

ATTACHMENT A

RULE 1

DEFINITIONS

"Applicant" means a person who has filed an application for a position.

"Appointing Power, Authority, or Officer" means the City Manager or other legally designated official having the power of appointment and removal of employees.

"Apprentice" means an unclassified employee in a formalized apprenticeship program.

"Board," when used alone, means the Civil Service Board of the City of Phoenix.

"Break in Service" means dismissal, resignation, retirement, or status change to part-time.

"Calendar Days" shall be used for all employees regardless of work schedules when specified in the Rules. Unless otherwise specified, "days" shall mean calendar days within these Rules.

"Candidate" means a person participating in an examination or selection process.

"Class or Classification" means a position or group of positions sufficiently similar in respect to their duties and responsibilities that the same requirements as to education, experience, knowledge, ability, and other qualifications are required of the occupants, and substantially the same tests of fitness are used to choose qualified employees, and substantially the same schedule of compensation can be ~~made to apply~~ **APPLIED** with equity under the same or substantially the same employment conditions.

"Class Title" means the designation given to a class, to each position allocated to the class, and to the occupant of each position.

"Classification Schedule or Plan" means the plan, system or schedule **APPROVED BY CITY COUNCIL** for the classification of all positions in the classified service, based upon the duties, responsibilities, and qualifications of each position, ~~which is approved by the City Council.~~

"Classified Service" means all offices, positions, and employments in the service of the City of Phoenix except those expressly exempt or designated as unclassified by the Charter of the City of Phoenix.

"Competitive Promotional List" means a list of names of employees who successfully completed promotional competitive tests of fitness for a class of position, ranked according to the results of the evaluation process.

"Demotion" means the transfer of an employee from a position in a higher class to a position in a lower class for which the maximum rate of pay is lower. Removal of special assignment pay or the transfer of an employee into classification in a different Meet and Confer Unit does not constitute demotion. Equivalency shall be determined by the Human Resources Director.

"Discharge, Dismissal, or Removal" means the separation of an employee from City employment.

"Discipline" means the suspension, demotion, or dismissal of an employee.

"Eligible" means a person whose name is recorded on a current ~~original employment eligible, reinstatement, promotional, or recall list~~ ADMINISTRATIVE LIST, ELIGIBLE EMPLOYMENT LIST, PROCESS-BASED EMPLOYMENT LIST, REINSTATEMENT LIST, PROMOTIONAL LIST, OR RECALL LIST.

"Employee" means a person who is legally an occupant of a position in the City service or who is on an authorized leave of absence, and whose position is held open for them upon their return.

"Employment Lists" means lists of persons who successfully qualified for employment as determined by the various methods of evaluating qualifications. Employment lists include: 'ADMINISTRATIVE LISTS,' 'Recall Lists,' 'Reinstatement Lists,' 'SWORN Promotional Lists,' and 'Eligible EMPLOYMENT Lists,' AND 'PROCESS-BASED EMPLOYMENT LISTS.'

"Equivalent Classification" means two or more classifications that are judged to be sufficiently similar in qualifications that an employee who is successful in one can reasonably be expected to be successful in the other, or a list of eligibles for one can be utilized in making appointments to position vacancies in the other.

"Examination" means the objective testing of applicants to create a list of eligible candidates. This includes written examinations, as well as demonstration, practical, or assessment examinations administered by staff designated by the Human Resources Director.

"Full-Time Employment" means being employed with a work schedule consisting of the number of full-time hours (minimum 40 hours per week) designated for the position, and with a work schedule intended to be continuous over a period of 12 months.

"Hourly" means a position that is subject (non-exempt) to the provisions of the federal Fair Labor Standards Act (FLSA).

"Interim" means appointment of a classified employee to an unclassified position that is limited in time ~~and is for the purpose of accommodating the absence of an employee on extended leave or for the purpose of accomplishing a special limited time project~~. The classified employee receiving an interim appointment shall retain his classified service status.

"Inactive Status" means an employee who is absent from work on a leave of absence, and has exhausted their paid leave banks.

"Job Sharing" means employment of two people in the same position that is budgeted on a regular full-time basis, where the two employees share the full-time work hours of the position. Job sharing is in the unclassified service, and such employment shall not earn

credits toward the completion of probationary period requirements.

"Non-Competitive Promotional List" means a list of employees whose increased knowledge and skill in an entry-level classification in a career series, as attested to by the appointing authority and approved by the Human Resources Director, qualifies the employees for promotion to a journeyman level classification in the same career series. Such list shall not be used for sworn public safety classifications.

"Part-Time Employment" means being employed in a position which is less than full-time, but which has a regular schedule on a year-round basis as determined by the needs of the employing department. Such employment shall not earn credits toward the completion of probationary period requirements, and is not part of the classified service.

"Position" means a specific office or employment, whether occupied or vacant, calling for the performance of certain duties and the carrying out of certain responsibilities, either on a full-time, part-time, seasonal, or temporary basis.

"Promotion" means an advancement from a lower class to a higher class involving an increase in responsibility. The higher class has a salary range that goes beyond the limit fixed for the lower class. Additional pay ranges allowed for special assignments within the class shall be considered part of the pay range of the class, and shall not constitute a promotion. Transfer of an employee to an equivalent classification in a different Meet and Confer Unit does not constitute a promotion. Equivalency shall be determined by the Human Resources Director.

"Provisional" means an appointment of a person to a regular position without an examination in the absence of an appropriate eligible list or availability of eligibles. Such appointment shall ~~be for~~ not ~~longer than~~ EXCEED sixty working days, and shall earn credits toward the completion of probationary period requirements.

"Public Notice" means notice given either by posting or publication, or both.

"Recall List" means a list of names of persons who were laid off from a class; or from service ~~on account of~~ DUE TO lack of work or funds or any other cause, and whose names were placed on said list in accordance with these Rules.

"Regular Employment" means being employed in a full-time budgeted position in the classified service.

"Reinstatement List" means a list of names of persons who separated from service under satisfactory conditions or who were demoted as a result of reduction in force or reclassification, and whose names were placed on such list upon request of eligible applicant.

"Salaried" means a position that is exempt from the provisions of the federal Fair Labor Standards Act (FLSA) and is designated in the pay plan of the City of Phoenix.

"Selection Process" means the objective evaluation of certified eligible candidates to fill vacant positions. This includes selecting candidates to interview, conducting interviews, performing reference checks, and completing the required background check. Interviews

may include requests to perform functions ~~which~~ **THAT** simulate the requirements of the job.

"Service" means:

Personal service of any discipline notice by delivery to the person named or to any member of their family over the age of sixteen residing at their usual place of residence;

Or

Deposit of the ~~order~~ **NOTICE** in the United States mails, certified return receipt requested, postage prepaid, addressed to the last known address of the person to be served.

"Suspension" means the temporary separation of an employee from the employee's position for disciplinary reasons. Salaried employees shall be suspended in full-day increments consistent with the federal Fair Labor Standards Act.

"Temporary Employment" means being employed in a position that is temporary in nature and is not an established regularly budgeted position. Such employment shall not earn credits toward the completion of probationary period requirements, and is not part of the classified service."

"Trainee" means an employee in an unclassified transitional classification designed to provide instruction and work experience and approved by the Human Resources Committee.

"Transfer" means the assignment of an employee from one position in the City service to another position for which the employee possesses the qualification requirements, and the pay range of the new position is determined to be equivalent by the Human Resources Director.

"Vacancy/Vacant Position" means a position that does not have an incumbent, and ~~the~~ **position** has been approved for filling by the City Manager.

"Work Day - 56-Hour Employee" - In these Rules, the following equation shall be used when considering employees who are assigned to a 56-hour work schedule:

3 consecutive work days	=	2 shifts
5 consecutive work days	=	3 shifts
30 work days	=	14 shifts
60 work days	=	27 shifts

RULE 7

RECRUITMENT, EXAMINATION, AND QUALIFICATION EVALUATION

7a. Notice of Recruitment Needs

The Human Resources Director shall release recruitment ~~notices~~ POSTINGS and publicity deemed necessary to secure qualified applicants for City employment. Recruitment notices shall be posted on the Human Resources Department website and in locations designated by the Human Resources Director.

7b. Recruitment Schedule

The Human Resources Director shall recruit applicants for classes of employment to meet the needs of City operations.

7c. Disqualification of Applicants

The Human Resources Director may reject any application or exclude the name of any applicant from the eligible list or deny certification of any eligible who:

7c1. Is found to lack any of the qualification requirements specified in the ~~position classification plan~~ CLASSIFICATION PLAN.

7c2. Does not meet the physical ~~and mental~~ OR health requirements of the class of position to which the applicant seeks appointment. This does not include disabilities that can be accommodated as provided in Rule 6a.

7c3. Does not meet the background ~~screening standard~~ CHECK STANDARDS established for the position within the job class. Refer to Administrative Regulation 2.81.

7c4. Has received a positive test result, failed to appear, or refused to submit to the drug, alcohol, or other substance screening which is a requirement for the job class to which the applicant seeks appointment.

7c5. Has been dismissed from previous employment for delinquency or other good cause.

7c6. Has been dismissed previously from the City service for just cause, or whose performance rating was below standard at the time of resignation.

7c7. Has made a materially false statement in the application or in the examination or has practiced or attempted to practice deception or fraud in connection with such application or examination.

7c8. Has taken an examination for the class as many times as ~~allowed for a given period by~~ the Human Resources Director HAS ALLOWED FOR IN A GIVEN PERIOD OF TIME.

7c9. Has been passed over for appointment for good cause, or has failed to appear without good cause after accepting a notice of interview.

7c10. ~~Is lacking in~~ LACKS any other qualifications or ~~standard~~ STANDARDS of conduct of equal gravity TO or exceeding those specifically enumerated in 7c1 - 7c9.

An applicant who is rejected, whose name is not posted, or whose name is removed from an eligible list shall be notified of the action. The rejected applicant or eligible may request a review of the action taken. ~~This request shall be submitted to the Human Resources Director in writing within seven days after the notice of action is mailed.~~ Such request for review shall not prevent the selection and hiring procedure from going forward during the review period. The decision of the Human Resources Director shall be final.

7d. **Scope and Character of Qualification Evaluation**

Screening of applicants shall consist of any qualification measurements that will establish and confirm the qualifications of applicants required by the class ~~for which applicants are~~ being evaluated.

7e. **Examinations of Applicants**

Examinations to measure the qualifications of applicants shall be conducted by the Human Resources Director, or designee.

If requested, special test accommodations will be made for a disabled applicant if the needed accommodations are consistent with the reasonable accommodations that may be made on the job.

In order to qualify for employment, a candidate may be required to make a passing grade in each part of the examination. This is in reference to any test type or rating including, but not limited to, knowledge, demonstration, physical, personal fitness, or other related testing measurements.

Written examination records and documentation that are proprietary shall not be made available for public inspection or copying.

7f. **Suspension of Recruitment**

The Human Resources Director may ~~SUSPEND A RECRUITMENT UPON SATISFACTORY EVIDENCE THAT THE RECRUITMENT HAS NOT GARNERED SUFFICIENT APPLICANTS MEETING THE HIGHEST LEVELS OF QUALIFICATION MEASUREMENTS AND THAT THE POSITION CANNOT BE FILLED BY THE PRESENTED CANDIDATE POOL, in case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional, or expert character, upon satisfactory evidence that recruitment is impractical and that the position can best be filled by the selection of some designated person of recognized attainments, suspend recruitment.~~

7g. **Promotional Examinations**

Applications for promotions shall be subject to the requirements and procedures provided in these Rules, except that applicants for promotion shall not be entitled to disability or veterans' preference. Positions in classes above the entrance level classes shall be filled by competitive or non- competitive promotional examinations whenever there is a sufficient number of employees who have the experience, training, and other qualifications required by the higher level classes. If qualified applicants for position vacancies in the higher classes are not present in the City

service, or the best interests of the City service would not be served, then the position vacancies in the higher classes shall be filled by open competitive examinations. The class qualification requirements shall be complied with in any promotional examination.

Promotional examinations are open to employees in the City service and to individuals on recall lists, each of whom meets the requirements specified in the Rules and the Position Classification **Plan**.

The total length of authorized service shall be allowed as a seniority score in one part of the promotional examination. An employee who is receiving pension benefits as a result of retirement from the City under the Arizona Public Safety Personnel Retirement System shall not receive seniority credits for the service time under the Arizona Public Safety Personnel Retirement Plan. Two points for each complete year of authorized service shall be allowed. For an incomplete year, proportionate credits shall be allowed in the same ratio as the completed months of an incomplete year relate to a complete year. Part-time and temporary employees shall not receive seniority credits. A job sharing employee who had service as a regular full-time employee immediately preceding the job share appointment, shall be credited with the appropriate seniority score based on the individual's full-time employment plus pro-rata credits earned in job share status.

7h. **Examination Results**

Once examination results have been completely evaluated and scored, the applicants shall be notified of their examination results.

7h1. **Written Examinations**

For three business days beginning on the first business day following the examination, a candidate who participated in any **city CITY** of Phoenix developed examination may, in the presence of Human Resources staff, review a keyed copy of the written examination and file a written notice of protest, stating the item or items objected to and the reason for the objection. The written notice must be filed by the end of the three-day review period.

Protests based upon purely personal opinions and without cited authority will not be entertained. Properly **made SUBMITTED** protests will be considered by the Human Resources Director before final examination scoring and release of examination results. This review process and item objections will not be available for proprietary tests obtained from a vendor.

For **city CITY** of Phoenix developed examinations completed on a computer, an applicant may review their full examinations results immediately after or in lieu of the review of the keyed copy of the written examination. Applicants may not submit a written notice of protest on any items after viewing their full examination results.

For examinations completed on written scoresheets, an applicant may review their full examination results within five business days from the date that the notice of examination results was sent. If the review should disclose any errors, the examination record shall be modified to show a correct record. If the

modification affects the records of other applicants, their records shall also be modified.

~~Such written protest~~ **WRITTEN PROTESTS** shall not delay the next phase of the testing process or the certification and appointment of qualified eligibles.

Examination records and documentation that are proprietary (i.e. vendor procured, validated exams) are not public documents.

7h2. **Demonstration, Practical, or Assessment Examinations**

The purpose of this type of examination is to objectively measure an applicant's ability to perform in practical situations ~~which~~ **THAT** simulate the requirements of the job.

Within five business days from the date that the notice of examination results was sent, an applicant may request and ~~be told the sections of~~ **RECEIVE INFORMATION ABOUT** the objective exercise where points were deducted from their score, ~~however, they~~. **TO PROTECT THE INTEGRITY OF THE EXAMINATION, THE APPLICANT** will not be able to challenge the results or view the actual score sheets, ~~as to protect the integrity of the test~~.

The review period will be the same as set forth in Personnel Rule 7h1.

- 7i. The following ~~is a~~ provision ~~of State~~ **IS REQUIRED BY STATE** law. It is included here as a guide to be used for employment with the City of Phoenix:

PREFERENCE POINTS

The laws of the State of Arizona require that cities provide preference points for veterans of the Armed Forces of the United States, for the spouse or surviving spouse of certain veterans, and for a person with a disability. These preference points do not apply on promotional examinations.

- A. A veteran of the Armed Forces of the United States, separated from the Armed Forces under honorable conditions following more than 180 consecutive calendar days of active duty, who takes an entrance examination for employment with the City shall, in the determination of their final rating on such examination, be given a preference of five points. The preference shall be added to the grade earned by such veteran, but only if such veteran earns a passing grade without preference.
- B. A person with a disability who takes an entrance examination for employment with the City shall, in the determination of their final rating on such examination, be given a preference of five points. The preference shall be added to the grade earned, but only if such person earns a passing grade without preference.
- C. For the purposes of subsection 7iB of this section, "a person with a disability" means anyone who has a physical or mental impairment which substantially limits one or more of their major life activities or has a record of such an

impairment or is regarded as having such an impairment.

- D. A person qualified for a preference pursuant to both subsection 7iA and subsection 7iB shall be given a ten-point preference.
- E. A spouse or surviving spouse of any of the following, otherwise qualified pursuant to subsection 7iA, shall be given a five-point preference as if such spouse or surviving spouse were an eligible veteran pursuant to subsection 7iA:
 - 1. Any veteran who died of a service-connected disability.
 - 2. Any member of the Armed Forces serving on active duty who, at the time of application, is listed by the Secretary of Defense of the United States in any of the following categories for not less than ninety days:
 - a. Missing in action.
 - b. Captured in the line of duty by a hostile force.
 - c. Forcibly detained or interned in the line of duty by a foreign government or power.
 - 3. A person who has a total, permanent disability resulting from a service-connected disability or any person who died while such disability was in existence.
- F. An honorably separated veteran who served on active duty in the Armed Forces at any time and who has a service-connected disability and is receiving compensation or disability retirement benefits under laws administered by the Veterans Administration, Army, Navy, Air Force, Coast Guard, or public health service shall be given a ten-point preference pursuant to this section.
- G. No person eligible for a preference pursuant to this action shall be allowed more than a ten-point preference.
- H. Proof of Qualification - Proof of eligibility for veteran preference or preference for a person with a disability shall be presented to the Human Resources Department upon request.

RULE 8

EMPLOYMENT LISTS

8a. Types of Employment Lists

Employment lists consist of ~~five SIX~~ types including recall list, reinstatement list, transfer list, promotional list, and original employment eligible list OF LISTS. THE FOLLOWING SECTION WILL OUTLINE THE PURPOSE OF EACH LIST, DURATION AND UTILIZATION.

- ADMINISTRATIVE LIST
- ELIGIBLE EMPLOYMENT LIST (CONTINUOUS)
- PROCESS-BASED EMPLOYMENT LIST (POSITION BASED)
- RECALL LIST
- REINSTATEMENT LIST
- SWORN PROMOTIONAL LIST

THE HUMAN RESOURCES DIRECTOR MAY REMOVE THE NAMES OF ELIGIBLES FROM ANY EMPLOYMENT LIST FOR ANY OF THE REASONS STATED IN THESE RULES. ELIGIBLES WHOSE NAMES ARE REMOVED FROM EMPLOYMENT LISTS SHALL BE SENT NOTICE OF SUCH ACTION.

8b. Posting of Names to Employment ADMINISTRATIVE Lists

~~All persons whose names appear on employment lists shall have attained positions on such lists by the successful demonstration of their fitness for employment in the class. The Human Resources Director shall approve the posting of names to employment lists in accordance with the provisions of Rules 8c-8h inclusive. Persons whose names are approved on employment lists shall be eligible for employment.~~

AN ADMINISTRATIVE LIST SHALL CONSIST OF THE NAMES OF EMPLOYEES WHO ARE PLACED ON THE LIST AT THE REQUEST OF THEIR DEPARTMENT HEAD OR HUMAN RESOURCES DIRECTOR.

PLACEMENT OF AN EMPLOYEE ON AN ADMINISTRATIVE LIST REQUIRES THE APPROVAL OF THE HUMAN RESOURCES DIRECTOR OR DESIGNEE.

AN ELIGIBLE MAY NORMALLY HAVE ELIGIBILITY ON AN ADMINISTRATIVE LIST UP TO A MAXIMUM OF ONE YEAR.

8c. Duration of Eligibility ELIGIBLE EMPLOYMENT LIST (CONTINUOUS)

~~An eligible may normally have eligibility on an employment list up to a maximum of two years. The maximum time of eligibility on a recall list shall be three years. If the Human Resources Director believes that an employment list should be supplemented with additional eligibles, may direct a new recruitment for the classification, with existing eligibles being automatically placed on the new list for such time as may remain on their original eligibility. The Human Resources Director may modify the length of eligibility at the onset of a recruitment procedure and in unusual situations, may extend an eligible list for an additional year.~~

~~Names of eligibles may be removed from any employment list by the Human Resources Director for any of the reasons stated in these Rules. Eligibles whose~~

names are removed from employment lists shall be sent notice of such action.

An employee whose name appears on an existing promotional list when entering military service with the Armed Services of the United States of America during time of war shall continue to have eligibility on such list until ninety days after being honorably discharged or released from military service.

AN ELIGIBLE EMPLOYMENT LIST SHALL CONSIST OF THE NAMES OF APPLICANTS WHO SUCCESSFULLY DEMONSTRATED THAT THEIR QUALIFICATIONS WERE SUITABLE FOR THE CLASS OF EMPLOYMENT NAMED IN THEIR APPLICATIONS. THE NAMES ON AN ELIGIBLE EMPLOYMENT LIST MAY BE LISTED ACCORDING TO THE APPLICANTS' SCORE OR RANK, THROUGH THE QUALIFICATION MEASUREMENTS USED. THIS LIST MAY BE USED BY HIRING MANAGERS CITYWIDE TO FILL VACANCIES.

ELIGIBLE EMPLOYMENT LISTS MAY BE POSTED ON AN AS-NEEDED BASIS TO ALLOW FOR THE CONSIDERATION OF SUCCESSFUL APPLICANTS DURING THE APPLICATION PERIOD. ONCE LISTS HAVE BEEN EXHAUSTED OR EXPIRE, A NEW POSTING MAY BE GENERATED TO ALLOW FOR ADDITIONAL APPLICANTS TO SUCCESSFULLY DEMONSTRATE THEIR QUALIFICATIONS.

THE HIRING MANAGER(S) MAY ACCESS THE LIST TO FILL A VACANCY. APPLICANTS NOT SELECTED WILL REMAIN ON THE LIST UNTIL THE LIST EXPIRES.

PLACEMENT ON AN ELIGIBLE EMPLOYMENT LIST DOES NOT GUARANTEE CONSIDERATION TO ALL LISTS FOR THE CLASSIFICATION. PROCESS-BASED EMPLOYMENT LISTS MAY BE ADVERTISED CONCURRENT TO ELIGIBLE EMPLOYMENT LISTS. INTERESTED APPLICANTS ARE ENCOURAGED TO APPLY TO EACH RECRUITMENT THAT THE APPLICANT EXPRESSES AN INTEREST IN.

ELIGIBILITY FOR TRAINEE AND APPRENTICE CLASSIFICATIONS MAY HAVE THEIR NAME PLACED ON THE ELIGIBLE LIST OF THE CLASS FOR WHICH THEY ARE TRAINING, WHEN IT HAS BEEN DEMONSTRATED THAT THEY HAVE SUCCESSFULLY COMPLETED THE PRESCRIBED TRAINING PROGRAM. THE NAME OF AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS OF A CITY-SPONSORED TRAINING OR APPRENTICESHIP PROGRAM MAY APPLY TO BE NON-COMPETITIVELY PROMOTED TO THE ENTRY-LEVEL CLASS FOR WHICH THE INDIVIDUAL IS TRAINED, AFTER PASSING THE APPROPRIATE REQUIREMENTS AS DETERMINED BY THE PROGRAM.

AN ELIGIBLE MAY NORMALLY HAVE ELIGIBILITY ON AN EMPLOYMENT LIST UP TO A MAXIMUM OF TWO YEARS.

8d. **Promotional Lists PROCESS-BASED EMPLOYMENT LIST (POSITION BASED)**

Promotional lists shall consist of the names of employees, or individuals on recall lists, who have qualified by competitive or non-competitive promotional examination. An eligible shall not continue on a promotional list if they separate from City employment,

but may have their name returned to the promotional list if they return to City employment and the time limit of eligibility has not expired.

PROCESS-BASED EMPLOYMENT LISTS SHALL CONSIST OF NAMES OF APPLICANTS WHO HAVE SUCCESSFULLY DEMONSTRATED THAT THEIR QUALIFICATIONS WERE SUITABLE FOR THE CLASS OF EMPLOYMENT NAMED IN THEIR APPLICATION.

PROCESS-BASED EMPLOYMENT LISTS MAY BE POSTED ON AN AS-NEEDED BASIS TO ALLOW FOR COLLECTION OF SUCCESSFUL APPLICANTS DURING THE APPLICATION PERIOD UNTIL A SELECTION IS DETERMINED.

APPLICANTS ON A PROCESS-BASED EMPLOYMENT LIST MAY BE CONSIDERED FOR A SPECIFIC SELECTION PROCESS, WHICH MAY INCLUDE MULTIPLE CLASSIFICATIONS AND/OR POSITIONS.

PROCESS-BASED EMPLOYMENT LISTS ARE DESIGNED TO FILL VACANCIES AT THE TIME THAT THE LIST IS BEING ESTABLISHED. WHEN A HIRING DECISION HAS BEEN MADE, THE LIST WILL BE CLOSED AND APPLICANTS WILL BE NOTIFIED.

AN ELIGIBLE MAY NORMALLY HAVE ELIGIBILITY ON A PROCESS-BASED EMPLOYMENT LIST FOR A MAXIMUM OF ONE YEAR.

8e. **Employment Eligible RECALL List**

An employment list shall consist of the names of applicants who successfully demonstrated that their qualifications were suitable for the class of employment named in their applications. Such lists shall result from recruitment open to applicants both outside and inside the City service. The names on an employment list shall be listed according to the excellence demonstrated by the applicants, through the qualification measurements used.

Employment lists may be placed on an open basis to allow continuous posting of successful applicants.

Eligibility for Trainee classifications may be limited to present City employees, or those enrolled in a City-sponsored pre-employment training program. A Trainee may have their name placed on the eligible list of the class for which they are training, when it has been demonstrated that they have successfully completed the prescribed training program.

The name of an individual who has successfully completed the requirements of a City-sponsored pre-employment training program may be placed on the eligible list for the entry-level class for which the individual is trained, after passing the appropriate examination.

A RECALL LIST CONSISTS OF THE NAMES OF LAID-OFF EMPLOYEES WHOSE APPLICATIONS FOR POSITIONS ON SUCH LIST WERE APPROVED BY THE HUMAN RESOURCES DIRECTOR. THE RANKING OF NAMES ON RECALL LISTS SHALL BE IN THE ORDER PROVIDED BY LAYOFF RULES.

THE MAXIMUM TIME AN ELIGIBLE MAY REMAIN ON A RECALL LIST SHALL BE THREE YEARS.

8f. **Recall REINSTATEMENT List**

~~A recall list shall consist of the names of laid-off employees whose applications for positions on such list were approved by the Human Resources Director. The ranking of names on recall lists shall be in the order provided by layoff rules.~~

A REINSTATEMENT LIST CONSISTS OF THE NAMES OF FORMER EMPLOYEES WHO RESIGNED IN GOOD STANDING OR FOR ACTIVE EMPLOYEES WHO VOLUNTARILY DEMOTED FROM A CLASS OF THE CITY SERVICE AND WHOSE APPLICATIONS FOR POSITIONS ON SUCH A LIST WERE APPROVED BY THE HUMAN RESOURCES DIRECTOR.

WHEN AN EMPLOYEE WHO HAS BEEN CERTIFIED TO A REINSTATEMENT LIST CONTINUES TO WORK ON A PART-TIME OR TEMPORARY CAPACITY IN THE SAME CLASSIFICATION, THE PERIOD OF ELIGIBILITY WILL CONTINUE UNTIL SUCH TIME AS THE EMPLOYEE IS EITHER REEMPLOYED IN A REGULAR POSITION OR HAS FAILED TO WORK IN A TEMPORARY OR PART-TIME CAPACITY FOR A PERIOD OF SIX MONTHS. THE NAMES ON A REINSTATEMENT LIST SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THESE RULES.

AN ELIGIBLE MAY NORMALLY HAVE ELIGIBILITY ON AN EMPLOYMENT LIST UP TO A MAXIMUM OF TWO YEARS.

8g. **Reinstatement List SWORN PROMOTIONAL LISTS**

~~A reinstatement list is one consisting of the names of former employees who resigned or for active employees who voluntarily demoted from a class of the City service and whose applications for positions on such a list were approved by the Human Resources Director. When an employee who has been certified to a reinstatement list continues to work on a part time or temporary capacity in the same classification, the period of eligibility will continue until such time as the employee is either reemployed in a regular position or has failed to work in a temporary or part-time capacity for a period of six months. The names on such list shall be in accordance with the provisions of these Rules.~~

SWORN PROMOTIONAL LISTS SHALL CONSIST OF THE NAMES OF EMPLOYEES, OR INDIVIDUALS ON RECALL LISTS, WHO HAVE QUALIFIED BY COMPETITIVE OR NON-COMPETITIVE PROMOTIONAL EXAMINATION. AN ELIGIBLE SHALL NOT CONTINUE ON A SWORN PROMOTIONAL LIST IF THEY SEPARATE FROM CITY EMPLOYMENT, BUT THEY MAY HAVE THEIR NAME RETURNED TO THE PROMOTIONAL LIST IF THEY RETURN TO CITY EMPLOYMENT AND THE TIME LIMIT OF ELIGIBILITY HAS NOT EXPIRED.

AN ELIGIBLE MAY NORMALLY HAVE ELIGIBILITY ON A SWORN PROMOTIONAL LIST UP TO A MAXIMUM OF TWO YEARS. THIS TIME LIMIT MAY BE EXTENDED WITH APPROVAL OF THE HUMAN RESOURCES DIRECTOR.

AN EMPLOYEE WHOSE NAME APPEARS ON AN EXISTING SWORN PROMOTIONAL LIST WHEN ENTERING MILITARY SERVICE WITH THE ARMED SERVICES OF THE UNITED STATES OF AMERICA DURING TIME OF WAR SHALL CONTINUE TO HAVE ELIGIBILITY ON SUCH LIST UNTIL NINETY DAYS AFTER

BEING HONORABLY DISCHARGED OR RELEASED FROM MILITARY SERVICE.

8h. Transfer Lists

A transfer list shall consist of the names of employees who

8h1. Are unable for physical reasons, as certified by a licensed physician, to perform the essential functions of their present assignment;

8h2. Voluntarily request the placement of their names on such a list;

8h3. Are placed on the list at the request of their department head.

Placement of an employee on a transfer list requires the approval of the Human Resources Director.

RULE 9

CERTIFICATION AND APPOINTMENT

9a. Method of Filling Vacancies

All vacancies in any class of position in the classified service shall be filled by an eligible from an appropriate eligible list or by a provisional appointment in the absence of an eligible list by one of the following methods:

- 9a1. Demotion;
- 9a2. Certification and Appointment from ~~recall list~~ **RECALL LIST**;
- 9a3. Certification and Appointment from ~~transfer list~~ **ADMINISTRATIVE LIST**;
- 9a4. Certification and Appointment from ~~promotional list~~ **SWORN PROMOTIONAL LIST**;
- 9a5. Certification and Appointment from open competitive ~~eligible list~~ **ELIGIBLE EMPLOYMENT LIST OR PROCESS-BASED EMPLOYMENT LIST**;
- 9a6. Certification and Appointment from ~~reinstatement list~~ **REINSTATEMENT LIST**;
- 9a7. Provisional Appointment of non-eligibles.

9b. Method of Certification

9b1. Requisition: When a vacancy is to be filled, and when the appointing authority requests, the Human Resources Director shall **ANNOUNCE THE INTENT TO FILL THE VACANCY AND** make ~~certification of eligibles on a form provided by the Human Resources Department~~ **INFORMATION ABOUT THE VACANCY AVAILABLE TO ELIGIBLE APPLICANTS. THE ANNOUNCEMENT SHALL CONTAIN DETAILS RELATED TO THE POSITION INCLUDING CLASSIFICATION, REQUIRED QUALIFICATIONS, PAY RATES, AND LOCATION.**

9b2. Certification: ~~The Human Resources Director, except~~ **EXCEPT** as otherwise provided in this Rule, **THE HUMAN RESOURCES DIRECTOR** shall certify to the appointing authority the names of persons on the appropriate ~~employment~~ **employment** list or lists who have indicated a willingness to accept appointment to a position vacancy. If the list of qualified persons is excessively long, the Human Resources Director may certify names in workable numbers to the appointing authority in the order of their placement on the ~~eligible~~ **eligible** list.

Whenever the establishment of special qualifications for the particular position has been requested by the appointing authority and approved by the Human Resources Director, certification shall be limited to those eligibles on the appropriate list possessing the special qualifications established.

In the case of promotional examinations in the Police and Fire Services, the names of the five persons ranked highest on the appropriate list who have indicated a willingness to accept appointment to a position vacancy shall be certified. When more than one vacancy is to be filled, the number of names submitted shall equal the number of vacancies plus four.

In the case of a ~~recall list~~ **RECALL LIST**, the highest name in accordance with the layoff provisions of these Rules shall be certified to the appropriate authority for a position vacancy.

9b3. Certification of Eligible to a Lower Class: An eligible may be certified to a position in a lower class or an equivalent class. ~~Acceptance~~ **AN ELIGIBLE'S ACCEPTANCE** of appointment to a position in such class shall not affect their eligibility for certification to a position vacancy in the class in which they established eligible rights ~~through examination~~, provided eligibility exists when the vacancy occurs.

9c. **Notification of Eligibles to Report for Interview**

When eligibles are certified to the appointing authority to fill a vacancy in the classified service, said eligibles shall report for interview if requested. The notice shall contain the title of the position to which eligibles have been certified, the pay range, the location of the interview, and the time limit allowed to report for interview without forfeiting eligibility rights.

9d. **Waiver of Certification**

The Human Resources Director may allow an eligible to waive certification to any employment list. The eligible must make such request to the Human Resources Director in writing, stating if the request is temporary or permanent, and the reason for the waiver. An eligible whose request is temporary, and approved, shall not again be called for selection of appointment until a request in writing is submitted and approved for the removal of the temporary waiver. If reasons for requesting the removal of the temporary waiver are unsatisfactory, the Human Resources Director may permanently remove the name of the eligible from the employment list. Notice of such action shall be sent to the eligible.

9e. **Appointments**

9e1. Selection and Appointment from Certified Eligibles: To fill a position vacancy, the appointing authority shall select and appoint one of the certified eligibles except as otherwise provided in this Rule.

When two or more applicants have equal qualifications in the judgment of the appointing authority, preference in selection shall be given to a Phoenix resident over a non- resident.

The appointing authority shall appoint the one certified eligible from the ~~recall list~~ **RECALL LIST** to fill a position vacancy. Rejection of the one eligible certified from the ~~recall list~~ **RECALL LIST** shall not be allowed other than as provided by Rule 7, except for such acts of conduct occurring between the date of layoff and date of recall ~~which~~ **THAT** would be cause for dismissal of an employee.

9e2. Temporary Appointments: The duration of temporary appointments will be no longer than twelve months without approval of the Human Resources Director. Temporary appointments may or may not be made from an appropriate eligible list. A refusal by an eligible to accept ~~his~~ **THE** appointment to a position of limited duration shall not affect ~~his~~ **THEIR** eligibility to a regular appointment.

9e3. Provisional Appointments: Whenever the Human Resources Director determines that an appropriate employment list is insufficient for the needs of the City, the Human Resources Director may refer a non-eligible to a vacancy for provisional appointment upon the request of the appointing authority, pending creation of a

new employment list. Such provisional appointments for all classes of positions shall continue only for such period as may be necessary to establish an employment list and ~~make certification of~~ CERTIFY eligibles. Such provisional appointment shall not exceed 60 full working days. Time served in a provisional status shall earn credits toward completion of probationary requirements.

- 9e4. “Interim” appointment: Whenever the Human Resources Director determines the need to appoint a classified employee to an unclassified position that is limited in time and is for the purpose of accommodating the absence of an employee on extended leave or for the purpose of accomplishing a special limited-time project. The classified employee receiving an interim appointment shall retain their classified service status.

RULE 10

PROBATION

10a. Period of Probation

Every employee shall work satisfactorily for a period of probation equal to full-time in each class for which they have qualified by examination, certification, and appointment in order to satisfy the requirements for regular employment in that class. A temporary appointment cannot satisfy regular employment status. Only an employee with a regular or an interim appointment can be granted appeal status after probationary requirements have been satisfied. The period of probation shall consist of twelve continuous months of full-time service in the class except as herein provided.

Time taken on paid vacation, sick leave, military leave, administrative leave, light duty status, or while drawing compensation awarded by the Arizona Industrial Commission, not in excess of thirty calendar days, shall be allowed the probationer as creditable time served. If the period exceeds thirty calendar days, the entire period of absence from normal duties shall be added to the probationary period.

An employee who demotes from a higher class to a lower class after completing probation shall be required to serve a new probationary period in the higher class if subsequently promoted to that class.

See Rule 20 for a voluntary demotion while serving a promotional probationary period.

A new probationary period shall be served following any break in service.

10b. Entitlement to Civil Service Board Hearing

A dismissed, suspended, or demoted probationary employee shall not be entitled to a Civil Service Board hearing, except as provided below.

A promoted probationer who has been dismissed or suspended shall be entitled to a hearing for their dismissal or suspension if they have completed a probationary period in another class and has had continuous City employment since that time. The appeal of a dismissed, promoted probationer shall be for reinstatement to the lower class from which they were promoted.

An employee who has not completed probation in any class shall be entitled to a hearing if they completed twelve months of continuous full-time regular service in no more than two classifications and has not been demoted. This hearing entitlement only applies to dismissals and suspensions. The appeal of a dismissal shall be for reinstatement to the class from which they were promoted. If reinstated, the employee must serve a new probationary period in the original classification.

The establishment of Civil Service Board hearing rights is not intended to shorten the probationary period the employee must serve in the new classification.

Time spent in a trainee/apprenticeship or intern classification shall not be counted toward completion of probation or establishment of hearing rights as specified in this Rule. Nothing in this Rule is intended to change the twelve-month probationary period for the Police and Fire Departments.

An employee promoted from a trainee, apprenticeship, or intern classification shall not be entitled to a hearing to return to the trainee, apprenticeship, or intern classification.

A classified employee who has been given an interim appointment and who has completed the probationary requirements specified in these rules shall be entitled to a hearing. This hearing entitlement only applies to dismissals and suspensions. The appeal of a dismissal shall be for reinstatement to the classification held by the employee in the classified service prior to the interim appointment. Removal from an interim appointment shall not be deemed a demotion and shall not entitle the employee to a hearing. An employee removed from an interim appointment shall be returned to the classification held by the employee immediately prior to the interim appointment.

10c. **Confirmation of Probationer to Regular Status**

A performance rating report of satisfactory, made by the rating authority to the Human Resources Director, shall confirm the probationer to regular civil service status on completion of the probationary period in a regular position. **THE PROCESS FOR EXECUTIVES AND MIDDLE MANAGERS MUST CONFORM TO THE CITY MANAGER'S MANAGEMENT REVIEW AND GOAL-SETTING PROCESS.**

RULE 11

PERFORMANCE RATING

11a. Performance Rating System

- 11a1. Who is Rated: Performance ratings shall be made for all full- time employees in the service of the City and each employee rated shall be given a copy of the rating.
- 11a2. Purpose: The purpose of the performance rating system is to properly evaluate the performance of employees of the City in the accomplishment of their assigned duties and responsibilities. In evaluating an employee's performance, it is necessary to take into consideration only factors which have a direct relationship to the accomplishment of work assignments. These factors used in rating performances should be as objective as possible. The performance rating system shall be used as a tool of management to improve the performance level of all employees, particularly of those who measure below satisfactory.
- 11a3. Administration: The administering of the performance rating system required by this Rule shall be the responsibility of the Human Resources Director. A detailed manual of instruction shall be prepared by the Human Resources Director.

11b. Performance Rating System Procedures

- 11b1. Report Forms: All performance ratings of employees shall be made upon report forms adopted by the Human Resources Director. The forms shall be filled out by rating authorities, as defined herein, in accordance with these Rules and the performance manual.
- 11b2. Rating Authority: The rating authority shall be that person or committee of persons who directly supervises the work of the employee rated. The rating authority shall be determined by the department head.
- 11b3. Reviewing Authority: The reviewing authority shall be the department head, but the function of reviewing may be delegated to any division head or other supervisor by direction. When a department head is the rating authority and when an employee in that case disagrees with the rating received, the next higher authority shall review such rating. In no case shall the reviewing and rating authorities be one and the same person.
- 11b4. Rating Periods: Each department head shall ensure that an annual performance rating is prepared for all regular employees under the department's jurisdiction.
- 11b5. Probationary Employee Performance Rating: A performance rating is required for all probationary employees at three months, six months, and final from the date the probationary employee starts work in that class as a probationary employee. Management has the ability to use unscheduled reviews as appropriate. Probationary employee ratings shall be completed pursuant to the provisions of

this Rule and in addition, any overall rating of less than "meets job requirements" must be specifically explained in writing. All probationary employee overall ratings of less than "meets job requirements" shall be reviewed and approved by the department head. The department head may delegate this duty to another administrator, but in no event shall that administrator be at a level below division head. The person reviewing and approving the overall rating of less than "meets job requirements" cannot be the same person who issued that rating. **THE PROCESS FOR EXECUTIVES AND MIDDLE MANAGERS MUST CONFORM TO THE CITY MANAGER'S MANAGEMENT REVIEW AND GOAL-SETTING PROCESS.**

- 11b6. Factors for Rating Performance: The factors to be considered in the performance rating system shall be the factors and requirements included in the job of the employee being rated. Detailed information on job factors and requirements are given in the performance management guidelines.
- 11b7. Rating: The rating shall be based on the rating authority's assessment of work performance, taking into consideration the factors which are related to the ratee's class of work.
- 11b8. Appeal: An employee may appeal any unsatisfactory rating through the chain of command. The decision of the department head, or designee, shall be final on such appeals. When a department head is the rating authority, the next higher authority shall hear the appeal and make the final decision.

RULE 15

LEAVES OF ABSENCE

Nothing in this Rule shall be interpreted or applied in a manner that conflicts with federal, state, or local leave laws or regulations. If any part or provision of this Rule is in conflict or inconsistent with such applicable provisions of federal, state, or local leave laws or regulations, or is otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such part or provisions shall be suspended and superseded by such applicable law or regulations, and the remainder of the Rule shall remain in effect.

15a. Requesting Leaves of Absence

15a1. All requests for leaves of absence with or without pay shall be made to the department head concerned for approval on forms approved by the Human Resources Director. All requests shall be submitted in advance of the beginning date of the leave (except requests for unanticipated sick leave which shall be submitted for approval at the earliest possible time) and the duration and kind of leaves shall be recorded on the payroll. Paid leaves of absence are subject to available leave credits and the scheduling of vacations is subject to the control of the department head. All requests for leaves of absence (excluding industrial leaves) without pay of more than thirty working days shall be subject to the control of the department heads concerned and shall require the approval of the appointing authority and the Human Resources Director.

The Human Resources Director shall administer the leave program.

15a2. Job Sharing Program: An employee in a job sharing position shall receive a pro-rata share of full-time leave credits in a manner determined by the Human Resources Director.

15a3. All leaves of absence for personal illness of the employee; for the birth, adoption, or foster placement of a child; or for the care of ~~a~~ **AN EMPLOYEE'S** spouse, child, or parent ~~of the employee when those family members have~~ **WITH** a serious health condition shall be integrated with the leave requirements of the Family and Medical Leave Act of 1993.

15a4. All leaves of absence qualifying for the use of Earned Paid Sick Time under Arizona law shall be integrated with the leave requirements of Arizona Revised Statutes (A.R.S.) Title 23, Article 8.1.

15a5 Salaried (exempt) employees shall not receive deductions from their compensation for absences from work of less than one full work day, except as permitted under the Fair Labor Standards Act, the Family Medical Leave Act, or the Americans with Disabilities Act. If a salaried employee is absent for less than one-half of a work day, leave balances will not be reduced except as permitted under the Fair Labor Standards Act, the Family Medical Leave Act, or the Americans with Disabilities Act. If the employee is absent for one-half of a work day or more, a full day of leave will be deducted.

15b. Vacation Leave With Pay

15b1. Eligibility and Vacation Allowances: Every full-time hourly employee who works a schedule at full-time 52 weeks of the year shall be credited with vacation credits for every completed calendar month of paid service according to the following schedule:

8 hours per month	Through 5 years of service
10 hours per month	beginning 6th through 10th year of service
11 hours per month	beginning 11th through 15th year of service
13 hours per month	beginning 16th through 20th year of service
15 hours per month	beginning 21st year of service & thereafter

Salaried employees shall receive the following annual vacation accruals, prorated monthly based on an eight-hour day:

12 days	Through 5 years of service
15 days	6th through 10th year of service
16.5 days	11th through 15th year of service
19.5 days	16th through 20th year of service
22.5 days	21st year of service and thereafter

An employee in the City of Phoenix Employees' Retirement Plan who is receiving pension benefits as a result of retirement from the City under the Arizona Public Safety Personnel Retirement System shall be considered as a new employee in determining vacation credits.

~~Any absence without pay in excess of ten working days in any two consecutive pay periods shall not be allowed as creditable service for vacation benefits~~ AN EMPLOYEE IN A FULL-TIME PAYROLL ACTIVE STATUS MAY BE ELIGIBLE FOR VACATION LEAVE ACCRUALS IN THE PAY PERIOD IN WHICH ACCRUALS ARE EFFECTIVE.

Leaves of absence compensated under the City of Phoenix Industrial Leave Program in excess of one year (2,080 hours, or 2,912 hours for 56-hour Fire employees) per injury or illness shall not be considered as paid service. While return to working status shall reinstate leave accrual, additional industrial leave for the same injury or illness shall not be considered paid service. Full-time regular employees who have been absent from work in an inactive status for more than two years shall have their rate of vacation accrual adjusted to reflect the duration of the absence.

15b2. Accrual of Vacation Credits: Vacation credits shall not be allowed to accumulate in excess of an amount equal to two times the employee's current annual rate at the end of any calendar year, except on the recommendation of the employee's department head and approval of the appointing authority or as established in the applicable Memorandum of Understanding/Agreement. Approved excess vacation carryover shall be subject to the provisions and limitations imposed by the City Manager or applicable Memorandum of Understanding/Agreement. The City Manager may establish limits beyond which the employee shall not accumulate further leave credits and for which

the employee shall not be compensated.

The written authority to carry over vacation credits in excess of an amount equal to two times the employee's current annual accrual rate shall be placed on file in the Human Resources Department. Any unauthorized carryover of vacation credit in excess of an amount equal to two times the employee's current annual accrual rate or established amount in the applicable Memorandum of Understanding/Agreement becomes void at the end of the calendar year into which such excess credits are extended. Fire Department employees on a 56-hour schedule shall be allowed a carryover proportional to the amount allowed **FOR** general service employees.

- 15b3. Vacation Rate of Pay and Assessment: The department head is responsible for the scheduling of vacations for employees regularly each year. Vacation is charged against the employee's credits in the amount equal to the number of regularly-scheduled working hours that the employee is on vacation leave. The full-time employee shall receive the same amount in vacation pay that they would receive if the employee worked their normal daily work schedule. Vacation leave in an amount of less than a day for a full-time hourly employee shall be charged to the nearest fifteen minutes involved in the leave.

Vacation leave for salaried employees shall be charged as stipulated in Rule 15a5.

For operational needs, an employee may be allowed or required by the department head to forego part or all of their annual vacation. No employee shall be required to forego the use of vacation credits without the department head approving the carryover of credits in excess of an amount equal to two times the employee's current annual accrual rate.

- 15b4. Termination Pay of Vacation Credits: Every employee who has vacation credits that do not exceed the limitations established by the City Manager or applicable Memorandum of Understanding/Agreement shall have such credits paid at the time of ~~leaving the City's~~ **SEPARATION FROM CITY** employment, whether by resignation, retirement, layoff, dismissal, or death. No such payment shall be made unless the employee has completed six months of employment and no payment shall be made for hours in excess of limitations established by the City Manager.

15c. Sick Leave With Pay

15c1. Entitlement and Allowance:

- A. Every full-time hourly employee who works a schedule at full-time, 52 weeks of the year, shall accrue sick leave credits at the rate of 10 hours for each month of paid service. Salaried employees shall accrue sick leave credits at the rate of a day and one-quarter for each month of paid service. A portion of these accruals, not to exceed 40 hours per year, will be designated for use as Earned Paid Sick Time in accordance with state law (A.R.S. Title 23, Article 8.1). See Rule 15d.

- B. Sick leave is designated in two different ways: Earned Paid Sick Time and Sick Leave with Pay. Earned Paid Sick Time shall be used in accordance with state law (A.R.S. Title 23, Article 8.1). See Rule 15d and Administrative Regulations 2.30(A) and 2.30(B). Sick Leave with Pay shall be used pursuant to City policy. See Rules 15c2-15c6 and Administrative Regulations 2.30(A) and 2.30(B). When requesting sick time, employees shall choose which type of sick leave they want to use as specified by Administrative Regulation.
- C. Leaves of absence compensated under the City of Phoenix Industrial Leave Program in excess of one year (2,080 hours, or 2,912 hours for 56- hour Fire employees) per injury shall not be considered as paid service. Sick leave credits shall accrue without limitation. ~~Any absence without pay of more than ten working days in any two consecutive pay periods shall not be allowed as creditable sick leave time~~ AN EMPLOYEE IN A FULL-TIME ACTIVE STATUS MAY BE ELIGIBLE FOR SICK LEAVE ACCRUALS IN THE PAY PERIOD IN WHICH ACCRUALS ARE EFFECTIVE. Upon reemployment within five years, 20% of sick leave credits at the time of termination shall be reinstated to the employee and be available for use after one month of reemployment. However, employees rehired from a layoff eligibility list shall have full sick leave credits and use of sick leave accumulated during previous employment. An employee who is receiving pension benefits as a result of retirement from the City under the Public Safety Retirement System and who received cash payment for accumulated sick leave at time of retirement shall not be entitled to the 20% return of sick leave credits.

15c2. Qualifications for Sick Leave

Sick leave shall only be allowed when:

- A. Personal Incapacity, Preventative Care, or Treatment. The employee is too ill or injured to be able to work safely.

Employees may also be allowed to use sick leave for examinations by a licensed ~~physician~~ HEALTH CARE PROVIDER or dentist, or medical treatments prescribed by a licensed ~~physician~~ HEALTH CARE PROVIDER or dentist, when it is not possible to arrange appointments on off-duty hours.

Employees may be allowed sick leave to provide the supplemental pay differential between industrial pay and regular net take-home pay under the provisions of Rule 15g1, after the one-year supplemental pay has been exhausted.

- B. Care for Family Member. The employee needs to assist with care of a family member who is ill, injured, or requires treatment.

“Family Member” means:

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; or

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; or
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; or
4. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee.

C. A police officer who has no other accumulated paid leave may use up to ten hours of accumulated sick leave per year for non-emergency home care or medical treatment of a member of the employee's immediate family, subject to operational and scheduling factors.

D. Parental Leave. The employee qualifies for leave for the birth, adoption or placement of a child under the Family and Medical Leave Act (FMLA). The employee may use vacation or sick leave for any qualified FMLA absence if the employee's paid parental leave benefit is exhausted. Refer to the paid parental leave provisions under rule 15J (effective October 1, 2022).

E. Family and Medical Leave Act (FMLA). ~~the~~ **THE** employee may use vacation or sick leave for any qualified FMLA absence.

F. Other Appropriate Circumstances. The City Manager or designee determines that other reasons of a similar nature exist to warrant the use of sick leave. The use of sick leave in these circumstances shall be issued by Administrative Regulation.

15c3. Rate of Sick Leave Pay and Assessment: A full-time hourly employee while on sick leave shall be charged sick leave credits in the amount equal to the number of working hours the employee is absent. The rate of pay while on sick leave shall be the rate at which the employee is being paid when taking leave. Sick leave for salaried employees shall be charged as stipulated in Rule 15a5. In no event shall **THE FULL-TIME EMPLOYEE BE ALLOWED** more than the regularly-scheduled daily work hours ~~be allowed the full-time employee~~ for each of the scheduled work days on which the employee is absent. Sick leave of less than a full day shall be charged to the full-time employee's sick leave credits to the nearest fifteen minutes involved in the leave. If **AN EMPLOYEE TAKES** sick leave ~~occurs~~ on an authorized holiday, and the employee was scheduled to work on that holiday, sick leave shall not be charged and the employee shall receive the appropriate holiday compensation as provided in City Administrative Regulations.

- 15c4. Leave Authorization: Except for Earned Paid Sick Time in 15d, requests for sick leave shall include the reason for the leave and shall be submitted for approval to the supervisor who is authorized by the department head to approve sick leave. The department head may require a certificate of incapacity from the employee's medical provider for an absence of over three days. Such certification may be required for absences of less than three days when the employee's sick leave record indicates excessive one- or two-day absences.

AN BEFORE AN employee, ~~before returning~~ RETURNS to duty from an illness of more than twelve working days, **THE EMPLOYEE** may be required to submit a statement from their medical provider qualifying them for their class of work.

- 15c5. Fit for Duty Examinations: Whenever, in the opinion of the department head, the work record or the attendance record, or both, of an employee indicates concerns regarding the employee's fitness for duty due to a health condition, the department head must consult with Human Resources for approval and referral to have the employee examined by the City's contracted medical provider.

Supervisors in consultation with Human Resources shall immediately inform the department head of any undue lowering of the quality of work of any employee or any undue absences which may be a result of the employee's physical condition.

The medical findings of each examination shall be transmitted to the employee and their physician when, in the opinion of the City's contracted medical provider, corrective treatment steps should be taken. The medical findings of the City's contracted medical provider shall be made available to the employee's family physician upon request of the employee or their physician.

When the medical findings disclose a disability that limits the employee's ability to perform the essential functions of the job, the department shall investigate the reasonable accommodations that may be made to assist the employee.

When, in the opinion of the City's contracted medical provider, a leave of absence is necessary for treatment, the employee shall be entitled to such sick leave credits as stand to their account. In the event an employee is found to need a leave of absence to recover from their health condition and would be required to take sick leave with or without pay, the employee shall have the right to obtain a second opinion with a provider of their choosing. If the second opinion differs from the original findings, the City will schedule a third and final examination with another medical provider. The majority opinion of the three in writing shall be binding upon the employee to take or not to take a leave of absence with or without pay. The cost of the consulting physician shall be in accordance with the provisions of the preceding section as to this cost responsibility.

15d. Earned Paid Sick Time

- 15d1. Entitlement: Employees shall accrue a minimum of one hour of earned paid sick

time for every 30 hours worked, but employees shall not be entitled to accrue or use more than 40 hours of Earned Paid Sick Time per year.

- 15d2. Earned Paid Sick Time is different than Sick Leave with Pay. Employees shall be permitted to use Earned Paid Sick Time in accordance with state law (A.R.S. title 23, Article 8.1) and as specified by Administrative Regulation. Employees who choose to use Earned Paid Sick Time should refer to Administrative Regulations 2.30(A) and 2.30(B).

15e. Military Leave

- 15e1. National Guard: Leave for National Guard shall, at a minimum, comply with State law (A.R.S. Section 26-168) and be issued by Administrative Regulation.

- 15e2. Military Reserve: Leave for Armed Services Reserve shall, at a minimum, comply with State law (A.R.S. Section 38-610) and be issued by Administrative Regulation.

- 15e3. United States Armed Services in Wartime: All employees shall be entitled to an indefinite leave of absence without pay while serving on active duty in the military branch of the United States Government during time of war. This leave allowance also shall cover absences resulting from compulsory military training orders in peacetime. The position from which an employee is on military leave, if filled, shall be subject to the return of the employee from military leave.

The employee returning from military leave shall be reinstated to their position upon their request and presentation of their military termination papers to the Human Resources Director if they are physically fit to perform the duties of their former position. If the former position is no longer in existence, the employee shall be entitled to such employment or reinstatement rights as their seniority and performance rating entitle them. They shall be allowed ninety days to report to the department head for duty after the date of discharge or proper release from the Armed Services.

Employees on military leave of absence will be awarded a merit increase upon their return in accordance with USERRA.

15f. Special Leave Without Pay

An employee holding a position in the City service may, upon written request, be granted special leave of absence without pay for any of the following reasons:

- 15f1. To enable an employee to engage in a course of study such as will increase their usefulness to the City service;
- 15f2. To enable an employee to take a position in the unclassified service of the City;
- 15f3. To enable an employee who is physically or mentally incapacitated to recover their health;
- 15f4. To enable employees to attend to their own maternity medical needs, after paid leave has been exhausted;

- 15f5. To enable an employee to take up to twelve weeks upon the birth or adoption of a child or to care for a seriously ill member of the immediate family, as required by the Family and Medical Leave ~~act~~ ACT;
- 15f6. Other equally good reasons considered valid by the City Manager.

All requests for leave of absence without pay not in excess of thirty working days shall require only the approval of the department head concerned. All other requests for leave of absence (excluding industrial leaves) without pay **FOR** more than thirty working days shall be subject to the control of the department head concerned and shall require the approval of the City Manager and the Human Resources Director. All leaves requested or granted under the requirements of the Family and Medical Leave Act ~~of 1993~~ shall comply with the guidelines of that Act.

Original requests for special leave of absence without pay shall be for a period not to exceed one year in duration, except for a classified employee who takes leave to accept appointment to a position in the unclassified service. A leave to hold a position in the unclassified service shall terminate when the classified employee either resigns or is returned to a classified position. Any request for extension of leave, except as otherwise provided herein, shall be subject to all the requirements of the original request. The requesting employee shall state the reasons why the request should be granted, the date when the desired leave begins, and the probable date of return. Upon the termination of said leave of absence, such employee shall be returned to the position in the department from which they obtained leave of absence, if same is in existence, and the employee has prior rights over one or more persons in the class; otherwise they shall be transferred to another position or be laid off in accordance with the rules on transfer, seniority, and performance rating.

If during leave from a position in the classified service, an employee holds a position in the unclassified service and is dismissed therefrom, such dismissal shall not abrogate rights to a hearing with respect to their position in the classified service.

If, in the opinion of the appointing authority, an employee is incapacitated and unable to work on account of illness, such employee may be required to submit to a physician designated or approved by the City for examination, but the employee shall have the right to be represented at such examination by a physician of their own choice at their own expense. If the report of the physician shows the employee to be in an unfit condition to perform the assigned duties, the appointing authority shall have the right to compel such employee to take sufficient leave of absence to provide the employee an ability to become fit for duty, assign the employee to light duty, or separate the employee from City service.

15g. Industrial Leave

- 15g1. Entitlement: A certified regular full-time employee who works a schedule at full time fifty-two weeks of the year who is disabled and absent from work as a

result of an industrial injury or occupational disease shall be kept on the City payroll and be paid an amount equal to but not to exceed the employee's regular net take home at the current rate of pay for up to one year total per injury.

A Police Reserve Officer who is also a certified regular full-time City of Phoenix employee shall be paid at the same rate as if the employee had been injured while performing their regular duties as a full-time employee, except that if the beginning Police Officer salary is higher than the employee's regular rate of pay, the beginning Police Officer pay shall be used for determining net take-home pay for up to one year total per injury.

An employee must meet each of the following conditions to qualify for the rate of pay specified in this section:

- A. Be under the jurisdiction of the Industrial Commission of Arizona and be receiving ~~workers~~ WORKERS' compensation for time lost due to an industrial injury received while employed by the City of Phoenix.
- B. Meet the specific requirements of the state of Arizona ~~workers~~ WORKERS' compensation ~~law~~ LAWS.
- C. Meet the requirements contained in negotiated Memorandum of Understanding (MOU).

If a decision on compensability of a claim is pending with the ~~Third-Party Administrator~~ CITY'S THIRD-PARTY ADMINISTRATOR or Industrial Commission, and ~~it is determined by~~ the Human Resources Director DETERMINES that the injury or disease falls within the definition of an industrial injury or occupational disease, the rate of pay specified above shall be granted.

An individual who separates from City employment or from Reserve Officer status shall only be entitled to the compensation required under Arizona ~~workers~~ WORKERS' compensation ~~law~~ LAWS.

15g2. Definitions:

A. "Industrial Leave" is defined as absence from work as the result of:

- 1. An injury by accident arising out of and in the course of City employment as defined by the ~~Workers Compensation Laws~~ WORKERS' COMPENSATION LAWS of the State of Arizona.
- 2. Those occupational diseases arising out of and in the course of City employment as defined by the ~~Occupational Disease Laws~~ OCCUPATIONAL DISEASE LAWS of the State of Arizona.

B. "Net Take-Home Pay" is defined as the biweekly base rate of pay for a full-time employee, less deductions for federal and state income tax, social security tax, and pension plan contributions. It does not include earnings for bonus pay,

overtime differential, stand-by pay, or any other pay that is normally not a constant condition of work for the class. In no event shall "net take-home pay" be less than the amount the employee or Police Reserve Officer is entitled to **RECEIVE** under the State ~~Workers Compensation Laws~~ **WORKERS' COMPENSATION LAWS**.

15g3. Conditions: The employee must meet the following conditions to qualify for industrial leave:

- A. An employee or Police Reserve Officer who refuses to make an election of **A** remedy pursuant to Arizona Revised Statute **SECTION 23-1023** in **THE** event of injury or who rejects the conditions of ~~Workers Compensation Laws~~ **WORKERS' COMPENSATION LAWS** of the State of Arizona prior to an industrial injury or illness shall not be entitled to Industrial Leave.
- B. If the employee or Police Reserve Officer elects to sue a third party defendant involved in the accident, and proceeds against such other person, the City of Phoenix shall have a lien on the amount actually collectible from such other person to the extent of the monies paid by the City of Phoenix.

The amount actually collectible shall be total recovery less the reasonable necessary expenses including ~~attorney~~ **ATTORNEYS'** fees actually expended in securing such recovery.

15h. **Bereavement Leave:**

A full-time employee may be allowed paid leave time for the purpose of attending to family needs that arise in connection with the death of a member of the employee's immediate family.

"Member of the employee's immediate family" means the mother, father, or stepparent of the employee; spouse, child, stepchild, brother, sister, step-brother, or step-sister of the employee; grandparent or grandchild of the employee; the mother and father of the employee's spouse; domestic partner of the employee; children or parent of the domestic partner; and person residing in the employee's household as a member of the family. A relative who, because of family circumstances, has been a parent substitute to the employee, may be considered as a substitute for mother or father in this definition.

The duration of the paid bereavement leave shall not exceed three working days. Additional air travel time shall be allowed when the burial occurs out of state and the employee travels to that location.

15i. **Work Assignments for Short-Term, Unscheduled Emergency Situations:**

In the event of a short-term, unscheduled emergency, including closure of a City facility, the City Manager, or designee, may assign full-time employees to a home assignment or an alternate work location. The home assignment will not replace approved leave that may fall within the same period.

15j. **Paid Parental Leave**

15j1. **Eligibility and Entitlement:**

Effective October 1, 2022, an employee may be allowed up to 480 hours of city CITY-paid leave upon the birth, adoption, or foster care placement of a child. To be eligible for paid parental leave, an employee must meet the family and medical leave act (FMLA) eligibility requirements. An employee must have been employed by the City for at least 12 months and have performed at least 1,250 hours of work during the 12-month period immediately preceding the commencement of the leave. Paid parental leave will run concurrently with an employee's FMLA entitlement. Employees who have exhausted their FMLA entitlement for reasons other than the birth, adoption, or foster care placement of a child may be allowed up to 480 hours of paid parental leave. Paid parental leave does not extend FMLA leave protections and entitlement hours. When both parents are City employees, each employee may be allowed up to 480 hours of paid parental leave. A maximum of 480 hours of paid parental leave is available only once during a consecutive 12-month period. The 12-month period begins upon the date of the birth, adoption, or foster care placement of a child.

15j2. **Usage:**

Eligible employees may use up to 480 hours of paid parental leave during the 12-month period beginning on the date of the birth, adoption, or foster care placement of a child. Paid parental leave must be scheduled in advance and be taken continuously or in increments of at least one full day at a time. Paid parental leave will be substituted for other leave types for up to 480 hours during the 12-month period beginning on the date of the birth, adoption, or foster care placement of a child.

RULE 21

DISCIPLINE

21a. Notice of Discipline:

The appointing authority shall sign an order in writing which shall constitute the notice of discipline, and shall also state in the notice the specific charges which shall be set forth clearly and with such particularity as will enable the employee to understand the charges and to answer them. Such order shall be personally served on the employee forthwith or mailed by certified mail to the employee's most recent reported address. Return receipt from addressee shall be retained by the serving department head and a copy of the notice shall be filed with the Civil Service Board. An employee **with WHO HAS COMPLETED** probationary requirements **completed** may have the hearing benefits provided in Rule 22.

21b. Reasons for Discipline:

The tenure of every employee in the classified service shall be during acceptable conduct and satisfactory performance of duties. Failure to meet such standards of conduct and work performance for any of the following listed reasons, such list not to be considered all-inclusive, shall be considered sufficient by the Board to uphold the action of the appointing authority in disciplining an employee.

- 21b1. **That the THE** employee **is WAS** incompetent or inefficient in the performance of **their AN ASSIGNED DUTY OR** duties.
- 21b2. **That the THE** employee **has been WAS** abusive or threatening in attitude, language, or conduct towards fellow employees, **CITY** customers **of the City**, or the public.
- 21b3. **That the THE** employee **has** violated any lawful or official regulation or order, or failed to obey **any A SUPERVISOR'S** lawful and reasonable direction **given by the supervisor**, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization, or to result in loss, inconvenience, or injury to the City or the public.
- 21b4. **That the THE** employee **has** solicited or **taken TOOK** for personal use a fee, gift or favor in the course of **the assigned work** or in connection with it, **which would lead toward THE EMPLOYEE'S ASSIGNED WORK, REFLECTING** favoritism **or**, the appearance of favoritism, **or a conflict or OF** interest.
- 21b5. **That the THE** employee **is in possession of POSSESSED** a deadly weapon (as defined in **ARS A.R.S. SECTION 13-3101**), excepting a pocket knife (as provided in **ARS A.R.S. SECTION 13- 3102**) at a City worksite¹, unless such employee is a police officer.

¹ (A worksite includes not only City buildings and property, but also City vehicles and private vehicles while being used on City business, and other assigned work locations.)

21b6. ~~That the~~ THE employee ~~is in possession of~~ POSSESSED an alcoholic beverage, MARIJUANA, or an illegal drug while on duty at a worksite.¹ An exception is allowed for an alcoholic beverage in a sealed container that is a gift to be given or ~~has been~~ received at the worksite.

¹ (A worksite includes not only City buildings and property, but also City vehicles and private vehicles while being used on City business, and other assigned work locations.)

21b7. ~~That the~~ THE employee, through negligence or willful conduct, ~~has~~ caused damage to public property or waste of public supplies or work time.

21b8. ~~That the~~ THE employee ~~has been~~ VIOLATED THE CITY'S ATTENDANCE POLICY, WAS absent without leave, ~~contrary to these Rules, or has AUTHORIZED BY THESE RULES,~~ failed to report TO WORK after ANY APPROVED leave of absence ~~has~~ expired, or FAILED TO REPORT TO WORK after ~~such ANY~~ leave of absence ~~has been~~ WAS disapproved or revoked and cancelled by the appointing authority.

21b9. ~~That the~~ THE employee ~~has~~ participated in prohibited political activities as outlined in applicable City of Phoenix Administrative Regulations.

21b10. ~~That the~~ THE employee ~~has~~ participated in a strike against the City of Phoenix as that term is defined in SECTION 2-220(17), Code of the City of Phoenix. ("Strike" means the failure by concerted action with others to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work, mass picketing, or the concerted abstinence in whole or in part by any group of employees from the full, faithful, and proper performance of the duties of employment with a public employer, or the concerted engagement in a work action for the purpose of inducing, influencing, or coercing a change in wages, hours, or working conditions, or terms of employment.)

21b11. ~~That the~~ THE employee has ~~some A~~ permanent or chronic ~~physical or~~ medical ailment CONDITION or illness which ~~incapacitates~~ PREVENTS them ~~for the performance of~~ FROM PERFORMING the essential functions of the position AND after accommodations and/OR placement efforts stipulated in City Administrative Regulations have been ~~pursued~~ EXHAUSTED.

21b12. ~~That the~~ THE employee ~~has~~ intentionally falsified records or documents made, kept, or maintained for or on behalf of the City of Phoenix.

21b13. ~~That the~~ THE employee ~~has stolen~~ STOLE or is in unauthorized possession of City property or the property of another employee or citizen.

21b14. ~~That the~~ THE employee ~~is~~ WAS under the influence of alcohol, MARIJUANA, or illegal drugs on the job.

21b15. ~~That after investigation, the~~ THE employee ~~has~~ violated City of Phoenix anti-harassment ~~or anti,~~ NON-discrimination, OR NON-RETALIATION policies.

- 21b16. ~~That the~~ THE employee ~~has~~ failed to cooperate in an administrative investigation by refusing to attend scheduled meetings, refusing to answer questions to the best of their knowledge, or ~~willful obstruction~~ WILLFULLY OBSTRUCTING of the investigation.
- 21b17. ~~That the~~ THE employee ~~has~~ retaliated against another employee for exercising their rights to participate in or appear as a witness at a Civil Service Board hearing OR MEETING.
- 21b18. ~~That the~~ THE employee ~~has~~ violated the City's Ethics Policy, including failure to provide complete, accurate, and truthful information.
- 21b19. ~~That after investigation, it~~ IT is reasonable to conclude the employee's actions brought discredit or embarrassment to the City.
- 21b20. ~~That the~~ THE employee's actions meet the elements of a felony.
- 21b21. ~~That the~~ THE employee ~~has been guilty of~~ COMMITTED any other ~~conduct~~ MISCONDUCT of equal gravity to the reasons enumerated in 21b1 through 21b20.