

# **Yuma County Intergovernmental Public Transportation Authority Personnel Policy Manual**

**Effective:  
July 1, 2012**

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Effective December 1, 2011  
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## **I. PREFACE**

The objective of the Yuma County Intergovernmental Public Transportation Authority, hereinafter referred to as “YCIPTA”, is to operate, manage and maintain a public transit system in Yuma County.

The purpose of the Personnel Policy Manual is to guide YCIPTA staff. These policies should cover most operations. However, other specific details not covered shall be first discussed with the Transit Director and, if necessary, brought to and resolved by the Personnel Subcommittee of the Board of Directors.

Nothing in this policy or any other policy, procedure, booklet, manual or other document issued by or through YCIPTA creates or manifests a contract with an employee unless the document expressly states that it is intended as a contract and is signed by the Transit Director. The Board of Directors retains the right to change any policy, rule or regulation affecting the terms and conditions of employment with YCIPTA at its own discretion, with or without employee consent.

### **A. General Provision**

**A. Delegation of Authority.** Unless otherwise stated in these rules, the Transit Director may delegate any authority granted to the Transit Director in these policies.

**B. Availability of Funds.** The granting of any compensation in these rules is contingent upon the availability of funds, as determined by the Transit Director and the Board of Directors.

**C. Conflict with Federal Requirements.** The provisions of the Federal Hatch Act shall be applicable to these rules, and any provision of these rules which conflicts or is inconsistent with federal rules, regulation or standards governing the granting of federal funds to an agency shall not be applicable to such agency and the rules and regulations under applicable Federal Office of Management and Budget (OMB) guidelines shall be used.

**D. Service of Notice.** If any notice or document is to be given to any person or agency, the notice or document may be served personally or mailed to the last known residence or current business address of the addressee. Unless otherwise provided by law or these rules, service is complete upon mailing.

**E. Correction of Errors.** YCIPTA may correct a manifest error in these policies as necessary.

**F. Disclosure of Information by Public Employees.** Arizona Revised Statutes (A.R.S.) § 38-531 and 532 shall apply to employment with YCIPTA.

## II. SELECTION OF STAFF

**A. Selection** – The Transit Director shall be appointed by and serve at the pleasure of the YCIPTA Board of Directors. YCIPTA staff shall be hired and discharged by the Transit Director.

YCIPTA is an Equal Opportunity Employer and YCIPTA fills vacancies by selecting current employees to fill vacancies or by advertising outside YCIPTA. In all cases, YCIPTA seeks applicants who are the most qualified for the job, and considers merit, fitness, efficiency, character, conduct, as well as the needs of YCIPTA.

Temporary or contract positions of less than one year duration may be filled with a temporary YCIPTA employee, may be advertised externally, may be filled by an applicant from a previous job search or by a former employee, without an internal posting requirement. All other employment policy processes still apply.

Competitive recruiting consists of posting announcements at the Yuma County Human Resources Department and by providing information on vacancies to other agencies and by posting on the Yuma County and YCIPTA Human Resources employment web page and job line. The opening date shall commence on the date the announcement first appears on the Yuma County and YCIPTA Human Resources employment web page. If less than three (3) qualified applicants, the Transit Director may select from among those certified or may reopen recruitment efforts.

The public announcement of vacancies shall specify the official title, salary range, and typical duties to be performed or where this information may be obtained, salary range, minimum qualifications, any special qualifications, the final date for receipt of applications or a statement of open continuous application, and the method of application.

All applications shall be on an official Yuma County or YCIPTA Employment Application. Applications must be filed with the Yuma County Human Resources Department or as otherwise designated in the announcement on or before the filing date specified in the announcement.

Applications for open continuous position vacancies may be filed at any time.

It is the policy of YCIPTA to employ only those individuals entitled to work in the United States (U.S.). Proof of U.S. citizenship or authorization to work in the U.S. is required of all employees. YCIPTA participates in the e-verify program.

- B. Interview and Evaluation** - YCIPTA uses an interview process to select employees. The Transit Director or designee selects those applicants to be interviewed who are best suited for employment with YCIPTA. A panel selected by the Transit Director or designee, generally conducts an initial interview. This panel typically consists of staff members but may also include non-staff members. At its discretion, YCIPTA may prescreen applicants by telephone interviews. The interview panel may determine eligibility by means of testing, discussion, and rating of the applicants. The Transit Director or designee may conduct a second interview at their discretion or may participate in the initial interview.

After the list of eligible applicants is established, anyone hired by YCIPTA is hired from this list. The managing supervisor may in his/her discretion, recommend to hire no one on the list, and either re-advertise the position or leave the position vacant. The Transit Director or designee approves all final hiring recommendations.

All applicants must possess good character and physical and mental ability to perform successfully the duties of the position. Applicants may be required to furnish, at their own expense, evidence of character, education, physical condition, or other qualifications which are job related.

Preference points authorized by Arizona Revised Statutes (A.R.S.) § 38-492 will be added to any applicant's score after the final rating is determined, provided that a passing grade or rating is earned without the addition of such preference points. Such preference points shall not be applied to promotional evaluation procedures.

All interviews shall be conducted in person unless a candidate resides 50 or more miles from the interview site in which case the interview may be conducted by telephone.

YCIPTA shall check references and investigate a candidate's background, education, or work history.

- C. Employment of Relatives** - The provisions of A.R.S. § 38-41, as amended by Laws 1982, Chap. 229, § 23, and as may be amended in the

future, relating to employment of relatives shall apply at all times to all positions within YCIPTA. Relatives shall not be employed in positions where one is in the supervisory chain of the other. Employees who become relatives after appointment shall not continue to be employed in violation of this policy. One of the two employees must be appointed to an appropriate vacancy in accordance with these rules or resign.

**D. Interview Expenses** – Interview expenses must be approved by Personnel Subcommittee of the YCIPTA Board of Directors in order to secure reimbursements are subject to Internal Revenue service (IRS) regulations, related to the applicant's travel, lodging, meals, local transportation and associated reasonable tips and fees. Any other expenses are not covered by this policy. Reimbursement expenses may be authorized to applicants for their first and subsequent interview, not to exceed \$600.00 unless approved by the YCIPTA Board of Directors. YCIPTA shall explain the reimbursement process, provide forms, collect receipts and submit reimbursement request on behalf of the applicant for processing. Only executive level positions within YCIPTA shall be eligible for reimbursement on interview expenses.

**E. Relocation Expenses**– A Relocation Agreement must be completed and approved by the YCIPTA Personnel Subcommittee for the Transit Director position in order to secure reimbursements. Reimbursable expenses are expenses, subject to IRS regulations, covering only employee travel, food and lodging, packing, transportation, storage and unpacking of household goods and up to two vehicles (non-recreational). Any other expenses are not covered by this policy. Covered employee is any new hire moving to Yuma County from another State or Country, subject to IRS provisions covering distance to the new location, which is hired to work for YCIPTA as a regular employee.

IRS regulations require that all relocation expenses paid to an employee, or on behalf of the employee, must be reported as compensation. Accordingly, all such amounts will be included in the employee's taxable earnings on his/her W-2 for the year in which payment is made. Certain moving expenses may be allowed as a deduction. However, to the extent that the moving expenses are not deductible, or are in excess of deduction limitations, the employee will generally incur additional income taxes as a result of the reimbursement. Covered employees are responsible for paying their own taxes and seeking advice from their own tax advisor on reimbursements received from YCIPTA. Reimbursement expenses may be authorized up to \$3,000.00. Any amounts greater than provided above must be approved by the YCIPTA Board of Directors before being authorized to the applicant.

YCIPTA shall explain the reimbursement process, provide forms, collect receipts and submit reimbursement request on behalf of the applicant for processing. A Relocation Agreement form must be completed by the prospective Transit Director prior to any offer of assistance is made.

Once approved by the prospective Transit Director and Chairman of the Board of Directors, Human Resources will contact the prospective employee and explain the relocation process. Human Resources will also send the Relocation Agreement and a copy of this Relocation Policy to the prospective employee for their signature approval. The Relocation Agreement will be in effect on the date it has been received by Human Resources from the prospective employee.

Only the following expenses are reimbursable: All expenses associated with the packing, loading/unloading, transportation, unpacking, and storage (up to one year) of household goods in Yuma County; charges for disconnecting, connecting major gas and electrical appliances, telephones/DSL; insurance premiums for household goods during the move and storage process; temporary living expenses for up to 45 days (meals, lodging, laundry, reasonable telephone charges and associated reasonable and customary gratuities); travel between the employee's old place of residence and Yuma County for one (1) home visit after starting work, a maximum of two (2) house hunting trips for the employee (and spouse), and the actual move itself.

Reimbursement expenses are not to be authorized for the following: Trailers, recreational vehicles, aircraft, or boats; any costs incurred as a result of the sale, purchase or alterations of the employee's residences; transportation of household goods from storage to the new home; transportation of livestock; perishables (food and non-food items); house plants; transportation of illegal items/substances; piano or organ tuning; deposits made on rental property and utilities; mortgage rate differentials; loss of school tuition or disposal of memberships in clubs; license plates, driver's license, or school transfer fees; purchase of a new TV or FM or radio antenna and/or satellite dish; boarding of pets; private mortgage insurance; any other item not expressly provided for above.

Relocation expenses shall be planned for and approved during the annual budget planning process.

### III. AFTER EMPLOYMENT BEGINS

- A. Probation** - All new YCIPTA employees shall serve in an initial review period during the first six (6) months of hire. Employment beyond six (6)

months shall be upon satisfactory performance of job duties and review by the Transit Director.

- B. Reinstatement and Re-Employment** – The Transit Director shall require a former employee who is reinstated or re-employed to complete an original probation regardless of the classification.
- C. Demotion** - A demoted employee shall not be required to serve a probationary period in the position to which demoted.
- D. References** - YCIPTA maintains a neutral reference policy. Unless compelled to do so by state or federal law, YCIPTA does not release employment information other than the fact of employment, the date(s) of employment, the position, and the salary range for that position. All questions regarding references should be directed to the Transit Director.

#### IV. SALARIES AND EMPLOYEE CLASSIFICATION

The salary and job classification schedule adopted by YCIPTA Board of Directors shall establish the salary of each employee at the time of hiring, and as amended thereafter by YCIPTA Board of Directors. Payroll functions for YCIPTA are provided by Yuma County Financial Services Department.

Employee classification determines how an employee will be paid, whether you receive overtime pay, and the kind/level of benefits received. YCIPTA determines employee classifications based on job descriptions and the nature of the work performed, consistent with the Fair Labor Standards Act (FLSA) and complies with federal and state non-exempt status. All employees are classified as exempt or nonexempt, based on positions and the work actually performed.

- **Exempt Employees** hold executive, administrative, professional, or other specific exempt positions. These employees are generally paid a salary. This salary is an exempt employee's compensation, regardless of the number of hours worked. They do not earn overtime, and are expected to work as many hours as necessary to fully meet their responsibilities. The Transit Director falls in this category.
- **Nonexempt Employees** perform work that does not qualify as exempt work according to the Fair Labor Standards Act and Arizona law. These employees generally earn an hourly wage, and they are entitled to overtime pay for approved work performed over eight hours in one calendar day (if paid at a rate of less than 1 ½ times the minimum wage), or 40 hours per week.

- **Probationary Employees** are those employees who are working within their probationary period, whether *initial* or promotional. The probationary period is used to evaluate performance and fitness for the position. The probationary period is six (6) months. Probationary employees are eligible for benefits offered by YCIPTA with some limitations for initial probationary employees.
- **Regular Full-time Employees** are those who are assigned to work a regular schedule of 40 hours per work week and whose work assignments do not have a specific ending date. These employees may be exempt or non-exempt. Full-time employees are eligible for benefits offered by YCIPTA.
- **Regular Part-time Employees** are those who are assigned to a regular work schedule that is less than 40 hours per work week and whose work assignments do not have a specific ending date. These employees may be salaried or hourly. Part-time employees who work over twenty hours per workweek are eligible for full health care benefits and some other benefits on a pro rata scale based on the percentage of hours worked in a workweek in relation to a full time employee.
- **Temporary Employees** are those employees who are assigned to work for a specified period of time. YCIPTA hires these individuals based on assessed YCIPTA needs. These employees are not eligible for YCIPTA benefits.
- **Seasonal Employees** are temporary employees who work seasonally and may be rehired without going through the interview process.
- **Independent Contractors and Consultants are not Employees** but are independent agents who perform specific work according to their agreements with YCIPTA. They are not eligible for YCIPTA benefits.
- **Limited Contract Employees** are hired to fill a specific short-term need based on a grant or other specific funding. They do not need to apply to a posted position and may or may not, be subject to an interview panel. Their contract is for a specific amount of time and is generally a minimum of a year in length. They are eligible for benefits, including participation in the retirement plan after six months of service.
- **Paid Interns** are those employees who have applied for and been accepted to work for a limited amount of time, generally for less than a year, in a training capacity in relation to a degree related curriculum. These employees are not eligible for YCIPTA benefits.

- **Unpaid Interns** are those individuals who are receiving training through an approved educational internship program with an educational institution. They do not receive any compensation nor benefits other than credit at their educational institution

## V. ASSIGNMENT OF DUTIES

- Job Description** - At the time of hiring, an employee shall be provided a job description of the position's responsibilities for which he/she is being hired. Job duties may be expanded or changed after employment by the Transit Director or other immediate supervisor. The employee may request a review by the Transit Director of any matter relating to his/her employment at any time.
- Annual Review** - Each year the Transit Director will provide an Annual Employee Evaluation Form for each employee; the completed form will be discussed with the employee and placed in the employee file after the end of the review. Any pay increases will be discussed during the annual review in accordance with the step scale for the salary range of that position.

## VI. WORK HOURS

- Standard Work Week** - YCIPTA employees work week shall consist of forty hours a week for full time employees, with a one hour lunch period, and rest periods in the middle of the morning and middle of the afternoon for 15 minutes. The operating days and hours for YCIPTA administrative offices are subject to change by the Transit Director based on demands of YCIPTA.
- Flexible Work Hours** may be authorized by the Transit Director as necessary by the nature of the work to be performed, or upon request by an employee.
- Compensatory Time** – The Transit Director, and such other employees directly appointed by the YCIPTA Board of Directors will not be credited with compensatory time, or receive direct remuneration for hours worked overtime. Other YCIPTA employees may at times be required to work non-standard office hours and may be required to work more than the standard forty (40) hour work week. These employees may be granted compensatory time off for the overtime services performed based on an hour's compensatory time for each hour of overtime worked. Compensatory time shall be taken at a time mutually agreed upon between the employee and his/her supervisor.

- D. **Overtime Pay** - Approval of overtime work. All work in excess of 40 hours per week or in excess of an established work period must be approved by the Transit Director for any non-exempt position. The Transit Director shall determine exemptions in accordance with the Fair Labor Standards Act, 29 U.S.C. Section 201, incorporated by reference herein and on file. Additional pay is at the rate of one and one-half times the employee's regular rate for each excess hour worked.
- E. **Non-Covered Employees and Exempt Employees** are not covered by the Fair Labor Standards Act (FLSA). Non-Covered employees include the Transit Director and any position designated by the Transit Director that is executive, administrative, and professional in nature. Exempt employees are exempted by certain provisions of the Fair Labor Standards Act (FLSA) and do not have to be compensated for overtime when they work more than 40 hours in a work week. These exemptions are based on specific job descriptions and duties of the employees involved and apply regardless of the nature of the employer's business. FLSA regulations on exemptions also require that the employee be paid on a salary basis (rather than hourly) and specifies a minimum salary for the employee to qualify for the exemption.
- F. **Attendance** - YCIPTA depends upon its employees to report to work regularly and on time. YCIPTA defines absences as "not reporting for work" and/or "not remaining at work as scheduled." Absences may be excused or unexcused. Medical absences are considered to be excused, but YCIPTA reserves the right to require a doctor's certificate for medical absences for more than two consecutive days or more than three days in any three month period.

If you know you must be absent or late, you must notify your supervisor or the Transit Director or designee, no later than one hour after the start of your workday, or as far in advance as possible. In the event of illness, emergency or accident, the employee, or representative of the employee, must notify the supervisor or the Transit Director or designee, no later than one hour after the start of the work day or as soon as possible, and each day thereafter that you will be unable to report to work, unless on an approved leave of absence. If this procedure is not followed, YCIPTA may consider the absence unexcused and take appropriate disciplinary action.

Excessive unexcused absences or tardiness for non-exempt staff is defined as more than three instances in a three-month period. Excessive unexcused absences for exempt employees are defined as more than three instances in a three-month period. Unexcused or excessive absences or tardiness will result in discipline, as will any instance of untruthful reporting.

## VII. TRAVEL

Any YCIPTA employee shall receive reimbursement for expenses incident to required travel to accomplish YCIPTA duties equal to actual necessary expenses of travel, including airline, taxi/transit/shuttle, car expenses, lodging, and meals, parking, and internet access. If travel is beyond Yuma County, the employee shall receive the IRS rate for each mile of necessary travel accomplished through use of a privately owned vehicle. Non-exempt employees required to travel to accomplish YCIPTA duties shall receive reimbursement for expenses in compliance with A.R.S. § 38-621 through 38-626. Prior written approval authorizing reimbursement for travel must be received from the Transit Director.

## VIII. PAY PERIODS

YCIPTA employees will be paid each two weeks, with 26 pay periods per year. Regular paydays will be on Friday following the end of the pay period. Paid period begins on Monday and end on Sunday. Employee contributions to Social Security, benefits, federal income tax, state income tax, retirement, and related withholdings shall be deducted each pay period. Other withholdings may be authorized by the employee as well as instructed to the Transit Director. Employees shall report their time weekly to the Transit Director by 8:30 am on Monday.

## IX. HOLIDAYS

The following are paid holidays for which, if falling within the normal work week, the employee will be excused from duty:

- New Year's Day – January 1
- Dr. Martin Luther King Jr. Day – Third Monday of January
- Washington's Birthday – Third Monday of February
- Memorial Day – Last Monday of May
- Independence Day – July 4
- Labor Day – First Monday of September
- Veterans' Day – November 11
- Thanksgiving Day – Fourth Thursday of November
- Day following Thanksgiving Day – Fourth Friday of November
- Christmas Day – December 25

The Governor of the State of Arizona may proclaim other days as legal holidays. When a holiday falls on Sunday, it is observed on the following Monday. When a Holiday occurs on a Saturday, it is observed on the preceding Friday.

Any other “irregularities” in the holiday schedule will be resolved by the Transit Director.

**X. LEAVE OF ABSENCE**

**A. Paid Time Off**

1. Paid time off (PTO) provides employees flexibility and responsibility to manage their PTO for vacations, personal or family illness or injury; medical and dental appointments; personal business; and holidays not observed by YCIPTA.
2. PTO leave includes all periods of approved absence with pay, which are not chargeable to another category of leave.

**3. Pay Period Accrual Rates:**

- a. All eligible employees will accrue PTO leave as defined below beginning from the date of employment.
- b. PTO leave will be accrued during any paid leave of absence.
- c. Employees may not utilize leave without pay if they have available PTO leave, unless the time off without pay is a result of tardiness.
- d. The following schedule of accrual rates for PTO leave is based on the years of credited service.
- e. Pay period accruals shall occur at the end of each pay period.

| <b>Years of Completed Service</b> | <b>Hours per Pay Period</b> | <b>Approximate Days Per Year</b> |
|-----------------------------------|-----------------------------|----------------------------------|
| 0-1                               | 7.385                       | 24                               |
| 2-3                               | 7.692                       | 25                               |
| 4-9                               | 8.615                       | 28                               |
| 10-15                             | 9.538                       | 31                               |
| 16-20                             | 9.846                       | 32                               |
| 20 and up                         | 10.154                      | 33                               |
| Transit Director                  | 10.154                      | 33                               |

f. Regular and probationary employees shall accrue PTO leave on the basis of the number of hours worked in the pay period at the following rates:

- 72 or more hours 100% of base rate
- 56 to 71 hours 75% of base rate
- 40 to 55 hours 50% of base rate
- 39 or less hours 0% of base rate

4. Part-time employees who work one-quarter time, one-half time, or three-quarters time will accrue a proportional amount of annual PTO leave. Part-time employees who work a percentage of full-time other than one-quarter time, one-half time, or three-quarters time will accrue PTO leave at the next lower rate.

5. Seasonal, temporary, emergency, clerical pool employees, and part-time employees who work less than one-quarter time, do not accrue PTO leave.

6. Eligible employees accrue the appropriate number of hours of PTO leave on a pay period, as determined by the Transit Director. Accrued PTO leave is credited on the last day of the pay period in which earned, provided the employee has been in a pay status for at least one-half of the employee's working days in that pay period.

7. **Credited Service**

a. The date of the beginning of credited service is the first day of the first complete pay period worked.

b. All current and previous periods of eligible service as an employee of YCIPTA shall be counted as credited service.

c. Military leave taken pursuant to A.R.S. § 26-168, 26-171, or 38-610 shall be counted as credited service.

d. Active military service of an employee who is restored to YCIPTA employment is not a break in service and shall be counted as credited service.

8. **Use of PTO Leave** - PTO leave may be taken at any time approved by the Transit Director. PTO leave shall not be advanced to an employee.

- a. PTO leave may be used for scheduled or unscheduled absences for a sick reason as defined below:
  1. Illness, injury or other medical condition which renders the employee unable to perform the duties of the position.
  2. Illness, injury, medical condition evaluation procedure, or treatment by a licensed health care professional of an employee's immediate family.
  3. For the purposes of this section, immediate family shall be defined as employee spouse, son or daughter, parent and/or individual who stands or stood in *loco parentis*, brother, and sister of employee (if domiciled with employee). The term "dependent child" is defined as a natural child, an adopted child, a foster child or a step child.
  4. PTO leave may be used to care for the immediate grandparent of the employee, mother-in-law or father-in-law, but does not qualify under FMLA.
9. The Transit Director shall approve PTO leave requested as a part of Family and Medical Leave (FMLA) for a serious health condition, defined under FMLA.
10. For absences greater than three conservative work days, the Transit Director may request medical verification by a health care provider.
11. The Transit Director has the authority to approve or disapprove PTO leave requested by an employee or may require that the approved PTO leave be postponed or otherwise adjusted for good cause.
12. The Transit Director is responsible for ensuring that all PTO leave is properly used and recorded.
13. PTO leave shall not be charged against an employee's accrued leave balance for an authorized holiday that occurs while the employee is using PTO leave.
14. **Separation** - An employee who separates from YCIPTA shall be paid for unused PTO leave up to 400 hours for benefit eligible

employee and 200 hours for employees who are not benefit eligible at the termination of employment at the current rate of pay. Any PTO leave hours in excess of these hours will be forfeited.

15. **Conversion** – At the time of conversion, all accumulated annual and sick leave will be converted to PTO leave.

## **B. Family Medical Leave Act (FMLA)**

**Purpose:** It is the policy of YCIPTA to comply with the provisions of the Family and Medical Leave Act of 1993 and to provide eligible employees up to 12 weeks of leave within a 12-month period for certain family and medical reasons. YCIPTA is a covered employer under the Family and Medical Leave Act of 1993, Public Law 103-3 [H.R.1]; February 5, 1993, 107 Stat. 6 to 107 Stat. 29. d. An employee's rights under the act are set forth below in summary format. The full text of the FMLA is available from the YCIPTA Transit Director for review by any employee, and the full text and any statutes or rules, which implement the FMLA, shall govern any employee's rights notwithstanding any provision of this Personnel Policy Manual, which may be inconsistent with the FMLA.

1. On occasion you may find it necessary to be away from work because you are ill or you must care for a family member. YCIPTA complies with applicable laws regarding family, medical, and pregnancy leaves. YCIPTA's intention is to grant leaves according to the law in effect at the time the leave is granted, and to grant benefits only to the extent the law requires, unless specifically stated otherwise.

An employee is eligible for FMLA leave if he/she has worked for YCIPTA at least 12 months, has worked at least 1,250 hours during the previous 12 months, *and* works within 100 miles of other YCIPTA employees.

The Family Medical Leave Act of 1993 allows 12 weeks of *paid* or *unpaid* leave for any of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care; or
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition; or
- For the employee's own serious medical condition which makes the employee unable to perform his/her job duties.

If the employee is unwilling to or unable to return to work at the conclusion of the leave, YCIPTA may terminate his or her employment.

2. **Length of Leave** - The maximum time allowed for leave is 12 workweeks in a 12-month period. This leave includes any leave time an employee is allowed because of pregnancy disability

- Entitles an employee up to 12 work weeks in a year of unpaid leave to be with and assist a spouse, son or daughter, or parent, who is called to active duty in the U. S. Armed Forces.
- Entitles an employee up to 26 work weeks of unpaid leave to care for a spouse, son or daughter, or parent, who suffered an injury or illness while on active duty in the U.S. Armed Forces that may render him or her unable to perform the duties of his or her office, grade, rank or rating.

The employee may substitute paid time for unpaid time for the Family Medical Leave.

3. **Request for Leave, Advance Notice, and Certification** - The employee must request leave as far in advance as possible. The employee may also be required to provide medical certification. If an employee does not follow these rules, YCIPTA may deny leave requests, or the request may be delayed. In addition, if the employee has not contacted his/her supervisor at the end of the scheduled leave, YCIPTA will assume that the employee does not plan to return and has terminated employment.

- The employee must give YCIPTA 30 days notice of his/her need for leave if the employee knows in advance. If the employee did not know that leave would be needed 30 days in advance, then the employee must notify YCIPTA as soon as possible.
- YCIPTA requires medical certification if the employee requests leave for his/her own serious medical condition or a family member's medical condition. This certification must be provided within fifteen (15) days of the request unless it is not practicable. YCIPTA may request additional opinions at YCIPTA expense. Employees are expected to cooperate with YCIPTA and the medical providers in obtaining any medical opinions.
- If an employee takes leave for his/her own serious medical condition, the employee must obtain a certification from the

attending health care provider that he/she is able to return to work before reporting back to work.

4. **Job Benefits and Protection** - YCIPTA will maintain and pay for the employee's current health care coverage for up to 12 weeks during any 12-month period. YCIPTA uses a rolling 12-month period to calculate FMLA leave eligibility. An employee will continue to accrue PTO leave during this 12-week period. Under most circumstances, the employee will be restored to his/her original or equivalent position, along with equivalent compensation, benefits, and employment terms. If an employee takes leave under this policy, the employee will not lose any benefit that accrued before the leave began. At YCIPTA's or the employee's option, some kinds of paid leave may be substituted for unpaid leave. If an employee is a "key employee," that employee's reinstatement may be subject to certain limitations. A key employee is defined as "a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 100 miles of the employee's worksite." The Transit Director will advise key employees of possible limitations when the employee makes the leave request.

If an employee elects not to return to work from leave under this policy, the employee will be required to repay insurance premiums paid by YCIPTA unless the employee cannot return to work for reasons beyond the employee's control.

### **C. Other Forms of Leave**

1. **Jury and/or Civic Duties** – Upon substantiated application, an employee shall receive absence with pay as civic duty leave while serving as a juror, complying with a subpoena, voting, or serving as a member of a governmental board, commission, or similarly constituted governmental body.

Except for voting pursuant to A.R.S. § 16-401 (primary elections) or A.R.S. § 16-402 (general elections), an employee granted civic duty leave shall report for duty whenever the employee's presence is not required for the civic duty, unless:

- a. The distance to the work location would preclude timely reporting for the civic duty; or,
- b. The employee cannot return to work at least one hour before the end of the work shift.

An employee who is subpoenaed as a witness by any court or administrative, executive, or judicial body in this state may be absent with pay unless the testimony or evidence to be given relates to the employee's commercial, business, or personal matters.

Employees who are granted civic duty leave when called for jury duty or subpoenaed as a witness shall remit any fees or money received from the Court for such duty to YCIPTA, except for mileage allowance.

An employee serving as a member of a governmental board, commission, or similarly constituted governmental body may be absent with pay while performing official duties with the body.

2. **Military Leave** – An employee who requests absence with pay on military leave pursuant to A.R.S. § 26-168, 26-171, or 38-610 shall submit a copy of the orders for duty with the request for military leave. All state and federal laws for Military leave shall also apply.
  
3. **Industrial Leave** – An employee who sustains a job-related disability that is compensable under the Workers' Compensation Law, Title 23, Chapter 6 of the Arizona Revised Statutes shall be placed on PTO leave. If PTO leave is not available, the employee shall use compensatory leave, if available. After all applicable leave is exhausted; the employee shall be placed on unpaid industrial leave.
  - a. An employee shall use PTO leave in an amount necessary to receive payments (leave payments plus Workers Compensation payments) not to exceed the gross salary of the employee.
  
  - b. If the employee receives a retroactive Workers Compensation payment any period of job related disability, and for that period has received leave payments, the employee shall reimburse the agency of the Workers' Compensation payments, and the equivalent value of leave shall be restored to the employee's appropriate leave account. Finance will reduce the employment taxable wages by the amount of the Workers' Compensation payment.
  
  - c. **Light duty.** In the event of a disability that would impair performance on the former job, the Transit Director shall make every effort to place the employee in a suitable position, as reasonably determined by the Transit Director.

- d. Restriction. PTO leave with pay or leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of A.R.S. § 23-901 to 23-1091.
- e. Health Benefit Plan participation.
  - 1. An employee who is on leave without pay due to a **job-related** disability may continue to participate in the Health Benefit Plan for a maximum of six months by paying the employee contribution.
  - 2. At the end of this six-month period, an employee who remains on leave without pay due to industrial a **job-related** disability may continue to participate in the Health Benefit Plan by paying both YCIPTA and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long Term Disability, whichever occurs first.
- f. *Life Insurance Plan participation* - An employee who is on leave without pay may continue to participate in the Basic Life and Accidental Death and Dismemberment Insurance Plan by paying YCIPTA's premium. An employee who elects to continue to participate in the Basic Plan may also continue any Supplemental coverage which is in force at the beginning of the leave without pay by continuing to pay the premium.
- g. *Disability Income Insurance Plan participation* - An employee who is on leave without pay may continue to participate in the Disability Income Insurance Plan by paying the premium.
- h. *Termination* - The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.
- i. *Accrual of leave* - An employee shall continue to accrue full leave credits as long a as the employee is using two or more hours of leave each day.

**3. Leave Without Pay** – May be allowed for a specific period upon written request to, and approved by the Transit Director.

Leave of absences without pay shall be allowed once for up to 12 months in any consecutive period of five years, except for educational leave, which will be allowed to conform to the period of actual attendance at an accredited institution of higher learning. Limitations shall not apply to military service.

Leave of absence without pay, except in the case of military, shall only be authorized where the Transit Director, determines that such leave will not be detrimental to YCIPTA.

4. **Extended Leave** – When an employee is on leave of absence without pay for any reason in excess of 15 calendar days, except military, or on leave following injuries sustained while performing YCIPTA duties, the anniversary date, and periodic increase date of such employees shall be moved forward in an amount equal to the entire duration of that leave of absence. A leave of absence without pay for 15 calendar days or less will not affect the anniversary date.

Employees reporting to work at the end of an authorized leave of absence shall be employed, if practicable, in the same position, or in another position in the same class held at the start of such leave of absence, provided further, that return to employment will be in accordance with the rules regarding reduction-in-force and all other applicable rules.

The appointment and employment of any person on a position vacated under the provision governing leave without pay shall be temporary under the meaning of this rule, except that the temporary period may be extended to cover the period of the leave of absence by the supervisor, and shall end no later than 30 days after the end of the leave of absence.

5. **Education Leave** - An employee may be sent with pay to participate in a formal educational or training course of study at a college, university, or technical school based on the determination that the leave is in the best interest of YCIPTA. Such training shall be approved by the YCIPTA Board of Directors. See Section X. E. below.
6. **Administrative Leave** – The Transit Director may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Yuma County Board of Supervisors, State of Arizona or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of

publicly-owned or controlled machinery or equipment. The Transit Director may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.

7. **Unauthorized Absence** – An unauthorized leave of absence shall be treated as absence without pay, and in addition, may be grounds for disciplinary action. Upon his/her return, the employee shall give a written statement to the Transit Director, explaining the nature of his/her absence.
8. **Request for Leave** of absence, sick, annual, or any leave listed above must be submitted for approval by the Transit Director prior to absence. In the case of an absence (sick, accident, etc.) where prior notification has not been submitted, proof of such accident must be provided to the Transit Director.

## IX. RETIREMENT BENEFITS

All employees of YCIPTA shall be members of the retirement benefit program of the State of Arizona. YCIPTA shall withhold both the employee and employer contribution to be forwarded to the Arizona State Retirement System (ASRS) at a rate of 50% YCIPTA and 50% Employee.

An optional deferred compensation program is available upon request by the employee. Additional details can be provided by the Transit Director, if interested.

## X. OTHER EMPLOYEE BENEFITS

- A. **Life, Accident, and Disability Insurance** – All employees of YCIPTA may have available life, accident, and disability insurance benefits. Appropriate withholdings will be made.
- B. **Workers Compensation** – YCIPTA provides workers' compensation insurance for all its employees at no cost to employees. This coverage applies to on-the-job injuries and certain occupational illnesses. Eligibility and benefits as determined by applicable law, and may include partial payment of wages or salary and medical treatment.

As workers' compensation benefits do not generally cover full wages or salary, an employee may elect to use accrued sick, vacation, or management leave to make up the difference between workers' compensation and regular wages or salary. Once accrued leave is exhausted, you will receive only workers' compensation.

If you are unable to work due to your work-related injury, you may qualify for leave under the Family Medical Leave Act (FMLA). Please see the Transit Director if you believe that you need FMLA leave.

In the event of a work-related injury, you must contact your supervisor or Transit Director or designee immediately. YCIPTA requires this notification even if the injury seems minor and/or no time is lost from work.

YCIPTA requires this information to ensure that any workers' compensation claim is handled correctly and in compliance with Arizona law. Failure to immediately report a work-related injury may result in disciplinary action.

- C. **Medical Insurance** – All full time employees of YCIPTA shall have available a group medical or other medical insurance program for employees and dependents. Appropriate withholding will be made for this additional insurance coverage.
- D. **Dental Insurance** – All full time employees of YCIPTA shall have available a dental insurance program. Additional coverage for dependants shall be at the employee's expense. Appropriate withholding will be made for this additional insurance coverage.
- E. **Vision Insurance** – All full time employees of YCIPTA shall have available a vision insurance programs. Additional coverage for family members shall be at the employee's expense. Appropriate withholding will be made for this additional insurance coverage.
- F. **Employee Training Opportunities** – All full-time YCIPTA employees shall be eligible for reimbursement for the costs of educational training that pertains to YCIPTA business. Reimbursements allowed include registration fee or tuition and, if out of Yuma County, appropriate travel and related expenses as defined in Section VII herein, provided that
  - a. the requested course is judged by the Transit Director, and approved by the YCIPTA Board of Directors, to be applicable to the work of the employee, and
  - b. the employee provides the Transit Director a written request to take the course, and
  - g. the Board of Directors approves the employee taking the course in advance of the employee's enrollment, and

h. the request is made sufficiently in advance to enable the tuition costs to be budgeted, and

(e) the employee provides the Transit Director evidence that the authorized course was successfully completed with passing grade.

- G. **Employee Assistance Program** - YCIPTA recognizes that many people encounter life situations where outside professional assistance would be beneficial. YCIPTA has an Employee Assistance Program with several goals: to retain valued employees, to restore performance through early problem identification and intervention, to motivate employees to seek help, and to make referrals to outside professionals. If YCIPTA believes that an employee's job performance is affected by mental or emotional problems and/or chemical dependencies, or any other situation that affects the employee's job performance (marital, financial, etc.), YCIPTA may refer the employee to the Employee Assistance Program.

Referral to the program, diagnosis, or treatment does not in itself jeopardize employment. It remains the employee's responsibility, however, to follow all YCIPTA policies and procedures at all times.

- H. **Unemployment Compensation** - YCIPTA provides unemployment compensation to qualifying former employees at no cost to them through the Arizona Department of Economic Security.

- I. **Memberships & Conferences** - It is the policy of YCIPTA to encourage employees to participate in trade and professional associations.

1. YCIPTA may cover the cost of membership fees or dues in professional associations if approved in advance by the Transit Director and YCIPTA Board of Directors.

2. YCIPTA support of attending professional conferences requires the approval of both the Transit Director and YCIPTA Board of Directors. YCIPTA will participate in the cost of attendance at such conferences according to the following principles:

- a. **YCIPTA Time and Expense** - In certain circumstances, with approval of the YCIPTA Board of Directors, YCIPTA will pay expenses and allow administrative leave. Such circumstances might include an employee who has been invited to a conference to present a paper, give a speech or, receive an award, or a conference that is deemed essential to one or more employees.

- b. **YCIPTA Time, Individual Expense** - The Transit Director may grant administrative leave to an employee to attend a professional conference at the employee's expense. In approving such a request, the Transit Director or designee should consider: relevancy, need, reasonableness, other workload, and impacts on other employees.
  - c. **Individual Time and Expense** - The Transit Director may approve vacation for employees who wish to use their vacation time voluntarily to attend a professional conference at their own expense.
  - 1. **Negotiated Terms** - The Transit Director upon concurrence from the Board of Directors and employee may negotiate a cost-sharing arrangement based on options (a), (b), and (c). Example: YCIPTA pays conference fees: employee pays travel expenses.
3. YCIPTA shall pay for membership in professional organizations if such membership is a requirement for employment. YCIPTA shall also pay for any continuing education requirements associated with a required professional affiliation. YCIPTA Legal Counsel shall oversee exclusively the obligation of YCIPTA attorneys to obtain appropriate bar membership and satisfying continuing legal education requirements.

## XI. EMPLOYEE CONDUCT STANDARDS

- A. **Political Activity** – A federal law, the Hatch Act, restricts employee involvement in certain political activities. No solicitation is permitted in YCIPTA offices or facilities for any contribution to be used for partisan political purposes. An employee shall not, at any time, use his/her association with YCIPTA as a basis for influencing decisions in an election. YCIPTA employees are responsible to following the guidelines of the Hatch Act. The act may be viewed at <http://www.osc.gov/hatchact.htm>.

The Hatch Act restricts the political activity of individuals principally programs financed in whole or in part by federal loans or grants. Usually, employment with a state or local agency constitutes the principal employment of the employee in question. However, when an employee holds two or more jobs, principal employment is generally deemed to be that job which accounts for the most work time and the most earned income. YCIPTA uses federal grants for its operations, therefore, all YCIPTA employees fall under the provisions of the Hatch Act.

B. **Nondiscrimination** – No employee of YCIPTA shall discriminate against an individual in violation of A.R.S. § 41-1461, 41-1463 and 41-1464 or in violation of any Federal Law.

C. **Sexual Harassment** – No person within YCIPTA shall violate the policy on sexual harassment as set forth herein. In addition to the steps below, nothing set forth herein shall be construed as depriving any employee of the right to initiate all proceedings seeking relief under any Federal or State laws or this policy. In addition, in the case of employees who are the victims of physical sexual harassment, such employees are urged to contact the appropriate police agencies and seek criminal charges.

1. **Purpose** - The purpose of this policy is to clearly establish YCIPTA's opposition to, and disapproval of, any unwanted actions and advances of a sexual nature arising out of the work place situation.

2. **Policy** - It is improper and against the policy of YCIPTA for an employee to ask for or receive sexual favors from another YCIPTA employee or prospective employee in return for, or as a condition of, granting specific job or duty assignment, or any other action relating to employment.

It is improper for employees to conduct themselves in a manner which creates a "hostile working environment," such as unwelcome sexual advances, requests for sexual favors, visual forms of harassment such as cartoons or drawings, physical interference with normal work or movement, such as blocking, following or touching an employee, verbal harassment such as jokes, slurs, derogatory comments, profanity and obscenity.

3. **Definition of Sexual Harassment** - Harassment based on sex is a violation of Section 703 of Title VII. Unwelcome sexual advances or requests of a sexual nature constitute sexual harassment when:

A. Submission to such conduct is made whether explicitly or implicitly a term or condition of an individual's employment;

B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

A general definition for sexual harassment is any unwanted and/or unsolicited verbal comment, physical contact, gesture, invitation, proposition, demand or related action of a sexual nature which results in favorable or unfavorable employment decisions or creates an intimidating, hostile or offensive working environment.

Jokes of a sexual nature, sexual teases, and vulgar language could all lead to a charge of creating a hostile work environment, which would interfere with an employee's ability to work.

Although some acts prohibited by this policy may not constitute unlawful harassment under state or federal law, employees who feel they are being subjected to prohibited harassment of any kind must bring the matter to the attention of the Transit Director or YCIPTA Personnel Subcommittee.

4. **Violation of Policy** - Violation of this policy shall be grounds for disciplinary actions. Should any grievance proceeding under these rules result in a finding that a violation of this policy has occurred, disciplinary actions shall be commenced immediately under the disciplinary rules, and the grievance proceedings shall be terminated.
5. **Harassment Complaint Procedure** - Any employee who believes that they are the victim of sexual harassment should complain immediately to the Transit Director or the YCIPTA Personnel Subcommittee. Any employee who observes possible acts of harassment in the workplace shall immediately report what they observed to the Transit Director or YCIPTA Personnel Subcommittee. In every instance in which a complaint or report of possible sexual harassment is received by a supervisor or Transit Director, the supervisor or Transit Director shall immediately notify the YCIPTA Personnel Subcommittee.
6. **Harassment Investigation Procedure** - The Transit Director shall immediately, or as soon as reasonably possible, conduct an investigation of any complaint or report of possible sexual harassment whether made directly to the Director or by referral. The Transit Director may designate a qualified investigator to perform the investigative duties, with the report submitted to the Transit Director.

The parties and all witnesses, if any, shall be interviewed and written or recorded statements taken. The Transit Director shall

conclude the investigation and submit written findings and conclusions to the YCIPTA Personnel Subcommittee within fifteen (15) working days of first receiving the report or complaint. The Transit Director shall advise the YCIPTA Personnel Subcommittee if either an allegation or denial is supported by convincing evidence. If in the Transit Director's opinion it is impossible to satisfactorily determine the truth or falsity of the complaint or report, the YCIPTA Personnel Subcommittee shall be advised that the allegation have not been substantiated. If the Transit Director determines that an act of harassment occurred, the Transit Director's report shall also include recommendations as to disciplinary and other remedial action.

7. If action is warranted, the Transit Director shall immediately initiate the same. The Transit Director shall also notify YCIPTA legal counsel with regard to the results of the investigation.

**D. EEOC / ADA / Affirmative Action / Other Federal Requirements –**

YCIPTA is an Equal Opportunity Employer, complies with all Equal Employment Opportunity Commission (EEOC), Americans with Disabilities Act (ADA), Affirmative Action (AA) and other applicable Federal employment related guidelines as set forth by law, and requires YCIPTA to implement all programs deemed necessary to attain compliance.

- E. Drug and Alcohol-Free Workplace -** YCIPTA is committed to providing a safe, healthy, and accident-free workplace. One of the conditions necessary to achieve such an environment is that it be drug and alcohol free. This policy is developed in compliance with the federal Drug Free Workplace Act of 1988, as amended.

YCIPTA is committed to programs that promote safety in the workplace, employee health and well-being, and public confidence. Consistent with the spirit and intent of this commitment YCIPTA has a zero tolerance policy when it comes to the use, possession, or distribution of drugs and alcohol by employees.

The use, manufacture, possession, or distribution of any controlled substance or alcohol by any employee on YCIPTA property or while on YCIPTA business will be grounds for immediate dismissal.

The following activities are prohibited:

1. Reporting to work under the influence of a "prohibited drug," as defined below or alcohol.

2. The use, consumption, sale, purchase, transfer or possession of any prohibited drug by any employee during work hours, on work assignment, in or on YCIPTA property, including YCIPTA vehicles or personal vehicles used for YCIPTA business, at any time.
3. The consumption of alcohol by any employee during working hours, on work assignments, or on YCIPTA property, including YCIPTA vehicles or personal vehicles used for YCIPTA business, at any time.
4. Further, it is a condition of YCIPTA employment that its employees agree to abide by the terms of the policy and to notify YCIPTA of any drug statute conviction no later than five (5) days after such a conviction. Every possible effort will be made to hold such information in confidence with YCIPTA, but such information will have to be reported within ten (10) days of receiving actual notice from the employee to a State or Federal agency if grant or contract funding is involved.
5. Violators of this policy are subject to disciplinary action, up to and including termination of employment. Sanctions may include, but are not limited to a requirement that the employee participate in and successfully complete a drug abuse or alcohol abuse assistance or rehabilitation program and/or a requirement that the employee undergo random drug testing following return to employment. The Transit Director shall make disciplinary decisions, with the concurrence of the YCIPTA Board of Directors. Under federal law, YCIPTA must take disciplinary action against the employee within thirty (30) days of receiving notice of conviction.
6. For the purpose of this policy, "prohibited drug" means marijuana, cocaine, cocaine derivatives, opiates (narcotics), hallucinogens (LSD, mescaline, etc.) phencyclidine (PCP), amphetamines, and any other "controlled substance" as defined in the Controlled Substance Act, 21 U.S.C. 812, Schedule I-V, Sec. 202, except when the use is pursuant to the instructions of a physician.
7. To the extent permitted by state and federal law, all records created or obtained regarding the results of tests conducted under this policy shall remain confidential, and shall be

released only upon the written authorization of the employee or potential employee tested. Medical review officers, legal counsel, and management may review information regarding test results where such review is deemed necessary for insuring the health, welfare, or safety of the public, the employees, or workers. This provision is intended to comply with the requirements regarding confidentiality of medical information under the Americans with Disabilities Act of 1990.

- F. Confidentiality** – Subject to the requirements of A.R.S. § 38-901, confidential information regarding any of the members of the public that YCIPTA serve should in no way be divulged. Divulging confidential information will result in immediate discipline up to and including termination.

Information regarded as personal and confidential, including payroll and other information should be handled carefully. Managers should instruct their staff coming in contact with this information as to what is personal and confidential. Staff must use Confidential envelopes for such materials or write “Personal and Confidential” on the envelopes. Upon receipt of materials marked Personal and Confidential, these materials should be left sealed, to be opened by the individual to whom they are addressed.

- G. Personnel Files** – Subject to the requirements of A.R.S. § 38-901, Personnel files are owned by YCIPTA and maintained by the Transit Director, or designee. Personnel files contain information on the employee's employment and salary history prior to and since their arrival at YCIPTA. YCIPTA acknowledges and supports employee's right to privacy. Access to employment records is carefully protected and particular attention is paid to proper usage of the information.

Personal information like medical records or documents regarding health care benefits or worker's compensation claims shall be kept separately from the personnel files containing the employee's application/resume, performance evaluations, and documentation of disciplinary actions and notices of termination if an employee wishes to review their file, he/she should contact the Transit Director.

1. **Content** - Each employee's official personnel file shall contain:

- a. A copy of the job application for the employee's current position.
- b. A copy of all performance appraisal reports.

- c. A file of personnel actions forms that have authorized changes in employment status, position, classification, pay or leave status.
- d. Letters of commendation.
- e. Insurance records.
- f. Disciplinary actions.

2. **Access** - Subject to the requirements of A.R.S. § 38-901, access to employee's official personnel file shall be limited to:

- a. The employee or any individual who has written permission from the employee to review the personnel file.
- b. Personnel designated by the Transit Director as having a legal need for such information.
- c. Human Resources.
- d. Officials acting in response to court orders or subpoenas.
- e. An official of an agency of the federal government, state government or any of their political subdivisions, but only when it is deemed by the Transit Director of the employing agency as appropriate to a proper function of the official requesting access.
- f. For purposes of subsection (e) of this section, an official is one who provides identification verifying that he is exercising powers and duties on behalf of the chief administrative head of a public body.

H. **Disclosure of Information** - The following information will be provided to any person pursuant to Article 2, Chapter 1, Title 39, and A.R.S. § 23-1361:

- 1. Name of employee.
- 2. Date of employment.
- 3. Current and previous class titles and dates received.

4. Name of employee's current or last known supervisor.

I. **Standard Conduct** - In addition to the conduct prohibited in A.R.S. § 41-770, and other relevant statutes governing public employment, a violation of the standards of conduct listed in subsections (1), (2), and (3) below is cause for discipline or dismissal.

1. **Required Conduct** - Employees shall:

- a. Maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.
- b. Conduct themselves in a professional and ethical manner.
- c. Be courteous, considerate, and prompt in dealing with fellow employees and in serving the public.
- d. Conduct themselves in a manner that will not bring discredit or embarrassment to YCIPTA.
- e. Comply with all federal and state laws and county rules and regulations.
- f. Report knowledge of any damage, theft, or unauthorized removal of YCIPTA property to the immediate supervisor.
- g. Be on time for work and available during working hours and avoiding absences.

2. **Prohibited Conduct** - Employees shall not:

- a. Discriminate because of race, color, religion, national origin, sex, age, disability, veteran status, or political affiliation.
- b. Use their official position for personal gain, or attempt to use, or use, confidential information for personal advantage.

- c. Permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.
  - d. Perform any act in a private capacity which may in any way be construed to be an official act.
  - e. 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 influence the employee's official conduct. This provision does not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value.
  - f. Directly or indirectly use, damage or allow the use of or damage to YCIPTA property of any kind, including property leased to YCIPTA, for other than officially authorized activities. All employees have a duty to protect and conserve YCIPTA property, including equipment, supplies and other property entrusted or issued to them.
  - g. Engage in outside employment or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of YCIPTA employment, or which tends to impair the employee's capacity to perform the duties and responsibilities in an acceptable manner.
  - h. Inhibit an YCIPTA employee from joining or refraining from joining an employee organization.
  - i. Engage in rebellious behavior, insubordination, or any willful disobedience of YCIPTA policies or directives.
  - j. Engage in physical violence and/or threats of physical violence against fellow employees and the public.
3. **Employee Rights** - An employee shall not take any disciplinary or punitive action against another employee which impedes or interferes with that employee's exercise of any right granted under the law or these policies. Any employee who is found to have acted in reprisal toward an employee as a result of the exercise of the employee's rights may be suspended without pay for a period not to exceed 30 days or dismissed. The Transit Director taking disciplinary

action against an employee based on this policy must consult with Legal Counsel before taking action.

- J. **Employee Evaluations** - Regular status employees shall be evaluated at least annually. Probationary status employees shall be evaluated at the end of the probationary period normally at the end of the sixth month.
- K. **Smoking** - YCIPTA does not allow smoking at any time in YCIPTA controlled, leased or owned buildings or within 20 feet of an opening into the building or in YCIPTA vehicles per A.R.S. § 36-06-01.
- L. **e-mail and Voice Mail Use** - The uses of e-mail and voice mail provide many advantages to YCIPTA. They improve productivity and provide the ability to communicate with other employees and outside contacts at virtually any time. The disadvantage is that employees assume that their messages are private, but privacy is not guaranteed. e-mail and voice mail files are like other YCIPTA files and can be used in the discovery process linked to litigation. Additionally, because e-mail and voice mail allow users to respond immediately, many do so without consideration. The potential risk is increased due to the ability to respond so quickly that a person may later regret what was written or said.

All electronic and telephonic communication systems and all communication and information transmitted by, received from, or stored in these systems are the property of YCIPTA, and these systems are to be used for job-related communications only.

E-mail or voice mail shall not be used to transmit vulgar, profane, insulting, offensive messages such as racial or sexual slurs. Prohibited uses of e-mail and voice mail include, but are not limited to, soliciting outside business ventures, advertising for personal enterprises or causes, or soliciting for non-YCIPTA related purposes. This policy does not prohibit personal messages of a social nature that do not contain otherwise prohibited content. Employees are not permitted to use passwords, access a file, or retrieve any stored communication unless authorized to do so, or unless they have received prior clearance from an authorized YCIPTA representative. All passwords are the property of YCIPTA.

Authorized representatives of YCIPTA, from time to time, may monitor the use of such equipment. Such monitoring may include accessing recorded messages and printing and reading data files by YCIPTA employees who are authorized to do so by management.

Employees who violate this policy are subject to disciplinary action up to and including termination.

- M. **Gifts** - No employee may seek or accept any gift, service, favor, employment, engagement, or economic opportunity that would tend to improperly influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her duties.
- N. **Workplace Safety** - Providing safe working conditions are a primary YCIPTA concern. YCIPTA strives to provide a safe workplace and to prevent accidents through staff member training. All employees are responsible for maintaining a safe workplace. YCIPTA encourages employees to make recommendations, suggestions, or criticisms regarding any unsafe conditions. Employees should direct all such comments to their immediate supervisors or Transit Director or designee who are responsible for correcting such problems when feasible, including disciplining employees who create or maintain unsafe conditions, and immediately reporting all reported violations to the Transit Director or designee. The safety and security of our employees is of vital importance. YCIPTA will not tolerate acts or threats of physical violence, including intimidation, harassment and/or coercion that involve or affect YCIPTA or which occur on YCIPTA property.

YCIPTA takes all reports of threats and violence seriously. Any YCIPTA employee who witnesses or learns of threats or a violent act should report it immediately to his/her supervisor. If the risk of physical injury is imminent, the employee should contact a supervisor, a manager, or call 911. Supervisors who fail to report threats or acts of violence will be disciplined, up to and including termination.

The prohibition against threats and acts of violence applies to anyone involved in the operation of YCIPTA, including, but not limited to, YCIPTA employees, contract or temporary workers, vendors, clients, and anyone else on YCIPTA property. YCIPTA will take appropriate disciplinary and/or legal action against anyone who violates this policy.

- O. **Use of Property** - YCIPTA strive to acquire, lease and maintain state-of-the-art facilities and equipment to perform the tasks assigned to us and to make our jobs easier. In order to protect the trust given to us, all YCIPTA employees must know and comply with YCIPTA rules regarding YCIPTA property.

The building, vehicles, desks, file cabinets, telephones, copiers, shredders, books, and stationery and supplies are among the more obvious types of owned or leased YCIPTA property. In this day and age, however, it is important for all employees to recognize that YCIPTA property also includes technical resources such as computers, software,

fax machines, Internet and Web access, YCIPTA intranet, e-mail, voicemail, and electronic bulletin boards, whether leased or purchased. Employees should have no expectations of privacy regarding the use of these resources and YCIPTA may inspect or oversee any of these items at any time.

All YCIPTA property is to be used for YCIPTA business only. YCIPTA property may not be used for personal matters or to advance individual concerns. The only exceptions to this rule are that employees may make non-toll personal telephone calls, write personal emails and use the Internet on their breaks and lunch. YCIPTA property is not considered the private property of any employee, and YCIPTA will monitor its use to ensure compliance, and reserves the right to discipline those who violate the policy.

In the event of unexplained losses or damage to YCIPTA property, YCIPTA expects its employees to participate in the investigation process and any program to reduce loss and damage. Employee participation in investigations is mandatory, and failure to participate in good faith may result in discipline up to and including discharge.

## XII. TERMINATING EMPLOYMENT

- A. **Termination** – Each new employee shall serve a probationary period for six (6) consecutive months, at the end of which the employee's employment shall be considered permanent. Any probationary or permanent employee may be discharged, suspended, or demoted for cause, or when the work of YCIPTA no longer justified a continuance of the position he/she holds, or when a staff reduction is required by budget considerations. The reason for discharge of a permanent employee shall be presented to the employee in writing at least ten (10) working days prior to the effective date of termination. Permanent employees of the YCIPTA have the right of appeal to the YCIPTA Personnel Subcommittee within ten (10) working days of receipt of such termination notice, provided the employee thinks cause for such action to be arbitrary or capricious.
  
- B. **Resignation** – If an employee plans to terminate employment with YCIPTA, he/she should give at least ten (10) working days advance notice, unless lesser notice is considered adequate or reasonable by the Transit Director because of the extenuating circumstances. Notice of resignation must be in writing unless waived by the Transit Director. Leaving employment without notice, or being absent in excess of three (3) consecutive working days without authorization and/or notification, will be grounds for disciplinary action, including termination of employment. An

employee who fails to give such notice shall not be eligible for reinstatement.

- a. **Oral Resignation** - If an employee resigns orally, the Transit Director shall confirm the resignation in writing.
  - b. **Refusal of Resignation**- The Transit Director may refuse to accept a resignation and dismiss an employee.
  - c. **Withdrawal of Resignation** - A resignation may be withdrawn only in writing by personal delivery to the Transit Director not later than the end of the next working day after the employee gives notice of resignation. If a withdrawal is not submitted by this time, the resignation shall be final unless both the Transit Director and the employee agree, in writing, that the resignation may be withdrawn.
- C. **Reduction In Force** – The Transit Director shall request approval from the Board of Directors to conduct a reduction in force indicating the reason for the reduction, and effective date of the reduction. Said reduction shall take effect 30 days after the approval date of the reduction by the Board of Directors. If the reduction in force results from the abolition of a filled position, YCIPTA may not re-establish the position for two years, unless the abolition of the position was due to fiscal constraints, legislative action, or court order. When a program is abolished or service permanently terminates operation, so that the phasing out of operations occurs over a period of not less than three months, the Human Resources, in consultation with the Transit Director, considering reduction in force activity, shall develop and communicate to affected employees appropriate alternative reduction in force procedures to permit staggered phase-out and transfer, reduction, or separation of personnel as appropriate. Subject to work requirements, The Transit Director shall allow employees affected by a reduction in force to be released from work with pay to attend job interviews.
- D. **Exit Interview** - The purpose of this policy is to obtain feedback from terminating employees concerning working conditions, policies, supervision, and other matters related to their employment with YCIPTA. YCIPTA will use information obtained from exit interviews to identify problem areas and consider changes for their improvement.

YCIPTA will schedule an exit interview for voluntarily departing employees with the Transit Director. The departing employee will be requested to complete an exit interview form during the interview.

#### XIV. DISCIPLINARY ACTIONS

A. In most cases YCIPTA follows the general guidelines of progressive discipline unless YCIPTA determines that the steps of progressive discipline are inappropriate. The purpose of these guidelines is to identify problems; correct them at the earliest stage possible, reinforce YCIPTA expectations, and assure equitable treatment.

1. Probationary Employees. An employee in the initial probationary period may be disciplined at any level and/or discharged for any reason at any time, with or without notice. **A terminated probationary employee cannot grieve or appeal his/her discharge.**
2. Post-Probationary Employees. YCIPTA will generally apply the following progressive discipline action when dealing with violations and/or deficient performance by those employees who have successfully completed the initial probationary period.

YCIPTA complies with applicable state and federal laws regarding exempt employees.

#### B. **Stages of Progressive Discipline**

- **Step 1: Informal Counseling** – Based on the severity of the violation, the supervisor or Transit Director or designee may elect to skip this step and begin at Step 2.
- **Step 2: Written Notice** – After the supervisor or Transit Director or designee reviews the alleged violation and/or deficiency, the supervisor or Transit Director or designee will generally ask the employee his/her views on the matter, advise the employee that the problem must be corrected, inform the employee that failure to correct the problem may result in further discipline up to and including termination, and issue a written notice to the employee, and a copy to the employee's personnel file.
- **Step 3: Second Notice** – If the employee does not achieve satisfactory performance or abide by YCIPTA rules, the employee's supervisor and the supervisor's superior may meet with the employee and proceed through the steps outlined in Step 2 and issue a second written notice to the employee, and place a copy in the employee's personnel file. YCIPTA may also suspend the employee without pay, demote the employee, or reduce the

employee's current step. Salaried employees may be suspended without pay only in increments of a week or more.

- **Step 4: Termination** – If YCIPTA determines that termination is appropriate; YCIPTA will notify the employee in writing.

C. **Dischargeable Violations** – In addition to the conduct prohibited in A.R.S. 41-770, and other relevant statutes governing public employment, a violation of the standards of conduct listed in subsections (B), (C), and (D) below is cause for discipline or dismissal from YCIPTA employment

D. **Standards of Conduct** – YCIPTA employees shall:

1. Maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.
2. Conduct themselves in a professional and ethical manner.
3. Be courteous, considerate, and prompt in dealing with fellow employees and in serving the public.
4. Conduct themselves in a manner that will not bring discredit or embarrassment to YCIPTA.
5. Comply with all federal and state laws and county rules and regulations.
6. Report knowledge of any damage, theft, or unauthorized removal of YCIPTA property to the immediate supervisor.
7. Be on time for work and available during working hours and avoiding absences.

E. **Prohibited Conduct** - YCIPTA employees shall not:

1. Discriminate because of race, color, religion, national origin, sex, age, disability, veteran status, or political affiliation.
2. Use their official position for personal gain, or attempt to use, or use, confidential information for personal advantage.
3. Permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.
4. Perform any act in a private capacity which may in any way be construed to be an official act.

5. 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 influence the employee's official conduct. This provision does not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value.
6. Directly or indirectly use, damage or allow the use of or damage to YCIPTA property of any kind, including property leased to the county, for other than officially authorized activities. All employees have a duty to protect and conserve YCIPTA property, including equipment, supplies and other property entrusted or issued to them.
7. Engage in outside employment or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of YCIPTA employment, or which tends to impair the employee's capacity to perform the duties and responsibilities in an acceptable manner.
8. Inhibit an YCIPTA employee from joining or refraining from joining an employee organization.
9. Engage in rebellious behavior, insubordination, or any willful disobedience of YCIPTA policies or directives and/or policies of their respective agencies.
10. Engage in physical violence and/or threats of physical violence against fellow employees and the public.

- F. **Hearing Procedures** - An employee who successfully completed his/her initial probationary period and who has been discharged or formally disciplined in writing by the Transit Director or designee, or who disputes a decision by the Transit Director or designee regarding an employment related grievance, may appeal such action to the Board of Directors. Such appeal shall be in writing, signed by the employee and delivered to or mailed to the Chairman of the Board of Directors. An appeal must be filed with YCIPTA no later than thirty (30) days after the employee's termination date, (exclusive of accrued PTO time), or within thirty days after formal written notice of the action appealed (other than discharge). Failure of the employee to appeal within this time period shall constitute a waiver of the employee's right of appeal provided by this section. The Chairman shall schedule the appeal without unreasonable delay at a regular, special or personnel meeting of YCIPTA Board of Directors during executive or open session in accordance with A.R.S. § 38-431.03-A-1. Following such hearing, the Board of Directors may sustain, overrule, or modify the action of the Transit Director or designee. If the appeal is from action

discharging the employee, the Board of Directors may reinstate the employee with or without conditions attached to such reinstatement and with or without reimbursement of all or part of the salary and benefits lost resulting from said discharge.

**YCIPTA Personnel Policy Manual  
Acknowledgment of Receipt**

I have received a copy of YCIPTA Personnel Policy Manual. I understand I am to become familiar with the contents of the policies and procedures as they outline my responsibilities, benefits, and the organizations policies. I also understand that if I have any questions regarding the contents of this document I will ask the Transit Director or my direct supervisor.

Further, I understand the following:

- This document represents a brief summary of some of the more important policies of YCIPTA and is not all-inclusive.
- YCIPTA retains the sole right in its business judgment to modify, suspend, interpret, or cancel in whole or in part, at any time, and with or without any notice, any of the published or unpublished policies or procedures.
- The contents of this policy and procedure document do not constitute an express or implied contract of employment.
- I have the right to end my work relationship with YCIPTA, with or without cause and with or without notice, and YCIPTA has an identical right.

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Employee Name (Please print)

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Signature

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Date