



Human Resources

Policy Manual

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INTRODUCTION

The manual includes Apache County's Human Resources policies. These policies are organized in the following titles.

Section 1: Employment

Section 2: Compensation and Benefits

Section 3: Attendance and Leaves of Absence

Section 4: Employee Conduct

Section 5: Health and Safety

Section 6: Travel Policies and Procedures

Section 7: Other Policies Relating to Employment

The policies in this document are intended to provide a uniform system of personnel administration, to protect and clarify the rights and responsibilities of Apache County employees, and to promote communication between the County and its employees. These policies are not intended to be a "limited merit system" as defined by A.R.S. § 11-351 et seq.

The policies apply to all County employees and to other related employees as specified below:

- A. Employees of the Superior Court are covered first by the Apache County Courts Employment System: Rules and Procedures. In matters not addressed in the Courts Rules and Procedures, the presiding Judge has approved the application of the policies in this manual.
- B. Unclassified employees are at-will employees. Some of the policies in this manual do not apply to at-will employees. See section 1.53 for a list of unclassified positions.
- C. Employees of the Apache County Jail District, Apache County Library District and the Apache County Public Health Services District are covered by the provisions of this manual. In those instances, where the manual refers to the "Board of Supervisors" the manual is referring to the Board of Supervisors sitting as the Board of the relevant district. Where the manual uses the term "County," it is referring to the relevant special taxing district.

The intent of this policy manual is to comply with relevant federal and state laws. In the event that there is a conflict, the federal and state laws take precedence. In the event of any amendment of the federal and state law, ordinances, etc., the policies and procedures set forth in this manual will be deemed amended in accordance with those changes.

Apache County specifically reserves the right to appeal, modify, or amend these policies at any time, with or without notice. The provisions shall be deemed neither to create a vested or contractual right in any employee nor limit the power of the Board of Supervisors or County Manager to repeal or modify these policies. These policies are not to be interpreted as promises of specific treatment.

“In the event of amendments to these policies and procedures by the Board of Supervisors, the Apache County Human Resources Department will publish updates to this manual in a timely manner. Said publication shall be through posting the amendments on the web site of the Apache County Human Resources Department. The version posted on the web site will be considered the official version of the manual currently in force, and is the version that should be consulted by employees in the event they have questions about County policy. Additionally, the Apache County Human Resources Department shall provide each Department Head/Elected Official with an updated version as changes are made, and said updated version will be available for review upon the request of employees of the Department. Finally, the Apache County Human Resources Department will send each employee updates with which each employee can update his/her own manual. Each employee is responsible for keeping himself/herself informed of changes to this manual.”

SECTION 1

EMPLOYMENT

- 1.1 Equal Employment Opportunity
- 1.2 Recruitment and Selection Process
- 1.3 Probationary Period
- 1.4 Performance Evaluation
- 1.5 Employment Status
- 1.6 Layoff, Recall, Resignation and Re-employment
- 1.7 Relocation Allowance
- 1.8 Americans with Disabilities Act
- 1.9 Employee Records
- 1.10 Employee Property, Workplace Privacy Limitations & Dress Code
- 1.11 Constructive Discharge

1.1 EQUAL EMPLOYMENT OPPORTUNITY

1.1.1 Policy:

It is the policy of Apache County to provide equal opportunity in employment to all employees and job applicants. The County shall not discriminate on the basis of race, religion, color, sex, age, national origin, or disability. The County shall neither refuse to appoint or promote, nor choose to suspend, demote or discharge an employee based on these factors. The County shall not discriminate in compensation or in other terms and conditions of employment.

1.1.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

1.2 RECRUITMENT AND SELECTION PROCESS

1.2.1 Policy:

The goal of the recruiting and selection process is to attract, retain and promote qualified applicants and to do so in a manner that complies with all state and federal employment laws. Within this context, the County has the exclusive right to determine the best manner to conduct its recruiting and selection efforts, recognizing that the process may vary with each individual job.

The following broad guidelines shall apply to the recruitment and selection processes:

- A. At the discretion of the elected official or department head, vacant positions shall be designated and posted as (1) Intra-Departmental (2) County-Wide or (3) Open postings.
- B. When recruiting to fill vacant positions, preference may be granted to existing county employees. Elected officials and/or department heads wishing to give preference to county employees in the recruitment process shall designate the recruitment as either an Intra-Departmental or County-Wide posting.
- C. Elected officials or Department Heads may, at any time, choose to change the recruitment designation from “Intra-Departmental” to a “County-Wide” or “Open” posting.
- D. Elected officials or department heads may, at any time, choose to change the recruitment designation from “County-Wide” to an “Open” posting.
- E. When examinations for employment are used, they will be conducted on a competitive basis. All aspects of testing will be designed to be internally consistent and to fairly measure the skills required to successfully perform the duties of the position.

1.2.2 Coverage:

This policy covers recruitment and selection for all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

1.2.3 Job Posting:

- A. Vacant positions will be posted in major county buildings on a regular basis. These job postings are intended to provide information to employees and to the public about vacant positions.
- B. The postings will include basic information about the positions such as the title, department, salary grade, and starting salary.
- C. Positions designated as “County-Wide” or “Open” shall be posted as stated in 1.23(A). At the discretion of the elected official or department head, positions designated as

“Intra-Departmental” may be posted only within the affected department. The Human Resources Department will disseminate postings and, if applicable, advertise the position. Open positions will be advertised with the appropriate media.

1.2.4 Recruiting Process:

- A. All newly created positions must be approved by the Board of Supervisors prior to being filled. The Board will approve the job title, salary grade, and starting salary and verify that there are budgeted funds available.
- B. Once approved by the Board of Supervisors, The Elected Official or the Department Head shall notify Human Resources to coordinate the recruitment process. The Elected Official or Department Head will designate the position as an “Intra-Departmental”, “County Wide” or “Open” posting.
- C. Existing approved positions that become vacant will be filled in accordance with the normal recruiting process. If the vacant position is filled at the beginning of the salary range, no formal Board of Supervisors approval will be needed.
- D. Anyone, including a current employee applying for a position, shall complete an employment application for the relevant position.
- E. Applications will be collected and screened for minimum qualifications by Human Resources. Applications that meet the minimum qualifications for the position shall be made available to the appropriate elected official or department head for review.
- F. Human Resources will schedule applicants for interview(s) and, where appropriate, written examinations/job testing. In the interest of saving time and expense, the county may choose to limit the number of applicants interviewed. Not every candidate will necessarily be interviewed.

1.2.5 Candidate Selection Process:

- A. Where possible, and, at the discretion of the Elected Official or Department Head, preference will be given in the selection process to existing county employees. Should an employee be selected for the position, and this results in a promotion, which is defined as a change in position that changes duties on a job description and an increase to their salary range as set forth in the table 3, then the employee will be eligible for an increase in salary of no less than 5%.
- B. Current county employees are encouraged to apply as position openings occur.
- C. Employees on probation are normally expected to stay in his or her position for at least six months before applying for a promotion or a transfer. Exceptions to this general rule will be based on business necessity and will be considered on a case-by-case basis. A promotion or transfer requires the approval of the current department. The necessary

form can be obtained from the Human Resources Department.

- D. The county may prepare an eligibility list when the recruitment for any job opening has been completed. The purpose of an eligibility list is to provide a pool of qualified candidates and to expedite the recruiting process.
- E. Applications for all candidates will be maintained in the Human Resources Department for at least six months. Based on the results of the application process, some applicants may be placed on an eligibility list for future open positions.
- F. The county reserves the right to transfer or promote employees within or between departments as required by business necessity without following the standard recruitment process identified above.
- G. No Employee or candidate shall be eligible for employment with the county while on probation for any Arizona or federal felony, or for any out-of-state criminal offense that would be considered a felony if committed in Arizona.

1.2.6 Hiring of Relatives/Personal Relationships:

1. Immediate family members may not be employed in a position where one supervises or is supervised by the other, or both report to the same first level supervisor. For purposes of this section, immediate family members shall be defined as a spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse as described pursuant to A.R.S. § 38-502.
2. Immediate family members shall not be employed in the same department when the safety, efficiency, morale of effective administration of the department's operations will be adversely affected. Employment may not create either an actual conflict of interest or the appearance of a conflict of interest.
3. This policy must also be considered when assigning, transferring, or promoting an employee.
4. Employees who become immediate family members or who establish a consensual relationship that is romantic or sexual may continue employment as long as it does not violate subsection 1 or 2 above. Employees who become immediate family members or who establish a consensual relationship that is romantic or sexual must notify the Elected Official/Department Head and Human Resources. If employees become immediate family members or establish a consensual relationship that is romantic or sexual that implicates subsection 1 above, the county will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. If employees become immediate family members or establish a consensual relationship that is romantic or sexual that implicates subsection 2 above, the county will make reasonable efforts to re-assign the employee that is in the

supervisory position; and if such re-assignment is not reasonably possible, shall allow the employee in the supervisory position to resign in lieu of termination.

5. If a consensual relationship of a romantic or sexual nature develops between a supervisor/manager and a subordinate, it shall be the responsibility and mandatory obligation of the supervisor/manager to promptly disclose the existence of the relationship to the Department Head and Human Resources. The subordinate may make the disclosure as well; however, the burden of disclosure rests with the supervisor/manager.

1.2.7 Background Checks:

- A. The county may choose to contact prior employers, schools and others to check references of potential employees. The hiring department shall conduct reference checks to verify employment history of each new hire. The county may refuse to hire an applicant based upon these reference checks.
- B. The county may also choose to conduct criminal history investigations, and otherwise investigate the qualifications of potential employees.

1.2.8 Fingerprinting Checks:

- A. The purpose of this section is to comply with the intent of A.R.S. §15-512. This policy applies to county school superintendent employees and any other county employees who work with juveniles as a regular part of their job. The policy does not apply, however, to law enforcement and probation personnel who are covered by departmental policies.
- B. Employees working with juveniles will be fingerprinted as a condition of employment. Fingerprint checks will be conducted in accordance with A.R.S. §41-1750. These personnel shall certify on forms provided by the county and notarized whether they are awaiting trial or, have ever been convicted or admitted committing any of the criminal offenses specified in A.R.S. § 15-512.
- C. The county may choose not to hire or to terminate the employment of an individual based on the results of the fingerprint check.
- D. Apache County may hire non-certificated employees before receiving the results of the fingerprint check, but only under the circumstances and conditions outlined in A.R.S. § 15-512(K).

1.2.9 Immigration Reform and Control Act:

Apache County complies with the Immigration Reform and Control Act (IRCA), 8 U.S.C. §§ 1324(a) and (b). As such, all new hires must provide complete INS Form I-9 on or before the first day of hire. All new hires are required to provide proof of eligibility to work in the United States no later than three working days after the employee commences work. The Human

Resources Department will verify the documents and maintain them. Employment with Apache County is contingent upon satisfactory completion of the verification requirement.

1.3 PROBATIONARY PERIOD

1.3.1 Policy:

All new and rehired employees shall be subject to an initial probationary period. The purpose of the probationary period is to closely monitor performance as well as to ensure that the employee is effectively learning and performing the duties and responsibilities of the position. The probationary period described in this section does not apply to employees who are transferred, promoted, or demoted.

1.3.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

1.3.3 Timing:

The probationary period shall be six months, beginning with the first day of the job assignment, with the exception of adult detention officers, probation officers and deputy sheriffs whose probation shall be for a period of twelve months, beginning with the first day of their job assignment. The probationary period may be extended for up to six additional months in situations where the employee is progressing but is not fully effective.

At the discretion of the elected official or department head, temporary status employees may have their probationary period waived when converted to regular full or part-time status, providing they have worked for the County for at least six months.

Two to four weeks prior to the end of the six-month probationary period, the employee's performance should be evaluated. Based on this evaluation, the employee's immediate supervisor should determine whether his/her performance warrants successful completion of the probationary period. At this time, the immediate supervisor may recommend that the elected official or department head take one of three actions:

- Remove the employee from probation and confirm regular status;
- extend the probationary period for up to six additional months; or
- terminate the employment status of the employee.

At any time during the probationary period, the elected official or department head may terminate the employment relationship. The individual's employment may be terminated without cause and without the right of appeal.

1.3.4 Completing Probation:

Completion of the probationary period is not automatic. Employees shall be removed from

probation only through specific action of the department head, elected official and the Board of Supervisors. The employee has the right to request a performance evaluation and a decision on his/her probationary status.

It is the intent of the County to provide a probationary pay increase at the end of probation. If it is determined that the employee has successfully completed probation in six months, the pay increase will be effective on that date.

Upon successful completion of the probationary period, the employee shall:

- A. Receive an end-of-probation increase. The increase percentage shall be established by the Board of Supervisors prior to the beginning of each fiscal year as part of the budgeting process. During the year, the Board of Supervisors may suspend or cancel probationary increases at any time based on budget considerations and/or issues of salary equity among employees with similar jobs.
- B. Upon completion of probation, the employee will be credited with vacation, at the regular rate of accrual, retroactive to the beginning of the original probationary period.
- C. Adult detention officers, probation officers, and deputy sheriffs serving probation for twelve months shall be credited with vacation at six months and will continue to accrue vacation time at the regular rate of accrual. They shall also be eligible for all county-wide pay increases (i.e., C.O.L.A., etc.) after six months of probation.
- D. Probationary regular part-time employees in positions designated to work 1040 hours or more per year and regular full-time probationary employees will be eligible for sick leave following thirty days of employment. Following the first thirty days of initial probation, eligible employees will be credited with sick time retroactive to the beginning of the original probationary period.
- E. While on probation, an employee will not be eligible for the regular annual increase, except as provided in subsection C, above. Instead, he/she may be eligible for an increase upon successful completion of the probationary period.

1.4 PERFORMANCE EVALUATION

1.4.1 Policy:

The purpose of the performance evaluation process is to evaluate the performance of employees in the accomplishment of their assigned duties and responsibilities. The evaluation process shall be used as a means of providing performance feedback to all employees. For this reason, the evaluation shall focus on how performance can be improved in the future, as well as the level of past performance. The performance evaluation may be considered in determining salary changes, transfers, promotions and merit increases. The performance evaluation may also be considered in decisions related to lay-off and discharge.

1.4.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

1.4.3 Types of Evaluations:

- A. Regular Evaluation: At a minimum, each employee should be evaluated annually, although more frequent evaluations are encouraged.
- B. Special Evaluation: Special evaluations may be administered at any time to address performance issues occurring throughout the year in a non-disciplinary manner. Conducting a special evaluation does not pre-empt or limit in any way the ability of the County to take appropriate disciplinary action at any time for any given performance issue.
- C. End-of-Probation Evaluation: Evaluations should also be conducted prior to removing an employee from probationary status.

1.4.4 Documentation Requirements:

The annual evaluation shall be documented on an evaluation form selected by the elected official or department head. An approved form is available from the Human Resources Department and may be modified as necessary to meet specific needs.

Once the evaluation form has been completed, the evaluation shall be discussed in a private meeting between the employee and appropriate management personnel. The elected official or department head shall sign the evaluation. The employee should also sign to indicate that the process has been completed.

Completed performance evaluations shall be sent to the Human Resources Department to be filed in the employee's official personnel file.

1.5 EMPLOYMENT STATUS

1.5.1 Policy:

This section identifies the employee categories and their eligibility for policy coverage, compensation and benefits.

- Classified/Unclassified
- Non-Covered/Exempt/Non-Exempt
- Other Job Categories

1.5.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

1.5.3 Classified/Unclassified:

- A. Classified employees are covered by the employment provisions of the County policies dealing with grievances and appeals of employment decisions.
- B. Unclassified employees are "at will" employees. Unclassified employees serve at the pleasure of the appointing authority. Their employment may be terminated without cause.
- C. Temporary, probationary and part-time employees who are ineligible for benefits are unclassified. In addition, the following positions are unclassified: County Manager, Deputy County Manager, Clerk of the Board of Supervisors, Chief Deputy to an Elected Official, Department Directors, County Engineer, Chief Probation Officer, Chief Deputy Probation Officer, Deputy County Attorneys, Court Administrator, Judicial Assistant, Court Reporter, District Manager, and District II's Operations Manager, Field Operations Manager and Administrative Coordinator, the County Attorney's Chief of Staff, Community Resources Liaison, Investigators, Legal Coordinator, Legal Program Coordinator, and Office Administrator, and District III's Division Manager of Health, Safety and Environmental, Division Manager of Special Projects, and Division Manager of Technical Services, and Roads Manager.

1.5.4 Non-Covered/Exempt/Non-Exempt:

This section is intended to comply with the Federal Fair Labor Standards Act (FLSA).

- A. Non-Covered: Elected officials, their personal staff members, policy-making appointees, and legal advisors are non-covered under the FLSA. Volunteers, independent contractors and prisoners are also non-covered under the FLSA.
- B. Exempt: Exempt employees are exempt from the overtime provisions of the FLSA. These positions are paid on a salaried rather than an hourly basis. As such, employees in these positions do not receive overtime or compensatory time. Employees are considered exempt on the basis of their job description and actual duties performed in accordance

with guidelines set forth by the FLSA.

- C. Non-Exempt. Non-exempt employees are covered by the overtime and minimum wage provisions of the FLSA.

Non-exempt employees become eligible for overtime compensation after working 40 hours in a workweek. Non-exempt employees are eligible for compensation at one and one-half their normal pay rate for time worked over 40 hours.

Compensatory time is the standard form of overtime compensation used by Apache County. Overtime can be compensated in additional salary only with approval of the County Manager. Compensatory and overtime policies are explained in the Compensation and Benefits section of this material.

1.5.5 Types of Positions:

Regular Full Time: Regular full-time employees are in approved budgeted positions that are an ongoing part of the County's normal staffing plans. These positions have no specified ending date. These positions may be classified or unclassified depending upon the pay grade as stated in paragraph 1.53 above.

Part Time: Part-time employees who are regularly scheduled for 20 hours or more per week are paid for holidays, are credited for sick and vacation time, at a prorated amount and are eligible for health and retirement benefits. Part-time employees who work less than 20 hours per week are not eligible for benefits. Part-time positions may be classified or unclassified depending upon the appropriate criteria as stated in paragraph 1.53 above.

Temporary: Temporary employees are in positions that have specified ending dates. These positions are approved to meet County needs in peak work periods, for special programs and to fill department vacancies during the recruiting process. Temporary employees are only paid for actual hours worked. They do not receive holiday, vacation or sick time. They are not eligible for health benefits but are covered by worker's compensation and will receive retirement credit if they work more than 90 days. These positions are unclassified as stated in paragraph 1.53 above.

Grant-funded positions: Grant-funded positions may be regular or temporary and may be full-time or part-time. These status issues will be determined individually with each position, based on terms specified in the grant. Regular full-time and eligible part-time grant-funded positions will have all of the same benefits as regular positions funded by the County. If the grant funding is canceled for any reason, the position is automatically eliminated, and the employee is laid off. This layoff is effective no later than the date the grant funds are exhausted. Grant-funded positions may be classified or unclassified depending upon the appropriate criteria as stated in paragraph 1.53 above.

1.6 LAYOFF, RECALL, RESIGNATION, AND RE-EMPLOYMENT

1.6.1 Policy:

This section outlines the circumstances surrounding layoff, recall and re-employment of employees.

1.6.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

1.6.3 Lay-Off:

The Board of Supervisors may layoff an employee because of a change in duties, re-organization, or shortage of work or funds. A layoff may occur when a position is eliminated or when the number of positions in any given classification has to be reduced. Typically, the lay-off is a result of a reduction in funding or reorganization.

A layoff may be based on a Retention Rating Index incorporating seniority, performance and conduct when there is more than one employee in any given position subject to the reduction in force. Retention Rating Index forms may be obtained through the Human Resources Department.

When a layoff affects only one department, only employees in that department will be considered for layoff. Employees in other departments will not be affected.

1.6.4 Recall:

Employees who have been laid off are subject to recall within six months of the effective date of lay-off. Employees will be recalled in the reverse sequence in which they were laid off.

Employees recalled from a layoff within six months will be reinstated into County benefits programs with credit for prior service. They will not receive credit for the time they were out of work. These employees will:

- A. Accrue vacation time at the same rate as they had at the time of layoff. The accrual will begin with the first payroll period.
- B. Have the sick time balance reinstated, unless they were paid for the time.
- C. Be re-enrolled in the health plan with the normal waiting period. Any employee who is an active COBRA participant will be allowed to re-enroll in the health plan without a waiting period.

Employees recalled may or may not receive the same rate of pay as they had earned at the time of the layoff. The County reserves the right to respond to budgetary and staffing considerations

at the time of the recall.

1.6.5 Resignation:

An employee wishing to leave the County service shall file with the appointing authority a letter stating the effective date of resignation. This letter should be filed as soon as possible, but no later than two weeks prior to leaving the County. Failure to give notice as required by this policy may be cause for denying future employment by the County.

1.6.6 Termination:

Elected officials or department heads shall verify that terminating employees return all keys, credit cards and other county property. Prior to the final payment to any terminating employee, the department head or elected official and the Finance Department shall ensure that all travel advances have been reconciled.

1.6.7 Job Abandonment:

In the event an employee is absent without approved leave for a period greater than two days, the County shall notify the employee of intent to dismiss due to job abandonment. The notification will be delivered in person or sent to the employee's last known address. If the employee has not returned to duty within 48 hours of notice, then this shall be cause for immediate discharge.

1.6.8 Re-employment:

- A. Employees who provide the appropriate notice and leave the County in good standing may be eligible for re-employment. If an employee has twice previously left the County in good standing and been re-hired more than once, any subsequent re-employment is prohibited unless first approved by the County Board of Supervisors.
- B. Employees who were terminated are not eligible for re-employment.
- C. Employees who are re-employed with the County within two years of separation may be eligible for credit for prior service with regard to accrual rate of vacation, reinstatement of past unpaid sick-pay balances and pay scale placement. All decisions regarding credit for prior service shall be made within thirty (30) days of re-employment. Failure to credit past service within thirty (30) days, shall constitute a decision not to credit prior service. Reinstatement in the retirement programs will be based on the current rules of the particular retirement program.

1.7 RELOCATION ALLOWANCE

1.7.1 Policy:

Apache County may reimburse up to \$1,000 of actual relocation expenses incurred by a new employee who relocates to the County. All reimbursements shall comply with Section 6: Travel Policies and Procedures. The decision to reimburse these expenses shall be approved by the Board of Supervisors.

1.7.2 Coverage:

Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

1.7.3 Qualifying Criteria:

All of the following conditions must be met for the new employee to qualify for the relocation allowance:

- A. The expenses must be incurred as a direct result of the relocation.
- B. The expenses must be incurred within three months of beginning employment with Apache County.
- C. The move must begin outside Apache County and involve a distance greater than 175 miles.
- D. The employee must be hired to a professional or managerial position.
- E. The expenses must not be reimbursable through any other program or resource.

1.8 AMERICANS WITH DISABILITIES

1.8.1 Policy:

Apache County provides equal opportunity to all individuals in programs, activities, employment benefits, participation, services and assistance, and to comply with the spirit of Section 504 and the Americans with Disabilities Act (ADA). Apache County will also provide reasonable accommodation in the essential functions of a given position for those qualified individuals with qualifying disabilities as identified by the ADA providing the accommodation does not place an undue burden upon the County.

1.8.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

1.8.3 Requests for Reasonable Accommodation:

Individuals with qualifying disabilities may request reasonable accommodation in the essential functions of their job. All requests for reasonable accommodation shall be made with the Human Resources department for consideration. It is the responsibility of the employee to notify Apache County of the need for reasonable accommodation. The county will engage in an interactive process with the employee to determine if reasonable accommodations can be made.

1.9 EMPLOYEE RECORDS

1.9.1 Policy:

The official personnel file for each employee shall be maintained by the Human Resources Department. Medical files containing confidential medical information regarding a given employee will also be maintained by the Human Resources Department. Departments may keep supplemental records but should limit the contents of these files to information relevant to the administrative operations of the department.

1.9.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

1.9.3 Disposition of Records:

Employee records are closed to the public except for those records authorized for release in accordance with ARS 39-101. Generally, the following records may be released:

- A. full name of the employee
- B. dates of employment
- C. current and previous job titles
- D. current and previous salaries
- E. name of current supervisor
- F. any additional information authorized by the employee in writing.

Medical information shall always be treated as confidential and will be kept in a medical file separate from the personnel file.

Department Heads and Elected Officials may view the personnel files on a need-to-know basis. They are expected to deal with the information in a confidential manner. Medical file information will be kept confidential and will be shared only with prior written authorization from the employee.

An employee may review and/or make copies of the contents of his/her personnel or medical file. The employee is expected to make an appointment with Human Resources in order to view the file.

Notwithstanding the foregoing, employee records may be released as necessary for Apache County to defend itself against claims made or litigation commenced by an employee, and any

employee bringing such a claim waives his/her right to confidentiality to the extent necessary for the County to defend itself.

1.9.4 Applicant Records:

Job applicant records shall be considered confidential. Applications, resumes, and related information submitted to the County by a job applicant are the property of the County. The County reserves the right to distribute this applicant information as it sees fit within the County. This information will not be available to the public, however, except for the names of the final candidates for positions of public interest.

Notwithstanding the foregoing, applicant records may be released as necessary for Apache County to defend itself against claims made or litigation commenced involving claims of discrimination in hiring.

1.9.5 Reference Checks on Past Employees:

All reference checks provided on past Apache County employees shall be provided by elected officials and department heads. County employees receiving reference calls from prospective employers shall direct the inquiry to the Human Resources Department. Apache County will provide any prospective employer the information identified in Section 1.83 of this policy. Apache County may provide information concerning a former employee's education, training, experience, qualifications and job performance pursuant to A.R.S. § 23-1361 (B). If the County is willing to provide that supplemental information, however, it reserves the right to require former employees to sign a written authorization prior to a release of the additional information.

Any elected official, department head or the Human Resources Department, if providing a written reference for a past employee, shall send a copy of the written reference to the former employee at his/her last known address as required by A.R.S. § 23-1361 (B).

1.10 EMPLOYEE PROPERTY, WORKPLACE PRIVACY LIMITATIONS & DRESS CODE

1.10.1 Policy:

County employees are allowed to bring personal property belonging to them into the workplace with the approval of the elected official or department head.

1.10.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

1.10.3 Liability for Employee Property:

If employees choose to bring their own personal property into the workplace, Apache County shall not be liable for any damage that might result thereto from theft, fire, or any other type of loss. Employees bring such property into the workplace at their own risk and should make sure they are adequately insured for any loss that might occur while the property is in the workplace.

1.10.4 Workplace Privacy Limitations:

Any county-provided property is subject to entry, search and inspection (to include computers, computer files, lockers, file cabinets, desks, etc.) by authorized personnel without prior notice. Any privately-owned property contained in such equipment (including the contents of sealed items/containers) may also be opened and examined without prior notice and without permission in order to investigate work-related misconduct. This includes any county-provided equipment that is protected by a personally owned lock that an employee may place on that equipment. Therefore, employees have no expectation of privacy when using county-provided resources and/or equipment. Workplace searches must be authorized by the County Manager, Human Resources Director, or designee of same.

1.10.5 Dress Codes:

Apache County employs individuals in a wide array of positions that may require varying dress codes. The elected official or department head has the responsibility of establishing an appropriate dress code, and County employees are expected to follow the policies established by their own departments.

1.11 CONSTRUCTIVE DISCHARGE

1.11.1 Policy:

Apache county hereby informs all county employees of the requirement of the following regarding Arizona's constructive discharge statute A.R.S. § 23-1502.

1.11.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

1.11.3 Notice:

An employee is encouraged to communicate to the employer whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. Under A.R.S. § 23-1502, Arizona revised statutes, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Under the law, an employee may be required to wait for fifteen calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the employer. An employee may be entitled to paid or unpaid leave of absence of up to fifteen calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

SECTION 2

COMPENSATION AND

BENEFITS

- 2.1 Compensation Program
- 2.2 Overtime/Compensatory Time
- 2.3 Health Benefits and Life Insurance
- 2.4 Retirement Plans
- 2.5 Workers' Compensation
- 2.6 Payment Upon Termination of Employment
- 2.7 Payment for "On-Call" Time
- 2.8 Fitness Breaks

2.1 COMPENSATION PROGRAM

2.1.1 Policy:

The Board of Supervisors has defined two key objectives for its compensation program:

- A. to establish and maintain equity among all county jobs; and
- B. to provide employee pay ranges that are market competitive.

2.1.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

2.1.3 Job Descriptions/Job Titles:

A job description is intended to define the primary purpose, major duties and responsibilities, skill requirements and reporting relationship of each job. The job description is a summary document. It is not intended to define every task that may be required of an employee, nor is it intended to document the procedures required to perform the major job duties.

A job title is intended to represent the primary purpose of the job. It is intended to describe the responsibilities of the job to the public and to other employees. All job titles shall be approved by the Board of Supervisors.

Updating job descriptions to ensure that they are accurate and complete is the responsibility of each elected official and department head. Job descriptions will be forwarded to Human Resources for evaluation and comparison to ensure that employees with the same job titles have similar duties and requirements. The job descriptions and job title listings shall be maintained by the Human Resources Department.

2.1.4 Salary Range:

Every job is assigned to a salary range. Job titles of equivalent value are assigned to the same salary range. Those of higher value are assigned to higher ranges. The process for assigning jobs to ranges considers duties and responsibilities, authority, fiscal accountability, etc. In a limited number of cases, job titles have been assigned to higher ranges in order to compare to a particularly competitive external marketplace.

2.1.5 Salary Structure:

The salary structure combines internal equity and market competitiveness. Each salary range includes a series of positions defined to have a comparable value, even though the personnel in these positions might perform very different types of functions.

Each salary range has three primary points of reference:

Minimum: The minimum salary range is the lowest salary generally available within a salary range. The minimum is 80% of the midpoint. Employees will typically be hired at the minimum of their salary range, although prior experience and competitive pressures may justify a higher starting salary.

Midpoint: The midpoint salary range is the targeted pay level for fully qualified and fully trained employees who are performing well. The midpoint is also the point of reference with the market and corresponds closely with competitive market data; therefore, employees paid at or near the midpoint are being paid competitively.

Maximum: The maximum is the highest salary generally available within a salary range. The maximum of a salary range is 120% of the midpoint. Employees will typically be limited to the maximum of their salary range. Special circumstances may justify salaries above the maximum.

2.1.6 Job Changes:

This material describes the different types of job changes that may occur within the Apache County classification and salary plan and the impact that these changes may have on an employee's salary.

Promotion: A promotion is a transfer from one position to a second position assigned to a higher salary range. A salary increase will normally be granted at the time of promotion.

Transfer: A transfer is a change to a different position title that is in the same salary range. There is no salary change at the time of the transfer.

Demotion: A demotion is a change from one position to another at a lower salary range. Typically, a demotion results in a reduction in pay for the employee to a level commensurate with the skills required to successfully perform the duties of the position.

2.1.7 Elected Official/Department Head Responsibilities:

The elected official or department head is responsible for documenting changes in job responsibility and organization. He/she is also responsible for reviewing changes with Human Resources to evaluate the impact these changes may have on pay.

The elected official or department head is responsible for communicating job changes and pay changes to his/her staff.

2.1.8 Human Resources Responsibilities:

The Human Resources Department is responsible for administering the Apache County salary and classification plan on an ongoing basis. This responsibility includes:

- A. Conduct new employee orientations;
- B. Maintaining records of current job descriptions, job titles and salary range assignments;
- C. Evaluating new and revised jobs and recommending salary range changes;
- D. Recommending starting salaries and new salaries as job changes occur;
- E. Analyzing external market changes annually and as special situations arise;
- F. Recommending possible changes in the salary structure and suggested salary increase budgets annually;
- G. Being responsible for special analysis, reports and administrative tasks as necessary;
- H. Advise and assist elected officials and department heads with disciplinary actions;
- I. Review and track open and ongoing disciplinary cases;
- J. Conduct a preliminary review and analysis on all requests put forth in the County Manager's Responsibilities policy as outlined in section 2.1.10.

2.1.9 Board of Supervisors' Responsibilities:

The Board of Supervisors will approve all changes in job titles, salary range assignments, salary structure salary levels and creation of new positions. The Board of Supervisor's shall retain all authority for wage changes in excess of those authorized to the County Manager, if granted, under section 2.20. The Board has final authority over any annual salary increases and pay changes that occur as a result of job changes. The Board of Supervisors may suspend pay increases, freeze hiring, eliminate positions and direct employee layoffs to meet budgetary requirements.

2.1.10 County Manager's Responsibilities:

The County Manager, with the authorization of the Board of Supervisors, may review and approve the following actions:

- A. Requests for the hiring of temporary employees, as defined in section 1.55 of this manual, and to allow for the hiring of such positions at the minimum salary level and for a period of no longer than 90 days, as well as granting a one-time extension request on such employees;
- B. Approve requests for starting salaries higher than the standard starting wage at a level no greater than 10% over the minimum;
- C. In accordance with Human Resources Policy Manual, Section 1.3, grant the end of

probation and its permitted increase to employees who meet the outlined criteria;

- D. May authorize changes due to wage discrepancies in extreme situations, and with proper justification, in an amount no greater than 5% of the effected employees' salary. When such changes are made, the County Manager will report these actions to the Board of Supervisors.

2.2 OVERTIME/COMPENSATORY TIME

2.2.1 Policy:

This policy is designed to be consistent with the Fair Labor Standards Act (FLSA). All non-exempt employees, as defined by the FLSA, are eligible for overtime compensation. Exempt and non-covered employees, as defined by the FLSA, are not eligible for overtime compensation under this policy. Overtime work is time worked beyond forty (40) hours in any single workweek. Holiday, vacation or other leave hours in any work week do not count toward the 40 hours worked. More than eight (8) hours worked in a day will not result in overtime compensation unless they also result in more than forty (40) hours worked in a given week.

2.2.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

2.2.3 Prior Authorization:

All overtime worked must be pre-approved and subsequently documented in writing, and submitted with the timesheets, by the employee's immediate supervisor as essential for the operation of the department before it is worked.

Written approval must consist of:

- Overtime Payroll Exemption Form
- Name of the employee authorized to work overtime.
- Name of Supervisor authorizing the overtime.
- Number of hours authorized.
- Detailed justification of the need for the overtime.
- Alternatives considered to avoid the overtime.

At the end of each pay period, before the time sheets are submitted to Payroll, the Department Head/Elected Official will review the approved overtime of subordinate employees to affirm that the overtime worked was mission essential, and had to be performed in an overtime status. Disagreements between Department Heads/Elected Officials with supervisors over approving overtime may be discussed with HR.

At the end of each fiscal quarter the County Manager, with the assistance of the Human Resources Director, will review the overtime worked in each department. This review will be conducted with the objective of determining why the overtime was necessary, what actions could have been done to avoid the need for the overtime, and what actions will be taken in the future to avoid a recurrence of the situation. Departments with large amounts of overtime worked will be given closer scrutiny to determine why the overtime was greater than other departments and what can be done to reduce the amount of overtime worked in the future.

Employees are not permitted to work overtime without prior written authorization from their

supervisor, and may not volunteer for uncompensated overtime. Employees may be disciplined for working overtime without prior authorization. All unauthorized overtime hours will be reported on time sheets along with an explanation for a determination by HR of whether overtime compensation is required.

2.2.4 Hours of Work:

The normal workweek for full-time employees is forty (40) hours. The normal workweek begins on Sunday morning at 12:01 a.m. and ends at 12:00 midnight the following Saturday. The elected official or department head may change the standard workweek for his/her operation, with the concurrence of the County Manager, but must keep records establishing the adjusted workweek. Copies of the adjusted records must be given to Human Resources and the County Payroll Department. All classified and unclassified employees must report all hours worked on their regular time sheet. Failure to report all hours worked may result in employee discipline.

2.2.5 Overtime Compensation:

There are two forms of overtime compensation available in Apache County: compensatory time and overtime pay. Both are accumulated at one-and-one-half the normal rate of pay for hours worked over 40 in any one workweek. The standard form of overtime compensation is compensatory time. Paid overtime will only be granted for situations involving immediate public safety needs, emergencies, and for immediate and necessary investigations. Maximum accrual of compensatory time will be limited to the compensatory caps as set forth in the FLSA. Under special circumstances, the County Manager may authorize overtime pay. Non-covered and exempt employees are salaried employees and exempt from overtime provisions of the FLSA. They are not eligible to receive overtime pay or compensatory time.

2.2.6 Controlling the Use of Overtime

It is the policy of Apache County to limit overtime scheduling to mission essential activities that cannot be performed at any other later date or during the normal workday.

Managers are expected to aggressively manage paid overtime to ensure such expenses are incurred only for unusual, occasional situations beyond the manager's control, which must be handled within a given time and would otherwise result in charges, damage to County property, or increased liability to the County unless the overtime hours are worked.

Overtime should only be incurred when it is absolutely necessary. Every Department Head/Elected Official should establish a program for overtime management and monitoring.

Such a program should, as a minimum, include:

- An emphasis on employee productivity during the work day to maximize the efficiency and minimize the need to work overtime to accomplish what could have been performed during the normal workday.
- A successive layer of oversight into the overtime approval process.

- Quarterly review of Departmental overtime usage.
- Follow-up and disciplinary measures to ensure compliance.

2.2.7 Scheduling and Working Overtime

Work that can be deferred to the next business day without adverse consequences to the business should be deferred.

If overtime must be worked, supervisors and managers should make every effort to assign the overtime work to employees who can be scheduled for the equivalent amount of time off during the remaining portion of their workweek. By scheduling the employee off, the employee's total weekly hours worked will not exceed 40 hours and overtime liability will not be created. Special care and attention should be given to the start and stop time of the work week of every employee.

2.2.8 Requests to Use Available Compensatory Time:

Employees may request to use accrued compensatory time at their discretion. In accordance with FLSA guidelines, requests to use accumulated compensatory time may be denied only if the individual's absence would "unduly disrupt" the operations of the department.

2.2.9 Directed Use of Compensatory Time:

In the interest of reducing outstanding payroll budgetary liabilities and in accordance with FLSA guidelines, elected officials or department heads may direct employees to use accumulated compensatory time and may schedule time off for employees at the convenience of the County to reduce banked compensatory time hours.

2.2.10 Fire Emergency Personnel:

Pursuant to A.R.S. 38-842, certain salaried law enforcement personnel, though exempt from the standards of the Federal Fair Labor Standards Act, may receive compensation for time worked over forty hours per week, at their regular rate of pay on an hour for hour basis. This additional salary may only be received when the work is for emergency services and pursuant to a third-party contract between Apache County and another public agency, and only for work performed within the State of Arizona. Employees desiring to perform similar services outside of the State of Arizona may receive compensation for such work, but must do so through an agreement directly between said employee and an outside entity, but not through Apache County. Notwithstanding the foregoing, the Board of Supervisors may make exceptions pursuant to the discretion of the Board.

APACHE COUNTY

OVERTIME PAYROLL EXCEPTION FORM

Employee: _____ Department: _____

Normal Shift: S M T W TH F S Hours: _____ to _____

Overtime Request: Training Special Assignment: _____

Other _____

Date of: _____ Start: _____ to Date of: _____ End: _____

Total number of overtime hours earned: _____

Overtime justification (List the reason overtime work was necessary):

Employee's Signature: _____

Date: _____ Time: _____

Supervisor's Comments:

Employee's Signature: _____

Date: _____ Time: _____

2.3 HEALTH BENEFITS AND LIFE INSURANCE

2.3.1 Policy:

All employees who are eligible for health benefits and life insurance should receive a schedule of benefits handbook that explains in detail the health plan and life insurance benefits. Please refer to that document for health and life insurance information.

(See benefits handbook for additional information.)

2.4 RETIREMENT PLANS

2.4.1 Policy:

The retirement programs are sponsored by other groups. Apache County is a participant in these programs and shall abide by policies they establish.

2.4.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

2.4.3 Plan Participation:

The County participates in four separate retirement programs sponsored and administered by the State of Arizona. These four programs are:

- A. Arizona State Retirement System
- B. Public Safety Personnel Retirement System
- C. Corrections Officer Retirement Plan
- D. Elected Officials Retirement Plan

Information regarding these programs is available from Human Resources and from the various system administrators.

2.5 WORKER'S COMPENSATION POLICY

2.5.1 Policy:

Apache County is committed to providing and maintaining a safe and healthful workplace for all employees. This commitment is supported through safety training programs, worksite inspections and compliance with federal and state laws.

The County is also committed to providing appropriate worker's compensation benefits as required by state law. Worker's compensation benefits covering accidental injury, disability, disease or death occurring in the course and scope of employment are provided to County employees, including individuals in temporary, emergency, intermittent and volunteer status at no cost to employees.

2.5.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

2.5.3 Worker's Compensation Benefits:

Worker's compensation benefits (medical) in the amounts provided by Arizona Revised Statute (ARS) will commence on the first day of disability. If the employee is not working (lost time) due to an injury or illness, payment of compensation (lost earnings) will commence on the eighth (8th) full calendar day of disability in the maximum amounts as provided by current rules and regulations of the Industrial Commission of Arizona. If the employee is not working (lost time) after the 14th full calendar day of disability, payments will also be made for the first seven (7) calendar days of disability. The disability or illness can only be recognized when confirmed in writing by a certified physician. The amount compensated will be sixty-six and two thirds percent (66 2/3%) of the current statutory monetary limitation (\$2400/mo. as of 8/3/99) or sixty-six and two thirds percent (66 2/3%) of the employee's gross monthly salary or wages prior to the time of injury or illness, whichever is less. These benefits are determined by state law. If the description in this subsection conflicts with state law, then state law controls.

2.5.4 Use of Vacation and Sick Time:

An eligible employee may elect to use sick leave or vacation leave, if all accumulated sick leave has not been used, to supplement worker's compensation benefits to approximate the employee's normal take-home pay. The procedure for obtaining this benefit is as follows:

- A. The employee will turn in worker's compensation payments to the department head, along with a written request to supplement pursuant to this subsection, for relay to the payroll department and return to the employee. Payroll action will consist of a reduction adjustment to the employee's regular salary equivalent to the difference between the compensation payment and the normal amount of pay. The employee will receive both the worker's compensation benefit check and the reduced county paycheck, which

together will approximate the normal salary.

- B. The employee shall have his/her sick or vacation leave reduced by the number of hours determined by dividing the current hourly salary rate into the reduced gross county paycheck amount rounded upward to the nearest one-half (½) hour.
- C. After all sick, vacation and/or donated leave is used, an employee will receive only worker's compensation.
- D. Under no circumstances will an employee be allowed to draw any combination of worker's compensation and sick/vacation leave in an amount that is greater than his/her original pay.

2.5.5 Injury Reporting Requirements:

Every injury or illness sustained on-the-job, no matter how trivial, must be reported immediately to the employee's supervisor. In this way, prompt first aid treatment can be given, or immediate medical attention secured if necessary. Reporting the time of injury and names of witnesses is important when establishing a worker's compensation claim. Once an employee has reported an on-the-job injury or illness to his/her supervisor, the supervisor shall:

- A. If the injury requires medical attention, at the option of the county, the employee may be required to report to a county-specified physician at the county's expense. However, the county may elect to allow the employee to seek treatment from his/her own healthcare provider for this initial visit. Should an employee be directed to a county physician for the first visit, the employee may elect to continue treatment with the healthcare provider of his/her choice on subsequent visits. Once an employee sees any healthcare provider for two or more visits, the employee will be required to continue all treatments with that provider for the duration of the claim unless the employee requests a change of provider through the Industrial Commission.
- B. If the injury is severe or one that requires immediate aid, arrange for treatment at the nearest emergency treatment center.
- C. Complete a "Supervisor's Report of Industrial Injury" report and immediately forward it to the Human Resources Department.

2.5.6 Return to Duty:

Employees returning to work from worker's compensation leave must provide medical certification of their ability to return to their normal duties.

2.5.7 Opting out of Worker's Compensation Plan:

Pursuant to A.R.S. § 23-906, employees are hereby notified as follows:

“All employees are hereby notified that in the event they do not specifically reject the provisions of the compulsory compensation law they are deemed by the laws of Arizona to have accepted the provisions of such law, and to have elected to accept compensation under the terms of such law, and that under the terms thereof employees have the right to reject the same by written notice thereof prior to any injury sustained, and that blanks and forms for such notice are available to all employees at the office for this company.”

Spanish:

“Todos los empleados por la presente están avisados que en caso que ellos no especifican rechazar las provisiones del obligatorio documento están creados por la ley de prima a haber aceptado de la provisión semejante la ley, y debajo de las condiciones de esos empleados tienen el derecho de rechazar el mismo por escrita noticia de eso antes de que alguna herida sostenida, y que formas por la noticia están disponibles a todos los empleados en la oficina de esta compañía.”

2.5.8 Reasonable Accommodation for Injured Employees:

Any employee who sustains an on-the-job injury which is permanent in nature and who refuses a light duty position for which he/she is qualified and can perform with or without a reasonable accommodation may face the elimination of his/her worker's compensation benefits. Apache County reserves the right to make inquiries into the ability of an employee to perform job-related functions pursuant to 42 U.S.C. § 12112.

2.6 PAYMENT UPON TERMINATION OF EMPLOYMENT

2.6.1 Policy:

It is the intent of Apache County to comply with the provisions of A.R.S. § 23-350 et seq. regarding the payment of terminated employees.

2.6.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

2.6.3 Payment of Wages to Terminated Employee:

- A. When an employee is discharged from the service of Apache County, he shall be paid wages due to him within three working days or the end of the next regular pay period, whichever is sooner.
- B. When an employee quits the service of Apache County, he shall be paid in the usual manner all wages due to him no later than the regular payday for the pay period during which the termination occurred. If requested by the employee, such wages shall be paid by mail.

2.6.4 Withholding of Wages:

Apache County will not withhold or divert any portion of an employee’s wages unless: (a) required or empowered to do so by state or federal law; (b) the employee has provided written authorization; or (c) there is a reasonable good faith dispute as to the amount of wages due.

2.7 PAYMENT FOR “ON-CALL” TIME

2.7.1 Policy:

As to any non-exempt Apache County employee who spends time in “on-call” status, the following policies apply:

- A. **Employee’s Location While “On-Call”.** It is understood that while an employee is in “on-call” status, he/she is not confined to his/her home but shall remain in Apache County and the specific district to which he/she is assigned, unless permission to leave the county/district is given by his/her supervisor. Employees in “on-call” status shall provide a contact telephone number(s) and carry a county provided pager through which he/she can be located while “on-call”. Apache County will provide pagers to employees in “on-call” status in order to allow the employee to engage in personal pursuits while “on-call”.
- B. **Response Time While “On-Call”.** It is expected that under most circumstances, employees will return calls or pages within 30 minutes and be available to report to a designated location within a reasonable amount of time, based upon the nature of the call. If for any reason the employee cannot respond to a designated location within a reasonable amount of time after being called, he/she shall promptly report that fact to his/her supervisor so that alternative arrangements can be made.
- C. **Activities of Employee While in “On-Call” Status.** Apache County employees are free to pursue any of their own interests and activities while in “on-call” status. An employee in “on-call” status shall not consume alcoholic beverages or other substances which would impair his/her ability to report to work.
- D. **Trading “On-Call” Duties.** Supervisors may allow employees to trade “on-call” responsibilities when feasible to do so upon request of an employee.
- E. **Working While “On-Call”.** Employees will be entitled to payment for “On-Call” periods at their normal hourly rate only if they are deemed to be “working while On-Call.” Whether or not an employee is “working while On-Call” will be determined in accordance with the provisions of the Fair Labor Standards Act.
- F. **Relation to Overtime Compensation.** If a supervisor is required by circumstances to utilize an employee who is in “On-Call” status, the supervisor shall make efforts to modify the remainder of the employee’s regularly scheduled hours to avoid overtime compensation.
- G. **Compensation for “On-Call” Time.** When an employee is required to remain in “On-Call” status, he/she shall receive compensation at the rate of \$0.75 per hour for each hour spent in “On-Call” status. Payment for “On-Call” status shall not exceed 56 hours for any work week.
- H. **Departments Allowed to Utilize “On-Call” Time:** The Apache County Sheriff’s Office is

specifically authorized to place Sheriff's Deputies in "on-call" status. Additionally, supervisors in County road yards are authorized to place necessary employees in "on-call" status in anticipation of weather events which may necessitate the use of employees outside of standard operating hours. Any other Elected Official or Department Head with a legitimate need to utilize "on-call" procedures in the event of an emergency may do so only upon the approval of the County Manager.

2.7.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

2.8 FITNESS BREAKS – PILOT PROGRAM

2.8.1 Policy:

It is the policy of Apache County to encourage its employees to have active and healthy lifestyles. An active and healthy workforce benefits the County by increasing employee productivity and overall job satisfaction. For that reason, the County offers employees a 30-minute “fitness break” up to three days per week.

2.8.2 Coverage:

This policy applies to all full-time classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

2.8.3 Application of Policy

- A. *Opt-In Required:* Employees must sign a form with the Apache County Human Resources Department in order to “opt-in” to this policy and utilize the “fitness break” offered by the County. In the form, the employee will agree to utilize fitness breaks for the intended purpose as set forth in this policy, and further agrees to comply with all provisions of this policy. The employee will also sign a “Release of Liability” form that acknowledges any injuries incurred while on the fitness break will not be claimable against the counties Workman’s Compensation or Liability Insurance programs.

Although encouraged, employees who “opt-in” are not required to take a “fitness break” on a scheduled basis. The County recognizes a break may not be consistent with a particular employee’s exercise program or that circumstances may not allow an employee to take a “fitness break” on a scheduled basis.

- B. *Use of Fitness Breaks:* Fitness breaks must be used by County employees for the purpose of engaging in physical activity. The “physical activity” required by this policy may include but is not limited to making use of the County provided exercise rooms and fitness equipment, taking a walk, jogging, biking, or any type of exercise the employee enjoys. Any exercise appropriate to the employee’s physical condition will be considered “physical activity” for purposes of this policy. Each employee is strongly encouraged to consult a physician prior to beginning an exercise regimen in order to determine what types of exercise programs might be appropriate given their age, unique health conditions and risk factors.
- C. *Tracking:* In order to ensure accountability in the program, employees who participate in the program agree to maintain a log of how they utilize the 30-minute fitness break provided for in this policy. The logs required by this section need not be detailed, but must explain the type of physical activity engaged in by the employee and how long the employee was physically active. Blank sample physical activity logs may be obtained from the Apache County Human Resources Department.

Employees shall maintain physical activity logs for a period of one year after the date of their creation. Said logs are subject to periodic inspection by the employee's Elected Official or Department Head, as well as the Apache Human Resources Department.

- D. *Timing of Break:* The "fitness break" called for in this policy shall be utilized at a time that causes as little disruption of County operations and business as possible. Employees should consult their Elected Official or Department Head in order to determine the best time to utilize a "fitness break."

The County strongly discourages Elected Officials and Department Heads from granting "fitness breaks" at the very beginning or very end of a scheduled shift due to the possibility that employees may be tempted to abuse the privilege of a "fitness break" to shorten a scheduled shift.

Fitness breaks may be combined with lunch hours if it assists employees in creating a block of time that can more readily be utilized for the employee's exercise program, unless the Elected Official or Department Head the employee works for disapproves of the practice.

- E. *Abuse of Fitness Breaks:* Employees who fail to utilize fitness breaks for the purposes set forth by this policy, who fail to maintain the logs required by this policy, or who make or maintain a fraudulent physical activity log may suffer the following consequences:
- a. privileges to take fitness breaks may be revoked by the Elected Official or Department Head;
 - b. the employee will face disciplinary action that could include any corrective action up to termination of employment.

Disciplinary action pursuant to this section will be in accordance with established County disciplinary policies.

- F. *Fitness Break Banking Not Allowed:* This policy allows only three 30-minute periods for a fitness break on a weekly basis. Fitness breaks may not be "banked" or stored for use on other days or during later weeks. If not used on the day they accrue, they are lost forever.

SECTION 3

ATTENDANCE AND LEAVES OF ABSENCE

- 3.1 Vacation Leave
- 3.2 Sick Leave
- 3.3 Family Medical Leave
- 3.4 Leave Donation
- 3.5 Military Leave
- 3.6 Leave of Absence Without Pay
- 3.7 Administrative Leave
- 3.8 Civic Duty Leave
- 3.9 Holidays
- 3.10 Light Duty
- 3.11 Personal Leave
- 3.12 Travel Reduction Policy

3.1 VACATION LEAVE

3.1.1 Policy:

The purpose of vacation leave is to enable employees to take time off and return to work mentally refreshed. All employees in the County shall be entitled to vacation leave with pay except the following:

- A. regular employees who are still serving their probationary period;
- B. part-time employees who are normally scheduled to work less than 1040 hours per year;
- C. temporary employees.

3.1.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

3.1.3 Vacation Accrual and Usage:

- A. For the first five years of service, vacation leave will accrue at the rate of five hours per pay period. For years six through ten, vacation will accrue at the rate of eight hours per pay period. After ten years, vacation will accrue at the rate of nine hours per pay period.
- B. Vacation leave may be taken at any time with approval of the Elected Official or Department Head. Employees may accrue up to 360 hours of vacation leave. In the event of separation of employment from Apache County for any reason, an employee will be compensated for a maximum of 280 hours. Any additional accrued vacation time will be forfeited.
- C. Regular employees who work more than 1,040 hours a year shall earn vacation leave on a prorated basis, once the probationary period has been successfully completed.
- D. In the event one or more holidays fall within vacation leave, the holiday or holidays shall not be charged as vacation leave.
- E. Regular employees who have successfully completed the probationary period shall be paid for all accrued vacation leave in a lump sum at the time employment is terminated. If employment is terminated prior to completion of the probationary period, there will be no payment for vacation leave.
- F. Leave taken because of incidents that are deemed to be emergency in nature shall be charged to vacation leave.
- G. Leave required for funerals and hospital visits to persons other than those family members, described in section 3.27, shall be charged to the employee's vacation leave.

3.2 SICK LEAVE

3.2.1 Policy:

The purpose of sick leave is to provide employees time off to deal with medical conditions. Sick leave is not to be considered a substitute for vacation. It is to be used only in cases of illness.

3.2.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

3.2.3 Eligibility:

All County employees are eligible to use sick leave after having completed 30 days of employment.

3.2.4 Accrual and Reimbursement:

All regular, full-time employees, working 1664 hours or more per year, will earn five hours of sick leave each pay period. All other employees will earn 2.75 sick hours each pay period.

Unused sick leave will be carried forward each calendar year. The limit for accrued sick leave is 1,500 hours.

3.2.5 Retiree Accumulated Sick Leave (RASL):

Employees who terminate employment with the County forfeit their sick leave, except for those employees who retire from Apache County in good standing and have a sick leave balance that exceeds 500 hours. Pursuant to A.R.S. § 38-615, payment will be made in accordance with the following schedule:

Sick Leave Balance	Rate of Reimbursement (Based on following percentages of officer’s or employee’s hourly rate)
500 - 749 hours	25%
750 - 999 hours	33%
1000 - 1500 hours	50%

No officer or employee who receives payments as provided in the above schedule shall receive more than \$30,000.00. If an officer or employee receives payment pursuant to this section, the officer or employee shall be paid the amount due the officer or employee in installments over a three-year period or in a single lump sum, should the employee choose this option.

For purposes of this section, the value of sick leave credit shall not be used to compute the

average salary. Further, payments authorized by this section for accumulated sick leave are not salary or compensation for the purposes of making retirement contributions or computing any pension benefit.

The provisions of this section apply only to an officer or employee of the county who is eligible to participate in the Arizona State Retirement System, the Public Safety Personnel Retirement System, the Corrections Officer Retirement Plan, or in an optional retirement program established by the Arizona Board of Regents pursuant to A.R.S. § 15-1628.

3.2.6 Use of Sick Leave:

In order to receive compensation while absent on sick leave, an employee shall notify his/her immediate supervisor within two hours after the beginning of his/her shift. The employee shall make a reasonable effort to notify the supervisor well in advance of any foreseeable treatment or doctor's appointment. If the absence is three working days or longer, the employee may be required to file a physician's or medicine man's certificate with the elected official or department head, stating the cause of absence.

Sick leave shall be allowed only when:

- A. The employee is too ill to perform his/her work properly, or his/her illness endangers the health or safety of other employees at the job site.
- B. The employee has been accidentally injured off-the-job and is not able to perform his/her job duties.
- C. The employee is required to participate in medical treatment or examination, as prescribed by a licensed physician or medicine man.
- D. The employee has been approved for Family Medical Leave.

3.2.7 Bereavement:

Use of up to five days of earned sick leave will be allowed in the event of the death of an eligible employee's spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

3.2.8 Coordination of Sick Leave and Workers' Compensation:

An employee eligible to receive payments under worker's compensation may choose to use sick leave and/or compensatory time in lieu of the worker's compensation payments. This will maintain the employee at full salary and continue normal contributions to retirement plans, etc. An employee who chooses this option, however, shall remit any payments received under worker's compensation to the County. No employee may receive both sick leave and worker's compensation payments for the same period of time except as provided in section 2.54 of these policies.

3.3 FAMILY MEDICAL LEAVE

3.3.1 Policy:

The Family Medical Leave Act allows eligible employees to take unpaid leave for a total of twelve weeks within a rolling calendar year to care for a personal qualifying illness, the qualifying illness of an immediate family member, the birth of employee's biological child, or for the placement of a child with the employee for adoption or foster care.

Family Medical Leave will normally run concurrently with other forms of leave. An employee on Family Medical Leave will also be placed on sick leave. Once his/her sick leave has been exhausted, the employee will be required to use any accrued vacation leave. Once all the accrued sick and vacation time has been exhausted, the employee will remain on an unpaid status for the remainder of his/her Family Medical Leave.

3.3.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

3.3.3 Eligibility:

All employees are eligible for Family Medical Leave if they have been employed with Apache County for at least twelve months and have worked at least 1,250 hours during the previous twelve-month period. The highest paid 10% of the work force may be designated as key employees as defined by the Family Medical Leave Act and may not be eligible for reinstatement following their Family Medical Leave if such leave would cause substantial and grievous economic injury to the County.

The leave may be granted for any of the following reasons:

- A. the birth of a child;
- B. the placement of a child with an employee for adoption or foster care;
- C. the care of an ill spouse, biological or adopted child, stepchild or parent of the employee;
- D. the employee has a serious health condition that makes the employee unable to perform the duties of his/her position.

3.3.4 Employee Notice

If the necessity for Family Medical Leave is foreseeable, the employee shall provide the elected official or department head with at least thirty days' notice. If the leave is not foreseeable, the employee shall provide as much notice as possible.

Pending appropriate medical certification, employees may take the Family Medical Leave on an intermittent basis.

3.3.5 Medical Certification.

Medical certification may be required by the County prior to granting Family Medical Leave to the employee. Conditional leave pending receipt and approval of this medical certification may be provided should the employee be unable to provide medical certification prior to their absence. Failure to provide medical certification will result in denial of Family Medical Leave.

Department of Labor medical certification forms will be provided by Human Resources. The employee is responsible for having his/her personal healthcare provider complete the medical certification forms at his/her own expense. Apache County may require a second or third opinion regarding the medical certification at the County's expense.

3.3.6 Administrative Guidelines

- A. Leave Requests. An employee shall request Family Medical Leave through the Human Resources Department. Supervisors who receive requests for Family Medical Leave should direct the employee to Human Resources.
- B. Leave Accruals. Employees who are using vacation or sick leave concurrently with their Family Medical Leave will continue to accrue vacation and sick time at the regular rate of accrual during this period. Employees who remain on Family Medical Leave but have exhausted all sick and vacation time will not accrue additional sick or vacation time.
- C. Return from Family Medical Leave. If the leave is for a personal illness, an employee returning from Family Medical Leave must provide Human Resources with a certification from the attending health care provider approving the return to work. If the employee is cleared for light duty only, the certification must specify those duties the employee is cleared to perform. An employee returning from Family Medical Leave shall be restored to the same or equivalent position held when the leave commenced. Employees on Family Medical Leave are required to inform their elected official or department head at least every thirty (30) days as to their status.
- D. Failure to Return from Family Medical Leave. If the employee fails to return from Family Medical Leave at the time the leave expires, his/her employment will be terminated, and the position may be filled as the County deems necessary. There is no guarantee of subsequent future employment.
- E. Leave Placement. The County may place any employee who is absent on sick leave or on leave for a work-related injury on Family Medical Leave. The County shall notify the employee of his/her leave status within two weeks of the date it commenced.
- F. Leave Tracking: Family Medical Leave will be tracked on a rolling calendar year. Elected officials and department heads will be responsible for tracking Family Medical

Leave for their employees and provide appropriate information to Human Resources. Records for leave under the Family Medical Leave Act, including requests, approvals, denials of leave, the dates of leave and certification records, shall be confidential and maintained in the employee's confidential medical file.

- G. Health Benefits: Apache County will maintain and continue to pay for the county's portion of health insurance benefits while an employee is on leave pursuant to the FMLA.

During FMLA leave, the employee will continue to be responsible for the employee's portion of the group health benefit premium as well as for any required payments for dependent coverage. It will be the employee's responsibility to make the necessary arrangements for these payments with the Apache County Human Resources Department. If an employee is also on paid leave concurrent with FMLA leave, these premiums will be deducted from the employee's pay as usual. After paid leave expires and direct payments become necessary, the employee will direct them to the Human Resources Department; these funds will then be forwarded to the Finance Department. All direct payments from employees shall be due by the tenth of each month. Failure to make payments due within the month may result in cancellation of the health insurance coverage without further notification.

Once an employee has exhausted FMLA leave and all paid leave, the employee shall be considered "absent without leave" as discussed in Section 3.64 of this manual. At that time, Apache County will no longer provide health insurance benefits. If at the time an employee has a pending application for either long-term or short-term disability, he/she may maintain health insurance through the County, but only by paying both the employer and employee portion of the insurance coverage. Apache County will continue to allow that arrangement only so long as the disability benefit application is pending. It is critical that employees who are considering filing for disability benefits communicate regularly with the relevant retirement system and/or health insurance provider as well as their physician to coordinate benefits so as to minimize financial hardships. Failing to understand filing deadlines, the length of time it takes to process applications, and the importance of obtaining necessary medical certifications can create gaps in benefits which have serious financial repercussions.

- H. County Designation of FMLA Leave: Apache County may designate a qualifying leave of absence as being counted toward the twelve-week allotment under the Family Medical Leave Act even if the employee has not requested leave pursuant to the Act.

3.4 LEAVE DONATION

3.4.1 Policy:

Occasionally, employees encounter serious medical situations that force them to use more leave than they have accrued. This policy provides the opportunity for co-workers and other employees to help this individual by donating their own vacation leave or sick leave time.

3.4.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

3.4.3 Eligibility:

All regular full-and part-time employees who are FMLA eligible may receive donations under this policy. Employees may continue to receive donated leave once they have exhausted their Family Medical Leave; however, the maximum amount of donated leave an individual may receive is 480 hours in any twelve-month period. Employees using donated leave may not accrue additional vacation or sick time.

To receive the donated leave, the employee must have met all of the following conditions:

- The employee must have used all sick leave, annual leave and compensatory time.
- The employee cannot be eligible for payment from the retirement system or social security.
- The employee cannot be eligible for any public-funded financial assistance program for the disabled (excluding Worker’s Compensation cases).

Leave Donation: The donation is strictly voluntary. Employees who have accumulated a substantial leave balance have earned this time for their own use and should not be pressured into donating leave. The following guidelines apply to employees wishing to donate leave:

- Vacation and sick leave may be donated. Compensatory time cannot be transferred to another employee.
- The leave will be donated on an hour-for-hour basis.
- The maximum amount of leave that can be donated by any individual in any fiscal year is 200 hours. A minimum of 8 hours may be donated at any one time. The donor must maintain a minimum vacation leave balance of 40 hours (if donating vacation) and a minimum sick leave balance of 480 hours (if donating sick) after donation.
- There is no limit to the number of individuals that may donate leave to one employee.

- Donated time that is not used will be returned to the donor. Where there are multiple donors, the donated leave will be used on a pro-rated basis.
- Under no circumstances may the recipient pay for or repay the donated hours

3.5 MILITARY LEAVE

3.5.1 Policy:

Military leave shall be granted in accordance with the provisions of State law.

3.5.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

3.5.3 Military Leave Requests:

In accordance with Arizona Revised Statutes, 38-610 and 26-168, Apache County employees shall be granted leaves of absence from their duties without loss of time, pay or efficiency rating on all days during which they are employed on training duty or required to attend camps, maneuvers, formations or drills under orders with any branch, reserve or auxiliary of the armed forces of the United States for a period of not to exceed thirty days in any two consecutive years. For purposes of this section, an officer or employee shall not be charged military leave for days on which the individual was not otherwise scheduled for work. The period of time spent in training under orders shall not be deducted from the vacation period with pay to which any officer or employee is otherwise entitled. Employees wishing military leave will provide a copy of their military orders to their elected official or department head.

3.5.4 Restoration to Position Following Military Service:

An Apache County employee who has been inducted or ordered into active service in the armed forces of the United States for a period of greater than 30 days shall, upon completion of their service, be restored to the position held by them at the time of induction or of reporting for service, or to a position having similar or other duties which they are qualified to perform; and if such officer or employee:

- A. possesses a certificate of satisfactory training and service or honorable discharge issued by the proper military or naval authority;
- B. is still qualified to perform the duties of the position;
- C. applies for restoration within sixty days after separation from the armed forces;
- D. has either served in the armed forces during time of war or was called to service because of his status as an active or inactive member of the reserve.

3.6 LEAVE OF ABSENCE WITHOUT PAY

3.6.1 Policy:

A leave of absence without pay shall be granted at the sole discretion of the Board of Supervisors to meet county objectives. There are two primary purposes for the leave of absence without pay:

- A. The leave is intended to provide regular employees with the time and flexibility to address important personal situations without jeopardizing their positions.
- B. The leave allows the County to meet its long-term needs by retaining valued employees.

3.6.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

3.6.3 Procedure:

- A. A leave of absence without pay may be granted by the Board of Supervisors with the recommendation of the appropriate elected official or department head. Requests for the leave must be made in writing to the elected official or department head. The request must include the expected dates and the reasons for the leave. If the elected official or department head believes that the leave can be accommodated without seriously disrupting departmental operations, he/she may recommend approval to the Board of Supervisors. If not, the elected official or department head may disapprove the leave.
- B. A leave of absence without pay will normally not exceed twelve weeks. The specific time frame and expectations for the leave will be confirmed when the leave is approved. The employee's position will be held for him/her during the approved dates of the leave, although it may be filled on a temporary basis. If he/she returns by the specified return date, the employee will be placed in the position he/she left. If the employee fails to return by the specified date, his/her employment shall be terminated.
- C. An employee will be expected to use all available vacation time prior to going to an unpaid status. The vacation time will be counted toward the twelve-week maximum leave. Additional vacation time will not be accrued during the leave. The County will maintain normal contributions to the health plan while the employee exhausts all available vacation time. If the employee wishes to continue dependent coverage, he/she will be responsible for making direct payments for the cost of the coverage. Once the employee goes on unpaid status, the employee's participation in the county sponsored health plan will cancel automatically. The employee will then have the option to participate in the voluntary continuation plan (COBRA) at his/her own expense.

3.6.4 Absence Without Leave:

Unless an employee has obtained approval for a leave of absence without pay or falls within the provisions for some other type of leave designated in this manual, the employee's absence shall be considered absence without leave. Absences without leave will be unpaid, and, during that time, sick leave, vacation pay, and holiday benefits will not accrue. Unauthorized absences can constitute "job abandonment" by Apache County and may result in dismissal.

3.7 ADMINISTRATIVE LEAVE

3.7.1 Policy:

Administrative leave is intended for use in situations involving potential disciplinary action. An employee may be placed on administrative leave during the course of an investigation by the elected official or department head, and approved by the appointing authority. In addition, an employee may be placed on administrative leave prior to, during, and after a personnel hearing. Administrative leave is a temporary measure used while a disciplinary action is being considered. Administrative leave is paid leave.

3.7.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

3.8 CIVIC DUTY LEAVE

3.8.1 Policy:

It is the policy of Apache County to encourage and facilitate the efforts of County employees in performing their civic responsibilities.

3.8.2 Jury Duty:

Benefit eligible employees who are required to appear for jury duty or appear in court in any local, state, federal or tribal court shall receive paid leave for the days or parts of days that he/she is required to be absent from work.

In order to receive paid leave pursuant to this section, employees must provide their Elected Official or Department Head a copy of the Jury Summons that requires them to appear in Court.

- A. **Maximum Use of Leave:** The maximum amount of paid leave allowed annually to allow an employee to serve as a juror pursuant to this policy shall not exceed thirty days. After paid leave under this policy is exhausted, employees shall be entitled to utilize vacation leave, accrued sick leave, or may apply for a leave of absence without pay.
- B. **Stipends/Reimbursements:** If the employee serving jury duty receives a stipend for serving on a jury or receives a witness fee, the stipend or witness fee shall be surrendered to the County as a condition of receiving paid leave pursuant to this section. Employees may keep per diem and mileage allowances that are paid by the relevant Court.

3.8.3 County Employee as Witness:

When County employees are required to appear in Court as parties in regard to their personal matters, or when they receive a subpoena to appear in Court in matters not related to their official county positions, the employee shall be excused from work after providing the Elected Official or Department Head proof of the required Court appearance. However, in these situations the employee is not entitled to special paid leave, and is required to utilize accrued vacation leave or may utilize accrued compensatory time.

When County employees are required to appear in Court as part of their official duties, or when they receive a subpoena to appear in Court in their official capacities as county employees, they are considered to be on duty, and no special leave is required.

3.8.4 Absence from Employment for Purpose of Voting:

Apache County observes the provisions of A.R.S. 16-402, which provides that:

A person entitled to vote at a primary or general election held within this state may, on the day of election, absent himself for the purpose of voting from the service or employment at which he is employed if there are less than three consecutive hours between the opening of the polls and the

beginning of his regular work shift or between the end of his regular work shift and the closing of the polls. In such event, he may absent himself for such length of time at the beginning or end of his work shift that, when added to the time difference between work shift hours and opening or closing of the polls, will provide a total of three consecutive hours. He shall not, because of such absence, be liable for any penalty, nor shall any deduction be made therefore from his usual salary or wages. Application shall be made for such absence prior to the day of election, and the employer may specify the hours during which the employee may absent himself.

3.8.5 Assistance with Elections:

An employee who volunteers to assist the Elections Department as a poll worker or troubleshooter during elections shall receive paid leave from their county position if volunteering during hours they would normally be at work. Paid leave is available so that election volunteers can perform the required work during the election itself, and so that they can receive any necessary or required training from the Elections Department. Employees are eligible to receive paid leave only during regularly scheduled shifts and only for the normal maximum number of hours in a typical workday. Additionally, employees are only eligible for paid leave under this section if their Department Head or Elected official has granted permission for the employee to be absent from work.

Employees volunteering for the Elections Department should note on timesheets that they were working as scheduled, but with the notation of "civic duty leave" when missing a regularly scheduled shift or a portion thereof to volunteer activities. Employees are not required to use and should not use accrued vacation time while providing volunteer services to the Elections Department.

Employees who volunteer pursuant to this section are entitled to receive any stipend that might be otherwise offered by the Elections Department to volunteers.

County employees whose regular duties require them to provide assistance with the election are not eligible to serve as a volunteer and are not eligible to receive any stipends that might be offered by the Elections Department. Those employees are considered to be on duty and will receive their regular pay and, if otherwise eligible, may receive overtime compensation.

3.8.6 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

3.9 HOLIDAYS

3.9.1 Policy:

The holidays normally observed in Apache County are:

- New Year's Day
- Martin Luther King, Jr./Civil Rights Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

The County Manager will publish a list of holidays and the dates of their observance annually. On these holidays, County offices not essential for public safety shall be closed to the public. Additionally, with the exception of necessary public safety and other essential service employees, all full-time employees shall receive the equivalent of their regular workday off, not to exceed ten (10) hours, with pay. For purposes of this section, a "full-time" employee is an employee who works more than 32 hours per week.

When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed.

3.9.2 Working on Holidays

Public safety and other essential service employees may be required to work on holidays. When that occurs, in addition to the employee's regular pay for working the holiday, the employee shall additionally receive "holiday pay" at regular time to a maximum of ten hours. Holiday time worked pursuant to this section must be reported to the Apache County Human Resources Department when time sheets for the relevant pay period are normally due.

3.9.3 Elimination of Existing "Holiday Leave" Banks

It is the intent of the Board of Supervisors to completely eliminate "holiday leave" banks. As of the effective date of this section, no additional holiday leave banks may be created for Apache County employees. All existing "holiday leave" bank balances shall be paid out by the County in their entirety upon the adoption of this policy by the Apache County Board of Supervisors.

3.9.4 Coverage:

The policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

3.10 LIGHT DUTY POLICY

3.10.1 Policy:

Apache County recognizes that productive employees are a valuable asset. Providing employees who are recovering from illness/injury with an opportunity to return to the workplace as soon as they are medically fit to do so, when consistent with the staffing, operational and financial needs of Apache County, can benefit both the employee and the County.

3.10.2 Application of Policy:

This policy applies only to employees with temporary impairments. Light duty assignments will only be provided on a case-by-case basis if there is a reasonable expectation that the employee can resume his/her full duties within six months from the date that light duty commences pursuant to this policy, and if such an assignment is consistent with the County's staffing needs.

This policy cannot be used to deny an employee's right to leave under the Family and Medical Leave Act, and is not intended to be used as a means to provide reasonable accommodations under the Americans with Disabilities Act. Any such request from an employee should be directed to the Apache County Human Resources Department.

3.10.3 Eligibility for Light Duty Assignments:

In order to be eligible for light-duty assignment;

1. The employee must have a documented temporary impairment resulting from either a work related or non-work-related injury/illness;
2. The employee must provide a signed certification from a physician that authorizes him/her to return to duty and which also specifies the limitations and/or restrictions on the tasks the employee can or cannot perform. This documentation must include the employee's specific work capabilities and/or restrictions, and the anticipated duration of each;
3. The employee must be under the care of a physician whose specialty is appropriate for the medical condition being treated;
4. The temporary light duty assignment must be consistent with the operating needs of the department to which the employee is assigned.
5. Appropriately completed medical documentation must indicate an ability to return to full regular duties within the time frame established under this Policy.

3.10.4 Administration of Policy:

The Apache County Human Resources Department will administer this policy, with the

assistance of the relevant employee's Elected Official or Department Head as appropriate.

1. A temporary light duty assignment under this policy can be requested directly by the employee, or instituted by his/her supervisor.
2. Temporary light duty arrangements can include, but are not limited to, reduced work hours and/or restrictions of specific activities/job tasks. Appropriately completed medical documentation must be provided if there is a change in the employee's health or work limitations.
3. The employee's supervisor in cooperation with the Human Resources Department will review the documentation provided, and a determination will be made regarding the employee's eligibility for light duty. If it is determined that the employee is eligible, a light duty memo will be drafted and signed by both the employee and his/her supervisor, and be placed on file with the Apache County Human Resources Department. The memo will specifically address the length of time the light duty assignment will be authorized, the employee's limitations during the assignment, and a statement of the employee's responsibilities under this policy.
4. An examination with an employer appointed physician may be requested by the County at any time in order to determine the employee's eligibility for a light duty assignment or the employee's fitness to resume full duty.

3.10.5 Duration:

Temporary light-duty assignments shall not exceed six months from the date the employee is placed on light-duty. An employee may apply to extend the period once for an additional three months upon proper certification from a physician and upon the execution and approval of another light duty memo. Continuation of temporary work assignments is contingent upon the operating needs of the employee's department and the medical progress of the employee toward resumption of his/her former job duties.

3.10.6 Termination of Light Duty Status

At the end of the period indicated in the light duty memo, the employee must provide a release from a physician indicating that he/she can work without any restrictions. If the physician indicates that restrictions still apply and if an extension of the light duty period is not available, alternative options will be explored with the employee (e.g., continuing on a leave of absence, disability retirement, service retirement, filing for disability benefits, ADA accommodation, termination of employment, etc.).

3.10.7 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

3.11 PERSONAL LEAVE

3.11.1 Policy:

- A. Personal leave may be granted by an Elected Official or Department Head so that an employee can take care of personal business which cannot be conducted before or after normal working hours.
- B. Full-time employees shall be credited on July 1 of each year with 20 hours of Personal Leave unless otherwise authorized by the Board of Supervisors. Employees hired throughout the fiscal year shall receive Personal Leave according to the following schedule:

MONTH OF HIRE	HOURS CREDITED
July – August	20
September – October	17
November – December	13
January – February	10
March – April	7
May – June	4

- C. Part-time employees shall be credited for Personal Leave at one-half the hours above. Temporary and seasonal employees shall not receive Personal leave credits.
- D. Personal Leave cannot carry over from one fiscal year to the next. Unused Personal Leave shall be forfeited on June 30 of each year. Unused Personal Leave will not be paid out upon separation of employment.
- E. An employee transferring from one department to another shall retain any personal leave credit.

3.11.2 Coverage

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

3.12 TRAVEL REDUCTION POLICY

3.12.1 Policy:

It is the policy of Apache County to assist in reducing travel and conserving fuel used by employees for commuting purposes. As such, when authorized and under such conditions as may be imposed by an employee's Elected Official or Department Head, employees may utilize a four-day/10 hour per day work week.

3.12.2 Restrictions on Use of Travel Reduction Policy:

1. Elected Officials and Department Heads utilizing this policy for some, or all of their work force shall ensure that county offices remain open between the hours of 6:30 a.m. and 5:30 p.m., Monday through Thursday. Office hours may be extended if necessary and in the judgment of the Elected Official or Department Head, the public interest would thereby be served.

Elected Officials and Department Heads shall ensure that the use of this policy does not disrupt the efficient operation or administration of the various county offices.

2. Not all county positions lend themselves to a modified work schedule. The decision whether to allow a particular employee to work a modified work schedule is solely within the discretion of the Elected Official or Department Head. Being allowed to work a modified work week is a privilege, not an entitlement, and is contingent on continued satisfactory job performance.
3. Elected Officials or Department Heads may revoke permission for an employee to work a modified work schedule any time without notice and with or without cause.

3.12.3 Relation to Leave Time:

1. Employees utilizing 4/10 schedules will be charged 10 hours of sick or vacation time for missing a full day of scheduled work.

SECTION 4

EMPLOYEE CONDUCT

- 4.1 Political Activity
- 4.2 Service of Process
- 4.3 Conflict of Interest
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4.1 POLITICAL ACTIVITY

4.1.1 Policy:

Except for voting in any special, primary, or general election, employees engaging in any political activity shall do so during off-duty hours. For purposes of this policy, elected officials are not County employees. They are covered under A.R.S. §38-296 as far as political activity is concerned.

4.1.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

4.1.3 Employment Stipulations:

No employee may remain employed if he/she:

- A. engages in political activity in violation of federal, state or local law.
- B. offers himself/herself for nomination or election to any County, State, tribal, or federal elective office, unless that office will become vacant at the next election by retirement of the elected official. An employee shall be deemed to have offered himself for nomination or election to a salaried elected office upon the filing of a nomination paper pursuant to A.R.S. Section §16-311, subsection A; or by making a formal public declaration of candidacy; or otherwise holding himself/herself out as a candidate for the office, whichever occurs first.
- C. uses his official authority or influence to coerce or attempt to coerce any other employee to lend or contribute anything of value to a political party, committee, candidate or organization for political purposes.

4.2 SERVICE OF PROCESS, COMPLAINTS OR THREATENED LAWSUITS

4.2.1 Policy:

Service of Process generally involves the service of notice of claims, summonses and complaints, notice of appeals and subpoenas upon the County, county officials and employees. Rule 4 of the Arizona Rules of Civil Procedure requires service of process upon the County be made on the Clerk of the Board, or a designated deputy. Moreover, there will be times when certain county officers or employees are named as parties. Those persons will be served also.

4.2.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

4.2.3 Procedures:

The following procedures must be followed when process is served upon the Clerk of the Board, County officials or employees:

- A. The Clerk of the Board or his designated deputies are the only persons authorized to receive process on behalf of Apache County.
- B. If a process server attempts to have any other department receive process, except when officials/employees are named individually, the employee shall not accept. The process server shall be directed to the Clerk of the Board. Nothing in this policy shall be construed as altering the service requirements established by state or federal law. A failure of a county employee to strictly follow the procedures set forth will not be deemed a waiver of the right to receive service of process in accordance with the manner required by state or federal law.
- C. At the time process is received, the form included with this policy must be filled out and forwarded immediately to the Clerk of the Board. This will only apply to notice of process naming a county official or employee. All other notices will be handled by the Clerk of the Board.
- D. When the Clerk of the Board is served with a notice of claim, complaint or summons, notice of appeal or subpoena, a copy of that document and the attached form or letter shall be forwarded immediately to the County Attorney. Since these matters have deadlines, time is of the essence.
- E. When the Clerk of the Board is served with a notice of claim or a summons and complaint, a copy of the notice of claim or summons and complaint must be sent to the Arizona Counties Insurance Pool.
- F. All County employees should be instructed that when they are served with process, they

should immediately inform their elected official/department head.

- G. If the process is served by first class mail with an “acknowledgment of service” or a request to accept service, the employee shall not complete and mail the acknowledgment or acceptance back. The employee should instead refer the “acknowledgment of service” or request to accept service to the County Attorney and wait for further legal instruction.
- H. When a County official or employee has been served with process, any further requests for information concerning the matter should be directed to the County Attorney's office.
- I. County departments may be served with “subpoena duces tecum” requesting information or documents. The County Attorney's office must be notified of the subpoena by the department in order to assist in determining what information may be provided or withheld. No information shall be released until it has been approved by the County Attorney.

4.2.4 Parties That Have Sued or Threatened to Sue

Except as required by law, employees and agents of Apache County may not communicate with attorneys, parties or agents of attorneys, or parties who have sued or threatened to sue the County regarding the subject matter of those claims without notifying the County Attorney's office and obtaining legal directions to the communication. County officials, employees and agents are entitled to have the presence of legal counsel before providing any interviews. When a county employee desires such representation, it shall be at the employee's own expense unless it is appropriate for counsel to be provided by the County.

Adherence to the above discussed steps will enable the County to more effectively defend itself in times of litigation.

4.3 CONFLICT OF INTEREST

4.3.1 Policy:

Any employee or Elected Official who has, or whose relative (spouse, child, child's child, parent, grandparent, brother or sister of half or whole blood and their spouses and the parent, brother, sister or child of a spouse) has a substantial interest in any contract, sale, or purchase, either direct or indirect, shall notify the County Manager of this interest in writing. The employee or Elected Official shall refrain from participating in the sale or contract in any way.

Any employee or Elected Official who has, or whose relative (spouse, child, child's child, parent, grandparent, brother or sister of half or whole blood and their spouses and the parent, brother, sister or child of a spouse) has a substantial interest in any decision made by the County, either direct or indirect, shall make the County Manager aware of this interest in writing. The employee or Elected Official shall refrain from participating in or influencing this decision in any way.

The intent of this policy is to comply with A.R.S. § 38-503 and is subject to the provisions of Section 1.26 of the Apache County Human Resources Policy Manual.

4.3.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

4.4 DISCRIMINATION AND HARASSMENT PROHIBITED

4.4.1 Policy:

Apache County is an equal opportunity employer. Apache County prohibits discrimination and/or harassment based upon an individual's race, color, religion, age (40 years and above), sex, disability, or national origin by or against county personnel, including its officers, agents, or employees.

4.4.2 Coverage:

This policy applies to all classified and unclassified positions and elected officials. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

4.4.3 Equal Employment Opportunity/Nondiscrimination

Discrimination against an individual based upon his/her race, color, religion, age (40 years and above), sex, disability, national origin, or veteran status in recruitment, appointment, examination, training, pay, promotion, retention, discipline, or in any other employment process is prohibited except in the instance of a bonafide occupational qualification.

4.4.4 Harassment

Apache County is committed to providing all employees with a work environment free from sexual harassment as well as other types of harassment based upon an individual's race, color, religion, age (40 years and above), sex, disability, or national origin. Workplace behaviors based upon the protected categories listed above constitute prohibited harassment when:

- A. submission to such conduct is made either explicitly or implicitly a term of employment;
- B. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
- C. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

4.4.5 Reporting a Complaint

County personnel have an affirmative duty to maintain an environment that is free of prohibited discrimination and harassment. An employee who is offended by the conduct of another person or who feels that another's conduct interferes with the work environment is encouraged to speak directly with the individual engaging in objectionable behavior and request that the objectionable behavior be discontinued.

Complaints or reports of illegal discrimination and/or harassment should be taken to the Human Resources Director. Elected officials and all other individuals exercising managerial or

supervisory authority on behalf of Apache County who receive complaints or reports of illegal discrimination or who have reason to believe that a violation of this policy may have occurred shall immediately inform the Human Resources Director, unless the Director is the subject of the complaint. Should the Human Resources Director be the subject of the complaint, reports should be taken to the County Manager.

The Human Resources Director shall evaluate any report or complaint and conduct, oversee or assist with any investigation required. County personnel are directed to cooperate with any county investigation and to treat information obtained in the course of a county investigation as confidential. The Human Resources Director shall work with the responsible elected official, department head, deputy county attorney, county administrator, or if necessary, the Board of Supervisors to address any identified problem. If the Human Resources Director is the subject of a report or complaint or cannot act as an impartial investigator, the County Manager or designee shall perform the functions of the Human Resources Director.

4.4.6 Confidentiality:

Reports and complaints of discrimination and/or harassment shall be treated as confidential to the extent that confidentiality does not interfere with the county's legal obligations, including its obligation to investigate allegations of misconduct and take appropriate action.

4.4.7 Retaliatory and other Prohibited Conduct:

It is a violation of this policy to engage in any form of prohibited discrimination or harassment, to fail to comply with any applicable provision or directive contained in this policy or to retaliate against any individual for complying with this policy, reporting a possible violation of this policy, or for cooperating with a county investigation. County employees who violate this policy are subject to disciplinary action, up to and including termination.

4.5 CONFIDENTIALITY

4.5.1 Policy:

All employees are to treat the internal business affairs and operations of Apache County as proprietary and confidential assets. It is the responsibility of each employee to take active steps to ensure the confidentiality of this information.

4.5.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

4.5.3 Procedures:

- A. Employees shall discuss confidential information only with those individuals who have a legitimate “need to know” in keeping with general county interests. In addition, each employee shall have the responsibility to avoid unnecessary disclosure of any information related to any county business, whether or not it is confidential.
- B. All media or other inquiries shall be referred to the Clerk of the Board, the County Attorney, or the appropriate elected official. These individuals may designate another employee, where appropriate, to respond to the inquiries.
- C. Department heads and elected officials are responsible for identifying information that should be classified as confidential. The fact that a document is not marked as “confidential” does not mean that it is not in fact confidential and subject to the rules outlined above.
- D. Many aspects of county operations are open to the public. The County actively supports public oversight and willingly provides information to the public as it is requested. The procedure for providing the information to the public is defined in Section 7.2.
- E. In keeping with the provisions contained in ARS § 38-532, if an employee observes actions that he/she believes violate county policies and/or state or federal laws, this employee shall report these actions to the County Manager, the County Attorney, or the appropriate elected official. This reporting is consistent with and encouraged under this policy, even when the information is confidential. The County will not retaliate against any employee who reports these items in a reasonable manner as described above.
- F. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

4.6 EMPLOYEE CONDUCT

4.6.1 Policy:

The employment of any individual by Apache County depends upon acceptable conduct and satisfactory work performance. The items listed below provide examples of prohibited employee conduct. This list is illustrative only and is not intended to be all inclusive.

4.6.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

4.6.3 Prohibited Conduct:

The following list includes examples of actions that constitute prohibited employee conduct:

1. violation of county safety rules
2. employee has been convicted of a felony or has engaged in any activity which would violate State and Federal criminal statutes
3. threatening, intimidating or coercing a co-worker or member of the public
4. using foul or abuse language towards a co-worker, supervisor, or the public
5. intentionally causing physical harm and/or assaulting a co-worker or member of the public
6. willful defacing or destruction of county property and/or the property of others located at any prescribed county work location
7. misuse or abuse of county-owned or county-based equipment or property
8. performing unauthorized personal work or activities during scheduled working hours
9. discourteous treatment of the public
10. engaging in prohibited political activity
11. abuse of sick leave, excessive absenteeism or tardiness
12. neglect of duty or failure to take reasonably required action
13. refusal or failure to answer questions completely and honestly during an administrative investigation

14. giving false information in regard to one's own or a co-worker's actions
15. violating the county confidentiality policy
16. malicious gossip or accusations which tend to disrupt friendly relations between the County and the public, or between employees which may hinder county operations
17. sleeping while on duty
18. being in possession of, or under the influence of alcohol or illegal drugs while on duty or any other violation of the substance abuse prevention or the drug-free workplace policies
19. commission or conviction of any felony or misdemeanor involving moral turpitude which adversely reflects on the county or affects the employee's suitability for continued employment
20. insubordination, willful disobedience, or violating an official regulation or order
21. loss of required qualifications, license, or certification
22. fraud concerning theft or mishandling of county funds
23. falsification or unauthorized alteration of records, time sheets or any other information required by the county
24. seeking to obtain financial, sexual or political benefit from another employee by wrongful use of position, force or fear
25. abuse of position or official authority when interacting with employees or members of the public
26. employee job performance does not meet expectations
27. any prohibited harassment or discrimination as provided by these policies, local, state, or federal law
28. unauthorized possession of county property
29. absence from work without approved leave
30. unauthorized possession of firearms, lethal weapons or explosives
31. working unauthorized overtime hours
32. illegally taking county property, equipment or funds for personal use

33. use of computer resources or e-mail for personal use without supervisory approval.
34. providing false or misleading information in any document, report, or statement related to his/her employment with the County. (Including but not limited to the employment application and related materials, complaints, and grievances.)
35. engaging in conduct, either during or outside of regular hours, that causes discredit to the County
36. any other improper conduct undermining the proper and efficient operation of county functions

4.7 DISCIPLINE PROCEDURES

4.7.1 Policy:

The employment of any individual by Apache County depends upon acceptable conduct and satisfactory work performance. Failure to comply with the policy provisions contained in this manual constitute sufficient grounds for disciplinary action up to and including termination of employment.

For purposes of this policy, the appointing authority means the Board of Supervisors, the County Manager or any other designee, or elected officials or their designees for their respective offices.

4.7.2 Coverage:

This policy applies to all classified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

4.7.3 Pre-Action Meetings:

Prior to any disciplinary action consisting of suspension without pay or with reduced pay, demotion or dismissal of a classified employee, the elected official or department head shall hold a pre-action meeting with the employee. The purpose of the pre-action meeting is to present and discuss the charges subject to the disciplinary actions identified above.

The following guidelines shall apply to this meeting:

- A. The employee shall be provided written notice of the disciplinary charges, as well as the date and time of the pre-action meeting, at least 24 hours in advance.
- B. During the meeting, the elected official or department head shall describe the disciplinary charges and any other issues that have bearing on the situation.
- C. The employee shall be given the opportunity to respond to the disciplinary charges and to provide any additional information that he/she believes to be relevant to the charges.
- D. The department head or elected official shall prepare a written record of the meeting, summarizing the charges and responses of the employee.
- E. The employee may have a representative attend the hearing with him/her as an observer. However, this person shall not be allowed to participate in the meeting.
- F. The appointing authority may impose discipline at the conclusion of the meeting.
- G. All documentation listed above should be turned over to Human Resources for retention in the employee’s personnel file.

Attempts will be made by the county to schedule the pre-action meeting at a time that is convenient for the employee. Should the employee fail to appear for the pre-action meeting, the appointing authority will move ahead with the proposed disciplinary action.

4.7.4 Types of Discipline:

The material below describes types of discipline that may be taken to correct and discipline employees. The intent of this material is to describe typical disciplinary actions, but is not intended to limit the range of possible disciplinary actions or to create a progressive discipline policy. The seriousness of the offense may warrant imposing a more serious form of discipline, even termination, prior to utilizing lesser forms of discipline.

Verbal Reprimand: Prior to imposing a written reprimand for a minor offense, the appointing Authority may choose to provide a verbal reprimand in order to discuss the offense and the corrective action required by the employee. The offense and the corrective action should be documented in a memo from the appointing authority to the employee. This disciplinary step does not require a pre-action meeting prior to imposition. An employee disciplined with a verbal reprimand may not grieve or appeal under these policies.

Written Reprimand: For repeated conduct of a minor violation following a verbal reprimand, or in instances where, in the view of the Appointing Authority, the misconduct warrants this more serious type of discipline, a written reprimand may be imposed. The reprimand will be written to and discussed with the employee. The reprimand will briefly describe the offense and the corrective action. The employee shall be asked to sign the reprimand to acknowledge its receipt. A copy of the reprimand will be placed in the employee's official personnel file. This disciplinary step does not require a pre-action meeting prior to imposition. An employee disciplined with a written reprimand may not grieve or appeal under these policies.

Suspension Without Pay: The appointing authority may suspend an employee from his/her position without pay at any time for a disciplinary purpose. Prior to imposing a suspension without pay, a pre-action meeting must be held with the employee in accordance with the provisions listed in section 4.73. Suspensions without pay shall not exceed 30 calendar days. The Notice of Discipline regarding the offense and the rationale for the suspension shall be documented in memo form and discussed with the employee. The employee shall be asked to sign to acknowledge the memo. A copy of the memo shall be placed in the employee's official personnel file. An employee may appeal the suspension without pay in accordance with the provisions contained in section 4.9 of this manual. Note: Employees who are exempt under the FLSA cannot be suspended without pay for periods of less than one week unless the discipline is the result of an infraction of safety rules of "major significance." See C.F.R. § 541.118.

Involuntary Demotion: The appointing authority may demote an employee whose performance does not meet expectations, or for disciplinary purposes. Prior to imposing an involuntary demotion, a pre-action meeting must be held with the employee in accordance with the provisions listed in section 4.73. The Notice of Discipline regarding the reason for the demotion shall be documented in memo form and discussed with the employee. The employee shall be asked to sign to acknowledge the memo. A copy of the memo shall be placed in the employee's

official personnel file. An employee may appeal an involuntary demotion in accordance with the provisions contained in section 4.9 of this manual.

Termination of Employment: An employee may be terminated for cause at any time by the appointing authority. Prior to terminating an employee for cause, a pre-action meeting must be held with the employee in accordance with the provisions listed in section 4.73. Should the employee fail to attend the pre-action meeting (as in the case of job abandonment), the Notice of Discipline documenting the reasons for the termination shall be recorded in a letter and delivered to the employee either in person or via mail to the employee's last known address and a copy will be placed in the employee's official personnel file. An employee may appeal the termination in accordance with the provisions contained in section 4.9 of this manual. When an employee is terminated from employment under the provisions of this section, he/she shall be paid all wages due within three working days or the end of the next regular pay period, whichever is earlier, pursuant to A.R.S. § 23-533.

4.8 GRIEVANCE PROCEDURES

4.8.1 Policy:

The purposes of this grievance procedure are:

- A. To informally, if possible, resolve grievances at the employer/supervisor level.
- B. To provide for two-way, employee/employer communication.
- C. To promote harmonious relationships between employees, supervisors and management.

4.8.2 Coverage:

This policy applies to all classified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

4.8.3 Matters Not Subject to Grievance Procedure:

Terminations, involuntary demotions, and suspensions without pay are not appealable under this policy. These matters may be appealed as provided in Section 4.9. Employee compensation, verbal or written reprimands and performance appraisals are also not appealable under this policy. Additionally, complaints of discrimination or harassment are covered by the harassment/discrimination policy contained herein.

4.8.4 Matters Subject to Grievance Procedure:

Except as stated in 4.8.3 above, a classified employee may use the appropriate grievance procedure for any decision occurring within his/her immediate chain of command that affects his/her employment with the County.

4.8.5 Informal Grievance Procedure:

Any employee who has a problem or complaint should first try to settle it through discussion with his/her immediate supervisor. If, after this discussion, he/she does not believe the problem has been satisfactorily resolved, he/she shall have the right to discuss it with his/her elected official or department head. Every effort should be made to find an acceptable solution by informal means.

4.8.6 Formal Grievance Procedure:

Issues that cannot be resolved through the informal grievance procedure may be taken to the formal procedure. This step will be taken within twenty business days following the incident. The levels of review in the formal grievance procedure follow the chain of command and are listed below:

A. First Level of Review:

1. The grievance shall be presented in writing to the employee's immediate supervisor. The immediate supervisor shall review the grievance and shall render his/her decision and rationale in writing to the employee. The immediate supervisor shall deliver this material to the employee within ten business days of receiving the grievance.
2. If the employee does not agree with his/her immediate supervisor's decision, or if no answer has been received within ten business days, the employee may present the grievance in writing to the next level in his/her chain of command. Failure of the employee to take further action within ten business days following either the receipt of the supervisor's response or the expiration of the supervisor's deadline (whichever comes first) will close the grievance.

B. Follow-Up Levels of Review:

1. Once the grievance is received by the next level in the chain of command, this supervisor shall review the material conduct the appropriate investigation and render his/her decision in writing, and deliver the decision to the employee within ten business days. Failure of the employee to take further action within ten business days following either the receipt of the supervisor's response or the expiration of the supervisor's deadline (whichever comes first) will close the grievance.
2. If the employee does not agree with the decision or, if no answer has been received within ten business days, the grievance can continue to be elevated to each subsequent step in the chain of command as specified in the steps above until reaching the appointing authority. Following the investigation of the grievance by the appointing authority, the appointing authority shall render his/her decision in writing and shall deliver the decision to the employee within twenty business days. The appointing authority's decision regarding the matter will be final, and the grievance will be closed.

4.8.7 Conduct of Grievance Procedure:

- A. The time limits specified above may be extended by mutual agreement of the employee and management.
- B. The employee may be allowed to use a reasonable amount of work time to prepare for the grievance. "Reasonable amount of work time" shall be defined by the department elected official or department head and shall not unduly disrupt the normal operations of the department.
- C. Once a grievance has been dropped, either through direct action or by inaction, the grievance cannot be reinstated.
- D. Once the grievance process has been concluded and a decision has been made by the

appointing authority, the grievance cannot be reopened.

E. Employees shall be free from reprisal for using the grievance procedures in good faith.

4.9 APPEALS BY EMPLOYEE

4.9.1 Policy:

A regular, classified employee may appeal an action resulting in termination, involuntary demotion, or suspension without pay. Probationary employees are unclassified and have no right of appeal under this policy. In addition, all other categories of unclassified employees have no right to appeal under this policy. If an unclassified employee believes that he/she has been terminated, demoted, or given an unpaid suspension due to unlawful discrimination, he/she should follow the procedures outlined in the harassment/discrimination policy.

Appeals involving members of law enforcement, including POST certified Juvenile and Adult Detention Officers, will be conducted in accordance with all relevant requirements as established by A.R.S. § 38-1101.

4.9.2 Hearing Officer Appointment Procedure:

The Apache County Board of Supervisors shall appoint one or more Hearing Officers, any of which may be assigned as the Hearing Officer for any particular appeal sought under this policy. A Hearing Officer will be assigned based on the availability of the Hearing Officer, and at the discretion of the Human Resources Director. In the event the appealing Employee is employed in the Human Resources Department, the County Manager shall appoint the Hearing Officer. The Hearing Officer is fully empowered to grant or refuse extensions of time, to set procedures for the hearing, to conduct the hearing, and to take actions relative to the proceedings pursuant to the Rules for Personnel Hearings. The decision by the Hearing Officer shall be final. The Hearing Officer shall not be an employee of Apache County or have ever been an employee, Elected Official or had a financial relationship with Apache County other than that of a Hearing Officer. The Hearing Officer shall have experience in Employee/Employer disciplinary hearings.

4.9.3 Appeal Procedure:

Under this procedure, appeals must be filed in writing with the Human Resources Department within ten calendar days of the notice of discipline. The appeal shall state in detail the facts upon which it is based, the people and departments involved, and the remedy requested.

The Human Resources Director shall notify the Elected Official or Department Head of the appeal, along with any other filings throughout the Appeal process, within 24 hours of receipt of such document or notice. No answer to the appeal is necessary. However, if the Elected Official or Department Head chooses to file an answer, such answer shall be filed within ten calendar days from the date of appeal, and the Human Resources Director shall make a copy available to the employee.

The Hearing Officer shall conduct the hearing in accordance with the process set forth in section 4.99 of this policy and submit his/her report to the Human Resources Director for delivery to the Board of Supervisors.

4.9.4 Continuance of Hearing:

The hearing may be continued at the request of either the Employee or the Employer. Requests to continue the hearing must be submitted to the Human Resources Department in writing at least five days before the hearing date. If the Hearing Officer grants the continuance, then the Human Resources Director, or assigned subordinate, shall notify all concerned parties of the continuance. The Hearing Officer shall limit the number of continuances granted to ensure continuances are not sought solely for the purpose of delay.

Failure of the Employee to comply with these guidelines, and failure to appear at the time and place of the hearing, may result in dismissal of the appeal at the discretion of the Hearing Officer.

4.9.5 Nature of the Hearing:

The employee may represent himself/herself or be represented by legal counsel. The Elected Official or Department Head may represent himself/herself, or be represented by the County Attorney's office, or by other legal counsel selected by the County Attorney's office.

The hearing shall be informal, and technical rules of evidence and court procedure shall not apply, except that irrelevant, immaterial, or unduly repetitious material may be excluded. Evidentiary rules as to privilege shall be consistent with such rules in Arizona civil courts.

4.9.6 Witnesses:

The Hearing Officer, by authority of the Chairman of the Board of Supervisors, may issue subpoenas pursuant to section 4.99 to compel attendance of any person and the production of any books, papers, or other materials related to the investigation or the hearing, in accordance with A.R.S. §11-218.

The Hearing Officer may exclude from the room any witness not at the time under examination. The employee, the Elected Official/Department Head, and their representatives may not be excluded.

4.9.7 Withdrawal of an Appeal:

The Employee may submit a written request to withdraw an appeal any time prior to the conclusion of the appeal. The request shall be submitted to the Human Resources Department, who shall forward same to the Elected Official or Department Head in order to make the decision whether to allow the Employee to withdraw the appeal.

4.9.8 Decision by the Board of Supervisors:

The Board of Supervisors will adopt the findings of the Hearing Officer.

4.9.9 Rules for Personnel Hearings before a Hearing Officer:

I. STATEMENT OF PURPOSE

The purpose of these rules is to establish the procedure for personnel hearings before the Personnel Hearing Officer to ensure due process to the Employee and to allow an objective presentation of all necessary facts and materials to the Hearing Officer. The primary goals of these rules are to protect the lawful interests of the Employee and of the County, and, above all, to protect the interests of the citizens of Apache County, whose delegation of power and contribution of resources must be administered as a public trust for their benefit.

II. DEFINITIONS

Employee is the person subject to the privileges and constraints of the Personnel Policy who is appealing an action taken by the relevant Elected Official, Department Head, Supervisor, or County Manager.

III. GENERAL PROVISIONS

- 3.1 The Hearing Officer shall be assigned and scheduled by the Human Resources Director. Notice thereof shall be given by the Human Resources Director to the Employee. Notification shall be made in writing and will include the following information; Hearing Officer Name, date, time and, place of the hearing. All motions, papers, exhibits or other document or notice shall be filed with the Human Resources Department which shall provide copies of same to the Elected Official or Department Head and the Hearing Officer within 24 hours of receipt.
- 3.2 All appeal hearings shall be audio recorded. If either party to the hearing desires a Court Reporter, the party requesting such shall make all arrangements for the appearance and payment of the court reporter, and for any transcripts that may be required.
- 3.3 All testimony shall be taken under oath or affirmation.
- 3.4 All hearings and discussions shall be open to the public.
- 3.5 Technical rules of evidence shall not apply at the hearing. Hearsay and other such evidence shall be admissible at the hearing-the weight to be given such evidence will be determined at the sole discretion of the Hearing Officer.
- 3.6 The Board of Supervisors shall be authorized to issue subpoenas, compel attendance of witnesses, and compel production of documentary evidence. The party requesting the above actions shall draft any such documentation, including subpoenas, and shall pay all costs related thereto at the time the cost is incurred. In the event any third party refuses to attend or comply with any subpoena, such failure shall not be cause to

- reverse the decision of the Hearing Officer or cause delays in conducting any hearing.
- 3.7 The Hearing Officer shall have the right to rule on protective orders and motions to quash regarding subpoenas or other motions of a like nature. All rulings and all motions filed by either party shall include an order by the Hearing Officer assessing reasonable attorney's fees and costs against the unsuccessful party. Such award of attorney's fees shall be due and payable to the successful party upon issuance of the order. Each motion shall be accompanied by an affidavit stating the costs and attorney's fees incurred in creating such motion.
 - 3.8 Each party shall disclose all documents which are relevant to the case and the names, addresses and telephone numbers of witnesses whom the party intends to call to testify at the hearing. The deadline for disclosure of documents and witness information is twenty days prior to the date of the hearing.
 - 3.9 Evidence which is irrelevant to the charges presented or unduly repetitious may be excluded by the Hearing Officer.
 - 3.10 Both parties shall have the right to file with the Hearing Officer all documents, records or reports deemed proper and necessary by either party for the consideration of the Hearing Officer, with copies to the opposing party.
 - 3.11 The Hearing Officer may, upon the request of the Elected Official, Department Head, Supervisor, the Employee, or the persons representing either party, exclude from the hearing room all witnesses not then under examination. No party to the proceedings, their representative, or attorneys shall be excluded.
 - 3.12 The Hearing Officer shall determine whether there is sufficient evidence to support the decision or from which the action was appealed and shall affirm the same if it is supported by a preponderance of the evidence. The Hearing Officer shall uphold the decision made if there was a reasonable basis for the decision.
 - 3.13 The Hearing Officer shall assess reasonable attorney's fees and costs against the unsuccessful party which shall be due upon issuance of the Hearing Officer's order. Attorney's fees and costs awarded against the Employee shall be withheld from any funds for pay or leave owed to the employee.
 - 3.14 The Hearing Officer shall make a final decision in writing within ten calendar days of the conclusion of the hearing.
 - 3.15 The decision of the Hearing Officer is final and shall not be appealable to the Board of Supervisors. The Board of Supervisors shall accept and adopt the findings of the Hearing Officer.

SECTION 5

HEALTH AND SAFETY

- 5.1 Operation of County Vehicles
- 5.2 County Employee Driver License Policy
- 5.3 Drug Free Workplace and Substance Abuse Prevention
- 5.4 Controlled Substance Testing Procedures
- 5.5 Compliance with Health and Safety Regulations
- 5.6 Smoke Free Workplace

5.1 OPERATION OF COUNTY VEHICLES

5.1.1 Policy:

The purpose of this policy is to provide rules and information related to the safe operation of county vehicles, and to lessen the possibility of accidents for the protection of county employees.

5.1.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

5.1.3 Requirements for Operating County Vehicles:

When operating a county vehicle, all county employees will:

- A. possess an appropriate and valid Arizona drivers' license;
- B. obey all State of Arizona and Apache County traffic laws;
- C. check the vehicle to ensure that it is in good operating condition by checking oil and water levels, tires, lights, etc. Any unsafe condition in the vehicle shall be reported immediately to the elected official or department head. The vehicle shall not be operated if its condition is determined to be unsafe;
- D. operate all Apache County vehicles safely and in accordance with all traffic laws;
- E. comply with specific equipment safety procedures.

5.1.4 Passengers in County Vehicles:

Only county employees are authorized to ride in or on a county vehicle of any kind, unless special permission has been received in advance from the County Manager. The County's insurance does not extend to passengers who are not employees, even if prior authorization has been obtained. In the event of an accident, the passenger who is not a county employee shall be covered under the personal policy of the driver.

5.1.5 Verification of Driver Information:

Elected officials and department heads shall ensure that anyone within his/her chain of command who drives a county vehicle or personal vehicle on county business is properly licensed to do so. Employees whose duties include driving personal or county vehicles for county business are required to inform the county within 24 hours if their license becomes suspended, revoked, cancelled or refused.

5.1.6 Taking County Vehicles Home:

Consistent with A.R.S. 38-538 et seq., a motor vehicle owned or leased by the County shall be used for business purposes only, and shall not be provided to employees, including Elected Officials, for personal use except as noted herein. For purposes of this section, “use for business purposes” does not include normal commuting to and from the employee’s residence at any time unless the employee is on duty or “on-call” for duty during the time that the employee is at the employee’s residence. An employee will be deemed to be in “on-call” status consistent with the provisions of Policy 2.71(H).

County employees are hereby notified that the County utilizes GPS tracking units, placed randomly in County vehicles, to assist in monitoring the use of County vehicles.

Any personal use of County vehicles must be reported by County employees on an annual basis for the purposes of reporting that use as income to the Internal Revenue Service.

Exemptions: The Apache County Sheriff’s Office, the Apache County Attorney’s Office, and the Apache County Probation Departments are exempt from this provision and may allow take home vehicles for deputies, investigators, or probation officers to the extent their activities are consistent with allowances in A.R.S. § 38-538.03. However, any personal use of County vehicles must be reported by County employees on an annual basis for purposes of reporting that use as income to the Internal Revenue Service.

5.2 COUNTY EMPLOYEE DRIVER LICENSE POLICY

5.2.1 Commercial Driver License Policy:

County employees who operate commercial vehicles as part of their employment with the county shall:

- A. Have the proper license for the type of commercial vehicle to be driven as described in A.R.S. § 28-3221 at seq.
- B. Have only one driver's license as required by A.R.S. § 28-3226.
- C. Meet all notification requirements of A.R.S. § 28-3227. Specifically, the employee shall:
 1. notify the department of transportation of all-out-of state traffic law violation convictions, except parking violations, within thirty days of the date of conviction;
 2. notify Apache County of all traffic law violation convictions, except parking violations, in writing within ten (10) days of the date of conviction;
 3. notify Apache County of any suspension, revocation, cancellation, loss of privilege or disqualification to drive a commercial vehicle before the end of the business day following the day the employee receives notice of that fact;
 4. at the time of application for employment provide the information required by A.R.S. § 28-3227(D) for the 10 years preceding the application.
- D. In addition to the above requirements, employees who are to operate commercial vehicles must provide the following information in their employment application submitted to Apache County as required by 49 C.F.R. § 391.21:
 1. the name and address of the employing motor carrier;
 2. the applicant's name, address, date of birth, and social security number;
 3. the addresses at which the applicant has resided during the three years preceding the date on which the application is submitted;
 4. the date on which the application is submitted;
 5. the issuing state, number, and expiration date of each unexpired commercial motor vehicle operator's license or permit that has been issued to the applicant;
 6. the nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment which he/she operated

7. a list of all motor vehicle accidents in which the applicant was involved during the three years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries caused;
 8. a list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted during the three years preceding the date the application was submitted;
 9. a statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;
 10. a list of the names and addresses of the applicant's employers during the last three years preceding the date the application is submitted, together with the dates he/she was employed, and his/her reason for leaving the employ of each employer;
 11. for those drivers applying to operate a commercial motor vehicle meeting the specifications outlined in 49 C.F.R. § 383.5, a list of names and address of the applicant's employers over the last ten years for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment;
 12. a certification on the application that it was completed by the applicant and that all entries thereon are true and correct to the best of the applicant's knowledge and belief, along with a date and signature.
- E. Comply with all state and/or federal rules and regulations in relationship to medical standards and requirements.

Failure to comply with the above shall be cause for termination of employment.

5.2.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

5.2.3 Duties of County Regarding Commercial Drivers:

When the County employs an individual who will drive a commercial vehicle, the County shall make the following inquiries as required by 49 C.F.R. § 391.23:

- A. An inquiry into the driver's driving record during the preceding three years to the appropriate agency of every state in which the driver held a motor vehicle operator's license or permit during those three years. This inquiry must be made within 30 days from the date of hire, and all responses to the inquiries must be retained by the County as

part of the driver's qualification file.

- B. An investigation into the driver's employment record during the preceding three years. This investigation must be made within 30 days from the date of hire. A written record must be made regarding all contacts made during the course of this investigation, including the date former employers were contacted, their names and addresses, and any comments made with respect to the driver. These records shall be retained by the County as part of the driver's qualification file.
- C. After hire, the County shall make, at least every 12 months, an inquiry into the driving record of each employee holding a commercial driver's license, to the appropriate agency of every state in which the driver held a commercial motor vehicle license or permit. After the inquiry, the County shall review the driving record to insure that each driver meets minimum requirements for safe driving or is disqualified from driving a commercial vehicle pursuant to 49 C.F.R. §§ 391.15 and 391.25.

5.2.4 Arizona Driver's License (Non-Commercial Drivers):

- A. All employees who in the course and scope of their employment with the County may be required to operate a motor vehicle (whether county or privately owned) by their Elected Official or Department Head shall hold a valid driver's license. This policy shall presumptively apply unless the Elected Official or Department Head specifically informs the Apache County Human Resources the Department that the employee in question will not operate a vehicle in the course of his/her employment.
- B. After being hired by the County, but prior to the start of employment, new hires to which the policy applies shall be subject to a check of their driving records by the County. If a newly hired individual does not possess an Arizona Driver's license, the new hire may be required to provide a certified copy of his/her driving record from the state where he/she is licensed. No person shall be eligible to begin employment with the County if any of the following conditions are true:
 - 1. The individual's driving privileges are presently suspended, revoked, or refused;
 - 2. The driving record of the person indicates any of the following:
 - a. any convictions for driving under the influence of alcohol or drugs within the last five years;
 - b. the individual has had his/her driving privileges suspended or revoked for an alcohol or drug related offense within the last five years;
 - c. the person has been found guilty or responsible for three (3) or more moving violations within the last three (3) years.
 - d. a conviction for reckless driving or aggressive driving within the last three (3)

years.

- C. After the start of employment Apache County shall, on at least an annual basis, check the driving records of all county employees who may be required to operate a motor vehicle by their Elected Official or Department Head. The County may also check driving records upon receiving information that an event has occurred that might impact an employee's driving privileges.
- D. County employees who are subject to this policy shall either be terminated from employment or be restricted from driving a vehicle in the course and scope of county employment upon the occurrence of any of the following events:
 - 1. The individual's driving privileges are presently suspended, revoked, or refused;
 - 2. The individual has received a license suspension or revocation for an alcohol or drug-related offense within the last five years;
 - 3. The individual's driving record indicates a conviction for driving under the influence of alcohol or drugs within the last five years;
 - 4. The individual's driving record indicates the person has been found guilty or responsible for three (3) or more moving violations within a period of three (3) years.
 - 5. The individual's driving records indicate the person has been found guilty or responsible for the offense or reckless driving or aggressive driving within the last three years.

Employees may be disciplined pursuant to this policy whether the event(s) in question arose from operating a vehicle in the course of county employment or whether they occurred during the employee's personal time.

A county employee who drives under the influence of alcohol or drugs during the course and scope of employment must be terminated from employment.

In other circumstances, the decision whether the employee will be terminated from employment or restricted from driving a vehicle in the course and scope of County employment will be made by the Elected Official or Department Head. Among other considerations, the Elected Official or Department Head may consider whether it is possible for the employee to perform his/her duties without being required to drive a vehicle.

- E. Any copies of driving records the county receives pursuant to this policy shall be stored separately from the employee's personnel file and shall not be disclosed pursuant to a public records request. Copies of driving records are protected from disclosure by the Federal Driver's Privacy Protection Act, 18 U.S.C. §§2721-2725, and Title 28, Chapter 2, Article 5, of the Arizona Revised Statutes.

- F. Elected Officials and Department Heads may rescind an employee's privilege to drive county vehicles at any time.
- G. This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

5.3 DRUG FREE WORKPLACE AND SUBSTANCE ABUSE PREVENTION

5.3.1 Policy:

The Board of Supervisors of Apache County is committed to programs that promote safety in the workplace, employee health and well-being and public confidence. Consistent with the spirit and intent of this commitment, Apache County has a zero-tolerance policy when it comes to the use, possession, or distribution of drugs (including marijuana) and alcohol on the job by employees. Employee abuse of drugs and alcohol adversely affects job performance and employee morale, jeopardizes employee safety and undermines public confidence. The goal of this policy is to establish and maintain a safe workplace and a healthy and efficient workforce free from the effects of drug and alcohol abuse. Employees arrested, charged or indicted for a criminal drug offense will be suspended without pay immediately. Once the case has been resolved, the appropriate personnel action will be taken.

With respect to mandated drug and alcohol testing of CDL operators, the provisions of this policy affecting CDL operators complies with the Omnibus Transportation Employees Drug Testing Act of 1991 and in accordance with Title 49 Code of Federal Regulations, Parts 40, 382 and 391, Subpart H.

5.3.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

5.3.3 Employees Subject to Testing:

The post-accident and “reasonable suspicion” provisions of this policy shall apply to all County employees; additionally, the positions noted below are designated as “safety sensitive” and shall be subject to the pre-employment and random testing of this policy.

1. Road maintenance worker
2. Equipment mechanic
3. Automotive mechanic
4. Any position requiring a CDL License

5.3.4 Prohibitions:

Employee abuse of alcohol or controlled substances compromises the safety of employees and the public it serves. Apache County prohibits the manufacture, use, sale, distribution, presence in the body, and presence on county property of prohibited controlled substances and alcohol by all employees in the workplace and further prohibits:

1. Alcohol concentration: No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No supervisor having actual knowledge that an employee has an alcohol concentration of 0.02 or greater shall permit the employee to

perform or continue to perform work assignments.

2. Alcohol on-duty use: No employee shall use alcohol while performing work assignments. No supervisor having actual knowledge that an employee has used alcohol within the previous four hours shall permit an employee to perform or to continue to perform work assignments.
3. Alcohol pre-duty use: No employee shall perform work assignments within four hours after using alcohol. No supervisor having actual knowledge that the employee has used alcohol within four hours shall permit an employee to perform or continue to perform work assignments.
4. Use following an accident: No employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. Refusal to submit to a required alcohol or controlled substance test: No employee shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion of alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No supervisor shall permit an employee who refuses to submit to such tests to perform or continue to perform work assignments.
6. Controlled substances use:
 - A. No employee shall report for duty or remain on duty requiring performance of work assignments when the employee uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a vehicle or equipment.
 - B. No supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform work assignments.
 - C. An employee shall inform his supervisor of any therapeutic drug prescription that may adversely affect his work performance.
7. Controlled substances testing: No employee shall report for duty, remain on duty, or perform work assignments, if the employee tests positive for controlled substances. No supervisor having actual knowledge that an employee has tested positive for controlled substances shall permit the employee to return to duty.

5.3.5 Required Tests:

1. "Safety sensitive" employees and prospective employees including CDL operators whose

positions are designated as “safety sensitive” are subject to alcohol and controlled substances testing under the following circumstances:

- A. Pre-employment testing
 - B. Post-accident testing
 - C. Random testing
 - D. Reasonable suspicion testing
2. Non-safety sensitive employees who do not occupy designated safety sensitive positions are subject to alcohol and controlled under the following circumstances:
- A. Post-accident testing.
 - B. Reasonable suspicion testing
3. Controlled substance testing is conducted based on the analysis of a urine sample provided by the employee or potential employee. The controlled substances selected do not have a legitimate medical purpose and are widely abused. Tests for following controlled substances and their metabolites shall be performed: marijuana; cocaine; opiates; phencyclidine (PCP); and amphetamines.
4. Alcohol testing shall be conducted by an evidential breath test (EBT). The EBT test identifies the concentration level of alcohol within the body.

5.3.6 Testing Procedures:

The procedures and supervisory responsibilities are defined for each required test as follows:

- 1) Pre-employment testing: Following an offer of employment to a potential employee for any position identified as safety sensitive and prior to the first day of employment, the following shall take place:
 - A. The potential employee shall be informed that employment is conditional pending results of a controlled substance test.
 - B. The controlled substance test must result in a verified negative. A potential employee who fails a pre-employment drug screen shall not be hired.
 - C. Required pre-employment controlled substances testing shall be coordinated by the drug and alcohol program coordinator.
 - D. In accordance with 49 CFR part 40.25, newly employed CDL operators must provide the drug and alcohol program coordinator with written consent to acquire his/her previous employer(s) information concerning participation in drug and alcohol testing.

- E. The drug and alcohol program coordinator must provide to the previous employers of the past two (2) years, a written authorization from the CDL operator for release of the required information. The release of this information may take the form of personal interviews, letters, or any other method that ensures confidentiality. Apache County shall maintain a written, confidential record with respect to each past employer contacted.
 - F. The potential employee may not be employed if the information obtained indicated the potential employee has tested positive for drugs, tested at or above 0.04 breath alcohol concentration, or refused to test unless it can be established that he/she has completed the return-to-duty requirements as set forth in 49CFR part 40 Subpart O.
 - G. Under no circumstances shall a newly hired operator be allowed to perform safety sensitive duties for more than thirty days following date of hire without confirming the information required in paragraphs E, F and G above.
- 2) Post-accident testing: When any county employee is involved in an accident, the employee shall submit to drug and alcohol testing. The testing should be done immediately but no later than 32 hours after the accident.

A. Post-accident testing:

Any accident involving human fatality or bodily injury requiring immediate medical treatment away from the scene. Any accident involving damage to a county vehicle (or a vehicle rented in the County's name). Any damage to a vehicle or property resulting from a statutory violation (speeding, reckless driving, etc.) or failure of the operator to exhibit reasonable care.

Exceptions: Accidents to a standing or slow-moving vehicle, where the county operator is clearly not at fault.

B. When a required drug or alcohol test has not been administered within the time frames below following the accident, the following actions shall be taken:

Time Elapsed	Action Required
2 Hours	If the employee has not submitted to an alcohol test at this time, the supervisor shall prepare a report stating the reason a test was not promptly administered. The report shall be forwarded to the drug and alcohol program coordinator for filing.
8 Hours	If the employee has not submitted to an alcohol test at this time, the County shall cease attempts to administer alcohol test, and the supervisor is to prepare a report as described above. The report shall be forwarded to the drug and alcohol

program coordinator for filing.

32 Hours If the employee has not submitted to a controlled substance test at this time, the County shall cease attempts to administer the test, and the supervisor is to prepare a report as described above. The report shall be forwarded to the drug and alcohol program coordinator for filing.

C. The following steps shall be followed by the supervisor in all post-accident testing:

1. All injuries shall be treated first.
 2. The employee and the supervisor shall cooperate with all law enforcement officers.
 3. The supervisor must contact the drug and alcohol program coordinator and other designated superiors prior to any action being taken.
 4. The supervisor will explain to the employee that testing is required to ensure that drugs or alcohol were not a contributing factor in the accident.
 - a. If the employee refuses to submit to the required testing, the supervisor shall inform the employee that:
 - i. The refusal to submit to testing will be considered a failure of the testing requirement.
 - ii. Continued refusal to submit to either drug or alcohol testing will result in the employee being placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal.
 - iii. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
 - b. If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site. The supervisor will remain at the collection site with the employee but shall not go into the examination room or sample collection room.
 - i. If the employee refuses to cooperate with the testing process such refusal will be considered a failure of the test and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for dismissal.
 - ii. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
 - iii. After the sample collections are obtained, the supervisor shall contact the drug and alcohol program coordinator to determine if the employee should be allowed to return to duty or provided with transportation home.
- 3) Random Testing: The drug and alcohol program coordinator shall conduct unannounced random selection for both the controlled substance and alcohol testing. A statistically verifiable computer-generated random selection process shall be used to select the

appropriate percentage of employees, from each pool, to be tested. In addition, the County may also conduct a 100% test of all eligible individuals all at one time on an annual basis.

- A. Refusal to submit to either controlled substance testing or alcohol testing: If an employee refuses to submit to the required testing, the refusal shall be considered a failure of the testing requirement. The employee will be placed on administrative suspension, with pay, pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for dismissal.
 - B. Any selected employee who is absent from duty on the date designated for random testing will not be informed of the selection and will automatically be added to the following testing period.
 - C. The testing will be evenly distributed throughout the year. Specimen collection will be done on different days of the week throughout the annual cycle.
 - D. Sample collection for random drug testing and breath alcohol testing will be conducted at one or more designated and certified collection sites.
- 4) Reasonable suspicion testing: Reasonable suspicion of drug or alcohol use by an employee may be established by observation or report of the employee's behavior, admission by the employee, evidence of conduct that shows impairment or shows physical signs of being under the influence. Upon determining that reasonable suspicion exists the employee shall be required to submit to drug and/or alcohol testing.
- A. The decision to require testing for reasonable suspicion will be based upon objective observation by two or more supervisors or county officials, at least one of which has been trained to make such a determination. Once a determination has been made that there is reasonable suspicion to believe that the employee's behavior warrants testing, the following actions must be taken:
 - 1. The supervisors and/or county officials must contact the drug and alcohol program coordinator or designee prior to any action being taken.
 - 2. If there is agreement that testing is warranted, the supervisors, and/or county officials must inform the employee of their observation. This discussion **MUST TAKE PLACE IN A PRIVATE SETTING**. The supervisors and/or county officials are required to explain that they have reasonable suspicion to believe that this behavior warrants testing.
 - B. Refusal to submit: If the employee refuses to submit to the required testing, the supervisors and/or county official will inform the employee that refusal to submit to testing shall be considered a failure of the testing requirement; and the employee will be placed on administrative suspension, with pay, pending a review of circumstances.

Barring any extenuating circumstances, refusal of testing shall be considered grounds for

dismissal. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.

- C. Agrees to submit: If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site. The supervisor will remain at the collection site with the employee but shall not go into the examination room or sample collection room.
 - 1. If the employee does not cooperate with the testing process, this action will be considered as a failure of the testing requirement, and the employee will be placed on administrative suspension, with pay, pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for dismissal.
 - 2. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.

- D. After the sample collection(s) are obtained, the employee shall be placed on administrative leave, with pay, pending the results.
 - 1. The supervisor shall document, in writing, the events that led to the testing and the conversations and events that followed the request.
 - 2. If the results of the testing are negative, the employee will be reinstated.
 - 3. If the results of the testing are positive, the employee will be placed on administrative suspension, without pay, pending a review of the circumstances. Barring any extenuating circumstances, a positive controlled substance test shall be considered grounds for dismissal.

5.4 CONTROLLED SUBSTANCE TESTING PROCEDURES

5.4.1 Urine Sample Collection:

The County will contract with an approved laboratory to perform all urine sample collections. Collection site personnel shall collect ALL required samples in accordance with FHWA guidelines as outlined in 49 CFR Part 40.

- A. The collection of the specimen shall be accomplished in a private setting without observation unless direct observation is deemed necessary by collection site personnel.
 - 1. The collection rest room must be inspected before and after each collection.
 - 2. Collection site personnel are required to verify employee identification by requesting to see a valid driver's license or identification with a photograph.
 - 3. Employees shall be required to allow collection site personnel to inspect personal belongings that may have been brought to the site.
 - 4. Collection site personnel may ask the employee to remove any unnecessary outer garments (jackets, sweaters, coats, etc.) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen.
 - 5. The employee will be allowed to take his/her wallet into the collection room with him/her.
- B. Consistent with federal guidelines, the "split sample" method of collection shall be used.
 - 1. The collection site person shall instruct the employee to provide at least 45 milliliters (ml) of urine under the split sample method into a single collection bottle.
 - 2. Once an adequate specimen has been collected and verified, the collection site person shall divide the specimen into two (2) bottles labeled "primary" and "split" specimen.
 - 3. The collection site person shall seal the samples, fill out the required "Chain of Custody" forms and forward the samples to the testing laboratory.
- C. Insufficient amount of urine: Upon receiving the specimen from the donor, the collection site technician shall determine if it has at least 30 milliliters of urine for the primary specimen bottle and an additional 15 milliliters of urine for the split specimen bottle. If the employee is unable to provide a sufficient quantity of urine:
 - 1. The collection site technician shall instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two (2) hours, again attempt to provide a complete sample using a fresh collection container.
 - 2. The original insufficient specimen shall be discarded and the MRO notified.
 - 3. Failure to provide an adequate sample will be deemed a failed test unless the employee provides sufficient information to the MRO to determine an underlying health-related condition as the cause for the insufficient sample.
- D. Failure to comply with the collection site technician directions will be considered a failure of the testing requirements.

- E. Altered or substituted urine specimen. If the collection site person has reason to believe that an employee may have altered or substituted the urine specimen, the Apache County drug and alcohol program coordinator shall be immediately notified.
 - 1. The employee may be subject to disciplinary action and will be placed on administrative suspension, with pay, pending a review of circumstances.
 - 2. The employee shall be offered transportation home.

- F. Both bottles of the split sample (primary and split) provided by the employee shall be shipped in a single shipping container, together with the appropriate chain of custody forms, to the testing laboratory.
 - 1. The testing laboratory shall log in the split specimen, with the split specimen bottle seal remaining intact. The laboratory shall store this sample in a secure location.
 - 2. If the result of the testing of the primary specimen is negative, the laboratory may discard the split specimen.
 - 3. If the result of the testing of the primary specimen is positive, the laboratory shall retain the split specimen in storage for sixty (60) days from the date on which the laboratory acquires it. Following the end of the sixty (60) day period, if not informed by the MRO that the employee has requested a test of the split specimen, the laboratory may discard the split specimen.

- G. Laboratory Testing Procedures: As specified by federal regulations, all urinalysis testing shall be conducted by a laboratory that meets the guidelines that have been established by the Department of Health Services (DHHS) in full compliance with 49 CFR Part 40.

- H. Medical Review Officer: The MRO is a licensed physician (MD or DO) selected by the County to review and evaluate the results of verified positive drug test results. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate test results, including the employee's medical history and any other relevant biomedical information.
 - 1. The MRO shall report to the drug and alcohol program coordinator whether the test is verified positive or verified negative, and may report the drug(s) for which there was a positive test.
 - a. Employee notification of positive results: If the results of the drug testing are positive, the MRO shall make a determination that the testing process was accurate, and the employee's medical history will be reviewed.
 - 1. The MRO shall then contact the employee directly by telephone, on a confidential basis, to determine whether the employee wishes to discuss the test results and to provide an opportunity for the employee to explain why the test result was positive. Sometimes, a legitimate medical explanation for the results exists, including legally prescribed medication(s).

 - i. If, after making reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact the drug and

alcohol program coordinator who shall contact the employee's supervisor to direct the employee to contact the MRO.

- ii. If, after making all reasonable efforts, the County is unable to contact the employee, the employee shall be deemed to have failed the test and shall be subject to immediate dismissal.

- b. Split specimen: In a verified positive test, the MRO shall notify the employee of the verified positive test. The employee has seventy-two (72) hours in which to request a test of the split specimen at the employee's own expense.

I. Test Results:

1. A verified positive drug test requires the removal of the employee from performing a safety-sensitive function without delay pending the results of the test of the split specimen. Therefore, upon notification by the MRO that the primary specimen results are positive, the employee will be placed on administrative suspension, with pay, pending the results of the test of the split specimen. If testing of the split specimen results in a negative finding, the employee shall be reinstated with back pay.
2. If the analysis of the split specimen results in a confirmed positive test as determined by the MRO, the MRO will then notify the County of the results. The County will then inform the employee that the drug test has returned positive, and the employee will be dismissed from county employment.
3. Dilute Specimen: If the MRO reports that a positive drug test was diluted, the test result will be treated as a verified positive test. If the MRO reports that a negative test was dilute, the County will require retaking of the test only if the test was the result of a post- accident or reasonable suspicion examination.

5.4.2 Alcohol Testing Procedures:

1. Alcohol testing may be conducted through the use of a certified breath alcohol technician (BAT) using an evidential breath testing device (EBT). Employees shall be tested for alcohol at locations that prevent unauthorized persons from seeing or hearing test results. The necessary equipment, personnel, and materials for breath testing shall be provided at the locations where testing is conducted.
2. Exception: Post-accident or other unusual circumstances that require a test to be conducted at a location and does not fully meet the requirements. In such a case:
 - A. Visual and aural privacy shall be provided to the employee to the greatest extent possible.
 - B. This test may be conducted by law enforcement personnel. The drug and alcohol program coordinator shall acquire a copy of the alcohol testing results.

3. Prior to and during an EBT: The BAT shall supervise only one employee's use of EBT testing device at a time. The BAT shall not leave the alcohol testing location while the testing procedure for a given employee is in progress.
 - A. Prior to the test the BAT shall instruct the employee step by step through the testing process:
 1. The BAT will require the employee to provide positive identification (driver's license) if the BAT does not know the employee.
 2. On request by the employee, the BAT shall provide identification to the employee.
 3. The BAT shall explain the testing procedures to the employee.
 4. An individually sealed mouthpiece shall be opened in view of the employee, and the BAT shall instruct the employee how to attach it to the EBT testing device.
 5. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT testing device indicates that an adequate amount of breath has been obtained.
 6. The screen test resulting in a breath alcohol concentration of less than 0.02 shall be determined to be negative.
 7. The BAT shall show the employee the result of the EBT.
 8. The BAT shall transmit the result of less than 0.02 to the County in a confidential manner.
4. Confirmation Test: When the first screening test results in an alcohol concentration 0.02 or greater, a confirmation test shall be performed. The purpose of this requirement is to prevent any accumulation of mouth alcohol leading to an artificially high reading.
5. Transmission of alcohol testing records: The BAT shall transmit all results to the county drug and alcohol program coordinator in a confidential manner. All communications concerning the alcohol testing results of employees shall be made solely to the designated county representative. Such transmission may be in writing, in person or by telephone or electronic means, but the BAT shall ensure immediate transmission to the County of results that require the County to prevent the employee from performing a safety-sensitive function(s). All test records shall be confidential and maintained in an area with controlled access.
6. Refusal to test: If an employee refuses to cooperate with any part of the testing process he/she will be placed on administrative suspension, with pay, pending a review of circumstances and will be offered a ride home. Barring any extenuating circumstances, the employee shall be terminated. The BAT shall immediately notify the county drug and alcohol program coordinator or designee. The termination of testing will be considered a failure of the testing requirement, and the employee will be subject to dismissal when:
 - A. The employee refuses to complete and sign the breath testing form.
 - B. The employee refuses to provide breath or does not provide an adequate amount of breath.
 - C. The employee refuses to cooperate with the testing process and prevents the

completion of the test.

7. Test results: An employee who is found to have an alcohol concentration of 0.02 or greater shall be placed on administrative suspension, with pay, for a period of not less than 24 hours following administration of the alcohol test. The employee shall be offered transportation home. Barring any extenuating circumstances, the employee will be dismissed from County employment.

5.4.3 Maintenance of Records

1. General Provisions: All records are confidential and shall be filed in an area with controlled access. Except as required by law or unless expressly authorized by the employee through the provision of a signed release, designated employee information that is contained in the records shall not be released.
2. Availability and disclosure of testing information:
 - a. Records of drug testing:
 1. Contracts with testing laboratories shall require that the laboratory maintain employee test records in confidence. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an employee to the employee, the employer, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a certified positive drug test.
 2. An employee who has been subjected to a controlled substances test conducted under this policy shall, upon written request, have access to any records relating to that employee's drug test, and to any records relating to the results of any relevant certification, review, or revocation of certification proceedings.
 3. The MRO shall not disclose to any third-party medical information provided by the employee to the MRO as part of the testing verification process. The MRO may disclose such information to the County, a DOT agency, or other federal safety agency, or a physician responsible for determining the medical qualifications of the employee under applicable regulations.
 - b. Releasing records of alcohol testing:
 1. An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his/her alcohol test.
 2. Access to all facilities utilized in complying with the requirements of the regulations shall be made open to all regulatory authority.
 3. When requested by the Secretary of Transportation, any DOT agency with regulatory authority over the County, or a state agency with regulatory authority over the County, the County shall make available copies of all results of county CDL operator alcohol testing conducted under such requirement and/or authority,

and any other information pertaining to the County's alcohol misuse prevention program. The information shall include name of the specific alcohol test, test results, records, and reports.

4. When requested by the National Transportation Safety Board as part of an accident investigation, the County shall disclose information related to the County's administration of any CDL operator post-accident alcohol tests administered following the accident.
 5. The County shall make records available to a subsequent employer upon written request from a covered employee. Disclosure of records to a subsequent employer without a written request from a covered employee is forbidden.
 6. The County may disclose information pertaining to a covered employee to that employee or to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, and arising from the results of an alcohol test administered under the requirement of the law, or from the County's determination that the employee engaged in conduct prohibited by a DOT agency regulation. Such information can be released to include, but not limited to, worker's compensation, unemployment compensation, or other proceedings relating to a benefit sought by the employee.
 7. The County shall release information regarding a designated employee's records as directed by a specific, written consent of the employee authorizing release of information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.
3. Records retention: In the case of employees who fail to pass a drug and/or alcohol test, all collection, and test records shall be retained for five (5) years. Such records will only be retained for one (1) year for employees who pass the drug and/or alcohol test.
 4. Reporting: The Apache County drug and alcohol program coordinator will maintain information as required and shall submit reports tracking CDL operator testing as required by federal regulations to the DOT.
 5. Reviewing records: An employee may request to review their substance abuse records per current county policy.

Health Coverage: The County recognizes that substance abuse is a medical problem that can be treated. The current group health plan provides coverage for such treatment. Employees who voluntarily enter a drug treatment program will not be terminated solely for that reason.

County Notification by Employee of Any Criminal Drug Statute Conviction: As a condition of employment, any employee convicted of a drug statute violation shall notify their department head within no less than five (5) days of such conviction.

Requirements of the County: Once the employee has given notification of conviction of a drug statute violation, the County shall:

- A. Notify any affected grant agencies of the employee's conviction within ten (10) days of

the County's receiving notice.

- B. Take appropriate personnel action against such an employee, up to and including termination of employment.
- C. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.

5.5 COMPLIANCE WITH HEALTH AND SAFETY REGULATIONS

5.5.1 Policy:

It is the policy of Apache County that all employees, elected officials, and department heads comply with occupational safety and health standards and orders issued pursuant to the Arizona Division of Occupational Safety and Health (ADOSH) and the federal Occupational Health and Safety Act (OSHA).

5.6 SMOKE FREE WORKPLACE

5.6.1 Policy:

This policy will establish smoke-free rules for all County and District buildings as well as vehicles owned by the county. These guidelines will also include information pertaining to the establishment of authorized smoking areas near or around county buildings.

All current and future Apache County and District facilities are designated smoke-free buildings.

Smoking is prohibited within a minimum of 20 feet, and a reasonable distance, from any entrance, window and ventilation system of all buildings and facilities; such reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and to ensure that tobacco smoke does not enter the building or facility through entrances, window, ventilation systems or any other means.

Smoking is prohibited in all Apache County and District vehicles.

“No Smoking signs” compliant with the Smoke Free AZ Act Smoke-Free Arizona Act A.R.S. §36-601.01, will be posted at all building entrances and exits and placed in all county vehicles.

5.6.2 Coverage:

This policy applies to all classified and unclassified positions as well as volunteers, contractors, clients, and visitors in county buildings or county vehicles. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

5.6.3 Definitions:

“Smoking” is defined as carrying or possessing any lighted tobacco product, including cigars, cigarettes and pipes.

“County Building” is defined as any current or future building owned, leased, or operated within Apache County.

“County Vehicle” is defined as any vehicles owned or leased by Apache County.

5.6.4 Reporting Procedure:

An individual out of compliance with this Smoke-Free Workplace Policy will be asked to cease smoking in the no-smoking area. If the informal request goes unheeded, the incident may be reported to the appropriate Elected Official, Department Head or supervisor. All reports shall be treated as confidential to the extent that confidentiality does not interfere with the investigation.

5.6.5 Policy Enforcement:

Elected Officials and Department Heads are responsible for implementing and enforcing the policy. Employees in violation of this policy will be disciplined in accordance with the Apache County Human Resource Manual section 4.7.

SECTION 6

TRAVEL POLICIES AND

PROCEDURES

- 6.1 Policies/Definitions
- 6.2 Travel Requests and Advances
- 6.3 Use of County Credit Cards
- 6.4 Travel Claims and Reimbursement
- 6.5 Transportation
- 6.6 Meals and Per Diem Reimbursement
- 6.7 Lodging Reimbursement
- 6.8 County Liability and Property Insurance
- 6.9 Commuter Use of County Vehicles

6.1 POLICIES/DEFINITIONS

6.1.1 Policy:

- A. General Policy. The purpose of this policy is to establish uniform guidelines for the authorization and payment of travel-related expenses for elected officials, department heads, and other county employees. This policy also applies to the members of any board, commission or other agency who travel on official county business away from their designated post of duty. These policies pertain to all advances, reimbursements and use of county credit cards while on related county business.
- B. Specific Policy: It is the intent of this travel policy to reimburse only those travel expenses actually incurred in the course of travel when that travel is necessary and for the benefit of the conduct of county business.

The travel costs reimbursed shall not exceed budgeted amounts as authorized by the Board of Supervisors. To be reimbursed, the travel expenses must have been approved in advance by the department head or elected official. It is the responsibility of each department head and elected official to provide direction and information concerning these travel policies to his/her department staff and to ensure that these policies are followed with the department.

Travel is warranted only when personal contact is the most effective method of conducting official county business. The most economical method of transportation shall always be selected, within the context of both the cost of the transportation and the value of the individual's time.

Authorization to attend conferences and meetings shall be granted only to those persons professionally concerned with topics to be discussed or the business to be transacted. When several employees are traveling to the same activity, they will share transportation when reasonable to do so.

Employees traveling by privately owned vehicles must have adequate liability insurance and a valid driver's license. The insurance coverage must meet the minimum amounts specified by A.R.S. § 28-4009. In the event of an accident, the employee's insurance coverage shall be in effect.

Proof of insurance, driver's license, travel requests, claims for reimbursement and request for travel advance must be submitted on forms prescribed by the Board of Supervisors.

6.1.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

6.1.3 Definitions:

For the purposes of this manual, the following definitions shall be applied:

- A. Designated post of duty: The location where the individual spends the largest portion of regular working time, or the place the employee returns upon completion of a special assignment. The post of duty for members of boards, commissions, authorities, councils and committees who are not full-time employees of the County, shall be deemed to be their place of residence (ARS §38-621B).
- B. Documentation: Copies of registration forms, meeting schedules, seminars; training and conference/convention brochures and receipts. Proper documentation shall accompany all claims submitted for reimbursement.
- C. In-county travel: In-county travel includes travel within the County or within 30 miles of county borders.
- D. In-state travel: In-state travel includes travel inside the Arizona border, into an adjoining state (USA) when necessary to reach a remote area of Arizona, and into areas of an adjoining state (USA) within 30 miles of the Arizona border.

In-state travel shall also include travel by the Apache County Attorney's Office Crime Victims Compensation Coordinator or his designee to San Juan County and McKinley County, New Mexico for purposes of administering the crime victims' compensation program.
- E. Lodging: Expenditures for overnight accommodations when travel extends overnight.
- F. Out-of-county travel: Out-of-county travel shall include all travel except in-county travel as outlined above.
- G. Out-of-state travel: Out-of-state travel shall include all travel out-of-state except as outlined under in-state travel. Out-of-state travel shall be justified in the documentation submitted for travel advance or reimbursement.
- H. Per diem: Daily expenditures for food and incidentals.
- I. Transportation Expenses: Expenses for common carrier fares, private automobile or aircraft mileage allowances. It will also include emergency repairs to county-owned vehicles, bridge and road tolls, taxi, bus or streetcar fares, parking fees and all other charges essential to travel.
- J. Travel status: When a county official or employee is conducting necessary county business away from his designated duty post with supervisory approval.

6.1.4 Travel Expenses of Sheriff Chargeable to County:

This travel policy will be as provided in A.R.S. 11-444.

6.2 TRAVEL REQUESTS AND ADVANCES

6.2.1 Policy:

All travel on county business must be authorized in advance by the elected official or department head. The elected official or department head shall be responsible for managing expenses and keeping them within budgetary appropriations. If sufficient funds are not available, the Finance Department shall issue neither travel advances nor travel reimbursements without approval of the County Manager.

6.2.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

6.2.3 Processing Travel Requests:

Travel requests shall be submitted on forms established by the Finance Department and approved by the Board of Supervisors. The elected official or department head shall review all travel requests to ensure that the employees are actually conducting county business while they are traveling.

The elected official or department head shall verify that sufficient funds are available for every travel expenditure. If sufficient funds are available, the elected official or department head shall sign and date the travel request to document approval.

6.2.4 Travel Advances:

Travel advances may be allowed employees of Apache County under the following conditions and circumstances.

- A. Lien against wages: Travel advances shall constitute a lien against wages. When receiving an advance, the individual shall sign a statement that he/she understands that travel advances not reconciled in a timely manner (within ten days) after returning from a trip may be deducted from future salary, wages or travel expense reimbursements. (ARS § 35-192.02B). Any advances not reconciled or reimbursed within 30 days shall automatically be deducted from future salary, wages or reimbursements. If funds have been withheld from any paycheck or reimbursement check and the employee reconciles the advance subsequently, the amount withheld shall be included in the next regularly scheduled expense check run.
- B. Procedure for requesting advance: Procedures and forms for requesting a travel advance will be established by the Finance Department and approved by the Board of Supervisors. A travel advance request must be reviewed by the employee's elected official or department head, signed and dated to document approval. The approved travel advance request will then be forwarded to Finance Department for payment. No travel advances

shall be made to anyone who has not repaid or reconciled any previous travel advance.

- C. Travel advances and terminating employees: Prior to the final payment to any terminating employee, the elected official or department head and the Finance Department shall ensure that all travel advances have been reconciled.
- D. Amount of travel advance: No cash advances shall be issued for amounts less than \$50.00.

6.3 USE OF COUNTY GAS/MISCELLANEOUS CARDS

6.3.1 Policy:

Credit cards issued to department heads, elected officials and other county employees shall only be used for official County travel expenses. Credit cards shall not be used for purchase of personal items of any sort, including gasoline for private vehicles. Gas cards will be issued on an as needed basis by the Engineering Department, to be used for Apache County business only. Store credit cards, Wal-Mart, Home Depot, etc., are prohibited unless approved by the County Manager.

6.3.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

6.3.3 Lien Against Wages:

Purchases with county credit cards shall constitute a lien against wages until properly reconciled. Upon issuance of a County credit card, the official or employee receiving the credit card shall sign a statement that he/she understands that purchases with county credit cards not reconciled or reimbursed in a timely manner (within ten days) after the employee's return from a trip, may be deducted from future salary, wages or travel expense reimbursements. (ARS §35-192.02B).

6.3.4 Reconciliation Requirement:

Any credit card purchases not reconciled or reimbursed within 45 days shall be deducted from future salary, wages or reimbursements. If funds have been withheld from any paycheck or reimbursement check and the employee reconciles the purchases subsequently, the amount withheld shall be included in the next regularly scheduled expense check run.

Credit card privileges shall be revoked and shall not be issued to anyone who has not repaid or reconciled any travel advance or purchase using county credit cards.

6.3.5 Receipts:

All purchases with county credit cards shall be supported with the itemized receipts and other appropriate documentation, along with the approved travel request. Any unsupported charges shall be reimbursed to the County.

6.3.6 Terminating Employees:

Prior to final payment to any terminating employee, the elected official or department head and the Finance Department shall ensure that all credit card purchases have been reconciled (or repaid).

6.4 TRAVEL CLAIMS AND REIMBURSEMENT

6.4.1 Policy:

Apache County employees may be reimbursed for expenses of any approved travel.

6.4.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

6.4.3 Submission of Claim:

All claims for travel reimbursement must be submitted on approved forms and supported by proper documentation, including a daily log of mileage, receipts and other required documentation. The travel claims shall be submitted to the Finance Department for reimbursement or reconciliation within six months of completion of the authorized travel in order to comply with state statutes for filing claims. After six months the claim will not be allowed.

6.4.4 Review of Claims:

The elected official or department head shall review each claim for mathematical accuracy and review expenditures for propriety. The elected official or department head shall sign and date each travel claim to document approval, and submit it to the Finance Department for reimbursement.

6.4.5 Advance Shortage/Overage:

If a travel advance was issued, and the travel claim is greater than the advance, the Finance Department shall prepare a warrant to reimburse the employee for expenses in excess of the advance. If the travel claim is less than the advance, the employee shall be required to remit the difference.

6.4.6 Pay During Periods of Travel:

Travel time shall be compensable if the employee is engaged in travel as part of the employer's principal activity.

6.5 TRANSPORTATION

6.5.1 Policy:

Reimbursement for travel is limited to expense of travel by the most direct and usually traveled route, and by the most economical means of transport. An employee or official traveling by an indirect route for his own pleasure and convenience will not be reimbursed for subsistence and travel expenses in excess of those which would have been required for travel by the most direct route. When there is more than one employee traveling in the same private motor vehicle, only one claim for reimbursement of mileage expense will be submitted.

6.5.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

6.5.3 Travel Arrangements:

The employee is responsible for making all transportation and lodging arrangements, subject to policies contained herein.

- A. Common carrier: Air travel is considered more economical in terms of time and money than other modes of transportation for long trips. Claims for transportation by scheduled airlines shall be allowed at the lowest fare available. Claims for reimbursement of higher fare or extra charges for transportation by scheduled airlines may be allowed if accompanied by a full explanation stating the facts constituting the official necessity. Employee flight coupons must be furnished with the claim for reimbursement.
- B. Railroads and buses: Railroad or bus travel may be used when convenient and economical, and when their use will not involve excessive travel time. Receipts are required for reimbursement.
- C. Rented automobiles: Rented automobiles may be used when other means of travel cannot be used economically or conveniently. Use of this means of travel, however, should be held to a minimum, and justification for such use must accompany claims for reimbursement. Receipts must be furnished with the claim for reimbursement.
- D. County-owned vehicles: County vehicles should be used for travel whenever possible. Each county department is responsible for the costs of fuel, parking and emergency repairs. Any emergency repair must be approved by department head or elected official in advance. Any reimbursement to the employee must be supported by proper receipts. Employees must have an appropriate valid Arizona driver's license when driving a county vehicle. The employee shall not be reimbursed for mileage when using a county-owned motor vehicle for travel.
- E. Privately-Owned Vehicles: The employee driving a privately-owned vehicle on county

business may receive mileage reimbursement, regardless of eligibility for lodging or per diem reimbursement. When the travel begins or ends at the individual's residence, mileage shall be computed from the residence or the designated duty post, whichever is the shorter distance.

1. Use: Whenever possible, county equipment should be used in place of privately-owned vehicles. It is the responsibility of the elected official or department head, not the employee, to determine whether a county or privately-owned vehicle is to be used.
2. Two or more employees: When two or more employees travel in the same personal vehicle at the same time, only one employee will be reimbursed for mileage expense.
3. Insurance coverage and driver's license: A travel employee driving a privately-owned vehicle on county business shall have current vehicle liability insurance. The employee shall also have a valid driver's license.

Prior to beginning county travel, the employee using his/her personal vehicle shall provide evidence of automobile liability insurance. The insurance shall provide at least the minimum amount of coverage specified by A.R.S. § 28-4009. Additionally, the employee shall certify that he/she has automobile liability insurance and his/her Arizona driver's license is valid and in force. This certification will be delivered to the Finance Department on a form specified by the Board of Supervisors.

If the employee does not carry the required vehicle liability insurance, he/she will be prohibited the use of his/her privately-owned motor vehicle on county business.

Failure to provide evidence of the required insurance and driver license will result in invalidation of the official's or employee's mileage reimbursement request.

If an employee driving a privately-owned motor vehicle is involved in an accident, his/her own liability insurance carrier is responsible to the limits of the policy. If the amount exceeds his/her coverage, the County's insurance program will cover amounts over the policy limits. This coverage will take effect only if the employee was acting within the course and scope of his/her employment. In any event, the County will not reimburse the employee for any physical damage to his/her motor vehicle.

4. Mileage reimbursement rates: The current reimbursement rate for use of privately-owned vehicles is obtained by contacting the Finance Department. Mileage will be computed by using odometer readings or map mileage, whichever is more accurate. Rates may be adjusted by the Board of Supervisors to match state or federal rates.

F. Chartered, privately-owned and rented aircraft: Expenses for the use of chartered,

privately-owned and rented aircraft for county travel must be justified and shown to be in the best interest of the County. The elected official or department head, not the employee, shall make this determination. Chartered aircraft travel is allowed only if a common carrier is not feasible, or an alternate mode of travel is not practical. Any request for reimbursement shall be accompanied by a written explanation as well as a receipt.

Chartered air service may only be obtained from FAA-licensed commercial flight operators.

Individuals who pilot privately-owned or rented aircraft must maintain the proper types and amounts of insurance on the aircraft.

Use of chartered, privately-owned or rented aircraft out-of-state must be approved in advance by the Board of Supervisors.

Privately-owned or rented aircraft use will be reimbursed at the rate as per Exhibit "B". The amount reimbursed shall be based on the shortest air route from origin to destination. Landing and parking fees are allowed, except at the location where the aircraft is normally based. Rates may be adjusted to match state or federal rates.

- G. Local transportation, tolls, and parking: Taxi, bus, streetcar and other mass transit use is classified as local transportation, and reimbursement can be claimed with receipts or other documentation. The most economical means of transportation shall be used in traveling to and from airports. Reimbursement for airport storage or parking for a privately-owned motor vehicle is allowed and requires a receipt or other documentation. Bridge and road tolls are reimbursable with receipts or other documentation.

6.6 MEALS AND PER DIEM REIMBURSEMENT

6.6.1 Policy:

Employees, Elected Officials, Department Heads and members of boards and commissions shall be allowed reimbursement for meals in accordance with rules outlined in this section.

6.6.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

6.6.3 Meal Allowances While in Authorized Travel Status:

Allowances and reimbursements for individual meals will be determined in accordance with the following rules.

1. *Authorized Travel Status:* Employees are eligible for meal allowances when in authorized travel status. For purposes of this section, “authorized travel status” means that an employee is on assignment away from his/her normal workstation for purposes of attending a meeting, training, or other legitimate county business requiring overnight travel that has been authorized by the Elected Official or Department Head.

Employees are not eligible for reimbursement pursuant to this section if the nature of their routine daily work requires travel.

2. *Overnight Travel:* For purposes of this section, “overnight travel” shall be deemed to occur whenever the nature of an employee’s required travel will require him/her to obtain lodging and sleep more than 75 miles away from his/her home overnight.
3. *Compensation for Specific Meals:* Employees are entitled to reimbursement for specific meals under the following circumstances:
 - a. *Breakfast.* An employee is entitled to reimbursement for breakfast if required to be in authorized travel status at 6:00 a.m.
 - b. *Lunch.* An employee is entitled to reimbursement for lunch if required to be in authorized travel status at 12:00 noon.
 - c. *Dinner.* An employee is entitled to reimbursement for dinner if required to be in authorized travel status at 7:00 p.m.

In determining whether an employee is required to be in authorized travel status pursuant to this section, reasonable judgment should be exercised by Elected Officials or Department Heads considering minimizing costs to the county, the safety of Apache County employees, and public safety.

4. *Provided Meals*: When a meal is provided at no cost to the employee, the employee shall not be entitled to a meal allowance. This includes meals provided during conferences that are part of the normal conference or seminar registration fee. If dietary needs make it necessary for the employee to forego the provided meal, then the employee may claim the normal meal allowance.
5. *Compensatory Time*: Compensatory time is not authorized for the time the employee spends during a reimbursed meal.

6.6.4 Business Meals

Compensation for business meals consumed by employees will be allowed only if the meal is directly related or associated to a substantial discussion about county business for a clear business reason in a business setting.

When business meals are required to conduct County business, the request for reimbursement will be approved by the Elected Official or Department Head. If prior approval is not obtained, the expense may not be reimbursed. A proper business meeting must be conducted prior to, during, or after the meal in order to qualify as a business expense.

Business meals within the County will be reimbursed at actual cost. The request for reimbursement must be accompanied by a receipt. Business meals while on travel outside the County may be reimbursed either at the individual meal allowance rate or the actual amount, if accompanied by proper receipt.

If the Elected Official, Department Head or employee pays for the meal of an appropriate guest or guests at the business meal, the reimbursement shall be at the actual amount and must be accompanied by proper receipts.

Business meals shall be kept to a minimum. Proper judgment should be used in selecting food establishments and meals in order to minimize the cost to the County. All business meals must be properly identified on the reimbursement form. They shall be accompanied by a justifiable explanation of the business meeting and a list of the participants.

6.6.5 Meals to Enable Employees to Work Overtime

When overtime work necessitates an extension of the employee's normal work schedule, the County may reimburse the employee the actual cost of the meal or provide a meal.

In order to qualify under this provision, the meal provided must be reasonable in value and cannot be provided regularly, frequently, or by policy of the County or any Department thereof. Meals provided pursuant to this section must occur at or near the end of the employee's regularly scheduled shift, and the employee must work two or more hours beyond the time he/she would normally be scheduled to leave.

Meal reimbursements or per diem for lunch during a trip not involving overnight travel will

never qualify under this section.

6.6.6 Per Diem Allowance:

All per diem for meals shall be as set forth in the current Arizona Accounting Manual.

6.7 LODGING REIMBURSEMENT

6.7.1 Policy:

The employee shall be on authorized travel status overnight in order to be eligible for reimbursement of lodging expenses.

- A. Overnight travel out of county: Overnight travel shall be authorized when the duty assignment requires the individual to be away from the assigned duty station as follows:
 - 1. while attending meetings, workshops, conferences or other official county functions that cover a period of two days or more;
 - 2. while attending meetings, workshops, conferences or other official functions that require the employee to leave for the destination or return to the duty post or residence at an unreasonable time of day.
- B. Overnight travel in county: Lodging costs incurred in connection with in-county travel will not be reimbursed unless:
 - 1. An emergency or unique circumstance exists, and lodging is approved by the department head or elected official; or
 - 2. The lodging costs are associated with a conference or convention, and the lodging costs have been approved in advance by the Board of Supervisors.
- C. Selection of lodging: When selecting lodging, the employee must request government or commercial rates. Lodging expense at other than a commercial establishment cannot be reimbursed.
- D. Reimbursement amounts: The reimbursement amount shall only include actual room charges and applicable taxes. Miscellaneous charges for entertainment, food, beverages, room service, valet charges, parking tips and other miscellaneous charges shall not be reimbursed. The reimbursement will not exceed the following listed amounts.

Maximum lodging cost reimbursement shall be as follows:

Have Finance Department Check

Location	Reimbursement Amount
In cities listed on the state "Lodging Cost Index" (See attached Exhibit)	Actual cost not to exceed the listed lodging cost
In other cities, in-state	Actual cost not to exceed \$52.50
In other cities, out-of-state	Actual cost not to exceed \$60.00

This schedule may be updated by the Board of Supervisors periodically.

E. Exception to Reimbursement Limits

1. If an individual eligible to receive travel reimbursement attends a convention, conference or other formal meeting as the official representative of the department and stays at a designated conference hotel (motel), actual lodging costs may be reimbursed even if the stated maximums are exceeded. Documentation supporting hotel designations must be provided with the request for travel authorization and reimbursement.
2. Accommodations at alternate hotels in the immediate area of the event may be considered as the designated lodging when no vacancies exist at the recommended hotel or when the cost of lodging is less expensive at the alternate location. The reimbursement for lodging at an alternate hotel (motel) shall be limited to the cost of the designated hotel (motel). Reimbursement for lodging at conferences within the County must be approved in advance by the Board of Supervisors.

- F. Receipts: The original itemized receipt issued by the commercial establishment shall be attached to the claim for reimbursement. If the original lodging receipt is lost or destroyed, a photocopy may be submitted with the statement, "Treat as an Original". The photocopy must be signed by the employee and the department head or elected official.

If the original receipt is lost, a photocopy is not available, and a copy cannot be obtained from the lodging establishment, a copy of the canceled check or of the credit card receipt is required to substantiate the employee paid for the lodging. A letter from the department head or elected official shall accompany the canceled check or credit card receipt. The letter shall include the name of employee, the dates of the travel, the name, address and telephone number of the lodging establishment, cost per night and the total cost of the lodging. The letter should also explain why an original or photocopy of the lodging receipt is not available.

- G. Sharing: When two or more employees share a room, only one lodging reimbursement will be approved. The amount of the reimbursement shall not exceed the maximum amount allowed multiplied by the number sharing the room.
- H. Miscellaneous expenses: County business-related communication charges for telephone, telegram, and telexes are fully reimbursable if documented by receipt and explanation.

6.8 COUNTY LIABILITY AND PROPERTY INSURANCE

6.8.1 Policy:

The County has established the following procedures to handle all claims for property damage, public liability and workers' compensation claims involving the County, its property and employees.

6.8.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

6.8.3 In the Event of an Accident:

Should an employee become involved in an accident that results in damage to County property, damage to property of others or bodily injury, the situation should immediately be reported by telephone to the County Manager's office. A full written report must be submitted as soon as possible and should include the following information:

- A. the date, time and place of the accident
- B. county employees involved in the accident
- C. a brief description of the accident
- D. a list of any individuals who might be witnesses to the accident
- E. a description of injuries to individuals or of damage to property
- F. a list of those local or state enforcement agencies investigating the accident
- G. the name and relevant personal data that the employee has been able to obtain about any injured parties and about the owner of any damaged property

In addition, the employee shall not discuss the accident with anyone unrelated to the County, other than the investigating law enforcement officer.

6.9 COMMUTER USE OF COUNTY VEHICLES

6.9.1 Policy:

The County will make only Internal Revenue Service tax deductions on commuter use of county vehicles if requested by the employee. The County will include the value of the employee's personal use in gross pay and record it on the W2 form. Social Security taxes will be withheld on an annual basis. No county vehicle will be used for any personal use except for commuting purposes.

6.9.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

SECTION 7 OTHER POLICIES RELATING TO EMPLOYMENT

- 7.1 Board of Supervisor's Meeting Agendas
- 7.2 Public Records Requests
- 7.3 Equipment Management Policy
- 7.4 Acceptable Use Policy
- 7.5 Electronic Mail Policy
- 7.6 Educational Assistance Program
- 7.7 Cellular Phone Policy
- 7.8 Professional Recruitment Reimbursement
- 7.9 Other Information Technology Policies

7.1 BOARD OF SUPERVISORS POLICY - MEETING AGENDAS

7.1.1 Policy:

The County Board of Supervisors' meeting is the occasion upon which the Board of Supervisors conducts county business or authorizes others to conduct business with the County. It is the responsibility of the Board of Supervisors to see that meetings of the Board are conducted in a reasonable, and orderly manner. To that end, the Board of Supervisors has adopted procedures for establishing meeting agendas. Any member of the Board may place an item on the Board's agenda.

7.1.2 Delivery of Agenda Items to Clerk of Board:

Agenda items, complete with backup information, will be delivered to the Clerk of the Board at least seven days prior to the scheduled Board meeting. Except for emergency items as determined by mutual agreement between the County manager and at least one member of the board, items that are received after that time will be held over until the next regular meeting of the Board, unless the proposed agenda item is approved by both the Clerk of the Board and the Chairman of the Board of Supervisors.

Agenda items may be submitted to the Clerk of the Board by any Elected Official or Department Head. All items presented must include an "Agenda Item Review Form" which can be obtained from the Clerk of the Board. All applicable directions/approvals on the Agenda Item Review Form must be completed or the item will not be placed on the agenda and will be returned to the submitting department.

7.1.3 Responsibilities of Clerk of Board/County Manager/Chairman of the Board:

The Clerk of the Board shall draft the Board's agenda. The Clerk of the Board shall also review each proposed agenda item and will contact any individuals necessary to clear up questions, etc. This can include the Chairman or other Board Members as well as Elected Officials or Department Heads.

The County Manager shall also review the items for the agenda to determine if the item can be handled administratively. A copy of the agenda along with any comments by the County Manager shall be delivered to the Chairman of the Board of Supervisors. The Chairman may After the Chairman's review, the Clerk of the Board will finalize the agenda for posting and distribution at least 24 hours prior to a regular meeting, with the intent to post at least 5 days prior to a regular meeting.

7.1.4 Responsibilities of Chairman:

The Chairman of the Board of Supervisors will review the proposed agenda and respond to the Clerk regarding the items that should appear on the agenda. The Chairman may change and/or remove any agenda item except those items submitted by another member of the Board of Supervisors.

7.1.5 Open Meetings Law:

Agendas for Board meetings shall comply with the requirements of the Arizona Open Meeting Law at A.R.S. § 38-431 et al. All reasonable and practicable notice be given of Board meetings, and in no event, except an actual emergency, shall a Board meeting be held with less than 24 hours' notice, and unless a copy of the Board's agenda has been available for at least 24 hours preceding the meeting. All notices of meetings of the Board shall be posted, along with a copy of the agenda, or alternatively, with information as to how a copy of the agenda may be obtained by members of the public.

7.2 PUBLIC RECORDS REQUESTS

7.2.1 Policy:

All public records are presumed to be open to public inspection, and county personnel responsible for responding to public records requests shall comply with the provisions of Arizona's Public Records Act, A.R.S. § 39-101 et seq. Apache County can be sanctioned for failing to properly respond to a public records request in a reasonable amount of time. Because of that, County personnel who deem a public records request inappropriate, or who have questions about responding to a specific public records request, shall refer the matter to the Apache County Attorney's office.

7.2.2 Duty to Maintain Records:

Apache County and its officers will maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities which are supported by funds from the state or any political subdivision A.R.S. § 39-121.01 (B).

7.2.3 Public Records Defined:

Generally speaking, a "public record" is defined as "materials . . . made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government, or because of the informational or historical value of data contained therein . . ." A.R.S. § 41-1350.

- A. Exempt records: There are a variety of public records that may be exempt from disclosure. Some examples include:
 - i. Confidential records: Some governmental records have been specifically determined to be confidential by state or federal statutes, or by court rule or orders.
 - ii. Personal privacy: Records that implicate the personal privacy rights of individuals are generally exempt. For example, the disclosure of the home address, telephone numbers, social security numbers, birth dates, and racial background of a public employee is generally exempt.
 - iii. Best interests of State: Some records are exempt because of the State's interest in keeping them confidential. Examples include, but are not limited to, information that might endanger the lives or safety of law enforcement personnel or information that might jeopardize the investigation of a criminal activity.

The presumption is in favor of disclosure. Even when portions of a document contain confidential information, the document may be subject to disclosure with appropriate redactions.

7.2.4 Other Matter Subject to Disclosure:

Some information, not technically considered “public records” must also be open for public inspection such as “documents which are not required by law to be filed as public records, but which relate to matters essential to the general welfare of taxpayers.” The determination of what information must be disclosed will depend upon whether the document is held by a public official in his official capacity and whether the public has a legitimate interest in the document that outweighs the government’s interest in confidentiality. Examples of “other matter” which may be subject to disclosure are: revenues produced by taxation, monies spent on governmental projects at public expense and annexation petitions.

7.2.5 Photocopies of Public Records:

The custodian of records must furnish copies, printouts or photographs of public records upon request if the facilities are available. If not, the records may be permitted to inspect and/or reproduce the records in the presence of the custodian A.R.S. § 39-121.01 (D).

7.2.6 Requests made for Commercial Purposes:

Some public records requests are made for commercial purposes. A person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the verified statement, the custodian of such records may furnish reproductions, the charge for which shall include the following:

- A. a portion of the cost to the State for obtaining the original or copies of the documents, printouts or photographs;
- B. a reasonable fee for the cost of time, equipment and personnel in making such copies, printouts, or photographs;
- C. the value of the reproduction on the commercial market.

7.2.7 Inappropriate Commercial Purposes:

If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the Governor, requesting that the Governor, by executive order, prohibit the furnishing of copies, printouts, or photographs for such commercial purpose. The Governor, upon application from a custodian of public records, shall determine whether the commercial purpose is an abuse of the public record.

If the Governor determines that the public record shall not be provided for such commercial purpose, he/she shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being

paid the fee determined, pursuant to subsection 7.21 of this section.

7.2.8 Penalties:

A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall, in addition to other penalties, be liable to the State or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney's fees or shall be liable to the State or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of or actual use been stated at the time of obtaining the records.

7.2.9 Commercial Purposes:

As used in this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and addresses to another for the purpose of monetary gain from the direct or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in a judicial or quasi-judicial body of this state or a political subdivision of this state.

7.3 EQUIPMENT MANAGEMENT POLICY

7.3.1 Policy:

This policy establishes guidelines for use and replacement of capital equipment. Checklists at the end are the basis for evaluating needs. For purposes of this policy, “equipment” means vehicles, computers, office machines, telecommunication equipment, and road yard rolling stock, etc. “Excess equipment” means equipment which exceeds the number or amount assigned to a department.

7.3.2 Acquisition of Equipment:

The Board of Supervisors has the authority by law to authorize or deny the acquisition of new equipment in the County. The Board also has the authority to determine the number of pieces of equipment retained by each department.

When new and/or used equipment is purchased, the amount of equipment assigned to a department will not be increased without legitimate justification approved by the Board of Supervisors.

When a new position is requested, the need for additional equipment will be considered at the same time. The request to approve the new position may be denied due to the cost of acquisition or operation of additional equipment.

7.3.3 Excess Equipment:

The Board will take possession of any excess equipment. The excess equipment will may be:

1. assigned to other departments based upon need, with the intent that the current equipment assignment not be increased by department or in the County in total, without approval of the Board of Supervisors; or
2. traded in for new equipment; or
3. sold at auction.

7.3.4 Duties of County Manager:

The County Manager is authorized to obtain efficiency studies for capital assets using County experts in the particular area of study. The purpose of this study or studies is to provide the best and most equitable use of equipment as limited by County financial resources.

Under the direction of the Board of Supervisors, the County Manager is charged with the responsibility of implementation of this policy.

7.4 ACCEPTABLE USE POLICY

7.4.1 Policy

Policy Statement: The information technology (IT) resources of Apache County are provided to employees, contractors, and volunteers to support the delivery of government services to the public. All users are expected to access and use these resources in a responsible, ethical, and lawful manner that protects government data, maintains public trust, and ensures compliance with applicable federal, state and local laws.

Purpose: To define acceptable use of Apache County's IT resources. These resources—including computers, mobile devices, IP phones, digital radios, email, networks, software, and internet access—are provided to employees, interns, contractors and volunteers (hereafter "users") to support official government business. Proper use protects the integrity, security, and reputation of Apache County.

Scope: This policy applies to all users who access, use, or manage Apache County IT resources, whether on-site or remotely.

Policy

1. Acceptable Use

Users must:

- Use IT resources primarily for official government business. Minimal personal use is allowed if it does not interfere with work, consume excessive resources, or violate laws or policies. While this is considered an acceptable use, supervisors may impose further limits on use of Apache County IT resources for non-work purposes, in accordance with normal supervisory procedures.
- Protect sensitive and confidential information, including personally identifiable information (PI), protected health information (PHI), and justice information (JI)
- Use strong passwords, keep them confidential, and follow multi-factor authentication requirements where applicable.
- Report suspected security incidents, phishing attempts, or data breaches immediately to the IT department.
- Ensure that use of IT resources complies with all applicable federal, state, and local laws, including public records laws.

2. Prohibited Activities

Users may not:

- Reveal their account passwords to others or allow use of their accounts by others.
- Access, download or distribute material that is offensive, discriminatory, obscene, or illegal.
- Use IT resources for personal financial gain, outside employment or political campaigning.
- Procure or install hardware, software, or cloud services without IT approval.

- Circumvent or attempt to disable security controls, monitoring systems, or access restrictions.
- Share government data with unauthorized parties or store it in unapproved locations.
- Use social media or external communications in a way that implies official representation without authorization.

3. Data Protection

- **Confidentiality:** Employees must ensure the confidentiality of sensitive county data, including personal information of employees and citizens.
- **Integrity:** Employees must protect the integrity of data by adhering to established security protocols.
- **Availability:** Employees must ensure the availability of data for authorized use.

4. Resource Management

- **Proper Use:** Employees are responsible for the proper use and care of county resources assigned to them, including but not limited to computers, mobile devices, and software.
- **Reporting Issues:** Employees must promptly report any loss, theft, or damage of county resources to the IT department.

5. Monitoring and Compliance

- **IT Monitoring:** Apache County reserves the right to monitor and review all employee activities involving county resources to ensure compliance with this policy.
- **Disciplinary Action:** Violations of this policy may result in restricted access to County information systems or disciplinary action as outlined in the Human Resources Policy Manual.

Exclusions:

- **Personal Use:** Personal use during break times is allowed as long as it does not interfere with job responsibilities and productivity or violate other county policies.
- **Law Enforcement and Attorney's Office:** Apache County law enforcement and the attorney's office may access content deemed inappropriate for the general staff if it is necessary for investigations or legal proceedings. Such access must be documented and justified according to department procedures.

Responsibilities:

- **IT Department:**
 - Establish security controls and protection for the County's IT resources.
 - Determine and authorize the appropriate level of access for each user or group of users.
 - Ensure this policy and related standards are reviewed and maintained regularly, but no less than once per year.
- **All Employees:**
 - Adhere to this policy and follow best practices for computer usage.

- Report any violations of this policy immediately.
- Protect all IT credentials (username and password) issued to them.
- Report any suspicious activity related to IT resources immediately according to IT Department.

Compliance: Violations of the Acceptable Use policy may result in restricted access to County information systems or disciplinary action as outlined in the Human Resources Policy Manual.

Approved by the Apache County Board of Supervisors on October 7, 2025.

7.4.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

7.5 ELECTRONIC MAIL POLICY

7.5.1 Policy

Apache County has established a policy with regard to use of the County's Electronic Mail (e-mail). The County intends to honor the points set forth below but must reserve the right to change them at any time as may be required under the circumstances. Enforcement of the policy and any disciplinary action based on it will conform to existing county practices and policies.

1. Apache County maintains an e-mail system. The system is provided by Apache County to assist employees with their job functions. All messages written, sent or received on the e-mail system are the property of Apache County and may constitute intellectual property of the County.
2. Except as noted below, employees have no expectation of privacy in their e-mail. E-mail messages may be subject to disclosure as Public Records unless they fall into an exemption recognized by statute or law. E-mail may also be monitored, reviewed, audited, accessed or disclosed by Apache County. Employees should be aware that even when a message is erased, it is still possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality. Therefore, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical and lawful.
3. In accordance with E.R. 1.6, Confidentiality of Information, Rules of the Supreme Court, Rule 42, Professional Conduct, no electronic messages created received or sent over the internet by or to an employee or agent of the Apache County Attorney's Office may be monitored or accessed without the prior written authorization of the Apache County Attorney or his designee.
4. Employees should not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages or a file without the latter's permission. Management of passwords, codes and encryption will be administered by the County's Information Technology Department and its designated system administrators in consultation with department heads. Interference with such administration will be addressed on a case-by-case basis in conformity with existing County disciplinary practices and policies.
5. E-mail should not be used for: non-job-related solicitations; religious or political causes; creating offensive or disruptive messages that contain sexual references or that offensively address race, color, religion, gender, national origin, sexual orientation, age, physical or mental disability, or veteran status; transmitting graphic images unrelated to County business; issuing or forwarding "chain mail" or advertisements (unless they are approved or sponsored organizations benefiting County employees); uploading or downloading copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization; retrieving or reading, without the sender's approval, any e-mail messages not intended for the employee; any activity that violates

established County policy.

6. Standards for retention, deletion and purging of e-mail shall be determined by each department or office according to its needs and any applicable state or federal laws. Communications subject to an existing public records request or to formal discovery in ongoing litigation will be preserved in the appropriate file or word processing system.

7.5.2 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

7.6 EDUCATIONAL ASSISTANCE PROGRAM

7.6.1 Policy:

The employees, Elected Officials, and Department Heads (“employees”) of Apache County are its greatest assets. In an effort to promote enhanced performance, professional development and employee retention, Apache County provides eligible employees assistance with the financial costs associated with continued higher education. This education expands job knowledge, upgrades skills, helps employees meet the minimum requirements for County jobs, assists employees in completing certifications or college coursework, and prepares employees for other lines of work within Apache County. This program is funded each fiscal year by the Board of Supervisors, or by each Department or Elected Official’s Office, as budgets may allow. Participation in the program is at the sole discretion of the Elected Official/Department Head. The program does not cover the cost of supplies, travel, or late/penalty fees. The employee must pay for the class or classes and only upon successful completion of the requirements of the Educational Assistance Program will the employee be reimbursed. Participation in the program does not create a contract or obligation between the employee and Apache County. All employees who participate in the Educational Assistance Program understand this program is for the employee’s benefit and may change based on budget and other such considerations at the sole discretion of the Elected Official/Department Head.

7.6.2 Eligibility:

To be eligible for educational assistance an employee must meet the following criteria:

- A. Be a full-time employee; and
- B. Successfully completed probation. The standard probationary term is six months. Departments with a twelve-month probationary period, may allow their employees to participate in the program with Elected Official/Department Head approval after six months of employment; and
- C. Obtain appropriate authorization; and
- D. Be enrolled in a nationally accredited community college, college, or university; and
- E. Courses must be relative to employee’s current or plausible future job duties; and
- F. Receive a grade of “C” or better in any class submitted for reimbursement; and
- G. Agree to and sign the repayment agreement.

7.6.3 Procedure:

- A. Application Process
 1. The application for participation in the program shall include the signature of the Elected Official/Department Head authorizing an employee’s participation in the program.
 2. Completed applications (including proof of course registration, course schedule, and repayment agreement) must be submitted to Human Resources for review to verify compliance with this policy by the following dates. Late applications will be considered after all timely applications have been processed, but in no case will an application be considered if it is 30 days past the deadline:

- a. Fall Semester: July 31st
 - b. Spring Semester: December 31st
 - c. Summer Semester: May 30th
3. Participation in the program will be determined based upon the availability of funds as determined by the Board of Supervisors, Elected Official, or Department Head.
 4. Employees approved for participation in the program will be notified in writing by the Human Resources Department after all paperwork, forms and approval from the Elected Official or Department Head are received.
- B. Tuition Reimbursement**
1. A tuition reimbursement form must be submitted to Human Resources within 30 days after the course completion date.
 2. Tuition reimbursement requests must be accompanied by transcripts and payment receipts from a nationally accredited community college, college, or university.
 3. Tuition reimbursement will be at a rate of 100% for the cost of tuition, subject to the following:
 - a. Any semester reimbursement shall not exceed:
 - i. For a nationally accredited community college, the rate for that semester as set forth by the Maricopa County Community College District.
 - ii. For a nationally accredited college or university, the rate for that semester as set forth by the Board of Regents for Arizona State University.
- C. Repayment**
1. Employees who fail to submit a completed reimbursement form by the 30-day deadline will not be eligible for reimbursement.
 2. If an employee's employment with the County ends, for any reason, within two years of receiving tuition reimbursement, the employee must refund all tuition reimbursements made by the County in the twenty-four months prior to the last day of employment according to the table below. As set forth on the tuition repayment agreement, the employee expressly agrees that such refund for tuition expenses can and will be taken from the employee's last paycheck(s).

Time Elapsed	Percentage of Repayment
Amount of time between the date(s) of the Tuition Reimbursement and the employee's Separation Date.	Applicable to the amount of the Tuition Reimbursement received during the 24 months prior to the employee's Separation Date.
6 months or less	100%
6 – 12 months	75%
12-18 months	50%
18-24 months	25%

7.7 CELLULAR PHONE POLICY

7.7.1 Policy:

Apache County has established a policy with regard to use of the County's cellular phones. The county intends to follow the procedures set forth below but must reserve the right to change them at any time as may be required under the circumstances. Enforcement of the policy and any disciplinary action based on it will conform to existing county practices and policies.

7.7.2 Procedure:

- A. The purchase and renewal of cell phone contracts/calling plans will be at the discretion of the Elected Official or Department Head.
- B. All cellular phones and accessories are the property of Apache County and must be surrendered upon request.
- C. Cellular phones are to be used for official county business only.
- D. Employees are expected to adhere to the contract/calling plan approved by the Elected Official or Department Head. All incoming and outgoing personal calls, text messages, or other personal use of cellular services will be reimbursed at the rate of the contract/calling plan. The employee will have the responsibility to justify any and all personal calls and contract/plan overages to the Elected Official and/or Department Head.
- E. Every month employees will receive a statement of their cellular phone usage. Employee's assigned phones are to review the bill and reimburse the county for any excess usage or personal calls at the amounts stated in section D above. Payment must be presented within 10 days of receiving the statement.
- F. Failure to return the monthly statement, or failure to reimburse the county for cellular phone usage, may result in disciplinary action.
- G. The employee will sign an agreement with the understanding that the cellular phone and all accessories assigned to them are their responsibility. The employee further understands that if any cellular equipment is lost or broken, they agree to reimburse the county the cost to replace those items.
- H. There will be no changes of plans or equipment by the employee, unless appropriate authorization is granted.
- I. The employee understands that reimbursing the cost of personal/excess usage or replacement of damaged or lost equipment, does not waive the County's right to discipline the employee for improper use of County property.
- J. Failure to abide by the above stated conditions will result in disciplinary action.

- K. At the end of each fiscal quarter the Elected Official or Department Head will review the cell phone records in their department. This review will be conducted with the objective of determining whether cell phones are being used for official use. If personal use is discovered, then the Elected Official or Department Head shall ensure that reimbursement is being made and that the employee has been counseled on proper county cell phone usage.

7.7.3 Cell Phone Stipend

County employees who are required to maintain a cellular phone capable of receiving email and accessing a mobile internet service may be eligible to obtain a cell phone stipend to cover these costs with the approval of the Elected Official, Department Head, or County Manager. The stipend will be paid to the employee in a quarterly amount of three hundred dollars (\$300). If the employee's employment ends prior to the end of the quarter for which the last stipend payment has been made, the employee shall reimburse the Apache County Finance Department \$100 for each unused month during the last quarter of employment.

7.7.3 Coverage:

This policy applies to all classified and unclassified positions. Nothing in this policy modifies or waives the "at will" status of an unclassified employee.

7.8 PROFESSIONAL RECRUITMENT REIMBURSEMENT

7.8.1 Policy:

Apache County may reimburse up to \$900 of actual recruitment expenses incurred by an individual who travels to the County for the purpose of interviewing for a professional or managerial position within a County Office or Department. Qualifying expenses include but are not limited to airfare, mileage, rental car expenses, taxi/uber, lodging and associated expenses. All reimbursements shall comply with Section 6: Travel Policies and Procedures.

Reimbursement under this policy shall come from the Elected Official's or Department Head's budget, and reimbursement under this policy shall be at the sole discretion of the Elected Official or Department Head.

7.8.2 Coverage:

Nothing in this policy waives the "at will" status of an unclassified employee.

7.8.3 Qualifying Criteria:

All of the following conditions must be met for an individual to qualify for the professional recruitment reimbursement:

- A. The expenses must be incurred as a direct result of traveling to Apache County to interview for a position within a County Office or Department;
- B. The recruitment travel must begin at least 175 miles from the Apache County office where they will be interviewing.
- C. The individual must be interviewing for an unclassified professional or unclassified managerial position;
- D. The expenses must not be reimbursable through any other program or source;
- E. The individual must not have previously been reimbursed under this policy; and
- F. The individual must provide documentation of actual expenses incurred and will be reimbursed when such documentation is approved by signature of the Elected Official or Department Head.

7.9 OTHER INFORMATION TECHNOLOGY POLICIES

These policies apply to all classified and unclassified positions. Nothing in this policy modifies or waives the “at will” status of an unclassified employee.

7.9.1 Email and Web Browser Protections

Policy Statement: The organization must implement security measures for email and web browsers to protect against malware, phishing, and other threats.

Purpose: To safeguard the organization’s information systems from email and web-based threats by implementing appropriate security measures.

Scope: This policy applies to all departments and personnel responsible for managing and using email and web browser services within the organization.

Policy Details:

1. Email Security:

○ Anti-Phishing Measures:

- Implement anti-phishing tools to detect and block phishing emails.
- Conduct regular phishing simulation exercises to educate and test employees on recognizing phishing attempts.

○ Email Filtering:

- Use email filtering solutions to block spam, malware, and other malicious content.
- Ensure email filters are regularly updated with the latest threat intelligence.

○ Email Encryption:

- Implement email encryption to protect the confidentiality of sensitive information transmitted via email.
- Ensure that all sensitive and confidential information is encrypted before sending.

2. Web Browser Security:

○ Browser Configuration:

- Enforce secure configuration settings for web browsers, including disabling unnecessary features and enabling security options.
- Regularly update web browsers to ensure they have the latest security patches.

○ Web Filtering:

- Implement web filtering solutions to block access to malicious websites and content.
- Regularly update web filtering policies based on the latest threat intelligence.

- **Secure Extensions:**
 - Restrict the use of web browser extensions to those that are approved and necessary for business purposes.
 - Regularly review and update the list of approved extensions.
- 3. **User Training and Awareness:**
 - **Security Training:**
 - Provide regular training to employees on email and web browser security best practices.
 - Ensure employees are aware of the risks associated with email and web browsing and how to mitigate them.
 - **Incident Reporting:**
 - Establish procedures for reporting suspicious emails and web activities.
 - Encourage employees to report any suspicious activities immediately to the IT department.
- 4. **Monitoring and Incident Response:**
 - **Email and Web Monitoring:**
 - Continuously monitor email and web activities for signs of malicious behavior.
 - Implement automated tools to detect and respond to email and web-based threats in real time.
 - **Incident Response:**
 - Integrate email and web security measures with the incident response plan to ensure timely detection and response to threats.
 - Conduct regular incident response exercises to test the effectiveness of email and web security measures.

Responsibilities:

- **IT Department:**
 - Responsible for implementing and maintaining email and web browser security measures.
 - Ensure compliance with email and web security policies and conduct regular audits.
- **All Employees:**
 - Adhere to email and web browser security policies and best practices.
 - Report any suspicious email or web activities to the IT department immediately.

Compliance: Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.2 Inventory and Control of Software Assets

Policy Statement: All software assets used within the organization must be identified, documented, and managed to ensure only authorized and secure software is used.

Purpose: To maintain a comprehensive inventory of all software assets to manage and secure the software environment effectively.

Scope: This policy applies to all departments and personnel responsible for managing software assets within the organization.

Policy Details:

1. Software Inventory:

○ Identification and Documentation:

- All software assets must be identified and documented in a centralized inventory system.
- The inventory must include details such as software name, version, license information, vendor, installation date, and the associated hardware.

○ Automated Tools:

- Utilize automated software inventory tools to ensure real-time tracking and management of software assets.
- Regularly update the inventory to reflect any changes, additions, or removals of software assets.

2. Authorization and Control:

○ Software Approval:

- Only authorized software is permitted to be installed and used within the organization. Unauthorized software must be promptly removed.
- Implement a software approval process to evaluate and authorize software before installation.

○ Periodic Reviews:

- Conduct periodic reviews of the software asset inventory to ensure accuracy and completeness.
- Perform audits to verify that only authorized software is installed and used within the organization.

3. Security Measures:

○ Preventative Measures:

- Implement security measures such as application whitelisting, antivirus, and anti-malware tools to safeguard software assets.
- Enforce strict configuration management practices to ensure software assets are securely configured.

○ Compliance Audits:

- Regularly audit software assets for compliance with security standards and organizational policies.
- Document and address any discrepancies or security vulnerabilities identified during audits

Responsibilities:

- **IT Department:**
 - Responsible for assessing and authorizing new software assets to be deployed on County hardware assets.
 - Responsible for maintaining the software asset inventory and implementing necessary security measures.
 - Ensure that all software assets are securely configured and compliant with organizational policies.
- **All Employees:**
 - Report any new software to the IT department for documentation before installation.
 - Adhere to policies and procedures related to software asset management and security

Compliance: Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.3 Inventory and Control of Enterprise Assets

Policy Statement: All hardware assets connected to the network must be identified, documented, and managed to ensure only authorized and secure devices are allowed.

Purpose: To maintain a comprehensive inventory of all hardware assets to manage and secure the network effectively.

Scope: This policy applies to all departments and personnel responsible for managing network-connected hardware assets within the organization.

Policy Details:

1. **Asset Inventory:**
 - **Identification and Documentation:**
 - All hardware assets connected to the network must be identified and documented in a centralized inventory system.
 - The inventory must include details such as device type, manufacturer, model, serial number, IP address, MAC address, location, and assigned user or department.
 - **Automated Tools:**
 - Utilize automated asset inventory tools to ensure real-time tracking and management of hardware assets.
 - Regularly update the inventory to reflect any changes, additions, removals, and disposals of hardware assets.

2. **Authorization and Control:**

○ **Access Control:**

- Only authorized hardware assets are permitted to connect to the network. Unauthorized devices must be promptly disconnected and investigated.

○ **Periodic Reviews:**

- Conduct periodic reviews of the hardware asset inventory to ensure accuracy and completeness.
- Perform audits to verify that only authorized hardware is connected to the network and that all assets are accounted for.

3. **Security Measures:**

○ **Preventative Measures:**

- Implement security measures such as endpoint protection, firewalls, and intrusion detection/prevention systems (IDS/IPS) to safeguard hardware assets.
- Enforce strict configuration management practices to ensure hardware assets are securely configured.
- Implement processes and procedure for hardware IT assets disposal.

○ **Compliance Audits:**

- Regularly audit hardware assets for compliance with security standards and organizational policies.
- Document and address any discrepancies or security vulnerabilities identified during audits.

Responsibilities:

• **IT Department:**

- Responsible for maintaining the hardware asset inventory and implementing necessary security measures.
- Ensure that all hardware assets are securely configured and compliant with organizational policies.

• **All Employees:**

- Report any new hardware to the IT department for documentation before connecting it to the network.
- Adhere to policies and procedures related to hardware asset management and security.

Compliance: Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.4 Malware Defenses

Policy Statement: The organization must implement and maintain defenses to protect against malware threats, ensuring that all systems are protected from infections and attacks.

Purpose: To safeguard the organization's information systems and data from malware infections by implementing robust malware defense mechanisms.

Scope: This policy applies to all departments and personnel responsible for managing and securing the organization's information systems and data.

Policy Details:

1. **Anti-Malware Software:**
 - **Installation and Configuration:**
 - Deploy anti-malware software on all endpoints, servers, and network devices.
 - Ensure that anti-malware software is configured to automatically update with the latest definitions and perform regular scans.
 - **Regular Scans:**
 - Schedule regular scans of all systems to detect and remove malware.
 - Conduct additional scans following significant changes or suspected incidents.
2. **Email and Web Filtering:**
 - **Malware Detection:**
 - Implement email and web filtering solutions to detect and block malware before it reaches users.
 - Regularly update filtering rules based on the latest threat intelligence.
 - **Quarantine and Analysis:**
 - Automatically quarantine suspicious emails and web downloads for further analysis.
 - Perform in-depth analysis of quarantined items to determine their risk.
3. **Endpoint Protection:**
 - **Comprehensive Security:**
 - Implement comprehensive endpoint protection solutions that include anti-malware, firewall, intrusion prevention, and device control features.
 - Ensure that endpoint protection software is installed and active on all devices.
 - **Device Management:**
 - Regularly monitor and manage all endpoints to ensure they are compliant with security policies and free of malware.
4. **User Training and Awareness:**
 - **Security Training:**
 - Provide regular training to employees on recognizing and avoiding malware threats.

- Educate users on safe practices for email and web usage, including not opening suspicious attachments or clicking on unknown links.
- **Incident Reporting:**
 - Establish procedures for reporting suspected malware infections.
 - Encourage employees to report any unusual behavior or suspected infections immediately to the IT department.
- 5. **Incident Response and Recovery:**
 - **Malware Incidents:**
 - Develop and maintain an incident response plan for dealing with malware infections.
 - Ensure the plan includes steps for containment, eradication, recovery, and analysis.
 - **Post-Incident Analysis:**
 - Conduct post-incident analysis to determine the cause and impact of malware infections.
 - Implement lessons learned and improve defenses based on analysis findings.
- 6. **Continuous Monitoring and Improvement:**
 - **Real-Time Monitoring:**
 - Implement real-time monitoring tools to detect and respond to malware threats.
 - Regularly review and update malware defenses based on the latest threat intelligence and industry best practices.
 - **Periodic Reviews:**
 - Conduct periodic reviews of malware defenses to ensure they remain effective and up-to-date.
 - Document and address any weaknesses or gaps identified during reviews.

Responsibilities:

- **IT Department:**
 - Responsible for implementing and maintaining malware defenses, including anti-malware software, endpoint protection, and monitoring tools.
 - Ensure compliance with malware defense policies and conduct regular audits.
- **All Employees:**
 - Adhere to malware defense policies and practices.
 - Report any suspicious activities or suspected infections to the IT department immediately.

Compliance: Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.5 Access Control Management (ACM)

Policy Statement: Access to the organization's information systems and data must be controlled and monitored to ensure only authorized users have appropriate access based on their roles and responsibilities.

Purpose: To establish a comprehensive access control management process that ensures secure and appropriate access to the organization's information systems and data.

Scope: This policy applies to all departments and personnel responsible for managing access controls within the organization.

Policy Details:

Access Control Policy

Authorization:

- All access requests must be authorized by the relevant department head, elected official, or their designee in cooperation with the IT Department.
- Maintain a documented process for granting, modifying, and revoking access to information systems and data.
- For software used exclusively by a specific department, administrators appointed by the department head can authorize access, grant access, create users, and change user permissions.
- The IT Department can revoke access for administrators or users after approval from HR, the Department Head, or the County Manager.

Access Levels:

- Define access levels based on job functions and responsibilities.
- Ensure users are granted the minimum access necessary to perform their duties.
- The IT Department must have administrator access to all software used by departments and software designated for specific purposes to control administrator access and create administrator accounts after approval from the Department Head or IT Director.

Multi-Factor Authentication (MFA)

Implementation:

- Enforce MFA for all administrative access and access to sensitive systems and data, when possible.
- Regularly review and update MFA mechanisms to ensure they remain effective and secure.

User Training:

- Provide training to users on the importance and use of MFA.
- Ensure users are aware of the steps to take if they encounter issues with MFA.

Periodic Access Reviews

Regular Audits:

- Conduct regular audits of access controls to ensure they are appropriate and up to date.
- Document and address any discrepancies or unauthorized access identified during audits.

User Access Reviews:

- Perform periodic reviews of user access levels to ensure they remain appropriate based on job functions and responsibilities.
- Adjust access levels as needed to reflect changes in roles or responsibilities.

Access Monitoring and Logging

Audit Logs:

- Enable and maintain audit logs for all access activities, including logins, logouts, and access to sensitive data.
- Ensure logs are regularly reviewed for suspicious activities and retained according to organizational policies.

Real-Time Monitoring:

- Implement real-time monitoring tools to detect and respond to unauthorized access attempts.
- Set up alerts for unusual access patterns or failed access attempts.

Role-Based Access Control (RBAC)

Role Definition:

- Define roles and associated access levels based on job functions.
- Ensure that role definitions are documented and regularly reviewed.

Role Assignment:

- Assign users to roles based on their job functions and responsibilities.
- Regularly review role assignments to ensure they remain appropriate and up to date.

Responsibilities

IT Department:

- Manage access controls and ensure compliance with access control policies.
- Implement and maintain MFA, access monitoring, and logging mechanisms.
- Maintain administrator access to all software used by departments and control the creation of administrator accounts after approval from the Department Head or IT Director.
- Revoke access for administrators or users after approval from HR, the Department Head, or the County Manager.

Department Heads:

- Approve access requests and ensure that access levels are appropriate for job functions.

Software Administrators (for department-specific software):

- Manage access controls for department-specific software.
- Ensure compliance with access control policies for their respective software.
- Document and approve any access changes and maintain proper records.

All Employees:

- Adhere to access control policies and report any suspicious access activities to the IT department immediately.

Compliance

Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.6 Account Management

Policy Statement: All user accounts must be managed to ensure that access to the organization's information systems is authorized, monitored, and appropriately controlled.

Purpose: To establish a comprehensive account management process that ensures only authorized users have access to the organization's information systems and data.

Scope: This policy applies to all departments and personnel responsible for managing user accounts within the organization.

Policy Details:

1. Account Provisioning:

○ Authorization:

- All user accounts must be approved by the relevant department head and IT management before creation.
- Maintain a documented process for account provisioning, including required approvals and documentation.

○ Least Privilege:

- Assign permissions based on the principle of least privilege, ensuring users have the minimum access necessary to perform their duties.
- Regularly review and adjust permissions as roles and responsibilities change.

2. Account De-Provisioning:

○ Timely Deactivation:

- Disable or remove user accounts immediately upon termination of employment or change in role that no longer requires access.
- Implement a process to regularly review and deactivate inactive accounts.

○ Documentation:

- Maintain records of account deactivation, including the reason for deactivation and the date it occurred.

3. Account Monitoring:

○ Audit Logs:

- Enable and maintain audit logs for all account activities, including logins, logouts, and access to sensitive data.
- Ensure logs are regularly reviewed for suspicious activities and retained according to organizational policies.

○ Regular Reviews:

- Conduct regular reviews of all user accounts and their associated privileges.
- Document and address any discrepancies or unauthorized access identified during reviews.

4. Access Control:

○ Multi-Factor Authentication (MFA):

- Implement MFA for all administrative and sensitive user accounts.
- Regularly review and update MFA mechanisms to ensure they remain effective and secure.

○ Password Management:

- Enforce strong password policies, including complexity requirements and regular password changes.
- Utilize password management tools approved by the IT Department to store and manage user credentials securely.

5. Role-Based Access Control (RBAC):

○ Role Definition:

- Define roles and associated access levels based on job functions.
- Ensure that role definitions are documented and regularly reviewed.

- **Role Assignment:**
 - Assign users to roles based on their job functions and responsibilities.
 - Regularly review role assignments to ensure they remain appropriate and up-to-date.

Responsibilities:

- **IT Department:**
 - Responsible for managing the account provisioning and de-provisioning process.
 - Ensure compliance with account management, monitoring, and access control policies.
- **Department Heads:**
 - Approve user account requests and ensure that access levels are appropriate for job functions.
- **All Employees:**
 - Adhere to account management policies and report any suspicious account activities to the IT department immediately.

Compliance: Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.7 Audit Log Management

Policy Statement: The organization must establish and maintain audit log management processes to ensure the recording, monitoring, and analysis of audit logs for security and compliance purposes.

Purpose: To ensure that all relevant events and activities are logged, monitored, and analyzed to detect and respond to unauthorized activities and support forensic investigations.

Scope: This policy applies to all departments and personnel responsible for managing, monitoring, and analyzing audit logs within the organization.

Policy Details:

1. **Log Generation:**
 - **Scope of Logging:**
 - Ensure that all critical systems, applications, and network devices generate audit logs.
 - Log security-related events, including successful and failed login attempts, access to sensitive data, changes to system configurations, and other relevant activities.

- **Log Content:**
 - Ensure logs contain sufficient details, including timestamps, source and destination IP addresses, user IDs, event descriptions, and other relevant information.
- 2. **Log Collection and Storage:**
 - **Centralized Log Management:**
 - Implement centralized log management solutions to collect and store logs from all relevant systems and devices.
 - Ensure that logs are securely transmitted to and stored in the centralized log management system.
 - **Retention Policy:**
 - Establish a log retention policy to determine how long logs should be retained based on regulatory, legal, and operational requirements.
 - Ensure that logs are retained for the specified period and securely archived.
- 3. **Log Monitoring and Analysis:**
 - **Continuous Monitoring:**
 - Continuously monitor audit logs for signs of unauthorized activities, anomalies, and potential security incidents.
 - Implement automated tools and techniques to detect and alert on suspicious activities.
 - **Regular Analysis:**
 - Conduct regular analysis of audit logs to identify trends, patterns, and potential security weaknesses.
 - Document and report findings to relevant stakeholders and take appropriate corrective actions.
- 4. **Access Control:**
 - **Log Access:**
 - Restrict access to audit logs to authorized personnel only.
 - Implement role-based access controls (RBAC) to ensure that users have appropriate permissions to access logs based on their job functions.
 - **Audit Trail:**
 - Maintain an audit trail of all access to and actions performed on audit logs to ensure accountability and traceability.
- 5. **Incident Response Integration:**
 - **Incident Investigation:**
 - Utilize audit logs to support the investigation of security incidents and breaches.
 - Ensure that logs are available and accessible to incident response teams during investigations.
 - **Coordination:**
 - Integrate log management processes with the incident response plan to ensure timely detection and response to security incidents.

Responsibilities:

- **IT Department:**
 - Responsible for implementing and maintaining audit log management processes and tools.
 - Ensure compliance with log generation, collection, storage, monitoring, and analysis requirements.
- **All Employees:**
 - Adhere to audit log management policies and procedures.
 - Report any suspicious activities or anomalies detected in audit logs to the IT department immediately.

Compliance: Failure to comply with this policy may result in disciplinary action, including but not limited to termination of employment. Non-compliance may also lead to security breaches that could compromise the integrity and confidentiality of the organization's data and systems. Regular audits will be conducted to ensure adherence to this policy.

7.9.8 Security Awareness Training

Policy Statement: Apache County is committed to safeguarding its information assets, systems and data from unauthorized access, use, disclosure, or destruction. To achieve this, it is essential that all employees receive appropriate cybersecurity awareness training, stay informed about evolving security threats and understand their responsibilities in maintaining the security of our systems.

Purpose: To establish a framework for cybersecurity awareness training and to ensure that all employees understand how to prevent information security risks, safeguard sensitive information and follow best practices for maintaining a secure computing environment.

Scope: This policy applies to all employees, contractors, and third-party personnel with access to the organization's information systems and data.

Policy Details:

1. Security Awareness Training:

- **Mandatory Training:**
 - All employees must complete mandatory security awareness training upon hire and not less than annually thereafter.
 - Training should cover topics such as phishing, social engineering, password security, data protection, and safe browsing practices.
- **Training Content:**
 - Develop and update training content regularly to address current threats and incorporate best practices.
 - Utilize various training methods, including online courses, in-person sessions, and interactive simulations.

2. Phishing Simulations:

- **Regular Simulations:**
 - Conduct regular phishing simulation exercises to assess employee readiness and reinforce training.
 - Use the results of simulations to identify areas for improvement and provide targeted training.
- **Feedback and Remediation:**
 - Provide feedback to employees who fall for phishing simulations and offer additional training as needed.
 - Track and report on the effectiveness of phishing simulations to management.

3. Training Evaluation and Improvement:

- **Assessment and Metrics:**
 - Regularly assess the effectiveness of security training programs through tests, surveys, and performance metrics.
 - Use assessment results to continuously improve training content and delivery methods.
- **Reporting:**
 - Report on training completion rates, assessment scores, and areas for improvement to senior management.
 - Document training activities and maintain records of employee participation and performance.

4. Security Policies and Procedures:

- **Policy Communication:**
 - Ensure all employees are aware of and have access to the organization's security policies and procedures.
 - Provide training on how to comply with security policies and report security incidents.
- **Policy Updates:**
 - Communicate updates to security policies and procedures promptly to all employees.
 - Incorporate policy updates into regular training sessions.

Responsibilities:

- **IT Department:**
 - Responsible for developing, implementing, and maintaining the security awareness program.
 - Ensure training content is current and relevant to the organization's security needs.
- **Human Resources:**
 - Coordinate the scheduling and tracking of mandatory training sessions for all employees.
 - Maintain records of training completion and performance.
- **All Employees:**
 - Participate in all mandatory security awareness and skills training sessions.
 - Apply the knowledge and skills learned to protect the organization's information

systems and data.

Compliance: Failure to complete mandatory training may result in restricted access to County information systems or disciplinary action as outlined in the Human Resources Policy Manual.