



# *Resolution*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

RESOLUTION NO. 590

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING THE PERSONNEL POLICIES OF THE CITY OF SAN LUIS, ARIZONA; ESTABLISHING EFFECTIVE DATES; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

Whereas, pursuant to Resolution No. of the City of San Luis, Arizona the Mayor and Council adopted personnel policies to govern the employees within the classified service of the City of San Luis; and

Whereas, the City Council desires to amend said policies;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the City of San Luis, Arizona, as follows:

Section 1: Section HR-4-05 Sick Leave of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2: Section HR-1-05 Non-Harassment of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "B" attached hereto and by this reference incorporated herein effective as of January 14, 2004.

Section 3: Section HR-2-07 Employment of Relatives of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "C" attached hereto and by this reference incorporated herein effective as of January 14, 2004.

Section 4: Section HR-2-08 Changes in Assignment of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "D" attached hereto and by this reference incorporated herein effective as of January 14, 2004.

Section 5: Section HR-2-09 Probation of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "E" attached hereto and by this reference incorporated herein effective as of March 30, 2004.

Section 6: Section HR-4-02 Training of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "F" attached hereto and by this reference incorporated herein effective as of January 14, 2004.

Section 7: Section HR-4-04 Vacation Leave of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "G" attached hereto and by this reference incorporated herein effective as of March 30, 2004.

Section 8: Section HR-5-02 Drug Policy of the Personnel Policies of the City of San Luis is hereby amended to read as Exhibit "H" attached hereto and by this reference incorporated herein effective as of January 14, 2004.

Section 9: In the event of a conflict between the provisions of this resolution and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this resolution shall govern.

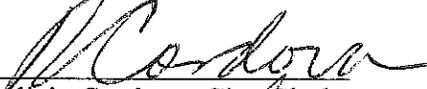
Section 10: If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

Section 11: Whereas, it is necessary for the preservation of the peace, health, safety and welfare of the City of San Luis, Arizona, an emergency is declared to exist, and this resolution shall become immediately operative and in force from and after the date of posting hereof.

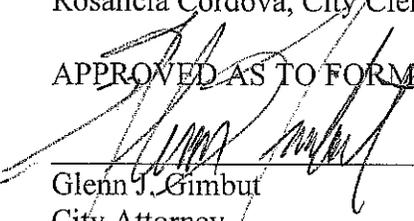
PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 25<sup>th</sup> day of February, 2005.

  
Guillermina Fuentes, Mayor

ATTEST:

  
Rosalicia Cordova, City Clerk

APPROVED AS TO FORM:

  
Glenn J. Gimbut  
City Attorney

**EXHIBIT "A"**  
**HR-4-05 SICK LEAVE**

<b>CITY OF SAN LUIS</b>		
<b>PERSONNEL POLICIES</b>	<b>Page 1 of 3</b>	<b>ARTICLE 4. BENEFITS</b>
<b>HR-4-05. SICK LEAVE</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: February 23, 2005</b>

**Purpose:** To establish eligibility, accruals and payment for sick leave.

**Applicability:** To all regular covered employees.

**HR-4-05. Sick Leave.**

A. Definition. "Sick leave" is any approved period of paid absence granted an employee due to:

1. Illness or injury, which renders the employee unable to perform the duties of the position.
2. Disability caused by pregnancy, childbirth, miscarriage, or abortion.
3. Examination or treatment by a licensed health care practitioner.
4. Illness, injury, examination, or treatment by a licensed health care practitioner of an employee's spouse, dependent child, or parent. For the purposes of this Section, the term "dependent child" is defined as a natural child, an adopted child, a foster child, or a stepchild, over 1/2 of whose support is received from the employee. The term "parent" is defined as a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or anyone who can be considered "in loco parentis", i.e., someone who assumed the responsibility of a parent. Sick leave granted for this purpose shall be charged to the employee's sick leave account and shall not exceed 40 hours per fiscal year, except in the case of FMLA leave.

B. Accrual.

1. All employees, except seasonal, temporary, and emergency shall accrue sick leave at the rate of 3.69 hours per pay period for employees with a regular work period of 7 days and at the rate of 4.89 hours per pay period, for employees with a regular work period of 28 days.
2. Eligible employees accrue the appropriate number of hours of sick leave on a pay period. Accrued sick leave is credited on the last day of the pay period in which earned, provided the employee has been in a pay status for at least 1/2 of the employee's working days in that pay period.

C. Accumulation. The maximum number of hours of sick leave that an employee may accumulate is 360 hours. Sick leave in excess of the maximum at fiscal year end will be converted to vacation at a rate of 3 hours of sick leave for 1 hour of vacation up to the maximum vacation accrual. The conversion will take place after the last pay period of the fiscal year or at termination of employment.

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D. Use of sick leave.

1. An employee may take paid sick leave when approved by the Supervisor and Human Resources. Leave requested as part of approved FMLA leave shall be approved as sick leave if sick leave is available.
2. A supervisor or Human Resources may require submission of evidence substantiating the need for sick leave. If Human Resources determines the evidence is inadequate, the absence shall be charged to another category of leave or considered absence without leave.
3. Human Resources may require an employee to be examined by a licensed health care practitioner designated by Human Resources. If the licensed health care practitioner determines that the employee should not work due to illness or injury, Human Resources may place the employee on sick leave or, if the employee's sick leave is exhausted, on vacation leave, or on leave without pay. Human Resources may require the employee to obtain approval from the licensed health care practitioner prior to returning to work. The City shall pay for all examinations required pursuant to this subsection. The employee shall not be charged any leave while participating in or traveling to or from any examination required pursuant to this subsection.

E. Donation of sick leave.

1. Definitions. "Extended illness or injury" means a period of at least three consecutive weeks in which the employee is medically unable to work and the employee is under FMLA or otherwise qualifies for a serious health condition as stated in HR-4-11.
2. Eligibility.
  - a. An employee may donate sick leave to an individual who has no accumulated paid leave if:
    - i. The recipient employee will use the donated sick leave for the recipients own extended illness or injury.

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- ii. A recipient employee may use a maximum of two consecutive months of donated leave (320 hours for employees working 40 hours per week or 424 hours for employees with work periods of 212 hours) donated in a 12-month period, which should be the same as the 12-month period used by the City for FMLA purposes. The eligible period to receive donated leave shall end sooner if the recipient employee qualifies for Long-Term Disability. The starting date for benefits for the Long-Term Disability shall be the date of qualification.
  - iii. The illness or injury is not under workers compensation or job-related.
  - iv. Recipients' donation-leave requests must be approved by Human Resources and is contingent upon availability of financial funding.
  - v. Before using donated sick leave, a recipient employee with a qualifying illness or injury shall exhaust all available compensatory leave, sick leave and vacation leave.
- 3. Donation of sick leave is voluntary and donating employees will decide how much sick leave hours to give and to whom. Human Resources will establish procedures for donating leave and eligibility for recipients.
- 4. Unused leave. If the recipient employee separates from City service, recovers before using all donated leave, or the need for the donated leave is otherwise abated, the City shall return unused leave to contributors on a prorated basis.
- 5. No leave accrual will occur for recipient employees receiving payment entirely from donated sick leave.
- 6. Hours donated will be applied on an hour by hour basis.
- E. Forfeiture. All sick leave credits are forfeited upon separation from the City service except as otherwise provided by law. However, employees who are laid off due to a reduction in force and are reemployed within 1 year after separation will be credited with all unused sick leave at the time of separation.

**EXHIBIT "B"**  
**HR-1-05 NON-**  
**HARASSMENT**

<b>CITY OF SAN LUIS</b>		
<b>PERSONNEL POLICIES</b>	<b>Page 1 of 2</b>	<b>ARTICLE 1. GENERAL</b>
<b>HR-1-05 NON-HARASSMENT</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

**Purpose:** To establish a no harassment policy, define terms, and communicate procedures.

**Applicability:** To all covered employees and to all City service positions including contract employees, management, and volunteer workers.

**HR-1-05. Non-harassment**

- A. General. The City of San Luis shall promote a work environment free of harassment in which all individuals are treated with respect and dignity.
- B. The City will not tolerate employee behavior that creates in others intimidation, coercion, hostile work environment and overall harassment on account of race, color, ethnicity, religion, age, sex or sexual orientation.
- C. Sexual harassment is defined as unwelcome or unwanted sexual advances, comments, requests for sexual favors, and any other verbal, visual, or physical conduct of a sexual nature, and is one or both of the following:
  - 1. Quid pro quo. Submission to or rejection of this conduct by an employee is used as a factor in decisions affecting hiring, evaluation, retention, promotion, or any other aspects of employment (i.e. assignment of work, granting of leave)
  - 2. Hostile work environment. This conduct reasonably could be expected to and does interfere with an individual's employment or creates an intimidating or hostile work environment.
- D. Employees are encouraged to report any harassing activities or behavior or alleged harassment to their supervisors or Department Heads, to the Human Resources Director, or the City Administrator.
- E. The City shall not retaliate in any way against an employee who files a harassment complaint.
- F. Harassment accusations will be thoroughly investigated by Human Resources. If the prohibited behavior is found, disciplinary action will be taken up to and including dismissal. Confidentiality procedures will be followed. Complainant will be informed of harassment determination:
  - 1. No harassment. Determination of no harassment found means that no adverse action shall be taken against accused harasser.
  - 2. Harassment. Determination of harassment found means that complainant shall be reasonably and immediately protected from further harassment.

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<b>HR-1-05 NO HARASSMENT</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

3. Indistinct. Indistinct determination means that the findings in the investigation were not clear to determine if harassment occurred or not. In most cases, one or both parties are found with some fault or there were misunderstandings. Disciplinary action may be taken against one or both parties. If appropriate, counseling and clarifying the events and misunderstandings to one or both parties may be the most adequate action.
  4. If an employee is found to have committed harassment, disciplinary action will be taken, which may include any disciplinary measure up to and including dismissal.
  5. If a non-employee is found to have committed harassment, the City may be limited by the degree of control, if any, that we have over the alleged harasser, and our legal obligations. Appropriate action may include instruction or mediation, closing business with the non-employee, reporting the non-employee to her or his employer, reporting the non-employee to an appropriate agency, or any other appropriate action.
  6. If any employee involved, either as the complainant or accused harasser, is dissatisfied with the determination, the employee may file a grievance under regular procedures.
- G. Human Resources will communicate reporting procedures to all employees and will work together with all the departments to train supervisors and employees to avoid harassing behavior.

**EXHIBIT "C"**  
**HR-2-07 EMPLOYMENT**  
**OF RELATIVES**

<b>CITY OF SAN LUIS</b>		
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<b>HR-2-07. EMPLOYMENT OF RELATIVES</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

**Purpose:** To establish an anti-nepotism policy and define the degree of affinity and consanguinity affected by the policy.

**Applicability:** To all classified and unclassified employment positions.

**HR-2-07. Employment of Relatives**

A. Relationship to supervisor.

1. An individual shall not be appointed or promoted to a position if the immediate supervisor of the individual is related within the 3rd degree of affinity (marriage) or consanguinity (blood).
2. An individual shall not work under the direct supervision of a relative related within the third degree of affinity or consanguinity. In the case of supervisors, department heads or other management employees who supervise supervisors or directors, no individual related to them within the third degree of affinity or consanguinity shall work under their direct or indirect supervision. This section applies to temporary or permanent assignments and to all status positions.

B. Exceptions. The Administrator may grant an exception to the prohibitions in subsection (A) for employees hired prior to the effective date of this policy and during emergency situations as determined by the administrator.

C. Definition. For the purpose of this Section, persons related by blood or marriage within the 3rd degree include a spouse, child, parent, grandchild, grandparent, sister, brother, great grandchild, great grandparent, aunt, uncle, niece, or nephew. As stated in this section, all relationships acquired by marriage or affinity to the 3<sup>rd</sup> degree including but not limited to sister-in-law, brother-in-law, father-in-law, and mother-in-law.

**EXHIBIT "D"**  
**HR-2-08 CHANGES IN**  
**ASSIGNMENT**

<b>CITY OF SAN LUIS</b>		
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<b>HR-2-08. CHANGES IN ASSIGNMENT</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

**Purpose:** To establish a fair and competitive policy of internal promotions and transfers.

**Applicability:** To all classified employment positions.

**HR-2-08. Changes in Assignment**

**A. Promotion.**

1. In general, City promotions shall be competitive not only within the department but within City service.
2. A Department Head may promote a regular full-time employee who works in his/her department if the skills needed for the new position are so specialized that it would be highly unlikely that another individual working for the City may have them; and it requires approval of the City Administrator.
3. Only regular status employees who successfully completed their original probation may compete for internal promotions.
4. Probationary employees (original, and disciplinary) may not compete for an internal promotion but may compete with external candidates.
5. An internal promotion list would only contain regular employees who have successfully completed their probation and reemployment candidates.
6. Employees wishing to compete for a promotion should file with Human Resources a promotion/transfer form listing their present responsibilities and any other relevant experience or education. Reemployment candidates should file a new employment application or approved assessment form.
7. Criteria for evaluation. The basis for evaluating promotional candidates for a promotion list shall be the knowledge, skills, and abilities required for the position, performance evaluation an professional conduct. Employment longevity with the City is not an evaluation factor. Assessments may be conducted to evaluate promotional candidates. The same criteria shall apply to all applicants.

**B. Transfer.**

1. General. The City may transfer an employee to a similar position or to another department in a position in the same pay grade.
2. Intra-department transfers. An employee may transfer to a position in the same pay grade in another department, upon request by the employee and approval of both the gaining and losing Department Heads. Transfer request forms shall be submitted to Human Resources.

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<b>HR-2-08. CHANGES IN ASSIGNMENT</b>		<b>Origination Date: September 12, 2002 Revision Date: January 14, 2004</b>

3. Qualifications. An employee shall possess the knowledge, skills, and abilities required for the position as identified in the class specification or the position description questionnaire for the position to which transferred. An employee in original or disciplinary probation may not request a transfer, but may be transferred at the initiative of Department Head or the City Administrator.
- C. Voluntary grade decrease. An employee may request a permanent change in assignment to a position with a lower pay grade. The employee shall possess the knowledge, skills, and abilities required of the new position. The new position has to be available. The employee may be asked by the Department Head to serve an original probation if the employee has never successfully completed probation in that position. An employee is not eligible to grieve or appeal an approved voluntary pay grade decrease.
- D. Demotion. An employee may be demoted to a lower pay grade for disciplinary reasons.

**EXHIBIT "E"**  
**HR-2-09 PROBATION**

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<b>HR-2-09. PROBATION</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

**Purpose:** To establish a probationary period of classified employees and to define the types of probation.

**Applicability:** To all classified employment positions.

**HR-2-09. Probation**

A. Types of probation. *Original probation and disciplinary probation* are the only types of probation.

B. Original probation.

1. Duration. Regular and limited status employees have an original probationary period when hired. The original probationary period is 6 months of actual City service for most City positions. All police and fire positions require a 1 year probationary period of actual City service.
  - a. Probationary periods may be extended as stated in (B)(2) of this section.
  - b. The probationary period for employees who are transferred, demoted or promoted to other positions while in original probation shall start from the hire date as regular or limited status employees.
  - c. The date of hire for seasonal, temporary, or emergency status employees who are promoted to regular or limited status shall be the starting date as a regular status employee.
2. Extensions.
  - a. A Department Head may extend an original probation for up to an additional 6 months for employment-related reasons.
  - b. The probationary period shall be extended for any period for which a probationary employee is on leave without pay for more than 80 consecutive working hours. If original probation is extended for this reason, the employee's probation will not exceed the period of actual City service required for the probationary period plus the period of time of unpaid leave.
3. Completion of probation.

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<b>HR-2-09. PROBATION</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

- c. A supervisor shall evaluate a probationary employee and submit a report to Human Resources before expiration of the employee's probationary period. If the Department Head takes no action to extend the probationary period or to terminate the employee, the City shall grant permanent status to the employee upon completion of the probationary period.
- d. If the City determines at any time during an original probationary period that the services of a probationary employee are no longer required in that position for any reason or for no reason, the City may dismiss the employee without prejudice, or without a stated reason, or without cause, and without the right of appeal, providing the employee a letter of dismissal from Human Resources.

**C. Disciplinary probation.**

- 1. Duration. A permanent-status employee or a limited-status employee may be placed in disciplinary probation as a disciplinary action. The period of disciplinary probation may vary from 30 days to 180 days and may be extended for the same length of time as approved leave of absences.
- 2. Procedure.
  - a. An employee placed in disciplinary probation shall be informed in writing of the offense or behavior that caused the need for discipline, and the length of the disciplinary probation period.
  - b. Prior to completion of disciplinary probation, the supervisor shall meet with the employee to discuss the employee's performance.
  - c. No less than 5 working days prior to the ending date of probation, the supervisor advises the employee and Human Resources of the successful or unsuccessful completion of probation.
  - d. If the employee fails to complete probation successfully during disciplinary probation, the employee is terminated with cause and has appeal rights.

**D. Reemployment.** When an employee is reinstated or reemployed, the Department Head:

- 1. May require the former employee to complete an original probation.
- 2. Shall require the former employee to complete an original probation if the former employee is reemployed in a position other than the position the employee previously held.

**EXHIBIT "F"**  
**HR-4-02 TRAINING**

<b>CITY OF SAN LUIS</b>		
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<b>HR-4-02. TRAINING</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: March 30, 2004</b>

**Purpose:** To classify types of training and employment development education and to establish a tuition reimbursement policy.

**Applicability:** To all covered positions, classified and unclassified, and to all City service positions including contract employees, management, and volunteer workers.

**HR-4-02. Training.**

- A. Mandatory training or technical training or seminar assigned to an employee by a supervisor either at the supervisor's initiative or at the request of the employee that is directly related to the employee's job is paid by the City and time spent during class is considered worked time as stated in 29CFR785.29.
- B. Certification and licensing. Certification and licensing required for maintaining an employee's current position shall be paid by the city. This may include payment for courses, training, testing, and certification or licensing fees.
  - 1. Time spent studying, preparing or doing homework outside of regular class time or outside of regular working hours is not work time.
  - 2. Certifications and/or licensing, training or education not required for the current position will not be paid under this sub-section but may be considered for partial or full reimbursement of tuition only under D (1).
  - 3. Certifications and/or licenses, training or education required for another position, for a potential promotional opportunity, or to advance in an employee's career will not be covered by this section but may be considered for partial or full reimbursement of tuition only under D (1).
- C. Travel time and hours worked. The City of San Luis enforces the labor laws with regard to hours worked, 29CFR785.27-41.
  - 1. In general, if the supervisor orders the employee to attend a training, class or seminar, the time spent in attendance is work time.
  - 2. Time spent attending training for required certifications is work time.

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3. Travel time is the time spent en route to a training site from the City or the employee's home if the employee departed from or returned to after the training.
  4. When an employee is sent out of the area for training or other assignment to carry out City business, the time spent during the employee's normal working hours is work time including Saturday and Sunday and includes if the employee is en route as a passenger in a vehicle or common carrier.
  5. Travel time spent en route to and from a meeting site as a driver of a vehicle is work time. The travel time spent en route riding as a passenger of a vehicle or common carrier after the employee's normal working hours is not work time.
- D. Other training. Wellness classes and employee development classes of short duration may be sponsored by the city. An employee may be allowed to attend those classes at the discretion of the supervisor.
- E. Tuition Reimbursement. Tuition reimbursement is part of employment development and, if approved, may be granted to an employee.
1. The conditions to approve tuition reimbursement are the following:
    - a. Classes or course shall be at an accredited institution approved by Human Resources.
    - b. Knowledge acquired and contents of the course or class shall be related to the current position.
    - c. Course or class is not available internally.
    - d. Course or class time is not work time and the class schedule should not be in conflict with working hours unless the supervisor agrees to a modified work schedule to accommodate the class.
    - e. Requires approvals from immediate Supervisor, Department Head, Human Resources, City Administrator and Finance. The request is denied and is returned to the employee when one of the approval officials declines it.
    - f. Approval is subject to budgetary constraints and availability of funds. The maximum number of classes that may be approved under tuition reimbursement is four (4) per employee per fiscal year. The Finance Director may establish a general training budget and/or training budget for departments.

**EXHIBIT “G”**  
**HR-4-04 VACATION**  
**LEAVE**

<b>CITY OF SAN LUIS</b>		
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<b>HR-4-04. VACATION LEAVE</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

**Purpose:** To establish eligibility, accruals and payment for vacation leave.

**Applicability:** To all regular covered employees.

**HR-4-04. Vacation Leave.**

A. Definition. "Vacation leave" means a period of approved absence with pay that is not chargeable to another category of leave.

B. Accrual.

1. All employees except temporary, emergency, and seasonal employees shall accrue vacation leave in accordance with the following schedule:

VACATION LEAVE	Employees on 7-day work periods	Employees on 28-day work periods
Credited Service	Hours accrued biweekly	Hours accrued biweekly
Fewer than 6 years	3.07	4.07
6 years but fewer than 11 years	4.62	6.12
11 years or more	6.15	8.15

2. Employees may accrue a maximum of double their annual accrual amount. Once maximum leave is accrued, accrual will cease until maximum accrual level is reduced below maximum level. Employees are encouraged to take vacation at least annually.
3. Temporary, emergency, seasonal, and part-time employees shall not accrue vacation leave.
4. Eligible employees accrue vacation leave on the last day of each bi-weekly pay period if the employee is in a pay status for at least 1/2 of the scheduled work hours in that pay period.
5. Original probationary employees accrue vacation leave from their date of hire but may not take vacation leave during the first 6 months following the date of hire. If an original probationary employee is terminated, the employee shall be paid for all accrued vacation.

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6. The effective date for change in the accrual rate is the 1st day of the pay period immediately following the attainment of the required credited service.
- C. Credited service.
1. Credited service shall be calculated from the first day of the first complete pay period worked.
  2. Credited service shall include:
    - a. Any period of leave without pay of 240 hours or less;
    - b. Approved Family Medical Leave Act (FMLA) leave;
    - c. Military leave taken under A.R.S. §§ 26-168, 26-171, or 38-610; and
    - d. Active military service of an employee who is restored to City service.
- D. Accumulation. An employee shall forfeit vacation leave accumulated in excess of the maximum.
- E. Use of vacation leave. An employee may take vacation leave at any time approved by the Department Head. The City shall not advance vacation leave pay to an employee.
- F. Payment.
1. Vacation leave shall be paid according to regular payroll procedures on a regular payday.
  2. If a holiday falls within an employee's vacation period, the holiday shall be paid as holiday pay and not as vacation.
  3. Vacation pay does not count toward hours worked for purposes of calculating overtime.
- G. Separation. The City shall pay an employee who separates from the City for all unused and unforfeited vacation leave at the employee's current rate of pay.

**EXHIBIT "H"**  
**HR-5-02 DRUG POLICY**

<b>CITY OF SAN LUIS</b>		
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<b>HR-5-02. DRUG POLICY</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: January 14, 2004</b>

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

**Applicability:** To all covered City employment positions, classified and unclassified.

**HR-5-02. Drug Policy.**

- A. General. All City of San Luis employees shall not consume, sell or possess illegal drugs, drug-related paraphernalia, or controlled substances without the specific instruction of a licensed physician. Human Resources shall develop and implement employee and pre-employment drug testing policy.
- B. Prescribed drugs and over-the-counter medication. All covered employees shall follow safety precautions to protect City property and equipment, the employee's own safety and the safety of others while working and operating machinery. If an employee is taking prescribed medication or over-the-counter medication that may impair the employee's ability to safely operate machinery or to perform the employee's work duties, the employee must report it to the employee's immediate supervisor. The supervisor may keep the employee in the same duties, reassign the employee temporarily to other duties, may require the employee to provide information about the medication, and/or may require a doctor statement regarding the employee's ability to work.
- C. Failure to report medication that may impair an employee's ability to work. If an employee fails to disclose the use of medication that may impair the employee's ability to safely perform the assigned work duties or to operate machinery, the employee may be disciplined up to and including dismissal.
- D. Alcohol. In general working under the influence of alcohol is prohibited and is cause for disciplinary action.
  1. It is prohibited for employees to work while under the influence of alcohol. Employees shall be disciplined for reporting to work while intoxicated.
  2. Employees who operate machinery, vehicles or are involved in public safety shall be asked to submit to an alcohol test if they have an accident at work or report a work-related injury.

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<b>HR-4-05. SICK LEAVE</b>		<b>Origination Date: September 12, 2002</b> <b>Revision Date: February 23, 2005</b>

**Purpose:** To establish eligibility, accruals and payment for sick leave.

**Applicability:** To all regular covered employees.

**HR-4-05. Sick Leave.**

A. Definition. "Sick leave" is any approved period of paid absence granted an employee due to:

1. Illness or injury, which renders the employee unable to perform the duties of the position.
2. Disability caused by pregnancy, childbirth, miscarriage, or abortion.
3. Examination or treatment by a licensed health care practitioner.
4. Illness, injury, examination, or treatment by a licensed health care practitioner of an employee's spouse, dependent child, or parent. For the purposes of this Section, the term "dependent child" is defined as a natural child, an adopted child, a foster child, or a stepchild, over 1/2 of whose support is received from the employee. The term "parent" is defined as a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or anyone who can be considered "in loco parentis", i.e., someone who assumed the responsibility of a parent. Sick leave granted for this purpose shall be charged to the employee's sick leave account and shall not exceed 40 hours per fiscal year, except in the case of FMLA leave.

B. Accrual.

1. All employees, except seasonal, temporary, and emergency shall accrue sick leave at the rate of 3.69 hours per pay period for employees with a regular work period of 7 days and at the rate of 4.89 hours per pay period, for employees with a regular work period of 28 days.
2. Eligible employees accrue the appropriate number of hours of sick leave on a pay period. Accrued sick leave is credited on the last day of the pay period in which earned, provided the employee has been in a pay status for at least 1/2 of the employee's working days in that pay period.

C. Accumulation. The maximum number of hours of sick leave that an employee may accumulate is 360 hours. Sick leave in excess of the maximum at fiscal year end will be converted to vacation at a rate of 3 hours of sick leave for 1 hour of vacation up to the maximum vacation accrual. The conversion will take place after the last pay period of the fiscal year or at termination of employment.

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D. Use of sick leave.

1. An employee may take paid sick leave when approved by the Supervisor and Human Resources. Leave requested as part of approved FMLA leave shall be approved as sick leave if sick leave is available.
2. A supervisor or Human Resources may require submission of evidence substantiating the need for sick leave. If Human Resources determines the evidence is inadequate, the absence shall be charged to another category of leave or considered absence without leave.
3. Human Resources may require an employee to be examined by a licensed health care practitioner designated by Human Resources. If the licensed health care practitioner determines that the employee should not work due to illness or injury, Human Resources may place the employee on sick leave or, if the employee's sick leave is exhausted, on vacation leave, or on leave without pay. Human Resources may require the employee to obtain approval from the licensed health care practitioner prior to returning to work. The City shall pay for all examinations required pursuant to this subsection. The employee shall not be charged any leave while participating in or traveling to or from any examination required pursuant to this subsection.

E. Donation of sick leave.

1. Definitions. "Extended illness or injury" means a period of at least three consecutive weeks in which the employee is medically unable to work and the employee is under FMLA or otherwise qualifies for a serious health condition as stated in HR-4-11.
2. Eligibility.
  - a. An employee may donate sick leave to an individual who has no accumulated paid leave if:
    - i. The recipient employee will use the donated sick leave for the recipients own extended illness or injury.

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- ii. A recipient employee may use a maximum of two consecutive months of donated leave (320 hours for employees working 40 hours per week or 424 hours for employees with work periods of 212 hours) donated in a 12-month period, which should be the same as the 12-month period used by the City for FMLA purposes. The eligible period to receive donated leave shall end sooner if the recipient employee qualifies for Long-Term Disability. The starting date for benefits for the Long-Term Disability shall be the date of qualification.
  - iii. The illness or injury is not under workers compensation or job-related.
  - iv. Recipients' donation-leave requests must be approved by Human Resources and is contingent upon availability of financial funding.
  - v. Before using donated sick leave, a recipient employee with a qualifying illness or injury shall exhaust all available compensatory leave, sick leave and vacation leave.
- 3. Donation of sick leave is voluntary and donating employees will decide how much sick leave hours to give and to whom. Human Resources will establish procedures for donating leave and eligibility for recipients.
- 4. Unused leave. If the recipient employee separates from City service, recovers before using all donated leave, or the need for the donated leave is otherwise abated, the City shall return unused leave to contributors on a prorated basis.
- 5. No leave accrual will occur for recipient employees receiving payment entirely from donated sick leave.
- 6. Hours donated will be applied on an hour by hour basis.
- E. Forfeiture. All sick leave credits are forfeited upon separation from the City service except as otherwise provided by law. However, employees who are laid off due to a reduction in force and are reemployed within 1 year after separation will be credited with all unused sick leave at the time of separation.