

2015 Personnel Rules Rewrite – Detailed Summary of Changes**General Changes:**

- The current Personnel Rules and Regulations are divided into 6 sections, although the sections are not titled. The rewrite has 5 sections and each section is titled as below:
 1. General Provisions
 2. Classification & Compensation
 3. Employment
 4. Code of Conduct
 5. Leave Programs & Benefits
- The current document has 151 pages and the rewrite has been reduced to 85 pages. This is primarily due to the removal of several sections (as detailed below) that were outdated or no longer relevant, such as Section 606 on the Tempe Employees Council which is no longer in existence (replaced by UAEA). Also, verbiage that was taken directly from Federal Law (e.g. ADA) has been removed as most of it was outdated and instead, links have been provided to the relevant Federal or State webpage that provides the current law and other supporting information.
- A definitions section has been added after the table of contents for clarity and to provide consistency in the use of certain terminology throughout the Personnel Rules.
- Overall accuracy, clarity of information, repetition and inconsistencies that exist in the current document have been addressed.

Rule 1: General Provisions – Recommended Changes:

Section 101: Authority and Purpose:

- Replaces current section 101 & 102 – updates and corrects references to City Charter and City Code regarding the City's personnel system and personnel rules.
- Subsection D added to reference MOU's and their precedence over the personnel rules
- Subsection E added to reference and define HR Guidelines.

New Section 104: Personnel Records:

- Incorporates current subsections 101.A. and 309 – updated and clarified to cover all relevant information regarding personnel records including changes to records, retention, public records requests and employment verification.

REMOVED or MOVED FROM THE CURRENT RULES: subsection 105 - Merit System Board, has been moved to new section 407.F. – Disciplinary Action Merit System Board Appeal Process. The Merit System Board procedure for appeal of a disciplinary action is also covered in an HR Guideline.

Subsection 106 – Ethics, has been moved to new section 401.A. Standard of Conduct.

Rule 2: Classification & Compensation – Recommended Changes:

Section 201: Classification Administration

- Difference between changes and updates to a job description versus a full reclassification are defined
- Criteria for a reclassification requires a vacant position; a competitive process ; or IS Director and City Manager approval for an incumbent to be reclassified.
- Reclassification defined as moving from one organizational level to another (e.g. non-supervisory to supervisory) and/or a change in the salary range.
- Flexible Classification defined (there are currently 140+ flexible classifications) and current rules provide no definition. Allows for hiring less experienced applicants.

Section 202: Compensation Administration

NOTE: References to compensation in the Personnel Rules are trumped by any negotiated MOU

- Current language referencing “may receive up to 5% annual step increase” removed.
- No adjustment to an employee’s current salary due to a salary range adjustment based on a market survey unless moving to the new minimum if the current salary is below that.
- Current language “may receive up to a 5% increase at end of probation” removed. Since 2009 with the approval of the Six-Side Partnership probationary increases have been eliminated.
- If an incumbent is reclassified, no increase to current salary unless below the minimum of the new salary range. Language referencing 5% reclassification increase removed.

New subsection 203.G: Emergency Closure Pay

- If employees are sent home during regular shift due to an emergency closure, they will be paid regular hours through the end of that shift.
- If employees are required to stay home due to a continuing emergency, they will be paid emergency closure pay for up to 40 hours.
- If closure goes beyond 40 hours, employees can elect to use Vacation or take unpaid leave.

203.H. and 203.I: Temporary Detail and Temporary Special Assignment Pay

- Temporary detail pay (temporarily working in a vacant higher classification) restricted to 5-10% above salary or, with Department Director approval, to the minimum salary of the range of the vacant position (if that is higher than 10% above current salary).
- Special Assignment Pay extended to all departments (previously restricted to PD & Fire). 5 – 10% above salary, any higher requires IS Director approval; limited to 6 months – extension requires IS Director approval

203.M: Compensation Agreements

- Authorizes the City Manager to establish compensation agreements with non-MOU covered employees consistent with current practice.

REMOVED or MOVED FROM THE CURRENT RULES: subsection 205 (Job Sharing, Regular Part-time, Alternative Work Schedules and Telecommuting) removed. References in this current section to pro-rated benefits for regular part-time positions are covered under the new Section 5. Alternative work schedules and telecommuting are covered under the new Section 308 and HR Guidelines.

Rule 3: Employment – Recommended Changes:

Section 301.D: Employment of Relatives:

- Addresses both temporary and regular employment and applies same criteria to both – no direct supervisory or administrative responsibility for employment related decisions over relatives as defined in this subsection. Changes the current requirement that does not allow a temporary employee to work in the same **department** as a relative, to not allowing them to work in the same **division**.

Section 302.A: Concurrent Recruitments

- Concurrent external/internal recruitments required for all vacancies but if five or more qualified internal applicants apply, required to conduct internal selection process first. Hiring supervisors may request to conduct an internal only recruitment.

Section 304: Employment Changes

- Clarification of transfers and demotions including separation of administrative, disciplinary and voluntary demotions.

Section 305: Termination of Employment

- An unauthorized leave of absence – after three consecutive working days can be considered a resignation (job abandonment)
- Lay-off policy – added “displaced” employees (those bumped from their positions when lay-offs occur) and provided lay-off rights for them (requested by UAEA and TSA)
- Removed all references to leaving employment “in good standing” as this was never defined and rarely used to deny payout of sick leave or retirement benefits or deny re-employment.
- Added definition of retirement from the City – a resignation when an employee is eligible to begin retirement benefits from ASRS/PSPRS/EORP as opposed to actually beginning taking pension.

Section 306: Re-employment

- Clarification of reinstatement (within 30 days or from layoff list) versus rehire (after 30 days and up to 1 year).
- Eliminate the reference to a “reinstatement list” as this was no longer relevant and never used.

Section 309: Light Duty

- Now requires HR as well as Department approval for initial requests for off-the-job light duty requests.

REMOVED or MOVED FROM THE CURRENT RULES: subsection 309 regarding Personnel Files all moved to new Section 104. Subsection 310 – Drug Free Workplace – moved to new subsection 404.C.

Rule 4: Code of Conduct – Recommended Changes:

Section 402: Diversity & Inclusion

- Definitions have been moved to the new definitions section.
- References to Inclusion have been incorporated.
- Specifics regarding the Safe Haven policy are already in the Safe Haven Guidelines and so were removed.
- References to roles and responsibilities for the Diversity Office, Human Resources and the Department Directors were updated.
- Other information regarding complaint procedures, discipline and employee rights was moved to subsections 406 & 407.

Section 403: Performance Management

- New subsection as a reference for a performance management process – specifics are provided in an HR Guideline.

Section 404: Safety

- Revision and update of current subsection 608 and consolidation of all rules related to workplace safety including current subsection 310 - Drug-Free Workplace.
- New subsection 404.D. on weapons in the workplace (from City Attorney's office).
- Reference in subsection 404.E. (Workplace Violence) to the City's Threat Management Team.

Section 405: Technology

- Update of current subsection 612.
- New subsection 405.C. regarding use in the workplace of personal wireless devices.

Section 406: Discipline

- Remove option to resign in lieu of termination and replace with option to resign at any time during a disciplinary process prior to it being finalized. Requested by City Attorney's office.
- 406.C. Grounds For Disciplinary Action (currently 406.B.) has been revised, updated and reorganized for clarity including the addition of requiring employees to notify the City when they have been charged with a criminal offense. The City Attorney's office, HR, and the 6-sided partnership provided input.

Section 407: Employee Rights

- Consolidated all information from different sections regarding employee rights and processes to address workplace issues or complaints. Now provides all options for resolution (chain of command, safe haven, rules grievance, mediation, EEOC/AZ AG filing and Merit Board) in one subsection.
- If the employee requests that a different department director handle the administrative review, that director makes a recommendation to the employees department director who makes the final decision.

REMOVED or MOVED FROM THE CURRENT RULES: Subsection 411 on the ADA removed – reference and link to the ADA website now under Section 301.C. Subsection 412 Light Duty moved to Section 309.

Rule 5: Leave Programs & Benefits – Recommended Changes:

This new section brings all the current paid and unpaid leave programs and options, and the payout of accrued leave information under one section. The only recommended changes in this section are as follows:

Section 503: Unpaid Leave

- Change the Family and Medical Leave Act (FMLA) eligibility period from a calendar year to a rolling backward 12 month period – this significantly reduces the possibility to “stack” the 17 week FMLA benefit and creates more consistency and fairness for all employees needing to utilize FMLA protection.
- Include a copy of *Employee Rights and Responsibility under the FMLA* which is required by law.

REMOVED or MOVED FROM THE CURRENT RULES: subsection 515 Employee Assistance Program – this benefit is provided to all employees and governed under the contract with the current vendor which is approved by Council. The information in this section of the current rules is outdated and unnecessary. Subsection 516 – Tuition and Book Reimbursement – has been moved to Section 403 and details are outlined in a new HR Guideline.

CURRENT Rule 6:

This current section has had all subsections either moved or removed as follows:

601 – Individual Development Plan – removed – this is an old process that has not been used for many years. The new section 403 references Performance Management in general with any specific programs covered in HR Guidelines.

602 – Outside Employment – moved – this is now covered under the new section 401.D.

603 – Political Activity – moved – this is now covered under the new section 401.B.

604 – Gifts and Gratuities – moved – this is now covered under the new section 401.C.

605 – Grievance Procedure – moved – this is now covered under the new section 407.G.3 and a new HR Guidelines

606 – Tempe Employees Council – removed – this organization is no longer in existence (replaced by non-supervisory employee group – UAEA)

607 – Tempe Supervisors Council – removed – this organization is no longer in existence (replaced by supervisory employee group – TSA)

608 – Safety – moved – this is now covered under the new expanded section 404.

609 – Training and Education – moved – this is now covered under the new section 403.

610 – Workplace Violence – moved – this is now covered under the new section 404.E.

611 – Employee Privacy Rights and Searches – moved – this is now covered under the new section 404.F.

612 – Computer and Telephone Use – moved – this is now covered under the new section 405.