

City of Yuma, Arizona
ADMINISTRATIVE REGULATION

Issued by: **Greg Wilkinson**
Authority: City Administrator

SUBJECT: EMPLOYMENT

Issued: May 1, 2012

- 1.0 **PURPOSE:** This Administrative Regulation is established to provide for the equitable recruitment, examination and selection of City employees. The City’s employment process will be in compliance with all applicable laws. All references to the Human Resources Director will also include any authorized designee.
- 2.0 **INTERNAL RECRUITMENTS:** Positions may be filled internally by a competitive recruitment process whenever it is deemed there are one or more employees who possess the required experience, training or other qualifications for the position. If the Department Director and Human Resources Director determine that the best interests of the City will not be served by an internal recruitment, the position will be filled by an open-competitive recruitment.
- 3.0 **INTERNAL APPLICANTS:** The definition of internal applicants is as follows: (a) all full-time employees; or (b) part-time employees who were hired through a competitive recruitment process and have worked for 60 days within the past six months, and are currently working.
- 4.0 **UNCLASSIFIED SENIOR STAFF RECRUITMENTS:** When deemed in the best interest of the City, the provisions of the City’s employment process may be waived by the City Administrator. Human Resources maintains a list of these positions, which shall be re-evaluated periodically.
- 5.0 **HIRING PROCEDURES FOR EMPLOYEES REGARDING NEPOTISM (Employment of Relatives):**
 - 5.1 This policy applies to all employees and is pursuant to City Council direction that an employee may not supervise, either directly or indirectly, a relative whether living in the employee’s household or not.
 - 5.2 Nothing herein shall be deemed to limit the authority of the City Council, pursuant to City Charter, regarding the office of City Administrator.
 - 5.3 The following defines “relative:”
 - (a) The following includes blood, adoption and/or marriage relationships, such as Step-brother, Half-brother; Brother-in-law:

- | | |
|------------|-------------|
| Spouse | Child |
| Parent | Grandparent |
| Sister | Brother |
| Grandchild | |

(b) The following only if related by blood:

Aunt
Niece

Uncle
Nephew

5.4 Nepotism does not include part-time temporary or difficult to fill positions as determined by the Director of Human Resources and approved by the City Administrator.

5.5 Supervisor/Subordinate Relationship is defined as any employee having authority (over another employee) to exercise independent judgment to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct them, or to adjust grievances or effectively to recommend such action.

5.6 Direct Supervision occurs when a person immediately supervises an employee. It includes work assignments, shift assignments, disciplinary decisions, evaluation process on performance, hiring or promotional decisions or recommendations. Such duties are not all-inclusive. This does not include emergencies, unplanned events, or call outs for such conditions.

5.7 Indirect Supervision occurs at any level of supervision within a chain-of-command. It includes an employee's ability to affect the work assignment or personnel evaluation of an employee, or decisions relating to hiring, termination or demotion and/or promotion of an employee.

5.8 Appointment of relatives of City employees to positions in the City service is not prohibited, provided that the relative shall not be employed in a position where one relative directly or indirectly supervises the other, or where there is either a conflict of interest or a question of internal control.

5.9 No employee in the City of Yuma regardless of job classification or department, shall be involved in nor permit to develop, personal relationships or social associations which may influence decisions in matters of a confidential nature, the handling of money, public safety concerns, security or other similar matters which creates a situation raising a question of internal control.

5.10 EFFECT ON CURRENT EMPLOYEES:

(a) All existing familial relationships within a department as of the effective date of this Administrative Regulation will be allowed to continue in existing positions currently held by family members, so long as such situations do not create conflict.

(b) No employee may be promoted, demoted or transferred into a position involving direct or indirect supervision by or of a relative. Members of the same family may be limited in their ability to be promoted, demoted, or transferred if a relative is currently employed by the same department.

(c) If two employees marry while working in the same department, one may not have a supervisory relationship over the other. Should this situation occur, the burden to remedy the situation rests with the employees.

- (d) If a situation should occur under Section 5.9.c and the employees involved are unable to remedy the situation, one of the two employees must transfer, demote or resign from City employment. The choice as to which of the employees must resign will initially rest with the employees. However, if a decision cannot be reached by the employees within thirty (30) calendar days, a decision will be made by the City Administrator.
- (e) Relatives of City Council or City-appointed boards, commissions or committees may be employed by the City.

6.0 HIRING PROCEDURES FOR EMPLOYEES REGARDING RESIDENCY REQUIREMENT:

- 6.1** This procedure applies to all classified and unclassified employees, except part-time, temporary and provisional employees.
- 6.2** All employees are required to reside within fifteen (15) miles of the City limits of Yuma and within the United States of America unless otherwise specified by this A.R.
- 6.3** The residence shall be evidenced by the regulation and continuous occupancy of a place of habitation by the employee.
- 6.4** If on the effective date of appointment any person appointed to a position in City employment is not a resident within the limits prescribed, they shall establish the required residence within six (6) months after the date of completion of new-hire probation.
- 6.5** Any employee hired in a senior staff position on or after June 30, 1997 shall reside within the City limits of the City of Yuma during the term of his/her employment.
- 6.6** Employees designated as senior staff positions hired after June 30, 1997 who are not a resident within the City limits shall establish a complying residence within eighteen (18) months after the date of appointment. A listing of such positions will be maintained in the Human Resource Department.
- 6.7** Any position identified in the approved listing per Resolution No. R2002-08, adopted by City Council on February 6, 2002 or subsequent updates, must meet the requirements of this AR. Any position grandfathered by previous AR or any employee who subsequently promotes into such a designated position and is not a residence of the City of Yuma may continue to reside within the parameters of Section 6.2 above. At any time during the term of his/her employment the employee should move or change residency, the designated senior staff employee must relocate within the corporate limits of the City of Yuma.
- 6.8** At the time of hire, all employees will complete a Statement of Residency which will acknowledge the residency requirement and indicate their compliance or noncompliance with the requirement. For those in noncompliance, a new Statement of Employee Residence will be executed at time of compliance. Forms are available from Human Resources.
- 6.9** Any change of residence shall be reported by the employee on the appropriate form to

the employee's department within fourteen (14) calendar days from the date of change of residence. The department shall forward the form to Human Resources for processing and filing in the employee's personnel file.

- 6.10** When it is deemed in the best interest of the City to do so, the City Administrator or designee may issue exceptions to the residency requirements in situations where relocation, financial or personal hardship exist or as directed by state rules or regulations.
- 7.0** **REINSTATEMENT TO CITY EMPLOYMENT:** Employees who resigned from City employment in good standing may request reinstatement. Requests must be made in writing and received within one (1) year from the date of termination of the previous employment and will be eligible for consideration for a maximum of one (1) year from the date of termination of employment, regardless of the date of the request.
- 7.1** The City may hire an applicant from any employment list which exists and is not bound to reinstate any former employee, regardless of their employment standing upon resignation. Applicants on a Reinstatement List may be subject to further testing and may or may not be interviewed.
- 7.2** Employees who resign during the probationary period as either new or promotional employees are not eligible for reinstatement to that position or class. Employees may be reinstated to the position occupied before such promotion to the position held at the time of resignation. Employees may not be considered for reinstatement to any position other than defined herein.
- 7.3** Employees hired from a Reinstatement List are categorized as new employees and must serve the required probationary period. Employees reinstated within ninety (90) calendar days from their last work day are considered to have continuous service for purposes of benefits and salary. The employee will be given an adjusted date of hire which will offset the amount of days the person was not employed by the City.
- 7.4** Full time Public Safety employees who retire and are subsequently rehired as full time employees by the City, and have a break in service not to exceed 90 calendar days will have their Leave Accrual time adjusted to accrue at the second (2nd) level accrual rate. Other Non-Public Safety Employees who are rehired into a full time position and have satisfactorily met all the requirements of the Arizona Retirement System for re-employment (not to exceed one year from date of termination) will also receive the adjusted accrual rate at the second (2nd) level accrual rate. No other benefits shall be affected by this conversion.
- 7.5** An employee who resigned from City employment to enter active duty in the armed forces, voluntarily or involuntarily, will be covered under the Veteran's Re-Employment Rights Law.
- 8.0** **TRANSFERS:** Employees who wish to make a transfer to other divisions or departments may request a transfer by completing an application in Neogov and notifying HR in writing. This request must be made when the position is open for recruitment or a vacancy occurs. Transfers will not be used as a means to promote, demote or advance employees. Employees must possess the minimum qualifications for the position in order to be placed on the Transfer List. Depending on the

circumstances, any examination(s) normally conducted for the position may be required in order to be considered. Before an employee may make the transfer, the affected Department Directors will mutually agree on the effective date of such transfer.

9.0 VOLUNTARY DEMOTIONS: Requests for a voluntary demotion must be made in writing. A job application may be required. The applicant must meet the minimum requirements for the position and pass any examination(s) required for the position. Names of qualified employees will be referred on either the Internal or Open List, unless the recruitment is waived.

10.0 POSITION UPGRADE OR DOWNGRADE:

10.1 When it is necessary or in the best interest of the City to make a prospective change in the job content of a position, the action taken is defined as an upgrade or downgrade. It is differentiated from a reclassification in that the change in the job content of a position as a result of an upgrade or downgrade is a prospective change.

10.2 A position upgrade or downgrade may significantly change the job content or nature of a position. The change, depending on the significance may require a competitive examination process in order to select a qualified candidate to fill the position. A waiver of the competitive examination process may be considered, based on analysis of position content and an incumbent's ability and qualifications for the position. An examination may be required to determine the incumbent's knowledge, skills and abilities.

10.3 In the event an incumbent does not possess the qualifications or abilities to perform in an upgraded or downgraded position, the incumbent's employment could terminate. In such event, the incumbent's name may be placed on a Reemployment List for the position previously held, if such position classification still exists, or on an eligibility list for positions of which the incumbent employee meets minimum qualification requirements.

11.0 POSITION RECLASSIFICATION:

11.1 In instances where the job content of a position has changed substantially over a period of time and it is deemed appropriate to reclassify a position, such recommendation will be made by the Department Director to the Human Resources Director.

11.2 If the reclassification results in a movement to a higher range of pay, an incumbent may be moved to the reclassified position with or without examination, as determined by the Human Resources Director or designee, with the following conditions:

- (a) That the reclassification results from a job analysis which recognizes that a change in job content has occurred.
- (b) That the incumbent in the position has occupied the position being reclassified for a minimum of twelve (12) months and has performed in a satisfactory manner as demonstrated by documented performance evaluations.
- (c) That the incumbent meets minimum qualifications of the new class in knowledge,

skills and abilities as recommended by the Department Director and approved by the Human Resources Director.

- 12.0 RECLASSIFICATIONS:** Reclassification of positions should be accomplished during the budget process and become effective with the new fiscal year. Reclassifications resulting from work changes due to a reorganization or addition of a major position function should be completed and implemented as they occur.
- 13.0 NON-APPEALABILITY OF CLASSIFICATION CHANGES:** Position reclassifications, upgrades, downgrades and abolishments are not appealable to the Merit System Board.
- 14.0 FAILURE TO COMPLY:** Failure of an employee or an applicant, as applicable to comply with the requirements set forth in this Administration Regulation will be brought to the attention of the Human Resources Director and the Department Director and may result in disciplinary action up to and including dismissal or removal from employment eligibility lists.
- 15.0 CITY'S RIGHT TO WAIVE OR AMEND:** When it is deemed in the best interest of the City to do so, the City Administrator or designee may waive or amend any portion of this Regulation not in conflict with the Personnel Rules, City Charter, City Ordinance or state or federal law.