

ARTICLE 5. CONDITIONS OF EMPLOYMENT

Section

HR-5-01. Standards of Conduct

HR-5-02. Drug Policy

HR-5-03. Internet Policy

HR-5-04. Hours of work

HR-5-05. Performance Appraisal System

Purpose: To prevent employees from engaging in prohibited conduct and establish behavior expectations.

HR-5-01. Standards of Conduct.

- A. General. In addition to statutorily prohibited conduct, a violation of the standards of conduct listed in subsections (B), (C), and (D) below is cause for discipline or dismissal of a city employee.
- B. Required conduct. City employees shall:
 - 1. Maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.
 - 2. Be courteous, considerate, and prompt in dealing with and serving the public.
 - 3. Conduct themselves in a manner that will not bring discredit or embarrassment to the City.
 - 4. Sign a loyalty oath as required by ARS 38-231. Refusal to sign, or abide by, the oath shall result in immediate termination.
 - 5. Comply with federal, state, and local laws and rules.
 - 6. Administer City programs and services in an unbiased manner and without favoritism for or against any political party or political group or any member of a political group in order to promote public confidence in our City government, governmental integrity and in the efficient delivery of services.
 - 7. Be free of any expressed or implied requirement of any political or other pressure of any kind to engage or not to engage in any political activity.
- C. Prohibited conduct. City employees shall not:
 - 1. Use their official position for personal gain, or attempt to use, or use, confidential information for personal advantage.
 - 2. Permit themselves to be placed under any kind of personal obligation, which could lead any person to expect official favors.
 - 3. Perform any act in a private capacity, which may be construed to be an official act.
 - 4. Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence the employee's official conduct. This provision does not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value.
 - 5. Directly or indirectly use or allow the use of city property of any kind, including property leased to the city, for other than official activities.
 - 6. Engage in outside employment or other activity of any kind that may interfere with an employee's duties or responsibilities without written approval of the City Administrator.

- a. Outside employment or any other activity which is not compatible with the full and proper discharge of the duties and responsibilities of city employment, or which tends to impair the employee's capacity to perform the duties and responsibilities in an acceptable manner is prohibited.
 - b. An employee shall disclose any other employment, gainful activity, or any other activity that may present a conflict of interest or has the potential to interfere with an employee's duties and responsibilities.
7. Participate in any manner in issues or decisions where the employee has a substantial interest. An employee is required to disclose a substantial interest in any contract, sale, purchase or service, or if the employee has a relative related by blood or marriage to the third degree who has a substantial interest in any contract, sale, purchase or service and shall abstain from participating in any manner as an employee in such contract, sale or purchase as per ARS 38-503.
8. Inhibit an employee from joining or refraining from joining an employee organization.
9. Use an employee's official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office as stated in 5USC1502; or the promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration.
10. Use City personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections; or using the authority of a City employee position to influence the vote or political activities of any subordinate employee as stated in ARS 9-500.14.
11. Use any political endorsement in connection with any appointment to a position in the City.
12. An employee of the City of San Luis may engage in political activities as a private citizen and off City property. Employees shall ensure that the ideas expressed are the employee's alone and not in any way endorsed by the City and its staff. No employee of the City of San Luis shall be an officer (Chairman or Treasurer) of a Political Action Committee (PAC). This includes Primary, General, Initiative, Referendum, and Recall elections, except that any employee may:
 - a. Cast his vote and express his opinion and attend meetings concerning the candidates for public office and the political issues
 - b. Circulate and sign nominations and recall petitions
 - c. Contribute to candidates, political parties or campaign committees to advocate the election or defeat of candidates; or solicit contributions to be made directly to candidates or committees to advocate the election or defeat of candidates.

- d. Engage in activities to advocate the election or defeat of any candidate.
 - 13. An employee shall not engage in any political activity permitted in section (C)(12) while on duty, while in uniform or at public expense, except as provided by law with respect to voting.
 - 14. Nothing contained in this section shall be interpreted or construed as denying any employee of the employee's civil or political liberties as provided by law.
 - 15. No employee or official shall solicit or suggest any assessment, contribution or services for any political party or candidate from an employee of the City of San Luis or any government employee, nor shall any employee solicit any assessment, contribution, or service from any party or candidate.
 - 16. Running for political elected office. An employee shall submit the resignation prior to the announcement of his candidacy for public office.
 - 17. To receive, agree or contract for, before, during or after a City Council election or any other election provided by law, money, gifts, loans or other valuable consideration, office, place or employment for the employee or for another person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for refraining or agreeing to refrain from voting for a particular person or measure, or for inducing any person to vote or refrain from voting, or to vote or refrain from voting for a particular person at an election and as provided in ARS 16-1013 and ARS 16-1014.
 - 18. City employees shall not use City equipment, material, buildings or other resources for the purpose of influencing the outcome of elections.
- D. Grooming. City employees are expected to maintain high standards of professionalism and expected to dress accordingly considering their positions and duties. If an employee's grooming and appearance is questionable as to its appropriateness for a City employee, Human Resources would determine acceptable grooming and appearance standards on a case by case basis by using guidelines of what most normal individuals would consider appropriate under similar circumstances.
- 1. An employee who is provided a uniform or is expected to wear a uniform must do so while working.
 - 2. Reasonable accommodations on a case-by-case basis for special grooming and dress shall be made for religious, physical conditions, and other personal reasons or practices protected by law.
- E. Employee searches. A Department Head may conduct a search with or without the employee's consent or knowledge on all city-owned property at any time, this includes but is not limited to desks, filing cabinets, lockers, computer and other electronic devices used to store data. An employee shall have no expectation of privacy in these City items.
- F. Employee rights. An employee shall not take any disciplinary or punitive action against another employee, which impedes or interferes with that employee's

exercise of any right granted under the law or these rules. Any employee or City representative who is found to have acted in reprisal toward an employee as a result of the exercise of the employee's rights is subject to discipline. Such discipline is to be administered in accordance with state and federal laws and these rules affecting employee rights and benefits.

Purpose: To establish a safe working environment free of illegal drugs and controlled substances.

HR-5-02. Drug Policy.

- A. General. All City of San Luis employees, classified and unclassified shall not consume, sell or possess illegal drugs, drug-related paraphernalia, or controlled substances without the specific instruction of a licensed physician.
- B. Prohibited Employee Conduct
 - 1. Alcohol use; the City prohibits:
 - a. Use or possession of alcohol while on duty
 - b. Having prohibited concentrations of alcohol (.04 or greater) in system while on duty
 - 2. Drug use; the City prohibits:
 - a. Use or possession of controlled substances while holding a position with the City of San Luis, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his assigned job tasks; it is the responsibility of the employee to notify medical personnel performing the test if the employee is taking any controlled substances under doctor's orders.
 - b. Testing positive for controlled substances while holding a position with the City of San Luis.
 - 3. Refusal to submit to required testing
 - 4. Permitting a subordinate employee to perform or continue to perform when the supervising employee has actual knowledge that an employee has engaged in conduct prohibited by 1-3 above.
- C. Employee Testing. Employees in positions that involve the duties or activities described in paragraph 1 may be required to submit to testing to determine the presence of illegal drugs or alcohol under the following circumstances:
 - 1. When performing safety-sensitive functions and involved in an on-the-job driving accident that results in the death of a person or results in a citation to the employee under state or local law for a moving traffic violation arising out of the accident and any vehicle requires towing from the accident scene or any involved person requires treatment away from the accident scene. An employee in such an accident is required to report it as soon as possible to the supervisor.
 - 2. When observed using alcohol or illegal drugs while on duty
 - 3. When a supervisor who has participated in a program that provides training in the recognition of the physical appearance and behavior of persons under the influence of alcohol or illegal drugs observes an

employee exhibiting such appearance and behavior during, just preceding, or just after the period of the workday that the employee is performing.

D. Refusal to Submit to Test

1. By continuing employment with the City of San Luis, employees have consented to the City of San Luis adoption of this Drug and Alcohol Testing Program. The City of San Luis will secure a consent form signed by the employee to be tested. An employee who refuses to consent and submit to a test when requested under any of the circumstances provided for in Paragraph "c" will be subject to disciplinary action including termination pursuant to the City of San Luis procedures for discipline and dismissal of employees. Refusal to submit includes failure to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, engaging in conduct that clearly obstructs the testing process, and /or leaving the scene of an on-the-job accident.

E. Positive Test

1. Employees with positive tests will be immediately removed from their job responsibilities. The supervisor and the Director of Human Resources will meet with each employee who tests positive and inform the employee of the test result. Pursuant to Arizona law, the employee may have a re-test performed. At the conclusion of the test(s), the City may determine what action to take.

Purpose: To clarify appropriate Internet use, prevent prohibited use, and to inform employees that stored data may be accessed, read and reviewed at any time by authorized City employees.

HR-5-03. Internet Policy.

- A. General. Internet services are City property and are to be used for City business. All City employees shall follow proper conduct and business etiquette when communicating by e-mail.
- B. Prohibited use. Employee use of Internet is for business use. City employees are to maintain their proper and ethical behavior in navigating through the Internet.
 - 1. Internet pornography is prohibited at work.
 - a. Employees shall not access pornographic Internet sites.
 - b. Employees shall not mail or attach pornographic material.
 - 2. Chain letter distribution is prohibited. Employees are to abstain from e-mailing chain letters to City employees and to outside sources from City property.
 - 3. Distribution of harassing, degrading, obscene, and vulgar comments and jokes is prohibited at work. City employees shall follow proper conduct and the City's Non-Harassment Policy.
 - 4. Joining chat rooms is prohibited.
 - 5. Employees are not to install unauthorized software.
- C. Searches. City computers and data are owned by the City and may be subject to searches with or without the employee's knowledge at any time. An employee's supervisor may access any and all documents stored in a computer and may read an employee's e-mails at any time. Information stored in City-owned computers and other electronic equipment, including but not limited to documents, downloads, and e-mails become the property of the City and may be classified as public records.
- D. Disciplinary Action. An employee violating the City's Internet Policy may receive disciplinary action up to and including dismissal.

Purpose: To define hours of work.

HR-5-04. Hours of Work.

- A. City employee's workweek. The city service workweek is the period of 7 consecutive days starting Saturday at 12:00 a.m. and ending Friday at 11:59 p.m. for all employees except employees in certain firefighter positions that work a work period of 28 consecutive days.
- B. Hours of employment. Each Department Head shall determine the hours of employment in the workweek for each employee.
- C. Flexible work schedules. If, in a Department Head's discretion, it is determined that the City's existing services can be maintained by employees working a 40-hour work week or other regular work week in a flexible work schedule, the Department Head shall offer this option to the affected employees.
- D. Breaks and mealtime rest periods.
 - 1. Employees working 6 consecutive hours or more shall get unpaid time off for mealtime of at least 30 minutes, except for Police Officers and Firefighters. This applies to regular and overtime or after-hours work. The supervisor shall schedule mealtime breaks.
 - 2. Employees are not entitled to rest breaks other than unpaid mealtime breaks. At the discretion of the supervisor, employees may be granted up to 2 rest periods for up to a maximum of 15 minutes each of paid time off. An employee who misses a scheduled rest break for any reason, forfeits the break unless the supervisor approves it.

Purpose: To establish a policy for employee performance evaluation system.

HR-5-05. Performance Evaluation System.

- A. General. Human Resources shall establish a performance evaluation system to evaluate the job performance of all employees. All employee evaluations shall be submitted to Human Resources to include in employee's personnel file.
- B. Frequency.
 - 1. A supervisor shall evaluate a permanent status employee at least annually 3 weeks prior to the anniversary date of date of hire, date of promotion, date of demotion, or date of last performance increase, whatever occurred last.
 - 2. Prior to achieving permanent status, a supervisor shall evaluate a probationary status employee at least twice during the probationary period:
 - a. At the midpoint of the probationary period, and
 - b. 30 days prior to the end of the probationary period.
 - 3. When an employee changes positions, if the last evaluation was done 60 days or more, the supervisor should evaluate the employee prior to the employee changing to the new position and provide a copy to the gaining supervisor, if any.
 - 4. One week prior to the expiration of the probationary period, a supervisor shall evaluate an employee under disciplinary probation at least once.
 - 5. At termination.
- C. Performance rating. The performance appraisal system established by the Human Resources Director shall contain performance-rating levels that distinguish among standard, above standard, and below standard performance. The system shall contain numerical points to apply to each performance rating level established.
- D. Review. An employee may file a written request for a review concerning an overall performance rating or a specific performance rating. Human Resources shall adopt a performance evaluation review procedure subject to the approval of the City Administrator.