



**MARICOPA COUNTY**

**LAW ENFORCEMENT OFFICERS  
MERIT SYSTEM RULES**

**MARICOPA COUNTY LAW ENFORCEMENT OFFICERS MERIT SYSTEM**

**TABLE OF CONTENTS**

	<b>PAGE</b>
<b>RESOLUTION .....</b>	<b>R-1</b>
<b>MARICOPA COUNTY LAW ENFORCEMENT OFFICERS MERIT SYSTEM RULES</b>	
<b>RULE 1 - DEFINITIONS .....</b>	<b>1-1</b>
<b>RULE 2 - GENERAL PROVISIONS .....</b>	<b>2-1</b>
<b>RULE 3 - COMMISSION PROCEDURES .....</b>	<b>3-1</b>
<b>RULE 4 - ENTRANCE EXAMINATIONS .....</b>	<b>4-1</b>
<b>RULE 5 - REGISTERS .....</b>	<b>5-1</b>
<b>RULE 6 - CERTIFICATION &amp; SELECTION OF ELIGIBLES .....</b>	<b>6-1</b>
<b>RULE 7 - TYPES OF APPOINTMENT .....</b>	<b>7-1</b>
<b>RULE 8 - PROBATIONARY PERIOD .....</b>	<b>8-1</b>
<b>RULE 9 - PROMOTION, TRANSFER AND DEMOTION .....</b>	<b>9-1</b>
<b>RULE 10 - SEPARATIONS &amp; DISCIPLINARY ACTIONS .....</b>	<b>10-1</b>
<b>RULE 11 - APPEALS .....</b>	<b>11-1</b>
<b>RULE 12 - CLASSIFICATION PLAN .....</b>	<b>12-1</b>
<b>RULE 13 - ATTENDANCE, HOLIDAYS AND LEAVE .....</b>	<b>*WAIVED</b>
<b>RULE 14 - CODE OF ETHICS .....</b>	<b>14-1</b>

\* Temporarily waived by the Board of Supervisors' effective December 15, 1997, in conjunction with Board of Supervisors' approval of Maricopa County's Employee Leave Plan.

## RESOLUTION

(Adopted December 5, 1977 by the Maricopa County Board of Supervisors under the provisions of Arizona Revised Statutes 38-1001 through 38-1007 establishing the MARICOPA COUNTY LAW ENFORCEMENT OFFICERS MERIT SYSTEM COMMISSION.)

\* \* \* \* \*

### SECTION 1. TITLE

This resolution shall be known and may be cited as the Maricopa County Law Enforcement Officers Merit System Resolution.

### SECTION 2. ADMINISTRATION

This merit system shall be so construed and administered as to provide a uniform and equitable system of personnel administration of sworn paid law enforcement officers. Recruitment, selection, appointment, development, promotion, transfer, layoff, classification, compensation, separation, discipline, dismissal, appeal hearing and provision for the welfare and rights of county employees shall be performed in a manner to secure and retain well-qualified employees to carry out legally mandated responsibilities effectively and efficiently and to provide reasonable stability of employment in the Sheriff's Office.

### SECTION 3. MERIT PRINCIPLES TO BE OBSERVED

The system of personnel administration for employees in sworn paid law enforcement officers classified service shall be based upon merit principles which shall insure an impartial recruiting, examining and selecting program; position classification plans based on duties and responsibilities; promotion on merit; and protection against arbitrary disciplinary action. All appointments and promotions shall be made according to merit and fitness as ascertained by competitive examinations given in accordance with the provisions of this Resolution and Rules per Arizona Revised Statutes 38-1001 et seq.

### SECTION 4. DEFINITIONS

The following words and terms shall have the meaning indicated below unless the context clearly indicates otherwise. (Such terms shall be defined consistent with ARS 38-1001 et seq.)

APPOINTING AUTHORITY: the Sheriff of Maricopa County.

APPOINTMENT: the offer and the acceptance of employment in the county service in compliance with this Resolution.

BOARD: the Maricopa County Board of Supervisors.

CLASSIFIED SERVICE: all sworn paid law enforcement officers of the Maricopa County Sheriff's Office.

COMMISSION: the Maricopa County Law Enforcement Officers Merit System Commission.

COUNTY: the Maricopa County government.

DEPARTMENT: the Maricopa County Sheriff's Office.

DIRECTOR: the Maricopa County Human Resources Director or designee.

ELIGIBLE: a person who has qualified for and attained a passing score on an examination for a specific class.

EMPLOYEE: a sworn law enforcement officer who is paid a wage, salary or stipend from public monies in accordance with official entries on a county payroll.

POSITION: a specific employment, whether occupied or vacant, involving duties requiring the services of one person.

PROBATION: a specified period of employment following appointment, reemployment, transfer, promotion or demotion: it is the final step in the examination process during which the work performance of an employee is evaluated.

PROMOTION: a change in the assignment of an employee from a position in one class to a position in another class having a higher range of pay.

REGULAR STATUS: a status an employee achieves when he is retained in a position of the classified service after the successful completion of the initial probation period.

SUSPENSION: the temporary separation of an employee from his position for disciplinary reasons.

#### SECTION 5. COUNTY SERVICE - LAW ENFORCEMENT OFFICERS

The county service (law enforcement officers) shall encompass all employment of regularly appointed and paid deputy sheriffs within the Maricopa County Sheriff's Office. The county service shall not include persons who perform services for which payment is made on a fee, contract or claim basis.

#### SECTION 6. EXEMPTIONS

The Sheriff and one Chief Deputy who is designated either by statute or the Sheriff to act and perform duties of the Sheriff during his absence or incapacity shall be exempt from the provisions of this Resolution.

#### SECTION 7. HUMAN RESOURCES DEPARTMENT

There shall be in Maricopa County government, a Human Resources Department, the executive head of which shall be the Human Resources Director who shall be responsible to the Commission for the accomplishment of all Human Resources functions assigned to him by the Commission. He shall be responsible to the Board through the County Manager for all other Human Resources functions in both the classified and the unclassified service.

#### SECTION 8. MERIT SYSTEM COMMISSION

- A. There shall be a Commission of five members appointed by the Board with the powers and duties hereinafter enumerated. The Commission shall have authority within the classified service concerning examination, eligibility, classification, appointment, grievances and related matters as established in the Law Enforcement Officers Merit System Rules: it shall also advise the Director, County Manager and Board concerning pay, benefits and other human resource matters for both the classified and unclassified service.
- B. Members of the Commission shall be selected from among the qualified electors of the county and shall be persons having recognized knowledgeable interest in the merit principles of personnel administration. No more than three of such members shall be from the same political party. No member of the Commission shall be a

member of any local, state, or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or shall hold or be a candidate for any elective public office except as defined in Section 18 of this resolution and consistent with ARS 38-1001 et seq.

- C. Each member shall hold office for a term of four years and until his successor is appointed and qualified. Of the members first appointed, two shall serve for a two-year term, two for a three-year term and one shall serve a four-year term, and such members shall determine by lot the length of their terms. Appointment to fill a vacancy caused by other than expiration of term shall be for the unexpired portion of the term.
- D. A member of the Commission may be removed by the Board for cause. Any one of the following shall constitute the resignation of a Commissioner and authorize the board to appoint a new member to fill the unexpired term so vacated:
  - 1. Absence from three consecutive quarterly meetings.
  - 2. Becoming a candidate for any elective public office except as defined in Section 18 of this resolution.
  - 3. Accepting any appointive office or employment in the county service.
- E. The Commission shall elect one of its members chairman. It shall meet at such times and places as shall be specified by call of a majority of the Commission or of the chairman. At least one meeting shall be held in each quarter. All meetings shall be open to the public. At least five days written notice of each meeting shall be given by the Director to each member not joining in the call. Three members shall constitute a quorum for the transaction of business. A majority of the quorum may take legal action in all areas of the Commission duties and powers. The Director shall give at least 10 days notice of Commission meetings to employees covered hereunder by posting the time and place of such meetings on a bulletin board within the work area of said employees. Agendas will be made available upon request at least five days prior to the Commission meeting.

#### SECTION 9. POWERS AND DUTIES OF THE COMMISSION

The Commission shall perform such duties and exercise such powers as are necessary to carry out the provisions of ARS §38-1001, et seq. The Maricopa County Law Enforcement Officers Merit System Commission may seek assistance in its day-to-day administrative functions and assign administrative functions as they deem necessary to the Director. In addition, it shall be the duty of the Commission to serve as the independent personnel board of the county under ARS § 38-532(H) and to adopt policies and procedures as it may deem necessary or appropriate under such authority.

#### SECTION 10. APPOINTMENT AND DUTIES OF THE DIRECTOR

- A. The Director shall be a person who has had experience in the field of public personnel administration and is in sympathy with the application of merit principles and scientific methods to public employment.
- B. The Director, as executive head of the Human Resources Department, shall direct and supervise all of its administrative and technical activities. In addition to the duties imposed upon him elsewhere, it shall be the duty of the Director:
  - 1. To attend meetings of the Commission and to act as its secretary and keep minutes of its proceedings.

2. To prepare for the approval of the Commission and maintain a roster of all employees covered by this Resolution in which there shall be set forth, as to each employee, the class title, pay or status and other pertinent data.
3. To appoint such employees of the Human Resources Department and such special assistants as may be necessary to carry out effectively the provisions of this resolution.
4. To develop, in cooperation with the appointing authority and others, programs for the improvement of employee effectiveness, including training, health, counseling and welfare.
5. To review from time to time the operation and effect of this Resolution and of the Rules and to report his findings and recommendations to the Commission.
6. To perform any other lawful act which he may consider necessary or desirable to carry out the purposes and provisions of this resolution and consistent with ARS 38-1001 et seq.

#### SECTION 11. MERIT SYSTEM RULES

- A. The Director shall prepare and submit to the Commission proposed rules for the classified service. The Commission shall give reasonable notice to the Sheriff and the employees covered by this resolution and they shall be given an opportunity, upon request, to appear before the Commission to express their views thereon. Such notice shall be effected by posting on a bulletin board within the work area of the Department the time and place for the hearing of such proposed rules, 10 days before such hearing. Copies of proposed rules will be made available upon request.
- B. Rules or amendments shall become effective thirty days after adoption by the Commission unless otherwise specified by the Commission. The Rules shall provide:
  1. For the preparation, maintenance and revision of a position classification plan for all positions in the classified service, based upon the similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required and the same schedule of pay may be equitably applied to all positions in the same class. Each position authorized by the Commission shall be allocated to the proper class and assigned to the appropriate pay range for that class.
  2. For open competitive examinations to determine the relative fitness of applicants for employment in the service.
  3. For promotion which shall give appropriate consideration to the applicant's qualifications, record of performance, seniority and conduct. Vacancies shall be filled by promotion within the department whenever possible.
  4. For the establishment of eligible lists for appointment and promotion, upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations. The duration of eligible lists for initial appointment and promotion shall be for no more than one year unless extended by the Commission for not more than one additional year, unless no promotions from the eligible promotion lists have occurred; in which case the Commission may extend the eligible lists for up

to two additional years; in certifying eligibles to the Sheriff, the Commission shall not certify more than the top five names from the eligible list for a single vacancy. Where more than one vacancy exists, the list shall include a number of names equal to the number of vacancies plus four. Such lists shall be preserved for one year after their effectiveness expires.

5. For the rejection of candidates who failed to comply with reasonable requirements in regard to such factors as age, physical condition, training and experience or who have been convicted of a felony or who have attempted any deception or fraud in connection with an examination.
6. For periods of probationary employment. During the initial probation period following appointment any employee may be discharged or demoted without charges or hearing except that any applicant or employee, regardless of status, who has a reason to believe that he has been discriminated against because of religious or political opinions or affiliations or race or sex or national origin in any personnel action may appeal to the Commission in accordance with the provisions of Section 16.
7. For keeping records of performance of all employees in the classified service.
8. For layoff of a covered employee in the department whenever it is necessary by reason of shortage of funds or work or by reduction of the statutory duties of the Sheriff.
9. For the suspension of employees with or without pay as a disciplinary measure.
10. For discharge or demotion of a regular status employee only for cause.
11. For competitive selection of employees for all classes in the classified service.
12. For establishment of a plan for resolving employee grievances, complaints and alleged discrimination, including handicap.
13. For such other rules, not inconsistent with this Resolution or the terms of Arizona Revised Statutes 38-1001 through 38-1007 as may be proper and necessary for its enforcement.

#### SECTION 12. CHARACTER OF EXAMINATIONS

- A. The entrance and promotion competitive examination shall be of such character as to determine the qualifications, record of performance, seniority, conduct within the field of law enforcement, fitness and ability of the person tested to perform the duties of the class of positions for which a list is to be established.
- B. The competitive examinations may be written, oral, physical, or in the form of a demonstration of skill or any combination of such types.

#### SECTION 13. MINIMUM QUALIFICATIONS

The minimum qualifications or standards prescribed for county employment hereunder shall not be less than those prescribed by law and changes to a class specification that increase educational requirements shall have no effect on the eligibility of incumbents of the class to progress in the series of the class until a level of the series is reached that specifically requires a graduate degree, a specific license, registration, board certification, or similar accreditation by a recognized association or agency.

#### SECTION 14. RETURN TO POSITION COVERED BY THIS RESOLUTION FROM EXEMPT POSITIONS

An employee covered by this Resolution who has taken or takes a position which is exempt and who thereafter is ready to report for duty for a position covered by this Resolution shall be placed on the eligible list for the appropriate class in which he has attained regular status for future reemployment when vacancies in the class occur. The order in which names shall be placed on the eligible list for any class shall be by seniority in county service in accordance with the Rules of the Commission.

#### SECTION 15. REPRIMAND, SUSPENSION, DEMOTION, DISMISSAL

- A. An appointing authority, subject to Arizona Revised Statutes 38-1001 through 38-1007 and any regulations issued by the Commission, may reprimand an employee in the classified service under his jurisdiction or suspend such an employee without pay or with reduced pay for a period not exceeding thirty consecutive calendar days for any single cause.
- B. An appointing authority, subject to Arizona Revised Statutes 38-1001 through 38-1007 and any regulations issued by the Commission, may demote an employee in the classified service under his jurisdiction from a position in any given class or grade to a position in a lower class or grade for which the employee possesses necessary qualifications. The appointing authority shall give the Commission written notice of his intention to effect any such demotion before the date it is intended to become effective. The Commission may transfer such an employee whose record is otherwise satisfactory to a similar position or one for which he is qualified under the jurisdiction of another appointing authority with the approval of such other appointing authority and with the approval of the employee.
- C. An appointing authority may remove any employee with regular status only for cause. Each of the following constitutes cause for discipline or dismissal of an employee in the county service:
  - 1. Fraud in securing or maintaining appointment
  - 2. Incompetency
  - 3. Inefficiency
  - 4. Abuse of sick leave
  - 5. Neglect of duty
  - 6. Insubordination
  - 7. Dishonesty
  - 8. Possessing, dispensing, or being under the influence of alcohol, narcotic, barbiturate, marijuana, tranquilizer, hallucinogenic or any other drug listed and/or defined in A.R.S. §13-3401, which would affect the employee's suitability for continued employment, except in accordance with medical authorization or in the lawful performance of the employee's regularly assigned duties.
  - 9. Inability for medical reasons.
  - 10. Absence without leave
  - 11. Commission or conviction of a felony or of a misdemeanor, either of which would affect the employee's suitability for continued employment.
  - 12. Discourteous treatment of the public or fellow employees

13. Improper political activity
  14. Discrimination, including harassment, by any employee against or in favor of an applicant, eligible or employee, or member of the public, because of political affiliations, race, sex, religion, color, national origin, age, handicap or any other non-merit factor as determined by the Merit System Commission in accordance with A.R.S. §41-1461, et seq., or any other state or federal laws which may be applicable to employment with Maricopa County.
  15. Misuse of government property
- D. In addition to the causes prescribed herein, the Merit System Commission may establish other causes that are deemed necessary.
- E. A regular status employee shall be given written notice of such dismissal and one copy of same shall be filed with the Director as ex officio Clerk of the Commission and one copy shall be filed with the Clerk of the Board. Such notices shall set forth the reasons for dismissal in sufficient detail to indicate whether the employee was discharged for misconduct, incompetency or other reasons relating to the effective performance of his duties and shall be prepared in such form and given in such manner as the Commission prescribes. The name of any such employee dismissed for incompetency or other reasons relating to the effective performance of his duties shall be immediately removed from the eligible list in the office of the Commission subject to reinstatement by the Commission.

#### SECTION 16. APPEAL BY EMPLOYEE

- A. Any employee covered hereunder holding a regular status position who is demoted, suspended, or dismissed may appeal to the Commission. Any appeal concerning demotion, dismissal or suspension shall be filed with the Director, as ex officio Clerk of the Commission, not later than ten (10) days following the date of receipt by the employee of a written order from the appointing authority.
- B. A copy of such appeal shall be forwarded by the Director to the appointing authority of the employee and to the Commission. The Commission shall thereupon assign a time and place for a hearing and shall give notice thereof to all parties concerned. Within twenty days from the filing of the appeal the Commission shall commence the hearing and either affirm, modify or revoke the order.
- C. The appellant may appear personally, produce evidence, have legal counsel and, if requested by the appellant, a public hearing.
- D. Both the employee and his appointing authority shall be notified reasonably in advance of the hearing. The Commission, or a duly appointed hearing officer, shall conduct the hearing. The Commission shall prepare an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of the actual cost.
- E. The Commission shall not be bound by technical rules of evidence prevailing in the courts. If, after hearing, a majority of the Commission members present at the meeting where the vote is taken determines that the action appealed from was arbitrary or taken without reasonable cause, the appeal shall be sustained; otherwise, the appeal shall be dismissed. The Commission shall have the power to direct appropriate remedial action and shall do so after taking into consideration just

and equitable relief to the employee and the best interests and effectiveness of the county service.

- F. Within 35 days of a decision by the Commission sustaining an appeal, the appointing authority of the employee shall take such measures as are necessary to comply with the remedial action directed by the Commission and shall render a report of such measures to the Director as ex officio Clerk of the Commission.
- G. The findings and decisions of the Commission shall be final and shall be subject only to administrative review as provided in Arizona Revised Statutes 38-1004.
- H. An employee laid off or dismissed by reason of economy, lack of work, insufficient appropriations, change in departmental organization or abolition of position may file an appeal with the Commission only on the ground that the order of layoff or dismissal has not been determined in accordance with this Resolution and the Rules of the Commission.
- I. Matters involving compensation schedules and classes of positions shall not be appealable under this section.
- J. The Commission may request the Board to issue subpoenas to compel attendance of any person and production of any books or papers relating to any investigation or hearing authorized by this Resolution in accordance with the powers of the Board under Arizona Revised Statutes 11-218.

#### SECTION 17. NONDISCRIMINATION

No discrimination shall be exercised in any manner by any county official, appointing authority or employee against or in favor of any applicant, eligible or employee because of his political or religious opinions or affiliations, or because of race, sex, religious creed, color, national origin or ancestry by refusing to hire or employ him, or to bar him or to discharge him from employment or discriminate against him in compensation, or in termination conditions or privileges of employment, all as specified in Arizona Revised Statutes Title 41, Chapter 9, Article 4, Section 11 B(6) and 16 of this Resolution provided the right of appeal by any applicant or any employee regardless of his status to the Maricopa County Human Resources Commission in any case of alleged discrimination as defined herein or appeal whenever any alleged discrimination is handled by means of grievance procedures established by the rules and regulations implementing this Resolution.

#### SECTION 18. POLITICAL ACTIVITY

- A. It is the intent of Maricopa County to conform to the public policy that government programs be administered in an unbiased manner and without favoritism for or against any political party or group or any member in order to promote public confidence in government, governmental integrity and the efficient delivery of governmental services and to ensure that all employees are free from any express or implied requirement or any political or other pressure of any kind to engage or not engage in any activity permitted by this section.
- B. An employee shall not:
  - 1. Use any political endorsement in connection with any appointment to a position in the county classified service.
  - 2. Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration.

- C. An employee shall not be a member of any national, state or local committee of a political party, or an officer or chairman of a committee of a partisan political club, or a candidate for nomination or election to any public office which is either paid or partisan, or take any part in the management or affairs of any political party or in the management of any partisan or nonpartisan campaign or recall effort, except that an employee may:
1. Express his opinions;
  2. Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues;
  3. Cast a vote;
  4. Sign nomination or recall petitions;
  5. Make contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates;
  6. Circulate candidate nomination petitions or recall petitions;
  7. Engage in activities to advocate the election or defeat of any candidates;
  8. Solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidates or advocating the election or defeat of candidates;
  9. Campaign for himself and hold unpaid, nonpartisan public office;
  10. Campaign for or against ballot issues, referendum questions, constitutional amendments, municipal ordinances, etc. except where a conflict of interest is created.
- D. Except for expressing his opinion or voting pursuant to Rule 13.06 E., an employee shall not engage in any activity permitted by this section while on duty, while in uniform or at public expense. Employees who may have exclusive possession and control over ballots, shall be prohibited from engaging in the activities permitted other employees pursuant to Sections C.6 through C.9. in any election to be tabulated by Maricopa County.
- E. The provisions of this section shall not apply to school board elections or community college district governing board elections, and an employee or commissioner may serve as a member of the governing board of a common or high school district or as a member of a community college district governing board.
- F. An employee shall not be discriminated against for engaging in or not engaging in any activity permitted by this section.
- G. A person shall not solicit any employee to engage in or not to engage in activities permitted by this section with the direct or indirect use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequence including the loss of any benefit, reward, promotion, advancement or compensation.
- H. Any person in the county service who violates any of the provisions of this section shall be subject to suspension of not less than thirty consecutive days or dismissal.
- I. Nothing in this section shall be construed as denying any Commissioner or employee any civil or political liberties as guaranteed by the United States and Arizona constitutions.

#### SECTION 19. NONCONFORMITY WITH FEDERAL AND STATE STANDARDS

Whenever any provision of this merit system conflicts or is inconsistent with federal standards for personnel administration or state law authorizing a state agency to establish minimum standards for personnel or performance, the Commission is authorized to vary the terms of its rules to the extent necessary to comply with conditions for federal and state grants.

#### SECTION 20. COMPLIANCE

All officials, appointing authorities and other county employees shall conform to, comply with, and aid in carrying into effect the provisions of this Resolution and the Rules adopted hereunder.

# MARICOPA COUNTY LAW ENFORCEMENT OFFICERS MERIT SYSTEM RULES

## RULE 1 - DEFINITIONS

The following words and phrases used in these Rules have the defined meanings hereinafter set forth unless otherwise clearly indicated in the context and consistent with ARS 38-1001 et seq.

- 1.01 **AGENCY**: Maricopa County Sheriff's Office served by the Maricopa County Law Enforcement Officers Merit System Commission
- 1.02 **ALLOCATION**: the assignment of a position to an appropriate class.
- 1.03 **APPEAL**: a written request filed with the Commission by an employee for relief from a suspension, demotion, dismissal or reduction in force pursuant to Section 16.H of the resolution.
- 1.04 **APPELLANT**: the employee filing an appeal with the Commission.
- 1.05 **APPLICANT**: a person who has filed an application for employment.
- 1.06 **APPOINTING AUTHORITY**: the Sheriff of Maricopa County or the designated representative(s) authorized to act in this capacity.
- 1.07 **APPOINTMENT**: the offer and the acceptance of employment in the County service.
- 1.08 **ARMED FORCES**: the United States Air Force, Army, Navy, Marine Corps or Coast Guard.
- 1.09 **BOARD**: the Maricopa County Board of Supervisors.
- 1.10 **CANDIDATE**: an applicant approved for participation in an examination.
- 1.11 **CERTIFICATION**: the referral of the names of qualified eligibles by the Commission to an Appointing Authority.
- 1.12 **CLASS**: a position or group of positions sufficiently similar in duties and responsibilities that the same requirements for education, experience, knowledge, ability and other qualifications may be demanded of the occupants so that the same compensation schedule can be applied with equity.
- 1.13 **CLASS SPECIFICATION**: the official description of the type and level of duties and responsibilities of positions assigned to a class and the

necessary qualifications which a person must possess for performing those duties.

- 1.14 **CLASSIFICATION PLAN**: the orderly arrangement of positions under separate and distinct classes on the basis of current duties and responsibilities.
- 1.15 **CLASSIFIED SERVICE**: all sworn paid law enforcement officers of the Maricopa County Sheriff's Office.
- 1.16 **COMMISSION**: the Maricopa County Law Enforcement Officer's Merit System Commission.
- 1.17 **COMPENSATION**: the salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee except reimbursement for necessary expenses which have been authorized and incurred.
- 1.18 **COMPENSATORY TIME**: time off granted to an employee in lieu of monetary payment for overtime worked.
- 1.19 **CONTINUOUS RECRUITMENT**: recruitment under which applications are received continuously after announcement has been made to that effect.
- 1.20 **COUNTY**: the Maricopa County Government.
- 1.21 **COVERED EMPLOYEE**: a Law Enforcement Officer of the Maricopa County Sheriff's Office who is paid a wage, salary or stipend from public monies in accordance with official entries on a County payroll.
- 1.22 **DAYS**: calendar days unless the context otherwise requires.
- 1.23 **DEMOTION**: a change in the assignment of an employee from a position in one class to a position in another class having a lower range of pay.
- 1.24 **DEPARTMENT**: the Maricopa County Sheriff's Office.
- 1.25 **DIRECTOR**: the Maricopa County Human Resources Director or designee.
- 1.26 **DISCHARGE OR DISMISSAL**: the involuntary separation of a person from County employment as a result of unsatisfactory service.
- 1.27 **ELIGIBLE**: a person who has qualified for and attained a passing score on an examination for a specific class.

- 1.28 **EMERGENCY APPOINTMENT**: an appointment made during an actual government emergency to prevent the impairment of public business.
- 1.29 **EMPLOYEE**: a Law Enforcement Officer of the Maricopa County Sheriff's Office who is paid a wage, salary or stipend from public monies in accordance with official entries on a County payroll.
- 1.30 **EXAMINATION**: the evaluation process used to measure the qualifications and determine the relative excellence of candidates.
- 1.31 **EXAMINATION ANNOUNCEMENT**: the official public issuance of notice to give examinations either on a scheduled or continuous basis to fill positions as they are or become vacant in the Maricopa County Sheriff's Office.
- 1.32 **HEARING OFFICER**: a person appointed by the Commission or its chairman as a hearing officer, or any member of the Commission designated by it or its chairman as a hearing officer.
- 1.33 **IMMEDIATE FAMILY**: spouse, brother, sister, child, mother, father, grandparents, grandchildren or a person serving in place of a parent of either employee or spouse.
- 1.34 **LAW ENFORCEMENT OFFICER**: a regularly appointed and paid deputy sheriff of the Maricopa County Sheriff's Office.
- 1.35 **LAYOFF**: the separation of a covered employee for reasons of shortage of funds or work, or by reduction of the statutory duties of the Sheriff.
- 1.36 **MILITARY LEAVE**: the leave of absence status of a regular or probationary employee who leaves a position to serve in the Armed Forces of the United States or of this State in time of national emergency or State emergency or for military training and who has the right under Statutes (ARS 26-168, 38-297, 38-298, or 38-610) relating to reinstatement of a person after military service to return to his position of a like position.
- 1.37 **PAY PLAN**: the Maricopa County Pay Plan which assigns an appropriate salary range to each class of positions.
- 1.38 **POSITION**: a specific employment, whether occupied or vacant, involving duties requiring the services of one person.
- 1.39 **PROBATION**: a specified period of employment following appointment, reemployment, transfer, promotion or demotion; it is the final step in the examination process during which the work performance of an employee is evaluated.

- 1.40 **PROBATIONARY EMPLOYEE**: a person who is serving an initial probation period in a regular position.
- 1.41 **PROMOTION**: a change in the assignment of an employee from a position in one class to a position in another class having a higher range of pay based upon competitive examinations.
- 1.42 **REALLOCATION**: changing the classification of an existing position when a material and permanent change in the duties or responsibilities of the position occurs. Such reallocated position will be filled by competitive examination.
- 1.43 **REEMPLOYMENT**: the return to the department of a former employee of the department who was separated by layoff.
- 1.44 **REGISTER**: an official list of eligibles for a particular class or group of classes, placed in order of excellence according to results of the examination, which shall be used by the appointing authority for selection for appointments to positions in the department.
- 1.45 **REGULAR STATUS**: the status of an employee achieves when he is retained in a position of the classified service after the successful completion of the initial probation period.
- 1.46 **REINSTATEMENT**: a return to the classified service within one year of resignation at the rank of Deputy Sheriff of a former employee who resigned in good standing from the classified service.
- 1.47 **RESOLUTION**: the Maricopa County Resolution of December 5, 1977 that established the Maricopa County Law Enforcement Officer Merit System effective December 5, 1977.
- 1.48 **RESPONDENT**: the County agency whose interests are adverse to those of the appellant or who will be directly affected by the Commission's decision.
- 1.49 **RULES**: the Rules as adopted from time to time by the Maricopa County Law Enforcement Officer's Merit System Commission.
- 1.50 **SUSPENSION**: the temporary separation of an employee from his position for disciplinary reasons.
- 1.51 **TRANSFER**: a change in the assignment of an employee from one department or from one position to another position without loss of benefits within the County Government Service.

- 1.52 **UNDERFILL**: the filling of a vacant authorized position by appointment of a person to a position in a class which is assigned a salary range lower than the salary range of the vacant authorized position.
- 1.53 **VETERAN**: any person separated from active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps or Coast Guard) under honorable conditions.

## RULE 2 - GENERAL PROVISIONS

### 2.01 PURPOSE

The purpose of these Rules is to implement and give effect to the intent and requirements of the Resolution which establishes for Maricopa County Law Enforcement Officers a system of personnel administration based on merit principles and scientific methods governing their recruitment, examination, appointment, promotion, transfer, layoff, removal, discipline, development and welfare.

### 2.02 RULES

- A. These rules shall apply to all sworn-paid Law Enforcement positions in the department.
- B. Amendments to the Rules may be made by the Commission from time to time in accordance with the Resolution and ARS 38-1001 et seq.

### 2.03 EXEMPTIONS

As provided in the Resolution, the Sheriff and one Chief Deputy who is designated either by statute or the Sheriff to act and perform duties of the Sheriff during his absence or incapacity shall be exempt from the provisions of this Resolution.

### 2.04 CERTIFICATION OF PAYROLLS

The Commission, in cooperation with disbursing authorities, shall provide for such audit and certification of personnel service payments as is necessary to insure that all persons in the Department, for whom claim for payment of salaries or compensation is made, are holding positions as provided by law and these Rules. The Commission, after conducting a hearing into the matter, shall withhold certification from a payroll or any specific items or items thereon for failure to comply with the Resolution or these Rules and consistent with applicable law.

### 2.05 DIRECTOR'S DUTIES

- A. To perform all of the administrative functions of the Maricopa County Law Enforcement Officers Merit System Commission as assigned pursuant to Section 9 of the Resolution.
- B. To attend all meetings of the Commission and provide for the recording of the minutes of its proceeding and be the official custodian of all its records, and keep the members of the Commission informed of all important matters occurring in administration of the Human Resources program.
- C. To prepare for the approval of the Commission and maintain a roster of all covered employees, in which there shall be set forth, as to each covered employee, the class title, pay or status and other pertinent data.
- D. To appoint, under the provisions of the Resolution and these Rules, such employees and such experts and special assistants as may be necessary to carry out effectively the provisions of the Resolution and Rules subject to budget limitations and any laws pertaining thereto.

- E. To develop, in cooperation with the appointing authority and others, programs for the improvement of employee effectiveness including training, health, counseling and welfare.
- F. To announce, recruit, examine and otherwise provide staffing services to the Department as provided for in these Rules.
- G. To make and publish annual reports regarding the work of the Commission, and such special reports as may be requested by the Commission or other appropriate authorities.
- H. To perform any other lawful act which the Commission may consider necessary or desirable to carry out the purposes and provisions of this Resolutions.
- I. To prepare and submit, subject to review and approval by the Commission, budget requests covering the estimated costs for the Commission's program.

#### 2.06 PERFORMANCE APPRAISAL

- A. The performance appraisal system presently in use in the Department shall be adopted. Covered employees shall be evaluated at the three, six and twelve month points after beginning a probationary period. Appraisals shall be accomplished annually thereafter. Special appraisals may be accomplished at any time.
- B. The Commission shall review the performance appraisal system from time to time and may make changes as they deem necessary.
- C. Performance appraisals shall be considered in determining training needs, salary advancements, order of layoff, reemployment, and as a means for identifying covered employees who should be promoted, demoted, or dismissed.

#### 2.07 PROGRAMS FOR EMPLOYEE DEVELOPMENT

The Commission shall cooperate with the Appointing Authority in developing and promoting programs for covered employee training, safety, morale, work motivation, health, retirement counseling, and welfare.

#### 2.08 MEMBERSHIP IN ORGANIZATIONS

Covered employees may join and hold office in any employee organization, labor union, or professional association in which they are eligible for membership, provided that such employee organization, labor union or professional association is not organized for any illegal purpose or primarily engaged in activities contrary to law. No person in the County Service shall attempt to prohibit or intimidate any covered employee from belonging to or holding office in any lawful organization. Membership in such organizations shall not be considered in any personnel action, including promotion, demotion, suspension or dismissal.

#### 2.09 GRIEVANCE PROCEDURE

- A. The Commission shall adopt the grievance procedure presently in use in the Department, with the exception that the initial grievance must be filed within twenty calendar days of the event or knowledge of the event. Covered employees may obtain consideration of grievances, alleged discrimination, including handicap or problems in matters over which the appointing authority

has complete or partial jurisdiction and for which redress is not provided elsewhere in these Rules. The purpose of the grievance procedure is to afford covered employees a written and systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with their immediate supervisor.

## 2.10 DISCRIMINATION IN EMPLOYMENT

The Department shall not, because of race, handicap, sex, age, religion, color, national origin or ancestry of any person, refuse to appoint or promote him, or suspend, demote, or discharge him from a position, or discriminate against him in compensation or in terms, conditions, and privileges of employment nor refuse to review any grievance based on alleged discrimination including handicap by an applicant or any employee regardless of status or refuse to review a complaint based on discrimination including handicap by an applicant.

## 2.11 REPRISALS

The Department shall take no disciplinary or punitive action against a covered employee, nor impede or interfere with the exercise by the covered employee, of his right of review, appeal, or of any other covered employee right under the Resolution or these Rules.

## 2.12 RECORDS AND REPORTS

- A. Personnel Action Forms: The Commission shall prescribe personnel action forms which the Department shall use to report personnel actions and status changes as it may require. The Commission shall inform the Department which personnel actions and status changes must be reported to it.
- B. Agency Personnel Records: The Commission shall prescribe necessary information and the general format for agency personnel records.
- C. Documents referred to in (A) and (B) shall be retained for three (3) years after date of preparation or separation from service, whichever is later.

## 2.13 SERVICE OF NOTICE

Unless otherwise provided by law or these Rules, whenever any notice, paper or document is to be given to or served upon any person or the Department by the Commission or the Director, such notice, paper, or document may be personally served or it may be served by mailing it to the last known residence or business address of the addressee. Service is complete upon mailing. Timeliness of such notice shall be governed by the applicable Resolution and Rules.

## 2.14 SEVERABILITY

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, the remainder of the Rules, or the application of such provision to other persons or circumstances, shall not be affected thereby.

## 2.15 CONFLICT WITH FEDERAL AND STATE REQUIREMENTS

Any provision of these Rules which conflicts or is inconsistent with federal and state rules, regulations or standards governing the grant of federal funds or state assistance to any agency shall not be applicable to such agency.

## RULE 3 - COMMISSION PROCEDURES

### 3.01 COMMISSION MEETINGS

The Commission shall meet at such times and places as shall be specified by call of a majority of the Commission or the chairman. At least one meeting shall be held in each quarter. All meetings shall be open to the public. The Director shall give at least ten days notice of Commission meetings to covered employees by posting the time and place of such meetings on a bulletin board within the work area of said employees, furthermore, notice shall be consistent with the Arizona Open Meeting Law.

### 3.02 AGENDA

All matters to be presented for consideration by the Commission at a regular or special meeting shall be placed on the Commission's agenda without undue delay. The agenda shall be mailed to each member of the Commission prior to such meetings, and made available to the public upon request at least five days prior to the Commission meeting.

### 3.03 MINUTES

The Director shall provide for the recording of the official actions of the Commission in its minutes. The time and place of each meeting of the Commission, the commissioners present, all official acts of the Commission and, when requested, a commissioner's dissent with his reason shall be recorded in the minutes. The Director shall cause the minutes to be transcribed and presented for approval or amendment at the next meeting. The minutes or a true copy thereof shall be open to public inspection.

## RULE 4 - ENTRANCE EXAMINATIONS

### 4.01 EXAMINATION ANNOUNCEMENTS

- A. Open Competitive Announcements: Examination announcements for open competitive examinations shall be by public notice (no less than ten calendar days) or on an open continuous basis. Every reasonable effort shall be made to attract qualified persons to compete in the examinations for appointments.
- B. Distribution of Announcements: Copies of open competitive examination announcements may be distributed to County agencies, State Employment Service offices, news media, educational institutions including professional vocational educational organizations, and such other individuals and organizations as the Commission may deem useful or expedient.
- C. Content of Examination Announcements: The public announcement of examinations shall specify the official entrance title, salary range, typical duties to be performed (or where this information may be obtained), the minimum qualifications and any special qualifications, the final date for receipt of applications or statement of open continuous examinations, the nature of the examination, and how to apply, and the time and places of examinations subject to the Resolution and these Rules.

### 4.02 APPLICATIONS

- A. Official Forms: All applications shall be on the forms prescribed by the Commission.
- B. Filing Applications:
  - 1. Applications for open competitive entrance examinations must be filed as designated in the announcement on or before the final filing date specified in the announcement, or postmarked by midnight of that date. Applications for open continuous examinations may be accepted at any time and examinations held as the Commission deems necessary and desirable for staffing the Department.
  - 2. Applicants will be required to furnish evidence of proof of citizenship or authority to work in the United States and evidence of identity pursuant to the Immigration Reform Act of 1986.
  - 3. On behalf of the appointing authority, the Director may require applicants to furnish references, evidence of character, education, physical condition or other qualifications as may be deemed necessary according to the job requirements. Such evidence shall be furnished by the applicants at their own expense.
- C. Qualifications: Applications for open competitive examinations shall be open to all applicants who meet the minimum age requirement of any applicable Arizona Revised Statutes, the requirements of the Public Safety Personnel Retirement System, and the qualifications and standards provided in the official class specifications and examination announcements and provisions of the Resolution and these Rules. All applicants must possess qualifications of good character, temperate habits, sound health, physical ability and mental ability to perform

successfully the duties of the position. In no case shall admittance to the examination constitute assurance of a passing rating on either qualifications or evaluation of training and experience.

- D. Temporary Waiving of Educational Requirements: Any applicant who does not meet minimum educational requirements for the position, but who will meet these requirements as a result of the completion of further education for which he is scheduled for the then current school term, may be allowed to take the examination. A successful applicant taking the examination under this provision shall have his name entered on the register in the same manner as other successful applicants, and his name may be certified for appointment. When appointed, he must furnish the Commission acceptable evidence of his qualifications before the effective date of the appointment. Failure to complete the required educational work will cause the removal of the applicant's name from the register or the cancellation of his appointment.
- E. Disqualification of Applicants: The Commission shall refuse to examine an applicant, or after examination, shall disqualify such applicant or remove his name from the register or refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove a person already appointed if it is found that:
1. He does not meet any one of the preliminary requirements established for the examination for the class of position; or
  2. He is so disabled as to render him unfit for performance or unsafe to himself or other workers or the public in performing the regular duties of the class; or
  3. He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess; or
  4. He has made a false statement of material fact in his application; or
  5. He has used or attempted to use political pressure or bribery to secure an advantage in the examination or in the appointment to a position in the Department; or
  6. He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled; or
  7. He has failed to submit his application correctly or within the prescribed time limits; or
  8. He has taken part in the compilation, administration, or correction of the examination for which he is an applicant; or
  9. He has previously been dismissed from a position in the county service for cause; or
  10. He has been convicted of a felony, or misdemeanor involving moral turpitude; or
  11. He has been convicted of any crime involving the use of narcotics or habit-forming drugs; or
  12. He is charged with or under indictment for any crime which upon conviction would cause denial of eligibility under this Rule; or
  13. He otherwise has willfully violated the provisions of the Resolution or these Rules.

#### 4.03 NATURE OF EXAMINATIONS

- A. The entrance tests shall be of such character as to determine qualifications, fitness and ability of the person tested to perform the duties of an entrance level employee.
- B. The tests may be written, oral, physical, or in the form of a demonstration of skill or polygraph or any combination of such types.
- C. Objectivity of Ratings: All examinations, evaluations, ratings and other selection devices or items shall be rated impartially.
- D. Conduct of Examinations: Examinations shall be conducted in as many places in the County as necessary. The convenience of applicants and the relationship of this to local needs shall also be considered. The Commission may designate proctors or examiners in various parts of the County and in various agencies when practical and necessary to administer examinations locally and under procedures prescribed by them.
- E. Open Competitive Examinations: Open competitive examinations for entrance into the classified service shall be conducted for all applicants who meet the requirements for examinations.
- F. The oral part of the examination shall be conducted and a proposed rating made by a panel of three individuals selected by the Commission at least one of which shall be from the appointing authority. Any member of an oral examination panel who is related to the applicant or for any other valid reason shall disqualify himself.

#### 4.04 EVALUATING RESULTS AND RATING EXAMINATIONS

In any entrance examination, the minimum rating or standing through which eligibility on a register may be earned shall be determined by the Commission, with the use of norms and standards. Such final rating shall be based upon a weighted average of the various parts of the examination. All applicants for the class for which the examination was announced shall be accorded fair and equal treatment in all phases of the examination.

#### 4.05 REFERENCE CHECKS AND INVESTIGATIONS

The Commission may check references and investigate the candidate's education and work history. If the results of these checks and investigations bring out information affecting the rating in any examination, the Commission may re-rate or disqualify the applicant according to the new information and will notify the applicant of any charge.

#### 4.06 NOTICE OF EXAMINATION RESULTS

Written notice shall be given to each applicant of his final rating as soon as possible after the rating has been completed.

#### 4.07 RETAKING EXAMINATIONS

Examinations may not be retaken for a period of ninety calendar days from date of examination. In each case of a repeated examination, the most recent test score achieved shall be used to place the eligible's name on the register.

#### 4.08 INSPECTION OF EXAMINATION

- A. Examination papers shall be open to inspection only as provided by these Rules.
- B. Request to inspect examination papers shall be made in writing to the Commission within 30 days after notice of the final rating has been given to the applicant.
- C. The applicant may compare his answer sheet for any written test with the scoring key at such location and with such security procedures as may be designated by the Commission for the purpose of determining whether his answers have been accurately scored. Such inspection shall be under the supervision of a Human Resources Department staff member or other authorized representative. Answer sheets for copyrighted or standardized examinations may be excluded by the Commission from such inspection. Any applicant who reviews his test papers with a score key must wait ninety days from that time before retaking a written test where the same test materials are to be used.
- D. Only an applicant or the applicant's attorney or representative with the applicant's written authorization, or the appointing authority to whom an eligible has been certified, may inspect an applicant's examination papers.

#### 4.09 ADMINISTRATIVE REVIEW

The Commission shall provide an administrative review of an applicant's examination score or rating or disqualification, if any, upon written request from the applicant stating the reasons therefore.

#### 4.10 ADJUSTMENT OF ERRORS

- A. A manifest error in the rating of an examination, if called to the attention of the Commission within thirty days after receipt by the applicant of notice or rating, shall be corrected by the Commission provided, however, that such correction shall not invalidate any certification and appointment previously made.
- B. If a manifest error is found in the testing procedure for entrance examinations, the Commission may void the examination and make any necessary corrections. All applicants who took the voided examination for entrance shall be afforded the opportunity to participate in a new or corrected examination, such error shall not invalidate any appointment previously made.

#### 4.11 VETERANS PREFERENCE

- A. A veteran, as defined in Rule 1.53, shall be eligible to apply for and receive employment in the Department regardless of age, if otherwise qualified, subject only to the requirement that he is below the regular retirement age at the time of entering County employment.
- B. A veteran, as defined in Rule 1.53, who has been separated following more than six months of active duty and takes an examination for entrance into the Department for which the establishment of a register may be necessary, shall in the determination of his final rating be given a preference of 5 points over other eligibles. If such veteran has a service-connected disability and is receiving compensation or disability retirement benefits, he shall be given a preference of 10 points over other eligibles. Such preference is to be added to the final rating earned by him on the examination, but only in the event he earns a passing grade or rating on such examination without the addition of such preference. Such

veteran's preference shall be applied to original entrance examination scores and not to promotional examinations.

#### 4.12 ENTRANCE EXAMINATION RECORDS

The Commission shall be responsible for the maintenance of all records pertinent to selection and examination programs. Applications and other records shall be kept during the life of the register or as long as may be required by law but not less than one year.

## RULE 5 - REGISTERS

### 5.01 RESPONSIBILITY FOR MAINTENANCE OF REGISTERS

It shall be the duty of the appointing authority to notify the Commission as far in advance as possible of vacancies or anticipated vacancies and to cooperate in manpower forecasting and planning and turnover analysis studies. The Commission shall be responsible for the establishment and maintenance of appropriate registers for all classes and for the determination of the adequacy of existing registers.

### 5.02 OPEN COMPETITIVE REGISTERS

After each entrance examination, the Commission shall prepare a register or merge the names of the new eligibles with those on the existing register. In the case of open continuous recruitment, registers may be amended continuously. The names of eligibles shall be placed continuously on registers in the order of their final composite scores in the examination. Eligibles may obtain their relative position on a register by requesting such information in the manner prescribed by the Commission.

### 5.03 DURATION OF REGISTERS

- A. A promotional register shall expire at the end of one year from the time of its establishment unless the register is specifically extended by the Commission for a period not to exceed one year unless no promotions have occurred from the register. If no promotions have occurred from the register, the Commission may extend the register for up to two additional years. The Commission may abolish a promotional register at any time in the event of a new examination, changes in the class duty or requirements, or whenever an existing register has ceased to meet the needs for adequate placement in the Department.
- B. The life of entrance registers for classes for which continuous recruitment and examinations are conducted shall be indefinite, but may be terminated by the Commission at any time in order to use new examinations, or meet needs of changed class, duty or requirement concepts. Names of eligibles will be removed from open continuous registers after one calendar year from the date they were placed on the register.

### 5.04 NOTIFICATION OF REMOVAL

When any register is abolished or any eligible is removed from a register, all eligibles affected shall be notified of such abolishment or removal.

### 5.05 REMOVAL OF NAMES FROM THE REGISTER

The Commission may remove the name of an eligible from any register at any time for any one of the following reasons:

- A. Any of the reasons specified in Rule 4.02 E.;
- B. When the eligible cannot be located despite reasonable efforts to locate him by the appointing authority or the Commission;
- C. Receipt by the Commission or the appointing authority of any written or oral communication from the eligible that he no longer desires consideration for a position in the class or is no longer available for appointment;

- D. Written refusal or rejection by the eligible of an offer of probationary appointment to the class for which the register was established;
- E. The probationary appointment of the eligible to a position in the Department provided, however, that the name of such eligible shall not be removed from any other register with a higher salary grade.

#### 5.06 REEMPLOYMENT REGISTER

Any covered employee with regular status who has been separated as a result of a formal lay off in accordance with these Rules shall be entitled within three months from the date of separation, upon written request, to have his name placed on the reemployment register for the same or lower grade class for which he qualified. His name shall remain on such reemployment register for a period of one year from the date of his separation. Former covered employees shall be ranked by the Commission on a reemployment register on the basis of seniority with continuous service in the Department. Performance evaluation reports shall be utilized in the case of ties.

#### 5.07 PROMOTION REGISTERS

Applicants who have attained regular status, meet the necessary minimum requirements, and have passed the appropriately announced promotional examination, will be placed on a promotional register in the order of their respective relative ratings.

#### 5.08 ORDER OF USE OF REGISTERS

In filling vacancies from registers, the following order of preference of register shall be followed:

- A. First, the reemployment register for laid off covered employees of the Department with the vacancy to be filled.
- B. Second, the promotional register.
- C. Third, the open competitive register.

## RULE 6 - CERTIFICATION AND SELECTION OF ELIGIBLES

### 6.01 REQUEST FOR CERTIFICATION OF ELIGIBLES

The appointing authority shall request certification of eligibles in order to fill vacant positions in the Department by submitting an official request on the form and in the manner prescribed by the Director.

### 6.02 CERTIFICATION OF ELIGIBLES

- A. Upon receipt of request from the Department, the Director shall certify in the order of their relative excellence on the examination, and submit to the appointing authority, the top five names of available eligibles for the appointment.
- B. If more than one position is to be filled in the same class in an agency at the same time, the number of names certified shall be equal to the number of positions to be filled plus four.

### 6.03 SELECTION OF ELIGIBLES

- A. In each case of certifications from open competitive, promotional, and reemployment registers, the appointing authority's selection must be from among one of the top five eligibles certified, unless eliminated for cause, in which case a new list will be certified.
- B. Eligibles certified should be contacted by the appointing authority in order to make the best selection.
- C. The final selection by the appointing authority shall be reported in writing on the forms prescribed by the Director. The appointing authority shall indicate the action taken on each eligible certified and shall forward to the Director for permanent record all evidence of non-availability and any other materials concerning the eligibles.

### 6.04 LIFE OF CERTIFICATION

- A. The life of a certification during which action may be taken shall be fixed by the Director giving consideration to the area, type of position, and other factors, but in no case shall it be over thirty calendar days from the date of issue.
- B. Any appointment made during the life of a certification as indicated thereon shall not be subject to any change in the condition of the register taking place during that period.

### 6.05 AVAILABILITY OF ELIGIBLES

Once qualified, eligibles will be certified on the basis of their indicated availability for employment consideration. It shall be the responsibility of eligibles to notify the Director in writing of any change of address or other change affecting availability for appointment. An eligible may request that his name be placed in an inactive status for a compelling reason as determined by the Director, and not certified until return to an active status, but in so doing, his eligibility will not be extended beyond the one calendar year term.

### 6.06 TIES FOR CERTIFICATION

When two or more composite scores are identical, the eligibles will be certified as one name and so indicated on the certification.



## RULE 7 - TYPES OF APPOINTMENT

### 7.01 FILLING OF VACANCIES

All vacancies in the classified service which are not filled by promotion, or demotion, shall be filled by probationary appointment or reemployment.

### 7.02 PROBATIONARY APPOINTMENT

The appointment to a regular position through certification in accordance with these Rules from an open competitive register shall constitute a probationary appointment.

### 7.03 EMERGENCY APPOINTMENT

The appointment of an employee without regard to the examination requirements of these Rules to a position by reason of a governmental emergency as declared by the Board or the Governor of the State of Arizona that a state of emergency, disaster or grief exists shall constitute an emergency appointment. An emergency appointment may not exceed thirty working days in duration and is non-renewable. Emergency appointments shall have the prior approval of the Commission except for night, or weekend, or holiday emergencies which will be reported to the Commission the following working day.

### 7.04 REEMPLOYMENT

The appointment of a person who was a former regular status employee who was laid off by reasons of lack of funds or work, curtailment of program, or other reason and through no fault of his own shall constitute reemployment. A person so reemployed shall be subject to the successful completion of their probationary period unless previously completed in accordance with these Rules.

### 7.05 REINSTATEMENT

The appointment to the classified service within one year from date of separation of a former regular status law enforcement employee who resigned in good standing, as evidenced by a performance evaluation of "meets standards" and a review of the individual's Personnel File, shall constitute reinstatement. Such employees may be reinstated to the position of Deputy Sheriff at a rate not to exceed the salary rate they were receiving at the time of resignation. Former employees who resigned from a higher sworn job classification within the Deputy series may only be reinstated to the position of Deputy Sheriff; however, at the discretion of the appointing authority, their beginning salary may be adjusted to the top of the current pay grade for Deputy Sheriff.

## RULE 8 - PROBATIONARY PERIOD

### 8.01 NATURE, DURATION AND PURPOSE

- A. The probationary period shall be utilized for the effective adjustment of a new covered employee and for the elimination of any covered employee whose performance does not, in the judgement of the appointing authority, meet the required standard of performance.
- B. The probationary period for an entry level employee shall be one year. If in the judgement of the appointing authority, the employee does not meet the required performance standards, the appointing authority may extend the probationary period an additional six months. The employee must be given written notice of the action taken by the appointing authority prior to the expiration of the established probationary period or the employee will be considered to have successfully completed the probationary period.
- C. Time taken as paid vacation, paid sick leave, paid compensatory time, while working in a light duty status, while on an unpaid leave of absence, or while absent due to an industrial injury or illness, not in excess of twenty (20) working days, shall be counted as time served toward completion of the probationary period. If the amount of time taken exceeds twenty (20) working days, the entire period of time may be added to the probationary period.
- D. The probationary period for a regular employee who has been promoted shall be six months unless extended by the Sheriff for not more than six months.

### 8.02 CONDITIONS PRELIMINARY TO REGULAR STATUS

- A. The appointing authority shall evaluate a probationary covered employee and submit a report to the Commission on a form prescribed by it at least fifteen days prior to the expiration of the covered employee's probationary period.
- B. If the appointing authority determines at any time during the probationary period that the services of an entry level probationary covered employee are unsatisfactory, the covered employee may be separated upon written notice by the appointing authority. Unless the appointing authority recommends the probationary covered employee for regular status, the probationary covered employee shall be separated automatically at the expiration of his probationary period.

## RULE 9 - PROMOTION, TRANSFER AND DEMOTION

### 9.01 PROMOTION

- A. Vacancies shall be filled by promotion from within the Department whenever possible. Promotions shall be based on competitive examinations and shall be made in accordance with ARS 38-1001 et seq and procedures established in these Rules.
- B. A covered employee who is promoted shall be required to serve a probationary period as provided in these Rules.
- C. Covered employees with regular status may be appointed to non-elected exempt positions within the Department in which case the covered employee will be granted a leave of absence without pay in accordance with Rule 13.
- D. A Deputy Sheriff I who has been underfilling a Deputy Sheriff II position and who meets the minimum requirements of the Deputy Sheriff II class, may be promoted on a non-competitive basis when such non-competitive promotion is in the best interest of the Sheriff's Office.

### 9.02 PROMOTION ANNOUNCEMENTS

- A. Competitive Promotional Announcements: Announcements for promotional exams will be issued for each examination and shall be posted in work areas of the Sheriff's Office (no less than 20 calendar days). Every reasonable effort shall be made to attract qualified persons to compete in the examination.
- B. Content of Promotional Examination Announcements: The promotional announcement of examinations shall specify the official title and/or rank, salary range, typical duties to be performed (or where this information may be obtained), the minimum qualifications and any special qualifications, the final date for receipt of the applications, the nature of the examination and how to apply and the times and places of examinations subject to the Resolution and these Rules.

### 9.03 PROMOTIONAL APPLICATIONS

- A. Official Forms: All applications shall be on the forms prescribed by the Commission and with an affidavit that the application and all attachments are true and correct.
- B. Filing Applications:
  - 1. Applications for promotional examinations must be filed as designated in the announcement on or before the final filing date specified in the announcement or post-marked by midnight of that date.
  - 2. The Commission may require applicants to furnish such evidence as citizenship, character, education, physical condition or other qualifications as they may deem necessary. Such evidence shall be furnished by the applicants at their own expense.
- C. Qualifications: Promotional examinations shall be open to all applicants who meet the qualifications and standards provided in the official class specifications and examination announcements and provisions of the Resolution and these Rules. All applicants must possess qualifications of good character, temperate habits, sound health, physical and mental ability to perform successfully the duties of the

position. In no case shall admittance to the examination constitute assurance of a passing rate on either qualifications or evaluation of training and experience.

- D. Temporary Waiving of Educational Requirements: Any applicant who does not meet minimum educational requirements for the position but who will meet these requirements as a result of the completion of further education for which he is scheduled for the then current school terms may be allowed to take the examination. Successful applicants taking the examination under this provision shall have their names entered on the register in the same manner as other successful applicants and their names may be certified for appointment. When appointed, they must furnish the Commission acceptable evidence of the qualifications before the effective date of the appointment. Failure to complete the required educational work will cause the removal of the applicant's name from the register or the cancellation of the appointment. Any applicant affected by this Rule will not in any case be extended beyond the life of the register.
- E. Disqualification of Applicants: The Commission shall refuse to examine an applicant, or after examination, shall disqualify such applicant or remove his name from the register or refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove a person already appointed if it is found that:
1. He does not meet any one of the preliminary requirements established for the examination for the class of position; or
  2. He is so disabled as to render him unfit for performance or unsafe to himself or other workers or the public in performing the regular duties of the class; or
  3. He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess; or
  4. He has made a false statement of material fact in his application; or
  5. He has used or attempted to use political pressure or bribery to secure an advantage in the examination or in the appointment to a position in the Department; or
  6. He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled; or
  7. He has failed to submit his application correctly or within the prescribed time limits; or
  8. He has taken part in the compilation, administration, or correction of the examination for which he is an applicant; or
  9. He has previously been dismissed from a position in the county service for cause; or
  10. He has been convicted of a felony, or misdemeanor involving moral turpitude; or
  11. He has been convicted of any crime involving the use of narcotics or habit-forming drugs; or
  12. He is charged with or under indictment for any crime which upon conviction would cause denial of eligibility under this Rule; or
  13. He otherwise has willfully violated the provisions of the Resolution or these Rules.

#### 9.04 NATURE OF EXAMINATIONS

- A. Content and Nature of Promotional Examinations: The promotional examinations shall be of such character as to determine the qualifications, record of performance, seniority, conduct within the field of law enforcement, fitness and ability of the person examined to perform the duties of the class of position for which a list is to be established.
- B. Content of Examinations: The promotional examinations and weights for each phase shall be established by the Commission and published as part of the announcement of the examination. All examinations or combinations of examinations will meet the Federal selection procedure guidelines of validity at such time as they are administered.
1. Written examinations used as part of the examination process shall be job related to fairly test and determine the qualifications, fitness and ability of competitors to actually perform the duties of the classification for which they seek promotion.
  2. Training and experience evaluations used as part of the examination process shall be job related to determine the amount and quality of service in the Department and measure education and training relating to law enforcement.
  3. Oral examinations used as part of the examination process shall be structured and job related. The oral examinations shall be conducted and mechanically recorded, and a rating made on forms prescribed by the Commission by a panel of three qualified individuals selected by the Commission (the first member selected by the Commission shall be a chairman, the second member recommended to the Commission by the appointing authority representing the department, and the third member recommended to the Commission by the first two members representing another law enforcement agency). Any member of an oral examination panel who is related to an applicant being interviewed or who has any other valid reason shall disqualify himself.
  4. Performance appraisals that at least "meets minimum requirements" as the overall rating are required for the employee's last two years of service for the employee to be eligible to participate in a promotional examination.

#### 9.05 REFERENCE CHECKS AND INVESTIGATIONS

The Commission may check references and investigate the candidate's education and work history. If the results of these checks and investigations bring out information affecting the rating in any examination, the Commission may re-rate or disqualify the applicant according to the new information and will notify the applicant of any change.

#### 9.06 NOTICE OF EXAMINATION RESULTS

Written notice shall be given to each applicant of his final rating as soon as possible after the rating has been completed.

#### 9.07 RETAKING EXAMINATIONS

Examinations may not be retaken for a period of ninety calendar days from date of examination. In each case of a repeated examination, the most recent test score achieved shall be used to place the eligible's name on the register.

#### 9.08 INSPECTION OF EXAMINATION

- A. All examination records shall be open to inspection only as provided by these Rules.
- B. Request to inspect examination records shall be made in writing to the Commission within 30 days after notice of the final rating has been given to the applicant.
- C. The applicant may compare his answer sheet for any written test with the scoring key at such location and with such security procedures as may be designated by the Commission for the purpose of determining whether his answers have been accurately scored. Such inspection shall be under supervision of a Human Resources department staff member or other authorized representative. Answer sheets for copyrighted or standardized examinations may be excluded by the Commission from such inspection by the applicant but may be reviewed by the examination monitor in accordance with these Rules. Any applicant who reviews his test papers with a score key must wait ninety days from that time before retaking a written test where the same test materials are to be used.
- D. Only an applicant or the applicant's attorney or representative with the applicant's written authorization, or the appointing authority to whom an eligible has been certified, may inspect an applicant's examination papers.

#### 9.09 ADJUSTMENT OF ERRORS

- A. A manifest error in the rating of an examination, if called to the attention of the Commission within thirty days after receipt by the applicant of notice of rating, shall be corrected by the Commission.
- B. If a manifest error is found in the testing procedure for promotional examinations, the Commission may void the examination and make any necessary corrections. All applicants who took the voided examination for promotion shall be afforded the opportunity to participate in a new or corrected examination.

#### 9.10 ADMINISTRATIVE REVIEW

The Commission shall provide an administrative review of an applicant's examination score or rating or disqualification, if any, upon written request from the applicant stating the reasons therefore.

#### 9.11 PROMOTIONAL EXAMINATION RECORDS

The Commission shall be responsible for the maintenance of all records pertinent to selection and examination programs. Applications and other records and recordings shall be kept during the life of the register or as long as may be required by law but not less than one year.

#### 9.12 EXAMINATION MONITOR

- A. The purpose of the examination monitor shall be to confirm that all examination grading is accomplished in accordance with these Rules.
- B. The Sheriff shall submit to the Commission a list of five (5) recommended persons to serve as monitors for each announced examination. This list shall be submitted not later than the last scheduled examination.
- C. The Director shall advise the Sheriff at least thirty (30) minutes prior to the beginning of any grading or evaluating procedure.
- D. In the event the grading or evaluating procedure cannot be completed in one continuous session;
  - 1. The Director shall advise the Sheriff at least thirty (30) minutes prior to each grading or evaluating session.
  - 2. If the monitor does not appear within the thirty (30) minute period the grading or evaluation may proceed without the presence of the monitor.
  - 3. Grading or evaluation completed without the monitor present shall be available for review by the monitor.
- E. In the event the monitor believes that deviation from the proper grading or evaluating procedure has occurred;
  - 1. The monitor shall inform the grader or evaluator of the suspected deviation. The monitor and the grader shall attempt to resolve the problem. If the problem cannot be resolved by the grader and the monitor, the procedure shall be set aside. Grading or evaluation may continue on the other examinations.
  - 2. The monitor shall submit a written report as soon as possible to the Director and the Sheriff, stating why he believes the proper grading or evaluation procedure has not been followed.
  - 3. The Director and the Sheriff shall as soon as possible attempt to resolve the problem.
  - 4. In the event the alleged deviation cannot be resolved by the Director and the Sheriff, the examination in question shall be submitted to the Commission. The Commission shall review the problem in conjunction with the Director and the Sheriff and render a decision. The Commission's decision shall be final and binding on all parties.

### 9.13 DEMOTION

- A. Until a covered employee who has been promoted to a position or class has successfully completed the prescribed probationary period and obtained regular status in such new position or class, he may be returned or demoted to his former or like position or class and he shall have no right to appeal such demotion.
- B. A covered employee with regular status may be demoted for cause or as otherwise provided by these Rules after the Clerk of the Board, the covered employee, and the Commission have been furnished by the appointing authority with specific reasons for such demotion in writing. The appointing authority shall include in the written statement to the covered employee a notice of his right to appeal in writing to the Commission.
- C. If, for personal or other reasons, a covered employee requests in writing that he be assigned to a position of a lower class, the appointing authority may make such a demotion. In such cases, the demotion will be deemed to have been made on a

voluntary basis and there shall be no right of appeal. A copy of the covered employee's written request shall be filed with the Commission by the appointing authority.

#### 9.14 TRANSFER

A change in the assignment of an employee from one department or from one position in the same grade without loss of benefits within the County Service.

#### 9.15 DETAIL TO SPECIAL DUTY - DEPUTY CHIEF

To fill the position of Deputy Chief, a detail to special duty by the appointing authority may be made from employees of regular status in the class of Captain or Major. An employee so detailed as Deputy Chief shall retain the previously held regular class in the classified service. Upon being returned from detail to special duty by the appointing authority, the employee shall return to the regular class and salary previously held, adjusted to reflect any percentage of increase authorized for performance increase, cost-of-living adjustment or range adjustment during detail to special duty as Deputy Chief.

## RULE 10 - SEPARATIONS AND DISCIPLINARY ACTIONS

### 10.01 GENERAL PROVISIONS

Except as otherwise provided in these Rules, the tenure of a covered employee with regular status shall continue during good behavior and the satisfactory performance of his duties.

### 10.02 LAYOFFS

- A. The appointing authority may lay off a covered employee in the Department whenever it is necessary by reason of shortage of funds or work, or by reduction of the statutory duties of the Sheriff.
- B. When a layoff is deemed necessary by the appointing authority, he will notify the Commission, which will establish in consultation with the appointing authority the order of preference of layoff for as many covered employees as are to be separated. In any event, the Commission will attempt to obtain a transfer of the covered employees to be laid off to other vacancies in the County Service.
- C. No covered employee with regular status is to be separated by layoff while there are emergency or probationary covered employees serving in the agency in the same, or equal or lower level positions for which such regular status covered employee or employees are qualified and available for reassignment.
- D. In determining the order of layoff of covered employees with regular status, the Commission shall consider on a consistent and equitable basis of seniority. Performance appraisals shall be used in the event of ties.

### 10.03 DISMISSALS

- A. The appointing authority may remove any covered employee with regular status only for cause as provided in the Resolution or in Rule 14, but not before furnishing the Clerk of the Board, the covered employee and the Commission personally or by registered mail with a written statement of the statutory or other grounds and the specific reasons for dismissal in sufficient detail to apprise the covered employee of the facts. The appointing authority shall include in the written statement to the covered employee notice of the covered employee's right to appeal in writing to the Commission within ten business days from the date of notice of dismissal. The provision shall not, however, be construed as precluding the appointing authority from relieving a covered employee immediately from his official position or from excluding him from his post or place of duty or employment pending preparation and giving notice of dismissal, but no pay shall be withheld for such period.
- B. A covered employee with regular status may appeal his dismissal as provided in these Rules.
- C. At any time before receiving the Commission's notice of the time and place of the hearing, the appointing authority may serve on the covered employee and file with the Commission an amended or supplemental notice or statement of dismissal. If the amended or supplemental notice states new causes, the Commission may grant the covered employee's request for a continuance of the hearing for a reasonable time to allow the employee to prepare his case.

#### 10.04 SEPARATION OR DISMISSAL DURING PROBATIONARY PERIOD

- A. An employee may be separated at any time during the initial probationary period without the right of appeal. However, in any case of suspension, dismissal or demotion during an employee's initial probationary period, the Director may investigate the circumstances and causes for the action taken.
- B. A promotional probationary employee, who fails to satisfactorily complete the promotional probationary period, may, without right of appeal, revert to a position of the class previously occupied or to another suitable position; and in accordance with Rule 9.13 A., has the same rights of review as set forth in "A" above. A promotional probationary employee, who is suspended or dismissed, has the right of appeal.

#### 10.05 RESIGNATIONS

A covered employee who desires to terminate his service with the county shall submit a written resignation to the appointing authority at least ten calendar days prior to the effective date of the resignation.

#### 10.06 RETIREMENT

If a covered employee with regular status is retired as provided under the Public Safety Personnel Retirement System, he is deemed to be separated without prejudice and does not have the right to appeal to the Commission.

#### 10.07 SUSPENSIONS

- A. The appointing authority may as a disciplinary action suspend any covered employee for cause with or without pay. A regular status covered employee may be suspended only by written order from the appointing authority stating specifically the reasons for the action and duration of the suspension. The order must be delivered personally or sent by registered mail to the covered employee within three calendar days of the effective date of such suspension and a copy filed with the Clerk of the Board and the Commission.
- B. Except as otherwise provided by Resolution, or in these Rules, suspensions shall not exceed thirty consecutive calendar days for any single cause of suspension.
- C. A covered employee with regular status may appeal his suspension as set forth in the Resolution or these Rules.

## RULE 11 - APPEALS

### 11.01 MATTERS WHICH MAY BE APPEALED

A covered employee in the classified service who has attained regular status may appeal within ten business days of receipt of a written order from his or her appointing authority for dismissal, demotion or suspension or pursuant to Section 16.H of the Resolution.

### 11.02 APPEAL

Every appeal to the Commission must be filed in writing through the Director. It shall state the facts upon which it is based and the action requested of the Commission. The appeal shall provide in sufficient detail the necessary facts and identity of all persons or agencies concerned in a manner that the Commission may understand the nature of the proceeding and appeal. Unless the appeal names some other respondent, the appellant's appointing authority shall be considered the only respondent. The Commission shall serve a copy of the appeal on the respondent.

### 11.03 ANSWER

No answer to the appeal need be filed by the respondent. If an answer is filed prior to the hearing, a copy thereof shall be sent by the Commission to the appellant. If no answer is filed, every relevant and material allegation of the appeal is in issue, but in any case, irrelevant and immaterial issues may be excluded.

### 11.04 HEARING OFFICERS

Any appeal may be assigned by the Commission or its chairman to a hearing officer for hearing. When an appeal is assigned to a hearing officer, he shall be the authorized representative of the Commission and is fully authorized and empowered to grant or refuse extension of time, to set such proceedings for hearing, to conduct the hearing, to take any action in connection with the proceedings which the Commission itself is authorized to take by law or by these Rules other than making the final findings of fact, conclusion of law, and order. No assignment of an appeal to a hearing officer shall preclude the Commission or its chairman from withdrawing such assignments and conducting the hearing itself or from reassigning an appeal to another hearing officer.

### 11.05 TIME FOR HEARING

Every hearing on an appeal shall commence within twenty days from receipt by the Commission unless the time is extended by mutual consent of the appellant and respondent.

### 11.06 NOTICE OF HEARING

Written notice of time, date, place of hearing of an appeal, and of the name of the hearing officer, if any, shall be served by the Commission on the appellant and the respondent at least seven calendar days before the date of such hearing. This notice may be delivered personally or by registered mail.

### 11.07 NATURE OF HEARING

Each hearing shall be private unless the appellant requests a public hearing. Any party may be represented by himself or legal counsel of his choosing. The hearings shall be informal and technical rules of evidence shall not apply to the proceedings, except that irrelevant, immaterial, incompetent or unduly repetitious evidence or evidence protected by the rules of privilege recognized by law may be excluded. All testimony at the hearing shall be recorded manually or by mechanical device.

### 11.08 EXCLUSION OF WITNESSES

Upon the motion of any appellant or respondent, the hearing officer, in his discretion, may exclude from the hearing room any witnesses not at the time under examination; but a party to the proceedings, or his attorneys, or other person conducting the case, shall not be excluded.

### 11.09 WITNESS FEES

Witnesses, other than employees, when subpoenaed to attend a hearing or investigation are entitled to the same fee as is allowed witnesses in civil cases in courts of record. If a witness is subpoenaed by the hearing officer on his own motion, fees and mileage may be paid from funds of the Commission upon presentation of a duly executed claim. If a witness is subpoenaed upon request of the appellant or respondent, the fees and mileage shall be paid by the party requesting the witness. Reimbursement to employees subpoenaed as witnesses shall be limited to payment of mileage by the party requesting him.

### 11.10 DEPOSITIONS

If a witness does not reside within the County or within one hundred (100) miles of the place where the hearing or investigation is to be held, is out of the state, or is too infirm to attend the hearing or investigation, any party hereto at his own expense may cause his deposition to be taken. If the presence of a witness cannot be procured at the time of hearing or investigation, his deposition may be used in evidence by either party or the Commission.

### 11.11 PROPOSED FINDINGS OF FACT

Both appellant and respondent shall have the right to file with the Commission or its hearing officer, if any, on or before the date of the hearing, proposed findings of fact. In the event such proposed findings of fact are filed by either or both parties, the written findings of fact of the hearing officer and the Commission shall include a ruling upon each such finding proposed by the appellant and the respondent.

### 11.12 DUTIES OF THE HEARING OFFICER

In all cases assigned to hearing officers for hearing, they shall prepare proposed findings of fact and conclusions of law in such form that they may be adopted as the Commission's findings and conclusions in the case, except as otherwise directed by the Commission. A copy of the proposed findings and conclusions shall be filed by the hearing officer with the Commission within ten (10) days from the last date of the hearing. The hearing officer may be present during the consideration of the case by the Commission, and, if requested shall assist and advise the Commission.

### 11.13 FILING OF WRITTEN OBJECTIONS

Both appellant and respondent shall receive copies of the findings of fact, conclusions of law and recommendations of the hearing officer. The parties shall have ten (10) days from the receipt of the hearing officer's report to file with the Merit Commission any written objections (not post-hearing evidence) they might have concerning the hearing officer's report. A copy of the written objections is to be served upon other interested parties.

### 11.14 FINDINGS OF FACT; CONCLUSIONS OF LAW; AND ORDER

The Commission shall upon receipt of the Hearing Officer's Report and written objections make written findings of fact, conclusions of law and issue an order as soon as practicable at a scheduled Commission meeting. A copy shall be sent by certified mail to the appellant and the respondent at the addresses given at the hearing or to a representative designated to receive same, or hand delivered to both parties. In the event the Commission orders the respondent to reinstate the appellant, it may also order the respondent to reinstate the appellant with or without back pay for such period and in such amounts as the Commission deems proper under the circumstances; further, the respondent shall take remedial action within ten (10) days of the Commission order.

### 11.15 WITHDRAWAL OF AN APPEAL

The appellant may submit a written request to withdraw an appeal at any time prior to the decision by the Commission.

### 11.16 DECISION BY COMMISSION

Upon filing of the proposed findings, conclusions and recommendations of the hearing officer and any written objections by the parties, the Commission may adopt the hearing officer's report in its entirety, or modify it, or may itself decide the case upon the record, including the transcript with or without taking additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If, after the hearing, a majority of the Commission members present at the meeting where the vote is taken, determine that the action appealed from was arbitrary or taken without reasonable cause, the appeal shall be sustained; otherwise, the appeal shall be dismissed. The Commission shall have the power to direct an appropriate remedial action and shall do so after taking into consideration just and equitable relief to the covered employee in the best interest of the County and the public.

### 11.17 COMPLIANCE OF APPOINTING AUTHORITY

Within thirty-five (35) days of a decision by the Commission sustaining an appeal, the appointing authority of the covered employee shall take such measures as are necessary to comply with the remedial action directed by the Commission and shall render a report of such measures to the Director as ex-officio clerk of the Commission. The findings and decisions of the Commission shall be final and shall be subject only to administrative review as provided in ARS § 38-1004.

## RULE 12 - CLASSIFICATION PLAN

### 12.01 CLASSIFICATION PLAN

- A. Nature: The Classification Plan, as approved and adopted by the Commission upon recommendation of the Director, shall include for each non-exempt class of positions an appropriate title and a class specification.
- B. Changes in Plan: From time to time as necessary, the Commission may classify or reclassify all positions and fix and refix standards and qualifications of all positions so classified. Where any such action is taken, the Commission shall determine in each instance whether the positions affected are to be reallocated to another class or classes after taking into consideration the duties and responsibilities, qualifications, performance standards, and other related criteria before and after the change. All proposed changes shall be placed on the Commission's agenda.

### 12.02 INTERPRETATION OF CLASS SPECIFICATIONS

- A. Nature and Interpretation of Class Specifications: Class specifications are descriptive and explanatory and are not restrictive. They are designed to indicate the kinds of positions which should be allocated to the several classes as determined by their duties or responsibilities and shall not be construed as describing what the duties or responsibilities of any particular position shall be. The use of an individual expression or illustration as to duties or responsibilities shall not be regarded as excluding assignment of others not mentioned which are similar in kind or quality. The language of class specifications is not intended to be all inclusive or restrictive and is not to be construed as limiting or modifying the authority which the Department has to take from, add to, eliminate entirely, or otherwise change duties and responsibilities, to assign duties or delegate responsibility to covered employees, or direct and control their work. Material and permanent or indefinite changes in the duties and responsibilities of a position must be reported to the Commission.
- B. Minimum Qualifications: Minimum qualifications are comprehensive statements of the minimum background as to education, experience, and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly. When minimum qualifications are increased, the educational requirement shall not act against incumbents of the class as to their eligibility for promotion consideration unless the change specifically establishes a graduate degree, license, registration, board certification or similar evidence of a specific requirement as a qualification for the class; all subsequent applicants for the class must qualify under the changed minimum qualifications. Although not expressed in the class specification, all persons applying for or holding any position in the Department shall be required to meet the following general qualifications: integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health, and physical and mental abilities compatible with the work assignment. Where the position requires the driving of a motor vehicle, the

applicant or covered employee must have a valid Arizona operator's license and is expected to drive the motor vehicle safely. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each class specification and need not be specifically set forth therein.

### 12.03 CLASSIFICATION ADMINISTRATION

- A. Allocation Factors: Every position in the Department shall be allocated by the Commission, after consultation with the Department, to the appropriate class in the Classification Plan. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position and shall be based on the principle that all positions shall be included in the same class if:
1. They are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;
  2. Substantially the same requirements as to training and experience, knowledge and ability are demanded of incumbents;
  3. Substantially the same test of fitness may be used in choosing qualified appointees; and
  4. The same schedule of compensation can be made to apply with equity.
- B. Allocation of New Positions: The Commission shall allocate each new position to a class upon receipt of the prescribed form from the agency containing statement of duties, responsibilities, requirements of the position and organization-related materials. The Commission may study the Department to the extent necessary to determine the proper allocation.
- C. Reallocation of Existing Positions: The Commission shall reallocate the classification of an existing position when a material and permanent change in the duties or responsibilities of the position occurs. Such reallocated position will be filled by competitive examination in accordance with the rest of these Rules. In all cases of reallocation of a filled position, the covered employee within the position at the time of reallocation shall be entitled to continue serving at the same status held before the position was reallocated or considered for promotion in accordance with the Resolution and these Rules.
- D. Reviews of Allocations: The appointing authority or any covered employee affected by the allocation or reallocation of a position to a class by the Commission may obtain a review of such action upon filing with the Commission a written request for a review thereof on such forms as the Commission may prescribe.

### 12.04 CLASSIFICATION CONTROLS

A position shall have been allocated to a specific class before final administrative action can be taken by an appointing authority on appointment, transfer, promotion, demotion or change in compensation rate, or payment of salary with respect to the position.

### 12.05 TITLE OF POSITION

- A. Use of Titles: The class title of a position shall be used to designate such position in all budget estimates, payrolls, or other official records, documents, vouchers, and communications in connection with all personnel processes.
- B. Use of Working Titles: For purposes of internal administration, departmental correspondence or for any other purposes not involving the personnel processes,

abbreviations, code symbols or descriptive adjectival titles may be used in lieu of the class titles.

#### 12.06 OFFICIAL COPY OF CLASS SPECIFICATIONS

- A. Official Class Specifications: The Commission shall maintain a master set of all approved class specifications. Such specifications shall constitute the official class specifications in the Classification Plan. The copies of the specification for each class shall indicate the date of adoption or the last revision of the specifications for such class.
- B. Issuance of Specifications: The Commission shall provide the Department with a set of the appropriate class specifications. Such class specifications in the Department offices, as well as the master set in the Human Resources Department, shall be open for inspection by the employees or the public under reasonable conditions during business hours.

#### 12.07 SUPERVISION OF COVERED EMPLOYEES

All positions assigned classifications as provided by this Rule, shall be supervised by a sworn, paid Law Enforcement Officer, in all enforcement activities requiring peace officer status.

## RULE 14 - CODE OF ETHICS

### 14.01 CONDUCT AND REQUIREMENTS IN GENERAL

- A. The maintenance of high standards of honesty, integrity, impartiality and conduct by covered employees is essential to assure the proper performance of county business and the maintenance of confidence by citizens in their county government.
- B. Covered employees shall conduct themselves in such a manner that the work of the county is effectively accomplished; they shall be courteous, considerate and prompt in dealing with and serving the public; and shall conduct themselves in a manner that will not bring discredit or embarrassment to the county.
- C. Covered employees shall observe the applicable laws and regulations governing participation in political activities and conflict of interest and shall avoid any discrimination because of race, color, religion, national origin or sex and shall economically utilize, protect and conserve property of Maricopa County entrusted to them and conduct all their official activities in a manner which is above reproach and free from any indiscretions or acceptance of gratuities or favors which cast doubt or suspicion upon themselves or the county department which employs them.

### 14.02 SPECIFIC CONDUCT AND RESPONSIBILITIES

- A. Official position shall not be used by covered employees for personal gain. Public influence and confidential or "inside" information must never be turned to personal advantage.
- B. Conflict of interest laws must be scrupulously observed. The covered employee must disclose his interest, if any, in the official records of the Department and shall not participate in or vote for any contract, sale, purchase or service in which he has an interest as defined in ARS §38-502.
- C. The covered employee shall not do any work in a private capacity which may be construed by the public to be an official act without prior written approval of the Sheriff.
- D. The covered employee shall not accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment or loan which is or may appear to be designed to in any manner influence official conduct, particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the Department or who has interest that might be substantially affected by the performance or non-performance of the employee's duty.

This provision does not prohibit acceptance by a covered employee of food and refreshments of insignificant value on infrequent occasions in the ordinary course of a meeting, conference or other occasion where the covered employee is properly in attendance nor the solicitation or acceptance by a covered employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the covered employee nor the acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars and other items of nominal intrinsic value.

- E. The covered employee shall not directly or indirectly use or allow the use of county property of any kind, including property leased to the county, for other than official approved activities. A covered employee has a positive duty to protect and conserve county property, including equipment, supplies and other property entrusted or issued to him.
- F. The covered employee must never permit himself to be placed under any kind of personal obligation which could lead any person to expect official favors.
- G. The covered employee's official acts must reflect impartiality. His decisions and actions must be determined by impersonal considerations, free from any taint of favoritism, prejudice, personal ambition or partisan demands.
- H. The covered employee shall not engage in outside or other employment or other outside or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of his county employment or which tends to impair his capacity to perform his county duties and responsibilities in an acceptable manner.
- I. A covered employee shall avoid circumstances that lead to garnishment of his wages. Three unreleased garnishments within a two year period constitute automatic ground for dismissal.

#### 14.03 DISCIPLINARY ACTION OR DISMISSAL

The appointing authority shall suspend, for not more than thirty consecutive calendar days or dismiss any covered employee who is determined by the appointing authority to have violated any provisions of Rule 14 above.