retirement System or Public Safety Personnel Retirement System.

#### **6.5 Optional Benefits**

Town employees have the voluntary option to participate with other independent vendor's products contracted with the Town. Premiums for these optional benefits shall be paid 100% by the employee for employee and dependent coverages. Enrollment for these optional coverages must be applied for within the first 30 days after the date of hire or at any subsequent open enrollment period, and include:

- Additional Voluntary Life insurance;
- AFLAC or equivalent – (Short-term Disability, Accident, Cancer); and
- Flexible Spending Account – (See Flexible Spending Accounts Guidelines for more information on this option).

## **SECTION 7**

### **Retirement Benefits**

#### **7.1 Arizona State Retirement System (ASRS)**

Town employees may qualify for retirement benefits. The Town is a member employer of the Arizona State Retirement System and provides matching contributions pursuant to state law. For further information and eligibility requirements, refer to the ASRS website at [www.azasrs.gov](http://www.azasrs.gov). This program is regulated by the State of Arizona and may be subject to change.

#### **7.2 Public Safety Personnel Retirement System (PSPRS)**

Sworn law enforcement personnel may qualify for retirement benefits. The Town is a member employer of the Public Safety Personnel Retirement System and provides contributions for qualifying employees as determined by Arizona Revised Statutes. For further information and eligibility requirements refer to the PSPRS website at [www.psprs.com](http://www.psprs.com). This program is regulated by the State of Arizona and may be subject to change.

#### **7.3 Optional 457 Retirement Plan**

All Town employees also have the option of participating in a 457 deferred compensation retirement plan offered by the Town. A number of investment options are provided and participating employees are responsible for the full contribution.

## **SECTION 8**

### **Leave Benefits**

#### **8.1 Paid Holidays**

All full-time, part-time and probationary employees on active pay status receive the following days off with pay for the number of hours normally scheduled, except for employees who must work to provide critical services to the community:

- 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

When any of the holidays falls on a Sunday, the following Monday shall be observed as a holiday. When any of the holidays falls on a Friday or Saturday, the prior Thursday shall be observed as a holiday.

If an employee has not made prior arrangement to be absent from work the working day before or after a holiday, they may be required to present a doctor's verification. Employees on paid or unpaid leave when a holiday occurs receive no additional pay. Employees whose first day of work follows a holiday do not receive pay for the holiday. Terminated employees whose last day worked is the day before a holiday will not receive



pay for the holiday.

With the exception of sworn police officers, all non-exempt employees required to physically work on a holiday will receive overtime at the rate of time and one-half in addition to their holiday benefit. Sworn police officers will be compensated through a regular holiday paycheck to be issued monthly. Exempt employees performing work on a scheduled holiday may receive compensation time at their regular wage in addition to their holiday benefit.

## 8.2 Vacation Leave

All full-time employees are eligible to earn vacation leave beginning on the employee's first day of employment with the Town. Eligible employees are expected to use accrued vacation leave responsibly to assure necessary rest and relaxation away from work. All employees must submit a Request for Vacation/Sick/Comp/Admin Leave form to their immediate supervisor at least twenty four (24) hours before any leave is taken, and at least thirty (30) days before a leave of one week or more is expected. Length of service shall be used to resolve conflicts over vacation leave between employees of the same classification.

Eligible employees shall accrue vacation credits at the following rates:

Years of Employment	Accrual Hours per Pay Period	Accrual Hours per Year
<1 – 1.99	1.54	40
2 – 4.99	3.08	80
5 – 9.99	4.62	120
10 – 14.99	6.15	160
15+	7.69	200

Employee anniversary dates will determine how much vacation leave time is available to an employee. Employees may accrue up to two hundred eighty (280) vacation leave hours. Upon reaching the applicable maximum, an employee shall cease accruing vacation leave until the employee's hours drop below the maximum. An employee shall be eligible to use accrued vacation leave after six months of consecutive employment. The Town Manager may waive this requirement for good cause.

Employees shall have vacation leave deducted in quarter-hour increments. Use of vacation leave for a full day shall be based on the number of hours in the employee's regularly scheduled workday. Vacation leave accrual is based on continuous, active employment status with the Town and will be stopped or reversed when an employee is on Leave With or Leave Without Pay. Employees on vacation leave when a holiday occurs shall not have their vacation leave time deducted for that holiday(s) nor shall the employee receive additional pay.

Employees shall be paid any unused vacation time up to 280 hours upon separation from Town employment if they have satisfactorily completed probation. Employees may not use vacation leave for their final days of employment.

Accrued vacation hours may be donated from one employee to another to alleviate a hardship for an employee who has been approved for Family Medical Leave Act status and has exhausted their leave.

## 8.3 Sick Leave

All full-time employees are eligible to accrue sick leave beginning on the employee's first day of employment

with the Town. Sick leave is provided to allow employees to get proper care during periods of personal or family illness and to attend medical appointments. Eligible employees may accrue up to seven hundred twenty (720) sick leave hours. Upon reaching the applicable maximum, an employee shall cease accruing sick leave until the employee's hours drop below the maximum. All employees must submit a Request for Vacation/Sick/Comp/Admin Leave form to their immediate supervisor before any extended sick leave is taken. If the illness is sudden, the employees is required to complete the request form immediately upon return to work.

The employee shall notify his or her immediate supervisor prior to their workday to receive compensation while absent on sick leave. The employee may be required to file a doctor's note or a personal affidavit with the department head stating the cause of absence. Unnecessary use of sick leave may be cause for disciplinary action and a supervisor may request the submission of a doctor's note if the leave use is suspicious. Employees shall have sick leave deducted in quarter-hour increments. Use of sick leave for a full day shall be based on the number of hours in the employee's regularly scheduled workday. Employees on sick leave when a holiday occurs will not have their sick leave time deducted for that holiday(s) or receive additional pay. A doctor's verification may be required. Sick leave accrual is based on continuous, active employment and will be stopped or reversed when an employee is on Leave With or Leave Without Pay.

Before returning to work, the employee may be required to provide documentation from their health care provider of the employee's ability to satisfactorily perform his or her job duties without compromising the health or wellbeing of other employees or the public. Employees permitted to return to work in a restricted or light-duty status will be assigned in a manner most advantageous to the department and to the Town.

Up to forty (40) hours of an employee's unused annual sick leave may be sold back to the Town at full pay within 45 days after the employee's employment anniversary. In the alternative, an employee may exchange up to the first 40 hours of his/her unused annual sick leave, hour for hour, for accrued vacation leave. Upon separation of service from Town employment all employee sick leave time is forfeited.

#### **8.4 Bereavement Leave**

Employees are entitled to three (3) days of Bereavement Leave with pay following the death of a relative as defined in Section 2.8 to make arrangements and attend memorial services. The employee may use other accrued leave if a leave longer than three days is needed.

#### **8.5 Workman's Compensation**

Employees are covered by Workman's Compensation Insurance under A.R.S. §23-901 for injuries occurring in the course of Town employment. The law provides for payment of medical expenses, and under special circumstances, compensation for loss of income. Any Workers' Compensation injury that requires an absence may also qualify as a Family Medical Leave Act (FMLA) absence. Full-time, regular employees are entitled up to twelve (12) weeks of time off to recover from their injury or illness, as allowed by the FMLA. Employees who suffer workplace illnesses or injuries and who are determined by a physician to be temporarily totally disabled are eligible for benefits as provided by state law subject to the following conditions: the employee reports the injury in a timely fashion and the employee otherwise complies with mandatory workplace injury reporting. It is mandatory that every job-related injury or illness, regardless of severity, be immediately reported to a supervisor and a Supervisor's Report of Industrial Injury form be submitted.

All employees are eligible to receive 66 2/3 percent of their average monthly rate of pay for loss-time injuries or illness after missing more than seven (7) days of work. If the total temporary disability extends beyond seven (7) days, the employee will begin receiving benefits on the eighth (8<sup>th</sup>) day after the injury. If a temporary total disability extends beyond the fourteenth (14<sup>th</sup>) day, the employee will receive benefits

retroactive to the date of injury, including the first seven (7) days. Employees may use sick leave to cover 1/3 of their average monthly rate of pay to provide 100% of the employee's income during their twelve (12) week Worker's Compensation/FMLA leave. If sick leave has been exhausted, any available vacation leave or compensation time may be used.

During Worker's Compensation/FMLA leave, employees will continue to accrue credited service and receive holiday pay. Sick leave and vacation will not accrue during the leave period. The Town's contributions and employees' deductions for retirement and health insurance/in-lieu premiums will remain unchanged for all employees except PSPRS members. For full-time, regular public safety employees participating in PSPRS, the Town will pay both the employee and employer's share of PSPRS contributions as required by A.R.S. §38-961 during the leave period (*this exception expires 10/1/2017*).

Any employee suffering a recurring disability resulting from a job-related accident or illness may be required to undergo an examination by an Independent Medical Examiner of the Town's choice.

Benefits shall terminate upon any of the following events:

- Release to return to work from the employee's physician or Town's Independent Medical Examiner;
- Failure to return to work on a *Return to Work Release* consistent with the employee's medical restrictions; or
- Employee is determined to be totally disabled by the Worker's Compensation provider and/or the Town's Independent Medical Examiner.

Employees returning to work in a restricted or light duty status will be assigned in a manner most advantageous to the department and to the Town.

### **8.6 Jury Leave and Personal Court Cases**

The Town supports our employees participating as jury members. Every employee of the Town who serves as a trial juror will be excused from their work duties for up to five (5) days. Employees will be paid their regular compensation during this absence after submitting a copy of the official notice, summons or subpoena. Employees serving on jury duty over five (5) days will be paid the difference between their normal pay and jury duty pay, minus any stipend provided for travel expenses, after submitting a copy of the statement detailing the amount paid by the court.

Generally, any personal civil or criminal case must be taken care of on the employee's personal time or by using accrued vacation and/or comp time. Qualifying employees under the Arizona Victim Leave Act may use accrued vacation and/or comp time or unpaid leave to attend court proceedings. Under this law, an employee who has been the victim of a crime, or an employee who is the immediate family member of a crime victim who was killed or incapacitated, is allowed to take time off to attend proceedings related to the prosecution of the criminal. The employee may request leave by providing a copy of documents provided by the court. The notice should be turned in for each proceeding attended. The Town will keep records related to this leave in a separate confidential file.

### **8.7 Voting Leave**

Employees are allowed to vote at the beginning or end of their work shift and time off for voting will be paid up to two (2) hours. The employee will coordinate this absence with their supervisor in advance and the Town may designate the times when the employee may be absent for voting to ensure coverage.

## **8.8 Military Leave**

To support employees serving in the military, leave will be granted in accordance with state and federal law. To coordinate leave, an employee must notify their supervisor in writing as soon as he/she receives orders for military duty and provide copies.

## **8.9 Reduction in Work Hours**

A permanent employee's request for a temporary reduction in work hours may be considered by the Town Manager for a period not to exceed thirty (30) days. The Town Manager may allow the employee to continue to earn benefits during this temporary reduction.

## **8.10 Leave of Absence without Pay**

The Town Manager may grant a permanent or probationary employee Leave of Absence Without Pay in special circumstances. A Leave of Absence Without Pay may be requested in writing prior to the beginning of the leave or as soon after as practical, and state the reasons why the request should be granted with the applicable dates. Upon conclusion of an approved Leave of Absence without Pay, an employee may return to their former position if the position is available. To the extent consistent with federal or state law, the employee may alternatively be transferred to another open position. An employee may not be granted more than one Leave of Absence without Pay per year for a non-FMLA protected absence. During the Leave of Absence Without Pay, an employee will not accrue credited service for purposes of retirement, longevity, and vacation accrual rates, and the employee will be required to make appropriate arrangements for payment of his or her health insurance premiums in the interim (unless the leave is in accordance with another state or federal mandate).

# **SECTION 9**

## **Family and Medical Leave**

### **9.1 Family Medical Leave Act (FMLA)**

Under the FMLA, the Town allows eligible employees to take up to twelve (12) work weeks of job-protected leave per year for certain family and medical reasons, and 26 weeks of military caregiver leave. The leave may be taken intermittently if necessary. FMLA does not require the leave to be paid, but the employee may use accrued sick leave, compensation time, and vacation time until the balance is exhausted. Employees on Workers' Compensation Leave, who also qualify under FMLA, may choose to take their Worker's Compensation Leave concurrently with FMLA leave to receive the guarantee of reinstatement. Upon returning from leave, the employee will be restored to his/her position or an equivalent unless a position elimination has occurred which would have terminated an employee's job or placed him/her into a different job.

### **9.2 Eligibility**

Employees are eligible for FMLA leave if they have worked for the Town for a total of twelve (12) months within 7 years (need not be consecutive) and have worked at least 1,250 hours over the previous 12 months. Leave will be granted to eligible employees for the following reasons:

- A serious health condition that makes the employee unable to do his or her job.
- To care for a parent, spouse, son or daughter who has a serious health condition.
- To care for a child after birth, adoption or foster care placement within the first 12 months. If spouses both work for the Town, leave shall be limited to a combined total of 12 weeks.
- Urgent leave to take care of nonmedical military matters.

- Leave to care for a military 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.

A “serious health condition” is an illness, injury, impairment, physical or mental condition that involves:

- A period of incapacity requiring absence of more than three consecutive calendar days from work, school, or other regular daily activities that also involves continuing treatment by, or under the supervision of a health care provider.
- Any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility.
- Continuing treatment by, or under the supervision of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care.

### **9.3 National Defense Act FMLA Leave**

The National Defense Act further authorizes an employee to take FMLA leave for additional covered events. 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. Covered events are:

- Short-term notice of deployment.
- Military events and related activities (e.g. official ceremonies, programs, family support or assistance programs, informational briefings).
- Arrangement of child care, school enrollment, or meetings.
- Care of military member’s parent who is incapable of self-care.
- Preparing and executing financial and healthcare powers of attorney.
- Nonmedical counseling for the employee, covered military member, or child.
- Fifteen (15) days each time the covered military member is given temporary rest and recuperation leave.
- 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).
- Additional activities where the Town and employee agree to the leave, timing, and duration.

The National Defense Act also expanded FMLA leave protection from 12 to 26 weeks for 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). 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. 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.

### **9.4 Health Insurance Continuation**

During FMLA leave, the Town will maintain the employee’s group health insurance, but employees must continue to pay their portion of the premium to maintain coverage. The Town’s obligation to maintain health benefits will end when the following occurs:

- An employee informs the Town that they will not return to work at the end of the leave period;
- The employee fails to return to work when the FMLA leave is exhausted; or

- 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.

### **9.5 Calculation**

The Town uses the rolling twelve-month method to measure the yearly period for leave entitlement by determining from the date the covered event occurs, if the employee has already used some of his or her twelve work weeks of FMLA leave.

### **9.6 Medical Certification**

The Town may require medical certification to verify a serious health condition. The Town, at its own expense, may also obtain an additional independent medical opinion. Should a conflict develop, a third medical opinion may be sought. When leave is taken for an employee's own serious health condition, upon returning to work the employee may be required to provide a written statement from a physician or similarly qualified medical practitioner indicating that the employee is able to resume work.

### **9.7 Notice**

An employee who needs leave must provide the Town with notice. The employee should provide as much advance notice as possible so the Town can make appropriate arrangements for coverage. Failure to provide timely notice may result in a delay in the leave and/or cause the absence to be considered as unexcused. The minimum required notice under FMLA is:

- When the need for leave is foreseeable, the employee must provide thirty (30) days advance notice.
- If thirty days' notice is not practical, notice must be given as soon as possible, usually within one or two business days of when the need for leave becomes known to the employee.
- If the approximate timing for leave is not foreseeable, an employee should still give notice of the need for leave as soon as possible.

Employees on FMLA leave must provide periodic reports regarding their status and intent to return to work. Employees should contact the Town for the appropriate forms and further information about FMLA leave.

### **9.8 Qualifying Disabilities**

The Town is committed to providing reasonable accommodations to allow disabled employees to perform their essential job functions. If an employee has a disability and requires an accommodation in order to perform his/her job, they should notify the department director. Consistent with the Americans with Disabilities Act, the Town will engage in an interactive process to determine whether he/she has a qualified disability and whether a reasonable accommodation would allow him/her to perform essential job functions. Reasonable accommodations are evaluated on a case-by-case basis, but can include modifications to the work environment, unpaid leave, or a variety of other accommodations.

## **SECTION 10** **Workplace Threats and Violence**

### **10.1 Threats and Violence in the Workplace**

It is important to the Town to ensure the safety and security of its employees. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town property will not be tolerated. Violations of this policy will lead to disciplinary action which may include termination, arrest,

and prosecution.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on Town property shall be removed from the premises as quickly as safety permits, and shall remain off Town property pending the outcome of an investigation. The Town will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of employment, and/or criminal prosecution of the person or persons involved. No existing Town policy, practice, or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing.

## **10.2 Reporting**

All Town personnel are responsible for notifying the administration of any threats they witness, receive or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Town controlled site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the employee's supervisor is not available, or if there is a conflict, personnel should report the threat to another member of the Town's management team.

## **10.3 Protective or Restraining Orders**

All individuals who apply for or obtain a protective or restraining order which lists Town locations as being protected areas must provide their department head a copy of the petition and declaration used to seek the order, a copy of a temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

Due to the sensitivity of the information requested, information is to be kept confidential and the privacy of reporting employees is to be respected.

# **SECTION 11**

## **Substance Abuse Policy**

### **11.1 Purpose of Policy**

The Town of Eagar believes that it is important to promote a drug-free community, to maintain safe, healthy, and efficient operations, and to protect the safety and security of the employees, facilities, and property of the Town. Drugs or alcohol may pose serious risks to the user and all those who work with the user. In addition, the use, possession, sale, transfer, manufacture, distribution and dispensation of alcohol or illegal drugs in the workplace pose unacceptable risks to the maintenance of a safe and healthy workplace and to the security of Town employees, facilities, and property. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the services provided by the Town. For all of those reasons, the Town of Eagar has established this Substance Abuse Policy.

### **11.2 Scope of Policy**

This Policy applies to all Town employees, including management, administration, temporary employees, and to all applicants who have received conditional offers of employment with the Town. This Policy also

applies to all employees of Town contractors who are performing services on Town property, or who are operating Town equipment, machinery, or vehicles. These employees of contractors are considered “employees” within the meaning of this policy.

Depending upon their specific job duties, certain employees may be subject to additional requirements under state or federal regulations, including additional restrictions on drug or alcohol use, and additional provisions for random drug and/or alcohol testing.

### **11.3 Dissemination of Policy**

All employees and all applicants who have received conditional offers of employment will receive a copy of this policy, and will be required to sign an acknowledgement and receipt.

### **11.4 Work Rules**

Employees may not use, possess, sell or transfer alcohol while working, while on Town property, or while operating Town equipment, machinery, or vehicles. Employees may not work or report to work under the influence of alcohol at any level. Employees who violate these rules will be subject to discipline, up to and including immediate termination.

Employees may not possess illegal drugs or engage in the illegal use of drugs while working, while on Town property, or while operating Town equipment, machinery, or vehicles. Employees may not work or report to work under the influence of illegal drugs or with detectable levels of illegal drugs or the metabolites of illegal drugs in their systems. Employees may not manufacture, distribute, dispense, transfer, or sell illegal drugs. Employees who violate any of these rules will be subject to discipline, up to and including immediate termination. Special circumstances may be accommodated for members of the Police Department related to the transport of alcohol or drugs during the course of performing their official duties.

The voters of the State of Arizona have passed a medical marijuana law, but marijuana is still an illegal drug under federal law. There is no duty under federal law or the Americans with Disabilities Act for the Town of Eagar to accommodate employees that have prescriptions for medical marijuana. The Town of Eagar has a drug-free workplace policy and a zero-tolerance policy for on-the-job use of possession of illegal drugs and this applies to marijuana. Employees are prohibited from being under the influence of marijuana while at work or on Town time as exhibited by a positive drug test result. Employees are prohibited from bringing marijuana or any marijuana-related paraphernalia to work or using marijuana while at work, including lunch breaks and other time off during an official work schedule.

The Town will use drug tests for both applicants and current employees for any drug use, including marijuana. Employees who test positive for marijuana, regardless of the reason for the use, or the source from which the employee acquired the drug, will be considered in violation of this policy and are subject to discipline. The Town will treat marijuana use the same as an employee being under the influence of alcohol or any other type of drug. The Town has the right to require immediate drug testing, discipline, or termination.

The Town will uphold our drug-free workplace policy and has the right to refuse to hire applicants that test positive for marijuana use, even if the detectable level is low indicating prior marijuana use that remains detectable in the applicant’s system. The Town also has the right to refuse to hire applicants that use medical marijuana because medical marijuana users are not a protected class, thus they are not subject to any special protections under federal or state law. The Town’s definition of illegal drugs includes drugs that are illegal under federal, state, or local law and that definition also includes drugs that are illegal under the federal Controlled Substances Act. The Town’s position is that marijuana use is still prohibited, despite legalization in several states. The Town realizes that this is an area of law that is rapidly changing and will update this



policy as needed to reflect future changes in this law.

Any employee who has reason to believe that the legal use of drugs, such as a prescribed medication, may pose a safety risk to any person or interfere with the employee's performance of his or her job must report such legal drug use to his/her supervisor. The Town shall then determine whether any work restriction or limitation is indicated. Failure to report the legal use of a drug that may pose a safety risk could result in disciplinary action.

### **11.5 Notification of Drug Related Offense**

Employees accused, arrested, or convicted of any drug-related offense, DUI, or DWI, including pleas of no contest, must inform their immediate supervisor, department director, or the Town Manager the next business day of such arrest, conviction or plea. An employee who is convicted of violating any criminal drug, DUI, or DWI statute while in the workplace will be subject to discipline up to and including immediate termination.

### **11.6 Inspection of Property, Equipment and Vehicles**

All employees on Town property or who are performing services on a Town project, and all property, equipment, and vehicles on Town property or being used in connection with the performance of work on a Town project (including without limitation all vehicles, containers, desks, and file cabinets), are subject to unannounced inspection by the Town of Eagar. Employees should not expect that any property or items brought to the workplace or that are used in the workplace are private.

Employees who refuse to permit inspections under this policy or who fail to cooperate with inspections under this policy, may be subject to discipline up to and including immediate termination.

### **11.7 Drug and Alcohol Testing**

The Town will require employees and applicants to provide urine, blood, breath, and/or other samples for drug and/or alcohol testing under the following circumstances.

Pre-Employment Testing - all applicants who have received conditional offers of employment will be required to undergo drug testing as a condition of employment. The Town will revoke a job offer to any applicant who tests positive.

Reasonable Suspicion Testing – an employee may be required to undergo drug and alcohol testing if management has a reasonable suspicion that the employee:

- Has violated the Town's written work rules prohibiting the use, possession, sale, or transfer of alcohol and/or illegal drugs while working, while on Town property, or while operating Town equipment, machinery, or vehicles.
- Is under the influence of alcohol and/or illegal drugs while working, while on Town property, or while operating Town equipment, machinery, or vehicles.
- Is impaired by alcohol and/or illegal drugs.
- May be affected by the use of alcohol and/or illegal drugs and that the use may adversely affect job performance or the work environment.
- Employee's behavior is out of character, or an employee exhibits some or all behaviors matching the profile of reasonable suspicion of being under the influence of alcohol or drugs.
- An employee has been working with or around another worker who receives an injury which requires medical treatment.
- An employee has been involved in a vehicular accident during the work day or during lunch breaks in any vehicle regardless of ownership.

- An employee is arrested for DUI while on Town time or while performing Town business regardless of ownership of the vehicle used.
- A Town official or supervisor reasonably suspects that a driver is using a controlled substance or alcohol, either while performing a safety sensitive function on a commercial driver license (CDL), or immediately before or after performing a safety sensitive function on a CDL.

Commercial Motor Vehicle Testing. State and federal law requires employees who drive or work on a commercial motor vehicle (possess a CDL) to submit to testing for alcohol and drugs on a random basis so that at least 50% of the Town's CDL drivers are tested each calendar year for drugs, and at least 25% of the Town's CDL drivers are tested each calendar year for alcohol. Refusal to take the test is grounds for termination. If a driver tests positive for drug or alcohol abuse, the Town will perform a return to duty test on the driver before he/she is allowed to perform any safety-sensitive function on a CDL. A blood alcohol concentration of less than 0.02 is required to return to work on a CDL. If the Town chooses to retain the employee, he/she will be tested on a random basis for up to five (5) years after failing a drug or alcohol test or at the recommendation of a substance abuse counselor as part of a rehabilitation program.

Follow-Up Testing. The Town may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis subject to successful participation in a rehabilitation program that includes follow-up drug and alcohol testing, as well as, a waiver of the right to contest any termination resulting from a subsequent positive test.

#### **11.8 Specimen Collection and Testing Procedures**

The Town will pay for any drug and alcohol test that it requests or requires. Employees subject to reasonable suspicion drug testing will be driven to the Town-designated facility to be tested.

Specimens will be collected and tested only by appropriate professional personnel and laboratories that are properly approved to conduct drug and alcohol testing by the U.S. Department of Health and Human Services, the College of American Pathologists, or the Arizona Department of Health Services. Only these properly approved professional personnel will supervise the testing, collection, chain of custody procedures to safeguard the integrity of the testing process, and to supply a medical review officer to review test results. Testing under this section will also comply with the procedures set forth in 49 C.F.R. Parts 40 and 49. For purposes of this policy, test results generated by law enforcement may be considered by the Town.

The Town will determine the type and manner of drug or alcohol testing including what constitutes a positive test result at its sole discretion. Specimens will be tested only for the presence of alcohol, illegal drugs, and their metabolites. Positive initial screening test results for employees will also be confirmed by gas chromatography/mass spectrometry or other appropriate methods of confirmatory analysis ("confirmatory test"). Drug and alcohol testing will be performed by a certified laboratory and will comply with scientifically accepted analytical procedures.

The Town will promptly communicate test results to test subjects. Employees may request a written copy of their drug and/or alcohol test results. These results are confidential and will be released only to the tested employee, persons designated by the tested employee in writing, persons designated by the Town to receive and evaluate test results or hear any explanation regarding a positive test result and other persons authorized by law. Individuals with positive test results may also ask the Medical Review Officer (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.

### **11.9 Confidentiality of Test Results**

The Town will not disclose test results except as authorized by the test subject or as authorized, permitted, or required by applicable law. Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the Town shall be maintained in secure files separate from normal personnel files.

### **11.10 Consequences of Refusal**

Employees and applicants may refuse to undergo drug and alcohol testing. However, employees who refuse to undergo testing or who fail to cooperate with the testing procedures will be subject to immediate termination. Employees who refuse to undergo testing or who fail to cooperate with the testing procedures also may be disqualified from receiving unemployment compensation benefits and/or workers' compensation benefits. Applicants who refuse to undergo testing or who fail to cooperate with the testing procedures will not be hired.

### **11.11 Right to Explain Test Results**

Any test subject who tests positive on a confirmatory test on any drug or alcohol test required by the Town may submit additional information to the Town, in a confidential setting, to explain the confirmed positive test result.

### **11.12 Consequences of Confirmed Positive Test Results**

Any applicant who tests positive on a confirmatory test on any drug and alcohol test required by the Town will not be hired. Any employee who tests positive on a confirmatory test on any drug and alcohol test required by the Town will be subject to appropriate disciplinary action at the sole discretion of the Town up to and including immediate termination. The specific disciplinary action may include a requirement for the employee to participate in a treatment or rehabilitation program under terms acceptable to the Town and consent to random testing for up to five (5) years.

### **11.13 Employee Assistance Program / Substance Abuse Treatment**

The Town encourages employees with substance abuse problems to avail themselves of any available treatment or rehabilitative services available under the Town's group health plans. The Town will assist and support employees who voluntarily seek help for substance abuse before becoming subject to discipline under this policy. The Town will provide its employees with information concerning the dangers of drug and alcohol abuse, the availability of counseling, and the Town's policy regarding substance abuse. Supervisors will receive training with respect to the detection of controlled substance use and alcohol abuse. Employees are encouraged to approach their supervisor at any time with any questions they have about the Town's Substance Abuse Policy.

## **SECTION 12**

### **Disciplinary Actions**

#### **12.1 Grounds of Disciplinary Action**

Continued employment of any employee is based upon acceptable conduct and satisfactory job performance. Failure to meet standards of conduct and work performance is sufficient grounds for disciplinary action, up to and including termination:

- Violation of or failure to comply with the United States Constitution, Arizona Constitution or

- statutes, Town ordinances, Town or department policies, and these Personnel Rules.
- Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor.
- Inefficiency, incompetence, inability, negligence, insubordination, dishonesty / deception, or brutality in the performance of duties both in interactions with members of the public or other Town employees including a pattern of creating conflict.
- Testing positive for a controlled substance, unless the controlled substance is by specific medical authorization.
- Possession, use, or testing positive for illegal drugs.
- Possession, use, or testing positive for alcohol on the job or attempting to work under the influence of alcohol or any intoxicating substance, even if consumed before working hours.
- Carelessness, negligence, or improper use of Town property, equipment, or funds.
- Failure to obtain and maintain a current motor vehicle driver's license or certificate as a condition of employment as required by law.
- Conduct unbecoming a Town employee, such as but not limited to, arrests where the proof is evident that the employee is guilty of the offense, for misdemeanors or felonies, or any off duty conduct that reflects poorly on the Town or on the employee's ability to carry out his or her duties as a Town employee.
- Chronic unexcused absenteeism or tardiness in reporting to work.
- Failure to report to work as scheduled without prior approval or failure to report after a leave of absence has expired.
- Harassment in violation of the Town's policies, sexual or otherwise.
- Poor job performance.
- Abuse of unplanned leave or any unauthorized absence from work.
- Theft or destruction of Town property or another employee's property.
- Prohibited political activities.
- Any other action or misconduct deemed grounds for disciplinary action or termination by the supervisor, a department head, or Town Manager.

For the reference and convenience of employee's supervisors, department heads, and the Town Manager, the above list of grounds for possible disciplinary action has been developed as a guideline. This list is not intended to be a fully exhaustive list of all possible grounds for disciplinary action. Employees may be disciplined up to and including termination of employment, for any reason deemed to constitute good cause by the Town.

## **12.2 Types of Disciplinary Actions**

The Town uses a system of progressive discipline that includes oral reprimand, written reprimand, suspension with pay, suspension without pay, involuntary demotion, and involuntary termination.

Oral Reprimand. The first step in the process of progressive discipline used to address substandard performance when the violation is of a minor nature and it is the first occurrence.

Written Reprimand. A final corrective step that may be used before an employee is considered for suspension or termination and serves as a warning to the employee to improve his/her performance or workplace behavior before jeopardizing his/her job.

Suspension With Pay. Suspensions with full pay and benefits are not considered disciplinary actions. Suspensions with pay are usually imposed when an investigation must take place or when accusations against the employee have been made which would make it difficult for the employee to continue working

effectively. Suspensions with pay may be ordered on an emergency basis by any department head for up to a 48-hour period; the Town Manager must approve any suspension with pay that is expected to last for a longer period of time. Suspensions with pay cannot be appealed.

Suspension Without Pay. Suspensions without pay are considered disciplinary. Before a suspension without pay is imposed, the employee will be given a pre-disciplinary hearing as set forth in Section 12.4. An employee ordered to serve a Suspension without pay is not permitted to use vacation or compensation time, or any other continuation benefit during the Suspension without pay. At the discretion of the Town Manager, the Town will continue the employee's health care benefits during the suspension. A Suspension without pay may be imposed for up to one (1) week in duration. Any employee who falls within the scope of these rules (see Section 1.1) and is subject to suspension without pay may appeal the decision according to the Appeals Procedure set forth in Section 14.

Involuntary Demotion. Involuntary demotions may take place due to reorganization, reduction in force or due to performance or disciplinary problems with the employee. The decision to demote is made by the department head with the approval of the Town Manager. Before any involuntary demotion is imposed, the employee will be given a pre-disciplinary hearing as set forth in Section 12.4. Any employee who falls within the scope of these rules (see Section 1.1) and is subject to involuntary demotion may appeal the demotion according to the Appeals Procedure set forth in Section 14.

Involuntary Termination. Involuntary terminations may take place due to reorganization, reduction in force or due to performance or disciplinary problems with the employee. Before an involuntary termination is imposed, the employee will be given a pre-disciplinary hearing, as set forth in Section 12.4. Any employee who falls within the scope of these Rules (see Section 1.1) and is subject to involuntary termination may appeal the termination according to the Appeals Procedure set forth in Section 14.

### **12.3 Special Circumstances Applying to Law Enforcement Personnel**

The Chief of Police may establish disciplinary rules and policies specific to law enforcement personnel to incorporate and recognize an officer's Garrity Rights.

### **12.4 Due Process Procedures**

Disciplinary action is generally taken in an attempt to correct or improve an employee's job performance or to penalize an employee for violations of the Town rules. Any disciplinary action, which is less severe than a suspension without pay, involuntary demotion, or involuntary termination, may be imposed by the supervisor, department head, or Town Manager without advance notice to the employee.

An employee who is being considered for suspension without pay, involuntary demotion, or involuntary termination will first be given written "Notice of Intent to Impose Disciplinary Action," in which he/she will be informed of a time and place to appear for a pre-disciplinary action hearing. At the hearing, or in the written Notice of Intent, the employee will be provided with the factual basis for the intended disciplinary action. At the hearing, the employee will be permitted to explain his or her side of the story or explain why the planned disciplinary action should not be imposed or should be of a lesser degree. The decision maker will then, based on the matters presented, make a decision as to whether the planned disciplinary action or some lesser form of disciplinary action shall be imposed. If applicable, the employee will then be notified in writing of the "Imposition of Disciplinary Action", which will include any relevant dates of suspension or the effective date of termination.

In the event that the employee disagrees with the decision to impose suspension without pay, involuntary demotion, or involuntary termination, or believes the decision was in error or wrongful, the employee may

use the Appeals Procedures set in Section 14 of these rules.

## **SECTION 13** **Method of Separation**

### **13.1 Resignation**

An employee who wishes to voluntarily resign from the Town is expected to provide a written resignation to his/her supervisor two (2) weeks in advance of his/her anticipated resignation date. Professional and supervisory staff may be required to provide twenty (20) working days' notice. Failure to give required notice will be cause for denying future employment with the Town. The Town reserves the right to immediately accept the employee's resignation. Any unplanned leave taken after the written notice of resignation is submitted will require a physician's statement.

### **13.2 Layoff**

If it becomes necessary to layoff Town employees due to lack of funds, lack of work, or reorganization. The Town Manger shall render the final decision as to the selection of employees to be laid off. In administering a layoff action, the Town may consider many factors including:

- The needs of the Town;
- Performance of the employee;
- Special abilities the employee may possess; and
- Length of service.

A regular status employee who is to be laid off shall receive written notice at least ten (10) working days prior to the effective layoff date. Employees who are on layoff will be considered for recall for up to one (1) year after the effective day of their layoff.

### **13.3 Termination**

Part-time and probationary employees may be terminated at any time with or without cause and with or without notice during their probationary period because their employment is on an at-will basis. Other employees covered by these Personnel Rules who are not at-will may be terminated in accordance with the termination procedures set forth in Section 12. Employees who are not at work and who have exhausted all of their leave benefits, including allowable leaves without pay, will also have their employment terminated and their files closed for job abandonment.

Upon termination of employment, the employee shall return to the department head any keys, credit cards, employee identification cards, or other items belonging to the Town.

## **SECTION 14** **Appeal Procedure**

### **14.1 Scope of Appeals**

Any full-time permanent employee who is not at will and falls within the scope of these Rules (as defined in Section 1.1) may appeal a Suspension without Pay, Involuntary Demotion, or Involuntary Termination in writing to the Town Manager within two (2) weeks. Failure to request an appeal within the timeframe specified will be considered the employee's abandonment of the right to appeal. The Town Manager may waive the

time limits on a particular case for good cause.

#### **14.2 Format of Appeals**

An appeal must set forth the reason for the Appeal why the employee believes the employment decision was wrongful or in error. Within three (3) weeks of receipt of an appeal, the Town Manager will appoint an independent Hearing Officer to evaluate the facts and conduct an impartial hearing.

#### **14.3 Appeal Hearing Process**

At the Appeal Hearing the employee may be represented by counsel at his/her expense and may present and cross-examine witnesses upon any issues relevant to the employment decision, either through counsel or personally. The employee may also be assisted by or represented by a non-lawyer at the hearing, if approved in advance by the Hearing Officer. The conduct of the hearing, including decisions of the admissibility of evidence will be determined by the Hearing Officer. The formal rules of evidence do not apply. The Town will also present evidence and witnesses as appropriate, and may cross-examine the employee and any witnesses. The burden of proof will be on the employee to demonstrate that the employment decision was wrongful or in error.

#### **14.4 Decision of the Hearing Officer**

After a review of the facts, the Hearing Officer will render a decision within fifteen (15) days of the conclusion of the Appeal Hearing. The Hearing Officer's decision will be based on the evidence presented. The decision will be final for all purposes, and therefore not appealable to any office or other body of the Town or to any other forum, administrative or judicial.

In the event the Hearing Officer decides to reverse or lessen a decision imposing suspension without pay, involuntary demotion, or involuntary termination, the remedies granted by the Hearing Officer will be designed to make the employee "whole" but shall not bestow a windfall. Remedies may include reduction in duration of suspension, reinstatement, appropriate back pay, and/or reimbursement of actual legal costs. In no event may the employee be awarded punitive damages as a remedy.

The Town Manager will review all decisions concerning appropriate remedies and consult with the Town Attorney or other legal counsel. Any decision to award an employee reimbursement of actual legal costs will be subject to an allocation of funds and approved by the Town Council. The Town Manager shall sign the final action, which is binding on all parties.

## **SECTION 15** **Personnel Records**

#### **15.1 Access to Personnel Files**

The Town respects employees' privacy. Personnel files will be kept safeguarded in a locked cabinet and access will be limited to the following authorized individuals:

- The employee or an individual who has written authorization from the employee to review the personnel file;
- The Town Manager or a designee;
- Mayor and Vice Mayor;
- The employee's supervisor and department head;
- Town Clerk staff members in the performance of their official duties, including responding to

- court orders or subpoenas; and
- Employees or agents of companies providing employee benefits if necessary to determine eligibility or otherwise administer benefits to the employee.

## **15.2 Public Record Requests**

Arizona Public Records Law makes public documents accessible by request. Most information included in an employee's personnel file must be provided to any person making a request for it as a public record, including compensation information, performance reviews, and any documentation of disciplinary action. The home address and home telephone number may be redacted from the records provided for law enforcement officers, judges, code enforcement officers, and individuals protected under an order of protection or injunction against harassment.

In compliance with the Health Insurance Portability and Accountability Act (HIPPA), access to any medical information or reports relating to the employee contained in his/her personnel file will be kept confidential and will not be disclosed. Access to medical information shall be limited to the employee, the Town Manager, the Town Attorney, and the Town Manager's designee. Attorneys employed or contracted by the Town may also have access to this information if necessary to assess the Town's legal position or to provide legal advice to the Town Attorney, Town Manager, or Town Council.

## **SECTION 16** **Definitions**

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

Anniversary Date: the date an employee is hired for full-time employment used to determine benefits such as vacation, sick leave, and medical coverage.

At-will Employee: probationary, part-time and temporary employees and all department directors and supervisors with direct responsibility over town staff.

Bereavement Leave: time needed to care for family members, other matters, or to mourn the death of an immediate family members as defined in "Relative" in Section 3.8.

Class: all positions sufficiently similar in duties and responsibility.

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.

Conflict of Interest: a direct or indirect interest that conflicts substantially with an employee's official duties and responsibilities.

Contract Position: any employee who receives compensation and other benefits through an individual contract negotiated between the employee and the Town.

Covered Event: a serious health conditions covered under the FMLA involving incapacity and/or treatment



for an employee's own serious health condition, to care for a seriously ill family member, or taking care of urgent military matters and military member caregiving.

Department Head: an exempt employee who directs a major department and has been appointed to the position by the Town Manager and serves at-will.

Designee: a staff member designated by the Town Manager.

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.

Family and Medical Leave Act (FMLA): a federal law that generally requires covered employers to allow eligible employees to take unpaid, job-protected leave for certain covered events. FMLA 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). FMLA applies to those working for employers with 50 or more employees within a 75-mile radius. In addition, employees must have worked for the employer at least 12 months and 1,250 hours in those 12 months.

Flexible Spending Account: a tax-advantaged financial account that allows an employee to contribute a set amount from their paycheck in order to cover out-of-pocket medical, dental, vision expensed, and/or dependent day care for themselves and their dependents.

457 Retirement Plan: a type of qualified pre-tax deferred-compensation retirement plan that is available for governmental employers.

Full-time Employee: a permanent employee who works more than 32 hours per week and is eligible for the full range of employee benefits.

Hearing Officer: an outside and impartial professional assigned by the Town Manager to hear and resolve personnel appeals.

Illegal Drug: any controlled substance listed in scheduled I through V of the federal Controlled Substances Act (21 U.S.C. § 812), medication, or other chemical substance that 1) is not legally obtainable; or 2) is legally obtainable, but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it was prescribed or intended by the manufacturer. Illegal drugs may include over-the-counter medications if they are not being used for the purpose(s) for which they were intended by the manufacturer.

Incapacity and/or Treatment: a period of incapacity for three consecutive, full calendar days and any subsequent treatment or incapacity relating to a covered event under FMLA.

Industrial Injury: injuries or illness that occurs at work.

Insurance In-Lieu: a benefit applied to a Flexible Spending Account in-lieu of an employee enrolling in the Town's health plan.

Legal Drug: prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose(s) for which they were intended by the manufacturer.

Legally Protected Class: individuals belonging to a class which is protected by state or federal law because

of sex, race, color, ancestry, genetics, national origin, religion, disability, pregnancy, age, sexual orientation or gender identity, or any other legally protected status in accordance with applicable federal, state, and local laws.

Medical Review Officer: a licensed physician responsible for receiving laboratory results generated by the Town's drug testing program. A Medical Review Officer must meet the qualifications per Department of Transportation 49 CFR 40.3 for CDL drivers.

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

Nepotism: favoritism showed to relatives, especially in appointments to Town positions.

Next of Kin: the nearest blood relative other than a covered service member's spouse, parent, son, or daughter as designated in writing by the covered service member under FMLA.

Non-exempt Employee: a full-time, part-time, or temporary employee who is eligible for overtime pay.

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

Part-time Employee: a permanent employee who works less than 32 hours per week. Part-time employees are eligible for holiday pay for hours normally scheduled that may fall on a Town designated holiday.

Premises: includes all buildings, offices, facilities, grounds, parking lots, places and vehicles owned, leased or managed by the Town.

Probationary Employee: any permanent employee serving during the probationary period, or temporary employee not exceeding 19 weeks of employment

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.

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.

Serious Medical Condition: may include but are not limited to: 1) recovery period for surgical procedures; 2) maternity leave; 3) any other condition that in the opinion of the employee's physician will not allow employees to perform their required job duties.

Supervisor: a person who has been designated to supervise one or more employees.

Suspension with Pay: the temporary relief from duty of an employee during a period of inquiry into actions of the employee.

Suspension without Pay: the temporary separation from employment of an employee without pay for disciplinary purposes.

Temporary/Seasonal Employee: an employee who is hired for the express purpose of job(s) or project(s) that are of a temporary nature. The length of time to be employed shall not exceed 19 weeks in a calendar year. Temporary employees do not accrue benefits and serve at will. Temporary employees may be dismissed at any time without cause.

Town Property: "Town property" and "Town equipment, machinery, and vehicles" is all property, equipment, machinery and vehicles owned, leased, rented, or used by the Town.

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

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 or 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.

Undue Hardship: an action to accommodate a disability which would require significant difficulty or expense in light of the Town's size and financial resources.

Workman's Compensation Injury: injuries or illness that occurs at work.

Windfall: an unexpected gain.

**TOWN OF EAGAR**  
**Wireless Phone Usage**  
**Acknowledgement and Agreement**

I, \_\_\_\_\_, hereby acknowledge that I have read and understand the Town of Eagar wireless phone usage policy.

I understand that I am an 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 any information stored on the phone may be subject to disclosure under the Freedom of Information Act (FOIA).

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 \_\_\_\_\_

**TOWN OF EAGAR**  
**Notification for Family and Medical Leave Act**  
**Application Requesting Family and Medical Leave**

I, \_\_\_\_\_, am making notification to the Town of Eagar 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 still 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



**Town of Eagar**  
**ACKNOWLEDGMENT AND RECEIPT**  
**Personnel Rules**

I have received and read a copy of the Town of Eagar’s Personnel Rules, including the Substance Abuse Policy and the policies regarding Harassment and Discrimination.

I understand that the Substance Abuse Policy applies to me, and I agree to comply with all terms and conditions. I understand that if I fail to comply with any aspect of the Rules, I will be subject to discipline, up to and including immediate termination of my employment with the Town of Eagar. I understand that the Substance Abuse Policy supersedes and revokes all previous practices, procedures, rules, and other statements of the Town of Eagar, whether written or oral that modify, supplement, or conflict with the Rules. I also understand that the Rules may be amended at any time.

I also understand the Town’s policy against harassment and discrimination, including the procedure for reporting complaints.

I understand the Personnel Rules apply to me, and I understand that I must comply with all terms and conditions. I understand that if I fail to comply with any aspect of the Personnel Rules, I will be subject to discipline, up to and including immediate termination of my employment with the Town of Eagar. I understand that these modifications supersedes and revokes all previous practices, procedures, rules, and other statements of the Town of Eagar, whether written, or oral that modify, supplement or conflict with the Personnel Rules. I also understand that the Personnel Rules may be amended at any time.

I also understand that the full current version of the Town’s Personnel Rules is available online and that I may request a hardcopy at any time.

I have reviewed and understand the Town of Eagar Personnel Rules.

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Employee Signature Date

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Employee Name (Printed) Date