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## **CHAPTER 1**

### **Purpose**

#### **A. Policy Statement**

The City of Avondale, in extending services to its citizens, acknowledges that the well being of its employees is essential to maintaining a high standard of operation. A sound employee-management association makes it possible for the City Manager, department directors/managers, and the employees to cooperatively develop an adequate personnel program. These policies and procedures set forth the principles and procedures, which will be followed by the City of Avondale in the administration of its personnel program. It is not, however, a contract. They are intended to establish an efficient, equitable, and functional system of personnel administration based on merit principles.

#### **B. Suggestions**

Suggestions for the improvement of any portion of the City's services are encouraged and welcome. Suggestions will be submitted to the department manager and forwarded to the City Manager.

## **CHAPTER 2**

### **Organization for Personnel Administration**

#### **A. Mayor/City Council**

The Mayor and the City Council will be the ultimate policymaking authority for the City of Avondale in matters pertaining to personnel administration.

#### **B. The City Manager**

The function of the City Manager is to aid in the formulation of personnel policies, to prescribe policies, and administer policies and procedures with the aim of facilitating personnel administration for the City departments. The City Manager is charged by the City Council with insuring the continued fair administration of the human resources programs which will include recruitment, interviewing, testing job applicants (where applicable), maintaining eligibility lists from which appointments are made, insuring that all appointments are made on the basis of merit, aiding in the formulation and interpretation of personnel policy, maintaining the classification plan, administering the pay plan, keeping records on all employees, supervising the grievance procedures, promoting training programs, and fostering good employee relations. The City Manager will be ultimately responsible for maintaining the appropriate discipline among city employees and accomplishing such other personnel matters as deemed appropriate by the Mayor and City Council.

#### **C. Scope**

The City of Avondale is divided into the exempt, nonexempt and temporary services. The purpose of the exempt and nonexempt services is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of the Human Resources Department. The policies established by these policies and procedures will apply to all positions and employees in the exempt and nonexempt services in compliance with applicable FLSA and DOL regulations.

##### **1. Exempt Positions**

Exempt positions include the following:

- a.) All elected officials and members of boards and commissions.
- b.) Volunteer personnel and personnel appointed to serve without pay on ad hoc committees.
- c.) Consultants and counselors providing temporary professional service.
- d.) The City Manager, Assistant City Manager, City Clerk, City Magistrate, City Attorney, and other personnel meeting Fair Labor Standards Act guidelines and so designated by the City Manager.

**2. Classified Positions**

Classified positions include all regular, full-time, part-time, and temporary positions provided for by these policies.

**3. Temporary Positions**

These positions involve temporary employment. The position will be no longer than six (6) months in duration. Request for extensions will be forwarded to the Human Resources Department.

**D. Administration**

The Human Resources program established by the policies and procedures will be administered by the City Manager or his/her designee, the Human Resources Director. The Human Resources Director will:

1. Attend all meetings of the Independent Hearing Officer.
2. Administer all provisions of these policies and procedures.
3. Prepare and recommend to the City Manager revisions and amendments to these policies and procedures.

**E. Administration of the Rules**

The City Manager, or his/her designated representative, will be charged with the responsibility for the administration of these policies and procedures.

**F. Department Regulations**

These policies and procedures will not be construed as limiting in any way the power and authority of any department manager to make departmental policies and procedures governing the conduct and performance of employees. Departmental policies and procedures will not conflict with provisions of these policies and procedures. If such a conflict exists, these policies take precedent over department policies. Department policies and procedures, when approved by the City Council, then published and distributed as herein provided, will have the force and effect of policies and procedures of that department, and disciplinary action may be based upon breach of any such policies and procedures. Department policies and procedures will be reviewed and approved by the City Manager.



## **CHAPTER 3**

### **Applications**

#### **A. Application Forms**

All applications for employment must be submitted on-line at [www.avondale.org](http://www.avondale.org).

#### **B. Americans with Disabilities Act**

The City of Avondale endeavors to make all of its programs, services, facilities, and employment opportunities available to, accessible for, and usable by qualified individuals with disabilities. The City has adopted a procedure for prompt and equitable resolution of complaints alleging discrimination by the City on the basis of disability or a violation of the Americans with Disabilities Act. For individuals in need of some reasonable accommodations in the application or interview process, or if such accommodations are denied, contact the Human Resources Director.

#### **C. Pregnancy Discrimination Act**

The City of Avondale will not discriminate on the basis of pregnancy, childbirth or related medical conditions which constitutes unlawful sex discrimination under Title VII. The City of Avondale will treat women affected by pregnancy or related conditions in the same manner as other applicants or employees with similar abilities or limitations.

#### **D. Equal Employment Opportunity**

All persons will be given equal consideration in hiring, promotion, compensation, training, discipline, and all other terms and conditions of employment without regard to race, religion, color, sex, age, national origin, disability, genetic and family medical history information, medical marijuana cardholder status or any other legally protected status.

#### **E. Filing Application Forms**

All applications for employment must be submitted online at [www.avondale.org](http://www.avondale.org). Resumes will be accepted only as a supplement to the application.

Applications will only be accepted for positions that are currently open.

A separate online application must be submitted for each position.

Completed applications and supplements (if applicable) must be submitted online by the date and time indicated on the posting.

Applications will only be accepted when submitted online and fully completed.

## **F. Screening of Applicants**

Applicants for all examinations must meet the minimum qualifications for the class of positions for which they are applying. Qualifications will be evaluated on the basis of information provided on the application form. Failure to provide sufficient information may be cause for rejection of the applicant. This list is without limitations. Other causes for rejection include:

1. A lack of the minimum qualifications required for the position.
2. Whether the applicant is eligible to work in the United States.
3. Whether the applicant has been convicted of a crime involving moral turpitude.
4. If the applicant has made any false statement of any material fact or attempted to practice any deception or fraud on his/her application or attachments or exams or resumes.

## **G. Drug Screening for New-Hires**

Applicants selected to appointment to specified positions with the City of Avondale will first successfully pass a drug-testing program. Failure to pass the test will disqualify an applicant from any future consideration of employment for a period of one (1) year. If an applicant begins employment before the results of the drug test are received, and the applicant tests positive for illegal drug use, they will be immediately terminated from employment and not eligible for consideration for re-employment for a period of one (1) year. The City of Avondale complies with DOT drug testing guidelines.

## **H. Physical and Mental Fitness**

All applicants for employment will meet the physical and mental performance requirements of the positions they seek. Impairments will be favorably considered if the disabilities are such that the applicant can be expected to perform the essential functions of the position requirements with reasonable accommodation, if necessary. A physical and psychological examination, if required, will be done by an Independent Medical Examiner. The expense of medical examinations, when required, will be borne by the City of Avondale.

## **I. Examinations**

Certain positions may be subject to competitive testing. Applicants will be informed of the nature of such testing in advance.

## **J. Employment Certified Lists**

As soon as possible after the completion of an examination or selection process, the Human Resources Director will prepare and keep available an employment certified list consisting of the names of candidates who qualified in the examination and are selected during the process.

The certification list will be arranged alphabetically by name. An employment certified list will also be maintained on all vacancy announcements that do not require examinations.

### **1. Duration of Certified Lists**

Employment certified lists will remain in effect for up to six (6) months, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Human Resources Director for additional periods, but in no event will employment certified lists remain in effect for longer than one (1) year.

### **2. Removal of Names from Certified Lists**

The name of any person appearing on an employment certified list, or a promotional list, will be removed by the Human Resources Director if the eligible person requests, in writing, that his/her name be removed, if he or she fails to respond to a notice of certification mailed to his/her last known address, or for any of the reasons specified in these policies and procedures. The names of persons on promotional employment lists who resign from the service will automatically be dropped from such lists.

## **CHAPTER 4**

### **Recruitment and Selection**

#### **A. Equal Employment Opportunity**

It is the policy of the City of Avondale to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, age, disability, citizenship, genetic and family medical history information, medical marijuana cardholder status or any other legally protected status. The City of Avondale strictly prohibits any such discrimination or harassment. 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, and compensation.

#### **B. Affirmative Action Policy**

The City of Avondale is committed to the principles of affirmative action and proactively seeks to hire and promote qualified minorities, women, disabled persons, and veterans throughout all levels of the organization.

#### **C. Vacancies**

All vacancies in any class of position in the exempt and nonexempt services will be filled by an eligible applicant from an appropriate certified list or by means of voluntary demotion or a lateral transfer as approved by the Human Resources Director.

#### **D. An Applicant for Full-time Employment**

An applicant for full-time employment must be at least eighteen (18) years of age by the date of hire, and must be able to perform the essential functions and duties of the position, with or without reasonable accommodation.

#### **E. Preference Points**

Preference points shall be applied in accordance with Arizona Revised Statutes (ARIZ. REV. STAT. § 38-492).

#### **F. Recruitment and Selection Process**

##### **1. Recruitment and Selection Process**

The Human Resources Director is the final decision making authority with regard to the entire recruitment and selection process.

##### **2. Vacancies**

When a vacancy occurs, the department shall notify the Human Resources Department by sending a Personnel Requisition Form (PRF). The Human Resources Department will verify the information, check for a current eligibility list, and consider any special circumstances.

### **3. Recruitment Strategy**

- a. Human Resources will meet with department representative(s) to determine the steps in the recruitment and selection process and devise a recruitment plan. The position will be reviewed and analyzed to make sure the job description is current and reflects the current requirements of the position.
- b. The Human Resources Department will advise departments on advertising and outreach approaches to insure a diverse applicant pool. Labor market conditions and/or any special requirements of the position will determine recruiting sources to be used, and the recruitment time period.
- c. Vacancies will generally be filled through an “open-competitive” recruitment process. These recruitments are open to the public. Although the City aspires to attain these goals, exceptions to the general rule will inevitably occur. The Human Resources Director has the authority to approve any exception to these guidelines. “Closed-promotional” recruitments are open only to City employees, and must be approved by the Human Resources Director. A department director’s request for closed-promotional recruitment must include a written explanation of how “closed promotional” recruitments will meet the requirement for a diverse and qualified pool of applicants.

### **4. Recruitment**

- a. Notices of all City recruitments will be posted on the City internet and any other sources identified by the hiring department and the Human Resources Director.
- b. All applications for employment must be submitted online at [www.avondale.org](http://www.avondale.org). Resumes will be accepted only as a supplement to the application.
- c. Applications will be accepted only during the posted recruitment period. A separate application must be submitted for each position.
- d. Closing Date Deadline. Completed applications and supplements (if applicable) must be submitted online by the date and time indicated on the posting.
- e. Submission of Applications. Applications will only be accepted when submitted online and fully completed.

## 5. Examinations

### a. Screening Applications

- (1) The first step in the selection process is to screen applications for the minimum qualifications (MQs). Each application is reviewed for the education and experience to meet the stated MQs on the job announcement. Applicants who do not meet the MQs for a position shall not be eligible for employment.
- (2) The Human Resources Director and the hiring department will generally determine the method of evaluating the MQs prior to the job announcement.
- (3) The Human Resources Department will generally notify all applicants on the status of their application after the screening process. All applicants who meet the MQs will have their name placed on an eligibility list. Departments will use this list to select the most qualified candidates who will continue in the selection process. Job selection criteria must be job related and specific to the position that is being filled.

### b. Testing

- (1) The selection process may contain one or more tests, including but not limited to interviews, written tests, skill tests, physical ability/fitness tests, polygraphs, psychological tests, medical tests, and background checks. Departments must submit to the Human Resources Department the names of applicants to be tested, criteria used for selection, test information, and panel composition prior to any testing. The Human Resources Director will review and approve all tests and the composition of interview panels.
- (2) The Human Resources Department will be responsible for the administration and security of all tests and testing materials.
- (3) The Human Resources Department shall send notification to applicants on test and selection results.

### c. Reference and Background Checks

- (1) The Human Resources Department will conduct background and reference checks on all applicants that are being considered for hire.
- (2) Required education and professional certifications will generally be verified.

## 6. Selection

### a. Conditional Offer

- (1) Prior to making a job offer the hiring department shall consult with the Human Resources Department to discuss the selection, starting date, salary offers, etc. All background, reference, and testing information must be reviewed and confirmed by the Human Resources Department before an offer will be made.
- (2) Once the candidate has been selected and a salary offer is confirmed, the Human Resources Department will extend a conditional offer (contingent upon successful completion of the pre-employment drug testing (specified positions only) and/or medical examination(s) (specified positions only). When a candidate accepts, the Human Resources Department will send an “offer letter” to the candidate. Employees may not start work until the Human Resources Department has notified the hiring department that the employee has successfully completed the necessary pre-employment examination(s).

### b. Medical, Psychological and Polygraph Examination

- (1) A pre-employment drug screen (specified positions only) or medical examination is required (specified positions only).
- (2) Once a conditional offer of employment has been made to the applicant, the Human Resources Department will contact the candidate to schedule a pre-employment drug screen (specified positions only) and, if required, a physical and psychological examination (specified positions only).
- (3) The Police Department and Court require a pre-employment psychological and polygraph examination for the majority of their positions.
- (4) After consultation with the department director and appropriate subject matter experts, the Human Resources Director will make the final determination of fitness for employment based on the results of pre-employment examinations.

### c. Required Documentation

New hire paperwork must be carefully reviewed and completed within two days of the start of employment. The paperwork to be reviewed, completed, and filed in the Human Resources Department includes:

- Personnel Action Form
- Application for Employment
- Retirement Enrollment Form
- Loyalty Oath (Arizona Revised Statutes 38-231)
- I-9 Form (Employment Eligibility Verification)

- W-4 Form (Federal Withholding Allowance)
- A-4 form (State Withholding Allowance)
- Personnel Policy Manual Receipt and Acknowledgement Form
- Kronos Acknowledgment Form
- Information Technology Policy Receipt Acknowledgement Form
- Signed copy of the Job Description

New hires that fail to provide appropriate I-9 documentation are subject to termination and will not be permitted to work for the City of Avondale.

d. Fingerprinting

The Human Resources Department will conduct fingerprinting for all employees and volunteers.

The Human Resources Department will notify departments of any relevant criminal history and assist with any follow-up necessary.

e. Returning Recruitment Materials to Human Resources Department

All recruitment and testing materials, including interview questions and rating forms, must be returned to the Human Resources Department after the position has been filled. All applications will be returned to the Human Resources Department. The application of the selected applicant must be returned to Human Resources.

f. Training

All newly hired full-time and part-time regular status employees are required to attend new employee training as soon as possible following their date of hire. Temporary and contractual staff as well as volunteers may attend if referred by their supervisors.

The department must call the Human Resources Department to schedule all new full-time and part-time employees.

g. Temporary Appointments

(1) When the need for a temporary employee occurs, the department shall notify the Human Resources Director by sending a personnel requisition form (PRF). The hiring department will contact the Human Resources Department to discuss the salary, length of employment, and options to be considered. A PRF must be completed and approved by the Human Resources Director and Budget Manager prior to an offer of employment being made to an individual.

(2) Length of Temporary Employment

- (a) In order to work within legal constraints and to preserve the “temporary” status of temporary employment, the maximum length of continuous service that a temporary employee can be employed will be one (1) year.
- (b) An exception to the one-year time limit can be made for temporary employees who are hired to work less than nineteen (19) hours per week. Requests for exceptions to the one-year limit under this provision shall be submitted in writing to the Human Resources Director for approval.
- (c) Temporary employees categorized as “seasonal” are not subject to the one-year service limit. “Seasonal Appointments” are defined as: performing duties for only one season or project per year, working no more than six (6) consecutive months during a twelve (12) month period, and having at least a six (6) month break in service before being rehired for the next season or project. This provision applies to all departments throughout the City.
- (d) Some temporary employees work on an as needed basis for the City and are kept on the records as active employees year round, even though they may only work sporadically during the year. Department directors will notify Human Resources of temporary employees working more than twenty (20) hours a week for twenty (20) weeks in a fiscal year.

(3) Temporary Agency Staffing

Temporary employees working through a temporary agency can be paid the salary the department and agency agree upon. Temporaries hired through City of Avondale must be hired within the pay range for an equivalent job. The Human Resources Director will discuss the salary with the department at the time the PRF is received.

(4) Nepotism

As with all employees, the City’s nepotism policy also applies to all temporary employees, including those hired through a temporary agency. It is the department director’s responsibility to ensure compliance with this policy.

(5) Payroll Taxes and Retirement Contributions

Temporary employees are subject to the normal payroll taxes including federal and state income tax and social security tax. Temporary employees may be subject to Arizona State Retirement System contributions if the employee works twenty (20) or more hours per week for twenty (20) or more weeks per fiscal year. The employee may also be subject to retirement contributions if the employee is already contributing to the retirement system through another employer. It is the responsibility of the department director to determine the employee’s eligibility for retirement contributions.

## **G. Seasonal Appointments**

Seasonal appointments will be made to positions that are seasonal in nature. Initial appointments shall be made from certified eligibility lists. A person who receives a seasonal appointment is eligible for successive seasonal appointments to the same class without re-evaluation procedure or re-certification. Appointments of seasonal employees will be limited to a maximum of six (6) months of consecutive employment in a twelve (12) month period.

## **H. Limited Appointments**

Limited appointments will be made to positions that are expected to support special projects for a limited time period. Appointments shall be made for no less than twelve (12) months and no more than three (3) years. The length of the appointment is dependent upon project needs, available revenue from the funding source, and/or the City's ability to fund the appointment. Limited appointments shall be made from certified eligibility lists. Refusal of a candidate on an eligibility list to accept an appointment to a limited position will not affect eligibility to a regular appointment.

## **I. Non-budgeted Appointments**

All requests for non-budgeted appointments must be made in writing through the Human Resources Director and approved by the City Manager. Written approval from the City Manager must be received by the Finance and Budget Department and the Human Resources Department prior to the appointment of an employee.

## **J. Emergency Appointments**

In the event of an emergency, the City Manager may select and appoint persons without regard to the policies and procedures governing appointments, but in no case will such emergency appointments continue longer than ninety (90) days nor will it be renewed after ninety (90) days by successive appointment of the same person to the same class in the same department.

## **K. Probationary Period**

All appointments to positions in the service of the City of Avondale are made subject to a probationary period.

### **1. Purpose**

The purpose of a probationary period is to provide a reasonable time for the employee to perform the full range of duties of the position and allow the City a reasonable amount of time to fully assess the employee in this position. All appointments to classified positions in the City of Avondale are subject to an original probationary period consisting of full-time, active, continuous employment. The probationary period may be adjusted to exclude suspensions, leaves of absence, sick, and vacation leave or any other absences.

a. Types of Probation. There are two types of probation, original probation and promotional probation.

(1) Original Probation.

- (a) Duration of Original Probation. An original probationary period is one year except as noted otherwise. Upon request of a department director, the Human Resources Director may establish a longer period for any class of positions in the department. In no case will the specified probationary period for a class be less than one year.
- (b) Police. Sworn Police Officers shall complete a twelve (12) month original probationary period following graduation from the training academy. All other Police Department positions shall serve a twelve (12) month original probationary period. Probation may be extended up to an additional six (6) months. All certified detention staff will serve a twelve (12) month original probationary period following graduation from the training academy.
- (c) Fire. Firefighters shall complete a twelve (12) month original probationary period following graduation from the recruit training academy. All other Fire Department positions under the Public Safety Retirement System shall serve a twelve (12) month original probationary period. Probation may be extended up to an additional six (6) months.
- (d) Extensions of Original Probation. A department director may extend an employee's original probationary period. These extensions must be made in writing and acknowledged by the employee and the Human Resources Department. No original probationary period may be extended beyond six (6) months. The Human Resources Department must authorize any extension of probation. The probationary period may be extended to include suspensions, reductions in pay in lieu of suspension without pay, sick, and vacation leaves, leaves of absence, or any other absences. Employees on original probation may have their probationary period extended due to performance concerns identified in their performance evaluation.
- (e) Completion of Original Probation. The department director must evaluate a probationary employee and submit an employee performance evaluation to the Human Resources Department at least fifteen (15) days prior to the expiration of the employee's probationary period. If an employee performance evaluation is not submitted fifteen (15) days prior to the expiration of the employee's probationary period, the probationary period of the employee will automatically be extended for thirty (30) calendar days. Written justification must be provided to the employee to extend the original probation beyond the thirty (30) calendar day period. At the end of

the thirty (30) day automatic extension the Human Resources Department will bring the department management and the probationary employee together to determine probationary status. Completion of probation shall not be considered automatic and shall not occur by default. Completion of probation shall be indicated by submission of a performance evaluation to the Human Resources Department. A satisfactory performance evaluation is required to justify completion of probation.

- (f) Termination. If the department director determines at any time during an original probationary period that the services of the probationary employee are no longer required for any reason or for no reason, the employee may be dismissed without the right of appeal. A written notice of termination must be provided to the probationary employee. All terminations of probationary employees must be authorized by the Human Resources Department.

(2) Promotional Probation.

- (a) Duration. An employee who is promoted shall serve a six (6) month promotional probationary period except as noted otherwise in these policies. Employees on promotional probation may have their probationary period extended due to performance concerns identified in their performance evaluation. No promotional probationary period may be extended beyond three months. The Human Resources Department must authorize any extension of probation. The probationary period may be extended to include suspensions, reductions in pay in lieu of suspension without pay, sick, and vacation leaves, leaves of absence, or any other absences.
- (b) Police. All Police Department employees shall serve a twelve (12) month promotional probationary period.
- (c) Fire. All Fire Department positions under the Public Safety Retirement System shall serve a twelve (12) month promotional probationary period.
- (d) Extensions. The probationary period for fire employees under the public safety retirement system and for all police employees may be extended to include suspensions, reductions in pay in lieu of suspension without pay, sick, and vacation leaves, leaves of absence, or any other absences. Employees on promotional probation may have their probationary period extended due to performance concerns identified in their performance evaluation. No promotional probationary period may be extended beyond six (6) months. Human Resources must authorize any extension of probation.
- (e) Reversions. An employee who fails to successfully complete a promotional probation shall revert to a vacancy in the current employing department in the class in which regular status was held immediately prior to the

promotion, without the right of appeal. A reversion shall not preclude the imposition of any disciplinary action. A reduction in force may be conducted if no vacancy exists.

b. Demotion

Except as otherwise provided in these policies, if a department director demotes an employee, the employee shall not be required to serve a probationary period in the position to which demoted unless the employee was still on probation at the time of the promotion.

c. Reduction in Grade for Promoted Employees

Employees serving a probation period as a result of promotion may be returned to their former positions for a variety of reasons. Promoted employees reduced in grade for non-disciplinary reasons may be returned to their former positions in the classified service without having to repeat the probation period for that position.

d. No Appeal Rights

The City may, within its sole discretion, suspend or dismiss any employee during his/her original probationary period and demote any employee during his/her subsequent promotional probationary periods. There is no right of appeal for such actions.

e. Accrual of Leave

Employees serving an original probationary period will accrue leave. During the original probationary period accrued leave may be granted with the approval of the department director.

## **CHAPTER 5**

### **Classification and Compensation**

#### **A. Purpose of the Classification Plan**

The City's job classification system provides a structured, consistent method and quantitative techniques for arriving at objective compensation and classification decision. Some of the criteria used for determining job classifications include job duties, education and training, decision-making authority, supervisory responsibility, contacts with others as required by the job, working conditions, and other qualifications.

##### **1. Classification Plan**

A position classification plan based upon and graded according to assigned work duties and responsibilities will be developed and maintained by the Human Resources Department to provide standardization and classification of all positions in the City service. Before the implementation of said plan it will be approved by the City Manager. With the approval of the City Manager, new classifications may be established, combined, or abolished. The position classification plan will include:

- a. Outline of classes of positions in the classified service arranged in appropriate occupational group.
- b. Class specifications.

##### **2. Administration of Classification Plan**

The City Manager will instruct the Human Resources Director to conduct position classification studies at such times as he/she deems it necessary or whenever the duties and responsibilities of existing positions have undergone significant change. In addition, a classification study will be made when new positions are to be established, or may be requested by a department manager. If the Human Resources Director finds that a substantial change in organization, creation of change of position or other pertinent conditions warrant the amendment of the existing class, he/she may amend the classification plans subject to review and approval by the City Manager.

## **B. Compensation Plan**

### **1. Philosophy**

The philosophy of the City of Avondale is to provide an equitable compensation program for all employees. The basic concept of the pay system is that job responsibility and job performance as well as market influence will be the key determinants of an employee's salary. The City is dedicated to providing an atmosphere that demonstrates a commitment to service excellence and customer satisfaction.

### **2. Purpose**

The purpose of the City's pay system is to attract, retain, and motivate employees through the payment of financial compensation that is commensurate with the individual's ability, responsibility and contribution toward the City's goals. This program is designed to recognize and reward performance, and achieve internally equitable and externally competitive market compensation.

### **3. Objectives**

The objectives of the City's compensation program are:

- To clearly define the essential functions of each position through written job descriptions;
- To provide compensation that is competitive with jobs outside the City;
- To provide recognition for superior performance;
- To comply with federal, state and local regulations;
- To establish a system that is fiscally sound and cost effective;
- To provide a program that is understood by employees;
- To provide a pay system that can easily be administered and maintained; and
- To establish a salary range for each job that is based on a systemic blending of the job's internal worth to the City and the job's external value in the market.

### **4. Compensation Policy**

The compensation program for the City is based on the following compensation policy.

- a. The City will provide total compensation opportunities of direct pay, specialty pays, indirect pay (e.g. benefits), career opportunities, etc., that are a blend of the total compensation opportunities offered by its competitors and the objectives of the City's compensation program.
- b. Each job classification in the City will have a salary range defined by minimum, mid, and maximum dollar limits. The ranges define the pay

opportunities for the job. Pay for each employee shall be within the assigned range.

- c. Each job classification in the City will have a written job description. Job descriptions will be reviewed annually or as scheduled by the Human Resources Department. Employee will be provided with a copy of their respective job descriptions.

## **5. Maintenance of Compensation Plans**

- a. Compensation plans shall be reviewed by the Human Resources Department at least every two (2) years or as directed by the City Manager. The Human Resources Department will utilize current salary data obtained from relevant competitive employment markets and other pertinent factors as a basis for maintaining the compensation plans.
- b. Periodic salary surveys will be used as a means to monitor the movement of salaries within the market. Adjustments will be made to the compensation plans subject to the City's overall financial state as determined by the City Council and City Manager.

## **6. Pay Computation**

For hourly employees not exempt from the overtime requirements of the Fair Labor Standards Act ("non-exempt"), gross pay is computed by the hours worked times the rate of pay. Human Resources will determine whether an employee is eligible to receive overtime pay. Net pay for all employees, both hourly and salaried, will be computed by subtracting applicable deductions, e.g., federal and state income tax withholdings, applicable Retirement System contributions, Social Security, etc., from gross pay.

## **7. On-Call Policy**

Certain departments may make non-exempt positions eligible for on-call compensation when the employee is required to be on-call. The employee must be accessible and available for work upon being contacted via telephone, cell phone, or pager (beeper). The employee must be available to report to work within a reasonable time (one hour) after being contacted by the City, if needed. The employee must also be in a physical condition that allows him/her to resume duty.

- a. Definitions

***"On-call"*** means when an off-duty employee must remain available to be called back to work on short notice if the need arises. An employee is considered to be on-call only when assigned by the City.

**“On-call pay”** means the additional compensation awarded to employees who are required to remain on-call during off-duty hours.

**“On-call status”** means the state of an off-duty employee required to remain on-call. An employee is considered to be in on-call status only when assigned by the City. Hours spent in on-call status will not be considered hours worked for the purposes of calculating overtime compensation.

**“On-call time”** means the periods of time when an employee is off-duty but is required to remain on, or close to, the City premises or to respond to a call or page within a specified period of time, resulting in the employee being unable to effectively use such time to attend to his or her own personal activities. On-call time will not be considered hours worked for the purposes of calculating overtime compensation.

**“Callback”** means when an employee has left the work site and is requested to respond on short notice (either by returning to work or via telephone/computer) to a work situation to:

- (1) Avoid significant service disruption.
- (2) Avoid placing employees or the public in unsafe situations.
- (3) Protect and/or provide emergency services to people, property and/or equipment.
- (4) Respond to emergencies.

b. On-call/Callback Compensation

(1) On-call Pay Rate

An employee assigned to on-call status will be compensated at the rate of two dollars per hour (\$2.00/hr) as on-call pay of on-call time. On-call hours begin after the completion of the on-call employee’s scheduled workday and continue until resuming work the following workday.

(2) Callback Pay Rate

When an on-call employee is called back to work after completing the regular work schedule and leaving the premises, the employee shall be paid for time actually worked upon return or a minimum of two (2) hours at their regular hourly or base rate, whichever is greater. Sworn police employees covered under the Police Association shall refer to the MOU for call back rate calculations.

(4) On-call Status Hours Not Included in Overtime Compensation Calculation

On-call time will not be considered hours worked for the purposes of calculating overtime compensation. Only hours actually worked (over forty (40) hours in a workweek) will be included in the computation of overtime unless otherwise specified in these policies.

(5) On-call Pay Exclusions

Employees will not receive on-call pay when they are:

- On vacation leave
- On sick leave
- On administrative leave
- Receiving short-term disability benefits
- Receiving worker's compensation benefits
- On bereavement leave
- On an approved leave of absence
- Not available to work
- Restricted to light duty
- Restricted from performing work activities

c. On-Call Duty Requirements

- (1) Employees serving on-call status must adhere to all of the following requirements:
  - (a) Thoroughly check the working status of the cell phone before on-call status begins and maintain it in operational mode at all times.
  - (b) When notified, respond and arrive at work within one (1) hour or less.
  - (c) Arrive fully capable of performing the function of the job.
- (2) If an employee does not meet the criteria as defined above, he/she will forfeit the on-call pay from the time of the first attempt to contact him/her to the end of the "on-call" time period.
- (3) Each employee will be responsible for documenting each time he/she is on-call and forward to his/her supervisor to approve the on-call time.
- (4) An employee who is assigned to on-call status and cannot be reached or does not report within one (1) hour of being contacted may face disciplinary action.

## **8. Incomplete Pay Period**

A nonexempt hourly employee who does not work his/her regularly scheduled work week will be paid only for the number of hours actually worked in the pay period at his/her regular hourly rate of pay, unless such absence is authorized by his/her department director.

## **9. Overtime**

### **a. Policy**

It is the policy of the City of Avondale to discourage overtime work for non-exempt hourly employees, except when required to safeguard public health, safety or property. However, overtime may be assigned by the department director or City Manager as may be necessary to meet operating needs. Non-exempt employees have the right to be paid for overtime worked. Exempt employees are not eligible for overtime compensation. The Human Resources Director determines the exempt and non-exempt status according to the classification of the position, and in compliance with the Fair Labor Standards Act ("FLSA").

### **b. Overtime Authorization**

An employee is expected to seek advance approval for overtime work and to report overtime worked at the time of reporting other hours worked in a work-reporting period. Overtime by non-exempt employees must be approved in advance, but if worked it must be compensated, whether approved or not. An employee that has worked unauthorized overtime may face disciplinary action up to and including termination.

### **c. Overtime Compensation**

#### **(1) Overtime Pay Rate**

When overtime work is performed and authorized, a non-exempt hourly employee will be compensated at the rate of one and one-half (1.5) the amount of his/her hourly rate for hours worked in excess of forty (40) hours within the designated workweek, as provided by law or as otherwise provided for in these policies.

#### **(2) Compensatory Time Off**

(a) In lieu of monetary payment at the overtime pay rate set forth in these policies, non-exempt employees may elect to take compensatory time off ("comp time") for overtime hours worked, with approval of the supervisor. Upon approval, overtime shall be

compensated at the rate of one and one-half (1.5) hours of comp time for every one (1) hour of overtime worked by the employee.

- (b) The maximum number of comp time hours that any employee will be permitted to accrue shall be sixty (60) hours (forty (40) hours of actual overtime worked). The use of comp time by the employee shall be scheduled in accordance with departmental guidelines and procedures. An employee shall be permitted to use accrued comp time within a reasonable period after it is requested if, in the judgment of the supervisor, it does not unduly disrupt the operation of City services. Sworn police employees covered under the Police Association shall refer to the MOU for comp time accrual maximums.
- (c) The City reserves the right to pay out compensatory time balances to the employee at any time.
- (d) All compensatory time that is not used that remains on the books at the close of the fiscal year will be paid out to the employee.
- (e) Upon separation from City employment, employees with a compensatory time balance will be paid at their current regular rate of pay. An employee who is promoted or reclassified to an exempt position will be paid for any comp time balance at their regular rate of pay prior to the personnel action.

## **10. Transfers**

- a. Employees may be voluntarily or involuntarily transferred from one position to another within the same classification or salary range. The transfer must be in the best interest of the City of Avondale and/or for the development of the employee, as determined by the City Manager.
- b. Employees desiring a voluntary transfer must submit a transfer request and an application to the Human Resources Department. The transfer request and application will be valid until December 31 of each year. Employees wishing to remain on a transfer eligibility list must submit a new transfer request.
- c. When an employee is transferred, the department director of the department to which the employee is transferred may request an increase not to exceed five percent (5%) if the employee possesses special qualifications of benefit in meeting the needs of the new department. Justification for an increase must be provided in writing to, and approved by, the Human Resources Department prior to the effective date of the transfer. Otherwise, no increase shall be granted.

- d. Transferred employees retain their review date for performance evaluations and rate of pay. All leave accruals will remain the same.

## **11. Promotion**

- a. Employees promoted to a higher classification shall be placed in the new classification salary range and shall receive an increase in their base pay in commensurate with their experience, education, and current market conditions. Justification needs to be submitted in writing to the Human Resources Director and must be approved by Human Resources. Anything over midpoint of the new classification range will also require approval of the City Manager. Promotional increases shall not exceed the maximum of the new salary range. Promoted employees will serve the appropriate promotional probationary period applicable to the new position.
- b. Promotional pay increases shall become effective at the beginning of the next pay period.

## **12. Reclassification**

- a. A position may be reclassified on the basis of changes in the duties and responsibilities or qualifications for the position. A reclassification or job title changes requires approval of the Human Resources Director and the City Manager.
- b. If a reclassification results in an employee being assigned to a higher pay range the employee will be placed in the new pay range with a five percent (5%) increase unless more is required to reach the minimum of the new range. A reclassification shall not cause an employee to exceed the maximum of the new pay range.
- c. If an employee is assigned to a lower pay range the employee will be placed in the new pay range without any decrease in pay. If the employee's rate of pay exceeds the maximum of the new range then the employee will be ineligible for any base pay increases. When the range increases to exceed the employee's base rate then the employee will again be eligible for base rate increases.

## **13. Involuntary Demotion**

- a. Employees, who are involuntarily demoted as a result of disciplinary action, shall be placed in the new classification and their rate of pay shall be reduced by at least five percent (5%) from their present rate of pay. The new rate of pay shall not exceed the maximum of the lower salary range. The review date for performance evaluations shall remain the same.
- a. Reduction in pay as a result of involuntary demotion will be effective at the beginning of a pay period.

#### **14. Voluntarily Demotion (requested downgrade)**

Employees may be voluntarily demoted from one position to another. Employees who voluntarily demote from one position to another will have their rate reduced by at least five percent (5%) from their present rate of pay. If the new rate of pay exceeds the maximum of the range then the employee's rate of pay will be frozen until such time as the maximum of the pay ranges increases to include the employee's rate of pay. Employees will be required to satisfy selection requirements for the new position to which the employee is voluntarily demoted. The City reserves the exclusive right to consent to or deny a request for voluntary demotion, depending on available positions, qualifications, departmental workload, employee skill level, and the City's need to hire and retain the most qualified applicants.

#### **15. Appointments**

##### **a. Temporary Employees**

Pay for temporary employees will be consistent with duties and responsibilities of the temporary position as outlined in the compensation plan. Pay for regular part-time hourly employees will be based on the number of hours worked. Such pay will normally be proportionate to the regular full-time pay rate for the position.

##### **b. New Hires**

A department director may request to hire an applicant up to the midpoint of the pay range for the position based upon an assessment of an applicant's relevant experience, training, education and a review of the current incumbents' salaries that are performing the same job. A summary of the findings shall be submitted to the Human Resources Director for approval. Any request to hire an applicant above the midpoint will require the prior approval of the Human Resources Director and the City Manager.

##### **c. Former Employee**

Former employees must apply for open positions in the same manner as other applicants for the position.

#### **16. Wages In Advance**

It is the policy of the City of Avondale that no advance of wages be made.

#### **17. Termination Pay**

- a. An employee who voluntarily resigns will receive his/her final paycheck on the first regularly scheduled payday following termination/separation of his/her

employment. An employee who is eligible for vacation time will be paid for all unused vacation time and other leave as allowed in this policy upon termination.

- b. An employee terminated by the City shall receive payment for his/her wages within three (3) working days of his/her termination from employment.

## **18. Pay During National Guard and Reserve Training**

- a. All regular employees who serve as active members of the National Guard, the Army Reserves, the Navy Reserves, the Air Force Reserves, Marine Reserves, the Coast guard or other reserve military organizations, will be entitled to leave of absence with pay from their respective duties on all duty days on which they are actively engaged in training. However, such leave with pay will not exceed thirty (30) days in any two (2) year period, or as otherwise required by law.
- b. All regular employees who serve as active members of the National Guard, the Army Reserves, the Navy Reserves, the Air Force Reserves, Marine Reserves, the Coast Guard, or other reserve military organizations will be entitled to compensation if called to active military duty in times of war or national crisis as declared by the President of the United States. In accordance with Arizona law, such employees shall receive military leave with pay for up to thirty (30) days in any two (2) consecutive years.

## **19. Temporary Reassignment Pay**

Regular status employees may be temporarily assigned to a classification in a higher grade upon recommendation of the supervisor and with approval of the department director. Eligible employees will receive a minimum of five percent (5%) above their regular salary for the duration of the temporary detail or more, if necessary, to reach the entry level rate of pay in the higher grade. The Human Resources Director may authorize the placement of the employee at greater than five percent (5%) based upon the scope and degree of the duties performed and the anticipated duration of the assignment.

- a. The employee must fully perform the duties and responsibilities of the higher classification for the duration of a minimum of twenty-one (21) consecutive calendar days to receive temporary reassignment pay. Compensation shall be retroactive to day one of the assignment.
- b. If the temporary reassignment pay is for a period of six (6) months or less, the reassignment may be made non-competitively. If the reassignment is for more than six (6) months, then the reassignment shall be made competitively in accordance with these policies and procedures or as approved by the Human Resources Director. An extension may be requested in writing to the Human Resources Director. No temporary reassignment shall extend beyond one (1) year.

- c. Employees on temporary reassignment shall have the right to return to their previous regular position at the conclusion of the assignment.
- d. Increases in pay for the temporary reassignment will be immediately discontinued when the employee returns to their regular position.

## **20. Shift Differential**

- a. A shift differential shall be paid for regularly scheduled work shifts scheduled to begin or end between the hours of 9:00 p.m. and 4:00 a.m. Shift differential is not paid for hours worked over the regular shift when work is a continuation of the regular shift. Employees who are called back or who are covering another shift for another employee and perform work outside their regularly assigned shifts do not receive shift pay. Shift differential is not paid to employees on paid or unpaid leave.
- b. An employee shall be paid a shift differential set by administrative policy when working a shift that ends between the hours of 9:00 p.m. and 12:00 midnight, or when working a shift that includes work between the hours of 12:01 a.m. and 4:00 a.m.
- c. Only regular, non-exempt employees and sworn police employees below the grade of lieutenant are eligible for shift differential. Temporary employees and employees of the Fire Department are not eligible for shift differential.

## **21. Public Safety Dispatcher Pay**

Public safety dispatchers, assigned by the Police Chief to fulfill the duties of public safety training dispatcher, shall receive public safety training dispatcher pay at an amount determined by administrative policy for the term of the assignment. Public safety training dispatcher pay begins as soon as they begin performing in the position. A public safety training dispatcher on administrative leave and/or on medical leave in excess of eighty (80) hours shall not receive the public safety training dispatcher pay until they are approved to return to full-duty status.

## **22. Battalion Chief Coverage Pay**

Battalion chiefs regularly assigned to work the fifty-six (56) hour shifts may be eligible to receive coverage pay at an amount determined by administrative policy.

## **23. Bilingual Pay**

City employees may be eligible for bilingual pay for Spanish language skills. Guidelines regarding eligibility and compensation are set forth in Administrative Policy 36.

#### **24. Cost of Living Adjustment**

Each budget year the City Council determines the amount, if any, of an across-the-board salary increase for employees. This increase is subject to the overall financial state of the City, as determined by the City Council and City Manager. If provided, the increase will be applied at the beginning of the fiscal year or at an alternate time period as specified by the City Council and City Manager.

#### **25. Merit Pay**

Each budget year the City Council determines the amount, if any, of a merit pay increase for employees. Regular status employee chosen to receive a merit increase will receive the increase at the beginning of the fiscal year, or as specified by the City Council and City Manager. Employees who are on their original/promotional probation will receive their merit increase upon successful completion of their probationary period. Merit pay increases will be subject to the overall financial state of the City, as determined by the City Council and City Manager.

#### **26. Uniform Allowance**

Regular employees who perform work that requires an employee to wear a uniform and/or safety shoes may be provided with a uniform and/or safety shoes or an allowance as established by administrative policy for each participating department.

## **CHAPTER 6**

### **Employee Benefits**

#### **A. Definitions**

Throughout this policy, definitions set out in A.R.S. §23-371 are incorporated by reference. In addition, the following definitions apply:

1. City means the City of Avondale.
2. Department Director means the director of the City department to which the employee is assigned or the department director's designee.
3. Employee means an employee of the City.
4. Exempt employee means an employee who is deemed to be exempt from the overtime and maximum hour requirements of the Fair Labor Standards Act, 29 U.S.C.A. § 213, and regulations of the United States Department of Labor.
5. Family Medical Leave ("FMLA"). Leave allowed pursuant to the Family Medical Leave Act of 1993 and relevant statutes and regulations.
6. Full time employee means an employee who works thirty (30) hours or more per week.
7. Non-Exempt employee means an employee who is not an exempt employee.
8. Part-time employee means an employee who works less than thirty (30) hours per week.
9. Sick Leave means an approved period of absence granted to an employee according to this policy. "Sick leave" has the same meaning as "earned paid sick time" as that term is used in A.R.S. §23-371.
10. Fiscal year means the 365-day period (or 366 days in the case of a leap year) that commences on July 1 and ends on the next June 30.

#### **B. Accumulation of Sick Leave**

1. Regular Full-time Employees will accrue sick leave at the rate of 3.70 hours per biweekly pay period and these hours are accumulated without limit.
2. Regular part-time temporary, and seasonal part-time employees (working less than thirty (30) hours per week) shall receive a bank of forty (40) hours of paid

sick leave per year at the commencement of the fiscal year. They shall accrue no other sick leave during the fiscal year.

3. Newly hired regular part-time, temporary, and seasonal part-time employees (working less than thirty (30) hours per week) are eligible to use sick leave from their bank on the ninetieth calendar day after commencing employment.
4. When an employee is promoted, demoted or transferred, the employee shall retain all accrued sick leave.

### **C. Sick Leave Usage**

1. Employees may use accrued paid sick leave time for any of the following reasons:
  - a. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care.
  - b. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care. For purposes of sick leave usage under this section C, the term "family member" is as defined in A.R.S. §23-371, which is the following:
    1. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor;
    2. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood *in loco parentis* when the employee or employee's spouse or domestic partner was a minor child;
    3. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
    4. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
    5. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship
  - c. Reasons related to child care, domestic violence, sexual violence, abuse or stalking, and legal services as described in A.R.S. §§23-371 and 23-373.

- d. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease
  - e. In the case of adoption of a minor child, an employee who is a potential or actual adoptive parent may request sick leave to include appointments with adoption agencies, social workers, attorneys, court proceedings, required travel and any other activities necessary and related to adoption of a minor child.
2. An employee will not be subject to retaliation or discrimination for using sick leave, so long as the employee complies with City policy.
  3. An employee will not be required to search for or find a replacement worker to cover the hours during which the employee is using sick leave.
  4. Employees are subject to discipline for misuse or abuse of sick leave or for violation of City policy.
  5. Sick leave may be taken when approved by the employee's department director according to the notification and documentation procedures of City policy.
  6. An absence of three or more days shall be reported to the Human Resources Department to determine if FMLA leave is warranted.
  7. Sick leave hours taken will not count toward hours worked for purposes of computing overtime.
  8. Sick leave must be used in increments of not less than fifteen (15) minutes per occurrence for non-exempt employees.

**D. Notification**

1. An employee shall notify his/her department director as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day. The employee shall make a good faith effort to provide notice to the department to which the employee is assigned in advance and make a reasonable effort to schedule the time off in a manner that does not unduly disrupt the operations of the department.

2. An oral or written request by the employee is acceptable. The following methods may be used:
  - a. Telephone call
  - b. Email
  - c. Text message

Employees are responsible to ensure text message or email was successfully delivered. Supervisors shall confirm receipt of notification.

3. When possible, the employee shall include the expected duration of the absence in the request.
4. An employee must notify his/her supervisor on each day of absence unless a notification includes a specific number of days required for the leave or other arrangements have been made for FMLA. All FMLA must be approved through Human Resources.
5. While on short term disability (see section H Short Term Disability), employees are required to report periodically to the Human Resources Department, at least every thirty (30) days, regarding the status of their medical condition and their intent to return to work. Employees will be required to provide medical evidence substantiating their need for continued leave to the Human Resources Department who will then submit it to the Third Party Administrator (TPA) for review.
6. If an employee fails to return to work following any authorized leave and fails to notify Human Resources of the need for an extension, the employee will be considered to have abandoned the job.
  - a. Human Resources shall send written notice to the employee's last known address requiring the employee to return to duty within forty-eight (48) hours.
  - b. Failure to return to work within forty-eight (48) hours of receipt of the notification will be cause for immediate discharge and the employee automatically waives all appeal rights under this policy.

## **E. Documentation**

1. For earned paid sick time of three or more consecutive work days, a department director may require reasonable documentation that the earned paid sick time has been used for a reason or purpose set out in the definition of sick leave in this policy. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section. In cases of domestic violence, sexual violence, abuse or

stalking, one of the following types of documentation selected by the employee shall be considered reasonable documentation:

- a. A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual violence, abuse or stalking;
- b. A protective order; injunction against harassment; a general court order; or other evidence from a court or prosecuting attorney that the employee or employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual violence, abuse, or stalking;
- c. A signed statement from a domestic violence or sexual violence program or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual violence, abuse, or stalking;
- d. A signed statement from a witness advocate affirming that the employee or employee's family member is receiving services from a victim services organization;
- e. A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is a victim of domestic violence, sexual violence, abuse or stalking; or
- f. An employee's written statement affirming that the employee or the employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking, and that the leave was taken for one of the purposes of subsection A, paragraph 4 of this section. The employee's written statement, by itself, is reasonable documentation for absences under this paragraph. The written statement does not need to be in an affidavit format or notarized, but shall be legible if handwritten and shall reasonably make clear the employee's identity, and if applicable, the employee's relationship to the family member.

**F. Compensation for Unused Sick Leave upon Resignation or Retirement.**

1. Compensation upon resignation will be 33.3% of accrued sick leave at the employee's current hourly rate.
2. Compensation upon retirement will be as follows:
  - a. Employees with 10 years of continuous service with the City will receive 100% of accrued sick leave up to 250 hours at the employee's current hourly rate, or 33.3% of the total balance of accrued sick leave, whichever is greater.
  - b. Employees with 15 years of continuous service with the City will receive 100% of accrued sick leave up to 375 hours at the employee's current

hourly rate, or 33.3% of the total balance of accrued sick leave, whichever is greater.

- c. Employees with 20 years of continuous service with the City will receive 100% of accrued sick leave up to 500 hours at the employee's current hourly rate, or 33.3% of the total balance of accrued sick leave, whichever is greater.
3. Employees who resign from their employment with the City but return to employment with the City within a nine (9) month period shall have any unused or unreimbursed sick leave reinstated upon rehire.

## **G. Family and Medical Leave Act ("FMLA")**

### **1. General Provisions**

It is the policy of the City to grant up to 12 weeks of FMLA leave during any 12-month period to eligible employees. The City may grant up to a maximum of 26 weeks in a 12-month period for employees taking FMLA Injured Servicemember leave. FMLA may be paid, unpaid or a combination of paid and unpaid leave depending on the circumstances of the leave and as specified in this policy. The City has the right to designate leave, paid or unpaid, as FMLA leave, even if the employee does not request leave as FMLA. Sick leave may be granted under Servicemember Leave of the FMLA and only during this time can sick leave be used.

### **2. Eligibility**

To qualify to take FMLA leave under this policy, the employee must meet all of the following conditions:

- a. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week.
- b. The employee must have worked at least 1250 hours during the 12-month period immediately before the date when the FMLA leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1250 hours eligibility test for an employee under FMLA.

### **3. Types of Leave Covered**

- a. To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:
  - i. The birth of a child and in order to care for that child;
  - ii. The placement of a child for adoption or foster care and to care for the newly placed child;
  - iii. To care for a close family member (usually a spouse, child, or parent) with serious health condition; or
  - iv. The serious health condition (described below) of the employee.
    - a. An employee may take FMLA leave due to a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition can include inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition which requires continuing care by a licensed health care provider. However, a serious illness may also include other ailments short of hospitalization.
    - b. This FMLA leave policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.
  - v. Qualifying Exigency Leave (necessity) arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
  - vi. Service member Family Leave - An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 work weeks of FMLA leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave. If both spouses work for the City, each spouse may only take a combined total of 26 workweeks of leave.
- b. If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid FMLA leave as provided under this policy, the City may designate all or some portion of

related leave taken as FMLA leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- c. Employees with questions about who and what situations are covered under this FMLA leave policy or under the City's sick leave policies are encouraged to consult with the Human Resource Department.
- d. The City requires an employee to provide a doctor's certification of the serious health condition. The certification process is outlined in this policy. The City relies heavily on the physician's assessment.
- e. An eligible employee can take up to 12 weeks of leave under this policy during any rolling 12-month period. The City will measure the 12-month period forward from the date any employee's first FMLA leave begins. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
- f. If spouses both work for the City, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a child, or parent with a serious health condition, each spouse may each take 12 weeks each of leave.

#### 4. Employee Status and Benefits During Leave

- a. While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.
- b. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.
- c. The employee pays a portion of the dependent health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance and Budget Department by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage.
- d. If the employee contributes to a dental plan, life insurance, disability plan or any other type of insurance plan the City will continue making payroll

deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits; provided, however, that the employee shall pay their portion of the premiums. If the employee does not continue these payments, the City may discontinue coverage during the leave and Consolidated Omnibus Budget Reconciliation Act (“COBRA”) would be offered. If the City maintains coverage, the City may recover the costs incurred for paying the employee’s share of any premiums whether or not the employee returns to work.

5. Employee Status After Leave

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

6. Use of Paid and Unpaid Leave

- a. If the employee has accrued or earned sick leave, the employee must use paid sick leave first and exhaust all accrued sick leave balances prior to taking any portion of the 12 weeks as unpaid FMLA leave. An employee who is taking FMLA leave because of the employee’s own serious health condition or the serious health condition of a family member must use all sick leave prior to being eligible for unpaid leave.
- b. Disability leave for the birth of a child and for an employee’s serious health condition, including Workers’ Compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave. For example, if the City provides six weeks of pregnancy disability leave, the six weeks can be designated as FMLA leave and counted toward the employee’s 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

7. Intermittent Leave or a Reduced Work Schedule

- a. An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all circumstances, the leave may not exceed a total of 12 work weeks over a rolling 12-month period. For the birth of a child, the employee may take up to 12 consecutive work weeks.
- b. The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, for FMLA leave for the employee or employee’s family member that is foreseeable and for

planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

- c. If the employee is taking FMLA leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent FMLA leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the FMLA leave is medically necessary. The City requires certification of the medical necessity as set forth in this policy.
- d. Employees using intermittent leave or leave on a reduced schedule must make a reasonable effort to avoid disrupting operations, including scheduling doctor's appointments outside of work hours, if possible.
  - i. An employee using intermittent leave due to medical necessity should notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day.
  - ii. An employee must notify his/her supervisor on each day of absence unless other arrangements have been made. Human Resources should be contacted if there are additional questions on intermittent leave.

#### 8. Certification of the Serious Health Condition

- a. A serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
- b. The City requires certification of a serious health condition.
  - i. The employee shall make every effort to respond to such a request within 15 calendar days of the request, or provide a reasonable explanation for the delay.
  - ii. Failure to provide certification may result in a denial of continuation of FMLA leave.
  - iii. Medical certification may be provided by using the medical certification form.
  - iv. Request for a medical certificate must be made in writing as part of the City's response to employee request for FMLA leave.

- c. If the employee plans to take intermittent FMLA leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent FMLA leave or working a reduced schedule.
  - d. The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The employee will be temporarily entitled to leave and benefits under the FMLA pending the second opinion.
9. Certification related to active duty orders or call to active duty.

The City may require that a request under active duty or call to active duty be supported by a certification issued at such time and in such manner as prescribed by Federal law. Please consult with the Human Resources Department for current Federal guidelines regarding notification and documentation.

10. Procedure for Requesting Leave

- a. All employees requesting leave under this policy must provide notice with an explanation of the reason(s) for the needed leave to the Human Resources Department and their immediate supervisor. If the leave is foreseeable, the employee is required to provide a written request for leave and reasons(s) to the Human Resources Department. The City will provide individual notice of rights and obligations to each employee requesting leave as soon as practicable.
- b. When an employee plans to take leave under this policy, the employee must give the City 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City's operations.
- c. If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice.
  - i. While on leave, employees must report periodically to the Human Resources Department regarding the status of the medical condition and their intent to return to work.
- d. Employees who are unable to return to work at the end of the expected FMLA leave should notify their supervisors and Human Resources in writing at least two (2) weeks in advance or as soon as possible and must have the physician re-certify that the extended leave is medically necessary.

- e. If an employee does not provide proper notification to Human Resources, the employee will be considered to have abandoned the job and the employee will be subject to disciplinary action up to and including termination.

11. Job Benefits and Protection

- a. For the duration of FMLA leave, the employer must maintain the employee's health coverage under the "group health plan" unless requested in writing from the employee or other legal directives given.
- b. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- c. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- d. FMLA makes it unlawful for any employer to:
  - i. Interfere with, restrain or deny the exercise of any right provided under FMLA.
  - ii. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- e. Notwithstanding the exhaustion of FMLA leave, an employee may be granted additional leave as required under the Americans with Disabilities Act. As an accommodation, additional leave may be granted based on medical necessity and the City's requirements/ability to accommodate. Accommodations will be evaluated upon request.

12. Enforcement

- a. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- b. An eligible employee may bring a civil action against an employer for violations.
- c. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which provides greater family or medical leave rights.

**H. Short-Term Disability**

The short-term disability benefit provided by the City is an income replacement for employees who are unable to work due to illness or injury (non-job related).

1. Eligibility

A regular, full-time employee who is unable to work due to illness or injury (non-job related) is eligible for short-term disability benefits. The employee must have exhausted all paid sick leave and be absent from work for a minimum of 14 consecutive calendar days prior to being eligible for the short-term disability benefit. Employees changing leave status from Administrative Leave to Short Term Disability will be subject to a 14-day waiting period. For injuries or illnesses requiring immediate hospitalization, the benefit shall commence on the date of hospitalization. An employee receiving Workers' Compensation or disability pay under any State of Arizona plan policy is ineligible for this benefit. To be eligible for continued disability benefits, the employee must not engage in outside employment and is expected to avoid activities that may delay recovery and a return to work. While on short-term disability employees are not permitted to report to work or participate with work activities unless specific prior authorization has been approved in writing by Human Resources. Violations of this policy will result in disciplinary action up to, and including dismissal from City employment. Disability benefits cannot be collected while employed elsewhere.

2. Benefit Payment

The short-term disability benefit payment is 60% of the employee's base weekly wages or salary, to a maximum of \$1,500 per week. The benefit may be paid for a maximum up to 25 weeks in a one-year period. Payments are made in accordance with the City payroll periods. The benefit is taxable income.

3. Medical Certification

The employee must provide medical certification of the disability that includes the starting and expected ending date of the disability. This certification will be submitted to the City's Third Party Administrator ("TPA") who will review the certification and make a determination on benefit qualification.

4. Reporting Requirement

While on short term disability, employees are required to report periodically to the Human Resources Department, at least every 30 days, regarding the status of their medical condition and their intent to return to work. Employees will be required to provide medical evidence substantiating their need for continued leave to the Human Resources Department who will then submit it to the TPA.

5. Return to Work

The employee must return to work as soon as permitted by his or her healthcare provider. The employee must submit a fitness-to-return-to-duty clearance to the Human Resources Department prior to returning to work. An employee whose absence has been designated as FMLA leave is eligible for reinstatement as provided by the FMLA leave policy upon his/her return to work.

## 6. Employee Benefits

The City will pay its portion of the cost of the employee's benefits including health, dental, life and disability insurance benefits while an employee is on FMLA with or without paid leave (vacation or sick). The employee must continue to pay his or her portion of the benefits which may be made by payroll deductions (when applicable) or by personal check which must be submitted to the Human Resources Department. The payment must be received in the Human Resources Department by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped. The City will provide 15 days' notification prior to the employee's loss of coverage. If the employee fails to pay his or her portion of the benefits for more than 30 days, the employee's coverage(s) will be terminated and he/she will be offered COBRA to continue benefits, excluding life and disability insurance.

When the twelve-week period for FMLA coverage has ended and the employee has exhausted all paid leave, the employee will be responsible for the total cost of the health insurance premiums on any health insurance coverage the employee or the employee's family is receiving through the City during this extended leave period, unless otherwise provided by law.

Short Term Disability may only be used when an employee has a continuous, incapacitating serious health condition as certified by a physician. Short Term Disability cannot be used for an intermittent leave or to care for a family member. Employees with any questions regarding this policy should contact the Human Resources Department.

## 7. Leave Accruals

While on short-term disability leave accruals will discontinue until employee is released back to work.

### **I. Vacation Leave**

#### 1. Accumulation of Vacation Leave

- a. All full-time employees, excluding sworn firefighters, will accrue vacation leave as follows:

<b>Non-Exempt</b>	<b>Tenure</b>	<b>Hours per Pay Period</b>	<b>Hours per Year</b>
	0-1.99 Years	3.7	96.2
	2-4.99 Years	4.47	116.2
	5-9.99 Years	5.39	140.12
	10-14.99 Years	6.31	164.04
	15 + Years	6.93	180.16

<b>Exempt</b>	<b>Tenure</b>	<b>Hours per Pay Period</b>	<b>Hours per Year</b>
	0-1.99 Years	4.62	120.12
	2-4.99 Years	5.39	140.12
	5-9.99 Years	6.31	164.04
	10 + Years	6.93	180.16

b. All assistant department directors will accrue vacation leave as follows:

<b>ASSISTANT DEPARTMENT DIRECTORS</b>		
<b>Tenure</b>	<b>Hours per Pay Period</b>	<b>Hours per Year</b>
First 5 Years	6.31	164.04
5+ Years	6.93	180.18

c. All department directors and Assistant City Managers will accrue vacation leave as follows:

Assistant City Managers And Department Directors	
<b>Hours per Pay Period</b>	<b>Hours per Year</b>
6.93	180.18

d. Battalion Chiefs

<b>Battalion Chiefs</b>		
<b>Tenure</b>	<b>Hours per Pay Period</b>	<b>Hours per Year</b>
0-1.99 Years	11.21	291.46
2-4.99 Years	12.28	319.28
5-9.99 Years	13.57	352.30
10 + Years	14.44	375.30

e. Upon hiring any employee, a department director may request that an employee be hired with vacation leave already established up to a maximum

of 80 hours for employees below the rank of department directors and 120 hours for department directors. The Human Resources Director must review and approve this request prior to any official written offer of employment.

- f. Part-time regular employees are not eligible to accrue vacation leave.
- g. Vacation leave hours taken will not count toward hours worked for purposes of computing overtime.
  - i. Regular part-time employees (working 30 hours or less) hired after September 15, 2009, are not eligible for vacation leave.

## 2. Maximum Accumulation of Vacation Time

Eligible employees have a maximum accrual of vacation time of 280 hours at the end of the calendar year. Fire Battalion Chiefs assigned to a 24-hour shift schedule will have a maximum accrual of vacation time of 392 hours at the end of the calendar year.

- a. Employees must use all hours over the maximum accrual by the end of each calendar year. Employees will lose any vacation leave hours over the maximum accrual amount not used by December 31st of each calendar year.
- b. Vacation leave accumulated in excess of 280 hours or 392 hours for Fire Battalion Chiefs as of the last day of the last pay period starting in any calendar year shall be forfeited, unless the City Manager authorizes an exception in an individual case. The application for exception submitted through the Human Resources Department shall contain a plan to use the excess hours during the following calendar year, pay the employee for the excess hours or a combination of both.

## 3. Use of Vacation Leave

Vacation leave shall be taken with the approval of the department director or designee (i.e., immediate supervisor).

- a. Vacation will only be granted during such time as it is not disruptive to the work schedule of the department concerned.
- b. During the original probationary period, vacation leave may be granted at the discretion of the department director.
- c. Vacation leave granted shall not exceed an employee's accrued balance.

## 4. Vacation Sell Back

Employees may be paid for a portion of accrued vacation. See Administrative Policy 40 (AP-40) for guidelines.

5. Compensation for Vacation Leave

Compensation upon separation from the City will be 100% of accrued vacation leave at the employee's current hourly rate. An employee may not use vacation leave after their last day worked. Vacation will be paid per city policy.

**J. Holiday Leave Policy**

1. Objectives

The objectives for the development of the holiday leave policy are:

- a. Equalize the holiday leave allocation, so that each full-time regular employee receives 88 hours of holiday leave hours per fiscal year and each part-time employee receives 44 hours of holiday leave per fiscal year.
- b. Identify the methods to maximize the number of days that City offices are open to serve citizens.
- c. Ensure that the adoption of a Green Friday schedule or other alternate schedule does not increase the cost of doing business for the City.
- d. Implement a system to increase the flexibility for employees to utilize their holiday compensation.

2. Accumulation of Holiday Leave

- a. The annual holiday leave bank for each full-time, regular employee is 88 hours and for each regular part-time employee is 44 hours per fiscal year. Temporary and seasonal employees are not eligible for holiday compensation or holiday differential pay. For the purposes of this policy, the holiday will be defined as the 24-hour period (12:00 AM -11:59 PM) on the designated holiday.
- b. Employees will be provided with a bank of 88 hours (full-time) and 44 hours (part-time) per fiscal year (July 1-June 30) to utilize for holiday compensation for designated holidays or floating holidays as set forth below. The leave banks will be populated during the first payroll period in July and January. The first allocation will be in July for 50 hours (full-time) and 25 (part-time), the second in January for 38 hours (full-time) and 19 hours (part-time). New hires will receive a prorated number of hours based upon their hire date.
- c. Regular part-time employees (working 30 hours or less) hired after September 15, 2009, are not eligible for holiday bank hours or holiday compensation.

### 3. Designated Holidays; Floating Holidays

A listing of City-designated holidays will be prepared for each fiscal year. This listing will be included in the Administrative Policy and posted no later than June 1 of each year. The listing will specify any and all designated holidays for the City.

- a. If a designated holiday falls on a scheduled work day, employees will be required to use their holiday leave to cover their scheduled work hours. Employees required to work on a designated holiday due to business need, or who are not scheduled to work on a designated holiday, will be not be required to utilize their holiday leave. Any holiday leave hours not used for designated City holidays shall be considered floating holiday leave.
- b. In the event an employee is on paid leave when a holiday occurs, the employee shall receive no pay in addition to holiday pay. Therefore, the employee shall not be charged with applicable paid leave time (i.e., vacation or sick leave).
- c. Floating holiday leave shall be approved to be used at such a time that is mutually agreeable to the employee and the employee's supervisor. Holiday leave will not be available for use on an unplanned or call-in basis.

### 4. Holidays Eligible for Differential Pay

- a. Each June, a listing will be included in the Administrative Policy of any holidays that will be paid a holiday differential. Non-exempt employees who are required to work on one of the listed holidays shall be given, in addition to regular hourly rate, holiday differential pay equal to one-half of their regular straight-time hourly rate for hours worked on designated holidays. This compensation may be in overtime or compensatory time, depending on the needs of the department (compensatory time guidelines have been established in Chapter 5 of the City of Avondale Policies & Procedures Policy Manual) The additional compensation would only be for the actual day of the holiday, not the Friday or Monday before or after (example: July 4th is on a Sunday; employees working on July 4th would be eligible for additional compensation; employees working on July 3rd or 5th would not).
- b. Exempt employees would not be eligible for any additional compensation if required to work on one of the holidays eligible for differential pay.
- c. Regular part-time employees (working 30 hours or less) hired after September 15, 2009, are not eligible for holiday differential pay.

### 5. Use of Holiday Leave

- a. It will be the employees' responsibility to monitor their holiday leave usage.
  - b. Holiday leave must be used in full day increments. A full day will be considered the number of hours scheduled for the day that the leave was taken (e.g. employee was scheduled to work ten hours on a holiday, ten hours of holiday pay would be utilized). In the event that the employee does not have enough holiday hours in her/his bank to cover a full day's absence, vacation hours or compensatory time will be used to make up the difference. The same concept shall apply to all regular part-time employees.
  - c. All holiday hours not taken prior to the last day of employment with the City, shall be forfeited.
  - d. Holiday hours must be used by June 30 of each year or will be forfeited. There will be no "cash out" or carryover of holiday hours.
  - e. In the event that an exempt or non-exempt employee does not have either holiday hours, compensatory hours or vacation hours to cover a designated holiday, they will be placed in a leave without pay ("LWOP") status. This will mean that both an exempt and nonexempt employee will have the uncompensated hours deducted to cover their absence.
  - f. Holiday hours will not count toward hours worked for purposes of overtime for hourly employees.
  - g. Holiday differential is paid in addition to any overtime pay due. Holiday differential pay will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments.
6. Certain Police Employees Not Participating

Sworn police officers (except the Criminal Investigations and Professional Standards Bureau) ("Specified Police Employees") will not be participating in the holiday leave program set forth above. Specified Police Employees will receive 8 hours of compensation for each of the following holidays as they occur in the calendar:

SPECIFIED POLICE EMPLOYEE HOLIDAYS
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- INDEPENDENCE DAY
- LABOR DAY
- VETERAN'S DAY
- THANKSGIVING
- DAY AFTER THANKSGIVING
- CHRISTMAS DAY
- NEW YEAR'S DAY
- MLK
- PRESIDENT'S DAY
- MEMORIAL DAY
- PERSONAL DAY TO BE SCHEDULED BY EMPLOYEE

- a. Specified Police Employees will have one 8-hour personal day to schedule at their discretion with their supervisor each fiscal year. Personal days and holidays will not be carried over into a new fiscal year. A personal day (8 hours) will be given to the employee on July 1 of each fiscal year. New hires will receive a personal day upon their hire. The personal day must be scheduled in the fiscal year it is earned. Unused personal days will not be paid out at the end of the fiscal year or upon resignation of the employee.
- b. The Specified Police Employee holiday hours set forth above will not count as hours worked for the purpose of overtime compensation. Employees who are required to work on designated holidays shall be given, in addition to regular hourly rate, holiday differential pay equal to one-half of their regular straight-time hourly rate for hours worked on designated holidays.

Example 1: Employee works 14 hours on the holiday (Wednesday\*) and works three other days in the week.

Time	Total	M	T	W*	Th	F	S	Su
Hours worked	46	10	11	14	11			

**End Result:**

Hours worked	46
Holiday compensation at straight rate	8
Regular Hours at straight rate	40
Overtime at 1.5	6
Holiday Differential at .5	14

Example 2: Employee works 14 hours on the holiday (Wednesday\*) and calls in sick on Monday for the entire shift of 10 hours.

Time	Total	M	T	W*	Th	F	S	Su
Hours worked	36		11	14	11			

Sick Leave	10	10						
------------	----	----	--	--	--	--	--	--

**End Result:**

Hours worked	36
Holiday compensation at straight rate	8
Sick leave at straight rate	10
Regular Hours at straight rate	54
Overtime at 1.5	0
Holiday Differential at .5	7

**K. Industrial Leave**

1. Workers’ Compensation Coverage

The City provides Workers’ Compensation insurance coverage to employees at no cost. If an injury or illness is determined to be job related, the employee will receive medical benefits and, if eligible, temporary compensation.

2. Determination of Compensability

The City’s Workers’ Compensation carrier will determine compensability for workplace injuries and illnesses.

3. Separation During a Claim

An individual who separates from City employment will only be entitled to the compensation required under Arizona Workers’ Compensation Law.

4. Filing a Claim

An injury or illness is covered under Workers’ Compensation if it is determined to be job related. It is the employee’s responsibility to make sure the injury is reported to his/her supervisor as soon as possible. A claim must be filed within one year of the date of injury. It is the employee’s responsibility to ensure the claim has been filed. The supervisor will work with the Risk Management department to provide information to assist in filing the claim. Risk Management will serve as the point person for employees with questions regarding Workers’ Compensation.

5. Types of Claims

There are two types of Workers’ Compensation claims. One is called a “medical only” claim, which means that only medical expenses are paid. The other is called a “time lost” claim. This means that both medical expenses and temporary compensation benefits for lost wages are paid.

- a. “Medical only” claims are those types of claims for which the insurance company will pay all of the medical expenses associated with the injury, but will not pay compensation benefits for lost wages, as the employee did not lose more than seven days’ time from work.
- b. “Time lost” claims are those claims in which the treating doctor states that the employee is unable to work due to their injury and employee is off work more than seven days. The employee would then be eligible for compensation for their lost wages. The days off do not have to be consecutive (in a row) but are cumulative (total). Entitlement to compensation is based on calendar days (not work days) and includes Saturdays, Sundays and holidays.

## 6. Compensation for Time Lost Claims

The first seven days are not paid for lost wages unless the disability extends to 14 days. For example: If the employee is off ten days, they get paid for days eight, nine and ten only. If the employee is off 14 full days, compensation is retroactive (goes back) to the date of injury and is paid for 14 days. Compensation is not generally paid for the date of injury, as the employee was working that day and was typically compensated already for that day.

Compensation is based on 66 2/3% of the monthly wage up to the statutory limit set forth in the Arizona Revised Statutes. The state law establishes a maximum wage figure which can be used to calculate the average monthly wage. This compensation is tax-free to the employee. Payments will be administered through the City’s payroll system and will be issued on a bi-weekly basis.

Sick time or vacation time may be utilized to cover the seven-day waiting period or to supplement their Workers’ Compensation payments. Employees would need to notify Payroll in writing if they wish to utilize sick time or vacation time to cover their waiting period or supplement their wages.

## 7. Requirements While Under Workers’ Compensation

For public safety employees on Workers’ Compensation, retirement contributions cease unless the injured employee fills out a form provided by the Risk Management department.

An employee may not leave the state for more than two weeks while under active medical treatment without approval from the Arizona Industrial Commission. If the employee is planning to be outside the state for more than two weeks, the employee must have written approval from the Arizona Industrial Commission before the employee leaves the state.

Employees are not permitted to engage in outside employment while receiving Workers’ Compensation from the City of Avondale unless written permission is granted from Human Resources and Risk Management.

FMLA leave, if eligible, will run consecutively while on Workers' Compensation. While under active medical care, the insurance company has the right to have the employee periodically examined, at a reasonably convenient time and place, by a doctor of its choosing. Failure to attend the examination could result in suspension of Workers' Compensation benefits and the employee could be required to pay for the cost of the missed examination.

#### 8. Return to Work

While under active medical care, a doctor may release an employee to return to modified duty or to the employee's regular job.

If released to regular duty, an employee must be able to perform the essential functions of the employee's job, with or without reasonable accommodations. If an employee requires accommodations, Human Resources will coordinate an evaluation of the employee's ability to return to the workplace.

If returned to work with restrictions, the physician must provide in writing a detailed outline of what the restrictions are and the duration of those restrictions. Human Resources, Risk Management and the department will work together to determine if there is work available that meets the restrictions outlined. Modified duty is not guaranteed. It will be up to the City to determine if work is available. At no time will an employee be allowed to be on modified duty for a period of time greater than twelve (12) months from the date of injury or date of onset of illness. Modified duty work would no longer be available once an employee is medically able to return to his or her regular job.

If an employee fails to accept a modified duty work assignment that he or she is medically capable of performing, his or her compensation benefits may be reduced or eliminated by the City.

Risk Management may require a fit for duty evaluation before an employee is returned to regular duty.

### **L. Leave Without Pay**

#### 1. Request and Determination

Employees may request, in writing, leave without pay ("LWOP") for certain restricted reasons. The department director, Human Resources and City Manager will determine whether or not to approve the leave request.

#### 2. Leave Accruals Discontinued

Vacation and sick leave accruals will discontinue at the point an employee goes on leave without pay and will commence when they return to work.

3. Insurance Discontinued

After two pay periods of leave without pay, health, dental, vision and life insurance for the employee and any dependent coverage will discontinue. COBRA coverage will be offered to the employee and dependents.

4. Unauthorized Absence

Any unauthorized absence of an employee from duty will be deemed absence without pay and may be grounds for disciplinary action up to and including dismissal from City employment.

5. Failure to Return After Notice

Failure on the part of an employee to return to duty within 48 hours after written notice to return has been sent to his/her last known address will be cause for immediate discharge and the employee automatically waives all appeal rights under this policy.

**M. Bereavement Leave**

1. General

Upon the death of an employee's immediate family member, an employee may be granted paid bereavement leave not to exceed five work days or 40 hours. Additional hours beyond the limit may be charged to an employee's sick leave or vacation leaves at the employee's discretion and with the department director's approval. Upon the death of an employee's aunt, uncle, cousin, niece, or nephew, an employee may be granted paid bereavement leave not to exceed one work day or eight hours. Only full-time regular and/or probationary employees are eligible for bereavement leave. Part-time employees are not eligible for bereavement leave.

2. Immediate Family Defined

For purposes of bereavement leave, "immediate family" shall refer to a spouse, son, son in-law, daughter, daughter in-law, mother, mother in-law, father, father in-law, brother, brother in-law, sister, sister in-law, grandparent, grandparent in-law, grandchild or step-child, step-parent, step-brother or step-sister.

3. Co-workers

At the discretion of the employee's department director, an employee may be granted up to four (4) hours of bereavement leave for attendance at a co-worker's funeral or memorial service.

## **N. Military Leave**

All regular employees who are or may be members of the National Guard or the Military Reserves (U.S. Armed Forces) will be entitled to leave of absence with pay, upon written request to the employees department director and submittal of appropriate documentation of military active duty orders, from their respective duties on all days during which they are employed with or without pay under the orders of or authorization of competent authority, on active duty during training or duty with troops, field exercises or instruction for a total period not to exceed the lesser of 30 working days or 240 hours in any two consecutive years.

## **O. Civic Duty Leave**

### **1. General**

Upon substantiated application, an employee shall be granted leave with pay as civic duty leave while serving as a juror, complying with a subpoena and voting.

### **2. Use of Civic Duty Leave**

Except for voting pursuant to ARIZ. REV. STAT. § 16-401 (primary elections) or ARIZ. REV. STAT. § 16-402, (general elections) as amended, an employee granted civic duty leave shall report for work whenever the employee's presence is not required for the civic duty, unless:

- a. The distance to the work location would preclude timely reporting for the civic duty; or
- b. The employee cannot return to work at least one hour before the end of the work shift;
- c. Civic duty leave will not count towards hours worked for purpose of computing overtime.

### **3. General Election Day**

- a. The biannual general election day (the first Tuesday following the first Monday in November of every even-numbered year) is not a legal holiday. However, every public officer or employee is entitled to have adequate time to vote, as set forth in ARIZ. REV. STAT. § 16-402, as amended. The three consecutive hours immediately after the opening or the three consecutive hours prior to the closing of the polls is provided for this purpose.
- b. Arrangements must be made with the supervisor prior to general election day and the supervisor may determine which hours are more suitable in accordance with the needs of the department.

4. Appearance as a Witness

An employee who is subpoenaed as a witness by any court or administrative, executive, or judicial body in this state may be absent with pay unless the testimony or evidence to be given relates to the employee's own personal business.

5. Jury and Witness Fees

Employees who are granted civic duty leave when called for jury duty or subpoenaed as a witness shall remit any fees to the City Finance and Budget Department, except for mileage allowance.

**P. Victim's Leave**

1. Purpose and Eligibility

The City will allow employees who are victims of crimes to leave work to exercise their right to be present at legal proceedings related to the crimes in accordance with Arizona State Victim's Leave Law (ARIZ. REV. STAT. §§ 8-420, 13-4439, 23-273) as amended. Any City employee is eligible for leave under this policy, except if the employee's family member is the victim and the employee is in custody for an offense or is the accused.

2. Use of Victims Leave

A request for victim's leave must be made to the immediate supervisor providing as much notice as practical. In making this request, the employee shall provide both of the following documents:

- a. A copy of the form provided to the employee by the law enforcement agency.
- b. A copy of the notice of each scheduled proceeding that is provided to the victims by the responsible agency.

Leave records under this policy shall be maintained in a confidential manner. When using victim's leave, the eligible employee may use accrued sick leave, vacation or time earned. Compensatory time earned may be used for non-exempt employees to remain in a pay status while absent from work. If the employee has exhausted all accrued leave balances or if the employee is not benefit eligible, the leave of absence shall be unpaid and need to be approved by the City Manager. While there is no maximum amount of time allocated for the victim's leave, the City reserves the right to limit the leave provided under state law if the employees' absence from work creates an undue hardship to City business.

**Q. Administrative Leave**

The Human Resources Department may authorize the granting of administrative leave to temporarily relieve an employee of his/her duties during an investigation and/or pending the outcome of a personnel or disciplinary hearing. Administrative leave may be authorized with or without pay depending upon the specific circumstance.

**R. Health, Dental, Life and Optional Insurances**

Subject to the approval of City Council, the City provides health, dental and life insurance to regular status full-time employees. Insurance coverage begins 30 days after the first day of the month following the employee's first day of employment. All regular part-time employees hired after September 15, 2009, are not eligible for any health, dental, life or optional insurances.

1. Medical Insurance

Employees hired in 30-40 hour positions are covered by the City's regular medical insurance plans. Employees may elect to cover their dependents at the cost which has been negotiated by the City and the insurance carrier. The City may elect to pay a portion of the dependent's coverage. Employees hired in a position with hours less than 30 hours are not eligible to enroll in the City's medical insurance plans.

2. Dental Insurance

Employees hired in 30-40 hour positions are covered by the City's dental insurance plans. Employees may elect to cover their dependents at the cost which has been negotiated by the City and the insurance carrier. The City may elect to pay a portion of the dependent's coverage. Employees hired in a position with hours less than 30 hours are not eligible to enroll in the City's dental insurance plans.

3. Life Insurance

Employees hired in 30-40 hour positions are covered by the City's basic life insurance plan. These employees may purchase additional life insurance. Employees hired in a position with hours less than 30 hours are not eligible to enroll in the City's life insurance plans.

4. Optional Insurance Benefits

The City may provide optional benefits through payroll deduction.

**S. Continuation of Health Insurance under Consolidated Omnibus Budget Reconciliation Act ("COBRA")**

Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, if an employee terminates employment with the City, the employee is entitled

to continue participating in the City's group health plan for a prescribed period of time, usually 18 months. (In certain circumstances, such as an employee's divorce or death, the length of coverage period may be longer for qualified dependents.) COBRA coverage is not extended to employees terminated for gross misconduct.

If a former employee chooses to continue group benefits under COBRA, he/she must pay the total applicable premium plus a 2% administrative fee. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions, or becomes eligible for Medicare.

For detailed information or questions on COBRA, employees are requested to check with the Human Resources Department.

## **T. Workers' Compensation Insurance**

### **1. General**

Workers' Compensation provides a medical and hospitalization expenses benefit as well as partial payment in lieu of salary for workers injured on the job. All City employees are covered by this form of insurance at no cost to the employee from the first day of employment. Benefits are based on 66 2/3% of the monthly wage up to the statutory limit set forth in the Arizona Revised Statutes.

### **2. Temporary Disability and Sick Leave**

An employee receiving temporary disability payments pursuant to the laws related to Workers' Compensation may elect to use accumulated sick leave in order to continue his/her regular income if employed with the City less than one year. Sick leave must be used in increments of not less than eight hours per pay period. The purpose of this policy is to ensure that an employee does not suffer economic hardship as a result of his/her injury; however, the employee shall not make a financial gain as a result of his/her injury or illness.

### **3. Reporting Period**

All job-related personal injuries to employees must be reported to Risk Management within 24 hours of the time the accident occurred.

### **4. Choice of Care Provider**

The City has the right to request that an employee injured on the job, seek medical assistance from a doctor of the City's choice.

## **U. Retirement Plans**

Enrollment in the Arizona State Retirement System or the Public Safety Personnel Retirement System or the Correctional Officers Retirement Plan will be determined based upon eligibility. The Public Safety Personnel Retirement System is for certified peace officers and firefighters.

Deductions for all plans are made from each pay period. The amount of the City's contributions, as well as employee contributions, is determined by state legislation.

**V. Deferred Compensation Plan**

Under this optional plan, which is governed by Internal Revenue Service (IRS) Code 457, an employee may choose to defer a portion of his/her income through payroll deduction. The deferred amount is not taxable until withdrawn, and various options are available for the investment of these funds. There are no City matching funds for this benefit. By deferring income, an employee may lower the income tax they currently pay.

**W. Health Savings Account ("H.S.A.")**

1. General

Health Savings Accounts ("H.S.A.") were created by Public Law 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. H.S.A. are designed to help individuals save for qualified medical and retiree health expenses on a tax-advantaged basis.

2. Employee Choice

Employees who select a high deductible health plan may be eligible to participate in an H.S.A.

3. City Contribution

The City may elect to contribute funds to employee's H.S.A. accounts.

**X. Flexible Spending Arrangements ("FSA")**

1. General

Health Flexible Spending Arrangements and Dependent Care Flexible Spending Arrangements ("FSA") allow employees to be reimbursed for medical expenses.

2. Process

a. Employees may contribute to FSA accounts up to the limit set by the City.

b. No employment or federal income taxes are deducted from employee contributions to FSA accounts.

## **CHAPTER 7**

### **Drug and Alcohol Policy**

#### **A. Provisions Covered by the Rules**

These policies and procedures will apply to all classified positions in all departments of the City of Avondale and to such positions in the exempt and temporary service as may be provided herein.

#### **B. Drug and Alcohol Testing Policy**

The City of Avondale (the “City”) believes that substance abuse is a serious threat to the welfare of our employees, citizens, and the public. To address this problem, we have introduced this policy with respect to the use, possession, or sale of drugs and alcohol. By establishing this policy, we hope to:

1. Maintain a safe, healthy, and productive working environment for its employees.
2. Ensure the good reputation of the City and its employees.
3. And reduce accidents, tardiness, absenteeism, and indifferent job performance.

Typically, employees with drug and alcohol abuse problems make up only a small part of the work force, so we regret any inconvenience to the majority of you that are not substance abusers. We believe, however, that the benefits of our drug and alcohol testing program will more than make up for any inconvenience. Thus, we ask for your understanding and cooperation in implementing this policy.

#### **C. Substance Abuse Policy**

This policy requires all employees of the City to refrain from being involved in any way with illegal drugs or from abusing alcohol, on or off the job.

#### **D. Grounds for Termination or Discipline**

The following are grounds for discipline up to and including termination, even for a first offense.

##### **1. Illegal Drug Use**

Illegal drug use includes possessing, using, purchasing, distributing, or selling illegal drugs, or reporting to work impaired by illegal drugs. Under this policy, “illegal drugs” include any drug or drug-like substance which:

- a.) Is not legally obtainable.
- b.) May be legally obtainable but has not been legally obtained.
- c.) Is being used in a manner or for a purpose other than as prescribed.

## **2. Alcohol Abuse**

Alcohol abuse includes possessing, using, purchasing, distributing, or selling alcohol beverages at any time during the hours between the beginning and ending of the employee's work day, or reporting to work or working while impaired by alcohol in any way.

## **3. Failure to Participate**

The following will be considered a failure to participate in the City's drug and alcohol testing policy:

- a.) Failure to submit to drug or alcohol testing.
- b.) Failure to immediately report for drug or alcohol testing when requested to do so.
- c.) Refusal to sign all appropriate consent forms.
- d.) Any other failure to cooperate to the City's complete satisfaction.

## **4. Use of Legal Drugs**

- a.) In recognition of privacy concerns, the City will not solicit information from an employee regarding medications that an employee may be taking absent an indication that the employee is impaired or poses a safety hazard. The exception to this section of the policy is Police Officers and Detention Officers.
- b.) It is the responsibility of any employee who is taking any medication, including those sold without a prescription, which may interfere with the safe and effective performance of duties to notify their supervisor before beginning work. Disclosure of the specific medical condition or the specific medication to the supervisor is not required (it may ultimately be required to be made to City Human Resources or a City-contracted Physician). The employee shall provide documentation from the treating physician of any limitations this may impose on the employee. If the limitations are such that the employee cannot safely and effectively perform his/her job duties, the employee may be placed on sick leave and referred to the Human Resources Department for discussion of reasonable accommodation.
- c.) It is the employee's responsibility to advise the City when the employee is no longer using the medication in question.
- d.) Any medical documentation shall be sent to City Human Resources for filing in the employee's confidential medical file.

## **E. Testing**

### **1. Pre-Employment Drug Abuse Screening**

The City will test all applicants who, as required by AZ Peace Officers Standards and Training Board and Federal/state law, receive an offer of employment prior to commencing employment, in an effort to detect individuals who currently use illegal drugs.

### **2. Reasonable Suspicion Testing**

The City will require an employee to submit to alcohol and/or drug testing when there is reasonable suspicion to believe that the employee is engaged in illegal drug use or alcohol abuse. For purposes of this policy, “reasonable suspicion” will be based on specific observations concerning the appearance, behavior, speech or body odors of the employee, including, without limitation, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, unexplained carelessness or accidents, erratic behavior, inability to perform the job and other unexplained behavioral changes. These observations must be made by a supervisor or other City official who has been trained to recognize signs of alcohol and/or drug use.

### **3. Random Testing**

The following employees are subject to unannounced random screening for illegal drug use

- a.) Certified police officers
- b.) Police reserve officers
- c.) Firefighters
- d.) Firefighter reserve employees.

## **F. Consequences of Violating This Policy**

1. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to participate in this policy to the City’s complete satisfaction, may be subject to discipline up to, and including, immediate termination.
2. The appropriate level of discipline will be determined on a case-by-case basis at the City’s discretion, and may include treatment or rehabilitation under terms established by the City in consultation with a substance abuse professional.
3. This policy shall be construed in accordance with federal and state laws, including the Americans with Disabilities Act, the Family and Medical Leave Act, and the ~~OMNIBUS Transportation Employee Testing Act of 1991~~

4. Rehabilitation is the responsibility of the individual employee. An employee with a drug or alcohol abuse problem is encouraged to use whatever treatment or rehabilitative services are available under the City's group and health plan in effect at that time.
5. The City may not keep an employee in any particular job classification or position after the employee, either voluntarily or as a result of a positive drug test, seeks treatment or rehabilitation, unless otherwise required by law.

#### **G. Federal Highway Administration Controlled Substances and Alcohol Use Testing Requirements**

The United States Department of Transportation (DOT) has adopted mandatory rules which require employers to adopt and maintain substance abuse prevention programs, including drug and alcohol testing.

##### **1. Rules**

These rules apply to every person who performs a safety sensitive function on a commercial motor vehicle (CMV) and is required to hold a commercial driver's license (CDL) to perform his or her job duties.

- a.) All employees required to hold a CDL as part of their job with the City must always be immediately available to perform any safety sensitive function, and must comply with these rules at all times while on duty.
- b.) Any questions concerning the DOT drug and alcohol testing rules should be directed to the Human Resources Department.

##### **2. Definitions**

- a.) *Alcohol use* means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
- b.) *Controlled substances* are marijuana, cocaine, opiates, amphetamines and phencyclidine.
- c.) A *commercial motor vehicle* is any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.
- d.) A *driver* is considered to be performing a safety sensitive function during any period in which he or she is doing any of the following with respect to a CMV; waiting to be dispatched, inspecting, servicing, conditioning, driving, loading or unloading (whether supervising, assisting or merely attending), repairing, obtaining assistance, waiting for held while the vehicle and all other time in or upon the vehicle.

e.) A *refusal to submit to alcohol or controlled substance testing* includes any of the following:

- 1.) Failure to provide adequate breath for alcohol testing without a valid medical explanation.
- 2.) Failure to provide an adequate urine sample for controlled substances testing without a genuine inability to provide such a sample.
- 3.) Or any other conduct that obstructs the testing process.

### **3. Prohibitions**

The City will not permit any driver to operate or continue to perform safety sensitive functions if he or she:

- a.) Has an alcohol concentration of 0.04 or greater.
- b.) Is using alcohol while performing any safety sensitive function.
- c.) Has used alcohol within 4 hours of performing any safety sensitive function.
- d.) Has used a controlled substance.
- e.) Or has tested positive for any controlled substance.
- f.) If a driver has an alcohol concentration of 0.02 – 0.039, he or she will not be allowed to perform any safety sensitive function for the City for at least 24 hours.
- g.) The City also will not permit a driver to operate a commercial motor vehicle if the driver possesses alcohol or if the driver refuses to submit to required alcohol or controlled substance testing.

### **4. Required Testing**

#### **a.) Pre-Employment Testing**

The City will not permit any driver to perform safety sensitive functions unless that driver has received a controlled substances test result from the medical review officer (MRO) indicating a verified negative result. The only exception to this rule is if the driver is excused from the pre-employment testing requirement pursuant to 49 C.F.R. 381.301 (c).

#### **b.) Post Accident Testing**

As soon as practicable following an accident, the City will test each driver for alcohol and controlled substances if:

- 1.) The driver was performing a safety sensitive function with respect to the vehicle, and the accident involved the loss of a human life.
- 2.) Or the driver receives a citation for a moving traffic violation arising from the accident, and the accident resulted in bodily harm to any person requiring medical treatment away from scene of the accident
- 3.) Or there is disabling damages to any of the vehicles involved in the accident.
- 4.) An alcohol test will be administered within 8 hours and a drug test will be administered within 32 hours of the accident. If these tests are not performed within these periods, the City will cease its testing efforts and prepare to record identifying the reason(s) why one or both of these tests were not administered.
- 5.) A driver who is subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.
- 6.) A driver may not consume any alcohol for 8 hours following an accident, or until tested, whichever occurs first.
- 7.) A driver must contact his or her supervisor immediately after an accident so that the need for alcohol and drug testing can be assessed and to ensure that the driver will be able to comply with the DOT rules. Failure to report an accident involving a commercial motor vehicle may be grounds for disciplinary action.

**c.) Random Testing**

The City will also randomly select a number of drivers each calendar year for drug and alcohol testing at an annual percentage rate determined by the FHWA Administrator. Currently, the annual percentage rate for covered drivers is 25 percent for alcohol testing and 50 percent for controlled substances testing.

**d.) Reasonable Suspicion Testing**

The City will require drivers to submit to alcohol and/or controlled substances testing when there is reasonable suspicion to believe that the driver has violated the DOT rules concerning alcohol use or controlled substances. "Reasonable suspicion" will be based on specific, contemporaneous, articulable observations regarding the appearance, behavior, speech or body odors of a driver during, or just before or after. The period of the work day

that the driver is required to be in compliance with the DOT rules. These observations will be made by a supervisor or City official who has been trained to recognize signs of alcohol and/or controlled substance abuse.

When the City reasonably believes a driver is impaired, that driver will not be allowed to perform any safety sensitive function until

- 1.) An alcohol test is administered and the alcohol concentration is less than 0.02;
- 2.) Or 24 hours have elapsed since the reasonable suspicion determination.

**e.) Return to Duty Testing**

Before returning to duty requiring the performance of any safety sensitive function following alcohol-related conduct prohibited by the DOT rules, a driver must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

Before returning to duty requiring the performance of any safety sensitive function following controlled substances related conduct prohibited by the DOT rules, a driver must undergo return to duty controlled substances testing with a result indicating a verified negative result for controlled substances.

**f.) Follow Up Testing**

A driver who has been determined to need assistance in resolving problems associated with alcohol misuse and/or controlled substances is subject to unannounced follow up testing as directed by a substance abuse professional. There must be at least 6 follow up tests within the first 12 months after a driver returns to duty, follow up testing will not exceed 60 months from the date of the driver's return to duty.

*Testing under paragraphs c, d, and f will occur while the driver is performing safety sensitive functions, or just before the driver is to perform safety sensitive functions or just after the driver has ceased performing such functions.*

**5. Testing Procedures**

**a.) Controlled Substances**

Precautions will be taken to ensure that a urine specimen is not adulterated or diluted during the collection procedure, and that information on the urine bottle and on the urine custody and control form identifies the driver from whom the specimen was collected. These precautions will include placing a bluing agent in toilets when possible, securing and monitoring water sources and positively identifying the driver as the employee selected for testing. Additionally, drivers will be required to remove any outer garments and personal belongings (such as purses or briefcases) in which items may be concealed, and to wash and dry their hands prior to testing.

Under normal circumstances, the actual collection of the urine specimen will not be observed unless:

- 1.) The urine specimen falls outside the normal temperature range and the driver either declines to allow measurement of his or her body temperature or his or her oral body temperature varies by more than 1.8 degrees Fahrenheit from the specimen;
- 2.) The driver's previous specimen did not register a normal measurement of specific gravity and creatinine;
- 3.) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen; or
- 4.) The driver has previously been determined to have used a controlled substance and the particular test was being conducted under DOT agency regulation providing for follow up testing upon or after the driver's return to duty.
- 5.) If the temperature of the specimen falls outside of the normal range, the assumption will be that it has been altered or substituted. The driver may volunteer to have his or her oral temperature taken to counter this presumption. In all circumstances, the collection site person will inspect the specimen to determine if it has been contaminated, and will note any unusual findings on the custody and control form. All specimens suspected of being adulterated will still be forwarded for testing. Whenever there is reason to believe that a specimen has been altered or substituted, a second observed specimen will be obtained from the driver as soon as possible.

Both the driver and the collection site person must be present when:

- 1.) The specimen is labeled;
- 2.) The driver initials the label to confirm that it is his or her specimen;
- 3.) The collection site person enters the information to identify the specimen and
- 4.) Signs the custody and control form;
- 5.) The driver reads and signs the statement of the form certifying that the specimen is the one he or she provided; and
- 6.) The driver signs a consent or release form if specified by DOT rules or is required by the collection site or laboratory.

The collection site person will note any refusal to cooperate with the testing process on the custody and control form and will notify the City.

The City will use a “split sample” method of testing performed by laboratories certified under the HHS “Mandatory Guidelines for Federal Workplace Drug Testing Programs.” If the initial screening test is positive, the driver may request that the MRO send the split specimen to another HHS certified laboratory to test for the presence of the drugs for which a positive result was initially obtained. This request must be made within 72 hours of the driver’s notification of the test results.

The MRO will review the final confirmed test results before they are transmitted to the City. However, the MRO will first contact a driver to discuss a confirmed positive test result. If the MRO is unable to contact the driver directly, he or she will attempt to do so through a designated City official. The MRO may verify a test result as positive without communicating with the driver if:

- 1.) The driver declines to discuss the test with the MRO;
- 2.) More than 5 days pass since the time the designated City official informs the driver that he or she should contact the MRO; or
- 3.) Other circumstances provided for in DOT agency rules.

Following verification of a positive test result, the MRO will refer the case to the City’s Human Resources Department.

**b.) Alcohol Testing**

The City will conduct a screening test for alcohol use using either an evidentiary breath testing device (EBT) or a non-evidential screening device approved by the National Highway Traffic Safety Administration. If the screening test yields an alcohol concentration of 0.02 or greater, a confirmation test will be performed between 15 and 30 minutes after the first test using an EBT. If the two tests yield different results, the confirmation test will be deemed to be the final result upon which any action is based.

The City will comply with the quality assurance plan and the manufacturer’s instructions for each screening device used, and shall maintain records relating to the inspection, maintenance, compliance with the quality assurance plan, calibration and qualifications of individuals using each screening device.

**c.) Handling of Test Results**

Test results will be kept confidential except as required by law or expressly authorized by the DOT rules.

The City will notify driver applicants of pre-employment test results if the driver requests such results within 60 days of being notified of the disposition of his or her application.

The City will notify a driver of the results of random, reasonable, suspicion, and post accident test results verified as positive for controlled substances, and identify for the driver the controlled substances that were detected and verified.

#### **6. Consequences for Engaging in Prohibited Conduct**

A driver who engages in conduct prohibited under the DOT rules must be evaluated by a substance abuse professional who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol or controlled substances use.

Additionally, the driver will not be allowed to perform any safety sensitive function for the City until meeting the requirements for referral, evaluation and treatment, and has taken and passed a return to duty test.

### **H. Other Policies**

This appendix is in addition to the City of Avondale Drug and Alcohol Abuse Policy adopted by the City pursuant to all employees. All City employees are subject to this general drug and alcohol testing policy and the City may, independent of the rules described in this Appendix and the DOT rules, require any City employee to submit alcohol and/or drug testing in accordance with that policy. Any employee who violates that Policy is to be subject to discipline under its terms and provisions, which may include termination of employment.

#### **I. Drug Free Awareness Program**

To educate employees about the dangers of substance abuse, the City has established a drug free awareness program along with the availability of counseling, and the City's policy regarding substance abuse.

The City has also established a training program for all Commercial Motor Vehicle operators and supervisory employees, which includes information on the effects and consequences of controlled substances and training to detect controlled substance abuse.

##### **1. Treatment**

a.) The City encourages employees with substance abuse problems to avail themselves of any available treatment or rehabilitative services available under the City's group health plan.

b.) Information regarding these services can be obtained from the Human Resources Department.

## **2. Discipline**

- a.)** An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to comply with this policy to the City's complete satisfaction may be subject to discipline up to, and including, immediate termination.
- b.)** The appropriate level of discipline will be determined on a case by case basis at the City's discretion, and may include treatment or rehabilitation under terms established by the City.
- c.)** The City is entitled to rely on the results of its drug or alcohol test to determine whether the employee has violated the policy prohibiting drug or alcohol.

## **J. Other Laws**

This policy will be construed in accordance with federal, state, and local laws, including the Americans with Disabilities Act the Family Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

## **CHAPTER 8**

### **Nepotism/Outside Employment**

#### **A. Employment of a Relative**

Employment of immediate family, including step-family, will apply at all times to all positions within the City of Avondale. Immediate family members will not be employed in positions where one is in the supervisory chain of the other. Employees who become relatives after appointment will not continue to be employed in violation of this policy. One of the two employees must be appointed to an appropriate vacancy in accordance with these policies or resign. If the two family members cannot determine which one will resign the Department Director shall make the decision based on seniority within that department.

#### **B. Outside Employment**

Employees of the City of Avondale may take part-time jobs if there is no conflict with normal working hours, the employees' efficiency in their work is not affected, or there is no conflict with the interest of the City.

The following activities, not all-inclusive, are considered to be in conflict or incompatible with City employment:

1. Any outside employment or activity that conflicts with the employee's City position while on active FMLA or Workers Compensation status.
2. Any employment, activity, or enterprise which involves the use, for private gain, or use of the City's time, facilities, equipment, or supplies, or the prestige or influence of the City office or equipment;
3. Any activity which involves receipt or acceptance by an employee of any money or other consideration from anyone other than the City for performance of an act which the employee should be required or be expected to render in the regular course of his/her city employment or his/her duty as an employee;
4. Any activity which involves a performance of an act other than in the capacity of a City employee which may later be subject to the control, inspection, review, or enforcement by the employee or the department by which he/she is employed; and
5. Any activity which involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his/her duty.
6. The City Manager will make a final determination as to whether a specific activity is prohibited.

## **CHAPTER 9**

### **Appearance and Conduct**

#### **A. Appearance**

All employees are required to maintain a clean well-groomed appearance in conjunction with the position they hold.

1. Department managers are responsible for enforcing the proper dress, personal appearance, hygiene, and service provided by their department.
2. Dungarees or similar clothing will not be worn by office personnel or personnel other than those persons for whom such clothing is appropriate due to the nature of their work.
  - a.) However, the City Manager may, at his/her discretion, authorize the wearing of such clothing for special occasions.

#### **B. Conduct**

All employees shall:

1. Treat their co-workers, supervisors, department manager, City Manager and Council Members with appropriate respect for the positions they hold, and carry out all instructions from management to the best of their ability.
2. Conduct themselves in a manner so as to be a credit to the City both on and off duty.
3. Be just and honorable in all their relations with each other. They will not make false reports and statements or gossip to the discredit or injury of another City employee or concerning municipal matters; nor will they act in a manner directed toward creating a disturbance or dissension within City departments.
4. Not consume or have in their possession, while on duty, or during any authorized work break any alcoholic beverage or unlawful drugs.
5. Not possess any gambling devices or paraphernalia on City property with the intent to use the same for an unlawful purpose, nor will employees conduct or attend or make any bet, lottery or gambling for profit during working hours.
6. Adhere to the City's Drug and Alcohol Policy to ensure that all employees are free from drug and alcohol abuse. Consequently, the use of alcohol and illegal drugs while on duty is prohibited. The City has a zero tolerance policy against drugs and alcohol. This policy is to ensure a positive and productive work environment.

**C. Attendance**

Employees are required to be at their assigned work stations prepared to work, on time, and as scheduled each day.

1. If an employee, for some unavoidable reason, cannot report for work, he/she will notify his/her supervisor or department manager prior to the first normal duty hours, or within thirty (30) minutes following the time scheduled to report for work.
2. Failure on the part of an employee to comply with these policies will be cause for disciplinary action.

**D. Hours of Work**

Hours of work will be established by each department manager and upon approval of the City Manager.

## **CHAPTER 10**

### **Use of City Property**

#### **A. City Property**

1. Any employee of the City of Avondale found responsible for damage to or loss of city property through negligence or abuse will be subject to disciplinary action and may be required to reimburse the City for such damages or loss.
2. No city equipment, materials or supplies will be removed from their locations without the approval of the department manager or City Manager.

#### **B. Uniforms**

Uniforms and protective clothing provided by the City to employees or owned clothing bearing city identification, will be worn only for official city duties and, except in the performance of official duties in no event will be worn in liquor establishments or places of public entertainment.

#### **C. Use of City-Owned Vehicles**

##### **1. Policy Statement**

The City of Avondale will provide for and maintain certain vehicles and equipment for the purpose of conducting certain city business. This business will be governed by the following vehicle use policy. The City Manager will oversee and direct where needed the powers of this policy.

##### **2. Department Manager Vehicles**

The City Manager will make all department manager vehicle assignments and such assignments will conform to the Internal Revenue code.

##### **3. Departmental Vehicle Assignments**

Each department manager will assign vehicles in their respective departments with the approval of the City Manager, in accordance with Internal Revenue codes.

##### **4. Vehicle Use**

- a.) Seat belts will be worn by all drivers and passengers at all times while in city vehicles.
- b.) No tobacco products will be used in any city vehicle or equipment.
- c.) All city vehicles and equipment will be operated by a legally licensed operator.

- d.) Operators will keep vehicles or equipment clean inside and outside at all times.
- e.) Operators will inspect fluid levels, tires, lights, and glass on a regular basis.
- f.) All city vehicles and equipment will be operated in a safe manner and all city vehicles and equipment will be operated for official use only. The following are not considered official uses:
  - 1.) Operating a city vehicle or equipment under the influence of alcohol or unlawful drugs.
  - 2.) To and from establishments where discredit can be brought to the City.
  - 3.) For the transportation of alcohol and unlawful drugs or drug paraphernalia, except for public safety vehicles.
  - 4.) For the use of conducting business for personal profit.
  - 5.) For the use of committing an unlawful activity.

**5. All airbag equipped vehicles will have the airbags fully operational**

At no time will any city vehicle equipped with airbags, be deactivated. This includes passenger airbags also. On pickup trucks equipped with a passenger airbag deactivation switch, at no time will any person place this switch in the “off” position. Any tampering of, or manipulation of the airbag operating system, that will cause it to not operate as designed, will be subject to disciplinary action as prescribed by the policies and procedures.

**6. Accidents**

All accidents will be reported in accordance with Risk Management regulations.

**7. Compliance**

Any operator found to be in violation of any part of this policy will be subject to disciplinary action as prescribed by these policies and procedures.

## **CHAPTER 11**

### **Safety Policy**

#### **A. Policy**

The City of Avondale (the “City”) strives to provide safe working conditions for its employees. The HR Director (the “HR Director”) is responsible for the administration of safety programs throughout the City under the direction of the City Manager.

#### **1. General Employee Responsibilities**

- a.) Each employee is responsible to be familiar with the emergency policies and procedures contained herein.
- b.) Each employee must know the location of first aid supplies and the automated external defibrillator.
- c.) Each employee must observe traffic laws and regulations when driving or operating City vehicles and equipment.
- d.) Each employee shall wear safety belts when operating City vehicles or equipment or when operating his/her personal vehicle while performing City business.
- e.) Each employee is required to report to his/her immediate supervisor the use of medication that may impair his/her ability to drive or operate equipment.
- f.) Each employee is strictly prohibited from driving or operating equipment while under the influence of alcohol or drugs.
- g.) Employees are expected to follow good safety practices and are subject to disciplinary action for failure to do so.

#### **B. Reporting Accidents and Injuries**

- 1. Employees shall notify their immediate supervisors to report safety issues, injuries and accidents as soon as possible after discovery of the safety issue, injury or accident. If the employee’s immediate supervisor is not available, he/she should report the issue or incident to the department director. The City will not tolerate any form of retaliation for such reporting.
- 2. All injuries or accidents need to be documented whether or not medical treatment is sought. Once notified of an accident or injury, the supervisor or director will report immediately to the City’s Safety & Risk Coordinator.
- 3. Injuries requiring only minor first-aid may be treated at the job site or department office.

4. Within twenty-four (24) hours of any accident or injury, the supervisor receiving the report of the accident or injury will file a supervisor's report of injury form with the Safety & Risk Coordinator for insurance purposes.
5. Employees who have an accident with a City-owned vehicle must first notify the appropriate law enforcement agency and then their supervisors or department directors. All accidents, no matter how minor, require law enforcement notification so that a traffic report can be generated.
6. Employees will be tested for drugs following any accident involving a City vehicle.
  - a. While the City is waiting for the results of the drug test to be received, the employee shall be assigned work duties that do not involve driving or safety-sensitive equipment, such as a clerical/administrative position. If no position is available, the employee shall be placed on administrative-leave until the employee has been authorized to return to work by the Human Resources Department.
7. Each department is responsible for maintaining thorough records of all accidents and injuries, including the charging of responsibility where it can be determined. Records kept on file should include a copy of the supervisor's report of injury form, a copy of any traffic report generated and notes of any conversations related to the accident or injury.

## C. Workplace Violence Policy

### 1. Purpose

The City and its employees have a mutual obligation to ensure a safe and healthy work environment. The purpose of this policy is to provide guidance and direction to all personnel regarding workplace violence issues. Any questions regarding this matter should be directed to the HR Director or the Safety & Risk Coordinator.

### 2. Definitions

- a.) **Workplace** - Any location where an employee is working or conducting business for the City.
- b.) **Threatening Behavior** - Any intimidating or bullying type of behavior, verbal or nonverbal, that would cause a reasonable person to feel physically in danger.
- c.) **Harassment** - Where one or more employees engage in a pattern of behavior to annoy, pester, tease, torment or disturb another employee in a manner that prevents the targeted employee from being able to effectively perform his/her duties at work. In severe cases isolated incidents of this behavior may be considered harassment.

### **3. Policy**

#### **a.) Zero Tolerance**

1. Violence or the threat of violence by or against any City employee is unacceptable and will not be tolerated.
2. The City will take any steps deemed necessary to protect its workforce from violence. An employee who commits or encourages violence in the workplace will be subject to serious disciplinary action, up to and including termination.
3. The City will fully cooperate with the efforts of law enforcement personnel to prosecute anyone who subjects employees to violent acts or threats of violence.

#### **b.) Reporting**

1. It is the mutual obligation of all City employees to prevent violent behavior and threats of violent behavior.
2. All threats, harassment and violent acts that may impact the workplace, whether by co-workers or individuals not employed by the City, must be promptly reported to an employee's immediate supervisor or, if the immediate supervisor is unavailable, to the employee's department director.
3. Employees acting in good faith who report violent behavior, threats of violent behavior or harassment will not be subject to retaliation or harassment based upon their report. If there is uncertainty as to whether a situation constitutes violent or threatening behavior, the employee is encouraged to discuss the matter with his/her immediate supervisor or department director.
4. Employees must take all threats and violent behaviors seriously, whether directed at the employee or another, and have a duty to report them.
5. Supervisors, managers and directors shall monitor their workplace and report all threats and violent behaviors immediately to the HR Director, regardless of whether the person engaged in the behavior is a direct subordinate or no complaint has been made.
6. The first response to serious violence should be to call 911.
7. Failing to report violent acts or threatening behavior can be a serious offense and may result in discipline, up to and including termination.

### **c.) Weapons**

1. Except for sworn police officers and detention officers, the possession, use or threat of use of any weapon, including all firearms and other objects, which could be used as weapons likely to cause serious injury, is prohibited in the workplace and within any City property, including City vehicles.
2. An employee found with an unauthorized weapon on City property shall be subject to disciplinary action, up to and including termination.
3. Employees who feel they have a special need for added personal safety should contact the HR Director. The HR Director should consult with the Chief of Police to determine if additional measures for safety are necessary.

### **d.) Risk Reduction Efforts**

The City strives to use the following management tools in an attempt to reduce the risk of violence in the workplace:

1. Prompt reporting is required of any and all threatening and violent behavior.
2. Probationary periods and performance evaluations.
3. Discipline policy.
4. New hire training.
5. Educational efforts provided through the employee newsletter, the HR Department and division staff meetings.
6. Background checks.

## **4. Addressing Workplace Violence**

### **a.) Employee Response to Violence in the Workplace**

#### **1. Actual Or Potential Confrontation**

Violence in the workplace may occur as a result of poor relations among co-workers or with supervisors, negative contact with the public or from personal disputes with family members or neighbors. When faced with an actual or potential confrontation, employees should:

- Be alert, calm and respectful in order to diffuse a situation;
- Have an agreed-upon danger signal to alert co-workers in your work area to trouble; and

- Be observant and listen to the person. This will serve the purpose of potentially defusing the situation and will make it more likely that employees will remember details when reporting the incident.

## **2. Emergency Situations**

The first response to serious violence should be to call 911. If a City phone is used, dial 9, listen for the dial tone and then dial 911. Be prepared to calmly state your exact location, your name and the specific nature of the problem. As soon as practicable, contact your supervisor, who then will inform the department director and the HR Director.

## **3. Non-Emergency Situations**

Individuals involved should be separated if separation can be accomplished safely. The supervisor will notify the department director and the HR Director of the situation and report the action taken. The department director and the HR Director should be advised promptly about the confrontation or altercation and will determine further action.

## **4. Court Orders**

If an employee obtains a restraining order or an order of protection from a court due to an off-the-job situation, and the order includes the workplace, the employee is required to inform the Human Resources Department of the issuance of such a court order and provide a description of the individual cited in the order. The Human Resources Department will notify the employee's Department Head and will decide the appropriate steps to take and further notifications required to protect the workplace.

### **b.) Supervisor Response to Violence in the Workplace**

Supervisor/director personnel shall take the following action upon receiving a report of an actual or potential workplace violence or harassment situation and immediately advise the Human Resources Department:

#### **1. Initial Response**

- Immediately evaluate the severity of the situation.
- If the situation appears urgent or criminal in nature, contact the police department immediately.

#### **2. Investigation**

The HR Department will initiate a prompt and thorough investigation of all reported violence or threats of violence. If the alleged perpetrator is a City employee, he or she may be questioned and/or put on administrative leave pending the investigation. At any time, the police department may be contacted and may be present during questioning.

#### **3. Search**

All City property, including work areas, offices, lockers, file cabinets, desks, vehicles or other City property, is subject to a search. These areas are not considered personal or private. No personal locks will be allowed to secure any City property (i.e., tool boxes, lockers, desks, etc.). All locks are subject to removal by the City. The City shall supply a City-owned lock for any area the employee and his or her supervisor deem appropriate to maintain in a secured manner. No search pursuant to this policy should be made of the employee's person or of close personal items, such as handbags, briefcases or private automobiles, without the consent of the employee. Should such a search be desired and consent refused, law enforcement will be consulted.

#### **4. Alternatives**

Depending upon the nature or severity of the violent threat, act or harassment, the department director or the HR Director may take or recommend any of the following specific actions:

- Contact the police department for assistance.
- Place the employee on administrative leave pending an investigation.
- Refer an employee for counseling through the employee assistance program.
- Notify other employees to be alert.
- Obtain an injunction or restraining order.
- Pursue criminal charges against the individual.
- Provide additional security at the workplace as needed.
- Take other measures as deemed appropriate.

#### **c.) Privacy/Confidentiality**

Disclosure of violent acts or threats and the identity of the employee will be limited to those who have a need to know. However, if the threat is directed at a number of individuals or is directed at the entire workforce, the City's need to maintain a safe work environment for its employees will outweigh the person's expectation of privacy, confidentiality or protection of their reputation.

#### **d.) Critical Incident Debriefing**

The City recognizes that the trauma and stress created by a violent incident can affect many individuals such as witnesses, victims and bystanders. Often, professional intervention is needed after an incident. Should this happen, the HR Department will make arrangements with the employee assistance program to conduct stress intervention. The HR Director will conduct

debriefing sessions before employees are permitted to leave the workplace for the day. Attendance at the debriefing session will most often be mandatory for all those involved in the incident. The contents of any debriefing or stress-related sessions shall be treated as confidential. An employee's attendance/participation in such a session shall not be the subject of any documentation maintained in the employee's personal file.

#### **D. Emergency Evacuation**

Employees are required to evacuate from the building immediately when an emergency alarm is sounded. To assist in the evacuation of buildings, employees are responsible for the following:

1. Knowing how to activate the fire alarm or designated evacuation signal for their building.
2. Knowing two evacuation routes from their area and safe areas once outside the building.
3. Being able to assist visitors and others in the building that are unfamiliar with evacuation procedures and exit routes, including designated safe areas in the buildings where persons who would have difficulty evacuating the building may await rescue.
4. No employee shall re-enter an evacuated building unless specifically authorized by the incident commander or the "all clear" is given.
5. Each employee is responsible for reviewing the emergency evacuation procedure.

#### **E. Exposure Control Plan**

This Exposure Control Plan is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with the Occupational Safety and Health Act. This plan applies to all affected departments except for the fire department and the police department. Fire department employees shall follow the department's infectious control plan that includes bloodborne pathogens. The police department employees shall follow the department's exposure control plan.

1. Any employee at risk of an occupational exposure will be offered, at no cost to the employee, the Hepatitis B Vaccination Series. This vaccination series consists of three shots administered at zero, one and six-month intervals.
2. Employees may decline to receive the Hepatitis B Vaccination Series but may receive them at a later date. Employees must sign a declination form if they decline the series.
3. Exposure control training will be conducted annually for areas that have employees at risk for exposure and every two years for other employees.
4. All personal protective equipment shall be provided to employees by the City at no cost to the employee.

5. In the event of an exposure, the employee must report the exposure immediately and complete the supervisor's report, report of significant work exposure to bodily fluids and the addendum to the Industrial Commission of Arizona report of significant work exposure to bodily fluids.
6. Each employee is responsible for reviewing the Exposure Control Plan and must acknowledge that the Exposure Control Plan materials have been received.

**F. Personal Protective Equipment (PPE)**

All employees that have work situations that expose them to potentially hazardous conditions must wear the following personal protective equipment:

1. Employees are required to use eye and/or face protection when exposed to hazards from flying particles, liquid chemicals, acid or caustic liquids, chemical gases, vapors, potentially damaging light radiation and at all times when in the field, around construction and maintenance projects/sites.
2. Employees are required to wear hard hats where there is a potential for injury to the head from the impact of flying, falling, moving or propelled objects or from electrical shocks or burns.
3. Employees are required to wear protective footwear when working in areas where there is a danger of foot injuries due to falling and rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.
4. Hand protection shall be worn when hands are exposed to hazards such as those from skin absorption of harmful substances, severe cuts or lacerations, severe abrasions, punctures, chemical burns, thermal burns and harmful temperature extremes.

When PPE is required to perform job tasks safely, supervisors are responsible for enforcing these requirements. If injury occurs and an employee did not wear PPE in a situation where an employee should be reasonably expected to wear PPE, that employee may be disciplined for violating this policy in accordance with the City's Policy and Procedures Manual. Employees who refuse to wear PPE or are not consistent in its use will be disciplined in accordance with the City's Policies and Procedures Manual. Each employee is responsible for reviewing the Personal Protective Equipment Procedures. Each employee shall acknowledge that the Personal Protective Equipment Procedures have been received.

**G. Occupational Safety and Health Act Readiness Plan**

The William-Steiger Occupational Safety and Health Act (OSHA) was enacted by the U.S. Congress to ensure, as far as possible, safe and healthful working conditions for the nation's men and women. This is the purpose with which the City fully agrees and maintains for the health and safety of our employees. It is important that each facility understand the principle features of the Act and the following responsibilities:

1. Whenever there is an occupational death or one or more employees are hospitalized, the City's Safety & Risk Coordinator will notify OSHA.
2. The OSHA Compliance Officer may inspect pre-determined areas to ensure City compliance with OSHA regulations.
3. If the OSHA Compliance Officer (the "CO") arrives during an off-shift time period or a weekend, the CO will be instructed to return during regular business hours.
4. The Safety & Risk Coordinator will greet the CO and verify identification.
5. Each department should determine an inspection route to meet the CO's inspection objectives. Do not walk through areas that are not part of the inspection.
6. Every document request will be made through the Safety & Risk Coordinator. Refer all CO document requests to the Safety & Risk Coordinator.
7. Employees are to be courteous and answer questions factually when asked by the CO. Employees should not give opinions or speculate.
8. Each employee is responsible for reviewing the OSHA Readiness Plan. Each employee shall acknowledge that the OSHA Readiness Plan has been received.

## **CHAPTER 12**

### **Solicitation, Conflict of Interest & Political Activity**

#### **A. Solicitation**

Employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for reasons of personal gain, unless approved by the department director.

#### **B. Conflict of Interest**

No employee will engage in any activity or enterprise that conflicts with his/her duties as a city employee or with the duties, functions, and responsibilities of the department in which he/she is employed. The following activities will be considered conflicts of interest in city employment, and it should be noted that the list of activities deemed to be conflicts are not intended to be all-inclusive:

1. Any employment, activity or enterprise that involves the use, for private gain, of the City's time, facilities, equipment, or supplies or the badge, uniform, prestige, or influence of the office of employment; or
2. Any employment, activity or enterprise that involves the receipt or acceptance by an officer or employee of any money or other consideration from anyone other than the City for the performance of an act which an officer or employee would be required or expected to render in the regular course of city employment or as part of his/her duties as a city employee; or
3. Any employment, activity or enterprise that involves the performance of an act in other than his/her capacity as a city officer or employee which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by such officer or employee of the department within which he/she is employed; or
4. Any employment, activity or enterprise that involves so much of the employee's time that it impairs his/her attendance and efficiency in the performance of his/her duties as a city officer or an employee.

#### **C. Prohibition of Political Activity**

1. Employees, including exempt/nonexempt or temporary employees, are strictly prohibited from engaging in the following activities associated with a City election for the election of a City Council Member or the recall of a City Council Member.

- a. Running as a candidate for the Avondale City Council. Any employee interested in running for a seat on the Avondale City Council must resign from City employment at the time the employee files for candidacy.
  - b. Signing or circulating nominating petitions pertaining to candidates for the Avondale City Council (i) while on-duty or while wearing an official uniform or insignia of the City, or (ii) at City-sponsored events.
  - c. Signing or circulating petitions for the recall of a City Council member.
  - d. Making campaign contributions to a candidate for Avondale City Council or for the recall of an Avondale City Council Member.
  - e. Advocating for or against a particular candidate for Avondale City Council or for recall of an Avondale City Council Member (i) while on-duty or while wearing an official uniform or insignia of the City, or (ii) at City-sponsored events.
  - f. Any other involvement with an Avondale City Council candidate's campaign, other than casting an individual ballot.
  - g. Using City resources to influence the outcome of a City election.
2. Employees, including exempt/nonexempt or temporary employees, may sign petitions or express personal opinions on referendum and initiative measures pertaining to Avondale City ordinances or on bond elections called by the Avondale City Council, so long as the employees are not (a) on-duty or wearing official uniforms or insignia of the City, or (b) at City-sponsored events. No City resources may be used. It must be clear that any opinion expressed by a City employee is strictly an individual, personal opinion and in no way represents the City's position on the issue.
  3. In all cases, pursuant to state law, City employees shall not use the authority of their positions as City employees to influence the vote or political activities of any subordinate employees with respect to any election.
  4. Political activity on the national, state or county level is unrestricted, except that any employee desiring to hold such office will refrain from any campaign activity (a) while on duty as an employee or while wearing the uniform or insignia of the City, or (b) at City-sponsored events. The state level includes any governmental subdivision of the State, except the City of Avondale. Holding a state or county office shall be subject to laws governing incompatible offices.

#### **D. Conflicts Between Policies**

To the extent that any provision in this Chapter 12 conflicts with any Administrative Policies or directives, the provisions of this Chapter shall govern.

## CHAPTER 13 Employee Records & Reports

### A. Maintenance of Records

The Human Resources Department will be responsible for maintaining records on each employee to include pertinent personnel data such as name, address, telephone number, title of position held, the department to which assigned, current salary, and change in employment status. Records will also include information relative to completion of training programs as well as professional and technical courses, accomplishment of work, conformance to expected standards, disciplinary actions, awards and such other information as deemed by the HR Director as important. Each employee will be advised as to the content of his/her record, upon request. **Records will be for official use only.** The only exceptions to this requirement are:

1. The AZ-POST file maintained by the Police Department on each sworn police officer.
2. All Fire-Medical personnel training records, response records and equipment records will be maintained by the Fire Department. This does not include any City-mandated training courses, which would be maintained by the Human Resources Department.

### B. Access to Personnel Files

All personnel files of employees are the property of the City. No employee or other person may obtain or possess personnel records maintained by the City except as specifically stated herein. Access to an employee's personnel file shall be limited to:

1. The employee or authorized representative of the employee for review of his/her own individual personnel file.
2. The City Manager.
3. City, State or Federal Auditors with a business purpose.
4. Presiding City Judge, for City Court Personnel.
5. The employee's supervisor and department director.
6. The Hearing Officer, when considering any employee appeal, may review an employee's personnel file.
7. Attorneys or authorized staff members of the City Attorney's Office, or legal counsel representing the City, when necessary to provide legal advice or representation to the City.
8. Employees or agents of companies providing employee benefits, when necessary to determine eligibility or otherwise administer benefits to the employee.

9. Personnel records that are subpoenaed.
10. Any person or organization that receives a signed written release statement from the employee whose records are in question.

### **C. Procedures for Access to Personnel Files**

- 1. Access by Employee.** Employees wanting to inspect their personnel records will submit a written request to the Human Resources Department. Within five (5) days of receiving the employee request, the Human Resources Department schedules an appointment during which the employee can review his or her files. All appointments are scheduled during regular business hours.
  - a. Inspections. All personnel record inspections take place in the Human Resources Department in the presence of a Human Resources representative. The employee cannot remove any files from Human Resources.
  - b. Copies. An employee can obtain photocopies of any documents in their file by requesting such copies through the City Clerk's office. Copies of the documents are provided to the employee within a reasonable period of time after a request has been made. In the case of copy requests that are time consuming or involve an extensive number of documents, the City Clerk's office may charge the employee a reasonable fee to cover its copying costs.
  - c. Internal Requests. A request to view personnel files must be in writing and directed to the Human Resources Department. Such requests must be made during the regular business hours of the Human Resources Department. Except for the requests by the employee, a request to review a personnel file requires a legitimate business necessity.
  - d. Public Record Requests. All requests [other than those described in section C.1 and 2, above] to inspect and/or copy information contained in an employee's personnel file shall be directed to the City Clerk.
- 2. Information Verification/Reference Checks.** All persons or entities wishing to obtain a reference check and/or verify information concerning a current or former employee of the City shall provide the Human Resources Department with a signed written release statement from the employee whose records are in question.
- 3. Public Record Requests.** All requests to inspect and/or copy information contained in an employee's personnel file shall be directed to the City Clerk and such records shall be disclosed as required by law.

### **D. Reporting Changes in Contact Information**

Employees will promptly report to Human Resources through the city's personnel system any changes of name for tax and insurance purposes, or any changes in address, telephone number, or contact information. Employees will be responsible for updating such information in the city's personnel system within five (5) working days of any change.

## **CHAPTER 14**

### **Employee Education Assistance**

#### **A. Policy**

The City of Avondale values the importance of the individual growth of each employee because it is seen as a contributing factor in the growth of the City. Therefore, it is the City's policy to encourage employee development through educational reimbursement and training opportunities. Affirmative action will be taken to assure that there is equal opportunity to participate in development programs without regard to race, color, religion, sex, national origin, age or disability.

#### **B. Purpose**

The City recognizes that we increasingly need our employees to develop their knowledge, skills, and abilities in order to keep pace with the rapid changes in technology, methodologies, and work place diversity. This program has been established so the City of Avondale and its employees may benefit from the rewards of additional education. The purpose of this program is to increase an employee's competence in his/her current position and to broaden his/her career opportunities with the City.

#### **C. Employee Eligibility**

1. Any regular, full-time employee holding an exempt or non-exempt position and who has successfully completed their original probation is eligible to participate in the employee education assistance program.
2. Any employee on original probation is not eligible for the education assistance program.
3. The resignation or termination of an employee prior to the completion of a course will automatically terminate his/her eligibility for reimbursement under this program.
4. A layoff or approved leave of absence status of an employee after the approval of his/her application for education assistance will not alter their eligibility for reimbursement.

#### **D. Course Eligibility**

1. Educational assistance will be provided for courses of instruction taken at, or through, private and public institutions of learning such as universities, colleges, trade schools, and technical institutions. All eligible institutions must be fully credited by a regional institutional accrediting association such as, the North Central Association of Colleges and Secondary Schools.

2. To be eligible for reimbursement, a course will be taken on an employee's personal time and the employee will have personally paid the fees for which they are requesting reimbursement.
  - a.) Employees who receive financial assistance for their education from another source (i.e. scholarships, grants, military education benefits, etc.) must disclose the source and the amount at the time they apply for course reimbursement. If an employee receives 100% funding for his/her education from another source, the City shall not provide reimbursement.
    - 1) Under certain circumstances, coordination with other funding sources is possible. In all instances, total financial assistance and tuition reimbursement shall not exceed the educational expenditures incurred.
3. To be eligible for reimbursement, an employee will submit an application for education reimbursement at least five (5) days **prior to** the beginning of a course. Reimbursement will not be approved if an application for this reimbursement is received after a course has been completed.
4. To be approved for reimbursement, a course must result in formal college credit and will meet one of the following criteria:
  - a.) It relates directly to the job classifications of the employee's present position, or it relates to the job classification of a position, which would be career advancement for the employee and thereby makes an employee more in line with career progression.
  - b.) Courses taken as electives by employees in a degree program are acceptable; however, the Human Resources Director must approve other elective classes.
  - c.) Courses taken to complete a General Education Diploma "GED".
5. Courses will be taken for an academic grade. A course taken for pass/fail credit may be approved if an academic grade (A-F) is not available. Audited courses will not be eligible for reimbursement.
6. Courses will be completed with a grade of "C" or better, to qualify for reimbursement.
7. The Human Resources Director will issue the final decision of whether an educational course meets these requirements and contributes to the employee development supported by this policy.

## **E. Reimbursement Eligibility and Level of Assistance**

1. The City will reimburse for the tuition cost up to \$5,000 in eligible education expenses per calendar year pending sufficient availability of department funds. All other costs are the responsibility of the employee.
2. Educational reimbursement is not available, more than one time, for the same course.
3. The calendar year in which the course ends will determine the year in which the course is eligible for reimbursement.

## **F. Reimbursement**

1. Upon successful completion of the course(s), reimbursement is contingent upon the employee submitting the following documentation to the Human Resources Department:
  - a.) A copy of the HR Department approved application for education reimbursement
  - b.) A copy of the official grade report or transcript from the educational institution.
  - c.) An original paid tuition receipt. The receipt should indicate the method of payment, such as by personal check, credit card, or student loan.
  - d.) These documents must be submitted within 60 days after completion of the course(s).
  - e.) When all requirements are met, the Human Resources Director will approve reimbursement and a check will be issued to the employee.
2. No advance payment will be made to employees for educational expenses covered under this policy and no payment will be made directly to an institution.
3. The employee is expected to make personal payment to their educational institution, and this benefit will only reimburse employees, for approved expenses, after the satisfactory completion of the course.

## CHAPTER 15

### A. WORKPLACE HARASSMENT AND DISCRIMINATION

#### 1. Purpose

It has long been the City's policy that all employees have a right to be free from any form of discrimination and workplace harassment, including sexual harassment. The city is committed to maintaining a workplace free of discrimination and harassment, and such behavior will not be tolerated. The purpose of this policy is to make it clear that the City has zero tolerance for any form of harassment or unlawful discrimination in the workplace, and to establish procedures for reporting behavior prohibited by the law and this policy.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### 2. Policy

The City strictly prohibits any form of workplace harassment and discrimination. Complaints of behavior in violation of this policy will be investigated, and violators will be appropriately disciplined, up to and including termination. This policy applies to all employees of the city. Supervisory or managerial personnel are responsible for taking proper action in accordance with this policy.

Employees who are unclear about whether conduct is in violation of this policy are encouraged to contact the human resources to discuss it.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### 3. Definitions

a. **Discrimination.** Discrimination means to exclude individuals from an employment opportunity based on the individual employee's race, color, religion, sex, age, disability or national origin.

b. **Harassment.** Harassment means an act or a series of acts of an offensive nature between employees, that (i) are offensive to a reasonable person; (ii) are offensive to the employee subjected to the harassing conduct; and (iii) serve no legitimate purpose. Harassment in violation of this policy may include, but is not limited to, the following behavior and conduct:

1. Offensive physical actions by an employee toward another employee, including, assault.
2. Offensive verbal actions by an employee toward another employee, including derogatory, prejudicial, stereotypical or otherwise offensive comments, slurs, jokes, posters, cartoons, pictures, e-mails, voice mail or any form of communication or computer media where a person is depicted in an insulting or demeaning manner.

c. Sexual harassment. Conduct constituting sexual harassment is as defined in the equal employment opportunity commission guidelines, and includes, but is not limited to sexual advances, expectations, requests, demands or pressure for sexual favors or express or implied promises or threats that participation in sexual conduct might affect a person's job in some way.

d. Workplace harassment. Workplace harassment includes harassment and sexual harassment, as defined in this policy.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### **4. Responding to Workplace Harassment and Discrimination**

a. Allegations of workplace harassment and discrimination. Employees who feel they have been subjected to conduct in violation of this policy must report it immediately to his or her supervisor. If the employee's supervisor is (i) the source of the alleged conduct or (ii) not available, or if the employee is uncomfortable discussing it with the supervisor, the conduct should be reported to the Human Resources Department.

Any supervisory or managerial personnel who becomes aware of possible workplace harassment or discrimination must immediately advise the human resources department so that the matter can be investigated in a timely manner.

b. Investigation. All allegations of workplace harassment and discrimination will be thoroughly investigated. to the extent possible, the identity of the employee alleging conduct in violation of this policy will be treated as confidential, as well as the identity of (i) any witness(es) and (ii) the alleged violator. All city employees who are involved with or aware of investigations are expected to maintain the same level of confidentiality. The city has a responsibility to all employees to thoroughly investigate all allegations of conduct in violation of this policy, which may include interviewing alleged offenders and witnesses. When the city's investigation is complete, employees involved with the investigation will be informed of the outcome.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### **5. No Retaliation**

Under no circumstances will anyone be retaliated against or disciplined for complaining in good faith about or otherwise reporting discrimination or workplace harassment.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

#### **6. Discipline**

Discrimination, workplace harassment and retaliation are considered to be forms of employee misconduct. Disciplinary action, up to and including termination, will be taken against any employee engaging in behavior in violation of this policy. Supervisory and managerial personnel who have knowledge of such behavior, but fail to take action to address it, will be subject to disciplinary action, up to and including termination.

Historical Note: Adopted Effective: 8/15/02  
Amended Effective: 7/21/04

## **B. Fraternalization**

The City has adopted this section in recognition of its responsibilities to provide guidelines on and caution employees of the potential problems posed by intimate relationships with other employees. These problems include conflict of interests, interference with productivity of co-workers, and potential charges of sexual harassment. These problems can be particularly serious in situations in which one person has a position of authority over the other, such as in a supervisor-subordinate relationship.

### **1. Restrictions on Employee Conduct**

The City does not prohibit consensual relationships between employees, but it does impose the following restrictions:

- a.) The City strongly discourages supervisors and managers from engaging in sexual or otherwise intimate relationships with subordinates within the same department and requires the employees involved to disclose the existence of such relationship to the Human Resources Director or the City Manager.
- b.) Additionally, supervisors and managers are required to take the steps to resolve any actual or potential conflict of interest or impropriety created by the relationship.

### **2. Disclosure**

Once disclosed, the Human Resources Director and the City Manager must assess the situation and make a recommendation to resolve any actual or potential conflict of interest or impropriety created by the relationship. Such recommendation can require the supervisor or non-supervisory employee to transfer to another department or facility where the supervisor is prohibited from having any involvement in professional decision-making affecting the partner who transfers.

### **3. Discipline**

Failure to comply with the recommendation to resolve a conflict with this policy can result in discipline up to and including termination of employment.

**C. Prohibited Conduct**

Employees are prohibited from engaging in sexual conduct of any kind on City property or on City time.

## **CHAPTER 16**

### **Information and Communications Technology Policy**

#### **A. Policy Statement**

The City shall maintain its information and communications technology environment to enable efficient, secure, legally compliant, and effective work by staff. The function of the Information Technology Department (IT) is to fulfill these technology, communications, and collaboration needs in a well-planned manner.

#### **B. Key Definitions**

1. ***Access Control.*** Limits placed on the ability to interact with networks, hardware, and/or software. Limits can be physical or logical in nature, affecting access to computing hardware, resources on data networks, entry into and use of business software, and ability to work with data.
2. ***Backup.*** A copy of original content that is transferred to a separate location(s) and/or medium(s) to safeguard the content for later restoring information in the event of unwanted deletion, alteration, or disaster.
3. ***De Minimus Use.*** Personal employee use of City IT resources that is nominal, irregular, and within ethics standards.
4. ***Information Systems.*** Computer hardware, software, storage, networking, procedures and processes used in collecting, processing, storing, sharing, or distributing information.
5. ***Information Security Officer (ISO).*** City employee(s) designated by the Chief Information Officer to serve as the point-of-control for technology-related security issues. The individuals are designated in IT employee listings.
6. ***Malware.*** Any code, script, or other software that disrupts proper operation of systems, provides unauthorized access to network and/or systems, gathers/shares information without knowing consent, or otherwise causes undesired and compromising activity.
7. ***Mobile Devices.*** Portable communications and computing devices, such as cellular-based smartphones, tablet computers, and portable personal network cards/peripherals.

8. ***Password.*** A sequenced combination of characters and numbers used to confirm that a user requesting access to a network or system is permitted to do so. Typically, a unique User Access Account is paired with a password to manage access. The password, known only to the user who generated it, is entered to verify identity. A password is deemed “strong” if requirements for length, character use, and pattern significantly impede malicious and/or unintended access.
9. ***Private and Sensitive Data.*** Information defined by law, policy, or regulation as warranting controls over access, storage, release, modification, destruction, loss, and/or misuse.
10. ***Technology Assets and Resources.*** The City’s computers, servers, mobile devices, printers, computing peripherals, software and licenses, data communications network, technology vendor contracts, and services agreements.
11. ***User Access Account.*** An electronic identity used to access to specific resources. Paired with a password and/or additional means of authentication, User Access Accounts allow secure use of information assets, resources, and tools.

### C. **Information and Communications Technology Usage**

1. **Accountability.** All employees are responsible for all activity occurring under their User Access Accounts. For information security purposes, employees **shall not** permit or make it convenient for individuals to use accounts not assigned to that person.
2. **Privacy.** No person using City technology and communications resources has any right or claim to privacy. Conduct on City resources, at City facilities, and/or during work time is subject to monitoring and recording as approved by the City Manager and/or designee(s).
3. **Appropriate Use.** City employees shall use City technology assets and resources in a professional, legal, and ethical manner. Misuse of technology assets and resources may result in discipline up to and including termination. The following are expressly prohibited:
  - a. Originating or relaying materials that discriminate or cause discrimination as defined under local, state, and Federal laws.
  - b. Originating or relaying intimidating, hostile, and/or threatening communications.

- c. Altering messages to attribute and relay incorrect information;
  - d. Violating copyrights, trademarks, or licenses.
  - e. Knowingly introducing malware and security risks into the City technology and communications environment.
  - f. Accessing the secure files and/or the communications of others without prior approval by the City Manager or designee.
  - g. Using City technology and communications resources to benefit personally, apart from employment terms.
  - h. Using City technology and communications resources of assigned work hours without current supervisor permission.
  - i. Any political activity defined as inappropriate under local, state, and Federal laws, and not approved as part of the City's approved legislative efforts.
4. **Personal Use.** The technology and communications resources of the City are for business use. De minimus personal use is permitted if extenuating circumstances exist and provided the employee does not violate Federal or state laws. It is the responsibility of the employee to ensure the limits on personal usage of public assets are understood prior to making such use.
  5. **Informal Communications.** Instant messaging, voice mail, and text messages are informal tools for coordination purposes. Communications on these tools may fall under Arizona Public Records laws and corresponding retention schedules.
  6. **Recording.** City of Avondale employees may not record images or sound of City work, programs, services, projects, employees or activities while in the course and scope of their employment unless it is for City business purposes and is either: (1) specifically authorized in writing by their supervisor or manager or (2) pursuant to department policy. Such recordings may fall under the Arizona Public Records laws and corresponding retention schedules.

Absent preauthorization, when urgent circumstances reasonably prevent the employee from first seeking the prior written approval from their supervisor or manager for the specific use in question, employees may record the images and sound and obtain approval after the fact.
  7. **Preventative Monitoring.** IT shall maintain solutions to prevent malware and to filter materials of a discriminatory, prohibited, and/or illegal nature.

If activities of these types are detected, employee conduct will be addressed by the employee's managers and the Human Resources Department.

8. Telecommuting. Support for employees to work from home can benefit City services and operations by improving staffing flexibility in desired situations. If granted by the City to sustain operations, IT shall maintain the ability for required employees to remotely and securely access the City network to perform essential job functions. Specialized costs in addition to core network services are to be addressed by the requesting department and IT. Any employee approved for and who accepts a telecommuting assignment is responsible for ensuring the security of City assets at all times.
9. Research and Development. Exceptions to Chapter 16 may be allowed to support testing of new technologies. The purposes of these initiatives are to pilot viability of new services, improve existing services, and/or reduce costs. In all instances, testing must be approved by the City's Chief Information Officer, not interfere with City operations, and ensure private and sensitive data is not placed at risk.

#### **D. Information and Systems Security**

1. Intent. IT shall ensure the City's technology and communications environment is secure, reliable, and usable.
  - a. Information Security Officer. The City shall name an Information Security Officer (ISO) and at least one alternate to coordinate information security efforts, address security incidences as they occur, and complete investigations approved by the City Manager and Chief Information Officer, or their designee(s).
  - b. Access. Permissions shall be based on an assessment of the City's potential exposure to unauthorized access, theft, destruction, alteration, or misuse of information resources.
    - i. Security and controls shall be applied in a least-permissive manner. Employees, interns, volunteers, and contractors shall be granted and exercise only those rights needed to perform their assigned duties and to perform required administrative tasks.
    - ii. Critical technology assets and resources – e.g., servers, security gateways, network equipment, system consoles – shall be physically secured in protected areas with access logging. Security designs must be approved through IT.

- iii. Employee technology and security training is required at least annually and shall be tracked by the Human Resources Department.
  - iv. Only personnel authorized by IT shall have access to the City data center, network closets, server rooms, control centers, or network operation centers.
  - v. The Human Resources Department, Facilities Division, and IT shall coordinate a program for badges and physical access controls for the City.
- c. Access Forms. All employees, volunteers, interns, contractors, and other users of the City IT resources shall be required to sign an acknowledgment of the City's Information and Communications Technology Policy prior to starting work for the City.
- i. Signed employee, volunteer, and intern forms are to be maintained by the Human Resources Department.
  - ii. Signed contractor forms are to be maintained by IT. Individual access may not exceed six months, after which access must automatically terminate, unless departments review and reauthorize access.
  - iii. IT shall review associated forms at least annually and shall maintain the forms on the City Intranet for easy access and use.
- d. Notification. Hiring managers and supervisors must submit signed forms to IT at least three work days prior to the arrival, reassignment, and separation of all employees, interns, and volunteers.
- e. Secure Computing. All computing devices connecting to City technology networks and assets must have appropriate countermeasures installed and active as deemed appropriate by IT under applicable agreements or standards. Countermeasures must include the following:
- i. Anti-malware, anti-virus, email scanning, and firewall software/hardware.
  - ii. Secure password usage.

- iii. Setting to purge or lock device if an incorrect password is used excessively.
    - iv. Active permissions allowing IT to remotely wipe City information.
    - v. Pre-boot encrypted hard-drives for City-owned computers.
  - f. External Security Requirements. IT shall be responsible for coordinating all external security requirements placed on the City, including audits and any mandates from state and/or Federal agencies.
- 2. Position Coordination. The Human Resources Department shall consult with IT when filling positions that are technology-focused. IT shall ensure that consistent position descriptions exist for City technical staff, individuals with appropriate technical qualifications are hired for City IT positions, and security needs for specialized positions required by City departments are properly addressed.
- 3. Incident Response. IT shall be the central authority for computer and data security.
  - a. Definition. An incident is defined as any event wherein the security of City data, hardware, software, and/or network is potentially compromised. This includes suspected malware infection, loss/theft of a computer(s), loss/theft of data media, discovery of inappropriate sharing of private and confidential data, etc.
  - b. Employee Responsibility. City employees and departments are responsible for notifying the IT Help Desk and/or Information Security Officer of any malware infections, hardware loss, or data loss upon discovery.
  - c. Coordination. IT shall notify the City Manager, City Clerk, and City Attorney of any security incident that rises to the level of security breach, as defined under Arizona law. The City Attorney and IT will coordinate to fulfill legal requirements as needed. In such an event, the responsible department shall be first to cover expenses to address the breach.
- 4. Technology Acquisitions. IT shall serve as the central authority for acquisition, asset management, and licensing compliance of City technology assets. City departments shall work with IT to minimize

redundant technology purchases in favor of enterprise-wide, secure, and economical approaches. The Finance and Budget Department, City Attorney, and IT shall jointly ensure the City's interests are protected in technology-related contracts.

- a. Approval. All technology hardware, software, and services for use by the City must be approved through IT prior to procurement and purchase.
- b. Procurement. IT shall have a voting member on all procurement selection committees for software, technology hardware, and/or technology services. The role of IT in procurements is to ensure successful integration and execution of technology-related projects, systems, and services. All technology -related purchases must comply with the requirements of the Avondale Procurement Code (Municipal Code, Chapter 25) and Procurement Administrative Policy.
- c. IT Asset Management. IT shall be responsible for the following IT Asset Management functions:
  - i. Accepting delivery of technology assets.
  - ii. Maintaining accurate asset inventories and tracking.
  - iii. Complying with all appropriate licensing requirements.
  - iv. Disposing of hardware in an environmentally-responsible manner.
  - v. Restricting software, hardware, and services that unnecessarily compromise the security and/or reliability of the City's information technology environment.
  - vi. With the Finance and Budget Department, maintaining cost allocation and capital plans for the City's software licensing, hardware replacements, and central services funds.
- d. External IT Services. For all vendor-provided products and/or services, City departments are responsible for working with IT to ensure:
  - i. Security of City information and data.
  - ii. Appropriate vendor staff expertise.

- iii. Required performance.
  - iv. Preservation of data by the City upon conclusion of services.
  - v. Contractual allowances for migration to alternative, future services.
  - vi. Adequate long-term funding to maintain services.
5. Audits. IT will ensure the City's compliance for secure computing and licensing.
- a. IT shall conduct audits of physical, network, system, data, application, and operational information systems security at least once every two years. Results will be shared with the City Manager and department directors for corrective action.
  - b. IT shall periodically review licensing for software and services to verify the City meets required obligations and limits under its service agreements and contracts.
6. Review of Use. Requests to examine a specific employee's use of City technology and communications resources must be approved by the City Manager, and the Human Resources Director, or their respective designee(s).

**E. IT Asset Allocation**

1. Computers.
- a. Primary Use Computers. Centrally allocated computers shall be those assigned to employees for the primary performance of their duties. Computers are to be budgeted and assigned on a one computer per FTE basis.
  - b. Special Use Computers. Special Use hardware are those devices deemed necessary by departments for specific, non-convenience uses – e.g., grant-funded programs, Council Chambers, library patron use, unique public safety and public works field applications, et al. Special Use computers must be approved by the responsible department director and IT prior to purchase and paid for from respective department operating funds, unless otherwise arranged through the Finance and Budget Department.

- c. Standard Specifications. IT is charged with responsibility for setting standard specifications for computers, and including assignment of desktop/laptop/virtual units.
- d. Lifecycle. Computers are to be managed, inventoried, and maintained through IT . Computers shall be replaced on an equipment lifecycle defined by IT. The lifecycle shall balance costs and the usable life of equipment.
- e. Inventory Recovery. Computers replaced shall be reclaimed by IT for secure disposal, ensuring equipment has not been lost/stolen, and for removing assignments of licensed software. Departments may temporarily retain replaced computers for short periods in special circumstances, as approved by IT.
- f. Technology Replacement Fund. Replacement costs for Primary Use computers shall be budgeted for and charged to departments as part of the City's annual capital plan. Cost allocations shall be set in the City's budget by the Finance and Budget Department and IT, with City Council and City Manager approval.

## 2. Servers, Communications Hardware, and Reprographic Equipment.

- a. Efficient Deployment. Servers, telecommunication equipment, and multi-function printers/copiers/scanners shall be managed, inventoried, and maintained through IT. All departments are responsible for minimizing costs while meeting functional needs in specific areas of the City organization.
- b. Special Uses. Departments may request and pay for specialized equipment and service in specific areas through IT. Special Use equipment must be approved by IT prior to purchase and paid for from respective department operating funds, unless otherwise arranged through the Finance and Budget Department.
- c. Lifecycle. Servers, telecommunication equipment, and multi-function printers/ copiers/scanners shall be replaced on an equipment lifecycle defined by IT—in administrative procedures. The lifecycle shall balance costs and the usable life of equipment.
- d. Technology Replacement Fund. Replacement costs for servers, communications hardware, and reprographic equipment shall be budgeted for and charged to departments as part of the City's annual capital plan. Cost allocations shall be set in the City's budget by the

Finance and Budget Department and IT, with City Council and City Manager approval.

3. Mobile Communications and Computing.

- a. Provision. Mobile devices should not be purchased by the City except for special needs. Technology stipends should be used as the standard solution to address needs for key department personnel to be reachable and/or have extra mobility for work purposes. Departments are responsible for minimizing costs while meeting these functional needs.
- b. Approval Process. Requests for stipends and reimbursements should be submitted by employees via their department director to IT, the Human Resources Department, and the City Manager for approval. Hourly employees may not access City resources outside of working hours unless otherwise approved by their respective department. Mobile communications and computing devices should be paid for from respective department operating funds, unless otherwise arranged through the Finance and Budget Department.

**F. Records Administration**

1. Intent. IT shall maintain City information and data to support operating needs, including disaster recovery, business resumption, and data loss prevention. Standards shall be set between the City Clerk and IT to meet requirements and standards set by ARIZ. REV. STAT. § 39-101, as well as departmental needs.
2. Archiving and Recovery. IT shall configure systems to save central data and information to recover from corruption and loss. Recovery will include full, incremental, and differential backups to allow the City to restore to past days, weeks, months, and years as required by records retention schedules published by the Arizona State Library, Archives and Public Records and administered by the City Clerk. IT is charged with conducting central backups, testing backups for the ability to successfully restore systems and information, ensuring the ability to resume business in the event of a disaster, and maintaining the ability to retrieve information from required legacy files and formats. City employees are charged with ensuring their work products and information are saved to central IT resources to be backed up and archived.
  - a. Email. Electronic messages will be saved per the current records retention schedules published by the Arizona State Library,

Archives and Public Records and coordinated by the City Clerk. Storage options will be provided for longer-term storage as determined necessary by the City Clerk and departments.

- b. Files. Electronic files will be saved per the records retention schedules published by the Arizona State Library, Archives and Public Records and coordinated by the City Clerk. Archived files will consist of most recent backup copies and year-end copies.
  - c. Databases. Databases will be saved per the current records retention schedules published by the Arizona State Library, Archives and Public Records and coordinated by the City Clerk. Archived databases will consist of most recent backup copies and a defined schedule of periodic copies.
3. Records Hold. The City Attorney and IT shall provide processes and tools for saving files related to known legal actions. The City Clerk, City Attorney, and City departments will train to appropriately manage departmental files and information to comply with legal requirements.

#### **G. IT Protocols and Guidelines**

- 1. IT Administrative Policies and rules shall be reviewed and updated at least annually to ensure they continue to meet the requirements of the City and its departments.
- 2. IT shall maintain and publish operating guidelines to employees via the City Intranet. Standard guidelines include those of the following:
  - a. Standard specifications for computers used by employees by utilization type – e.g., administrative computers, GIS/developer/engineer workstations, and semi-rugged and fully-rugged computers
  - b. Support for Mobile Communications Devices
    - i. Advanced support for smartphones and tablet computers.
    - ii. Supported service for access to City email, schedules, and contacts.
    - iii. Supported online storage services for saving work for backup and public records searches.
    - iv. Supported note-taking and mark-up applications.

- v. Supported wireless access methods.
- c. Security Standards
  - i. Security Signature Forms .
  - ii. Password Complexity and Expiration.
  - iii. Incident Response and Monitoring Processes.
  - iv. Access Audits.
- d. Technology Reimbursements and Stipends
  - i. The City Manager shall set technology and telecommunications stipend/reimbursement standards for the City to address eligibility, stipend and reimbursement rates, approval process, and authorization forms to be used.



## **CHAPTER 17**

### **Separations**

#### **A. Resignation**

1. Any employee who desires to resign his/her position with the City and be in good standing with the City will provide a written resignation to his/her department manager or the City Manager stating the effective date and reason for such action.
2. Notification will be provided at least two weeks prior to the effective date unless otherwise waived by the City Manager.
3. Employees who resign will be entitled to compensation for their earned and unused vacation leave.
4. Employees will not be compensated for any unused holiday leave.

#### **B. Layoff**

1. The City Manager, with the concurrence of the City Council, may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least thirty (30) days to such employee.
2. However, no regular employee will be separated from any department while they are trial, part-time or temporary employees serving in the same class of positions in that department.
3. Whenever possible, employees who are to be laid off in one department will be integrated into another department by transfer.
4. When layoffs are required, they will be in the inverse order of the relative length of service of the employee-that is, the employee with the longest service time will be the last to be laid off.
5. Any employee affected by layoff through no fault of his/her own will be eligible for re-employment with preference for rehire.

#### **C. Retirement**

A full-time regular employee in the City will be eligible for retirement benefits in accordance with the Arizona State Retirement System or the Arizona Public Safety Personnel Retirement System. Refer to Chapter 6 for compensation information.

#### **D. Involuntary Terminations**

1. The City may dismiss any regular status employee for cause.
  - a) A written statement of reasons for the dismissal will be provided to the employee.
2. The City may dismiss any original probationary employee at its sole discretion.
  - a) No written statement of reasons for dismissal is required.
3. An employee who is involuntarily terminated will not be compensated for any unused sick leave.
4. An employee who is involuntarily terminated will not be compensated for any unused holiday leave.

#### **E. Return of City Property**

1. Any employee leaving the City service whether through resignation, layoff, or dismissal is responsible for returning any City property, which he/she may have in his/her possession.
2. All City property must be returned to the department manager or the Human Resources Director prior to receiving a final paycheck.

**CITY OF AVONDALE  
DISCIPLINE POLICY**

**AMENDED AND RESTATED  
May 19, 2014**

## **CHAPTER 18**

### **Discipline**

#### **A. Statement**

This Chapter applies to all employees including represented and certified employee units. Any action that reflects negatively upon the City of Avondale will be considered good cause for disciplinary action against any officer or employee. For all disciplinary actions that are implemented in hours, a 1.4 times conversion rate will be applied to sworn fire personnel on a 56 hour schedule.

As way of example only, the following are the types of behavior that constitute grounds for termination. These examples are simply that, and do not constitute an all-inclusive list:

1. Incompetency, inefficiency or in attendance to, or dereliction of duty.
2. Dishonesty, intemperate conduct, insubordination, discourteous treatment of the public or of fellow employees, any act or commission or omission tending to injure the public service, any failure on the part of the employee to properly conduct himself or herself, or violations of the Arizona Revised Statutes, City ordinances, or other rules and regulations applicable to the employee.
3. Any violation of the City's substance abuse policy.
4. Conviction of any felony or misdemeanor that involves dishonesty, scandal, or in any other way may bring disrepute to the employee or the City.
5. Arrest for any matter that makes it impossible and/or impractical to properly complete his/her duties.
6. Any violation of the policies contained in this manual, departmental rules, supervisory instructions, any other City rules/policies (e.g. those contained in the Ethics Handbook), or any other conduct that may bring discredit to the City.

#### **B. Unlawful Acts Prohibited**

1. No person will willfully make any false statement, certificate, mark, rating, or report in regard to any application for employment, test, rating, certification, or appointment held or made under these policies and procedures or ordinances of the City of Avondale. Such conduct may be grounds for disciplinary action, up to and including termination.
2. No person seeking appointment to or promotion in any position in the City service will either directly or indirectly give, promise, render, or pay any money, service, or anything else of value to any person for, on account of, or in connection with his/her test, appointment, proposed appointment, promotion, or proposed promotion.

## **C. Procedures**

The City does not have a progressive discipline policy. It may take varying forms of discipline against its employees, as best serve the City's and the citizens' interests in each particular circumstance. The City reserves the right to take any appropriate disciplinary action that circumstances require. Temporary and probationary employees have no appeal rights for actions outlined in these policies. Part-time employees hired before June 18, 2014 have appeal rights for actions outlined in these policies, but part-time employees hired after June 18, 2014 have no appeal rights for actions outlined in these policies. When a department director identifies the need for employee discipline he/she shall meet with the Human Resources Director or designee prior to any discussion with the employee. Before any employee is given a letter of reprimand, notice of intent to suspend without pay, notice of intent to reduce pay, notice of intent to demote, or notice of intent to terminate, the Department Director shall consult with the Human Resources Director or designee. Below are examples of forms of discipline that the City may take. However, this is not an exclusive list.

### **1. Formal Reprimand**

- a. The immediate supervisor, department director, one of the Assistant City Managers, or the City Manager may formally reprimand any employee under his/her supervision for cause.
- b. Such a formal reprimand will be in writing and addressed to the employee.
- c. A signed copy will be forwarded to the employee and the Human Resources Director for inclusion in the employee's personnel file. The City Manager will also be notified of the reprimand.
- d. Formal reprimands cannot be appealed to the Independent Hearing Officer.
- e. However, within ten (10) working days of receipt, the employee may file a letter of response to the reprimand, which will be attached to the reprimand in his/her file. In its sole discretion, City management may choose to modify or revoke the reprimand after reviewing the employee's letter and circumstances surrounding the discipline.

### **2. Suspension**

- a. The City Manager or an Assistant City Manager, at his/her own discretion or upon the recommendation of a department director, may suspend an employee for cause without pay for a period or periods not exceeding thirty (30) calendar days in any twelve (12) month period — except as provided in subsection (2)(d) below.
- b. Suspensions of 40 hours or less cannot be appealed to the Independent Hearing Officer, except as specified for law enforcement officers and detention officers in ARIZ. REV. STAT. § 38-1101; however, the employee may request review of the decision within ten (10) working days of the notice. Upon receipt of the employee's request for review, the Human Resources Department shall coordinate and appoint another department director or supervisor to review the matter. The designated department director or supervisor will issue a written memorandum either upholding the non-appealable suspension or

suggesting that the City Manager reverse or modify the discipline. If the designated department director or supervisor suggests a reversal or modification, the City Manager will review the matter and make a final decision.

- c. If an employee appeals his/her suspension of more than 40 hours, he/she must first receive a hearing before the Assistant City Manager or designee prior to suspension. After the hearing, the Assistant City Manager or designee will determine whether this action is appropriate. The City Manager will be notified of the decision. If the suspension is upheld, the employee may request an appeal to the City's Independent Hearing Officer within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, he/she will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.
- d. Any regular employee who is arrested for a serious public offense, other than minor traffic violations, whether imprisoned, pending probation or released on bail, may be suspended without pay until such time that judgment is rendered by the court; provided, however, if the employee is found not guilty, he/she will receive compensation for the period of suspension. The employee may not appeal a suspension under this provision.

### **3. Reduction in Pay in Lieu of Suspension**

- a. A department director may choose to impose a reduction in pay of an employee instead of a suspension without pay. Any reduction in pay in lieu of suspension that is equal to forty (40) hours or less cannot be appealed to the Independent Hearing Officer, except as specified for law enforcement officers and detention officers in ARIZ. REV. STAT. § 38-1101; however, the employee may request review of the decision within ten (10) working days of the effective date. Upon receipt of the employee's request for review, the Human Resources Department shall coordinate and appoint another department director or supervisor to review the matter. The designated department director or supervisor will issue a written memorandum either upholding the non-appealable reduction in pay or suggesting that the City Manager reverse or modify the discipline. If the designated department director or supervisor suggests a reversal or modification, the City Manager will review the matter and make a final decision.
- b. The total dollar amount of the reduction in pay shall not exceed the dollar amount of the suspension for which the reduction is substituted.
- c. The reduction in pay shall not reduce the employee's salary below the Federal minimum wage.
- d. If an employee appeals his/her reduction in pay in lieu of suspension (for amounts equivalent to or more than forty (40) hours' suspension), he/she must first receive a hearing before an Assistant City Manager or designee prior to implementing a reduction in pay in lieu of suspension. After the hearing, the Assistant City Manager or designee will determine whether this action is appropriate. The City Manager will be notified of the decision. If the reduction in pay in lieu of suspension is upheld, the employee may

appeal the decision within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, he/she will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.

#### **4. Demotion**

- a. The City Manager or an Assistant City Manager, at his/her own discretion or upon the recommendation of a department director, may demote an employee for cause. If appealed pursuant to subsection 4(b) below, the City Manager or designee will make the final determination after receiving a recommendation from the Independent Hearing Officer.
- b. If an employee appeals his/her demotion, he/she must first receive a hearing before the Assistant City Manager or designee prior to implementing the demotion. After the hearing, the Assistant City Manager or designee will determine whether the demotion is appropriate. The City Manager will be notified of the decision. If the demotion is upheld, the employee may request an appeal to the Independent Hearing Officer within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, he/she will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.
- c. All regular employees demoted for disciplinary reasons will not be eligible for promotion or an increase in compensation for a period of one (1) year from the time of the demotion.

#### **5. Termination**

- a. The City Manager or an Assistant City Manager may terminate for cause any employee of the City by delivery of a Notice of Intent to Terminate, which outlines a statement of reasons for potential termination. In most cases, the Assistant City Manager or designee will make the initial termination decision. If appealed, the City Manager or designee will make the final determination after receiving a recommendation from the Independent Hearing Officer.
- b. Part-time employees or employees serving in the probationary period need not receive a Notice of Intent to Terminate prior to termination.
- c. Pre-Termination Hearing  

If an employee appeals his/her termination, he/she must receive a pre-termination hearing before the Assistant City Manager or designee prior to termination.
- d. Final Decision

After the pre-termination hearing, the Assistant City Manager or designee will determine whether termination is appropriate. The City Manager will be notified of the termination decision. If terminated, the employee may request an appeal Independent Hearing Officer within ten (10) working days of receipt of the hearing decision. The appeal must be in writing and submitted to the Human Resources Director as outlined in Chapter 19. After the Independent Hearing Officer conducts a hearing as outlined in Chapter 19, he/she will make a written recommendation within (10) working days to the City Manager or designee for final determination. The Independent Hearing Officer serves an advisory role to the City Manager or designee.

e. Process

Managers requesting termination of an employee as a disciplinary measure will first consult with the Human Resources Director or designee.

## **6. Exit Interviews**

Any employee leaving the City's services is given the option to provide Human Resources with an exit interview.

### **D. For the purposes of this Chapter:**

1. "Working Days" means Monday through Thursday, exclusive of City designated Holidays.
2. "Law Enforcement Officer" means an individual, other than a probationary employee, who is certified by the Arizona Peace Officer Standards and Training Board and employed by the City of Avondale.
3. "Detention Officer" means a detention officer, other than a probationary employee, who is employed by the City of Avondale.

## **CHAPTER 19**

### **Grievances**

#### **A. Statement**

This Chapter applies to all employees including represented and certified employee units. The City of Avondale, in keeping with its policy of maintaining satisfactory working conditions, will provide a means to ensure fair handling of employee complaints and grievances. Any employee whose state of mind is so affected by a grievance that he/she will not endeavor to, or cannot do the proper thing in course of performing his/her regular duties should immediately pursue the prescribed procedures for grievances.

#### **B. Matters Subject to Grievances**

1. For the purpose of this Chapter, a grievance means any dispute regarding the meaning, interpretation, or alleged violation of these policies and procedures.
2. Any employee in the classified service will have the right to appeal, under this rule, a decision affecting his/her employment, over which his appointing power has partial or complete jurisdiction, with the exception of suspensions, demotions, reductions in pay in lieu of suspension, or terminations which will be appealed directly to the Independent Hearing Officer, through the Assistant City Manager or designee as provided by these policies.

#### **C. Matters Not Subject to Grievance**

As discussed above, suspensions, demotions, reductions in pay in lieu of suspension, and terminations are not grievable. In addition, an employee cannot grieve the contents of a performance evaluation, the lack or amount of a pay increase (merit or otherwise) or any form of reprimand. In addition, an employee that is a member of a certified Employee Group pursuant to Chapter 2, Article II, Division 4, Section 2-56 of the Avondale City Code, may not grieve any issue covered under a Memorandum of Understanding. In addition, part-time employees are not entitled to any rights pursuant to this Chapter. Finally, an employee may not file a grievance for any concern more than fifteen (15) working days after the employee first becomes aware of it.

#### **D. Procedures**

##### **1. Informal Grievance Procedure**

- a. An employee who has a problem or complaint should first try to get it settled through discussion with his/her immediate supervisor without undue delay.
- b. If, after this discussion, he/she does not believe the problem has been satisfactorily resolved, he/she will have the right to discuss it with his/her supervisor's immediate

department director. If the employee's supervisor does not have a department director, he/she shall discuss the matter with Human Resources. In some circumstances, Human Resources will determine that matter should be referred to the City Manager, or his/her designee, at this stage.

- c. Every effort should be made to find an acceptable solution by informal means at the lowest level of supervision. If an employee fails to follow this informal procedure, the grievance will be denied and he/she will not be permitted to proceed to the formal grievance procedure outlined below.

## **2. Formal Grievance Procedure**

Levels of review through the chain of command are listed below:

### **a. First Level of Review**

- (1) If the employee has properly followed the informal grievance procedure and the matter is not resolved, the employee is eligible to elevate the grievance to the first level. Initially, the employee must reduce the grievance to writing citing the article and section of the personnel policies and procedures alleged to be violated, the date of the violation that is the basis for the grievance, the nature of the grievance, and the relief requested.
- (2) This grievance should be presented to the employee's immediate supervisor, within fifteen (15) working days of the occurrence, and no later than ten (10) working days after the informal grievance procedure has been fully exhausted. The supervisor will render his/her decision and comments in writing and return them to the employee within fifteen (15) working days after receiving the grievance.
- (3) If the employee does not agree with his/her supervisor's decision, or if no answer has been received within fifteen (15) working days, and the employee wishes to continue in the grievance process, the employee may present the grievance in writing to his/her supervisor's immediate department director (the "second level supervisor").
- (4) Failure of the employee to take further action within ten (10) working days after receipt of the written decision of his/her supervisor or within a total of twenty-five (25) working days after presentation of the grievance to the employee's immediate supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

### **b. Further Level(s) of Review as Appropriate**

- (1) The second level supervisor receiving the grievance will review it, render his/her decision, and comments in writing, and return them to the employee within fifteen (15) calendar days after receiving the grievance.
- (2) If the employee does not agree with the second level supervisor's decision, or if no answer has been received within fifteen (15) working days after the second level supervisor received the grievance, and the employee wishes to continue in the grievance process, he/she may present the grievance in writing to the City Manager – through the Human Resources Director.
- (3) Failure of the employee to take further action within ten (10) working days after receipt of the decision, or within a total of twenty-five (25) working days of referral to his/her second level supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

c. City Manager

- (1) Upon receiving the grievance, the City Manager or designee should discuss the grievance with the employee and with other appropriate persons.
- (2) The City Manager or designee may designate a fact-finding committee or supervisor to advise him/her concerning the grievance.
- (3) The City Manager or designee will render a final decision. Grievances may not be appealed to the Independent Hearing Officer.

### **3. Appeal to the Personnel Board**

a. Right to Appeal

Any regular employee in the classified service will have the right to appeal to the Independent Hearing Officer any disciplinary action by the City which involves termination, demotion, suspension without pay, or reduction in pay in lieu of suspension without pay, except in instances where the right of appeal is specifically prohibited by these policies.

b. Methods of Appeal

- (1) Appeals will be in writing, signed by the appellant, and delivered in person, email or by first-class mail to the Human Resources Director. Appeals must be delivered to the Human Resources Director within ten (10) working days of the date of the disciplinary action to be appealed. The formality of a legal pleading is not required. However, failure to file the appeal on time will constitute a waiver, and the decision will become final.

- (2) Within ten (10) working days after receipt of the appeal, the Human Resources Director will notify the Assistant City Manager, the Independent Hearing Officer, and such other persons named or affected by the appeal.
- (3) Upon filing of an appeal, the Independent Hearing Officer will set a date for a hearing on the appeal not less than ten (10) working days or no more than thirty (30) working days from the date of filing.
- (4) The Human Resources Director will notify all interested parties of the date, time, and place of the hearing. The Human Resources Department will provide administrative assistance to the Independent Hearing Officer.
- (5) The appeal will be a written statement, addressed to the Independent Hearing Officer, explaining the matter appealed, the specific grounds for the appeal (explaining why he/she believes the decision appealed is incorrect), and setting forth therein a statement of the action desired by the appellant. The written appeal will constitute the entire matter before the Independent Hearing Officer. The appellant may not add new matters, grounds, facts, or theories to those already stated in the original appeal. The Independent Hearing Officer will not have jurisdiction to consider any such additional matters, grounds, facts, or theories outside of the written appeal.

c. Independent Hearing Officer

- (1) Pursuant to a periodic solicitation of qualifications or through cooperative solicitation, the City shall establish a list of at least three attorneys (or fewer if an insufficient number of qualified candidates respond to the solicitation), who are licensed and in good standing with the State Bar of Arizona and who have at least five years of experience and knowledge or municipal law and/or employment law, to serve as the Independent Hearing Officer. Upon receipt of a written appeal, the City Manager or designee shall select the Independent Hearing Officer from the qualified list.
- (2) The City shall pay the reasonable fees and costs of the Independent Hearing Officer; however, the Independent Hearing Officer will not represent either the City or the appellant. The duties of the Independent Hearing Officer are to render rulings and determinations pursuant to these rules.
- (3) Independent Hearing Officer

The Independent Hearing Officer shall have the following duties and authority.

(a) Pre-Hearing:

- i. Consider and rule on any pre-hearing motions, including those that could result in the dismissal of the appeal for failure to follow these rules.

- ii. Set reasonable restrictions and deadlines for the timing and conduct of the hearing.
    - iii. Prepare the hearing notice and agenda.
  - (b) Presiding over the Hearing
    - i. Rule on objections and motions by a party, unless they are dispositive of the appeal.
    - ii. Submit his/her findings and recommendations on the merits of the appeal; in accordance with the timeframe and procedure set forth in subsection (f) below.
    - iii. Prepare a written report and recommendation for the City Manager.
- d. Pre-hearing Procedures.

As outlined above, the Independent Hearing Officer shall set the time and place for the hearing. Prior to the hearing, the Independent Hearing Officer shall do the following:

- (1) Within five (5) working days of filing the written appeal with the Human Resources Director, the appellant may request his/her personnel record from the City. Neither party shall be entitled to any additional discovery in this process, except as outlined below.
- (2) At least seven (7) working days prior to the hearing, the City and the appellant shall disclose to one another the witnesses that each anticipates calling, a synopsis of their testimony, and any documents each anticipates presenting to the Independent Hearing Officer. The proposed testimony and exhibits must relate to the written appeal filed by the appellant. Any proposed testimony or exhibits that do not relate to the written appeal shall not be considered or presented. The Independent Hearing Officer will make this determination, as necessary.
- (3) Not less than three (3) working days after the exchange of proposed testimony and exhibits, the parties shall work together to determine if either side objects to any exhibits, and work through those objections. If after consulting with one another, there is still a disagreement, the parties shall file a brief letter (no more than one page) outlining the disputed items to the Independent Hearing Officer. The letter must be filed at least two (2) working days prior to the hearing. If there is no dispute, no letter need be filed. The Independent Hearing Officer shall rule on any disagreement prior to the hearing. All exchanged exhibits will be deemed admissible and presented to the Independent Hearing Officer at the hearing.

e. Hearings

- (1) The appellant shall appear personally and testify before the Independent Hearing Officer at the time and place of the hearing.
- (2) The proposed testimony and exhibits used by the appellant shall only be those permitted pursuant to subsection (d) above. No other witnesses or documents will be considered by the Independent Hearing Officer unless (i) the party can show that it was newly discovered, there was prompt disclosure, and the evidence is crucial or (ii) the Independent Hearing Officer may, at his/her discretion, exclude certain witnesses or documents even if timely disclosed if such evidence would be irrelevant, cumulative, redundant, or overly prejudicial.
- (3) The appellant may be represented by any person (other than the Independent Hearing Officer) or attorney as he/she may select, and at the hearing may produce on his/her behalf relevant oral or documentary evidence.
- (4) The City will present its case first, establishing the reasons for the employment action. At the conclusion of the City's case, the appellant will then present his/her case in opposition. Each side may call its disclosed witnesses. The parties are responsible for securing the attendance of their own witnesses, but the City will make City employees available for the hearing if timely disclosed. The parties do not have any subpoena power to compel a witness's attendance.
- (5) Cross-examination of witnesses will be permitted.
- (6) The conduct and decorum of the hearing will be under the control of the Independent Hearing Officer, with due regard to the rights and privileges of the parties.
- (7) Hearings need not be conducted according to technical rules relating to evidence and witnesses.
- (8) Hearings will be closed or held in executive session, as applicable, unless the appellant, in writing, requests an open, public hearing. A closed hearing does not preclude the attendance of (i) persons necessary to assist in the presentation of evidence and arguments, (ii) the Human Resources Director or authorized designee or (iii) the appellant's department director or authorized designee.

f. Findings and Recommendations

- (1) The Independent Hearing Officer will, within fifteen (15) working days after the conclusion of the hearing, submit his/her findings and recommendations that will be advisory to the City Manager. The Independent Hearing Officer may recommend that the City Manager affirm, revoke, or modify the employment action taken.

- (2) The City Manager or designee will review the findings and recommendations of the Independent Hearing Officer. He/she may then affirm, revoke, or modify the employment action taken as in his/her judgment seems warranted.
- (3) The City Manager or designee will inform the appellant within twenty (20) working days of his/her decision. The action of the City Manager or designee will be final.
- (4) Any member of the Board may submit a minority or supplemental finding and recommendation.

#### **4. Conduct of Appeal Procedure**

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

#### **E. Matters Subject to A.R.S. § 38-531**

This section does not apply to any persons outside the definition of Employee (as hereinafter defined). When a complaint is filed by a former or current employee (the "Employee") as defined by A.R.S. § 38-531, alleging violation of A.R.S. §§ 38-531 *et. seq.*, the City Manager shall convene an *ad hoc* independent personnel board ("Board") pursuant to A.R.S. §§ 38-532 and 534, which shall consist of five (5) members having the following qualifications:

1. Three (3) members who are residents of the City, not employed by the City, and not related to the Employee;
2. One (1) member who is employed by another municipality as an administrator in the department of human resources or personnel and who is not related to the Employee; and
3. One (1) member who is employed by another municipality, who does not belong to any professional organizations or affiliates that the Employee belongs to and who is not related to the Employee.

The members of the Board shall meet, hear evidence, and decide the following:

1. The validity of the complaint.
2. Whether a prohibited personnel practice, as defined by A.R.S. § 38-532(A), was committed against the employee or former employee as a result of disclosure of information by the employee or former employee.

The provisions of A.R.S. § 38-532 are incorporated by this reference.

**E. For the purposes of this Chapter:**

1. "Working Days" means Monday through Thursday, exclusive of City designated Holidays.

## CHAPTER 20 Definition of Terms

The following words and phrases will have the meanings indicated throughout these rules except where the context clearly indicates otherwise.

### **A. Allocation**

The establishment of a position in a department budget and approved by the City Council.

### **B. Anniversary Date**

The calendar date upon which employment started with the City of Avondale by a specific employee. The effective date of any salary increase or decrease will also constitute the employees' anniversary date for such an increase or decrease. An anniversary date will be adjusted to exclude the calendar days of suspension and leave of absence without pay.

### **C. Appeal**

A request to the Independent Hearing Officer. Such will be limited to action taken by the City which involves, as a disciplinary action, dismissal, demotion, suspension without pay of more than 40 hours, suspension without pay for more than eight hours for law enforcement officers and detention officers pursuant to Ariz. Rev. Stat. 38-1101, reduction in pay in lieu of suspension without pay of more than 40 hours, or reduction in pay in lieu of suspension without pay for law enforcement officers and detention officers pursuant to Ariz. Rev. Stat. 38-1101. All other appeals to the Independent Hearing Officer are specifically prohibited. The right of appeal hereunder extends to all regular employees in the classified service.

### **D. Appointing Authority**

An employee, or the City Council, having the power of appointment and removal of subordinate positions in any office authorized by the City Council in the budget, or any group of persons having the power by other lawfully delegated authority to make appointments to specific positions in the municipal service of the City of Avondale.

### **E. Appointment**

The designation of a person to a position in classified or temporary authorized by the City Council in the budget.

### **F. Class**

One or more positions sufficiently similar in respect to assigned work duties and responsibilities that the same class title may be reasonably and fairly used to designate each position allocated to the class and that the same minimum education and work may apply with equity.

**G. Class Series**

The arrangement in sequence of classes that are alike in type of work and responsibility, but not at the level of assigned work and responsibility.

**H. Class Specification**

A written statement of the characteristics, duties, responsibilities, and qualification requirements that distinguish a specific class from other classes.

**I. Classification**

The original assignment of the position to an appropriate class on the basis of the type, difficulty and responsibility of work.

**J. Classified Service**

All regular full-time, part-time, and temporary positions.

**K. Compensatory Time Off**

Time off from work in lieu of monetary payment for overtime work in the same pay period. Compensatory time off is restricted, by City ordinance, to sworn police personnel only.

**L. Continuous Employment**

The time from original employment to the current date of employment excluding the calendar days when an employee is absent without leave or when an employee is under suspension. An employee who returns to work following a resignation or discharge will be considered as a new employee and previous employment will not be considered as part of continuous employment.

**M. Department**

A major functional unit of the City of Avondale governmental structure.

**N. Department Director**

The officially appointed director of any department who is directly responsible for the administration of the department.

**O. Emergency**

A sudden and unforeseen happening that requires the unscheduled service of an employee to protect the health, welfare, and safety of the community.

**P. Employee**

An employee may be defined as:

**1. Regular, full-time**

This person is expected to work at least forty (40) hours per week in his/her assigned classification.

**2. Regular, part-time**

This person may be employed on a regular schedule of thirty (30) hours or less per week throughout the year.

**3. Temporary**

This person may be employed for any number of hours per week in positions declared to be temporary in nature. This person may be assigned to a classification temporarily vacated by a regular employee while on military duty or other authorized absence, and is excluded from receiving normal fringe benefits.

**Q. Employee Evaluation**

A written appraisal of the job performance of an employee designed to inform the employee of the manner in which he/she is meeting standards of performance established by the supervisor, department manager, or City Manager

**R. Grievance**

A grievance means any dispute regarding the meaning, interpretation, or alleged violation of these policies and procedures.

**S. Holiday**

The twenty-four (24) hour period starting at midnight and ending at midnight of the day observed

**T. Immediate Family**

Husband, wife, (common-law spouse), son, daughter, mother, father, brother, sister, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-law, grandparent, or grandchild of an employee or other legal dependent

**U. Independent Hearing Officer**

An attorney licensed and in good standing with the State Bar of Arizona with at least five years of experience and knowledge of municipal law and/or employment law that the City Manager or designee selects to hear an appeal from the City's list of qualified independent hearing officers on a rotational basis.

**V. Layoff**

The separation of an employee from city service which has been made necessary by the lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee

**W. Leave**

An authorized absence from regularly scheduled work hours, which has been approved by proper authority

**X. Merit Pay Increase**

An increase in pay from one percentage to the next higher percentage in the same pay grade of the pay schedule which is granted to any employee who is consistently proficient in his/her duties, and exceeds the standards of performance expected of a competent employee, over a period of time (usually one (1) year or more)

**Y. Overtime**

Authorized time worked by a regular full-time employee in excess of a standard workweek (more than forty (40) hours in one week).

**Z. Pay Grade**

The identifying number for a single rate or a range of pay rate as established in the salary grade table.

**AA. Pay Reduction**

A decrease in pay, which may result from reduction in grade or reallocation of a position to a lower grade

**BB. Regular Employee**

A regular employee who is not serving a probation period

**CC. Personnel Action Form (PAF)**

A form that is completed before any change of employment status of an employee is official

**DD. Promotion**

The movement of any employee from a position of one class to a position of another class in a higher maximum salary rate

**EE. Reduction in Grade**

The movement of an employee from a position in one class to a position in the same or another class having a lower maximum salary rate because of disciplinary reasons, incapacity to perform the work, inefficiency, or unsatisfactory work performance

**FF. Reprimand**

A formal disciplinary action designed not only to admonish or warn an employee, but also to lead, guide, direct, and instruct the employee in how to correct and avoid repeating a mistake, infraction, inefficiency, or problem

**GG. Resident**

A person whose principle place of domicile is within the corporate boundaries of the City of Avondale

**HH. Separation**

The termination of employment by reason of disqualification, end of temporary assignment, layoff, resignation, retirement, dismissal, or death

**II. Shift Worker**

An employee whose normal work day consists of an eight-hour (8) shift, which is a part of a twenty-four (24) hour per day operation three hundred sixty-five (365) days per year

**JJ. Sick Leave Day**

A day off (equal to eight (8) hours) granted to an employee due to illness, injury, or quarantine, provided, however, that in the case of firemen working on twenty-four (24) hour shifts, such sick leave day will be equal to one (1) twenty-four (24) hour shift

**KK. Supervisor**

An employee having authority to, in the interest of the city, direct the work efforts of other employees and evaluate and recommend their promotions, discipline and termination

**LL. Suspension**

A form of discipline consisting of relieving an employee from work without pay for a specific period of time, depending upon the seriousness of the act bringing about disciplinary action

**MM. Termination**

The permanent separation of an employee from the City of Avondale

**NN. Transfer**

The movement of an employee from one department, division, or unit of municipal government to another class having the same maximum salary rate, involving the performance of similar duties and requiring essentially the same qualifications

**OO. Trial Period**

Generally a probation time that is a working test, unless otherwise extended as provided, during which a newly appointed or promoted employee is required to demonstrate his/her ability for the new appointment or promotion

**PP. Vacation Day**

One vacation day will equal eight (8) hours, provided, however, that in the case of firemen working on twenty-four (24) hour shifts, such vacation day will be equal to one (1) twenty-four (24) hour-shift

**QQ. Vacancy**

A duly created position which is not occupied and for which funds have been provided

**RR. Workers' Compensation**

Benefits received by an employee who is injured while carrying out his/her assignment as determined by the applicable Arizona state law

## **CHAPTER 21**

### **Changes and Amendments**

**The City retains the right to change or amend these rules or regulations at any time, provided, however, such changes or amendments will be communicated to employees before becoming effective.**

## **CHAPTER 22**

### **Ethics Policy**

#### **A. Purpose**

“Ethics” is defined as a system of principles governing the appropriate conduct of an individual or group. The purpose for this policy is to address ethical issues and to clarify standards of behavior. The policy establishes expectations for employee behavior, requires the avoidance of conflicts of interest, defines acceptable outside employment, prohibits the acceptance of gratuities and protects confidential information.

#### **B. The City of Avondale Ethics Handbook**

To further the policy set forth in this Chapter, the City Manager may establish an Ethics Handbook to provide definitions, examples and guidelines to clarify the application of the standards set forth herein. All employees shall be required to acknowledge (i) his or her understanding of this policy and (ii) the receipt of the Ethics Handbook, both of which shall be kept on file with the employee’s personnel records.

#### **C. Policy**

1. Each City employee is required to uphold, promote and demand the highest ethical standards when representing the City in the course of employment.
2. All City employees should maintain personal integrity, truthfulness, honesty and fairness in carrying out their public duties.
3. Any employee who is unsure of how to respond to a particular situation should first seek the guidance of his or her supervisor to determine the appropriate course of action. If it is not possible or practical to obtain guidance from his or her supervisor or department director, an employee shall contact the Ethics Standard Committee for advice and direction. This Committee shall be chaired by the Human Resources Director and shall include the following members as appointed by the City Manager:
  - a.) An Assistant City Manager
  - b.) Finance and Budget Director
  - c.) Two members at large
4. The Ethics Standards Committee shall recommend a course of action for the individual(s) making an inquiry. All decisions shall be forwarded to the City Manager for final approval. Decisions made by the Ethics

Standards Committee and approved by the City Manager shall be recorded and shall be used as a guide when determining future cases.

5. The City's policies and procedures shall be used as a reference in determining the recommended course of action. No retribution or disciplinary action shall be taken against employees for bringing issues before the Ethics Standards Committee.
6. City employees shall be provided with mandatory, annual training concerning ethical standards and behaviors. In addition, optional ethical and character-based training will be offered to employees periodically.



# *Ethics Handbook*

**City Mission Statement:**

**Serving the citizens of Avondale: Building community...celebrating diversity...fostering pride.**

**City Values:**

**We value integrity, communication, customer service, innovation, creativity, and our history and culture as we fulfill our mission.**

## **INTRODUCTION**

Ethics is defined as a system of moral principles governing the appropriate conduct of an individual or group. Ethical behavior is the foundation for excellent customer service. The City's ethical performance standard is guided by the simple principles of:

- Knowing right from wrong,
- Acting in accordance with what is right
- Avoiding even the appearance of what is wrong.

Avondale employees demonstrate these principles through the practice of ethically-driven customer service:

Empathetic,  
Thoughtful,  
Honest,  
Intelligent, and  
Caring  
Service.

This handbook reviews various ethical scenarios that relate to the Policy and Procedures Manual. The handbook's purpose is to provide examples of ethical behavior to ensure that each employee maintains public trust through ethically-driven public service.

## **SETTING THE STAGE**

**Q:** Have you ever been asked to do a favor for a member of the public that caused you some concern?

**Q:** Has someone offered you a gift, asked for a break, or requested an exception?

**Q:** Have you seen a co-worker take something from the City?

**Q:** Are you aware of a co-worker working under the influence of drugs or alcohol?

**Q:** Are you aware of an employee treating another employee or a member of the public inappropriately?

**Q:** Have you observed situations or actions of others that may seem wrong and wondered what to do about it?

**If you answered yes to any of the questions listed above, the following information may help you to face the challenges of making the right decision.**

## **ETHICAL AREAS AND EXAMPLES**

### Alcohol Use

Drinking alcohol of any kind during the work hours (to include breaks and meal periods) or during off-hours while wearing City of Avondale apparel is not acceptable and will result in disciplinary action.

**Example:** An employee goes out to lunch at a restaurant and orders a beer with lunch. A resident observes this behavior and recognizes this person as an Avondale employee because he/she is wearing a uniform/apparel with the Avondale logo. The resident calls City Hall to complain that an employee is drinking on the job.

*Policies and Procedures Manual, Chapter 7*

### Appearance

Staff is required to project the appropriate image and appearance for the work they perform. Appropriate attire, grooming, and behavior are required of each employee in his/her job and relationship with the public. Neatness, cleanliness, and good judgment are required of all employees when dressing for work. If a supervisor deems the dress to be inappropriate for the position, the employee will be sent home to change.

**Example:** An employee who has direct contact with the public comes to work in clothes that had been previously worn and not washed. The clothes are also wrinkled and stained. The supervisor directs the employee to go home and change into cleaner and more presentable clothes.

*Professional Image and Appearance Administrative Procedure AP-10, October 6, 2003*

### Compensation and Employee Benefits

Compensation is the payment and the provision of an assortment of employee benefits that are given to employees in exchange for work performed as it relates to their duties. Employees are required to work the hours for which they are being compensated. Supervisors must be notified when employees have personal issues to address during work hours. Employees shall compensate the City for personal time taken by a.) working to make up for the personal time taken, or b.) by submitting the appropriate leave forms. Repeated violations of misreporting hours are grounds for dismissal.

**Example:** An employee drives a city vehicle home for lunch. The drive takes 10 minutes from the job site. The vehicle is parked on the curb outside the employee's home for 90 minutes. The return trip to the job-site takes 15 minutes. The employee works 60 minutes past the traditional end of the work day and marks 60 minutes overtime on the time card.

This example presents two ethical problems. The first is the appearance of the city vehicle in front of an employee's home for an extended period of time during the workday. The second issue is clocking 60 minutes overtime at the end of the day when the lunch period was not reported as being extended 60 minutes, assuming the lunch period is sixty minutes.

*Policies and Procedures Manual, Chapter 5*

Confidentiality

An employee is never to use or disclose any confidential information acquired in the performance of governmental duties as a means for personal/professional gain. Employees are expected to keep confidential various aspects of city business not intended for public disclosure. This is important for building trusted relationships between city employees and residents, stakeholders, and others doing business with the City. Abuse of confidential relationships and attempts to gain from confidential information will not be tolerated.

**Example:** As part of his/her job duties, an employee has access to residents' addresses and phone numbers. A member of the public asks the employee to divulge this information. Agreeing to give out that information would be considered a breach of confidentiality. Being paid for that information is not only unethical; the employee may also face criminal charges.

*As described by applicable city departmental policies and signed confidentiality agreements.*

Conflict of Interest

A conflict of interest occurs when an employee is no longer able to remain impartial or objective in choosing between the interest of the City and his or her self-interest. Conflicts of interests may develop directly or indirectly from a relationship with a vendor, a supplier, a customer, a competitor or any other person or company who deals with the City of Avondale. No employee shall engage in any activity or enterprise that conflicts with his or her duties as a City employee or with the duties, functions, and responsibilities in the department that he or she is employed. Employees must manage business affairs within City procurement guidelines and personnel policies to avoid conflicts and the appearance of conflicts of interest. Employees should immediately tell their supervisor or a manager if they become involved in a situation which might cause a conflict of interest or the appearance of a conflict of interest. Employees must ensure that they treat all businesses and individuals equitably and fairly. The most ethical City business practice regarding all purchasing activities is to ensure that all actions are fair and equitable and provide the City with the optimum of quality, value and cost-savings. The Charter & Procurement Codes address employee contractual processes and procedures. Deliberately trying to steer business to a particular company or firm is grounds for termination.

**Example:** A city department has previously done business with a regional screen printer for a variety of clothing needs. The department is looking at sponsoring a larger event that would necessitate ordering enough screen printed items to exceed the \$2,000 threshold triggering the need for three quotes. The employee approaches three screen printing vendors -- the

wholesale vendor who had done business with the City in the past, and two retail vendors, to generate quotes. The wholesaler submits the lowest bid. This action is unethical because of the different pricing mechanisms offered by the wholesaler and the retailers. In this instance, the bidding process has been steered to favor the wholesale screen printer.

**Example:** The City has vacant property that an individual wants to buy. The potential buyer has access to a fix and repair service and offers the employee handling the transaction free assistance if the employee can ensure the transaction price is within a certain dollar range. The employee respectfully declines and informs the potential buyer the asking price for the land will be based on established appraisal values and city interests.

*Policies and Procedures Manual, Chapter 12; Article VIII in the City Charter and Chapter 25 in the City Procurement Code*

### Drug Use

Drug use is defined as the use of any illegal drug at any time or the use of any legal drug that impairs an employee's ability to perform his/her job competently. Illegal drug use on the job is not acceptable and will lead to termination. Employees must report any legal drug use that may impair their ability to perform their job to the supervisor. Failure to do so can lead to serious consequences.

**Example:** An employee is taking a prescription anti-depressant drug that impairs his/her ability to drive. The employee did not inform the supervisor of the drug use before driving a city vehicle. The employee was in an accident and it was discovered that the employee had taken the prescribed drug one hour before driving the vehicle. The employee may not have been at fault in the accident. However, the city may be placed in a difficult position with regard to any liability claims as a result of the actions of this employee.

*Policies and Procedures Manual, Chapter 7*

### Employee Records

Employee records are any information submitted to the Human Resources Department from the time an individual submits an application for employment to the end of that individual's employment with the City. Employees must accurately report and submit to Human Resources, accurate documents pertaining to education, training, medical/ insurance issues, previous work experience, and all other records. It is unethical, and in some cases illegal, to submit false documentation to Human Resources. Employee records are kept in seven different files. They are: the main personnel file, pay file, medical file, background file, disciplinary file, investigative file, and safety file. The only file available for public viewing is the main personnel file.

**Example:** An applicant applies for a job that requires a bachelor's degree from an accredited university or college. The application submitted states that a bachelor's degree was earned at

a particular university. After the applicant is hired, it is discovered that the employee was short 12 credits from obtaining the degree.

**Example:** An employee signs up for a half-day training course off-site and attends for 45 minutes, leaving at the first break. The employee runs errands, has a leisurely brunch and returns to the work site in the afternoon. The employee reports that training was completed.

These two examples demonstrate unethical behavior, which impacts the City's efforts to employ the most qualified people available for the position, as well as the City's efforts to improve employees' work skills.

### *Policies and Procedures Manual, Chapter 13*

#### Favoritism

Favoritism is defined as providing preferred service or granting special concessions to one person or business over another. All customers, both internal and external, will be treated fairly and with equity. If some customers are served before others, it is because it is based on an urgency/greatest need standard established by individual service functions. Otherwise, customer service requests will be handled in chronological order, providing thorough responses to each person's inquiries and requests, so that the appearance of favoritism is eliminated.

**Example:** Two people apply for the same job and will be interviewing for the position the next day. An employee happens to know one of the two applicants and calls this person up to offer information about the position, the way the department works, as well as other information that gives this particular applicant an edge over the other.

This example demonstrates unethical behavior, which affects the City's ability to treat applicants fairly and to employ the most qualified applicant for the position.

*Reflected in various city policies that address procurement, employment, and customer service*

#### Financial Responsibility

Employees will use City purchasing authority/credit cards for City business only. Employees will not exert pressure to borrow money from other City employees, supervisors, or subordinates.

**Example:** A City employee makes a purchase at Home Depot for city materials using the City credit card. The employee also purchases a personal item with the credit card within the same transaction. The employee writes a check to reimburse the City a week later before the City receives the billing statement.

It is never acceptable to use to use the City credit card for transactions that are not City-related. Such actions will lead to discipline by the City, up to termination from employment.

### Fraternization

Fraternization is defined as an intimate, sexual relationship between employees.

Fraternization among supervisors and managers with employees from the same department is not permitted. Sexual liaisons between employees are absolutely forbidden while on duty and will lead to termination whether they occur on city property or not.

**Example:** Two employees from separate departments who both report to work at 8:00 a.m. meet during the lunch hour at one of the employee's homes and extend their liaison for two and one half hours. They return to work and leave at 5:00 p.m. giving themselves credit for an eight-hour work day.

Problems can and do arise in the workplace when employees have intimate, sexual relationships with other employees. Potential problems include conflict of interest, reduced productivity, and potential charges of sexual harassment. Sexual encounters while "on the clock" will not be tolerated.

### *Policies and Procedures Manual, Chapter 15*

#### Future Employment

City employees applying for positions with companies that do business with the City are vulnerable to offers of future employment in exchange for favors and/or information obtained through the employee's position. Employees must disclose possible future employment with companies doing business with the City to the Ethics Standards Committee within three business days after a job interview takes place. In addition, an employee will be expected to sign a confidentiality statement limiting the disclosure of City information with any company that is involved in potential business with the City for one year.

**Example:** A City employee leaves to take a position with a private corporation that does development business with the City of Avondale. Privately-held City information that is not part of the public record, such as potential land purchases or targeted amounts for future capital improvement projects, could be used to the advantage of the employee's new employer when making bids for specific projects. Ethically, that employee should not be the representative for the company in work with the City until one year has passed.

### *Policies and Procedures Manual, Chapter 8*

#### Gifts and Gratuities

Employees should always decline any gift, regardless of value, for themselves or their families if it appears to, or is intended to influence decisions they make for the City of Avondale. Employees should immediately tell their supervisor or a manager if they become

involved in a situation which might cause a conflict or even the appearance of a conflict. Employees should never accept, for themselves or their families, any favors or special benefits that might be perceived as influencing the performance of their governmental duties. When the employee has lunch with a vendor, the employee should pay for his or her own meal.

**Example:** A resident wants to purchase property from the City and offers the employee handling the transaction gardening services for the employee's home as a token of appreciation. The employee must refuse the offer.

*Policies and Procedures Manual, Chapter 12 A. Solicitation; B. Conflict of Interest; City Charter, Chapter 25; Procurement Code*

### Grievance

A grievance is defined as any dispute regarding the meaning, interpretation, or alleged violation of the policies and procedures. It is unethical to treat any employee unfairly while that employee is going through a grievance process. The grievance process is established to enable employees to continue to interact in a professional, ethically-driven customer service approach while the grievance process works its way to conclusion. Unethical treatment of an employee in the grievance process will be grounds for discipline.

*Policies and Procedures Manual, Chapter 19*

### Illegal Activity

All employees will be expected to engage in activities that are lawful. Employees must uphold the constitution, laws and legal regulations of the United States, the State of Arizona, the City of Avondale, and other legally incorporated governments. Misdemeanors and felonies committed by employees will be examined on a case-by-case basis and may be cause for action by the City against the employee. Illegal actions performed on the job will lead to termination.

**Example:** An employee driving a city vehicle is involved in an accident and leaves the scene of the accident. This behavior is illegal. All accidents involving city vehicles, or personal vehicles while on City business, must be reported to the Police Department, Risk Management and your supervisor.

### Inappropriate Use of City E-mail System and Internet

Employees will not use the City's computer system and associated software and hardware for personal profit or personal use not related to work assigned. Use of the city's property to carry out activities that lead to personal profit or reduce the employee's productivity on the job is considered a misuse of city funds and equipment and is not acceptable. Examples of such use include surfing the Internet for pornographic materials, financial and stock market information for personal investment purposes, personal banking, on-line auction

participation, fantasy sports leagues, chain letters of any type, and other uses not pertinent to one's employment duties.

**Example:** An employee receives a message from a friend with a sexually oriented cartoon attached. The employee forwards the cartoon to several other employees. This is a violation of City policy and will result in disciplinary action, potentially including termination.

*Policies and Procedures Manual, Chapter 19*

Nepotism

Nepotism is defined as the paid employment of family members, friends, or associates in positions with the City, whether the positions are temporary or permanent, without a proper posting of an open position and a review of qualifications by Human Resources, or the competitive bid process if contracting for services. Although the Policies and Procedures Manual defines "family" as immediate members; an ethical definition of family should include those family members that have a reasonably close relationship with the hiring supervisor that leads to preferential hiring treatment.

Wherever possible, hiring should be an open, competitive process to ensure that the best qualified person available at the time is hired by the City to fulfill the temporary or permanent vacant position. This eliminates nepotism and favoritism when hiring. Policies and Procedures Manual, Chapter 8 addresses situations when relatives are hired or a marriage takes place that creates a potential ethical conflict.

**Example:** A temporary administrative position opens within the City and the department hires directly a family member of one of the employees without posting the position or going through a temporary help service. This action constitutes a violation of city policy.

*Policies and Procedures Manual, Chapter 8*

Open Meetings and Public Records

State law requires that meetings of public bodies be open to the public and that public records be available for inspection. Quick response to open meeting or records requests is important. Internal work groups consisting of employees and others are not subject to open meeting laws unless public input is requested at the work group meeting. All public meetings must have an agenda produced and posted twenty-four hours in advance. As a matter of good management practices, all internal meetings should have an accompanying agenda.

**Example:** Internal meetings with a developer to review plans with city staff are not considered a public meeting. Once staff and the planner come to agreement to the plans and proposed stipulations made by the City, the entire project is brought forward for public comment through the Planning and Zoning Commission or a Council agenda item. It is at this time that public concerns with a project can be publicly addressed.

## Outside Employment

Outside employment is allowed, provided that a.) there is not a conflict of interest, b.) the job does not interfere with the time and attention an employee must devote to the City job, and c.) City equipment or use of proprietary information will not be involved.

Employees must notify their immediate supervisor of their intent to engage in outside employment. Supervisors who have questions regarding possible conflicts with an employee's outside employment should contact the Human Resources department. Employees are not to engage in outside work if they are not working due to any disability status in their City employment. City obligations take precedence over outside employment requirements at all times.

**Example:** An employee works for a local retail store on weekends. During the Holiday season the store Manager requires the employee to come in to work on Mondays and Wednesdays at noon. The employee asks for a revision in her City work schedule. The supervisor, after speaking with Human Resources, informs the employee that she must continue to work her regular work schedule. The employee must give precedence to her City job and should inform the store Manager that she cannot work the additional days.

### *Policies and Procedures Manual, Chapter 8*

## Personal Conduct

Employees are expected to conduct themselves at all times in a manner that brings credit to the City. This includes:

- Providing a full day's work for a full day's pay and performing those duties to the employee's best efforts.
- Providing all employees, stakeholders, residents, and others doing business with the City with **Empathetic, Thoughtful, Honest, Intelligent, and Caring Service**.
- Working with all parties in a professional and equitable manner. Employees shall not discriminate in any way on the basis of race, color, religion, sex, age, national origin, veteran status, handicap, marital status, disability, sexual orientation, or any other bias.
- Dressing appropriately for the position hired.
- Demonstrating common sense, professionalism, productive effort that promotes public acceptance for city employee and organizational effort.
- Participating in off-duty activities that will not result in publicity that harms the City.

**Example:** An employee is assigned to visit a local retail store to purchase supplies for a City event. While paying for the merchandise the employee notices that the clerk has overcharged for the purchase. The employee becomes very agitated and starts screaming at the clerk, saying "I work for the City of Avondale and I don't have to put up with this horrible service". The employee goes on to swear at the clerk. This behavior is inappropriate and brings discredit to the City.

### Political Involvement in the Community

Employees are encouraged to exercise the right to be active members of the community at large in such a manner that is lawful and ethical. An employee's involvement in the community shall be positive and reflect well on the City. Participating in City Council campaigns is strictly prohibited by the City Charter. Political activity at any other level of government shall comply with the applicable laws that govern that activity.

**Example:** A local city council candidate asks an employee to help place election signs at various corners and vacant lots in the City to publicize the candidate's re-election campaign. The employee declines and immediately reports the incident to the City Manager. This could be considered an election violation with possible consequences faced by the candidate.

### Productive Work Effort

Employees are expected to perform assigned work effectively and efficiently. Deliberate misuse of time and not accounting for that time properly is an unethical acceptance of compensation from the City. Leave is provided in order for employees to ethically account for time periods when work cannot be performed to meet the weekly compensation for work performed.

**Example:** An employee works at a desk from 8:00 a.m. – 5:00 p.m. in an office. After taking a full lunch, the employee shuts the door and takes a nap for 45 minutes. The employee leaves at 5:00 p.m. and claims a full day of work. Sleeping on the job is not considered productive work.

### Rumors and Gossip

A rumor is defined as a circulated story, report, or statement without facts to confirm its truth. Gossip is defined as conversation about personal or intimate rumors or facts, especially when malicious. Rumors and gossip are not accepted in the workplace.

**Example:** Disciplinary actions, including terminations, and the reasons why an action was taken are not discussed by Human Resources personnel or the responsible supervisors to ensure the confidentiality of the affected employee is maintained. Initiating or spreading rumors creates an unhealthy work environment. Gossiping about a fellow employee is disrespectful and unprofessional, as well as a waste of City time. Repeated incidences of such behavior will result in disciplinary action.

## Sick Leave

Sick leave is an approved period of absence granted to an employee due to:

- Illness, injury, or other medical condition which renders the employee unable to fulfill his or her duties.
- Illness, injury, medical condition evaluation or procedure, or treatment for a medical condition for a member of the employee's immediate family, defined as parent, sibling, in-law, grandparent, or legal dependent.

Improper reporting of sick leave is not allowed and could lead to disciplinary measures, including termination. Frequent use of sick leave may lead to the City requesting medical verification for illness as described in the policies and procedures. Sick leave is an employee benefit that involves compensating employees monetarily for missed work days -- either by a) ensuring that compensation continues for the duration of sick leave or b) if unclaimed, a reimbursement of sick leave for monetary gain for the employee at the time of retirement based upon the number of hours sick leave accumulated and the number of years a person has worked for the City.

**Example:** An employee calls in sick for the day and goes out golfing instead. This is an improper use of City time.

*Policies and Procedures Manual, Chapter 6*

## Undue Influence on Subordinates

Supervisors and managers are expected to engage in the highest level of professional behavior when dealing with employees whom they supervise. Favored treatment due to personal friendships will not be tolerated. Supervisors should not exert verbal or non-verbal pressure on subordinates to grant personal favors and complete requested work while off duty, nor should they request monetary favors or contributions.

**Example:** A supervisor requests that his subordinate helps with a charity event during a Saturday night. The supervisor hints that it may lead to a favorable performance review, and implies that not helping will lead to an unfavorable review. This action needs to be reported to the Ethics Standards Committee.

*Policies and Procedures Manual, Chapter 9*

## Use of City Equipment

Employees will only use City-owned equipment for City-related work. City equipment is not available for personal/private use by employees. Employees will be fully trained in the use of all City equipment that pertains both directly and indirectly to the performance of their duties.

**Example:** Landscaping tools are used by a grounds employee to landscape his own home over the weekend. This is unethical and improper use of city equipment for personal benefit. Disciplinary action will be taken against the employee.

*Policies and Procedures Manual, Chapter 10*

#### Use of City Logo

Use of the City logo or name is for City purposes only. Clothing bearing the City of Avondale name or logo shall be worn only for official City purposes or business and shall not be worn while consuming alcoholic beverages.

**Example:** A group of employees forms a softball team and finds a sponsor to support the team's purchases for softball, bats, and T-shirts. The sponsor requests a letter of request on City letterhead to send it to its corporate offices to honor the request. The team captain explains to the sponsor that this team does not represent the City of Avondale. He drafts the letter instead on plain paper to distinguish this activity from official city business.

*Policies and Procedures Manual, Chapter 10*

## **“THE ETHICS TEST”**

When you face a situation that causes YOU to question your ethical conduct, ask yourself these questions:

- How does this situation make me feel about myself?
- How would my family react to knowing about this and my role/decision?
- Would it pass the “headline test?” How would the community react?
- How does the decision and my proposed action align with the City’s mission and values?
- Will it violate a law or a City policy?
- Is my action or potential outcome/solution balanced? Will it be fair to all concerned?
- How will this affect other decisions I may be called upon to make in the future?
- Could I disclose, without reservations, my decision or action to my family, my peers, my superiors, or the community?

When you observe a situation or the actions of OTHERS that cause you to question their conduct, ask yourself these questions:

- Have I defined the ethical question/problem accurately?
- How would I define it if I stood on the other side of the fence or if I placed myself in the other’s situation?
- Can I discuss this with the affected parties before I bring it to the attention of my supervisor?
- What is my intent in making the decision to alert my supervisor?
- What result or outcome do I expect to achieve to resolve the problem?
- How do these results compare with my intent in bring this to the attention of my supervisor?
- Could my decision or action unfairly injure someone or something?

## WHERE TO GO FOR HELP

If an employee is unsure of what the “right thing to do” is, he/she should first seek the guidance of the supervisor to determine the right course of action. If an employee determines that ethical guidance will be compromised by seeking out his or her supervisor or department director, employees may contact the Human Resources department or the Ethics Standard Committee for advice and direction. The Ethics Standards Committee shall include the following members as appointed by the City Manager:

- Human Resources Director, (Committee Chair)
- Assistant City Manager
- Finance and Budget Director
- Two members at-large

If ethical guidance is sought, the Ethics Standards Committee shall recommend a course of action for the individual(s) making an inquiry. All decisions shall be forwarded to the City Manager for final approval. Decisions made by the Ethics Standards Committee and approved by the City Manager shall be recorded and shall be used as a guide when determining future cases.

Employees wishing to discuss and/or report unethical behavior/problems or issues are encouraged to contact the Human Resources Department. An employee may request his or her supervisor present the issue on the employee’s behalf. **Issues that are reported from an anonymous source will not be accepted for review.** To the extent possible, information provided will be held in the strictest of confidence.

The City of Avondale is committed to ethically-driven customer service. Contact the Human Resources Department (623-333-2200) if you wish to initiate a report.

TITLE: Participation in City Elections
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I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to all employees on the personnel policies that restrict employee participation in City of Avondale elections. Please carefully review the following restrictions and make sure that all employees are informed. This policy applies to all City employees, full or part-time, regular status or temporary; there are no exceptions.

This policy is in addition to state law that prohibits the use of City resources for the purpose of influencing the outcomes of elections. A.R.S. § 9-500.14. The term “City resources” includes, but is not limited to, “monies, accounts, credit, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages, personnel, equipment, materials, buildings or any other thing of value of the City.”

II. POLICY STATEMENT

It is the City policy that City employees are strictly prohibited from engaging in certain activities associated with certain City elections.

III. POLICY PROVISIONS

A. City of Avondale employees are strictly prohibited from engaging in the following activities associated with a City election pertaining to the election of City Council members or recall of an Avondale City Council member.

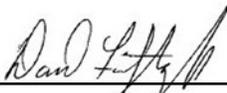
1. Running as a candidate for the Avondale City Council.
  - a. Any employee interested in running for a seat on the City Council must resign at the time of filing for candidacy.
2. Signing or circulating nominating petitions pertaining to candidates for the Avondale City Council or for the recall of an Avondale City Council member.
3. Making campaign contributions to a candidate for Avondale City Council or for the recall of an Avondale City Council member.
4. Advocating for or against a particular candidate for Avondale City Council or for recall of an Avondale City Council member.
5. Any other involvement with an Avondale City Council candidate’s campaign, other than casting an individual ballot.

- 6. Using City resources to influence the outcomes of a City election, except as allowed by State law.
- B. With respect to referendum and initiative measures pertaining to Avondale City ordinances, City employees may sign petitions or express their personal opinions on the referendum or initiative, so long as their activities take place on their own time and they do not use City resources, except as allowed by state law. It must be clear that any opinion expressed by a City employee is strictly an individual personal opinion and in no way represents the City's position on the issue.
- C. With respect to bond elections called by the Avondale City Council, employees may express their personal opinions as long as their activities take place on their own time and they do not use City resources, except as allowed by state law. It must be clear that any opinion expressed by a City employee is strictly an individual personal opinion and in no way represents the City's position on the issue.
- D. In all cases, pursuant to state law, City employees shall not use the authority of their positions as a City employee to influence the vote or political activities of any subordinate employee with respect to any election.

IV. PROCEDURES

- A. These restrictions only apply to City elections.
- B. Employee participation in national, state, county or school district elections or elections held by other municipalities or special districts is not restricted except that the following applies:
  - 1. No campaign activity may be conducted while a City employee is on-duty or while wearing an official uniform or insignia of the City.
  - 2. The use of any City resources is strictly forbidden, except as allowed by state law.
- C. Employees who have questions about this administrative policy should contact an Assistant City Manager.

V. APPROVAL

  
\_\_\_\_\_

David Fitzhugh, Avondale City Manager

\_\_\_\_\_  
January 11, 2017  
Date of Avondale City Manager's Approval

TITLE: Administrative Procedure for Employee Discipline
---

I. PURPOSE AND SCOPE

The purpose of this policy is to outline the procedures City of Avondale (City) Department Directors must follow prior to disciplining a City employee. This policy applies to all City employees.

II. POLICY STATEMENT

It is the Policy of the City of Avondale to ensure that policies and procedures pertaining to City employee discipline are appropriately followed and that all City employees in similar circumstances receive the same or similar treatment during disciplinary proceedings.

III. PROCEDURES

Department Directors

- A. When a Department Director identifies the need for employee discipline he/she shall meet with the Human Resources Director or designee prior to any discussion with the employee.
- B. Before any employee is served a letter of reprimand, notice of intent to suspend without pay, notice of intent to reduce pay, notice of intent to demote, or notice of intent to terminate, the Department Director shall meet and confer with the Human Resources Director or designee.

- 1. It is not sufficient for a Department Director to review a City employee's supervisor's recommendation.

Human Resources Department

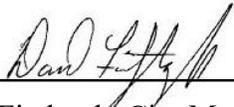
- A. The Human Resources Director shall review all documentation and assist the Department Director in preparing the written notification(s).
  - 1. Performing this type of review will ensure that policies and procedures are appropriately followed and that other City employees in similar circumstances received comparable treatment.
- B. The Human Resources Director shall determine when the disciplinary action against a City employee shall be communicated to the employee.

1. Prior to communicating any disciplinary action to an employee, the City Manager shall be advised of the date and time that the employee will receive notification of the disciplinary action the City intends to impose.
  
- C. When communicating a disciplinary action to an employee, the Human Resources Director or a representative from the Human Resources Department shall be present.
  1. This presence will ensure that the disciplinary action is properly communicated, employee questions about processes and procedures are answered and to protect the Department Director from charges of impropriety.

City Employees

- A. City employees facing disciplinary action should refer to the City of Avondale Discipline Policy Chapter 18: Grounds for Discipline/Termination located on the City's shared drive or online on the City's website.

IV. APPROVAL



\_\_\_\_\_  
David Fitzhugh, City Manager

\_\_\_\_\_  
October 11, 2016

Date of City Manager's Approval

TITLE: Public Information & Media Relations
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I. PURPOSE AND SCOPE

The purpose of this Policy is to: ensure useful and accurate information is provided in a timely and professional manner regarding City business, service, and special events; ensure information is presented in a manner that is consistent with Avondale City Council's policies and philosophies; ensure as much as possible that consistent information is being disseminated by the organization; ensure that the City Council, staff, media, and general public are aware of any communications issues; ensure a cooperative working relationship is fostered between the City of Avondale and the media, and to ensure the media is being used as a resource particularly in emergency, disaster or crises situations; and to establish procedures for responding to media inquiries, including identifying a City spokesperson. This Policy applies to all City employees.

II. POLICY STATEMENT

The City of Avondale, to the best of its ability, will ensure the accurate and prompt exchange of information with the news media in accordance with this policy. The City will generally provide a response to media inquiries within 24 hours.

III. DEFINITIONS

A. Spokesperson: Individuals designated to speak on the City's behalf.

IV. POLICY PROVISIONS

A. Spokespersons

1. In most cases, there will be one spokesperson designated for response to each inquiry.
2. Individuals designated to speak on the organization's behalf are: the City Manager, Assistant City Manager, City Attorney, Community Relations & Public Affairs Director and/or Public Information Officer (PIO), Intergovernmental Affairs Manager, the Police Chief, Fire Chief, and others specifically designated by the City Manager and/or Community Relations & Public Affairs Director to address a particular issue or incident. No one other than these individuals (with the exceptions noted below) should represent the City's position to the media.

### 3. Exceptions

- a. When inquiries require a technical explanation, a spokesperson may be designated to address a particular issue. That spokesperson will usually be a department director, a senior staff person or a staff member proficient in a certain area or subject matter (such as water conservation or recycling), or an outside expert who is qualified to speak on the City's behalf on the issue in question. Whenever possible, staff should have the PIO present at person-to-person interviews in order to evaluate the effectiveness of the staff, evaluate the interaction with media, and offer assistance to staff and media.
- b. The Police Chief and Fire Chief may also designate their own department spokespersons to handle media inquiries related specifically to public safety (for example crimes, investigations, fires, accidents, etc.) Staff members who provide emergency medical care to the public should refrain from speaking to the media and refer them instead to their department's designated Public Information Officer (PIO).
- c. Routine media requests: Employees may respond to the media when inquiries are of a routine nature, involving a response of a factual, incidental or inconsequential nature, for example, the time and location of a meeting or special event; the process for applying for a business license or permit; the number of people employed by the City. The employee should subsequently notify the Community Relations & Public Affairs Director/PIO of the media contact.
- d. Non-routine requests should be forwarded to the Public Information Office prior to response. These may include responses that require interpretation of policy, employee information and emergency situations.

## V. PROCEDURES

### A. Media Relations Procedures

1. Media inquiries, whether verbal or written, are to be directed to the Community Relations & Public Affairs Director who will evaluate the request and provide an answer, or direct it as appropriate to the following:
  - a. To the City Manager, Assistant City Manager, City Attorney, Intergovernmental Affairs Manager, or a designated senior staff member, if the inquiry involves City policy or positions; or
  - b. The Mayor or City Council, if the inquiry pertains to Council policy or opinions.
2. All media contact should be immediately reported to the Community Relations & Public Affairs Director for tracking purposes.

3. Errors in reporting will be brought to the attention of the Community Relations & Public Affairs Director and/or PIO.
4. News Releases: All news releases—with the exception of public safety alerts and advisories from the Police and Fire departments—will be issued as deemed necessary and relevant by the Community Relations & Public Affairs Director.
  - a. The City Manager will approve all news releases prior to distribution.
  - b. The Community Relations & Public Affairs Director or PIO shall have discretion to re-write draft news release submitted by a department.
  - c. Department staff who initiates a news release and department directors shall have the opportunity to review any edits before its release.
5. News Briefings may be conducted to educate the news media about potentially controversial issues and provide reporters with an opportunity to ask in-depth questions. In most briefings, the City will provide background materials, fact sheets and explanatory materials.
6. The Community Relations & Public Affairs Director and/or PIO will be responsible for scheduling any such briefings.
7. News Conferences will be held at the discretion of the City Manager or Mayor (or designee) to announce or respond to an issue of significance or controversy with a united voice pertaining to facts, information, rules, and emergency or crises situation or the established policy/rules of the City. A news conference allows city officials to effectively respond at one sitting rather than responding individually to many media contacts. A news conference also conveys the City's willingness to openly discuss an issue. A news conference may be called when:
  - a. The issue to be announced is best conveyed at a news conference.
  - b. Major participants of a project are available to highlight their participation and respond to media inquiries "together."
  - c. The issue is likely to produce controversy.
  - d. News conferences will be planned in advance and coordinated by the Community Relations & Public Affairs Director or PIO. A spokesperson for the news conference will be selected by the City Manager, or if appropriate by circumstances, the Mayor. Additional personnel may be required to attend who can provide background information and details.
8. Emergency Media Relations In the event of a disaster or emergency that requires the City of Avondale Emergency Operations Center (EOC) to be activated, the City PIO (or designee), the Avondale Police and Fire PIO's (or designees) will be responsible for primary media relations, including

preparing for news conferences and media briefings, and arranging for media interviews with elected officials and key participants.

9. Editorial responses from staff: The PIO will monitor the editorial column of local newspapers and if deemed necessary by the City Manager, forward them to the appropriate staff for response.
  - a. Editorial responses shall be reviewed by the City Manager and PIO in advance. These may be shared in draft with the City Council if appropriate. Council shall be advised of editorial responses prior to publication.
  - b. "Letters to the Editor" may be submitted to clarify the City's position, educate readers about a city service, or express the city's gratitude to the community. Such letters shall be submitted to the media through the PIO.

#### B. Guidelines for Employees Acting as Private Citizens

1. The following guidelines are offered for employees who may choose to contact the media as a private citizen. These guidelines do not prohibit such contact but support other city policies regarding improper use of city equipment and property. These guidelines also apply to employees responding to or initiating media contact as official representatives of employee groups.
  - a. Letters to the Editor may not be prepared on city time, printed on city letterhead stationery, or mailed at city expense.
  - b. Telephone contact may not be made on city time using city telephones.
  - c. Use of city email is prohibited.
  - d. Use of city facilities or supplies is prohibited.
  - e. Responses or letters should not include the employee's official title or imply that the response is on behalf of the City of Avondale organization.
  - f. Statements made to the media shall not disrupt public meetings or interfere with the City Manager or designee in carrying out the day-to-day management of responsibilities of the City.

#### C. City Employees/Department Director Guidelines

1. Significant Events
  - a. It is the responsibility of employees to immediately notify their supervisor or Department Director, who should in turn notify the City Manager or PIO, of significant issues that occur and may be of major interest to the general public.
  - b. The City Manager will determine the appropriateness of contacting the City Council. Examples include, but are not limited to:
    - i. Injury, termination, serious illness, or death of an employee.

- ii. Major malfunctions of city equipment, city facility or infrastructure that could impact the general welfare of the public, environment or ability to provide service.
- iii. An unexpected work stoppage or inability to provide critical city service.
- iv. The arrest of an employee.
- v. Programs and employees receiving awards.

2. Media Contact Guidelines

- a. Respond to inquiries within your purview. Do not respond to matters that do not directly relate to your professional responsibility for the City.
- b. Do not make judgmental comments, particularly about individual councilmembers, council actions or official city policies.
- c. Do not offer legal opinions on city policies or activities.
- d. Do not discuss employees or personnel actions.
- e. Do not speculate about what action the City will take.
- f. Media inquiries shall be responded to within 2 to 4 hours of receiving the request.
- g. Inquire of the story's focus, the reporter's deadline and story publication date.

D. Distribution

- 1. The PIO shall maintain a media contact list.
- 2. City news releases will be distributed to the City Council and staff.
- 3. News releases shall be distributed electronically (email) and via facsimile to appropriate media (newsprint, television, and radio).
- 4. News releases shall be posted on the City's official website.

E. Violations of the Media Policy

Any employee found to be in violation of the City's media policy will be subject to disciplinary action, up to and including dismissal.

VI. APPROVAL



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David Fitzhugh, Acting City Manager

June 24, 2014  
Date of City Manager's Approval

TITLE: Surplus or Obsolete Property Disposal
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## I. PURPOSE AND SCOPE

This policy establishes procedures for the proper disposal of the City of Avondale's surplus or obsolete property. This policy shall apply to all City departments and personnel, except for the Avondale Police Department's disposal of evidence, seized property, service firearms, and service animals.

## II. POLICY STATEMENT

All City surplus or obsolete property shall be disposed of in accordance with the procedures set forth herein. Depending on the type of surplus or obsolete property, the City may utilize any one of the disposal methods detailed below, as determined by the Procurement Manager to be in the City's best interest.

## III. POLICY PROVISIONS

### A. Administrative Approval Prior to Disposal

1. Department heads must review and approve the disposal of department surplus or obsolete property valued at \$25,000 and under.
2. The City Manager must review and approve the disposal of City surplus or obsolete property valued over \$25,000.
3. Surplus or obsolete property shall not be dismantled or artificially fragmented to circumvent the administrative review and approval process.

### B. Inventory of Surplus or Obsolete Property

1. Each City department shall maintain a record of department surplus or obsolete property and provide a copy of the record to the Procurement Office. (see form AP4-B located on ACES/Forms/Finance Forms)
2. A listing of all City surplus or obsolete property shall be maintained by the Procurement Office and such property shall be transferred between departments, as needed, prior to pursuing any disposal method.

## IV. PROCEDURES

A. Disposal Methods for Surplus or Obsolete Property. After determining that the surplus or obsolete property is not needed by any department, the City, through the Procurement Office, unless otherwise stated herein, may:

1. Trade the property for credit against new purchases.

2. Trade the property to another public entity for property beneficial to the City.
  3. Donate the property to a non-profit organization or community program, or to another public entity, including schools. (see Attachment A. Form AP4-A located on ACES/Forms/Finance Forms)
  4. Establish the fair market value and sell the property through an advertisement in appropriate publications or a posting on the City website.
  5. Solicit written offers from interested persons and dispose of the property to the person making the most advantageous offer, pursuant to the rules and procedures set forth below in Section B.
  6. Auction the property, pursuant to the rules and procedures set forth below in Section C.
  7. Recycle property which may not be suitable for discarding.
    - a. A contracted third party may be used to recycle plastics, metals, other recyclable materials, and hazardous materials.
  8. Discard property which is broken, unusable, or determined by the Procurement Office to realize little to no value by using any other disposal method.
- B. Offers to Purchase. The City may solicit offers to purchase upon determining that the property is of such a nature as to make such solicitation advantageous to the City.
1. Solicitations for offers to purchase must be issued by the Procurement Office.
  2. Solicitations for offers to purchase shall include a description of the property for sale and all terms and conditions applicable to the sale.
  3. Reasonable notice of the solicitation shall be given before the date set forth in the offer to purchase for final acceptance of offers. Said notice stating the general property description shall be published in a newspaper of general circulation or posted on the City website.
  4. The property shall be sold to the offeror making the most advantageous offer to the City.
- C. Auction Process for Surplus or Obsolete Property. The City shall utilize a licensed and qualified contractor to provide auction services. The following procedures shall be followed when disposing of City property by auction:
1. After review and approval by the Procurement Office, a department representative shall contact the Facilities Manager and complete an internal work order to have the property picked up and prepared for auction.
  2. The Facilities Manager shall coordinate the pick-up, storage, and preparation of the property for auction.

3. Once the property is prepared for auction, the contractor shall collect the property and serve as the City's agent until the conclusion of the auction.
  4. Once the auction is complete, all fees due to the contractor will be deducted from the final auction sale price and the remaining proceeds shall be paid to the City.
- D. Proceeds from Surplus or Obsolete Property. Proceeds received from the disposal of surplus or obsolete property shall be deposited in the City's General Fund, except for the following:
1. Proceeds from the sale of surplus or obsolete property that was purchased with restricted funds, such as Arizona Department of Homeland Security and Racketeering-Influenced and Corrupt Organizations (RICO) must be deposited in the appropriate City accounts.
    - a. 80% of the proceeds from the sale of RICO surplus or obsolete property are deposited into the City account, and 20% of the proceeds are deposited with the Maricopa County Attorney's Office to support the costs of adjudication.
  2. Proceeds from the sale of surplus or obsolete property purchased with Enterprise Funds, such as Sewer and Water, must be deposited into the same fund from which the purchase was made.
- E. Grant Funded Surplus or Obsolete Property. Surplus or obsolete property purchased with grant funds shall be disposed of in accordance with the requirements of the grant agreement or any applicable law, rule, regulation, or procedure.
- F. Employees Prohibited from Acquiring Surplus or Obsolete Property. No City employee shall directly or indirectly purchase or agree with another person to purchase surplus or obsolete City property, except an employee may purchase City surplus or obsolete property through the auction process. An Avondale police officer's purchase of his/her service firearm or service animal is exempt from this prohibition.
- G. Questions. Disposal process for surplus or obsolete property questions should be directed to the Procurement Office.

## V. APPROVAL

This policy is approved by Avondale City Manager, Charles A. Montoya on 08/11/20.

Attachment A

## DONATION STIPULATIONS

The City of Avondale, an Arizona municipal corporation, duly organized and existing under the law of the State of Arizona (hereinafter "City") hereby donates the described below (hereinafter "property") to Agency Full Name, a public entity or non-profit organization or community program, lawfully organized and operating under the laws of the State of Arizona (hereinafter "Agency abbreviated name"). The City, operating through its City Procurement Agent, is authorized to make this property disposition by City Code, Section 25-27.

City hereby donates to Agency abbreviated name the property, the item(s) described below. This donation is made with the following restrictions:

City is donating this item "AS IS" with no warranties, whatsoever, as to its fitness for any particular purpose.

City is donating this item to Agency abbreviated name with the intent that the item be used for its intended purpose.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Name of public entity/non-profit: Agency Full Name

\*Printed name of representative receiving donated items: \_\_\_\_\_

\*Signature of representative receiving donated items: \_\_\_\_\_

Qty	Item Description

AP4-A Form P601A

TITLE: Safety Shoe Reimbursement Policy
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I. PURPOSE AND SCOPE

The purpose of this Policy is to establish a reasonable amount for safety shoe reimbursement that is responsive to changes in pricing. The scope of this policy covers all City of Avondale employees who require the use of safety shoes based on their work.

II. POLICY STATEMENT

The City of Avondale has a primary concern for the safety of all their employees and requires safety shoes for many positions held by City employees. Therefore, if safety shoes are identified as necessary personal protective equipment for the job duties that are performed, it is the policy of the City to partner with those identified employees and share in the responsibility of supporting safety shoe requirements.

III. DEFINITIONS

- A. Supervisors Discretion- A decision left to the supervisor on frequency of need for safety shoes based on work and the requirement for replacement shoes.
- B. Safety Shoe- A shoe that meets all the requirements for footwear as defined in ANSI Z41.1

IV. POLICY PROVISIONS

- A. To provide protection from hazards as a critical component in the safety of City employees.
- B. If there is any question on the type of shoe that will provide the most protection, please contact Health and Safety for a PPE (Personal Protective Equipment) Survey.
- C. Any exceptional physical or medical condition(s) that require a specialty made or modified shoe will require a Physician's note.
- D. Safety Shoe reimbursement is available to each eligible employee for up to \$150.00 per pair by providing an original receipt of payment for each reimbursement.
- E. The frequency of safety shoe replacement may occur twice a year based on supervisor's discretion.
- F. Newly eligible employees are authorized to purchase safety shoes at on-boarding. Employees would not be eligible for a new pair of safety shoes at the City semiannual scheduled intervals, if the safety shoes are less than three (3) months old.

- G. Safety shoes may be purchased through a City authorized vendor and all purchases must be in compliance with AP-23 Procurement Policy.
- H. Safety Shoe trucks may visit Municipal Operations Service-Center in January and July.
- I. The reimbursement amount will be revisited by Health and Safety every three (3) years.
- J. The Safety Shoe reimbursement may not be rolled over to any other time interval.

VI. APPROVAL



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Cynthia Seelhammer, Avondale City Manager

07/03/18

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Date of Avondale City Manager's Approval

TITLE: Reclassification, Position Change & New Classifications
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I. PURPOSE AND SCOPE

The purpose of this Policy is to establish procedures for reclassifications, position changes, and the development of new job classifications within the City of Avondale, and the process to formally request these changes. This Policy applies to all City of Avondale employees.

II. POLICY STATEMENT

The City's job classification system provides a structured, consistent method and quantitative techniques for arriving at objective classification decisions. The City will evaluate the need for reclassifications, position changes, and the addition of new positions as needed and according to the established procedures.

III. POLICY PROVISIONS and PROCEDURES

A. Reclassification Process

1. A reclassification may occur when a group of positions within the same classification have undergone a significant change in type, difficulty, or degree of responsibility entailed in the work performed within that classification. Such a situation may result in a reclassification to a higher, lower, or similar classification based on the type of changes that have occurred.
2. A reclassification is only appropriate on a City or department-wide basis.
3. The concept of reclassification will not be used to circumvent promotions into a higher job classification.

B. Position Change Process

1. A position change results from changes in the workload or desired workload within a City department, which shifts service obligations from one position to another. In such a case the department can request that one or more of their authorized positions within one classification be changed to one or more positions in another classification.
2. To be eligible for a position change, the new duties to be performed must be substantially different than those performed in the current classification and duties that cannot be performed by the current classification.
3. Approval of the position change will result in the addition of a new position and the subtraction of one position for each position changed.
4. Except as stated in this section, the new position will be filled through the competitive selection process.

5. A position change will not require recruitment if the following conditions exist and are documented in the Position Change Request Form:
  - a. The employee has regularly and consistently performed work outside of the employee's current classification for a period greater than six (6) continuous months;
  - b. No open position exists within the department matching the target classification; and
  - c. All other requirements of a position change are satisfied.

Under such circumstances, the position will be changed and the current incumbent will be left in the newly created position. If the position change is approved, back pay will be awarded to the incumbent to the date of the request to evaluate the position change.

6. Changes in compensation, if any, due to a position change shall be according to Chapter 5 Classification and Compensation.

#### C. Development of New Job Classifications

The classification system is responsive to organizational and environmental changes. The Human Resources Department will assist with the revision of classification specifications and the development of new classification specifications within the broad classification concept as necessary to meet the ongoing operational requirements of the City.

#### D. Requests

##### 1. Reclassification Requests

- a. A reclassification request can be made by a Department Director by submitting an authorized Reclassification Request Form to the Human Resources Department.
- b. Reclassifications must be approved by the City Manager in writing.

##### 2. Position Change Requests

- a. A position change request can be made by a Department Director by submitting a Position Change Request Form to the Human Resources Department.
- b. Position changes must be approved by the City Manager in writing.

##### 3. New Position Requests

- a. The process to assign a new position to a classification, revise existing classification specifications, and develop new classification specifications begins with the completion of a Job Description Questionnaire (JDQ) by incumbent employees.
- b. This process may be initiated by an employee or group of employees through the Department Director.

- c. The Department Director will determine whether the request will be forwarded to the Human Resources Department.
- d. The Human Resources Department will review completed JDQ's and determine the appropriate classification for a new position, whether an existing classification should be revised, or whether a new classification should be created.
- e. New Position Requests must be approved by the City Manager in writing.

IV. APPROVAL



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Cynthia Seelhammer, Avondale City Manager

06/19/18

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Date of Avondale City Manager's Approval

TITLE: Fitness Room Use
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I. PURPOSE AND SCOPE

This policy provides direction for employee safety and promotes the proper care of the City of Avondale's (City) fitness rooms by establishing rules for their use. This policy applies to all employees.

II. POLICY STATEMENT

The City provides a fitness room for employees to utilize in an effort to support their overall wellness.

III. DEFINITIONS

Employee - any person employed by the City on a regular, full or part time, or temporary basis. Only City employees are authorized use of the fitness rooms.

IV. POLICY PROVISIONS

- A. The safety of our employees is our primary concern. All persons using the fitness room does so at their own risk and agrees to abide by these rules. The City does not assume responsibility for any accident or injury incurred in connection with the use of the fitness room or for any loss or damage to personal property.
- B. The fitness room is available for use twenty-four (24) hours a day, seven (7) days a week.
- C. Keeping the fitness room clean is everyone's responsibility.
- D. Lockers are for use during workouts and are not intended for long-term storage.
- E. The time limit on each piece of equipment is thirty (30) minutes unless there is no other demand for the equipment.
- F. Unauthorized persons are not allowed in the fitness room. Anyone allowing access to unauthorized individuals will risk the loss of their fitness room privileges.

## V. DO'S AND DON'TS IN THE FITNESS ROOM/CENTER

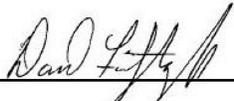
## A. DO –

1. Talk with your physician before beginning any fitness program
2. Use the fitness room equipment at your own risk
3. Know your own limitations
4. Be considerate of others
5. Dress appropriately – no bare feet and no dress shoes
6. Rack your weights and put away any equipment when done
7. Wipe up your own seat and clean up your own mess

## B. DON'T –

1. Bring food and drink into the fitness room (except water)
2. Bring glass or any breakable object
3. Workout in the dark
4. Bring your cold to the fitness room
5. Forget to wash your hands
6. Be distracted by using your cell phone while on equipment
7. Forget to turn out the lights and close the door when you are done

## I. APPROVAL



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David Fitzhugh, City Manager

October 11, 2016

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Date of City Manager's Approval

TITLE: Lactation/Breastfeeding Support Program
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I. PURPOSE AND SCOPE

The purpose of this policy is to comply with section 7(r) of the Fair Labor Standards Act (FLSA) guidelines to accommodate employees who are nursing mothers. The City of Avondale recognizes the need to promote a work environment that is supportive of breastfeeding employees who wish to continue nursing their children when they return to work by expressing breastmilk during their workday when separated from their child. This policy applies to all city employees.

II. POLICY STATEMENT

The City encourages employees and management to have a positive, accepting attitude of working women and breastfeeding. It is the policy of the City to accommodate nursing employees' lactation needs by providing reasonable break time to express milk or breastfeed and an appropriate private space. Lactating mothers are covered under this policy up to one year following the birth or adoption of her child.

III. DEFINITIONS

- A. Mamava Lactation Suite (Mamava): A self-contained mobile pod with comfortable benches, a fold-down table, an electrical outlet for plugging in a breast pump, and a door that can be locked for privacy that offers nursing mothers a safe, clean, and private space to pump/nurse when they are away from home or at work.
- B. Private Space: A place other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public.

IV. POLICY PROVISIONS

- A. Time to Express Milk or Breastfeed (Lactation Time)
  - 1. An employee who is breastfeeding her child will be provided up to two (2) paid thirty (30) minute breaks per shift to express milk for her baby, in addition to her lunch break.
    - a. Uniformed personnel will receive an additional five (5) minutes for donning and doffing.
  - 2. Employees who work over a ten (10) hour day and may need additional breaks, should work with their supervisor and the Human Resources Department for a reasonable accommodation.

3. The Department must make separate time available if an employee needs different time than their regularly scheduled breaks. The lactation breaks will run concurrently with normally scheduled break time.
4. Travel time to/from the location used to express milk should not be counted towards the thirty (30) minutes. However, nursing mothers must use the closest private space in proximity to their work area that is available for expressing milk.

#### B. An Appropriate Private Space

1. An appropriate space shall be provided with reasonable efforts made for the location to be in close proximity to the nursing employees' work area. The space should be equipped with an electrical outlet, and comfortable seating.
2. The City of Avondale has a Mamava Lactation Suite, which is located at the City Hall complex. Procedures for access to the Mamava can be found below.
3. The location may be the place where the nursing mother normally works, if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured.)
4. Areas such as restrooms, closets or storage rooms are not appropriate spaces for lactation purposes. However, a separate anteroom (women's lounge) or separate changing area within or next to a bathroom is permissible. Closets or storage rooms that do not contain health hazards may be converted to be acceptable private spaces.

#### C. Zero Tolerance/Complaints

1. Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding employee; such conduct unreasonably interferes with an employee's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the City's Chapter 15 Workplace Harassment and Discrimination Policy.
2. Nursing mothers who feel they have been denied appropriate accommodation are encouraged to contact the Human Resources Department.

### V. PROCEDURES

#### A. Lactation Accommodation Request Procedure

1. Employees requesting an accommodation under this policy should contact the Human Resources Department.
2. Supervisors who have an employee needing accommodation under this policy should contact Human Resources.

#### B. Use of the Mamava

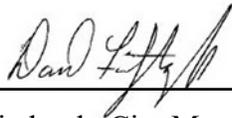
1. Nursing mothers wishing to use the Mamava must request access through Human Resources.

2. A calendar on Outlook will be used to assist with scheduling and coordinating the use of the Mamava.
3. Only employees who are issued a key by Human Resources are authorized to enter the Mamava during their scheduled time.
4. If an employee is not able to use the Mamava during their scheduled time, they should first check the calendar to limit disruption to other nursing mothers who may be scheduled to use the suite.
5. Employees utilizing the Mamava are responsible for cleaning up after themselves and leaving a clean environment for the next user.

C. Storage of Breastmilk

1. Employees may bring a cooler with ice packs for the storage of their breastmilk. There are lockers available near the Mamava, which can be used to store the cooler. Employees are encouraged to bring a small personal lock for the lockers.
2. Employees may also use the refrigerator at City Hall, or a refrigerator within their Department, for the storage of their breast milk.
  - a. Any breastmilk stored in a refrigerator must be labeled with the name of the employee and the date of expressing the breast milk.
  - b. Any nonconforming products stored in the refrigerator may be disposed of.
3. Employees storing milk in the refrigerator or in a locker without a lock, assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

VI. APPROVAL



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David Fitzhugh, City Manager

November 15, 2017

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Date of Avondale City Manager's Approval

TITLE: Mail Room Services
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I. PURPOSE AND SCOPE

This policy establishes procedures for the processing of U.S. mail and procedures for daily mail pick up, daily mail delivery, bulk outgoing mail, personal mail, and package delivery and mailing. This policy applies to all City of Avondale employees and volunteers.

II. POLICY STATEMENT

It is the City of Avondale policy to make mail services accessible to all city departments.

III. POLICY PROVISIONS

With the exception of the City Court, it is the responsibility of the City Clerk's Department to provide mail services to all city departments by retrieving U.S. mail from the cluster boxes, sorting it and distributing in the mail slots in the mail room located on the second floor at City Hall. City Clerk's staff also processes outgoing U.S. mail by postmarking it and delivering to the post office. Departments are responsible for covering the cost of postage.

IV. PROCEDURES

A. Outgoing Mail

1. Outgoing mail should be delivered to the mail room by 3:00 p.m. each day.
  - a. City Clerk staff will process outgoing U.S. mail starting at 3:00 p.m. each day. Any mail brought to the mail/copy room after 3:00 p.m. will be processed the following day.
  - b. All personal mail must be stamped. At no time can postage be purchased from the City Clerk's Department for personal mail use. City Clerk's Department staff will deliver stamped mail to the post office, but will not buy postage or mail packages for personal reasons.
  - c. The sender must complete all paperwork for Certified mail. Forms may be obtained from the City Clerk's Department.
  - d. Large mailings will be processed as time allows. The City Clerk's Department staff cannot guarantee that a large mailing will be processed on the same day it is delivered to the mail room. Please plan accordingly and allow at least two (2) business days for large mailings to be processed.

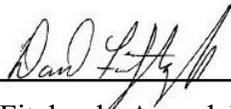
B. Miscellaneous Mail Services

1. Each department will prepare and call for pickups from Fed-Ex, UPS, etc. Packages to be picked up should be delivered to the front desk immediately after calling for pick up.
2. Incoming packages from Fed-Ex, UPS, etc. will be received at the front desk and should be picked up immediately upon notification of delivery.

C. Incoming Mail

1. City Clerk's Department staff is responsible for retrieving mail from the cluster boxes and delivering to each department's mail slot in the mail room located on the second floor at City Hall.
2. To ensure fast and expedient delivery, staff must ensure that complete address, including name and suite number, is provided to vendors when ordering supplies or any other product.
3. City Clerk's Departments staff does not process interoffice mail. Employees should deliver and retrieve interoffice mail from department mail slots.

VI. APPROVAL



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David Fitzhugh, Avondale City Manager

March 15, 2017

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Date of Avondale City Manager's Approval

TITLE: Professional Image and Appearance
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I. PURPOSE AND SCOPE

The purpose of this policy is to promote a professional atmosphere and project an image of credibility and competence to our citizens, fellow employees, and the public we serve. This policy applies to all City of Avondale employees and volunteers.

II. POLICY STATEMENT

The primary goal of the policy is to ensure that the dress, demeanor, appearance, and overall perception of our staff is positive and appropriate for the work they are performing. The policy also empowers supervisors to address issues of professionalism with the assistance and advice of the HR staff. This policy is intended to allow Department Directors to provide policy clarification based on the requirements of their department and the level of professionalism and appearance required.

III. POLICY PROVISIONS

- A. Appropriate attire, grooming, and behavior are required of each employee in their job and in their relationship with the public. Therefore, it is essential that staff project the appropriate image and appearance for the work they perform.
- B. Although the manner of dress will vary with the type of work performed, neatness, cleanliness and good judgment are required of all employees.
- C. Department Directors will interpret the intent of this policy based on the particular type of work being performed by each employee.
- D. It is understood that different job classifications may require clothing not appropriate for all departments.

IV. PROCEDURES

A. General Dress Standards

- 1. A professional, business-like appearance is required of all staff working in an office environment, particularly those with direct customer contact.
- 2. Clean, neat, and presentable uniforms in good repair are required of all uniformed personnel unless otherwise directed.

3. Field personnel are required to wear appropriate clothing that provide the necessary safety and functionality of their job as assigned.
4. Any employee may be requested to return home to change from clothing that is inappropriate or unsuitable according to the intent of the standards established by this policy.

B. Summer and Casual Attire

1. At the direction of the department director, employees may wear cooler less restrictive clothing during the hot summer months (the period between Memorial Day and Columbus Day) or on designated casual days.
2. “Less formally” and “less restrictive” does not mean “wear anything”. Employees should dress in appropriate business casual clothing, and always dress appropriately for the work they are performing.
3. Employees who wear uniforms should continue to wear their official uniform unless a summer uniform is authorized.
4. Attention should be paid by employees directly serving the public that their appearance is always professional and dignified for the work being performed.
5. A department director may choose whether or not to implement the summer business attire option for business reasons particular to their department.

C. Employees who have any questions regarding this policy should contact Human Resources.

V. APPROVAL



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David Fitzhugh, Acting City Manager

May 15, 2014

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Date of City Manager’s Approval

TITLE: Avondale Municipal Complex Meeting Room Use
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I. PURPOSE AND SCOPE

This policy provides guidelines and sets procedures for the use and reservation of Avondale Civic Center facilities. (Lobby areas, amphitheater, large downstairs conference room, small downstairs conference room, Council Chambers). This policy applies to all City employees and all organizations renting/using an Avondale Civic Center facility.

II. POLICY STATEMENT

It is the City of Avondale policy to make meeting rooms and the amphitheater available to accommodate the needs of Government, Avondale residents, and the community on an individual or group basis.

III. DEFINITIONS

- A. Official government functions: Activities carried out in accordance with local, county, state, or federal laws or procedures. The rules and regulations being carried out by school districts are also included.
- B. Civic Organizations: Arizona not-for-profit organizations, fraternal organizations and community service organizations or committees and businesses. (i.e.: VFW, Girl and Boy Scouts, Lions Club, local school districts, etc.) General social and recreational groups and Homeowner's Associations.

IV. POLICY PROVISIONS

- A. The City of Avondale Civic Center does not compete with private businesses in renting room space; however, the facilities are available for the following uses:
  - 1. Official government functions for the City of Avondale
  - 2. Official government functions for other political agencies such as: federal, state, county, other cities and school districts.
  - 3. Civic Organizations
  - 4. Any uses not mentioned shall be approved by the City Manager's Office through the City Clerk's Department
  - 5. City meetings shall be given preference at all times in scheduling use of the facilities. Other meetings will be scheduled on a first-come, first-served basis. A group or agency may be required to relocate their meeting in the event that unanticipated circumstances require the use of the facility for a city function.

## B. Available Facilities

1. There are four meeting rooms, an amphitheater and Council Chambers available for use by the community at the Civic Center. All rooms are reserved as-is and must be returned to original setup.
  - a. The Sonoran room is located on the first floor, has a conference table and can accommodate between 20 and 50 people depending on the setup
  - b. The Mojave room is located on the first floor, has a conference table and can accommodate between 12 and 30 people depending on the setup
  - c. The Mesquite room is located in the second floor, has a conference table and can accommodate a maximum of 30 people
  - d. The Ocotillo room is located in the second floor, has a conference table and can accommodate a maximum of 10 people
  - e. The amphitheater is located outside, south of the City Hall Building. It has a stage and seating for approximately 300 people.
  - f. The Council Chambers seats 296 people and has full audio/visual capabilities.
  - g. The Civic Center rooms are available for use during the following hours:
    - i. Regular Hours:
      - a. Monday through Thursday - 7:00 am to 6:00 pm
    - ii. After Hours:
      - a. Monday through Thursday - 6:00 pm to 9:00 pm
    - iii. The Civic Center facilities are available for use during City observed holidays and weekends for an additional fee (see fee schedule).
    - iv. Restroom facilities are available in the first floor lobby.

## C. Rules of Usage and Conduct

1. Facilities may not be used for any illegal or commercial purposes.
2. All activities must be under adult supervision, 18 years of age or older, for all groups.
3. NO FOOD or BEVERAGES are allowed in the Council Chambers.
4. Smoking and/or gambling activities are strictly prohibited in the entire facility.
5. No signs or notices will be posted upon the premises. Nothing may injure, mar, or in any way deface the premises. Nails, hooks, adhesive fasteners, scotch tape, tacks or screws are not allowed on any part of the building or premises.
6. The total number of people cannot exceed the posted capacity of any of the meeting rooms.
7. The event shall be confined to the reserved area and shall not interfere with the General Public or any other activities ongoing within the facilities.

8. Visitor parking is available to the southwest and northeast of the City Civic Center. The secured parking south of the Police and Courts facilities is not available.
9. The use of the City of Avondale name is strictly prohibited by any organization or person for any purpose in connection with the use of the meeting rooms for publicity or otherwise, except to identify the location of the event. Unapproved use of the City of Avondale name or logo shall be grounds for termination of the use agreement and may be subject to other legal actions.
10. No animals shall be allowed upon the premises, except service animals.
11. Certificates of insurance may be required for some uses.
12. No political activity.
13. No religious activities of any kind shall be conducted in City facilities except for the Amphitheater.
  - a. The amphitheater is considered an open-public space and use by religious organizations is allowed on a limited basis and shall not be allowed for recurrent gatherings.
14. Furniture/Equipment:
  - a. The City will not be responsible for any furniture or equipment brought by the lessee and such equipment must be removed at the conclusion of the event.
  - b. No city furniture shall be moved between rooms by the lessee.
  - c. The City will not store equipment, supplies, materials, etc., for organizations using the rooms.
  - d. The Lessee must provide additional equipment such as tables, chairs, etc.
15. Special Event Licenses:
  - a. A special event permit may be required for some uses.
  - b. Alcoholic beverages are only allowed with a special event liquor license or a special event permit. The Police Department will determine required security according to the size of the event. If allowed, alcohol may only be served and consumed outside of regular business hours. Applicant must provide a plan to ensure that alcohol will only be served to persons over 21 years old.
16. Lessee's Responsibilities
  - a. The City provides one security guard. Additional security is the responsibility of the lessee.
  - b. The lessee will be responsible for cleaning up the room and removing any trash from the room.
  - c. Any group using the facilities shall conduct their meetings and themselves in a professional and courteous manner.
  - d. The responsible party must restore the facilities to their original condition. No custodial services are provided with the use of the facilities.
  - e. Any group using the facilities shall not discriminate on the basis of race, color, national origin, sex, religion, age, or disability.

- f. Groups utilizing any of the meeting rooms must comply with the provisions in Title II A of the Americans with Disabilities Act

## V. PROCEDURES

- A. The City Clerk's Department shall be responsible for scheduling the facilities and will maintain a calendar of scheduled uses including; purpose of the meeting, time and date of meeting, any special setup and the person responsible for the meeting.
1. Meetings may be scheduled up to three (3) months in advance.
  2. Tentative reservations can be taken over the telephone. Use agreements and deposits (if applicable) must be turned in no later than five (5) days after the tentative reservation has been made. If the agreement and deposit is not received the tentative reservation will be cancelled.
- B. Meetings sponsored or co-sponsored by the City of Avondale:
1. Room Reservations shall be made through the City Clerk's Department
  2. Requests for technical assistance from the Information Technology Department should be made directly to that department
- C. Contact the City Clerk's Department at 623-333-1200 for availability and scheduling of the facilities.
1. Organizations or groups wanting to schedule use of the facilities must schedule at least seven (7) working days prior to the event or meeting. A use agreement must be completed and include the necessary information.
  2. The person scheduling and signing the use agreement must be at least 18 years of age and should be in attendance during the event
- D. The following fee structure will apply to all meetings held in the Avondale Civic Center with the exception of City Council meetings and City Board, Commission and Committee meetings only. After hours use by City Departments for any other activity or meeting will be subject to the applicable fee.

<b>Fee Schedule</b>	
Deposit	\$100.00
Hourly fee	\$25.00
After hour rental fee	\$65.00

1. All fees must be paid in full at the time the room is reserved, along with a completed use agreement including a check or money order. Fees must be paid to cover use in hourly increments.
2. A security deposit of \$100 is required for all conference rooms. Cash or check only. The deposit will cover damage to the walls and furniture repair at contractor cost. Carpet stains will require the entire room to be cleaned at an

additional fee. Any excessive cleaning will be charged at an additional fee per hour. The deposit will be kept for any damage to the audio/visual equipment.

3. If there is no damage to the rooms/center, the deposit will be returned within fourteen (14) working days after the completion of the meeting or event. If there is damage to the rooms/center, the deposit will be returned within fourteen (14) working days, minus the cost to repair the damage.
4. Fees may be waived by the City Manager on a case by case basis. Fee Waiver will only be granted to non-profit or community organizations whose purpose is to build community or educate the public.

VI. APPROVAL



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Charles McClendon, City Manager

February 12, 2014

Date of City Manager's Approval

TITLE: City Vehicle Usage
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I. PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the appropriate use of City of Avondale (City) vehicles. This policy applies to all departments in the City, unless a department has more stringent guidelines (with written permission of the City Manager).

II. POLICY STATEMENT

All city vehicles are leased or owned and provided to employees to enable the provision of safe, efficient and essential services to the citizens of Avondale.

III. POLICY PROVISIONS

A. Responsibility

1. All personnel driving City vehicles shall:
  - a. Have a valid State of Arizona Driver's License with the appropriate license classification for the type of vehicle they are operating.
  - b. Acquire a complete knowledge and understanding of vehicular operations.
  - c. Obtain all necessary approvals and complete all required City vehicle driving courses before operating a City vehicle.
  - d. If a City employee should lose their driver's license for any reason, that employee shall notify their supervisor at the beginning of their next working shift.
2. The responsibility for assuring complete compliance with the provisions of this policy rests with the Department Director, supervisors at all levels, and the individual employee involved.
3. Department Directors will designate all take-home vehicles. Take-home city vehicle assignments must be reviewed and approved based on established and documented performance measures clearly indicating the public benefits derived from any authorized take-home assignment.

IV. PROCEDURES

- A. The use of City vehicles shall be restricted to official business, subject to the following guidelines:
  1. Transporting of passengers shall be limited to City employees, persons in advisory capacity to the city, persons participating in approved City programs

(such as the Ride-Along program), and other agency representatives on City business.

2. Employees assigned a vehicle for use during their normal workday schedule must exercise discretion in its use. City vehicles shall not be used for personal business.
  3. Alcoholic beverages shall not be consumed or transported in City vehicles nor shall any City employee have consumed any alcohol or any other controlled substance (as defined by the City's Drug and Alcohol Policy – Chapter 7) while operating a City vehicle.
  4. It is inappropriate for a City vehicle to be parked in front of certain types of businesses, such as a liquor store or bar, unless the vehicle is being used to conduct official City business, such as an inspection. Considerable discretion should be exercised when using the vehicle for the purposes noted in this paragraph.
- B. Department Directors may assign vehicles for overnight use:
1. To employees who are frequently required to use a City vehicle at night, during the weekend, or if they have substantial emergency responsibilities. This does not include employees whose homes are outside City limits unless the City's emergency response or other important City business would be greatly facilitated.
  2. In situations where the conduct of City business can be facilitated by overnight use of a City vehicle by an employee who normally does not keep a City vehicle overnight.
  3. To any number of employees rotating a specific assignment and vehicle at night or on weekends.
  4. All employees making overnight trips with a City vehicle must have prior approval from their Department Director.
- C. Take-Home Vehicles
1. Take-home vehicles may be assigned to those employees who respond to emergencies that require immediate response to protect life or property or if the employee needs specialized equipment or a special vehicle to perform work outside an employee's normally scheduled workday (on-call).
  2. Authorization – Take-home vehicle authorizations are not transferable and must be re-justified annually.
    - a. Any work assignment changes that increase or decrease the number of vehicles approved for each program (cost center) effectively invalidates previously authorized take-home vehicle authority.
    - b. Supervisors must re-justify the take-home authorization with their Department Director by completing the electronic Take Home Vehicle Justification Form located on ACES under the Frequently Used Forms tab. The justification topics to be completed on the form include the following:
      - 1) The category of assignment, i.e., long-term, on-call, etc.

- 2) Explanation of vehicle usage and nature of any personal use to be authorized, i.e., commuting, qualified non-personal-use, etc.
  - 3) A narrative describing how the specific work assignment meets the policies and criteria for a take-home vehicle.
  - 4) Additional data demonstrating the actual number and nature of emergency responses, if emergency response is being used as justification, along with an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies or pick up city-owned assigned vehicles at the designated parking area.
  - 5) Calculation of savings to the City, if economic justification is used. In addition, there must be an explanation as to why alternative forms of transportation cannot be used to respond to the emergencies or pick up City-owned assigned vehicles at designated parking area.
  - 6) An explanation of special vehicle characteristics required to fulfill the work assignment's business purpose, i.e., van, pickup, large capacity, special equipment, etc.
  - 7) Designation by Fleet Services as to the appropriate class of vehicle for the intended use and concurrence with the request.
  - 8) Approval by the requesting department's upper level management.
- c. The Take-Home Justification Form shall be completed annually by the Department Director or his/her designee. Upon submission, the form is routed to the City Manager's Office, Fleet Services and Risk Management.
  - d. Risk Management will manage the form and notify the Department Director once the approval process is complete.
3. Categories of Assignment
- 1) Long Term Assignment – The authorization of assigned take-home vehicles may be granted for a period of not more than twelve (12) months, unless re-assignment is approved. Emergency response assignments should be supported by data demonstrating the actual number and nature of emergency responses in the prior year and estimates of future emergency responses. In addition, there must be an explanation as to why an employee cannot use alternative forms of transportation to respond to the emergencies or pick up city-owned assigned vehicles at the designated parking area.
  - 2) Requirement to Respond – “On-Call” – Employees must be on call when taking a City-owned vehicle home and must have primary responsibility to respond to calls. Employees are required to leave word as to where they may be reached at any given time and be available to willingly respond to and/or report to work when called.
  - 3) Special Public Safety Programs – Employees who are assigned to public safety programs may be allowed an assigned take-home vehicle, provided it is a fully marked vehicle used for the special public safety programs.

- 4) Rotating Assignment – City vehicles may be assigned as take-home to a specific division, without being assigned to a specific employee when several division employees share the on-call responsibility. It is the responsibility of the division to track the take-home vehicle assignments. Take-home vehicles assigned by division must meet the following conditions:
  - 1) Division employees share the requirement to respond “On-Call” on a rotating basis.
  - 2) The assigned take-home vehicle is marked and/or equipped to facilitate response (i.e. lights, sirens, specialized equipment).
  - 3) The employee(s) participating in the rotating assignment must reside within reasonable distance of anticipated response location. Reasonable distance is defined as: the employee’s home address is within ten (10) miles of City of Avondale boundaries.

D. All City vehicles shall be operated in a responsible, safe manner, as outlined below:

1. Seatbelts shall be worn by all employees or passengers using a City vehicle and the vehicle shall not be operated until all vehicle occupants have buckled their seat belts.
2. Employees shall not utilize cellular phones to converse or text while operating a City vehicle. If cellular phone use for any reason is required, the employee must pull the vehicle to a safe location to utilize the cellular phone.
3. City vehicles shall be driven in compliance with all motor vehicle traffic laws.
4. Vehicle users involved in a traffic accident while driving a City vehicle should immediately report the accident to the Risk Manager as outlined in Administrative Policy 14 (AP 14).
5. All employees who operate a City vehicle shall become familiar with policies and procedures relating to the reporting of accidents. Employees involved in an accident may be required to submit to a test for drugs or alcohol (including possible urine or blood screenings). Such tests will be conducted in accordance with City regulations.
6. Employees operating City vehicles are responsible for keeping them clean and litter free. Employees assigned to a specific City vehicle on a regular basis are also responsible for ensuring the vehicle is in good working order at all times. Any known defects or malfunctions of a City vehicle are to be reported promptly to Fleet Services.
7. Routine maintenance and repair of City vehicles will be supervised through Fleet Services.

E. City Administration Pooled Vehicles

1. The City Administration Pooled Vehicles (pooled vehicles) include City vehicles assigned to City Administration, Economic Development & Engineering Services, Finance, HR, City Clerk’s Office, Neighborhood and Family Services, and IT.
2. The responsibility for pooled vehicles is shared by all users. Employees using a pooled vehicle must adhere to this policy.

3. The procedures for reserving or using City pooled vehicles are as follows:
  - a. Employees needing to reserve a pooled vehicle should call 623-333-1200. City Clerk's staff will assist with the reservation.
  - b. All pooled vehicles and keys must be checked out using the City of Avondale Pool Vehicle Sign-Out form found on ACES under the Frequently Used Forms tab. Upon submission, the form will be routed to the proper Department location. Employees will be required to complete and submit the form for approval prior to receiving the vehicle and keys. The procedure is as follows:
    - 1) The employee fills out the electronic form
    - 2) The form is submitted electronically to Risk Management/Safety
    - 3) Safety completes a Motor Vehicle Report
    - 4) Safety Determines if employee is approved based on driving history
    - 5) The employee completes online training (Training will be offered in SafePersonnel.)
    - 6) Once all items are completed, Safety sends a "list" to the City Clerk for reference to the approval: "OK to check out car"
  - c. As a courtesy to the next user, vehicles must be taken to Public Works for refueling when the fuel level is at or below  $\frac{1}{4}$  tank of gas.
  - d. Vehicle users should report any mechanical problems they notice while driving the vehicle to City Clerk's staff when returning the vehicle keys. City Clerk's staff will in turn notify Fleet Services.
  - e. Pooled vehicles will be scheduled for periodic maintenance through Fleet Services.
  - f. Employees must use the pooled vehicles when available. Employees will not receive personal vehicle mileage reimbursement without prior approval from their immediate supervisor.

## V. TRAFFIC VIOLATIONS

- A. Any employee who receives a citation from a traffic violation, including photo radar citations, while driving a City of Avondale vehicle is personally responsible. Employees shall promptly report the incident to their supervisor and payment of fines related to the citation received while using a City vehicle will be the employee's responsibility. Under no circumstances are these citations to be paid for using City funds. All moving traffic citations shall be reported within twenty-four (24) hours to the appropriate Department Director.
- B. Any traffic violation (i.e., suspended driver's license, DUI, excessive speeding citations) that could potentially impact an employee's ability to perform the essential functions of their job shall be reported within twenty-four (24) hours to the

appropriate Department Director, the Human Resources Department and Risk Management.

1. Violations for not reporting traffic citations may result in disciplinary action up to and including termination.
  2. The City may obtain a motor vehicle record to determine continued driving eligibility.
  3. Employees may be required to participate in relevant remedial training.
- C. All employee traffic violations will be reviewed by the City and if the offense is serious in nature or repeated, employees may face disciplinary actions up to and including termination.

#### VI. EXEMPTIONS

- A. Public safety employees acting under their department policy are exempt from certain aspects of this policy as outlined in their respective department's policy.
- B. Employees who have any questions regarding this policy should contact Human Resources.

#### VII. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 08/05/19.

TITLE: Risk Management
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I. PURPOSE AND SCOPE

The purpose of this Policy is to ensure every employee is aware of and takes action to reduce potential risks to the City. There are no exceptions to this Policy; all City employees must adhere to this Policy.

II. POLICY STATEMENT

- A. The goal of the Risk Management division is to protect the City from any losses that, in the aggregate during any financial period, could significantly affect personnel, property, the budget, or the ability of the City Council to continue to fulfill its responsibilities to the public.
- B. As a self-insured entity, the City's goal is to reduce premiums. However, to do so, the City must increase its self-insured loss potential. The best assurances for holding down both insurance premiums and self-insured loss is through the continuous application of Risk Management and Safety efforts as an integral part of the City's work processes.
- C. Employees who have any questions regarding this policy shall contact the City's Risk Manager.

III. POLICY PROVISIONS

- A. All City employees shall be aware of the potential for risk in operational areas:
  - 1. **Risk on public property** – In addition to employees, the City is committed to preventing injuries to citizens. Public buildings, public grounds and public streets all harbor preventable risks.
  - 2. **Risks operating equipment or vehicles** – While exposure to accidents as a result of operational errors is obvious, the severity of the consequences is often not as clear. For example, a collision between a City vehicle and a citizen's vehicle may result in several employees being injured (Worker's Compensation), several citizens being injured (bodily injury), both cars being damaged (property damage), and several claims against the City for punitive damages (general liability).

3. **Risks handling money, securities and the property of others** – Loss of money and securities can occur in many ways and by various means. Without strict handling procedures, tight security, and total accountability, losses in this area can be financially significant. Revenue losses directly affect the City's ability to function as planned.
4. **Risks in handling records** – Lost or inaccurate public records can cause a financial loss to the City or to a citizen. Improperly handled or incomplete procedures concerning paperwork can result in a false arrest, wrongful incarceration in the City's jail, erroneous release of information affecting reputable citizens, etc. Breach of an agreement or failure to fulfill an obligation can result in a lawsuit and ultimately in significant cost to the City.
5. **Risks associated with properties** – As a property owner the City is faced with the potential loss of buildings and inventories by fire or other causes. Liabilities from accidents occurring on unsafe or neglected property also exist. Property leased to others or property the City leases presents special problems as does construction and remodeling.
6. **Risks in contractual agreements** – Whether contracts are for special projects, maintenance, construction, supplies, managerial services, operational agreements or leases, there is risk potential for both parties that must be dealt with to insure equitable handling of foreseeable liabilities. When this is ignored or overlooked, one party can be left with significant potential liabilities while the other party is totally free of any responsibility.
7. **Risks in legal considerations** – Judicial pronouncements occur on liability and tort exposures, legislative actions change legal obligations, benefits as prescribed in the Worker's Compensation laws change, federal and state laws on occupational safety and health change, State laws on insurance and financial responsibility change. Operational risks are often increased by such changes, and ignorance of these changes can increase the risk of loss.
8. **Risks of liability exposure** – This type of liability is the most serious for the City. The potential for very high losses exists from incidents resulting in bodily injury, death, or property damage. Poorly maintained premises, errors in law enforcement procedures, court administrative errors, medical malpractice, errors and omissions, contractual breaches, poor judgment, negligence, improper personnel conduct, or failure to comply with statutes can all lead to liability claims or litigation.

#### IV. PROCEDURES

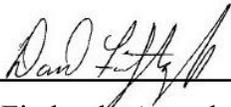
- A. The application of Risk Management practices is required in virtually every operation carried out by City employees, elected officials, appointed officials, and volunteers during the course of their duties. Wherever there is a probability that a single act or a certain condition can result in an injury or financial loss, steps must be taken to prevent the loss or lessen its consequences.
1. Although City employees and Public Officials are critical to successful risk management, only the Risk Manager, City Manager, or Assistant City Managers have the authority to accept any responsibility on behalf of the City in any matter that may result in a financial or any other type of obligation to the City.
- B. The following procedures apply to all City employees involved in a traffic accident involving personal injury or property damage:
1. Assist individuals in any way to prevent further injury or damage to property; however, do not make any repairs or obligate the City to make any repairs.
  2. Call for professional help, an ambulance, rescue, fire department, etc.
  3. Document all the details possible following a traffic accident whether or not it is considered to be a possible liability. Send documentation to the Risk Manager within twenty-four (24) hours. Documentation may be submitted through email or on paper.
  4. Call the Police Department to investigate and document the scene following a traffic accident. It is vital to establish facts in any case in which the City is involved, regardless of fault.
  5. Contact the Risk Manager immediately. Make an appropriate report to the Risk Management division (Outlook Address: claims) within twenty-four (24) hours of the occurrence so the City's exposure can be evaluated and the appropriate people can be notified.
  6. DO NOT make statements to the media or anyone at the accident scene to indicate a personal assessment of the City's responsibility regarding the incident or personal feelings on the matter. "NO COMMENT" is the expected reply at this point.
  7. DO NOT, even if the accident is the employee's fault, make any promises or commitments to the other party involved except to indicate that Risk Management will be informed for further determination of what action the City will take.

8. If there are any injuries to City employees to report, document in a “Supervisors Report of Incident” found on ACES.
9. If the accident involves a citizen injury or any property damage, document in “Risk Managers Report of Incident” found on ACES.

C. Preventative Procedures

1. City employees are the first line of defense against potential loss or damage. Be aware of potential hazards and conditions that could lead to personal injury or property damage.
2. The following procedures apply to all City employees that observe or witness any potential hazards, conditions, or damage that could cause potential liability to the City:
  - a. Report any damage or malfunctioning City property such as streetlights, traffic signals, damaged road signs, utility covers, potholes, water leaks, etc. to a supervisor or the appropriate department.
  - b. Report any damage on private property that may or may not lead to City liability to the Risk Manager using the “Risk Managers Report of Incident” found on ACES.
  - c. Always report any damage involving City property or equipment to the immediate supervisor. No City employee will be penalized for reporting a potential loss to the City.
  - d. Supervisors and Department Directors are responsible for notifying the Risk Manager of any and all incidents involving loss or potential loss to the City using the “Risk Managers Report of Incident” found on ACES.

V. APPROVAL



\_\_\_\_\_  
David Fitzhugh, Avondale City Manager

\_\_\_\_\_  
June 27, 2017

\_\_\_\_\_  
Date of Avondale City Manager’s Approval

TITLE: Emergency Closing
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I. PURPOSE AND SCOPE

This policy provides direction in the event the closing of the City of Avondale (City) offices due to natural or human caused emergencies, including but not limited to, severe weather, a declared state of emergency, utility disruption, natural disasters, or terrorist acts. This policy applies to all City employees.

II. POLICY STATEMENT

It is City policy to make every effort to remain open for business on scheduled work days. However, emergency situations may prevent the City from doing so. In all cases, employee safety is the primary consideration in determining the City's ability to stay open for business.

The following procedures will set forth City and employee obligations regarding reporting to work, use of leave, and pay issues when circumstances impact the City's ability to be open for business.

III. DEFINITIONS

A. Emergency: Any natural, nuclear, man-made or war-related disaster, any health related catastrophe or any phenomenon which disrupts City operations.

III. POLICY PROVISIONS

A. The City will follow the guidance, as reported on local news stations, related to the status of the State of Arizona government offices in Maricopa County. However, the City Manager will make the final determination to close City offices. Every effort will be made by the City to notify the local news stations in the event of a closure.

B. Department Directors will determine which employees within their departments will be required to report to work in the event of a City closure.

C. If City offices are open, employees are expected to report to work on time, as scheduled. Employees who fail to report to work will be considered to be out for personal reasons and will be granted unpaid leave on a full day basis for the first occurrence. Subsequent occurrences may subject the employee to consequences under the City's leave policy.

- D. If the City offices are closed, as determined by the City Manager, non-exempt (i.e., hourly) employees will be paid their regular pay for up to three (3) full days of emergency closure pay per fiscal year. If closures exceed three (3) days per fiscal year, they will be considered on unpaid leave unless an employee has accrued vacation or compensatory time they wish to use.
- E. If the City offices are closed, as determined by the City Manager, exempt (i.e., salaried) employees will be paid their normal weekly salary for any workweek in which any work is performed. Given the nature of exempt jobs, it is assumed that at least some work will continue (e.g., checking emails, voicemails, etc.) during situations where the office is closed. However, if that is not the case and a week passes where no work is performed, such individuals may use vacation leave. If no vacation leave is available, the employee will be deemed to be on unpaid leave.
- F. In the event of a partial day closure, all employees will be paid their normal pay for the day. This is true whether the closure is due to early closing or late opening in accordance with procedures specified above.
- G. The City reserves the right to make decisions regarding emergency closings that are believed to be in the best interests of and the safety of all employees, even if the State of Arizona does not announce a closure of its own.
- H. In the event of a City designated closure, emergency contact information will be used to notify employees who are not at work at the time a decision is made. It will be the responsibility of each Department's supervisory staff to notify employees of a City designated closure.

IV. APPROVAL



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David Fitzhugh, Acting City Manager

March 19<sup>th</sup>, 2014

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Date of City Manager's Approval

TITLE: Cellular Telephone Stipend
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I. PURPOSE AND SCOPE

The purpose of this Policy is to provide a set of guidelines governing the use of cellular telephones and monthly stipends for eligible employees and elected officials of the City of Avondale.

II. POLICY STATEMENT

Elected officials and certain employees are eligible for monthly stipends when a cellular telephone is necessary in order to carry out their job duties.

III. POLICY PROVISIONS

A. Eligible Use – The following persons are eligible to receive a cellular telephone monthly stipend:

1. Elected Officials
2. City Department Heads
3. Employees with a work schedule that requires more than eighty (80) percent of their time away from a designated desk or workstation, subject to department head approval.
  - a. Department heads are encouraged to evaluate less costly communication options such as radios for field personnel.
4. Public Safety employees as deemed necessary to their job function by the Department Head; and
5. All other employees as deemed necessary by the City Manager.

B. Stipend Amount – The amount of the monthly stipend shall be determined through an evaluation of the position need and usage. The stipend amount may only be used for those employees or elected officials that have provided documentation of usage and service levels appropriate for their job role and approved by the City Manager. The determination of placement in an amount category shall be made by factoring the employee or elected official's assigned duties with expected cellular phone usage, service offering and rate plans. The categories used for consideration are as follows:

1. Employees:
  - Level 1) Low usage, cellular phone/basic text only. \$50/month.
  - Level 2) High usage, smart phone. \$100/month.

- 2. Elected Officials:
  - Mayor – Up to \$150/month.
  - Council – Up to \$130/month.
- 3. The monthly stipend is subject to all applicable state and/or federal payroll taxes, and will be the responsibility of the employee.

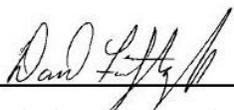
C. Personal Safety and Safeguarding Equipment

- 1. To ensure the safety of employees and the general public, employees are not permitted to use cellular telephones, personal or city –issued, while operating any city equipment or vehicle, including personal vehicle while on city time, unless they are using a hands free system or there is an emergency.

IV. PROCEDURES

- A. All employees and elected officials receiving the monthly stipend shall be solely responsible for acquiring their own cellular telephone, replacing the batteries, maintaining the cellular telephone, paying the cellular telephone bill, and the remainder of the contract should the employee separate employment with the City for any reason.
- B. Prior to receiving the monthly stipend, then employee or elected official shall provide the following:
  - 1. The “Stipend for Personal Cellular Telephone Use” form with the department director and if needed the City Manager’s signature.
  - 2. A current cellular telephone number to be kept on file at all times. The employee or elected official is solely responsible for notifying their department head with any changes to the cellular telephone number.

V. APPROVAL

  
\_\_\_\_\_  
David Fitzhugh, Avondale City Manager

\_\_\_\_\_  
June 27, 2017  
Date of Avondale City Manager’s Approval



SECTION:

ADMINISTRATIVE POLICY 17

TITLE: Tobacco and Vapor Use Policy
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I. POLICY STATEMENT

The City of Avondale (the “City”) is committed to providing a safe and healthy workplace and to promote the health and wellbeing of its employees and citizens. The following policy applies to smoking and vaping, as well as the use of smokeless tobacco and herbal tobacco products by all employees, volunteers, visitors, vendors, contractors and consultants.

II. DEFINITIONS

As used in this Policy:

- A. “Designated smoking area” is defined as an area that is either identified by signage or an area outdoors that is at least 25 feet from all entrances to city buildings and out of the view of the public.
- B. “Herbal tobacco product” means any product that imitates a type of tobacco, but which does not contain tobacco and may or may not contain nicotine.
- C. “Smokeless tobacco” means tobacco products that are used by means other than smoking and includes, but is not limited to, dipping tobacco, chewing tobacco, snuff, tobacco gum and dissolvable tobacco.
- D. “Smoking” means the act of lighting, inhaling, exhaling or carrying a lighted or smoldering cigar, cigarette or pipe of any kind.
- E. “Tobacco product” means tobacco in any form, including, but not limited to, cigarettes, cigars and smokeless tobacco products defined above.
- F. “Vapor product” commonly known as an “electronic cigarette” means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor (that may or may not include nicotine) that is inhaled by the user of such product.

- G. “Vaping” means the act of inhaling vapor from a vapor product, as defined above.

### III. POLICY PROVISIONS

- A. The use of tobacco products, vapor products, smokeless tobacco products and herbal tobacco products is not permitted in any City building at any time.
- B. Signs will be placed at entrances to all City buildings advising employees and visitors that the City maintains a tobacco and vapor-free environment.
- C. Smoking and vaping, as well as the use of smokeless tobacco products and herbal tobacco products, will be permitted in designated outdoor areas during lunch and breaks.
- D. Individuals are expected to make every effort to use ashtrays and not allow ashes, butts or other by-products to fall on benches or on the ground. Vapor product components and smokeless products should be placed in sealed opaque packaging and disposed of in garbage cans.
- E. The use of tobacco products, vapor products, smokeless tobacco products and herbal tobacco products is not permitted in any City owned or leased vehicle or equipment at any time.
- F. Employees are not permitted to use tobacco, smoking vapor, smokeless tobacco or herbal tobacco products while performing their work-related duties and will utilize the appropriate disposal practices referenced above.
- G. While in attendance at City-sponsored, off-site conferences and meetings, the use of tobacco products, vapor products, smokeless tobacco products and herbal tobacco products is permitted only in designated areas.

### IV. APPROVAL



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David W. Fitzhugh, City Manager

October 16, 2014

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Date of Approval

TITLE: Cash Handling
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I. PURPOSE AND SCOPE

The purpose of this policy is to provide direction for City of Avondale (City) departments in the collection, custody, and reporting of cash and cash equivalents, and outline cash handling procedures for department use.

The City of Avondale must follow proper procedures and exercise strong internal controls when handling the collection and depositing of cash and cash equivalents. A system of internal controls is designed to provide reasonable assurance that theft, fraud, or errors will be detected and corrected in the normal course of activities.

Many locations within the City of Avondale have employees who are required to receive, deposit, disburse, and safeguard cash and cash equivalents in their possession. Custodians of cash and cash equivalents are responsible for its safeguarding.

These policies and guidelines are for the protection not only of City cash and cash equivalents, but also City employees.

II. POLICY

It is the policy of the City to establish and document the flow of cash and cash receipts and provide guidelines for the proper management of cash and cash equivalents for those employees responsible for receiving, handling, and ensuring safeguards from mismanagement or misappropriation of City cash and cash equivalents as well as safeguards for the personal safety of City employees.

Employees who are found to have failed to follow this policy are subject to disciplinary action as outlined in the City of Avondale Discipline Policy – Chapter 18, up to and including termination.

III. DEFINITIONS

- A. Cash – currency and coin; personal check, certified check, bank/cashier's check, debit and credit card payment, money order, electronic funds transfer, wire transfer, interactive voice response telephone payment, or on-line payment.
- B. Cash Equivalents – gift cards, gift certificates, postage stamps, tickets, pre-paid debit cards, bus passes.
- C. Cash Drawer – a fixed amount of currency and coin maintained for processing daily receipts, which is authorized by the Finance and Budget Department.
- D. Cash Receipting – payment acceptance and recordation; balancing cash drawers at the end of the day to verify cash matches records.

- E. Sensitive Authentication Data — credit/debit card magnetic strip or chip information, the card validation code, and personal identification number; prohibited by security standards from being stored by the City under any circumstances.
- F. PCI-DSS — Payment Card Industry Data Security Standards; umbrella term used for a comprehensive security program to protect credit card information from accidental disclosure which provides protection for all participants in a credit card transaction.

#### IV. PROCEDURES

- A. Each department is unique in its cash handling requirements which may require additional policies and procedures.
- B. The following cash control procedures are based on four (4) main areas:

##### 1. Physical Security

- a. Many locations within the City of Avondale have employees who are required to receive, deposit, disburse, and safeguard cash and cash equivalents in their possession.
- b. Cash and cash equivalents must be promptly stored in a secure location which may be accessed only by a limited number of authorized employees.
- c. Employee may not take City cash or cash equivalents out of City secure sites for any reason except for authorized City activities.
- d. Cash handling sites should have a cash register and a safe. Sites which do not have access to a cash register or a safe must utilize locking cash drawers and appropriate key control. Keys must be recovered from departing employees as part of the separation from service procedure.
- e. Lost keys must be reported to management and the risk of loss assessed.
- f. Safe combinations must be comprised of random numbers and must be changed twice a year and when employee turnover occurs.
- g. City employees handling cash and cash equivalents should be working within a controlled access area, so that members of the public or other unauthorized personnel may not enter. Effective physical barriers must be provided wherever possible between the cash handling employee and the public. Examples include, but are not limited to, high counters, computer work stations facing away from the public area, and locking access doors.

##### 2. Segregation of Duties

- a. One of the most important steps to protect cash and personnel is to separate cash handling duties among different individuals. Segregation of duties serves two (2) key purposes:
  - 1) It ensures that there is oversight and review to catch errors.
  - 2) It helps to prevent fraud or theft because it requires two people to collude in order to hide a transaction.

- b. The following segregation of duties matrix provides an example of the minimum segregation of duties for the cashiering process. The matrix is a guide in determining whether cash handling tasks are properly separated among employees.

**Segregation of Duties Matrix**

Tasks	Employee #1	Employee #2
Accept Payments	✓	
Run Reports Provide Documentation Prepare Deposits	✓	
Reconcile Reports Validate Deposits		✓
Facilitate Armored Vehicle Pickup	✓	

### 3. Accountability

- a. Cash accountability ensures that cash is accounted for, properly documented and secured, and traceable to specific cash handlers. When proper cash accountability exists, the following questions can be answered: who has access to cash; why they have access to cash; where cash is at all times; and what has occurred from the transaction's beginning to end. A clear and unbroken chain of custody over cash must be maintained.
- b. Payment processing
- 1) Departments must request cash drawer establishment through the Revenue Manager in the Finance and Budget Department by means of a memorandum which sets out the amount requested, the purpose of the cash drawer, the account string to charge the transaction to, and the timing needed, including beginning/ending dates (if applicable).
  - 2) Finance and Budget will assist departments in setting cash drawer amounts which will be based upon business needs.
    - a) Cash drawers must not exceed \$1,500 currency at any time. If the drawer exceeds \$1,500, the cashier must count and bundle a portion of the currency and secure it in the safe or a locking drawer until the drawer is balanced at the end of shift.
    - b) Changes in the amount or location of cash drawers must be approved by the Revenue Manager.
    - c) The cash drawer amounts must be reviewed periodically by department for continued need.

- 3) Currency must be United States currency. International currency will not be accepted. Fifty-dollar bills or higher value bills must be visually inspected for authenticity (see [www.secretservice.gov](http://www.secretservice.gov) for further information).
  - 4) The cashier, in receipt of a check, must verify that the check includes an individual or business name, is drawn on a U.S. banking institution or "Payable in U.S. Funds," is dated, shows the City of Avondale as payee, has matching written and numeric amounts, and is properly endorsed (signed).
  - 5) All incoming cash and cash equivalents must be documented by some form of a record.
  - 6) In the instance the cashiering system is not functioning, manual pre-numbered multi-part cash receipt books must be used.
    - a) Receipt books are provided by Finance and Budget upon request.
    - b) Finance and Budget will log which City department receives the pre-numbered receipts, including name of the employee receiving the books, office location, and receipt book numbers issued to each department.
    - c) Manual receipts in a pre-numbered receipt book must be used in numerical order and duplicates maintained intact in the book. Voided or missing receipt numbers must be researched and validated periodically by the supervisor.
    - d) Manual pre-numbered receipt books must be secured in a locked area with access limited to authorized employees.
  - 7) Cash drawers for a register must be counted and verified to the authorized beginning balance at the start of each shift.
  - 8) Each cashier must have a unique identifying code with which to log into the cash register and a unique cash drawer for his or her sole use. When not working the register, the cashier must log out of the cash register and secure his or her cash drawer in the location's safe or a locked drawer.
  - 9) At the close of the business day or the end of a shift, the cashier will close out the cash register, balance daily activity, and return cash drawer to its authorized beginning balance.
- c. Payment processing by mail
- 1) Payments to the City received via mail delivery, must be opened with dual custody or under video surveillance and entered into the cashiering system.
    - a) Currency/coin payments that require additional investigation, must be entered into the cashiering system upon receipt. Payment research and determination should be completed within three (3) business days.

- i. If payment is found to be erroneous, a refund check shall be issued.
      - b) Check payments that require additional investigation, must be logged, stamped with a restrictive endorsement (For Deposit Only City of Avondale), and placed in a safe upon receipt. Payment research and determination should be completed within three (3) business days.
        - i. If payment is found to be erroneous, the payment check shall be returned to the sender.
  - 2) Payments received by a non-cash handling department/division/employee, must be promptly hand-delivered to the cashiers at City Hall for processing.
- d. Payment processing by card
  - 1) Departments must request card payment processing services/equipment through the Revenue Manager in the Finance and Budget Department by means of a memorandum which sets out the purpose, account string(s), and desired implementation timing.
    - a) Finance and Budget will ensure the selection of appropriate card payment processing services/equipment.
  - 2) The City complies with Payment Card Industry Data Security Standards and noncompliance could lead to financial penalties.
  - 3) In departments where debit/credit card transactions may be accepted by phone, a card authorization must be obtained from the payment card issuer while the customer is on the phone.
    - a) Best practice is to avoid writing down any credit card payment information (primary account number, card validation code, etc.) collected over the phone. If any credit card payment information is written down, it must be promptly destroyed after processing by marking through with a black permanent marker and shredding the document.
  - 4) Computer-stored credit/debit card data must be securely deleted so the data cannot be retrieved. Sensitive authentication data obtained by swiping the card may not be retained under any circumstances.
    - a) Written or computer-stored customer debit/credit card data other than sensitive authentication data may not be retained after the transaction is complete unless for an official business purpose approved by the Revenue Manager, for example, where the payee has a standing automatic payment order. Data must be secured at all times in a locked drawer or safe within a controlled access area, or if stored on a computer, file must be secured.
    - b) Information Technology employees are available to provide assistance in meeting these requirements
  - 5) Debit/credit card numbers must never be sent through email or fax.

e. Deposits

- 1) An individual employee must prepare daily deposits, run system reports, and reconcile deposits to system reports with dual custody or in a secured location under video surveillance. Cash must be placed promptly in an assigned locking bag and secured in the safe or transferred to the next employee assigned to the process.
- 2) An individual employee independent of the payment acceptance process must reconcile reports and all forms of payments to verify daily deposit worksheets and bank deposit slips with dual custody or in a secured room with video surveillance. Once payments are reconciled to records and a bank deposit slip is verified, the deposit must be placed in a secure bank bag and placed in the safe until armored car service pick up. Refer to the segregation of duties matrix (Section IV. B.2.b) for an example of segregation of duties for cash handling.
- 3) Armored car pick up service must be used for bank deposits. Employees may not hand-carry deposits to the bank.
- 4) If taking the locked bank bag to another site such as the "City Cashier" location for deposit is unavoidable, the bank bag key must be left at the secure site and the bank bag transported by two (2) employees. (Dual custody practice to minimize risk).
- 5) All departments must forward receipting and deposit information to Finance and Budget.

f. Over/Shorts

- 1) An Over/Short is the difference between cash receipt records and an actual cash drawer balance. Over/shorts must be documented through the use of an Over/Short Reporting Form or a Memo.
- 2) Management must periodically review all overages and shortages. Management must look for items such as unexpected trends, patterns, unexplained items, or recurrence by a cashier. Items identified must be investigated for misappropriation of assets or need for additional cashier training.
  - a) Employees may be subject to formal counseling and/or discipline if the following occur:
    - i. Three (3) occurrences of overage/shortage of \$5.00 or less in a three (3) month period.
    - ii. Total overages/shortages of \$10.00 or more in a six (6) month period.

g. Theft

- 1) In cases of theft, notify the City of Avondale Police Department (APD) and the Revenue Manager as soon as the theft is discovered.

- 2) APD will investigate and complete a report.
- 3) Departments must notify the Finance and Budget Director or designee in the Finance and Budget Department by means of a memorandum, which provides details of the event and offers preventative corrections for reducing future occurrences.
  - a) An official police report must be included with this memorandum request.

h. Voids

- 1) A void will reverse the transaction and document it within the system.
  - a) A supervisor or manager must review voids and authorize their entry into the cashiering system.
- 2) Voids must be periodically reviewed by management. Management must look for items such as unexpected trends, patterns, unexplained items, or recurrence by a cashier. Items identified must be investigated for misappropriation of assets or need for additional cashier training.

i. Refunds

- 1) City customers may be refunded provided the reason for the refund is documented and signed by the customer or approved by a supervisor if the customer is not physically present.
- 2) Same-day refunds can only be refunded using the same "tender type" as the original transaction and processed by the same cashier.
  - a) Debit/credit transactions must be refunded on the same debit/credit card by matching the last four numbers of the card number.
  - b) Check transactions require the check recipient to sign a photocopy of the check to be returned.
- 3) Other than same-day transactions, refund requests must be submitted through the Accounts Payable disbursement process.
- 4) Refunds must be periodically reviewed by management. Management must look for items such as unexpected trends, patterns, unexplained items, or recurrence by a cashier. Items identified must be investigated for misappropriation of assets or need for additional cashier training.

j. Training

- 1) Employees must understand their accountability for all cash and cash equivalents, which are the property of the City.
- 2) Assigned employees must complete the City's Cash Handling Training Process upon hire and annually thereafter.
- 3) Departments must maintain records of this training for each employee.

- 4) To aid in counterfeit money identification, employees should access the Secret Service guide on the Secret Service website, *Know your Money* (<https://www.secretservice.gov/data/KnowYourMoney.pdf>).

k. Counterfeit money

- 1) If a counterfeit bill is suspected, the employee must accept the bill and complete the transaction with the customer.
- 2) Cashier must write their initials and the date in the white border areas of the suspect note.
- 3) Under no circumstances will the suspected bill be returned to the customer.
- 4) The employee must carefully place the note in a protective covering such as an envelope and include a copy of the customer receipt with the time stamp.
- 5) The APD must be contacted and informed of the issue.
- 6) Notify the Revenue Manager and IT Security to secure surveillance images.
- 7) The face value of the counterfeit bill will be lost to the City.

**4. Management Oversight**

- a. City management must reconcile and review activities to confirm that transactions are recorded correctly while ensuring proper documentation and transaction approvals.
- b. City management must ensure that all employees assigned cash handling duties have completed required training prior to undertaking their duties.
- c. Supervisors must periodically inspect manual pre-numbered receipt books to verify that receipts were used in numerical order.
- d. In areas with video surveillance over cash handling, management must review periodically a sample of electronic recordings or live observation and create a viewing log.
- e. Supervisors must ensure that employees who handle cash take at least five (5) consecutive business days off every year.
- f. Where practicable, cash handling duties should be rotated among employees.
- g. Supervisors and managers must monitor over/shorts and voids for trends in an effective but efficient manner.
- h. City department management must periodically make unannounced reviews to count cash drawers and reconcile balances to the system of record.
- i. Periodically, sample/test reconciling must be done between general ledger, cashiering system, and department revenue subsystems to verify information is being accurately posted to the system.

V. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 05/02/19.

TITLE: External Messaging – Message Boards; Signs; Banners and Billboards

I. PURPOSE AND SCOPE

This policy provides direction for the use of City of Avondale (City) owned electronic messaging signs. The City has been innovative in using external messaging in both electronic and stagnant displays on various messaging mediums, to include street pole banners, kiosk signs, billboards, vehicle display boards, and Variable Message Signs (VMS) to communicate information pertaining to promoting City campaigns, initiatives, and events to its residents, businesses, and visitors.

II. POLICY

It is City policy to ensure that these messaging mediums continue to meet the needs of the City in communicating important events and/or projects to our residents, businesses, and visitors and to ensure fairness in granting requests for their use. All messages placed on these means are limited to those pertaining to events or projects that are City related, City funded, or City sponsored.

III. MESSAGE BOARD TYPES & DEFINITIONS

- A. Variable Message Board (VMS) – electronic portable message signs. Signs are maintained and administered out of the Parks, Recreation & Libraries Department, Facilities Division. Typical uses for these signs include street closures, and upcoming event notifications. Message cycle typically runs three (3) to seven (7) days.
- B. Kiosk at American Sports Center (ASC) – electronic visual digital sign located at the City Center Randall McDaniel Sports Complex, viewable from Avondale Blvd. This medium is maintained by the Economic Development department. Uses for this includes general welcome messaging, notification of upcoming citywide events, or programs associated with the Randall McDaniel Sports Complex facility. Message cycle is typically for a one-month placement.
- C. Billboards (Avondale AutoMall, Becker Board, Clear Channel) – large digital billboards that are viewable from the I-10 corridor. The city receives a limited use allocation annually. Coordination is maintained by the Community Relations & Public Affairs Department. Typical uses for this is to promote upcoming large-scale events, and Valley wide campaigns and initiatives. Message cycle is typically for one-week to one-month placement.
- D. Vehicle Displays (side panels of Sanitation Trucks, Zoom Bus internal posters). Sanitation Trucks are maintained by Public Works. Zoom Bus is maintained by

TITLE: External Messaging – Message Boards; Signs; Banners and Billboards

Department of Community Relations & Public Affairs. Marketing use is typically service related. Cost associated for printed materials. Messages are usually replaced seasonally.

- E. Street Pole Banners – Approximately 70 banner brackets on street light poles located in four (4) busy street corridors – Avondale Boulevard, McDowell Road, Dysart Road and Western Avenue. Contract is maintained by Parks, Recreation and Libraries Department. Signs are intended to promote seasonal events, arts initiatives, and citywide campaigns. Departments are responsible for costs associated with printing, installing and removing banners. Message placement is seasonal.

IV. POLICY PROVISIONS

A. Message Boards

- 1. Requests from city departments are granted on a first-come, first-serve basis and are based on message board availability.
- 2. Construction and safety-related projects are given a priority over special events.
- 3. Outside agencies using their own portable message boards are not permitted to place them within the City’s right of way and must comply with the City’s sign ordinance.

B. City Center Electronic Sign

- 1. Because the City Center electronic message sign is intended for the generation of revenue based on advertising from current and future tenants, requests for public benefit or public service-type messages from City departments are granted on a first-come, first-serve basis based on availability of the billboard or upon the urgent need to disseminate or promote specific information and events.

V. POLICY PROCEDURES

A. Message Boards

- 1. The Facilities Division is responsible for the placement of message boards with direction provided by the Community Relations & Public Affairs Department.

TITLE: External Messaging – Message Boards; Signs; Banners and Billboards

2. All requests to utilize portable message boards must be made to the Public Information Officer of the Community Relations & Public Affairs Department for review and approval. Forms are made available on the intranet under the Community Relations tab, or can be requested from the Public Information Officer directly.
3. Please provide at least eight (8) business days' advance notice for placement of the message board.
4. The Facilities and Public Information Offices have the discretion to remove messages without notice if a more urgent need arises, as street and/or traffic messaging, public safety, and emergency notifications prioritize use of message boards.

B. City Center Electronic Sign

1. For all City-related advertising, all requested notices for placement on the electronic sign must be made to the Director of the Community Relations & Public Affairs Department or their designee for review and approval.
  - a. Any graphic and/or design costs associated with the creation of ads to meet the sign ad specifications for Department campaigns are the responsibility of the requesting Department.
2. Please provide at least twelve (12) business days advance notice for ad placement on the sign.
3. The City has the discretion to remove City-related and tenant and/or subcontractor notices or ads without notice if a more urgent need arises.

VI. APPROVAL

  
\_\_\_\_\_  
Cynthia Seelhammer, Avondale City Manager

06/05/18  
\_\_\_\_\_  
Date of Avondale City Manager's Approval

TITLE: Emergency Service Pay

I. PURPOSE AND SCOPE

This policy provides direction for paid leave for employees providing emergency services. It applies to all City of Avondale employees.

II. POLICY STATEMENT

It is the City of Avondale policy to assist other agencies during a declared emergency, so long as the assistance does not create a hardship for the City of Avondale.

III. POLICY PROVISIONS

- A. The City of Avondale will pay an employee his/her regular salary and benefits during assignment of up to thirty (30) calendar days to provide requested professional or technical services for a declared emergency.
- B. The request for professional services must be through a professional association, the American Red Cross, or by direct order of a municipal, state, or federal agency. The declaration of an emergency situation may be by order of the President of the United States or the Governor of the affected state or states.
- C. The extension of the paid leave period will be considered by the City Manager on a case-by-case basis.

IV. PROCEDURES

- A. The leave request must be approved by the employee's department director and City Manager; it may be denied if the employee's absence creates a hardship for the department.

V. APPROVAL



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David Fitzhugh, Acting City Manager

March 19, 2014

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Date of City Manager's Approval

TITLE: Solicitation

I. PURPOSE AND SCOPE

The purpose of this Policy is to outline the rules regarding solicitation. This Policy applies to all city employees.

II. POLICY STATEMENT

With the exception of City of Avondale sponsored promotions, or other periodic city sponsored activities; solicitations, and/or distribution by employees of printed matter, or solicitations in any form including e-mail, for funds, products, services, memberships, or for any other reason on City property is not permitted.

III. DEFINITIONS

- A. Solicit: To ask for something (such as money) from people, companies, etc.
- B. Work-time: time when an employee's work duties require that he/she be engaged in work tasks.

IV. POLICY PROVISIONS

- A. While our work place may provide an attractive forum for other activities, our primary responsibility is the performance of City of Avondale functions. Activities other than the performance of these duties may be considered intrusions by other employees and by visitors to our workplace. Solicitation by an employee of another employee is prohibited during the working time of either person.
- B. Annually, the City will participate in the United Way Campaign; all other charity activities and solicitations for charities are prohibited unless authorized and approved in writing by the City Manager.

VI. APPROVAL



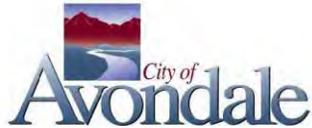
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David Fitzhugh, Acting City Manager

June 11, 2014

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Date of City Manager's Approval



SECTION:

ADMINISTRATIVE POLICY 22

TITLE: Specialty Pay Rates
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I. PURPOSE AND SCOPE

This policy provides direction for determining when shift differential pay may be warranted. This policy applies to all regular, full-time, non-exempt employees.

II. POLICY STATEMENT

It is City of Avondale (City) policy to compensate qualified employees for inconvenience experienced when assigned to shifts that fall outside of the regularly scheduled daytime shift. Regular, full-time, non-exempt employees who are scheduled to work between 9:00 p.m. and 4:00 a.m. shall receive differential pay.

III. DEFINITIONS

A. Shift differential pay: The premium pay added to regular pay for regular, full-time, non-exempt employees when regularly scheduled to work between 9:00 p.m. and 4:00 a.m.

IV. POLICY PROVISIONS

A. A Shift Differential shall be paid for regularly scheduled work shifts including any hours between 9:00 p.m. and 4:00 a.m. Employees shall be paid an additional hourly rate of:

1. \$0.35 per hour for hours worked between 9:00 p.m. and 12:00 a.m.;
2. \$0.50 per hour for hours worked between 12:01 a.m. and 4:00 a.m.

V. PROCEDURES

A. The eligible employee's supervisor is responsible for ensuring that the employee's biweekly time sheet is completed correctly to reflect the appropriate time.

VI. APPROVAL



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Charles McClendon, City Manager

September 4, 2013

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Date of City Manager's Approval



**Date:** November 8, 2011  
**To:** All Employees  
**From:** Charlie McClendon  
**Re:** **AP-23 Procurement Policy**

A handwritten signature in black ink, appearing to read "Charlie P. McClendon", is written over the "From:" line of the header.

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The procurement policy is hereby amended and approved.

Revisions to the policy include:

- Elimination of verbal quotes
- Increase in Open Market Purchase threshold from \$1,999 to \$4,999.
- Written quotes required for purchases from \$5,000 to \$24,999.
- Formal Quotations required for purchases of \$25,000 to \$49,999.
- Clarification of non-competitive procurements
- Contracts are required for all services
- Cooperative procurements are the sole responsibility of the requesting department.
- The \$50,000 aggregate purchase threshold is for the desired contract term
- Construction and related solicitations are to be coordinated by the City Engineer

Procedures will be amended and procurement training will be provided to disseminate these changes.

Please contact Loretta Browning or Pilar Aguilar for any questions regarding this policy.

**City of Avondale AP-23 Procurement Policy  
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**1. City of Avondale Policy.**

It is the policy of the City of Avondale (the “City”) to promote and facilitate economical and timely acquisitions from sources of supplies, equipment and services necessary for City departments to accomplish their assigned responsibilities, while ensuring a fair and open process that maximizes competition. It is the policy of the City that the acquisition process is carried out in compliance with the City Charter, the Procurement Code set forth in Chapter 25 of the Avondale City Code (the “Procurement Code”), ordinances and the administrative policies and procedures set forth herein (the “Procurement Policy”), including the official procurement procedures manual (the “Procurement Manual”). City staff will take affirmative steps to encourage participation by disadvantaged businesses as provided in the Procurement Code.

**2. Procurement Office-- Designated Authority.**

The City Charter (i) requires that all contracts be drafted under the supervision of the City Attorney and (ii) grants procurement authority to the City Manager, who may designate such employees as necessary to directly oversee and provide guidance on the purchase or acquisition of goods or services. The Procurement Office has been delegated the responsibility for enforcing procurement process and procedures for the acquisition of goods or services on behalf of the City. The City Engineer has been delegated the responsibility for enforcing the procurement process and procedures for the acquisition of design and construction services for City infrastructure projects. The Procurement Officer and the City Engineer shall be referred to herein as the “Procurement Agent” as applicable.

**2.1. Revenue Producing Contracts and No-Cost Contracts:**

Revenue-producing contracts and No-Cost Contracts, while they may not impose an immediate expense to the City, are subject to these same procurement policies, rules and regulations, and shall be procured in accordance with the appropriate procurement process as set forth in Sections 6 and 7 below.

**2.2. Disadvantaged Business Enterprise and Local Supplier Outreach:**

The City supports the promotion of Disadvantaged Business Enterprises (DBE) and local supplier participation in each of the competitive bid or proposal processes. In an effort to support this vendor category, departments shall attempt to contact and invite at a minimum one DBE and/or local firm to participate as a bidder in their procurement process. The Procurement Office shall be contacted for direction if procuring department does not have knowledge of an eligible DBE and/or local supplier.

**2.3. Public Release Period and Outreach Requirements:**

The Procurement Code mandates that solicitations be publicly advertised for a sufficient timeframe to allow for an open competition with an adequate number of qualified providers and adequate length of time before the offer due date. Publication and posting of solicitations in the local city newspapers or E-Procurement Website requires coordination with the Procurement Agent. The Public Release Period and Outreach Requirements are dictated by the procurement method used and total anticipated expenditure amount as follows:

2.3.1. **Formal Procurement Process or Total Contract Value Exceeding \$50,000 (fifty-thousand dollars):** A legal advertisement must be published in the Official City newspaper as well as posting on the Procurement Office webpage and City's E-Procurement website.

2.3.2. **Informal Procurement Process or total contract value exceeding \$10,000 but less than \$50,000:** While it is not considered mandatory, it is preferred that at a minimum the bid or proposal opportunity be posted on the E-Procurement Website to document and ensure maximum outreach.

### **3. Employee Responsibility.**

It is the responsibility of each City employee involved in the procurement process to review, understand and comply with the City Charter, the Procurement Code, applicable ordinances, this Procurement Policy and the Procurement Procedures Manual. If there are any questions or concerns relative to either the applicable policies or procedures, or the ability of the employee to respond effectively to the requirements of the procedures, then it is the responsibility of the employee to bring such matters to the attention of the Procurement Office immediately. Each employee will be required to sign an Annual Conflict of Interest Disclosure Statement (Form AP-23PP3) to ensure compliance with State law. Any purchase utilizing City funds, regardless of dollar amount, must be for a valid public purpose.

### **4. General Procurement Provisions.**

- 4.1. The Procurement Agent shall be informed and involved in all Formal Solicitation (major purchase) discussions and decisions.
- 4.2. All City purchases and contracts for goods and services shall be subject to the rules and regulations of the Procurement Code, the Procurement Policy and the Procurement Procedures Manual.
- 4.3. All reasonable attempts shall be made to obtain competitive bids or proposals by appropriate solicitation method, as prescribed in this Procurement Policy.
- 4.4. Purchases shall not be contracted for or made unless sufficient funds have been budgeted in the year in which the term of the contract commences. Funds must be re-appropriated for each subsequent year or part of a year within the term of the contract.
- 4.5. Purchase of any technology or communications good or service must undergo review and approval of the Information Technology Department. (Refer to Information and Communications Technology Policy AP-16)
- 4.6. There shall be no fragmentation or division of contracts or purchase orders in order to circumvent the provisions of the Procurement Code, this Procurement Policy or the Procurement Procedures Manual.

- 4.7. The Procurement Agent must be notified of any specific procurement requirements of any grant, gift bequest or cooperative agreement by the procuring department.
- 4.8. All reasonable attempts shall be made to publicize anticipated purchases or contract opportunities to applicable vendors, contractors and suppliers.
- 4.9. When it is advantageous to the City, Citywide term contracts should be initiated for use by one or multiple City departments for those services or supplies routinely purchased.
- 4.10. All contracts are to be drawn under the supervision of the City Attorney.
- 4.11. Contracts for services and labor require review by the City Attorney, regardless of dollar amount. Procurement of commodities by Open Market Purchase may be made without additional City Attorney review so long as the vendor executes the standard terms and conditions prepared by the City Attorney.
- 4.12. The City shall fully justify and directly negotiate a reasonable price for the services for instances in which either (i) maintenance, support or membership is required and there is no possibility of price competition; or (ii) continuity of services is deemed in the best interest of the City and continuity cannot be ensured with a competitive process.
- 4.13. Generally a competitive process shall be used to solicit offers from interested parties for no-cost or revenue producing arrangements.
- 4.14. Contracts shall be monitored for compliance to terms, expiration and renewal requirements. Departments shall ensure fully executed copies of their respective contracts, including all amendments, bonds and certificates of insurance are on file with the City Clerk.
- 4.15. Vendor demonstrations, free trials or testing of products or services is initiated with a Vendor Demonstration Letter (Form AP-15.11A) and requires a vendor's signed Statement of Vendor Understanding (Form AP-23PP15.11B) with approval from the Department Head and the Procurement Office. Demonstration or trials of products with an estimated purchase price exceeding \$25,000 must be approved by the City Manager. The City shall not be obligated to purchase any equipment, product or services provided through demonstrations or testing periods.
- 4.16. Orders for goods and/or services shall not be placed without a requisition and purchase order in place, unless purchase (i) has been made utilizing an approved alternative procurement method such as procurement card, emergency purchase or petty cash reimbursement and (ii) follows the applicable portions of the Procurement Code, this Procurement Policy and the Procurement Procedures Manual for such purchases.
- 4.17. The appropriate Procurement Agent shall be the single point of contact for inquiries regarding City solicitations. Completion of a confidentiality statement is required of all solicitation evaluation team members.

## **5. Dollar Thresholds.**

- 5.1. **Petty Cash Purchases: \$1.00 – \$100.**
- 5.2. **Open Market Purchases: Less than \$5,000.**
- 5.3. **Emergency Food & Toiletry Items Purchases: \$1.00-\$49,999.** Includes purchases for federal, state & local grant programs and local detention services.
- 5.4. **Small Purchases: \$5,000 – \$24,999**
- 5.5. **Request for Quotations: \$25,000 – \$49,999**
- 5.6. **Formal Solicitations: \$50,000 or Greater.** Subject to competitive selection process and City Council Approval for contract award.
- 5.7. **No-Cost Procurement:**
  - 5.7.1. Revenue producing or “no-cost” contracts that involve the provision of commodities or services provided either to the City or its community in support of City operations, functions, or programs through which the provider will benefit monetarily, are considered business opportunities.
  - 5.7.2. Revenue producing or no-cost contracts must be awarded using a competitive process that is appropriate to the value, complexity and profile of the business opportunity.
  - 5.7.3. In most instances the City will have the authority to assist with the contractor in designing, implementing and maintaining the standards of the provider’s program.

## **6. Items Not Subject to Competitive Selection Requirements.**

- 6.1. Utilities, communications and other public services that are not subject to competition are exempt from this Procurement Policy; provided, however, that any agreements for such services shall be reviewed and approved by the City Attorney.
- 6.2. Goods or services that are not specifically provided for in an agreement entered into pursuant to this Procurement Policy may be provided according to such agreement only if (i) the City Manager or authorized designee determines, in writing, that such unspecified goods or services are clearly necessary and incidental or ancillary to the goods or services provided for in the agreement and (ii) the agreement is amended to clearly include the incidental or ancillary services within the scope of work.

## 7. Informal Procurement Methods.

7.1. **Petty Cash Purchases: \$1.00 – \$100.** Petty cash may be used for expendable items only. Such expenditures shall not exceed one hundred dollars (\$100) and must be pre-approved by the procuring department manager. A request for petty cash reimbursement shall be accompanied by a valid receipt and certification of public purpose for the item purchased.

7.2. **Open Market Purchases: (Less than \$5,000).** Open market purchases do not require competitive quotations or bids; however, competitive quotations and bids should be obtained when practical. Usually, these purchases are routine in nature and obtaining quotations generally consumes more time than is worthwhile expending.

7.2.1. This procurement method does not apply to the procurement of professional services.

7.2.2. Open market purchases must be made in conformance with the City's Procurement Code, the Procurement Policy and the Procurement Procedures Manual.

7.2.3. Wherever possible, the requesting department shall comply with the disadvantaged business enterprise ("DBE") and Local Supplier Outreach efforts.

7.3. **Emergency Food & Toiletry Item Purchases for Federal, State & Local Grant Programs and City Detention Services: \$1.00-\$49,999.**

When it is deemed impractical to competitively solicit, food and toiletry items that are required under specific grant awards or for Police Department detainees may be procured from local vendors without written quotes.

7.3.1. The procuring department may submit a requisition for blanket purchase order when possible. Detailed purchase receipts must be retained.

7.3.2. For grants awards, all items to be purchased must be specified in the grant award/application and must not exceed \$49,999.

7.4. **Small Purchases: \$5,000 – \$24,999.**

7.4.1. This section does not apply to the procurement of professional services.

7.4.2. The procuring department shall obtain at least three (3) written competitive quotations. A lesser number of quotations may be acceptable, provided there are an insufficient number of competitive vendors, as approved by Department Head and Procurement Office. The shortage of potential bidders available shall be supported by written notification and/or specifications provided to each vendor and written "No Bid" response. The Procurement Office or designee may require

departments to obtain formal competitive bids or proposals for some small purchases.

7.4.3. While the internet may be a valuable tool for investigating sources for goods and services, quotes taken directly from a search of the internet Web sites are not considered “written” quotes and will not be accepted for this type of purchase.

7.4.4. Departments shall comply with the DBE and Local Supplier Outreach efforts.

7.4.5. Departments shall comply with the public notice and legal advertising requirements. The posting must include detailed specifications of product or services solicited and must be completed on Forms AP-23PP7.4A, or AP-23PP7.4B as applicable as provided by the Procurement Office.

#### **7.5. Request for Quotations: \$25,000 – \$49,999:**

7.5.1. This method does not apply to the procurement of professional services.

7.5.2. While the internet may be a valuable tool for investigating sources for goods and services, quotes taken directly from a search of the internet Web sites are not considered “written” quotes and will not be accepted for this type of purchase.

7.5.3. Departments shall comply with the applicable Public Release Period and Outreach Requirements.

7.5.4. Departments shall comply with the DBE and local supplier outreach efforts.

7.5.5. Departments shall submit a Request for Procurement Services (Form AP-23PP18) to the Procurement Office to request that a Request for Quotations be issued.

7.5.6. The posting must include detailed specifications of product or services solicited and are completed on the (Forms AP-23PP7.4A, or AP-23PP7.4B as applicable.) as provided by the Procurement Office.

### **8. Formal Procurement Methods.**

#### **8.1. General Provisions**

8.1.1. The Procurement Code mandates there must be a formal solicitation process for expenditures or when the total contract value will exceed \$50,000. A formal solicitation and procurement method must be utilized when a single item, service, or commodity grouping purchase amount or total contract value is estimated to exceed \$50,000; either as a one-time purchase or the aggregate cost or value over the contract term.

8.1.2. Vendors are responsible reading all solicitation documents in their entirety.

8.1.3. The appropriate procurement agent is solely responsible for ensuring compliance with all solicitation requirements.

8.1.4. The City will not reimburse any cost incurred by a vendor in preparing a bid, proposal or statement of qualifications.

## 8.2. **Sealed Bidding- Invitation for Bids**

8.2.1. The sealed bid method is preferred when it maximizes price competition by basing the selection among responsive, responsible bidders on price alone.

8.2.2. The procuring department shall contact the Procurement Agent to establish an Invitation for Bids (IFB). The Procurement Agent shall provide a solicitation number.

8.2.3. Department shall comply with the applicable Public Release Period and Outreach Requirements.

8.2.4. Department shall comply with the DBE and Local Supplier Outreach efforts.

8.2.5. The procuring department shall provide the Procurement Agent with all of the required information as stated in the Procurement Procedures Manual.

8.2.6. After public opening, bids shall be checked and analyzed for compliance with bid requirements and law by the Procurement Agent.

8.2.7. All bids shall be tabulated by the appropriate procurement agent and the response of the apparent low bidder (original) shall be forwarded to the department for verification of compliance with the specifications and preparation of Council action.

8.2.8. Omissions on any item on the bid price sheet shall be deemed a “No Bid”.

8.2.9. All bid tabulations will be posted by the Procurement Agent on the City’s website after final verification of pricing and compliance with bid specifications.

8.2.10. A full record of submissions, bid tabulations, disqualifications and notices of intent to award shall be kept on file with the City Clerk according to the City’s records management policy.

## 8.3. **Request for Proposals**

The request for proposals method is primarily used for procuring certain professional services and is intended to permit competition on quality and other factors, as well as on price. (Refer to AP-23 Section 11 for a description of procurement types eligible for this method.)

- 8.3.1. The procuring department shall contact the Procurement Agent to establish a Request for Proposals (RFP). The Procurement Agent shall provide a solicitation number.
  - 8.3.2. Department shall comply with the applicable Public Release Period and Outreach Requirements.
  - 8.3.3. Department shall comply with the DBE and Local Supplier Outreach efforts.
  - 8.3.4. The procuring department shall provide the Procurement Agent with all of the required information as stated in the Procurement Procedures Manual.
  - 8.3.5. After public opening, proposals shall be checked and analyzed for compliance with solicitation requirements and law by the Procurement Agent, and distributed to the members of the Selection Committee with a comparison matrix and evaluation instructions.
  - 8.3.6. Firms under consideration will be evaluated by the Committee composed of the Procurement Agent (or his/her designee), the Department Head procuring the services (or his/her designee), and any other staff that the Department Head and Procurement Agent feel possess sufficient knowledge or relevant experience that would materially contribute to the evaluation. The Selection Committee may include outside professionals who can provide expertise not available from City staff or who are required by State law.
  - 8.3.7. Evaluations shall be tabulated by the Procurement Agent. Discussions and/or negotiations may be opened at this time with the firms selected to be the most qualified by the Selection Committee as per the scope of work.
  - 8.3.8. Original Proposal(s) of successful vendors shall be forwarded to the procuring department for preparation of Council Action.
  - 8.3.9. Full record of submissions, summary of evaluations, disqualifications and notices of intent to award shall be kept on file with the City Clerk according to the City's adopted records management policy.
- 8.4. **Request for Qualifications**  
The Request for Qualifications (RFQ) method is similar to the Request for Proposal method, inasmuch as qualifications are the determining factor is selection, where price is not. The RFQ is a request by the City for detailed information concerning the qualifications of firms to provide professional services to the City.
- 8.4.1. The RFQ process is the preferred method for the selection of professional and construction services (Refer to AP-23 Section 11- Professional Construction Services.)

- 8.4.2. The department shall comply with the applicable Public Release Period and Outreach Requirements.
- 8.4.3. The department shall comply with the DBE and Local Supplier Outreach efforts.
- 8.4.4. The procuring department shall provide the Procurement Agent with all of the required information as stated in the Procurement Procedures Manual.
- 8.4.5. Based on the above information, the Procurement Agent shall assist the department in preparing a Request for Qualifications.
- 8.4.6. The procuring department may request that RFQ specifications be prepared by contracted consulting firms. Contractors who are working on specifications to be used for competitive procurements shall be precluded from bidding on the resulting procurement.
- 8.4.7. After public opening, statements of qualifications (“SOQs”) shall be checked and analyzed for compliance with solicitation requirements and law by the Procurement Agent, and distributed to the members of the Selection Committee with a comparison matrix and evaluation instructions.
- 8.4.8. Firms under consideration will be evaluated by a committee composed of the Procurement Agent (or his/her designee), the Department Head procuring the services (or his/her designee), and any other staff who the Department Head and the Procurement Agent feel possess sufficient knowledge or relevant experience to materially contribute to the evaluation. The Selection Committee may include by outside professionals as necessary or as required by State law. The outside professional cannot represent a firm that has responded to the RFQ.
- 8.4.9. Evaluations shall be tabulated by the Procurement Agent. Discussions and/or negotiations shall be opened at this time with the firms selected to be the most qualified by the Selection Committee.
- 8.4.10. If negotiations with the first firm do not result in an agreement, negotiations shall be conducted with the next ranked firm, and so forth.

## **9. Professional and Construction Services.**

Professional Services are defined as infrequent, technical, and/or unique functions performed by independent contractors/consultants whose occupation is the rendering of such services. While not limited to licensed occupations, the services are considered "professional," and the contract may be awarded to partnerships, firms, or corporations as well as individuals.

- 9.1. Professional and construction services must be awarded using a competitive process that is appropriate to the value, complexity and profile of the business opportunity.

- 9.2. **Professional Services in an Amount of \$10,000 or Less:** May be procured by direct selection of qualified vendor however, competitive proposals, quotations and/or bids should be obtained when practical.
- 9.3. **Professional Services in an Amount Greater than \$10,000 Less than \$25,000:** Shall require written proposals from a minimum of three vendors if possible. If competition is limited or not possible, a contract may be awarded through direct selection provided the contract file contains clear documentation that supports the conclusion that undertaking a competitive process was not reasonable or cost effective.
- 9.4. **Professional Services in an Amount Greater Than \$25,000:** Professional services in an amount greater than \$25,000 shall be procured on through a Request for Proposals (RFP), a Request for Qualifications (RFQ) or a pre-qualification, list if available. (Refer to AP-23 Section 9, 10, or 13, as applicable.)

## **10. Capital Projects.**

Capital Projects usually relate to construction projects included in the approved Capital Improvement Program. These public projects are governed by A.R.S Title 34. The procuring department is responsible for the development of the solicitation in accordance with requirements of Title 34 and the Procurement Code. Professional services related to capital projects that are within the dollar thresholds allowed for direct selection under A.R.S. 34-103, as amended, shall be procured by the RFQ process set forth in this Procurement Policy.

- 10.1. The procuring department shall comply with the applicable Public Release Period and Outreach Requirements.
- 10.2. The procuring department shall comply with the DBE and Local Supplier Outreach efforts.
- 10.3. The procuring department shall provide the Procurement Agent with the required information as stated in the Procurement Procedures Manual.
- 10.4. Pre-Bidders/Pre-Submittal Conference meetings are the responsibility of the department and coordination with the Procurement Agent is necessary to ensure attendance by Finance and Budget Department staff, if required.

## **11. Pre-Qualification Lists/Register.**

A list of qualified providers may be established for use in selection of service providers by following all the same actions applied in the RFQ process set forth above. Qualified lists are normally used to streamline future contracting processes for consultant services, thus eliminating the need for multiple RFQs for the same discipline. Qualified lists are usually for the benefit of the procuring department(s), but unless expressly precluded by the RFQ, Council action or State law, the lists may be used by any department. Departments are

required to solicit informal proposals from multiple firms on a qualified list prior to making a contract recommendation. Pre-qualification of Technical Registrants as defined in A.R.S. 32-101 must comply with the requirements of A.R.S. Title 34.

11.1. Procedures for the development of a pre-qualified list of contractors/vendors are described in the Procurement Procedures Manual.

11.2. Prequalification does not represent a determination of responsibility.

11.3. **Dollar Thresholds:**

11.3.1. **Anticipated Contract Amount Less Than \$50,000:** Contractor may be directly selected from the list. The selected contractor must submit updated resumes and current project lists before contract is executed.

11.3.2. **Anticipated Contract Amount Exceeds \$50,000, but Not More Than \$150,000:** A committee may be formed, composed of, at a minimum, the Project Manager and other individuals with the technical expertise to evaluate proposals. Staff shall request and evaluate updated resumes, project lists and proposals based on the scope of services for the project before entering into negotiation for the final selection. A minimum of three (3) proposals should be requested, and each proposal ranked. The selection process may include interviews and discussion from the highest-ranked firm. Staff shall select the highest qualified firm based on written and/or oral evaluations. If negotiations with the first firm do not result in an agreement, negotiations shall be conducted with the next ranked firm, and so forth.

11.3.3. **Anticipated Contract Amount Exceeds \$150,000:** The Prequalified Consultants List may not be used, and the normal procurement process must be followed as per the Procurement Code, this Procurement Policy and the Procurement Procedures Manual.

11.4. Departments utilizing the Prequalified List shall establish approved standard policies and procedures in order to ensure equitable treatment of all contractors prequalified for City projects.

## 12. **Cooperative Procurement.**

12.1. Cooperative Purchasing is a method of inter-governmental purchasing in which a public purchaser has competitively selected and awarded a contract and arranges as a part of a contract for other public purchasing agencies to purchase from the selected vendor under the same terms and conditions as the original contracting agency.

12.2. The City is authorized to take advantage of purchasing contracts initiated, sponsored, conducted or administered by another public procurement unit, provided (i) the program has been authorized by the governing body of the procurement unit and (ii) the

procurement has been conducted by a competitive process at least as stringent as the City's policy.

- 12.3. In order to utilize a cooperative contract, a City Purchase Agreement or Professional Services Agreement (PA/PSA) must first be in place. The procuring department is responsible for verifying the existence of a valid underlying contract to which the City's Purchase Agreement or Professional Services Agreement may attach. If a cooperative contract is already in place between the City and the vendor in accordance with this Procurement Policy, the procuring department may request an extension of the cooperative agreement so long as the underlying agreement is extended for at least the same term. Contract Amendment or Renewal Checklist (Form AP-23PP12) may be used to assist with the collection and preparation of such requests issued to the City Attorney.
- 12.4. Requests to the City Attorney for use of a cooperative contract must include all required information as stated in the Procurement Procedures Manual.

**12.5. Dollar Thresholds:**

- 12.5.1. **Total Contract Value \$10,000 or less for commodities:** Departments may make one-time or infrequent commodity purchases utilizing valid cooperative agreements provided the vendor provides agreement to extend cooperative contract pricing either through signed quote or vendor letter. Departments are responsible for ensuring compliance with cooperative terms, conditions and pricing.
- 12.5.2. **Service Agreements of any value:** All cooperative agreements involving services, either individually or as part of a commodity purchase, shall be referred to the City Attorney for review.

**13. Noncompetitive Procurement.**

In general noncompetitive procurement methods should be avoided. In rare cases a needed purchase may fall into one or more noncompetitive categories. In these instances, a contract may be awarded or purchase made provided the method appropriate to the procurement is properly documented.

**13.1. Sole Source Procurement:**

Sole source procurement shall be used only under circumstances where there is clear and convincing evidence that there is only one source available for the needed commodity or service. Any request by a department that procurement be restricted to one potential contractor shall be accompanied by an explanation as to why no other would be suitable or acceptable to meet the need. The department requesting sole source procurement shall provide written evidence to support a sole source determination.

- 13.1.1. In all instances the requesting department must demonstrate that there was a serious, diligent effort to identify potential sources, test alternatives

available, and provide adequate notice to potential vendors of the City's need for a commodity or service.

- 13.1.2. Upon the department's determination that a sole source is necessary and appropriate, the Sole Source Justification (Form AP-23PP13.1) must be completed for each sole source request. Requests received that do not include the completed Sole Source Justification form will be returned to the requesting department. The justification information must be (i) submitted with all requests and (ii) provided in sufficient detail to allow an informed decision on the request.
  - 13.1.3. All sole source requests must be sent to the Procurement Office. The Procurement Office will review the sole source request and make a recommendation whether or not the sole source is adequately justified.
  - 13.1.4. **Requests over \$50,000:** The procuring department shall comply with the applicable Public Release Period and Outreach Requirements. Sole source procurement requires a "Notice of Intent to Award a Sole Source Contract" and shall be published in the City's newspaper(s) of record for one week for all approved sole source requests. Interested vendors will be provided an opportunity to submit alternatives to the commodity or service being requested as a sole source.
  - 13.1.5. Sole source requests that have been denied will be returned to the originating department with instructions to prepare specifications for issuance of a competitive solicitation or to provide additional justification.
  - 13.1.6. The Procurement Office will provide departments assistance in identifying vendors, defining requirements, and determining whether vendor prices are fair and competitive.
  - 13.1.7. Sole source requests with a value greater than \$25,000 must be reviewed and approved by City Manager or designee. Sole source requests with a value less than \$25,000 must be reviewed and approved by the Director of Finance and Budget or authorized designee.
- 13.2. **Competition Impractical Determination:**  
Competition Impractical (CI) Determination shall be used only under circumstances where there is clear and convincing evidence that competitive solicitation is not in the best interest of the City.
- 13.2.1. In all instances the requesting department must demonstrate that there was a serious, diligent effort to identify potential sources, test alternatives available, and provide adequate notice to potential vendors of the City's need for a commodity or service or that costs exceed the benefit of open competition.

- 13.2.2. Upon the department's conclusion that a CI Determination is necessary and appropriate, the CI Determination Form must be completed. Requests received that do not include the completed CI Determination Form will be returned to the requesting department. The justification information submitted must provide in sufficient detail to allow an informed decision on the request to be made. This information must be included with all requests.
  - 13.2.3. All CI Determination (Form AP-23PP13.2) must be sent to the Procurement Office. The Procurement Office will review the CI Determination and make a recommendation whether or not the CI Determination is adequately justified.
  - 13.2.4. CI Determination that has been denied will be returned to the originating department with instructions to prepare specifications for issuance of a competitive solicitation or to provide additional justification.
  - 13.2.5. A CI Determination with a value greater than \$25,000 must be reviewed and approved by the City Manager or designee. A CI Determination request with a value less than \$25,000 must be reviewed and approved by the Director of Finance and Budget or authorized designee.
- 13.3. **Emergency Procurement:**  
Emergency Procurement shall be utilized only under circumstances whereby the lack of needed products or services would seriously threaten: (i) the functioning of government; (ii) the preservation or protection of property; or (iii) the health or safety of any person.
- 13.3.1. An emergency procurement exceeding \$25,000 may only take place upon declaration of an emergency and written authorization by the City Manager.
  - 13.3.2. Written determination of the basis for the emergency procurement shall be forwarded to the Procurement Office for inclusion with the procurement and/or payment file.
  - 13.3.3. Emergency Procurements under \$25,000 require approval by the Director of Finance and Budget.

#### **14. Amendments to Solicitations -Addenda.**

Addenda may be issued due to changes in quantity, specifications, scope of work, delivery schedules, opening dates, or plans/drawings. Addenda may also be required for correcting a ambiguous provisions or resolving conflicting provisions.

- 14.1. A change or correction required as a result of a discussion during a pre-bid/pre-proposal conference requires an addendum to the solicitation. A change to the written terms of the solicitation must be done formally in writing through an addendum to the solicitation document.
- 14.2. The procuring department shall notify the Procurement Agent of the solicitation to be amended by submitting a Request for Procurement Services (Form AP-23PP18). The procuring department must identify specific areas of the document that will be changed, deleted, or added.
- 14.3. An important matter to consider when issuing an addendum is whether or not to extend the time and date for receipt of offers. The impact of the changes must be carefully considered in light of the time it will take a prudent offeror to incorporate those changes. This includes the time impact on the work already done in preparing the bid or proposal.
- 14.4. The procurement agent will submit the drafted Addendum form to the City Attorney's Office for finalization.
- 14.5. Firms wishing to submit responses to City solicitations are responsible for obtaining the latest addenda for the respective solicitation in person or from the City's website. Addenda are also posted on the E-Procurement web site.

## **15. Receipt and Opening of Bids, Proposals, and Statements of Qualifications.**

- 15.1. Responses to Solicitations shall be opened publicly at the time, date and location as designated in the Solicitation document.
- 15.2. Sealed bids received, proposals and statements of qualifications shall be time-stamped on the envelope or shipping label (not box), recorded on the solicitation Response Log (Form AP-23PP15) and kept in a safe place by the Procurement Agent, or designee, until the appointed day and time when they are publicly opened and read. It is important to note that sealed bids shall not be submitted in an electronic format or by facsimile.
- 15.3. Except as provided in the Procurement Code, late bids shall not be accepted and shall be returned, unopened, to the bidder.
- 15.4. Sealed Bids shall be opened at the appointed date and time by the procurement agent or designee. A representative from the procuring department shall also attend the bid opening. The respondent name, bid price, and other information deemed appropriate by the Procurement Agent shall be read aloud. All other terms, conditions, models, etc. are not required to be read at this time.
- 15.5. Sealed Proposals shall be opened at the appointed date and time by the Procurement Agent. A representative from the procuring department shall also attend the bid

opening. Only the names of the proposers submitting information are to be read. Prices shall not be provided or read at that time.

- 15.6. Certified checks and bid bonds, if required by the department as bid or performance security, shall be received, examined for accuracy and recorded by the Procurement Agent.
- 15.7. Envelopes and/or shipping labels from boxes shall be kept in the Procurement File until after the protest period for that solicitation has passed. For projects using federal funds (i.e. HUD), all competitive sealed bids must be date and time stamped upon receipt. These time and date stamped bid envelopes must be retained with the project files as required by federal guidelines to document compliance for audit purposes.
- 15.8. Bid/proposal openings are generally scheduled for Thursdays at 3:00 p.m. (local time, Phoenix, Arizona), but may be scheduled at such other time as determined by the Procurement Agent.

15.9. **Specifications:**

15.9.1. Specifications should include the following elements:

- Scope and classification: What is required, and how is it classified (size, type, service, etc.)
- Applicable or governing publications: Any publications that govern the standards that the product or service must perform to (MAG, ARS, etc.).
- Requirements: All requirements and descriptions applying to the commodity or service. If the commodity or service consists of several elements, ordinal ranking should be used.
- Sampling, inspection, test procedures and performance measures (deliverables).
  - Identify how the product or service is expected to perform, and how that performance shall be measured.
  - Service contracts should use a series of benchmarks that the contractor must meet to the purchaser's satisfaction.
- Preparation for delivery (for commodities): Expected units of measure, how they will be packaged, packed and/or marked.

15.9.2. The Procurement Office may assist with the development of specifications.

15.10. **Award of Quotations:**

- 15.10.1. Departments shall forward a completed Request for Quotation Approval (Form AP-23PP7.4F) directly to the Procurement Office with the submission of a requisition. Attach written quote information or specifications to the form. Quotation Approval Form must be signed by the department employee and approved by department director or authorized designee.

- 15.10.2. The City Manager's signature on the Quote Approval Form is required for purchases in excess of \$25,000.
- 15.10.3. Orders for products or services shall NOT be placed until after quotations have been reviewed and approved by the Procurement Office, requisitions have been processed, and purchase orders are generated. Departments may input requisitions without vendor or pricing information in order to expedite processing of requisitions and generation of purchase orders. The Procurement Office shall update requisitions after approval of quotations.
- 15.10.4. If quotations exceed the \$50,000 dollar threshold a purchase order cannot be awarded, and the formal solicitation process must be initiated.

**15.11. Request for Information (Product Demonstration/Sampling):**

Requests for Information (RFI) are normally used to develop specifications or scope of work and may also be used to streamline future RFP or IFB processes for brand-specific products, thus eliminating the need for multiple solicitations for the same or similar products. RFIs may require vendor product demonstrations or product testing and sampling.

- 15.11.1. Procuring department compliance with the applicable Public Release Period and Outreach Requirements is preferred, but not required.
- 15.11.2. The Procuring department shall comply with the DBE and Local Supplier Outreach efforts.

**15.11.3. Product Value \$50,000 or Greater:**

A qualified and approved product or vendor list may be established for use in future selections of suppliers by following all the same actions applied in the Request for Proposal method. (Refer to AP-23 Section 8. Formal Procurement Methods-Request for Proposals.) RFIs are usually for the benefit of the procuring department(s), but unless expressly precluded by the RFI, the RFI results may be used by any department. The RFI evaluation records and established specifications or products lists will be maintained by the procuring department.

**15.11.4. Product Value \$49,000 or Less:**

- 15.11.4.1. Product demonstrations with an aggregate purchase value of less than \$49,000 require a less formal process and must be accomplished completing the Vendor Statement of Understanding and Vendor Demonstration Letter. (Form AP-23PP15.11A and Form AP-23PP15.11B)
- 15.11.4.2. Product demonstration, testing, sampling, or delivery of such items or services may not commence until the above required forms have been completed and signed by the Offeror.

**16. Surplus City Property.**

The Procurement Office is the designated authority for City property surplus, removal of abandoned property. It is the City's primary responsibility for the timely disposal of surplus property at a fair market value and for the benefit of City. Surplus consists of the removal, disposal, or trade-in of City personal property and also includes titled and licensed City vehicles purchased through the Public Works Department.

- 16.1. Property surplus process and procedures are facilitated through City Facilities Management and must be in compliance with AP-4 Surplus Auction Policy Procedures.
- 16.2. Removal of property requires Facility Management's approval of the Surplus Evaluation. (Form AP-4SA1)
- 16.3. An arrangement for the delivery of large equipment or large volume of supplies requires completion of the Surplus Pick-Up Request (Form AP-4SA2) by the requesting City department.
- 16.4. **Restrictions.** City employees are not authorized to trade in or dispose of City property to persons or organizations without written agreement or without the Procurement Office approval of the required Surplus Evaluation Form. Federal rules for disposal of hazardous materials are very strict and requires special conditions.

**17. Unauthorized Procurement.**

Unauthorized procurements are purchases that are conducted, or contracts entered into, without authorization of the Procurement Agent or his/her authorized designee. Also included in unauthorized procurement are purchase orders or contracts made contrary to the provisions or the Procurement Code.

- 17.1. In accordance with the Procurement Code, unauthorized procurements shall not be approved by the Procurement Agent or authorized designee and the City shall not be bound thereby. Further, employees who violate this Procurement Code may be subject to disciplinary action in accordance with the City's codes and personnel administrative regulations.
- 17.2. An employee contracting for or purchases any materials, services or construction in a manner contrary to the requirements of the Procurement Code shall be personally liable for the recovery of all public monies paid, together with legal interest and all costs, attorney's fees and damages arising out of the violation.

**18. Request for Procurement Services.**

Request for Procurement Services (Form AP-23PP18) shall be completed and submitted to the Procurement Agent for a request of any services or procurement process in accordance with AP-23; which requires the direct coordination or guidance of the Procurement Agent as the City's designated authority.

- 18.1. **Procurement Timelines:** In order to provide for efficient scheduling of formal procurement activities, including legal document preparation, the procuring department shall submit a Request for Procurement Services to the Procurement Agent no less than twenty (20) and preferably twenty-five (25) business days from the expected date of public release.
- 18.2. **Formal Procurement Process:** Formal procurements shall be forwarded with all solicitation documents to the appropriate procurement agent; for review and prior to issuance to the City Attorney for final development of the solicitation document and public release.
- 18.3. **Public Release and Advertising Requirement Guidelines:**
- 18.3.1. In requesting the services of the Procurement Agent for a new solicitation, departments shall include the preferred date of public release noting, however, that the schedule of events (Solicitation Schedule) is finalized by the Procurement Agent and is subject to change dependent on Procurement Code solicitation period requirements, or external or internal schedule conflicts.
- 18.3.2. All final advertising information or special offeror instructions are due to the Procurement Agent for publication in the newspaper by the deadline(s) specified in the Procurement Procedures Manual.
- 18.3.3. The procuring department is responsible for compliance with the public notice and outreach requirements as described in this Procurement Policy.
- 18.3.4. All Public Notice advertisements for City solicitations shall include the following language:
- “The City of Avondale will endeavor to ensure in every way possible that disadvantaged business enterprises (DBE) shall have every opportunity to participate in providing materials/services without being discriminated against on grounds of race, religion, sex, age, or natural origin. DBE businesses are encouraged to submit on this solicitation.”*
- 18.3.5. E-Procurement Web Site: All information to be posted to the City’s Procurement Web Page and E-Procurement Web Site, should be forwarded to the Procurement Agent by noon on the Thursday before the first date of public release.

## **19. Contract Management and Vendor Payment**

The procuring department is responsible for overall management of the contract, ensuring commodities or service deliverables are in compliance with the scope and terms of the contract. The Contract Manager serves as the City Representative in determining the

acceptance/rejection of goods and services and the conditions of acceptance or rejection and payment of the deliverables.

- 19.1. Responsibilities of the Contract Manager include, but are not limited to the following:
  - 19.1.1.1. Monitoring contract performance and ensuring compliance with all contract terms and conditions.
  - 19.1.1.2. Ensuring timely renewal/extension and managing amendments to the contract through City Attorney approved amendments signed by the persons duly authorized to enter into contracts on behalf of the City and contractor. The Contract Amendment or Renewal Checklist (Form AP-23PP12) may be used to assist with the collection and preparation of such requests issued to the City Attorney.
  - 19.1.1.3. Maintaining current contact information and ensuring that all contract documents are correctly updated and deposited with the City Clerk's Office.

19.2. **Requisitions:**

Requisitions are entered into the purchasing/financial system by the procuring department. The requisition may be entered into the system before a vendor or price has been established, during the quotation process.

- 19.2.1. No purchase is to be made before a requisition has been approved and purchase order issued.
- 19.2.2. Contract Purchases: Contract Purchase requisitions should be entered within seven (7) days of Council approval for the total amount of the contract, or amount approved for fiscal year if contract is to be funded through multiple fiscal years. Contract Purchase requisitions must reference the assigned City contract number.
- 19.2.3. Non-Contract Purchases: Non-contract purchase requisitions entered by the department shall include specifications, sourced vendors and any pricing information; which must be forwarded to the Procurement Office for approval.
- 19.2.4. The Procurement Office has the authority to amend purchase requisitions in regard to price and vendor when in the best interest of the City. The requisition will not be changed without first consulting the procuring department.

19.3. **Purchase Orders:**

After the solicitation and evaluation of bids and quotes, and approval of the requisition, a purchase order is generated by the Procurement Office to obtain the requested goods and services from the supplier.

- 19.3.1. No purchase is to be made before a requisition has been approved and purchase order issued.

- 19.3.2. Copies shall be distributed as follows:
- Vendor Copy – printed with Purchase Order Terms and Conditions.
  - Requesting Department
  - Accounts Payable

19.4. **Purchase Order Modification/ Change Orders:**

A purchase order that requires correction or changes (also referred to as Change Orders) shall be returned to the Procurement Office with a completed and signed Request for Purchase Order Modification (Form AP-23PP19).

19.4.1. Purchase orders modifications will be completed only when supporting information and documentation is provided by the requesting department.

19.4.2. Contract Purchase Orders may be modified only in instances where allowable by the contract or with required management approval.

19.5. **Vendor Payment Requirements:**

19.5.1. Departments must comply with payment terms as set forth by City agreement, purchase order or contract.

19.5.2. Payments for goods and services will be processed promptly upon receipt and acceptance of goods and or services and in accordance with the City's Accounts Payable Policies and Procedures.

19.5.3. All requests for payment, reimbursement and credit card reconciliations will be accompanied by a certification from the procuring department of the valid public purpose of the respective purchase (s).

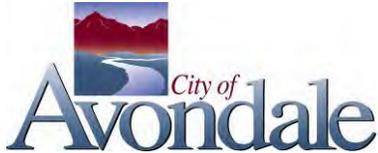
## Appendix

### **Sample Forms & Templates**

Disclosure Statement AP-23PP3 (Sample Form)  
Request for Quotations- Commodity Form AP-23PP7. 4A  
Request for Quotations- Services Form AP-23PP7.4B  
    Notice of Acceptance Template AP-23PP7.4C  
    Notice of Decline Form Template AP-23PP7.4D  
    Questions and Answers Template AP-23PP7.4E  
Request for Quote Approval Form AP-23PP7.4F  
City Property Surplus (Sample) Refer to AP-4 Surplus Auction Policy  
Contract Amendment or Renewal Checklist Form AP-23PP12  
Sole Source Procurement Justification Form AP-23PP13.1  
Competition Impractical Determination Form AP-23-PP13.2  
Solicitation Response Log Form AP-23PP 15  
Vendor Demonstration Cover Letter Form AP-23PP15.11A  
Vendor Statement of Understanding Form AP-23PP15.11B  
Request for Procurement Services Form AP-23PP18  
Purchase Order Modification Form AP-23PP19

### **Process Flow Charts**

Procurement Method Selection Process  
Small Purchases \$5,000 - \$24,999  
Small Purchases \$25,000-\$49,000  
Invitation for Bids  
Request for Proposals  
Request for Statements of Qualifications  
Cooperative Contract Purchases  
Sole Source and Competition Impractical



Date: August 30, 2006  
To: All Employees  
From: Charles McClendon, City Manager  
Re: **Protocol- Mayor & City Council Attendance at Events AP-24**

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## Administrative Policy Regarding Protocol for Mayor and City Council Attendance at Events

### **Purpose**

The Mayor and City Council are invited to participate in many special events sponsored by the City and outside agencies. It is the City's desire to ensure that elected officials are prepared and the City is represented in the most professional manner possible.

### **Process for Mayor and City Council Participation in City Events**

The City of Avondale hosts many successful events each year in order for the City to have personal contact with its residents about city issues or to commemorate special occasions.

The City Department hosting an event should work to ensure that sufficient lead time (preferably 3 weeks) is available for planning City Council's role in the event and advertising the event. The Host Department should work closely with the Department of Parks, Recreation, & Libraries and the Community Relations Department to ensure that no special guest or members of the media are neglected or overlooked. Please refrain from contacting City Council, dignitaries or the media directly.

*The following are examples where involvement from the Community Relations Department should be sought:*

- Create a detailed agenda for the event that includes Master of Ceremony, welcome address, speeches, closing comments which can be shared with City Councilmembers prior to the event.
- Discuss protocol for the event. It is typical protocol that the Mayor and City Council have precedence at a City event. When elected officials representing the other levels of governments are present, the Mayor should be introduced first, followed by the Vice Mayor, City Councilmembers, federal officials, state officials and regional officials accordingly.
- Work with the Community Relations Department to ensure that the event is advertised and marketed appropriately – to include press releases, photo coverage etc.

- Work with Community Relations to send out invitations to special guests and keep track of their RSVPs.
- At least two days prior to the event, the Host Department should confirm with the Assistant to the Mayor and Council the attendance of the elected officials at the event.

The person in charge of the event should be on-site early enough to approve set up and be ready to greet guests, preferably 1 hour prior to the event. The Community Relations Department or Host Department designee is responsible for locating the elected officials at the event and run them through the logistics of the event.

### **Process for Externally Produced Events**

Each year, the Mayor and City Council attend many special events, ceremonies, and celebrations sponsored by non-City organizations across the region. If a group or organization would like to invite the Mayor and City Council to an event, please do so in writing or via email to [EmailCityCouncil@avondale.org](mailto:EmailCityCouncil@avondale.org). The request should include:

- The date, time and location of the event (and whether these are flexible);
- Name, title, telephone, fax, and email for contact person at the hosting organization;
- Background information on the event and the organizers;
- The number of people expected to participate; and
- The role you would like the Mayor/Council Members to play (i.e. speech, award presentation, attendance only, etc.)

All invitations are reviewed by the Assistant to the Mayor and Council, who will contact the organization if further information is needed, update Councilmember calendars, track RSVPs and ensure open meetings laws are followed accordingly.

### **Process for Requesting Proclamations**

Proclamations are a formal document that declares the City's recognition of a person or event. Proclamations must be approved and signed by the Mayor and signed and filed by the City Clerk's Office. Any proclamation issued should be directly related to the City Council's approved goals for the community.

If an internal department would like to issue a proclamation, please contact the Community Relations Department Director to process that request.

If an external organization would like to issue a proclamation, the organization should contact the Community Relations Department with the following information:

- Provide a written statement requesting the proclamation, including background information about the organization and event.

- Provide a draft of the proclamation that the organization would like the City to consider and when it is needed.
- Provide name, title, telephone, fax, and email for contact person at the organization requesting this document.

### **Recognition of Individuals, Groups or Organizations**

Another means of recognition for individuals, groups or organizations is through the City's "Character Recognition Program."

The Character Recognition Program serves to recognize worthy achievements and good character traits exemplified by individuals, businesses and organizations in the community. Recipients will receive a certificate signed by the Mayor and a small token of recognition.

This program is designed to serve as the primary means of recognition for the City Council. To schedule a recognition under the "Mayor's Recognition" item at a regular Council meeting, requests must be submitted to the City Council Office at least three weeks prior to the scheduled meeting, and must be approved by the Mayor.

TITLE: City of Avondale Event and Program Sponsorship
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I. PURPOSE AND SCOPE

The procedures outlined in this policy will be followed when soliciting or being solicited by any person, persons, or organizations for the purpose of developing a sponsorship relationship with the City of Avondale (City).

II. POLICY STATEMENT

- A. The City will not enter into a sponsorship with an organization in which the product to be identified in the sponsorship is a tobacco product, illegal, politically motivated, represents any particular religious viewpoint, or sexually explicit in nature.
- B. The City will only seek sponsorships from organizations that are compatible with the goals and objectives of the City. Each sponsorship contract will be evaluated on a case-by-case basis by the lead department.
- C. This Policy does not apply to:
  - Independent foundations or registered charitable organizations from which the City may receive benefit
  - Philanthropic contributions or unsolicited donations to the City
  - Funding obtained from other orders of government through formal grant programs
  - City sponsored support of external projects where the City provides funds to an outside organization
  - Third parties who lease City property or hold permits with the City for activities or events

III. SPONSORSHIP DEFINED

- A. Sponsorship is defined as either a cash or in-kind donation given to or received from an organization for access to the commercial potential associated with a particular program or event. The City will solicit and be solicited by organizations for both cash and in-kind sponsorships in return for access to commercial potential of facilities and events managed by the City. Events include, but are not limited to, all programs, events, facilities, parks, venues, buildings, city-owned property and select facilities sponsored by the City but operated on non-City property or locations.
- B. Sponsorship opportunities provide the City with increased exposure, enhanced events, and provide outside organizations the opportunity to demonstrate involvement and support for City events while increasing brand loyalty and awareness.
- C. Sponsor organizations may include, but are not limited to non-profits, government, businesses, and others with the potential to enhance City programs.

#### IV. SPONSORSHIP VALUATION

- A. Sponsorship is a combination of mutual tangible and intangible benefits. The City will provide its potential and contracted sponsors with the most accurate measurements of tangible and intangible benefits that will be substantiated by demographic and buying statistics of event attendees and audiences. A Sponsor may periodically survey the effects of their sponsorship to assess their brand loyalty and awareness. This would be done by the Sponsor and at the Sponsor's expense. Results of any survey will be shared with the City.
- B. Sponsorship ranges and levels will vary per event and each level and range will include a mixture of business-building benefits and potential sponsor return.

#### V. SOLICITING AND RECRUITING SPONSORS

- A. The City develops sponsorship levels and ranges annually for its events and facilities. The ranges vary by event or facility, are designed to address unique activities or requirements, and offer variable benefits to the sponsor.
  - 1. For example, official sponsors for a City event or facility may be provided exclusive opportunities in exchange for a large contribution to help supplement the activity or facility costs. Such sponsorships will be awarded by competitive bid. Other sponsors may be provided events, facility rights, and privileges without exclusivity in their sponsorship category and without a competitive bid process.
- B. All sponsorships will meet specific minimum terms and be equally varied and specific to the sponsoring business. As events grow in attendance, popularity, and financial needs, sponsorship opportunities will also change.
- C. All sponsorship opportunities will be publicized with the intent of informing all businesses and organizations of the sponsorship opportunity.
- D. Bid proposals will be requested of any sponsorship involving exclusivity. Award of exclusive sponsorships will go to the business or organization offering the most valuable proposal for cash and in-kind contributions within each level-range category and within each product or service category. Bid proposals shall not impact Financial Assistance Agreements currently in place.
- E. Multi-year sponsorships will be awarded in some cases as part of the bid proposal process.

#### VI. PROCEDURES AND AUTHORITY

- A. All sponsorship proposals must be submitted in writing.
- B. Sponsorship agreements must include specific requirements of both parties.
- C. Solicitation and negotiation of sponsorships will be conducted only by City staff or designated contractor.

- D. Directors are responsible for ensuring staff understand the requirements of this policy and that they are provided with adequate guidance and/or training related to sponsorship practices.
- E. All City sponsorship agreements will be negotiated in good faith and represent the City in a professional manner.
- F. Employees who have any questions regarding City Sponsorship should contact the Community Relations and Public Affairs Department.

VII. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 03/03/2020.

TITLE: Gun Lockers at City of Avondale Buildings
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I. PURPOSE AND SCOPE

The purpose of this Administrative Policy is to comply with Arizona Revised Statute §13-3102.01, provide guidelines for the safekeeping of concealed and openly displayed weapons for citizens coming to the City of Avondale Municipal buildings and direct City of Avondale employees regarding weapons possession during the course of their duties.

II. POLICY STATEMENTS

- A. It is the policy of the City of Avondale, Arizona that concealable weapons or openly displayed weapons (pistols and handguns, including single shot, semi-automatic or revolvers), regardless of whether an employee possesses a concealed weapons permit (CCW), shall not be carried within City buildings except by persons who are authorized by law to carry such weapons in the performance of their official duties. Secure weapons storage lockers are provided for the storage of weapons for individuals who have business inside buildings operated by the City of Avondale.
- B. City employees, other than those who are authorized by law, are prohibited from handling or possessing any weapon at any time while on City of Avondale property, in City vehicles, or while on City duty. This includes:
  - 1. Any form of weapon or explosive;
  - 2. All firearms; and
  - 3. All illegal knives or knives with blades that are more than six (6) inches in length.
- C. Employees unsure of whether an item is covered by this policy should contact the Human Resources Department.
  - 1. Employees are responsible for making sure that any item they possess is not prohibited by this policy.
  - 2. Nothing in this Administrative Policy shall be construed to authorize City employees to possess any firearm or dangerous weapon on duty within any City Building, unless authorized by law to do so and as part of their official duties.
  - 3. Only Police Officers, Detention Officers, security guards, and other individuals who have been given written authorization by the City Manager to carry a weapon on City property will be allowed to do so.
- D. Nothing in this Administrative Policy shall be construed to prohibit or restrict the ability of the Presiding Judge of the Municipal Court to regulate and control access in and out of designated buildings used for judicial proceedings.

- E. Nothing in this Administrative Policy shall be construed as creating any duty or obligation on the part of the City to take any actions beyond those required of an employer by existing law.

### III. DEFINITIONS

- A. Concealed Weapons – any weapon, especially handguns, which are kept hidden on one's person, or under one's control.
- B. Weapons Storage Lockers – secure storage lockers located at the main entrance of City of Avondale Municipal buildings for citizens to safely store concealable and/or openly displayed weapons while conducting their business with the City.

### IV. POLICY PROVISIONS

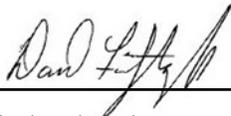
- A. The City of Avondale provides a variety of city services at a number of city buildings and has, as authorized by law, established a policy which prohibits the carrying of concealed weapons and openly displayed weapons, except by persons who are authorized by law to carry such weapons in the performance of their official duties.
- B. Notices will be posted at entrances to buildings owned and operated by the City of Avondale in which public business is conducted. The posted notice will advise that concealed or open possession of dangerous weapons is prohibited within any city buildings and that secure weapons storage lockers are available at the main entrance or at such other location as designated, for each building.
- C. Physical location of the secure weapons storage lockers will be accessible to the public at the locations designated for City buildings.
  - 1. The secure weapons storage lockers shall have a notice attached to them providing use instructions and indicating that storage of any weapon is at the risk of the weapon's owner and that the City of Avondale, shall not be liable in any event to any owner for any loss or damage of any kind or character resulting from storage of the weapon.

### V. PROCEDURES

- A. Facilities employee responsibilities
  - 1. Periodically, a Facilities employee will be assigned to inspect the secure weapons storage lockers after normal business hours. If there are any lockers that appear to still contain a weapon, the employee will contact their supervisor who shall contact the Police department to arrange for retrieval of any stored weapons and impoundment into the Police Department Property Room as property kept for "Safekeeping."
- B. Persons who have had their weapon retrieved by the Police department:

1. Will be required to make an appointment with the Police Department during the hours of 8:00 a.m. until 5:00 p.m., Monday through Thursday and present proof of ownership in order to retrieve their property. Additionally, and in accordance with the Police Department's policy:
  - a. A background check will be completed on both the owner and the impounded weapon prior to the release of a firearm.
  - b. Ammunition impounded with a firearm will not be released at the same time the firearm is returned to the owner. If the owner desires, he/she may make arrangements to pick the ammunition up the following day or within the following thirty (30) day period.
2. Ammunition not claimed after the thirty (30) day period will be considered abandoned and disposed of.

VI. APPROVAL



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David Fitzhugh, City Manager

November 15, 2017

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Date of Avondale City Manager's Approval

TITLE: Display and/or Distribution of Government Materials
--

I. PURPOSE AND SCOPE

The purpose of this policy is to ensure and maintain a professional and clutter-free appearance in the public spaces of City of Avondale (City) buildings while providing useful information and promoting the many programs, classes and special events the City organizes.

II. POLICY STATEMENT

City employees shall follow this Administrative policy to obtain the proper authorization for displaying and/or distributing government materials in any City facility.

III. DEFINITIONS

**Approving Authority** – for the purposes of this policy, the Approving Authority consists of the City Clerk, and/or the City’s Parks, Recreation Director or his/her designee and/or the City’s Neighborhood and Family Services Director or his/her designee as appropriate.

IV. POLICY PROVISIONS

- A. Display and distribution of information will be limited and presented using the following:
  - 1. Pamphlets and Pamphlet Racks
  - 2. Display Frames/Easels
  - 3. Doors and Walls
  - 4. Table Displays
- B. Before display or distribution of any information, the appropriate City’s Approving Authority must be consulted following the procedures outlined in this policy.

V. PROCEDURES

- A. The following procedures shall be followed when displaying and/or distributing information:
  - 1. Pamphlets and Pamphlet Racks
    - a. All posters, flyers, pamphlets or other publicity materials (excluding closure notices) should be limited within the public areas of City

TITLE: Display and/or Distribution of Government Materials
--

buildings to a central pamphlet rack or the counters in the one stop shop.

- 1) All pamphlet racks located within the public areas of City buildings are to be used only for information approved by the City's Approving Authority.
  - 2) No pamphlets may be placed on the reception counter in the main lobby of City Hall or any other areas within the City Hall building not authorized by the City Clerk.
  - 3) Commercial advertisements/promotions, events or materials for businesses or for-profit organizations will not be permitted except for those co-sponsored by the City.
- b. Any government agencies wishing to place posters, flyers, pamphlets or publicity materials in the pamphlet racks located in the public areas of City buildings will be directed to contact the appropriate City Approving Authority.
- 1) The contact information for the person responsible for the material must be provided to the City's Approving Authority and updated as necessary.
  - 2) An adequate supply of materials should be available for the City's dispersal.
- c. Distribution containers and their contents must be approved by the City's Approving Authority along with the decision on how the items or materials will be displayed, distributed and the removal timeframe.
- 1) The City's Approving Authority reserves the right to refuse any material or item presented for posting, display or distribution because of the material's size, content, appearance or space limitations.
- d. Due to limited space, priority will be given to City information with all other information to be displayed on a first-come/first-served basis.
2. Display Frames/Easels
- a. A limited number of flyers/posters may be displayed in the back of the directional cases in the lobby of City Hall. Frames and easels are also available to display approved information.
  - b. Materials requiring display frames and/or easels are subject to the consent of the City's Approving Authority. Employees shall submit to the appropriate Approving Authority the materials to be displayed prior to placement.

TITLE: Display and/or Distribution of Government Materials
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- c. The City's Approving Authority reserves the right to deny display of materials not suitable with City of Avondale values.
  - d. Display frames and easels can be placed in either the upstairs or downstairs counters at City Hall or within City buildings as permitted by the City's Approving Authority. Employees should contact the appropriate Approving Authority to obtain the appropriate display frame and/or easel.
3. Doors and Walls
- a. Only official City Hall hours of operation and closing notices may be posted on doors in the public areas of City Hall.
  - b. No material may be affixed to the walls of any City building without permission from the appropriate Approving Authority.
  - c. Clear acrylic frames are installed inside all employee bathroom stalls at City buildings to enable dissemination of employee-related information. Employees will gain permission from the appropriate Approving Authority to placing information within the clear acrylic frames.
4. Table Displays
- a. The City Clerk will review and approve requests for table displays in City buildings.
  - b. Table displays shall not exceed thirty (30) days unless approved by the appropriate Approving Authority.
  - c. Departments planning a City sponsored event shall gain prior approval from the City Clerk and/or specific Director to include table displays at the event.

## VI. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 08/26/19.

TITLE: Distribution of Non-Government Publications
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I. PURPOSE AND SCOPE

The City of Avondale recognizes that City Hall serves as a gathering place for the public and our residents. For the convenience of the public, publishers of local publications (newspapers, magazines, newsletters, etc.) seek to use City Hall as a distribution site.

II. POLICY

To ensure the efficient flow of operations and to keep the lobby and other areas of City Hall clutter free, all non-government publications will be located outside of City Hall in approved racks or bins. The publication area consists of space 25 linear feet long and 3 feet deep at the southeast end of the city hall breezeway on an existing concrete slab.

III. POLICY PROVISIONS

- A. All publishers and organizations distributing newspapers, magazines, newsletters, circulars or similar items shall comply with the following conditions:
1. All racks or bins must be constructed so the materials contained therein are not exposed to the wind and elements and must include a self-closing door or other cover.
  2. All racks or bins must be regularly and adequately maintained, not only for aesthetics but for provision of safety features for the City's customers, and constructed to prevent littering of the City Hall breezeway and landscaped areas.
  3. Racks that are bent or broken; have jagged or damaged parts; show chipped or peeling paint or logos; have cracked, broken, missing, torn or damaged glass or plexiglass; or are abandoned as reflected by absence of regular and continuous use will be considered to be inadequately maintained.
  4. Rack and bin space is given on a first-come/first-served basis.

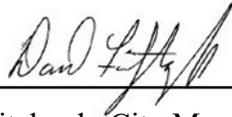
IV. POLICY PROCEDURES

- A. All persons or organizations wishing to place display racks or bins outside of City Hall must obtain approval for the container from the Facilities Manager or his designee (623-333-2400).

TITLE: Distribution of Non-Government Publications

1. Obtain current contact information from the person making the request. The Facilities Division will maintain current name, address, and telephone number in the event of vandalism or damage to the rack or bin.
- B. The Facilities Manager or his designee will determine locations and quantities of the racks or bins, so that the entrance and exit from the building by the public will not be hindered. Access for disabled persons will be strictly enforced.
- C. The Facilities Manager will determine the amount of space to be utilized for publications.
  1. The Facilities Manager will remove and discard any racks or bins outlined in these policy provisions at Section III. PROVISIONS A.1.3 above.

V. APPROVAL



\_\_\_\_\_  
David Fitzhugh, City Manager

\_\_\_\_\_  
November 15, 2017

\_\_\_\_\_  
Date of Avondale City Manager's Approval

TITLE: Avondale 11
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I. PURPOSE AND SCOPE

Avondale 11, the official cable television station of the City of Avondale (City) and is managed and operated by the Community Relations and Public Affairs Department. Quality government programming occurs twenty-four (24) hours a day, seven (7) days a week and includes municipal information, public service announcements, news bulletins and information on city events, services and quality of life in Avondale.

II. POLICY

It is the policy of the City to provide residents and employees with educational, valuable and informative programming through Avondale 11 in a timely manner by broadcasting a unique perspective of the City's character that showcases Avondale's neighborhoods, people, businesses, as well as City departments, services, employees and leadership.

III. POLICY PROVISIONS

A. Avondale 11 shall be guided by the following provisions:

1. Avondale 11 will strive to provide direct, non-editorial information.
2. Avondale 11 is not a mechanism to build support for any ballot issue or candidate for public office.
3. Avondale 11 will not serve as a political platform. Declared candidates for any elective office and persons advocating any cause or viewpoint will not be eligible to appear to advocate for a candidate or cause. For purposes of this policy, a person is considered to be a candidate from the time of announcing publicly for any office until the election has been held. This policy does not apply to persons who receive incidental air time as part of a public meeting nor to officials acting as part of their regular duties when such actions do not relate to election issues.
4. Avondale 11 will strive to maintain neutrality, providing unbiased information.
5. Avondale 11 shall not discriminate in the delivery of its services on the basis of race, color, creed, national origin, sex, sexual orientation or physical ability.

TITLE: Avondale 11
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6. Avondale 11 will not broadcast paid advertising or any program that deposits a product, business or service that has the sole purpose to benefit a “for profit” organization.
7. Avondale 11 will not broadcast any programming that promotes, exposes or aims to discredit any religion group or belief.
8. To maximize budget and resources, Avondale 11 will seek out high quality pre-produced programming that addresses the needs and interests of the residents and employees of Avondale and that meets the needs and priorities outlined in this policy. All pre-produced programming must be sponsored by a government agency in order to be broadcast on Avondale 11.

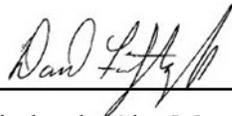
#### IV. PROCEDURES

- A. Avondale 11 will provide the residents and employees of the City with information pertaining to local government and other public information using the following goals as guidance:
  - To expand awareness of local City government
  - To provide information about the City’s programs, services and special events offered by City departments and City-supported agencies
  - To enhance public information through the distribution of programming of interest to residents
  - To encourage public participation in government
- B. Avondale 11 staff will prioritize programming as follows:
  1. Emergency information shall have priority over all other programming
  2. Coverage of Avondale’s public meetings
  3. Information pertaining to the programs, services and functions of City departments
  4. Information of interest related to regional, county, state and federal agencies
  5. Public Service Announcements
  6. Programs, series or one-time specials
- C. Programming Restrictions

TITLE: Avondale 11

1. The station manager and/or the Director of Community Relations and Public Affairs shall have the final word in determining what material is acceptable for broadcast on Avondale 11.
2. The following programming is prohibited:
  - Any obscene or salacious material
  - Any illegal material
  - Any material that is not considered to be in line with the mission, vision, values and goals of the City of Avondale.
  - Anything that violates federal communication commission regulations
3. Programs containing copyrighted materials will be used only if copyright clearance has been obtained. The ownership and copyright of any program produced by the City of Avondale shall be held by the City and Avondale 11.

V. APPROVAL



\_\_\_\_\_  
David Fitzhugh, City Manager

\_\_\_\_\_  
January 11, 2018

\_\_\_\_\_  
Date of Avondale City Manager's Approval

Employee Identification Badge and Security

I. PURPOSE AND SCOPE

This policy provides direction for the use of employee identification (ID) badges, the card entry security system, and the responsibilities surrounding their use. This policy applies to all City of Avondale (City) employees.

II. POLICY STATEMENT

The City believes strongly in promoting the safety of its employees and their assets in the workplace. Most City facilities are equipped with a card entry security system that limits access to employees who have a business reason to enter. Employee ID badges will grant access to facilities to which the employee has access.

A security system is only effective when all employees handle and protect their ID badges properly and management has established, and maintains, proper security access for each employee. Following the provisions and guidelines outlined in this policy will maximize the efficacy of the security system.

III. DEFINITIONS

A. Employee ID badge: The official City ID for all employees. Identification badges contain the employee's name, title, department, photo, and a color bar indicating the status of the employee (i.e., red indicates a full time employee, blue indicates a volunteer, orange indicates an employee that is within their probationary period, green indicates a contractor, and pink indicates a temporary employee).

IV. POLICY PROVISIONS

A. The employee ID badge may grant access to areas other than work areas assigned as authorized by your Supervisor. In this event, an employee who works for the City shall comply with the ID badge procedure of identifying themselves and stating their purpose when entering departments other than those they are assigned during normal business hours.

B. Each department director will be responsible for working with the Human Resources Department to establish and set forth the appropriate security access for each employee based on their respective job functions. The possession and proper use of the employee ID badge is the responsibility of the employee and shall be safeguarded at all times.

C. Lost Employee ID Badge Fee

1. In the event of a lost employee ID badge, Human Resources will deactivate it and issue a temporary badge for 24 hours. If the employee locates their badge, Human Resources will reactivate it. If after 24 hours the employee has not located their badge, they must purchase a new one. An administrative fee of \$10.00 will be charged for all lost badges.
  - a. This \$10.00 fee must be paid at the Water Billing office.
  - b. The receipt must be provided to Human Resources before the new badge will be issued.

D. Human Resources Responsibilities

1. The creation and distribution of pictured ID badges. Additionally, generic, non-pictured ID badges are issued to individual departments for temporary usage, as deemed appropriate by the individual departments.
2. Disabling access on badges not in use for longer than 20 consecutive days. Upon return, the department will enable access as previously granted.
3. Maintain records of all personnel receiving ID cards within the ID Credential System.
4. Ensure the proper disposal of ID cards of terminated employees.
5. Final sign off responsibilities on all authorization requests.
6. All information, including photos, will remain secure within the department and will not be released or copied for reasons other than the production of an ID badge. In special circumstances, such as for workplace security or work related purposes, access to photos may be granted. In such cases, access must be approved by the Human Resources Director.

E. Supervisor/Manager Responsibilities

1. Ensure that lost, stolen, or misplaced ID cards are immediately reported to the Human Resources Department.
2. When an individual terminates employment, or otherwise ends their assignment with the City, collect the individual's ID badge and return it to the Human Resources Department.

3. In cases where an individual is put on administrative leave or suspension, notify the Human Resources Department to disable the individual's ID Badge.

F. Employee Responsibilities

1. Do NOT lend your employee ID badge to anyone.
2. Do NOT allow unauthorized individuals into any secure area (e.g., visitors, former employees, etc.).
3. Do NOT hold or prop doors open.
4. Do NOT leave doors open after you leave.
5. Do NOT fold, bend, pry open, or mutilate your employee ID badge.
6. Notify your manager if your employee ID badge is no longer in your possession.

V. APPROVAL



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Charles McClendon, City Manager

September 4, 2013  
Date of City Manager's Approval

TITLE: Telecommuting
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I. PURPOSE AND SCOPE

The City supports telecommuting and alternative work hours/worksites as strategies available to appropriate employees to help improve air quality and to improve productivity, quality of work, employee attitudes and efficiency. For some individuals and jobs, telecommuting is a very effective way to work.

Allowing some employees to work at home or at other alternative worksites during a part of their scheduled hours can benefit both the City of Avondale (City) and the environment.

II. POLICY STATEMENTS

- A. The City considers telecommuting to be a viable work option that, when appropriately applied, benefits the organization, the individual employee, and helps the City improve air quality. Therefore, it is the policy of the City to make telecommuting available only to select groups of employees based on the compatibility with their work assignments.
- B. Telecommuting is a privilege rather than a benefit.
- C. All telecommuting activities will comply with appropriate City of Avondale Policy and Procedures.
- D. The telecommuting schedule, frequency changes to the schedule or termination of the arrangement are not subject to grievance.

III. DEFINITIONS

- A. Telecommuting – A work arrangement in which employees fulfill their job responsibilities at a site other than their primary work location on a periodic basis during their scheduled or authorized alternative work hours.

IV. POLICY PROVISIONS / PROCEDURES

A. Participation

- 1. Regular employees, who have successfully completed their original probation and who have not had any disciplinary actions during the past twelve (12) months, may apply to participate.
- 2. The City has the right to refuse to make telecommuting available to any employee, and to terminate a telecommuting arrangement at any time, by giving the employee one (1) week notice of the termination of the agreement.

3. Unless hired for a position specifically designated as telecommuting only, telecommuting is voluntary. An employee may terminate the telecommuting arrangement at any time by notifying his/her supervisor in writing of the intent to do so.
4. An employee wishing to telecommute should discuss the suitability of the employee and his/her job functions with the supervisor.
5. The Department Director must approve the telecommuting agreement prior to any review by the Information Technology Department (IT), Risk Management or Human Resources (HR).
6. **HR will not approve any agreement denied by the Department Director, IT or the Risk Manager.**

#### B. Employment Status

1. The employee's compensation, consideration for promotion, benefits, and work status will not change due to telecommuting.
2. The amount of time a telecommuting employee is expected to work per day or per pay period will not change due to participation in the program.
3. Employees that are on FMLA are not eligible for telecommuting.

#### C. Work Location and Liability

1. A telecommuting employee must designate a work area suitable for performing official business.
  - a. The employee must perform his or her work in the designated area when telecommuting.
  - b. Requirements for the designated work area will vary depending on the nature of the work and the equipment needed and may be determined by the department.
  - c. Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently.
  - d. Employees are responsible for ensuring their work areas comply with the City's health and safety requirements.
  - e. No in-person meetings shall occur at the telecommuting work site.
  - f. The City and/or department may request photographs of the employee's designated work area to determine compliance with health and safety rules.
2. Employees are covered by workers' compensation laws when performing work duties at their designated alternate locations during regular work hours.
  - a. An employee who suffers a work-related injury or illness while telecommuting must notify his or her supervisor and complete any required forms immediately.
  - b. To ensure that safe working conditions exist, the City of Avondale retains the right to make on-site inspections.

3. The City is not liable for damages to an employee's personal or real property while the employee is working at his or her alternate worksite.
4. The City assumes no responsibility for injuries occurring in the employee's at-home workspace outside the agreed-upon work hours. The employee agrees to hold the City harmless for injury to others at the alternate work site. The employee agrees to maintain safe conditions in the at-home workspace or if outside the employee's at-home workspace, or the City facilities at any time, and to practice the same safety habits as those followed on the City premises.
5. The City assumes liability for the loss, theft, or damage of City-owned computer equipment used in the employee's home.

#### D. Work Schedules

1. It is the City's intent that telecommuting be based on a relationship of trust between the telecommuting employee and the City. Therefore, there will be no City-wide limit on telecommuting schedules, in terms of how often or on which days of the week the employee telecommutes.
2. The specific schedule and frequency of telecommuting shall be based on the needs of the work unit and the City and the amount of the employee's work that is suitable for telecommuting.
3. The telecommuting employee and his/her supervisor, with approval of the Department Director, are responsible for establishing a mutually acceptable telecommuting schedule, and revising it as needed. Additionally, in what way and how often the telecommuting employee will communicate with his/her office will be established by the employee and his/her supervisor and revised as necessary.
4. The telecommuting employee will work at home during the hours agreed upon by the employee and his /her supervisor. Changes to this schedule will be reviewed and approved in advance by the employee's supervisor.
5. The length and frequency of telecommuting assignments shall be determined by the Department Director.

#### E. Costs

1. The City will reimburse the telecommuting employee for the cost of work-related long-distance telephone calls on a monthly basis, upon submission of a copy of the telephone bill, and explanation of the reimbursable calls unless the City is paying a cell phone stipend to the employee.
2. Except as set forth in this document, telecommuting employees will bear the cost of all incidental expenses that may result from telecommuting.

#### F. Confidential Information

1. Telecommuting employees are responsible for protecting City information in their possession, or accessible through the use of equipment in their possession, regardless of the work location.

2. Telecommuting employees may not take restricted access information, such as payroll records, to an alternative work location without the written consent of his/her supervisor.

#### G. Working Hours

1. The telecommuting employee should be as accessible as their on-site counterparts during their agreed upon regular business hours, regardless of the work location.
2. While telecommuting, the employee must notify the office if they leave their telecommuting location, much like they would inform their supervisor when leaving the traditional office during the workday.

### V. EQUIPMENT

#### A. City-provided equipment is not an entitlement of telecommuting.

1. Employees who work at home will be responsible for absorbing any costs related to remodeling and initial set-up of the workspace.
2. The City will not provide office furniture.

#### B. Employees may be provided, at the Department Director's discretion, with office equipment. Any specialized costs in addition to core network services for a telecommuting assignment are to be addressed by the requesting department and IT. Such equipment will remain the property of the City of Avondale and may not be used for personal purposes.

1. Ensuring city provided equipment is updated periodically through IT is the responsibility of the telecommuting employee.
2. Repair of city equipment will be the responsibility of the City.

#### C. Software owned by the City of Avondale may not be duplicated.

#### D. To ensure hardware and software security, all computer equipment must be approved by the IT Department and the employee shall adhere to the City of Avondale's Chapter 16 IT policy.

### VI. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 05/02/19.

TITLE: City Website Policy and Procedures
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I. PURPOSE AND SCOPE

The purpose of this Policy is to ensure that the City's image portrayed on the web is professional and that the content is relevant, accurate and timely to meet the City's goal of providing a useful web presence for employees, residents, businesses, and visitors.

The City's website, located at [www.avondaleaz.gov](http://www.avondaleaz.gov) provides reference to the pre-existing URL ([www.avondale.org](http://www.avondale.org)) and continues to be a primary vehicle for communicating news and information to the City's residents and users across the world. The website includes a Library sub-site with a separate URL for Library patron services at [www.avondalelibrary.org](http://www.avondalelibrary.org). The City's website and subsite serve as the initial starting point for directing the public to City services and programs. City webpages are generated to convey information primarily regarding City news, programs and events and will occasionally contain shared information generated from other partner organizations.

II. POLICY STATEMENT

It is City policy to establish and maintain a professional presence on the web that is useful and attractive to communicate important events, projects, and City services to employees, residents, businesses, and visitors. All City employees authorized to prepare and publish content for the website will adhere to the guidelines presented in this policy.

III. DEFINITIONS

- A. Hyperlink – a word, phrase, or image that can be clicked on to jump to a new document or a new section within the current document; are found in nearly all web pages, allowing users to click their way from page to page; Text hyperlinks are often blue and underlined, but do not have to be. When the cursor is moved over a hyperlink, whether it is text or an image, the arrow should change to a small hand pointing at the link. When clicked on, a new page or place in the current page will open.
- B. VisionLive – the current web-based program used to administer the City's website
- C. Web Author - an employee, designated by a Department Director, to prepare, publish, and edit content for the City's website.

IV. WEBPAGE ACCESS

- A. Each department will designate a web author to prepare and publish information for the City's website using the Webpage Standards outlined in Section V of this policy.

- B. Web authors must request a user login from the Community Relations and Public Affairs Department prior to accessing VisionLive, the administrative webpage.
- C. Web authors, along with all City employees, will be required to complete SafePersonnel training acknowledging their acceptance to follow the standards set by this policy.
- D. Failure to abide by these policies and procedures will result in a web author's privileges being revoked and re-assigned.

## V. WEBPAGE STANDARDS

- A. The following minimum standards apply to all content to be placed on the City of Avondale website:
  - 1. All City generated website content will be administered through VisionLive.
  - 2. Always use spell-check and have an additional person (i.e., Department Director, or his/her designee, or the Digital Media Program Manager) proof content information before publishing for online/public viewing.
  - 3. To ensure continuity, the City's Content and Design Guidelines, located on the Community Relations & Public Affairs intranet page on ACES under the Website Administrator sub-site tab, will be used for all design structures and content formats.
  - 4. Each department shall list its services directly on the department's front page. Web authors are encouraged to include additional information that is helpful to users who normally contact the department for general and specific information.
    - a. Documents such as brochures, forms, applications, etc. that would assist citizens in receiving basic services and currently provided in paper copy by the City shall be made available on the website upon administrative and technical necessity.
  - 5. All forms created within a VisionLive module, must be tested by the IT Department designee prior to publishing.
  - 6. Limit the use of personal email addresses on the website. If there is need for a generic email address, such as DepartmentName@avondaleaz.gov, requests shall be made to the IT Department via the Help Desk.
  - 7. Each department shall have a "Contact Us" webpage located at the bottom of the left-hand navigation link menu that consists (at a minimum) of general information including the department name, function, director, and contact information (address, phone #, and hours of operation) for the department.
  - 8. Bios are required for the Mayor and Council, City Manager, and Assistant City Managers; bios for directors are optional and should not be on the department's general information page.
  - 9. Hyperlinks (Links)

- a. Links to other pages within the City's website must open in the same window.
  - b. Outside links must open in a new window and the site explicitly named (i.e., Maricopa County Victim Services).
  - c. Links to .pdf documents must open in a new window and be explicitly identified as a PDF.
  - d. Links to outside agencies require Department Director approval.
  - e. All links posted will be tested by the authoring department. Monthly, a report outlining any hyperlink issues is distributed via email requiring web authors to repair/update broken links immediately.
10. Web authors must seek approval from their Department Director and/or Digital Media Program Manager to post new content or graphics and to remove existing content.
    - a. Department Director approval and/or approval from the Public Information Office is required when adding personal quotes or statements.
  11. Animated graphics are permitted with the prior approval of the Community Relations & Public Affairs Director.
  12. Department web pages should be reviewed at least once (1) per month and updated at least once (1) per quarter. Bi-annual analytics reports will be generated by the Community Relations & Public Affairs department and distributed to City departments to prompt an update to web content based on the report's findings.
  13. The Community Relations & Public Affairs Director or Digital Media Program Manager will have the final authority over the appearance and content of department web pages.

## VI. WEBSITE CALENDAR

- A. The calendar provided on the City's website is an important means of conveying event information to our residents and visitors.
  1. Web authors are responsible for adding and editing all events related to their department.
  2. To ensure that the calendar is easy to navigate and useful, web authors with calendar access should provide as much information as possible about the event, including location, date, time, place, and a brief description of the event. Web authors should review the event information prior to saving and use a thumbnail image.
  3. Web authors shall review the calendar monthly to update any information related to recurring event items. Events that have been canceled or postponed should be removed as soon as possible.

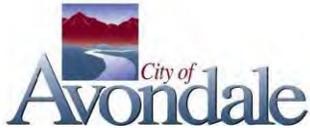
- B. The Website Administrator will post calendar information related to community events sponsored by City-associated organizations to the website.
  - 1. The public may submit a calendar event for consideration. Publication of these submissions is at the discretion the Website Administrator.

VII. AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANCE

- A. The internet provides a variety of ways for the public to utilize and seek out the City's services. ADA compliance requires the City to provide a fully accessible website to ensure that all users are able to access all information presented on the website.
- B. To ensure accessibility, all web pages shall meet the following requirements:
  - 1. All website content will follow the CSS (Cascade Style Sheet) organized structure to ensure page titles and headers are easily identified by assistive devices.
  - 2. All images such as photos, graphics, scanned images, or image maps must include an "alt tag" or long description and an image caption must be provided.
  - 3. All online forms and tables must be created in the Online Editor using the table function to ensure that the table has the appropriate html coding. Please refrain from inserting tables into the Online Editor/Wizard.
  - 4. When posting documents to the website, always provide them in HTML or text-based format, even if they are also posted in another format such as Portable Document Format (.pdf).

VIII. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 05/16/19.



Recruitment and Hiring
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## I. PURPOSE AND SCOPE

This policy outlines the required steps in the recruitment and hiring process for positions at the City of Avondale (City). All new hires and transfers must be hired in compliance with the required hiring practices as outlined by this policy.

## II. POLICY STATEMENT

It is City policy to hire qualified individuals to fill positions, which contributes to the overall success of the City. Each employee, while employed, is hired to make significant contributions to the City. The following policies and procedures shall be followed to ensure the recruitment and hiring of the most qualified individuals.

## III. DEFINITIONS

- A. Personnel Requisition: The official requisition document for identifying an open position and initiating the recruitment and hiring process.
- B. NEOGOV: The online hiring system used by the City

## IV. POLICY PROVISIONS

## A. Recruitment advertising

- 1. All City positions are advertised externally and internally based upon need and budget constraints.
- 2. Human Resources is responsible for placing all recruitment advertising.
- 3. The hiring department is responsible for paying the costs of advertising, if applicable (e.g., professional organizations, newspaper, magazines, etc.).

## B. Job postings

- 1. All job openings, including internal only openings, are posted on the City website through NEOGOV for employees and the public to review.
- 2. Jobs will remain posted on the website until a sufficient number of qualified applications are received or until the deadline indicated.

3. Job postings are updated as necessary.
4. For internal recruitments, if only one (1) applicant applies, the Human Resources Director will assess whether the recruitment will need to be open to external applicants.

C. Interviews

1. The interview process is facilitated by Human Resources with assistance from the hiring department.
2. Panel interviews are to be conducted for all positions. All interview panels will be comprised of diverse panel members including one observer from Human Resources and, as applicable, one panel member shall be a “subject matter expert” from outside the City. All panels must be approved in advance of the interview by Human Resources.
3. When a panel interview is conducted, a structured interview process will be used. Interview questions shall be developed by the hiring department and reviewed and approved by Human Resources prior to scheduling interviews.
4. After the panel completes the interview process, a certified list of candidates will be forwarded to the department director by Human Resources, if applicable. Human Resources will notify applicants who are not selected.
5. Any additional selection processes must be approved in advance by Human Resources. In the event that second interviews are planned, the hiring supervisor should not be on both the first and second interview panels. This is to avoid the perception that the process could be unfairly influenced or that one person is controlling the decision.

D. Reference Checks, Criminal Background Checks, Drug Testing, Finger Printing

1. Once a decision has been made regarding interest in hiring an applicant, a conditional offer of employment will be made. The offer is contingent upon satisfactory completion of reference checks, criminal background checks, and drug screen, if applicable. Psychological evaluation and polygraphs may also be required, where appropriate.

E. Final offer of employment - the hiring manager or Human Resources will make the job offer final.

F. Initial start date and orientation

1. On the initial start date (which would ideally be the beginning of a pay period) or prior to it, new employees will complete all required paperwork, except the Form I-9 Employment Eligibility Verification. The Form I-9 Employment Eligibility Verification must be completed on the new employee's first day of employment.
2. New employee orientation will be scheduled by Human Resources as needed.

## V. PROCEDURES

- A. Personnel requisitions - must be completed in order to fill City positions. This is a two-step process:
  1. Requisitions shall be initiated by the department director or designee on the City intranet (ACES). Once completed on ACES, the personnel requisition is routed to Human Resources.
  2. A Human Resources representative will complete a personnel requisition form using NEOGOV. The Human Resources representative will provide all pertinent information regarding this request and forward this to the appropriate individuals for routing (i.e., the hiring manager, Finance and Budget, the Human Resources Director and the final approving authority, the City Manager). The position will not be posted until the requisition is approved.
- B. Job posting – a Human Resources representative will post the position on the City website through NEOGOV.
- C. Interview process
  1. Human Resources will screen applications for minimum qualifications prior to scheduling interviews.
  2. Applications that meet the minimum qualifications for the position will be forwarded by the HR representative to the hiring manager.
  3. The hiring manager will select applicants to be interviewed and notify the Human Resources representative.
  4. The Human Resources representative will contact the applicants scheduled for an interview.
  5. The Human Resources representative will work closely with the hiring manager regarding scheduling, date, time and location for the interview(s).

- D. Reference Checks, Criminal Background Checks, Drug Testing, Finger Printing
1. Once a conditional offer has been made, Human Resources will check references and contact candidates to complete a pre-employment background check, motor vehicle history check, drug screen, if applicable, medical examination, if applicable, finger printing, or any other required pre-employment process. Internal candidates may be required to complete all or part of the processes stated above depending upon job requirements.
- E. The hiring manager or Human Resources will make the job offer final.

VI. APPROVAL



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Charles McClendon, City Manager

August 29, 2013  
Date of City Manager's Approval

TITLE: Volunteers
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I. PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for recruitment, placement, and evaluation of volunteers within the City to help provide a consistent means for obtaining and using volunteers.

II. POLICY STATEMENT

The City of Avondale encourages the use of volunteers by any department that can provide a positive experience for both the volunteer and the City. Many citizens choose to give back to their community by sharing their time and talents.

The City of Avondale offers various opportunities for citizens to help make our community an even better place to live. Volunteers are utilized in libraries, parks, fire department, court and many other areas. Department managers or their designee have the authority to approve placement of volunteers for their departmental needs.

III. DEFINITIONS

- A. Volunteer: Anyone who works out of free-will and without promise, expectation or receipt of compensation, performs a task(s) at the direction of and/or on behalf of the City of Avondale.
- B. Site Supervisor: This supervisor may be a City staff person or other volunteer that oversees the volunteers in a specific department or unit.
- C. Special Case Volunteer: A person participating in student community service activities, student learning programs, corporate volunteer programs, and other volunteer referral programs.
- D. Special Event Volunteer: A volunteer who gives one-time service working at a special event.

#### IV. POLICY PROVISIONS

##### A. Volunteer Program

###### 1. Utilization of Volunteers

- a. The City of Avondale accepts and encourages the involvement of volunteers within all appropriate programs and activities. Staff is encouraged to assist in the creation of meaningful and productive roles in which volunteers might serve.
- b. Volunteers may be utilized in all programs and activities of the City. However, volunteers should never be utilized to displace (supplant) paid staff from their positions. The volunteer's role is to assist staff and to expand and enhance staff activities.

###### 2. Employees as Volunteers

- a. The City of Avondale accepts the service of its staff as volunteers. This service is accepted provided that it is offered without coercion, involves work outside the scope of the employee's normal duties and is provided outside of the employee's usual working hours. Volunteer work too similar to paid work is in conflict with the Fair Labor Standards Act (FLSA). If you have any questions or concerns, contact Human Resources.

###### 3. Service at the Discretion of the City of Avondale

- a. The City of Avondale accepts the service of all volunteers with the understanding that such service is at the sole discretion of the City of Avondale.

###### 4. Volunteers Privileges and Responsibilities

- a. Volunteers are viewed as a valuable resource to the City of Avondale, its staff, and its clients. Volunteers should be extended the following privileges:
  - 1) To be provided adequate orientation and training to prepare them for a successful, safe service experience
  - 2) To receive effective supervision, including proper supplies and work space
  - 3) To be treated as a respected member of the work team
  - 4) To be kept informed of any changes in policies or procedures that affect their work
  - 5) To be recognized and shown appreciation for their contributions on an on-going basis
- b. In return, volunteers are expected to:
  - 1) Adhere to the same rules, regulations and standards as paid staff

- 2) Be prompt and reliable in reporting for duty
- 3) Work a determined number of hours according to a mutually agreed upon schedule
- 4) Report hours, as requested, in order to keep an accurate record of hours served
- 5) Attend orientation and training, as provided
- 6) Treat the public and fellow workers honestly and politely at all times
- 7) Protect confidential information and exercise good judgment remembering that they are seen as a representative of the City of Avondale within their volunteer role

#### 5. Title VII Civil Rights Act and Americans with Disabilities Act

- a. While volunteers are not specifically mentioned as covered under these laws, the City of Avondale encourages compliance with those laws. Title VII prohibits discrimination based on race, sex, religion, national origin, age and disability. ADA prohibits discrimination against the disabled and requires *reasonable accommodation* for volunteers with special needs.

#### 6. Federal Volunteer Protection Act

- a. Volunteers are protected from certain liabilities during volunteer service as long as they are:
  - 1) Acting in good faith and within their defined duties
  - 2) There is no willful, wanton or criminal misconduct
  - 3) An accident occurs while volunteer is driving without appropriate license.
  - 4) Alcohol or illegal drugs are not involved

## V. PROCEDURES

### A. Volunteer Management Procedures

#### 1. Volunteer Files

- a. A system of records must be maintained on each volunteer, including dates of service, position(s) held, duties performed and hours served. A copy of the volunteer's application (with current emergency contact information), completed time sheets, copies of any awards, reports of any problems, evaluation forms, correspondence, accident reports, and other relevant documents must be kept on file. This information should be kept in a volunteer personnel file.
  - 1) If Human Resources handles the recruitment, they will also maintain the volunteer's personnel file.

- 2) If a department handles the recruitment, the department will maintain the volunteer's personnel file. After the individual ceases volunteering with the city, the department will forward the volunteer's personnel file to HR for destruction.
  - a) The Police Department will handle their own volunteer's personnel files, from creation through destruction.
  - b. Volunteer personnel records should be afforded the same confidentiality as staff personnel records pursuant to the laws of Arizona. Volunteer files should be kept for at least five years after the volunteer has left in keeping with City of Avondale Human Resource policy. However, if an incident involving a volunteer and a minor participant occurs, documentation of the incident and the volunteer's file should be retained for as long as Arizona law gives minors the right to sue. In Arizona, the "clock" on the statute of limitations does not even start "ticking" until the minor reaches the age of 18. All records compiled for City of Avondale businesses are subject to disclosure.
2. Timesheets
  - a. It is important for volunteers to record their hours each time they report for duty, as requested. The designated department will keep track of the volunteers hours. Accurate and up-to-date records are important to both the City and the volunteer. This information is used for volunteer recognition, verification of service, budget and risk management purposes, and program promotion. Volunteers also often use copies of signed time sheets as proof of service, for tax deduction and other purposes.
3. Scheduling
  - a. The volunteer and his/her supervisor should discuss and set a mutually agreed upon schedule. Such scheduling provides a structure so that work can be prepared and staff and volunteer time can be used to its full potential.
  - b. Volunteers should not be allowed to volunteer without prior supervisor approval in on their own accord and should not be in work areas when not on duty.
  - c. Volunteers are not authorized to bring their family members with them while they are performing volunteer duties, unless prior supervisor approval.
    - 1) This does not apply to sports coaches if their children are on the team they are volunteering to coach.

#### 4. Breaks

- a. Volunteers are not covered by the Fair Labor Standards Act with regard to breaks, overtime or other rules. However, in keeping with City staff policy, supervisors may want to allow volunteers at least one 15-minute break per four-hour shift. Volunteers should schedule breaks with their Site Supervisor's approval.

#### 5. Representation of the City of Avondale

- a. Volunteers are authorized to act as representatives of the City only as specifically indicated within their job descriptions. Volunteers should not present themselves as representatives of the City in any public statement to the press, coalition or lobbying efforts with other organizations or any agreements involving contractual or other financial obligations without prior approval of staff.
- b. Use of the City logo or name is for City purposes only. Clothing bearing the City of Avondale name or logo shall be worn only for official City purposes or business and shall not be worn while consuming alcoholic beverages.

#### 6. Identification/Security

- a. All volunteers should be issued identification, whether permanent or temporary, that should be worn while on duty.
  - 1) Shirt issued to volunteers to identify them must also be worn while on duty. (i.e. sports coaches)
- b. Volunteers should not be in staff work areas when not on duty. Site Supervisors will use a volunteer check list to advise volunteers on which entrance to use; which bathrooms, phones, and staff rooms they may use; and any emergency exits or procedures.

#### 7. Confidentiality

- a. Volunteers are responsible for maintaining the confidentiality of all proprietary or privileged information to which they may be exposed while serving as a volunteer. The supervisor is responsible for identifying and communicating what information is considered confidential.

#### 8. Dress Code

- a. As representatives of the City, volunteers, like staff, are responsible for presenting a good image to the community. Volunteers should dress appropriately for the conditions and performance of their duties. The supervisor should advise the volunteer of any special dress requirements.

## 9. Working with Special Event Volunteers

- a. Special Event volunteer opportunities are those jobs or assignments that allow for service of a short duration – a "one-timer"—the volunteer who gives one time service working at a special event. Basic volunteer and risk management policies still apply, even if on a foreshortened basis.
- b. Often Special Event volunteers are members of a larger group, such as a scout troop or school organization, contact may only have been made with the group leader or advisor, not each individual. Still, good risk management requires that a record be kept of all volunteers and the dates and times that they worked on behalf of the City. A one-time volunteer form is one way to collect this information. Orientation and training might be accomplished with an information sheet emailed to each volunteer prior to the event. This information sheet might include the date, time and location of the project; the purpose and/or goal of the project; tasks to be performed and procedures; what task they will be performing and time of their shift; and any other pertinent information.
- c. Even though Special Event volunteers may be present for only a few hours, recognition of their contribution is still important. Some recognition ideas are providing refreshments or a small gift item, picture and acknowledgement in the City newsletter, opportunity to win a gift certificate; or a "thank you" letter listing results accomplished.

## 10. Working with Youth Volunteers

- a. The City of Avondale has potential liability arising from working with volunteers, with additional considerations being present when working with youth volunteers. The policies and procedures set forth below are to be followed when working with youth.
- b. Policies and Procedures
  - 1) In general, all policies and procedures that apply to adult volunteers also apply to youth volunteers, as well as the restrictions presented by Federal Child Labor Laws.
  - 2) In addition, because of their minor status, the following additional procedures should be followed:
    - a) Application Form
      - i. Any youth volunteer application form should include a statement to be signed by the parent/guardian granting permission for their son/daughter to participate as a volunteer.

b) Scheduling

- i. Youth volunteers and their parents should be given a written confirmation of their schedule. In addition, state guidelines for child labor laws should be followed; see A.R.S. § 23-233 for further details on permissible hours of labor for persons under sixteen years of age.

c) Absences

- i. Youth volunteers should be requested to call and advise their volunteer supervisor of any absence as soon as possible, but no later than 30 minutes after the scheduled shift. Because we are responsible for the youth volunteer during their scheduled shift, if a volunteer has not reported for his or her assignment and has not called in, the volunteer should be called immediately. If the volunteer cannot be reached, their parent or guardian should be called and the absence reported.

d) Transporting Youth Volunteers

- i. The City of Avondale does not provide transportation to or from a volunteer's site or assignment. Transportation to a volunteer site or assignment is strictly the responsibility of the volunteer.
- ii. City of Avondale employees and/or agents should not be transporting youth volunteers unless it is on city business, in a city vehicle, as a group of at least two staff members, and with written permission from parent/guardian.

e) Out of Program Contact Between Staff & Youth Volunteers

- i. The City of Avondale does not support out-of-program contact between staff and youth volunteers.

f) Discipline

- i. If a youth volunteer is misbehaving, their behavior should be corrected away from other volunteers and service recipients. Further misbehavior should be reported to the parent/guardian. If problem behavior continues, the youth may be terminated from the program. If a youth is terminated, their parent/guardian must be notified by the site supervisor either verbally or in writing. If verbal, the site supervisor shall document the details in the volunteer's personnel file.

## B. Volunteer Recruitment and Selection

### 1. Needs Assessment

- a. Staff new to the volunteer program should develop a needs assessment inventory to determine the true need for volunteers in their area. Volunteer position descriptions are then developed from this information.

### 2. Volunteer Position Descriptions

- a. Volunteers, like paid staff, require a clear, complete and current description of their duties and responsibilities. Prior to any volunteer assignment or recruitment effort, a position description should be developed for each volunteer position.
- b. Descriptions should include the purpose and duties of the position, worksite location, time frame for performance of the job, and a listing of qualifications and requirements including any that may be required for compliance with ADA. HR works with site staff in the development of volunteer jobs and position descriptions.
- c. The volunteer job description provides the basic guidance for volunteers to do their jobs. Each volunteer should receive a copy of their job description and/or a copy should be kept on file at the volunteer site for further reference. The Site Supervisor should periodically review volunteer job description(s) to ensure that they accurately reflect the current nature of the job.

### 3. Staff Requests for Volunteers

- a. Requests for volunteers should be submitted in writing by staff, if possible, complete with a draft position description if it is a new position, and a requested time frame. Understand that recruitment of volunteers is enhanced by creative and interesting jobs and sufficient advance notice. HR reserves the right to refuse to recruit or place any volunteers until staff is prepared to make effective use of volunteers.

### 4. Recruitment

- a. The City's Human Resources Department will be responsible for the recruitment of volunteers. The City's volunteer program is promoted on a continuous basis through city publications such as City webpage; agency fairs; and other ways. In addition, targeted recruitments are conducted for specific programs and positions through press releases, direct mailings, newsletters, and other media. Departments may request that HR conduct recruitment or they may conduct their own recruitment.

- 1) Special event volunteers are the exception; they will fill out the one-time form and do not need to go through the recruitment process.

## 5. Application Form

- a. All volunteers must complete an application form which gathers basic information. A basic form is available in the HR Department, but some positions may require a customized application. For example, volunteer positions requiring a criminal history background check will need to include a statement to be signed by the potential volunteer allowing the background check to be conducted.

## 6. Interviewing

- a. Prior to being placed in a position, all volunteers for internal positions should be interviewed to ascertain their suitability for and interest in a particular position. The interview should determine the volunteer's qualifications, their commitment to fulfill the requirements of the position and should answer any questions the volunteer might have about the position.
- b. Departments will be responsible for interviewing volunteers specific to their department.
- c. An exception to the interview requirement would be for one-time special event volunteers. In those instances, internal interviews shall be conducted within the Department.

## 7. Reference Checks

- a. All prospective volunteers are asked to submit two references, other than family members. Telephone or mail reference checks may be conducted by HR or the Department.

- 1) Not applicable to special event volunteers.

## 8. Criminal History Background Checks

- a. As appropriate for the protection of clients and confidential information, all volunteers will be asked to submit to a criminal history background check.
- b. Such volunteers must sign a release on the Volunteer Pledge form granting permission to conduct the background check. Staff is responsible for ensuring that volunteers are fingerprinted and for submitting all required forms and fingerprint cards to the appropriate agency (i.e., DPS, FBI). To protect the privacy of our volunteers, completed background checks are returned to Human Resource Department or to the hiring department, for temporary positions, such as sports

coaches. Results of the check are not revealed unless a potential problem is identified.

- c. Volunteers who do not agree to a background check will be refused assignment.

#### 9. Placement

- a. In placing a volunteer in a position, attention is paid to the interests and capabilities of the volunteer and to the requirements of the position. No placement will be made unless the requirements of both the volunteer and supervising staff can be met.

#### 10. Reassignment

- a. Volunteers may request reassignment at any time. Any volunteer requesting reassignment should be referred back to HR to be re-interviewed for the new position. They should also receive all appropriate orientation and training for the new position before they begin work.

### C. Volunteer Training and Development

#### 1. Training

- a. Volunteers should receive specific training to provide them with the information and skills necessary to perform their volunteer assignment successfully, safely and in accordance with City and department policies. Training should be appropriate to the complexity and demands of the volunteer position. The design and delivery of training is the responsibility of the Site Supervisor. Training should include information on the nature and purpose of the particular department and division, on the nature and operation of the program or activity for which they were recruited, and a specific orientation on the purposes and requirements of the position they are accepting.

### D. Volunteer Supervision and Evaluation

#### 1. Role of the Site Supervisor

- a. Each volunteer who is accepted to a position with the City of Avondale must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor is responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.
- b. Generally, Site Supervisors are responsible for orientation and training, scheduling, record keeping, management and direction, evaluation and recognition.

## 2. Volunteers as Team Leaders

- a. A volunteer may act as a Leader of other volunteers, providing that the Team Leader is under the direct supervision of a paid staff member.

## 3. Volunteer/Staff Relations

- a. Volunteers and staff are to be considered partners in implementing the mission and programs of the City, with each having an equal but complementary role to play. It is important that each understand and respect the needs and abilities of the other.

## 4. Acceptance and Use of Volunteers by Staff

- a. Since volunteers are considered a valuable resource in performing the City's work, staff is encouraged to consider ways in which volunteers might be of service. However, no volunteer will be assigned without staff's prior consent.

## 5. Lines of Communication

- a. Volunteers are entitled to all necessary information pertinent to the performance of their work assignments. Accordingly, volunteers should be included in and have access to all appropriate memos, materials, meetings, and other information relevant to their work assignment. The Site Supervisor is responsible for ensuring that volunteers receive such information and may want to establish a bulletin board, mail box or other means to accomplish this goal.
- b. It is also the responsibility of the Site Supervisor to keep HR apprised of any changes or problems that may arise with a volunteer or the volunteer program.

## 6. Absenteeism

- a. Volunteers are asked to inform their Site Supervisor of an absence as far in advance as possible so that alternative arrangements can be made. Continual absence may be reason for reassignment or dismissal of a volunteer.

## 7. Performance Problems

- a. Any problems with a volunteer's performance need to be addressed, resolved and documented as they occur.
- b. A written record of any problems and their resolution must be kept in the volunteer file and a copy should be put in the volunteer's personnel file. This documentation is vital should a volunteer later need to be dismissed.

## 8. Dismissal of a Volunteer

- a. Volunteers who do not adhere to the rules and procedures of the City and/or division or who fail to satisfactorily perform their volunteer assignment are subject to dismissal. Unless there are grounds for immediate dismissal, the volunteer should be given a warning and an opportunity to discuss the reasons for possible dismissal with their Site Supervisor. Prior to dismissal of a volunteer, staff shall advise HR.

## 9. Reasons for Dismissal

- a. Volunteers may be dismissed at the discretion of the site supervisor or HR at any time with or without cause. .

## 10. Resignation

- a. Volunteers may resign at any time. It is requested that the volunteer provide as much advance notice as possible. Site staff should notify HR immediately of all volunteer resignations.
- b. Volunteers will return all city-issued property on their last day of volunteer service to the city.

## E. Volunteer Support and Recognition

### 1. Insurance Coverage

- a. Pursuant to Arizona Revised Statutes, all volunteers are covered by Worker's Compensation.

### 2. Access to City of Avondale Property and Materials

- a. Volunteers will only use City-owned equipment for City-related purposes. City equipment is not available for personal/private use by volunteers. Volunteers will be fully trained in the use of all City equipment that pertains both directly and indirectly to the performance of their duties.

### 3. Volunteer Use of City Vehicles and Transporting Volunteers

- a. Whether volunteers may drive City vehicles is decided by the Risk Manager. Please verify department policy with Risk Management before requesting a volunteer to drive a City vehicle. Staff members may transport volunteers in City vehicles. Staff members transporting volunteers in their personal automobile are assuming full *personal* liability. The same is true for volunteers transporting other volunteers in their personal vehicle.

#### 4. Providing References for Volunteers

- a. Volunteers may list their volunteer service on employment and other applications and staff may be contacted by outside agencies for a reference check. The release of reference information should follow the format used by the City for its employees: dates of volunteer service, position title and description of duties, and the number of hours served.
- b. In special situations additional information may be released on a need-to-know basis where the volunteer may present a danger to others or a danger to property. Such instances should be referred to HR for handling.
- c. **Criminal history background check information is confidential and cannot be released to other organizations.**

#### 5. Discounts

- a. Volunteers are eligible to participate in the discounted activities and events offered through the Human Resources Department. Site supervisors are encouraged to assist volunteers in obtaining these discounts.

#### 6. Training

- a. Volunteers are eligible to participate in training offered by the City of Avondale at the discretion of the site supervisor.

#### 7. Employment

- a. There is no obligation to place, interview or hire a volunteer for any paid position with the City of Avondale. Volunteers are given no preference when it comes to hiring. Never make the statement that volunteering can lead to employment with the City.

#### 8. Tax Deductions for Volunteer Service

- a. Some expenses related to volunteering *may* be deductible; however, tax laws change yearly. Any inquiries from volunteers should be directed to their own accountant or IRS Publication 526 – *Charitable Contributions* for current information.

VI. APPROVAL



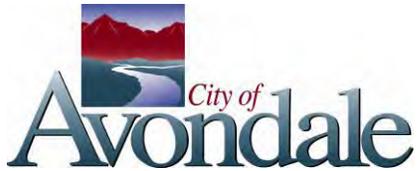
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David Fitzhugh, City Manager

November 17, 2014

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Date of City Manager's Approval



Date: June 1, 2008

To: All Employees

From: Charlie McClendon, City Manager

Re: Administrative Policy Regarding Intern Policy. AP-35

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**PURPOSE:** This management policy states the City's policy on City-sponsored paid or unpaid internships and requires that each department apply this policy to its fullest extent.

#### POLICY STATEMENT

The City of Avondale encourages the use of interns by any department that can provide a useful working experience to current college students or recent college graduates at a salary rate based on work to be performed, the intern's school requirements, and HR's input on appropriate salary based on City pay scale. Department managers and the Human Resources Director have the authority to approve hiring interns for their areas. All interns working for the City will be hired through and placed on the payroll, if it is a paid position, of the City's. Employment of an intern shall not exceed one year per assignment. Interns are not entitled to any City benefits covered under the benefit program for regular full-time or benefited part-time employees. Interns are eligible for City-sponsored training classes, as determined by their departments, but they are not eligible for the City's employee education assistance program. Unpaid internships should be handled in the same manner that volunteer opportunities are handled throughout the City.

#### PROCEDURES

- A. Departments interested in using interns should include funds during preparation of their annual budget.
- B. All recruiting processes for volunteers will coincide with Chapter 4 (Recruitment and Selection Policy) of the Employee handbook.

- C. After completion of the necessary paperwork and background checks, interns are then able to start work for his/her department.
- D. The department employing new interns must spend the necessary time to orient the new intern on both the City of Avondale in general and specifically on their new department and the requirements of the job to be performed.
- E. The department must explain all pertinent City rules and regulations, along with the particulars on length of the assignment and the method and amount of pay, if any, to be received. Interns are not eligible for overtime pay. Interns will be required to read and sign the City of Avondale's confidentiality policy.
- F. Exceptions to this policy can be made at the discretion of the City Manager or designee.

TITLE: Bilingual Pay Incentive Program
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I. PURPOSE AND SCOPE

To establish the policies and procedures for the administration of the City of Avondale Bilingual Pay Incentive Program.

II. POLICY STATEMENT

The City of Avondale (City) will provide a bilingual pay incentive to those employees meeting the program's qualifications set forth in this policy.

A bilingual pay incentive is available to all City employees serving in a position, which requires regular and frequent interaction with the public in the Spanish language; or occasional interaction with the public in the Spanish language and/or who are called upon to interact with the public in the Spanish language.

A pool of bilingual pay incentive eligible individuals will be developed throughout the City of Avondale. All eligible employees who participate in the program must be available during their regularly scheduled hours to provide their bilingual skills in their own department, as well as other departments that may have need. Departments may also require employees to be available for emergency situations during non-working hours. Participating employees are required to maintain proficiency in bilingual communication skills. This eligibility does not certify the employee as a translator or interpreter. The intent of the testing is to identify employees eligible for the bilingual pay incentive.

III. PROCEDURES

A. ELIGIBILITY

1. All full-time and part-time employees are eligible for the bilingual incentive pay provided they successfully pass the bilingual examination.
2. Seasonal, limited-term and temporary employees are not eligible for bilingual incentive pay.

B. COMPETENCY EXAMINATIONS AND PROCEDURE

1. Employees interested in the Bilingual Incentive Pay Program will need to complete the Bilingual Request Form found on ACES under the Human Resources Department. Immediate supervisor and Department Director approval is required before testing is scheduled.
2. Prior to placement in the Bilingual Pay Incentive Program, all employees desiring to participate must take a bilingual examination. The bilingual examination will consist of a speaking and listening test.

3. The bilingual examination will help departments identify the proficiency level of the participants.
4. Employees who do not pass the bilingual examination will be eligible to retest in sixty (60) days, with department head approval.
5. If a bilingual exam is scheduled and the employee fails to show up to take the exam without notifying Human Resources, the employee's department will be charged for the examination.

#### C. COMPENSATION

1. After successfully passing the bilingual examination, an employee may be placed in the Bilingual Pay Incentive Program.
2. Eligible full-time employees who successfully complete the bilingual exam (passing level 8-12) and who are placed in the Bilingual Pay Incentive Program will receive \$90/month paid bi-weekly.
3. Eligible Police, Court and Fire (40hr shift) employees who successfully complete the bilingual examination (passing level 8-12) and who are placed in the Bilingual Pay Incentive Program will receive \$165/month paid bi-weekly.
4. Eligible Fire suppression (56hr shift) employees who successfully complete the bilingual examination (passing level 8-12) and who are placed in the Bilingual Pay Incentive Program will receive \$230/month paid bi-weekly.
5. All part-time eligible employees who successfully complete the bilingual competency examination (passing level 8-12) and who are placed in the Bilingual Pay Incentive Program will receive \$45/month paid bi-weekly.
6. Spanish is the only language eligible for the Bilingual Pay Incentive Program.
7. Bilingual incentive pay will be discontinued if:
  - a. The employee voluntarily withdraws from the program.
  - b. The employee is no longer utilizing the bilingual skill set (i.e., reclassification).
  - c. The employee has been promoted, transferred, or demoted to a position that no longer requires the employee to utilize their bilingual skills.

Departments are responsible for monitoring their employees and taking prompt action when changes in work content occur making an employee ineligible to continue in the Bilingual Pay Incentive Program.

#### IV. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 10/24/19.

TITLE: Vehicle/Equipment Retention Policy and Procedure
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I. POLICY

It is the policy of the City of Avondale to allow retention of vehicles or equipment that have completed their useful life and have been replaced, or are being replaced, with a new vehicle or piece of equipment.

II. RETAINED UNIT

- A. As exceptions only, Fleet Services will accept requests to retain a vehicle or piece of equipment for:
  - 1. light duty or occasional use (short-term) or
  - 2. as a backup/spare (long-term)
- B. Approvals for light duty or occasional use will be recommended for a period of six months, after such time the vehicle or equipment will be turned in to Fleet Services for disposal.
- C. An extension may be granted if an additional vehicle has been approved and placed on order.
- D. Approvals for backup/spare units will be granted for a time period deemed appropriate by the requesting department and City Manager.

III. PROCEDURE

- A. The following procedures will be used to request retention of a replaced vehicle or piece of equipment.
  - 1. The requesting Department shall complete the vehicle/equipment retention request form located in ACES.
  - 2. The form must include a complete justification including type of use and funding sources for the operation and maintenance costs.
  - 3. The form must be signed by the requesting department director and the Finance and Budget Director.
  - 4. The form will then be turned in to the Fleet Coordinator for review and recommendation by the Fleet Utilization Review Committee.
  - 5. The recommendation will be routed to the City Manager's Office for approval/disapproval.

IV. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 09/23/2020.

Department:		
Contact : Name & Phone #		
Type of Equipment or Vehicle (include unit #):		
Type of Request:	Light Duty/Occasional Use (short-term) <input type="checkbox"/> Backup/Spare (long-term) <input type="checkbox"/>	
Justification: *Include intended use *Include funding source for operation and maintenance.  Please attach sheet if necessary.		
Department Director Signature:	Approved For: Light Duty/Occasional Use <input type="checkbox"/> Backup/Spare <input type="checkbox"/>	Denied <input type="checkbox"/>
Fleet Utilization Review Committee Recommendation:	Approved For: Light Duty/Occasional Use <input type="checkbox"/> Backup/Spare <input type="checkbox"/>	Denied <input type="checkbox"/> Attach explanation
Finance and Budget Director Signature:	Approved For: Light Duty/Occasional Use <input type="checkbox"/> Backup/Spare <input type="checkbox"/>	Denied <input type="checkbox"/> Attach explanation
Assistant City Manager Signature:	Approved For: Light Duty/Occasional Use <input type="checkbox"/> Backup/Spare <input type="checkbox"/>	Denied <input type="checkbox"/>
City Manager Signature:	Approved For: Light Duty/Occasional Use <input type="checkbox"/> Backup/Spare <input type="checkbox"/>	Denied <input type="checkbox"/>

TITLE: ADP Timekeeping System Instructions
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I. PURPOSE AND SCOPE

The purpose of this Policy is to establish guidelines for the employee timekeeping system. This Policy applies to all City of Avondale employees.

II. POLICY STATEMENT

All Non-Exempt employees are required to use the ADP Timekeeping System to record their hours worked. Non-Exempt employees are required to clock in/out for payroll and attendance purposes. Exempt employees will only utilize the ADP timekeeping system to log/file leave requests and to access leave and payroll information.

III. POLICY PROVISIONS

The Fair Labor Standards Act sets the rules regarding workers' hours, wages and overtime. When an employer tracks work time in a 15 minute increment, they utilize the 7 minute rule. This law allows an employer to round the number of minutes worked. The cutoff point for rounding down is 7 full minutes. *Example: If an employee works at least 7 minutes, but less than 8 minutes, the employer can round down to the nearest 15 minutes.* If the employee works at least 8 full minutes, the employer must round up to the next 15 minute increment.

Attendance vs. Time Recording

If an employee's start time is 7:00 a.m. and the employee arrives at 7:01 a.m. that employee is considered late for work. Employee's scheduled start time and the 7 minute Labor Law are two different things. The City of Avondale requires all employees to be at their work station and ready to work at the scheduled start time for their position.

IV. PROCEDURES

- A. All Non-Exempt employees are required to clock in at their scheduled start time. Non-Exempt employees should clock in no sooner than seven (7) minutes before the scheduled shift and clock out no later than seven (7) minutes after the scheduled shift. Non-Exempt employees must receive authorization from the supervisor to clock in earlier than seven (7) minutes before their shift or clock out later than seven (7) minutes after their shift. Failure to follow this directive may result in disciplinary action.
- B. Non-Exempt employees are required to clock in/out for lunch breaks with the exception of employees that work outside of the office environment; the timekeeping device will automatically deduct the lunch period of either 30 or 60 minutes for these employees.

The Department Director will determine if employees are on the 30 or 60 minute lunch period. Non-Exempt employees shall be responsible for notifying their supervisor in writing if any modifications are made to their lunch schedule requiring a longer or shorter time period for lunch. All employees are required to take a lunch period unless express authority is provided by supervisory or management staff to work through the lunch period.

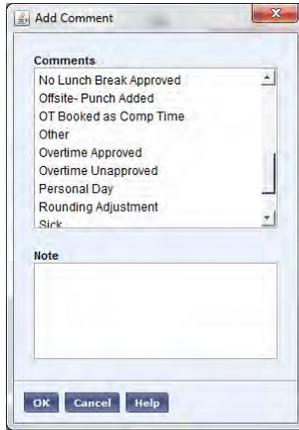
- C. Each timekeeping unit has the capability clock in/out any Non-Exempt employee regardless of the department they are assigned to work in. Non-Exempt employees are required to clock in/out at the nearest timekeeping unit located in their work area using their employee ID number and by placing a finger on the finger scan verification device. If there is a problem with the timekeeping unit, the Non-Exempt employee must notify the supervisor and the supervisor will direct that employee to the next appropriate timekeeping unit location.
- D. Employees (both Exempt and Non-Exempt) must approve their timecard entry at the end of each pay period. Failure to approve their timecard entry may result in disciplinary action.
- E. If an employee misses an entry into the ADP Timekeeping System, the employee will notify the supervisor as soon as possible. The supervisor will manually enter the employee’s work hours.
- F. Hourly Timecard Entries – Regular hours worked should all be entered in the ADP Timekeeping System so the proper overtime and shift differential can be calculated. As a general rule, entered time that comes from the time clock should not be edited. If an edit to a time clock in/out entry is necessary, a comment with a specific detailed reason must be assigned to the change.
- G. Any changes to an employee’s timecard entry (both Exempt and Non-Exempt) must have a comment added justifying or explaining why this edit occurred.

Procedure for adding a comment:

1. Right mouse click on the punch or pay code hours and click add comment.



2. Select the comment from the list. You may enter a free hand note in the box after you select a comment type. The employee can see the comment and the note when they view their timecard.



3. Click OK; then Save.

- H. Employees who consistently miss timekeeping entries will be subject to disciplinary action. Employees may not request leave that exceeds their scheduled work day.
- I. On Call – employees in an on-call status will report directly to the work location, as necessary, and report time worked directly to the supervisor as soon as practical.
- J. Non-Exempt employees are permitted to work overtime only with prior authorization from the supervisor. Overtime includes clocking in early, late, or working through the scheduled lunch period. Non-Exempt employees who work overtime without prior authorization will be subject to disciplinary procedures.
- K. Non-Exempt employees may not use another Non-Exempt employee’s code to clock in/out for another Non-Exempt employee. The ADP Timekeeping System recognizes the unique finger scan of each person in the system and will not allow a log in if the employee code and finger scan do not match.
- L. Supervisors are required to document and report incidents where employees have violated the timekeeping policy and/or procedure. This could include situations where employees may have clocked in, but are absent from their work station during work hours or have missed timekeeping entries and/or work unscheduled and unauthorized overtime.
- M. Use of personal mobile devices or computers to clock in/out must be authorized in writing by the employee’s department director.

V. APPROVAL

\_\_\_\_\_  
David Fitzhugh, City Manager

\_\_\_\_\_  
August 16, 2016

\_\_\_\_\_  
Date of City Manager’s Approval



Date: June 30, 2010  
To: All Employees  
From: Charles McClendon, City Manager  
Re: Holiday Leave Policy AP-39

A handwritten signature in black ink, which appears to read "Charles P. McClendon", is written over the "From:" line of the memo.

### **Holiday Leave Policy**

The objectives for the development of the Holiday Leave policy are:

1. Equalize the holiday leave allocation, so that each full-time regular employee receives 88 hours of holiday leave hours per fiscal year.
2. Identify the methods to maximize the number of days that City offices are open to serve citizens.
3. Ensure the adoption of a Green Friday schedule or other alternate schedules does not increase the cost of doing business to the City.
4. Implement a system to increase the flexibility for employees to utilize their holiday compensation.

### **Holiday Compensation**

1. The annual holiday leave bank for each full-time, regular employee is 88 hours and for each part-time employee is 44 hours per fiscal year. For purposes of this policy, the holiday will be defined as the 24 hour period (12:00 AM-11:59 PM) on the designated holiday. Regular part-time employees (working 30 hours or less) hired after 9/15/2009 are not eligible for Holiday Bank.
2. Employees will be provided with a bank of 88 hours (full-time) and 44 hours (part-time) per fiscal year (July 1-June 30) to utilize for holiday compensation. The leave banks will be populated during the first payroll period in July and January. The first allocation will be in July for 50 hours (full-time) and 28 (part-time), the second in January for 38 hours (full-time) and 16 hours (part-time). New hires will receive a prorated number of hours based upon their hire date.
3. A listing of City designated holidays will be prepared for each fiscal year. This listing will be posted no later than June 1 of each year. The listing will specify any and all designated holidays for the City. See administrative policy for holiday schedule and holidays eligible for holiday differential.

4. Temporary and seasonal employees are not eligible for holiday compensation or holiday differential pay.
5. In the event an employee is on paid leave when a holiday occurs, the employee shall receive no pay in addition to holiday pay. Therefore, the employee shall not be charged with applicable paid leave time (i.e. such as vacation or sick leave).
6. If a designated holiday falls on a scheduled work day, the employee will be required to use their holiday leave to cover their scheduled work hours. If an employee is required to work that day due to business need or is not scheduled to work that day, they will be not be required to utilize their holiday leave. If an employee works a partial day, he/she may utilize holiday bank hours to cover hours not worked. Any holiday leave hours not used for designated City holidays shall be considered floating holiday leave.
7. Floating holiday leave shall be approved to be used at such a time that is mutually agreeable to the employee and the employee's supervisor. Holiday leave will not be available for use on an unplanned or call-in basis.
8. It will be the employee's responsibility to monitor their holiday leave usage.
9. Holiday leave must be used in full day increments. A full day will be considered the number of hours scheduled for the day that the leave was taken. (e.g. Employee was scheduled to work ten hours on a holiday, ten hours of holiday pay would be utilized) In the event that the employee does not have enough holiday hours in their bank to cover a full day's absence, vacation hours or compensatory time will be used to make up the difference. The same concept shall apply to all regular part-time employees. If an employee is requesting to use partial increments of holiday bank hours, supervisors must contact human resources to review and receive approval.
10. All holidays earned, but not taken prior to the last day of employment with the City, shall be forfeited.
11. Holiday hours must be used by June 30 of each year or will be forfeited. There will be no "cash out" or carryover of holiday hours.
12. HOLIDAY DIFFERENTIAL PAY: Each June, a listing will be prepared of holidays that will be paid a holiday differential. In the event that a non-exempt employee is required to work on one of the designated holidays, they will receive compensation of time and one-half for any hours worked on that day. This compensation may be in overtime or compensatory time, depending on the needs of the department. (Compensatory time guidelines have been established in Chapter 5 of the City of Avondale Policies & Procedures Policy Manual.) The additional compensation would only be for the actual day of the holiday. (Example: July 4<sup>th</sup> is on a Sunday.

Employees working on July 4<sup>th</sup> would be eligible for additional compensation; employees working on July 3<sup>rd</sup> or 5<sup>th</sup> would not be.)

13. In the event that an exempt or non-exempt employee does not have either holiday hours, compensatory hours or vacation hours to cover a designated holiday, they will be placed in a Leave without Pay (LWOP) status. This will mean that both an exempt and nonexempt employee will have the uncompensated hours deducted to cover their absence.
14. Holiday hours will NOT count toward hours worked for purposes of overtime for hourly employees.
15. Fire fighters working a 56 hour work week are not eligible for holiday pay.
16. Sworn police officers, detention officers, park rangers and police communications staff will not be participating in the Holiday Bank program. They will receive 8 hours of compensation for each of the following holidays as they occur in the calendar. The personal day will be scheduled within the fiscal year for use by the employee. Unused personal days or holidays will not be paid out at the end of the year or upon termination of employment. Personal days and holidays will not be carried over into a new fiscal year. A personal day (8 hours) will be given to the employee on July 1 of each fiscal year. New hires will receive a personal day upon their hire.

**Sworn Police Officers, Detention Officers, Park Rangers, Police Communications Staff**

**HOLIDAY**

Independence Day

Labor Day

Veteran's Day

Thanksgiving

Day After Thanksgiving

Christmas Day

New Year's Day

MLK

President's Day

Memorial Day

Personal Day to be scheduled by the employee  
(Personal Day should be tracked via comment in Kronos Timekeeping System by Supervisor)

These holiday hours will NOT count as hours worked for the purpose of overtime compensation. Employees who are required to work on designated holidays shall be given, in addition to regular salary, Holiday Differential pay equal to one-half of their regular straight-time hourly rate for hours worked on designated holidays.

Overtime compensation: Holiday differential is paid in addition to any overtime pay due. Holiday differential pay will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments.

Example 1: Employee works 14 hours on the holiday (Wednesday\*) and works three (3) other days in the week.

Time	Total	M	T	W*	Th	F	S	Su
Hours worked	46	10	11	14	11			

**End Result:**

Hours worked 46  
 Holiday compensation at straight rate 8  
 Regular Hours at straight rate 40  
 Overtime at 1.5 6  
 Holiday Differential at .5 14

Example 2: Employee works 14 hours on the holiday (Wednesday\*) and calls in sick on Monday for the entire shift of 10 hours.

Time	Total	M	T	W*	Th	F	S	Su
Hours worked	36		11	14	11			
Sick Leave	10	10						

**End Result:**

Hours worked 36  
 Holiday compensation at straight rate 8  
 Sick leave at straight rate 10  
 Regular Hours at straight rate 54  
 Overtime at 1.5 0  
 Holiday Differential at .5 7

TITLE: Sell Back Program
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I. PURPOSE AND SCOPE

- A. The establishment of a sell back policy promotes efficiency by providing a mechanism whereby eligible employees may sell back hours.
- B. Employee participation in the program is strictly voluntary.

II. POLICY

- A. It is the policy of the City of Avondale (City) to allow employees the opportunity to sell back a portion of accrued vacation or compensation time.
- B. All sell back of hours are subject to the City’s financial state as determined by the City Council and the City Manager.

III. ELIGIBILITY

- A. Employees must have a vacation bank balance as listed below to be eligible for sell back.

Employee Type	Minimum Balance Required	Maximum Sell Back of Hours
40 hour/week	160 hours	40 hours
56 hour/week	96 hours	N/A

- B. Due to the COVID-19 pandemic vacation sell back for 2020/2021 is revised as follows:

- 1. Employees having a balance of over 280 vacation hours by October 5, 2020, are eligible for 120 hours for sell back.
- 2. Sell back as listed in III.A remain in effect.

Employee Type	Minimum Balance Required	Maximum Sell Back of Hours
40 hour/week	160 hours	40 hours
56 hour/week	96 hours	N/A
All employees	280	120

#### IV. PROCEDURE

- A. Vacation sell back will be permitted in December of each fiscal year or according to an MOU.
- B. Eligible employees that wish to sell back vacation will submit a request to the department director on the Sell Back form located on SharePoint.
- C. Department directors will determine if their department is able to financially support the request.
  - 1. If the department's budget only can support a specific number of employees to receive sell back, the department director will use seniority to determine approval or denial of the request.
  - 2. Supervisors will submit the request to Payroll for payment.
  - 3. The minimum number of vacation hours an employee can sell back is eight (8) hours.
  - 4. The maximum number of vacation hours an employee can sell back is 40 hours.

#### V. POLICE DEPARTMENT

- A. All full time employees within the Police Department are eligible for comp time sell back.
  - 1. Comp Time sell back will be permitted in June and December of each fiscal year.
  - 2. Eligible employees within the Department that wish to sell back comp time will submit a request to the Chief of Police on the "sell back form" located on SharePoint no later than November 30<sup>th</sup> and June 30<sup>th</sup>.
  - 3. The Chief of Police will determine if the Department is able to financially support the request.
  - 4. If the department's budget can only support a limited number of employees to receive sell back, the Chief of Police will use seniority to determine approval or denial of requests and then submit to Payroll for payment.

#### VI. FIRE FIGHTERS, ENGINEERS, AND CAPTAINS

- A. Vacation sell back will be permitted pursuant to the MOU.
- B. Eligible employees must submit their request on the "sell back form" located on SharePoint.
- C. The Fire Chief will determine if the Department is able to financially support the request.

- D. If the department's budget can only support a limited number of employees to receive sell back, the Fire Chief will use seniority to determine approval or denial of requests and then submit to Payroll for payment.

VII. COMPENSATION TIME

- A. All compensation time that is not used and remains on the books at the close of the fiscal year will be paid out to the employee.
- B. Compensation time will be paid out for any hours on the books as of the first payroll period in June during the fiscal year.

VIII. APPROVAL

This policy is approved by Avondale City Manager, Charles A. Montoya on 10/13/2020.



Date: December 21<sup>st</sup>, 2009

To: All Employees

From: Charles McClendon, City Manager

A handwritten signature in black ink that reads "Charles P. McClendon". The signature is written in a cursive style and is positioned over the printed name in the "From:" field.

Re: Limited English Proficiency (LEP) Plan Policy AP-41

**A. Purpose**

The purpose of this Limited English Proficiency (LEP) Plan is to ensure meaningful access to information and equal opportunity for persons with hearing impairment and limited English proficiency.

**B. History**

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

**C. Policy**

No person will be denied access to City of Avondale programs or employment opportunities information because he/she does not speak English or speaks limited English. The City of Avondale will provide meaningful access to ensure effective communication exists. Customer services by telephone or face to face contact to the public, citizens, litigants, and victims within the City of Avondale will be provided with language assistance services at no cost to them and in a timely manner during business hours. The City of Avondale will ensure that the interpreters are competent to provide interpreter services. The interpreter must be proficient in both English and the target language. This assurance of competency is provided by our vendor and interpreter service agreements.

#### **D. The Four-Factor Analysis**

The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Avondale will provide.

1. The Proportion, Numbers and Distribution of LEP Persons.  
The City of Avondale's Economic Development Division examined the Cities data estimated for 2009 and was able to determine that the cities population was at 71,552. The population of age 5 and older spoke another language other than English at home was 24,647.
2. Frequency of Contact with LEP Individuals  
Employees of the City of Avondale may have frequent contact to the public, citizens, litigants, and other individuals daily. This includes services by telephone or face to face.
3. The Nature and Importance of the Program, Activity, or Service to LEP Community.  
City of Avondale employees are dedicated to complying with the above law and ensuring that LEP individuals have the same access to services and information that fluently speak, read and write English.
4. The Resources Available to the City of Avondale and Overall Cost.  
The City of Avondale will continue to have resources available within any city location/department that will help where LEP services are needed.

#### **E. Procedure**

1. City departments and staff must ensure that people with Limited English proficiency know they have the right to free and timely language services.
2. City of Avondale employees that have been bilingual certified will be required to ensure LEP services are provided by;
  - a. Oral Interpretation
    1. In Person
    2. Via Telephone
  - b. Written Translation
    1. Quality and accuracy of reading documents of the language service is critical.
3. Printed materials if necessary will be provided in Spanish or will be translated to accommodate LEP.
4. Posters should be created and in plain view that state "Free Interpreting Services"

5. City of Avondale will provide bilingual interpreter services free of charge to people who speak little or no English if needed to access city services.
6. Public meetings should provide interpreter services if needed.
7. Please note that an accessibility statement should appear at the bottom of ALL Boards, Commissions and Committee agendas.

**Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the meeting.**

**Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, impresión grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta.**

8. Main telephone lines should have information in both English and Spanish.
9. The City of Avondale will continue to provide competency based bilingual testing to ensure per our vendor and interpreter service agreements.

Employees who have any questions regarding LEP Policy should contact Human Resources.

TITLE: Holiday Schedule
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I. PURPOSE AND SCOPE

The purpose of this policy is to outline all of the designated holidays for fiscal year 2019/2020 and 2020/2021. This policy applies to all City of Avondale employees.

II. POLICY PROVISIONS

A. City Hall will be closed on the days designated below.

<b>Holiday Calendar FY2019/2020</b>			
Independence Day	July 4, 2019	Thursday	Closed
Labor Day	September 2, 2019	Monday	Closed
Veteran's Day	November 11, 2019	Monday	Closed
Thanksgiving	November 28, 2019	Thursday	Closed
Day after Thanksgiving	November 29, 2019	Friday	Closed
Christmas Day	December 25, 2019	Wednesday	Closed
New Year's Day	January 1, 2020	Wednesday	Closed
Martin Luther King Day	January 20, 2020	Monday	Closed
President's Day	February 17, 2020	Monday	Closed
Memorial Day	May 25, 2020	Monday	Closed

B. City Hall will be closed on the days designated below.

<b>Holiday Calendar FY2020/2021</b>			
Independence Day	July 4, 2020	Saturday	Closed
Labor Day	September 7, 2020	Monday	Closed
Veteran's Day	November 11, 2020	Wednesday	Closed
Thanksgiving	November 26, 2020	Thursday	Closed
Day after Thanksgiving	November 27, 2020	Friday	Closed
Christmas Day	December 25, 2020	Friday	Closed
New Year's Day	January 1, 2021	Friday	Closed
Martin Luther King Day	January 18, 2021	Monday	Closed
President's Day	February 15, 2021	Monday	Closed
Memorial Day	May 31, 2021	Monday	Closed

III. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 03/03/2020

TITLE: GPS Policy
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I. PURPOSE AND SCOPE

The City of Avondale utilizes a Global Positioning System (GPS) within designated City Department vehicles to increase efficiencies, save on fuel costs, facilitate City business, promote safety, and enhance services among employees utilizing electronic data and research received from GPS. Any vehicle in the City fleet may be equipped with GPS which is capable of showing the exact location of a City vehicle at anytime, anywhere, and in any weather condition.

II. POLICY STATEMENTS

The City of Avondale will utilize computerized systems to access GPS data to maximize management of its fleet and vehicle operators, assist with citizen response and as a tool for effective provision of City Services.

III. DEFINITIONS

A. Global Positioning System (GPS) – a data collection computerized system that may generate, but is not limited to, the following reports:

1. **Mileage Report** – provides vehicle mileage information based on collected GPS data
2. **Schedule Report** – provides information regarding a vehicle’s location on specific dates and times.
3. **Location Report** – shows the last reported location of GPS enabled vehicles
4. **Path Report** – tracks the path of a vehicle during a given period of time
5. **Speed Report** –provides information regarding the minimum, maximum and average speeds of vehicles
6. **Idle/Stop Time Report** – shows how long a vehicle was idle or stopped during a given time period

IV. POLICY PROVISIONS

- A. The GPS is the property of the City of Avondale and the City reserves the right to review the information generated by the GPS for any reason or no reason.
- B. It is the responsibility of City of Avondale supervisors to inform their employees that any city vehicle may have the GPS system installed.

- C. Employees are prohibited from tampering, disabling or destroying any part of the GPS equipment.
- D. Employees are required to follow this policy and the policies and procedures set forth within the City of Avondale Personnel Policies and Procedures Manual regarding the operation of a City Vehicle. (See [AP 12 Vehicle Usage](#))
- E. Supervisors shall have their employees read and sign the GPS Policy Statement of Understanding shown in Appendix A and provide a signed copy to their Department Director for forwarding to Human Resources.
- F. Employees and supervisors who fail to adhere to the City's GPS policy and procedures will be subject to disciplinary action up to and including termination of employment with the City of Avondale.

#### V. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 09/17/19.

**APPENDIX A**



## **GPS Policy Statement of Understanding**

Employee Name (Print)

- I accept responsibility for reading and familiarizing myself with the City of Avondale’s Administrative Policy (AP) 43 GPS Policy and will seek verification or clarification of its terms or guidance when necessary.
- I understand that I can review the AP 43 GPS Policy on the City’s Intranet along with all other City personnel Policies and Procedures.
- I understand I can print a copy of AP 43 GPS Policy for myself from the Intranet or request a printed copy of the policies by contacting Human Resources.
- I understand any failure on my part to adhere to this AP 43 GPS Policy or any other City of Avondale policies and procedures may subject me to disciplinary action up to and including termination of employment with the City of Avondale.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Verified by Supervisor: \_\_\_\_\_  
(initials)

Copy submitted to Human Resources for employee’s personnel file \_\_\_\_\_  
(Date)

TITLE: City-Owned Furniture, Workstation, and Facility Modifications
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I. PURPOSE AND SCOPE

The purpose of this Administrative Policy is to outline the policy and procedures for ensuring adequate city-owned furnishings are provided for public use and staff in an efficient and consistent manner. Centralizing the purchasing and installation of city-owned furniture ensures cost saving measures and the presentation of a professional work environment.

II. POLICY STATEMENTS

The City of Avondale will provide adequate furnishings for public use and staff within the provisions and procedures outlined in this Administrative Policy.

III. DEFINITIONS

- A. Furnishings – any modular, office, departmental or public space furniture or components approved and owned by the City of Avondale.
- B. Ergonomic Assessment – an evaluation completed by the Risk Management Department of a workplace and its furnishings, tools, and tasks in relation to the physical abilities of the worker to ensure that it is ergonomically designed to minimize the risk of injury and maximize productivity.

IV. POLICY PROVISIONS

- A. Furniture purchases and reorganizations are managed by the Facilities Division utilizing a contracted installer in accordance with [AP 23 Procurement](#) guidelines.
  - 1. Employees may not order/purchase furniture for their Department without first consulting with the Facilities Division.
  - 2. Building/facility/office modifications such as converting conference room space to offices, expanding cubicles, etc. require the approval of the City Manager’s Office.
- B. Furniture options and pricing will be provided to Departments by the Facilities Division upon receiving an email request.
  - 1. Standard office furniture will be selected from available industry options that best meet the following criteria:
    - a. Supports health & safety — Does not pose physical risks to occupants but provides adequate duck-and-cover space

- b. Functional — Supports the office activities of most end users for the intended purpose
  - c. Adjustable — Adjusts to accommodate the individual needs of 90 to 95% of end users
  - d. Flexible — Capable of being used and reused in varying configurations and locations
  - e. Modular — Standard modular sizes/shapes can be inventoried and quickly deployed
  - f. Durable — Reliable and requires minimal maintenance and/or repair
  - g. Cost-effective — Ensures an optimal return on investment over the life of the item
- C. All city-owned furniture installations or reorganizations are coordinated through the Facilities Division.
- D. Furniture purchases and reorganizations must be approved, in writing, by the Department Director and funded by the requesting Department.
- E. Ergonomic assessments to determine needs outside the standard furnishings shall be conducted and processed through Risk Management.

## V. PROCEDURES

- A. Department employees requesting a reorganization of city-owned furniture or pricing information to purchase new furniture shall send a request via email to the Facilities Manager following approval by the Department Director or his/her designee.
- B. Depending on the specifics of an email request, the Facilities Manager will direct department employees to the Facilities Work Order form available under the Frequently Used Form tab on the ACES homepage to coordinate installations or reorganizations.
- C. Following approval from the Facilities Manager, new furniture purchases will be funded by the requesting Department and a purchase confirmation provided to the Facilities Division prior to scheduling installation.
- 1. Facility and/or work station modifications are limited by parts availability and costs.
- D. All requests for exceptions to this policy will be directed to the Assistant City Manager or designee.
- E. Departments needing to schedule an ergonomic assessment of their facility or employee work station(s) shall send an email request to the Risk Manager.
- 1. The Risk Manager will work with the Department Director or his/her designee to complete an ergonomic assessment and submit recommendations.

2. A health care provider's certification may be required prior to any modifications being made to an employee's work station.

## VI. APPROVAL

This policy approved by Avondale City Manager Charles Montoya on 03/03/2020.



Date: March 23, 2010  
To: All Employees  
From: Charles McClendon, City Manager  
Re: AP-45 Notice of Privacy Practices

A handwritten signature in black ink, appearing to read 'Charles P. McClendon', written over the 'From:' line of the header.

This notice describes how medical information about you may be used and disclosed and how you can get access to this information.

**PLEASE REVIEW IT CAREFULLY**

The City of Avondale provides the following medical benefit plans that are subject to this notice: The City of Avondale Health Plan, The City of Avondale Dental Plan, The City of Avondale Short Term Disability, and The Flexible Spending Account (collectively referred to as the "Plan").

The Plan is required by law to take additional reasonable steps to ensure the privacy of your Protected Health Information referred to (PHI). The Plan is also required to provide all Plan participants with this notice to inform you about the following:

- The Plan's uses and disclosures of PHI;
- Your privacy rights with respect to your PHI;
- The Plan's duties with respect to your PHI;
- Your right to file a complaint with the Plan and to the Secretary of the U.S. Department of Health and Human Services; and
- The person or office to contact for further information about the Plan's privacy practices.

The term "**Protected Health Information**" (PHI) includes all individually identifiable health information transmitted or maintained by the Plan, regardless of form (oral, written or electronic).

**USES AND DISCLOSURES**

The Plan may use and disclose your PHI for the following types of purposes:

***Uses and disclosure to carry out treatment, payment and health care operations***

The Plan and its business associates may use PHI without your authorization to carry out treatment or payment and health care operations. The Plan may disclose PHI to the Plan Sponsor (City of Avondale) for purposes related to administering benefits under the Plan. The Plan documents will be amended to protect your PHI as required by federal law.

*Treatment* is the provision, coordination or management of health care and related services. It also includes but is not limited to consultations and referrals between one and more of your providers. (For example, the Plan may disclose to a treating orthodontist the name of your treating dentist so that the orthodontist may ask for your dental X-rays from the treating dentist).

The Plan will mail explanation of benefits forms and other mailings containing PHI for participants and enrolled dependents and family members to the address the Plan has on record for the employee who is enrolled in the Plan.

Disclosure of your PHI to family members, other relatives and your personal friends is allowed if the information is directly relevant to the family or friend's involvement with your care or payment for that care and you have agreed to the disclosure or have been given an opportunity to object and have not objected.

***Uses and disclosure with authorization***

Except as described in this notice, other uses or disclosures of your PHI will be made only with your written authorization.

***Other permitted or required uses and disclosures***

Use and disclosure of your PHI is allowed without your authorization under the following circumstances:

1. When required by law.
2. When needed by a public health oversight agency for oversight activities authorized by law. This includes uses or disclosures in civil, administrative or criminal investigations; inspections; licensure or disciplinary actions (for example to investigate complaints against providers); and other activities necessary for appropriate oversight of government benefit programs (for example, to investigate Medicare or Medicaid fraud).
3. When required for judicial or administrative proceedings. For example, your

PHI may be disclosed in response to a subpoena or discovery request provided certain written notification conditions are met.

4. When required for law enforcement purposes such as in response to a court order, subpoena, warrant, summons or similar process; to identify or locate a suspect; or to provide information about a victim of a crime.
5. When authorized by law to report information about abuse, neglect or domestic violence to public authorities if there exists a reasonable belief that a person may be a victim of abuse, neglect or domestic violence.
6. When required to give to a coroner or medical examiner for the purpose of identifying a deceased person, determining the cause of death or other duties as authorized by law. Disclosure is permitted to funeral directors, consistent with applicable law as necessary to carry out their duties with respect to the decedent.
7. When consistent with applicable law and standards of ethical conduct if the Plan, in good faith, believes the use or disclosure is necessary to prevent or lessen a threat to the health or safety of a person or the public.
8. When needed by public health agencies for reasons such as preventing or controlling disease, injury or disability.
9. When needed for research, subject to conditions.
10. When authorized by and to the extent necessary to comply with worker's compensation or other similar programs established by law.
11. When required by military authorities or to authorized federal officials for security and intelligence activities.

**YOUR RIGHTS REGARDING PHI**  
***Right to request restrictions***

You may request the Plan to restrict uses and disclosure of your PHI to carry out treatment, payment or health care operations, or to restrict uses and disclosures to family members, relatives, friends or other persons identified by you who are involved in your care or payment for your care. However, the Plan is not required to agree to your request.

***Right to request confidential communications***

The Plan will accommodate reasonable requests to receive communications of PHI by alternative means or at alternative locations.

You or your personal representative will be required to complete a form to request restrictions on uses and disclosures of your PHI. Such requests should be made to the City of Avondale Privacy Officer, Human Resources Department 623-333-2220 or you may mail the request to 11465 W. Civic Center Drive #240, Avondale, AZ 85232.

### ***Right to inspect and copy PHI***

You have a right to inspect and obtain a copy of your PHI in the Plan's custody, contained in a designated record set for as long as the Plan maintains the PHI. The designated record set includes information such as medical records, billing records, enrollment, payment, claims adjudication and case or medical management maintained by the health plan. Information used for quality control or peer review analyses and not used to make decisions about individuals is not in the designated record set. To inspect and copy medical information that may be used to make decisions about you, you must submit your request in writing to the City of Avondale Privacy Officer as noted above. If you request a copy of the information we may charge a fee for the costs of copying, mailing or other supplies associated with your request.

A form to request access to the PHI must be filled out and submitted to the City of Avondale Privacy Officer as noted above.

If access to this information is denied you will receive a written denial setting forth the basis for the denial and you may request that the denial be reviewed.

### ***Right to amend PHI***

You have the right to request the Plan to amend PHI about you if it is incorrect or incomplete. You have a right to make this request for as long as the information is kept by or for the Plan.

Requests to amend PHI should be submitted to the City of Avondale Privacy Officer as noted above.

### ***Right to accounting of PHI disclosures***

At your request, the Plan will also provide you with an accounting of disclosures by the Plan of your PHI during the six years prior to the date of your request. However, such accounting can not include PHI disclosures made: 1) to carry out treatment, payment or health care operations, 2) to individuals about their own PHI; 3) prior to April 14, 2003; or 4) based on your written authorization.

### ***Right to paper copy of this notice upon request***

To obtain a paper copy of this notice contact the Privacy Officer. You may also access this notice on the City of Avondale Website at [www.avondale.com](http://www.avondale.com).

### ***Personal representative***

You may exercise your rights through a personal representative. The representative will be requested to produce evidence of authority to act on your behalf before that person will be given access to your PHI. Proof of such authority may take one of the following forms:

- A power of attorney for health care purposes, notarized by a notary public;
- A court order of appointment of the person as the conservator or guardian of the individual; or
- An individual who is the parent of a minor child.

## **PLAN DUTIES**

### ***Changes to this Notice***

The Plan reserves the right to change its privacy practice to apply the changes to any PHI received or maintained by the Plan prior to that date. If a privacy practice has changed this notice will be revised and posted on the City of Avondale web site indicating the date last updated.

### ***Minimum necessary standard***

When using or disclosing PHI or when requesting PHI from another covered entity, the Plan will make reasonable efforts not to use, disclose or request more than the minimum amount of PHI necessary to accomplish the intended purpose taking into consideration practical and technological limitations.

### ***De-identifiable information***

This notice does not apply to information that has been de-identified. De-identified information is information that does not identify an individual and there is no reasonable basis to believe that the information can be used to identify an individual.

### ***Summary health information***

The Plan may use or disclose summary health information to the Plan sponsor for obtaining premium bids or modifying, amending etc. the group plan. This could summarize the claims history, claims expenses or type of claims experienced by individuals for whom a Plan sponsor has provided benefits under a group health plan and from which identifying information has been deleted in accordance with HIPAA.

## **COMPLAINTS**

If you believe your privacy rights have been violated, you may contact:

City of Avondale Privacy Officer  
Human Resources Department  
11465 W. Civic Center Drive #240  
Avondale, AZ 85232  
623-333-2220

You can also contact the:

U.S. Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue S.W.  
Washington, D.C. 20201

The Plan and the City of Avondale will not retaliate against you for filing a complaint.

## **NOTIFICATION**

A federal law known as HIPAA (the Health Insurance Portability and Accountability Act) regulates PHI use and disclosure by the Plan. You may find these rules at 45 Code of Federal Regulations Parts 160 and 164. This notice attempts to summarize the regulations. The regulations will supersede any discrepancy between the information in this notice and the regulations. This notice is effective as of April 14, 2003.

TITLE: Loss or Suspension/Restriction of Driver's License
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I. PURPOSE AND SCOPE

This policy specifically addresses employees who occupy positions that require a valid driver's license and/or special driving certification (commercial driver's license) as a condition of employment.

II. POLICY STATEMENT

The City of Avondale requires all employees who must possess a valid driver's license and/or special driving certification (commercial driver's license) as a condition of employment to adhere to the provisions outlined in this administrative policy.

III. POLICY PROVISIONS

A. Loss or Suspension/Restriction of Driver's License

1. An employee who has been charged with a violation of statutes that affects his/her driver's license or who has his/her driving privileges suspended, revoked or barred for violating such statutes, including but not limited to operating a vehicle while intoxicated, vehicular homicide or habitual violation, shall not be permitted to operate a vehicle on behalf of the City or until the time when the Department of Transportation or the appropriate state licensing agency restores the employee's ability to drive.
2. The suspension of City driving privileges shall take effect upon the City's notice of the charge against the employee.
3. Employees shall report to their Department Director, Human Resources, and Risk Management a loss or suspension/restriction of their driver's license.

B. Medical Certification Requirements - FMCSA

1. The mission of the FMCSA Medical Program Division is to promote the safety of America's roadways through the promulgation and implementation of medical regulations, guidelines and policies that ensure commercial motor vehicle drivers engaged are physically qualified to do so. Medical Certification Exams must be obtained at the City's approved vendor(s). For a list of approved vendors, contact Risk Management.
2. If a Medical Certification Card is issued for less than 1 year, the employee must follow recommendations given for correction.

- a. The City will only accept 1 (one), 3 (three) month Medical Certification Card from an employee.
- b. Following receipt of a 3-month card, the employee must provide evidence to Risk Management that the medical condition is being treated by a physician for improvement in order to remain active. If the employee fails to provide evidence and is unable to obtain a medical card for more than a 3-month time frame, the employee will be subject to termination from employment for failure to maintain the necessary qualifications required for that position.

C. Termination of Employment for Failure to Maintain a Driver's License:

- 1. An employee whose job classification or position requires the possession and maintenance of a driver's license and/or any required special driving certification in order to perform the essential functions of the job and who subsequently has his/her license revoked, rescinded, suspended or the renewal denied, may be, after the exhaustion of all administrative contested case proceedings before the licensing agency, terminated from employment for failure to maintain the necessary qualification required for that position.

D. Appeal Process

- 1. Specific appeal information can be found in City policy, Chapter 19 Grievances.

IV. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 02/04/2020.

TITLE: Public Safety Recruitment and Selection
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I. PURPOSE AND SCOPE

The purpose of this policy is to ensure that a transparent and unbiased recruitment and selection process is followed; one that results in the appointment of the best candidate, based on merit, equal treatment for all, and reflects respect for diversity.

This policy applies to all Public Safety employees (Police Department and Fire & Medical Department) and includes all recruitment and selection processes and promotional processes.

II. POLICY STATEMENT

The Public Safety Recruitment and Selection Panel will strive to ensure recruitment, selection and promotional processes:

- Attract and retain a skilled and diverse workforce that best represents the talent available in the community.
- Ensure appropriate selection criteria based on diverse skills, experience and perspectives is used when hiring new employees.
- Ensure job specifications, advertisements, and recruitment processes will not contain any direct or inferred discrimination or artificial barriers.
- Ensure that applicants and employees of all backgrounds are encouraged to apply for and have been provided a fair opportunity to be considered for all available positions.
- Comply with equal opportunity and anti-discrimination laws and regulations.
- Ensure transparency of recruitment and selection processes, reviews and recommendations.

III. POLICY PROVISIONS

A. Responsibility

1. All City Department Directors, officers and employees are to comply with the City's hiring and selection policies and procedures.
2. Reports of violations or suspected violations of recruitment and selection policies will be investigated by Human Resources.

B. Directors, managers and supervisors involved in the recruitment and selection process are responsible for.

1. Understanding their role in promoting diversity,

2. Communicating and implementing policies and procedures effectively, and
3. Working with all staff to integrate the values of diversity into the City's employment practices.

#### IV. PROCEDURES

- A. The Public Safety Recruitment and Selection Panel (Panel) members shall be appointed by the City Manager to ensure all Public Safety recruitment processes are evaluated, candidates for positions are assessed and that the process is unbiased and fair.
  1. The City Manager shall appoint a three-member panel composed of the Human Resources Director, the Fire Chief or Police Chief and a Department Director to conduct the review.
- B. The Human Resources Director shall be the Chair of the Panel and the Human Resources Department shall staff the Panel. If one of the Panel members is not available, the City Manager shall appoint another Department Director, or designee, to serve on the Panel.
- C. The Panel shall review recruitment and selection processes and review candidates selected for hire or promotion and make a recommendation to the City Manager for approval of recruitment and selection processes and of any proposed new hire or candidate for promotion.
  1. The City Manager may, at any time, designate any other City Department's recruitment and selection processes to be reviewed by the Panel.
- D. The Panel shall meet as often as is necessary to review recruitment and selection processes and make recommendations on new hires and promotional candidates to the City Manager.

#### V. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 07/11/19.



Date: August 18, 2011  
To: All Employees  
From: Charles McClendon, City Manager  
Re: Fitness for Duty AP-48

A handwritten signature in black ink, appearing to read "Charles P. McClendon", is written over the "From:" line of the memo.

**Purpose:**

The purpose of this policy is to establish procedures by which the City of Avondale endeavors to provide a safe work place. This policy covers only those situations in which an employee is having difficulty performing his/her work duties in a manner that is safe for the employee and/or for his or her co-workers, or posing a safety threat to self or others. This policy prescribes the circumstances under which an employee may be referred for a fitness for duty evaluation.

**Definitions:**

- "Employee"- Any employee who is full time, part time or temporary status employed with the City of Avondale.
- "Fitness For Duty"- The employee is physically and mentally capable of safely performing the essential functions of his/her job.

**Procedures:**

The City of Avondale is committed to providing a safe workplace for all employees. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to the City, or to the public.

- All employees are expected to be physically and mentally fit to perform their jobs in a safe manner at all times. If an employee is not able to perform his or her job function or is taking any medication that might affect his or her ability to do their job, the employee shall notify Human Resources immediately.

- If a supervisor or manager believes the employee is not fit for duty the supervisor or manager shall notify Human Resources immediately. Alternatives may be; the employee may be sent home, relieved of certain duties, assigned to different duties, assigned to light duty, requested to take a medical examination or assessment, or be evaluated by physicians or other health care practitioners designated by the City of Avondale, as necessary to determine ongoing fitness for duty.
- Individuals undergoing Fit for Duty evaluation shall be assigned a contact within Human Resources to facilitate the process. Within this process compensation and benefits will be discussed on an individual basis.
- Any employee who refuses to cooperate with a determination of whether he or she is fit for duty may be subject to disciplinary action, up to and including termination.
- The City of Avondale reserves the right to require a fitness for duty after an employee is released from an industrial leave.
- Impacted employees may be eligible for benefits. Contact Human Resources to discuss your options. You may not return from a fit for duty assessment or medical examination until a determination is made that you may return to work.
- The City of Avondale utilizes a 3<sup>rd</sup> Party independent medical provider to communicate with the employee's medical provider and assist in assessing the employee's fitness for duty as applicable. Employees may be requested to sign authorization forms to release medical records and/or information.
- This policy will be interpreted and applied so as to conform to applicable law, including the Americans with Disabilities Act (ADA) and the Family Medical Leave Act (FMLA) and any other protected status.

### **Confidentiality**

Any records or information obtained by a Fit for Duty process that reflect diagnosis, evaluation, or treatment of an employee's medical or mental health condition are confidential and shall be maintained by the Human Resources Department in a separate file. All protected health information will be protected under Health Insurance Portability and Accountability Act of 1996 (HIPAA). Human Resources comply with Federal Retention Guidelines.



**Date:** September 21, 2010  
**To:** All Employees  
**From:** Charlie McClendon, City Manager *Charlie P. McClendon*  
**Re:** **Goodyear Farms Cemetery Rules & Regulations- AP-49**

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I. Purpose.

These rules and regulations (the “Rules”) are designed to preserve the Goodyear Farms Cemetery (the “Cemetery”) and protect the rights of interment conferred upon those certain people whose defined affiliation or qualifying employment with the historic Goodyear Farms supported the livelihood of the community in its earliest stages. These rules and regulations are hereby adopted as the rules and regulations of the City of Avondale (the “City”). All those who may be entitled to interment in the Cemetery, visitors and contractors performing work within the Goodyear Farms Cemetery shall be subject to these Rules, which may be amended from time to time in the sole discretion of the City Manager or authorized designee.

II. Definitions.

- A. “Qualified Person” means the person who has been determined to have meet qualification criteria for interment at the Goodyear Farms Cemetery.
- B. “Casket” means a commercially made container in which a body is buried, or equivalent constructed of wood, board or other commercially approved burial material.
- C. “Urn” means a commercially made container in which the cremated remains of a body are placed.
- D. “City” means the City of Avondale and its successors and assigns.
- E. “Contractor” shall mean any person, firm or corporation or anyone engaged in placing, erecting or repairing any memorial, or performing any work in the Goodyear Farms Cemetery, other than an employee of the City.
- F. “Interment” shall mean entombment or burial of the remains of a deceased natural person.

- G. “Memorial” or “Headstone” or “Monument” shall mean any durable marker or structure placed upon a lot for the purpose of identification or in memory of the interred.
- H. “Director” shall refer to the City Manager or authorized designee.
- I. “Avondale Historic Goodyear Farms Cemetery” or the “Cemetery” shall mean the area set aside, dedicated and platted for the interment of the human dead located near the intersection of Thomas Road and Santa Fe Trail in the City.

III. Preparation and Filing of the Plot Map.

There shall be prepared a Plot Map of the cemetery, showing the burial plots contained therein and a numerical list identifying the plots contained within the cemetery, which shall be kept on file in the office of the City Clerk at all times.

IV. Supervision of Cemetery.

- A. The City reserves the right to compel all persons coming into the cemetery to obey all rules and regulations established herein or under the Avondale City Code.
- B. Public vehicles shall drive on designated areas only.
- C. The City may, in its sole discretion, enlarge, reduce, replat or change the boundaries or grading of the cemetery or a section or sections thereof, including the right to modify or change the locations of, or any part thereof, or remove or regrade roads, drives and walks.
- D. The City may, in its sole discretion, lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, and other similar maintenance infrastructure. The City reserves to itself a perpetual right of ingress and egress over lots for the purpose of passage to and from lots and for preparing for interment, or for anything necessary, incidental or convenient thereto.

V. Interment.

- A. Interment. Burial on the Cemetery Property shall be limited to deceased persons who qualify under at least one of the following conditions (each, a “Qualified Person”):
  - 1. At time of death, the deceased person was an employee of Goodyear Farms and had been an active employee for at least five consecutive years prior to death.

2. The deceased person was retired and had been an active employee of Goodyear Farms for at least five consecutive years prior to retirement.
  3. The person at time of death was the lawful spouse of an employee of Goodyear Farms who qualifies for burial under subsections (1) or (2) above.
  4. The deceased person was the widow or widower of a former employee of Goodyear Farms who either is buried in the cemetery, or would have been eligible for interment under subsections (1) or (2) above. A child is defined as a person under the age of 18 years.
  5. The deceased person at time of death was an unmarried-dependent child of a person who qualifies for interment under subsections (1) or (2) above, or is an unmarried child of a person already buried in the cemetery, or is the unmarried dependent child of a widow or widower who qualifies to be buried in the cemetery.
- B. Approval from Burial Rights Committee. The Avondale City Manager shall form a Burial Rights Committee comprised of five members whom the City Manager deems, in his sole discretion, are appropriately qualified to make eligibility determinations. The Committee shall consist of two staff members and up to three former Goodyear Farms employees. The City Manager, in his sole discretion, may increase or decrease the number of members on the Committee at any time. Any person seeking burial of a Qualified Person upon the Cemetery Property must first obtain approval from the Burial Rights Committee as a prerequisite to burial on the Cemetery Property.
- C. Certificate of Right of Interment. The City Clerk will issue a Certificate of Interment upon determination of qualification by the Burial Rights Committee.
- D. Obligations of the City of Avondale.
1. Provide the burial site, and the actual site location will be approved exclusively by the City's Burial Rights Committee.
  2. Procurement of any services necessary to open, close and compact the gravesite, and to lower the casket.
- E. Obligations of Family of Qualified Person. The qualified person's family shall be solely responsible for the costs of interment of the Qualified Person and any ceremonial rites related thereto. Those responsibilities include, but are not limited to:

3. Costs associated with the opening and closing of the burial site as determined by the City.
4. Any and all costs associated with the burial.
5. Cost and procurement of a headstone and maintenance of any headstone or adornment to the burial site.
6. Ongoing maintenance of the gravesite.

VI. Memorial, Monuments, headstones and other decorations.

- A. Only one (1) Memorial will be allowed on each grave.
- B. Memorials may only be installed by those contractors whom the City deems, in its sole discretion, to be qualified by knowledge, skill, or experience to install Memorials.
- C. Decorations other than Memorials, Monuments or Headstones shall be subject to the following restrictions:
  1. The City reserves the right, in its sole discretion, to remove any decorations from the Cemetery when deemed unsightly, weathered or otherwise dangerous or when necessary for proper maintenance of the cemetery.
  2. No boxes, toys, shells, glassware, statues, sprinkling cans, ornaments, dangerous or unsightly receptacles or similar articles will be permitted on any grave, lot or tree. No wooden or cast-iron bench or chair, or any wooden or wire trellis, shall be permitted to be in or brought upon the grounds except as authorized by the City for funeral services. No brick, fences, rocks, glass, or concrete (except as used to set Memorials) are permitted.
  3. No more than two (2) floral arrangements, whether fresh, plastic or silk, may be placed near any Headstone in memory of the interred. Such floral arrangements may only be placed in wooden or plastic containers. No glass or tin holders shall be permitted nor statues of any kind. The City may, in its sole discretion, temporarily waive the limitation in this subsection for purposes of any funeral service. Floral arrangements associated with a funeral service may be removed by the City three (3) days after any funeral service.
  4. The City is not responsible for the loss or damage to any Memorials, Monuments, Headstones or other decorations placed on in the Cemetery.

5. No vegetation of any kind shall be planted on graves or any part of the Cemetery unless by consent of the Director.
- D. If any tree, shrub or plant standing upon any lot, by reason of its roots, branches, or otherwise, shall be or become detrimental to adjacent lots or avenues, or if for any other reason its removal shall be necessary, the Director shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the conditions.
- E. No person, unless authorized by the Director, shall remove from any part of the cemetery any plant or flower, either wild or cultivated, or otherwise disturb any landscaping within the Cemetery.

VII. Funeral Regulations.

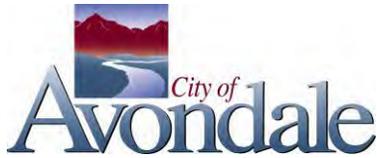
- A. All funerals, transport and disposition of human remains shall be conducted in accordance with ARIZ.REV.STAT. Title 36.
- B. A burial permit signed by the proper authorities is required before interments can be made.
- C. After entering the gates, funerals shall be subject to the direction of the authorized employees of the City.
- D. All graves shall be opened and closed and all Caskets lowered by City authorized personnel only. For the safety of the general public, no one from the general public will be allowed to help fill or close the grave.
- E. Any personal items to be interred with the deceased must be placed within the Casket and the Casket must be closed prior to entering the cemetery grounds. Caskets shall remain closed after entering the cemetery grounds.
- F. Interment of cremated remains may be made only in Urns or other approved containers made of concrete, plastic or metal. Cremated remains may not be scattered upon the Cemetery grounds.
- G. Arrangements for an interment must be completed forty-eight (48) hours prior to the scheduled interment. Interments may only be held Monday through Friday before 12:00 noon.
- H. When a removal is to be made from a single grave or gravesite to another grave or gravesite, the formerly occupied single grave space and all rights therein revert to the City.
- I. The burial of two (2) bodies in one (1) grave will not be permitted unless authorized by the City.
- J. All standard grave sites will be five (5) feet by ten (10) feet.

- K. If a liner or vault is used, it must be constructed of polyurethane or concrete only.
- L. Funeral services held within the Cemetery shall not exceed one (1) hour.
- M. The closing of the grave will take place only after all persons attending the funeral have left the cemetery or are at least one hundred (100) feet away from the grave site.
- N. The minimum acceptable container for burial of the remains of a deceased person shall be a Casket as defined above, except for the interment of cremated remains in an Urn or other approved container.

VIII. General Regulations.

- A. No pets shall be permitted in the cemetery, except for seeing-eye dogs.
- B. Consumption of food or intoxicating liquors within the cemetery is prohibited.
- C. No boxes, toys, shells, discarded glassware, sprinkling cans, receptacles or similar articles will be permitted on any grave, lot or tree.
- D. The City is not responsible for the loss or damage to anything placed on graves or lots.
- E. Disinterment of a body will not be made without proper authority in accordance with the laws of the State of Arizona. All permits must be presented to Cemetery officials prior to disinterment so that proper arrangements can be made. All applicable forms shall remain on file in the office of the City Clerk. The disinterment shall be performed by City authorized personnel only and shall be at the sole expense of the deceased's family.
- F. No wooden or cast-iron bench or chair, or any wooden or wire trellis, shall be permitted to be in or brought upon the grounds except as authorized by the City for funeral services.
- G. No person shall be permitted to enter or leave the Cemetery except by the public gates, which will be open during such hours as are specified by the Director.
- H. Any person found on the grounds after the gates are closed shall be considered to be a trespasser.
- I. City notification is required for gatherings larger than ten people.

- J. Peddling or soliciting the sale of any commodity within the Cemetery is prohibited.
- K. No placing of signs, notices or advertisement of any kind within the Cemetery.
- L. No firearms are allowed in the cemetery except by a military escort accompanying a veteran's funeral or attending a memorial service. Law enforcement authorities and active military personnel shall be the only persons allowed to possess weapons on Cemetery property.
- M. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
- N. No person may break or injure any tree or shrub; or mar any landmark, marker or memorial; or in any way deface the grounds of the cemetery.
- O. No money shall be paid to the City employees at the entrance or on the grounds.
- P. The Director may, and it hereby expressly reserves the right upon recommendation of the Director, at any time, to adopt new rules and regulations, or to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these regulations.
- Q. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Director, therefore, reserves the right, without notice, to waive any of these regulations as are reasonable in the Director's sole discretion.



**Date:** March 14, 2011  
**To:** All Employees  
**From:** Charlie McClendon, City Manager  
**Re:** Grant Policy- AP-50

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## INTRODUCTION

The purpose of this manual is to establish uniform policies and procedures throughout the City of Avondale when applying for, accepting, and administrating, competitive federal, state, county, private foundation, corporate grants, sponsorships and donations. This document describes the Grants Administration Matching Funds and identifies the roles and responsibilities of the Grants Administrator, Department Heads, Risk Management, Information Technology, Finance and Budget Department, and the Grants Project Manager. This document is intended to be utilized in combination with the Finance and Budget Department Accounting Manual policy for administering grants.

While this manual identifies certain departments and employees that are routinely involved in the administration of grants, this manual applies to all department employees who are programmatically or fiscally responsible for developing, implementing, administering, and reporting federal and other grant activity. It is essential for all city departments and employees to adhere to the applicable provisions of federal, state, and local laws, regulations, contracts, and grant agreements, as well as the grant policies and procedures outlined in this manual, while administering grant funded programs. It is essential for several reasons. First, noncompliance may result in city sanctions and liabilities. Second, incorrect or irreconcilable financial activity and account balances recorded in the City's financial management system may adversely affect the integrity of City financial reports and financial information reported to the grantor and the public. Third, it is necessary to help ensure that the City is receiving the greatest possible economic benefit from the programs it administers.

This document is broken up into four sections. Section one outlines the City's purpose for submitting grants and the City's overall fiduciary and administrative responsibilities including matching funds. Section two highlights the roles and responsibilities for each individual involved in administering grants. The third section is identified as the appendix and contains a glossary and a comprehensive list of resources. The fourth and final section provides graphs and charts showing the City's grant activities.

Due to the complexity of grants other documents should be used in tandem with this one. In most instances the resources are readily available through the Avondale Intranet under Grants. In other instances the grantor may provide specific guidance, and in rare occasions you will need to consult with the Grants Administrator and/or the Finance and Budget Department to research particular information.

The Grant Administrator holds one to two grants trainings each year. Grants trainings related to compliance and process are mandatory for all individuals that intend to submit and/or manage grants. Grants trainings associated with writing and monitoring are optional but highly recommended.

*For additional information please call Janeen K. Gaskins, Grants Administrator at 623.333.1025 or via email at [jgaskins@avondale.org](mailto:jgaskins@avondale.org)*

## SECTION ONE

**I. Purpose for submitting grants**

A grant is a contribution of a gift of cash or other assets to be used or expended for a specific purpose, activity, project or facility. Grant agreements usually specify the maximum amount of funding, the scope of work to be done, the grant period (e.g. single or multi-year), and any special conditions applicable to the program. The City's purpose for the use of federal, state, county, private foundation and/or corporate grants (sponsorships and donations) are to maximize external financial resources while protecting the integrity of the City's operation budget and long-term financial conditions. Therefore, all city employees will only apply for grants that further City Council's goals and objectives, and support projects and programs that are consistent with the mission and priorities of the City and its departments. To ensure that this occurs, all departments are required to submit a Grant Priority form along with the fiscal budget (Attachment B).

This process will take place during the city budget process. Department Heads are also responsible for approving all grants prior to submission to the Grants Administrator for City Manager's signature or electronic submission to the funding agency.

**II. Fiduciary Responsibilities**

When any employee of the City of Avondale applies for, accepts and administers a grant, city management assumes the responsibility for administering the grant and the financial assistance in accordance with the provisions of all applicable laws, regulations, contracts and grant agreements. In order to ensure that the City fulfills its fiduciary and administrative responsibility, the city management has established a system of internal control designed to provide reasonable assurances regarding the achievement of citywide and program level objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of financial and programmatic reporting;
3. City compliance with applicable laws, regulations contracts, grant agreements, and other compliance requirements;
4. Transactions are properly accounted for and recorded;
5. Transactions are executed in compliance with all laws, regulations and provisions of contracts and grant agreements that could have a material effect on federal and other programs; and,
6. Funds, property and other assets are safeguarded against loss from unauthorized use or disposition.

Financial assistance regardless of its source may include grants (e.g., categorical, block, partnership), contracts, cooperative agreements, entitlements, shared revenue, loans, loan guarantees, property, interest subsidies, insurance, donations and direct appropriation.

To enhance cash management practices, it is the City's preference to receive funding on a cost reimbursement basis unless specifically prohibited by the grantor. This minimizes the City's responsibility with respect to monitoring and administering interest earnings from grants.

All requests for reimbursement shall be coordinated with the Finance and Budget Department. The City's preferred method of reimbursement is electronic funds transfers (EFT). However if EFT is not available, reimbursement checks shall be made payable to the City of Avondale and mailed to:

*City of Avondale*  
*c/o Grants Administrator*  
*11465 West Civic Center Drive*  
*Avondale, Arizona 85323-6806*

In order to minimize foregone interest and to improve the City's cash flow, the Grants Administrator, Grant Project Managers and/or Finance and Budget Department shall draw down grant funding at least monthly. The Finance and Budget Department shall review grant revenues and expenditures at least quarterly to verify that draw downs are performed timely.

**A. Authority and Sources of Guidance**

This manual supplements the City's Grant Management Policy outlined in the Department of Finance and Budget Accounting Manual, which serves as the general framework for departments to follow when applying for grants, negotiating the terms and conditions of the agreement, and administering the grants. The policy is intended to provide consistent guidelines for grant administration to ensure optimum financial and administrative arrangements for the City.

In addition, the following is a list of federal circulars and publications that provide grant management guidance. Each of these publications is available on the internet and a brief description of the guidance can be found in the Appendixes of this document.

1. Single Audit Act of 1984 and Amendments of 1996
2. Federal OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments
3. Federal OMB Circular A-122, Cost Principles for non-profit Organizations
4. Federal OMB Circular A 102, Grants and Cooperative Agreements with State and Local Governments (Common Rule)
5. Federal OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institution of Higher Education, Hospitals, and other Non-profit Organizations
6. Federal OMB Circular A-133, Audits of States, Local Governments, and Organizations
7. Federal OMB Circular A-133, Compliance Supplement
8. Catalog of Federal Domestic Assistance (CFDA)
9. Code of Federal Regulations (CFR)

**B. Matching Funds**

The City Council established a Grant Administration Matching Fund to provide matching funds for unanticipated grant application opportunities. Requests for matching funds should be sent to the Grant Administrator for approval as soon as the decision to apply is made and the matching estimate is known. The project may be ineligible for Grant Matching Funds especially when the appropriate approvals are not completed and/or the request for funding is not accepted by the Grant Administrator.

The Matching Fund is both limited in amount and restricted from use in specific circumstances. Grant Matching Funds can only be used for single-year grants or the first year of multiple-year grant projects. Funds from the Grant Administration Matching Fund may be used to cover the cost of preparing an application or to overmatch in special circumstances. However, these funds cannot be used to cover grant project cost overruns, unbudgeted or inadequately budgeted items without the written consent of the Grants

Administrator. Unexpended Grant Match Funds are returned to the General Fund at the end of each fiscal year.

If the grant project is assigned to a grants fund for Finance Department tracking purposes, matching funds required for future years on an annually renewable grant (e.g. COPS Universal Hiring) must be estimated and budgeted by the initiating department during the annual budgeting process. For example, there are federal, state, and county grant programs that typically issue requests for proposals every year. The need for matching funds for these predictable opportunities must be estimated and budgeted by the department.

In some cases future grant opportunities can be predicted because enabling legislation has been passed. COP, CDBG, HOME, FTA, LTAF and Homeland Security are examples of enabling legislation that preceded the implementation of these grant programs. Whenever possible, departments should plan for these types of opportunities to ensure that budget appropriation authority is adequate and potential matching funds are addressed during the annual budgeting process.

If the department submits a supplemental request for matching funds for the above types of grant opportunities, the department should notify the Grant Administrator for assistance. If the request is approved, budget authorization for the supplemental amount will be placed in the Grant Administration Matching Fund and will be designated for the respective departments. After the grant is awarded, the department can request the transfer of the funds into the applicable grant fund account.

### **III. Administrative Responsibilities**

Grant funding should be considered primarily for one-time or time-limited projects such as capital improvements, or program enhancements that do not have a long-term effect on the ongoing operating budget. Grants may also be appropriate start-up funding mechanisms for priority projects already identified in a department's Grant Priority Form. Grants should not be used as the primary financing mechanism to create new ongoing programs or services or to add unbudgeted positions, without the City Manager's approval.

Any grant application that requires the guaranteed continuation of grant-funded positions or graduated match resulting in full financial responsibility subsequent to termination of the grant, or that directly increases the City's ongoing operating cost, must be reviewed by the Grant Administrator and the Finance Department. If for some reason the grant is not recommended for internal approval, a meeting with upper management, including management representation from the department that did not recommend approval of the grant, shall be established to determine the overall merits of the grant application. The City Manager shall have the final say on controversial grant activities. In some instances the City Manager may require a City Council Work Session to determine the outcome of a grant application submittal. If this is the case, the department may apply for the grant so that they do not miss any crucial deadlines. However, the department must withdraw the grant if the internal decision is not to submit the grant.

The City may cosponsor, serve as fiscal agent, or join with multiple sponsored community-based consortia or other jurisdictions when clear public benefit to city residents can be demonstrated. The City shall not act solely as fiscal agent for nonprofit entities without consultation with the Finance and Budget Department and specific direction and approval from the City Manager and/or City Attorney.

**A. Developing Appropriate Grant Projects:**

Grant writing and grant management takes a considerable investment of time and resources. When considering whether to apply for a particular grant, the initiating department must consider the following questions:

- a. Will the grant help the City attain an objective and secure infrastructure investments that fit into the City's or the department's priorities?
- b. Is the grant-supported service a high priority for the City Council, the department or the public as evidenced by planning documents, inclusion in the CIP, local resources commitment, or other documentation that identifies the need and service levels ?
- c. Can other community agencies be identified that provide or could provide the same or similar services, and articulate why the City is a more efficient and cost-effective provider?
- d. Can this grant obtain sufficient budget appropriations and, if matching funds are required, will that match come from the department's operating budget, authorized capital improvement project funding, or another budget source?
- e. If administrative and indirect cost, as well as department resources (Finance and Budget, Risk Management, etc.) are involved, have these departments been consulted and are the costs eligible for grant reimbursement?
- f. What is the likely funding source for continuing the project/program or services, or is there a plan for terminating the grant-supported activities?
- g. Is the benefit derived from the grant sufficient to justify the cost involved in administering the grant, or will the grant leverage other funding sources and/or foster more creative public-private partnership arrangements?
- h. Is this item from a sole source vendor or can other companies supply a competitive price?
- i. Does the program have special property, liability, or other insurance requirements? If so, has the incremental cost of such requirements been factored into the overall cost-benefit analysis?
- j. Can the program be housed within existing space? If not, are requirements for additional or renovated space and equipment consistent with the City's plans and available funding?
- k. Will the program require additional staff? If so, is the staffing increase in conformity with the City's plans, budget, and available monies?
- l. Is the proposed program budget sufficiently detailed (i.e., have all the direct and indirect costs such as salaries, ere, supplies and materials, equipment, travel, computers, consultants, allocated administrative and internal service costs been identified and accounted for)?
- m. If the grant is a donation, is it coming from an agency that has already donated to another city? If so, should you wait to request a donation or should you allow another department to apply from this source?

*Please see the Grant Check List for more details*

**B. Grant Application Process**

The City of Avondale has developed a Grants Management System that helps track grants and ensures that programs are managed and meeting program compliance. The grant application process is broken down into 14 steps that require the involvement of various staff members. A more details process outline can be found in the Grant

Management System Manual located on the intranet under grants. The following outline is a general outline of the process.

1. **Finding Grant Opportunities:** The Grant Administrator seeks grant opportunities for the City on a daily basis. This is done through various search engines that the City subscribes to. City staff also has access to grant opportunities as they often become available in their specific line of work.
2. **Logging the Grant:** Once an opportunity has been found the Grant Administrator logs the grant into the GMS database. The database automatically generates a grant number for the grant of interest.
3. **Invitation to Pursue Grants:** Once a grant is logged, the Grants Administrator has the capability of sending out an invitation to pursue the grant to various staff members.
4. **Request to Pursue:** After the invitation has been sent, the potential Grant Project Managers review the grant to determine if it could meet their needs. At this point they should refer to the Grant Priority Form for their department and review the Developing Appropriate Grant Projects Questionnaire and the Grant Check List. If they believe that the grant is a match to a program they should click on pursue button and be prepared to answer several questions that will help other internal staff assess their request.
5. **Filling in the Form to Pursue a Grant:** The person pursuing the grant automatically becomes the Grant Project Manager. The Grant Project Manager fills in information pertaining to the project's ability to meet City Council goals, their ability to meet all maintenance and reporting requirement and their ability to comply with financial obligations.
6. **Internal Approvals:** Once the form is submitted, it is automatically routed to the Grant Project Manager's supervisor. If the supervisor deems the grant worthy, the supervisor will approve it and it will then be routed to Finance, Budget, Risk Management, Information Technology and any other necessary departments for internal approval.
7. **Writing the Grant:** The Grant Project Manager should always attempt to fill out the grant application first. They are the experts on the topic and should provide as much information as they can about the project for which they are seeking funding.
8. **Grant Administrator Review:** The Grant Administrator will review the first draft of the grant application and will make suggestions, provide demographic information, ensure that the application is filled out correctly, check for grammar, and send it back to the Grant Project Manager for updates. This cycle will continue until the grant language is agreed upon. The Grant Administrator will obtain the City Manager or Mayor's signature on the cover letter before submitting the grant application when necessary.
9. **City Council Approval:** Some grants require a resolution from City Council. The Grant Administrator generates a Council Report and request updates and approval from the Grant Project Manager. The Grant Administrator takes the item to the next available City Council Meeting. City Council's approval is also necessary for all grants that require a contractual agreement.. The Grant Administrator also ensures that all awarded grant contracts, regardless of the amount, are approved by the City Attorney. Please be aware that these Council Reports only approve the submission and approval of a grant. The Grant Project Manager must follow all other procurement and grant contract requirements. This includes a staff report for bids on grant funded equipment and carrying funding and appropriations to the next fiscal year when necessary.

10. **Packaging the Grant:** The Grant Administrator will package grant applications so that they represent the City in a positive manner. This includes, but is not limited to, color copies, binding, cover letters, support letters, maps and pictures.
11. **Grant Approval Notification:** The Grant Administrator shall be informed about all awarded and denied grants by anyone that received the reward notification. Once a letter for approval has been received the Grant Administrator and/or the Grant Project Manager will upload all of the necessary documents into the GMS system.
12. **Implementation of the Grant:** It is the responsibility of the Grant Project Manager to implement the grant in accordance with the contract and all applicable laws and regulations. During this process the Grant Project Manager should work with the Grants Administrator, Finance, and most importantly the granting agency. The Grant Administrator will send reminders about major compliance requirements but will not be responsible for ensuring that all compliance items are met. The Grant Project Manager should be aware of federal laws and regulations as they relate to their grant project.
13. **Reporting Documents:** All reports are to be completed by the Project Manger on time and in conjunction with the Grants Administrator and Finance when necessary. Copies of reports shall be uploaded in GMS by the Grants Administrator and/or the Grant Project Manager.
14. **Closing the Grant:** Grants will only be closed when a letter of completion of compliance has been obtained from the grantor. All grant activity should remain open until the funding has been fully spent down. Grant Project Managers should not close any grants without the written consent from the Grants Administrator and/or the Finance and Budget Department. This will help safeguard against any programmatic and/or financial discrepancies. Once the grant is closed the Grant Administrator will send a hardcopy of all the grant activity to the City Clerk's Office to be filed until the date at which the records can be terminated.

## SECTION TWO

### I. Grant Policies

In an effort to ensure that all grants are administered in consistent manner, grant policies have been designed in conjunction with the role of each staff member that is involved with the grant projects. This section of the document outlines the roles of the persons involved in a grant and it calls out specific policy requirements to assist them in managing the grant activity.

#### A. City Attorney

1. The City Attorney shall approval all contracts, grant agreements, memorandums of understanding, intergovernmental agreements and any other binding documents prior to signature from the City Manager or Mayor.

#### B. City Clerk's Office

1. The City Clerk's Office shall maintain all hardcopies of grant activities.
2. The City Clerk's Office shall properly dispose of grant information when the grant retention period has expired.

#### C. Department Director/Head

1. Department Directors are responsible for submitting a Grant Priority Form with their budget request each year. The form shall outline all of the programs and projects that they would like to pursue during the fiscal year and they shall not approve any grant requests that are not on their form unless they have the City Manager's approval to do so.

2. Directors should refer to the Developing Appropriate Grant and the Grant Project Checklist before approving a grant.
3. Department Directors are responsible for reviewing and approving grant requests that come from their department staff members. This includes, but is not limited to, the grant requirements, implementation commitments, and reporting requirements. Directors should not approve any grants that they do not have the financial and personnel resources to successfully administer.
4. Department Directors shall approve or deny a grant request within three business days. If the Director is not available to approve a grant they should assign an alternate staff person or their supervisor to conduct this duty.
5. Department Directors are the only staff members that have the authority to override the internal denial of an application. The Director, Grant Administrator, and the other approving entity shall attempt to work out any issues with all submittals that have not been internally approved. If for some reason a compromise cannot be reached, the Director must take their concerns to the City Manager and, on rare occasions, to the City Council for approval of a grant application approval to submit or accept grant funds.
6. Department Directors are responsible for reassigning Grant Project Managers to grants. This is necessary when an employee leaves their position. The grant must be transferred to another city staff member. The transition of the Grant Project Manager should be conducted through written correspondence that includes the Grants Administrator and the Finance and Budget Department.
7. Department Directors will work with the Grants Administrator and the Finance and Budget Department when there are issues with the Grant Project Manager's inability to successfully implement grant activities.

**D. Grant Administrator**

1. The Grant Administrator shall keep the GMS database up to date with new grants that become available to the City. This shall be done through the review of various grant search engines and staff reports.
2. The Grant Administrator shall increase the City's internal capacity to compete for grants by providing training and mentoring opportunities for city staff interested in learning how to develop successful grant applications. The Grant Administrator shall conduct at least one grant training per fiscal year.
3. The Grant Administrator shall provide support and technical assistance in writing and editing grants.
4. The Grant Administrator shall assist departments with the grant application which includes writing, editing, packaging, submitting, reviewing, support letters, appropriate signatures and approval process including help with writing council communications and resolutions executing and distributing contracts and setting up grant accounts when requested.
  - a. City Council reports should include language authorizing submission of the grant, approval of the matching funds, and authorization to accept and implement the grant if awarded.
5. The Grant Administrator shall assist with grant account funds activities in conjunction with the Finance and Budget Department. This may include tracking down grantor information and/or ensuring eligible costs.
6. The Grants Administrator shall obtain and provide CFDA numbers for all grants upon award of grants. This may also be done through the GMS database prior to grant submittals.

7. The Grant Administrator shall notify the Grant Project Manager and the Finance Department when a grant has been awarded. This can be done through the GMS system using the activity log.
8. The Grant Administrator shall administer the citywide Grant Administration Matching Fund account.
9. The Grant Administrator shall act as Grant Project Manager during the application process and under special circumstance.
10. The Grant Administrator shall represent the City's grant interests, maintain ongoing relationships with external funders and stakeholders, and coordinate the City's activities with funders when several departments are applying to the same funding source.
11. The Grant Administrator shall keep the City Council and city management apprised of grant opportunities and grant application activities. This shall include tracking the status of grant activity with funding agencies.
12. The Grant Administrator shall assist Grant Project Managers to resolve program and contract issues and remain in compliance with the City and the grantor's programmatic and administrative rules and regulations. In the event that the Project Manager is non-responsive or continually unable to manager the grant the Grants Administrator will elevate the issue to the Project Managers supervisor.
13. The Grant Administrator shall hold meetings as needed with departments and individual Project Managers to ensure that grant activity is on track. All new grants will have a staff meeting to review contractual obligations with all effected departments and divisions invited to attend.
14. The Grant Administrator shall assist community groups and agencies in applying for grants that provide benefits to Avondale citizens and further City Council's goals and objectives.
15. If the Grant Administrator receives a check, the Administrator must hand-carry it to the Finance and Budget Department for deposit on the same business day. If the check cannot be transported in the same day, it must be safely locked up.
16. The Grant Administrator shall work with the Grant Project Manger and the Finance and Budget Department, as necessary, to submit programmatic and financial reports and claims to the grantor. The Grant Administrator will upload all completed grant reports and claims into the GMS database.
17. The Grants Administrator shall reward and recognize excellence in grantsmanship.
18. The Grant Administrator shall track city donations in a database system and notify departments when they request funding from the same entity.

**E. Grant Project Manager**

1. The Grant Project Manager shall attend at least one Grant Training Meeting and one Finance and Budget Department meeting prior to submitting a grant application. This will only need to be done one time even when applying for multiple grants.
2. Grant Project Managers should seek out grant opportunities in their line of work and notify the Grant Administrator about them.
3. The Grant Project Manager shall not request to apply for a grant until they have considered the merits of the project as it relates to the following forms:
  - i. Grant Project Profile
  - ii. Grant Management System Manual
  - iii. Developing Appropriate Grant Projects Checklist
  - iv. Reviewed the necessary OMB requirements related to their potential grant request
  - v. Reviewed the request for proposal thoroughly

4. The Grant Project Manager shall work with their supervisor and/or Department Head by having an informal conversation about the grant prior to submitting a request to pursue a grant.
5. Once the Grant Project Manager has determined that he/she will apply for a grant, he/she must use the GMS system to pursue the grant. The Grant Project Manager should be prepared to provide the following information when they are requesting to apply for a grant through the GMS database:
  - i. A project description that explains what the funding will be used for and how it will benefit the City. This will include a detailed budget by revenue and expenditure. The Grant Project Manager should work with the Finance and Budget Department and/or the Grants Administrator if they have any financial concerns.
  - ii. Anticipated project cost, any on-going or post-grant cost impact or revenues, and the source of matching funds.
  - iii. What council/department goals the grant supports?
  - iv. Identify if the grant will need to be supported by IT.
  - v. Identify if the grant requires equipment maintenance. If so, what type of equipment will be purchased?
  - vi. Identify if the grant requires additional insurance.
  - vii. Identify if other departments will be effected by the grant. If so, do you have the support of those departments?
  - viii. The tentative timeline for the project implementation.
  - ix. Is the application a partnership? If so, do you have a support letter/resolution that refers to their level of commitment?
6. The Grant Project Manager will log into the GMS database to request to pursue a grant and will fill in the GMS form as thoroughly as possible. INCOMPLETE FORMS WILL BE DENIED.
7. The Grant Project Manager will work with the Grants Administrator if a City Council Report is necessary for the submittal/approval of the grant. City Council reports are necessary when a grantor requires it and when a grant award that requires a contractual agreement.
8. The Grant Project Manager shall contact the Information Technology Department Head for approval to submit any grants that will involve computer equipment and/or server space. The Grant Project Manager shall meet with IT to ensure that the budget allocations are appropriate and that computer technology is compatible. This can be done through the GMS database while pursuing the grant. The Grant Project Manager shall put detailed information in the form so that the IT Director can make an informed decision. Upon the receipt of the computer equipment, the Grant Project Manager shall follow up with IT to ensure that they are aware of any programmatic requirements associated with the grant. The following is a list of questions that the Grant Project Manager should be prepared to answer in their description:
  - i. Will any technology equipment be purchased with the grant?
  - ii. If so, what type of equipment?
  - iii. What is the life expectancy of the equipment?
  - iv. How do you intend to pay for the replacement and repairs associated with the equipment?
9. The Grant Project Manager shall contact Risk Management for approval to submit grant applications that involve and/or require equipment training. This can be done through the GMS database. The following is a list of questions that the Grant Project Manager should be prepared to answer in their description:
  - i. Will you be purchasing any equipment that requires training?

- ii. If so, what type of equipment?
  - iii. If so, what type of training is necessary?
  - iv. Will the equipment or the City need additional insurance to fulfill the grant requirements and obligations?
  - v. If so, forward a copy of those requirements to Risk Management
  - vi. Have you allocated training cost into your grant?
  - vii. Will ongoing trainings be necessary?
  - viii. If so, who will provide the trainings?
10. The Grant Project Manager will contact any other department heads that may be affected by the grant submittals. Examples include Field Operations for a grant that will require sanitation, additional fleet, street closures, etc.
  11. The Grant Project Managers shall upload all documents associated with the grant into the GMS database or to the Grants Administrator so that it may be uploaded.
  12. The Grant Project Manager shall notify the Grant Administrator and the Finance and Budget Department about any grant awards.
  13. The Grant Project Manager shall request revenue and expenditure budget costs for the grant award and anticipated expenditures from the City Accountants and/or the City Controller to ensure that the financial obligations of the grants are being accurately administered. The Grant Project Managers shall not rely solely on the EDEN system.
  14. The Grant Project Manager is responsible for providing annual revenue and expenditure projections to the Finance and Budget Department to ensure that such projections are integrated into the City's formal, annual budget process. Such projections must be submitted within the required budget process timelines.
  15. If the Grant Project Manager receives a check, the Administrator must hand-carry it to the Finance and Budget Department on the same business day. If the check cannot be transported in the same day it must be safely locked up.
  16. All purchases with grant funding must be in accordance with the City's Procurement Manual which includes purchases using the City's Procurement Card.
  17. All purchases shall also be in accordance with the grant agreement. If any questions regarding purchasing arise, the Grant Project Manager shall contact the Procurement Division and/or the Grant Administrator to clarify the proper procedure.
  18. The Grant Project Manager is responsible for ensuring that in-kind match is documented and that grant documentation is retained with other grant-related records for the time period specified in the City's record retention schedules or the grant contract, whichever is greater. Program income including revenue and earned interest, as well as in-kind match must be handled according to grant guidelines and OMB Circulars A-87 and A-102.
  19. The Grant Project Manager shall not commingle grant funding even if there are multiple grants for the same project.
  20. The Grant Project Manager shall expend funds by the termination date noted on the contact agreement. Expenditures encumbered prior to the award date or after the termination date may not be eligible for reimbursement. An extension of the grant may be requested in the event that the programmatic goals have not been met or funding remains. The request for extension should be coordinated with the Grants Administrator.
  21. The Grant Project Manager shall be familiar with the programmatic and administrative requirements of the grant. They must also comply with these requirements including the cost principles and administrative guidelines. Many funders will provide this information in the application packet instruction and or the award documents.

22. The Grant Project Manager is responsible for reporting requirements. Submissions of programmatic and financial reports shall be accomplished in accordance with the guidelines specified in the grant contract or agreement. The Grant Project Manager is responsible for program implementation, management, evaluation, documentation and ensuring compliance with contract financial and narrative and reporting requirements. If a Project Manager is unable to meet grant requirements in a timely manner the Grant Administrator will report the issues to the Project Manager's supervisor.
23. The Grant Project Manager shall be responsible for providing financial information to the Finance and Budget Department if such information is not readily available in EDEN. This information must be provided as soon as possible and not less than one week prior to the reporting deadline.
24. The Grant Project Manager shall review with the Finance and Budget Department the grant financial report due dates as soon as possible after the grant/project has been awarded. The Grant Project Manager shall also notify the Finance and Budget Department of upcoming reporting deadlines at least one week prior to the due date(s). The Grant Project Manager is responsible for reviewing the financial reports that are prepared by the Finance and Budget Department. If there are any discrepancies in the report it should be brought to the attention of the Finance and Budget Department. Upon approval, the Grant Project Manager shall send a copy of the report to the Grants Administrator.
25. If the Grant Project Manager submits a financial or programmatic report, copies of that report shall be sent to the Grants Administrator and the Finance and Budget Department within one week.
26. The Grant Project Manager shall notify the Grants Administrator and the Finance and Budget Department about any scheduled audits or site visits as soon as the City or Grant Project Manager is notified of such audits and site visits. Under no circumstances shall the Grant Project Manager or the Grants Administrator not provide the Finance and Budget Department notice of a scheduled audits or site visits.
27. The Grant Project Manager shall work closely with the Grant Administrator and the Finance and Budget Department when closing out grants. Project closeout activities shall include completion of the final programmatic and financial reports, determination of obligated and unobligated cash balances, completion of necessary accounting entries, and all project files shall be combined and forwarded to the City Clerk's Office.
28. The Grant Project Manager shall not certify that a grant is closed without written consent from the Grant Administrator and the Finance and Budget Department.
29. The Grant Project Manager shall inventory equipment purchased for their area of control and submit inventory records to the Grants Administrator. Records for equipment, non-expendable personal property, and real property shall be retained for a period of three years from the date of the disposition or as indicated within the grant contract (whichever is longer).
30. The Grant Project Manager shall refer to the City's Policies and Procedures Manual when considering using grant funding to support a position. All grant funded positions shall be categorized as Limited Appointments (Chapter 4, page 8, paragraph H.).

**F. Finance and Budget Department**

1. The Finance and Budget Department shall use the itemized budget prepared by the Grant Project Manager to support EDEN general ledger account and budget set up for the grant
2. The Finance and Budget Department shall be available to assist with setting up detailed budget plans when necessary
3. The Finance and Budget Department shall work with the Grant Administrator and/or the Grant Project Manager to determine the budget and account code for the respective grants.
4. The Finance and Budget Departments Utility Billing Staff shall scan the check that they are not sure about and email a copy of the check to the City Accountants and/or the City Controller for verification of what account it should be place in.
5. The Finance and Budget Department will base all requested funds on the expenditures already incurred or amounts required for immediate disbursement.
6. The Finance and Budget Department shall maintain records of revenues requested and received by the City and reconcile the grant receivable accounts.
7. If the Finance and Budget Department receive a check from a grantor they shall notify the Grant Administrator and/or the Grant Project Manager within one week from receipt of the check.
8. The Finance and Budget Department will establish separate records for each project to avoid commingling of project funds.
9. The Finance and Budget Department shall be responsible for coordinating the financial reporting or all grants and preparing a majority of financial reports submitted to grantor agencies by the Grant Project Manager and/or the Grant Administrator.
10. The City's Controller shall schedule, monitor, and ensure timely completion of all required audits in conformity with guidelines required by the Single Audit Act as amended. If a Project Manager is unable to meet grant requirements in a timely manner the Grant Administrator will report the issues to the Project Manager's supervisor.
11. The Finance and Budget Department shall have primary oversight responsibility for stewardship of city capital assets. However, individual departments shall assist the Department in this regard. In addition, the individual departments shall be responsible for stewardship for all noncapital city assets that are determined to be high-risk-of-loss assets.
12. The Procurement Office will work with the Grant Project Manger and/or the Grants Administrator to ensure that procurement procedures have been properly followed.

**G. Information Technology Department**

1. The Information Technology Director or his/her designee shall approve a grant request within one week. This can be done through the GMS database
2. The Information Department shall provide updates to the GMS system at least every six months or more frequently, as needed, to ensure that the program is being maintained and updated as necessary
3. The Information Technology Department shall work with the Grant Project Manager when requesting computer and/or technology equipment.

**H. Human Resources Department**

1. The Human Resources Department shall assist the Grant Project Manager with grant funded positions. Please refer to the City's Policies and Procedures Manual Chapter 4, page 8 paragraphs H.
2. All grant funded positions will be defined as Limited Appointments.
3. Human Resources Department will update the City's Policies and Procedures to comply with federal grant requirements that are specific to entities that receive federal funding.

**I. Risk Management**

1. The Risk Management Division will approve or deny grant request within one week of the submittal date.
2. The Risk Management Department will work with the Grant Project Manager to ensure that all insurance requests are appropriate for the City.
3. The Risk Management Division will work with the Grant Project Manager to determine appropriate training for equipment purchases.

**J. Other Affected Departments**

1. Other departments will make themselves available to consult with the department seeking grant funding. This will be coordinated by the Grant Administrator when necessary.

## SECTION THREE

**I Glossary:**

**Accounts Payable Checking Process:** An Accounts Payable edit post list is generated and given to the Accounting Manager, along with supporting documentation for review and approval prior to check processing. Accounts Payable processes vendor payments and prepares checks for signature. The general ledger is automatically updated by the Accounts Payable Module of the general ledger accounting system at the time of entry. Accounts Payable checks are signed electronically Accounts Payable sends the checks to the vendor. The record copy of each purchase order is maintained in Accounts Payable.

**Advanced Funding:** A funding technique, where program monies are received in advance of expenditures. Common forms of advance funding include checks and electronic fund transfers.

**Auditee:** Any nonfederal entity that expends federal awards which must be audited under the Single Audit Act, as amended.

**Auditor:** A public accountant or a federal, state, or local government audit organization, which meets the general standards specified in generally accepted government auditing standards (GAGAS).

**Audit Finding:** Deficiencies which the auditor is required to report in the schedule of findings and questioned costs.

**Block Grant:** Grants which combine funding for a broad purpose such as community development or energy efficiency. Community Development Block Grants is one of the most famous block grants.

**Categorical Grants:** Grants awarded for a specific, limited purpose such as a library grant or a construction grant.

**Catalog of Federal Domestic Assistance (CFDA) Number:** The number assigned to a federal program in the CFDA. If a grant award includes federal funds, then the CFDA number for those funds must be determined for proper disclosure on the Federal Schedule of Expenditures of a federal award. Visit: <http://12.46.245.173/cfda/cfda.html>

**City Council Action:** The process by which City Council members review projects to determine if they will approve or deny the City's involvement. All grants that require a resolution (as noted in the application/approval package) shall go to City Council. All grants that are approved in excess of \$50,000 are also required to have City Council action.

**Commingling of Funds:** The City is prohibited from commingling its funds with grant/project awards of federal or other agencies. Each award must be accounted for separately. The City is also prohibited from commingling funds on either a program-by-program basis or a project-by-project basis. Funds specifically budgeted and/or received for one program or project may not be used to support another. The City's financial management system and supporting records must demonstrate that such funds were not commingled.

**Competitive Bidding Proposal:** Purchases of \$50,000 or more when departmental personnel write a scope of work and/or specifications and provide to the Purchasing Officer for preparation of the Request for Proposal/ Request for Statement of Qualifications and / or invitation to Bid. These are then sent from the Procurement Office to the City Attorney for the final solicitation documentation.

The bids are then given to the appropriate department for review. Proposals and Statement of Qualifications go through an alternative process. Upon selection of the successful vendor, the bid/proposal statements for qualifications are given to the City Clerk's Office together with a Contract Submittal Form. The contract documents are prepared by the City Attorney and submitted to the City Council for approval. The City Clerk's Office processes, distributes, and maintain the contract documents. Once approved by the City Council, department personnel issue the requisition for purchase order. The Procurement Office issues the purchase order. The original purchase order is sent to the vendor, one copy is sent to the department and the auditable record copy is maintained by Accounts payable.

**Cooperative Agreement:** Similar to grants except that the awarding agency is usually substantially involved in the activity funding by the program.

**Cost Reimbursement:** A funding technique, where the City must submit periodic claims, or draws down funding under letter(s) of credit, for allowable program expenditures already incurred. The awarding agency reimburses the City for eligible expenditures up to the maximum amount specified in the grant agreement.

**Cognizant Agency:** The federal agency responsible for reviewing, negotiating and approving cost allocation plans or indirect cost proposals developed under federal OMB Circular A-87 on behalf of all federal agencies.

**EDEN:** The citywide financial management and accounting software system administered by the Finance and Budget Department. The EDEN general ledger and related records represent the City's official financial records and, therefore, all program financial activity and related account balances must be recorded in the general ledger. (If the Grant Project Manager maintains program financial activity and account balances information outside of EDEN the Grant Project manager must ensure that the supplemental records reconcile to EDEN.)

**Extensions:** A request from the grantor for more time to spend down funding and or complete programmatic goals. Requests for extensions are normally required prior to the grant ending date.

**Federal Award:** Federal financial assistance and federal cost-reimbursement contracts that nonfederal entities receive directly from the federal awarding agencies or indirectly from pass-through entities.

**Federal Awarding Agency:** The federal agency that provides an award directly to the recipient.

**Federal Financial Assistance:** Assistance that nonfederal entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance.

**Federal Funding Percentage:** The percentage of grant award that is federally funded.

**Federal OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments:** this circular establishes principles and standards for determining costs for federal awards carried out through grants, cost reimbursement contracts, and other agreements with state and local governments and federally-recognized Indian Tribal governments. Visit: [www.whitehouse.gov/omb/circulars/a087/a087-all.html](http://www.whitehouse.gov/omb/circulars/a087/a087-all.html)

**Federal OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments Common Rule:** This circular establishes consistency and uniformity among federal agencies and federal grantees and sub-grantees (sub-recipients) in the management of grants and cooperative agreements with state, local, and federally-recognized Indian Tribal governments. *(Please be aware that the federal awarding agency's Implementing Rules may have administrative requirements that differ from the Common Rule requirements. Therefore, it is imperative that the Grant Project Manager review the federal agency's Implementing Rules to ensure that the City is in compliance with the applicable administrative requirements. The Implementing Rules are outlined in the applicable Code of Federal Regulations.)* Visit: [www.whitehouse.gov/omb/circulars/a102/a102.html](http://www.whitehouse.gov/omb/circulars/a102/a102.html)

**Federal OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations:** This circular sets forth standards for obtaining consistency and uniformity among grantees and sub-grantees (sub-recipients) in the management of grants and cooperative agreements with institutions of higher education, hospitals, and other nonprofit organizations. Visit: [www.whitehouse.gov/omb/circulars/a110/a110.html](http://www.whitehouse.gov/omb/circulars/a110/a110.html)

**Federal OMB A-122, Cost Principles for Non-profit Organization:** this circular establishes principles and standards for determining the costs of federal grants, contract and other agreements with nonprofit organizations. The principles are designed to provide that the federal government bears its fair share of costs except where restricted or prohibited by law. Visit [www.whitehouse.gov/omb/circular/a122/a122.html](http://www.whitehouse.gov/omb/circular/a122/a122.html)

**Federal OMB A-133, Audits of State, Local Governments, and Non-profit Organizations:** This circular is issued pursuant to the Single Audit Act of 1984, P.L. 98502, and the Single Audit Act Amendment of 1996 P.L. 104-156. It sets forth standards for obtaining consistency and uniformity among federal agencies for the audit of states, local governments, and non-profit organizations expending federal awards. [www.whitehouse.gov/omb/circular/a133/a133.html](http://www.whitehouse.gov/omb/circular/a133/a133.html)

**Federal OMB A-133 Compliance Supplement:** The Compliance Supplement is based on the requirements of the Single Audit Act Amendments of 1996, as amended, and 1997 revisions to OMB Circular A-133, which provided for the issuance of a Compliance Supplement to assist auditors in performing the required audits. *(While the Supplement is intended to provide a tool to both federal grantor agencies and auditors in setting forth the important provisions of federal assistance programs, it also provides guidance to recipients of federal assisted programs. It includes program objectives, procedures, and compliance requirements.)* Visit: [www.whitehouse.gov/omb/circular/a133/a133.html](http://www.whitehouse.gov/omb/circular/a133/a133.html)

**Grant Administration Matching Fund:** A fund created by the City Council to provide matching funds for unanticipated grant opportunities that arise during each fiscal year.

**Grantor Agency:** The federal, state, local or private agency or organization that provided the grant funding and/or grant funding oversight.

**Grant Award Budget:** The budget for the awarded grant that is based on the amount and breakdown of the award. The budget may be for less than, equal to, or greater than one year.

**Grant Award Period:** The period of time for which the grant is awarded.

**Grant Contract:** A contract that defines the grant's requirements and restrictions. The Grant Administrator or Grant Project Manger shall provide the Finance and Budget Department a complete, approved signed copy of each grant contract.

**Grant Description:** Description of the grant or contracted services.

**Grantee:** The organization that receives a grant directly from the grantor agency and assumes legal and financial responsibility and accountability both for the awarded funds and for the performance of the grant-supported activity.

**Grant Management System:** Avondale's data collection system for grants. The system provides information about available grants and grants that are being utilized by the City. The system can be accessed through the intranet.

**Grant Number:** At least one grant number must be assigned to uniquely identify and track each grant award except for federal grants. All federal grants must be identified and tracked using two external grant numbers: (1) CFDA number assigned by the federal awarding agency and (2) grant/contract/IGA number assigned by the grantor or pass-through agency. Avondale also uses an internal numbering system for grants that is automatically generated by the Grants Management System

**Grant Priority Form:** An internal form that accompanies each department's budget request at the beginning of each fiscal year. Departments must follow their priority list when considering the submittal of grants.

**Grants:** A grant is a contribution or gift of cash or other assets to be used or expended for a specified purpose, activity, project, or facility. Grant agreements usually specify the maximum amount of funding, the scope of work to be done the grant period (e.g., single or multi-year), and any special conditions applicable to the program.

**Indirect Cost:** Those cost incurred for a common or citywide objective that benefits more than one grant program or project. Such costs are not readily assignable to the cost objective specifically benefited.

**In-Kind Contributions:** Contributions in the form of goods and/or services rather than in cash

**Invoice Process:** Original invoices are sent directly to Accounts Payable. Copies of invoices are sent to the respective department for approval of payment. The payment request is accomplished based on the purchase order number that was previously approved by the general ledger accounting system. An Accounts Payable edit post list is generated and given to the Accounting Manager, along with supporting documentation, for review and approval prior to check processing. Copies of the weekly edit post lists and check register reports are maintained in Accounts Payable and are submitted for approval at the bi-monthly City Council Meeting.

**Lead Agency:** The agency that will be responsible for assuring that compliance of grant requirements when multiple agencies are involved in a grant.

**One-time Grants:** Funding from a grantor agency that is provided for a limited duration for a specified project and/or program.

**Ongoing Grants:** The funding from a grantor agency which is expected to be provided year after year for a specified program or project.

**Partnership Grants:** Grants which require a binding agreement with another agency for the purpose of implementing a comprehensive program. The City may co-sponsor, serve as fiscal agent, or join with multiple sponsored community-based consortia or other jurisdictions when clear public benefit to city residents can be demonstrated. The City shall not act solely as fiscal agent for non-profit entities without specific direction and approval from the City Manager and City Attorney and in consultation with the finance and Budget Department (see Section One Page 2).

**Pass-Through Grantor:** A nonfederal entity that provides federal awards to a sub-recipient in order to carry out a federal program.

**Retention Period:** Project records must be maintained for the required period after the awarding agency determined that the grantee has met all the project requirements and the project has been accepted for closeout. Records shall be maintained for a minimum of three years depending on the grant. All grant and project records shall be uploaded into the City's GMS system and hardcopies of the grant shall be sent to the City Clerk's Office. All financial records will be housed in the Finance and Budget Department.

**Shared Revenues:** Revenues levied by another governmental entity and shared with the City. They are generally distributed on a predetermined basis, often in proportion of the amount collected from within the State or County.

**Signature of Authority:** The Grant Project Manager is the signature of authority for all expenditures. This includes all grant CIP projects. The Department Director and/or the City Manager are the signature authorities for all grant submittals.

**Single Audit Act of 1984 and Amendments of 1996:** Requires governmental entities that spend over \$300,000 a year in federal awards to prepare a Schedule of Expenditures for Federal Award (SEFA), which is audited annually. (OMB Circular A-133 revised this threshold to \$500,000 beginning in 2003.) This is the responsibility of the Finance and Budget Department in the City of Avondale. OMB Circular A-133 incorporates the requirements of the Single Audit Act. Copies of the City's most recent Single Audit Reporting Package are available upon request from the Finance and Budget Department.

The Single Audit Act was enacted to ensure the accurate accounting of federal grant funds are in compliance with program standards. Material noncompliance findings cited in the City's Single Audit Reporting Package, including failure to accurately report federal expenditures on the Schedule of Expenditures of Federal Awards, could result in loss of grant funding. Grantors are required to monitor their sub-recipient's single audit findings to help ensure that findings are corrected. The Finance and Budget Department and the department administering the grant ensures that grant activity is accurately reported on both the grantor financial reports filed with the grantor agencies and the Schedule of Federal Awards prepared by the finance and Budget Department for the City's Single Audit Reporting Package.

**Supplanting:** Under federal and state requirements, the City may use federal or state funds to supplement and/or increase the level of funds associated with a project. A City may not use federal or state funds to offset the cost of a project that has funding appropriation within the cities budget. If a federal or state grant has supplanting requirements, the City shall not deliberately use the federal/state funds to reduce federal, state, or local funds already appropriated for the same purpose. If for some reason, a reduction in the program level of effort for funding occurs, the City may be required to provide documentation that the reduction did not occur as a result of supplanting.

## II Appendix

### APPENDIX A.

### Finance and Budget Accounting Manual

*The Finance and Budget Department Accounting Manual can be found on the intranet under Finance and Budget*

**APPENDIX B.**

**GRANT PRIORITY TEMPLATE**

**Department**

**Grant Request Project List for FY 10-11**

Project Name	Council Goal/CIP Relation	Brief Description	Target Dates	Priority	Funding Amounts	Grant Opportunities (Grant Admin. Section)	Alternative Plan if not funded by grants?	Potential Project Manager
ST1162 CDBG Street & Sidewalk Improvements	Council Goal- Quality of Life & Community Development Per Approved FY 07-08 Budget Book	This project will provide renovation to the South Avondale Area which is a CDBG eligible area. This project is bounded by 4th Street on the west, 7th Street on the east, Harrison Drive on the south and Main Street on the north. The renovation will consist	Design Underway, Construction on FY 12-13	High	\$500,000 or more	LEAVE BLANK	If funding is not awarded the project will not be implemented.	Chris Hamilton

*This form can be found on the Intranet under Grants*

## APPENDIX C

## OMB CIRCULAR DESCRIPTIONS

**Federal Funding Percentage:** the percentage of grant award that is federally funding.

**Federal OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments:** this circular establishes principles and standards for determining costs for federal awards carried out through grants, cost reimbursement contracts, and other agreements with state and local governments and federally-recognized Indian Tribal governments.

Visit: [www.whitehouse.gov/omb/circulars/a087/a087-all.html](http://www.whitehouse.gov/omb/circulars/a087/a087-all.html)

**Federal OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments Common Rule:** this circular establishes consistency and uniformity among federal agencies and federal grantees and sub-grantees (sub-recipients) in the management of grants and cooperative agreements with state, local, and federally-recognized Indian Tribal governments.

Visit: [www.whitehouse.gov/omb/circulars/a102/a102.html](http://www.whitehouse.gov/omb/circulars/a102/a102.html)

**Federal OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations:** this circular sets forth standards for obtaining consistency and uniformity among grantees and sub-grantees (sub-recipients) in the management of grants and cooperative agreements with institutions of higher education, hospitals, and other non-profit organizations.

Visit: [www.whitehouse.gov/omb/circulars/a110/a110.html](http://www.whitehouse.gov/omb/circulars/a110/a110.html)

**Federal OMB A-122, Cost Principles for Non-profit Organization:** this circular establishes principles and standards for determine cost of federal grants, contract and other agreements with no-profit organization. The principles are designed to provide that the federal government bears its fair share of costs except where restricted or prohibited by law.

Visit [www.whitehouse.gov/omb/circular/a122/a122.html](http://www.whitehouse.gov/omb/circular/a122/a122.html)

**Federal OMB A-133, Audits of State, Local Governments, and Non-profit Organizations:** this circular is issued pursuant to the Single Audit Act of 1984, P.L. 98502, and the Single Audit Act Amendment of 1996 P.L. 104-156. It sets forth standards for obtaining consistency and uniformity among federal agencies for the audit of states, local governments, and non-profit organizations expending federal awards.

Visit: [www.whitehouse.gov/omb/circular/a133/a133.html](http://www.whitehouse.gov/omb/circular/a133/a133.html)

**Federal OMB A-133 Compliance Supplement:** the compliance supplement is based on the requirements of the Single Audit Act Amendments of 1996 and 1997 revisions to OMB Circular A-133, which provided for the issuance of a compliance supplement to assist auditors in performing the required audits. While supplement is intended to provide a tool to both federal grantor agencies and auditors in setting forth the important provisions of federal assistance programs, it also provides guidance to recipients of federal assisted programs. It includes program objectives, procedures, and compliance requirements.

Visit: [www.whitehouse.gov/omb/circular/a133/a133.html](http://www.whitehouse.gov/omb/circular/a133/a133.html)

**Single Audit Act of 1984 and Amendments of 1996:** requires governmental entities that spend over \$300,000 a year in federal awards to prepare a Schedule of Expenditures for Federal Award (SEFA), which is audited annually. This is the responsibility of the Finance and Budget Department in the City of Avondale. OMB Circular A-133 incorporates the requirements of the Single Audit Act. Copies of the City's most recent Single Audit Reporting Package are available upon request from the Finance and Budget Department.

The Single Audit Act was enacted to ensure the accurate accounting of federal grant funds are in compliance with program standards. Material non-compliance findings cited in the City's Single Audit Reporting Package, including failure to accurately report federal expenditures on the Schedule of Expenditures of Federal Awards, could result in loss of grant funding. Grantors are required to monitor their sub-recipient's single audit findings to help ensure that findings are corrected. The Finance and Budget Department and the department administering the grant ensures that grant activity is accurately reported on both the grantor financial reports filed with the grantor agencies and the Schedule of Federal Awards prepared by the finance and Budget Department for the City's Single Audit Reporting Package.

APPENDIX D.

GRANT PROJECT PROFILE WORKSHEET

PROJECT PROFILE/PLANNING WORKSHEET	
<b>1. IN ONE SENTENCE, describe your project idea. What will you do? Where? With whom? When? And why?</b>	
<b>2. What <i>broad categories</i> of community needs or opportunities does your project address? (Think in terms of general labels or frames.)</b>	<hr/> <hr/> <hr/>
<b>3. Describe the <i>specific need or issue</i> in your community that your project will address.</b>	<i>In our community, the current situation is this:</i>
<b>4. What <i>specific changes or outcomes</i> do you intend to achieve in your community as a result of your project?</b>	<i>We intend to achieve the following specific outcomes:</i>
<b>5. What are the <i>major steps</i> you will need to take to make these changes happen?</b>	
<b>6. What <i>resources</i> will you need to accomplish these steps? (People, equipment, materials, training, supplies, services, other city depts., etc.)</b>	
<b>7. Approximate total cost:</b>	\$ _____ Match: \$ _____
<b>8. Who else has a vested interest in working with you as <i>partners</i> on this problem or opportunity?</b>	
<b>9. What information, tools, data, etc. will you use to decide whether your project succeeded?</b>	
<b>10. Who will be the grant project manager?</b>	
Submitted By:	Phone: _____ Date: _____

*This form can be found on the intranet under Grants*

**APPENDIX E.****GRANT CHECK LIST**Project Name: \_\_\_\_\_ App. Due Date:    /    /   

Department: \_\_\_\_\_ Contact Name: \_\_\_\_\_ Ext. # \_\_\_\_\_

**I. Procedures for Developing and Submitting Grant Applications**

- Purpose of the grant project meets city/department goals
- Read and understand entire grant application to ensure that your department has the appropriate resources to comply with the grantors requirements.
- Developed grant concept includes estimated budget and expected funding sources approved by Department Head.
- Grant entered and managed by the Grants Management System database. This includes project description, total cost, grant amount requested, source of funding, match, ongoing cost implications including additional staff if any, special conditions and application due date.
- Consulted with other affected departments (e.g. Engineering if it is a construction project) will support or have the capacity to implement your project.
- Sent to the Grants Administrator who will review and get City Manager's signature prior to grant application submittal.
- Assign a specific Grant Project Manager to this project.
- Prepare draft Council Communication requesting authorization to apply and accept grant if necessary. This should be sent to the Grant Administrator.
- City Attorney to review if resolution is required prior to grant submittals.
- Complete final review and editing (a pair of fresh eyes are best), making sure to check the application against the grantor's instructions or the RFP.
- Send copy of the signed application to the Grants Administrator for archiving and distribution.

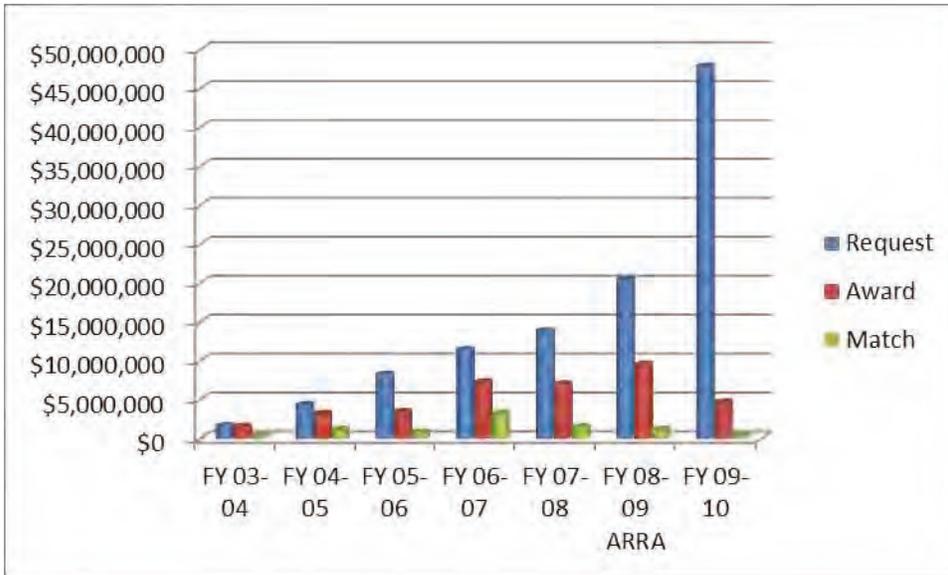
**II. Procedures for Accepting Grant Awards and Post-Award Procedures*****Congratulations!*** Now you need to:

- Send copy of award notice to Grants Administrator for archiving and distribution to Finance and Engineering. If there is no written notice, email Grants Administrator Grant Administrator will forward award agreement to the City Clerk with a completed contract form.
- Set up a meeting with the Grant Administrator and the Finance/Budget Department to reconcile the accounts associated with the grant. During this meeting you will review the grant requirements and you will be responsible for meeting all of the grant requirements.

**APPENDIX F.****GRANTS MANAGEMENT SYSTEMS MANUAL***This document can be found on the intranet under Grants*

SECTION FOUR

CHARTS AND GRAPHS



	<b>Request</b>	<b>Award</b>	<b>Match</b>
<b>FY 03-04</b>	\$1,682,641	\$1,592,917	\$354,503
<b>FY 04-05</b>	\$4,372,702	\$3,254,733	\$1,190,704
<b>FY 05-06</b>	\$8,288,898	\$3,493,532	\$850,099
<b>FY 06-07</b>	\$11,440,270	\$7,293,252	\$3,262,104
FY 07-08	\$13,901,200	\$7,053,007	\$1,531,867
FY 08-09 ARRA	\$20,464,488	\$9,583,741	\$1,204,679
<b>FY 09-10</b>	<b>\$47,860,127</b>	<b>\$4,739,813</b>	<b>\$429,913</b>

As of November 2010

Detailed charts and graphs can be found on the Intranet under Grants

TITLE: Social Media Policy

I. PURPOSE AND SCOPE

This policy provides guidance to departments and City employees who create or contribute to the approved City social media services for business purposes while functioning as a representative of, or on behalf of, the City. The City-approved Social Media Sites shall be used for the purpose of informing the public about City business, services, events, and emergency situations affecting Avondale residents. This policy will also serve as a guideline for records retention of public Internet platform communications, compliant with State and Federal records laws. This policy applies to all City employees and volunteers.

II. POLICY STATEMENT

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider participating in social media services to disseminate time sensitive and emergency information as quickly as possible, reach a broader audience and as a marketing/promotional tool to increase the City's ability to broadcast messages to the widest possible audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. All persons representing the City in social media for business purposes are required to understand and comply with City policies and guidelines. It is the general expectation that all City employees, volunteers and elected officials, who partake in social media communications on behalf of the City, will adhere to all IT, City-owned cell phone use, and ethics policies at all times. Police and Fire Departments shall reference their own policies as well, in order to keep in compliance with their unique departmental requirements. City employees who violate this policy will be subject to disciplinary action up to and including termination.

III. ROLES & RESPONSIBILITIES

- A. Community Relations Director: Oversees the City of Avondale Public Information Office.
- B. Web Services & Media Coordinator: Is the designated person in the Community Relations department, under direction of the Community Relations Director, which oversees the authorization of social media accounts for the city.
- C. Department Director: Is the City of Avondale Department Director or his/her designee of departments participating in social media services.

- D. Department Representative: Is the person designated by the Department Director to oversee all social media content for approval prior to release. This person, after receiving the appropriate training provided by the Community Relations Department, will oversee all Department Representative social media content.
- E. Emergency Management Director (Senior Advisor for Emergency Preparedness): Is the person assigned as the citywide emergency management liaison and the director of the EOC/ECC.
- F. Contributors: Will be those identified by the participating department with prior written approval of that Department's Director and after receiving appropriate training provided by the Public Relations Department, to submit information for posting on a City Social Media Site on behalf of their department.
- G. City Clerk or a member of the City Clerk staff: Will maintain appropriate record retention of all social media platform communications, as well as its metadata.
- H. City representatives: Any City employee, volunteer, or elected or appointed official, who participates in communication with the general public with the explicit intention to endorse a City business, services, events, and emergency situations.
- I. Social Media Sites: Are the accounts established by the City and departments with various Social Media Sites for use by the City. The Community Relations Department will maintain a list of the approved Social Media Sites. This guideline includes these Social Media Sites and future sites or services, with the approval of the Web Services & Media Coordinator.
- J. Political page: Any page represented by or for an elected official of the City whose intentions are to endorse or engage the community for City function, as well as those who are not yet elected and running for office within the City.
- K. Transitory Nature: A record that is any of the following:
1. An administrative duplicate
  2. Required solely for the completion of a routine action or the preparation of another record
  3. Insignificant or no value in documenting the City's business transactions
  4. Not an integral part of an official business record
  5. Not required to meet statutory obligations or sustain administrative or operational functions
  6. Regarding a social event that is not a special City event(s)
  7. Not related to City business

#### IV. POLICY PROVISIONS

#### A. Administration

1. The Web Services & Media Coordinator will oversee all "official City of Avondale" Websites and Social Media Sites, accounts, and messages posted and shared through social media services by persons on behalf of or as a representative of the City.
2. The Web Services & Media Coordinator retains the authority to remove any department pages or postings from Social Media Sites or deactivation of the site for any violation of policy, guideline, or law.
3. All City department-specific social media posts are subject to the approval of the Department Representative and Department Director.
4. The Department Director and Department Representative are responsible for monitoring content on City and/or department Social Media to ensure adherence to City policies and guidelines for appropriate use, message and branding consistent with the goals of the City of Avondale.
5. The Department Representative will ensure that social media page designs are consistent with City branding and provided images, including the official City logo.
6. Department Representatives shall ensure that the Web Services & Media Coordinator has current login and password information for the Social Media Sites used by the department.
7. The City Clerk or designee will maintain record of all social media and public forum communications conducted amongst City representatives and the general public, to include its metadata, through the use of a third party platform.
8. A portion of annual costs will be offset to departments who choose to use a social media platform for annual maintenance of records, in accordance with state and federal laws.

#### B. Establishing City Social Media Sites and Authority to Post

1. City Social Media Sites. Establishment of various Social Media Sites will be approved by Community Relations Director or designee for use by the City and/or approved departments. All such accounts are established in cooperation with the Community Relations Director in compliance with this policy. No other Social Media Sites may be established or used by the City or its departments without prior approval by the Community Relations Director.
2. Posting Authority.
  - a. Department Social Media Sites/Pages. A department seeking to establish its own Social Media Site(s) or page may do so by submitting a request to the Web Services & Media Coordinator.

- 1) The request will identify the proposed Department Representative within the department, who will be responsible for managing the sites with written authority by the Department Director.
- 2) The request will also identify all those selected to be Contributors for the department as written authority by the Department Director.
- 3) For the request to be approved, the department must agree to do the following:
  - i. Ensure that the Social Media Sites maintained by the department are updated on a frequent basis by the Department Representative/ Contributors.
  - ii. Ensure the designee receives proper training by a member of the Community Relations Department staff.
  - iii. Agree that the failure to comply with any provision or to frequently update the department site may result in the department account being deactivated.
  - iv. If the department's request is approved, the Web Services & Media Coordinator will establish a page or Social Media Site linked to the City Social Media Sites on behalf of the department.

#### C. Postings - Content, Use, and Restrictions

1. All employees designated to post on a City or department Social Media Site on behalf of or as a representative of the City shall be with the prior approval of the Web Services & Media Coordinator and the employee's Department Director.
2. All content shall be used for business purposes only.
3. All postings shall be professional in nature and content.
4. Due to public records retention purposes, every attempt should be made to keep social media content of a transitory nature or a duplicate of content already posted on the City's Internet Website and should link back to the Website.
5. No posting shall be offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringe copyright, constitute contempt of court, breach a court order or otherwise unlawful.
6. No postings shall use or disclose any confidential or secure information.
7. No posting shall cause injury or damage to another person, organization or the City's reputation or bring the City in disrepute.
8. Prior to posting third party content which includes, but is not limited to, any form of graphics, text, photos, logos or other media content to any Social Media Site,

the department requesting the posting shall ensure that the City has the legal right to post the third party content and are not in violation of the U.S. Copyright Act.

9. All content posted shall be in compliance with applicable federal, state and county laws, and City policies and guidelines. This includes adherence to established laws and policies regarding copyright, records retention, public records, privacy laws and information security policies established by the City of Avondale.
10. Prior to posting, the Department Representative and/or Contributor(s) shall ensure that all content to be published is accurate and timely.
11. The Web Services & Media Coordinator should be immediately advised if an employee notices any posting that is inappropriate or in violation of City policies or laws.
12. All employees using City social media sites or websites as a means to communicate to the public on behalf of a department or the City will do so in accordance with rules and guidelines outlined in City Policy Chapter 16 Information and Communications Technology.

#### D. Comments, Endorsements, and Links

This provision is included to maintain the integrity of the Social Media Sites and facilitate compliance with public records retention laws. Any comments determined to be disallowed by the Web Services & Media Coordinator will be taken down as soon as possible.

##### 1. Public Comments

- a. Comments made in response to City posts should pertain directly to the subject matter first posted by the City on its Social Media Sites or an authorized departmental Social Media Site. Comments that are not relevant to the topic may be removed at the Department Representative's or Department Director's discretion.
- b. The following types of comments will be disallowed and will be taken down as soon as possible:
  - 1) Comments that do not pertain to subject matter that was posted by the City on its Social Media Sites.
  - 2) Comments that are offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, infringe copyright, constitute contempt of court, breach a court order or is otherwise unlawful.
- d. Response to Public comments:
  - 1) When appropriate, the Web Services & Media Coordinator shall respond to those constituents who post comments on the City's Social Media Sites

and the Department Representative shall respond to those constituents who post comments on a specific department Social Media Site.

e. Public Comment Guidelines/Restrictions:

- 1) All Social Media Sites which allow for public comment shall include the following advisement:

*Comments posted by others do not reflect the opinions and position of the City of Avondale or its elected officials and employees. The City of Avondale is not responsible or liable for comments or feedback posted by any subscriber to the page. The City reserves the right in its sole discretion to remove inappropriate comments including those that have obscene language or sexual content, threaten, defame or disparage any person or organization, violate the law or the legal ownership interest of another party, support or oppose political candidates or ballot propositions, promote illegal activity, contain private personal information, promote commercial services or products or are not topically related to the particular posting.*

*Use of our communication through this site creates a public record under Arizona law to which you have no right of privacy or confidentiality. Your use of or any communication made through this site may be subject to monitoring and removal, and you should assume that any use of or communication made through this site can and will be seen by a wide audience. Your use of or any communication made through this site is at your own risk. The City of Avondale has no obligation and will make no effort to protect any information received through this site from disclosure to or misuse by any third party.*

2. Endorsements/Advertising

- a. City Websites shall not contain advertising for the purpose of commercial gain except those organizations which have an advertising and sponsorship agreement with the City of Avondale. Periodically, in the interest of customer service, hyperlinks and Web addresses to some organizations may be provided.
- b. Endorsements are generally prohibited. Any endorsement must comply with City policies and guidelines and be approved by Community Relations Director.

3. Links

- a. Approved Links:
  - 1) The inclusion of links on City and department Social Media Sites to City email is strongly encouraged to facilitate comment and communication with the community.

- 2) The City reserves the right to determine what links are provided from City Websites and/or Social Media Sites.
- 3) The City does not object to links from other sites to City Websites, provided:
  - i. That no relationship with the City is implied or expressed by the link or the context in which the link appears, and
  - ii. All links open the City's Website in a new browser window.
  - iii. Whenever possible, postings to City and department Social Media Site shall include a link back to the City's official Website for more information, forms, documents, or online services necessary to conduct business with the City of Avondale.
- b. Links to the following are prohibited:
  - 1) Mayor and City Council Personal Websites or Social Media Sites.
  - 2) Candidate sites or sites advocating or opposing a position on City or other ballot issues.
  - 3) Corporate commercial sites. The City may include links to business sites if they are presented as part of a neighborhood economic development section for a target area for City programs.
  - 4) Individual personal home pages.

#### E. Video Posting Guidelines on the City Website

1. The Department Director and/or Department Representative is responsible for approving the video content for posting to City Social Media Sites. When submitting a video approval request, the department must provide the following:
  - a. Title and description of video.
  - b. Video length. Most sites limit video to 10 minutes in length or less than 1 GB.
  - c. Archival and removal date for time sensitive content.
2. All video content shall comply with federal, state and local laws and City policies and guidelines.

#### F. Elected Officials/Candidates

1. All those who have been elected into office, or who are running a campaign for office within the City, shall use a separate political page as a platform on social media.

2. All pages shall not link to personal sites or personal social media profiles.
3. All social media postings made by elected officials shall comply with Arizona Open Meeting Law, A.R.S. Title 38, Chapter 3, Article 3.1, or Chapter 7 of the Arizona Agency Handbook.

#### G. Public Records Retention

1. All content of Social Media Sites are subject to Arizona Public Records laws and are subject to being re-printed in newspapers, magazines, or online in any other Web or Web media format.
2. The content producer shall preserve all records posted to Social Media Sites that are required by law to be maintained pursuant to the relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.
3. The content producer is responsible for responding completely and accurately to any public records requests for public records on social media.
4. Video Retention. Any video posted to a third party video site must also be posted to the City Website or provided to the Clerk's Office.
5. Social Media Site Retention Comments. The Clerk's Office will maintain an electronic record or printout of comments through the use of a third party vendor.

#### H. Emergency Operations /Coordination Center (EOC/ECC) Procedures

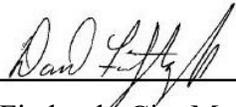
This section will serve as the social media policy for all City employees when the EOC/ECC has been activated until the EOC/ECC has been deactivated.

1. In the event of an emergency, all social media communication on behalf of a department or the City will default to the Community Relations Director and the Emergency Management Director.
2. All those appointed as Department Representatives and Contributors will cease social media communications and await further instruction from the Community Relations Director and Emergency Management Director.
3. Any information must first be approved by the Community Relations Director or Emergency Management Director prior to public dissemination.

#### I. Relationship with other policies

1. See Chapter 16 – Information and Communications Technology Policy
2. See Admin Policy AP 55 – Records Management Policy

V. APPROVAL

  
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David Fitzhugh, City Manager

August 11, 2016  
\_\_\_\_\_

Date of City Manager's Approval

TITLE: Use of Mobile Devices Outside Working Hours for Non-Exempt Employees
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I. PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for non-exempt employee's use of mobile/computer devices outside regular working hours to accomplish work-related tasks.

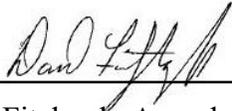
II. POLICY STATEMENT

Non-exempt employees shall not use any mobile communications device including, but not limited to, cell phone, smartphone, laptop, tablet or computer to perform work-related tasks outside the employee's regular work hours. During non-working hours, employees may briefly check their mobile communication device or computer for newly received communications authorizing work, however, there will be no compensation for this time. Employees shall not utilize a mobile communication device to perform work during their non-working hours without prior supervisor approval.

III. PROCEDURES

- A. If a non-exempt employee deems it necessary to perform work-related tasks during their non-working hours, they must have PRIOR written approval from their supervisor.
- B. It is the employee's responsibility to notify their supervisor in writing of any approved work performed during non-working hours. Time worked greater than seven (7) minutes per instance is eligible for compensation. The supervisor will record time worked in the ADP Timekeeping System in order for the employee to be compensated for the additional time worked.
- C. If a supervisor becomes aware of a non-exempt employee performing work during non-working hours that has not been previously approved, the supervisor shall be responsible for immediately contacting the employee to assess the work needs and determine if the work can be performed during scheduled working hours.
- D. Non-exempt employees on FMLA, short-term disability, long-term disability, military leave, unpaid administrative leave, holiday leave, bereavement leave, leave of absence, vacation leave, sick leave and workers' compensation shall not use any mobile communication device or computer to perform work while on a leave status.
- E. If a non-exempt employee performs work during non-working hours without the supervisor's written permission, they may be subject to disciplinary action, up to and including termination.

IV. APPROVAL



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David Fitzhugh, Avondale City Manager

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May 25, 2017

Date of Avondale City Manager's Approval

TITLE: Modified Duty - Workers' Compensation

I. PURPOSE AND SCOPE

To establish written policies and procedures for modified duty for City of Avondale (City) regular full or part-time employees who are temporarily unable to perform their normal duties due to an **on-the-job injury or illness**. Modified duty is intended to assist both the employee and the department by providing means for the employee to return to productive employment as soon as he or she is medically capable of performing.

II. POLICY

It is the City's policy to provide modified duty for all City employees who, in whole or in part, are unable to perform his or her regular job due to a medical issue resulting from a work-related injury or illness that has been approved for coverage through the City's Workers' Compensation program. A modified duty assignment could include a temporary placement in a position that accommodates restrictions, creating a temporary position, excusing an employee from performing the essential functions of his or her regular job, or transferring to a vacant position.

III. DEFINITIONS

Throughout this policy, the following definitions apply:

**ADA** – The Americans with Disabilities Act, 42 U.S. C. §12101 *et seq.*

**Department** – the City Department to which the employee is regularly assigned when not on modified duty.

**Essential Function** – means a job duty fundamental to the position and can include job functions unique to the position or special skills and abilities unique to the position or person who must fill the position.

**Maximum Medical Improvement (MMI)** – occurs when an injured employee reaches a state where his or her condition cannot be improved any further or when a treatment plateau in a person's healing process is reached.

**Modified Duty** – temporary work assignment that may be different from or less demanding than normal job duties, based upon restrictions prescribed/designated by a Health Care Provider that support the need for an employee to be assigned to modified duty.

**Regular position** – the job position to which the employee is regularly assigned, can perform the positions essential functions and not the modified duty assignment.

#### IV. ELIGIBILITY

- A. This modified duty policy is applicable only to employees who have sustained on-the-job injuries or illnesses that have been approved for coverage through the City’s Workers’ Compensation program.
- B. An employee’s ability to perform the essential functions of their job will be assessed by the City’s Workers’ Compensation medical physician(s), whose decision will be final and not eligible for appeal or grievance.
- C. Modified Duty Term
  1. Modified duty allows for the healing process to continue, and eliminates, minimizes or modifies lifting, walking or other physical or mental requirements that prevent the employee from returning to their regular job. Modified duty status shall not exceed twelve (12) months.
  2. The days of modified duty and time off for medical visits or physical therapy shall be tracked by the Workers’ Compensation Administrator with assistance from the employee’s supervisor. After ninety (90) calendar days of modified duty, the City’s Workers’ Compensation physician(s) will provide the City with an estimate of the progress made to date and an estimated timeline for return to the employee’s regular job position with the ability to perform the position’s essential functions. The City will remain in constant communication with the Workers’ Compensation physician(s) and provide weekly updates (or as often as the updates are received) to the employee’s supervisor regarding the employee’s progress.
  3. The employee will either be released to full duty or reach maximum medical improvement (MMI). If the employee reaches MMI but is unable to perform the essential functions of their regular position, the Workers’ Compensation Carrier and Human Resources will evaluate the employee’s options under the Americans with Disabilities Act and explore all options with the employee.
- D. In the event that the employee is on original or promotional probation, their probationary period can be extended for the length of time that:
  1. the employee is out of work and/or
  2. unable to perform the essential functions of their job and/or
  3. on modified duty status

#### V. ASSIGNMENTS

- A. Modified duty should be directed at meeting the City’s existing work needs. Work assignments will not be created simply for the purpose of facilitating a modified duty assignment. Modified duty assignments are not limited to the department or division

- in which the employee regularly works. An employee may be assigned modified duty in another department/division in which there is meaningful work for which the employee may qualify based on the information supplied to the City by the Workers’ Compensation physician(s). Normal wages and benefit costs of the injured employee will continue to be paid by the department/division to which the injured employee is regularly assigned.
- B. If it is determined that the employee is not fit for modified duty, the employee will be placed on Industrial Leave and compensated after fourteen (14) days of being unable to work following the guidelines in Section VII. COMPENSATION of this policy.
  - C. An employee assigned to modified duty shall not be assigned to any duties, even temporarily, that are not within the restrictions placed by the physician. The employee must be able to perform the essential functions of the modified duty assignment. Modified duty assignments are not guaranteed to an injured or ill employee.
  - D. The City reserves the exclusive right to evaluate the needs of any employee in a modified duty assignment. The City is under no obligation to provide or continue any modified duty assignment. Modified duty assignment requests may be refused or cancelled by the City at any time. A medical release for modified duty will be provided by the City’s Workers’ Compensation physician before the employee can be placed in a modified duty assignment.

## VI. PROCEDURES

- A. Before being assigned to modified duty, employees will be evaluated by the City’s Workers’ Compensation physician as outlined in this policy’s eligibility requirements in Section IV(B).
- B. The Workers’ Compensation physician’s decision is binding.
- C. The attending physician’s Medical Release for Modified Duty Report shall contain the following:
  - 1. Date of injury/injury type
  - 2. Restrictions, limitations and capabilities
  - 3. Method/form of treatment, including physical or other therapy recommendations
  - 4. Estimated length of time that a light duty assignment may be appropriate
  - 5. Frequency of physicians’ visits during the transitional time period, including date of next scheduled visit
- D. The Risk Management Claims Administrator will coordinate the medical reviews and modified duty assignments, working with the Human Resources Benefits Manager and the direct supervisor or department director. The department accepting the employee assigned to modified duty will determine the reporting relationship of any employee assigned to their department.

- E. Employees who have received the Workers’ Compensation Modified Duty Offer Letter and refuse a modified duty assignment that meets the restrictions outlined by the City’s Workers’ Compensation physician will result in the elimination of Workers’ Compensation wages and the employee must use accrued leave or no pay status until such time that employees either agree to modified duty or released to full duty or reaches MMI.

## VII. COMPENSATION

1. While temporarily assigned to a modified duty assignment, the employee will be paid at the regular base pay including any authorized specialty pay or as outlined in a Memorandum of Understanding, if applicable. Overtime, off-duty, on-call and call-out pay is not authorized while on modified duty status.
2. If the Workers’ Compensation physician determines the employee cannot work any modified duty assignment, or no suitable modified duty assignment is available, the employee is paid 66.6% of his or her regular pay after a fourteen (14) day waiting period.
  - a. The employee will be paid 66.6% of his or her regular pay tax free, until such time as a modified duty assignment is identified that the employee can be placed in or the employee reaches MMI. The employee may use accrued vacation and or sick leave for the 14-day waiting period. Accrued leave can also be used to supplement Workers Compensation, but only up to the employee’s normal take home pay.
3. All time worked, whether assigned to the employee’s own department or another department within the City, will be charged to the home department.
4. Any changes in salary shall be in accordance with the City’s Policies and Procedures.
5. Leave accruals will continue as if the employee was working at their regular duty assignments. Adjustments may be made if an employee is released to modified duty on a part-time basis in accordance with the City’s Policies and Procedures.

## VIII. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 07/11/19.



# City of Avondale

**Date:** November 27, 2012

**Public Safety Worker's Compensation Policy Number:** AP-54

**To:** All Employees

**From:** Charlie McClendon, City Manager

**Re:** AP-54 Public Safety Worker's Compensation

**\*\*\* Required by State Law \*\*\***

## **Background**

A law was passed by the 2012 Arizona Legislature and signed by the governor requiring the establishment of a Supplemental Benefits Plan for public safety employees injured while on duty, to the extent the employee cannot perform the functions of his/her position. The Supplemental Benefits Plan must be designed so as to yield for the eligible employee approximately the identical base salary (less applicable taxes) the employee made while on regular duty, for up to a six-month period. The Plan must be in place and be in effect August 2, 2012. The law was passed with a delayed-repeal provision, which means the law will automatically be repealed effective September 30, 2014.

## **Purpose**

The purpose of this City of Avondale Supplemental Benefits Plan for Public Safety Employees is to meet the requirements of A.R.S. §38-961 and provide economic benefits to sworn Police, Fire Department employees covered under Public Safety Personnel Retirement System (PSPRS) and Detention employees covered under the Correction Officers Retirement Plan (CORP) who experience a work-related injury and who are deemed eligible for a specific category of workers' compensation benefits.

## **Eligibility**

The City of Avondale has sole discretion to determine eligibility of an employee to participate, or to continue to participate in this Plan. To be eligible for benefits under this Plan initially and to continue in the Plan as described, the employee must meet all of the following criteria:

1. Be a full-time Police or Fire Department employee who is a member of the Arizona Public Safety Personnel Retirement System (PSPRS) or full-time Detention employee under the Correction Officers Retirement Plan (CORP).
2. Be injured as a result of such employment and be eligible for workers' compensation benefits pursuant to A.R.S. §23-1021.
3. Be receiving workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes.

4. Submit an application for the Supplemental Benefits Plan in writing to the City's Human Resources Department as described in this policy within 72 hours of sustaining a work related injury. Pursuant to A.R.S. §23-1021, §38-961, and related statutes.
5. Comply with all Risk Management requirements, including evaluation for alternate-duty options and rehabilitation programs, and direction to participate in these programs.
6. Be mentally and/or physically unable to return to work for the City of Avondale in any capacity, including alternate or light duty assignments as determined by the City and as supported by the City's workers' compensation insurance carrier physician(s) or through an independent medical examination (IME) as ordered by the City. The employee's inability to perform his/her normal duties or any other capacity assigned by the City, including the inability to perform alternate or light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible under this Plan. The availability of alternate-duty assignments is at the sole discretion of the City and in accordance with the restrictions from the physician(s).
7. Remain a full-time City employee during the time period the employee is receiving the supplemental benefits.

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

- a) Gross negligence

Any dishonesty surrounding the cause of the work related injury shall be cause to terminate benefits under this plan.

All benefits of this Plan will be provided while the employee meets all eligibility criteria, for a period of up to six months from the date the employee becomes eligible for the payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes. The City may extend benefits beyond six months upon the recommendation of the City's workers' compensation insurance carrier physician(s). The benefits of this plan will not be extended beyond one year from the date the employee became eligible for the payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes. Acceptance of an employee into this Plan is contingent upon meeting the criteria established within this policy. No benefits under this plan shall be extended for injuries sustained outside of City of Avondale employment.

### **Plan Benefits**

Benefits under this Plan include:

1. Payment by the City of the difference in compensation between the employee's base compensation pre-injury, less applicable taxes, and the workers' compensation benefit paid to the employee under Arizona law.
2. Continued payment of the City's (employer) portion of premium for the health insurance benefit package as is paid for other similarly enrolled employees. The employee remains responsible for paying the same portion of his/her health insurance benefit package as was paid pre-injury and/or as is paid by similarly enrolled employees, and remains responsible for any elective health care plan deductions, health-related optional deductions or optional life insurance deductions.

3. Payment by the City for both employer and employee contributions to the Arizona Public Safety Personnel Retirement System (PSPRS), or Correction Officer Retirement Plan (CORP) as based on employee's pre-injury salary.
4. Credit for service in the PSPRS or CORP at the same accrual rate as pre-injury.
5. Maintenance of accrued leave balances at pre-injury level, including sick and vacation leave. Employee accrual of sick and vacation leave, however, shall be suspended during the time of eligibility and participation in this Plan.
6. To the extent the employee is eligible for pay or benefit changes while eligible and receiving benefits under this Plan, the Plan benefits will be adjusted accordingly.

If an employee is eligible for salary changes while receiving benefits under this plan, the salary will be adjusted accordingly. If changes in the City's benefits occur while an employee is receiving benefits under this plan, the employee will be responsible for any additional costs for the City's benefits. For instance, if all employees are provided automatic salary adjustments as part of an annual process, the employee will receive salary increases under this plan based on his/her new adjusted compensation as he/she would receive if not injured. If the City's costs for providing employee benefits increase, the appropriate costs will be the responsibility of the employee. Such adjustments may or may not benefit the employee. For instance, if during the benefit period under this plan, the City changes employer health care benefits contributions from 80 to 70 percent, the employee shall be required to pay additional premiums as would any other employee.

## **PROCEDURE**

- The Human Resources Department will receive all requests for Plan Benefits, in writing, on the proper form from the employee outlining the request and any relevant information needed for decision making by the Department. Such request must be made within 72 hours of the employee's receipt of his or her first lost-time wage replacement benefit paid under workers' compensation, unless incapacitated and unable to communicate. Failure to make a request with the timeframe established herein shall be construed as a waiver of any rights under A.R.S. 38-961.
- The Human Resources Department will review the written request, the circumstances surrounding the injury, employee eligibility for workers' compensation, and any other relevant factors. Within fourteen (14) calendar days of receipt of request for benefits under this Plan, the Human Resources Department shall provide the employee with written determination of benefits eligibility under this Plan.
- All benefits of this Plan will be provided while the employee meets all eligibility criteria, for a period of up to six months from the date the employee becomes eligible for the payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes. The City may extend benefits beyond six months upon the recommendation of the City's workers' compensation insurance carrier physician(s) or through an independent medical examination (IME) as ordered by the City. The benefits of this plan will not be extended beyond one year from the date the employee became eligible for the payment of workers' compensation lost-time wage replacement benefits pursuant to A.R.S. §23-1021, §38-961, and related statutes. Acceptance of an employee into this Plan is contingent upon meeting the criteria established within this policy. No benefits under this Plan shall be extended for injuries sustained outside of City of Avondale employment.

- Employees granted benefits under this Plan will cooperate fully with the City, the Human Resources Department, and others working to coordinate benefits.
- The employee's leave accounts will be frozen as of date of injury until conclusion of participation in the Plan.
- If an employee is denied participation in the Plan for any reason, he or she may appeal such denial. The process for doing so is, exclusively, the following:
  - Within ten (10) working days from receipt of denial of benefits under this plan file a written appeal with the City Manager or designee, stating the reason for the appeal and facts that the employee wishes to have considered.
  - Within five (5) working days the City Manager or designee will render a written decision affirming or denying eligibility in the Plan.

### **Miscellaneous**

An employee who is accepted into this Plan is not precluded from disciplinary action under the provisions of the City of Avondale Personnel Policy, Memorandum of Understanding (MOU) or the policies of the employee's assigned department.

TITLE: Records Management
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I. PURPOSE AND SCOPE

Arizona Revised Statute [§41-151.14](#) requires the head of each state and local agency to establish and maintain an active continuing program for the economical and efficient management of all records from creation to disposition and to put the necessary policies and procedures in place to ensure that its records management practices comply with the requirements of the law.

II. POLICY STATEMENT

It is City of Avondale (City) policy that all records created and received by officials, employees, or representatives of the City in the performance of their duties are property of the State pursuant to A.R.S. §41-151.15 and shall be managed in accordance with this policy and the provisions set forth in the [Records and Information Management Program Manual](#).

All records of continuing value shall be preserved, and appropriate safeguards implemented to protect the City from illegal removal, loss, or destruction of records.

Records that have met their legal, regulatory, or administrative retention period shall be disposed of in accordance with established procedures outlined in the [Records and Information Management Program Manual](#) using State approved retention schedules.

The City follows sound procedures for security, privacy, and confidentiality of its records.

III. DEFINITIONS

- A. Records: All books, papers, maps, photographs, or other documentary materials regardless of physical form or characteristics made or received by the City in the pursuance of law or in the transaction of government business.
- B. Valuable Asset: Information is a resource with the same importance as other resources like people, money, and facilities. The information resources of the City must therefore be managed as a valuable asset. Appropriate records management is a vital aspect of maintaining and enhancing the value of this asset. The City considers its records to be a valuable asset to support transparency requirements as well as protect the interests of the City, the rights of the employees, and the citizens of Avondale.

IV. POLICY PROVISIONS

- A. Applicability to employees

1. This policy applies to all City employees who create and/or receive records in the transaction of public business regardless of format (this includes e-mail).
2. Employees who violate the Records Management Policy provisions in this policy may face disciplinary action up to and including termination.

#### B. Applicability to records

1. All records that are evidence of the business transaction of the City are public records and shall be managed and kept for as long as they are required for functional and/or historical purposes.
2. Records that approve an action, authorize an action, contain guidance, advice, or direction, relate to projects, formal business communications, contain policy decisions, etc. should be managed as records and should be filed in accordance with established procedures outlined in the [Records and Information Management Program Manual](#).
3. Emails that are public records shall contain sufficient information to ensure that they are properly contextualized and that they are meaningful and accessible over time.
4. Text messages and social media are considered informal communication mediums and should not be used for formal work product. In the event that these media outlets need to be used for formal work product such as for emergency operations, measures will be put in place for social media information preservation using software designed for this purpose.

#### C. Authority

1. Arizona Revised Statute A.R.S. [§41-151.14](#) – State and Local public records management; violation, classification, definition.
2. Arizona Revised Statute A.R.S. [§41-151.19](#) – Determination of value; disposition.
3. Arizona Revised Statute A.R.S. [§39-101](#) – Permanent public records; quality; storage; violation; classification.
4. Arizona Revised Statute A.R.S. [§13-2407](#) – Tampering with a public record; classification.

### V. PROCEDURES

#### A. City Clerk

1. Appointed by the City Manager, the City Clerk is the Chief Records Management Officer for the City and is responsible for administering the City's Records Management Program.
2. The City Clerk designates the Records Administrator to establish and maintain the records management program for the City. He/she is entrusted to perform such

duties as necessary to enhance the record keeping and records management practices and to enable compliance with legal requirements.

- B. City Manager, Assistant City Managers and Department Directors (Senior Management)
1. Senior management is responsible for the implementation of this policy in their respective units and ensures that staff is aware of their record keeping responsibilities.
  2. Senior management shall designate one or more persons to act as Records Management Officer(s) (RMO) for their Department and notify the Records Administrator upon appointment of who shall maintain and update the City's directory of RMO's.
  3. Senior management will ensure City staff is assigned access rights only to records required to perform their job.
- C. Records Administrator
1. The Records Administrator is responsible for the day to day oversight of the City's Records Management Program. He/she is responsible for establishing and maintaining an active and continuing program for the economical and efficient management of the records.
  2. The Records Administrator is responsible for ensuring that records are managed in accordance with record management principles established in the [Records and Information Management Program Manual](#) and in accordance with state law.
  3. The Records Administrator will serve as the liaison to the Arizona State Library, Archives, and Public Records and ensure the City's compliance with the directives established by the State.
  4. The Records Administrator is responsible for determining retention periods in consultation with the users and legal services of those records taking into account the functional, legal, and historical need of the body to maintain this information.
  5. The Records Administrator is responsible for the implementation and training of this policy to City staff as well as educating City employees in records management principles and procedures.
  6. The Records Administrator is responsible for ensuring that appropriate protocols are in place to protect sensitive information from unauthorized disclosure and/or loss of information.
- D. Chief Information Officer/Information Technology Director (CIO)
1. The CIO and their designee(s) shall work in conjunction with the Records Administrator to ensure that public electronic records are properly managed, protected, and appropriately preserved for as long as they are required for business, legal, and long-term preservation purposes.

2. The CIO and their designee(s) shall ensure that all electronic systems capture appropriate systems generated metadata and audit trail data for all electronic records to ensure that authentic and reliable records are created.
  3. The CIO and their designee(s) shall ensure that electronic records in all electronic systems remains accessible by migrating them to new hardware and software platforms when there is a danger of technological obsolescence including media and format obsolescence.
  4. The CIO and their designee(s) shall ensure that all data, metadata, audit trail data, operating systems, and application software are backed up to enable the recovery of authentic, reliable and accessible records should a disaster occur including stored in a secure off-site storage.
- E. Records Management Officer (RMO)
1. The RMO is responsible for coordinating the records management responsibilities for their respective department and participates as a member of the Records Management Team.
- F. City Clerk Assistant(s)
1. The City Clerk Assistant(s) assists the Records Administrator with the day-to-day clerical functions associated with the records management program and is a permanent member of the Records Management Team.
- G. Employees
1. All employees shall adhere to this policy and the provisions set forth in the [Records and Information Management Program Manual](#).
  2. All employees are responsible for managing records entrusted to them with care and will evaluate said records to determine whether it is a record or non-record. Employees will file said records accurately and in a timely manner including email, within the file structure provided for their respective department to ensure this valuable information is preserved for its respective lifecycle.
  3. All employees shall participate in records purge days and will follow the established guidelines for disposition.
  4. Upon becoming aware of potential litigation, employees shall notify the Records Administrator so that he/she may in turn notify the City Attorney, City Clerk, and others as appropriate so that the necessary measures may be established to prevent the illegal destruction of pertinent records. Any employee who intentionally withholds, alters or destroys records related to a potential legal matter may be found guilty of spoliation of evidence and is subject to disciplinary action up to and including termination.
  5. Employees shall not save records on electronic devices such as CD/DVDs, memory keys and any personal storage devices as they bypass the City's records management and disaster recovery processes. If special copies are required for legal proceedings to similar exceptions, employees must coordinate with the City's Records Administrator.

6. Employees shall not access or share private/sensitive information without authorization.
7. Employees shall notify the City Clerk, RMO and Records Administrator of incidences of accidental deletion or destruction of records before retention period has been met.

#### H. Records disposal

1. All paper records meeting their retention period will be destroyed unless those records are involved in a legal hold or an audit. Destructions will occur annually (at a minimum) allowing staff sufficient time for review, notice of destruction, preparation of forms, and the physical destruction.
2. Electronic records meeting their retention period will be destroyed unless those records are involved in a legal hold or an audit. Destructions will occur annually during record purge days. An employee compliance form will be filled out and provided to the Records Administrator.
3. Emails residing in the user's in/sent box will be retained for sixty (60) days. Emails will be purged on a daily basis for those emails that are greater than sixty (60) days and have not been moved to the Department Drive or printed and placed in the appropriate folder. It is the employee's responsibility to review their email on a regular basis to ensure that emails that meet the definition of a record are preserved for the approved retention period. Employees are not to use the auto archive feature (.pst file) in outlook to store emails.
4. Emails residing in folders in Outlook may be retained longer than sixty (60) days by setting a records retention policy on a folder in Outlook. Emails will be purged on a daily basis for those emails that are greater than the set records retention policy. The records retention policy options are as follows:
  - a. One (1) year retention for general reference
5. Emails that are to be kept longer than one (1) year shall be manually moved outside of Outlook **OR** printed and placed in the appropriate project file.

The enterprise journal will be deleted ninety (90) days after the email was originally sent or received.

  - a. Email deleted and placed in the "trash" will be auto deleted every thirty (30) days.
  - b. Voice Mail messages are considered an informal means of communication to use for coordination purposes only and will be retained for thirty (30) days. Exceptions to the 30-day rule will be considered for special circumstances that require this information for a longer period of time.
  - c. Voice to Text – due to the technological and practical limitations for preservation of this information, the City does not consider this information a record.
  - d. Calendar information will be retained for one (1) year.

- e. Upon departure from the City, an employee's email, contacts and calendar shall be disabled and an automatic reply will be set to inform senders how to forward information to alternate City staff. The position's supervisor has thirty (30) days to review email in the separated employee's account to retain required information. After thirty (30) days, the account shall be deleted and all information in the email account shall be transferred to the City Clerk's office for disposition.
  6. Text messages shall be deleted no less than thirty (30) days after they have been originally received or sent.
- I. Training
1. The Records Administrator will train all Records Management Officers in the records management policies and procedures to assist them in facilitating the records management activities in their respective department.
  2. The Records Administrator shall identify such training courses that are relevant to the duties of the Records Management Officers and shall forward this information as appropriate.
  3. The Records Administrator will train all employees in the records management policies and procedures and will serve as a resource for employees with records related questions.
- J. Monitoring and review
1. The Records Administrator will conduct an audit of the records management practices for the City on an annual basis and provide a report to the City Manager through the City Clerk on their findings.
  2. This policy and the [Records and Information Management Program Manual](#) will be reviewed on an annual basis and shall be updated as appropriate to ensure that it meets all statutory, regulatory and directives of the State of Arizona.
- K. Relationship with other policies
1. See Chapter 16 – Information and Communication Technology Policy
  2. See Administrative Policy (AP 51) – Social Media Policy
- VI. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 07/11/19.

TITLE: Public Records Requests
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I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and establish office procedures for responding to requests for public records. This policy applies to all City employees.

II. POLICY STATEMENT

All records received or created by City of Avondale employees are presumed to be public records unless they are specifically exempt from disclosure under Arizona law. The City Clerk's Office is responsible for responding to public records requests.

III. POLICY PROVISIONS

- A. Pursuant to ARS §39-121 public records are to be made available for inspection during the City of Avondale's regular business hours, with the exception of city observed holidays.
- B. Copies of public records must be made available within a reasonable period of time taking into account the volume and availability of the information and the necessity for redaction of content exempt from disclosure.
- C. All requests for information will be responded to by producing the requested documents, by producing redacted documents, or by notification to the requestor of why the information was not provided.
- D. The City Attorney is responsible for determining if a document maybe withheld from disclosure.
- E. Although the requestor may request a certain format for documents to be provided for inspection or copying, the City is not required to create a new public record, transform the requested documents into a format that is different than the requested public record, create new records or perform a new analysis of existing information.
- F. To maintain the integrity of all public records while ensuring public access to records, it is the City Clerk Department's policy to have a city employee accompany customers who request to inspect public records.
  - 1. The city employee will remain with the customer for the duration of his/her inspection of the public records.

## IV. PROCEDURES

- A. Anyone wishing to request public records must fill out the records request form indicating who is requesting the information and providing a clear description of the records being sought.
1. Requests for electronic data should include a list of the terms to be used in the search as well as a timeframe. If search criteria brings up more than 10,000 hits, City Clerks staff will ask for more search criteria to narrow the scope of the request.
  2. In order to ease production of requested documents, requestors are asked to limit their requests to one item per form, but may submit multiple forms at the same time.
  3. The requestor must identify the records with sufficient clarity to allow the city to identify, retrieve, and review the records.
    - a. If the request is unclear, the City Clerk's Department will contact the requestor for clarification.
  4. Effective March 20, 2014 the City Clerk's Department will return requests that are not submitted as described in this policy to the requester with notations as to the necessary changes.
- B. Each request will be evaluated to determine the length of time that will be required to respond to the request.
1. Routine requests should be satisfied within 72 hours of receipt.
  2. For requests requiring more time to complete, the requester will be notified of the estimated review time.
- C. Individuals requesting public records will only be charged for the actual cost for reproducing the documents. The fees assessed by the city for reproduction are determined by the city council as part of the city's annual budget or by separate resolution.

## V. APPROVAL



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David Fitzhugh, Acting City Manager

March 19, 2014

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Date of City Manager's Approval

TITLE: Management Associate Program
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I. PURPOSE AND SCOPE

This policy provides direction for the implementation and operation of the Management Associate Program.

II. POLICY STATEMENT

It is the City of Avondale's policy to establish and maintain the Management Associate Program to expose those interested in city management to a wide variety of challenges found within the City.

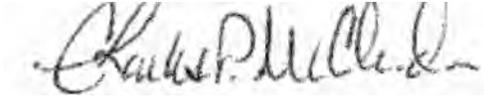
III. POLICY PROVISIONS

A. The Management Associate will rotate through the Finance and Budget, Economic Development, Community Relations/Public Affairs, Public Works, and Human Resources Departments.

1. The positions associated with each department will remain static and the Management Associates will rotate through the positions. The positions included are:
  - a. Budget Analyst (Finance and Budget)
  - b. Economic Development Specialist (Economic Development)
  - c. Executive Management Assistant (Community Relations/Public Affairs)
  - d. Management Assistant – Public Works (Public Works)
  - e. Senior Human Resources Analyst (Human Resources)
2. The Management Associate is housed within the department they are currently rotating through and they will take on the role and responsibilities of the position within that department. For example, the Management Associate in Economic Development will be the Economic Development Specialist in the department for the duration of the rotation. The next Management Associate that rotates through Economic Development will then assume that role.
3. It is expected that department heads and their designees will be responsible for mentoring the Management Associate and exposing them to the experiences within their department that facilitates the learning of higher level processes.

4. The Management Associate shall also participate in structured activities required by the program. The structured activities may include, but are not limited to, monthly meetings with the other Management Associates and the City Manager; membership in and attendance at assigned ICMA, Alliance for Innovation, university, and/or ACMA events; attendance at assigned City Council and/or department head meetings; and cross training with the other Management Associates prior to rotating to the next department. These activities outside of the normal functions of the position are subject to change by City Management.
- B. Each rotation shall last approximately two years.
1. Rotations and new placements will occur in October of odd numbered years.
    - a. The process to determine the next placement at the time of rotation is twofold. First, the Management Associate will rank their preference one through three. Then, an interview process will take place with each of the departments and each of the Management Associates. At the completion of the interviews, the departments will provide a ranked preference, also one through three. City Management will work to align both sets of preferences to the best of their ability and make placement determinations at that time. This process will occur at the beginning of September of each year that a rotation occurs, in time for the new placements in October.
  2. If a new Management Associate joins the program in the middle of a rotation, their duration within a department will depend on the length of time until the next rotation. That is, if there is less than one year until the next rotation, the new Management Associate will stay in the current assignment until the next rotation. If there is more than one year remaining, they will move to the next position during the next rotation cycle.
- C. Should a Management Associate leave the program, an external recruitment would occur in the same manner as existing City hiring processes.
- D. Eligible candidates must possess a Master's Degree in Public Administration, Public Policy, Business Administration or a related field from an accredited educational institution recognized by the US Department of Education. Individuals with a Bachelor's Degree and at least five (5) years of City of Avondale work experience will also be considered. Individuals with a Bachelor's degree must complete a Master's Degree program before the end of the full rotation of the program.
- E. This experience will be considered management supervisory experience for promotional opportunities within the City organization.

VI. APPROVAL



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Charles McClendon, City Manager

February 19, 2014

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Date of City Manager's Approval

TITLE: Sexual Abuse

I. PURPOSE AND SCOPE

The purpose of this policy is to make it clear that the City has zero tolerance for any form of sexual abuse in the workplace. This policy applies to all City employees and volunteers.

II. POLICY STATEMENT

The City does not tolerate any act by its employees or volunteers that would constitute sexual abuse under state or federal law that is committed on City property or while a City employee or volunteer is on-duty.

III. POLICY PROVISIONS

- A. Any employee, who commits sexual abuse, as that term is defined under state or federal law, shall be subject to discipline, up to and including termination.
- B. Any volunteer who commits sexual abuse will lose his or her status of volunteer.
- C. The City will require that all City employees and volunteers sign an acknowledgement indicating they have received a copy of this policy.

IV. PROCEDURES

- A. All allegations of sexual abuse committed on City property or while on-duty as a City official, employee or volunteer will promptly be reported to the City Human Resources Department and to the appropriate authorities, as designated by statute.
  - 1. If the appropriate authorities decline to investigate these allegations, the City may conduct an independent investigation.

V. APPROVAL



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David Fitzhugh, City Manager

February 26, 2015

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Date of City Manager's Approval

TITLE: Panic Button Protocol
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I. PURPOSE AND SCOPE

The purpose of this policy is to outline the proper procedures for reporting emergencies and the usage of the panic buttons. This policy applies to all City employees.

II. POLICY STATEMENT

With the installation of panic buttons at various locations throughout City departments, it is important that employees understand the proper procedures for reporting emergencies and understand how the Police Department will respond.

III. POLICY PROVISIONS

- A. Panic buttons are installed at various locations throughout City departments. The list of panic buttons will remain confidential for security purposes.
- B. If a panic button is located in your work area, your supervisor will inform you and ensure you understand this policy.
- C. Members of the City's Safety Team are responsible for performing monthly tests of the panic buttons in their respective areas.

IV. PROCEDURES

A. IF AN EMERGENCY OCCURS AND YOU ARE ABLE TO SPEAK

- 1. If an emergency is occurring and you are able to relay the information, you should call 911 to report the incident.
- 2. If you need police assistance only, the dispatcher will render the appropriate assistance.
- 3. If you need fire/medical assistance only, your call will be transferred to the Fire Department for assistance.
- 4. Be prepared to provide as much information as possible regarding the situation to better aid the response of public safety. Some of the basic info that the dispatcher will need is: specific location, weapons involved, what is happening medically (fainted, chest pains, etc.)

**B. IF AN EMERGENCY OCCURS AND YOU ARE UNABLE TO SPEAK**

1. If you are unable to speak to the dispatcher due to extenuating circumstances (i.e. hostage situation, person with a gun, etc.) you should activate the panic button, if possible.
2. If you are not near the panic button, but are near a phone, you should call 911 from the phone and leave the line open so that the dispatcher can hear what is going on and send the appropriate number of units.
  - i. It is preferable that you use a City phone, so the dispatcher will know your exact location. If you are unable to use a City phone, but have a cell phone available, try to communicate your location so the dispatcher knows where to send help.
3. The only time you should do either of these is if you or others are in immediate danger and cannot relay the information of the situation to the dispatcher.

**C. IF AN EMERGENCY OCCURS AND YOU ACTIVATE A PANIC BUTTON**

1. The Avondale Police Department Communication Center is notified via an alarm on the dispatchers' computer screens. The alarm is audible and will pull up a screen that identifies the area that has activated the panic button.
2. The dispatchers will immediately enter a call to be dispatched to an officer and subsequently call the department that activated the alarm in attempt to get further information regarding the alarm or confirm the validity of the alarm.
3. Due to the critical nature of emergencies, the dispatchers will not be able to look up multiple phone numbers or try to determine the best number to call in each department. Therefore, it is important to ensure that the Facilities Manager has the preferred contact number so it can be properly logged into the alarm system.
4. Upon reaching someone in the department, the dispatcher will triage the call to determine if police, fire and/or medical are needed. If the activation was an accident they will cancel the call and reset the alarm.
5. If they are unable to reach an employee via the phone, they will continue sending police to the area to investigate the unknown trouble.
6. Of course, it is always better to know what is going on if at all possible, as it aids the responders in determining the necessary resources needed for the situation.
7. If you activate the panic button accidentally, please call the Communications Center IMMEDIATELY to advise that it was an accident. You can use the direct line to dispatch which is ext.7099.

V. APPROVAL



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David Fitzhugh, City Manager

March 23, 2015  
Date of City Manager's Approval

SECTION:

ADMINISTRATIVE POLICY 60

TITLE: RESERVED
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SECTION:

ADMINISTRATIVE POLICY 61

TITLE: RESERVED

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TITLE: Light Duty Work Program

I. PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and reporting procedures for City of Avondale (City) employees who are unable to perform the duties of their position in usual jobs due to temporary work restrictions resulting from an off-the-job illness or injuries and who are eligible to be assigned to the City's Light Duty Work Program (Light Duty).

II. POLICY PROVISIONS

It is the City's policy to provide an opportunity for Light Duty for employees recovering from an **illness or injury sustained off the job that has been substantiated by a Health Care Provider**. This policy is not intended to be used for permanent work reassignments, but rather as a light duty program to temporarily accommodate medical conditions that restrict the employee's performance of regular duties until the employee returns to unrestricted work.

Assignment to Light Duty is not a right of employment. Upon notification to the City's Human Resources Department (Human Resources), Light Duty assignments are allowed with the approval of the employee's Department Director or designee as long as necessary Light duty work is available and can be performed by the employee. A Light Duty Work Agreement (LDWA) (*see Appendix B*) must be approved and signed prior to the beginning of any Light Duty assignment.

An employee who has been accommodated into a position under the Americans with Disability Act is not considered on Light Duty, and therefore, is not subject to this policy.

III. DEFINITIONS

Throughout this policy, the following definitions apply:

**ADA** – The Americans with Disabilities Act, 42 U.S. C. §12101 *et seq.*

**Department** – the City Department to which the employee is regularly assigned when not on Light Duty.

**Department Director** – the Director of the Department or a person designated by the City Manager.

**Eligible employee** – regular full and part-time employees (excludes probationary employees in the Academy for Fire, Police and Detention positions.)

**Family and Medical Leave (FMLA)** – leave authorized by the Family and Medical Leave Act, 29 U.S. C. §2601 *et seq.*

**Health Care Provider** – a health care provider as defined by the Family and Medical Leave Act regulations, 29 C.F.R. §825.102.

**Light Duty** – temporary work that is different from or less demanding than normal job duties, based upon restrictions prescribed/designated by a Health Care Provider that support the need for an employee to be assigned Light Duty.

**Light Duty Work Agreement (LDWA)** – an agreement entered into between the City and the employee specifying conditions of a Light Duty work assignment. The LDWA form that must be filled out and signed by all parties is included. (*Appendix B*)

**Regular Position** – the job position to which the employee is regularly assigned and not the Light Duty assignment.

**Temporary** – lasting for only a limited period of time; not permanent.

#### IV. LIGHT DUTY WORK ELIGIBILITY

1. Employees with temporary **illness or injuries sustained off the job that have been substantiated by a Health Care Provider** and prevents the employee from performing their regular duties of their regular jobs are eligible.
2. In approving and assigning Light Duty, the Human Resources will work with the Department Director and take the employee's skills and abilities into consideration, as well as the applicable medical restrictions.
3. The decision of the Department Director regarding any Light Duty assignment is not subject to grievance or appeal.
4. If there is limited Light Duty work available, preference will be given to the employee whose work restrictions are due to an industrial injury, and/or individuals with permanent or substantially limiting work restrictions who have requested a reasonable accommodation under the ADA.
5. If the employee can perform the duties of their regular job within limitations established by a Health Care Provider, the employee will return to the employee's regular position, and the provisions of this policy do not apply.
6. Only those employees who have entered into an approved Light Duty Work Agreement (LDWA) (*see Appendix C*) shall be assigned to Light Duty.

#### V. DURATION OF LIGHT DUTY ASSIGNMENT

1. A Light Duty work assignment, as defined in this policy, is temporary, not indefinite or permanent.

2. The duration of a Light Duty work assignment and a related LDWA will follow the FMLA definition, which is twelve (12) weeks in a rolling 12-month calendar period. The City reserves the right to require an examination by a Health Care Provider designated by the City at the employee's expense to evaluate whether or not the employee's condition will allow him/her to be assigned light duty.

If an employee is not a candidate for a Light Duty work assignment, the employee may be placed on paid or unpaid leave, including utilizing sick leave or vacation. Employees who are unable to participate in any Light Duty work assignment should work with Human Resources to evaluate the employee's eligibility.

## VI. OTHER CONSIDERATIONS

1. Light Duty work assignments will not be allowed to be conducted at the employee's home or in other unsupervised City work locations.
2. Human Resources will attempt to place the employee in the employee's Department. If no appropriate Light Duty work is available in the Department, the employee may be placed in another City department where Light Duty work is available and can be performed by the employee, based upon employee's restrictions, skills, and training.
3. The City will attempt to offer Light Duty work to all eligible employees. However, there may be times that the City does not have appropriate work available or does not have work that can be safely performed by the employee based upon the restrictions set out by the employee's Health Care Provider.
4. Employees who are on a Light Duty work assignment are not eligible for off-duty work or overtime work. This includes on-call or call-out duty.
5. Periods of work while an employee is working under a Light Duty work assignment are not calculated as time worked for those employees serving an original probationary period because they do not allow the employee's supervisor sufficient opportunity to observe the employee's performance in the employee's regular position.
6. Performance appraisals will be completed for employees on temporary Light Duty work assignment, in compliance with the employee's normal review schedule, and will address the employee's performance while on Light Duty.
7. Employees on Light Duty, who are not on original probation, are eligible for merit increases based on job performance and availability of funding. Expectations regarding punctuality, attendance, and absenteeism are the same as with the employee's regular work assignment except as noted by the employee's Health Care Provider. Any requests for medical appointments or vacation must be made through the employee's immediate supervisor. Appointments for medical treatment, physical therapy and so forth should be scheduled during non-working hours as much as possible, or by using sick leave or vacation time, with the immediate supervisor's approval.

8. Employees eligible for leave under the Family Medical Leave Act may opt for FMLA unpaid leave or in lieu of participating in the LDWA.
9. Employees with medically related restrictions that would permanently prevent them from returning to their regular position will not be provided with a LDWA and will contact Human Resources for further consultation.

## VI. PROCEDURE

### A. Employee's Responsibilities

1. An employee shall initiate a Light Duty work assignment request by submitting the Accommodation Request Form for Light Duty (*see Appendix A*) to the employee's department.
2. The employee will submit to the City Human Resources Department a statement signed by employee's Health Care Provider that states:
  - a) the employee has a medical condition that requires Light Duty AND
  - b) what restrictions are required on employee's duties

The employee may have the option to remain in his/her present job assignment if he/she is able to continue performing his/her current job with minor changes that do not exceed the restrictions noted by the Health Care Provider upon discussion with Human Resources and the Department Director.

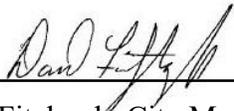
3. At least two (2) working days before returning to work, the employee must provide the City Human Resources Department with a written work release with no restrictions from the employee's Health Care Provider. If additional time is needed beyond the LDWA agreement, contact the City Human Resources Department for additional consultation. Employees need to be aware that there may be waiting periods that must be met before the employee receives certain benefits from other programs.

### B. City Responsibilities

1. Upon receipt of the completed paper work, the City Human Resources Department will meet with the Department Director, supervisor and the employee to discuss options for a Light Duty work assignment.
2. In the event that the employee's physician's release does not adequately describe the employee's restrictions, capabilities and needs, a third party medical provider or medical review organization selected by the City in its sole discretion will contact the physician to obtain the specific restriction information. The City will require the proper release from the employee to allow the Health Care Provider to interact with the City's third party medical provider (*see Appendix C*).

3. If a Light Duty work assignment is available and appropriate, the terms of the LDWA are agreed to by the employee and the Department Director or designee, and the Health Care Provider has submitted required paperwork and information, the LDWA shall be signed by the employee, the Director or designee, and a representative of the City Human Resources Department, and will be kept on file in the City Human Resources Department.
4. Department Directors/designees are responsible for monitoring the performance of employees on a Light Duty work assignment who are regularly assigned to their Department and assuring the provisions of this policy are followed. The employee's assigned department will maintain the light duty employee's timecard, and provide authorization to the funding Department Director to sign off on the employee's timecard.
5. If an employee is given a Light Duty work assignment in a department other than a Department to which there are regularly assigned, the Department Director/designee may consult with other Directors of the City departments to which the employee is temporarily assigned to monitor the performance of the employee and evaluate the employee
6. Employees receiving Specialty Pay for their Regular position will not receive Specialty Pay until they return to their regular duty status unless specified otherwise in a Memorandum of Understanding (MOU).

VII. APPROVAL



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David Fitzhugh, City Manager

August 10, 2016

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Date of City Manager's Approval

**Appendix A – Accommodation Request Form**



City of Avondale  
Human Resources Department  
11465 W. Civic Center Dr., Ste 240  
Avondale, AZ 85323  
Office: 623-333-2200  
Fax: 623-333-0220  
Email: [humanresources@avondale.org](mailto:humanresources@avondale.org)  
Web: [www.avondale.org/HR](http://www.avondale.org/HR)

**EMPLOYEE ACCOMMODATION REQUEST FOR LIGHT DUTY**

Please note that this information will be maintained in a separate confidential file from your personnel file in Human Resources and will be limited only to those with a need-to-know.

Today's Date: \_\_\_\_\_ Date of Verbal Request: \_\_\_\_\_

Employee Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

What type of accommodation are you requesting?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain how the accommodation being requested will allow the essential functions of your position to be completed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is medical condition temporary:  Yes  No

If yes, please state the expected duration: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no or unknown, please contact Human Resources for further review.

Please provide us with the name of your Healthcare Provider(s) who can assist in this request. If you have additional providers who also have information on this matter, please list that information on a separate sheet. Complete the Authorization for Release of Information found in Appendix C to further expedite this request for Light Duty.

Provider's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Provider's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Have you applied for a reasonable accommodation previously with the City:  Yes  No

If yes, please explain the status and/or circumstances: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It is the policy of the City of Avondale to provide reasonable accommodations to eligible individuals with non-work related-injuries or medical conditions that place limitations on their ability to perform their usual job duties. I understand that a detailed review of my limited status will be required and I agree to cooperate fully in this process. I understand that if my request is granted, I am obligated to report any changes in my status which may require a reevaluation of this request. I further understand that the accommodation requested above may not be granted but that the City will attempt to provide a reasonable Light Duty accommodation that does not create an undue hardship on the City's business. Granting this request does not signify approval of any future reasonable accommodation request for any other position within this department or any other department within the City or one that is protected under the Americans with Disabilities Act.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**RETURN COMPLETED FORM TO HUMAN RESOURCES IMMEDIATELY**

**Appendix B – Light Duty Work Agreement (LDWA)**



City of Avondale Human Resources Department  
11465 W. Civic Center Dr., Ste 240 - Avondale, AZ 85323  
Office: 623-333-2200 - Fax: 623-333-0220

Date \_\_\_\_\_  
Employee Name (Print): \_\_\_\_\_ Employee ID: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Department: \_\_\_\_\_  
Direct Supervisor: \_\_\_\_\_ Department Director: \_\_\_\_\_

**Part 1 – Commencement of Employee’s Light Duty Work:**

**Section I – To be completed by employee’s supervisor:**

Based on the restrictions identified by employee’s Health Care Provider, employee is hereby assigned to Light Duty. This assignment is temporary and is not a permanent assignment. This assignment duration will follow the FMLA definition, which is twelve (12) weeks in a rolling 12-month calendar period. If you are not released to full/regular duty at 12 weeks, you will be referred to the Human Resources Department for case review and evaluation.

- Physician’s Release to Light Duty Date: \_\_\_\_\_
- Light Duty Assignment Start Date: \_\_\_\_\_
- Scheduled Days: \_\_\_\_\_
- Scheduled Start and End Times: \_\_\_\_\_
- Location for assigned Light Duty (Department/Division): \_\_\_\_\_
- Assigned Duties/Responsibilities: \_\_\_\_\_
- Reporting to (Light Duty Supervisor): \_\_\_\_\_
- Next Review Date: \_\_\_\_\_

**Section II – Employee’s Acknowledgement:**

I agree to abide by the City of Avondale policies and procedures, which are incorporated into this agreement. I accept the terms and conditions of the Light Duty assignment, as stated above.

Employee’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Section III – Department Director/Designee’s Approval:**

_____	_____	_____
Department Director/Designee’s Name (Printed)	Department Director/Designee’s Signature	Date

**Part 2 – Approval of the Human Resources Department:**

_____	_____	_____
Human Resources Department Director/Designee’s Name (Printed)	Human Resources Department Director/Designee’s Signature	Date

**Copies to: Light Duty Supervisor, Department Director, Human Resources Department, and Payroll.**

**Appendix C – Authorization for Release of Information**



City of Avondale Human Resources Department  
11465 W. Civic Center Dr., Ste 240 - Avondale, AZ 85323  
Office: 623-333-2200 - Fax: 623-333-0220

Date \_\_\_\_\_

Employee Name (Print): \_\_\_\_\_

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

I hereby authorize the City of Avondale to communicate my health information which may include information relating to sexually transmitted disease, acquired immunodeficiency syndrome (AIDS) human immunodeficiency virus (HIV), and any other related diseases regarding my Light Duty work, any potential work restrictions I may have, or reasonable accommodations I may need, or any other such medical information as it may pertain to my job performance based on my current medical conditions to American Health Group, or any other therapists or physicians as it pertains to my Light Duty work.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

TITLE: FLSA Exempt Employee Leave
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I. PURPOSE AND SCOPE

The purpose of this policy is to establish and apply guidelines for any employee who is paid on a salary basis and who meets the definitions of executive, administrative, or professional under the Fair Labor Standards Act (“FLSA Exempt Employee”).

II. POLICY STATEMENT

FLSA Exempt Employees are not required to record their hours worked, however, they will utilize the City’s ADP Timekeeping System to log/file leave requests and to access leave and payroll information. It is the employee’s responsibility to verify that all leave requests are approved and authorized by the employee’s direct supervisor.

III. POLICY PROVISIONS

The Fair Labor Standards Act sets the rules regarding workers' hours, wages and overtime.

- A. If an FLSA Exempt Employee works less than one-half of the hours of their regular work day due to personal or health-related reasons (“Partial Work Day,”), their accrued but unused vacation, sick, and holiday leave (collectively “Leave Bank”) will be used for the hours they miss. (For example, if an FLSA Exempt Employee’s regular work week consists of ten hours per day, four days a week, and the employee works two hours, eight hours of the FLSA Exempt Employee’s accrued leave will be applied to the hours missed. If that employee works five hours or more, but not the full ten hours, there will be no deduction.
- B. If an FLSA Exempt Employee works less than one-half of the hours of their regular work day due to personal or health-related reasons and all leave in the FLSA Exempt Employee’s Leave Bank has been exhausted, the City will deduct an amount from the FLSA Exempt Employee’s salary equal to the number of hours that the Exempt Employee did not work times the Exempt Employee’s hourly rate. Hourly rate is calculated by dividing the Exempt Employee’s annual salary by 2080.
- C. This policy is not applicable to an FLSA Exempt Employee who is on intermittent Family and Medical Leave (“FMLA”).
- D. Abuses of this policy by FLSA Exempt Employees who work an excessive amount of Partial Work Days shall be addressed by the employee’s immediate supervisor.

IV. PROCEDURES

- A. An FLSA Exempt Employee must obtain permission from his or her immediate supervisor before this policy may be applied to a Partial Work Day.

- B. Deductions will not be made from an FLSA Exempt Employee's salary for absences occasioned by jury duty, attendance as a witness (e.g. deductions may not be made where an employee is under legal compulsion to be present in court, but deductions may be made for voluntary attendance in a court case in which the employee is a party) or temporary military leave. The employee is required to report earnings for jury duty or witness fees to his or her department director.
- C. FLSA Exempt employees who are covered by a collective bargaining agreement are subject to this policy only to the extent that the collective bargaining agreement does not address FLSA Exempt Employee Leave.
- D. An FLSA Exempt Employee who has cause to believe that the City has improperly deducted leave or salary in violation of this policy shall immediately report the alleged improper deduction to the Human Resources Department.

V. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 02/05/19.

TITLE: Fire Battalion Chief Coverage Stipend
--

I. PURPOSE AND SCOPE

This Administrative Policy provides direction, in accordance with City of Avondale Policies and Procedures Chapter 5.B.22, for when Chief Officers are authorized to receive stipend pay to fill a battalion chief shift vacancy, when chief officer is required to fill a command position at special events, or when a Chief Officer is deployed at the request of a state or federal agency.

II. POLICY STATEMENT

It is the City of Avondale policy that fire department command positions are filled to the greatest extent possible by a qualified chief officer. This policy addresses filling of operational command officer positions and is not intended for meetings, training or other administrative functions.

III. POLICY PROVISIONS

- A. Position for position is the preferred method for filling vacant or needed operational positions whenever possible, especially at the command level.
- B. When a battalion chief position is vacant on a shift, other response qualified chief officers, as determined by the Chief of Department and who have maintained their command officer continuing education requirements as required by the automatic aid system, are eligible, and will be afforded the first opportunity, to fill the vacancy. In such an instance the chief officer is eligible to receive a stipend of \$500 for 12-hours or \$1000 for 24-hours of shift coverage. For chief officers assigned to 40-hour administrative positions this only applies for assignment periods outside the individual's normal duty hours and must be approved by the Chief of Department.
- C. In cases where it is necessary to fill a command level position with a chief officer at a special event, as authorized by the Chief of Department, for a period of 8-hours or longer, a chief officer not otherwise assigned to the event as part of their normal duties is eligible to receive a stipend of \$500 for 12-hours or \$1000 for 24-hours of coverage. This only applies for assignment periods outside the individual's normal duty hours.
- D. A qualified chief officer that is deployed at the request of a state or federal agency is eligible to receive a stipend of \$500 for 12-hours or \$1000 for 24-hours of coverage. This only applies for assignment periods outside the individual's normal duty hours.

- E. When a Chief Officer works on a City designated holiday, the Chief officer shall receive a stipend of \$500.00 for 12-hours. The maximum stipend for the designated holiday is \$500.00.
- F. This policy commences at the start of the fiscal year, July 1, 2018. Continuation of this program is at the discretion of the City Manager.

IV. PROCEDURES

- A. The Fire and Medical Department will establish a process that provides all qualified chief officers opportunities to fill vacancies covered by this policy.
- B. Appropriate payroll codes will be created to accommodate payment of the stipend, unless the City Manager discontinues the program.

V. APPROVAL

This policy approved by Assistant City Manager Gina Montes for Avondale City Manager, Charles Montoya on 07/09/2020.

TITLE: Public Safety Board Elections for Employees
--

I. PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to public safety employees desiring to participate in the election process to serve on the City of Avondale public safety boards.

Pursuant to A.R.S. §38-847 and §38-893, each municipal fire department, each municipal police department, and each city or town participating in the Corrections Officer Retirement Plan must establish a five (5) person Local Board, which includes a chairperson, two (2) appointed persons, and two (2) employees elected by secret ballot by members employed by the appropriate employer.

II. POLICY STATEMENT

It is the policy of the City of Avondale to provide the appropriate guidelines to eligible employees desiring to participate in the elective process to one of the City's Local Public Safety Boards in accordance with statutory provisions.

III. DEFINITIONS

- A. **Ballot Packet** – contains the following: (1) The official ballot containing all interested candidates; (2) The ballot envelope for enclosure and sealing of the ballot; and (3) an instruction sheet with the deadline to submit ballots.
- B. **City Clerk's Talley Board** – two (2) members from the City Clerk's office responsible for tallying election ballots.
- C. **Eligible Employee** – employees contributing to the Public Safety Personnel Retirement System (PSPRS) and the Corrections Officer Retirement Plan (CORP).
- D. **Eligibility List** – a list of all eligible employees that is provided by the Human Resources Department.
- E. **Notice of Election** – a notice posted by the City Clerk's Office alerting eligible employees of an upcoming election.
- F. **Notice of Interest** – a memorandum or electronic email submitted by an eligible employee to the City Clerk's office indicating interest in candidacy for an open seat on a public safety local board.

IV. PROCEDURES

- A. On or before October 1 of the year in which a term expires, the City Clerk's Office shall initiate an election by physically posting a Notice of Election at the locations designated for employee notices in the Police and Fire & Medical Departments as

appropriate depending on the type of election. For any vacancy existing on the date of this policy, a Notice of Election shall be posted within thirty (30) days following the date of this policy.

- B. The City Clerk's Office shall also email the Notice of Election to all eligible employees from the Eligibility List on the day of posting. A Notice of Election shall indicate that any eligible member may be nominated as a candidate for the board by filing a Notice of Interest with the City Clerk's Office.
- C. Within thirty (30) days following the posting of a Notice of Election, Notice of Interest must be filed with the City Clerk's Office.
  - 1. No candidates other than those who submit a Notice of Interest shall be permitted to appear on the ballot.
  - 2. Electronic email submission of the Notice of Interest is permitted.
- D. Within thirty (30) days following the deadline for submission of Notice of Interest, the City Clerk's Office shall prepare and deliver a ballot packet to each employee on the Eligibility List.

#### V. VALDATING BALLOTS

- A. In order for the ballot to be valid, the eligible employee must sign the designated area on the ballot envelope used to enclose the ballot. The ballot may be returned personally or by mail in a separate envelope to the City Clerk's Office within ten (10) days after distribution to the employee.
- B. The City Clerk's Office shall verify the name on the ballot against the Eligibility List.
- C. The City Clerk's Office shall tally the ballots with a two-person tally board and certify the name of the candidate having the most votes. Such candidate shall be deemed elected for the term.
  - 1. In the event there is a tie, the City Clerk's Office shall initiate a random selection process and notify each candidate of the date and time of the selection.
    - a. The random selection process shall be as follows:
      - 1) The City Clerk shall write each candidate's name on a piece of paper and place each paper in a hat (or like item). The City Clerk will then pull one name from the hat to be the winning candidate.
      - 2) The selection process shall be in the presence of all candidates unless the candidate waives their right.

#### VI. BALLOT PROVISIONS

- A. In the event only one (1) candidate is on the ballot, the election is deemed cancelled and the appointment of the interested candidate will be presented to City Council for approval.

- B. In the event no Notice of Interests are received, the City Clerk's Office shall fill the vacancy with a resident of the City of Avondale through a process outlined in the Council Rules of Procedure.
- C. In the event a seat of an employee member becomes vacant with more than six (6) months left in the term, a special election shall be held to fill the vacancy.
- D. In the event a seat of an employee member becomes vacant with less than six (6) months left in the term, the seat may remain vacant as long as there remains a quorum.

VII. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 06/27/19.

TITLE: Water and Wastewater Operator Certification Program
--

I. PURPOSE AND SCOPE

The purpose of this Policy is to outline the process for City of Avondale (City) Water and Wastewater operators to obtain a professional certification from the Arizona Department of Environmental Quality (ADEQ) for the work they perform. The City recognizes the value of this professional certification for its employees and has established the Operator Certification Program to complete the credentialing for all eligible employees.

The ADEQ Water and Wastewater Operator Certification Program has four (4) water and wastewater operator classifications, each with four grades, levels I-IV. Each progressive grade level requires a combination of increased experience and/or education, as well as a passing grade on the applicable ADEQ certification exam. Grade IV certifications are the highest-level certifications currently granted by ADEQ. The City's Operator Certification Program will fund the ADEQ Operator Certification exam registration fee for eligible City Water and Wastewater employees who take the exams.

II. POLICY STATEMENT

It is the policy of the City to provide credentialing opportunities for its eligible Water and Wastewater Department operators through the City's Operator Certification Program.

III. POLICY PROVISIONS

- A. The Operator Certification Program funds each eligible employee's certification test registration fee, one (1) time per certification level. If the employee fails to take a scheduled exam or fails the exam, subsequent scheduling and test registration fees for that classification and grade will be the responsibility of the employee.
- B. ADEQ tests must be taken sequentially (I, II, III IV) within each certification track.
- C. Once certification has been obtained, it is the employee's responsibility to keep their certifications current by obtaining the required number of professional development hours (PDH's) and to becoming recertified in accordance with ADEQ requirements.
- D. The City's Operator Certification Program will continue at the Public Works Director's discretion and may be modified or terminated at any time.

IV. ELIGIBILITY

- A. To be eligible, the employee must be a Public Works Department employee who has Water or Wastewater certification requirements listed in their job description.

- B. For those Public Works Department employees whose job description does not include certification requirements, a request for eligibility may be made to their Supervisor. In these cases, eligibility is at the Supervisor's discretion based on the benefit to the department and the relevancy to the professional growth and development of the requesting employee who is in a water or wastewater career track.

V. PROCEDURES

- A. To participate in the Operator Certification Program, an employee must submit a written request to their Supervisor and indicate the ADEQ certification exam they wish to take.
- B. The Supervisor will verify that the employee has Water or Wastewater certification requirements listed in their job description or determine if certification will provide a benefit to the department and the professional growth and development of the employee.
- C. Upon approval by the Supervisor, the Supervisor will assist the employee with registering for the appropriate ADEQ certification exam and provide payment for the exam registration fee using an approved City purchasing method (P-Card).
- D. Employees shall provide the approving Supervisor with proper documentation of taking the ADEQ exam and the exam results, once they are available.

VI. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on 07/01/19.

TITLE: Procurement Credit Card Procedural Guidelines
--

I. PURPOSE AND SCOPE

The purpose of the Procurement Credit Card (P-Card) procedural policy is to establish sound business practices, determine employee cardholder responsibilities, and regulate the administration and use of P-Cards for the purchase of goods or services on the City of Avondale's (City) behalf.

II. POLICY STATEMENT

It is the policy of the City to provide the appropriate guidelines to employees authorized to utilize a City Procurement Credit Card (P-Card). All City employees authorized to use a P-Card will adhere to the guidelines presented in this policy.

III. DEFINITIONS

- A. **Procurement Credit Card/P-Card** – A commercial card that allows the City to utilize a corporate credit program to make business (electronic) payments for goods and services as authorized in the City's Ordinance Chapter 25- Procurement Code.
- B. **Cardholder** – A City employee authorized to use the P-Card to make purchases on behalf of the City.
- C. **Goods** – Tangible items of merchandise, commodities, supplies, or equipment.
- D. **Services** – The furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance.
- E. **Goods and Services** – For purposes of this policy, goods and services generally include those items not requiring a procurement process or contract.
- F. **Approver or Approving Official** – The individual at the user-department level responsible for reviewing and approving Cardholder transaction charges. An approver may oversee more than one Cardholder account. An approver may not be supervised by the Cardholder.
- G. **Card Provider** – The P-Card banking institution with whom the City holds a credit card (P-Card) contract.
- H. **Procurement Card Program Administrator** – The Assistant Director in the Finance and Budget Department will be responsible for monitoring and overseeing the P-Card Program to ensure key internal controls are in place to prevent misuse.
- I. **Card Administrator** – An Accountant in the Finance and Budget Department is responsible for managing the day-to-day operations of the P-Card program.

- J. **Card Custodian** – An Accountant separate from the Card Administrator in the Finance and Budget Department is assigned the responsibility to care for the P-Card and reconciliation of those cards.
- K. **Fraud** – Intentional misuse of a P-Card resulting in a purchase whereby someone other than the City benefits.
- L. **Misuse** – Unauthorized purchasing activity by a Cardholder/City employee. This includes any purchasing not authorized under the City’s Procurement Code or this policy.
- M. **Purchase Order (PO)** – A formal notice to a vendor that he/she has been selected to furnish the goods or services described in detail thereon and the City has attained proper authority to make said purchase.

#### IV. ADMINISTRATION OF THE PROCUREMENT CARD

- A. The City-issued P-Card provides an efficient, flexible, and convenient way to purchase goods and services and is administered through the Finance and Budget Department P-Card Program Administrator. The P-Card shall be used for official City business only.
- B. Before the P-Card is issued, the employee and his/her Approving Official must sign the City of Avondale Certification and Receipt of Procurement Credit Card Form indicating:
  - 1. The employee and Approving Official certify that they have read the Procurement Card Procedural Guidelines and understand their responsibilities regarding the proper use and administration of the P-Card.
  - 2. The employee certifies that the Finance and Budget Card Custodian has provided the employee instructions on how to activate the P-Card and create a Personal Identification Number (PIN) for future use.
- C. The Department Head, his/her designee, or Executive Management, shall identify and approve Cardholders by sending an e-mail to the P-Card Program Administrator. The Approving Officials shall also be designated by the Department Head or his/her designee.
- D. The P-Card Program Administrator will provide each Cardholder with their authorized spending levels as determined by the Cardholder’s respective Department Head or Executive Management.

#### V. GENERAL INFORMATION

- A. Each P-Card is issued with the Cardholder’s name and City of Avondale Department embossed on it. Use by anyone other than the cardholder named on the card is prohibited. It shall be specially designed to avoid confusing it with personal credit cards.

- B. The P-Card is a procurement tool to be used for small, one-time purchases. **It shall not be used to circumvent City Procurement Policy (AP 23).** As with other purchasing methods, the following conditions must be met when using the P-Card:
1. Each registered Cardholder is responsible for safeguarding their assigned P-Card and maintaining transaction receipts to ensure reconciliation and timely payment of the monthly P-Card bill.
  2. Each single purchase may be comprised of multiple items, but the total cannot exceed the single purchase dollar limit on your P-Card.
  3. The least expensive item that meets the basic needs should be purchased. The purchase must follow your department's administrative control of funds procedures to ensure that sufficient funds are available prior to making a purchase.
  4. Use of the P-Card does not relieve Cardholder from complying with federal and state laws and regulations, City ordinances, rules, or policies or procedures. Employees may contact the Finance and Budget Department if there are any questions about procurement policies and procedures.
  5. Use of the P-Card is not intended to replace effective procurement planning.
  6. Make sure merchandise is currently available and deliverable within the current billing cycle. Backorders and layaways are not permissible uses.
  7. Before signing the sales draft/receipt, verify the dollar amount is correct and that sales tax has been included.
  8. Maintain a copy of the signed sales draft/receipt to reconcile with the monthly statement.
  9. The Procurement Card Program Administrator will not request any personal information from you, nor should you furnish any personal information to the P-Card Administrator. There will be no credit checks on your personal credit history.

## VI. CARDHOLDER RESPONSIBILITIES AND DOCUMENTATION REQUIREMENTS

- A. The Cardholder shall review existing contracts or purchase orders to determine if the City has an existing contract/purchase order for required goods or services. If the purchase is within compliance of the Procurement Policy and there is no purchase order for the goods or services needed, the purchase may be completed through use of the P-Card. Cardholders are encouraged to secure the best value for the product being purchased.
- B. For each transaction paid with a P-Card, the Cardholder must provide documentation of the expense, including a detailed receipt, sales draft, or invoice, identifying the individual items purchased. It is the Cardholder's responsibility to ensure the correct documentation is provided to Accounts Payable for monthly reconciliation of the P-Card account. (Detailed documentation is almost always available if the vendor is made aware before completing the purchase.)

- C. If the vendor provides a receipt which shows only the total amount, with no specific details of the purchase, then the Cardholder must request a detailed receipt. If one is not available, the Cardholder is responsible for documenting the details of the purchase.
- D. If the documentation does not contain sufficient detail to support the purchase made for official city business, the Cardholder must supplement the documentation with an explanation of the official city business served by the purchase.
- E. For purchases where food is served, the documentation must include an explanation of the official city business and attendee list. If the number of attendees is large, the Cardholder shall list categories of attendees.

## VII. ACCEPTABLE CARD USE

- A. The P-Card shall only be used for business purposes and in full compliance with the City's policies, procedures, and guidelines, as well as state and federal laws and regulations.
- B. Ordinary and necessary City business expenses will be recognized as acceptable purchases. To qualify as an acceptable purchase, expenditures must meet the criteria and documentation standards set forth herein. The following is a non-exhaustive list of acceptable purchases:
  - 1. Professional dues and subscriptions (one-time purchase)
  - 2. Business related educational costs/training
  - 3. Goods and non-capital equipment
  - 4. Travel related expenses (authorized City business) such as hotel reservations, airfare, or registration fees
  - 5. When using a P-Card for routine services which will benefit the City through cost or staff time savings, and such purchase is compliant with the City's Procurement Policy.

## VIII. ACTIONS REQUIRING SPECIAL AUTHORIZATION IN WRITING

- A. Purchase of Gift Cards/Gift Certificates; authorization from the Procurement Office.
- B. Purchase which exceeds card limits or requires competitive quotes; authorization from Procurement Office.
- C. Permanent increase of any Cardholder's transaction limits. This must be requested in writing by the Procurement Card Authorization Form (via e-mail) to the Procurement Card Program Administrator.

## IX. P-CARD RESTRICTIONS

- A. The following list covers purchases for which P-Card use is prohibited (See *Procurement Card Restriction and Vendor Solutions* worksheet). This includes, but is not limited to:

1. Meals while traveling on official city business when an employee is provided with a per diem allowance
2. Cash advances through bank tellers or teller machines
3. Purchase of personal entertainment and alcoholic beverages
4. Purchase of services that require purchase orders
5. Department-specific policies may allow further restrictions to this list. (i.e., purchase of computer-related software, hardware and associated licenses and grant funded projects and acquisitions.) Please consult your department director for more information on department-specific policies.

#### X. PERSONAL PURCHASES, FRAUD, AND MISUSE

- A. No personal purchases with the P-Card are allowed regardless of intent to reimburse the City.
- B. Intentional misuse or fraud committed with the P-Card is strictly prohibited.
- C. Suspected fraud by a cardholder will be investigated by the Accounting Division and reported to the cardholder's manager. If fraud has occurred, the employee will be subject to disciplinary action, up to and including termination, and reported to the Avondale Police Department.
- D. All fraud resulting from an outside party shall be reported to the Finance and Budget Department and the Card Provider immediately upon discovery. The cardholder shall document the facts and results of the Card Provider's investigation and attach it to the monthly cardholder statement.
- E. In the event an inadvertent personal purchase is made, the Cardholder must immediately notify the Finance and Budget Department and reimburse with a check payable to 'City of Avondale'. A copy of the check and deposit form must accompany the transaction approval and monthly statement.
- F. If a Cardholder is charged incorrectly for an item, the Cardholder shall try to resolve the disputed charge with the merchant. If the merchant fails to correct the incorrect charge, then the Cardholder shall report the issue to the Card Provider. The results of the disputes shall be documented and included with the Cardholder's monthly statement.
- G. Most transactions must be disputed with the Card Provider within sixty (60) days of the date of the Statement of Account on which the disputed charge appeared in order to reverse the charges. Accordingly, if the merchant will not correct the charge, Cardholders should immediately report disputed charges to the Card Provider (currently Bank of America at 1-800-410-6465).
- H. When an incorrect or defective item is received, the Cardholder shall return the item to the merchant within one business day of receipt and seek an exchange or a refund.

## XI. CARDHOLDER PROCEDURES AFTER PURCHASE

- A. Cardholders will receive an itemized monthly Statement of Account and must complete the following:
1. Fill out the Record of Procurement P-Card Use listing the date, name of supplier, description of supplies, appropriate account codes, and amount billed.
  2. Attach the original sales receipts to the statement. Statements shall be kept for a minimum of three (3) years to comply with state-mandated records retention requirements. Cardholders should maintain copies of purchase receipts for their own records.
  3. Sign the form "Record of Procurement Credit Card Use" and forward it to the Cardholder's Approving Official within five (5) work days of receipt to allow the Finance and Budget Department to reconcile the monthly activity and post the expenditures in a timely manner.
  4. The amount on the form "Record of Procurement Card Use" shall match the amount on the original statement. Only the form needs to have signatures of the employee and his/her superior.
  5. If the Cardholder will not be available to sign their Statement of Account because of extended leave from the office, forward all sales receipts and credit vouchers to the Cardholder's Approving Official, who will then forward a copy to Accounts Payable. Upon the Cardholder's return to work, he/she shall sign the original Statement of Account and forward it to the Cardholder's Approving Official.

## XII. LOST OR STOLEN CARDS

- A. The Cardholder must immediately report the lost/stolen P-Card to the Card Provider (currently **Bank of America** at **1-888-449-2273**).
- B. The Cardholder must notify the Approving Official, and the Procurement Card Program Administrator, who will follow up with Card Provider to ensure the account has been closed.

## XIII. SEPARATED OR TRANSFERRED EMPLOYEES

- A. The Approving Official shall secure P-Cards from employees who separate from city service or transfer to another department and immediately notify Finance and Budget by email of the separation or transfer.
- B. A request for closing the account will be submitted to the Card Provider within two (2) days of receiving notification.
- C. All P-Cards shall be returned to the Card Administrator for disposal.

## XIV. APPROVAL

This policy approved by Avondale City Manager, Charles A. Montoya on 12/18/19.

TITLE: Electric Vehicle Charging Stations
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I. PURPOSE AND SCOPE

The purpose of this Policy is to establish guidelines for the usage of City owned Electric Vehicle (EV) chargers by City of Avondale staff for their own personal vehicles including Hybrid Vehicles (HV) and battery EVs. This is to encourage the use of alternative fuel vehicles and allow employees an opportunity to utilize a Charging Station (CS) in lieu of their daily Travel Reduction Program (TRP) stipend.

II. POLICY STATEMENT

- A. Article 9, §7 of the Arizona Constitution, commonly referred to as the Gift Clause, provides:

*Neither the state, nor any county, city, town, municipality, or other subdivision of the state shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation.*

This constitutional prohibition was intended to prevent governmental bodies from depleting the public treasury by giving advantage to special interests.

- B. The use of CS by City employees supports the ‘public purpose’ to reduce air pollution in Avondale and Maricopa County.
- C. The City of Avondale currently supports employee EV ownership with a daily TRP \$1 per day incentive. In lieu of this incentive, employees may charge their personal EV or HV during their scheduled work day as outlined by this Policy.

III. DEFINITIONS

- A. Charging Stations - An electric vehicle charging station, also called EV charging station, is an element in an infrastructure that supplies electric energy for the recharging of electric vehicles.
- B. Electric Vehicle - An electric vehicle (EV), also referred to as an electric drive vehicle, is a vehicle which uses one or more electric motors for propulsion.
- C. Hybrid Vehicle - A hybrid vehicle (HV) uses two or more distinct types of power, such as internal combustion engine to drive an electric generator that powers an electric motor.
- D. Incentive – An item that motivates or encourages employees to participate in their employer’s Travel Reduction Program. See [Substantive Policy Statement: SPS-2018-002 Travel Reduction Program-Plan Review Acceptable Incentive Items](#).

See the City's Program Benefits Flyer on ACES located at [Avondale Trip Reduction](#).

- E. Transportation Coordinator - The lead person responsible for developing and implementing a Travel Reduction Plan
- F. Travel Reduction Plan - A written report describing travel reduction measures that the City intends to implement.
- G. Travel Reduction Program - The Travel Reduction Program (TRP) began in 1989 as part of the State of Arizona's response to a court ruling requiring greater efforts to reduce air pollution. The TRP is managed by Maricopa County Air Quality Department and the program is required to be implemented by employers with 50 or more employees. See [Maricopa County Trip Reduction Ordinance, Ordinance No. P-7](#)

#### IV. PROCEDURES

- A. City employees may charge their personal EV or HV at City CS locations using the following procedures:
  - 1. All City vehicles will take precedence in charging, and only upon completion of said charging can a City employee contact the Environmental & Sustainability Program Manager or designee to schedule their personal vehicle charge.
  - 2. The Program Manager maintains the charging keys and requires a charging checkout form to be filled out before and after employee charging. The EV personal charging form is on ACES located at [Avondale Trip Reduction](#).
  - 3. Single day charging will be allowed for no more than four (4) hours during the hours of 7:00 am -11:00 am.
  - 4. After charging, the keys will be promptly returned to the Program Manager and the employee's personal car shall be removed from the charging station area.
  - 5. On days that employees charge their vehicle, charging will replace their daily TRP \$1 per day incentive. The \$1 per day incentive is administered through the City's Transportation Coordinator using the form on ACES located at [Avondale Trip Reduction](#).

#### V. APPROVAL

This policy approved by Avondale City Manager, Charles A. Montoya on 02/04/2020.

TITLE: Governing Work-Place Illnesses During COVID-19 Pandemic

**I. PURPOSE**

The COVID-19 virus (also known as the “Coronavirus”) is a serious illness that has already affected Arizonans. This is a new type of coronavirus that can cause no symptoms or mild illness, to severe or fatal illness in some people. This virus was first identified during an investigation into a pneumonia outbreak in Wuhan City, Hubei Province, China. Because the virus is contagious, the City is adopting this policy to protect our workforce, families, and the City’s citizens.

**II. POLICY**

This policy takes effect immediately. Since it is uncertain how long this pandemic will last, this policy will remain in effect **until further notice**. The City will closely monitor the Center for Disease Control (CDC) <https://www.cdc.gov/> guidelines on this issue and this policy will be amended as needed or required.

**III. REPORT SYMPTOMS OF ILLNESS**

- A. Each City employee is required to report symptoms of the COVID-19 virus to his/her supervisor. This includes reporting your own symptoms, or symptoms of other employees that you observe.
- B. The supervisor shall consult with his/her department director or designee and a determination will be made if the employee will be sent home.
- C. If the employee is already at home, any reported symptoms of fever, cough or shortness of breath will require the employee to stay home.
- D. According to the Center for Disease Control (CDC) people with these symptoms may have COVID-19:

- 1. Cough
- 2. Shortness of breath or difficulty breathing

Or, at least two of these symptoms:

- 3. Fever
- 4. Chills
- 5. Repeated shaking with chills

6. Muscle pain
  7. Headache
  8. Sore Throat
  9. New loss of taste or smell
- E. Seek medical advice if you have traveled to a “Level 3” country or high-risk area within the United States, as defined by the CDC <https://www.cdc.gov/>.

#### **IV. Preventative Measures to Keep Yourself and Others Healthy**

- A. Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
- B. Avoid touching your eyes, nose, and mouth with unwashed hands.
- C. Stay home when you are sick.
- D. Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- E. Wipe or clean frequently handled items around your office or work areas (door knobs, copiers, etc.) with disinfectant wipes or cleaners.

#### **V. Stay at Home**

- A. If you (or any members of your household) have any of these symptoms, you should stay at home.
- B. You should not return to work until you (and your household members) are symptom free for at least 72-hours (without the aid of medicine that reduces fevers), other symptoms have improved such as a cough or shortness of breath and at least seven (7) days have passed since your symptoms first appeared.
- C. You should use the City’s (and your Department’s) existing call-in procedures for illness.

#### **VI. Required Leave.**

- A. If the City determines that an employee is exhibiting symptoms at work, the City will send the employee home sick.
- B. The employee will not be permitted to return to work until she/he does not have a fever (without the aid of medications) for at least 72 hours (without the aid of medicine that reduces fevers), other symptoms have improved such as a cough or shortness of breath and at least seven (7) days have passed since your symptoms first appeared.

- C. The City will utilize the employee's existing sick or vacation leave for the absence.
- D. If the employee has no remaining leave or exhausts it during the absence, the City will grant the employee a Leave Without Pay until she/he is able to return to work.

#### **VII. FMLA Leave**

- A. The City will provide any affected eligible employee leave under the Family Medical Leave Act for absence related to this illness.

#### **VIII. School Closures**

- A. If elementary schools and preschools are closed due to the Corona virus the City will allow employees to use sick or vacation leave to attend to their child or children.
- B. If the employee has no remaining leave or exhausts it during the absence, the City will grant the employee a Leave Without Pay until she/he is able to return to work.

#### **IX. Travel**

- A. Employees traveling to and from areas of the world that have been designated by the United States Federal Government as "Level 3" or anywhere there are travel advisories related to the COVID-19 virus will not be allowed back in the work environment for a 14-consecutive day period once they return.
- B. If the employee does not have any available sick or vacation leave the City will provide 80 hours of COVID-19 leave or the employee may be authorized to work from home.
- C. The City Manager will authorize any COVID-19 leave.

#### **X. Work from Home.**

- A. It will be the Department Director's discretion if an employee can work from home.
- B. **Department Director's shall seek authority from the City Manager prior to allowing any employee to work from home.**
- C. Any change to an employee's work status shall be reported to the Department Director.

**XI.** If you have any questions about this policy or whether you should be at work, please contact Human Resources.

**XII. APPROVAL**

This policy is approved by Avondale City Manager, Charles A. Montoya on 05/05/2020.

TITLE: Families First Coronavirus Response Act (FFCRA)
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I. PURPOSE AND SCOPE

On January 30, 2020, the World Health Organization declared a Public Health Emergency followed by a declaration of pandemic due to COVID-19 on March 11, 2020. Additionally, on March 11, 2020, the Governor of the State of Arizona, declared a State of Emergency due to COVID-19. On March 13, 2020, President Donald J. Trump declared a National Emergency concerning COVID-19.

On Wednesday, March 18, 2020 Congress passed, and President Trump signed H.R. 6201 also known as the Families First Coronavirus Response Act (FFCRA), effective April 1, 2020 until December 31, 2020. In order to minimize the impacts of these declarations, the City of Avondale is implementing this Administrative Policy.

II. POLICY STATEMENT

It is the policy of the City to implement this Administrative Policy which follows the Families First Corona Virus Response Act (FFCRA) and shall apply to all regular full-time employees as well as part-time employees. To the extent this Policy conflicts with any City of Avondale Personnel Policies and Administrative Policies, and Memorandum of Understanding, this Administrative Policy will prevail, unless otherwise directed by law. FFCRA leave shall run concurrently with Family Medical Leave.

This policy is effective April 1, 2020.

III. POLICY PROVISIONS

A. Authority

FFCRA requires employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements.

B. Covered Employees

All active full time and part time employees who have been employed for at least 30 days prior to their leave request may be eligible.

C. This policy DOES NOT apply to the following City personnel:

- Emergency Management Personnel including:
  - Payroll Staff
  - Procurement Staff
  - Accounts Payable Staff
- All Traffic Field Staff
- All Facilities Staff
- All Police Department personnel
- All Fire Department personnel
- All Public Works personnel

D. For employees that are **not covered** under FFCRA, the City will provide paid leave in the amount shown in the chart below. The hours will be provided **after** FFCRA expires unless the employee tests positive for COVID-19. The employee may use the leave immediately to recover from COVID-19. This policy will expire on December 31, 2020 unless this date is extended by the Federal Government.

EMPLOYEE CATEGORY & HOURS	COVID-19 LEAVE HOURS ALLOTMENT
Regular Status, Full-Time	80 Hours
Regular Status, 56 Hours/week	112 Hours (80 x 1.4)

IV. QUALIFIED REASONS FOR COVID-19 LEAVE

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, **including unable to telework**, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; 2. has been advised by a health care provider to self-quarantine related to COVID-19; 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis; 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);	5. is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons; or 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.
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Clarification of 1 through 6 based on the box above:

#1 - “is subject to a Federal, State, or local quarantine or isolation order related to COVID-19”

*Two weeks (up to 80 hours) of **paid sick leave** at the employee’s regular rate of pay. Employees taking leave are entitled to pay at either their regular rate or the*

applicable minimum wage, whichever is higher, up to \$511 per day and will not exceed \$5,110 in a 2-week period.

A part-time employee is eligible for the number of hours of leave that the employee works on average over a 2-week period.

#2 - “has been advised by a **health care provider** to self-quarantine related to COVID-19”

*Two weeks (up to 80 hours) of **paid sick leave** at the employee’s regular rate of pay.* Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and will not exceed \$5,110 in a 2-week period.

A part-time employee is eligible for the number of hours of leave that the employee works on average over a 2-week period.

#3 - “is experiencing COVID-19 symptoms and is seeking a medical diagnosis”

*Two weeks (up to 80 hours) of **paid sick leave** at the employee’s regular rate of pay.* Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and will not exceed \$5,110 in a 2-week period.

A part-time employee is eligible for the number of hours of leave that the employee works on average over a 2-week period.

#4 - “is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)”

*Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee’s regular rate of pay.* Employees taking leave are entitled to pay at two-thirds (2/3) their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and will not exceed \$2,000 in a 2-week period.

A part-time employee is eligible for the number of hours of leave that the employee works on average over a 2-week period.

#5 - “is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons”

*Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee’s regular rate of pay and up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee’s regular rate of pay* where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. Employees taking leave are entitled to pay at two-thirds (2/3) their regular rate or

2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and will not exceed \$12,000 in a 12-week period.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

#6 - “is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services”

*Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee’s regular rate of pay.* Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and will not exceed \$2,000 in a 2-week period.

A part-time employee is eligible for the number of hours of leave that the employee works on average over a 2-week period.

## V. DEFINITION

For the purposes of this Administrative Policy, the term “child” is defined as follows:

The Employee’s (regardless of age), biological, adopted or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in Loco Parentis, or an individual to whom the employee stood in Loco Parentis when the individual was a minor.

## VI. APPROVAL

This policy approved by Avondale City Manager, Charles Montoya on May 20, 2020.

TITLE: Conference Room Use and Cleaning
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**I. PURPOSE**

With the rise in the number of COVID-19 cases statewide, the City of Avondale (City) is continually required to revisit and revise Policies and Procedures to ensure timely information to City employees, vendors, and the public.

**II. POLICY**

- A. As an added protection for our employees and the public, effective Monday, June 22, all conference rooms must be thoroughly cleaned immediately after the end of a meeting.
- B. Cleaning shall consist of all hard surfaces to include, but not limited to:
  - 1. Tables
  - 2. Chair arms
  - 3. Light switches
  - 4. Door handles
- C. Cleaning will be done by the staff conducting the meeting and prior to leaving the room.
- D. Ample cleaning supplies are located in each conference room and are not to be removed from the room.
- E. Replacement cleaning supplies can be obtained by submitting a Facilities Work Order Form, located on ACES under, “City Resources” then “Forms”.

**III.** If you have any questions about this policy, please contact Risk Management/Safety.

**IV. APPROVAL**

This policy is approved by Assistant City Manager, Gina Montes, for Avondale City Manager Charles A. Montoya on 06/23/20.

TITLE: Face Covering Requirements for City Employees and the Public (*Replaces AP72*)

**I. POLICY**

- A. This policy is effective June 22, 2020 and until further notice.
- B. All City employees will be required to wear a mask when interacting with the public or vendors in any way.
- C. **All City employees will be required to wear a mask when they are unable to maintain the 6-foot social distance from any other City employee.**
- D. All city employees are required to wear a face mask upon entering the Municipal Court building pursuant to Arizona Supreme Court Administrative Order 2020-75.
- E. Since it is uncertain how long this pandemic will last, this policy will remain in effect **until further notice.** The City will closely monitor the CDC <https://www.cdc.gov/> guidelines on this issue and this policy will be amended as needed or required.

**II. HOW TO WEAR A CLOTH FACE COVERING**

- A. Cloth face coverings should:
  - 1. Fit snugly but comfortably against the side of the face
  - 2. Be secured with ties or ear loops
  - 3. Include multiple layers of fabric
  - 4. Allow for breathing without restriction
  - 5. Be able to be laundered and machine dried without damage or change to shape
  - 6. Individuals should wash/sanitized their hands prior to putting on or taking off the cloth face covering. Be careful not to touch their eyes, nose, and mouth when putting on and removing their face covering.

**III. TYPES OF CLOTH FACE COVERINGS THAT ARE APPROVED FOR ON DUTY EMPLOYEE USE**

- A. Face coverings should be made of simple cloth that would cover the nose and mouth.

TITLE: Service Award Program

**I. POLICY**

The City of Avondale values its employees for their years of dedicated service to the City by providing Service Award Leave for milestone anniversaries.

**II. SERVICE AWARD LEAVE**

- A. Service awards are presented to employees celebrating years of service with the City of Avondale, beginning in fifth year, and every five years thereafter up to 40 years.
- B. Human Resources maintains service records.
- C. Recipients receive a certificate or other similar item at a City Manager’s Quarterly Update meeting.
- D. Certificates and Service Award Leave hours are distributed on a quarterly basis.
- E. Employees receive Service Award Leave as vacation hours according to the table below.

Position's Schedule Hours	Service Award Leave Hours by Service Milestone							
	5 Year	10 Year	15 Year	20 Year	25 Year	30 Year	35 Year	40 Year
56	7	14	21	28	35	42	49	56
40	5	10	15	20	25	30	35	40

- 1. Employees will have the Service Award Leave hours deposited into their vacation bank during the quarter of their milestone anniversary.
- 2. Years of service must be continuous. If an employee leaves the City for any period of time and is then rehired, the prior years worked are not calculated into the service award leave.
- 3. Employees also receive an increase in vacation accrual rates as stated in the Personnel Policy Manual, Police MOU, or Fire MOU, as applicable.
- 4. Vacation use and maximum accruals follow [Chapter 6 – Employee Benefits](#).

**III. APPROVAL**

This policy is approved by Assistant City Manager Gina Montes for Avondale City Manager, Charles A. Montoya on 7/28/2020.

- B. The cloth used shall be –
  - 1. Made of cloth or materials that are non-offensive or alarming to the public (i.e. skull mask, political, etc.)
  - 2. Supervisors retain the right to approve appropriateness of cloth face coverings worn by their employees.

#### **IV. MASK PROCEDURES FOR THE PUBLIC AND VENDORS ENTERING CITY BUILDINGS**

Effective June 22, 2020 and until further notice:

- A. The public, to include vendors, entering any city facility will be required to wear a mask.
  - B. Masks will be provided if the person does not have one.
  - C. If a person refuses to wear a mask they will not be permitted to enter the building unless they indicate their refusal is due to a medical or Americans with Disabilities Act (ADA) reason.
  - D. As a public agency, we will not deny service to the public or vendors if they are unable to wear a mask; however, we will ask them to observe social distancing while in the building.
- V. If you have any questions about this policy, please contact Risk Management/Safety or refer to the CDC web page for more information <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

#### **VI. APPROVAL**

This policy is approved by Assistant City Manager, Gina Montes, for Avondale City Manager Charles A. Montoya on 06/23/20.