

RULE 1 - GENERAL PROVISIONS

Section 1. Adoption of Personnel System

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted. The Personnel Rules are not intended to serve as a contract of employment and may be changed as deemed necessary by the City Council.

Section 2. Administration of Rules

- A. Where these rules establish authority for the City Manager, a Department Director or the Human Resources Director to authorize activities, this authority may be delegated to a lower level of authority.
- B. The Human Resources Director shall be responsible for the operational interpretation of these rules whenever there is a question on proper application.
- C. The City Manager shall be the final authority on the interpretation of these rules. Employees may use the grievance procedure if they feel that a rule is being unfairly or improperly applied.

Section 3. Severability

Should any article, paragraph, sentence, clause or phrase of this Resolution or the application of the same to a particular set of persons or circumstances be declared unconstitutional or invalid for any reason, the remainder of such Resolutions shall not be affected.

Section 4. Content of Rules

- A. The Rules shall establish the procedures for governing the Personnel System, including:
 - 1. Preparation, implementation, revision and maintenance of a classification plan covering all positions in the City's service, including employment standards and qualifications for each classification.
 - 2. Preparation, revision and administration of a salary plan directly correlated with the classification plan, providing a rate or range of pay for each classification.
 - 3. Public announcement of job openings and intent to accept applications for employment.

4. Preparation and conduct of examinations and the establishment and use of employment registers containing the names of persons qualified for employment.
 5. Referral of eligible candidates for appointment and appointment of persons.
 6. Performance evaluations of employees during the probationary period and throughout their tenure of employment with the City.
 7. Dismissal, demotion, suspension and rights of appeal.
 8. Transfer, promotion, re-eligibility, and disciplinary procedures for employees in the classified service.
 9. Control of hours of work, attendance and leave of absence.
 10. Working conditions and the enhancement of employee morale, welfare and training.
 11. The establishment of adequate personnel records.
 12. The establishment of a grievance procedure.
 13. Personnel Fact-Finding Group procedures.
 14. Merit System Board Appeals procedures.
- B. Copies of the Personnel Rules shall be available in Human Resources and within each department for review by employees.

Section 5. Classified and Unclassified Service

- A. The employees of the City of Chandler are divided into the classified and unclassified service. The purpose of the classified service is to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management. The classified service is composed of all employees in the service of the City of Chandler, except those listed below. Positions that fall under the following categories are in the unclassified service and are exempt from these Rules unless specifically included:
1. Elected officials.
 2. Members of board and commissions.
 3. City Officers directly appointed by the City Council
 - a. City Attorney
 - b. City Clerk
 - c. Presiding City Magistrate
 - d. City Manager
 - e. City Magistrates
 4. Volunteer and Reserve employees.

5. Employees who are given a temporary appointment.
 6. Employees in unclassified staff positions as determined by the City Manager.
- B. Appointees and employees under categories 2 through 6 of the unclassified service serve in an at-will capacity and their employment is subject to termination by the City at any time for any lawful reason, unless otherwise specifically provided by law or in a written contract of employment.
 - C. The appeal provisions of these rules do not apply to any official, appointee, or employee in the unclassified service.
 - D. Appointees under categories 2 and 3 of the unclassified service serve at the pleasure of the City Council as determined by the City Charter.
 - E. Employees under categories 4 and 5 of the unclassified service serve at the pleasure of the Director of the Department in which they are employed.
 - F. Category 6 of the unclassified service consists of executive level staff positions determined by the City Manager to require strict accountability due to the importance of the positions to the overall management of the City. Employees under category 6 of the unclassified service serve at the pleasure of the Council appointee to whom the unclassified employees report and are subject to all City rules except Rule 5, Disciplinary & Appeal Procedures; Rule 6, Section 4, Return to City Employment; Rule 12, Probation; and Rule 14, Section 3, Lay-off.
 - G. Positions occupied at the time they are designated by the City Manager to be in the unclassified service shall convert to at-will status only upon being vacated and newly filled.

Section 6. Exempt and Non-exempt Employees

Each class specification shall designate if employees in that classification are exempt or non-exempt from the Fair Labor Standards Act (FLSA). This designation shall be entered on the class specification as approved by the City Manager. In addition to those classifications designated as exempt, those positions listed in Section 5.A. (1), (2), and (3) of this Rule are also exempt from compensation for overtime.

Section 7. Human Resources Director

The City Manager shall appoint a Human Resources Director. The person appointed by the City Manager as Human Resources Director shall serve those functions of the personnel officer for the City as required by the City Charter. The Human Resources Director shall administer the Personnel System of the City and shall:

1. Publish or post notices of recruitment for positions in the classified service, and if deemed necessary for those positions in the unclassified service listed in Section 3, paragraphs A (4) and (5).

2. Receive applications, prepare and conduct examinations and certify to the Department Director lists of persons eligible for appointment.
3. Serve as President of the Personnel Fact-Finding Group.
4. Serve as Secretary of the Merit System Board.
5. Administer all the Merit System provisions of the City Charter and of the Personnel Rules not specifically reserved to the City Council, City Manager or the Merit System Board.
6. Prepare and recommend to the City Manager revisions and amendments to the Personnel Rules. The City Manager shall approve such rules and amendments prior to their submission to the City Council for final approval.
7. Prepare a classification plan, including class specifications, and provide for revisions of the plan. The plan and any revisions shall become effective upon approval of the City Manager.
8. Prepare a salary plan, and provide for revisions of the plan covering all classifications of the classified service. The plan and revisions of the plan shall become effective upon approval of the City Manager.
9. Serve as Secretary to the Employee Council.
10. Perform such other duties as may be assigned by the City Manager not inconsistent with the City Charter and these Rules.

Section 8. Adoption and Amendment of Rules

The City Manager shall present to the City Council Personnel Rules to be adopted. Amendments and revisions may be proposed by the City Manager and will be effective upon review and approval of the City Council. All amendments to the Personnel Rules shall be referred to the Employee Council as provided in Rule 19.

Section 9. Appointments

- A. Appointments to vacant positions in the City service shall be made in accordance with these Personnel Rules. Initial employment and promotions shall be based on merit and fitness, to be ascertained as far as practicable by competitive recruitment.
- B. Unless specifically retained by the City Manager, authority to make appointments to regular budgeted positions, to temporary positions, and of Reserve Firefighters and Reserve Police Officers, is delegated to the appropriate Department Director who may make the appointment.

Section. 10. Affirmative Action

The City shall strive to develop and maintain an informational program designed to inform the general public, and female, disabled and ethnic organizations, of the equal employment policies and program efforts of the City. The goal of the City is to devise recruitment, training and career advancement programs that will result in a representation of females, disabled individuals and members of various ethnic groups in City employment equal to the local labor force.

Section 11. Improper Political Activity

- A. Every officer, employee, council appointee, elected person or persons seeking office to any appointed or elected position or office shall adhere to the provisions of the City Charter relating to improper political activities.
- B. No employee shall use, threaten to use or attempt to use political influence for any person in securing employment benefits or advantages.
- C. Nothing herein shall be construed to prevent the Mayor, City Council or any candidate for Mayor or City Council from participating in any political activity not expressly prohibited by this section.

Section 12. Outside Employment

- A. Outside employment of any employee shall not be permitted unless approved in writing by the Department Director prior to the commencement of the outside employment. Such approval shall not be given if it is determined that the outside employment is likely to be incompatible with City service. For purposes of this rule, outside employment includes self-employment.
- B. Outside employment that is incompatible with City service includes, but is not limited to, the following:
 - 1. Any employment which would physically or mentally hamper the employee in his or her ability to do the job required by the City.
 - 2. Any employment which would bring discredit on the City service or the employee.
 - 3. Any employment which would conflict with the employee's duties as a City employee.
 - 4. Any employment which would require the employee to work hours that conflict with the employee's City work schedule or would require the City to incur overtime obligations to another employee due to employee's unavailability.
 - 5. Any employment in which the employee receives compensation from anyone

other than the City for rendering services ordinarily performed within the course and scope of the employee's City employment.

6. Any employment in which the employee receives compensation for performing personal services for the City other than those ordinarily provided in the capacity in which the employee is employed by the City.
 7. Any employment which requires the employee to perform any activity that is subject to the control, review, audit, inspection, or enforcement by the employee or the City department or division in which the employee is employed or assigned.
 8. Any employment which detrimentally affects the employee's attendance at or performance of his/her City job, including employment which deprives the employee of a sufficient amount of rest before reporting to his/her City job.
 9. Any employment in which the employee is involved in any way in marketing to or soliciting business from the City.
 10. Any employment with an entity or organization from which the City procures goods or services or with which the City has a lease or other contractual agreement. The Department Director may determine such employment to be compatible with City service if the proposed employer has more than 10 employees in the Phoenix metropolitan area; the City employee will have no role in the management, control, or marketing of the outside employer; and the employee has no greater interest in any business conducted with the City than any other employee of the outside employer.
- C. All requests for approval to engage in outside employment shall be reviewed by the Human Resources Director, or designee, for potential incompatibility with the employee's City service. The Human Resources Director has authority to grant an exception and approve outside employment described under subsection B of this Section if, after consideration of the relevant facts, it is determined that such employment is compatible with City service. A decision by the Human Resources Director regarding outside employment does not affect an employee's working conditions and is not grievable or otherwise appealable.
- D. Approval to engage in outside employment may be subject to specific written conditions imposed by the Department Director, the violation of which shall result in immediate revocation of such approval. A copy of the written approval and any related conditions shall become part of the employee's personnel file.
- E. An employee shall request renewal of the approval to engage in outside employment every two years. The employee shall report to his or her Director any change in the scope, duties, or conditions of the employee's outside employment within ten (10) days of the effective date of such change.

- F. Approval of an employee's outside employment may be revoked at any time by the Department Director or City Manager if it is determined that the employee's outside employment is incompatible with City service.
- G. The denial or revocation of approval for outside employment is not subject to appeal or grievance under these rules or any memorandum of understanding.
- H. Approval to engage in outside employment shall be suspended for any periods during which the employee is on continuous medical leave, industrial leave, Family and Medical Leave (FMLA), or Short-Term Disability (STD) leave.
- I. Outside employment activities shall not be conducted at any time during the employee's on-duty work shift or on City property. No City property or equipment shall be used for outside employment purposes at any time. This restriction includes computer hardware and software, email, Internet, copiers, faxes, typewriters, word processors, calculators, office equipment and supplies, telephones, pagers, vehicles, heavy equipment, furniture, buildings and facilities.
- J. The approval requirements of this rule do not apply to work assignments performed by officers of the Chandler Police Department under the Extra Duty Program. Eligibility for Extra Duty work assignments will be suspended for any periods during which an employee is on continuous medical leave, industrial leave, Family and Medical Leave (FMLA), or Short-Term Disability (STD) leave.

Section 13. Employee Contracts with the City

No employee in the classified service shall be allowed to contract with the City in any way.

Section 14. Right to Contract for Special Services

The City Manager shall consider and make recommendations to the City Council for approval regarding the extent to which the City should contract for the performance of technical services in connection with the administration of the Personnel System.

Section 15. Loyalty Oath

Every officer and employee of the City shall take and subscribe the oath or affirmation as prescribed by State law, including those listed in Rule 1, Section 5A, (4) and (5).

Section 16. Administrative Adjustments

The Human Resources Director may correct a manifest error or a clear inequity affecting an employee or an applicant for employment.

Section 17. 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 agency by any officer or employee of the City of Chandler, such notice, paper or document may be personally served or it may be served by certified mail to the last known residence or business address of the addressee. Service is complete upon mailing.

Section 18. Pilot Projects

The City Manager may implement temporary pilot projects to improve human resource management. The projects may include activities or procedures that are not in accordance with the Rules, for the purpose of determining the feasibility or effectiveness of such activities or procedures and may not exceed 12 months in duration. Pilot projects must conform to the federal standards for a Merit System of Personnel Administration.

Section 19. Critical Employment Needs

If the City Manager determines that essential public services are being hampered by critical employment needs for a specific class or classes, the City Manager may implement appropriate temporary procedures to satisfy those needs. Such procedures may vary from the provisions of Rules 8, 9, 10 and 11; however, candidates appointed to positions through these temporary procedures must meet the qualifications for the position as determined by the Human Resources Director.

Revised August, 1984 – Resolution No. 1259
Revised December, 1989 – Resolution No. 1778
Revised August, 1999 – Resolution No. 3401
Revised November, 2013 – Resolution No. 4728
Revised September, 2014 -- Resolution No. 4762
Revised May, 2015 – Resolution No. 4847