RULE 9

EMPLOYEE STATUS

SECTION 1: PROMOTION

If in the best interest of the City, vacancies in the City service shall be filled by promotion. Promotional examinations are open to all City employees who have continuously worked a minimum of six (6) months and meet the minimum job requirements.

After examination, a promotional list is established of qualified applicants. Promotional lists shall remain in effect for six (6) months, unless exhausted sooner. At the request of the Department Director and approval by the City Manager, a promotional list may be extended to a maximum of one (1) year.

Upon promotion, an employee shall receive a rate of pay at least ten percent higher than he was receiving, not to exceed the maximum salary range for the position, disregarding any extra compensation received. The employee shall be given a new classification date effective at the time of appointment and begin serving probation in the new classification as specified in Rule 10.

If in the opinion of the Department Director, a vacancy in the position could be filled better by an open-competitive examination, the Human Resources Manager will open recruitment to the general public.

SECTION 2: TRANSFER

No person shall be transferred to a position for which he does not possess the minimum qualifications. Upon notice to the Human Resources Manager an employee may be transferred by the City Manager at any time from one position to another in a comparable classification. For transfer purposes, a comparable classification is one with the same maximum salary.

Transfers shall not be used to effectuate a promotion or involuntary demotion, each of which may be accomplished as provided in these rules.

SECTION 3: VOLUNTARY TRANSFER OR DEMOTION

When an employee voluntarily requests a transfer, the transfer may effectuate a pay reduction.

If the transfer is to a position in a lower classification that results in a demotion, the employee's salary will be reduced by the percentage difference between the entry level salary of the two classifications. The employee's classification date changes.

If the transfer is to a position in the same classification, the employee's salary and classification date remain the same.

If two or more employees request a transfer to the same vacant position, the Human Resources Manager must require examination in the same manner as he does for promotional vacancies.

SECTION 4: TEMPORARY DETAIL

Upon the recommendation of the Department Director, and upon the approval of the employee and the City Manager, an employee may be detailed on a temporary basis to a higher job classification. If the appointment is longer than two consecutive pay periods, the employee shall be paid at the rate of the higher classification beginning with the first day of the detail.

Upon completion of the temporary detail, the employee will revert to the pay level at which he was paid prior to the detail, unless some other factor shall have operated to cause a change in the pay range under some provision of these rules.

SECTION 5: TEMPORARY MODIFIED WORK

The City may provide temporary modified work for employees who are unable to fully perform their regular duties because of temporary work restrictions or limitations as specified by a health-care provider. Either the employee or the City may seek evaluation by a health-care provider to determine the need for temporary modified work.

Modified work includes any work for which the employee is qualified and may include a reduction in regularly scheduled work hours. Modified work assignments will be made on a case-by-case basis in accordance with the needs of the City, and will be consistent with the restrictions and limitations provided by the health-care provider. Temporary modified work assignments may be changed at any time provided the new assignment is within the parameters specified by the health-care provider.

An employee may not refuse a temporary modified work assignment that is consistent with the recommendations of the attending health-care provider unless he/she qualifies for Family and Medical Leave as per the City's policy.

Employees on modified work assignments are prohibited from engaging in outside employment which may require full performance of the limited or restricted job functions which form the basis for their temporary modified work assignment.

As a condition of assignment to temporary modified work, the City may request that the employee submit regular work status updates. The employee may be required to submit to an Independent Medical Evaluation by the City's designated physician. If the medical opinion of the City's designated physician differs from the employee's health-care provider, the City will seek a third opinion that will be binding and officially recognized as the work status report of the employee.

The maximum time that an employee may remain on a temporary modified work assignment is nine months during any 24 month period. Requests for extension beyond nine months must be submitted for approval by the City Manager.

If there are no modified work assignments available, the employee's absence will be charged to accrued leave, injury leave, or leave without pay in accordance with Rule 15, Leave of Absence.

SECTION 6: DISABILITY

Employees may be transferred, demoted, or terminated from City employment for reasons of disability when a mental or physical condition renders them incapable of satisfactorily performing the essential functions of their position, and when no reasonable accommodation can be made by the City without undue hardship.

If the results of a medical examination indicate that an employee is unable to perform the essential functions of the position and reasonable accommodation would cause undue hardship, the employee will be placed on available medical leave or any other paid or unpaid leave as preliminary to commencement of disability benefits or termination.

Participating employees may be eligible for disability benefits through the Arizona State Retirement System or Public Safety Personnel Retirement System after a waiting period as defined by the respective programs. Absences during the waiting period are charged to the employees' accrued leave. After exhaustion of all accrued leave, participating employees may be eligible to withdraw from the Sick Leave Bank (see Rule 15). Without accrued leave or Sick Leave Bank membership, no compensation is received from the City during the waiting period.

SECTION 7: RESIGNATION

Employees resigning from the City must submit a written resignation notice to their supervisor at least ten (10) working days prior to separation. The Department Director forwards resignation notices to Human Resources. Failure of employees to comply may be cause for denial of future employment with the City.

Employees may withdraw their resignation prior to the termination date with consent of the Department Director and City Manager.

The departing employee will be provided the opportunity to complete an exit interview prior to the employee's termination.

SECTION 8: RETIREMENT

Employees retiring from the City must be in good standing and be eligible to receive benefits from one of the City-sponsored state retirement plans.

Employees retiring from the City must submit written notification to their supervisor at least thirty (30) days prior to the retirement date. The notification is forwarded through the department to Human Resources immediately.