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APR 30 2015



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**Memorandum**

**DATE:** April 30, 2015

**TO:** Mayor and City Council

**THRU:** Rich Dlugas, City Manager *RD*

**FROM:** Debra Stapleton, Director, Human Resources Division *Debra*

**SUBJECT:** RESOLUTION 4847 Amending the Personnel Rules to Replace All References in the Personnel Rules to "Human Resources Manager" with "Human Resources Director", and Amending Personnel Rule 1, Section 12, Outside Employment; Personnel Rule 2, Section 5, Reclassification; Personnel Rule 5, Section 5, Reasons for Disciplinary Action Up to and Including Dismissal; Personnel Rule 7, Requirements for Employment; Personnel Rule 9, Section 3, Medical Examinations; Personnel Rule 10, Section 6, Duration of Registers; Personnel Rule 11, Section 2, Referral of Eligible Candidates; Personnel Rule 12, Section 1, Period of Probation, and Section 3, Probationary Release and Unsuccessful Completion of Promotional Probation; Personnel Rule 15, Section 1, Requesting Leaves of Absence; Section 2, Leave Authorization (Vacation Leave); Section 8, Sick Leave Accrual; Section 9, Use Of Sick Leave; Section 11, Workers' Compensation; and Section 18, Exempt Employee Special Leave.

**RECOMMENDATION:** Approve Resolution 4847 authorizing the amendment of the Personnel Rules to replace all references in the Personnel Rules to the "Human Resources Manager" with "Human Resources Director", and amend Personnel Rule 1, Section 12, Outside Employment; Personnel Rule 2, Section 5, Reclassification; Personnel Rule 5, Section 5, Reasons for Disciplinary Action Up to and Including Dismissal; Personnel Rule 7, Requirements for Employment; Personnel Rule 9, Section 3, Medical Examinations; Personnel Rule 10, Section 6, Duration of Registers; Personnel Rule 11, Section 2, Referral of Eligible Candidates; Personnel Rule 12, Section 1, Period of Probation, and Section 3, Probationary Release and Unsuccessful Completion of Promotional Probation; Personnel Rule 15, Section 1, Requesting Leaves of Absence; Section 2, Leave Authorization (Vacation Leave); Section 8, Sick Leave Accrual; Section 9, Use Of Sick Leave; Section 11, Workers' Compensation; and Section 18, Exempt Employee Special Leave.

**BACKGROUND/DISCUSSION:** Staff proposes amendments to the Personnel Rules to make substantive and administrative changes as follows:

**1. Replacement of "Human Resources Manager" with "Human Resources Director"**

The proposed Resolution will globally replace all references in the Personnel Rules to the "Human Resources Manager" with the title "Human Resources Director". This reflects the current usage of the "Director" title. The Resolution makes clear that the Human Resources Director has the same meaning as Personnel Officer under the City Charter. Over the years, the title has been corrected as a matter of housekeeping when individual Rules required other revisions. This has resulted in inconsistencies throughout the Rules. Also, there currently is a job classification of Human Resources Manager that reports to the Human Resources Director. The purpose of this change is to eliminate confusion of the titles and establish consistency throughout the Personnel Rules.

**2. Other Amendments**

**• Personnel Rule 1, Section 12: Outside Employment**

The proposed change to Section 12.C. adds a provision that gives the Human Resources Director the authority to grant an exception to approve outside employment under certain circumstances if it is determined that the employment is compatible with City service.

The proposed change to Section 12.J. clarifies that eligibility for extra duty work assignments in the Police Department will be suspended while an employee is on continuous medical leave, industrial leave, Family and Medical Leave (FMLA) or Short-Term Disability leave just as approval for other off-duty assignments is suspended under Section 12.H. of the Rule.

**• Personnel Rule 2, Section 5: Reclassification**

The proposed change is housekeeping in nature and eliminates confusing language that has no application to the reclassification process.

**• Personnel Rule 5, Section 5: Reasons For Disciplinary Actions Up To and Including Dismissal**

The proposed change adds the surreptitious recording of conversations of other City employees as a ground for discipline under Personnel Rule 5. The same provision currently exists in the Police Department's General Orders and will ensure that all City employees must comply with the prohibition or be subject to discipline.

**• Personnel Rule 7, Section 5: Requirements for Employment**

The City has a standalone Ordinance 4623 that authorizes fingerprinting for prospective and current employees for the purpose of evaluating fitness for employment by the City of Chandler.

This section was added to identify that Ordinance and serve as a more readily accessible reference to the City's procedure regarding fitness for employment.

- **Personnel Rule 9, Section 3: Medical Examinations**

The proposed change eliminates language which states that the City will pay for medical examinations and tests beyond the initial pre-employment medical examination if it deems appropriate. This is not the current practice. The revision requires the City to pay for subsequent tests and examinations only if they are required by the City.

- **Personnel Rule 10, Section 6.B: Duration of Registers**

The change corrects an incomplete sentence in this section.

- **Personnel Rule 11, Section 2: Referral of Eligible Candidates**

The change revises an incorrect reference to a Section in the Rule.

- **Personnel Rule 12, Section 1: Period of Probation**

The proposed change extends the probation for public safety crime scene and forensic employees from 6 months to 12 months. This change was recommended by the Police Department to allow for the extensive training requirements of the positions.

- **Personnel Rule 12, Section 3.B: Probationary Release and Unsuccessful Completion of Promotional Probation**

The proposed change specifies that the layoff rule applies in the event an employee does not complete a promotional probation period and is unable to return to his/her former position.

- **Personnel Rule 15, Section 1: Requesting Leaves of Absences**

The proposed change identifies the circumstances in which an exempt employee could be suspended. This language already existed in the Rule. It was modified to mirror the language of the Fair Labor Standards Act that governs this provision.

- **Personnel Rule 15, Section 2: Leave Authorization (Vacation)**

The proposed change requires that vacation leave of more than two consecutive weeks immediately preceding an employee's retirement date or resignation date will require the approval of the City Manager. This is proposed in order to ensure consistency on a Citywide basis.

- **Personnel Rule 15, Section 8: Sick Leave Accrual**

The proposed change amends the maximum period of workers' compensation industrial leave during which sick leave will continue to accrue from the current "one year" to 2,080 hours to be consistent with the current practice. This is discussed in more detail in the discussion of the proposed change to Rule 15, Section 11.B.2.c.

- **Personnel Rule 15, Section 9: Use of Sick Leave**

The proposed change adds language to reflect the current practice of requiring a birth certificate or legal documentation of the placement of an adoptive or foster child to be provided in order to use up to 80 hours of sick leave for such purposes. The amendment also clarifies that medical certification will be required for the employee to use sick leave in excess of 80 hours.

- **Personnel Rule 15, Section 11.A: Workers' Compensation**

The proposed change identifies the individual to whom work-related injury reports are to be submitted as the Workers' Compensation Coordinator instead of the Safety Coordinator as provided in the original provision.

- **Personnel Rule 15, Section 11.B.2.c: Workers' Compensation**

The original rule provided that employees are eligible to receive "12 cumulative months" of paid industrial leave involving the same injury or illness. Given that industrial leave can be used intermittently and for partial day absences (e.g., for doctor's appointments, etc.), the City uses 2,080 hours as the equivalent of 12 months of industrial leave. The change substitutes 2,080 hours for "12 cumulative months" and references the application of rules to calculate the number of hours applicable to employees who are assigned to work more or less than the standard 40-hour workweek. The change is required for consistency with the administration of industrial leave and is considered a housekeeping change.

- **Personnel Rule 15, Section 11.B.2.d: Workers' Compensation**

The proposed change removes the reference to industrial leave without pay to be consistent with the City's existing practice.

- **Personnel Rule 15, Section 11.B.2.e: Workers' Compensation**

The proposed change adds a new section which clarifies that an employee who is unable to return to work following the exhaustion of industrial leave may be resigned from City service in good standing for health reasons. An employee would be considered unable to return to work if the employee is unable to perform the essential functions of his/her job with or without a reasonable accommodation and no other reasonable accommodation, such as a job transfer, is feasible.

- **Personnel Rule 15, Section 18: Exempt Employee Special Leave**

The proposed change removes the current requirement that exempt employee special leave cannot exceed two consecutive days. This change does not increase the four days allowed in one year. It simply allows those days to be consecutive at the discretion of the Department Director.

**PROPOSED MOTION:** Move to adopt Resolution 4847 authorizing the amendment of the Personnel Rules to replace all references in the Personnel Rules to the "Human Resources Manager" with "Human Resources Director", and amend Personnel Rule 1, Section 12, Outside Employment; Personnel Rule 2, Section 5, Reclassification; Personnel Rule 5, Section 5, Reasons for Disciplinary Action Up to and Including Dismissal; Personnel Rule 7, Requirements for Employment; Personnel Rule 9, Section 3, Medical Examinations; Personnel Rule 10, Section 6, Duration of Registers; Personnel Rule 11, Section 2, Referral of Eligible Candidates; Personnel Rule 12, Section 1, Period of Probation, and Section 3, Probationary Release and Unsuccessful Completion of Promotional Probation; Personnel Rule 15, Section 1, Requesting Leaves of Absence; Section 2, Leave Authorization (Vacation Leave); Section 8, Sick Leave Accrual; Section 9, Use Of Sick Leave; Section 11, Workers' Compensation; and Section 18, Exempt Employee Special Leave.

## RESOLUTION NO. 4847

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AUTHORIZING THE AMENDMENT OF THE PERSONNEL RULES TO REPLACE ALL REFERENCES TO "HUMAN RESOURCES MANAGER" WITH "HUMAN RESOURCES DIRECTOR", AND AMENDING PERSONNEL RULE 1, SECTION 12, OUTSIDE EMPLOYMENT; PERSONNEL RULE 2, SECTION 5, RECLASSIFICATION; PERSONNEL RULE 5, SECTION 5, REASONS FOR DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL; PERSONNEL RULE 7, REQUIREMENTS FOR EMPLOYMENT; PERSONNEL RULE 9, SECTION 3, MEDICAL EXAMINATIONS; PERSONNEL RULE 10, SECTION 6, DURATION OF REGISTERS; PERSONNEL RULE 11, SECTION 2, REFERRAL OF ELIGIBLE CANDIDATES; PERSONNEL RULE 12, SECTION 1, PERIOD OF PROBATION, AND SECTION 3, PROBATIONARY RELEASE AND UNSUCCESSFUL COMPLETION OF PROMOTIONAL PROBATION; PERSONNEL RULE 15, SECTION 1, REQUESTING LEAVES OF ABSENCE; SECTION 2, LEAVE AUTHORIZATION (VACATION LEAVE); SECTION 8, SICK LEAVE ACCRUAL; SECTION 9, USE OF SICK LEAVE; SECTION 11, WORKERS' COMPENSATION; AND SECTION 18, EXEMPT EMPLOYEE SPECIAL LEAVE.

WHEREAS, the Human Resources Director is charged with preparing Personnel Rules for the administration of the City's merit system, including any necessary amendments thereto, and

WHEREAS, the Human Resources Director proposes amendments to the existing Personnel Rules which address both substantive and administrative matters, and

WHEREAS, the proposed amendments have been reviewed by the City Manager and referred for action;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona, as follows:

1. That all references in the City of Chandler Personnel Rules to the "Human Resources Manager" shall be removed and replaced with "Human Resources Director", which shall have the same meaning as "Personnel Officer" under the City of Chandler Charter.
2. That the Personnel Rules are amended as set forth below:

### **Personnel Rule 1, Section 12. Outside Employment**

*Amend Section 12.C. to state as follows:*

- C. All requests for approval to engage in outside employment shall be reviewed by the Human Resources Director, or designee, for potential incompatibility with the employee's City service. The Human Resources Director has authority to grant an exception and approve outside employment described

under subsection B of this Section if, after consideration of the relevant facts, it is determined that such employment is compatible with City service. A decision by the Human Resources Director regarding outside employment does not affect an employee's working conditions and is not grievable or otherwise appealable.

*Amend Section 12.J. to state as follows:*

- J. The approval requirements of this rule do not apply to work assignments performed by officers of the Chandler Police Department under the Extra Duty Program. Eligibility for Extra Duty work assignments will be suspended for any periods during which an employee is on continuous medical leave, industrial leave, Family and Medical Leave (FMLA), or Short-Term Disability (STD) leave.

#### **Personnel Rule 2, Section 5. Reclassification**

*Replace existing Section 5.A. in its entirety with the following:*

- A. If an occupied position is to be reclassified, the occupant shall be notified of the reclassification and assigned to the new class after approval of the reclassification by the City Manager or his designee.

#### **Personnel Rule 5, Section 5. Reasons for Disciplinary Actions Up to and Including Dismissal**

*Amend Section 5.B. to add new no. 20 and renumber existing no. 20 to 21 as follows:*

20. The employee has engaged in the surreptitious recording of conversations of other City employees.
21. The employee has engaged in any other conduct of equal gravity to the reasons enumerated in this rule.

#### **Personnel Rule 7, Requirements for Employment**

*Add new Section 5 to state as follows:*

##### **Section 5. Fitness for Employment (Background Investigations)**

The City Manager, or designee, is authorized by Ordinance No. 4623 to require fingerprint identification and criminal history record information for prospective and current employees for the purpose of evaluating fitness for employment by the City of Chandler. Criminal history record information will be required for applicants under the age of 18, current employees, temporary workers, and employees returning after a break in service only if the City Manager, or

designee, determines there is a significant risk associated with the position to be filled or the nature of the work to be performed.

### **Personnel Rule 9, Section 3. Medical Examinations**

*Amend Section 3 to state as follows:*

Appointments to the City service may be subject to a satisfactory pre-employment medical examination performed prior to commencement of the employment but only after a conditional job offer has been made. Such examinations shall be performed by a medical provider selected by the Human Resources Director. The City shall pay for the initial medical examination. The cost of any additional tests, analyses, or examinations shall be paid by the applicant unless required by the City.

### **Personnel Rule 10, Section 6.B. Duration of Registers**

*Amend Section 6.B. to state as follows:*

- B. Names of laid-off employees shall remain on the Register for two (2) years from the termination date of the employment. The name of a laid-off employee shall be removed from the register when re-employed by a department in the City into a position equal to the class the person formerly held or if the person rejects such an offer of employment.

### **Personnel Rule 11, Section 2. Referral of Eligible Candidates**

*Amend Section 2.E. to state as follows:*

- E. An eligible on an original employment register who accepts a position under the provisions of Section 2, paragraph D of this rule, will remain on the original register for the positions for which original eligibility was established unless removed in accordance with Section 7 of Rule 10.

### **Personnel Rule 12, Section 1. Period of Probation**

*Amend Section 1.B. to state as follows:*

- B. The initial probation shall consist of six (6) months of work for all classes except that for initial entry-level public safety employees, public safety dispatch and communication employees, public safety crime scene and forensic employees and detention officer trainees, the length of time shall be one year. The promotional probation shall consist of six (6) months for all classes.

**Personnel Rule 12, Section 3. Probationary Release and Unsuccessful Completion of Promotional Probation**

*Amend Section 3.B. to state as follows:*

- B. Unlike a probationary release, an employee dismissed or suspended without pay while on promotional probation shall have a right to appeal as provided by these rules. An employee who does not successfully complete promotional probation may be demoted to the class held prior to promotion without right to appeal. In such case, the employee will be demoted at the same rate of pay held prior to promotion and shall be returned to the former date of classification. If a vacancy does not exist, the layoff rule shall apply.

**Personnel Rule 15, Section 1. Requesting Leaves of Absence**

*Amend Section 1 to state as follows:*

All requests for leaves of absence with or without pay shall be made to the Department Director responsible for approval on forms approved by the Human Resources Director. All requests shall be submitted in advance of the beginning date of leave (except requests for unanticipated sick leave or leave for emergency situations which shall be submitted for approval at the earliest possible time). The duration and type of leave shall be recorded on the payroll records. Paid leaves of absence are subject to available leave credits unless special or administrative leave is granted pursuant to this rule. Scheduling of vacations is subject to the approval of the Department Director. For purposes of public accountability, the City of Chandler makes deductions of leave with or without pay for partial and full-day absences of exempt employees as defined by the Fair Labor Standards Act. However, work hours of exempt employees may be adjusted as a result of extra hours worked by exempt employees. In addition, as specified in Personnel Rule 5, Section 4.A, exempt employees shall not be suspended without pay for periods of less than one workweek, except as provided under the FLSA for violations of significant workplace conduct or safety rules, regulations and policies.

**Personnel Rule 15, Section 2. Leave Authorization (Vacation)**

*Amend Section 2 to identify the existing language as Subsection A and add new Subsection B to state as follows:*

- B. Vacation Leave of more than two consecutive weeks immediately preceding an employee's retirement date or resignation date shall require the approval of the City Manager.

**Personnel Rule 15, Section 8. Sick Leave Accrual**

*Amend Section 8.E. to state as follows:*

- E. Leaves of absence compensated under Workers' Compensation statutes shall be considered as paid service for absences no longer than 2,080 hours (or the equivalent as computed under the Rule for Fire Department employees assigned to more than a 40-hour week, or the Rule for regular employees who work less than full time but 1,040 hours or more per year in a part-time regular budgeted position) and sick leave credits shall continue to accrue.

**A. Personnel Rule 15, Section 9. Use of Sick Leave**

*Amend Section 9.F.5 to state as follows:*

5. For an approved Family & Medical Leave for the birth of a child or for the placement of a child with the employee for adoption or foster care, the employee may use up to 80 hours of sick leave (or the equivalent as computed under the Rule for Fire employees assigned to more than a 40 hour week or the Rule for regular employees who work less than full-time but 1,040 hours or more a year in a part-time budgeted position) if supported by a birth certificate or legal documentation of the placement of the adoptive or foster child. A medical certification will be required for the use of sick leave in excess of 80 hours (or equivalent).

**Personnel Rule 15, Section 11. Workers' Compensation**

*Amend Section 11.A. to state as follows:*

- A. In accordance with Arizona's Workers' Compensation statutes, employees are insured by the City against job-related injuries and illnesses occurring while performing duties within their scope of employment. The law provides for payment of medical expenses and, under certain circumstances, compensation for a portion of lost income. It is mandatory that every job-related injury or illness, regardless of severity, be reported immediately to the supervisor and a written report prepared and submitted to the City's Workers' Compensation Coordinator within 24 hours from the date of injury or illness.

*Amend Section 11.B.2.c. to state as follows:*

- c. The employee shall receive paid industrial leave for up to a maximum of 2,080 hours (or the equivalent as computed under the Rule for Fire Department employees assigned to more than a 40-hour week or the Rule for regular employees who work less than full time but 1,040 hours or more per year in a part-time regular budgeted position) for absences involving the same injury/illness.

*Amend Section 11.B.2.d. to state as follows:*

- d. When the employee's paid industrial leave is exhausted, the employee may voluntarily supplement Workers' Compensation benefits with accrued sick leave if available. If all sick leave has been exhausted, an employee may then use, if available, vacation leave and/or compensatory leave for the hours absent. The amount that may be supplemented is the difference between the Workers' Compensation benefits and what will approximate the employee's net take home pay including voluntary payroll deductions and excluding overtime.

*Add new Section 11.B.2.e to state as follows:*

- e. If industrial leave is exhausted, and the employee cannot return to his or her position because the employee is unable to perform the essential functions of the job with or without a reasonable accommodation, the employee may be resigned from the City in good standing for health reasons.

*Renumber existing Section 11.B.2.e. to 11.B.2.f. and existing Section 11.B.2.f. to 11.B.2.g. as follows:*

- f. If the injury/illness was due to the employee's reckless or intentional behavior, the City shall not provide paid industrial leave. Instead, the employee may voluntarily supplement Workers' Compensation benefits with accrued sick leave. If all sick leave has been exhausted, an employee may then use, if available, vacation leave and/or compensatory leave for the hours absent. The amount that may be supplemented is the difference between the Workers' Compensation benefits and what will approximate the employee's net take home pay including voluntary payroll deductions and excluding overtime. If leave is not available or has been exhausted, the employee shall be placed on industrial leave without pay.
- g. Premiums for health, dental, and life insurance paid by the City shall continue to be paid when the employee is on industrial leave and is receiving workers' compensation, not to exceed 2,080 hours (or equivalent).

### **Personnel Rule 15, Section 18. Exempt Employee Special Leave**

*Amend Section 18 to eliminate Subsection B and amend Subsection A to state as follows:*

- A. The Department Director may approve special leave with pay not charged to any leave credits for exempt employees not to exceed four working days in any one year, which is defined as the period between the first pay period with a pay day in January and the last full pay period with a pay day in December.

PASSED AND ADOPTED BY THE City Council of the City of Chandler, Arizona, this 30th day of April, 2015.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4847 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 30th day of April, 2015, and that a quorum was present thereat.

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY *REX*