

RULE 9 - SEPARATIONS AND DISCIPLINARY ACTIONS

9.01 GENERAL PROVISIONS

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

9.02 REDUCTION IN FORCE (RIF)

- A. A regular employee may be separated from the classified service through a reduction in force whenever such an action becomes necessary because of a lack of funds, lack of work, or abolishment of position.
- B. When a reduction in force is determined by an appointing authority to be necessary, the appointing authority will notify the Director who will establish, in conjunction with the appointing authority, the order of the reduction in force for as many employees as are to be separated. In determining the order of a reduction in force for regular employees, the Director and appointing authority shall agree upon the factors and their weightings to be used to calculate retention points. The factors and their weightings shall be consistent and equitably applied to all regular employees occupying substantially similar positions within the affected department. The Director and appointing authority shall identify and agree upon the employees whose duties warrant their being grouped together for purposes of determining their respective retention points, and the resulting determination of the order in which they may be RIF'd.
- C. The appointing authority shall attempt to place affected employees in other available positions on the same or lower base pay rate within the department for which the employees qualify. No regular employee shall be separated through a reduction in force while there are temporary, contract or initial probationary employees serving under the appointing authority on the same or lower base pay rate for which the regular employee is qualified and available for assignment. The Director will provide placement assistance to the remaining employees in competing for other vacancies in the District service.

9.03 DISMISSALS, SUSPENSIONS, AND DEMOTIONS

- A. The appointing authority may suspend, involuntarily demote or dismiss a regular employee only for cause as provided in these Rules. Prior to such action the appointing authority shall cause to be transmitted to the employee, a written statement indicating the action that is proposed to be taken, the sections of the Resolution, Rules, District administrative policies and/or procedures, or departmental rules violated, and the specific reasons for the action in sufficient detail to apprise the employee of the factual circumstances that justify the action. Transmittal to the employee shall be made either by delivering the letter to the employee personally or by certified mail to the employee's last known address on file in the official personnel file of the

Human Resources Department. The appointing authority shall include in the statement to the employee notice of the employee's right to present reasons why the proposed action should not be taken at a meeting with the appointing authority. The employee may waive the opportunity to present the reasons in person or may do so in writing. If the employee does not appear at the designated time, date and location for the meeting or fails to present written reasons by the time and date for the meeting, the employee will be deemed to have waived the opportunity to present why the proposed action should not be taken.

- B. The appointing authority may, after giving the employee an opportunity to provide reasons as provided above, affirm, reduce or abandon the proposed action by providing written notice of the appointing authority's final decision to the employee, the Clerk of the Board and the Director.
 - 1. Unless formal discipline is abandoned, the notice shall state that the employee has a right to appeal in writing to the Commission within ten business days from the date of personal delivery or certified mailing of the appointing authority's written final decision. Transmittal to the employee shall be made either by delivering the letter to the employee personally or by certified mail to the employee's last known address on file in the official personnel file of the Human Resources Department.
 - 2. In the event the appointing authority decides to increase the proposed discipline, a new notice and opportunity to provide reasons why the action should not be taken, shall be provided.
- C. Each of the following constitutes authorized cause for suspension, involuntarily demotion or dismissal of a regular employee under these Rules:
 - 1. Fraud in securing or maintaining employment.
 - 2. Incompetency.
 - 3. Inefficiency.
 - 4. Abuse of leave.
 - 5. Neglect of duty.
 - 6. Insubordination.
 - 7. Dishonesty.
 - 8. Possessing, dispensing, or being under the influence of alcohol, a narcotic, barbiturate, marijuana, tranquilizer, hallucinogenic or any other drug listed and/or defined in ARS § 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. Violation of a Board authorized policy which supports a drug-free workplace or which opposes substance abuse.
 - 10. Absence without authorized leave.
 - 11. Charged with the commission of a criminal act which affects the employee's suitability for continued employment.
 - 12. Conviction of a criminal act of which affects the employee's suitability for continued employment.
 - 13. Discourteous treatment of the public or fellow employees.

14. Improper political activity as proscribed by state or federal law or by this Resolution.
15. Unlawful discrimination, including harassment, by an employee against or in favor of another person.
16. Misuse of government property.
17. Violation of District or departmental policies or procedures.
18. Violation of Code of Ethics.
19. Falsifying, destroying or altering MIHS documents.
20. Failure to meet certifications, licensure or certifications required by the position.

D. Inability for medical reasons is cause to dismiss but connotes no improper conduct on the part of the employee nor does it contemplate corrective or progressive steps.

9.04 SUSPENSION, DEMOTION OR DISMISSAL DURING INITIAL PROBATION

An initial probationary employee may be suspended, demoted or dismissed at any time with or without cause and without the right of appeal. However, in any case of suspension, demotion or dismissal during an employee's initial probationary period, the Director may investigate the circumstances and causes for the action taken to ensure compliance with state and federal law.

9.05 RESIGNATION AND RETIREMENT

A regular employee who desires to resign or retire from District service is expected to submit a written notice to the appointing authority at least 14 days prior to the effective date of the resignation or retirement.