



COCHISE COUNTY HUMAN RESOURCES POLICY MANUAL

ADOPTED: February 14, 2012

EFFECTIVE: April 1, 2012

These policies apply to all Classified, Unclassified County employees, Elected Officials and Department Directors, except as otherwise indicated.

The County may unilaterally revoke or revise this Policy, without prior notice, at any time for any reason.

TABLE OF CONTENTS

Definitions	4
Organization Culture	6
Vision Statement	6
Mission Statement	6
Statement of Public Accountability	6
Code of Ethics	6
Customer Service	7
EEO Statement	7
Discrimination & Harassment	7
Nepotism	9
Political Activity	10
Smoking Policy	11
Polygraph Examinations	13
Attendance & Holidays	13
Basic Work Wk / Hrs of Operation	13
Reporting of Hours	13
Tardiness & Absence	14
Holidays	15
Compensation for Hours Worked In Addition to Regular Work Schedule	16
Alternative Work Schedules	21
Administration of Leave	23
Annual Leave	24

Sick Leave	26
Leave Without Pay	29
Special Leave Circumstances	30
Witness Leave	30
Jury Duty	31
Voting Leave	31
Emergency Leave With Pay	31
Administrative Leave	31
Bereavement Leave	32
Military Leave For Active Service	32
Victim's Leave	32
Leave Donation & Usage	32
Special Work Situations	36
Election Poll Workers	36
Voluntary & Involuntary Reassignment	38
Employment With Other Employers	40
Volunteer Program	42
Separation of Service – Sheriff's Office Sworn Personnel	45
Personnel Files	45

DEFINITIONS

1. Benefits Eligible: Regular status employee whose position is budgeted and scheduled to regularly work at least twenty (20) hours or more per week.
2. Calendar week: A seven day period — Sunday through Saturday.
3. Compensatory Time: Time off granted for hours worked in excess of forty hours in the work week, unless Paid Overtime is expressly provided for in advance. Compensatory Time shall be at a rate of one-and-one-half hours for every additional hour worked over forty hours in a work week.
4. Consolidated Omnibus Budget Reconciliation Act (COBRA): Gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.
5. County Administrator: References to obligations and authority of the County Administrator always extend to the Deputy County Administrator, unless otherwise specified.
6. Department Director: Officials who are either elected to office and who are charged with managing County offices as enumerated in Arizona Revised Statutes (A.R.S.) 11-401, or are appointed by the County Administrator and who are charged with managing County departments designated on the officially adopted County Organization Chart.
7. Elected Official: Officials, as enumerated in Arizona Revised Statutes (A.R.S., 11-401), who are elected to office and who are charged with managing County offices designated on the officially adopted County Organization Chart.
8. Eligibility for Rehire: A determination made by the Department Director at the time of separation of service, with review by the Human Resources Director, as to whether the employee is eligible for rehire by the County.
9. Hours Worked: Hours within a work week during which an employee is physically on the job. Annual Leave hours, Sick Leave hours, Compensatory Time taken and Holiday hours are NOT counted as hours worked.
10. Human Resources Director: References to obligations and authority of the Human Resources Director always extend to his/her designee, unless otherwise specified.

11. Paid Overtime: Paid compensation for hours worked in excess of forty hours in the work week, Paid Overtime shall be at a rate of one-and-one-half hours of the employee's normal pay rate for every additional hour worked over forty hours in the work week. Note that the County policy is to grant Compensatory Time in lieu of Paid Overtime, unless expressly provided for in advance
12. Part-Time Employee: An employee who is scheduled to work less than twenty (40) hours per week.
13. Regular Pay Period: A two week cycle beginning at 12:01 a.m. on Sunday and ending 12:00 midnight on Saturday, fourteen days later shall constitute the Regular Pay Period. The Regular Pay Period is used by Payroll to consolidate all applicable categories of hours (worked, paid or unpaid) to generate pay checks.
14. Regular status employee: An employee who is assigned to a position designated in the department's organization chart and funded in the budget.
15. Separation of Service: Action ending an employee's County employment, voluntarily or involuntarily; to include resignation, layoff, dismissal, inability to perform duties, retirement, resignation in lieu of termination, and termination during probation or an Elected Official who is not re-elected.
16. Work Week: A seven day (168 consecutive hours) period that is established to calculate Compensatory Time or Paid Overtime.

ORGANIZATIONAL EXPECTATIONS & STANDARDS OF CONDUCT

STATEMENT OF POLICY: The purpose of these policies is to establish a clear description of the organizational culture, with its vision, mission, values and expectations clearly articulated.

SCOPE: This policy applies to all classified, unclassified County employees and Department Directors, appointed or elected.

CRITERIA: As set forth in the sections below.

VISION STATEMENT

“Cochise County fosters diverse, vibrant and safe communities, planning for the future while honoring our legendary cultural heritage.”

MISSION STATEMENT

“Cochise County provides regional leadership and effective, high-quality services with personal and professional integrity.”

STATEMENT OF PUBLIC ACCOUNTABILITY

Public accountability embodies the concept that public agencies and all public employees and officers are held to a higher level of responsibility under the public trust that demands effective and efficient use of public funds in order to serve the public interest. This means that public funds should always be expended (for personnel, equipment, services and supplies) in the best public interest and not for individual or private gain.

CODE OF ETHICS FOR ALL COUNTY EMPLOYEES

The Cochise County Board of Supervisors has adopted a Code of Ethics applicable to all County employees and Department Directors. The Code of Ethics represents the County’s agreed-upon expectations of conduct and provides an over-arching framework for the core values of the organization.

- Enhance the reputation of Cochise County and its employees through superior public service.
- Treat all citizens and fellow employees with courtesy, fairness and respect.
- Provide efficient service to the public while giving a full day’s work for a full day’s pay.

- Avoid real/potential conflicts between private and public responsibility. The public interest must be our principal concern.
- Keep your supervisor informed of any activity that may be perceived as a conflict of interest.
- Avoid soliciting or receiving anything of value which may, or may appear to, influence the performance of official duties.
- Use County vehicles, equipment, supplies, or property for work only.
- Avoid using your position with the County to influence the general public for political purposes.

CUSTOMER SERVICE CULTURE & EXPECTATIONS

Customer service is the day-to-day treatment of everyone who needs services or assistance in the work environment: co-workers and the public alike. The attitude, knowledge, treatment of others and ability and willingness to provide a solution is the essence of customer service. Excellent customer service is a primary and fundamental component of each employee's job and performance measurement systems will include an assessment of this critical function.

EQUAL OPPORTUNITY EMPLOYER STATEMENT

Cochise County is an equal employment opportunity employer. It is County policy not to discriminate against any employee or applicant for employment because of race, color, religion, age (40 years and older), sex, handicap, national origin, ancestry, physical disability or Veteran status. The County makes every effort to ensure that all actions, such as compensation, benefits, transfer, promotion, layoff, rehires from layoff, tuition assistance, educational programs, social recreational programs, discipline and use of employer facilities, will be administered without regard to race, color, religion, age (40 and older), sex, handicap, national origin, ancestry, physical disability, or Veteran status, except to the extent that a bona fide occupational qualification is involved or where an employment preference is authorized by law.

PROHIBITED DISCRIMINATION AND HARASSMENT

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

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

SCOPE & CRITERIA: 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 Bona Fide Occupational Qualification (BFOQ).

Cochise 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, national origin, or veteran status. Workplace behaviors based upon the protected categories listed above constitute prohibited harassment when:

- Submission to such conduct is made either explicitly or implicitly a term of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

County personnel have an affirmative duty to maintain an environment 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.

REPORTING PROCEDURE: An employee may report incidents of prohibited discrimination and/or harassment to their supervisor, their Department Director or directly to the Human Resources Director; however all complaints or reports of prohibited discrimination and/or harassment must be reported to the Human Resources Director. The Human Resources Director shall evaluate any report or complaint and conduct, oversee or assist with any investigation required. All 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 Department Director, 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 Administrator shall perform the functions of the Human Resources Director. Department Directors and all other individuals exercising managerial or supervisory authority on behalf of Cochise County who receive complaints or reports of prohibited discrimination from any employee 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 Administrator.

RETALIATORY & 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.

POLICY VIOLATIONS: County employees who violate this policy are subject to disciplinary action, up to and including termination.

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.

NEPOTISM

STATEMENT OF POLICY: The provisions of A.R.S. § 38-481, state:

It is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial, or judicial officer to appoint or vote for appointment of any person related to him or her by affinity (marriage) or consanguinity (blood) within the third degree, to any clerkship, office, position, employment or duty in any department of the State, district, County, city, or municipal government of which such executive, legislative, ministerial, or judicial officer, is a member, when the salary, wages, or compensation of such appointee is to be paid from public funds or fees of such office, or to appoint, vote for, or agree to appoint, or to work for, suggest, arrange, or be a party to the appointment of a person related to him or her within the degree provided by this section.

SCOPE: This policy applies to all classified and unclassified Cochise County employees, including appointed or elected Department Directors.

CRITERIA: Specifically, Cochise County regulates the employment of family members (spouse/partner, children, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, son, son-in-law, daughter, daughter-in-law, niece, nephew, aunt, uncle, including blood-related and non-blood related relationships (i.e., step-children, etc.) in the following situations:

- No relatives may be employed in the same department, functional area or division if reporting to the same first-line supervisor.
- No supervisor may employ family members within his/her chain of command.

The intent of this provision is to prevent any real or perceived Conflict of Interests involving employment by the County, to the extent possible.

Situations in existence at the time of the adoption of this policy, which are not in compliance with the provisions above, shall not be subject to this requirement. However, this policy will apply if there are any future changes affecting an employee's job or assigned department.

POLITICAL ACTIVITY

STATEMENT OF POLICY: Cochise County conforms to public policy that government programs are to be administered in an unbiased manner and without favoritism for or against any political part or group or any member, in order to promote public confidences in government, government integrity and efficient delivery of governmental services. Further, this policy is to ensure employees are encouraged to participate in the political process; however, such participation cannot occur during hours the employee is physically working for the County or when the employee is in uniform. Further, participation in any political process must not compromise the neutrality, efficiency or integrity of an employee's or elected official's function in the department or creates a real or perceived conflict of interest. The provisions of this policy comply with A.R.S. 11-410.

Nothing contained in this policy shall be construed as denying the civil and political liberties of any employee as guaranteed by the United States and Arizona Constitutions.

SCOPE: This policy applies to all classified and unclassified employees and Department Directors, appointed or elected.

CRITERIA: No County official or employee will be required, as a condition of employment, promotion, or otherwise, to participate in any election campaign for any public office, or in any partisan political activity whatsoever.

- A. No County official or employee will use or attempt to use their position in the County for political pressure to secure an advantage for themselves or others, or to influence any County personnel action in any way.
- B. Participation pursuant to the Election Worker Policy: County employees may serve as an election worker in a countywide election, to perform nonpartisan duties as prescribed by State or local law, with approval from the Department Director or designated authority and after completing required Board Worker training, as set forth in the Election Worker Policy.
- C. No employee shall, during hours the employee is physically working for the County, or on County premises, use County personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. For example, employees may not:
 - 1. Take an active part as a candidate, or in support of a candidate, in a partisan or nonpartisan election;

2. Distribute, sign or circulate political petitions in support of or opposition to a political candidate or ballot question (such as a constitutional amendment, referendum approval of a municipal ordinance);
3. Use the authority of their positions to influence the vote or political activities of any subordinate employee;
4. Display a political sign, picture, sticker, badge, button, magnet, flyer, etc. on County property;
5. Attend or participate in political activities such as a political convention, rally, caucus, or similar gathering of a political party;
6. Organize, sell tickets, promote a fund raising activity or for a partisan candidate, political party or political club;
7. Contribute to a political party or organization; directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions, or other funds for a partisan political purpose;
8. Take part in managing the political campaign of a partisan candidate for public office or political party office;
9. Drive voters to the polls on behalf of a political party or partisan candidate;
10. Act as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate.

SMOKING

STATEMENT OF POLICY: The purpose of this policy is to establish a healthful environment for employees, clients and visitors and to preserve County facilities, vehicles and equipment. In accordance with Arizona Revised Statutes 36-601.01, smoking is prohibited in all public places and places of employment within the State of Arizona, except as otherwise noted.

SCOPE: This policy applies to all employees, volunteers, contractors, vendors and customers while utilizing County facilities, vehicles and equipment.

DEFINITIONS:

1. Smoking: Inhaling, exhaling, burning, or carrying or possessing any lighted tobacco product, including cigars, cigarettes, pipe tobacco and any other lighted tobacco product or other substance, including e-cigarettes.

2. Designated Smoking Area: Any out-of-doors area on County property where smoking is specifically permitted. A designated smoking area shall be so situated as to allow non-smoking individuals reasonable opportunity to conduct normal activity in a smoke-free environment.

CRITERIA:

1. Smoking is expressly prohibited in all public places and places of employment within Cochise County, except as otherwise provided.
2. "No Smoking" signs shall be posted in all areas in accordance with the provisions of A.R.S. 36-601.01.
3. Designated Smoking Areas must be at least 25 feet away from any building entrance and situated in such a way so as to ensure that entrances, windows and ventilation systems to enclosed areas are a reasonable distance away, so that smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means. In addition, persons entering or leaving the building or facility shall not be subjected to breathing smoke.
4. Outdoor ash receptacles should be placed in Designated Smoking Areas only.
5. Complaints may be made to the County Health Department Director. All complaints will be investigated in accordance with the provisions of A.R.S. 36-601.01, as amended by Proposition 201 – Smoke Free Arizona, <http://www.smokefreearizona.org/index.asp>
6. Individuals who make formal complaints regarding smoking or rules governing smoking or nonsmoking shall not be subject to retaliation, discrimination, or any adverse action on the basis of such complaint.
7. Employees who violate this policy shall be subject to appropriate disciplinary action. Repeated violations shall be subject to further disciplinary action in accordance with the Cochise County Merit System Rules and personnel policies.

Volunteers, contractors, vendors and customers who violate this policy will be advised of the law and asked to extinguish the smoking material. If the individual continues to violate the law and/or this policy, he/she will be asked to leave the County facility and the incident shall be reported to the County Health Department.

POLYGRAPH EXAMINATIONS

As part of an investigation of alleged misconduct by an employee, a Department Director or County Administrator, in consultation with the Human Resources Director, may order the employee to take a

polygraph examination. Such examination will be conducted by a properly licensed and qualified examiner at an appropriate facility.

ATTENDANCE & HOLIDAYS

STATEMENT OF POLICY: The purpose of this policy is to establish hours of operation, set forth expectations regarding work attendance and provide direction for the administration of holidays.

SCOPE: This policy applies to all classified, unclassified County employees and Department Directors, appointed or elected.

CRITERIA: As set forth in sections below.

BASIC WORK WEEK AND HOURS OF OPERATION

Cochise County business hours of operation are from eight o'clock a.m. until five o'clock p.m. each day from Monday through Friday, except on holidays. Except as otherwise provided in this policy, the regular work week for full time County employees shall be forty (40) hours, normally consisting of eight (8) hours per day, Monday through Friday. Modifications of this schedule may be allowed under the provisions of the Alternative Work Schedules policy; to provide essential County services, other schedule changes may be made by the Department Director, with approval of the County Administrator, subject to any Federal or State statutory or constitutional limitations relating to hours of work (e.g. Fair Labor Standards Act (FLSA)).

REPORTING OF HOURS

Generally, non-exempt employees shall report all hours whereas exempt employees report on an exception basis (i.e., hours not worked). Any hours to be paid (hours worked and Annual Leave, Sick Leave, etc.), shall be reported to the department by each employee (excluding Elected Officials), each pay period, in accordance with current procedures. Deductions will be made for non-exempt employees from accrued Sick Leave and Annual Leave balances for each hour absent from work. Deductions from accrued Sick Leave and Annual Leave balances for partial day absences will not be made for exempt employees who are not hourly employees and are not eligible to accrue Compensatory Time or Paid Overtime. However, partial day deductions shall be made for an exempt employee who is on an approved FMLA leave of absence. It is anticipated that full-time exempt employees will work at least forty hours per week.

TARDINESS AND ABSENCE

STATEMENT OF POLICY: Cochise County expects that employees will attend work as scheduled unless prior arrangements for absence have been made with his/her supervisor and that all employees will arrive to work on time and work their entire shift. Consistent overuse of Leave or patterns of tardiness and absences will be dealt with as performance issues.

SCOPE: This policy applies to all classified, unclassified County employees and appointed Department Directors.

CRITERIA:

1. All employees are required to be at work at the time determined by their Department Director, or designee. An employee, who is unable to report to work at the designated time, shall notify the immediate supervisor or authorized department representative in advance or as soon as possible.
2. Time off from scheduled work hours shall be allowed only as provided in these policies. All employees must obtain pre-approval for any absences with their Department Director or designee, other than emergencies in which case the employee must notify the Department Director as soon as possible.
3. Any unauthorized absence of an employee from duty may be considered an absence without leave and a deduction from pay may be made for such absence.
4. An unauthorized absence may constitute grounds for disciplinary action by the Department Director.
5. Any employee who fails to report to work and is absent for three (3) or more consecutive scheduled work days without pre-authorized leave, shall be on Leave Without Pay and is presumed to have abandoned his/her position and voluntarily resigned.
 - The former employee may request reconsideration of the voluntary resignation upon a showing of extenuating circumstances if approved by the County Administrator. If approved, the County Administrator may also authorize use of paid leave in lieu of Leave Without Pay status for the period of the absence.

HOLIDAYS

STATEMENT OF POLICY: The purpose of this policy is to describe the ten (10) paid holidays Cochise County observes and the administration thereof.

SCOPE: This policy applies to all classified, unclassified County employees and appointed Department Directors.

CRITERIA:

1. Regular status, benefits eligible employees shall be allowed time off with pay for all holidays enumerated in A.R.S. § 1-301 and 11-413. Holiday pay is defined as 8 hours pay per holiday; for regular full-time employees regardless of the number of hours normally worked per day.
 - a. Employees in Leave Without Pay status shall also be eligible to receive Holiday pay.
2. Pursuant to A.R.S. § 38-608, a regular status, full time employee who is required to work on a legal holiday shall be allowed to use their holiday hours in the same period. If the employee works the holiday and does not take the holiday hours off within the same pay period, they shall receive commensurate hours added to their Annual Leave for each legal holiday worked.
 - a. If a Cochise County observed holiday falls on a day during which the employee was scheduled to work more than eight hours, the employee will receive eight hours of holiday pay and non-exempt employees may make up the additional hours by:
 - i. Working the additional hours during that scheduled work week, with approval of the Department Director;
 - ii. Using Annual Leave time;
 - iii. Using Compensatory time;
 - iv. Taking voluntary leave without pay (no PAF or approval required).
3. Holiday pay for regular part time employees regularly scheduled to work twenty (20) hours or more per week but less than forty (40) hours, shall be prorated based on their scheduled part-time hours.
4. Pursuant to A.R.S. § 1-301 and 11-413, Cochise County offices shall observe the 10 holidays listed below. "Observed" means that County offices shall be closed. If a holiday falls on a Sunday, the holiday shall be observed on the following Monday. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday.

Date Observed	Holiday
January 1st	New Year's Day
Third Monday in January	Civil Rights Day
Third Monday in February	Presidents' Day

Last Monday in May	Memorial Day
July 4 th	Independence Day
First Monday in September	Labor Day
November 11 th	Veterans' Day
Last Thursday & Friday in November	Thanksgiving & the day following
December 25 th	Christmas Day

5. Sheriff's Office public safety personnel (Deputies, Detention Officers and Dispatchers) shall be given a Holiday Leave Bank of 80 hours as of the first full pay period of each calendar year. The 80 hours Holiday Leave Bank may be scheduled and taken during the year in the same manner and with the same approval process as is followed for Annual Leave, with supervisor approval. Holiday Leave Bank hours must be used prior to use of accrued Compensatory Time and Annual Leave balances and must be used prior to the end of the calendar year. If, at the conclusion of the last pay period each calendar year (the pay period which includes December 31st), the employee has unused hours in their Holiday Leave Bank, such leave will convert to Annual Leave and be subject to the maximum carryover of two hundred forty (240) hours. Annual Leave accrued in excess of these hours shall be automatically forfeited, unless an exception is granted by the County Administrator for use of excess hours before the end of the first calendar quarter in the following year, as provided for in the Annual Leave section, C.2.

COMPENSATION FOR HOURS WORKED IN ADDITION TO THE REGULAR WORK SCHEDULE

STATEMENT OF POLICY: This policy establishes guidelines to compensate non-exempt employees for work performed in addition to the regular work schedule. Employees covered by the Federal Fair Labor Standards Act, A.R.S. 23-391, or any other relevant laws, shall be compensated in the manner mandated therein, and in conjunction with the applicable provisions of these policies.

It is the policy of Cochise County to provide Compensatory Time as the primary compensation mechanism for hours worked in excess of the hours normally scheduled, in lieu of Paid Overtime, as described below.

SCOPE/COVERAGE: This policy applies to all County employees except where expressly provided otherwise. This policy does not cover Elected Officials, contractors, contract employees or volunteers. This policy is not intended to constitute a contract of employment or a guarantee of the benefits or policies stated in it. The county may unilaterally revoke or revise this policy, without prior notice, at any time for any reason.

CRITERIA/REQUIREMENTS:

1. Authorization

- a. When a supervisor determines it is necessary, County employees may be required to work hours in addition to their regular work schedule, or to work days not normally included in their regular work schedule.
- b. Employees who refuse or fail to perform an assignment outside the regular work schedule may be subject to disciplinary action up to and including dismissal.
- c. An employee may work hours in addition to his/her regularly scheduled hours only when preauthorized to do so by his or her immediate supervisor or Department Director. An employee who works any hours in excess of their scheduled hours without prior approval may be subject to disciplinary action up to and including dismissal.
- d. Supervisors shall plan work schedules so that each non-exempt employee's total work hours for each work week does not exceed the 40-hour limit. It is the Department Director's responsibility to determine budgetary implications of all Compensatory Time or Paid Overtime.
- e. As a matter of policy, supervisors are encouraged to limit the earning of Compensatory Time or the payment of Overtime. In order to do that, supervisors shall, when feasible, direct employees to take off the same number of hours during the same work week equal to the number of hours worked in addition to the regular work schedule.

2. Accrual of Compensatory Time or Paid Overtime

- a. It is the policy of Cochise County to provide Compensatory Time in lieu of Paid Overtime as the primary mechanism for compensation of hours worked in excess of forty hours in the work week, unless Paid Overtime is expressly provided for in advance. Compensatory Time shall be at a rate of one-and-one-half hours for every additional hour worked over forty hours in a work week.
- b. Non-exempt employees shall earn Compensatory Time, in lieu of Paid Overtime, in most cases. When employees are required to work hours in addition to their regularly scheduled hours in response to a bona fide emergency or other exigent circumstances, a Department Director may request that the County Administrator authorize Overtime Pay in lieu of accruing Compensatory Time. In these situations, the employee shall be notified that Overtime Pay has been authorized.

- i. "Exempt" employees are not eligible to accrue Compensatory Time or receive Paid Overtime.
- ii. Employees, who are eligible to accrue Compensatory Time under the provisions of the Fair Labor Standards Act, are referred to as "non-exempt" employees. Only non-exempt employees are eligible to accrue Compensatory Time or receive Paid Overtime.
- iii. The earning of Compensatory Time or Paid Overtime occurs only when a non-exempt employee is pre-authorized to physically work for the County in excess of the 40-hour limit for the applicable work week. If the employee has over 40 compensable hours in the work week but did not physically work more than 40 hours, any hours above 40 will be compensated at a straight time rate. For example if the employee had taken Annual Leave or Sick Leave during the work week, and did not physically work more than forty hours, Compensatory Time would not be applicable for that work week.
- iv. In calculating the hours within a work week during which an eligible employee is actively working, the following shall be excluded from Compensatory Time or Paid Overtime calculations:
 - a. Time physically away from work such as Annual Leave, Sick Leave, emergency leave, holidays or other leave during which the employee does not physically work.
 - b. Hours during which an employee serves in an On-Call capacity
 - c. A non-exempt employee may perform unpaid volunteer work with the County, provided that the volunteer duties are different from the ones usually performed by the employee. Such work shall be performed without compensation, is entirely at the discretion of the employee, and is excluded from Compensatory Time or Overtime compensation calculations. See Election Worker Policy for specific guidance for employees working a countywide election.
 - d. County law enforcement personnel who voluntarily perform similar duties for a non-County employer shall be considered to be working for a separate employer. Hours worked in such employment shall be excluded from County Compensatory Time or Overtime compensation calculations.
 - e. Any other time legally excludable under federal statutes or regulations.

- v. Employees hired after April 1, 2012 shall not accumulate more than 40 hours of Compensatory Time. Employees hired on or before March 31, 2012 shall not accumulate more than 40 hours, except that employees engaged in public safety shall not accumulate more than 80 hours of Compensatory Time. Employees who have reached these limits shall not be assigned additional hours in excess of the 40-hour limit per work week, without prior approval of the County Administrator, except as provided below.

Type of Function	Maximum Compensatory Time Accrual
Public Safety, hired on or before March 31, 2012	80 hours
Public Safety, hired on or after April 1, 2012	40 hours
All other categories	40 hours

3. Use of Accrued Compensatory Time or Payment of Overtime

- a. Compensatory Time accrues (up to the established limits) and may be taken as paid time off during an employee’s regularly scheduled work hours, with the Department Director’s advance approval.
- b. In order to limit the financial liability associated with Compensatory Time balances, the employee should use Compensatory Time as soon as possible after accruing such hours and prior to using Annual Leave. If an employee does not reduce his/her Compensatory Time balance in accordance with this policy, a Department Director may require an employee to use their Compensatory Time.
- c. In exceptional circumstances, the County Administrator may authorize the payment of accrued Compensatory Time.
- d. If applicable, Overtime is paid at the conclusion of the pay period in which the hours are worked.

4. Payment of Compensatory Time Upon Transfer or Termination

- a. If a non-exempt employee with accrued Compensatory Time is promoted or transferred to an exempt position within the same department, the employee shall be required to use the accrued Compensatory Time before the effective date of the transfer or the department shall pay the employee for the accrued Compensatory Time, as of the effective date of the transfer. Payment shall be made from the department’s budget.

- b. If a non-exempt employee with accrued Compensatory Time transfers to another County department, to either another non-exempt position or to an exempt position, the employee shall be required to use the accrued Compensatory Time before the effective date of the transfer or the department shall pay the employee for the accrued Compensatory Time. Payment shall be made from the department's budget in which the hours were accrued.

If a non-exempt employee terminates County employment, he/she shall be paid for any accrued Compensatory Time at the employee's current rate of pay as of termination of employment. Payment shall be made from the department's budget.

5. Management Leave

An exempt employee who is required to work extraordinary hours in unusual circumstances may be permitted Management Leave time. Three (3) working days may be granted by the Department Director, unless a longer period is approved by the County Administrator. Such leave is not granted on an hour-per-hour basis, is completely discretionary, and must be pre-authorized as stated above.

6. Call Back Pay

A non-exempt employee who is not on duty and is called back to work shall receive a minimum of two (2) hours of Call Back Pay, and if the employee has worked forty hours or more during the work period, such time shall accrue at one-and-one-half times the employee's current hourly rate. The call back period shall begin when the employee leaves his/her current location pursuant to a call back notice and shall include all reasonable travel time to the designated work site. The call back period ends upon the completion of the work assignment and reasonable return travel time. If the employee's private car is used for transportation in a call back situation, the provisions of the county's Travel Policy shall apply.

7. On-Call Pay

A non-exempt employee who has been designated by the Department Director as an "essential employee" in cases of emergency and is required to be on-call and available for immediate contact shall receive on-call pay at the established hourly rate of on-call duty. The On-Call pay rate shall be established by Resolution of the Board of Supervisors. On-call pay may not be paid concurrently with any other paid leave category except for paid holidays. During on-call duty, an employee must be readily accessible and able to report "fit for duty" within one (1) hour of being notified to return to work. All employees are required to be on call when requested and refusal or failure to perform on-call duty may subject an employee to disciplinary action.

ALTERNATIVE WORK SCHEDULES

STATEMENT OF POLICY: The purpose of this policy is to establish the alternative work schedules available in County service, to designate the approval authority for each and to describe how each schedule is structured. The policy also emphasizes the need to ensure that every County Office and Department is staffed adequately so that timely services can be provided to the public.

SCOPE/COVERAGE: This policy applies to all classified and unclassified employees and to Department Directors, elected or appointed.

CRITERIA/REQUIREMENTS: Cochise County allows Department Directors the discretion to implement alternative work schedules for full-time employees based on operational needs as long as it will not be detrimental to the performance of the department. Department Directors will be accountable for providing sufficient office coverage and compliance with all Fair Labor Standards Act (FLSA) overtime/compensation rules and requirements. Independent of the employees' work schedules, Department Directors must ensure that county offices remain open and adequately staffed between the hours of 8 a.m. and 5 p.m. (Note: In accordance with A.R.S. sec. 11-413.01, the criminal division of the Sheriff's Office shall be open at all times.)

The Department Director may discontinue an alternative work schedule or put an employee on a different alternative work schedule, as needed. Changes to an alternative work schedule are to be made in accordance with this policy (reference section below regarding "Changes to Alternative Work Schedule").

The Department Director must obtain prior approval from the CA/DCA for any other alternative work schedule that is not specifically outlined in this section.

If the County Administrator determines that sufficient coverage is not being achieved and/or delivery of service is negatively impacted, or a violation of FLSA rules and requirements occur, he may require the department to modify or abandon its alternative work schedule(s).

The available alternative work schedule options that a Department Director has the authority to approve are:

- a. 9-80 schedule: The employee works eight, nine-hour days and one eight-hour day and has one scheduled day off in a pay period. The day off is a fixed day off and can be scheduled to occur regularly on any day of the week at the discretion of the Department Director.
 - i. 9-80 Pay Period: A two week cycle beginning at 12:01 PM on the employee's eight (8) hour workday and ending at 12:00 noon fourteen days later.
- b. 4-9-4 schedule: The employee works four, nine-hour days and one, four-hour day in a seven day work week. The four-hour day can be scheduled to occur regularly on any day of the week at the discretion of the Department Director.

In addition, a Department Director may request approval for a 4-10 schedule; such requests shall be placed on the Board of Supervisor's agenda for approval. With a 4-10 schedule, the employee works four, ten-hour days and one day off in a seven day work week. The day off can be scheduled to occur regularly on any day of the week at the discretion of the Department Director.

CHANGES TO ALTERNATIVE WORK SCHEDULE: An employee may request to change their work schedule up to a maximum of four (4) times per fiscal year with Department Director approval. Approval of these requests shall be based on the department's operational needs. Prior to any change in working schedule for an employee, the Department Director shall also determine if there are any overtime/compensatory time consequences of the change.

NOTE: If a non-exempt employee has a change to their current 9-80 work schedule (i.e. change of day off), the Department Director or designee should consult with Payroll or the Human Resources Department to ensure appropriate compensation, should an FLSA overtime issue occur as a result of a change in work schedule.

The Department Director must send an email or written approval to the Finance Department for an alternate work schedule change for an employee, not to exceed four (4) changes per employee per fiscal year. Department Directors are permitted to occasionally allow minor deviations from the employee's established work schedule, when appropriate. However, such deviations shall not cause an overtime/compensation time consequence pursuant to the Fair Labor Standards Act.

HOLIDAY PAY WITH ALTERNATIVE WORK SCHEDULE:

1. If a Cochise County observed holiday occurs on an employee's day off under an approved alternative work schedule, the employee will be given another day off during the pay period, usually either the day before or the day after the holiday. However, if a day off cannot be scheduled within the same pay period, the employee shall earn eight (8) hours of Annual Leave for the holiday; the Department Director shall report the additional 8 hours of Annual Leave accrual to Finance.

The 8 hours additional Annual Leave shall accrue and be subject to use and carryover limits in the same manner as other Annual Leave.

If the initial probationary employee does not use this designated Annual Leave and terminates County employment prior to completing one hundred eighty (180) days of service the employee shall be paid for these additional holiday hours earned, but not for regular Annual Leave accruals.

2. If a Cochise County observed holiday falls on a day during which the employee was scheduled to work more than eight (8) hours, the employee will receive eight (8) hours of holiday pay but may make up the additional hours by:
 - a. Working the additional hours during that scheduled work week, with approval of the Department Director;
 - b. Using Annual Leave time;
 - c. Using Compensatory time;
 - d. Taking voluntary leave without pay (no PAF or approval required).

ADMINISTRATION OF LEAVE

STATEMENT OF POLICY: The purpose of this policy is to set forth the provisions for leave administration for all paid and unpaid leave categories (Annual Leave, Sick Leave, Compensatory Time used, Leave Without Pay and Special Leave Circumstances and Leave Donation).

SCOPE/COVERAGE AND EXCLUSIONS: Only regular status employees are eligible to accrue leave with pay under these policies from the date of hire subject to forfeiture as provided by these policies.

1. Eligibility for Leave
 - a. Any employee regularly scheduled to work less than twenty (20) hours per week is not eligible for Annual Leave or Sick Leave.
 - b. No leave of any kind shall accrue while on leave without pay.
 - c. Elected Officials do not accrue Annual Leave or Sick Leave.
2. Deduction from Leave accruals commensurate with regular work schedule

If an employee takes a day of Annual Leave, Sick Leave or Compensatory Time on a regularly-scheduled work day, the number of hours ordinarily worked on that day will constitute the amount of Annual Leave, Sick Leave or Compensatory Time that will be charged to the employee. For example, if an employee regularly works an approved 4-10 alternative work schedule and the employee takes a day of Annual Leave, his or her leave balance shall be reduced by ten hours.

3. Disposition of Accrued Leave upon Transfer

An inter-departmental transfer does not affect accrued Annual or Sick Leave balances, but may affect the rate of accrual.

ANNUAL LEAVE

- A. Annual Leave shall include any approved period of absence with pay other than Sick Leave, paid Compensatory Time or Paid Administrative Leave.
- B. Employees shall be eligible to use accrued Annual Leave from the onset of their employment.
- C. Rate of Accrual: Annual Leave hours shall accrue according to the following schedules:

Regular Full-Time Classified Employees (Based upon an 80 hour pay period)

Years of Service	Accrual Rates
0-3 years	4.0 hours per pay period
4-9 years	5.0 hours per pay period
10-14 years	6.2 hours per pay period
15 years and over	8.0 hours per pay period

Regular Full-Time Unclassified Employees (Based upon an 80 hour pay period)

Years of Service	Accrual Rates
0-5 years	5.0 hours per pay period
6-9 years	6.2 hours per pay period
10 years and over	8.0 hours per pay period

Department Directors (Based upon an 80 hour pay period)

Years of Service	Accrual Rates
0-3 years	6.2 hours per pay period
4 years and over	8.0 hours per pay period

1. Regular status employees shall accrue Annual Leave on a pro rata basis in accordance with their actual hours paid per pay period, and their years of service as shown above. This means that only the first 80 hours paid, per pay period, are used to calculate Annual Leave accruals (e.g., an employee who is paid for more than 80 hours per pay period will not accrue more than the accrual rate shown in the applicable chart above. In contrast, an

employee who is paid for less than 80 hours per pay period will receive a reduced prorated accrual rate).

2. Forfeiture of Leave

- a. At the conclusion of the last pay period each calendar year (the pay period which includes December 31st), regular status employees may carry over a maximum of two hundred forty (240) hours of Annual Leave. Annual Leave accrued in excess of these hours shall be automatically forfeited. Refer to Annual Leave Requests section C, paragraph 2.
- b. Employees on initial probation who do not complete 180 days of service shall forfeit all accrued Annual and or Sick Leave.
 - i. Following adoption of this policy, any employee, who leaves County service does not retire, and returns to County employment within five years, will have their accrual rates adjusted to reflect previous County service for which the employee earned leave accruals. Such adjustments shall be made by the Human Resources Department to the extent records are available.

D. Annual Leave Requests

1. Employees shall request Annual Leave far enough in advance of the desired time off as to allow the employee's department to schedule around such time off to meet County needs. The Department Director shall respond to the employee's Annual Leave request in a timely manner. In emergency situations when advance approval for leave cannot be obtained by the employee, the department must make a reasonable effort to accommodate the employee.
2. When the Department Director determines that the needs of the department require that an employee postpone or change scheduled Annual Leave, and that postponement makes the employee liable for forfeiture of Annual Leave credit, the department shall notify the Human Resources Department and the County Administrator, requesting approval for carryover of the unused leave. Such requests will be evaluated on a case-by-case basis and the request must be made prior to the expiration of the pay period which includes December 31st of each calendar year; if approved, such carryover leave must be used within the first quarter of the following calendar year.

E. Annual Leave for Employees Separating Service

All regular status employees who have completed initial probation shall receive payment for Annual Leave hours through the pay period in which the effective date of separation of service

occurs. Law Enforcement Personnel completing 180 calendar days of their 365 days initial probationary period shall receive payment for accrued Annual Leave in the same manner as regular status employees.

SICK LEAVE

Sick Leave shall include any approved period of absence with pay for the care of the employee or other persons under the following conditions:

- Illness
- Injury
- Medical or dental care
- Maternity or paternity immediately preceding birth or immediately following birth or adoption of a child.
- Quarantine or exposure to contagious disease and possible endangering of others by attendance on duty.

A. RATES OF SICK LEAVE ACCRUAL

1. Regular status employees shall accrue up to 3.7 hours of Sick Leave on a pro rata basis in accordance with their actual hours paid per pay period. This means that only the first 80 hours paid, per pay period, are used to calculate Sick Leave accruals (e.g., an employee who is paid for more than 80 hours per pay period will not accrue more than 3.7 hours of Sick Leave per pay period. In contrast, an employee who is paid for less than 80 hours per pay period will receive a reduced prorated accrual rate).
2. Regular, part time employees who are regularly scheduled to work twenty (20) hours or more per week but less than forty (40) hours shall accrue Sick Leave on a pro rata basis in accordance with their actual part-time hours paid per pay period.
3. Employees working less than twenty (20) hours per week are not eligible for accrual of Sick Leave.
4. Sick leave will not accrue during any leave of absence without pay.

B. MAXIMUM ACCRUAL AND CARRYOVER OF SICK LEAVE

1. Regular status employees hired on or after April 1, 2012 may accrue and carry over a maximum of six hundred forty (640) hours of Sick Leave. At the conclusion of the last pay period each calendar year (the pay period which includes December 31st), Sick Leave hours in excess of 640 shall be automatically forfeited.
2. Regular status employees hired prior to April 1, 2012 and continuously employed with no break in service may accrue and carry over a maximum of one-thousand forty (1,040) hours of Sick Leave. At the conclusion of the last pay period each calendar year (the pay period which includes December 31st), Sick Leave hours in excess of 1,040 shall be automatically forfeited.

C. USE OF SICK LEAVE

When feasible, the employee should request scheduled Sick Leave absences as far in advance as possible so as to ensure business continuity.

1. In case of an illness extending beyond three (3) days duration, the employee may be required to furnish a medical release issued by a licensed healthcare provider justifying the employee's absence. The certificate shall be provided to the Department Director for review and then forwarded to the Human Resources Department.
2. If an employee returns to work after an absence exceeding five (5) working days for their own illness, the employee must provide a licensed healthcare provider medical release prior to returning to normal duties. The release shall be provided to the Department Director for review and then forwarded to the Human Resources Department.
3. If there appears to be an excessive use of Sick Leave, an employee may be required to furnish a medical release issued by a licensed healthcare provider. If the Department Director or designee does not consider the evidence adequate, they may disapprove the request for Sick Leave and charge the time taken to Annual Leave or leave without pay. Abuse of Sick Leave may be grounds for disciplinary action (Ref. Merit System Rule 7.1.C.14).
4. An employee who has a qualified Worker's Compensation injury or illness will be required to use accrued Sick Leave and/or Annual Leave balances for the first seven days of their absence. (Refer to the Worker's Compensation Policy for additional detail; longer absences may affect this provision.)
5. Any employee approved and scheduled to use Annual Leave who becomes ill may, with the approval of the Department Director, charge the illness to accumulated Sick Leave rather than Annual Leave.

6. During an approved Family Medical Leave period, use of Sick Leave may be subject to different rules. Please refer to the Family Medical Leave Act Policy or contact the Human Resources Department for guidance.

D. SICK LEAVE UPON TRANSFER

An employee who transfers from one County department to another County department shall retain any accumulated Sick Leave.

E. SICK LEAVE UPON SEPARATION FROM SERVICE

Upon separation from service all Sick Leave will be forfeited (see below for payout upon retirement)

F. SICK LEAVE PAYOUT UPON RETIREMENT (ATTENDANCE INCENTIVE) A.R.S. §38-615

1. A partial payment of accrued, unused Sick Leave upon retirement is available to employees with fifteen (15) years or more total service with Cochise County which is credited under the applicable Arizona Retirement system.
2. Eligibility is limited to those employees who retire from Cochise County into the Arizona State Retirement System, Public Safety Personnel Retirement System, or the Correctional Officers Retirement System, in accordance with the provisions of A.R.S. §38-615.
3. An eligible retiring employee may convert unused Sick Leave hours to Annual Leave based upon the following formula:

Unused Sick Leave Hours	Conversion to Annual Leave Formula
0 - 240 hours	0 % of all hours up to 240 hours
241- 480 hours	25 % of all hours up to 480 hours
481- 720 hours (Note: only those employees who were hired prior to April 1, 2012 are eligible to accrue more than 640 hours of Sick Leave.)	35 % of all hours up to 720 hours
721 – 1040 hours (This category is applicable only to employees hired prior to April 1, 2012 .)	50% of all hours

These percentage payments shall be applied to the employee's current hourly pay rate including any Special Work Assignment, but exclusive of any additional payments such as overtime, on call pay, call back pay, or any other supplemental pay which may be hereafter established.

4. Payout based on a proportion of Sick Leave shall be in addition to any payout attributable to Annual Leave.

LEAVES OF ABSENCE WITHOUT PAY

Reasons for granting a leave of absence without pay may include temporary disability due to pregnancy, the need to provide child care immediately following the birth or adoption of a child, temporary medical disability or other compelling personal reasons.

- A. A Department Director with concurrence of the Human Resources Director and final approval from the County Administrator may grant a leave of absence without pay to any regular employee for a period of at least 1 day and up to ninety (90) calendar days.
- B. Requests for leave beyond 90 calendar days must be submitted to the Department Director in advance, and pre-approved by the Human Resources Director and the County Administrator. Such requests may be granted in increments not to exceed 30 days.
- C. Employees must submit a written request for leave of absence without pay, unless it is not possible to do so, to the Department Director at least two (2) weeks in advance of the intended absence, indicating the reason, and the approximate dates and duration of the leave. The Department Director may waive the required two weeks' notice in emergency situations when advance approval cannot be obtained.
- D. A Department Director may deny a Leave Without Pay request, or reduce the duration of the Leave Without Pay requested by the employee, after taking into account the department's workload, available coverage for the employee's duties and overall continuity of the department's operations.
- E. An employee granted a leave of absence without pay will not accrue Annual and Sick Leave benefits during such absence.
- F. An approved leave of absence without pay is not considered a break in service.
- G. A Department Director may fill a vacancy by temporary appointment, during a period of leave of absence without pay.
- H. In advance of returning to work after a leave of absence without pay for medical reasons, employees must provide to the Department Director a medical release from a licensed healthcare provider stating that they are able to resume normal duties of the job. A copy of this release must be sent to the Human Resources Department.

- I. Employees who return to work after an approved leave of absence without pay shall be returned to their regularly assigned position.
- J. Employees who fail to return to work at the end of the approved leave of absence without pay will be deemed absent without leave and terminated.

During a period of leave without pay, employees are responsible for payment of the employee paid-portion of all insurance premiums for programs in which they are enrolled. Employees must remit all insurance premiums to the Human Resources Department in advance of the first of each month in which the leave of absence without pay will exceed 13 days. Otherwise, the employee's insurance will be canceled.

SPECIAL LEAVE CIRCUMSTANCES

A. Special leaves of absence with or without pay from regularly scheduled work may be granted under the following specific circumstances:

- 1. Witness Leave – This occurs when a regular status employee is subpoenaed to serve as a witness in an administrative or judicial proceeding; employees must coordinate any absences due to witness service with their supervisors in advance.
 - a. If such service is County job related and occurs during the employee's regularly scheduled work hours, Witness Leave with pay shall be granted. In this situation, the employee will receive regular pay and must return any witness fee to the County. The employee shall be eligible for Compensatory Time or Paid Overtime if the County job related witness service causes the employee to exceed forty hours within a work week. If a personal vehicle is used, any mileage reimbursements may be retained by the employee; however, any per diem reimbursement will be returned to the County Finance Department.
 - b. If such service is not related to the employee's County job, the employee must request time off from work using accrued Annual or Compensatory leave balances or request a Leave Without Pay. In this situation, the employee retains the witness fee. All mileage and per diem reimbursements may be retained by the employee.
- 2. Jury Duty Leave – This occurs when a regular status employee is called upon to serve on a jury during their regularly scheduled work hours. County vehicles may not be driven to jury duty. Regular salary plus mileage may be retained; jury pay issued by the Courts must be returned to the Finance department within 3 work days after the employee receives the jury pay.
- 3. Voting Leave – This occurs when an employee, who is eligible to vote in a primary or general election, requests leave to fulfill their civic duty. Such leave may be granted in accordance with

A.R.S. § 16-402. Such leave shall not exceed one hour with pay to be utilized for voting. An employee shall obtain prior approval from their Department Director for the voting leave so as to not adversely impact County operations.

4. Emergency Leave With Pay – This occurs when an employee is unable to be at work due to a bona fide emergency.
 - a. An individual employee experiences an unforeseen bona fide emergency situation which requires the employee to be absent from work. The County Administrator may grant requests for emergency leave. Such leave is generally not to exceed five (5) days per incident. Employees shall receive regular pay during an approved Emergency Leave period.
 - b. Emergency Leave with pay may also be granted for an employee, or group of employees, if authorized by the County Administrator in emergency situations such as extreme weather conditions.
 - c. Emergency Leave with pay may be granted based upon the declaration by the Board of Supervisors or the Governor of the State of Arizona that a state of emergency, disaster, or period of mourning exists.
5. Administrative Leave – A Department Director who determines that an employee presents a significant hazard in the workplace to personnel/the public, property, or to an investigative process, shall immediately place the employee on Administrative Leave with pay with the approval of the Human Resources Director and County Administrator.
 - a. For specifics on the administration of Administrative Leave relative to Classified employees, refer to Merit Rule 7.4.
6. Bereavement Leave -- Upon the death of an employee's spouse/partner, child, mother, father, or other parent-like-figure, brother, sister, foster child, stepchild, father or mother in law, grandparent or grandchild, the Department Director may approve up to five (5) days leave. Bereavement leave shall not be deducted from an employee's accrued leave. In other situations when a death has occurred and the employee's presence is required, but the death does not meet the provisions of Bereavement Leave as described herein, or in instances when the five days Bereavement Leave is not sufficient, the County Administrator may grant Emergency Leave, as set forth above.
7. Military Leave for Active Service – In accordance with USERRA (Uniformed Services Employment and Reemployment Rights Act of 1994) and as provided in A.R.S. § 38-298, an employee having been inducted or ordered into active service in the Armed Forces of the United States after

August 1, 1939, shall, upon completion of service, be restored to the position held at the time of induction or of reporting for service, or to a position having similar or other duties for which they are qualified to discharge, and of like status and pay, if such employee:

- a. Possesses a certificate of satisfactory training and service or honorable discharge issued by the proper military 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.
8. Victim's Leave – An employee who is a victim of a crime may have additional rights and obligations for leave pursuant to A.R.S. § 13-4439 "et. seq."

LEAVE DONATION AND USAGE POLICY

STATEMENT OF POLICY: To establish a procedure for Cochise County that allows employees to donate Annual or Sick Leave to a Leave Bank for fellow employees with serious medical conditions, or who must care for a child, spouse or parent with serious medical conditions.

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

ELIGIBILITY:

- A. Eligible employees may submit an application to the Human Resources Department to draw from the Leave Bank if all of the following criteria are met:
 1. The employee currently occupies a classified or unclassified benefits-eligible position, for a period of at least six (6) months immediately preceding the application to use leave from the Leave Bank.
 2. The employee or immediate family member (child, spouse or parent) must have a "serious health condition" as defined under the Family Medical Leave Act of 1993.
 3. The employee shall use all accrued leave of any kind (Sick, Annual, and Compensatory Time) prior to using leave from the Leave Bank.

CRITERIA/REQUIREMENTS:

The following criteria must be met for employees to be deemed eligible to use leave donations under this policy. Eligibility does not guarantee acceptance or approval of leave donation. Eligible applicants must provide the following on or with the application:

- A. Medical documentation of a serious, incapacitating illness as defined under the Family and Medical Leave Act of 1993.
- B. Recommendation from the Department Director with regard to the employee receiving hours from the Leave Bank.

APPLICATION PROCESS:

- A. The Human Resources Director shall review each application and make a recommendation to the County Administrator, based upon the employee meeting the eligibility criteria. A decision to grant use of leave from the Leave Bank shall be solely within the discretion of the County Administrator and shall be based upon:
 - 1. the employee meeting the eligibility criteria;
 - 2. the needs of the County or particular department at the time of consideration of the application;
 - 3. the potential public benefit reasonably expected to result from the employee's eventual return to work;
 - 4. available leave donations in the Leave Bank.
- B. Human Resources and/or the County Administrator may request additional documentation from the employee or Department Director in order to recommend and/or approve use of leave from the Leave Bank.
- C. Use of leave from the Leave Bank shall be a privilege, and no employee shall be entitled to draw leave from the Leave Bank. The decision of the County Administrator shall be final.
- D. Leave bank request applications will be processed in the order in which they are received by the Human Resources Department.
- E. Leave donations are for the purpose of assisting employees who have:
 - 1. a serious, incapacitating illness (as defined under the Family and Medical Leave Act of 1993); or
 - 2. a child, spouse or parent with a serious, incapacitating illness (as defined under the Family and Medical Leave Act of 1993).

In situations of foreseen absences, it is expected that the employee will plan ahead by accruing Annual and Sick Leave balances.

Leave from the Leave Bank cannot be used simply because the employee is out of Sick Leave, nor can it be used for maternity leave, or care of a newborn infant unless the employee on maternity leave has a serious, incapacitating illness or must care for a newborn child with a serious, incapacitating illness.

Employees on maternity leave may use donations for time off the job beyond the 6th week post-partum or longer if certified by a physician as having a serious health condition (as defined under the Family and Medical Leave Act of 1993).

CONDITIONS AND LIMITATIONS:

- A. Any use of leave from the Leave Bank is subject to the following conditions:
 - 1. Employees using donated leave from the Leave Bank will accrue Annual and Sick Leave while using donated hours.
 - 2. Upon request at any time, the employee shall provide documentation of current medical condition/status to the Human Resources Director or County Administrator and shall submit to an independent examination by a qualified examiner if requested to do so, if the leave is for the employee's own medical condition. Use of leave donations will be stopped if the employee does not submit any requested documentation to the Human Resources or County Administrator in the time requested.

- B. Use of leave from the Leave Bank shall cease upon:
 - 1. The employee receiving any disability-related payments from any Arizona State Retirement System, long term disability or social security disability benefits (excluding Worker's Compensation benefits).
 - 2. The employee no longer meeting the eligibility criteria of this policy;
 - 3. The employee having been medically released to return to work; or
 - 4. The employee deciding not to return to work or seeking, applying for or accepting other employment outside the County.

The employee shall promptly advise the Department Director or Human Resources Department, in writing, if any of the above circumstances occur.

In the event that the employee fails to comply with the conditions listed above, the employee shall be liable to the County for the amount of leave used from the Leave Bank from the point in time they became ineligible under the conditions listed above through the present time.

- C. Use of leave from the Leave Bank will be limited to no more than 160 hours per employee in any continuous 12 month period, subject to availability.
- D. Leave will be deducted for all approved requests until all leave donations attributed to the Leave Bank are exhausted. If more than one request is approved for the use of leave and the bank is nearing depletion, the remaining leave in the Leave Bank will be distributed pro-rata to all eligible employees approved to receive leave donations at the time.
- E. No employee shall have any entitlement or vested right to use leave from the Leave Bank, and the County Administrator may modify or abolish the Leave donation and usage bank at any time if deemed in the best interest of Cochise County.
- F. Any employee with at least 6 months of service may donate up to a combined 80 hours of accrued Annual or Sick Leave at any time during the year by filing a Leave Bank Donation form with the Human Resources Department. A minimum of 4 hours may be donated at any one time. The donor must maintain a minimum balance of 40 hours Sick Leave and at least 40 hours of Annual Leave after donation. Leave donations will be added to the bank on an hour for hour basis.
- G. Neither the employee receiving the Leave donation nor Cochise County are under any obligation to repay the donation hours except as listed in III.(F).7 above.
- H. The Leave Bank will carry a maximum balance of 1,000 hours at any time. The Leave Bank balance shall be carried forward into the following calendar year.
- I. Information regarding the medical condition of an employee or his/her family member must remain confidential and protected in accordance with the Health Insurance Portability and Accountability Act (HIPAA). This includes discussing the information with only those who have a legitimate need to know, transmitting information in a confidential envelope, and maintaining medical information in a locked file separate from the employee's personnel folder.

SPECIAL WORK SITUATIONS

ELECTION POLL WORKERS

STATEMENT OF POLICY: Cochise County recognizes that there is an ongoing need for election poll workers and encourages its employees to give back to the community by volunteering to work as an election poll worker. Department Directors are encouraged to support employees who want to participate in the election process by working as an election poll worker. This policy will establish the procedures used for employees who volunteer to assist the Elections Department in the Federal, State,

and countywide elections held in Cochise County; provisions for non-countywide elections are also set forth, separately, in this policy. Participation in this process is purely voluntary on the part of the employee.

SCOPE: This policy applies to all classified and unclassified Cochise County positions.

DEFINITIONS:

1. Countywide elections: Elections administered by the County Elections that are Primary or General Elections (held in August and November) and Presidential Preference Elections (usually held in February).
2. Non-countywide elections: Elections administered by the County Elections Department but held exclusively for cities, school districts and special districts which are scheduled on Consolidated Election dates (March, May, etc.).

CRITERIA / REQUIREMENTS & CONDITIONS:

For Countywide Elections

- A. The employee must be a U.S. citizen, registered voter, 18 years of age and meet residency requirements.
- B. Being an election poll worker is a commitment by the employee and by the department for whom the employee works.
 1. Election poll workers, by law, must attend a training session (not to exceed four hours) in advance of the election. In addition, on the day of the election, election poll workers will work approximately 14-15 hours (generally from 5:30 a.m. until approximately 8:00 p.m.)
 2. Cochise County will not require the employee to take annual or compensatory time for election training if the training occurs during the employee's regular work hours. The employee will receive the applicable election poll worker payment for training and mileage, if applicable.
 3. The employee must receive approval from their Department Director to be absent from work for both the training and for Election Day.
 4. Prior to approval, Department Directors must consider office coverage, workload, etc.
 5. Both the employee volunteering to work as an election poll worker and the Department Director must sign the Cochise County Elections Poll Worker Application form (provided by the Elections Department).

6. Once approved, only emergency cancellations should preclude the employee from working as an election poll worker. Otherwise, election operations may be jeopardized.
- C. A County employee approved to work as an election poll worker will receive their regular pay for all hours worked on Election Day (Compensatory Time and/or Overtime Pay may apply). The employee will also receive mileage reimbursement, if applicable, at the current rate approved by the Board.
- D. If the employee volunteers to work at the polls on Election Day and it is their regularly scheduled day off, the employee will only receive the applicable poll worker payment and mileage, if applicable.

For Non-countywide Elections:

All of the provisions above relating to Criteria/Requirements and Conditions for Countywide Elections apply to non-countywide elections except that the employee must request use of Annual Leave to work a non-countywide election and must receive approval from their Department Director to be absent from work for both the training and for Election Day.

VOLUNTARY & INVOLUNTARY REASSIGNMENT

STATEMENT OF POLICY: This policy will assist those departments to use voluntary or involuntary reassignment of employees to maintain Cochise County operations. In addition, it may be necessary to make reassignments due to the number of vacant positions that could jeopardize the accomplishment of the County's mission.

SCOPE/COVERAGE: To establish the procedures to identify employees who wish to voluntarily reassign from their current position and department to another position and department within Cochise County or the Judicial System. This policy provides the ability for Cochise County to involuntarily reassign an employee from their current position and department to another position and department within Cochise County or the Judicial System.

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

CRITERIA / REQUIREMENTS & CONDITIONS: Organizational changes allowing or requiring the reassignment of an employee between departments will have the following conditions and limitations:

Voluntary Reassignment

1. Employees who are interested in reassigning to a different position in another department with a current opening must fill out a Cochise County application.
2. The employee will need to meet the minimum qualifications of the position, related grant requirements or the needs of the department, except as otherwise provided in this policy.
3. The employee may be required to serve a 180-day probationary period in the new reassigned position and must demonstrate acceptable job performance.
4. The position in which the employee is reassigned will be on a temporary basis and may range from six (6) months to three (3) years.
5. The employee may request the voluntary reassignment to become permanent. This decision would be at the discretion and concurrence of the Department Director in the department to which the employee has been reassigned.
6. If an employee voluntarily reassigns from a general funded position to a non-general funded position and funding is suspended for the new position within 180 days from the date of transfer, the employee may transfer back to a general funded position that is equivalent in pay. Such position may or may not be in the employee's original department.
7. Employees being considered for reassignment may be interviewed at the discretion of the Department Director of the receiving department.

Involuntary Reassignment

If there are no employees that voluntarily request to reassign to a different position in another, or the same department, then Cochise County may involuntarily reassign an employee from their current position to another position in their current or a different department within Cochise County or the Judicial System.

1. The reassignment may be in the same or different location within the County.
2. The employee must, or will be required to meet the minimum qualifications of the position, related grant requirements or the needs of the department, except as otherwise provided in this policy. (Refer to Minimum Qualifications section of this policy.)
3. The employee, if classified, will be required to serve a 180-day probationary period in the new reassigned position and must demonstrate acceptable job performance.
4. The position, in which the employee is reassigned, will be on a temporary basis but may range from six (6) months to three (3) years depending upon future budgetary constraints.

5. The employee may request the involuntary reassignment to become permanent. This decision would be at the discretion of the Department Director to which the employee was reassigned.
6. If there is more than one employee being considered for reassignment, the employees may be interviewed at the discretion of the receiving Department Director.

SALARY RANGE: Employees must be paid within the pay range for the new position assigned. The department will determine salary based on the budgeted amount for position, applicant's experience and employee's current wage paid.

ANNUAL LEAVE AND SICK LEAVE: The employee will maintain their unused annual leave and sick leave upon reassignment. The employee will accrue annual leave and sick leave at the rate established for the new position, based on years of service and whether the position is classified or unclassified. If the reassignment of the employee to a different position in different department is covered by either the Cochise County Merit Rule System or the Judicial Merit Rule System, the employee will accrue annual based on the accrual schedule and the employee's years of service.

Non-general funded positions may be subject to the terms of the grant which may affect transfer of annual or sick leave balances.

COMPENSATORY TIME: Compensatory Leave balances will carry forward with the employee. If the employee goes from a position that is non-exempt to exempt which is not entitled to compensatory time, the employee must be paid for the accrued compensatory time prior to the reassignment to the new position in the new department. Non-general funded positions may be subject to the terms of the grant which may affect compensatory time being carried forward.

REASSIGNMENT OF LOCATION: Department Directors may make location reassignments (same classification, same salary range, same compensation but a different County facility in a different city) within their departments with approval from the County Administrator or Deputy County Administrator. The County Administrator or Deputy County Administrator will make a recommendation to the Elected Department Director. The decision of the Elected Department Director shall be final.

REHIRE: An employee shall not be eligible for rehire for ten (10) years and may be subject to a background check upon returning if the:

1. Employee was termed for cause; or,
2. Employee resigned in lieu of termination; or,
3. Employee resigns without providing written notice at least ten (10) working days prior to the effective day of resignation.

Should the employee want to be considered for rehire prior to the expiration of the ten (10) years, they may appeal to the County Administrator or Deputy County Administrator.

MERIT RULES: An employee who voluntarily or involuntarily reassigns to a new classified position in another department will be subject to the applicable County Merit Rule System or Judicial Merit Rule System.

MINIMUM QUALIFICATIONS: The Human Resources Department will review the employee's application to determine if the employee is qualified for the position to which the employee will be reassigned.

An employee may be assigned to a position if the County Administrator or Deputy County Administrator modifies or waives qualifications for the vacant position.

EMPLOYMENT WITH OTHER EMPLOYERS

STATEMENT OF POLICY: To establish policy and procedures for Cochise County employees who engage in or seek to engage in additional employment with employers other than Cochise County.

Cochise County recognizes that there are County employees who engage in or seek to engage in additional employment with employers other than Cochise County. Cochise County prohibits additional employment by County employees if such additional employment interferes with the performance of the employee's duties as a County employee or represents a potential Conflict of Interest or is inconsistent with statutory provisions, the Cochise County Code of Ethics or other County rules and regulations.

SCOPE/COVERAGE: This policy applies to all classified and unclassified employees and Department Directors, appointed or elected.

CRITERIA/REQUIREMENTS: An employee of Cochise County may engage in employment for another public agency and use designated public resources for this purpose only when, and to the extent that, such employment is expressly authorized in writing and in accordance with this policy.

A. A Cochise County employee may pursue other outside employment, provided that all of the following requirements are met:

1. The employee must obtain advance, written approval by the Department Director, and prior to engaging in additional employment with a non-County employer. Such approval must be obtained at the time of original employment with the County, if such other employment exists, or anytime thereafter when an employee becomes employed with another employer.
2. An employee shall not engage in activities which adversely affect the ability of that employee or any officer or employee of any public agency whose chief legislative or executive entity is the Cochise County Board of Supervisors to carry out legitimate public agency functions.

3. Neither time for which the employee is reimbursed by the County, nor any public resource, including use of telephones and supplies, shall be used for private gain.
 4. An employee shall not use the employee's official position or title in seeking or carrying out any additional non-County employment.
 5. An employee shall not make any representation, express or implied, of public agency endorsement of any private employment.
 6. The employee shall comply with all applicable statutes and rules and the provisions of this policy relating to the conduct of a public employee.
 7. An employee shall not engage in conduct which is inconsistent with the best interests of Cochise County, as reasonably determined by the County Administrator or the Board of Supervisors.
 8. An employee shall not engage in employment that gives the appearance of impropriety or reflects poorly on the County's image.
- B. A Cochise County deputy sheriff may be temporarily employed by a private person or entity and use expressly designated public resources, such as the deputy's uniform or County vehicle, if the Sheriff or his designee determines that the peacekeeping mission of the Sheriff's Department will be served by such employment.
- C. If an employee does not comply with this policy, the employee may be subject to disciplinary action, up to and including termination. This policy does not preclude Cochise County from pursuing any other remedy for loss or damage otherwise available under applicable law.

VOLUNTEER POLICY

STATEMENT OF POLICY: Volunteers provide a valuable service to Cochise County. The County wishes to foster volunteer partnerships between County government and communities and encourages citizens to give their time to complete projects within Cochise County, to improve the lives of Cochise County citizens. Additionally, the County is committed to ensuring that volunteers are appropriately placed and protected as they give their time and talents through their volunteer activities.

The County does not permit family members (spouse/partner, children, brother, sister, parent, grandparent, grandchild, father-in-law, mother-in-law, son, son-in-law, daughter, daughter-in-law, niece, nephew, aunt, uncle) to volunteer their services in a department in which a family member is employed. This prohibition exists because the County must prevent any real or perceived Conflict of Interest to the extent possible.

The purpose of this policy is to provide County departments with guidelines to assist them in recruitment and placement of volunteers. In addition, departments need to ensure volunteers are protected with worker's compensation and general liability coverage. However, at no time shall the volunteer be eligible for any form of compensation or other benefits including but not limited to cash, retirement, health insurance, social security, life insurance or any other employee benefit plan or program. Additionally, at no time will the volunteer be entitled to the rights or privileges of the Cochise County Merit Rules.

DEFINITIONS:

1. **Volunteer:** A volunteer is any individual who performs a service for, and directly related to, the business of the County without the promise, expectation or receipt of compensation for services rendered, (e.g., unpaid interns). Individuals fulfilling court ordered community service hours are not considered volunteers under this policy.

SCOPE/COVERAGE: This policy applies to all individuals who volunteer their services to Cochise County government, including employees who are volunteering work outside the scope of their normal duties.

CRITERIA/REQUIREMENTS: A volunteer must be at least age eighteen (18) years of age, except as outlined in other County policies. In addition, a volunteer arrangement must comply with the County's Nepotism Policy. The Department Director must approve volunteers, prior to having them perform an assignment. Departments are not required to accept all volunteers and have the discretion to decline a volunteer's services. Volunteer service and assignments may be terminated or amended at the discretion of Department Directors acting on behalf of the County. Nothing in the volunteer arrangement shall be construed to imply that after participation in or completion of the volunteer service, the volunteer will have a right to any form of employment or continued volunteer service with Cochise County.

In order to mitigate liability to the County, volunteers will be required to attend a Volunteer Orientation program conducted by Human Resources or the Department, prior to performing any work and must sign the volunteer agreement form and other required forms (see below). Such training will be similar in nature to the New Employees Orientation Program (excluding portions dealing with employee benefits) and may include but not be limited to expectations regarding ethical behavior, proper use of County property and resources, confidentiality, financial responsibility, sexual harassment/discrimination prevention, any applicable County driver safety training and compliance with the County policy regarding illegal drug or alcohol use.

When a department selects a volunteer, the department provides the volunteer with a Volunteer Information Packet, containing the following documents:

1. Volunteer Program Information Sheet

2. Volunteer Information
3. Volunteer Agreement
4. Acknowledgement Forms for:
 - a. Worker's Compensation for Employees
 - b. Drug and Alcohol Policy
 - c. County Policy Prohibiting Discrimination & Sexual Harassment
 - d. Safety in the Workplace
 - e. Acceptable Use Policy (AUP) for Technology
 - f. Certification of Privately Owned Vehicle Insurance
5. Copy of Driver's License

Volunteers shall abide by County policies that govern their actions. Certain County departments may have established separate job-specific volunteer policies based on their mission, funding and mandates.

Volunteers are not considered employees for any purpose; however, they are covered by worker's compensation and general liability protection without cost to the volunteer while they are performing duties for the County. For Worker's Compensation purposes, volunteer hours must be reported by each department to Human Resources Department quarterly. Volunteers are not eligible for retirement, health or any other benefits.

County employees may volunteer hours in the County provided the services performed in the volunteer capacity are not the same type of services they are paid to perform for the County.

A prospective volunteer's qualifications and interests will be considered to determine eligibility for an assignment. Each department will develop a description of the volunteer assignment and determine if a background check is required. An interview and reference check may be required by the Department Director prior to any agreement for a volunteer work assignment. If a background check is required, it will be completed consistent with the County policy for employees, and prior to any volunteer assignment.

Each department is responsible for training their volunteers. (Training must be completed successfully before the volunteer may begin the assignment.)

If volunteers will be working with machines and/or equipment, they must be provided with the proper personal protective equipment. If the volunteer will be working with machines and/or hazardous equipment, they must be directly supervised by a trained staff member.

Departments are responsible for deciding which assignments require the use of County vehicles and for screening volunteers for ability and safety to drive. If a volunteer is authorized to use their privately owned vehicle on County business, the owner of the vehicle has primary liability for accidents arising out of maintenance or use of that vehicle. Private vehicle accidents should be reported to the volunteer's insurance company. The driver's insurance company is primary and minimum limits of liability must be maintained. County liability, if any, is secondary.

Volunteers who drive in any capacity for the County shall submit their driver's license to be photocopied and provide proof of current insurance coverage. Any suspension of a driver's license or lapse of insurance shall be reported immediately to the volunteer's supervisor.

SEPARATION OF SERVICE - SHERIFF'S OFFICE SWORN PERSONNEL

A Sheriff's Office employee who voluntarily terminates employment with the County within 180 days of receipt of uniform allowance shall return 50% of monies received for the uniforms, or have that amount withheld from their final paycheck.

In certain situations, the Sheriff's Office negotiates an agreement stipulating conditions of employment for Sworn Personnel. Typically this is a situation where the employment is conditioned upon successful completion of the Arizona's Peace Officer's Standards and Training (POST) and certification as a law enforcement officer. Such training is paid for by the County and the regular salary is paid during the training. When such an agreement is in place, if the employee 1) fails to successfully complete the POST training, or 2) terminates employment (voluntarily, or for cause) prior to the expiration of a three-year period following completion of POST training, then the employee shall reimburse the Finance Department on a pro rata basis for all training costs paid by the County.

PERSONNEL FILES

STATEMENT OF POLICY: To establish a consistent method for the maintenance of employees' Official Personnel Files, to identify who will be granted access to these files, and to define the circumstances under which the release of information contained in the Official Personnel Files will be authorized. All personnel, employment or related records shall be available only to authorized users for authorized purposes.

SCOPE/COVERAGE: This policy applies to the Official Personnel Files of all classified and unclassified employees and Department Directors.

DEFINITIONS:

1. Custodian of Personnel Records: The Human Resources Director shall be the designated custodian of Official Personnel Files.

2. Departmental Personnel Files: Departmental Personnel Files contain copies of selected personnel documents and records necessary for the administration of personnel and payroll. Documentation regarding verbal counseling or written counseling documents are kept in the Departmental Personnel file only; copies are not forwarded to the Human Resources Department. Documentation of all other disciplinary actions are sent to the Human Resources Department and also kept in the Departmental Personnel File. Departmental Personnel Files shall not contain proof of eligibility to work in the United States, Social Security numbers, or any document containing employee medical information and also shall not include materials generated by confidential personnel inquiries/investigations. Departmental Personnel Files are the property of Cochise County.
3. Official Personnel Files: Official Personnel Files are employee personnel files which are maintained by the Human Resources Department which pertain to an employee's status, rates of pay, performance evaluations, disciplinary actions affecting and/or status (such as Suspension, Demotion or Termination) and other relevant material and information as required by the County. Documentation such as proof of eligibility to work in the United States, employee medical information and materials generated by confidential personnel inquiries/investigations/background checks are kept separately from the Official Personnel Files. The Official Personnel Files are the property of Cochise County.

CRITERIA/ REQUIREMENTS:

A. Maintenance of Official Personnel Files

1. Records Retention—Official Personnel Files of Cochise County are maintained by the Human Resources Department in accordance with Arizona Department of Library and Archives records retention schedules.
2. Procedure For Protesting Information— If an employee disagrees with specific information in their Official Personnel File, they may submit a written response for placement in their Official Personnel File.

B. ACCESS TO OFFICIAL PERSONNEL FILES

The Human Resources Director has final authority to determine what uses and purposes are authorized pursuant to this policy. Specifically, the Director determines which officers, employees or agents of the County (or any institution under the jurisdiction of the County Board of Supervisor's) are authorized to have access to Official Personnel Files. All requests for information contained in either the Official Personnel File or the Departmental Personnel File shall be referred to the Human Resources Department. The Human Resources Department may disclose Official Personnel Files as necessary in the prosecution, defense or resolution of

any hearing or dispute regarding personnel matters. Any unauthorized access, release or use of personnel information shall constitute employee misconduct, subject to disciplinary action.

EMPLOYEE REVIEW / ACCESS: Upon submitting a written request signed by the employee, an employee or a person authorized by the employee may review the employee's own Official Personnel File. Requests may be made to the Human Resources Department during normal business hours. Photo identification may be required before files may be inspected or photocopied for a reasonable copying fee. The copying fee shall be established by Resolution of the Board of Supervisors.

ADMINISTRATIVE ACCESS: Cochise County hiring officials and/or employees' supervisors are authorized administrative access to review Official Personnel Files of current or former Cochise County employees who are under consideration for competitive recruitment or noncompetitive selection. Requests may be made to the Human Resources Department during normal business hours. Photo identification may be required before records may be inspected to verify authorized administrative access.

INFORMATION PROVIDED TO THIRD PARTIES WITH EMPLOYEE'S WRITTEN CONSENT: Upon receipt of the current employee's or former employee's written consent, the Cochise County Human Resources Department may provide employment verification to a Third-Party for such purposes as a prospective employment, government agency background inquiries or for a mortgage or bank loan, student loan deferments, etc. A copy of the employee's consent and the request, including electronic communications, regarding employment verifications will be included in the employee's Official Personnel File and for former employees, sent to the employee's last address of record (A.R.S. 23-1361). Information provided shall be job-related, factual and demonstrable from the employee's Official Personnel File and/or the Human Resources Information System (HRIS). Examples of information typically provided include the employment status (Active / Separated from Service, etc.); dates of employment; department(s); positions/titles held; salaries or rates of pay; education, training, experience, qualifications, job performance/evaluations, professional conduct, and/or the reason for separation from service.

INFORMATION PROVIDED TO THIRD PARTIES WITHOUT EMPLOYEE'S WRITTEN CONSENT:

- A. The Human Resources Department may provide general information regarding current or former employees. Information provided is limited to 1) whether currently employed, 2) employee's current department and its location, job classification/title, office telephone number and employee's work e-mail address.
- B. Under the following special circumstances, the County may be compelled to provide personnel records or disclose personnel information without the employee's consent:

1. In compelling circumstances affecting the immediate health or safety of the individual employee or others;
2. To a properly identified law enforcement authority when the County reasonably believes that an applicant, employee or former employee may have engaged in illegal activities;
3. Pursuant to a federal, state or local government statute or regulation that specifically requires disclosure of certain information to certain parties, for example: in response to a lawfully issued administrative summons, search warrant, judicial order / subpoena or public records request.
 - a. Prior to disclosing any personnel information in response to the above special circumstances, the Human Resources Department shall ensure that:
 - i. Legal counsel has reviewed the matter and determined that they do not wish to seek a protective order to prevent disclosure of certain documents on the basis that a qualified privilege exists to protect those documents and provides written authority to the Human Resources Department authorizing disclosure; and
 - ii. If the request is not issued on behalf of the affected employee(s), a reasonable effort has been made to notify the affected employee(s) of the request prior to compliance. This is to ensure that the employee has an opportunity to file a Declaratory Action or Motion to Quash.

LETTERS OF RECOMMENDATION:

A Department Director or supervisor may choose to provide a letter of recommendation upon an employee's request. Such letters should include factual information, supported by the employee's Official Personnel File. Alternatively, the Department Director may refer the employee to the Human Resources Department for a formal employment verification.