CHAPTER V (CONDITIONS OF EMPLOYMENT)

PR-501 Standards of Conduct

A. General. In addition to the conduct prohibited in A.R.S. 41-773, 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 of a County Government employee.

B. Required conduct. County Government 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 the county.

5. Comply with all federal and state laws and county rules and regulations.

6. Report knowledge of any damage, theft, or unauthorized removal of County property to the immediate supervisor.

7. Be on time for work and available during working hours and avoiding absences.

C. Prohibited conduct. County Government 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 County 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 County 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 County employment, or which tends to impair the employee's capacity to perform the duties and responsibilities in an acceptable manner.

8. Inhibit a County employee from joining or refraining from joining an employee organization.

9. Engage in rebellious behavior, insubordination, or any willful disobedience of County 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.

D. 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 rules. Any employee or agency representative 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.

E. Any agency taking disciplinary action against an employee based on this rule must consult with the Human Resources department before taking action.

Historical Note: Adopted, Eff. 11/25/1994
Amended 11/4/2002; 07/21/2008

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PR-502 Hours of Work

A. County Government work week. The County Government work week is the period of seven consecutive days starting Sunday 12:01 a.m. and ending Saturday at midnight, as may be consistent with Holidays.

B. Hours of employment. Each appointed agency head, with agreement of the County Administrator, shall determine the hours of employment in the work week for each agency employee.

C. All agencies of Yuma County Government shall be open from 8:00 a.m. to 5:00 p.m. Monday through Friday as may be consistent with Holidays.

Historical Note: Adopted, Eff. 11/25/1994

PR-503 Performance Planning and Evaluation System

A. General. The Performance Planning and Evaluation System established by the Human Resources Department outlining the responsibilities of the employee and the standards for carrying out these responsibilities shall be used to evaluate the performance of all County employees. The Human Resources Department will act as a resource in assisting agency heads in establishing the performance standards for employees.

B. Frequency.

1. Regular status employees shall be evaluated at least annually.

2. Probationary status employees shall be evaluated at least twice in the probationary period, normally at the end of the third and fifth months.

Historical Note: Adopted, Eff. 11/25/1994
Amended 11/04/2002

PR-504 Drug and Alcohol-Free Workplace

Yuma County is committed to providing a safe, healthy, and accident-free work place. 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. This policy is not intended to replace or supersede Yuma County Personnel Policy, PR-501 - Standards of Conduct.

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PURPOSE: To establish rules governing the maintenance of a drug-free workplace.

STATEMENT OF POLICY: The Board of Supervisors of Yuma County 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, Yuma County has a zero tolerance policy when it comes to the use, possession, or distribution of drugs and alcohol by employees.

A. FREEDOM FROM DRUGS AND ALCOHOL AS CONDITION OF EMPLOYMENT

1. Pre-Employment. Applicants for designated positions for employment with Yuma County will be given blood, urine, or other diagnostic tests to detect alcohol and/or controlled substances (or metabolites) in their systems. Positive test results for drugs or alcohol will eliminate any employment candidate from further consideration.

2. Reemployment/Reentry in Workforce. Any individuals who leave employment through layoff, administrative suspension, resignation, or termination for a period of 30 days or more will be tested to detect alcohol and/or drugs (or drug metabolites) in their systems prior to reentry into the workplace. Positive test results for alcohol, or controlled substances will prohibit the individual from reemployment by the County, or will result in immediate dismissal if currently employed.

B. RULES REGARDING DRUGS AND ALCOHOL

Use, Possession, Manufacture, Distribution. The use, manufacture, possession, or distribution of any controlled substance or alcohol by any employee on Yuma County property or while on County business will be grounds for immediate dismissal.

C. LABORATORY TESTING REQUIREMENTS

All drug/alcohol testing of employees and applicants shall be according to the guidelines and procedures as adopted by Yuma County pursuant to 49 CFR Part 40 and adopted in compliance with the Omnibus Transportation Employee Testing Act of 1991, and are deemed incorporated herein by reference. Copies of specific provisions of the policy relating to procedures and guidelines may be obtained from the Human Resources Department.

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D. DEFINITIONS

1. "Controlled substance" – a drug, substance or immediate precursor identified, defined or listed in Arizona Revised Statutes, title 36, chapter 27, article 2; including, but not limited to cannabis, heroin, cocaine, morphine, phencyclidine, (PCP), amphetamines, barbiturates, hallucinogens.

2. "Under the influence" – manifesting signs of chemical misuse such as staggering, reddened eyes, odor of chemicals, nervousness, restlessness, falling asleep/dozing at work, memory loss, abusive language or any other behavior not normal for the particular employee.

E. 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 County property**,** including County vehicles or personal vehicles used for County business, at any time.

3. The consumption of alcohol by any employee during working hours, on work assignments, or on County property, including County vehicles or personal vehicles used for County business, at any time.

4. Further, it is a condition of County employment that its employees agree to abide by the terms of the policy and to notify the County Human Resources Director 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 the County, 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 from 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. Disciplinary decisions shall be made by the agency head, with the concurrence of the County Administrator and the Human Resources Director. Under federal law, the County must take disciplinary

action against the employee within **thirty (30)** days of receiving notice of a conviction.

6. In support of this policy, the County will, through its Human Resources Department, conduct a drug and alcohol awareness program to inform employees about the dangers of drug and alcohol use in the workplace, the penalties for noncompliance with this policy, and drug and alcohol counseling through the County's EAP and other counseling and rehabilitation services in the community.

7. For purposes 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 Substances Act, 21 U.S.C. 812, Schedule I-V, Sec. 202, except when the use is pursuant to the instructions of a physician.

F. RANDOM TESTING:

Random, suspicionless testing is, and will continue to be, performed by the following departments pursuant to the respective internal departmental policies and/or statutory requirements: Public Works pursuant to the Federal Highway Administration regulations, 49 C.F.R. Part 382, et seq. and Sheriff's department pursuant to Policy No. 208.1 – 208.5.

G. CONFIDENTIAL INFORMATION:

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. Information regarding test results may be reviewed by medical review officers, legal counsel, and management where such review is deemed necessary for the purpose of ensuring the health, welfare, or safety of the public, the employee, or workers. This provision is intended to comply with the requirements regarding confidentiality of medical information under the Americans with Disabilities Act of 1990.

H. EMPLOYEE ASSISTANCE PROGRAM (EAP):

An employee assistance program will be available to help employees solve drug related problems by providing educational information concerning the effects and consequences of drug use on personal health, safety, and the work environment. For those employees or applicants found to be positive on drug or alcohol tests, the

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County will make available a list of certified substance abuse professionals within a reasonably close by area. These professionals are able to assess the extent of the addiction problem and suggest an appropriate modality for treatment. It is understood that in either case the County is not obligated to incur expense beyond providing this information to the employee/prospective employee.

Historical Note: Adopted, Eff. 08/01/2006;
Revised 10/09/2014, 02/26/2019