

Attachment A

PURPOSE – The proposed amendments to Personnel Rule 5f improve current City practice on addressing seniority when reclassifying filled positions. The proposed amendments to Personnel Rule 15e are to ensure compliance, at a minimum, with State law.

New language to be included in the Personnel Rules is identified in all capital letters. Deletions are indicated by strikethrough. For convenience all amendments, including formatting changes, are highlighted in yellow.

RULE 5

CLASSIFICATION PLAN

5f. Reclassification of Filled Positions

The Human Resources Director shall from time to time, or upon request of the appointing authority, investigate any or all positions in the classified service. The findings of the Human Resources Director shall be reported to the appointing authority, ~~the~~ incumbent(s) of the position(s), and the Human Resources Committee. Affected employees and their authorized labor representative shall be given a reasonable opportunity to be heard by the Human Resources Committee. The Human Resources Committee shall reclassify such positions as it finds improperly classified to the correct classes. If the **SUPERVISOR VERIFIES AN** incumbent has been successfully performing the substantial portion of duties of the new classification for ~~over~~ **AT LEAST** one year **IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THE CHANGE**, they shall not be required to serve the one-year period of probation stipulated in Rule 10; **AND FOR INCUMBENTS WHO HAVE NOT COMPLETED PROBATION, ANY PROBATION THEY HAVE SERVED IN THE PREVIOUS CLASSIFICATION WILL COUNT TOWARDS PROBATION IN THE NEW CLASSIFICATION**. For seniority calculations under Rule 14 and 16, or in cases where a probationary period is required, the time in the new classification shall begin when the reclassification action approved by the Human Resources Committee becomes effective **IF AN INCUMBENT HAS NOT BEEN SUCCESSFULLY PERFORMING THE SUBSTANTIAL PORTION OF DUTIES OF THE NEW CLASSIFICATION FOR AT LEAST ONE YEAR IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THE CHANGE. IF AN INCUMBENT HAS BEEN SUCCESSFULLY PERFORMING THE SUBSTANTIAL PORTION OF DUTIES OF THE NEW CLASSIFICATION FOR AT LEAST ONE YEAR, THEIR PRIOR LENGTH OF TIME IN THE PREVIOUS CLASSIFICATION SHALL CONTINUE WITHOUT INTERRUPTION**. If a filled position at any time is reclassified to a different classification in order to correctly and accurately classify it, the incumbent shall be assigned by the Human Resources Committee as follows:

1. Position moved to a higher graded classification: The incumbent shall be moved into the higher classification. If the incumbent does not meet the minimum qualifications of the higher classification, they shall be allowed to underfill the position for up to one year.
2. Position moved to a different classification in an equivalent pay grade: The incumbent shall be moved into the new classification. Pay ranges with slight differences because of labor-negotiated rates shall be considered equivalent and the Human Resources Director is authorized to rule on such matters.
3. Position moved to a lower graded classification: The incumbent shall be transferred into a vacant position in the higher classification. If no vacancy exists, the incumbent shall retain their current rate of pay, consistent with the Y-rating policy in effect, and shall overfill the position until a position

vacancy occurs. If no vacancy becomes available and the period of Y-rating expires, or in the absence of a Y-rating policy, the Human Resources Director may place the employee in an equivalent classification with similar qualifications. If all other options are unsuccessful, the employee shall be entitled to bump as provided in the layoff/recall rule.

Classification changes as a result of reclassification shall not be considered a promotion, transfer, or demotion, regardless of whether the grade assignment changes or not. Pay changes as a result of a reclassification action are defined and described in the pay ordinance in effect at the time of the personnel action.

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RULE 15

LEAVES OF ABSENCE

15e. Military Leave

- 15e1. National Guard: Leave for National Guard shall ~~be as specified in, 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 ~~be as specified in, 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.