



CITY COUNCIL AGENDA

CITY COUNCIL CHAMBERS . 11465 WEST CIVIC CENTER DRIVE . AVONDALE, AZ 85323

REGULAR MEETING
October 19, 2015
7:00 PM

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

- 1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**
- 2 CITY MANAGER'S REPORT**
 - a. NEW EMPLOYEE INTRODUCTION - JOEL EVANS, FACILITIES MANAGER**
 - b. NEW EMPLOYEE INTRODUCTION - ALICIA MENDEZ-SCHOMER, CUSTOMER SERVICE MANAGER**

3 UNSCHEDULED PUBLIC APPEARANCES

(Limit three minutes per person. Please state your name.)

4 CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. APPROVAL OF MINUTES

1. Work Session of October 5, 2015
2. Regular Meeting of October 5, 2015

b. SPECIAL EVENT LIQUOR LICENSE - VET FEST

City Council will consider a request to approve a special event liquor license application submitted by Colleen Schorr on behalf of the Historic Avondale Merchants Association for Vet Fest, an art festival scheduled from 10 am to 5 pm on Saturday, November 14, 2015 to be held along Western Avenue from the Boys and Girls Club to 6th Street; the beer garden will be located at Sernas Plaza. The Council will take appropriate action.

c. LIQUOR LICENSE SERIES 7 - AGENT CHANGE AND ACQUISITION OF CONTROL - COLDWATER SPRINGS GOLF, LLC

City Council will consider a request submitted by Mr. Chester Bradford Harrington IV for an agent change and acquisition of Control of a Series 7 (Beer and Wine Bar) Liquor License to be used at Coldwater Springs Golf, LLC located at 100 Clubhouse Drive in Avondale. The Council will take appropriate action.

d. LIQUOR LICENSE SERIES 12 - AGENT CHANGE AND ACQUISITION OF CONTROL - COLDWATER SPRINGS GOLF, LLC

City Council will consider a request submitted Mr. Mr. Chester Bradford Harrington IV for an agent change and acquisition of Control of a Series 12 Restaurant Liquor License to sell all spirituous liquors at Coldwater Springs Golf, LLC located at 100 Clubhouse Drive in Avondale. The Council will take appropriate action.

e. DESIGNATION OF VOTING DELEGATES FOR NLC ANNUAL BUSINESS MEETING

City Council will designate a primary and an alternate voting delegate to represent Avondale at the National League of Cities' Annual Business Meeting to be held at the conclusion of the Congress of Cities in Nashville, Tennessee on Saturday, November 7, 2015. The Council will take appropriate action.

f. RESOLUTION 3277-1015 AND ORDINANCE 1588-1015 - AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL

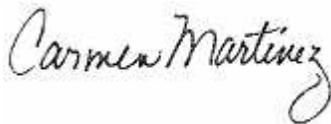
City Council will consider a resolution declaring as a public record the October 19, 2015 Amendments to the City of Avondale Personnel and Procedures Manual and an ordinance adopting said amendments by reference which include amendments to Chapter 3, Applications, Chapter 5 Classifications and Compensation, Chapter 6 Employee Benefits, Chapter 7 Drugs and Alcohol, Chapter 11 Safety, Chapter 13 Employee Records and Reports, Chapter 14 Employee Education Assistance, Chapter 16 Information and Communications Technology, Chapter 17 Separations, Chapter 19, Grievances and establishing an effective date. The Council will take appropriate action.

5 LETTER OF AGREEMENT - ARIZONA PUBLIC SERVICE FOR THE DYSART ROAD 12KV UNDERGROUNDING PUBLIC SAFETY IMPROVEMENTS (PHASE 1)

City Council will consider a request to approve a Letter of Agreement with Arizona Public Service (APS) for the undergrounding of the overhead electric along Dysart Road from Van Buren Street to Western Avenue (Phase 1) in the amount of \$1,340,228.86, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

6 ADJOURNMENT

Respectfully submitted,



Carmen Martinez
City Clerk

Council Members of the City of Avondale will attend either in person or by telephone conference call.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica.

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Notice is hereby given that pursuant to A.R.S. 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad política haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes estos aparezcan en estos videos o grabaciones de audio. Los padres pueden ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes durante la grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



CITY COUNCIL AGENDA

SUBJECT:

Special Event Liquor License - Vet Fest

MEETING DATE:

10/19/2015

TO: Mayor and Council

FROM: Carmen Martinez, City Clerk (623) 333-1214

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is recommending approval of a special event liquor license application submitted by Colleen Schorr on behalf of the Historic Avondale Merchants Association for Vet Fest, an art festival scheduled from 10 am to 5 pm on Saturday, November 14, 2015 to be held along Western Avenue from the Boys and Girls Club to 6th Street; the beer garden will be located at Sernas Plaza.

DISCUSSION:

The City Clerk has received an application for a special event liquor license from Colleen Shorr on behalf of the Historic Avondale Merchants Association to be used in conjunction with Vet Fest, an art festival scheduled for Saturday, November 14, 2015 from 10:00 am to 5:00 pm. Art vendors will set up along Western Avenue from the Boys and Girls Club to 6th Street. The beer garden will be set up at Sernas Plaza.

The required fees have been paid. The Police and Fire Departments have reviewed the applications and are recommending approval. Their comments are attached.

Staff reviewed the applications using the 14 factors set forth in Ordinance 1031-04. The findings are as noted below:

1. The public is invited to attend this event.
2. Criminal history of the applicant - A background check of the representative, Ms. Colleen Schorr, revealed no contact with the Avondale Police Department
3. The event is a charitable fundraiser
4. Security measures taken by the applicant - The Police Department is requiring that two off-duty police officers be hired to provide security within the beer garden. An additional off-duty police officer will be hired to patrol the rest of the event.
5. Only beer will be served
6. Beverages will be dispensed in disposable cups
7. While the organization has held similar events, this is the first time that an event of this magnitude that includes alcohol as part of the event amenities is being held
8. Drinking of alcoholic beverages will be confined to the beer garden within Sernas Plaza
9. The event will last seven hours
10. Port-a-potties will be located within the event
11. Zoning is OTAB (Old Town Avondale Business) and Development Services staff has indicated

that special events may occur on any property irrespective of General Plan designation or zoning

12. Anticipated total daily attendance is estimated at about 2,000 people
13. There will be no sound reproduction within the beer garden
14. The Police Department has reviewed and approved the traffic control plan for the overall event

RECOMMENDATION:

Staff is recommending approval of a special event liquor license applicaton submitted by Colleen Schorr on behalf of the Historic Avondale Merchants Association for Vet Fest, an art festival scheduled from 10 am to 5 pm on Saturday, November 14, 2015 to be held along Western Avenue from the Boys and Girls Club to 6th Street; the beer garden will be located at Sernas Plaza.

ATTACHMENTS:

Description

[Application](#)

[Department Review](#)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141



400 W Congress #521
Tucson AZ 85701-1352
(520) 628-6595

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day, for 1-10 day events only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

PLEASE NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.

DEPT USE ONLY
LIC#

****APPLICATION MUST BE APPROVED BY LOCAL GOVERNMENT**

1. Name of Organization: HAMA (Historic Avondale Merchants Assoc)

2. Non-Profit/I.R.S. Tax Exempt Number: 501c3 46-4056726

3. The organization is a: (check one box only)
- Charitable
 - Fraternal (must have regular membership and in existence for over 5 years)
 - Civic
 - Political Party, Ballot Measure, or Campaign Committee
 - Religious

4. What is the purpose of this event? Vet Fest raise funds for vet organizations

5. Location of the event: Western Ave Avondale Maricopa 85323

Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: Schar Colleen [REDACTED]

Last First Middle Date of Birth

7. Applicant's Mailing Address: [REDACTED]

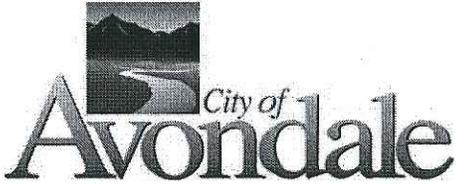
Street City State Zip

8. Phone Numbers: () 623 8530280 [REDACTED]

Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event: (Remember you cannot sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>11-14-15</u>	<u>Saturday</u>	<u>10:00</u>	<u>5:00</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____



Special Event Liquor License Application

ADDENDUM

Please provide the information requested below. This information is being requested in order to process the application and will be used only for the purpose of conducting a background investigation of the applicant.

Vet Vest
Name of Event

11-14-15
Date of Event

Colleen Schors
Name of applicant (Must be on site during the event)

[REDACTED]
Social Security Number

[REDACTED]
Driver License Number

[REDACTED]
Date of Birth

X [Signature]
Applicant's Signature

09-01-15
Date

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?
 YES NO (attach explanation if yes)
11. This organization has been issued a special event license for 0 days this year, including this event
(not to exceed 10 days per year).
12. Is the organization using the services of a promoter or other person to manage the event? YES NO
If yes, attach a copy of the agreement.
13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.
THE ORGANIZATION APPLYING MUST RECEIVE 25% of the gross revenues of Alcoholic Beverage Sales.

<u>Name</u>	<u>Address</u>	<u>Percentage</u>
American Legion Post 61	35 N. Dysart Avondale, AZ 85323	100%

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

 # Police Fencing
 # Security personnel Barriers

16. Is there an existing liquor license at the location where the special event is being held? YES NO
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use? YES NO
(ATTACH COPY OF AGREEMENT)

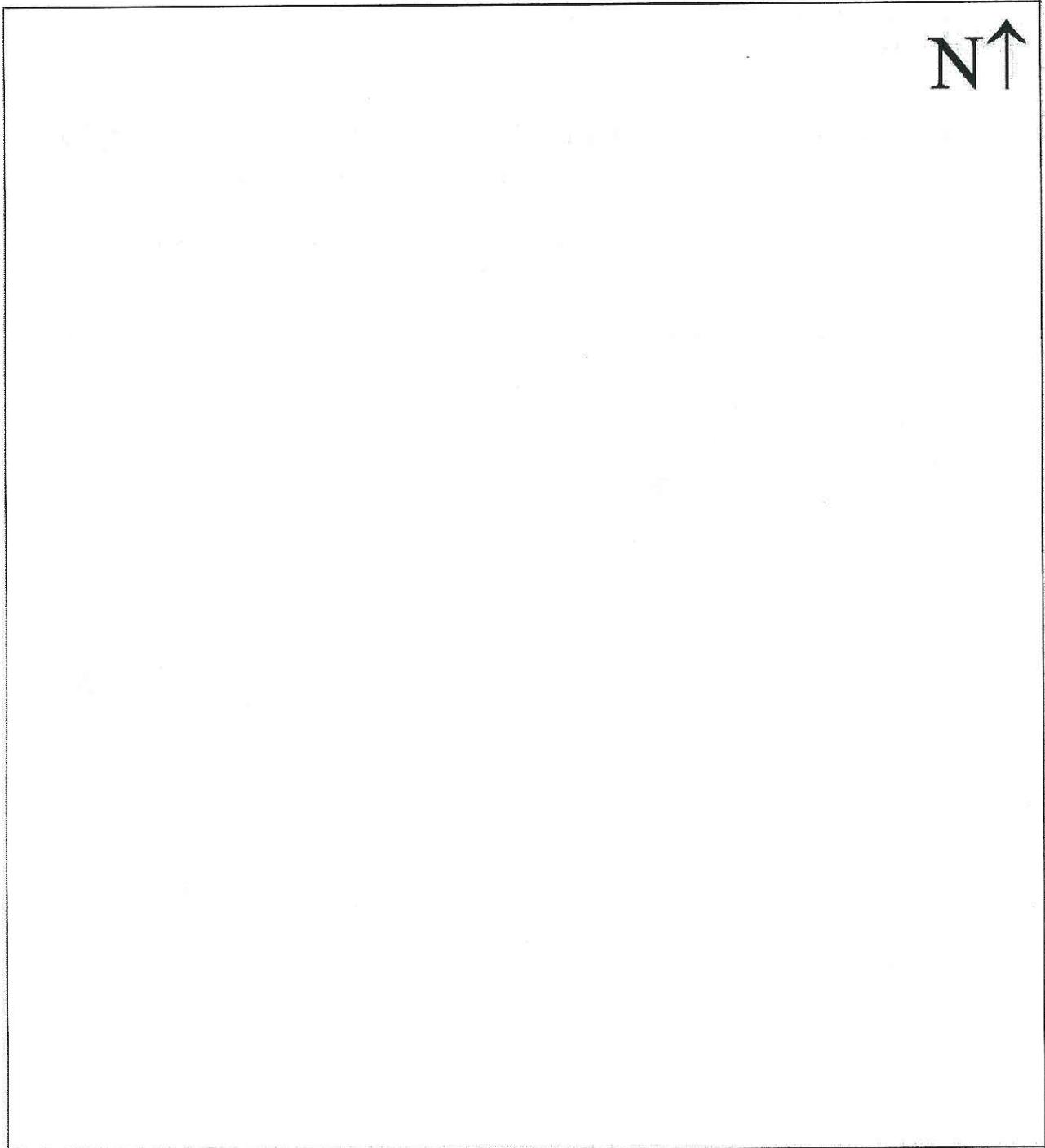
Name of Business () Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

SEE ATTACHED

SPECIAL EVENT LICENSED PREMISES DIAGRAM
(This diagram must be completed with this application)

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



- ★ Police
- Tickets
- Beer
- Tents
- Fencing
- Trash

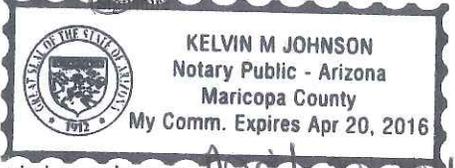


WESTERN AVE

THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1

18. I, Colleen Schorr, declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X [Signature] _____ Director _____ 9/10/15 _____
(Print full name) (Title/Position) (Date) (Phone #)



State of AZ County of Maricopa
The foregoing instrument was acknowledged before me this

10th September 2015
Day Month Year

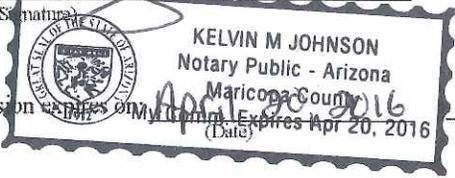
My Commission expires on: April 20, 2016
(Date)

[Signature]
(Signature of NOTARY PUBLIC)

THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6

19. I, Colleen Schorr, declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X [Signature] _____ State of ARIZONA County of Maricopa
(Signature) The foregoing instrument was acknowledged before me this



10 September 2015
Day Month Year

My commission expires on: April 20, 2016
(Date)

[Signature]
(Signature of NOTARY PUBLIC)

You must obtain local government approval. City or County MUST recommend event & complete item #20. The local city or county jurisdiction may require additional applications to be completed and additional licensing fees before approval may be granted.

LOCAL GOVERNING BODY APPROVAL SECTION

20. I, _____ hereby recommend this special event application
(Government Official) (Title)
on behalf of _____
(City, Town or County) (Signature of OFFICIAL) (Date)

FOR DLLC DEPARTMENT USE ONLY

Department Comment Section:

(Employee) (Date)

APPROVED DISAPPROVED BY: _____
(Title) (Date)

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

- POLICE DEPARTMENT
 FIRE DEPARTMENT
 FINANCE DEPARTMENT
 DEVELOPMENT SERVICES

APPLICANT'S NAME: COLLEEN SCHORR

ORGANIZATIONS NAME: HAMA (HISTORIC AVONDALE MERCHANTS ASSOC.)

EVENT ADDRESS: WESTERN AVE.

CITY: AVONDALE **STATE:** AZ. **ZIP CODE:** 85323

PURPOSE OF EVENT: VET FEST—RAISE FUNDS FOR VET ORGANIZATIONS

DEPARTMENTAL COMMENTS:

APPROVED
 DENIED



SIGNATURE
Police Chief

TITLE

9/29/15

DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: OCTOBER 19TH, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: OCTOBER 5, 2015

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: COLLEEN SCHORR

ORGANIZATIONS NAME: HAMA (HISTORIC AVONDALE MERCHANTS ASSOC.)

EVENT ADDRESS: WESTERN AVE.

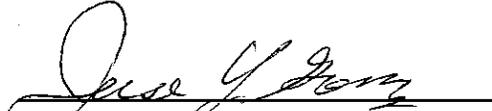
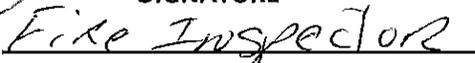
CITY: AVONDALE **STATE:** AZ. **ZIP CODE:** 85323

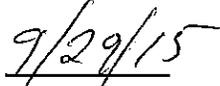
PURPOSE OF EVENT: VET FEST—RAISE FUNDS FOR VET ORGANIZATIONS

DEPARTMENTAL COMMENTS:

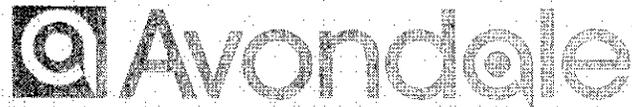
APPROVED

DENIED


SIGNATURE

TITLE


DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: OCTOBER 19TH, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: OCTOBER 5, 2015



Aspiring. Achieving. Accelerating.

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: COLLEEN SCHORR

ORGANIZATIONS NAME: HAMA (HISTORIC AVONDALE MERCHANTS ASSOC.)

EVENT ADDRESS: WESTERN AVE.

CITY: AVONDALE **STATE:** AZ. **ZIP CODE:** 85323

PURPOSE OF EVENT: VET FEST—RAISE FUNDS FOR VET ORGANIZATIONS

DEPARTMENTAL COMMENTS:

APPROVED

DENIED



SIGNATURE
Chief Building Official

TITLE

10/3/15

DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: OCTOBER 19TH, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: OCTOBER 5, 2015

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

- POLICE DEPARTMENT
 FIRE DEPARTMENT
 FINANCE DEPARTMENT
 DEVELOPMENT SERVICES

APPLICANT'S NAME: COLLEEN SCHORR

ORGANIZATIONS NAME: HAMA (HISTORIC AVONDALE MERCHANTS ASSOC.)

EVENT ADDRESS: WESTERN AVE.

CITY: AVONDALE **STATE:** AZ. **ZIP CODE:** 85323

PURPOSE OF EVENT: VET FEST—RAISE FUNDS FOR VET ORGANIZATIONS

DEPARTMENTAL COMMENTS:

APPROVED
 DENIED



SIGNATURE
Senior Planner

TITLE

9-29-2015

DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **OCTOBER 19TH, 2015**
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **OCTOBER 5, 2015**



Development Services & Engineering Department

DATE: September 29, 2015

TO: Carmen Martinez, City Clerk

PREPARED BY: Ken Galica, Senior Planner (623) 333-4019

SUBJECT: Historic Avondale Merchants Association Vet Fest
Special Event Liquor License (Series 15)
13720 West Thomas Road

The Historic Avondale Merchants Association (HAMA) is proposing to hold a “Vet Fest” to raise funds for local military veterans’ organizations. The event, which will take place on Western Avenue on November 14, 2015, will include art vendors, food vendors, a motorcycle exhibition, and entertainment. HAMA has requested permission to use the City’s Sernas Plaza, located between the Sam Garcia Library and Old Town Police Substation, as a fenced beer garden to serve patrons of the event from 10:00 A.M. to 5:00 P.M.

A Series 15 special event liquor license is required to allow sale of alcohol at the event. Special event liquor licenses are not required to meet any separation requirements to nearby churches or schools.

The General Plan designates the property as Open Space/Parks and the property is zoned OTAB (Old Town Avondale Business). Special events may occur on any property irrespective of General Plan designation or zoning.

Staff recommends approval of this request.

Attachment: Aerial Photograph
Zoning Vicinity Map

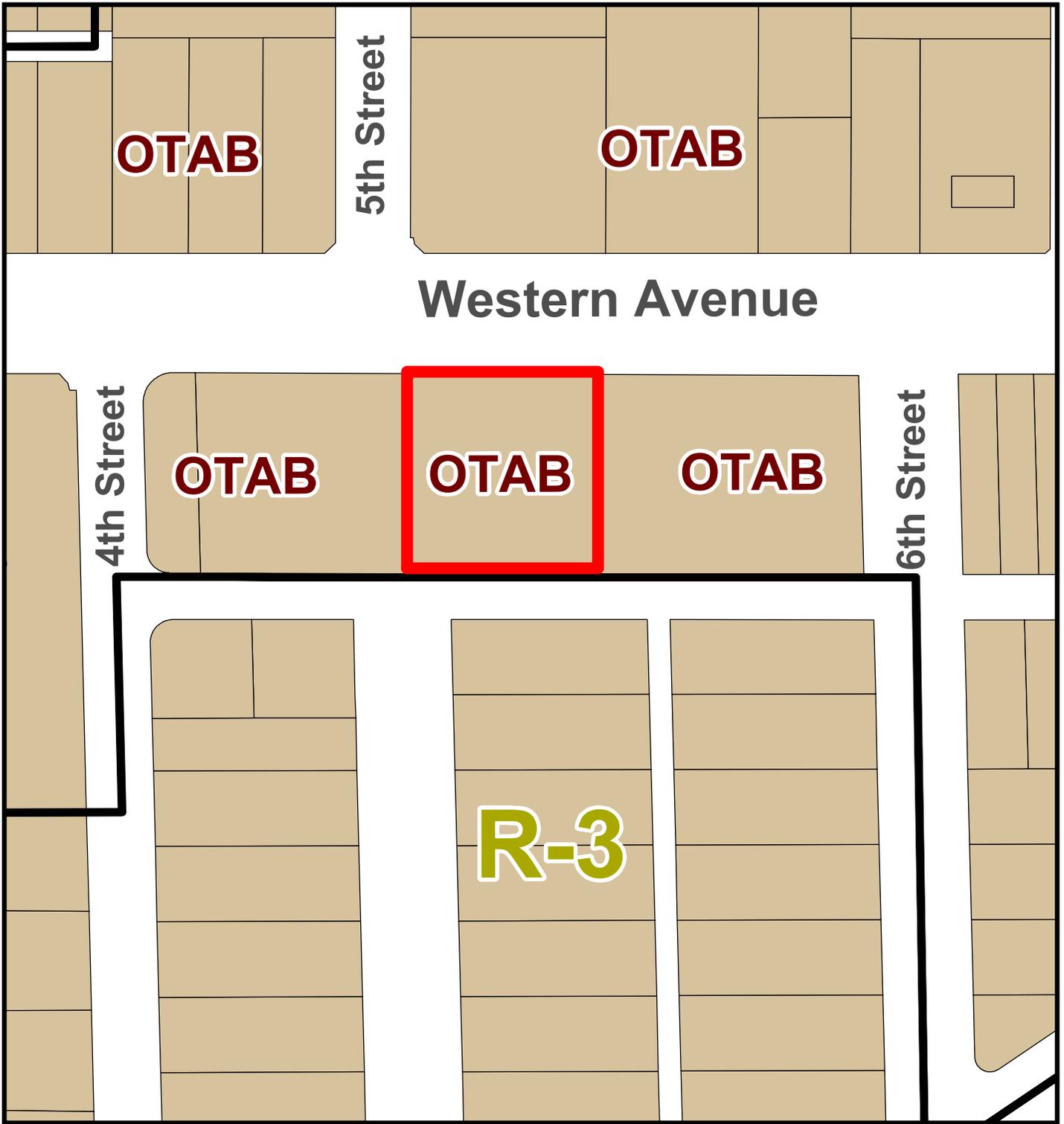


Aerial Photograph



Sernas Plaza





Zoning Vicinity Map



Sernas Plaza



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: COLLEEN SCHORR

ORGANIZATIONS NAME: HAMA (HISTORIC AVONDALE MERCHANTS ASSOC.)

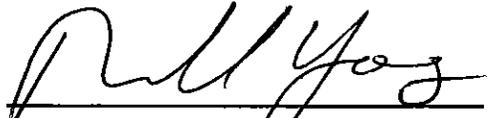
EVENT ADDRESS: WESTERN AVE.

CITY: AVONDALE **STATE:** AZ. **ZIP CODE:** 85323

PURPOSE OF EVENT: VET FEST—RAISE FUNDS FOR VET ORGANIZATIONS

DEPARTMENTAL COMMENTS:

APPROVED
 DENIED


SIGNATURE
Tax Audit Supervisor
TITLE

9/29/15
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: OCTOBER 19TH, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: OCTOBER 5, 2015



CITY COUNCIL AGENDA

SUBJECT:

Liquor License Series 7 - Agent Change and
Acquisition of Control - Coldwater Springs Golf,
LLC

MEETING DATE:

10/19/2015

TO: Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is recommending approval of a request submitted Mr. Chester Bradford Harrington IV for an agent change and acquisition of Control of a Series 7 (Beer and Wine Bar) Liquor License to be used at Coldwater Springs Golf, LLC located at 100 Clubhouse Drive in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Mr. Chester Bradford Harrington IV for an agent change and acquisition of control resulting from changes in their corporate structure. The required fees totaling \$1,150.00 have been paid.

The Arizona Department of Liquor License and Control has accepted the submitted application as complete. As required by state law and city ordinance, the application was posted for the required period of time starting September 28, 2015 and a notice was published in the West Valley View on October 13 and 16, 2015. No comments have been received.

The Development Services, Police and Fire Departments have reviewed the application and are recommending approval. While not required by the ordinance, the application was also reviewed by the Finance Department which has determined that the Center is in good financial standing with the City. Department comments are attached.

RECOMMENDATION:

Staff is recommending approval of a request submitted Mr. Chester Bradford Harrington IV for an agent change and acquisition of Control of a Series 7 (Beer and Wine Bar) Liquor License to be used at Coldwater Springs Golf, LLC located at 100 Clubhouse Drive in Avondale.

ATTACHMENTS:

Description

[Attachments](#)

SERIES 07 (BEER AND WINE BAR) LIQUOR LICENSE APPLICATION
– COLDWATER SPRINGS GOLF CLUB

DUE TO THEIR SIZE, THE FOLLOWING DOCUMENTS
HAVE BEEN POSTED SEPARATELY:

APPLICATION
DEPARTMENTAL REVIEW
POSTING PHOTOS
VICINITY MAP

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/36669>



CITY COUNCIL AGENDA

SUBJECT:

Liquor License Series 12 - Agent Change and Acquisition of Control - Coldwater Springs Golf, LLC

MEETING DATE:

10/19/2015

TO: Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is recommending approval of a request submitted Mr. Chester Bradford Harrington IV for an agent change and acquisition of Control of a Series 12 Restaurant Liquor License to sell all spirituous liquors at Coldwater Springs Golf, LLC located at 100 Clubhouse Drive in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Mr. Chester Bradford Harrington IV for an agent change and acquisition of control resulting from changes in their corporate structure. The required fees totaling \$1,350.00 have been paid.

The Arizona Department of Liquor License and Control has accepted the submitted application as complete. As required by state law and city ordinance, the application was posted for the required period of time starting September 28, 2015 and a notice was published in the West Valley View on October 13 and 16, 2015. No comments have been received.

The Development Services, Police and Fire Departments have reviewed the application and are recommending approval. While not required by the ordinance, the application was also reviewed by the Finance Department which has determined that the Center is in good financial standing with the City. Department comments are attached.

RECOMMENDATION:

Staff is recommending approval of a request submitted Mr. Chester Bradford Harrington IV for an agent change and acquisition of Control of a Series 12 Restaurant Liquor License to sell all spirituous liquors at Coldwater Springs Golf, LLC located at 100 Clubhouse Drive in Avondale.

ATTACHMENTS:**Description**

[Application and related documents](#)

SERIES 12 (RESTAURANT) LIQUOR LICENSE APPLICATION –
COLDWATER SPRINGS GOLF CLUB

DUE TO THEIR SIZE, THE FOLLOWING DOCUMENTS
HAVE BEEN POSTED SEPARATELY:

APPLICATION
DEPARTMENTAL REVIEW
POSTING PHOTOS
VICINITY MAP

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/36670>



CITY COUNCIL AGENDA

SUBJECT:

Designation of Voting Delegates for NLC Annual Business Meeting

MEETING DATE:

10/19/2015

TO: Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

City Council will designate a primary and an alternate voting delegate to represent Avondale at the National League of Cities' Annual Business Meeting to be held at the conclusion of the Congress of Cities in Nashville, Tennessee on Saturday, November 7, 2015.

DISCUSSION:

The National League of Cities Annual Business Meeting will be held at the conclusion of the Congress of Cities and Exposition in Nashville, Tennessee on Saturday, November 7, 2015.

Based on population as of the 2010 Census, the City of Avondale is entitled to cast one vote at the meeting. The NLC bylaws require that voting delegates be officially designated by the City Council in order to be eligible to cast the City's vote at the meeting.

Mayor Weise and Vice Mayor Karlin will be attending this year's Congress of Cities.

RECOMMENDATION:

Staff is recommending that the Council appoint Mayor Weise as the primary and Vice Mayor Karlin as the alternate voting delegate to represent Avondale at the National League of Cities' Annual Business Meeting to be held at the conclusion of the Congress of Cities in Nashville, Tennessee on Saturday, November 7, 2015.



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3277-1015 and Ordinance 1588-1015
- Amendments to the Personnel Policies and
Procedures Manual

MEETING DATE:

10/19/2015

TO: Mayor and Council**FROM:** Cherlene Penilla, Human Resources Director (623) 333-2218**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Council will consider proposed amendments to the Personnel Policies and Procedures, Chapter 3 Applications, Chapter 5 Classifications and Compensation, Chapter 6 Employee Benefits, Chapter 7 Drugs and Alcohol, Chapter 11 Safety, Chapter 13 Employee Records and Reports, Chapter 14 Employee Education Assistance, Chapter 16 Information and Communications Technology, Chapter 17 Separations, and Chapter 19 Grievances.

BACKGROUND:

On October 5, 2015 City Council provided direction to staff to amend Chapter 3 Applications, Chapter 5 Classifications and Compensation, Chapter 6 Employee Benefits, Chapter 7 Drugs and Alcohol, Chapter 11 Safety, Chapter 13 Employee Records and Reports, Chapter 14 Employee Education Assistance, Chapter 16 Information and Communications Technology, Chapter 17 Separations, and Chapter 19 Grievances. The changes to policy were made to reflect current practices and changes to state and federal law.

DISCUSSION:

The following are major highlights of the changes to Chapter 3 Applications:

- Removes language requiring an applicant to provide criminal history regarding felony convictions on the City of Avondale employment application

The following are major highlights of the changes to Chapter 5, Classification and Compensation:

- Removes language addressing specialty pay for sworn police employees (Field Training Officer Pay, Detective Pay, Internal Affairs Investigator Pay, and Motor Pay) which is now covered under the Police Memorandum of Understanding (MOU)
- Adds language to the on-call and overtime sections to refer sworn police employees to the MOU for call back rate calculations and comp time accrual maximums
- Changes language in the promotion section, indicating that the increase in base pay for a promotion shall be commensurate with the employee's experience, education, and current market conditions. HR must approve any offer that is midpoint of the pay range or below. Any offer over the midpoint of the pay range must also be approved by the City Manager.

The following are major highlights of the changes Chapter 6 Employee Benefits:

- Changes the terms "husband and wife" to spouse
- Adds language to clarify that vacation leave is paid at 100% of an employee's accrued balance upon separation from City of Avondale employment
- Adds language to allow for a work day of bereavement leave for the death of a niece or nephew
- Adds language addressing accommodations for additional leave, beyond Family and Medical Leave Act (FMLA), in accordance with the American with Disabilities Act (ADA)

The following are major highlights of the changes to Chapter 7 Drugs and Alcohol:

- Changes language to reflect current laws and practices regarding the use of legal drugs by employees
- Updates the pre-employment drug abuse screening to be in line with Federal and State laws and current practices (only applicants who are required by AZ-POST or by Federal/State law will be tested for drugs prior to an offer of employment)

The following are major highlights of the changes to Chapter 11 Safety:

- Changes language to reflect current practices for drug testing following any accident involving a City vehicle

The following are major highlights of the changes to Chapter 13 Employee Records and Reports:

- Adds language to clarify that specific personnel records are maintained by the Police Department for sworn police officers under the Arizona Police Officers Standards Training (AZ-POST) and the Fire and Medical Department for training records specific to firefighters
- Removes sections covering the following categories: Personnel Records, Reports to the Human Resources Department, Other Records and Correspondence, Employee Register and Personnel File, and Forms Facilitating Personnel Administration
- Adds language to clarify who has access to personnel files
- Adds language to clarify the procedure for internal requests, public records requests and information verification/reference checks to access personnel files
- Changes language to reflect current practices for employees to update their own personal information in the City's personnel system

The following are major highlights of the changes to Chapter 14 Employee Tuition Assistance:

- Adds language to clarify that part-time employees are not eligible for tuition reimbursement
- Adds language to clarify that employees that receive financial assistance from other sources (military benefits, scholarships, grants) may not be eligible for tuition reimbursement from the City
- Adds language to clarify that a course must result in formal college credit
- Changes language to allow course content outside the employee's current job class
- Adds language to allow eligibility for courses taken to complete a General Education Diploma (GED)
- Changes language to allow for up to \$5,000.00 per calendar year maximum reimbursement
- Changes language to clarify an approved application for reimbursement must be submitted within 60 days (instead of three months) to be eligible for reimbursement

The following are major highlights of the changes to Chapter 16 Information and Communications Technology:

- Adds language to define "Backup" and "User Access Account"

- Adds language to address accountability of employees for all activity occurring under their user accounts
- Adds language to describe prohibited use of City Technology
- Adds language to describe the responsibilities of employees that telecommute for the security of City technology assets
- Adds language to remind employees that informal communications may fall under the Arizona Public Records laws and corresponding retention schedules
- Adds language prohibiting employees from recording images of City work products unless it is for City business purposes
- Removes language covering social media
- Adds language to support testing of new technologies with the approval of the Chief Information Officer
- Adds language to clarify that IT is responsible for coordinating all external security requirements
- Adds language to ensure IT is consulted regarding technology based positions
- Adds language to clarify that departments are responsible to coordinate with IT for all external vendor based IT services and products
- Adds language that employee technology and security training is required at least annually and tracked by the Human Resources Department

The following are major highlights to the changes in Chapter 17 Separations:

- Removes language that vacation leave payout is a maximum of 240 hours for all employee and 402 hours for Fire personnel

The following are major highlights to the changes to Chapter 19 Grievances and Appeals:

- Adds language to reflect that a cooperative solicitation is an option for establishing a list of attorneys to serve as an Independent Hearing Officer
- Changes language to reduce the number of Independent Hearing Officers on the list from five to three
- Changes language to clarify that the Independent Hearing Officer submits his/her findings and recommendations on the merits of the appeal within 15 working days of the hearing
- Adds language to clarify a closed hearing does not preclude the attendance of persons necessary to assist in the presentation of evidence and arguments, the Human Resources Director or authorized designees and the appellant's department director or authorized designees
- Adds language to address A.R.S. 38-531 and A.R.S. 38-532 appointing an independent personnel board for all employees or a former employee alleging violation of A.R.S. 38-532

BUDGET IMPACT:

There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

RECOMMENDATION:

Staff recommends council adoption of a resolution declaring as a public record the October 19, 2015 Amendments to the City of Avondale Personnel and Procedures Manual and an ordinance adopting said amendments by reference which include amendments to Chapter 3, Applications, Chapter 5 Classifications and Compensation, Chapter 6 Employee Benefits, Chapter 7 Drugs and Alcohol, Chapter 11 Safety, Chapter 13 Employee Records and Reports, Chapter 14 Employee Education Assistance, Chapter 16 Information and Communications Technology, Chapter 17 Separations, Chapter 19, Grievances and establishing an effective date.

ATTACHMENTS:

Description

[Resolution 3277-1015](#)

[Policy Amendments](#)

[Ordinance 1588-1015](#)

RESOLUTION NO. 3277-1015

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED THE "OCTOBER 19, 2015, AMENDMENTS TO THE CITY OF AVONDALE PERSONNEL POLICIES AND PROCEDURES MANUAL."

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That certain document entitled the "October 19, 2015, Amendments to the City of Avondale Personnel Policies and Procedures Manual," of which three copies are on file in the office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Avondale, October 19, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



OCTOBER 19, 2015, AMENDMENTS TO
THE CITY OF AVONDALE
PERSONNEL POLICIES AND
PROCEDURES MANUAL

CHAPTER 3

Applications

A. Application Forms

All applications for employment must be submitted on-line at www.avondale.org.

B. Americans with Disabilities Act

The City of Avondale endeavors to make all of its programs, services, facilities, and employment opportunities available to, accessible for, and usable by qualified individuals with disabilities. The City has adopted a procedure for prompt and equitable resolution of complaints alleging discrimination by the City on the basis of disability or a violation of the Americans with Disabilities Act. For individuals in need of some reasonable accommodations in the application or interview process, or if such accommodations are denied, contact the Human Resources Director.

C. Pregnancy Discrimination Act

The City of Avondale will not discriminate on the basis of pregnancy, childbirth or related medical conditions which constitutes unlawful sex discrimination under Title VII. The City of Avondale will treat women affected by pregnancy or related conditions in the same manner as other applicants or employees with similar abilities or limitations.

D. Equal Employment Opportunity

All persons will be given equal consideration in hiring, promotion, compensation, training, discipline, and all other terms and conditions of employment without regard to race, religion, color, sex, age, national origin, disability, genetic and family medical history information, medical marijuana cardholder status or any other legally protected status.

E. Filing Application Forms

All applications for employment must be submitted online at www.avondale.org. Resumes will be accepted only as a supplement to the application.

Applications will only be accepted for positions that are currently open.

A separate online application must be submitted for each position.

Completed applications and supplements (if applicable) must be submitted online by the date and time indicated on the posting.

Applications will only be accepted when submitted online and fully completed.

F. Screening of Applicants

Applicants for all examinations must meet the minimum qualifications for the class of positions for which they are applying. Qualifications will be evaluated on the basis of information provided on the application form. Failure to provide sufficient information may be cause for rejection of the applicant. This list is without limitations. Other causes for rejection include:

1. A lack of the minimum qualifications required for the position.
2. Whether the applicant is eligible to work in the United States.
3. Whether the applicant has been convicted of a crime involving moral turpitude.
4. If the applicant has made any false statement of any material fact or attempted to practice any deception or fraud on his/her application or attachments or exams or resumes.

G. Drug Screening for New-Hires

Applicants selected to appointment to specified positions with the City of Avondale will first successfully pass a drug-testing program. Failure to pass the test will disqualify an applicant from any future consideration of employment for a period of one (1) year. If an applicant begins employment before the results of the drug test are received, and the applicant tests positive for illegal drug use, they will be immediately terminated from employment and not eligible for consideration for re-employment for a period of one (1) year. The City of Avondale complies with DOT drug testing guidelines.

H. Physical and Mental Fitness

All applicants for employment will meet the physical and mental performance requirements of the positions they seek. Impairments will be favorably considered if the disabilities are such that the applicant can be expected to perform the essential functions of the position requirements with reasonable accommodation, if necessary. A physical and psychological examination, if required, will be done by an Independent Medical Examiner. The expense of medical examinations, when required, will be borne by the City of Avondale.

I. Examinations

Certain positions may be subject to competitive testing. Applicants will be informed of the nature of such testing in advance.

J. Employment Certified Lists

As soon as possible after the completion of an examination or selection process, the Human Resources Director will prepare and keep available an employment certified list consisting of the names of candidates who qualified in the examination and are selected during the process.

The certification list will be arranged alphabetically by name. An employment certified list will also be maintained on all vacancy announcements that do not require examinations.

1. Duration of Certified Lists

Employment certified lists will remain in effect for up to six (6) months, unless sooner exhausted, and may be extended, prior to their expiration dates, by action of the Human Resources Director for additional periods, but in no event will employment certified lists remain in effect for longer than one (1) year.

2. Removal of Names from Certified Lists

The name of any person appearing on an employment certified list, or a promotional list, will be removed by the Human Resources Director if the eligible person requests, in writing, that his/her name be removed, if he or she fails to respond to a notice of certification mailed to his/her last known address, or for any of the reasons specified in these policies and procedures. The names of persons on promotional employment lists who resign from the service will automatically be dropped from such lists.

CHAPTER 5

Classification and Compensation

A. Purpose of the Classification Plan

The City's job classification system provides a structured, consistent method and quantitative techniques for arriving at objective compensation and classification decision. Some of the criteria used for determining job classifications include job duties, education and training, decision-making authority, supervisory responsibility, contacts with others as required by the job, working conditions, and other qualifications.

1. Classification Plan

A position classification plan based upon and graded according to assigned work duties and responsibilities will be developed and maintained by the Human Resources Department to provide standardization and classification of all positions in the City service. Before the implementation of said plan it will be approved by the City Manager. With the approval of the City Manager, new classifications may be established, combined, or abolished. The position classification plan will include:

- a. Outline of classes of positions in the classified service arranged in appropriate occupational group.
- b. Class specifications.

2. Administration of Classification Plan

The City Manager will instruct the Human Resources Director to conduct position classification studies at such times as he/she deems it necessary or whenever the duties and responsibilities of existing positions have undergone significant change. In addition, a classification study will be made when new positions are to be established, or may be requested by a department manager. If the Human Resources Director finds that a substantial change in organization, creation of change of position or other pertinent conditions warrant the amendment of the existing class, he/she may amend the classification plans subject to review and approval by the City Manager.

B. Compensation Plan

1. Philosophy

The philosophy of the City of Avondale is to provide an equitable compensation program for all employees. The basic concept of the pay system is that job responsibility and job performance as well as market influence will be the key determinants of an employee's salary. The City is dedicated to providing an atmosphere that demonstrates a commitment to service excellence and customer satisfaction.

2. Purpose

The purpose of the City's pay system is to attract, retain, and motivate employees through the payment of financial compensation that is commensurate with the individual's ability, responsibility and contribution toward the City's goals. This program is designed to recognize and reward performance, and achieve internally equitable and externally competitive market compensation.

3. Objectives

The objectives of the City's compensation program are:

- To clearly define the essential functions of each position through written job descriptions;
- To provide compensation that is competitive with jobs outside the City;
- To provide recognition for superior performance;
- To comply with federal, state and local regulations;
- To establish a system that is fiscally sound and cost effective;
- To provide a program that is understood by employees;
- To provide a pay system that can easily be administered and maintained; and
- To establish a salary range for each job that is based on a systemic blending of the job's internal worth to the City and the job's external value in the market.

4. Compensation Policy

The compensation program for the City is based on the following compensation policy.

- a. The City will provide total compensation opportunities of direct pay, specialty pays, indirect pay (e.g. benefits), career opportunities, etc., that are a blend of the total compensation opportunities offered by its competitors and the objectives of the City's compensation program.
- b. Each job classification in the City will have a salary range defined by minimum, mid, and maximum dollar limits. The ranges define the pay opportunities for the job. Pay for each employee shall be within the assigned range.
- c. Each job classification in the City will have a written job description. Job descriptions will be reviewed annually or as scheduled by the Human Resources Department. Employee will be provided with a copy of their respective job descriptions.

5. Maintenance of Compensation Plans

- a. Compensation plans shall be reviewed by the Human Resources Department at least every two (2) years or as directed by the City Manager. The Human Resources Department will utilize current salary data obtained from relevant competitive

employment markets and other pertinent factors as a basis for maintaining the compensation plans.

- b. Periodic salary surveys will be used as a means to monitor the movement of salaries within the market. Adjustments will be made to the compensation plans subject to the City's overall financial state as determined by the City Council and City Manager.

6. Pay Computation

For hourly employees not exempt from the overtime requirements of the Fair Labor Standards Act ("non-exempt"), gross pay is computed by the hours worked times the rate of pay. Human Resources will determine whether an employee is eligible to receive overtime pay. Net pay for all employees, both hourly and salaried, will be computed by subtracting applicable deductions, e.g., federal and state income tax withholdings, applicable Retirement System contributions, Social Security, etc., from gross pay.

7. On-Call Policy

Certain departments may make non-exempt positions eligible for on-call compensation when the employee is required to be on-call. The employee must be accessible and available for work upon being contacted via telephone, cell phone, or pager (beeper). The employee must be available to report to work within a reasonable time (one hour) after being contacted by the City, if needed. The employee must also be in a physical condition that allows him/her to resume duty.

a. Definitions

"On-call" means when an off-duty employee must remain available to be called back to work on short notice if the need arises. An employee is considered to be on-call only when assigned by the City.

"On-call pay" means the additional compensation awarded to employees who are required to remain on-call during off-duty hours.

"On-call status" means the state of an off-duty employee required to remain on-call. An employee is considered to be in on-call status only when assigned by the City. Hours spent in on-call status will not be considered hours worked for the purposes of calculating overtime compensation.

"On-call time" means the periods of time when an employee is off-duty but is required to remain on, or close to, the City premises or to respond to a call or page within a specified period of time, resulting in the employee being unable to effectively use such time to attend to his or her own personal activities. On-call time will not be considered hours worked for the purposes of calculating overtime compensation.

“Callback” means when an employee has left the work site and is requested to respond on short notice (either by returning to work or via telephone/computer) to a work situation to:

- (1) Avoid significant service disruption.
- (2) Avoid placing employees or the public in unsafe situations.
- (3) Protect and/or provide emergency services to people, property and/or equipment.
- (4) Respond to emergencies.

b. On-call/Callback Compensation

(1) On-call Pay Rate

An employee assigned to on-call status will be compensated at the rate of two dollars per hour (\$2.00/hr) as on-call pay of on-call time. On-call hours begin after the completion of the on-call employee’s scheduled workday and continue until resuming work the following workday.

(2) Callback Pay Rate

When an on-call employee is called back to work after completing the regular work schedule and leaving the premises, the employee shall be paid for time actually worked upon return or a minimum of two (2) hours at their regular hourly or base rate, whichever is greater. Sworn police employees covered under the Police Association shall refer to the MOU for call back rate calculations.

(4) On-call Status Hours Not Included in Overtime Compensation Calculation

On-call time will not be considered hours worked for the purposes of calculating overtime compensation. Only hours actually worked (over forty (40) hours in a workweek) will be included in the computation of overtime unless otherwise specified in these policies.

(5) On-call Pay Exclusions

Employees will not receive on-call pay when they are:

- On vacation leave
- On sick leave
- On administrative leave
- Receiving short-term disability benefits
- Receiving worker’s compensation benefits
- On bereavement leave
- On an approved leave of absence

- Not available to work
- Restricted to light duty
- Restricted from performing work activities

c. On-Call Duty Requirements

- (1) Employees serving on-call status must adhere to all of the following requirements:
 - (a) Thoroughly check the working status of the cell phone before on-call status begins and maintain it in operational mode at all times.
 - (b) When notified, respond and arrive at work within one (1) hour or less.
 - (c) Arrive fully capable of performing the function of the job.
- (2) If an employee does not meet the criteria as defined above, he/she will forfeit the on-call pay from the time of the first attempt to contact him/her to the end of the “on-call” time period.
- (3) Each employee will be responsible for documenting each time he/she is on-call and forward to his/her supervisor to approve the on-call time.
- (4) An employee who is assigned to on-call status and cannot be reached or does not report within one (1) hour of being contacted may face disciplinary action.

8. Incomplete Pay Period

A nonexempt hourly employee who does not work his/her regularly scheduled work week will be paid only for the number of hours actually worked in the pay period at his/her regular hourly rate of pay, unless such absence is authorized by his/her department director.

9. Overtime

a. Policy

It is the policy of the City of Avondale to discourage overtime work for non-exempt hourly employees, except when required to safeguard public health, safety or property. However, overtime may be assigned by the department director or City Manager as may be necessary to meet operating needs. Non-exempt employees have the right to be paid for overtime worked. Exempt employees are not eligible for overtime compensation. The Human Resources Director determines the exempt and non-exempt status according to the classification of the position, and in compliance with the Fair Labor Standards Act (“FLSA”).

b. Overtime Authorization

An employee is expected to seek advance approval for overtime work and to report overtime worked at the time of reporting other hours worked in a work-reporting period. Overtime by non-exempt employees must be approved in advance, but if worked it must be compensated, whether approved or not. An employee that has worked unauthorized overtime may face disciplinary action up to and including termination.

c. Overtime Compensation

(1) Overtime Pay Rate

When overtime work is performed and authorized, a non-exempt hourly employee will be compensated at the rate of one and one-half (1.5) the amount of his/her hourly rate for hours worked in excess of forty (40) hours within the designated workweek, as provided by law or as otherwise provided for in these policies.

(2) Compensatory Time Off

- (a) In lieu of monetary payment at the overtime pay rate set forth in these policies, non-exempt employees may elect to take compensatory time off (“comp time”) for overtime hours worked, with approval of the supervisor. Upon approval, overtime shall be compensated at the rate of one and one-half (1.5) hours of comp time for every one (1) hour of overtime worked by the employee.
- (b) The maximum number of comp time hours that any employee will be permitted to accrue shall be sixty (60) hours (forty (40) hours of actual overtime worked). The use of comp time by the employee shall be scheduled in accordance with departmental guidelines and procedures. An employee shall be permitted to use accrued comp time within a reasonable period after it is requested if, in the judgment of the supervisor, it does not unduly disrupt the operation of City services. Sworn police employees covered under the Police Association shall refer to the MOU for comp time accrual maximums.
- (c) The City reserves the right to pay out compensatory time balances to the employee at any time.
- (d) All compensatory time that is not used that remains on the books at the close of the fiscal year will be paid out to the employee.
- (e) Upon separation from City employment, employees with a compensatory time balance will be paid at their current regular rate of pay. An employee

who is promoted or reclassified to an exempt position will be paid for any comp time balance at their regular rate of pay prior to the personnel action.

10. Transfers

- a. Employees may be voluntarily or involuntarily transferred from one position to another within the same classification or salary range. The transfer must be in the best interest of the City of Avondale and/or for the development of the employee, as determined by the City Manager.
- b. Employees desiring a voluntary transfer must submit a transfer request and an application to the Human Resources Department. The transfer request and application will be valid until December 31 of each year. Employees wishing to remain on a transfer eligibility list must submit a new transfer request.
- c. When an employee is transferred, the department director of the department to which the employee is transferred may request an increase not to exceed five percent (5%) if the employee possesses special qualifications of benefit in meeting the needs of the new department. Justification for an increase must be provided in writing to, and approved by, the Human Resources Department prior to the effective date of the transfer. Otherwise, no increase shall be granted.
- d. Transferred employees retain their review date for performance evaluations and rate of pay. All leave accruals will remain the same.

11. Promotion

- a. Employees promoted to a higher classification shall be placed in the new classification salary range and shall receive an increase in their base pay in commensurate with their experience, education, and current market conditions. Justification needs to be submitted in writing to the Human Resources Director and must be approved by Human Resources. Anything over midpoint of the new classification range will also require approval of the City Manager. Promotional increases shall not exceed the maximum of the new salary range. Promoted employees will serve the appropriate promotional probationary period applicable to the new position.
- b. Promotional pay increases shall become effective at the beginning of the next pay period.

12. Reclassification

- a. A position may be reclassified on the basis of changes in the duties and responsibilities or qualifications for the position. A reclassification or job title changes requires approval of the Human Resources Director and the City Manager.

- b. If a reclassification results in an employee being assigned to a higher pay range the employee will be placed in the new pay range with a five percent (5%) increase unless more is required to reach the minimum of the new range. A reclassification shall not cause an employee to exceed the maximum of the new pay range.
- c. If an employee is assigned to a lower pay range the employee will be placed in the new pay range without any decrease in pay. If the employee's rate of pay exceeds the maximum of the new range then the employee will be ineligible for any base pay increases. When the range increases to exceed the employee's base rate then the employee will again be eligible for base rate increases.

13. Involuntary Demotion

- a. Employees, who are involuntarily demoted as a result of disciplinary action, shall be placed in the new classification and their rate of pay shall be reduced by at least five percent (5%) from their present rate of pay. The new rate of pay shall not exceed the maximum of the lower salary range. The review date for performance evaluations shall remain the same.
- a. Reduction in pay as a result of involuntary demotion will be effective at the beginning of a pay period.

14. Voluntarily Demotion (requested downgrade)

Employees may be voluntarily demoted from one position to another. Employees who voluntarily demote from one position to another will have their rate reduced by at least five percent (5%) from their present rate of pay. If the new rate of pay exceeds the maximum of the range then the employee's rate of pay will be frozen until such time as the maximum of the pay ranges increases to include the employee's rate of pay. Employees will be required to satisfy selection requirements for the new position to which the employee is voluntarily demoted. The City reserves the exclusive right to consent to or deny a request for voluntary demotion, depending on available positions, qualifications, departmental workload, employee skill level, and the City's need to hire and retain the most qualified applicants.

15. Appointments

- a. Temporary Employees

Pay for temporary employees will be consistent with duties and responsibilities of the temporary position as outlined in the compensation plan. Pay for regular part-time hourly employees will be based on the number of hours worked. Such pay will normally be proportionate to the regular full-time pay rate for the position.

b. New Hires

A department director may request to hire an applicant up to the midpoint of the pay range for the position based upon an assessment of an applicant's relevant experience, training, education and a review of the current incumbents' salaries that are performing the same job. A summary of the findings shall be submitted to the Human Resources Director for approval. Any request to hire an applicant above the midpoint will require the prior approval of the Human Resources Director and the City Manager.

c. Former Employee

Former employees must apply for open positions in the same manner as other applicants for the position.

16. Wages In Advance

It is the policy of the City of Avondale that no advance of wages be made.

17. Termination Pay

- a. An employee who voluntarily resigns will receive his/her final paycheck on the first regularly scheduled payday following termination/separation of his/her employment. An employee who is eligible for vacation time will be paid for all unused vacation time and other leave as allowed in this policy upon termination.
- b. An employee terminated by the City shall receive payment for his/her wages within three (3) working days of his/her termination from employment.

18. Pay During National Guard and Reserve Training

- a. All regular employees who serve as active members of the National Guard, the Army Reserves, the Navy Reserves, the Air Force Reserves, Marine Reserves, the Coast guard or other reserve military organizations, will be entitled to leave of absence with pay from their respective duties on all duty days on which they are actively engaged in training. However, such leave with pay will not exceed thirty (30) days in any two (2) year period, or as otherwise required by law.
- b. All regular employees who serve as active members of the National Guard, the Army Reserves, the Navy Reserves, the Air Force Reserves, Marine Reserves, the Coast Guard, or other reserve military organizations will be entitled to compensation if called to active military duty in times of war or national crisis as declared by the President of the United States. In accordance with Arizona law, such employees shall receive military leave with pay for up to thirty (30) days in any two (2) consecutive years.

19. Temporary Reassignment Pay

Regular status employees may be temporarily assigned to a classification in a higher grade upon recommendation of the supervisor and with approval of the department director. Eligible employees will receive a minimum of five percent (5%) above their regular salary for the duration of the temporary detail or more, if necessary, to reach the entry level rate of pay in the higher grade. The Human Resources Director may authorize the placement of the employee at greater than five percent (5%) based upon the scope and degree of the duties performed and the anticipated duration of the assignment.

- a. The employee must fully perform the duties and responsibilities of the higher classification for the duration of a minimum of twenty-one (21) consecutive calendar days to receive temporary reassignment pay. Compensation shall be retroactive to day one of the assignment.
- b. If the temporary reassignment pay is for a period of six (6) months or less, the reassignment may be made non-competitively. If the reassignment is for more than six (6) months, then the reassignment shall be made competitively in accordance with these policies and procedures or as approved by the Human Resources Director. An extension may be requested in writing to the Human Resources Director. No temporary reassignment shall extend beyond one (1) year.
- c. Employees on temporary reassignment shall have the right to return to their previous regular position at the conclusion of the assignment.
- d. Increases in pay for the temporary reassignment will be immediately discontinued when the employee returns to their regular position.

20. Shift Differential

- a. A shift differential shall be paid for regularly scheduled work shifts scheduled to begin or end between the hours of 9:00 p.m. and 4:00 a.m. Shift differential is not paid for hours worked over the regular shift when work is a continuation of the regular shift. Employees who are called back or who are covering another shift for another employee and perform work outside their regularly assigned shifts do not receive shift pay. Shift differential is not paid to employees on paid or unpaid leave.
- b. An employee shall be paid a shift differential set by administrative policy when working a shift that ends between the hours of 9:00 p.m. and 12:00 midnight, or when working a shift that includes work between the hours of 12:01 a.m. and 4:00 a.m.
- c. Only regular, non-exempt employees and sworn police employees below the grade of lieutenant are eligible for shift differential. Temporary employees and employees of the Fire Department are not eligible for shift differential.

21. Public Safety Dispatcher Pay

Public safety dispatchers, assigned by the Police Chief to fulfill the duties of public safety training dispatcher, shall receive public safety training dispatcher pay at an amount determined by administrative policy for the term of the assignment. Public safety training dispatcher pay begins as soon as they begin performing in the position. A public safety training dispatcher on administrative leave and/or on medical leave in excess of eighty (80) hours shall not receive the public safety training dispatcher pay until they are approved to return to full-duty status.

22. Battalion Chief Coverage Pay

Battalion chiefs regularly assigned to work the fifty-six (56) hour shifts may be eligible to receive coverage pay at an amount determined by administrative policy.

23. Bilingual Pay

City employees may be eligible for bilingual pay for Spanish language skills. Guidelines regarding eligibility and compensation are set forth in Administrative Policy 36.

24. Cost of Living Adjustment

Each budget year the City Council determines the amount, if any, of an across-the-board salary increase for employees. This increase is subject to the overall financial state of the City, as determined by the City Council and City Manager. If provided, the increase will be applied at the beginning of the fiscal year or at an alternate time period as specified by the City Council and City Manager.

25. Merit Pay

Each budget year the City Council determines the amount, if any, of a merit pay increase for employees. Regular status employee chosen to receive a merit increase will receive the increase at the beginning of the fiscal year, or as specified by the City Council and City Manager. Employees who are on their original/promotional probation will receive their merit increase upon successful completion of their probationary period. Merit pay increases will be subject to the overall financial state of the City, as determined by the City Council and City Manager.

26. Uniform Allowance

Regular employees who perform work that requires an employee to wear a uniform and/or safety shoes may be provided with a uniform and/or safety shoes or an allowance as established by administrative policy for each participating department.

CHAPTER 6

Employee Benefits

A. Sick Leave

1. Sick Leave Defined

- a. Sick leave is an approved period of absence granted to an employee due to:
 - (1) Illness, injury or other medical condition which renders the employee unable to perform the duties of the position.
 - (2) Illness, injury, medical condition evaluation procedure or treatment by a licensed health care practitioner, of an employee's immediate family member. For the purpose of this section, immediate family member shall be defined as a husband, wife, son, daughter, mother, father, brother, sister, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-law, grandparent or grandchild of an employee, step-child, a child whose adoption is in process, or other legal dependents. Sick leave may also be granted under Family Medical Leave Act ("FMLA").
- b. An adoptive parent may request sick leave to include appointments with adoption agencies, social workers, attorneys, court proceedings, required travel and any other activities necessary to allow adoption to proceed.

2. Accumulation of Sick Leave

- a. Employees will accrue sick leave at the rate of 3.70 hours per biweekly pay period.
- b. Employees who work fewer than 2080 hours annually, or who are regular part-time employees hired prior to September 15, 2009, will accrue sick leave at the rate of 1.85 hours per biweekly pay period.
- c. Regular part-time employees (working 30 hours or less) hired after September 15, 2009 are not eligible for sick leave.
- d. Sick leave hours are accumulated without limit.
- e. When an employee is promoted, demoted or transferred, he/she shall retain all accrued sick leave.

3. Sick Leave Usage

Employees eligible for sick leave usage by this policy may use sick leave hours only as provided. Sick leave is a privilege, not a right. Employees are subject to discipline for misuse or abuse of sick leave privileges.

- a. Sick leave may be taken when approved by the department director.
- b. A department director may require a submission of evidence substantiating the need for sick leave. An absence of three or more days shall be reported to the Human Resources Department to determine if FMLA leave is warranted.
- c. Sick leave hours taken will not count toward hours worked for purposes of computing overtime.

4. Compensation for Sick Leave

- a. Compensation upon resignation will be 33.3% of accrued sick leave at the employee's current hourly rate.
- b. Compensation upon retirement will be as follows:
 - (1) Employees with 10 years of continuous service with the City will receive 100% of accrued sick leave up to 250 hours at the employee's current hourly rate, or 33.3% of the total balance of accrued sick leave, whichever is greater.
 - (2) Employees with 20 years of continuous service with the City will receive 100% of accrued sick leave up to 500 hours at the employee's current hourly rate, or 33.3% of the total balance of accrued sick leave, whichever is greater.

5. Notification

An employee should notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day. Employees shall communicate by phone with his/her supervisor. Sending a text message or email is unacceptable and will not be considered notification. An employee must notify his/her supervisor on each day of absence unless other arrangements have been made or FMLA has been approved through Human Resources. Failure to provide proper notice may result in disciplinary action up to and including termination.

B. Family and Medical Leave Act ("FMLA")

1. General Provisions

It is the policy of the City to grant up to 12 weeks of FMLA leave during any 12-month period to eligible employees. The City may grant up to a maximum of 26 weeks in a 12-month period for employees taking FMLA Injured Servicemember leave. FMLA may be

paid, unpaid or a combination of paid and unpaid leave depending on the circumstances of the leave and as specified in this policy. The City has the right to designate leave, paid or unpaid, as FMLA leave, even if the employee does not request leave as FMLA. Sick leave may be granted under Servicemember Leave of the FMLA and only during this time can sick leave be used.

2. Eligibility

To qualify to take FMLA leave under this policy, the employee must meet all of the following conditions:

- a. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week.
- b. The employee must have worked at least 1250 hours during the 12-month period immediately before the date when the FMLA leave is requested to commence. The principles established under the Fair Labor Standards Act (“FLSA”) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1250 hours eligibility test for an employee under FMLA.

3. Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- a. The birth of a child and in order to care for that child;
- b. The placement of a child for adoption or foster care and to care for the newly placed child;
- c. To care for a close family member (usually a spouse, child, or parent) with a serious health condition; or
- d. The serious health condition (described below) of the employee.
 - (1) An employee may take FMLA leave due to a serious health condition that makes the employee unable to perform the functions of the employee’s position. A serious health condition can include inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition which requires continuing care by a licensed health care provider. However, a serious illness may also include other ailments short of hospitalization.

- (2) This FMLA leave policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.
- e. Qualifying Exigency Leave (necessity) arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.
 - f. Servicemember Family Leave - An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of FMLA leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave. If both spouses work for the City, each spouse may only take a combined total of 26 workweeks of leave.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid FMLA leave as provided under this policy, the City may designate all or some portion of related leave taken as FMLA leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Employees with questions about who and what situations are covered under this FMLA leave policy or under the City's sick leave policies are encouraged to consult with the Human Resource Department.

The City requires an employee to provide a doctor's certification of the serious health condition. The certification process is outlined in this policy. The City relies heavily on the physician's assessment.

An eligible employee can take up to 12 weeks of leave under this policy during any rolling 12-month period. The City will measure the 12-month period forward from the date any employee's first FMLA leave begins. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. If spouses both work for the City, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a child, or parent with a serious health condition, each spouse may each take 12 weeks each of leave.

4. Employee Status and Benefits During Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

The employee pays a portion of the dependent health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance and Budget Department by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a dental plan, life insurance, disability plan or any other type of insurance plan the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits; provided, however, that the employee shall pay their portion of the premiums. If the employee does not continue these payments, the City may discontinue coverage during the leave and Consolidated Omnibus Budget Reconciliation Act ("COBRA") would be offered. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

5. Employee Status After Leave

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when leave commenced, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

6. Use of Paid and Unpaid Leave

If the employee has accrued or earned sick leave, the employee must use paid sick leave first and exhaust all accrued sick leave balances prior to taking any portion of the 12 weeks as unpaid FMLA leave. An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all sick leave prior to being eligible for unpaid leave.

Disability leave for the birth of a child and for an employee's serious health condition, including Workers' Compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave. For example, if the City provides six weeks of pregnancy disability leave, the six weeks can be designated as FMLA leave and counted toward the employee's 12 week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12 week entitlement.

7. Intermittent Leave or a Reduced Work Schedule

An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all circumstances, the leave may not exceed a total of 12 work weeks over a rolling 12-month period. For the birth of a child, the employee may take up to 12 consecutive work weeks.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, for FMLA leave for the employee or employee's family member that is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

If the employee is taking FMLA leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent FMLA leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the FMLA leave is medically necessary. The City requires certification of the medical necessity as set forth in this policy.

Employees using intermittent leave or leave on a reduced schedule must make a reasonable effort to avoid disrupting operations, including scheduling doctor's appointments outside of work hours, if possible. An employee using intermittent leave due to medical necessity should notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day. An employee must notify his/her supervisor on each day of absence unless other arrangements have been made. Human Resources should be contacted if there are additional questions on intermittent leave.

8. Certification of the Serious Health Condition

A serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

The City requires certification of a serious health condition. The employee shall make every effort to respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of FMLA leave. Medical certification may be provided by using the medical certification form. Request for a medical certificate must be made in writing as part of the City's response to employee request for FMLA leave.

If the employee plans to take intermittent FMLA leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent FMLA leave or working a reduced schedule.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The employee will be temporarily entitled to leave and benefits under the FMLA pending the second opinion.

Certification related to active duty or call to active duty - The City may require that a request under active duty or call to active duty be supported by a certification issued at such time and in such manner as prescribed by Federal Law. Please consult with the Human Resources Department for current Federal guidelines regarding notification.

9. Procedure for Requesting Leave

All employees requesting leave under this policy must provide notice with an explanation of the reason(s) for the needed leave to the Human Resources Department and their immediate supervisor. If the leave is foreseeable, the employee is required to provide a written request for leave and reasons(s) to the Human Resources Department. The City will provide individual notice of rights and obligations to each employee requesting leave as soon as practicable.

When an employee plans to take leave under this policy, the employee must give the City 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees must report periodically to the Human Resources Department regarding the status of the medical condition and their intent to return to work.

Employees who are unable to return to work at the end of the expected FMLA leave should notify their supervisors and Human Resources in writing at least two weeks in advance or as soon as possible and must have the physician re-certify that the extended leave is medically necessary. If an employee does not provide proper notification to Human Resources, the employee will be considered to have abandoned the job and the employee will be subject to disciplinary action up to and including termination.

10. Job Benefits and Protection

- a. For the duration of FMLA leave, the employer must maintain the employee's health coverage under the "group health plan" unless requested in writing from the employee or other legal directives given.

- b. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- c. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- d. FMLA makes it unlawful for any employer to:
 - (1) Interfere with, restrain or deny the exercise of any right provided under FMLA.
 - (2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- e. Notwithstanding the exhaustion of FMLA leave, an employee may be granted additional leave as required under the Americans with Disabilities Act. As an accommodation, additional leave may be granted based on medical necessity and the City's requirements/ability to accommodate. Accommodations will be evaluated upon request.

11. Enforcement

- a. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- b. An eligible employee may bring a civil action against an employer for violations.
- c. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which provides greater family or medical leave rights.

C. Short-Term Disability

The short-term disability benefit provided by the City is an income replacement for employees unable to work due to illness or injury (non-job related).

1. Eligibility

A regular, full-time employee who is unable to work due to illness or injury (non-job related) is eligible for short-term disability benefits. The employee must have exhausted all paid sick leave and be absent from work for a minimum of 14 consecutive calendar days prior to being eligible for the short-term disability benefit. Employees changing leave status from Administrative Leave to Short Term Disability will be subject to a 14-day waiting period. For injuries or illnesses requiring immediate hospitalization, the benefit shall commence on the date of hospitalization. An employee receiving Workers' Compensation or disability pay under any State of Arizona plan policy is ineligible for this benefit. To be eligible for continued disability benefits, the employee must not

engage in outside employment and is expected to avoid activities that may delay recovery and a return to work. While on short-term disability employees are not permitted to report to work or participate with work activities unless specific prior authorization has been approved in writing by Human Resources. Violations of this policy will result in disciplinary action up to, and including dismissal from City employment. Disability benefits can not be collected while employed elsewhere.

2. Benefit Payment

The short-term disability benefit payment is 60% of the employee's base weekly wages or salary, to a maximum of \$1,500 per week. The benefit may be paid for a maximum up to 25 weeks in a one-year period. Payments are made in accordance with the City payroll periods. The benefit is taxable income.

3. Medical Certification

The employee must provide medical certification of the disability that includes the starting and expected ending date of the disability. This certification will be submitted to the City's Third Party Administrator ("TPA") who will review the certification and make a determination on benefit qualification.

4. Reporting Requirement

While on short term disability, employees are required to report periodically to the Human Resources Department, at least every 30 days, regarding the status of their medical condition and their intent to return to work. Employees will be required to provide medical evidence substantiating their need for continued leave to the Human Resources Department who will then submit it to the TPA.

5. Return to Work

The employee must return to work as soon as permitted by his or her healthcare provider. The employee must submit a fitness-to-return-to-duty clearance to the Human Resources Department prior to returning to work. An employee whose absence has been designated as FMLA leave is eligible for reinstatement as provided by the FMLA leave policy upon his/her return to work.

6. Employee Benefits

The City will pay its portion of the cost of the employee's benefits including health, dental, life and disability insurance benefits while an employee is on FMLA with or without paid leave (vacation or sick). The employee must continue to pay his or her portion of the benefits which may be made by payroll deductions (when applicable) or by personal check which must be submitted to the Human Resources Department. The payment must be received in the Human Resources Department by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped. The City will provide 15 days' notification prior to the employee's loss

of coverage. If the employee fails to pay his or her portion of the benefits for more than 30 days, the employee's coverage(s) will be terminated and he/she will be offered COBRA to continue benefits, excluding life and disability insurance.

When the twelve week period for FMLA coverage has ended and the employee has exhausted all paid leave, the employee will be responsible for the total cost of the health insurance premiums on any health insurance coverage the employee or the employee's family is receiving through the City during this extended leave period, unless otherwise provided by law.

Short Term Disability may only be used when an employee has a continuous, incapacitating serious health condition as certified by a physician. Short Term Disability cannot be used for an intermittent leave or to care for a family member.

Employees with any questions regarding this policy should contact the Human Resources Department.

7. Leave Accruals

While on short-term disability leave accruals will discontinue until employee is released back to work.

D. Vacation Leave

1. Accumulation of Vacation Leave

- a. All full-time employees, excluding sworn firefighters, will accrue vacation leave as follows:

Non-Exempt	(First 5 Years)	3.7 hours per pay period (12 days per year)
	(5 – 10 Years)	4.62 hours per pay period (15 days per year)
	(10 – 15 Years)	5.54 hours per pay period (18 days per year)
	(15 Years +)	6.16 hours per pay period (20 days per year)

Exempt	(First 5 Years)	4.62 hours per pay period (15 days per year)
	(5 – 10 Years)	5.54 hours per pay period (18 days per year)
	(10 Years +)	6.16 hours per pay period (20 days per year)

b. All assistant department directors will accrue vacation leave as follows:

ASSISTANT DEPARTMENT DIRECTORS	
First 5 Years	5.54 hours per pay period (18 days per year)
5+ Years	6.16 hours per pay period (20 days per year)

c. All department directors and Assistant City Managers will accrue vacation leave as follows:

Assistant City Managers And Department Directors
6.16 hours per pay period (20 days per year)

d. Battalion Chiefs

Battalion Chiefs	
(0 – 5 years)	11.20 hours per pay period
61 months – 120 months (5 – 10 years)	12.12 hours per pay period
121 months – 180 months (10 – 15 years)	13.05 hours per pay period
181 months + (15 years +)	

e. Upon hiring any employee, a department director may request that an employee be hired with vacation leave already established up to a maximum of 80 hours for employees below the rank of department directors and 120 hours for department directors. The Human Resources Director must review and approve this request prior to any official written offer of employment.

f. Part-time regular employees hired prior to September 15, 2009 will accrue vacation leave as follows:

First Five (5) Years	1.85 hours per pay period
5 to 10 Years	2.31 hours per pay period
10 to 15 Years	2.77 hours per pay period
15+ Years	3.08 hours per pay period

g. Temporary and seasonal employees shall not be eligible for, or accrue, vacation leave.

- h. Vacation leave hours taken will not count toward hours worked for purposes of computing overtime.
- i. Regular part-time employees (working 30 hours or less) hired after September 15, 2009, are not eligible for vacation leave.

2. Maximum Accumulation of Vacation Time

Eligible employees have a maximum accrual of vacation time of 240 hours.

- a. Employees must use all hours over the maximum accrual by the end of each calendar year. Employees will lose any vacation leave hours over the maximum accrual amount not used by December 31st of each calendar year.
- b. Vacation leave accumulated in excess of 240 hours as of the last day of the last pay period starting in any calendar year shall be forfeited, unless the City Manager authorizes an exception in an individual case. The application for exception submitted through the Human Resources Department shall contain a plan to use the excess hours during the following calendar year, pay the employee for the excess hours or a combination of both.

3. Use of Vacation Leave

Vacation leave shall be taken with the approval of the department director or designee (i.e., immediate supervisor).

- a. Vacation will only be granted during such time as it is not disruptive to the work schedule of the department concerned.
- b. During the original probationary period, vacation leave may be granted at the discretion of the department director.
- c. Vacation leave granted shall not exceed an employee's accrued balance.

4. Vacation Sell Back

Employees may be paid for a portion of accrued vacation. See Administrative Policy 40 (AP-40) for guidelines.

5. Compensation for Vacation Leave

Compensation upon separation from the City will be 100% of accrued vacation leave at the employee's current hourly rate. An employee may not use vacation leave after their last day worked. Vacation will be paid per city policy.

E. Holiday Leave Policy

1. Objectives

The objectives for the development of the holiday leave policy are:

- a. Equalize the holiday leave allocation, so that each full-time regular employee receives 88 hours of holiday leave hours per fiscal year and each part-time employee receives 44 hours of holiday leave per fiscal year.
- b. Identify the methods to maximize the number of days that City offices are open to serve citizens.
- c. Ensure that the adoption of a Green Friday schedule or other alternate schedule does not increase the cost of doing business for the City.
- d. Implement a system to increase the flexibility for employees to utilize their holiday compensation.

2. Accumulation of Holiday Leave

- a. The annual holiday leave bank for each full-time, regular employee is 88 hours and for each regular part-time employee is 44 hours per fiscal year. Temporary and seasonal employees are not eligible for holiday compensation or holiday differential pay. For the purposes of this policy, the holiday will be defined as the 24-hour period (12:00 AM-11:59 PM) on the designated holiday.
- b. Employees will be provided with a bank of 88 hours (full-time) and 44 hours (part-time) per fiscal year (July 1-June 30) to utilize for holiday compensation for designated holidays or floating holidays as set forth below. The leave banks will be populated during the first payroll period in July and January. The first allocation will be in July for 50 hours (full-time) and 25 (part-time), the second in January for 38 hours (full-time) and 19 hours (part-time). New hires will receive a prorated number of hours based upon their hire date.
- c. Regular part-time employees (working 30 hours or less) hired after September 15, 2009, are not eligible for holiday bank hours or holiday compensation.

3. Designated Holidays; Floating Holidays

A listing of City-designated holidays will be prepared for each fiscal year. This listing will be included in the Administrative Policy and posted no later than June 1 of each year. The listing will specify any and all designated holidays for the City.

- a. If a designated holiday falls on a scheduled work day, employees will be required to use their holiday leave to cover their scheduled work hours. Employees required to work on a designated holiday due to business need, or who are not scheduled to work

on a designated holiday, will be not be required to utilize their holiday leave. Any holiday leave hours not used for designated City holidays shall be considered floating holiday leave.

- b. In the event an employee is on paid leave when a holiday occurs, the employee shall receive no pay in addition to holiday pay. Therefore, the employee shall not be charged with applicable paid leave time (i.e. vacation or sick leave).
- c. Floating holiday leave shall be approved to be used at such a time that is mutually agreeable to the employee and the employee's supervisor. Holiday leave will not be available for use on an unplanned or call-in basis.

4. Holidays Eligible for Differential Pay

- a. Each June, a listing will be included in the Administrative Policy of any holidays that will be paid a holiday differential. Non-exempt employees who are required to work on one of the listed holidays shall be given, in addition to regular hourly rate, holiday differential pay equal to one-half of their regular straight-time hourly rate for hours worked on designated holidays. This compensation may be in overtime or compensatory time, depending on the needs of the department (compensatory time guidelines have been established in Chapter 5 of the City of Avondale Policies & Procedures Policy Manual) The additional compensation would only be for the actual day of the holiday, not the Friday or Monday before or after (example: July 4th is on a Sunday; employees working on July 4th would be eligible for additional compensation; employees working on July 3rd or 5th would not).
- b. Exempt employees would not be eligible for any additional compensation if required to work on one of the holidays eligible for differential pay.
- c. Regular part-time employees (working 30 hours or less) hired after September 15, 2009, are not eligible for holiday differential pay.

5. Use of Holiday Leave

- a. It will be the employees' responsibility to monitor their holiday leave usage.
- b. Holiday leave must be used in full day increments. A full day will be considered the number of hours scheduled for the day that the leave was taken (e.g. employee was scheduled to work ten hours on a holiday, ten hours of holiday pay would be utilized). In the event that the employee does not have enough holiday hours in her/his bank to cover a full day's absence, vacation hours or compensatory time will be used to make up the difference. The same concept shall apply to all regular part-time employees.
- c. All holidays hours not taken prior to the last day of employment with the City, shall be forfeited.

- d. Holiday hours must be used by June 30 of each year or will be forfeited. There will be no “cash out” or carryover of holiday hours.
- e. In the event that an exempt or non-exempt employee does not have either holiday hours, compensatory hours or vacation hours to cover a designated holiday, they will be placed in a leave without pay (“LWOP”) status. This will mean that both an exempt and nonexempt employee will have the uncompensated hours deducted to cover their absence.
- f. Holiday hours will not count toward hours worked for purposes of overtime for hourly employees.
- g. Holiday differential is paid in addition to any overtime pay due. Holiday differential pay will not be included in determining the regular hourly rate of pay for the purpose of calculating overtime payments.

6. Certain Police Employees Not Participating

Sworn police officers (except the Criminal Investigations and Professional Standards Bureau) (“Specified Police Employees”) will not be participating in the holiday leave program set forth above. Specified Police Employees will receive 8 hours of compensation for each of the following holidays as they occur in the calendar:

SPECIFIED POLICE EMPLOYEE HOLIDAYS
INDEPENDENCE DAY
LABOR DAY
VETERAN’S DAY
THANKSGIVING
DAY AFTER THANKSGIVING
CHRISTMAS DAY
NEW YEAR’S DAY
MLK
PRESIDENT’S DAY
MEMORIAL DAY
PERSONAL DAY TO BE SCHEDULED BY EMPLOYEE

- a. Specified Police Employees will have one 8-hour personal day to schedule at their discretion with their supervisor each fiscal year. Personal days and holidays will not be carried over into a new fiscal year. A personal day (8 hours) will be given to the employee on July 1 of each fiscal year. New hires will receive a personal day upon their hire. The personal day must be scheduled in the fiscal year it is earned. Unused personal days will not be paid out at the end of the fiscal year or upon resignation of the employee.
- b. The Specified Police Employee holiday hours set forth above will not count as hours worked for the purpose of overtime compensation. Employees who are required to work on designated holidays shall be given, in addition to regular hourly rate, holiday

differential pay equal to one-half of their regular straight-time hourly rate for hours worked on designated holidays.

Example 1: Employee works 14 hours on the holiday (Wednesday*) and works three other days in the week.

Time	Total	M	T	W*	Th	F	S	Su
Hours worked	46	10	11	14	11			

End Result:

Hours worked	46
Holiday compensation at straight rate	8
Regular Hours at straight rate	40
Overtime at 1.5	6
Holiday Differential at .5	14

Example 2: Employee works 14 hours on the holiday (Wednesday*) and calls in sick on Monday for the entire shift of 10 hours.

Time	Total	M	T	W*	Th	F	S	Su
Hours worked	36		11	14	11			
Sick Leave	10	10						

End Result:

Hours worked	36
Holiday compensation at straight rate	8
Sick leave at straight rate	10
Regular Hours at straight rate	54
Overtime at 1.5	0
Holiday Differential at .5	7

F. Industrial Leave

1. Workers' Compensation Coverage

The City provides Workers' Compensation insurance coverage to employees at no cost. If an injury or illness is determined to be job related, you receive medical benefits and, if eligible, temporary compensation.

2. Determination of Compensability

The City's Workers' Compensation carrier will determine compensability for workplace injuries and illnesses.

3. Separation During a Claim

An individual who separates from City employment will only be entitled to the compensation required under Arizona Workers' Compensation Law.

4. Filing a Claim

An injury or illness is covered under Workers' Compensation if it is determined to be job related. It is the employee's responsibility to make sure the injury is reported to his/her supervisor as soon as possible. A claim must be filed within one year of the date of injury. It is the employee's responsibility to ensure the claim has been filed. The supervisor will work with the Risk Management department to provide information to assist in filing the claim. Risk Management will serve as the point person for employees with questions regarding Workers' Compensation.

5. Types of Claims

There are two types of Workers' Compensation claims. One is called a "medical only" claim, which means that only medical expenses are paid. The other is called a "time lost" claim. This means that both medical expenses and temporary compensation benefits for lost wages are paid.

- a. "Medical only" claims are those types of claims for which the insurance company will pay all of the medical expenses associated with the injury, but will not pay compensation benefits for lost wages, as the employee did not lose more than seven days' time from work.
- b. "Time lost" claims are those claims in which the treating doctor states that the employee is unable to work due to their injury and employee is off work more than seven days. The employee would then be eligible for compensation for their lost wages. The days off do not have to be consecutive (in a row) but are cumulative (total). Entitlement to compensation is based on calendar days (not work days) and includes Saturdays, Sundays and holidays.

6. Compensation for Time Lost Claims

The first seven days are not paid for lost wages unless the disability extends to 14 days. For example: If the employee is off ten days, they get paid for days eight, nine and ten only. If the employee is off 14 full days, compensation is retroactive (goes back) to the date of injury and is paid for 14 days. Compensation is not generally paid for the date of injury, as the employee was working that day and was typically compensated already for that day.

Compensation is based on 66 2/3% of the monthly wage up to the statutory limit set forth in the Arizona Revised Statutes. The state law establishes a maximum wage figure which can be used to calculate the average monthly wage. This compensation is tax-free to the

employee. Payments will be administered through the City's payroll system and will be issued on a bi-weekly basis.

Sick time or vacation time may be utilized to cover the seven day waiting period or to supplement their Workers' Compensation payments. Employees would need to notify Payroll in writing if they wish to utilize sick time or vacation time to cover their waiting period or supplement their wages.

7. Requirements While Under Workers' Compensation

For public safety employees on Workers' Compensation, retirement contributions cease unless the injured employee fills out a form provided by the Risk Management department.

An employee may not leave the state for more than two weeks while under active medical treatment without approval from the Arizona Industrial Commission. If you are planning to be outside the state for more than two weeks, you must have written approval from the Arizona Industrial Commission before you leave the state.

Employees are not permitted to engage in outside employment while receiving Workers' Compensation from the City of Avondale unless written permission is granted from Human Resources and Risk Management.

FMLA leave, if eligible, will run consecutively while on Workers' Compensation. While under active medical care, the insurance company has the right to have the employee periodically examined, at a reasonably convenient time and place, by a doctor of its choosing. Failure to attend the examination could result in suspension of Workers' Compensation benefits and the employee could be required to pay for the cost of the missed examination.

8. Return to Work

While under active medical care, a doctor may release you to return to light duty or to your regular job.

If released to regular duty, you must be able to perform the essential functions of your job, with or without reasonable accommodations. If you require accommodations, Human Resources will coordinate an evaluation of your ability to return to the workplace.

If returned to work with restrictions, the physician must provide in writing a detailed outline of what the restrictions are and the duration of those restrictions. Human Resources, Risk Management and the department will work together to determine if there is work available that meets the restrictions outlined. Light duty is not guaranteed. It will be up to the City to determine if work is available. At no time will an employee be allowed to be on light duty for a period of time greater than twelve months from the date of injury or date of onset of illness. Light duty work would no longer be available once an employee is medically able to return to his or her regular job.

If an employee fails to accept a light duty work assignment that he or she is medically capable of performing, his or her compensation benefits may be reduced or eliminated by the City.

Risk Management may require a fit for duty evaluation before an employee is returned to regular duty.

G. Leave Without Pay

1. Request and Determination

Employees may request, in writing, leave without pay (“LWOP”) for certain restricted reasons. The department director, Human Resources and City Manager will determine whether or not to approve the leave request.

2. Leave Accruals Discontinued

Vacation and sick leave accruals will discontinue at the point an employee goes on leave without pay and will commence when they return to work.

3. Insurance Discontinued

After two pay periods of leave without pay, health, dental, vision and life insurance for the employee and any dependent coverage will discontinue. COBRA coverage will be offered to the employee and dependents.

4. Unauthorized Absence

Any unauthorized absence of an employee from duty will be deemed absence without pay and may be grounds for disciplinary action up to and including dismissal from City employment.

5. Failure to Return After Notice

Failure on the part of an employee to return to duty within 48 hours after written notice to return has been sent to his/her last known address will be cause for immediate discharge and the employee automatically waives all appeal rights under this policy.

H. Bereavement Leave

1. General

Upon the death of an employee’s immediate family member, an employee may be granted paid bereavement leave not to exceed five work days or 40 hours. Additional hours beyond the limit may be charged to an employee’s sick leave or vacation leaves at the employee’s discretion and with the department director’s approval. Upon the death of

an employee's aunt, uncle, cousin, niece, or nephew, an employee may be granted paid bereavement leave not to exceed one work day or eight hours. Only full-time regular and/or probationary employees are eligible for bereavement leave. Part-time employees are not eligible for bereavement leave.

2. Immediate Family Defined

For purposes of bereavement leave, "immediate family" shall refer to a spouse, son, son in-law, daughter, daughter in-law, mother, mother in-law, father, father in-law, brother, brother in-law, sister, sister in-law, grandparent, grandparent in-law, grandchild or step-child, step-parent, step-brother or step-sister.

I. Military Leave

All regular employees who are or may be members of the National Guard or the Military Reserves (U.S. Armed Forces) will be entitled to leave of absence with pay, upon written request to the City Manager, from their respective duties on all days during which they are employed with or without pay under the orders of or authorization of competent authority, on active duty during training or duty with troops, field exercises or instruction for a total period not to exceed the lesser of 30 working days or 240 hours in any two consecutive years.

J. Civic Duty Leave

1. General

Upon substantiated application, an employee shall be granted leave with pay as civic duty leave while serving as a juror, complying with a subpoena and voting.

2. Use of Civic Duty Leave

Except for voting pursuant to ARIZ. REV. STAT. § 16-401 (primary elections) or ARIZ. REV. STAT. § 16-402, (general elections) as amended, an employee granted civic duty leave shall report for work whenever the employee's presence is not required for the civic duty, unless:

- a. The distance to the work location would preclude timely reporting for the civic duty;
or
- b. The employee cannot return to work at least one hour before the end of the work shift;
- c. Civic duty leave will not count towards hours worked for purpose of computing overtime.

3. General Election Day

- a. The biannual general election day (the first Tuesday following the first Monday in November of every even-numbered year) is not a legal holiday. However, every public officer or employee is entitled to have adequate time to vote, as set forth in ARIZ. REV. STAT. § 16-402, as amended. The three consecutive hours immediately after the opening or the three consecutive hours prior to the closing of the polls is provided for this purpose.
- b. Arrangements must be made with the supervisor prior to general election day and the supervisor may determine which hours are more suitable in accordance with the needs of the department.

4. Appearance as a Witness

An employee who is subpoenaed as a witness by any court or administrative, executive, or judicial body in this state may be absent with pay unless the testimony or evidence to be given relates to the employee's own personal business.

5. Jury and Witness Fees

Employees who are granted civic duty leave when called for jury duty or subpoenaed as a witness shall remit any fees to the City Finance and Budget Department, except for mileage allowance.

K. Victim's Leave

1. Purpose and Eligibility

The City will allow employees who are victims of crimes to leave work to exercise their right to be present at legal proceedings related to the crimes in accordance with Arizona State Victim's Leave Law (ARIZ. REV. STAT. §§ 8-420, 13-4439) as amended. Any City employee is eligible for leave under this policy, except if the employee's family member is the victim and the employee is in custody for an offense or is the accused.

2. Use of Victims Leave

A request for victim's leave must be made to the immediate supervisor providing as much notice as practical. In making this request, the employee shall provide both of the following documents:

- a. A copy of the form provided to the employee by the law enforcement agency.
- b. A copy of the notice of each scheduled proceeding that is provided to the victims by the responsible agency.

Leave records under this policy shall be maintained in a confidential manner. When using victim's leave, the eligible employee may use accrued vacation or time earned. Compensatory time earned may be used for non exempt employees to remain in a pay status while absent from work. If the employee has exhausted all accrued leave balances or if the employee is not benefit eligible, the leave of absence shall be unpaid and need to be approved by the City Manager. While there is no maximum amount of time allocated for the victim's leave, the City reserves the right to limit the leave provided under state law if the employees' absence from work creates an undue hardship to City business.

L. Administrative Leave

The Human Resources Department may authorize the granting of administrative leave to temporarily relieve an employee of his/her duties during an investigation and/or pending the outcome of a hearing. Administrative leave may be authorized with or without pay depending upon the specific circumstance.

M. Health, Dental, Life and Optional Insurances

Subject to the approval of City Council, the City provides health, dental and life insurance to regular status full-time employees. Insurance coverage begins 30 days after the first day of the month following the employee's first day of employment. All regular part-time employees hired after September 15, 2009, are not eligible for any health, dental, life or optional insurances.

1. Medical Insurance

Employees hired in 30-40 hour positions are covered by the City's regular medical insurance plans. Employees may elect to cover their dependents at the cost which has been negotiated by the City and the insurance carrier. The City may elect to pay a portion of the dependent's coverage. Employees hired in a position with hours less than 30 hours are not eligible to enroll in the City's medical insurance plans.

2. Dental Insurance

Employees hired in 30-40 hour positions are covered by the City's dental insurance plans. Employees may elect to cover their dependents at the cost which has been negotiated by the City and the insurance carrier. The City may elect to pay a portion of the dependent's coverage. Employees hired in a position with hours less than 30 hours are not eligible to enroll in the City's dental insurance plans.

3. Life Insurance

Employees hired in 30-40 hour positions are covered by the City's basic life insurance plan. These employees may purchase additional life insurance. Employees hired in a position with hours less than 30 hours are not eligible to enroll in the City's life insurance plans.

4. Optional Insurance Benefits

The City may provide optional benefits through payroll deduction.

N. Continuation of Health Insurance under Consolidated Omnibus Budget Reconciliation Act (“COBRA”)

Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, if an employee terminates employment with the City, the employee is entitled to continue participating in the City’s group health plan for a prescribed period of time, usually 18 months. (In certain circumstances, such as an employee’s divorce or death, the length of coverage period may be longer for qualified dependents.) COBRA coverage is not extended to employees terminated for gross misconduct.

If a former employee chooses to continue group benefits under COBRA, he/she must pay the total applicable premium plus a 2% administrative fee. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions, or becomes eligible for Medicare.

For detailed information or questions on COBRA, employees are requested to check with the Human Resources Department.

O. Workers’ Compensation Insurance

1. General

Workers’ Compensation provides a medical and hospitalization expenses benefit as well as partial payment in lieu of salary for workers injured on the job. All City employees are covered by this form of insurance at no cost to the employee from the first day of employment. Benefits are based on 66 2/3% of the monthly wage up to the statutory limit set forth in the Arizona Revised Statutes.

2. Temporary Disability and Sick Leave

An employee receiving temporary disability payments pursuant to the laws related to Workers’ Compensation may elect to use accumulated sick leave in order to continue his/her regular income if employed with the City less than one year. Sick leave must be used in increments of not less than eight hours per pay period. The purpose of this policy is to ensure that an employee does not suffer economic hardship as a result of his/her injury; however, the employee shall not make a financial gain as a result of his/her injury or illness.

3. Reporting Period

All job-related personal injuries to employees must be reported to Risk Management within 24 hours of the time the accident occurred.

4. Choice of Care Provider

The City has the right to request that an employee injured on the job, seek medical assistance from a doctor of the City's choice.

P. Retirement Plans

Enrollment in the Arizona State Retirement System or the Public Safety Personnel Retirement System or the Correctional Officers Retirement Plan will be determined based upon eligibility. The Public Safety Personnel Retirement System is for certified peace officers and firefighters.

Deductions for all plans are made from each pay period. The amount of the City's contributions, as well as employee contributions, is determined by state legislation.

Q. Deferred Compensation Plan

Under this optional plan, which is governed by Internal Revenue Service (IRS) Code 457, an employee may choose to defer a portion of his/her income through payroll deduction. The deferred amount is not taxable until withdrawn, and various options are available for the investment of these funds. There are no City matching funds for this benefit. By deferring income, an employee may lower the income tax they currently pay.

R. Health Savings Account ("H.S.A.")

1. General

Health Savings Accounts ("H.S.A.") were created by Public Law 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. H.S.A. are designed to help individuals save for qualified medical and retiree health expenses on a tax-advantaged basis.

2. Employee Choice

Employees who select a high deductible health plan may be eligible to participate in an H.S.A.

3. City Contribution

The City may elect to contribute funds to employee's H.S.A. accounts.

S. Flexible Spending Arrangements ("FSA")

1. General

Health Flexible Spending Arrangements and Dependent Care Flexible Spending Arrangements ("FSA") allow employees to be reimbursed for medical expenses.

2. Process

- a. Employees may contribute to FSA accounts up to the limit set by the City.
- b. No employment or federal income taxes are deducted from employee contributions to FSA accounts.
- c. The City may elect to contribute funds to employee's FSA accounts.

CHAPTER 7

Drug and Alcohol Policy

A. Provisions Covered by the Rules

These policies and procedures will apply to all classified positions in all departments of the City of Avondale and to such positions in the exempt and temporary service as may be provided herein.

B. Drug and Alcohol Testing Policy

The City of Avondale (the “City”) believes that substance abuse is a serious threat to the welfare of our employees, citizens, and the public. To address this problem, we have introduced this policy with respect to the use, possession, or sale of drugs and alcohol. By establishing this policy, we hope to:

1. Maintain a safe, healthy, and productive working environment for its employees.
2. Ensure the good reputation of the City and its employees.
3. And reduce accidents, tardiness, absenteeism, and indifferent job performance.

Typically, employees with drug and alcohol abuse problems make up only a small part of the work force, so we regret any inconvenience to the majority of you that are not substance abusers. We believe, however, that the benefits of our drug and alcohol testing program will more than make up for any inconvenience. Thus, we ask for your understanding and cooperation in implementing this policy.

C. Substance Abuse Policy

This policy requires all employees of the City to refrain from being involved in any way with illegal drugs or from abusing alcohol, on or off the job.

D. Grounds for Termination or Discipline

The following are grounds for discipline up to and including termination, even for a first offense.

1. Illegal Drug Use

Illegal drug use includes possessing, using, purchasing, distributing, or selling illegal drugs, or reporting to work impaired by illegal drugs. Under this policy, “illegal drugs” include any drug or drug-like substance which:

- a.) Is not legally obtainable.
- b.) May be legally obtainable but has not been legally obtained.
- c.) Is being used in a manner or for a purpose other than as prescribed.

2. Alcohol Abuse

Alcohol abuse includes possessing, using, purchasing, distributing, or selling alcohol beverages at any time during the hours between the beginning and ending of the employee's work day, or reporting to work or working while impaired by alcohol in any way.

3. Failure to Participate

The following will be considered a failure to participate in the City's drug and alcohol testing policy:

- a.) Failure to submit to drug or alcohol testing.
- b.) Failure to immediately report for drug or alcohol testing when requested to do so.
- c.) Refusal to sign all appropriate consent forms.
- d.) Any other failure to cooperate to the City's complete satisfaction.

4. Use of Legal Drugs

- a.) In recognition of privacy concerns, the City will not solicit information from an employee regarding medications that an employee may be taking absent an indication that the employee is impaired or poses a safety hazard. The exception to this section of the policy is Police Officers and Detention Officers.
- b.) It is the responsibility of any employee who is taking any medication, including those sold without a prescription, which may interfere with the safe and effective performance of duties to notify their supervisor before beginning work. Disclosure of the specific medical condition or the specific medication to the supervisor is not required (it may ultimately be required to be made to City Human Resources or a City-contracted Physician). The employee shall provide documentation from the treating physician of any limitations this may impose on the employee. If the limitations are such that the employee cannot safely and effectively perform his/her job duties, the employee may be placed on sick leave and referred to the Human Resources Department for discussion of reasonable accommodation.
- c.) It is the employee's responsibility to advise the City when the employee is no longer using the medication in question.
- d.) Any medical documentation shall be sent to City Human Resources for filing in the employee's confidential medical file.

E. Testing

1. Pre-Employment Drug Abuse Screening

The City will test all applicants who, as required by AZ Peace Officers Standards and Training Board and Federal/state law, receive an offer of employment prior to commencing employment, in an effort to detect individuals who currently use illegal drugs.

2. Reasonable Suspicion Testing

The City will require an employee to submit to alcohol and/or drug testing when there is reasonable suspicion to believe that the employee is engaged in illegal drug use or alcohol abuse. For purposes of this policy, “reasonable suspicion” will be based on specific observations concerning the appearance, behavior, speech or body odors of the employee, including, without limitation, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, unexplained carelessness or accidents, erratic behavior, inability to perform the job and other unexplained behavioral changes. These observations must be made by a supervisor or other City official who has been trained to recognize signs of alcohol and/or drug use.

3. Random Testing

The following employees are subject to unannounced random screening for illegal drug use

- a.) Certified police officers
- b.) Police reserve officers
- c.) Firefighters
- d.) Firefighter reserve employees.

F. Consequences of Violating This Policy

- 1. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to participate in this policy to the City’s complete satisfaction, may be subject to discipline up to, and including, immediate termination.
- 2. The appropriate level of discipline will be determined on a case-by-case basis at the City’s discretion, and may include treatment or rehabilitation under terms established by the City in consultation with a substance abuse professional.

3. This policy shall be construed in accordance with federal and state laws, including the Americans with Disabilities Act, the Family and Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991
4. Rehabilitation is the responsibility of the individual employee. An employee with a drug or alcohol abuse problem is encouraged to use whatever treatment or rehabilitative services are available under the City's group and health plan in effect at that time.
5. The City may not keep an employee in any particular job classification or position after the employee, either voluntarily or as a result of a positive drug test, seeks treatment or rehabilitation, unless otherwise required by law.

G. Federal Highway Administration Controlled Substances and Alcohol Use Testing Requirements

The United States Department of Transportation (DOT) has adopted mandatory rules which require employers to adopt and maintain substance abuse prevention programs, including drug and alcohol testing.

1. Rules

These rules apply to every person who performs a safety sensitive function on a commercial motor vehicle (CMV) and is required to hold a commercial driver's license (CDL) to perform his or her job duties.

- a.) All employees required to hold a CDL as part of their job with the City must always be immediately available to perform any safety sensitive function, and must comply with these rules at all times while on duty.
- b.) Any questions concerning the DOT drug and alcohol testing rules should be directed to the Human Resources Department.

2. Definitions

- a.) *Alcohol use* means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
- b.) *Controlled substances* are marijuana, cocaine, opiates, amphetamines and phencyclidine.
- c.) A *commercial motor vehicle* is any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.
- d.) A *driver* is considered to be performing a safety sensitive function during any period in which he or she is doing any of the following with respect to a

CMV; waiting to be dispatched, inspecting, servicing, conditioning, driving, loading or unloading (whether supervising, assisting or merely attending), repairing, obtaining assistance, waiting for held while the vehicle and all other time in or upon the vehicle.

- e.) A *refusal to submit to alcohol or controlled substance testing* includes any of the following:
 - 1.) Failure to provide adequate breath for alcohol testing without a valid medical explanation.
 - 2.) Failure to provide an adequate urine sample for controlled substances testing without a genuine inability to provide such a sample.
 - 3.) Or any other conduct that obstructs the testing process.

3. Prohibitions

The City will not permit any driver to operate or continue to perform safety sensitive functions if he or she:

- a.) Has an alcohol concentration of 0.04 or greater.
- b.) Is using alcohol while performing any safety sensitive function.
- c.) Has used alcohol within 4 hours of performing any safety sensitive function.
- d.) Has used a controlled substance.
- e.) Or has tested positive for any controlled substance.
- f.) If a driver has an alcohol concentration of 0.02 – 0.039, he or she will not be allowed to perform any safety sensitive function for the City for at least 24 hours.
- g.) The City also will not permit a driver to operate a commercial motor vehicle if the driver possesses alcohol or if the driver refuses to submit to required alcohol or controlled substance testing.

4. Required Testing

a.) Pre-Employment Testing

The City will not permit any driver to perform safety sensitive functions unless that driver has received a controlled substances test result from the medical review officer (MRO) indicating a verified negative result. The only exception to this rule is if the driver is excused from the pre-employment testing requirement pursuant to 49 C.F.R. 381.301 (c).

b.) Post Accident Testing

As soon as practicable following an accident, the City will test each driver for alcohol and controlled substances if:

- 1.) The driver was performing a safety sensitive function with respect to the vehicle, and the accident involved the loss of a human life.
- 2.) Or the driver receives a citation for a moving traffic violation arising from the accident, and the accident resulted in bodily harm to any person requiring medical treatment away from scene of the accident
- 3.) Or there is disabling damages to any of the vehicles involved in the accident.
- 4.) An alcohol test will be administered within 8 hours and a drug test will be administered within 32 hours of the accident. If these tests are not performed within these periods, the City will cease its testing efforts and prepare to record identifying the reason(s) why one or both of these tests were not administered.
- 5.) A driver who is subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.
- 6.) A driver may not consume any alcohol for 8 hours following an accident, or until tested, whichever occurs first.
- 7.) A driver must contact his or her supervisor immediately after an accident so that the need for alcohol and drug testing can be assessed and to ensure that the driver will be able to comply with the DOT rules. Failure to report an accident involving a commercial motor vehicle may be grounds for disciplinary action.

c.) Random Testing

The City will also randomly select a number of drivers each calendar year for drug and alcohol testing at an annual percentage rate determined by the FHWA Administrator. Currently, the annual percentage rate for covered drivers is 25 percent for alcohol testing and 50 percent for controlled substances testing.

d.) Reasonable Suspicion Testing

The City will require drivers to submit to alcohol and/or controlled substances testing when there is reasonable suspicion to believe that the driver has violated the DOT rules concerning alcohol use or controlled substances. “Reasonable suspicion” will be based on specific, contemporaneous,

articulable observations regarding the appearance, behavior, speech or body odors of a driver during, or just before or after. The period of the work day that the driver is required to be in compliance with the DOT rules. These observations will be made by a supervisor or City official who has been trained to recognize signs of alcohol and/or controlled substance abuse.

When the City reasonably believes a driver is impaired, that driver will not be allowed to perform any safety sensitive function until

- 1.) An alcohol test is administered and the alcohol concentration is less than 0.02;
- 2.) Or 24 hours have elapsed since the reasonable suspicion determination.

e.) Return to Duty Testing

Before returning to duty requiring the performance of any safety sensitive function following alcohol-related conduct prohibited by the DOT rules, a driver must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

Before returning to duty requiring the performance of any safety sensitive function following controlled substances related conduct prohibited by the DOT rules, a driver must undergo return to duty controlled substances testing with a result indicating a verified negative result for controlled substances.

f.) Follow Up Testing

A driver who has been determined to need assistance in resolving problems associated with alcohol misuse and/or controlled substances is subject to unannounced follow up testing as directed by a substance abuse professional. There must be at least 6 follow up tests within the first 12 months after a driver returns to duty, follow up testing will not exceed 60 months from the date of the driver's return to duty.

Testing under paragraphs c, d, and f will occur while the driver is performing safety sensitive functions, or just before the driver is to perform safety sensitive functions or just after the driver has ceased performing such functions.

5. Testing Procedures

a.) Controlled Substances

Precautions will be taken to ensure that a urine specimen is not adulterated or diluted during the collection procedure, and that information on the urine bottle and on the urine custody and control form identifies the driver from whom the specimen was collected. These precautions will include placing a bluing agent in toilets when possible, securing and monitoring water sources and positively identifying the driver as the employee selected for testing.

Additionally, drivers will be required to remove any outer garments and personal belongings (such as purses or briefcases) in which items may be concealed, and to wash and dry their hands prior to testing.

Under normal circumstances, the actual collection of the urine specimen will not be observed unless:

- 1.) The urine specimen falls outside the normal temperature range and the driver either declines to allow measurement of his or her body temperature or his or her oral body temperature varies by more than 1.8 degrees Fahrenheit from the specimen;
- 2.) The driver's previous specimen did not register a normal measurement of specific gravity and creatinine;
- 3.) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen; or
- 4.) The driver has previously been determined to have used a controlled substance and the particular test was being conducted under DOT agency regulation providing for follow up testing upon or after the driver's return to duty.
- 5.) If the temperature of the specimen falls outside of the normal range, the assumption will be that it has been altered or substituted. The driver may volunteer to have his or her oral temperature taken to counter this presumption. In all circumstances, the collection site person will inspect the specimen to determine if it has been contaminated, and will note any unusual findings on the custody and control form. All specimens suspected of being adulterated will still be forwarded for testing. Whenever there is reason to believe that a specimen has been altered or substituted, a second observed specimen will be obtained from the driver as soon as possible.

Both the driver and the collection site person must be present when:

- 1.) The specimen is labeled;
- 2.) The driver initials the label to confirm that it is his or her specimen;
- 3.) The collection site person enters the information to identify the specimen and
- 4.) Signs the custody and control form;
- 5.) The driver reads and signs the statement of the form certifying that the specimen is the one he or she provided; and

- 6.) The driver signs a consent or release form if specified by DOT rules or is required by the collection site or laboratory.

The collection site person will note any refusal to cooperate with the testing process on the custody and control form and will notify the City.

The City will use a “split sample” method of testing performed by laboratories certified under the HHS “Mandatory Guidelines for Federal Workplace Drug Testing Programs.” If the initial screening test is positive, the driver may request that the MRO send the split specimen to another HHS certified laboratory to test for the presence of the drugs for which a positive result was initially obtained. This request must be made within 72 hours of the driver’s notification of the test results.

The MRO will review the final confirmed test results before they are transmitted to the City. However, the MRO will first contact a driver to discuss a confirmed positive test result. If the MRO is unable to contact the driver directly, he or she will attempt to do so through a designated City official. The MRO may verify a test result as positive without communicating with the driver if:

- 1.) The driver declines to discuss the test with the MRO;
- 2.) More than 5 days pass since the time the designated City official informs the driver that he or she should contact the MRO; or
- 3.) Other circumstances provided for in DOT agency rules.

Following verification of a positive test result, the MRO will refer the case to the City’s Human Resources Department.

b.) Alcohol Testing

The City will conduct a screening test for alcohol use using either an evidentiary breath testing device (EBT) or a non-evidential screening device approved by the National Highway Traffic Safety Administration. If the screening test yields an alcohol concentration of 0.02 or greater, a confirmation test will be performed between 15 and 30 minutes after the first test using an EBT. If the two tests yield different results, the confirmation test will be deemed to be the final result upon which any action is based.

The City will comply with the quality assurance plan and the manufacturer’s instructions for each screening device used, and shall maintain records relating to the inspection, maintenance, compliance with the quality assurance plan, calibration and qualifications of individuals using each screening device.

c.) Handling of Test Results

Test results will be kept confidential except as required by law or expressly authorized by the DOT rules.

The City will notify driver applicants of pre-employment test results if the driver requests such results within 60 days of being notified of the disposition of his or her application.

The City will notify a driver of the results of random, reasonable, suspicion, and post accident test results verified as positive for controlled substances, and identify for the driver the controlled substances that were detected and verified.

6. Consequences for Engaging in Prohibited Conduct

A driver who engages in conduct prohibited under the DOT rules must be evaluated by a substance abuse professional who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol or controlled substances use.

Additionally, the driver will not be allowed to perform any safety sensitive function for the City until meeting the requirements for referral, evaluation and treatment, and has taken and passed a return to duty test.

H. Other Policies

This appendix is in addition to the City of Avondale Drug and Alcohol Abuse Policy adopted by the City pursuant to all employees. All City employees are subject to this general drug and alcohol testing policy and the City may, independent of the rules described in this Appendix and the DOT rules, require any City employee to submit alcohol and/or drug testing in accordance with that policy. Any employee who violates that Policy is to be subject to discipline under its terms and provisions, which may include termination of employment.

I. Drug Free Awareness Program

To educate employees about the dangers of substance abuse, the City has established a drug free awareness program along with the availability of counseling, and the City's policy regarding substance abuse.

The City has also established a training program for all Commercial Motor Vehicle operators and supervisory employees, which includes information on the effects and consequences of controlled substances and training to detect controlled substance abuse.

1. Treatment

- a.) The City encourages employees with substance abuse problems to avail themselves of any available treatment or rehabilitative services available under the City's group health plan.
- b.) Information regarding these services can be obtained from the Human Resources Department.

2. Discipline

- a.) An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to comply with this policy to the City's complete satisfaction may be subject to discipline up to, and including, immediate termination.
- b.) The appropriate level of discipline will be determined on a case by case basis at the City's discretion, and may include treatment or rehabilitation under terms established by the City.
- c.) The City is entitled to rely on the results of its drug or alcohol test to determine whether the employee has violated the policy prohibiting drug or alcohol.

J. Other Laws

This policy will be construed in accordance with federal, state, and local laws, including the Americans with Disabilities Act the Family Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

CHAPTER 11

Safety Policy

A. Policy

The City of Avondale (the “City”) strives to provide safe working conditions for its employees. The HR Director (the “HR Director”) is responsible for the administration of safety programs throughout the City under the direction of the City Manager.

1. General Employee Responsibilities

- a.) Each employee is responsible to be familiar with the emergency policies and procedures contained herein.
- b.) Each employee must know the location of first aid supplies and the automated external defibrillator.
- c.) Each employee must observe traffic laws and regulations when driving or operating City vehicles and equipment.
- d.) Each employee shall wear safety belts when operating City vehicles or equipment or when operating his/her personal vehicle while performing City business.
- e.) Each employee is required to report to his/her immediate supervisor the use of medication that may impair his/her ability to drive or operate equipment.
- f.) Each employee is strictly prohibited from driving or operating equipment while under the influence of alcohol or drugs.
- g.) Employees are expected to follow good safety practices and are subject to disciplinary action for failure to do so.

B. Reporting Accidents and Injuries

- 1. Employees shall notify their immediate supervisors to report safety issues, injuries and accidents as soon as possible after discovery of the safety issue, injury or accident. If the employee’s immediate supervisor is not available, he/she should report the issue or incident to the department director. The City will not tolerate any form of retaliation for such reporting.
- 2. All injuries or accidents need to be documented whether or not medical treatment is sought. Once notified of an accident or injury, the supervisor or director will report immediately to the City’s Safety & Risk Coordinator.
- 3. Injuries requiring only minor first-aid may be treated at the job site or department office.

4. Within twenty-four (24) hours of any accident or injury, the supervisor receiving the report of the accident or injury will file a supervisor's report of injury form with the Safety & Risk Coordinator for insurance purposes.
5. Employees who have an accident with a City-owned vehicle must first notify the appropriate law enforcement agency and then their supervisors or department directors. All accidents, no matter how minor, require law enforcement notification so that a traffic report can be generated.
6. Employees will be tested for drugs following any accident involving a City vehicle.
 - a. While the City is waiting for the results of the drug test to be received, the employee shall be assigned work duties that do not involve driving or safety-sensitive equipment, such as a clerical/administrative position. If no position is available, the employee shall be placed on administrative-leave until the employee has been authorized to return to work by the Human Resources Department.
7. Each department is responsible for maintaining thorough records of all accidents and injuries, including the charging of responsibility where it can be determined. Records kept on file should include a copy of the supervisor's report of injury form, a copy of any traffic report generated and notes of any conversations related to the accident or injury.

C. Workplace Violence Policy

1. Purpose

The City and its employees have a mutual obligation to ensure a safe and healthy work environment. The purpose of this policy is to provide guidance and direction to all personnel regarding workplace violence issues. Any questions regarding this matter should be directed to the HR Director or the Safety & Risk Coordinator.

2. Definitions

- a.) **Workplace** - Any location where an employee is working or conducting business for the City.
- b.) **Threatening Behavior** - Any intimidating or bullying type of behavior, verbal or nonverbal, that would cause a reasonable person to feel physically in danger.
- c.) **Harassment** - Where one or more employees engage in a pattern of behavior to annoy, pester, tease, torment or disturb another employee in a manner that prevents the targeted employee from being able to effectively perform his/her duties at work. In severe cases isolated incidents of this behavior may be considered harassment.

3. Policy

a.) Zero Tolerance

1. Violence or the threat of violence by or against any City employee is unacceptable and will not be tolerated.
2. The City will take any steps deemed necessary to protect its workforce from violence. An employee who commits or encourages violence in the workplace will be subject to serious disciplinary action, up to and including termination.
3. The City will fully cooperate with the efforts of law enforcement personnel to prosecute anyone who subjects employees to violent acts or threats of violence.

b.) Reporting

1. It is the mutual obligation of all City employees to prevent violent behavior and threats of violent behavior.
2. All threats, harassment and violent acts that may impact the workplace, whether by co-workers or individuals not employed by the City, must be promptly reported to an employee's immediate supervisor or, if the immediate supervisor is unavailable, to the employee's department director.
3. Employees acting in good faith who report violent behavior, threats of violent behavior or harassment will not be subject to retaliation or harassment based upon their report. If there is uncertainty as to whether a situation constitutes violent or threatening behavior, the employee is encouraged to discuss the matter with his/her immediate supervisor or department director.
4. Employees must take all threats and violent behaviors seriously, whether directed at the employee or another, and have a duty to report them.
5. Supervisors, managers and directors shall monitor their workplace and report all threats and violent behaviors immediately to the HR Director, regardless of whether the person engaged in the behavior is a direct subordinate or no complaint has been made.
6. The first response to serious violence should be to call 911.
7. Failing to report violent acts or threatening behavior can be a serious offense and may result in discipline, up to and including termination.

c.) Weapons

1. Except for sworn police officers and detention officers, the possession, use or threat of use of any weapon, including all firearms and other objects, which could be used as weapons likely to cause serious injury, is prohibited in the workplace and within any City property, including City vehicles.
2. An employee found with an unauthorized weapon on City property shall be subject to disciplinary action, up to and including termination.
3. Employees who feel they have a special need for added personal safety should contact the HR Director. The HR Director should consult with the Chief of Police to determine if additional measures for safety are necessary.

d.) Risk Reduction Efforts

The City strives to use the following management tools in an attempt to reduce the risk of violence in the workplace:

1. Prompt reporting is required of any and all threatening and violent behavior.
2. Probationary periods and performance evaluations.
3. Discipline policy.
4. New hire training.
5. Educational efforts provided through the employee newsletter, the HR Department and division staff meetings.
6. Background checks.

4. Addressing Workplace Violence

a.) Employee Response to Violence in the Workplace

1. Actual Or Potential Confrontation

Violence in the workplace may occur as a result of poor relations among co-workers or with supervisors, negative contact with the public or from personal disputes with family members or neighbors. When faced with an actual or potential confrontation, employees should:

- Be alert, calm and respectful in order to diffuse a situation;
- Have an agreed-upon danger signal to alert co-workers in your work area to trouble; and

- Be observant and listen to the person. This will serve the purpose of potentially defusing the situation and will make it more likely that employees will remember details when reporting the incident.

2. Emergency Situations

The first response to serious violence should be to call 911. If a City phone is used, dial 9, listen for the dial tone and then dial 911. Be prepared to calmly state your exact location, your name and the specific nature of the problem. As soon as practicable, contact your supervisor, who then will inform the department director and the HR Director.

3. Non-Emergency Situations

Individuals involved should be separated if separation can be accomplished safely. The supervisor will notify the department director and the HR Director of the situation and report the action taken. The department director and the HR Director should be advised promptly about the confrontation or altercation and will determine further action.

4. Court Orders

If an employee obtains a restraining order or an order of protection from a court due to an off-the-job situation, and the order includes the workplace, the employee is required to inform the Human Resources Department of the issuance of such a court order and provide a description of the individual cited in the order. The Human Resources Department will notify the employee's Department Head and will decide the appropriate steps to take and further notifications required to protect the workplace.

b.) Supervisor Response to Violence in the Workplace

Supervisor/director personnel shall take the following action upon receiving a report of an actual or potential workplace violence or harassment situation and immediately advise the Human Resources Department:

1. Initial Response

- Immediately evaluate the severity of the situation.
- If the situation appears urgent or criminal in nature, contact the police department immediately.

2. Investigation

The HR Department will initiate a prompt and thorough investigation of all reported violence or threats of violence. If the alleged perpetrator is a City employee, he or she may be questioned and/or put on administrative leave pending the investigation. At any time, the police department may be contacted and may be present during questioning.

3. Search

All City property, including work areas, offices, lockers, file cabinets, desks, vehicles or other City property, is subject to a search. These areas are not considered personal or private. No personal locks will be allowed to secure any City property (i.e., tool boxes, lockers, desks, etc.). All locks are subject to removal by the City. The City shall supply a City-owned lock for any area the employee and his or her supervisor deem appropriate to maintain in a secured manner. No search pursuant to this policy should be made of the employee's person or of close personal items, such as handbags, briefcases or private automobiles, without the consent of the employee. Should such a search be desired and consent refused, law enforcement will be consulted.

4. Alternatives

Depending upon the nature or severity of the violent threat, act or harassment, the department director or the HR Director may take or recommend any of the following specific actions:

- Contact the police department for assistance.
- Place the employee on administrative leave pending an investigation.
- Refer an employee for counseling through the employee assistance program.
- Notify other employees to be alert.
- Obtain an injunction or restraining order.
- Pursue criminal charges against the individual.
- Provide additional security at the workplace as needed.
- Take other measures as deemed appropriate.

c.) Privacy/Confidentiality

Disclosure of violent acts or threats and the identity of the employee will be limited to those who have a need to know. However, if the threat is directed at a number of individuals or is directed at the entire workforce, the City's need to maintain a safe work environment for its employees will outweigh the person's expectation of privacy, confidentiality or protection of their reputation.

d.) Critical Incident Debriefing

The City recognizes that the trauma and stress created by a violent incident can affect many individuals such as witnesses, victims and bystanders. Often, professional intervention is needed after an incident. Should this happen, the HR Department will make arrangements with the employee assistance

program to conduct stress intervention. The HR Director will conduct debriefing sessions before employees are permitted to leave the workplace for the day. Attendance at the debriefing session will most often be mandatory for all those involved in the incident. The contents of any debriefing or stress-related sessions shall be treated as confidential. An employee's attendance/participation in such a session shall not be the subject of any documentation maintained in the employee's personal file.

D. Emergency Evacuation

Employees are required to evacuate from the building immediately when an emergency alarm is sounded. To assist in the evacuation of buildings, employees are responsible for the following:

1. Knowing how to activate the fire alarm or designated evacuation signal for their building.
2. Knowing two evacuation routes from their area and safe areas once outside the building.
3. Being able to assist visitors and others in the building that are unfamiliar with evacuation procedures and exit routes, including designated safe areas in the buildings where persons who would have difficulty evacuating the building may await rescue.
4. No employee shall re-enter an evacuated building unless specifically authorized by the incident commander or the "all clear" is given.
5. Each employee is responsible for reviewing the emergency evacuation procedure.

E. Exposure Control Plan

This Exposure Control Plan is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with the Occupational Safety and Health Act. This plan applies to all affected departments except for the fire department and the police department. Fire department employees shall follow the department's infectious control plan that includes bloodborne pathogens. The police department employees shall follow the department's exposure control plan.

1. Any employee at risk of an occupational exposure will be offered, at no cost to the employee, the Hepatitis B Vaccination Series. This vaccination series consists of three shots administered at zero, one and six-month intervals.
2. Employees may decline to receive the Hepatitis B Vaccination Series but may receive them at a later date. Employees must sign a declination form if they decline the series.
3. Exposure control training will be conducted annually for areas that have employees at risk for exposure and every two years for other employees.

4. All personal protective equipment shall be provided to employees by the City at no cost to the employee.
5. In the event of an exposure, the employee must report the exposure immediately and complete the supervisor's report, report of significant work exposure to bodily fluids and the addendum to the Industrial Commission of Arizona report of significant work exposure to bodily fluids.
6. Each employee is responsible for reviewing the Exposure Control Plan and must acknowledge that the Exposure Control Plan materials have been received.

F. Personal Protective Equipment (PPE)

All employees that have work situations that expose them to potentially hazardous conditions must wear the following personal protective equipment:

1. Employees are required to use eye and/or face protection when exposed to hazards from flying particles, liquid chemicals, acid or caustic liquids, chemical gases, vapors, potentially damaging light radiation and at all times when in the field, around construction and maintenance projects/sites.
2. Employees are required to wear hard hats where there is a potential for injury to the head from the impact of flying, falling, moving or propelled objects or from electrical shocks or burns.
3. Employees are required to wear protective footwear when working in areas where there is a danger of foot injuries due to falling and rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.
4. Hand protection shall be worn when hands are exposed to hazards such as those from skin absorption of harmful substances, severe cuts or lacerations, severe abrasions, punctures, chemical burns, thermal burns and harmful temperature extremes.

When PPE is required to perform job tasks safely, supervisors are responsible for enforcing these requirements. If injury occurs and an employee did not wear PPE in a situation where an employee should be reasonably expected to wear PPE, that employee may be disciplined for violating this policy in accordance with the City's Policy and Procedures Manual. Employees who refuse to wear PPE or are not consistent in its use will be disciplined in accordance with the City's Policies and Procedures Manual. Each employee is responsible for reviewing the Personal Protective Equipment Procedures. Each employee shall acknowledge that the Personal Protective Equipment Procedures have been received.

G. Occupational Safety and Health Act Readiness Plan

The William-Steiger Occupational Safety and Health Act (OSHA) was enacted by the U.S. Congress to ensure, as far as possible, safe and healthful working conditions for the nation's men and women. This is the purpose with which the City fully agrees

and maintains for the health and safety of our employees. It is important that each facility understand the principle features of the Act and the following responsibilities:

1. Whenever there is an occupational death or one or more employees are hospitalized, the City's Safety & Risk Coordinator will notify OSHA.
2. The OSHA Compliance Officer may inspect pre-determined areas to ensure City compliance with OSHA regulations.
3. If the OSHA Compliance Officer (the "CO") arrives during an off-shift time period or a weekend, the CO will be instructed to return during regular business hours.
4. The Safety & Risk Coordinator will greet the CO and verify identification.
5. Each department should determine an inspection route to meet the CO's inspection objectives. Do not walk through areas that are not part of the inspection.
6. Every document request will be made through the Safety & Risk Coordinator. Refer all CO document requests to the Safety & Risk Coordinator.
7. Employees are to be courteous and answer questions factually when asked by the CO. Employees should not give opinions or speculate.
8. Each employee is responsible for reviewing the OSHA Readiness Plan. Each employee shall acknowledge that the OSHA Readiness Plan has been received.

CHAPTER 13

Employee Records & Reports

A. Maintenance of Records

The Human Resources Department will be responsible for maintaining records on each employee to include pertinent personnel data such as name, address, telephone number, title of position held, the department to which assigned, current salary, and change in employment status. Records will also include information relative to completion of training programs as well as professional and technical courses, accomplishment of work, conformance to expected standards, disciplinary actions, awards and such other information as deemed by the HR Director as important. Each employee will be advised as to the content of his/her record, upon request. ***Records will be for official use only.*** The only exceptions to this requirement are:

1. The AZ-POST file maintained by the Police Department on each sworn police officer.
2. All Fire-Medical personnel training records, response records and equipment records will be maintained by the Fire Department. This does not include any City-mandated training courses, which would be maintained by the Human Resources Department.

B. Access to Personnel Files

All personnel files of employees are the property of the City. No employee or other person may obtain or possess personnel records maintained by the City except as specifically stated herein. Access to an employee's personnel file shall be limited to:

1. The employee or authorized representative of the employee for review of his/her own individual personnel file.
2. The City Manager.
3. City, State or Federal Auditors with a business purpose.
4. Presiding City Judge, for City Court Personnel.
5. The employee's supervisor and department director.
6. The Hearing Officer, when considering any employee appeal, may review an employee's personnel file.
7. Attorneys or authorized staff members of the City Attorney's Office, or legal counsel representing the City, when necessary to provide legal advice or representation to the City.

8. Employees or agents of companies providing employee benefits, when necessary to determine eligibility or otherwise administer benefits to the employee.
9. Personnel records that are subpoenaed.
10. Any person or organization that receives a signed written release statement from the employee whose records are in question.

C. Procedures for Access to Personnel Files

- 1. Access by Employee.** Employees wanting to inspect their personnel records will submit a written request to the Human Resources Department. Within five (5) days of receiving the employee request, the Human Resources Department schedules an appointment during which the employee can review his or her files. All appointments are scheduled during regular business hours.
 - a. Inspections. All personnel record inspections take place in the Human Resources Department in the presence of a Human Resources representative. The employee cannot remove any files from Human Resources.
 - b. Copies. An employee can obtain photocopies of any documents in their file by requesting such copies through the City Clerk's office. Copies of the documents are provided to the employee within a reasonable period of time after a request has been made. In the case of copy requests that are time consuming or involve an extensive number of documents, the City Clerk's office may charge the employee a reasonable fee to cover its copying costs.
 - c. Internal Requests. A request to view personnel files must be in writing and directed to the Human Resources Department. Such requests must be made during the regular business hours of the Human Resources Department. Except for the requests by the employee, a request to review a personnel file requires a legitimate business necessity.
 - d. Public Record Requests. All requests [other than those described in section C.1 and 2, above] to inspect and/or copy information contained in an employee's personnel file shall be directed to the City Clerk.
- 2. Information Verification/Reference Checks.** All persons or entities wishing to obtain a reference check and/or verify information concerning a current or former employee of the City shall provide the Human Resources Department with a signed written release statement from the employee whose records are in question.
- 3. Public Record Requests.** All requests to inspect and/or copy information contained in an employee's personnel file shall be directed to the City Clerk and such records shall be disclosed as required by law.

D. Reporting Changes in Contact Information

Employees will promptly report to the Human Resources Department through the city's personnel system any changes of name for tax and insurance purposes, or any changes in address, telephone number, or contact information. Employees will be responsible for updating such information in the city's personnel system within five (5) working days of any change.

CHAPTER 14

Employee Education Assistance

A. Policy

The City of Avondale values the importance of the individual growth of each employee because it is seen as a contributing factor in the growth of the City. Therefore, it is the City's policy to encourage employee development through educational reimbursement and training opportunities. Affirmative action will be taken to assure that there is equal opportunity to participate in development programs without regard to race, color, religion, sex, national origin, age or disability.

B. Purpose

The City recognizes that we increasingly need our employees to develop their knowledge, skills, and abilities in order to keep pace with the rapid changes in technology, methodologies, and work place diversity. This program has been established so the City of Avondale and its employees may benefit from the rewards of additional education. The purpose of this program is to increase an employee's competence in his/her current position and to broaden his/her career opportunities with the City.

C. Employee Eligibility

1. Any regular, full-time employee holding an exempt or non-exempt position and who has successfully completed their original probation is eligible to participate in the employee education assistance program.
2. Any employee on original probation is not eligible for the education assistance program.
3. The resignation or termination of an employee prior to the completion of a course will automatically terminate his/her eligibility for reimbursement under this program.
4. A layoff or approved leave of absence status of an employee after the approval of his/her application for education assistance will not alter their eligibility for reimbursement.

D. Course Eligibility

1. Educational assistance will be provided for courses of instruction taken at, or through, private and public institutions of learning such as universities, colleges, trade schools, and technical institutions. All eligible institutions must be fully credited by a regional institutional accrediting association such as, the North Central Association of Colleges and Secondary Schools.

2. To be eligible for reimbursement, a course will be taken on an employee's personal time and the employee will have personally paid the fees for which they are requesting reimbursement.
 - a.) Employees who receive financial assistance for their education from another source (i.e. scholarships, grants, military education benefits, etc.) must disclose the source and the amount at the time they apply for course reimbursement. If an employee receives 100% funding for his/her education from another source, the City shall not provide reimbursement.
 - 1) Under certain circumstances, coordination with other funding sources is possible. In all instances, total financial assistance and tuition reimbursement shall not exceed the educational expenditures incurred.
3. To be eligible for reimbursement, an employee will submit an application for education reimbursement at least five (5) days **prior to** the beginning of a course. Reimbursement will not be approved if an application for this reimbursement is received after a course has been completed.
4. To be approved for reimbursement, a course must result in formal college credit and will meet one of the following criteria:
 - a.) It relates directly to the job classifications of the employee's present position, or it relates to the job classification of a position, which would be career advancement for the employee and thereby makes an employee more in line with career progression.
 - b.) Courses taken as electives by employees in a degree program are acceptable; however, the Human Resources Director must approve other elective classes.
 - c.) Courses taken to complete a General Education Diploma "GED".
5. Courses will be taken for an academic grade. A course taken for pass/fail credit may be approved if an academic grade (A-F) is not available. Audited courses will not be eligible for reimbursement.
6. Courses will be completed with a grade of "C" or better, to qualify for reimbursement.
7. The Human Resources Director will issue the final decision of whether an educational course meets these requirements and contributes to the employee development supported by this policy.

E. Reimbursement Eligibility and Level of Assistance

1. The City will reimburse for the tuition cost up to \$5,000 in eligible education expenses per calendar year pending sufficient availability of department funds. All other costs are the responsibility of the employee.
2. Educational reimbursement is not available, more than one time, for the same course.
3. The calendar year in which the course ends will determine the year in which the course is eligible for reimbursement.

F. Reimbursement

1. Upon successful completion of the course(s), reimbursement is contingent upon the employee submitting the following documentation to the Human Resources Department:
 - a.) A copy of the HR Department approved application for education reimbursement
 - b.) A copy of the official grade report or transcript from the educational institution.
 - c.) An original paid tuition receipt. The receipt should indicate the method of payment, such as by personal check, credit card, or student loan.
 - d.) These documents must be submitted within 60 days after completion of the course(s).
 - e.) When all requirements are met, the Human Resources Director will approve reimbursement and a check will be issued to the employee.
2. No advance payment will be made to employees for educational expenses covered under this policy and no payment will be made directly to an institution.
3. The employee is expected to make personal payment to their educational institution, and this benefit will only reimburse employees, for approved expenses, after the satisfactory completion of the course.

CHAPTER 16

Information and Communications Technology Policy

A. Policy Statement

The City shall maintain its information and communications technology environment to enable efficient, secure, legally compliant, and effective work by staff. The function of the Information Technology Department (IT) is to fulfill these technology, communications, and collaboration needs in a well-planned manner.

B. Key Definitions

1. ***Access Control.*** Limits placed on the ability to interact with networks, hardware, and/or software. Limits can be physical or logical in nature, affecting access to computing hardware, resources on data networks, entry into and use of business software, and ability to work with data.
2. ***Backup.*** A copy of original content that is transferred to a separate location(s) and/or medium(s) to safeguard the content for later restoring information in the event of unwanted deletion, alteration, or disaster.
3. ***De Minimus Use.*** Personal employee use of City IT resources that is nominal, irregular, and within ethics standards.
4. ***Information Systems.*** Computer hardware, software, storage, networking, procedures and processes used in collecting, processing, storing, sharing, or distributing information.
5. ***Information Security Officer (ISO).*** City employee(s) designated by the Chief Information Officer to serve as the point-of-control for technology-related security issues. The individuals are designated in IT employee listings.
6. ***Malware.*** Any code, script, or other software that disrupts proper operation of systems, provides unauthorized access to network and/or systems, gathers/shares information without knowing consent, or otherwise causes undesired and compromising activity.
7. ***Mobile Devices.*** Portable communications and computing devices, such as cellular-based smartphones, tablet computers, and portable personal network cards/peripherals.
8. ***Password.*** A sequenced combination of characters and numbers used to confirm that a user requesting access to a network or system is permitted to

do so. Typically, a unique User Access Account is paired with a password to manage access. The password, known only to the user who generated it, is entered to verify identity. A password is deemed “strong” if requirements for length, character use, and pattern significantly impede malicious and/or unintended access.

9. ***Private and Sensitive Data.*** Information defined by law, policy, or regulation as warranting controls over access, storage, release, modification, destruction, loss, and/or misuse.
10. ***Technology Assets and Resources.*** The City’s computers, servers, mobile devices, printers, computing peripherals, software and licenses, data communications network, technology vendor contracts, and services agreements.
11. ***User Access Account.*** An electronic identity used to access to specific resources. Paired with a password and/or additional means of authentication, User Access Accounts allow secure use of information assets, resources, and tools.

C. Information and Communications Technology Usage

1. **Accountability.** All employees are responsible for all activity occurring under their User Access Accounts. For information security purposes, employees **shall not** permit or make it convenient for individuals to use accounts not assigned to that person.
2. **Privacy.** No person using City technology and communications resources has any right or claim to privacy. Conduct on City resources, at City facilities, and/or during work time is subject to monitoring and recording as approved by the City Manager and/or designee(s).
3. **Appropriate Use.** City employees shall use City technology assets and resources in a professional, legal, and ethical manner. Misuse of technology assets and resources may result in discipline up to and including termination. The following are expressly prohibited:
 - a. Originating or relaying materials that discriminate or cause discrimination as defined under local, state, and Federal laws.
 - b. Originating or relaying intimidating, hostile, and/or threatening communications.
 - c. Altering messages to attribute and relay incorrect information;
 - d. Violating copyrights, trademarks, or licenses.

- e. Knowingly introducing malware and security risks into the City technology and communications environment.
 - f. Accessing the secure files and/or the communications of others without prior approval by the City Manager or designee.
 - g. Using City technology and communications resources to benefit personally, apart from employment terms.
 - h. Using City technology and communications resources of assigned work hours without current supervisor permission.
 - i. Any political activity defined as inappropriate under local, state, and Federal laws, and not approved as part of the City's approved legislative efforts.
4. **Personal Use.** The technology and communications resources of the City are for business use. De minimus personal use is permitted if extenuating circumstances exist and provided the employee does not violate Federal or state laws. It is the responsibility of the employee to ensure the limits on personal usage of public assets are understood prior to making such use.
5. **Informal Communications.** Instant messaging, voice mail, and text messages are informal tools for coordination purposes. Communications on these tools may fall under Arizona Public Records laws and corresponding retention schedules.
6. **Recording.** City of Avondale employees may not record images or sound of City work, programs, services, projects, employees or activities while in the course and scope of their employment unless it is for City business purposes and is either: (1) specifically authorized in writing by their supervisor or manager or (2) pursuant to department policy. Such recordings may fall under the Arizona Public Records laws and corresponding retention schedules.

Absent preauthorization, when urgent circumstances reasonably prevent the employee from first seeking the prior written approval from their supervisor or manager for the specific use in question, employees may record the images and sound and obtain approval after the fact.

7. **Preventative Monitoring.** IT shall maintain solutions to prevent malware and to filter materials of a discriminatory, prohibited, and/or illegal nature. If activities of these types are detected, employee conduct will be addressed by the employee's managers and the Human Resources Department.

8. Telecommuting. Support for employees to work from home can benefit City services and operations by improving staffing flexibility in desired situations. If granted by the City to sustain operations, IT shall maintain the ability for required employees to remotely and securely access the City network to perform essential job functions. Specialized costs in addition to core network services are to be addressed by the requesting department and IT. Any employee approved for and who accepts a telecommuting assignment is responsible for ensuring the security of City assets at all times.
9. Research and Development. Exceptions to Chapter 16 may be allowed to support testing of new technologies. The purposes of these initiatives are to pilot viability of new services, improve existing services, and/or reduce costs. In all instances, testing must be approved by the City's Chief Information Officer, not interfere with City operations, and ensure private and sensitive data is not placed at risk.

D. Information and Systems Security

1. Intent. IT shall ensure the City's technology and communications environment is secure, reliable, and usable.
 - a. Information Security Officer. The City shall name an Information Security Officer (ISO) and at least one alternate to coordinate information security efforts, address security incidences as they occur, and complete investigations approved by the City Manager and Chief Information Officer, or their designee(s).
 - b. Access. Permissions shall be based on an assessment of the City's potential exposure to unauthorized access, theft, destruction, alteration, or misuse of information resources.
 - i. Security and controls shall be applied in a least-permissive manner. Employees, interns, volunteers, and contractors shall be granted and exercise only those rights needed to perform their assigned duties and to perform required administrative tasks.
 - ii. Critical technology assets and resources – e.g., servers, security gateways, network equipment, system consoles – shall be physically secured in protected areas with access logging. Security designs must be approved through IT.
 - iii. Employee technology and security training is required at least annually and shall be tracked by the Human Resources Department.

- iv. Only personnel authorized by IT shall have access to the City data center, network closets, server rooms, control centers, or network operation centers.
 - v. The Human Resources Department, Facilities Division, and IT shall coordinate a program for badges and physical access controls for the City.
- c. Access Forms. All employees, volunteers, interns, contractors, and other users of the City IT resources shall be required to sign an acknowledgment of the City's Information and Communications Technology Policy prior to starting work for the City.
- i. Signed employee, volunteer, and intern forms are to be maintained by the Human Resources Department.
 - ii. Signed contractor forms are to be maintained by IT. Individual access may not exceed six months, after which access must automatically terminate, unless departments review and reauthorize access.
 - iii. IT shall review associated forms at least annually and shall maintain the forms on the City Intranet for easy access and use.
- d. Notification. Hiring managers and supervisors must submit signed forms to IT at least three work days prior to the arrival, reassignment, and separation of all employees, interns, and volunteers.
- e. Secure Computing. All computing devices connecting to City technology networks and assets must have appropriate countermeasures installed and active as deemed appropriate by IT under applicable agreements or standards. Countermeasures must include the following:
- i. Anti-malware, anti-virus, email scanning, and firewall software/hardware.
 - ii. Secure password usage.
 - iii. Setting to purge or lock device if an incorrect password is used excessively.

- iv. Active permissions allowing IT to remotely wipe City information.
 - v. Pre-boot encrypted hard-drives for City-owned computers.
 - f. External Security Requirements. IT shall be responsible for coordinating all external security requirements placed on the City, including audits and any mandates from state and/or Federal agencies.
- 2. Position Coordination. The Human Resources Department shall consult with IT when filling positions that are technology-focused. IT shall ensure that consistent position descriptions exist for City technical staff, individuals with appropriate technical qualifications are hired for City IT positions, and security needs for specialized positions required by City departments are properly addressed.
- 3. Incident Response. IT shall be the central authority for computer and data security.
 - a. Definition. An incident is defined as any event wherein the security of City data, hardware, software, and/or network is potentially compromised. This includes suspected malware infection, loss/theft of a computer(s), loss/theft of data media, discovery of inappropriate sharing of private and confidential data, etc.
 - b. Employee Responsibility. City employees and departments are responsible for notifying the IT Help Desk and/or Information Security Officer of any malware infections, hardware loss, or data loss upon discovery.
 - c. Coordination. IT shall notify the City Manager, City Clerk, and City Attorney of any security incident that rises to the level of security breach, as defined under Arizona law. The City Attorney and IT will coordinate to fulfill legal requirements as needed. In such an event, the responsible department shall be first to cover expenses to address the breach.
- 4. Technology Acquisitions. IT shall serve as the central authority for acquisition, asset management, and licensing compliance of City technology assets. City departments shall work with IT to minimize redundant technology purchases in favor of enterprise-wide, secure, and economical approaches. The Finance and Budget Department, City Attorney, and IT shall jointly ensure the City's interests are protected in technology-related contracts.

- a. Approval. All technology hardware, software, and services for use by the City must be approved through IT prior to procurement and purchase.
- b. Procurement. IT shall have a voting member on all procurement selection committees for software, technology hardware, and/or technology services. The role of IT in procurements is to ensure successful integration and execution of technology-related projects, systems, and services. All technology -related purchases must comply with the requirements of the Avondale Procurement Code (Municipal Code, Chapter 25) and Procurement Administrative Policy.
- c. IT Asset Management. IT shall be responsible for the following IT Asset Management functions:
 - i. Accepting delivery of technology assets.
 - ii. Maintaining accurate asset inventories and tracking.
 - iii. Complying with all appropriate licensing requirements.
 - iv. Disposing of hardware in an environmentally-responsible manner.
 - v. Restricting software, hardware, and services that unnecessarily compromise the security and/or reliability of the City's information technology environment.
 - vi. With the Finance and Budget Department, maintaining cost allocation and capital plans for the City's software licensing, hardware replacements, and central services funds.
- d. External IT Services. For all vendor-provided products and/or services, City departments are responsible for working with IT to ensure:
 - i. Security of City information and data.
 - ii. Appropriate vendor staff expertise.
 - iii. Required performance.
 - iv. Preservation of data by the City upon conclusion of services.

- v. Contractual allowances for migration to alternative, future services.
 - vi. Adequate long-term funding to maintain services.
- 5. Audits. IT will ensure the City's compliance for secure computing and licensing.
 - a. IT shall conduct audits of physical, network, system, data, application, and operational information systems security at least once every two years. Results will be shared with the City Manager and department directors for corrective action.
 - b. IT shall periodically review licensing for software and services to verify the City meets required obligations and limits under its service agreements and contracts.
- 6. Review of Use. Requests to examine a specific employee's use of City technology and communications resources must be approved by the City Manager, and the Human Resources Director, or their respective designee(s).

E. IT Asset Allocation

- 1. Computers.
 - a. Primary Use Computers. Centrally allocated computers shall be those assigned to employees for the primary performance of their duties. Computers are to be budgeted and assigned on a one computer per FTE basis.
 - b. Special Use Computers. Special Use hardware are those devices deemed necessary by departments for specific, non-convenience uses – e.g., grant-funded programs, Council Chambers, library patron use, unique public safety and public works field applications, et al. Special Use computers must be approved by the responsible department director and IT prior to purchase and paid for from respective department operating funds, unless otherwise arranged through the Finance and Budget Department.
 - c. Standard Specifications. IT is charged with responsibility for setting standard specifications for computers, and including assignment of desktop/laptop/virtual units.
 - d. Lifecycle. Computers are to be managed, inventoried, and maintained through IT . Computers shall be replaced on an

equipment lifecycle defined by IT. The lifecycle shall balance costs and the usable life of equipment.

- e. Inventory Recovery. Computers replaced shall be reclaimed by IT for secure disposal, ensuring equipment has not been lost/stolen, and for removing assignments of licensed software. Departments may temporarily retain replaced computers for short periods in special circumstances, as approved by IT.
- f. Technology Replacement Fund. Replacement costs for Primary Use computers shall be budgeted for and charged to departments as part of the City's annual capital plan. Cost allocations shall be set in the City's budget by the Finance and Budget Department and IT, with City Council and City Manager approval.

2. Servers, Communications Hardware, and Reprographic Equipment.

- a. Efficient Deployment. Servers, telecommunication equipment, and multi-function printers/copiers/scanners shall be managed, inventoried, and maintained through IT. All departments are responsible for minimizing costs while meeting functional needs in specific areas of the City organization.
- b. Special Uses. Departments may request and pay for specialized equipment and service in specific areas through IT. Special Use equipment must be approved by IT prior to purchase and paid for from respective department operating funds, unless otherwise arranged through the Finance and Budget Department.
- c. Lifecycle. Servers, telecommunication equipment, and multi-function printers/ copiers/scanners shall be replaced on an equipment lifecycle defined by IT—in administrative procedures. The lifecycle shall balance costs and the usable life of equipment.
- d. Technology Replacement Fund. Replacement costs for servers, communications hardware, and reprographic equipment shall be budgeted for and charged to departments as part of the City's annual capital plan. Cost allocations shall be set in the City's budget by the Finance and Budget Department and IT, with City Council and City Manager approval.

3. Mobile Communications and Computing.

- a. Provision. Mobile devices should not be purchased by the City except for special needs. Technology stipends should be used as the standard solution to address needs for key department personnel to

be reachable and/or have extra mobility for work purposes. Departments are responsible for minimizing costs while meeting these functional needs.

- b. Approval Process. Requests for stipends and reimbursements should be submitted by employees via their department director to IT, the Human Resources Department, and the City Manager for approval. Hourly employees may not access City resources outside of working hours unless otherwise approved by their respective department. Mobile communications and computing devices should be paid for from respective department operating funds, unless otherwise arranged through the Finance and Budget Department.

F. Records Administration

1. Intent. IT shall maintain City information and data to support operating needs, including disaster recovery, business resumption, and data loss prevention. Standards shall be set between the City Clerk and IT to meet requirements and standards set by ARIZ. REV. STAT.§ 39-101, as well as departmental needs.
2. Archiving and Recovery. IT shall configure systems to save central data and information to recover from corruption and loss. Recovery will include full, incremental, and differential backups to allow the City to restore to past days, weeks, months, and years as required by records retention schedules published by the Arizona State Library, Archives and Public Records and administered by the City Clerk. IT is charged with conducting central backups, testing backups for the ability to successfully restore systems and information, ensuring the ability to resume business in the event of a disaster, and maintaining the ability to retrieve information from required legacy files and formats. City employees are charged with ensuring their work products and information are saved to central IT resources to be backed up and archived.
 - a. Email. Electronic messages will be saved per the current records retention schedules published by the Arizona State Library, Archives and Public Records and coordinated by the City Clerk. Storage options will be provided for longer-term storage as determined necessary by the City Clerk and departments.
 - b. Files. Electronic files will be saved per the records retention schedules published by the Arizona State Library, Archives and Public Records and coordinated by the City Clerk. Archived files will consist of most recent backup copies and year-end copies.

- c. Databases. Databases will be saved per the current records retention schedules published by the Arizona State Library, Archives and Public Records and coordinated by the City Clerk. Archived databases will consist of most recent backup copies and a defined schedule of periodic copies.
3. Records Hold. The City Attorney and IT shall provide processes and tools for saving files related to known legal actions. The City Clerk, City Attorney, and City departments will train to appropriately manage departmental files and information to comply with legal requirements.

G. IT Protocols and Guidelines

- 1. IT Administrative Policies and rules shall be reviewed and updated at least annually to ensure they continue to meet the requirements of the City and its departments.
- 2. IT shall maintain and publish operating guidelines to employees via the City Intranet. Standard guidelines include those of the following:
 - a. Standard specifications for computers used by employees by utilization type – e.g., administrative computers, GIS/developer/engineer workstations, and semi-rugged and fully-rugged computers
 - b. Support for Mobile Communications Devices
 - i. Advanced support for smartphones and tablet computers.
 - ii. Supported service for access to City email, schedules, and contacts.
 - iii. Supported online storage services for saving work for backup and public records searches.
 - iv. Supported note-taking and mark-up applications.
 - v. Supported wireless access methods.
 - c. Security Standards
 - i. Security Signature Forms .
 - ii. Password Complexity and Expiration.
 - iii. Incident Response and Monitoring Processes.

- iv. Access Audits.
- d. Technology Reimbursements and Stipends
 - i. The City Manager shall set technology and telecommunications stipend/reimbursement standards for the City to address eligibility, stipend and reimbursement rates, approval process, and authorization forms to be used.

CHAPTER 17

Separations

A. Resignation

1. Any employee who desires to resign his/her position with the City and be in good standing with the City will provide a written resignation to his/her department manager or the City Manager stating the effective date and reason for such action.
2. Notification will be provided at least two weeks prior to the effective date unless otherwise waived by the City Manager.
3. Employees who resign will be entitled to compensation for their earned and unused vacation leave, except for employees in their initial trial period.

B. Layoff

1. The City Manager, with the concurrence of the City Council, may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least thirty (30) days to such employee.
2. However, no regular employee will be separated from any department while they are trial, part-time or temporary employees serving in the same class of positions in that department.
3. Whenever possible, employees who are to be laid off in one department will be integrated into another department by transfer.
4. When layoffs are required, they will be in the inverse order of the relative length of service of the employee-that is, the employee with the longest service time will be the last to be laid off.
5. Any employee affected by layoff through no fault of his/her own will be eligible for re-employment with preference for rehire.

C. Retirement

A full-time regular employee in the City will be eligible for retirement benefits in accordance with the Arizona State Retirement System or the Arizona Public Safety Personnel Retirement System.

D. Involuntary Terminations

1. The City may dismiss any regular status employee in the exempt/nonexempt service for cause.

- a.) A written statement of reasons for the dismissal will be provided to the employee.
2. The City may dismiss any probationary employee in the exempt/nonexempt service at its sole discretion.
 - a) No written statement of reasons for dismissal is required.

E. Return of City Property

1. Any employee leaving the City service whether through resignation, layoff, or dismissal is responsible for returning any City property, which he/she may have in his/her possession.
2. Identification cards, badges, keys, handbooks, etc. must be returned to the department manager or the Human Resources Director prior to receiving a final paycheck.

CHAPTER 19

Grievances and Appeals

A. Statement

This Chapter applies to all employees including represented and certified employee units. The City of Avondale, in keeping with its policy of maintaining satisfactory working conditions, will provide a means to ensure fair handling of employee complaints and grievances. Any employee whose state of mind is so affected by a grievance that he/she will not endeavor to, or cannot do the proper thing in course of performing his/her regular duties should immediately pursue the prescribed procedures for grievances.

B. Matters Subject to Grievances

1. For the purpose of this Chapter, a grievance means any dispute regarding the meaning, interpretation, or alleged violation of these policies and procedures.
2. Any employee in the classified service will have the right to appeal, under this rule, a decision affecting his/her employment, over which his/her appointing power has partial or complete jurisdiction, with the exception of suspensions, demotions, reductions in pay in lieu of suspension, or terminations which will be appealed directly to the Independent Hearing Officer, through the Assistant City Manager or designee as provided by these policies.

C. Matters Not Subject to Grievance

As discussed above, suspensions, demotions, reductions in pay in lieu of suspension, and terminations are not grievable. In addition, an employee cannot grieve the contents of a performance evaluation, the lack or amount of a pay increase (merit or otherwise), or any form of reprimand. In addition, an employee that is a member of a certified Employee Group pursuant to Chapter 2, Article II, Division 4, Section 2-56 of the Avondale City Code, may not grieve any issue covered under a Memorandum of Understanding. In addition, part-time employees are not entitled to any rights pursuant to this Chapter. Finally, an employee may not file a grievance for any concern more than fifteen (15) working days after the employee first becomes aware of it.

D. Procedures

1. Informal Grievance Procedure

- a. An employee who has a problem or complaint should first try to settle it through discussion with his/her immediate supervisor without undue delay.
- b. If, after this discussion, he/she does not believe the problem has been satisfactorily resolved, he/she will have the right to discuss it with his/her supervisor's immediate department director. If the employee's supervisor does not have a department

director, he/she shall discuss the matter with Human Resources. In some circumstances, Human Resources will determine that matter should be referred to the City Manager, or his/her designee, at this stage.

- c. Every effort should be made to find an acceptable solution by informal means at the lowest level of supervision. If an employee fails to follow this informal procedure, the grievance will be denied and he/she will not be permitted to proceed to the formal grievance procedure outlined below.

2. Formal Grievance Procedure

Levels of review through the chain of command are listed below:

a. First Level of Review

- (1) If the employee has properly followed the informal grievance procedure and the matter is not resolved, the employee is eligible to elevate the grievance to the first level. Initially, the employee must reduce the grievance to writing, citing the article and section of the personnel policies and procedures alleged to be violated, the date of the violation that is the basis for the grievance, the nature of the grievance, and the relief requested.
- (2) This grievance should be presented to the employee's immediate supervisor, within fifteen (15) working days of the occurrence, and no later than ten (10) working days after the informal grievance procedure has been fully exhausted. The supervisor will render his/her decision and comments in writing and return them to the employee within fifteen (15) working days after receiving the grievance.
- (3) If the employee does not agree with his/her supervisor's decision, or if no answer has been received within fifteen (15) working days, and the employee wishes to continue in the grievance process, the employee may present the grievance in writing to his/her supervisor's immediate department director (the "second level supervisor").
- (4) Failure of the employee to take further action within ten (10) working days after receipt of the written decision of his/her supervisor or within a total of twenty-five (25) working days after presentation of the grievance to the employee's immediate supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

b. Further Level(s) of Review as Appropriate

- (1) The second level supervisor receiving the grievance will review it, render his/her decision and comments in writing, and return them to the employee within fifteen (15) working days after receiving the grievance.

- (2) If the employee does not agree with the second level supervisor's decision, or if no answer has been received within fifteen (15) working days after the second level supervisor received the grievance, and the employee wishes to continue in the grievance process, he/she may present the grievance in writing to the City Manager – through the Human Resources Director.
- (3) Failure of the employee to take further action within ten (10) working days after receipt of the decision, or within a total of twenty-five (25) working days of referral to his/her second level supervisor if no decision is rendered, will constitute a withdrawal of the grievance.

c. City Manager

- (1) Upon receiving the grievance, the City Manager or designee should discuss the grievance with the employee and with other appropriate persons.
- (2) The City Manager or designee may designate a fact-finding committee or supervisor to advise him/her concerning the grievance.
- (3) The City Manager or designee will render a final decision. Grievances may not be appealed to the Independent Hearing Officer.

3. Appeal to the Independent Hearing Officer

a. Right to Appeal

Any regular employee in the classified service will have the right to appeal to the Independent Hearing Officer any disciplinary action by the City which involves termination, demotion, suspension without pay, or reduction in pay in lieu of suspension without pay, except in instances where the right of appeal is specifically prohibited by these policies.

b. Methods of Appeal

- (1) Appeals will be in writing, signed by the appellant, and delivered in person, email or by first-class mail to the Human Resources Director. Appeals must be delivered to the Human Resources Director within ten (10) working days of the date of the disciplinary action to be appealed. The formality of a legal pleading is not required. However, failure to file the appeal on time will constitute a waiver, and the decision will become final.
- (2) Within ten (10) working days after receipt of the appeal, the Human Resources Director will notify the Assistant City Manager, the Independent Hearing Officer, and such other persons named or affected by the appeal.

- (3) Upon filing of an appeal, the Independent Hearing Officer will set a date for a hearing on the appeal not less than ten (10) working days or no more than thirty (30) working days from the date of filing.
- (4) The Human Resources Director will notify all interested parties of the date, time, and place of the hearing. The Human Resources Department will provide administrative assistance to the Independent Hearing Officer.
- (5) The appeal will be a written statement, addressed to the Independent Hearing Officer, explaining the matter appealed, the specific grounds for the appeal (explaining why he/she believes the decision appealed is incorrect), and setting forth therein a statement of the action desired by the appellant. The written appeal will constitute the entire matter before the Independent Hearing Officer. The appellant may not add new matters, grounds, facts, or theories to those already stated in the original appeal. The Independent Hearing Officer will not have jurisdiction to consider any such additional matters, grounds, facts, or theories outside of the written appeal.

c. Independent Hearing Officer

- (1) Pursuant to a periodic solicitation for statements of qualifications or through cooperative solicitation, the City shall establish a list of at least three attorneys (or fewer if an insufficient number of qualified candidates respond to the solicitation), who are licensed and in good standing with the State Bar of Arizona and who have at least five years of experience and knowledge of municipal law and/or employment law, to serve as the Independent Hearing Officer. Upon receipt of a written appeal, the City Manager or designee shall select the Independent Hearing Officer from the qualified list.
- (2) The City shall pay the reasonable fees and costs of the Independent Hearing Officer; however, the Independent Hearing Officer will not represent either the City or the appellant. The duties of the Independent Hearing Officer are to make rulings and determinations pursuant to these rules.
- (3) Independent Hearing Officer

The Independent Hearing Officer shall have the following duties and authority.

(a) Pre-Hearing

- i. Consider and rule on any pre-hearing motions, including those that could result in the dismissal of the appeal for failure to follow these rules.
- ii. Set reasonable restrictions and deadlines for the timing and conduct of the hearing.

iii. Prepare the hearing notice and agenda.

(b) Presiding over the Hearing

i. Rule on objections and motions by a party, unless they are dispositive of the appeal.

ii. Submit his/her findings and recommendations on the merits of the appeal in accordance with the timeframe and procedure set forth in subsection (f) below.

iii. Prepare a written report and recommendation for the City Manager.

d. Pre-hearing Procedures

As outlined above, the Independent Hearing Officer shall set the time and place for the hearing. Prior to the hearing, the Independent Hearing Officer shall do the following:

(1) Within five working (5) days of filing the written appeal with the Human Resources Director, the appellant may request his/her personnel record from the City. Neither party shall be entitled to any additional discovery in this process, except as outlined below.

(2) At least seven (7) working days prior to the hearing, the City and the appellant shall disclose to one another the witnesses that each anticipates calling, a synopsis of their testimony, and any documents each anticipates presenting to the Independent Hearing Officer. The proposed testimony and exhibits must relate to the written appeal filed by the appellant. Any proposed testimony or exhibits that do not relate to the written appeal shall not be considered or presented. The Independent Hearing Officer will make this determination, as necessary.

(3) Not less than three (3) working days after the exchange of proposed testimony and exhibits, the parties shall work together to determine if either side objects to any exhibits, and work through those objections. If after consulting with one another, there is still a disagreement, the parties shall file a brief letter (no more than one page) outlining the disputed items to the Independent Hearing Officer. The letter must be filed at least two (2) working days prior to the hearing. If there is no dispute, no letter need be filed. The Independent Hearing Officer shall rule on any disagreement prior to the hearing. All exchanged exhibits will be deemed admissible and presented to the Independent Hearing Officer at the hearing.

e. Hearings

- (1) The appellant shall appear personally and testify before the Independent Hearing Officer at the time and place of the hearing.
- (2) The proposed testimony and exhibits used by the appellant shall only be those permitted pursuant to subsection (d) above. No other witnesses or documents will be considered by the Independent Hearing Officer unless (i) the party can show that it was newly discovered, there was prompt disclosure, and the evidence is crucial or (ii) the Independent Hearing Officer rules otherwise for good cause shown. In addition, the Independent Hearing Officer may, at his/her discretion, exclude certain witnesses or documents even if timely disclosed if such evidence would be irrelevant, cumulative, redundant, or overly prejudicial.
- (3) The appellant may be represented by any person (other than the Independent Hearing Officer) or attorney as he/she may select, and at the hearing may produce on his/her behalf relevant oral or documentary evidence.
- (4) The City will present its case first, establishing the reasons for the employment action. At the conclusion of the City's case, the appellant will then present his/her case in opposition. Each side may call disclosed its witnesses. The parties are responsible for securing the attendance of their own witnesses, but the City will make current City employees available for the hearing if timely disclosed. The parties do not have any subpoena power to compel a witness's attendance.
- (5) Cross-examination of witnesses will be permitted.
- (6) The conduct and decorum of the hearing will be under the control of the Independent Hearing Officer, with due regard to the rights and privileges of the parties.
- (7) Hearings need not be conducted according to technical rules relating to evidence and witnesses.
- (8) Hearings will be closed or held in executive session, as applicable, unless the appellant, in writing to the Independent Hearing Officer, requests an open, public hearing. A closed hearing does not preclude the attendance of (i) persons necessary to assist in the presentation of evidence and arguments, (ii) the Human Resources Director or authorized designee or (iii) the appellant's department director or authorized designee.

f. Findings and Recommendations

- (1) The Independent Hearing Officer will, within fifteen (15) working days after the conclusion of the hearing, submit his/her findings and recommendations that will be advisory to the City Manager. The Independent Hearing Officer may recommend that the City Manager affirm, revoke, or modify the employment action taken.

- (2) The City Manager or designee will review the findings and recommendations of the Independent Hearing Officer. He/she may then affirm, revoke, or modify the action taken as in his/her judgment seems warranted.
- (3) The City Manager or designee will inform the appellant within twenty (20) working days of his/her decision. The action of the City Manager or designee will be final.

4. Conduct of Appeal Procedure

The time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned.

E. Matters Subject to ARIZ. REV. STAT. § 38-531

This section does not apply to any persons outside the definition of Employee (as hereinafter defined). When a complaint is filed by a former or current employee (the “Employee”) as defined by ARIZ. REV. STAT. § 38-531, alleging violation of ARIZ. REV. STAT. §§ 38-531 *et. seq.*, the City Manager shall convene an *ad hoc* independent personnel board (“Board”) pursuant to ARIZ. REV. STAT. §§ 38-532 and 534, which shall consist of five (5) members having the following qualifications:

1. Three (3) members who are residents of the City, not employed by the City, and not related to the Employee;
2. One (1) member who is employed by another municipality as an administrator in the department of human resources or personnel and who is not related to the Employee; and
3. One (1) member who is employed by another municipality, who does not belong to any professional organizations or affiliates that the Employee belongs to and who is not related to the Employee.

The members of the Board shall meet, hear evidence, and decide the following:

1. The validity of the complaint.
2. Whether a prohibited personnel practice, as defined by ARIZ. REV. STAT. § 38-532(A), was committed against the employee or former employee as a result of disclosure of information by the employee or former employee.

The provisions of ARIZ. REV. STAT. § 38-532 are incorporated by this reference.

F. For the purposes of this Chapter:

1. “Working Days” means Monday through Thursday, exclusive of City designated Holidays.

ORDINANCE NO. 1588-1015

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT KNOWN AS THE "OCTOBER 19, 2015, AMENDMENTS TO THE CITY OF AVONDALE PERSONNEL POLICIES AND PROCEDURES MANUAL; AMENDING THE CITY OF AVONDALE PERSONNEL POLICIES AND PROCEDURES MANUAL, CHAPTERS 3 (APPLICATIONS), 5 (CLASSIFICATION AND COMPENSATION), 6 (EMPLOYEE BENEFITS), 7 (DRUG AND ALCOHOL POLICY), 11 (SAFETY POLICY), 13 (EMPLOYEE RECORDS AND REPORTS), 14 (EMPLOYEE EDUCATION ASSISTANCE), 16 (INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICY), 17 (SEPARATIONS) AND 19 (GRIEVANCES AND APPEALS); AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. That certain document known as the "October 19, 2015, Amendment to the City of Avondale Personnel Policies and Procedures Manual," three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 3277-1015 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 2. The City of Avondale Personnel Policies and Procedures Manual (the "Personnel Manual"), Chapters 3, 5, 6, 7, 11, 13, 14, 16, 17 and 19 are hereby deleted in their entirety and replaced by the October 19, 2015, Amendments to the City of Avondale Personnel Policies and Procedures Manual, which shall be inserted into the Personnel Manual as a new Chapter 3 (Applications), Chapter 5 (Classification and Compensation), Chapter 6 (Employee Benefits), Chapter 7 (Drug and Alcohol Policy), Chapter 11 (Safety Policy), Chapter 13 (Employee Records and Reports), Chapter 14 (Employee Education Assistance), Chapter 16 (Information and Communications Technology Policy), Chapter 17 (Separations) and Chapter 19 (Grievances and Appeals).

SECTION 3. This Ordinance shall become effective (i) as to Chapter 14 at 12:01 a.m. on January 1, 2016, and (ii) as to Chapters 3, 5, 6, 7, 11, 13, 16, 17 and 19 at 12:01 a.m. on November 19, 2015. If the effectiveness of this Ordinance is prohibited by Arizona law at such time, then this Ordinance shall become effective at the earliest later time as authorized by Arizona law.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the October 19, 2015, Amendments to the City of Avondale Personnel Policies and Procedures Manual, adopted herein by reference, is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, October 19, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL AGENDA

SUBJECT:

Letter of Agreement - Arizona Public Service for the Dysart Road 12kv Undergrounding Public Safety Improvements (Phase 1)

MEETING DATE:

10/19/2015

TO: Mayor and Council**FROM:** Tracy Stevens, Development and Engineering Services Director, 623-333-4012**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting that the City Council approve a Letter of Agreement with Arizona Public Service (APS) for the undergrounding of the overhead electric along Dysart Road from Van Buren Street to Western Avenue (Phase 1) in the amount of \$1,340,228.86, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

An approximately one mile stretch of Dysart Road from Van Buren Street to Western Avenue has 38 power poles that are located along the east side of Dysart Road and five power poles that are located on the west side. The existing power poles are located in the sidewalk area and create accessibility conflicts for pedestrians and bicyclists. The double-strand 12kv lines are unsightly and pose a potential safety hazard.

On March 3, 2014, staff provided City Council with an update on the feasibility of undergrounding the existing power along Dysart Road. Based upon preliminary electrical plans and discussions with APS, the costs associated with removing the poles, installing the required electrical equipment, removing the overhead wiring from the main poles and providing underground service from the main line to each existing customer was estimated to be approximately \$1.6M (\$300/LF). This did not include any costs for the required trenching, conduit, backfill, pavement replacement, sidewalk improvements or any other miscellaneous improvements.

At the same meeting, staff also presented Council with two alternatives for a subsequent construction phase.

DISCUSSION:

Based on Council direction, staff moved forward with the undergrounding and and future construction phase (Phase 2). On December 1, 2014, CS Construction (CS) was awarded the construction contract for Phase 1. As construction activities began, CS ran into several unmarked utility conflicts and delays. However, the joint trench and streetlights on the west side of the road were completed by July 2015. APS began immediately thereafter and anticipates finishing up the underground conversion by November 1, 2015. Upon completion of APS' work, CS will install the remaining streetlights on the east side of the road and complete Phase 1 of the project.

Phase 2 of the project was submitted to MAG for Federal Transportation Alternative Program (TAP) funding. TAP funding in the amount of \$1,440,685 for Phase 2 construction has been awarded per the latest amended IGA approved by Council on May 4, 2015. Phase 2 is anticipated to commence January 2016 and will provide improved pedestrian and bicyclist accessibility, landscaping, landscape irrigation, sidewalks, and driveway improvements where temporary construction easements were dedicated.

SCHEDULE:

A tentative schedule for the remaining construction activities is as follows:

PROJECT MILESTONES	TARGET DATES
Phase 1 - Utility Completion	11/01/15
Phase 1 - Streetlight Completion	11/15/15
Phase 2 - Bid Opening	11/30/15
Phase 2 - Begin Construction	01/04/16
Phase 2 - Project Completion	06/30/16

BUDGET IMPACT:

The City's overall CIP budget of \$3.9M in FY14/15 in addition to the \$2.4M allocated in FY 15/16 combines for a total project funding of \$6.3M. Below is a summary of the Project's contracts and expenditures to date.

Project	Contracts	Expenditures to Date
Phase 1 Design	\$274,745.95	\$225,889.86
Phase 1 ROW	\$42,609.50	\$42,009.50
Phase 1 Construction (including Joint Trench)	\$2,126,932.76	\$1,833,609.42
Legal	\$85,548.64	\$28,021.29
Construction Inspection	\$72,280.00	\$64,379.00
APS Interim Lighting	\$9,565.00	\$9,565.00
APS Underground Conversion	\$1,340,228.86	\$1,340,228.86 ¹
Utility Credits (Joint Trench: Cox, CenturyLink)	(\$506,456)	(\$277,778)
SUBTOTAL Phase 1	\$3,445,453.88	\$3,265,924.10
Phase 2 Design	\$146,530.00	\$136,178.20
Phase 2 ROW	\$0.00	\$0.00
Phase 2 Construction	\$2,002,132*	\$531,447
Phase 2 Construction Inspection	\$100,000.00**	\$0.00
TAP Funding	(\$1,440,685)	\$0.00
SUBTOTAL Phase 2	\$807,977	\$667,625.20
TOTAL PROJECT COSTS	\$4,253,431	\$3,993,549.30

¹ Amount requested for approval tonight.

* Amount in the IGA per the 90% Engineer's Estimate for Phase 2. TAP funding will cover up to \$1,440,685, leaving a balance of \$561,447 and any overages for the City to pay.

** Estimated construction inspection costs for Phase 2.

Funding in the amount of \$1,340,228.86, is available in CIP One-Time Project Fund Line Item, 322-1345-00-8420, Dysart Road Bike and Pedestrian Facilities, Van Buren Street to MC85 (Western Avenue).

RECOMMENDATION:

Staff recommends that the City Council approve a Letter of Agreement with Arizona Public Service (APS) for the undergrounding of the overhead electric along Dysart Road from Van Buren Street to Western Avenue (Phase 1) in the amount of \$1,340,228.86, and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[Letter of Agreement](#)

[Vicinity Map](#)



Sta. 3177
P.O. Box 53933
Phoenix, AZ 85072

October 6, 2015

Paul Lopez
City of Avondale
11465 W. Civic Center Dr., #120
Avondale, AZ 85323-6804

PROJECT: City of Avondale #ST1345A / EN14-033 – Dysart Rd. Electrical Conversion

LOCATION: Dysart Rd. – Van Buren St. to MC85 (Buckeye Rd.)

Dear Paul,

This letter serves as a letter of agreement for Arizona Public Service Company ("APS") Work Authorization No. **WA171228** relating to the above-mentioned project. The following is an outline of the costs and responsibilities of APS and the City of Avondale ("City").

- 1) **To be provided and/or installed by the City Contractor**
 - a) All trench material and trench related work including, but not limited to; trenching, spoils removal, asphalt cutting, milling, boring, backfill material and compaction per APS Transmission and Distribution Construction Standards (T.A.D.C.S.) manual, section 8601. All surface restoration (i.e. landscaping, sidewalks, curbs, gutters, pavement, driveways, valley gutters, etc.) as it relates to work performed on this project by the City contractor and City crews.
 - b) All conduit, conduit related material, labor to install all associated conduit, including but not limited to; 1", 2", 2.5" 3", 4" and 5" PVC conduit, conduit sweeps, conduit caps, conduit plugs, primer, glue, conduit spacers, rebar, concrete encasement, and mandrelling of the conduit system.
 - c) All miscellaneous material and work including, but not limited to, barricading, shoring, steel plating, and traffic control.
 - d) Where duct banks are required: labor and 2-sack material for the concrete encasement of the duct bank, unless otherwise specified.

- e) Labor to install APS provided manholes, pull boxes, transformer pads, box pads, j-boxes and ground rods (or alternate grounding material).
- f) All conduits shown to be ending in energized APS equipment shall be stubbed 4 feet ' from either the equipment or the Blue Stake marking for underground electric cables in the vicinity. The conduit is to be capped and marked for APS crews to connect to the equipment. **NOTE: CAUTION DO NOT ENTER - ENERGIZED APS EQUIPMENT.**
- g) Labor to expose and attach to/or re-route existing empty conduit. Re-routing of conduit presently in use shall be performed by the City contractor after the existing electrical cable has been removed by APS forces.
- h) Construction centerline staking, all vertical control and staking of depth requirements for all APS equipment and trenches. Trench alignment and depths shall be adjusted to provide a minimum of two (2) feet vertical clearance from proposed conflicts, and one (1) foot vertical clearance from existing conflicts. APS requires two-(2) feet horizontal alignment from all existing and proposed conflicts.

2) **To be provided by APS and installed by the City's contractor**

- a) All ground rods, junction boxes, pull line, transformer pads, box pads, pull boxes, manholes and electronic markers. The City contractor must schedule with the APS warehouse for material pickup. Contact Alissa Schad (602) 371-7758 to schedule an appointment. A late arrival time of more than ten minutes from your scheduled time, may result in an APS cancellation of the appointment, depending on the congestion and workload present at the APS warehouse.

3) **To be provided and installed by APS**

- a) Survey for horizontal control of APS related trenching and equipment. City contractor to call 602-371-7010 ten (10) working days in advance to needing control for trenching.
- b) Conduit system inspection including; trench work, conduit installation, miscellaneous work and installations. City contractor to call (602) 371-6512 a minimum of five (5) working days prior to the start of trenching.
- c) APS Transmission and Distribution Construction Specifications as related to the project.

- d) All trench, bell holes and backfill as required to splice APS cables from the point at which the City contractor ended to the APS equipment cabinet (surface restoration is to be provided by the City contractor).
 - e) Connections to the City contractor's conduit after the system has been mandrelled and accepted.
 - f) All conduit and sweeps, as required, from the point at which the City contractor's conduit ended, to the existing energized electrical equipment.
 - g) All secondary cable, primary cable, terminations, sweeps into energized transformers, mandrelling of conduit into energized equipment and fuses in street light j-boxes.
- 4) The City has requested that APS relocate the existing OH 12kV line (approx. 1 mile) on the east side of Dysart Rd. that is in conflict with the Dysart Rd. Improvement project.
- 5) APS has "No Prior Rights" for the existing OH 12kV line that is in conflict. Therefore, APS is required by the Franchise Agreement between APS and the City to relocate the poles at no cost to the City. The City's request that the existing OH 12kV line be placed underground does not create an obligation for APS to pay for the cost of conversion. This is a City request to underground.
- 6) The City has requested that the existing OH 12kV line be converted to UG 12kV. APS has informed the City that APS does not need additional facilities at this time and that the City is responsible for all costs associated with the conversion of "Like for Like" facilities and all costs for any additional facilities required as part of their project.
- 7) This conversion will provide electrical materials, electrical equipment, electrical man hours and excavation man hours to convert approx. 33 spans of 3-A795V with 3-3/0A under build (east side of Dysart Rd.) and primary laterals to UG 6-750 (approx. 1 mile or 5,380 feet). Key electrical equipment and materials include 2 manholes, 12 switching cabinets, 1 cap bank, 1 pad mount duplex transformer, 7 pad mounted single phase transformers, 7 steel poles, 1 OH 3ph transformer, 2 OH 1ph transformer, 10 primary dips, 5 secondary dips, 1 pull box (750 - Traffic bearing), 5 pull boxes (750), 6 pull boxes (1/0), approx. 15,792' (feet) of 3-750 feeder, approx. 5,097' (feet) of 1-4/0 feeder, approx. 1,557' (feet) of 1-1/0 feeder, approx. 11,272' (feet) of 1-1/0 primary, approx. 628' (feet) of 3-1/0 primary, approx. 1,636' (feet) of 1-1/0 secondary, approx. 505' (feet) 4/0 secondary - 3 wire and approx. 833' (feet) 4/0 secondary - 4 wire. The City shall reimburse APS **\$1,340,228.86** for the design and construction of the above described conversion.

- 8) The City contractor is responsible for all trench and conduit work associated with converting the overhead 12kV distribution line.
- 9) The costs within this agreement are for APS electrical work only and do not reflect trench and conduit work (to be provided by the City contractor) or any COX or QWEST related costs associated with this project.
- 10) The project cost breakdown is as follows:

OH to UG 12kV Conversion	\$1,850,305.68
Minus APS System Improvements	\$ -33,332.80
Minus cost to relocate OH	\$ -461,744.02
Minus City of Avondale Design Deposit	<u>\$ -15,000.00</u>
Total City of Avondale Cost	\$1,340,228.86

- 11) All APS work pursuant to this letter of agreement shall be in accordance with the Franchise Agreement between APS and the City.

Please sign the enclosed letter and return it to me to indicate your approval of the above costs and responsibility. All final billings will be based on actual costs at the end of construction. If you have any questions, please call me at 602-371-7546.

Sincerely,



Ron Gandara
Customer Project Manager, Sr.

Enclosure

The City of Avondale agrees to reimburse APS the amount of \$1,340,228.86 for all the work APS performed in association with the City's project.

Approved and accepted this _____ day of _____, 2015, on behalf of the City of Avondale.

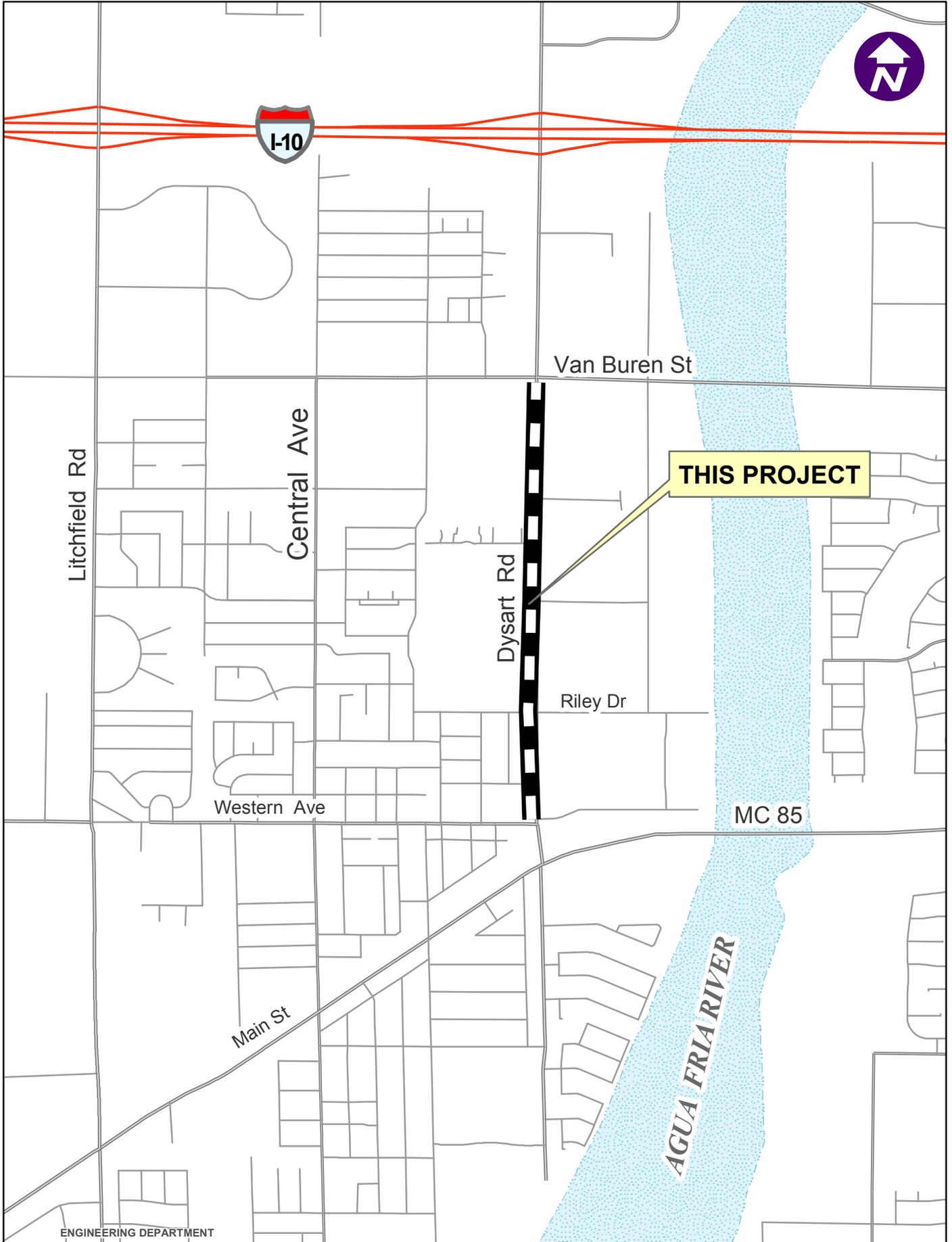
Printed Name:

Title:

Signature:

The individual executing this Agreement on behalf of the City represents and warrants: (i) that he or she is authorized to do so on behalf of the City; (ii) that he or she has full legal power and authority to bind the City in accordance with the terms herein and, if necessary, has obtained all required consents or delegations of such power and authority.

VICINITY MAP



**Dysart Road
Van Buren St to Western Ave**