

Thomas Morrissey, District 1  
Scott Higginson, District 2  
Alberto Gutier, Vice Chairman, District 3  
Jean McGrath, District 4  
Katie Hobbs, Chairman, District 5

Merit System Commission  
Open Session Meeting Agenda  
May 06, 2009  
Page 1 of 3



## CORRECTED MARICOPA COUNTY MERIT COMMISSION AMENDED OPEN SESSION AGENDA

1:30 p.m., Wednesday, May 06, 2009

**Board of Supervisors Conference Room**  
301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix, AZ

**Employee Merit System**

### CALL TO ORDER

*One or more members may attend telephonically. Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

### EMPLOYEE MERIT SYSTEM

1. Approval of the April 01, 2009, Executive and General Session meeting minutes.
2. **APPROVE SUSPENSION OF LEAVE PLAN PROVISIONS TO ADDRESS SWINE FLU OUTBREAK**

The Director, Workforce Management & Development recommends approval of the following measures designed to assist County departments and employees with scheduling and attendance issues related to the swine flu outbreak:

- a. Suspend the FML provisions in Rule 12 ("Leave Plan") of the Employee Merit System Rules that govern use of paid FML and permit classified employees on initial probation to take accrued FML as necessary. This action will give employees direct access to paid time off if they are ill, if they have to care for a family member who is ill, or if they have to look after a child whose school has closed due to the swine flu outbreak.
- b. Suspend the Personal Leave provisions in Rule 12 ("Leave Plan") of the Employee Merit System Rules that govern use of paid Personal Leave. This action will make paid Personal Leave expressly available for employees who become ill, who must care for a family member who is ill, or who must look after a child whose school has closed due to the swine flu outbreak, but who may not have sufficient sick leave hours or accruals to cover their absence.

Direct the automatic rescission of these provisions when it is determined by the Maricopa County Public Health Director that the public health risk posed by the swine flu outbreak has diminished.

Date for Next Scheduled Meeting  
Wednesday, June 03, 2009

3. **APPROVE CHANGES TO MARICOPA COUNTY EMPLOYEE MERIT SYSTEM RESOLUTION AND MERIT RULES TO ESTABLISH RULES FOR FURLOUGHS**

The Director, Workforce Management & Development recommends approval of the following changes to the Maricopa County Employee Merit System Resolution and Merit System Rules to add rules and provisions for the furlough of classified employees:

- a. Approve changes to Maricopa County Employee Merit System Resolution to add new paragraph 4.K. defining furloughs as mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall; establishing that a furlough may be imposed as an alternative to, or in conjunction with, a Reduction in Force (see Merit Rule 9.02), and clarifying that furloughs are not suspensions or involuntary demotions for purposes of Section 16 (“Employee Appeals”) of the Merit System Resolution.
- b. Approve changes to Maricopa County Employee Merit System Resolution to add a new paragraph 16.I, defining that an employee who has been subject to a furlough may file an appeal with the Commission only on the grounds that the furlough was imposed in an arbitrary manner that negatively impacted the employee more than other similarly situated employees in the employee’s division in the same market range title.
- c. Approve change to Maricopa County Employee Merit System Resolution to 4.A, to add furlough to those appealable actions as permitted under the Rules.
- d. Approve Changes to Maricopa County Employee Merit System Rules to add a new definition as Rule 4.27 defining a “Furlough,” as mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall; establishing that a furlough may be imposed as an alternative to, or in conjunction with a Reduction in Force (see Merit Rule 9.02), and clarifying that furloughs are not suspensions or involuntary demotions for purposes of Rule 10 (“Appeals”) of the Maricopa County Employee Merit System Rules.
- e. Approve changes to Maricopa County Employee Merit System Rules to add furlough to Rule 1.01 and Rule 10.01 as a matter that may be appealed as permitted under the Rules.
- f. Approve changes to Maricopa County Employee Merit System Rules, Rule 8, by changing title of Rule to “Transfers, Promotions, Reassignments, Demotions and Furloughs,” and by adding new paragraph 8.05, “Furloughs,” which addresses procedures, requirements and rules for the imposition of mandatory unpaid leave for classified employees.

***Persons with a disability may request a reasonable accommodation such as a sign language interpreter by contacting the Merit System Administrator at (602) 506-3792. Requests should be made as early as possible to arrange the accommodation.***

4. **THIS IS THE TIME SET BY THE COMMISSION TO CONSIDER THE HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION FOR THE FOLLOWING APPEAL:**

MC2008-15: Donald Harding vs. Environmental Services  
Disciplinary Action: Demotion  
Respondent's Attorney: Brandon Newton, Deputy County Attorney  
Appellant's Representative: Phillip Nesmith, Layperson  
Hearing Officer (HO): Douglas Erickson, Hearing Officer  
HO Recommendation: Respondent's action of demotion be upheld

5. **THIS IS THE TIME SET BY THE COMMISSION TO CONSIDER THE HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION FOR THE FOLLOWING APPEAL:**

MC2008-25: Derek Zazueta vs. Public Defender  
Disciplinary Action: Demotion  
Respondent's Attorney: Brandon Newton, Deputy County Attorney  
Appellant's Representative: None  
Hearing Officer (HO): Harold Merkow, Hearing Officer  
HO Recommendation: Respondent's action of demotion be upheld

**LAW ENFORCEMENT OFFICER'S MERIT SYSTEM**

6. Approval of the April 01, 2009, Executive and General Session meeting minutes.

**CALL TO THE PUBLIC AND STATUS OF APPEALS**

7. Information report from the Merit System Administrator regarding the status of appeals.
8. Public comment on matters pertaining to the Merit Commission. Note that pursuant to the Arizona Open Meeting Law, Commissioners may not discuss matters raised under this public comment portion of the meeting.