



MARICOPA COUNTY EMPLOYEE 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 or the Resolution.

- 1.01 APPEAL:** A regular employee's written request that the Commission review a suspension, involuntary demotion, dismissal, furlough or reduction in force where permitted by the Resolution or these Rules.
- 1.02 APPELLANT:** A regular employee who filed an appeal with the Commission.
- 1.03 APPLICANT:** A person who filed an application for employment.
- 1.04 APPOINTING AUTHORITY:** An elected official, single executive head of a department, or the designated representative authorized to act in this capacity.
- 1.05 ASSESSMENT:** Process used to evaluate the qualifications of applicants to perform the duties of a position.
- 1.06 BASE PAY RATE:** An employee's rate of pay exclusive of any differentials, incentives or other pay.
- 1.07 BOARD:** T h e Maricopa County Board of Supervisors.
- 1.08 CANDIDATE:** An applicant approved for participation in an assessment process.
- 1.09 COMMISSION:** T h e Maricopa County Employee Merit System Commission as created by the Resolution.
- 1.10 COUNTY:** Maricopa County.
- 1.11 DAYS:** Calendar days unless the context states otherwise.
- 1.12 DEMOTION:** A change in the assignment of a regular employee to a lower pay rate.
- 1.13 DEPARTMENT:** A county governmental unit designated as an appointed or elected department or a special district under the annual budget for the County.
- 1.14 DIRECTOR:** The Maricopa County Human Resources Director or designee.
- 1.15 DISMISSAL:** The involuntary separation of a regular employee for disciplinary reasons or as a result of unsatisfactory performance, inability for medical reasons or

any other cause established by the Board.

- 1.16 ELIGIBLE:** A person who has met standards based upon the established assessment process for a specific type of job.
- 1.17 ELIGIBLE LIST:** An official list of eligibles for a particular job used by the appointing authority for selection for employment in the classified service.
- 1.18 EMPLOYEE:** A person who is in the county service.
- 1.17 FURLOUGH:** A furlough is mandatory unpaid leave imposed on classified employees as the result of a budget deficit or shortfall. A furlough may be imposed as an alternative to, or in conjunction with, a Reduction in Force (see Merit Rule 9.02). Furloughs are not suspensions or involuntary demotions for purposes of Section 16 (“Employee Appeals”) of the Employee Merit System Resolution.
- 1.18 HEARING OFFICER:** A person, not in the county service, appointed by the Commission or its chairman to hear appeals on behalf of the Commission.
- 1.19 INITIAL PROBATION:** A specified period of time following the employment of an employee in a budgeted position during which the work performance of the employee is evaluated. An employee may be released from initial probation for or without cause.
- 1.20 INITIAL PROBATIONARY EMPLOYEE:** An employee who is serving an initial probation period upon their most recent employment, to include hire, promotion, demotion or transfer into any classified position, with the exception of market range title adjustments and reassignments. An initial probationary employee is at-will and may be released for or without cause.
- 1.21 JOB ANNOUNCEMENT:** The official public notice that a recruitment is being conducted.
- 1.22 MARKET RANGE TITLE:** A title assigned to a group of positions performing similar or related duties and responsibilities.
- 1.23 MARKET RANGE TITLE ADJUSTMENT:** The assignment of a position to another market range title that is at an equivalent level, lower level or higher level market range title than currently assigned, which may or may not result in a base pay rate increase for the incumbent. In such cases, the affected employee will not be required to serve an initial probation period.
- 1.24 POSITION:** A specific employment, whether occupied or vacant, involving duties requiring the services of one person.
- 1.25 PROMOTION:** The movement of an employee to a different position control number at a higher pay rate through an announced recruitment process.

- 1.26 REASSIGNMENT:** A change in the assignment of an employee from one position control number to another within the same market range title, under the same appointing authority, and at the same base pay rate.
- 1.27 REDUCTION IN FORCE (RIF):** The separation, from County employment, of a regular employee for reasons of lack of funds, lack of work, or abolishment of position.
- 1.28 REFERRAL LIST:** The list of names and associated employment applications of qualified eligibles referred by the Director to an appointing authority for selection for employment in the classified service.
- 1.29 REGULAR:** The status an employee achieves when retained in a position of the classified service following the successful completion of the initial probation period.
- 1.30 RESOLUTION:** The Maricopa County Resolution of December 22, 1969 that established the Maricopa County Employee Merit System effective January 1, 1970 and all subsequent amendments.
- 1.31 RESPONDENT:** The county department or elected office against which an appeal is filed.
- 1.32 SUSPENSION:** The temporary separation of an employee from his or her position without pay for disciplinary reasons.
- 1.33 TRANSFER:** A movement of an employee from a position under one appointing authority to a position under a different appointing authority at the same pay rate as a result of a competitive recruitment process, when part or all of the functions of one department are transferred to another department, or otherwise provided by these Rules.

RULE 2 - GENERAL PROVISIONS

2.01 PURPOSE

To implement the requirements of the Resolution which establishes for the County a system of personnel administration based on merit principles.

2.02 RULES

These Rules apply to all classified positions in the county service. Amendments to the Rules may be made by the Board of Supervisors from time to time in accordance with the Resolution.

2.03 SERVICE OF NOTICE

Unless otherwise provided by law or these Rules, whenever any paper or document notice is given to or served upon any person or department by the Commission or the Director, such notice may be personally served or served by certified mail to the last known residence or business address of the addressee. Service is complete and effective upon mailing.

2.04 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.

2.05 NONCONFORMITY WITH FEDERAL AND STATE LAWS OR REGULATIONS

If any provision of these Rules conflicts or is inconsistent with federal or state laws or regulations, federal or state laws or regulations shall apply.

RULE 3 - MERIT SYSTEM COMMISSION PROCEDURES

3.01 COMMISSION MEETINGS

The Commission shall hold meetings in accordance with the Arizona Open Meeting Act (A.R.S. § 38-431 et seq,) and the Resolution. The time and place of meetings shall be fixed by the Commission.

3.02 AGENDA

All matters to be presented for consideration by the Commission at a meeting shall be placed on the Commission's agenda. The agenda shall be provided to each member of the Commission prior to such meeting.

3.03 NOTICE OF MEETINGS

Public notice of Commission meetings shall be given as required by A.R.S. § 38-431.02. Appointing authorities shall be informed of the regular schedule of Commission meetings. When an item of special interest to a department or departments is to be considered by the Commission, the Director shall notify such department(s).

3.04 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 and reasons shall be recorded in the minutes. The Director shall have the minutes prepared and presented for approval or amendment at the next Commission meeting. The minutes, or a true copy, shall be open to public inspection, except minutes of the executive session.

RULE 4 – ANNOUNCEMENTS AND ASSESSMENTS

4.01 JOB ANNOUNCEMENTS

- A. Content: The public announcement of recruitments shall specify:
1. Title of the position(s).
 2. Pay information.
 3. Essential job tasks (or where this information may be obtained).
 4. Position qualifications.
 5. Final date for receipt of applications (or statement of continuous recruitment).
 6. Selection procedure(s).
 7. How and where to apply.
- B. Job announcements shall be by public notice and posted in a form established by the Director. The duration and dissemination of job announcements shall be established by the appointing authority, in consultation with the Director.

4.02 APPLICATIONS

All applications shall be in a form prescribed by the Director. Applications must be filed as designated in the announcement on or before the recruitment closing date specified in the announcement. Applications submitted in response to a continuous recruitment may be accepted at any time until the recruitment is closed. The Director may require applicants to furnish references, evidence of education, or evidence of other qualifications as may be necessary for staffing the county service. Such evidence shall be furnished by applicants at their own expense.

4.03 QUALIFICATIONS

A. Applicants who meet the qualifications designated on the job announcement and the provisions of the Resolution, these Rules, federal and state laws are eligible to compete for announced positions. All applicants must possess the necessary qualifications to successfully perform the essential job tasks of the position. Admittance to an assessment process shall not constitute assurance of a passing result.

B. Temporary Waiving of Educational Requirements:

With the concurrence of the Director, an appointing authority may authorize a job announcement to provide that applicants who do not meet minimum educational requirements for the position, but who will meet these requirements as a result of the completion of further scheduled education for the current school term, may be allowed to compete. Successful applicants participating in an assessment process under this provision shall have their names entered on the eligible list in the same manner as other successful applicants and their names may be referred to the appointing authority. If selected, they must furnish the appointing authority acceptable evidence of their completed education before their start date. Failure to complete the required educational coursework will cause the removal of applicants' names from the eligible list or the cancellation of their selection.

C. Disqualification of Applicants:

The Director may (1) refuse to evaluate applicants; (2) after evaluation may disqualify

such applicants; (3) remove their names from the eligible list; (4) refuse to refer eligibles from an eligible list; or (5) may consult with the appointing authority in taking steps to remove persons already appointed, for any one of the following reasons:

1. Do not meet the minimum qualifications established for the position;
2. Are addicted to the use of narcotics or the habitual use of intoxicants; or
3. Made a false statement of material fact in the application process;
4. Used, or attempted to use, political pressure or bribery to secure an advantage in the assessment process;
5. Directly or indirectly obtained information regarding confidential assessment materials to which, as applicants, they were not entitled;
6. Failed to submit a completed application correctly or within the prescribed time limits;
7. Took part in the compilation, administration, or any part of the selection process for which they are applicants;
8. Previously were dismissed from County employment for a disciplinary reason;
9. Have been convicted of a felony; or
10. Have been convicted of any crime involving the use of narcotic or habit-forming drugs; or
11. Are charged with or under indictment for any crime which upon conviction would cause denial of eligibility under this Rule;
12. Expiration of the eligible list;
13. Failed to respond to correspondence, appear for a scheduled assessment or interview, or failed any phase of the selection process;
14. Indicated that they are no longer interested in the position or that they are no longer available for selection;
15. Refused or rejected a job offer for the specific position;
16. Abolishment of the eligible list;
17. Otherwise violated the provisions of the Resolution or these Rules.

4.04 NATURE OF ASSESSMENTS

A. Applicants shall be required to meet the minimum qualifications and assessment standards in effect at the time of application. Assessments shall be job-related, designed to evaluate an applicant's knowledge, skills and/or abilities to perform the duties of the position, and rated impartially. All applicants will be assessed using one or any combination of the following, as defined in the job announcement:

1. Written examination;
2. Oral board;
3. Demonstration or performance assessment;
4. Evaluation of experience, training, education, and/or skills;
5. Other objective and job-related methods of assessment.

B. Assessments that require in person participation by applicants shall be conducted in locations that are accessible to the general public. Reasonable accommodation(s) will be afforded to applicants with disabilities. At the discretion of the Director, assessments may be conducted in as many phases, evaluation steps or locations in the County as necessary. When practical and necessary, the Director may limit the number of

applicants accepted to participate in an assessment or evaluation process based upon job-related criteria. Additionally, the Director may designate proctors, administrators, and/or assessors from other County departments to conduct assessments under procedures prescribed by the Director.

- C. When an oral board is used, the process shall be conducted, and applicants evaluated by, a panel of two (2) or more qualified, impartial individuals, as determined by the Director. Any member of an oral board panel who is related to a candidate being examined, or who has a conflict of interest with the candidate, shall request disqualification as a panel member for that candidate's examination.
- D. When technical expertise is deemed necessary, as determined by the Director, subject matter experts may be utilized in the assessment process.

4.05 EVALUATING ASSESSMENT RESULTS

In any assessment process, the Director shall determine the minimum rating or standing which must be attained by a candidate in order to be placed on the eligible list, or to compete in the next phase of the selection process. When such a final rating results in a numerical score, a weighted average of the various parts of the assessment process, if applicable, may be used.

4.06 NOTICE OF ASSESSMENT RESULTS

Candidates shall receive written or oral notification of assessment results unless otherwise specified in the job announcement.

4.07 RETAKING ASSESSMENTS

At the discretion of the Director, assessments, which include but are not limited to: multiple choice examinations, typing tests or other scored performance assessments may be retaken or repeated within reasonable limits of scheduling. In each case of a repeated assessment, the most recent assessment result achieved shall be used to determine the eligibility of the candidate.

4.08 INSPECTION OF ANSWER SHEET FOR MULTIPLE CHOICE EXAMINATIONS

- A. Candidates may compare their answer sheet for any multiple choice examination with the scoring key for the purpose of determining whether their answers have been accurately scored. A candidate must request inspection in writing to the Director within seven (7) calendar days of the notification of assessment results. If inspection is approved by the Director, such inspection shall be under the supervision of a Human Resources Department staff member or other authorized representative, with such security procedures, and at such a location designated by the Director. Only a candidate or the candidate's representative with the candidate's written authorization may inspect a candidate's answer sheet.
- B. Answer sheets for copyrighted or standardized multiple choice examinations may be excluded by the Director from such inspection.

4.09 ADMINISTRATIVE REVIEW

Upon written request stating the basis for the request, the Director shall review the

accuracy of the determination at any step of a selection process. Such a request must be submitted within seven (7) calendar days of notification of disqualification from the selection process.

4.10 ADJUSTMENT OF ERRORS

An evaluation error will be corrected if brought to the attention of the Director within seven (7) calendar days of notification of an evaluation rating to an applicant. Such action shall not invalidate any referral list already prepared or appointment.

4.11 SPECIAL ASSESSMENTS

Except in the case of an error, or in order to provide a reasonable accommodation under the Americans with Disabilities Act (ADA), no candidate shall be assessed in any manner not afforded to other candidates.

4.12 ASSESSMENT RECORDS

The Director shall be responsible for the maintenance of recruitment records pertinent to applicant assessment processes pursuant to these Rules. The appointing authority is responsible for maintaining records related to candidates selected for interview including job related interview selection criteria, interview dates and notes, and other documentation pertaining to the final selection decisions from among the candidates referred for consideration. Applications and all recruitment and selection records shall be kept as required by law.

4.13 PREFERENCE POINTS

A candidate who is not a current employee and attains a passing score on a numerically scored assessment process, may have preference points added to the final rating, prior to placement on an eligible list in accordance with A.R.S. § 38-492.

RULE 5 - ELIGIBLE LISTS

5.01 RESPONSIBILITY FOR MAINTENANCE OF ELIGIBLE LISTS

It shall be the duty of each appointing authority to notify the Director as far in advance as possible of vacancies or anticipated vacancies and to cooperate in staffing, workforce planning and turnover analysis. The Director shall be responsible for the establishment and maintenance of appropriate eligible lists, the determination of the adequacy of existing eligible lists, and for the appropriate assignment of applicants to eligible lists.

5.02 CREATION OF ELIGIBLE LIST

At the conclusion of an assessment process(es), the Director shall prepare a list of eligible candidates or merge the names of new eligibles with those on an existing eligible list. The Director shall determine the order in which candidates are placed on an eligible list. Typically, the names of eligibles shall be in alphabetical order, or by the order of their final numeric assessment score, if applicable.

5.03 USE OF RELATED ELIGIBLE LIST

In consultation with the appointing authority, the Director may use one or more related eligible lists for a similar vacancy within the same market range title without initiating a new competitive recruitment process. Eligibles must meet qualifications for the vacancy as determined by the Director.

5.04 DURATION OF ELIGIBLE LIST

The duration of an eligible list shall be established by the appointing authority, in consultation with the Director. With the concurrence of the Director, an appointing authority may abolish an eligible list at any time in the event of an elimination of the position, new assessment process, significant change(s) to position duties or requirements, cancellation of a recruitment process, or whenever an existing eligible list has ceased to meet the needs of the appointing authority.

5.05 REMOVAL OF NAMES FROM AN ELIGIBLE LIST

The Director may remove the name of an eligible from an eligible list at any time for any one of the reasons specified in Rule 4.03.C.

RULE 6 - REFERRAL AND SELECTION OF ELIGIBLES

6.01 REFERRAL OF ELIGIBLES

The Director shall refer to an appointing authority a list of eligibles to continue in the selection process. Only eligibles that have been placed on a referral list by the Director are authorized to participate in the selection process for a position covered by these Rules. In consultation with the appointing authority, the Director shall refer eligibles for consideration based upon job-related criteria and business needs.

6.02 REFERRAL OF TIED SCORES

When two or more eligibles have identical final numeric assessment scores on an eligible list and are tied for the last place to be referred, all tied eligibles will be referred and so indicated on the referral list.

6.03 LIFE OF A REFERRAL LIST

The life of a referral list during which action may be taken should not exceed ninety (90) calendar days from the date of issue, unless extended by the Director.

6.04 SELECTION OF ELIGIBLES

- A. The criteria used to identify eligibles for invitation to interview shall be determined and documented by the appointing authority, must be job-related and non-discriminatory, and is subject to review by the Director.
- B. The appointing authority shall notify all eligibles interviewed of the results. The appointing authority shall indicate in a form prescribed by the Director, the action taken on each eligible, to include notification of interview results, if applicable, and retain all selection records in accordance with applicable law. The Director shall ensure notification of all other eligibles of the results of the selection process.
- C. The appointing authority may verify information contained in an eligible's application to assist in determining an applicant's overall suitability for employment. If such inquiry indicates the falsification of material fact on the application, the appointing authority shall inform the Director.
- D. The appointing authority's selection must be from among the eligibles referred and may be subject to a post-offer, pre-employment background investigation.

RULE 7 – INITIAL PROBATIONARY PERIOD

7.01 APPLICABILITY AND DURATION

- A. With the exception of market range title adjustments and reassignments, all employees must serve an initial probation period upon their most recent employment, to include hire, promotion, demotion or transfer into any classified position. The initial probation period shall be a minimum of twelve (12) months, and may be extended by the appointing authority for up to six (6) additional months.

- B. If in the judgment of the appointing authority, the employee does not meet the required performance standards, the appointing authority may either extend the initial probation period, demote the employee to another position within the department for which the employee qualifies, or dismiss the employee. In any case, the employee must be given written notice of the action taken by the appointing authority prior to the expiration of the initial probation period or the employee will be considered to have successfully completed initial probation.

- C. An initial probationary employee does not have any appeal rights under these Rules.

RULE 8 - TRANSFERS, REASSIGNMENTS, DEMOTIONS, FURLOUGHS

8.01 TRANSFER

- A. As a result of selection from a competitive recruitment, an appointing authority may approve an employee's transfer to another department. The employee must give proper notice to the losing appointing authority. Proper notice is defined as two weeks, but not longer than thirty (30) calendar days as agreed to by the affected departments.
- B. In the event that part or all of the functions of one department are transferred to another department, the affected employee(s) of the transferring department shall not be required to serve an initial probation period, and shall be accepted as transfers by the receiving department at the same base pay rate unless the receiving department has no need for the particular position(s). In the latter event, a reduction-in-force will apply.
- C. With the concurrence of the losing and gaining appointing authorities and affected employee, the Director may approve a transfer of an individual whose record is satisfactory to another position at the same or lower pay rate for which the employee qualifies.

8.02 REASSIGNMENT

At the discretion of the appointing authority, employees may be reassigned from one position control number to another under the same market range title at the same base pay rate, or a position and current incumbent may be reassigned from one appointing authority to another appointing authority based upon business needs. In such cases, the affected employee shall not be required to serve an initial probation period.

8.03 DEMOTION

- A. An employee with regular status may be involuntarily demoted for cause by an appointing authority.
- B. An appointing authority may approve an employee's written request for a voluntary demotion to another position control number within the same department. A copy of the employee's written request shall be included in the employee's official personnel file. An employee may also apply for a voluntary demotion when in conjunction with the employee's application in response to a competitive recruitment. In such cases, the demotion will be deemed to have been made on a voluntary basis and there shall be no right of appeal.
- C. In any instance, when an employee is demoted, the employee must meet the qualifications in effect for that position at the time of demotion.

8.04 FURLOUGHS

A regular employee may be subject to furlough whenever such an action becomes necessary due to a budget deficit or shortfall. A furlough is mandatory unpaid leave of one or more days, and is not a reduction in the compensation or hourly rate of pay of a classified employee.

RULE 9 - SEPARATIONS AND DISCIPLINARY ACTIONS

9.01 GENERAL PROVISIONS

Except as otherwise provided in the Resolution and these Rules, the employment of a regular employee shall continue during satisfactory performance of duties in accordance with the business needs of the County.

9.02 REDUCTION IN FORCE (RIF)

A regular employee may be separated from classified service through a reduction in force whenever necessary because of a lack of funds, lack of work, or abolishment of position.

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 the Resolution. Prior to such action the appointing authority shall provide the employee a written statement indicating the action that is proposed to be taken, the sections of the Resolution, these Rules, County 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 which justify the proposed action.
- B. 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 choose to waive the opportunity to present the reasons in person, and instead, may submit the reasons 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.
- C. After giving the employee an opportunity to provide reasons as provided above, the appointing authority may affirm, reduce or abandon the proposed action by providing written notice of the final decision to the employee, 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 (10) calendar days from the date of personal delivery or certified mailing of the written final decision.
 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.
- D. Transmittal of all required notices to the employee pursuant to this Rule 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.

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. The Director may investigate the circumstances and causes of any suspension, demotion or dismissal during an employee's initial probation period to ensure compliance with federal and state law.

9.05 RESIGNATION AND RETIREMENT

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

RULE 10 - APPEALS

10.01 MATTERS WHICH MAY BE APPEALED

A regular employee who is suspended, involuntarily demoted, dismissed, and to the limited extent provided by the Resolution or these Rules, may appeal to the Commission.

10.02 APPEAL

The appeal shall be in writing, state the facts upon which it is based, and specify the action requested of the Commission. The appeal shall sufficiently detail the necessary facts and identities of all persons or departments concerned in a manner that the Commission may understand the nature of the situation and appeal. Unless the appeal names some other respondent, the appointing authority who initiated the appealable action shall be considered the respondent. The appeal shall be considered filed when received by the Director.

10.03 ANSWER

No answer to the appeal is required. If an answer is filed prior to the hearing, a copy thereof shall be sent by the Director or hearing officer to the appellant.

10.04 HEARING OFFICERS

An appeal may be assigned by the Commission or its chairperson to a hearing officer for hearing. Hearing officers assigned shall be individuals who have training and knowledge of merit system principles. When appeals are assigned to hearing officers, they shall be the authorized representative of the Commission (in accordance with 10.07), and are fully authorized and empowered to grant or refuse extensions of time, to set such proceedings for hearing, to conduct the hearing, and 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 issuing the final findings of fact, conclusions of law and order. No assignment of an appeal to a hearing officer shall preclude the Commission or its chairperson from withdrawing such assignments and conducting the hearing itself or from reassigning an appeal to another hearing officer.

10.05 TIME FOR HEARING

Within twenty (20) calendar days from the filing of the appeal, the Commission shall set a date for the hearing. The time for hearing may be extended upon mutual consent of the parties or upon good cause shown to the assigned hearing officer.

10.06 NOTICE OF HEARING

Written notice of the time, date, place of the initial hearing of an appeal and the name of the hearing officer, if any, shall be served by the Director on the appellant and the respondent at least seven (7) calendar days before the date of such hearing. This notice shall be delivered personally or by certified mail.

10.07 NATURE OF HEARING

Parties may represent themselves or be represented by legal counsel, or a lay representative, of their choosing. The hearing 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. Each party will have a maximum of three and one-half (3.5) hours to present the case including opening statement; direct exam, cross exam, and re-direct/re-cross of witness; objections; and closing argument. Time spent on cross examination and re-cross counts against the total time allotted to the party conducting the examination. The hearing officer shall have the authority to grant up to an additional seven (7) hours (total) of testimony. The hearing officer shall not allow testimony beyond fourteen (14) hours (total) without prior approval from the Employee Merit System Commission chairman or designee. All testimony at the hearing shall be recorded manually or by a recording device.

10.08 EXCLUSION OF WITNESSES

Upon the motion of the appellant or respondent, the hearing officer may exclude from the hearing room any witnesses not at the time under examination; however, parties to the proceedings, or their attorneys or other person representing them, shall not be excluded.

10.09 COUNTY EMPLOYEES CALLED AS WITNESSES

County employees called as witnesses to attend a hearing shall be paid their base pay rate for the time spent.

10.10 WITNESS FEES FOR OTHER THAN COUNTY EMPLOYEES

Witnesses, other than employees, when subpoenaed to attend a hearing 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, fees and mileage may be paid by the party requesting the witness upon presentation of a duly executed claim against the County.

10.11 DEPOSITIONS

If a witness does not reside within the County or within 100 miles of the place where the hearing is to be held, is out of the state, or is too infirm to attend the hearing, parties thereto at their own expense may cause a deposition to be taken in compliance with the applicable provision of the state rules of civil procedure. If the presence of a witness cannot be procured at the time of hearing, the deposition may be used in evidence by either party or the Commission.

10.12 DUTIES OF THE HEARING OFFICER

At the conclusion of the hearing, hearing officers shall prepare proposed findings of fact and conclusions of law in a form acceptable to the Commission. A copy of the proposed findings and conclusions shall be filed by the hearing officer with the Commission within thirty-five (35) calendar days of the case being submitted for decision. The hearing officer may be requested to be present to assist and advise during the consideration of the case by the Commission.

10.13 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 fourteen (14) calendar days from receipt of the hearing officer's report to file written objections (not post-hearing evidence) to the hearing officer's report. A copy of the written objections shall be provided to the parties.

10.14 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Commission shall, upon receipt of the hearing officer's report and any 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.

10.15 WITHDRAWAL OF AN APPEAL

The appellant may submit a written request to withdraw an appeal to the Director at any time prior to the decision by the Commission. Upon receipt of an employee's written request to withdraw an appeal, the appeal will be considered closed and no further action will be taken by the Commission.

10.16 DECISION BY COMMISSION

A majority of the quorum may adopt the hearing officer's report in its entirety, or modify it, or may itself decide the case upon the record, with or without taking additional evidence.

RULE 11 - CODE OF ETHICS

11.01 CONDUCT AND REQUIREMENTS IN GENERAL

- A. The maintenance of high standards of honesty, integrity, impartiality and conduct by county employees is essential to assure the proper performance of county business and the maintenance of confidence by citizens in their county government. 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.
- B. Employees shall observe the applicable laws and regulations governing participation in political activities and conflict of interest, and shall avoid any discrimination in accordance with Section 17 (Nondiscrimination) of the Resolution.
- C. Employees shall economically utilize, protect and conserve County property entrusted to them. They shall conduct all 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 department which employs them.

11.02 SPECIFIC CONDUCT AND RESPONSIBILITIES

- A. County employees shall not use their official position for personal gain. Public influence and confidential or "inside" information must never be used for personal advantage.
- B. Conflict of interest laws (ARS § 38-501 et seq.) must be observed. Employees must disclose their interest in the official records of the employing department and shall not participate in or vote for any contract, sale, purchase, or service in which they have an interest.
- C. Employees shall not act in a private capacity which may be construed by the public as an official act without prior written approval of their appointing authority.
- D. An employee shall not accept or directly or indirectly solicit 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 employing department, or who has interests that might be substantially affected by the performance or non-performance of the employee's duty. This provision does not prohibit:
 - 1. Acceptance by an employee of food and refreshments of insignificant value on infrequent occasions in the course of a meeting, conference, or other occasion where the employee is properly in attendance.
 - 2. Solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper personal activities of the employee.

3. Acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars and other items of nominal value.
- E. The 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 officially approved activities. All employees have a duty to protect and conserve county property, including equipment, supplies and other property entrusted or issued to them.
 - F. Employees must never permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.
 - G. Employees' official acts must reflect impartiality. All official decisions and actions must be determined by impersonal considerations, free from any favoritism, prejudice, personal ambition or partisan demands.
 - H. No person shall be employed in a position in a reporting line of supervision to a relative of his or her family. In the event an appointing authority determines a relative has been placed in a reporting line of supervision, an appropriate course of action will be determined in consultation with the Director. An employee's spouse, domestic partner, mother, father, sister, brother, son, daughter, in-laws, aunts, uncles, grandparents, grandchildren and custodial person are defined as "relatives" for this purpose.
 - I. Employees shall notify the appointing authority in writing of any outside employment. Employees shall not engage in outside employment or other outside activity which is not compatible with the full and proper discharge of duties and responsibilities of their county employment, or which tends to impair their capacity to perform their county duties and responsibilities in an acceptable manner.