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GENERAL ADMINISTRATIVE

Administrative Directives

I. PURPOSE

To describe the function of Administrative Directives and the procedures to create, revise, and delete Administrative Directives.

II. POLICY

A. Administrative Directives constitute City management policies and procedures. Administrative Directives are citywide in application. Department Procedures are specific to the department and may not contradict Administrative Directives.

1. Department directors shall ensure that departmental operations are conducted in accordance with Administrative Directives.

2. Supervisors shall maintain a working knowledge of Administrative Directives, particularly those concerning personnel administration.

3. All employees are responsible for reviewing, understanding, and complying with the Administrative Directives applicable to their respective positions.

B. Administrative Directives shall be updated as needed to conform to current federal and state law, City Charter and Code, ordinances, the rules and regulations of the Civil Service Commission, labor agreements, and City practices.

1. To ensure that Administrative Directives are kept current, their content shall be reviewed annually by the assigned responsible departments.

2. In accordance with Tucson Code Chapter 14, within 90 days of Mayor and Council approval of the labor agreements, city staff shall amend Administrative Directives, and departmental procedures to conform to the labor agreement.

C. The City Manager/Internal Audit Office is responsible for the following:

- Coordinate the annual review of Administrative Directives.
- Ensure that new or revised Administrative Directives are consistent with other directives and have been reviewed and approved by the City Attorney's Office.
- Obtain the City Manager's approval for all new and revised Administrative Directives.
- Maintain historical files.

III. PROCESS FOR CREATING A NEW ADMINISTRATIVE DIRECTIVE

A. Departments responsible for implementation and/or compliance with new laws or direction from Mayor and Council should draft a new Administrative Procedure for approval by the City Manager as follows:

1. Using the attached form submit a justification for the new Administrative Directive to the City Manager/Internal Audit Office.

2. The City Manager/Internal Audit Office will provide the justification to the City Manager's Office for approval or denial.

3. If approved, the department will be notified of the approval and the requirement to submit the Administrative Directive Review and Approval Checklist and the Administrative Directive Template.

4. The originating department will prepare the Administrative Directive Review and Approval Checklist and proposed Administrative Directive and, if the new Administrative Directive impacts other departments, convene a focus group with the impacted departments for initial review and comments and send the draft to the involved Department Directors for approval. Once approved, the originator will send the proposed Administrative Directive and checklist to the City Manager/Internal Audit Office for final form.

5. If there are any unresolved difference of opinion among departments regarding what to include in the new Administrative Directive, the City Manager's Office and/or the City Attorney's Office shall resolve the conflict.

B. The City Manager/Internal Audit Office will prepare the proposed directive in final form as follows:

- Review the proposed directive for consistency with other published policies and procedures of the City.
- Work with the responsible department to edit the directive for clarity and format.
- Ensure that all departments impacted by the proposed directive have had a reasonable opportunity to review and comment on the proposed directive.
- Ensure that reasonable objections or suggestions from the involved departments have been incorporated into the directive.
- Ensure that the City Attorney's Office concurs with its content.
- List the department(s) in the directive that will be responsible for annual review and updating of the directive once it has been approved by the City Manager.
- Assign a new directive number.

C. The City Attorney's Office and the Chief Financial Officer will approve and sign the proposed directive and then the City Manager will review, approve, and sign.

D. Once the City Manager signs the Administrative Directive, the City Manager/Internal Audit Office will post the directive on the intranet, and will notify departments via e-mail of the new directive.

IV. PROCESS FOR REVIEWING AND REVISING AN ADMINISTRATIVE DIRECTIVE

A. Administrative Directives shall be reviewed annually by the responsible department(s). The City Manager/Internal Audit Office will send the responsible department director(s) an email notification and an Administrative Directive Review and Approval Checklist. The responsible department(s) shall review the directive and complete the checklist as follows:

If there are no revisions:

- Check the appropriate box.
- Obtain approval signature(s) from the responsible department director(s).
- Return the checklist to the City Manager/Internal Audit Office who will forward it to the City Attorney's Office for review and concurrence that a revision is not necessary.

If revisions are necessary:

- Check the appropriate box.
- Request a Word version of the current directive (convert into a redline version to track changes).
- Follow steps 4 and 5 in Article III. A. of this directive.

B. The effective date of the revision will be noted on the header of the Administrative Directive.

V. PROCESS FOR DELETING AN ADMINISTRATIVE DIRECTIVE

A. If an Administrative Directive becomes obsolete, the responsible department should inform the City Manager/Internal Audit Office and submit a completed Administrative Directive Review and Approval Checklist first to the City Attorney's Office for review, approval and signature, and then to the City Manager to approve the deletion.

B. The City Manager/Internal Audit Office will delete the Administrative Directive from the City's intranet site and inform all departments.

VI. ACCESS TO ADMINISTRATIVE DIRECTIVES

A. The City Manager/Internal Audit Office will be responsible for final edits and for posting Administrative Directives in PDF form on the City's intranet.

B. Departments with employees who do not have access to the City's intranet will maintain paper copies of the Administrative Directives and ensure that they are readily available to the employees.

Appendices

1. Administrative Directive Review and Approval Checklist
2. Administrative Directive Format

References None

Review Responsibility and Frequency The City Manager/Internal Audit Office will review this Administrative Directive as needed. Last review date: August 1, 2015. Signatures on file with the City Manager's/Internal Audit Office.

Authorized

City Manager

Michael Ortega

8/4/16
Date

Administrative Directive Review and Approval Checklist

Administrative Directive Title and Number

____ This is a revision of an Administrative Directive

____ This is a new Administrative Directive

____ This is a deletion of an Administrative Directive

____ This is a review with no change of an Administrative Directive

1. **Reason for revision, deletion or new AD:**

2. **If other City departments or offices are involved briefly describe that involvement. Be sure that all stakeholders have reviewed the AD and that their suggestions/corrections have been considered and incorporated as appropriate into the AD.**

3. **Obtain approval signatures from your department and from other stakeholder departments (add the director or deputy director as an additional approver to the list below). Then submit this form to Budget and Internal Audit who will send this form and the AD to the Attorney's Office and the City Manager's Office for signature. The AD can be sent via e-mail. Please do not send the AD in PDF format because Internal Audit will review and make formatting changes, as necessary. Content will not be changed without discussion with the department(s) involved.**

4. **Obtain approval signatures from your department and from other stakeholder departments (add names as needed). Then return this form and the amended AD (in MS Word format) to the Office of Budget and Internal Audit for further processing. Content will not be changed without discussion with the department(s) involved.**

Type Department Director Name and Title Here _____ Date

Type Department Director Name and Title Here _____ Date

_____

Chief Deputy City Attorney Date

_____

CFO/Assistant City Manager Date

_____

City Manager Date

ADMINISTRATIVE DIRECTIVE

TITLE	NUMBER	PAGE
	EFFECTIVE DATE	

ADMINISTRATIVE DIRECTIVE FORMAT

I. PURPOSE

This first section explains the purpose for the Administrative Directive and, generally, what topic(s) the directive will cover.

II. POLICY

This section states the City policy or policies pertaining to the subject.

III. DEFINITIONS

This section may be needed to define words that appear later in the directive.

Subsequent sections of the directive may include titles specific to the subject matter, or general titles such as: GENERAL, RESPONSIBILITIES, PROCESSES, or FUNCTIONS. All statements of responsibility or procedure should be numbered for ease of reference.

Appendices	Attachments, links to other documents
References	Related Administrative Directives, sections of the City Code or Charter, Civil Service Commission Rules, state or federal law, etc.
Review Responsibility and Frequency	The department(s) assigned responsibility to review this directive, and the frequency of review, such as "annually, based on date of publication." Last review date: _____.

Authorized

_____ _____

City Manager Date

City Administrative Directives

ADMINISTRATIVE DIRECTIVE

SCHEDULING, PREPARING, AND PROCESSING MAYOR AND COUNCIL AGENDA MATERIALS	NUMBER 1.02-3	PAGE 1 of 7
	EFFECTIVE August 6, 2013	

I. PURPOSE

To establish the timing and other requirements associated with the scheduling of Mayor and Council Agenda items, scheduling requests for special recognition and the preparation and processing of Mayor and Council Memoranda, Communications, and related legal and other documents.

II. POLICY

Mayor and Council meetings shall be subject to thorough advanced planning to ensure scheduling of appropriate agenda items and the timely preparation and receipt of complete reports on which the Mayor and Council may take action.

III. DEFINITIONS

A. **Regular Meeting** – A formal public meeting of the Mayor and Council to consider matters requiring formal action by the adoption of resolutions and ordinances or other measures, or for the purpose of holding public hearings.

1. **Consent** – The portion of the regular meeting that is routine and non-controversial. Items are placed on consent agenda when formal Mayor and Council action is required, however no discussion is anticipated.

2. **Numbered** - The remaining portion of the Regular agenda consists of numbered items. These are the items that legally require a separate vote or some level of discussion is anticipated.

B. **Study Session** – An informal public meeting of the Mayor and Council and key city officials to discuss matters that are brought before the Mayor and Council for their consideration and possible direction.

C. **Mayor and Council Memorandum** – The format for the staff report to present items on topics to be discussed by the Mayor and Council at a Study Session. Mayor and Council Memoranda shall present the issue, background information, any information specific to the project, and legal and budgetary implications. Mayor and Council Memoranda shall include recommendations unless directed otherwise.

D. **Mayor and Council Communication** – The format for the staff report to present items to the Mayor and Council at a Regular Meeting. Mayor and Council Communications shall present the issue, background information, any information specific to the project, and legal and budgetary implications. The Communication shall include a recommendation, unless directed otherwise. Legal instruments such as Resolutions and Ordinances are normally attached to execute Mayor and Council action.

E. **Off-Agenda Memorandum to Mayor and Council** – This is an “information only” tool using the standard Memorandum stationery. This is the vehicle used to provide the Mayor and Council with information on topics in which they have an interest, or should

be advised of, but are not scheduled for discussion or action. Such memoranda should be coordinated with the City Manager's Office.

F. **Mayor and Council Agenda Committee** – The Agenda Committee is chaired by the Mayor and is composed of representatives from each elected official. The City Manager, the City Attorney, the City Clerk, the Agenda Coordinator and the City Clerk's staff should be present at the Committee meetings. The meetings are generally held on the Wednesday 13 days prior to a Tuesday Mayor and Council meeting and are subject to Open Meeting Laws.

IV. RESPONSIBILITIES

A. **Mayor and Council Agenda Committee** – As directed by the Mayor and Council, the Agenda Committee shall establish and schedule the final agenda items for the upcoming Mayor and Council meeting.

B. **City Clerk** – The City Clerk is responsible for:

- The Agenda Coordinator and the Agenda staff
- The coordination of legal advertising for Mayor and Council public hearings as required by law, and
- The public notification for rezonings or other possible action that a person has expressed an interest in.

C. **Agenda Coordinator and Agenda Staff**- Coordinates the scheduling of Mayor and Council Agenda items, coordinates and processes Mayor and Council Memoranda, Communications, and related legal and other documents, and prepares and maintains follow-up records for required staff action resulting from Mayor and Council meetings. They are responsible for the correct and timely assembly and delivery of Study Session and Regular Agenda materials.

D. **City Attorney's Office** – The City Attorney's Office is responsible for:

- The timely preparation and/or review of all legal documents pertaining to agenda items,
- Reviewing all Mayor and Council material for legal impacts, and
- Specific legal advice on all matters coming before the Mayor and Council.

E. **Budget and Internal Audit** – Budget and Internal Audit is responsible for:

- Reviewing all Mayor and Council Communications and any Mayor and Council Memoranda that have financial considerations for budgetary impacts, and
- Advising management regarding the budgetary implications on all matters considered by the Mayor and Council.

F. **Operating Departments** – Operating departments are responsible for scheduling all items for Mayor Council consideration through SIRE – Agenda Plus and for the timely

preparation and initial processing of Mayor and Council Memoranda and Communications in accordance with this directive. It is the operating department's responsibility to work with the City Attorney's Office in **advance** of the submittal of Mayor and Council items.

V. SCHEDULING OF AGENDA ITEMS

A. Timing requirements for Mayor and Council Agenda Materials:

25 days prior to the scheduled M/C meeting
Deadline for departments to submit completed agenda material and all attachments, including power points. Items received after 5:00 p.m. on this date will be moved to the next available meeting.

18 days prior to the scheduled M/C meeting
Deadline for the City Attorney's Office and Budget and Internal Audit to submit the final agenda material.

13 days prior to the scheduled M/C meeting
M/C Agenda Committee meets to review and finalize the final Study Session and Regular Agenda. (Items can be added to the final agenda at the discretion of the Mayor.)

7 days prior to the scheduled M/C meeting
City Clerk assembles the Study Session and Regular Session books and delivers the books to Mayor and Council, the City Manager, the City Attorney and publishes the material to the City website.

Five (5) days prior to the scheduled M/C meeting
10:00 a.m. *– Deadline for submitting to the Agenda Coordinator any Agenda materials approved for late delivery.*

NOTE: Supplemental information provided by staff, or a written request from staff or the public to withdraw an item should be forwarded to the Agenda staff as soon as possible, regardless of when received.

B. Requirements for Scheduling Mayor and Council Agenda Items: – At least twenty-five (25) days in advance, authorized personnel in each department shall upload their agenda items using the Mayor and Council Agenda Schedule Request Form in the SIRE Agenda Plus system. Items that do not adhere to the prescribed deadlines will be moved to the next available meeting. If there are extenuating circumstances which may require an adjustment of the deadlines, the department is responsible for notifying the Agenda Coordinator as soon as possible.

C. Requests for Special Recognition at a Mayor and Council Meeting – Operating departments shall submit requests for special recognition to the Mayor's Office a minimum of fourteen days prior to the requested date. Presentations are limited to

three per meeting and are scheduled at the discretion of the Mayor. Requestors are responsible for inviting the recipient and ensuring their attendance.

VI. SUBMITTING AGENDA MATERIALS

A. Departments are responsible for properly submitting their agenda item within the required timeframe (25 days in advance of the meeting).

B. Departments are responsible for a complete submission of their agenda item to include:

1. The Memorandum or Communication, with attachments listed,

2. All supporting documents/reports must be complete with signatures, contract numbers, and clearly marked attachments that correspond with the list on the item. PowerPoint presentations must be included with the supporting documents, if one is part of the agenda item. Operating departments shall provide the City Attorney with the materials necessary to enable the attorneys to finalize the legal documents.

3. An IGA transmittal form with the appropriate number of original agreements and contract number, if necessary (Administrative Directive 1.04-1, Intergovernmental Agreements).

4. A legal ad request that meets legal and administrative requirements, if necessary (Administrative Directive 1.02-8, Legal and Display Advertisements in Local Newspapers).

5. Requests for notification for all rezoning and final plat requests.

6. Advance notice and coordination of any visual aids that may be required for a presentation (i.e., PowerPoint or easels).

7. Post Meeting instructions if the department desires the City Clerk's Office to take any action following Mayor and Council approval. Requested post meeting actions may include forwarding the item for further signatures, providing certified copies or recording documents with the Pima County Recorder.

VII. FORMAT AND CONTENT OF MAYOR AND COUNCIL MEMORANDA AND COMMUNICATIONS

A. Mayor and Council Memoranda and Communications should be succinct, yet thorough. Lengthy reports should include an Executive Summary with detailed information provided as attachments.

B. The most recently updated Mayor and Council electronic templates are generated by the SIRE Agenda Plus system but can also be downloaded from the Agenda Office Intranet. The Mayor and Council Memorandum has a heading on the first page and each subsequent page is plain. The Mayor and Council Communication has a heading and a border on the first page and the border then continues on all the subsequent pages. Times New Roman 12 is the preferred font. Do not include the date; the Agenda staff will type in the appropriate date when the item is processed as part of the final agenda package.

C. The following format provides a guideline for Mayor and Council items. The standard headings are suggested for use on all items; however subheadings should remain flexible to meet the requirements of the material being submitted.

1. **Subject** – This is the Title of the item. It will be used on the agenda so it should clearly convey the content to the extent an average person would be able to determine the topic before Mayor and Council. The Title must indicate the Ward designation in parenthesis. Use “City Wide” if the item pertains to the city organization or to all Wards, and use “Outside City” if a project is located outside of the city limits. (Departments may obtain current Ward maps from the City Clerk’s Office). If the item is a public hearing, it must state so in the title.

2. **Issue** – Statement of what the issue or project is, why it is before Mayor and Council and what the requested action is.

3. **City Manager’s Office Recommendation** – Statement of the action that is recommended. Recommendations should be clear as to what staff would like the Mayor and Council to do, i.e., approve the policy. If no direction is required that should be clearly stated.

4. **Background** – Chronological history of the issue or project. Include previous consideration by Mayor and Council, including any vote history, and a brief narrative of the quantitative perspective. This portion of the report should also reflect any Mayor and Council policy issues, which may involve implementation of existing policy or recommendation on the formation of a new policy.

5. **Present Consideration** – This section is used to clearly identify aspects or characteristics of the project. A review of alternatives may be appropriate that addresses the strengths and weaknesses of the present situation as well as advantages and disadvantages of the proposal.

6. **Financial Considerations** – Complete statement of all funding sources for the project; impact on other departments' budgets; effect on current fiscal year operating budget; estimate of effect on future budgets and/or contingency funds. This heading must be included; if there are no impacts, simply state "None."

7. **Operating Cost and Maintenance Input** – This section should be used to detail any future costs or maintenance that may be required for the project or proposal. This section can be removed if it is not relevant to the item.

8. **Legal Considerations** – Statement of any legal ramifications pertaining to the proposal. This heading must be included; if there are no legal impacts or legal work to be completed, simply state "None."

D. **Attachments** – Attached materials shall be identified in the order in which they are referenced. Each attachment shall be clearly marked at the top of each page "Attachment A, B, C, etc."

E. **Standardized Format** – Routine items repeatedly requesting the same action (Improvement Districts, Rezonings, Professional Service Contracts, etc.) shall be presented in a standardized format. A brief format may be used, as long as departments ensure that the format is expanded when necessary to provide complete information to the Mayor and Council.

F. **Style** – The writing style should avoid (a) long, uncommon acronyms, and (b) technical terms such as "subrecipient", "subrogate", "shortfall", etc., unless the terms are adequately defined or explained in the document. If possible, a long title or name should be shortened so that the reader will not have to refer back to the original definition of the acronym.

VIII. FOLLOW-UP ON MAYOR AND COUNCIL ACTIONS

Each department director shall promptly follow through on Mayor and Council requests, without waiting for special instructions from the City Manager's Office (see Administrative Directive 1.02-5, Legal Action Report and Summary and Future Direction Report).

Appendices None

References

AD 1.02-5 - Legal Action Report & Summary and Future Direction Report
AD 1.04-1 – Intergovernmental Agreements
AD 1.02-8 – Legal and Display Advertisements in Local Newspapers

Samples of past Agendas, Memorandums, Communications and Attachments can be found on the Agenda website at http://cms3.tucsonaz.gov/clerks/mcdocs

Review Responsibility and Frequency The City Clerk will review this directive annually, based on date of publication.

Authorized

Richard Maranda
City Manager

8-23-13
Date

ADMINISTRATIVE DIRECTIVE

LEGAL ACTION REPORT AND SUMMARY AND FUTURE DIRECTION REPORT	NUMBER 1.02-5	PAGE 1 of 2
	EFFECTIVE DATE November 14, 2014	

I. PURPOSE

To establish procedures for documenting legal action taken by the Mayor and Council in compliance with Arizona Revised Statues 38-431.01, to document the direction to staff given by the Governing Body, and to track the required actions to completion.

II. POLICY

A. The Legal Action Report and Summary represents direction to the City staff to carry out administratively the decisions of the Mayor and Council. Department directors responsible for items scheduled on either agenda are expected to have been present at the subject meeting. Any decision or requests by the governing body involving a short time frame should be acted on immediately without waiting for the Legal Action Report and Summary which shall be distributed to all departments and offices as soon as possible.

B. In order to assure compliance with the directions of the Mayor and Council as indicated in the Legal Action Report and Summary, a Future Direction Report has been established. Immediately after the Legal Action Report and Summary has been approved, the Agenda Coordinator prepares this report, also including the requests from the governing body.

C. The Agenda Coordinator will track the required actions and any delay in the expected action will be noted on the Future Direction Report.

III. DEFINITIONS

A. **Legal Action Report and Summary** - The report issued by the City Clerk's Office following each meeting of the Mayor and Council, summarizing the Governing Body's actions on each item considered, and providing direction to staff to carry out the decisions made.

B. **Future Direction Report** - The report prepared by the Agenda Coordinator, used to track and follow-up on actions given or requests from the Mayor and Council during the Mayor and Council Meeting that will return to the council in some form. An updated report is presented to the Council at each meeting of the Mayor and Council Agenda Committee.

IV. PROCEDURES

A. The City Clerk shall prepare and distribute the Legal Action Report and Summary within three (3) working days after each Mayor and Council meeting. The report will be distributed electronically to all City departments and offices and posted on the Internet. Any decision or request by the governing body involving a short time frame should be acted on immediately without waiting for the report.

B. In order to assure compliance with the directions of the Mayor and Council as indicated in the Legal Action Report and Summary, a Future Direction Report has been established. Immediately after the Legal Action Report and Summary has been approved, the Agenda Coordinator prepares this report, also including the requests from the governing body.

C. The Agenda Coordinator will track the required actions and any delay in the expected action will be noted on the Future Direction Report.

Appendices None.

References None.

Review Responsibility and Frequency The City Clerk will review this directive annually, or as necessary.

Authorized

City Manager

11-26-14
Date

Martha Durkin

ADMINISTRATIVE DIRECTIVE

INFORMATION TECHNOLOGY INVESTMENTS	NUMBER 1.02-7	PAGE 1 of 5
	EFFECTIVE DATE April 19, 2010	

I. PURPOSE

This directive defines the policy and procedures for making information technology investments throughout the City so that the optimum choices are made for the City. This policy will enhance leverage and minimize risks associated with technology choices, financial expenses, equipment stability, application interfaces, and vendor influence.

II. POLICY

The City's information technology strategy, direction, and related investment are central to accomplishing the City's service goals. In order to assure that strategic directions are supported by appropriate deployment of personnel, optimum choices of technology, and the most effective use of funds, all information technology investments must conform to standards and architectures established by the Information Technology (IT) Department (Note: IT refers to information technology in general as well as to the department.) These standards and architectures will be developed, and kept current, by the IT Department. Any departmental purchases and/or new implementations of information technology that are counter to the standards and architectures will be reviewed by the Chief Information Officer (CIO)/IT Director to assure that a compelling business case is made. The approval of the CIO/IT Director and the City Manager is required before proceeding with non-standard implementations. Any implementations that are counter to standards without approval may be removed under direction of the CIO/IT Director.

III. RESPONSIBILITY

Communications and information systems technologies are converging in many ways, but the responsibility for the maintenance of fixed and mobile radio communications equipment, including the Public Safety, Public Works, and General Service communications systems, rests with the Communications Division of the General Services Department (GSD). Also GSD is responsible for the maintenance of the fiber network. The CIO/IT Director and GSD Director will establish coordination policies and procedures as needed to ensure the necessary collaboration on requirements processing, engineering support and life cycle management of these two technologies.

The CIO/IT Director is responsible for coordinating the strategic directions for information technology in the City, for developing the standards and architectures in a collaborative manner, and for assuring that they are followed. The CIO/IT Director is responsible for appropriate procedures for the review and approval of information technology investments.

Department directors or designees are responsible for ensuring that their department needs are included in the overall planning activities and related architectures via the Service Agreement between IT and the department and through the Steering Committee recommendations and decisions. They are also responsible for ensuring that their department understands and conforms to this directive.

IV. DEFINITIONS

A. **Information Technology Systems** – All computer hardware, software, associated peripheral and support equipment, IP-based (internet protocol) equipment, computerized data and databases, communications equipment, web equipment and applications, security devices and software, vendor support and services, and technical agreements are components of an IT system. Such systems include all applications and equipment that are part of, connected to, or use the City's data network, as well as stand-alone or third-party hosted systems. Maintenance of the Public Safety radio equipment and the physical fiber network is the responsibility of the General Services Communications Maintenance Division per Administrative Directive 1.08-2, *Communications and Other Electronic Equipment*.

B. **Architecture** – A framework for planning and decision-making for IT projects to ensure that each investment advances the overall goals of the City. IT will have multiple architectures – for networks, for servers, for desktop devices, for applications, and for IT personnel organization and staff assignment, among others. All these frameworks must integrate and support each other.

C. **Information Technology Investments** – All equipment and services (as noted under Information Technology Systems definition above), all consulting services and all City staff associated with IT systems are considered investments.

D. **City IT** – The IT staff throughout the City have been consolidated in the central IT group as of January, 2009. The only approved departmental IT groups are in City Courts and the City Clerk's Office.

E. **City Network** – The City's network consists of the fiber components, microwave and radio components, and the wireless components. All are interconnected and are configured by IT and managed collaboratively with GSD's Communication Maintenance Division as a seamless network to ensure security and reliability.

F. **IT Advisors** – A group of directors that serve as advisors to the CIO.

G. **IT Steering Committees** – Committees established for Public Safety IT, Public Works IT, and Applications Services IT to provide direction and priorities to the associated IT applications division. Members represent the associated departments.

H. **IT Plan** – Every two years, or as appropriate, IT will publish a plan with strategic directions and tactical actions. This plan will be developed with the input of the user departments, reviewed by the Steering Committees, Advisors Group, the Executive Leadership Team, and the City Manager's Office.

V. SCOPE

The scope of the policy covers all information technology strategies and investments in the City.

VI. PROCEDURES

A. **Strategic Directions** - Strategic directions will be presented to the Executive Leadership Team prior to approval by City Manager's Office. These directions will be reviewed every budget cycle. An IT plan will be developed and updated every two years. This plan will include the tactical activities to achieve the strategic directions.

B. **Development of Architectures and Standards** - The CIO/IT Director will convene a group to develop and annually review the architectures and standards.

C. **Review and Approval of Acquisitions** - The IT Department will review, and must give prior approval to, acquisitions or projects which are associated with an IT system or investment which involves a license, a maintenance contract or a tracked asset. This includes any outsourcing of development or support of a system and annual renewals of maintenance contracts. Maintenance contracts and outsourcing efforts will be reviewed in collaboration with the associated department. Tracked assets include items such as personal computers that are not tracked by the financial inventory system but that are important for IT to track for software licensing and hardware life cycle management.

After the IT Department review is completed, City Courts and City Clerk IT staff will approve purchases for their departments, and the IT Department will approve purchases for the rest of the departments. Those activities and related acquisitions that are included in the City IT Plan are thereby approved.

Any other acquisitions must be submitted to the IT Department via the Technology Acquisition Form (Attachment A) for review and approval. This includes:

1. Any licensed software
   Rationale: The IT Department is responsible for maintaining a central record of all software licensed to the City.
2. Purchase or replacement of a system server - This includes any type of server, such as network, application or database, and includes any major hardware or software upgrades and component replacements.
   Rationale: Any installation of, or change to, a server that connects to the City's data network can impact the network performance and security.
3. Connection to the City's data network
   Rationale: Hardware and software systems (including printers) that connect to the City's data network can impact network performance and security.

4. Third party services
Rationale: Any consulting, hosting, advising or temporary programming can impact the City's overall directions and investments.

An approved list of IT commodities that can be purchased without IT Department review (though Procurement rules still apply) will be maintained and posted via a link on the IT Department's intranet web site. These items would include keyboards, mice, etc. The standards and specifications will be noted. All items which do not require IT Department pre-approval may be purchased with a pCard. If a department wishes to work through the IT Department for such items, the Customer Service Desk staff will provide support.

D. **Prioritization of Activities** – Activities will need prioritization if and only if they are an exception to the City IT Plan. All major technology projects should be included in the City IT Plan. If a major project must be addressed outside of the plan, the sponsoring department must present the project to the IT Advisors group for prioritization in case the project might now or later compete for IT staff and/or equipment resources. The appropriate IT administrator, in conjunction with the requesting department, should prepare an IT Project Summary (Attachment B) and review it with the relevant steering committee. If the project requires resources beyond that of the associated IT division, then the form should be submitted to the IT Deputy Director for inclusion in the materials for the IT Advisors' review.

If a project is not recommended by the IT Advisors and the requesting department feels strongly that the rationale for the project is sufficient, the IT Advisors' recommendation may be appealed to the CIO/IT Director and City Manager for re-consideration.

E. **Tracking of Investments** - Investments and operating expenses for technology will be summarized across the City by the CIO/IT Director. As far as possible, this will be included in the City IT Plan.

New projects/investments will be presented and justified on a minimum of a five year fully loaded cost to the City. The funds for initial purchase and five year upkeep, including full support, incremental personnel costs and services, must be evaluated and provision for funds identified before the project is undertaken. For projects funded by the General Fund the incremental budget dollars are to be incorporated in the IT Department budget on an annual basis. If funds are not available to the IT Department in future years, the project is to be cancelled.

For projects with an initial investment of greater than $1,000,000, or a lifetime investment of greater than $4,000,000, the project team must follow a formal project management process with a dedicated project manager. The project manager can be either a qualified internal staff member or an externally contracted resource. The IT Department will take at least a co-management role. Project managers are encouraged for all projects no matter the size.

F. **Management of Software Licenses and Maintenance Expenses** - All software licenses and associated maintenance contracts will be reviewed by the IT Department to assure optimum terms, mitigation of risk and cost leveraging across the City. For those applications that are citywide, the licenses and maintenance contracts will be centralized under the IT Department. Funding for associated expenses will be either allocated to the IT Department through the budget process or the appropriate department account will be charged. In either case the process will flow through the IT Department. This will allow for consolidation of contracts and consistent negotiation on terms. In addition, this will allow for a review of overall technology spending in the City. Exceptions to this license and maintenance consolidation can be negotiated among the relevant department director, the CIO/IT Director, and the Assistant City Manager.

G. **Review of Procedures** - On a bi-annual basis, or whenever directed by the City Manager, these procedures will be reviewed by Internal Audit to ensure that they are effective and achieving the intended goals.

Attachments

A - Technology Acquisition Form
B - IT Project Summary

References

Administrative Directive 1.08-2, *Communications and Other Electronic Equipment*

Review Responsibility and Frequency

The Chief Information Officer/Information Technology Director will review this directive annually, based on date of publication.

Authorized

City Manager — Date 5-5-10

Mike Letcher

TECHNOLOGY ACQUISITION FORM

This form is used to obtain prior Information Technology (IT) Department approval for acquisitions of hardware and software as defined in Section VI.C of the Administrative Directive 1.02-7, *Information Technology Investments*. To complete the form, check every box below which applies to your technology acquisition. In the spaces labeled "Description/estimated cost narrative" for each category, list the specific details of the purchase (such as vendor, model or release, configuration, services) and the estimated cost. Completed forms should be emailed to the IT Director. This form is available online at IT's Intranet web page.

Department: _____ **Date Submitted**: _____
Contact Name: _____ **email:** _____ **Phone:** _____

Hardware

- o PC
- o Server
- o Switch
- o Router
- o Printer
- o Other (specify)

Description/estimated Cost Narrative

Software

- o Operating System
- o Office Suite
- o Desktop Database
- o Other (specify)

Description/estimated Cost Narrative

Accessories & Peripherals

- o Input Device (mouse, keyboard)
- o Memory
- o Memory Stick
- o Add USB Accessories
- o Repair/upgrade Parts (specify)
- o Other (specify)

Description/estimated Cost Narrative

Consulting

- o Analysis/Assessment
- o Project Management
- o Implementation
- o Conversion
- o Technical Assistance

Description/estimated Cost Narrative

Maintenance/Service Agreement

- o Renewal
- o New agreement

Description/estimated Cost Narrative

Note: CIO/IT Director approval is required before an RFP, IFB or PO is issued.

IT Reviewer/Approval: _____

IT Approval Code: _____

I T PROJECT SUMMARY

Overview

This document explains the process for obtaining approval for a City technology investment. A technology investment is defined as any expenditure of City funds related to the acquisition, development or deployment of information or communications systems or technology, or any consultation or service related to evaluating or assisting is such expenditure. Departments must consult with the Information Technology (IT) Department on projects, to help define departmental needs and formulate solutions.

Why is Chief Information Officer (CIO) Approval Required?

The CIO/IT Director has responsibility for the coordination and cost-effective deployment of the City's technology and information systems investments. To do this, the CIO reviews and approves new technology projects, especially for those expenditures that involve risk or significant investment.

When is CIO Approval Required?

If a project is not on the City IT Plan, the CIO must review and approve the project prior to any commitment of funds or the issues of an RFP, IFB, or PO. A Technology Acquisition Form should be completed and submitted with the IT Project Summary.

NOTE: CIO approval is required before an RFP, IFB, or purchase order can be issued.

The IT Project Summary can be drafted in memo format and must include the following sections:

1. **Investment or Project Title** - Include the investment or project title and a short description.

2. **Originating Department and Contact Information** - Provide the department name, and the project manager or department sponsor's name and phone number.

3. **Financial Information** - Include the following investment information:

   A. **Budgeted Investment Costs** - When available, these costs should be broken out by hardware acquisitions (be specific), software licenses (indicate the scope or number of proposed users), implementation services (include analysis, training, implementation, development, etc.), and required purchases.

   B. **Five (5) Year Fully Loaded Budget Summary** - This begins with the initial acquisition and implementation costs (see 3. A. above) and should include ongoing operational and hardware and software maintenance costs for the full five year period. Five year cost must include anticipated City staff support time needed (in IT or in the department).

4. **Investment Justification** - A high-level description of the investment, including the scope of the investment and the criteria by which the project will be measured. Criteria that may be used to justify an investment include:

   A. **Financial**
   For each benefit listed below, estimate the effect of the investment in dollars, hours or both.
   (1) revenue enhancement
   (2) cost reduction
   (3) human resource reallocation and reprioritization

   B. **Risk Management**
   Identify what risk(s) will be, or will need to be, managed by this investment. For each risk:
   (1) Determine the severity of the risk (low/medium/high/extreme).
   (2) Estimate the likelihood of the risk happening (low/medium/high).
   (3) Assess whether the risk varies with time (increases or diminishes).
   (4) Determine whether the risk is (a) avoided, (b) mitigated, or (c) eliminated by the project, and indicate in what way and to what degree the risk is reduced.

   C. **Business Environment**
   Investments are often needed to support expansion or introduction of initiatives that the City government supports. For each initiative:
   (1) Identify the changes in the business environment or process(es) which require support (public access, new technology, new City initiatives, change in City organization, etc.).
   (2) Identify the effect of supporting, not supporting, or delaying the investment.

   D. **Mandates**
   Changes in regulation, law or City policy may require new investment in order to become complaint. For each mandate:
   (1) List the specific legal necessities which drive the investment and/or deadline (cite specific statutes, Administrative Directives, etc.).
   (2) Assess the possibility and effect of (a) non-compliance, or (b) non-timely compliance.

   E. **Beneficiaries**
   Higher priority may be assigned to specific beneficiaries of investment. Classify this investment (with supporting explanation) by one of these types:
   (1) Serving the public
   (2) Increasing financial sustainability
   (3) Facilitating multi-departmental productivity
   (4) Enhancing single departmental efficiency

5. **Fit with the Strategic Plan** - A short discussion of how the investment supports the focus areas and projects in the City Strategic Plan (a copy of the current plan can be found on the IT Department's page on the City Intranet).

6. **Implementation Strategy** - At a high-level, explain the major investment phases and the implementation strategy. This should cover key points such as: will the investment be implemented in all locations simultaneously or will it be phased in; will the existing system or process be run in parallel to the new software. (The existing system or process would be primarily manual if the process has not been automated before.)

7. **Technical Standards Compliance** - If the solution intentionally may or will not comply with existing technical standards, include an explanation of the standards that the solution does not meet and a justification for non-compliance. Contact the IT administrators for the current standards.

8. **Interface Requirements** - List any other City systems with which the proposed solution must exchange data and describe the business nature of those interfaces.

9. **Other Risks, Dependencies and Obstacles** - If the investment is dependent on the completion of other activities, or requires the availability of other technologies, list and explain all of the dependencies. Explain the risks of not completing the investment if the dependencies and obstacles cannot be overcome.

10. **Signatures** - The following signatures are required on the Project Summary:
    - Department Director (project approval)
    - IT Department (review)
    - Budget and Internal Audit Office (review)
    - CIO (investment approval)

Review and Approval

1. The Project Summary must be signed by the department director.

2. The Project Summary is then routed to the IT Department's deputy director, who will select the appropriate IT manager or administrator to help evaluate the project; IT may contact the department for clarifications. Once the review is complete, IT will forward the Project Summary to the Budget and Internal Audit Office.

3. The Budget and Internal Audit Office will review the Project Summary. If there are no questions, the budget analyst will sign the Project Summary and forward it to the CIO and IT advisors for final approval.

4. The CIO will either approve the investment or return the Project Summary to the requesting department for further clarification. Upon approval, a copy of the Project Summary will be forwarded to the Procurement Department.

ADMINISTRATIVE DIRECTIVE

LEGAL AND DISPLAY ADVERTISEMENTS IN LOCAL NEWSPAPERS	NUMBER 1.02-8	PAGE 1 of 3
	EFFECTIVE DATE November 25, 2014	

I. PURPOSE

To establish policy and procedures for the preparation and submission of legal and display advertisements for publication in local newspapers.

II. POLICY

It is the policy of the City of Tucson to publish notices of City functions and actions that impact specific groups of the general public. Legal and display advertisements in local newspapers shall be designed to reach the affected public, and meet any legal requirements, with the least cost to the City.

III. DEFINITIONS

A. **Legal Advertisement** – A notice to the public regarding an official City function or action, such as a public hearing, an invitation for bids, or those ordinances and resolutions required to be published pursuant to Section 8 of Chapter IX of the Tucson Charter.

If the notice includes graphics, (i.e. maps, charts, diagrams, etc.) then it becomes a display advertisement.

B. **Display Advertisement** – All types of newspaper advertisements such as classified advertisements, meeting notices, etc., including any advertisements that contain graphics.

IV. RESPONSIBLITY

A. **All Departments** – Each department is responsible for determining when a legal or display advertisement is required, and for following the procedures outlined in this directive for preparing and publishing legal and display advertisements.

B. **City Clerk** – Is responsible for ensuring that all Mayor and Council Public Hearings and ordinances and resolutions are advertised.

V. PROCEDURES

A. Legal Advertisements

1. Departments should research applicable local, State and Federal regulations to determine any legal requirements for the timing or frequency of legal advertising for a particular City function or action. For example, Federally funded City programs may have regulations that specify that a notice to the public be published a certain number of times or a certain number of days prior to a public hearing. If no legal requirements apply, then the department should determine the most appropriate frequency and timing for publishing the legal

advertisement. The department should consult with the City Attorney's Office as needed.

2. The City of Tucson annually contracts with one or more newspapers for legal advertising.

Departments must decide what level of circulation is required for any particular legal advertisement, while striving to minimize advertising costs.

The following are general guidelines to follow in determining what level of circulation is necessary for advertising public hearings.

a. Public hearings that affect a broad section of the community or are of general public interest, require high circulation advertising. These are generally advertised in the Arizona Daily Star.

b. Public hearings that affect a limited section of the community do not require high circulation advertising. They may require a very targeted advertisement in a specific publication.

3. When a department needs to schedule a Mayor and Council public hearing, it must submit a "Request for Legal Advertising" form (see Attachment A). This must be submitted to the City Clerk at least seven (7) working days prior to the publication date. The City Clerk will then submit the advertisement to the newspaper(s) requested and the cost will be charged to Activity Account #1830-266.

If the department decides to use a display advertisement as a legal advertisement for a Mayor and Council Public Hearing, the procedures in Section B, ("Display Advertisements"), shall be followed.

4. Legal advertisements other than for a Mayor and Council Public Hearing are to be handled directly by the individual department. The department responsible should submit the legal advertisement to one of the newspapers doing business with the City that will bill the department directly for each advertisement. (**NOTE:** Departments may charge legal advertising to Activity #1830-266 only with approval from the City Manager).

B. <u>Display Advertisements</u>

If a department determines a display advertisement is necessary, the following will apply:

1. Determine the size of the advertisement (i.e. 1/8th of a page, 1/4th of a page, etc.)

2. Determine the format required for the advertisement (i.e. centered, border, maps, charts, diagrams, etc.)

3. Each department is responsible for using purchase orders established by the Department of Procurement for display advertising in the Arizona Daily Star or the Daily Territorial.

4. Departments producing their own advertisements may submit them directly to the paper. The contact information is:

a. Daily Territorial (only advertises Monday through Friday)
(520) 295-4211
legals@dailyterritorial.com

b. Arizona Daily Star (advertises seven (7) days per week)
(520) 573-4292
legals@tucson.com

5. If a display advertisement is used as a legal advertisement for a Mayor and Council Public Hearing, the department requesting the advertisement shall send the text and publication dates to the City Clerk at least seven (7) working days prior to publication, for the official record.

Appendices Attachment A – Request for Legal Advertising Form
Attachment B – Legal Advertising Deadlines

References http://intranet.ci.tucson.az.us/administrative-directives-forms

Review Responsibility and Frequency The City Clerk will review this directive as needed.

Authorized

City Manager Date Jan 22, 2015

Martha Durkin

REQUEST FOR LEGAL ADVERTISING

In accordance with contract provisions, legal advertising can be published with Territorial Publishers, Inc. and with Tucson Newspapers, Inc. Please refer to Administrative Directive 1.02-8 regarding official advertising guidelines before submitting this request to the City Clerk. If you require legal advertising information, contact the City Clerk's Office at (520) 791-4213.

COMPLETED FORMS MUST BE RECEIVED BY THE CITY CLERK SEVEN (7) WORKING DAYS PRIOR TO PUBLICATION DATE

Department/Division: _____

Approved by Department Head: _____

Contact: _____ **Phone:** _____

Date Submitted: _____

Newspaper(s) Selected:	**Dates for Publication:**
_____ **TERRITORIAL PUBLISHERS** [Published: Monday thru Friday - excluding Holidays]	_____
_____ **ARIZONA DAILY STAR** [Published: Monday thru Sunday - including Holidays]	_____

Reason for Publication:
(Where appropriate, indicate the City, State or Federal Law requiring publication)

_____

_____

If direct mail notification of public hearing will be made, will assistance be needed?

YES_____ (If yes, please provide mailing labels) NO_____

Special instructions regarding direct mailing:

_____

_____

Description of Item to be Published:

_____PUBLISH COPY OF THE ATTACHED EXACTLY AS IS: Ensure that the copy attached is legible; that any signatures are legible (print name beneath illegible signatures); and that all blanks are explained (write "leave blank" in margin where appropriate).

_____ PUBLISH NOTICE OF PUBLIC HEARING: Complete attached standard notice.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mayor and Council of the City of Tucson will hold a public hearing on _____, at or after _____ p.m. in the Mayor and Council Chambers of City Hall, 255 West Alameda, Tucson, Arizona, at which time and place all interested persons will have an opportunity to appear and be heard in relation to the following:

The Council Chambers is wheelchair accessible. A request for reasonable accommodation for persons with disabilities must be made to the City Clerk's Office by parties at least five (5) working days in advance of the scheduled meeting and can be made by calling (520) 791-4213 or (520) 791-2639 (TDD).

(Please submit this page in Word)

LEGAL ADVERTISING DEADLINES

DAILY TERRITORIAL (Monday thru Friday)

Publication Date	**Deadline to Territorial:**
Monday	Thursday (1:00 p.m.)
Tuesday	Friday (2:00 p.m.)
Wednesday	Monday (2:00 p.m.)
Thursday	Tuesday (2:00 p.m.)
Friday	Wednesday (2:00 p.m.)

Corrections/Additions – 2 days prior to publication date (2:00 p.m.)
Cancellations – 2 days before publication date (2:00 p.m.)

The Daily Territorial
3280 E. Hemisphere Loop, #174
Tucson, AZ 85706-5027

Territorial doesn't publish on holidays or weekends. Ad must be published consecutive days. (ie, watch for Memorial Day, etc.)

Email legals@dailyterritorial.com
Contact Roxanne Murray
Phone# (520) 295-4211
Fax# (520) 295-4076

AZ DAILY STAR (Except Sundays)

Publication Date	**Deadline to TNI:**
Monday	Thursday (10:00 am)
Tuesday	Friday (10:00 am)
Wednesday	Monday (10:00 am)
Thursday	Tuesday (10:00 am)
Friday	Wednesday (10:00 am)
Saturday	Wednesday (10:00 am)
Sunday	Wednesday (12:00 noon)

Corrections/Additions – 2 full working days prior to publication date (10:00 a.m.)
Cancellations – 2 days before publication date (10:00 a.m.)
Maps – 4 days prior to publication date
Display Ads (ads with borders, etc.) – One day prior to deadline above.

Tucson Newspapers Inc.
4850 S. Park Avenue
PO Box 26887
Tucson, AZ 85726

Departments to submit legal ad request seven (7) working days prior to publication dates.

Email legals@tucson.com
Contact: Debbie Capanear
Phone# (520) 573-4292
Fax# (520) 573-4381

(Contact Rosemary Ochoa if serious problems arise; (520) 573-4325; mobile (520) 488-8125)

15-Day Requirement: (Count from the day BEFORE the meeting date; the 16th day is 15 days). Departments must decide what level of circulation is required for any particular Legal Ad, while striving to minimize costs.

Guidelines: Public Hearings which affect a Broad Section of the community or are of GENERAL PUBLIC INTEREST require High Circulation (STAR). Public Hearings or Public Notice, which affect LIMITED AUDIENCE do not require High Circulation (TERRITORIAL).

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
PROCEDURES FOR THE ESTABLISHMENT OF DEVELOPMENT STANDARDS	**1.02-9**	**1 of 5**
	PAGE ISSUE DATE	
	September 17, 2007	

I. PURPOSE

To provide procedures for the establishment of, and amendment to, standards for the development of land within the City of Tucson. This document also provides a procedure for the consideration of requests to modify requirements within a Development Standard and a procedure to hear appeals of decisions on those requests.

II. DEFINITIONS

A. **Development** - Any activity related to the use of land which is subject to regulation by the City of Tucson through its Land Use Code or other applicable City Code provisions.

B. **Standards** - Design principles, criteria, and specifications, which describe the manner in which development and related improvements are accomplished in order to obtain development approval.

C. **Improvements** - Any on-site or off-site improvement including refuse container enclosures; street, sidewalk, sewer, water, and electric utility installations; drainage and flood control facilities; monuments or other similar facilities or development for which the City of Tucson may ultimately assume responsibility for maintenance and operation; or landscaping, screening, or other site improvement required by the Land Use Code or other appropriate City Code.

D. **Community Design Review Committee (CDRC)** - A technical advisory committee, created by the City Manager, with representatives from city departments and non-city public agencies involved in development review (see Development Standard No. 1-03.0).

III. POLICY

The establishment of Development Standards is necessary to review land development proposals in a timely manner and to ensure that land development is properly planned and executed with due consideration for public services and facilities, topographic constraints, and the public's health, safety, and welfare.

IV. PROCEDURES

A. Initiation of Proposed Development Standards - Proposals to establish Development Standards, or to amend existing Development Standards, may be initiated by the director of any city department or by any non-city agency or individual affected by land development by submitting a draft proposal to the Development Services Department.

B. Review of Proposed Development Standards - The review of a new Development Standard, or amendment to an existing Development Standard, is coordinated by the Development Services Department. The review procedure is as follows.

1. Proposed and revised Development Standards are submitted to the Development Services Director, who transmits the item to the CDRC for preliminary review.

2. The Development Services Director will ensure that community members affected by any proposed or revised Development Standard, have the opportunity to review and comment on such proposals. These individuals are notified by the Development Services Department that a draft Development Standard is available on the Development Services Department website for review. Anyone interested in reviewing the draft Development Standard proposal may request a copy from the Development Services Department. The public review may occur concurrently with preliminary CDRC review. All interested parties receive at least thirty (30) days for comment following the mailed notice indicating that the Development Standard is available for review.

3. Following the thirty (30) day review period, the Development Services Director submits the revised Development Standard based on public comments and other agency comments to members of the CDRC for review and recommendation.

4. The Department Urban Planning and Design Director will review all proposals for new Development Standards, as well as proposed revisions to existing Development Standards.

5. The Development Services Director may limit, or entirely eliminate, CDRC and/or general public review of Development Standards, which establish administrative procedures or submittal requirements.

C. Recommendation to the City Manager - Following review of the proposed or revised Development Standard by the CDRC and the public, the Development Services Director transmits the Development Standard to the director of the initiating department for approval and signature. The Development Standard is then forwarded to the City Manager for final authorization.

D. Authorization of Development Standards - The City Manager may authorize a Development Standard where the CDRC and the initiating department have recommended it. The City Manager's decision is final, and the Development Standard becomes effective upon the signature of the City Manager, unless the City Manager refers the matter to the Mayor and Council for consideration and action. In situations where the Development Standard is authorized through adoption of an ordinance by Mayor and Council, the effective date of the ordinance will apply.

E. Publication of Development Standards - Development Standards established in accordance with the above procedures are distributed to affected governmental agencies, non-governmental organizations, and individuals and are maintained as public records in the Office of the City Clerk, the Development Services Department, the Department of Urban Planning and Design, and the agency responsible for their initiation and/or review. The Development Services Department maintains a format and organization for easy reference and amendment and is responsible for distribution of approved Development Standards.

F. Enforcement - The department and/or agency responsible for the adopted Development Standard is responsible for its implementation.

G. Development Standard Modification Requests - Each Development Standard indicates the intent of each requirement and standards relating to health, life, and safety. The provisions of the Development Standards are not intended to prevent the use of any material or method of construction not specifically prescribed by the Development Standards. The Development Services Department Director may approve alternate materials and/or methods of construction provided that the proposed alternate meets the intent of the prescribed Development Standard and addresses any health, life, and safety considerations.

1. Standards for Consideration: Conditions - Whenever there are practical difficulties which prevent the strict application of the Development Standards, the Development Services Department Director may approve modifications or waivers from the requirements of the Development Standard provided that:

   a. The modification is in conformity with the intent and purpose of the Development Standard and such modification addresses health, life, and safety considerations; and

   b. The strict application of the Development Standard fails to accomplish the intent of the Development Standard due to such reasons as existing conditions, the character of the area, or existing site or location constraints, etc. The applicant is responsible for supplying whatever information is necessary to demonstrate that there are practical difficulties resulting from the strict application of the Development Standard.

   In granting approval of a modification request to a Development Standard, the director of the department charged with enforcement of the Development Standard may place conditions necessary to effectuate the purpose of the Development Standard. Code requirements restated in a Development Standard may not be modified by this process but may be varied or modified through the variance/modification process provided in the relevant code.

Each modification request and the decision on the request are site and development specific. The granting/denying of a Development Standard modification or waiver in one case shall not be a precedent for the granting/denying of a modification request in another case.

2. Procedure for Review of Request - The applicant shall submit the modification request on an application form provided by the Development Services Department along with eight (8) copies of the plan which clearly indicate the area(s) of the project affected by the request.

   The request shall be submitted to the Development Services Department which will confer with the director or designee of the department charged with enforcement of the Development Standard being modified. The Development Services Department Director may ask the CDRC Core Members, as defined in Development Standard 1-03.0, for input regarding any modification to a Development Standard. The Development Services Department Director and the applicable department director(s) shall approve or deny the modification request within five (5) working days from the application date. The decision on the modification shall be provided in writing by the Development Services Department and distributed to the applicant, all CDRC members, and any party requesting a copy.

   The Development Services Department shall maintain a permanent record of modification requests to the Development Standards.

3. Appeal of Decision - Appeals from decisions of the Development Services Department Director on requests to modify a requirement in a Development Standard are heard by the Zoning Examiner. The appeal shall be processed by the Development Services Department as follows.

   a. Submittal. The appeal is submitted in writing to the Development Services Department within fourteen (14) days of the issuance of the decision being appealed. An appeal may be submitted by the applicant and/or representative or by any member of the CDRC affected by the request. The filing of an appeal stays all proceedings.

   b. Notice. Mailed notice is sent to the applicant and/or representative and to any CDRC member affected by the modification request. The mailed notice shall provide: the name of the applicant and/or representative and the mailing address; the assigned title and file number of the modification request; the modification request, including the reasons for the request; the date, time, and location the appeal will be considered by the Zoning Examiner; and the address and telephone number of DSD.

c. Zoning Examiner Hearing. The appeal is considered by the Zoning Examiner in an administrative hearing within thirty (30) days of the filing of the appeal but no earlier than fifteen (15) days after the mailed notice is sent. During the review of the appeal, the Zoning Examiner considers testimony presented by those entities/persons noticed of the appeal or determined to be affected by the modification request. The Zoning Examiner may continue the hearing for a period of not longer than thirty (30) days.

d. Appeal of Zoning Examiner's Decision. The Zoning Examiner's decision may be appealed by a party of record within fourteen (14) days of the date of decision. The filing of an appeal stays all proceedings.

e. Issuance of Permits/Approvals. Permits or development approvals dependent on the modification shall not be issued until the fourteen (14) day appeal period has expired.

Appendices: None.

References: Development Standard 1-03.0

Review Responsibility and Frequency: The Development Services Director, together with the Department of Urban Planning and Design Director, will review this directive annually in January, or as necessary.

Authorized

9/17/07

City Manager — Date

Mike Hein

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
BREASTFEEDING ON CITY PROPERTY	1.02-10	1 of 1
	PAGE ISSUE DATE	
	November 2, 2005	

I. PURPOSE

To state City policy regarding the rights of a mother to breastfeed her child on City property.

II. POLICY

In recognition that breastfeeding of a child is an important and basic act of nurture that promotes the health of a child, it is the City's policy that a mother may breastfeed her child in any location on City property where the mother and child are otherwise authorized to be. The City will not deny, or attempt to deny, the full and equal enjoyment of facilities, services or accommodations of a City property that is a place of public accommodation to a woman because she is breastfeeding her child.

Review Responsibility and Frequency The City Manager shall review and revise this directive as appropriate.

Authorized

City Manager — Date 11/2/05

Mike Hein

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
CITY OF TUCSON CABLE TELEVISION POLICY	**1.02-13**	**1 of 9**
	PAGE ISSUE DATE	
	June 12, 2008	

I. PURPOSE

To state the city's objectives, programming policies, and operational procedures regarding the operation of the City of Tucson municipal government access channel, Tucson 12.

II. DEFINITIONS

A. **Broadcast** - Video programming that can be seen by all television owners via an antenna.

B. **Cablecast** - Video programming that is viewed by cable subscribers only and is carried via a wire.

C. **Documentation Services** - The videotaping of meetings or events for city departmental use only.

D. **Duplication Services** - The process of making a DVD, VHS, DVC Pro 25 or 50, or digital copy of a video program from master videotape or digital media.

E. **Editing** - The process of putting pictures and sound together to tell a story by using videotaped components including interviews, background video, natural sound, music and scripted sound on tape.

F. **Format** - Type of videotape stock or digital media used for production. This may include, but is not limited to DVC Pro, VHS, DVD, digital, and film.

G. **Non-Permanent Production Personnel** - A list of personnel maintained by the Human Resources Department to assist in video and audio production work on an as-needed basis. This may include, but is not limited to, photographers, editors, talent and producers.

H. **On-Demand Programming** - Video programming that can be viewed by cable subscribers whenever it is convenient, rather than at a set time as programmed by TV channel.

I. **Satellite** - Video programming that is viewed by satellite subscribers only and is carried via a satellite dish.

J. **Webcast** - Video programming that is viewed on the computer via the Internet.

III. TYPES OF PROGRAMMING

Channel 12 offers the following basic programming services:

A. **Character-generated information** - Information messages that are displayed in typewritten form. During all hours of operation, when no other video programming is scheduled, character-generated information may be provided by continuous display on Channel 12. Messages may include, but are not limited to, current information concerning the city, such as job openings, road closures, library hours, and public meetings. Character-generated listings shall be available to all city departments, city-funded outside agencies, and city boards, committees and commissions and non-profit organizations. The information can be presented in English and/or Spanish.

B. **Documentation** - The videotaping of a meeting or event for educational, training, or archival purposes.

C. **Live cablecast** - The televising of an event while it is happening. Live coverage of city events may include, but is not limited to, the cablecast of Mayor and Council Regular and Study Session meetings, special meetings (as requested by city departments only), and events of general community interest. Live coverage of events will be provided only from locations with existing live cable drops. Some meetings (i.e., Mayor and Council Regular and Study Session meetings), may be cablecast both live and by tape at set times during the week.

D. **Locally produced programs** - A videotaped program that is produced by Channel 12 to illustrate the mandates, programs, facilities, services and deliberations of city government.

E. **On-demand programs** - A videotaped program produced by Channel 12 that is inserted on Cox or Comcast Cable's "on-demand" Channel. Not all programming will be considered for "on-demand". The Television Production Manager shall be responsible for scheduling on-demand programming with the cable companies.

F. **Outside resource programs** - Pre-recorded material on a variety of topics produced by entities other than Channel 12 that shall be considered for cablecast at a later time.

G. **Public service announcements** - 10, 20, 30, 60 or 120-second videotaped spots announcing events or issues of importance to citizens of Pima County that are produced by Channel 12 or obtained from outside sources. These may include, but are not limited to local, regional, state, and national issues.

H. **Tape delayed cablecast** - A program or event that is videotaped for cablecast at a later time. Some meetings, such as Mayor and Council Regular and Study Session meetings, may be cablecast both live and by tape at set times during the week.

I. **Training tapes** - Instructional videotapes used to discuss, outline, and/or summarize departmental functions or techniques. Training tapes maybe produced by Channel 12 for internal use by city departments. Training tapes may be cablecast on the city's channel when appropriate.

IV. GENERAL PROGRAMMING POLICY

To provide direct, non-editorial information to the citizens of Tucson concerning the mandates, programs, services, and deliberations of their city government. Programming shall consist of video, character-generated information and webcast applications. The city's cable channel is not intended as a political forum.

V. GENERAL

Under the terms of the cable franchise agreement between the City of Tucson and the cable operator(s), channel capacity has been made available to implement the general programming policy. Any new cable operators will be asked to provide the same number of channels.

The Cox Communications system provides for one municipal government access channels to be used by the city. Channel 12 shall be administered by the Information Technology Department.

VI. OBJECTIVES

The primary objectives of Channel 12 shall be as follows:

A. To increase awareness of the activities and deliberations the Mayor and Council as well as other governmental meetings and/or advisory boards of the City of Tucson.

B. To provide information to the citizens of Tucson including services, facilities, functions, and operations of the city.

C. To help and encourage citizen participation in programs and services to the maximum extent possible by providing general information.

D. To supplement the activities of all city departments, city-funded outside agencies and city boards, committees, and commissions by providing a full service video production unit to handle planning, creative concept, script writing, shooting, editing, post production and distribution on all video formats available.

E. To assist with the internal training of city departments.

F. To reinforce existing community values and to support generally the quality of life in Tucson.

VII. OPERATIONAL POLICIES

A. **Channel Designation** - The city government shall operate Channel 12 on Cox Communications, and shall use the designation Tucson 12.

1. Comcast Cable will carry Tucson 12 programming on Channel 75 in areas designated by Comcast Cable and at the request of other local government entities.

2. Channel 12 will provide a live and on-demand webcast of programming at www.tucson12.tv on the city's web site.

B. **Technical Standards** - Before a program or other production is scheduled for cablecasting, it must meet minimum technical and broadcast aesthetic standards to be determined by the Information Technology Director or a designated representative. When programming has been furnished by an entity other than city government, the Television Production Manager shall view the program before it is scheduled for cablecast to ensure the program meets said standards.

1. The operating standards for technical quality of live and taped programs shall follow The Federal Communications Commission (FCC)/industry technical specifications and recommendations for broadcast television. This standard is necessary to significantly reduce signal noise on the cable delivery system and because programming is distributed to broadcast stations in Southern Arizona. Technical standards shall be set by the engineering staff and/or contractors of Channel 12 and comply with FCC Rules and Regulations.

2. Equipment purchases shall be based upon an equipment replacement plan as presented to Budget and Research and the City Manager's Office as part of the budget process and in accordance with the technical quality standards set by Channel 12.

3. Per Americans with Disabilities Act (ADA) Federal Standards, closed captioning will be provided for all programs produced by Channel 12.

C. **Program Content** - The Information Technology Director is responsible for developing programming that meets city objectives.

1. All programming, with the exception of public meetings, is subject to editing by Channel 12. Such editing shall not alter the factual content or overall intent of the material being cablecast. Character-generated information shall be edited to provide clarity and to maximize use of the memory space available. The Television Production Manager shall have operational responsibility for this editing.

2. Mayor and Council meetings will be cablecast gavel-to-gavel, without editing or subjective comment, except when the intent is to use brief excerpts as part of a larger program, or when technical difficulties occur. Character-generated information on agenda items may be provided.

3. No promotion, endorsement, or advertising of any private business, commercial service or product, profit-making activity, political candidate or partisan cause, nor any solicitations for religious donations, shall be allowed on the city government channels. However, program sponsorships are allowed in accordance with the Public Broadcasting Service (PBS) model of standards set forth by the FCC.

4. No slanderous, lewd, obscene or violent material or language shall be allowed on the city government access channel. When questions arise as to the admissibility of the material or language in this regard, the head of the requesting city department and the Chief Information Officer and/or a designated representative, will decide jointly whether the material shall be cablecast.

5. City departments receiving programming time may invite outside organizations, agencies, governments, or individuals to participate in a program as long as (1) such invitee is central to the topic of the program and (2) the city retains control of program content and production. In cases where questions arise as to the inclusion or exclusion of an outside entity or individual, the Director of the appropriate city department may be asked to approve such participation.

6. Requests for access to the cable channel for advocating a personal viewpoint or policy shall generally be denied, unless part of the overall programming strategy to solicit personal viewpoints with equal time provided to all. From the time of their announced candidacy until after the election, announced candidates" for city offices will not be permitted to make personal statements over the city channels, except as participants of formal public meetings, or unless a scheduled series of statements from all candidates is programmed with equal time provisions. Specific protocol shall be established for any such programming prior to implementation.

7. Should human error result in the cablecast of incorrect information over the city's cable channels, the City of Tucson, its officers, employees, and agents shall be held harmless.

D. **Scheduling Programs for cablecast** - Channel 12 shall be responsible for scheduling appropriate programming on the channels, and for publicizing any schedules of programming. Every effort shall be made to schedule production time in an equitable and non-discriminatory basis. Scheduling will be in accordance with channel use priorities, on a first-come first-serve basis, and on the availability of equipment, time, and staff.

1. It shall be the general goal of the city to have some form of programming cablecast continuously 24 hours a day. When video programming is not being cablecast, character-generated information may be cablecast. Channel 12 programming will be webcast on www.tucson12.tv.

2. Meetings and programs, if videotaped, may be cablecast more than once. Unless other arrangements are made before the schedule is publicized, such repeat cablecastings shall be at the discretion of Channel 12.

3. If a Mayor and Council Regular Meeting, Study Session, or other public meeting is re-scheduled, every effort shall be made to cablecast the meeting, Channel 12 shall not guarantee that the rescheduled meeting will be cablecast live. If the location of a regularly scheduled council meeting is changed, every effort shall be made to cover the meeting as time, staff, and location permits.

E. **Copyright, Acknowledgement and Public Release** - The City of Tucson shall retain copyrights to all video. Video cannot be used for commercial purposes without the written consent of the Information Technology Director or a designated representative.

1. Channel 12 will establish a schedule of "Commercial Use" Fees for Services (Appendix A). A credit line must be given in the finished project.

2. Media requests for use of video footage will follow public records release policy.

3. On some occasions, video footage may be lent to other government entities for their use. In addition, stock video footage may be given to professional news organizations, educational entities and to non-profit organizations for public service work. This video footage may not be used for commercial purposes. A credit line must be given in the finished project, in graphic form stating "Video Courtesy Tucson 12". The Television Production Manager shall approve requests for video footage.

4. Duplication of Mayor and Council Meetings may be made available to the public for a fee. The public shall request duplication of Mayor and Council Meetings through Channel 12. See Appendix C (Duplication Policy and Fees).

5. Duplication of other programs produced by Channel 12 may be made available to the public for a fee. The public shall request duplication of programs through channel 12. See Appendix C (Duplication Policy and Fees).

6. Departments may request copies of programs through Channel 12. The requesting department must pay for duplications. See Appendix C (Duplication Policy and Fees). Videotapes and/or digital copies of programs provided to city departments may not be used by other entities without the permission of Channel 12.

7. Channel 12 videotapes and/or digital copies are not considered an official record, and there shall be no liability for inadvertent erasure or omission.

8. Videotapes and/or digital copies of Mayor and Council Meetings, Study Sessions, and other live or "live-on-tape" public meetings shall be retained for a

one-year period, unless otherwise requested by a city department. At the end of that time, the copies shall be sent to the City Clerk's Office for archiving. Any requests for longer retention should be made to the Television Production Manager.

F. **Program Sponsorship/Partnership** - The City of Tucson will follow the PBS model of rules and guidelines for program sponsorship as set forth by the FCC (Appendix B).

1. The city will not accept sponsor support from businesses selling products such as cigarettes, tobacco products or alcohol, including distilled spirits, wine and beer.

2. Sponsors that sell personal hygiene products or similar products of a highly personal nature may not refer to those products in sponsor credits.

3. The city reserves the right to refuse sponsor support from entities that may be viewed as controversial or that promotes any product or position that may be contrary to the mission and goals of the City of Tucson.

4. The sponsor may not exercise editorial control over the content of any portion of Channel 12's programming or shows.

5. The public must not perceive that the sponsor has editorial control over Channel 12's programming or shows.

6. The public must not conclude that any Channel 12 program promotes sponsors' products, services or other business interests.

7. All sponsor credits must identify the sponsor by name and/or logo. Channel 12 will not accept support without proper identification.

8. The City of Tucson retains the absolute right to reject any sponsor or modify any sponsor or sponsor's material for any reason.

G. **City Use of Outside Resources and Personnel** - In order to maximize programming, outside resources may be used to develop materials for cable casting.

1. Contracts may be awarded to local freelance production personnel to perform production services as needed, including, but not limited to voice talent and miscellaneous audio and video production services. In addition, outside vendors may be awarded contracts for equipment maintenance and engineering services.

2. Programs and Public Service Announcements that are appropriate for local use will be sought and used where appropriate to supplement local programming.

3. Channel 12 may seek intern students and/or volunteers who can perform production services.

H. **Outside Use of City Resources and Personnel** - Because of cost, susceptibility to damage, and the heavy requirements of day-to-day programming, outside use of city-owned video and audio equipment and vehicles shall be restricted. The Television Production Manager shall be responsible for use of equipment and vehicles.

1. The Video Production truck and other vehicles shall not be lent or rented to other city departments, city-funded outside agencies, city boards, committees or commissions, or outside professional video entities.

2. Lending of Video Production equipment to outside professional video entities shall be permitted in some cases, such as a mutual trade in services or equipment. The Television Production Manager is responsible for granting this permission.

3. Video Production equipment shall not be lent to other city departments for use.

4. Lending of equipment for personal or outside freelance production work shall not be permitted.

5. In accordance with city policies, Channel 12 personnel shall not be allowed to participate in outside employment without the approval of the Television Production Manager and the Information Technology Director.

VIII. REQUESTS FOR PROGRAMMING

A. **Procedure** - City departments and city-funded outside agencies, and city boards, committees and commissions, when accompanied by a formal request by the appropriate city liaison department, may submit formal requests for programming that they feel is appropriate for Channel 12.

1. Requests may be made to the Television Production Manager, who has the responsibility to schedule production time.

2. In order to allow for proper production, scheduling and publicity, departments or entities requesting programs (other than on-going series that have already been anticipated) must make the request at least four weeks in advance of the intended cablecasting date. Requests for public service announcements must be received six (6) weeks in advance.

3. If a production request cannot be honored due to staffing issues, every attempt will be made to assist departments in finding alternative production assistance.

B. **Departmental Responsibilities** - City departments and entities requesting program development should be willing to assist in producing the program.

1. Channel 12 shall be responsible for planning, creative concept, script writing, shooting, editing, post-production, and distribution. Requesting departments need to work with video staff to provide content information.

2. The requesting department shall identify a contact person to provide necessary information including, but not limited to, persons and props to be used for the production and on-air presentations. The contact person and/or the department director shall be available to approve program content.

3. The requesting department may be asked to cover production costs, including Spanish translation, closed captioning, and duplication costs and/or other special production costs above and beyond the normal production. The contact person and/or the department director shall be required to provide a 13-digit city billing number and be authorized to obligate funds for the project.

4. The requesting department shall be responsible for providing a live cable drop if so needed for a live production.

Appendices

A - Channel 12 Stock Footage Commercial Use Fees
B - Channel 12 Sponsorship - Partnership Standards and Practices
C –Channel 12 Duplication Policy and Fees

References

www.tucson12.tv
FCC Rules and Regulations
ADA Federal Standards

Review Responsibility and Frequency

This directive shall be review in August of each year, or as necessary.

Authorized

City Manager — Date 6/12/08

Mike Hein

CITY OF TUCSON - CHANNEL 12
STOCK FOOTAGE COMMERCIAL USE FEES

Stock footage is provided for use on a non-exclusive basis and is granted on a limited usage basis for a given production, and a given length of time as stated in the request. It may not be reused, resold, re-licensed, or re-cut in any other production. The following rates are for video stock footage copyrighted by the City of Tucson.

Broadcast	$100.00/shot
Non-Broadcast	
Industrials, In-house Corporate, etc.	$ 50.00/shot

Duplication and Handling

Videotape/DVD stock, duplication, handling, and shipping costs are included. Commercial use fees are subject to change.

Multiple Usage of a Single Scene

Each additional use of a single scene in a given production is considered as a separate scene.

Quantity Discounts

Multiple scenes used in a given production will be discounted as follows: 10 shots, 10%, 20 shots, 20%, and 25 shots or more, 25%.

Terms

1. A letter of request detailing the commercial purpose and length of intended use must be sent to Channel 12, at the City of Tucson before request is processed. The request must be received no later than two weeks in advance of need.
2. Commercial use fees must be paid before sub-master is shipped. Checks should be made payable to Channel 12.
3. No duplication of master element is allowed.
4. A beta, VHS or digital copy of the completed project must be sent to the Channel 12, City of Tucson.
5. All masters ordered would be charged at the full amount of the commercial use fee, whether used or not.

All requests for video are subject to availability of staff time.

4/22/08

CITY OF TUCSON – CHANNEL 12
PROGRAM SPONSORSHIP – PARTNERSHIP STANDARDS AND PRACTICES

Consistent with City of Tucson Administrative Directive 1.02-13, City of Tucson Cable Television Policy, the City of Tucson has established the following standards and practices for developing and accepting sponsorships and partnerships for the station as a whole, as well as individual programs or time periods.

Questions on this policy should be directed to:

Tucson 12, the City Channel
P.O. Box 27210
Tucson, AZ 85726-7210
(520)791-2582
www.tucson12.tv

WHO MAY BE IDENTIFIED AS A SPONSOR

- Corporations or Divisions or Subsidiaries of a Corporation
- Endowments and Foundations
- Small Businesses
- Individuals

SPECIAL RESTRICTIONS

- Channel 12 does not accept sponsor support from businesses selling products such as cigarettes, tobacco products or alcohol, including distilled spirits, wine and beer.
- Sponsors that sell personal hygiene products or similar products of a highly personal nature may not refer to those products in sponsor credits.
- Channel 12 reserves the right to refuse sponsor support from entities that may be viewed as controversial or that promote any product or position that may be contrary to the mission and goals of the City of Tucson.

GENERAL PRINCIPLES FOR DETERMINING ACCEPTABILITY

- The sponsor may not exercise editorial control over the content of any portion of Channel 12's programming or shows.
- The public must not perceive that the sponsor has editorial control over Channel 12's programming or shows.
- The public must not conclude that any Channel 12 program promotes sponsors' products, services or other business interests.
- **Preferred Text for Sponsor Credits**: "This program is made possible (in part) by funding from [Sponsor name and brief message]." Also acceptable is "Sponsored by [Sponsor name]" or "brought to you by [Sponsor name]."

GUIDELINES

1. Identification: All sponsor credits must identify the sponsor by name and/or logo. Channel 12 will not accept support without proper identification.

2. Sponsor credits may not include:
   - Any call to action or solicitation to purchase a product (Examples prohibited: any use of "you" or "your"; slogans such as “Get Met. It Pays”)
   - Superlatives (Example: “ . . . the most intelligent car ever built.”)
   - Direct comparisons (Example: “ . . . when a Cadillac just isn’t good enough.”
   - Price or value information (Example: “ . . . for only $100 down and $100 per month.”)
   - Inducements to buy (Example: “six months free service when you buy.”)

3. Toll-free numbers or web site addresses are acceptable in sponsor credits if their purpose is for the viewer to obtain more information. If their purpose is to solicit sales, however, the information is prohibited.

4. Children’s Programming: Sponsor credits may not exploit or take unfair advantage of the child audience.

5. Sponsor credits may not create the perception that there is a connection between the program content and the sponsor’s products or services.

6. Frequency of Credits: Sponsors may receive credit only at the beginning and end of a program.

7. Program content may not be interrupted to provide a sponsor credit.

8. Duration of Credits: No one credit may exceed 15 seconds; a sequence of credits cannot exceed 60 seconds.

9. In-kind Goods and Services credits are permissible but they must <u>appear in context with normal production credits</u> and may not incorporate brands or logos.

Channel 12 and the City of Tucson retain the absolute right to reject any sponsor or modify any sponsor or sponsor’s material for any reason.

CITY OF TUCSON - CHANNEL 12
Duplication Policy and Fees

Duplication services shall be provided to internal City of Tucson departments and the general public as staffing and time allows. The City of Tucson shall retain copyrights to all video. Video cannot be used for commercial purposes without the written consent of the Information Technology Director or a designated representative.

1. Duplication will be delivered on a DVD format. Other formats may be available upon request.

2. Duplication requests can be submitted online at **www.tucson12.tv**, or by phone 520-791-2582.

3. **DVD – Internal: City Departments**

0-30 minutes	$ 10.00
31-60 minutes	$ 20.00
61-90 minutes	$ 30.00
91-120 minutes	$ 40.00
Mayor & Council Meeting	$ 40.00 flat rate

**bulk rates over 50 copies may be negotiated*

DVD – External: General Public

0-30 minutes	$ 20.00
31-60 minutes	$ 30.00
61-90 minutes	$ 40.00
91-120 minutes	$ 50.00
Mayor & Council Meeting	$ 50.00 flat rate

**no bulk rates available*

4. Dub requests made by city departments will be charged to the department fund at completion of request. Any DVD's purchased with city funds are considered city property.

5. DVD's may be purchased by city employees for individual or private use at internal city department rate, but must be paid for by employee and **must be paid for in advance**.

6. DVD requests made by the general public **must be paid for in advance**.

7. Payment can be made by check to "Tucson 12/City of Tucson". Payment shall be submitted to the designee at Channel 12.

8. A tape exchange is available for television news media in lieu of dub charges. Television media must supply a blank tape of equal quality for each dub request.

9. Requests for duplication of programs not produced by Channel 12 will not be accommodated.

10. Channel 12 DVD's are not considered an official record, and there shall be no liability for inadvertent erasure or omission.

11. Every effort will be made to complete DVD duplication requests within ten working days based on volume of request and availability of staff.

4/22/08

CITY OF TUCSON - CHANNEL 12
Duplication Request

Request Form – Internal CITY DEPARTMENTS ONLY

Date	
Requestor	
Department	
Division	
Telephone	
Amount Charged	
Charge-back Account #	
Program Name	
Record From (Captioned, segment or show master)	
Initial Air Date	
Number of Copies	
Tape Format DVD or electronic (call for other)	
Requested Delivery Date	

PLEASE ALLOW TEN (10) BUSINESS DAYS FOR DUB REQUESTS

FOR OFFICE USE ONLY

Date Completed		
Staff Member		
Amount Collected	$	
Delivered to		Date
Picked up by		Date
Mailed to		Date

CITY OF TUCSON - CHANNEL 12
Duplication Request

Request Form – External GENERAL PUBLIC ONLY

Date	
Requestor	
Telephone	
Address	
Amount Charged	
Program Name	
Description of Program and/or Story	
Date Seen on Channel 12	
Number of Copies	

- **PLEASE ALLOW TEN (10) BUSINESS DAYS FOR DUB REQUESTS.**
- **DVD WILL NOT BE SHIPPED UNTIL PAYMENT IS RECEIVED.**
- **PLEASE INCLUDE A COPY OF YOUR REQUEST WITH THE CHECK.**
- **MAIL TO: Tucson 12, P.O. Box 27210, Tucson, AZ 85726-7210**

FOR OFFICE USE ONLY

Date Completed		
Staff Member		
Amount Collected	$	
Delivered to		Date
Picked up by		Date
Mailed to		Date

ADMINISTRATIVE DIRECTIVE

MAYOR AND COUNCIL CHAMBERS ACCESS AND SECURITY	NUMBER 1.02-17	PAGE 1 of 3
	EFFECTIVE DATE November 1 , 2015	

I. PURPOSE

This Administrative Directive describes policies and procedures relating to security and access for the Mayor and Council Chambers located on the first floor of City Hall. The Mayor and Council Chambers, Conference Room, Satellite Offices and Press Room, shall be hereafter referred to as the 'Chambers'.

II. POLICY

Under Tucson Charter Chapter X § 10, the City Clerk is responsible for City Hall. Accordingly, the City Clerk's Office shall manage access to the Chambers. The Chambers is in a secured area of City Hall for the use of the Mayor and Council; City Boards, Committees and Commissions; and other government agencies only. Public access to open public meetings of the Mayor and Council and other City Boards, Committees and Commissions will be provided. Occupants, operations and assets will be protected. Other authorized government agencies may use the Chambers upon approval by the City Clerk.

III. RESPONSIBILITIES

A. City Clerk

1. Public Access to the Chambers will remain through the east doors.

2. The City Clerk's Office has the responsibility for providing access to the Chambers through secured doors on a case-by-case basis.

3. Departments are not authorized to seek access to the Chambers through means other than the City Clerk's Office.

B. Department Responsibilities

1. City employees requesting access to the Chambers through secured doors must submit a form titled "City ID and Security Access Form" and submit it to the City Clerk for approval.

2. All City employees must observe security restrictions when using the Chambers.

IV. AVAILABLE HOURS FOR CHAMBER USE

A. Regular Business Hours

1. The Chambers is available for use by City Boards, Committees and Commissions, and other government agencies, Monday through Friday, 8:00 A.M. through 5:00 P.M., unless prior approval has been granted by the City Clerk.

2. The City Clerk's Office is responsible for opening and securing the Chambers prior to and after meetings.

3. City Clerk staff is not available prior to 8:00 A.M. or after 5:00 P.M.

4. City staff will be responsible for restoring the Chambers to its previous state after use.

B. Equipment and Supplies

1. City staff is responsible for operating the sound system in the Chambers. City Clerk's staff is available to provide training in the operation of the sound system if necessary.

2. City staff is responsible for providing their own blank CDs and other supplies for public meetings in the Chambers.

V. PRESS ROOM

A. Use of the Press Room

1. Approval for use of the press room is granted by the City Clerk.

2. Only members of the press who possess employer-issued identification and prior approval of the City Clerk may access the press room.

3. Members of the press shall display their employer-issued identification at all times while in the Chambers and press room.

ADMINISTRATIVE DIRECTIVE

MAYOR AND COUNCIL CHAMBERS ACCESS AND SECURITY	NUMBER 1.02-17	PAGE 3 of 3
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Appendices City ID and Security Access Form

References Tucson Charter Chapter X § 10
http://intranet.ci.tucson.az.us/files/finance/City_ID_and_Security_Access_Form_v050214.pdf

Review Responsibility and Frequency The City Clerk will review this directive annually or as needed. Last review date: November 30, 2010.

Authorized

City Manager Date 2/2/16

Michael Ortega

Card No. _____

☐ ID ONLY ☐ Replacement

City ID and Security Access Form

☐ **New Employee** ☐ **Current Employee** ☐ **City Hall** ☐ **Council Chambers**

☐ **Other Location** _____

Name:_____ Employee No: _____

Department: _____ Division: _____ Activity No: (required) _____

Position: _____ Date of Hire: _____ Date of Badge Request: _____

_____ _____

Employee's Signature for Badge *Date*

Non-City Hall: Special Access Requests require a written justification.

*Approval for Hours "**other than**" 8 AM to 5 PM, Monday through Friday*

Written Justification: _____

_____

_____

_____

City Hall: Standard Access: First Floor Stairwell and South Door Entrance 6 AM to 6 PM, Mon. – Fri.

Select required access points and hour requests:

Access Hours Requested: _____ AM to _____ PM

Days of Week:

☐ **Monday** ☐ **Tuesday** ☐ **Wednesday** ☐ **Thursday** ☐ **Friday** ☐ **Saturday** ☐ **Sunday** ☐ **24/7**

Access to Tunnel: Entry ☐ Exit ☐ Mailroom Double Door Access: ☐

Basement Access ☐ Ramp Receiving Door Access: ☐

Written Justification: _____

_____

_____

_____

Signature Box for Approval(s):

_____ _____

Department Head / Designee Signature *Date*

_____

Department Head / Designee Name (print)

_____ _____

City Clerk Signature Approval (for City Hall and/or Chambers Access ONLY) *Date*

***Council Chamber Access:** Date of Request: _____

Standard Access Monday – Friday **8 AM to 10 PM** ☐ **Special Access**

Requestor: _____ Position: _____

_____ _____ _____

Department Head / Designee Signature *Department Head / Designee Name (print)* *Date*

_____ _____

City Clerk Signature Approval *Date*

****A Memo from the Department Head must be attached to explain why the employee is required standard access to the Council Chambers. All Chamber access is authorized by the City Clerk ONLY****

v. 5/2/14

ADMINISTRATIVE DIRECTIVE

PROJECT MANAGEMENT PROCESSES	NUMBER 1.02-18	PAGE 1 of 24
	EFFECTIVE DATE July 5, 2013	

I. PURPOSE

This Directive establishes common project management processes, documentation, and reporting expectations with the intent of improving timely, quality, cost-effective City project results. Additionally, the documentation and reporting requirements are expected to increase projects' visibility, showcase successes, and alert stakeholders to impending project risks.

II. POLICY

A. All capital projects with total project costs exceeding $2 million will be planned and executed in accordance with this Directive.

B. All other projects, as defined below, non-construction as well as construction, will be jointly accessed by the applicable City of Tucson Department Head and Deputy/ Assistant City Manager to decide which will be planned and executed in accordance with this Directive.

C. All projects determined by the Department Head and Deputy/Assistant City Manager to be outside strict compliance with this Directive will still be planned and managed utilizing the underlying principles and approaches embedded in this Directive.

III. DEFINITIONS

A. **Project** – An endeavor with a defined beginning and end, undertaken to meet unique goals and objectives, typically to bring about beneficial change or to add value for the City of Tucson. (This broad definition is intended to include non-infrastructure/ construction efforts such as master planning, zoning code changes, budget development, annexations, property acquisition/sales, etc.)

B. **Sponsoring Department** – The Department/Agency that achieves City Manager approvals for a project. The Agency Chief, Department Director, or City Manager Staff Office/Program Director personally represents the Sponsoring Department to the City Manager and applicable Deputy/Assistant City Manager and collaborates with the City Manager and applicable Deputy/Assistant City Manager in decision making regarding the Project.

C. **Project Sponsor** – The Agency Chief, Department Director, or City Manager Staff Office/Program Director of the Sponsoring Department either serves as the Project Sponsor or delegates that responsibility to an individual who will oversee project development and execution on behalf of the citizens of Tucson. This role will typically be delegated to the Supervisor of the designated Project Manager (see below.)

D. **Project Manager** – The individual formally assigned by the Project Sponsor to coordinate the planning, organizing, and managing of the resources to achieve the project's specific goals and outcomes. Project Managers will be assigned based on

their personal knowledge and experience; but more importantly, they'll be assigned based on their individually-proven collaborative attitudes, abilities to think ahead and analyze root causes of situations, and their abilities to facilitate the Project Team through disagreement, controversy, and unrelenting public attention. While the assigned Project Manager is often within the Sponsoring Department, the Project Sponsor may assign an individual from another City Department/Agency to insure the best possible outcomes.

E. **Project Team** – The group of subject-matter experts/managers assembled from throughout the City, as well as supporting contractors, to plan, execute, and close out a project. The team includes individuals from multiple departments, agencies, and in some instances, other jurisdictions. The Project Manager, in conjunction with the Project Sponsor and other departments/agencies, ensures the team is complete and coordinates the roles and responsibilities of the members of the team to minimize overlap and ensure common goals and objectives.

F. **Subject-Matter Experts/Managers** – Individuals from throughout the City, and from applicable contractors or other jurisdictions, who manage and are responsible for their specialty activities supporting the overall Project. Their efforts are for the benefit of the Project, Project Team, and citizens of the City. Examples of Subject-Matter Experts/Managers include: Procurement Official managing all project-related contracting activities; GSD-Architectural and Engineering Project Manager of building design and construction planning and contracting; Information Technology Specialist who translates end-user needs into contractual requirements and manages resulting contracts; and Planning and Development Services Representative to ensure the Project Team understands all permitting requirements and incorporates appropriate permitting time into project plans and schedules. These individuals can be viewed as managing sub-projects of the overall project. They report to their Department Supervisors, but are accountable as Project Team members to the Project Manager and the Project Team for meeting Project-specific goals, schedules, budgets, and scopes.

G. **Stakeholders** – All organizations and individuals outside the Project Team who will be impacted by a project in any way.

H. **Fiscal Support Contact** – The individual assigned by the Project Sponsor to, in partnership with the Project Manager and Project Team, develop, track, and report the project budget and actual expenses, as well as coordinate the same with the City's Budget Office and Finance Department. While the assigned Fiscal Support Contact is often within the Sponsoring Department, the Project Sponsor may assign an individual from another City Department/Agency for optimum support of the Project Team. It is also possible and appropriate that this person will be the designated contact for a team of financial-support personnel. It is critical that the Project Team have a single fiscal support contact for continuity and full knowledge of the project's evolution.

I. **Project Plan** – The plan, developed by the Project Team, documents the objectives and expected outcomes of the project; the roles and responsibilities of those involved; tracking and reporting procedures; communications expectations; risk assessments and risk management/mitigation strategies; plans and expectations for processing and incorporating project changes; schedule plans and tracking document; and financial restrictions and tracking. The initial Plan sets the expectations; the subsequent Plan updates reflect changes as situations change throughout the project. The Project Manager compiles and publishes the Project Plan.

J. **End-User Representative** – The individual assigned by the benefitting work group/organization to serve as the liaison for all those involved with the project and to vigilantly verify that all Project Plans and actions remain aimed on the agreed project objectives and outcomes. This Representative is often from the Sponsoring Department, may also be the assigned Project Manager, or is the person whose work group lives with the project outcome.

K. **Project Management Coordinator** – Individual position assigned by the City Manager to manage and monitor the City's Project Management processes, tracking, and reporting. Additionally, this Coordinator oversees, on the City Manager's behalf, the quality of the process outcomes and agency's and department's conformance with this Directive.

IV. PROCEDURE

A. All capital projects exceeding $2 million, and all other projects jointly determined applicable by the appropriate Department Head and Deputy/Assistant City Manager, will follow the Project Management Process (Appendix A).

1. The Department, Agency, or City Manager Office acquiring approvals for the project will be accountable to the City Manager and citizens of Tucson for the project meeting the expectations set during the approval process.

2. The Project Sponsor, as defined in section III C above, will formally assign and set expectations for the Project Manager who will facilitate and oversee the project activities and results. The formal Project Manager Assignment Memo (sample shown as Appendix B) will clearly document the expectations between the Project Sponsor and Project Manager. Either the Project Sponsor or Project Manager will draft the assignment memo, but both will ultimately agree on the document as evidenced by their signatures.

3. The Project Sponsor will assign a Fiscal Support Contact by memo (sample shown as Appendix C) to work with the Project Manager on clear, complete project financial planning, tracking, and reporting. This individual will ensure, on behalf of the Project Manager and Project Team, the applicable departments' Financial Managers, the Finance Department, and the Budget

Office remain aware of Project fiscal needs and status throughout the project. This individual provides the financial knowledge and continuity, from Project start to finish and closeout.

4. The Project Manager and Fiscal Support Contact will collaborate in getting funding for the Project as well as obtaining all required financial approvals and authorizations, including those of the Mayor and Council if required, before proceeding beyond the planning phase of the Project.

5. Based on the recommendation of the Sponsoring Department Director/Agency Chief, and using the Project Tracking and Briefing Decision Process (Appendix D), the City Manager's Office will decide if each project is included in a City-wide project tracking system and briefed periodically to the City Manager by the Project Manager, Fiscal Support Contact, and Project Sponsor.

6. The Project Manager will request applicable departments to assign Subject-Matter Experts/Managers to the Project Team. Those Subject-Matter Experts/ Managers will apply their thinking, knowledge, and skills to the Project Team and the Project for the benefit of the citizens of Tucson. The Subject-Matter Experts/ Managers will reach upfront agreement with the Project Manager on their individual role and responsibilities, which will be documented in the Project Plan (sample shown as Appendix E).

7. The Project Manager will facilitate and coordinate the Project Team, minimizing overlapping responsibilities and ensuring all commitments are kept by each team member. Any pattern of a problem with any team member will be brought to that member's department Supervisor immediately by the Project Manager. In extreme situations, the Project Manager will appeal to the Project Sponsor to contact the problem member's department supervisory chain.

8. The Project Team will develop a detailed Project Plan together (sample shown as Appendix E). The Project Manager will brief the plan to the Project Sponsor.

9. The Project Team will, with facilitation and coordination of the Project Manager, complete planning and execute the project through formal closure. Each Subject-Matter Expert/Manager will understand their role and responsibilities and manage all efforts to meet those responsibilities as sub-projects and optimally support the entire Project.

10. Throughout the Project, the Project Manager will keep the Project Sponsor informed to the extent appropriate. The Project Manager will provide project-tracking updates to the Project Management Coordinator as applicable and brief the City Manager quarterly on the project status and risks.

11. The Project Manager will ensure the Project Team completes all aspects of the project and will brief the Project Sponsor, the Sponsoring Department/Agency, and City Manager as applicable on project completion and operational turnover.

12. Throughout the Project, the Project Sponsor will ensure that the Project Manager and Project Team meet all commitments and deliver the expected outcomes.

V. ORGANIZAITON

A. Projects are managed and completed through collaboration and teamwork, often including multiple departments as well as outside contractors, vendors, and stakeholders. The lines of project responsibility and accountability often do not conform with established supervisory reporting chains. Individuals assigned to project teams typically have two lines of responsibility for the duration of the project – to and through the Project Manager, and to their designated department Supervisor. These accountabilities are shown in a Project Organization (sample shown as Appendix E1).

B. Each assigned Project Manager will develop a detailed project-specific Project Organization, similar to Appendix E1, and include it in the Project Plan. The Roles and Responsibilities documentation (IV.A.6. above and similar to Appendix E2), together with the Project Organization, are intended to answer all questions about roles and responsibilities and reporting relationships.

VI. RECORDS AND FILES

A. All documents, drawings, plans, files, emails, electronic documents and communications related to any/all aspects of a project are Public Records. The Procurement Department maintains the formal contract files, and the Finance Department maintains the formal financial/accounting information; however, the Project Manager, Fiscal Support Contact, and Subject-Matter Expert's/Manager's files are also subject to public review.

B. Each organization and individual involved in a project is responsible for maintaining project records and files that are organized, easy to research, and as complete as possible for their aspect of the project.

C. As each project nears completion, the Project Team must consider records retention requirements and if/how project records will be consolidated.

VII. TRACKING AND REPORTING

A. As each project is executed, the Project Manager will provide updates, reports, and briefings of the overall Project Plan, progress toward completion, and all risks to success. At a minimum, the Project Manager will keep the Project Sponsor regularly updated as decided between them. If it is decided the Project will be formally tracked and reported at the City Manager level, the Project Manager and Fiscal Support Contact will provide monthly Project updates to the Project Management Coordinator. Those updates will be complete, in the designated standard formats, and ready for publication to the City Intranet/Internet.

B. The City Manager will designate an existing funded position in Budget, Finance, or the City Manager's Office, to manage the Project Management Process as part of that position's normal duties. The incumbent of this position will, in addition to their assigned position title, function as the City's Project Management Coordinator. The Project Management Coordinator will get monthly project status updates from the Project Managers and Fiscal Support Contact and keep the City's projects' website current, as well as prescribe the format and schedule, and coordinate project status briefings by the Project Managers to the City Manager.

C. Additionally, for Projects in the formal tracking and reporting system, the Project Manager, Fiscal Support Contact, and Project Sponsor will brief project status to the City Manager regularly, as determined by the Sponsoring Department/Agency Director and the City Manager, and as scheduled by the Project Management Coordinator. The format for the briefing will conform with the standard format published by the Project Management Coordinator at direction of the City Manager. (Sample schedule and financial tracking formats included in Appendices E3 and E4 show the basic information that will be available at the briefings.)

D. Formats and schedules for formal tracking and reporting at the City Manager level may change over time as directed by the City Manager. The Project Management Coordinator will keep all Departments informed of the current formats. Department Directors will inform all personnel involved with projects of the current formats.

E. Projects not formally tracked and reported at the City Manager level will be tracked and reported at the applicable department level. Department Directors will establish internal department standard formats, methods, and procedures for tracking and reporting consistent with the intent and approach of this Directive. These expectations will meet the specific needs of each department; however, consistency with City Manager-level formats will minimize potential confusion.

F. Long term, the City Information Technology Department (IT) will develop and maintain a City-wide digital project documentation, tracking, and reporting system, in collaboration with potential users of that system.

VIII. RISKS

The Project Sponsor, Project Manager, and Fiscal Support Contact will ensure the Project Team identifies likely risks to project success and the Team employs proactive strategies to plan for and mitigate those risks.

IX. CHANGE MANAGEMENT

The Project Manager will ensure the Project Team defines and documents a process for handling, tracking, approving, and implementing changes to the project. This process will include appropriate and required reviews/approvals of the Team, the Project Manager, the Fiscal Support Contact, and the Project Sponsor, as well as all other applicable processes.

X. PROJECT CLOSE-OUT

A. Each Project will be formally closed out. The Fiscal Support Contact and Project Manager will lead the efforts to close out projects.

B. Closure includes closing out each contract as well as financially closing the projects' accounting. This is typically a Project Team effort that gets too little attention and drags out well past Project work completion. The Project Sponsor, Project Manager, Fiscal Support Contact, and entire Project Team remain accountable until all close-out actions are complete.

C. Key contributors to smooth out the project close-out process are the Procurement and Finance Departments. Getting all contract payments made and sign-offs complete are necessary before financial close-out can be considered. Timely financial close-out links to critical financial management actions and milestones. The Fiscal Support Contact ensures the financial side is satisfied; the Project Manager ensures complete close-out is timely.

XI. PROJECT MANAGEMENT TRAINING

Each City Project Manager needs training and ongoing development to refine and improve his/her effectiveness in managing projects. The City's Human Resources Department (HR) will include both initial training and continuing education opportunities in HR's employee training program. HR will develop curriculums and Training Facilitators in collaboration with proven successful Project Managers and departments. HR will coordinate with departments to provide this training and development to all who need it, with added opportunities for those who want the training to enhance their current job performance and competitiveness for future assignments and positions.

XII. SUMMARY

This Directive provides the framework and approaches to increase consistency and overall project management success across the City. Each project in the City is ultimately for the benefit of the citizens. Successful City projects result from comprehensive, well-coordinated teamwork. Each City organization and employee involved in a project must provide their very best effort and keep the entire Project Team informed and involved in their efforts. Through consistent tracking and timely reporting of projects, the City Manager and Elected Officials will stay better informed and watch projects develop and succeed.

Appendices

A – Project Management Process
B – Project Manager Assignment Memo Sample
C – Fiscal Support Assignment Memo Sample
D – Project Tracking and Briefing Decision Process
E – Project Plan Sample
1) Project Organization Sample
2) Project Roles and Responsibilities Sample
3) Project Schedule Sample
4) Financial Tracking Sample
5) Notice of Award of Financed Project Funding Sample
6) Expenditure Approval Request (EAR) Sample

References None.

Review Responsibility and Frequency This Directive shall be reviewed by the City Manager in May of each year, or as necessary.

Authorized

RMiranda 7-11-13

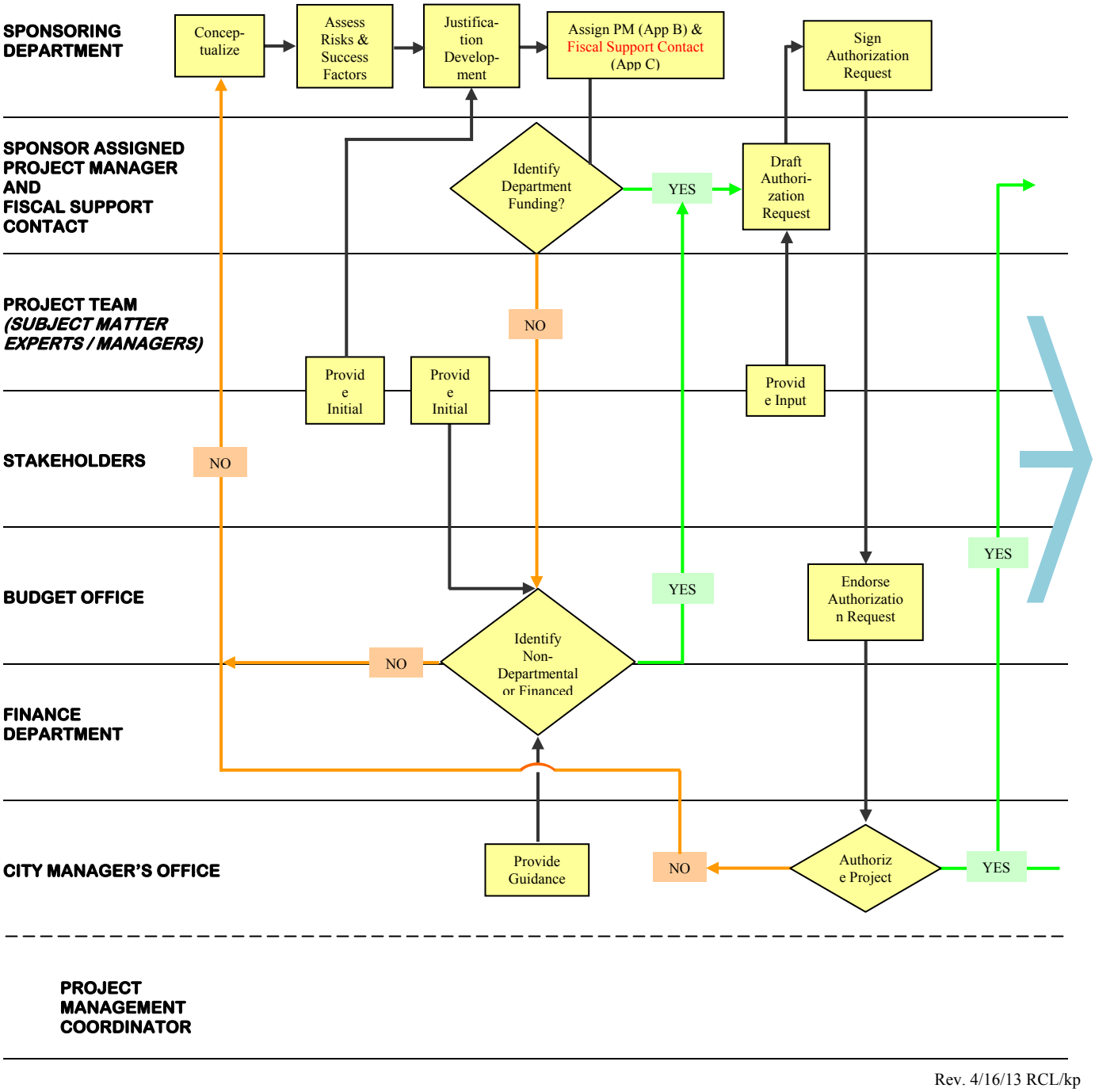
City Manager Date

Richard Miranda

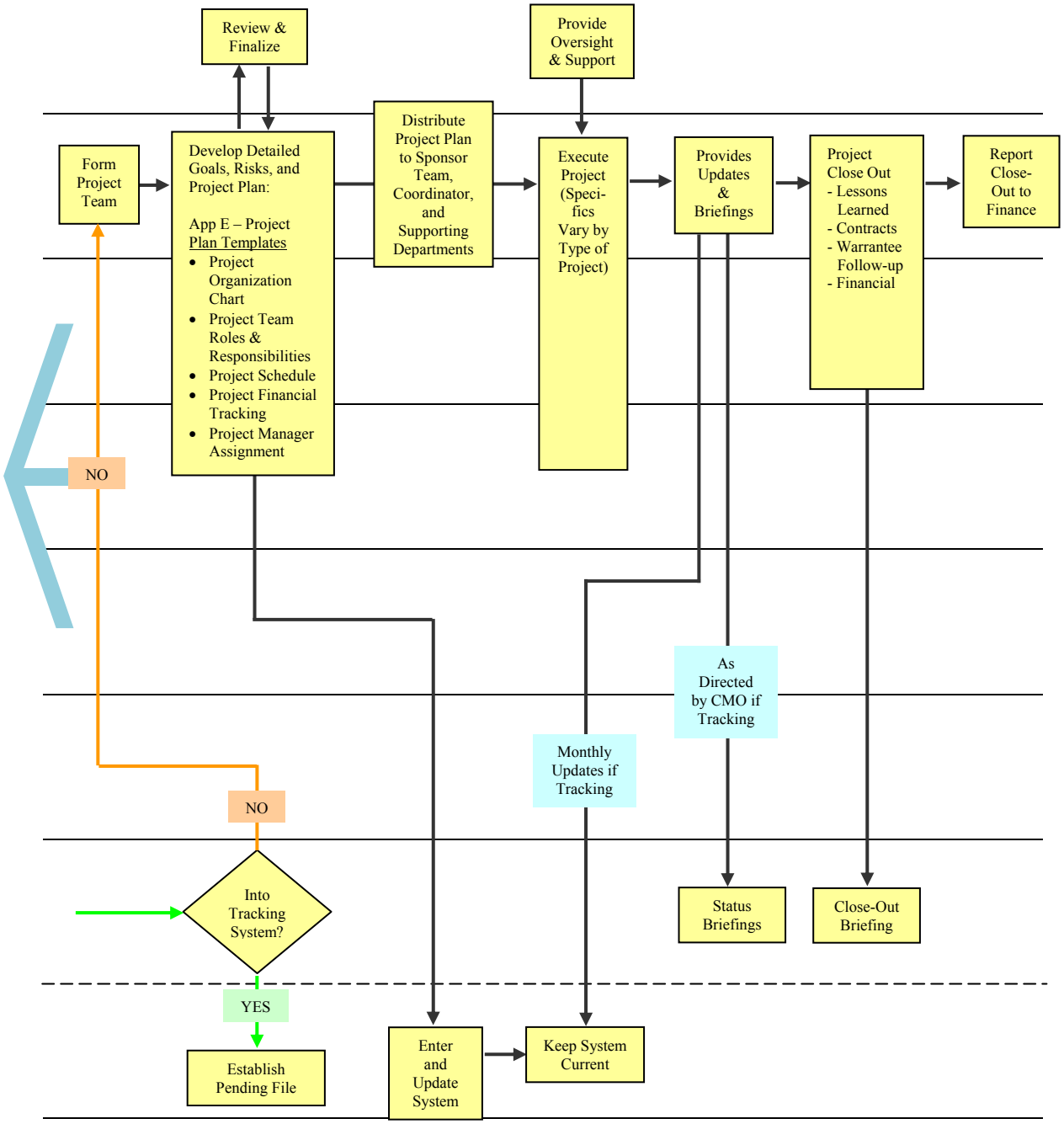
ADMINISTRATIVE DIRECTIVE

PROJECT MANAGEMENT PROCESSES	NUMBER 1.02-18	PAGE APPENDIX A
	EFFECTIVE DATE July 5, 2013	

Project Management Process
Page 1 of 2



Project Management Process
Page 2 of 2



Project Manager Assignment Memo Sample

MEMORANDUM

DATE: May 6, 2013

TO: (Project Manager - not necessarily within Sponsoring Department)

FROM: (Project Sponsor)

SUBJECT: Project Management Assignment – (Insert short title of Project)

Assignment
You are hereby assigned to manage the overall development of (insert the Project Title). (Insert the Project Intent and Outcomes).

Sponsor
The (insert Dept name) department and myself personally are sponsoring this Project. We are directly responsible to the City Manager, Elected Officials, and the Citizens of Tucson for delivering the desired outcomes of this effort.

Together, we must rely on the knowledge and expertise of others throughout the City organization to achieve success. You will build a Project Team, which will include subject matter experts/managers to manage each aspect of the project (sub-projects), and others, to ensure overall success. These team members will be assigned by their department supervisors.

I am available to help with any team challenges (such as individual not meeting commitments, other departments not providing team members, etc.). We must remember this is a City project and must manage it collaboratively.

Authority
You are authorized, on my behalf, to be the voice and knowledge of this Project. **The Project Budget must cover all Project-related costs**. You have the authority with the Project Team to plan for and expend those funds with the best interests of City taxpayers in mind. You must abide by all laws, regulations, ordinances, codes, City Administrative Directives, and established City and Department business and operating policies and procedures.

Without exception, I expect you will keep me immediately informed of Project scope changes, budget changes, and schedule changes, as well as definable risks of the same.

Project Plan
With your Project Team, you will develop a detailed Project Plan that includes the scope, planned outcomes, budget, schedule, Team roles and responsibilities, Team communications/coordination plans, and expected risks to Project success, along with risk mitigation considerations.

Schedule
This Project is to be completed no later than (insert Month and Year). Failure to meet this deadline date will result in the following consequences for the City:
(List)

Project Manager Assignment Memo Sample
Page 2 of 2

TO:
SUBJECT:
Page 2 of 2

You will develop with the Project Team an overall schedule of actions and milestones to achieve completion and project closeout before the deadline.

Budget
You will manage this Project to satisfy the City's needs within the initially-budgeted funds of (insert total budgeted amount). You will carefully plan with the Project Team all expenditures, obtaining my approval of your expense plan before incurring costs.

Project Scope
You will develop with the Project Team a clear, concise Project Scope which will serve as the Project vision and the standard by which you consider all Project actions and decisions. The scope must be what is needed to best support the City goal/objective that the Project supports. The scope will not be changed just to use available fund capacity without my knowledge and formal approval.

Any and all anticipated or required changes to the initially agreed-to scope require my personal approval before proceeding.

Quality/Complexity
The end results of the Project must reflect conservative professionalism; cost effective, prudent use of resources; and the durability to sustain through the full expected useful life. What we do is done "right" in terms of the applicable industry's quality standards and all laws, regulations, ordinances, directives, and policies/procedures. The project outcomes must be reflective of prudent use of public resources.

Reporting
You will provide monthly Project updates, in consistent agreed-to or directed formats, to me and, if applicable, the City's Project Management Coordinator. Additionally, if applicable, you will brief the City Manager as scheduled on the Project's status in terms of Scope, Schedule and Expense compared to the initial Project Plan.

I understand and commit to meeting your expectations:

_____ _____
Project Manager's Signature **Date**

(Do not delete any of the above sections nor change their intent. A degree of customization to the incident project is expected. Additionally, the Project Sponsor and assigned Project Manager can add to any section or add sections to achieve clear explicit expectations.)

(Type initials of person memo is FROM):(type lower case initials of authors in order of progression)
Attachment(s): (List, if any, or type None)

c: (Name(s) – (Department)

Fiscal Support Assignment Memo Sample
Page 1 of 2

MEMORANDUM

DATE: April 17, 2013

TO: (Project Fiscal Support Contact - not necessarily within Sponsoring Department)

FROM: (Project Sponsor)

SUBJECT: Fiscal Support Contact Assignment – (Insert short title of Project)

Assignment
You are hereby assigned to be a member of the Project Team and support the Project and Project Manager in planning and tracking Project expenses for (insert the Project Title).

Sponsor
The (insert the Department Name) and I are sponsoring this Project. You, as the Fiscal Support Contact for the Project, are responsible to me, the Project Manager, the Finance Department, the City Manager, Elected Officials, and the Citizens of Tucson for developing, maintaining, and reporting all financial aspects of the Project. You are the Project's, the Sponsoring Department's, and the Finance/Budget Department's fiscal expert on the Project. You will work directly with applicable Department, Finance, and Budget personnel throughout all financial actions, transactions, and planning/reporting.

I am available to help with any challenges (such as others' lack of communication or insensitivities to fiscal responsibility). We must remember this is a City project and we must demonstrate professional fiscal responsibility throughout.

Authority
You are authorized, on my behalf, to be the financial lead on this Project. The Project Budget of (insert total budgeted amount) must cover all Project-related costs. You will work collaboratively with the Project Manager in developing a breakdown of the project into fiscally trackable work elements (work breakdown structure) and allocate available budget/funding appropriately to each element for both contracting and tracking. Both you and the Project Manager must agree on funding allocations and related expenses; bring any disagreements immediately to me for resolution. You and the Project Team must abide by all laws, regulations, ordinances, codes, City Administrative Directives, and established City and Department business and operating policies and procedures.

Reporting
You will provide monthly Project financial updates, in consistent agreed-to or directed formats, to me, the Project Manager, the Project Team, and, if applicable, the City's Project Management Coordinator. Additionally, if applicable, you will be present with the Project Manager to formally brief the City Manager as scheduled on the Project's status in terms of Scope, Schedule and Expense compared to the initial Project Plan.

Fiscal Support Assignment Memo Sample
Page 2 of 2

TO:
SUBJECT:
Page 2 of 2

I understand and commit to meeting your expectations:

_____ _____
Fiscal Support's Contact's Signature **Date**

(Do not delete any of the above sections nor change their intent. A degree of customization to the incident project is expected. Additionally, the Project Sponsor and assigned Fiscal Support Contact can add to any section or add sections to achieve clear explicit expectations.)

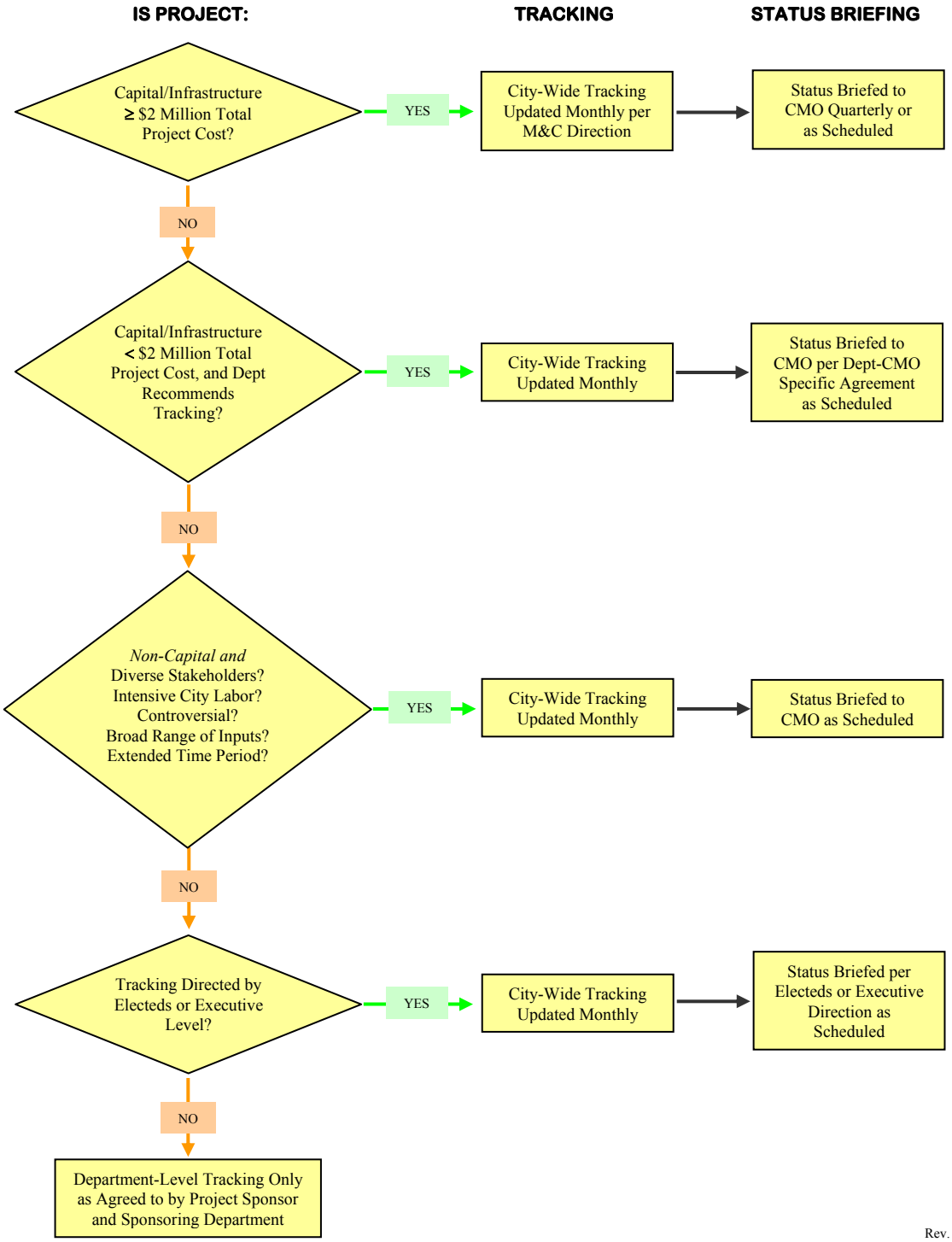
(Type initials of person memo is FROM):(type lower case initials of authors in order of progression)
Attachment(s): (List, if any, or type None)

c: (Name(s) – (Department)

ADMINISTRATIVE DIRECTIVE

PROJECT MANAGEMENT PROCESSES	NUMBER 1.02-18	PAGE APPENDIX D
	EFFECTIVE DATE July 5, 2013	

Project Tracking and Briefing Decision Process



Project Plan Sample

Developed and Agreed To By Project Team
(insert date signed – any revisions to be re-signed with new date)

Project Sponsor: (Name), (Title), (Department)
Project Manager: (Name), (Title), (Department)
Fiscal Support Contact: (Name), (Title), (Department)

Purpose/Outcome
(insert outcomes specified in Project Manager Assignment Letter)

Scope
(insert the basic scope of the effort, the starting point for the Team to develop specifics)

Team
(insert project organization/reporting chart and roles and responsibilities – this will evolve and develop over time; initially it starts as a list of what representation is required/needed in the Sponsor's, PM's, and other Departments' minds)

Communication Plan
(insert initial plans for regular meetings, briefings, and reporting; include who will be involved in each, and purpose of each)

Tracking and Reporting Process
(what and how: insert what is planned, the frequency, and who is responsible)

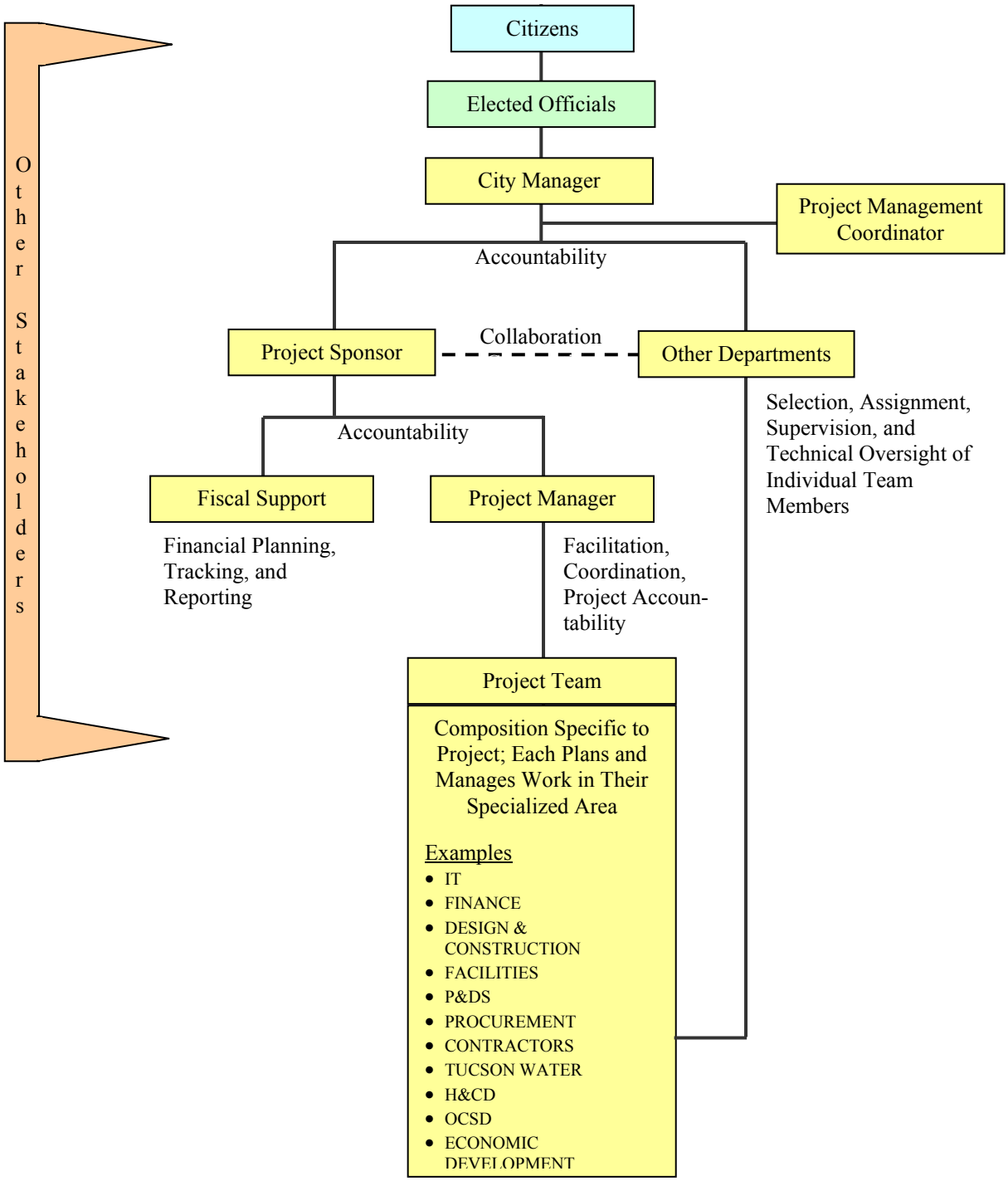
Changes
(insert description of how the Team will handle changes in scope, costs, and time: Who will do what and who has what responsibility regarding processing changes)

Attach Documents
1) Project Organization Sample
2) Project Roles and Responsibilities Sample
3) Project Schedule Sample
4) Project Financial Tracking Sample
5) Notice of Award of Financed Project Funding Sample
6) Approved EAR Sample

Team Acknowledgement of Project Plan Dated _____

(insert each name and department/firm affiliation + signatures of all)

Project Organization Sample



Project Roles and Responsibilities Sample

Name	Role	Responsibilities
Joe Bilkin – _____ Dept	Project Sponsor	**- Overall project success** **- Guidance and oversight of Project Manager and Project Team** **- Regular review of project status** **- Assist Project Manager and Team as necessary**
Sally Smith – _____ Dept	Project Manager	**- Overall project success in terms of scope, schedule, and costs** **- Build project team** **- Facilitate project team's collaboration and development of detailed project plan** **- Report project status**
Carlos Jimenez – ____ Dept	Financial Support	**- Financial planning and tracking** **- Facilitate payments** **- Analysis for Project Manager, Project Team, and Project Sponsor**
Yolanda Perez – GSD A&E Div	Design and Construction Management	**- Plan and manage design and construction from initial scope planning through contracts closeout** **- Keep overall Project Manager advised on design and construction status, including related costs and schedules** **- Continuously coordinate with Project Team on interfacing and interdependent activities** **- Advise Project Manager and Team on risks as well as opportunities to improve project outcomes**
John Rawlings – _____ Dept	End User Rep	**- Ensure the end user's interests and needs are met** **- Input operational coordination needs during the project** **- Help Team in scheduling project** **- Ensure completion of work and cleanup of spaces before accepting the work from the Team**
Sam Castro – IT Dept	IT Management	**- Provide IT standards and needs** **- Work with Team in integrating IT with the other aspects of the project** **- Help Team with IT functionality and quality checks** **- Help End User "go live" with technology**
Steelcase – Vendor	FF&E Provider	**- Provide FF&E consistent with overall project schedule** **- Assist End User and Team in understanding options and alternatives**
Laurel Jones – Procurement Dept	Contracting Official	**- Contracting services from start to finish, consistent with all applicable laws, regulations, ordinances, and Administrative Directives** **- Work with Team to integrate contracting time into the overall schedule**

Project Roles and Responsibilities Sample

Name	Role	**Responsibilities**
H&J – Consultant	Designer	**- Perform under management and direction of Design and Construction Manager** **- Provide planning, design, and construction administration services consistent with applicable contracts** **- Meet all schedules and milestones**
Jones, Inc. – Contractor	Builder	**- Perform under management and direction of Design and Construction Manager** **- Construct, startup, turnover and warrant the project consistent with applicable contracts** **- Meet all schedules and milestones** **- Minimize disruption of those in/around the building site** **- Proactively coordinate all activities**
Evercold – Consultant	Commissioning Agent	**- Ensure the various building systems are designed to achieve operational needs and efficiencies** **- Review builder's startup and testing to ensure compliance with contract requirements** **- Validate builder's testing as well as proper functionality of all systems included in their contract(s)** **- Advise the Team of opportunities to improve project outcomes**

Project Schedule Sample

(Insert Project Title)
(Insert Date of Update)

Activity	Responsible Party	Planned Start	Actual Start	Planned Complete	Actual Complete
• Conceptualize Outcomes/Results					
• Plan Actions to Achieve Outcomes					
• Get Approvals					
• Assemble In-House Project Team					
• Finalize Plan					
• Contracting Actions					
• Add Contractors to Team					
• Design					
• Permitting					
• Construction					
• Commissioning					
• FF&E					
• Turnover and Occupancies					
• Project Closeout					

Financial Tracking Sample

			PROJECT TITLE:	**(Project Title)**			
			Project Sponsor:	(Name), (Title), (Department)			
			Overall Project Manager:	(Name), (Title), (Department)			
			Fiscal Support:	(Name), (Title), (Department)			
FUNDING							
	Date	**Source**			**Account Number**		**Amount**
	(Date)	(Narrative)			(Acct #)		$ -
	(Date)	(Narrative)			(Acct #)		$ -
	(Date)	(Narrative)			(Acct #)		$ -
						Current Total	$ -
COSTS							
(Breakdown specific to individual project)			**Initial Projected**	**Current Projected**	**Expended to Date**	**Remaining Encumbrances**	**Uncommitted**
	Planning (Acct #)						
	P&DSD		$ -	$ -	$ -	$ -	$ -
	(Consultant)		$ -	$ -	$ -	$ -	$ -
		Subtotal	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	Project Mgmt (Acct #)						
	GSD/A&E		$ -	$ -	$ -	$ -	$ -
		Subtotal	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	Design (Acct #)						
	(Contractor)		$ -	$ -	$ -	$ -	$ -
	Facilities ROWs		$ -	$ -	$ -	$ -	$ -
	CMR		$ -	$ -	$ -	$ -	$ -
	Commission		$ -	$ -	$ -	$ -	$ -
		Subtotal	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	Construction (Acct #)						
	CMR		$ -	$ -	$ -	$ -	$ -
	Material Test		$ -	$ -	$ -	$ -	$ -
	Inspection		$ -	$ -	$ -	$ -	$ -
	(CA - Design Contractor)		$ -	$ -	$ -	$ -	$ -
		Subtotal	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	Commissioning (Acct #)						
	(Contractor)		$ -	$ -	$ -	$ -	$ -
		Subtotal	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
	FF&E (Acct #)						
	(Vendor 1)		$ -	$ -	$ -	$ -	$ -
	(Vendor 2)		$ -	$ -	$ -	$ -	$ -
		Subtotal	*$ -*	*$ -*	*$ -*	*$ -*	*$ -*
		TOTAL	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
	Contingency (Acct #)		$ -	$ -	$ -	$ -	$ -
GRAND TOTAL			**$ -**	**$ -**	**$ -**	**$ -**	**$ -**

Notice of Award of Financed Project Funding Sample
Page 1 of 2

(Use a separate form for each financed funding source)

The _____ has been issued $_____ in
City Department (Amt available net of issuance costs)

_____ proceeds to fund the following project and
Type of Financing (i.e. QECBs, BABs, COPs etc)

corresponding scope of work:

Project Title: _____

Project Description: _____
_____
_____

Scope of Work: _____
_____
_____

The bond covenants that govern the issuance of these funds require that the funds be spent in accordance with the purpose for which they were originally issued. If there is a change in scope for the project outlined above or if you have questions regarding the eligibility of certain expenditures please contact _____ at _____.

Project Accounting
The account information for the encumbrance and spend of these funds will be as follows:

Fund: _____
Department: _____
Unit: _____
Program Code: _____

These funds are available on _____ and funding must be used by _____ to avoid arbitrage restrictions.
Date Date

Restrictions Regarding Use of Funds
The use of these funds requires compliance with the following items as indicated:
(check all that apply)

_____ Davis Bacon
_____ Independent Cost estimates
_____ Buy American
_____ Reporting on jobs created/maintained
_____ Other Regular Recurring Reporting
– Responsible person/position: _____ / _____
_____ Other
Additional Detail: _____
_____
_____

Notice of Award of Financed Project Funding Sample
Page 2 of 2

Debt Service
The debt service for this project will be the responsibility of the:

_____ General Fund as approved by: _____
_____ Department receiving the funds
_____ Other
Additional Detail: _____
_____

The account number designated for debt service is: _____-_____-_____-_____-_____

Principle and interest payments will be processed by _____ and made in the
Department Responsible
amount and on the day as outlined on the attached debt service schedule.

Bond issuance costs of $_____ will be amortized over the life of the loan and charged in monthly installments in the amount of $_____ to the following account number: _____ - _____ -_____-_____-_____

Other Pertinent Restrictions/Information
_____
_____
_____
_____

Acknowledgement
This document contains information you need to know and understand regarding your Department's use of financed dollars. It is essential that you monitor the use of these funds to insure compliance with the requirements, restrictions and deadlines as outlined above.

Acknowledgement of terms and conditions:

_____
Funding Recipient's Department Finance Manager Date

_____
Funding Recipient's Project Manager Date

_____
Funding Recipient Department's Assigned Budget Analyst Date

_____
Finance Department – Finance Specialist Date

Department: Please insure that this information sheet is provided to the Architecture and Engineering Division of the General Services Department if they will be managing your project. If not, be sure to provide this sheet to the Procurement Contract Officer that will be establishing contracts to be paid through these funds as they will need to know what should be included in the contract to insure compliance with the mandates and/or restrictions governing the use of these funds.

Expenditure Approval Request (EAR) Sample

MEMORANDUM

DATE:

TO: Select a Name

Select a Title

FROM:

SUBJECT: Choose an Item

Amount to be Approved:	**Date Required:**
Blanket and Renewal Purchase Orders Only:	
Inception to Date Expenditures on BPO (from original start date):	**Date Created:** **Date Expires:**
Description of Item/Service (Include project name if Capital):	
Funding Available: ☐ Yes - In account noted _____ ☐ No – BCR/Transfer needed from Account No. _____	**Purchase Order No:** **Contract Officer:**
Vendor Name/No.	
Justification: (Including impact if not approved)	
☐ **Justification Memo Attached for Sole Source or Brand/Emergency/Travel. Note:** (Procurement approval on Sole Source/Brand Memo is not required for purposes of this form.)	
Requested by (Division/District):	**Contact/Phone Number:**

Department Approval Date

Department Director Approval Date

Budget Comments:

Budget Analyst Approval Date

City Manager's Office: ☐ Approved ☐ Denied

City Manager Office Approval Date

ADMINISTRATIVE DIRECTIVE

COMMEMORATIVE NAMING OF CITY-OWNED PHYSICAL ASSETS	NUMBER 1.02-19	PAGE 1 of 3
	EFFECTIVE DATE September 8, 2015	

I. PURPOSE

This directive establishes policies and procedures specifically for commemorative naming of City of Tucson buildings, roads, parks, and similar physical assets.

II. POLICY

Commemorative naming requires Mayor and Council approval and shall be based on careful thought and consideration of the background, accomplishments, and local contributions of the individual or group being recognized. The name shall be recognizable by the citizens as fitting and appropriate for the named asset.

III. DEFINITIONS

A. **Managing Department/Agency** - City assets are typically occupied, used, and/or managed by one department, the Managing Department. Examples include fire stations, police substations, water pump sites, and recreation facilities. In some instances, that department may accommodate a small segment of another department's operations, as in the case of many small outside uses in Park's recreation facilities. In limited instances, one department serves as the landlord, coordinating the use, utilities, maintenance, and repair of the asset on behalf of all occupants. The primary examples of this include General Services Department/ Facilities and Communications Maintenance's management of City Hall and the Thomas O. Price Service Center.

B. **Functional Name** - Functional names are assigned to physical assets as determined, needed and appropriate by the Managing Department. The functional name enables citizens and City employees to quickly and easily refer to the asset and understand its primary function. Examples include City Hall, Harrison Road Fueling Station, Fire Station #20, and Northwest Bus Maintenance Facility. In the case of City roadways, functional name is the name assigned in conjunction with the Pima County Addressing office.

C. **Commemorative Name** - In noteworthy situations, a commemorative name is added to an asset specifically acknowledging an individual or group's extraordinary contributions or sacrifices to the development of Tucson and Tucson's culture, spirit, quality of life, or the betterment of the community or the nation. Such acknowledgements provide lasting memories for the community of the honored individual or group. An example is the Patrick Hardesty Midtown Multiservice Center which honors a fallen Tucson Police Officer.

D. **Commemorative Name Change** - City assets often endure through use and functional changes and even changes in surrounding neighborhoods. Such changes may lead to proposals to change an asset's commemorative name to better reflect the current situation. Commemorative name changes are processed the same as original naming.

E. **Physical Asset** - The City's physical assets are reflected in financial tracking and reporting. These include roads and rights-of-way improvements, bridges, land, buildings and installed systems, fiber optic networks, microwave systems, radio systems, water utility piping, pumps, generators, filtration systems, reservoirs, wells, landfills, parks, playgrounds, athletic fields, golf courses, transit centers, and related infrastructure.

IV. PROCEDURES

A. Parks and Recreation managed assets will be commemoratively named in accordance with Attachment A.

B. All City of Tucson physical assets not included in paragraph A above are also potential candidates for commemorative naming. Commemorative naming proposals shall be considered in accordance with the following procedures:

1. Anyone may propose consideration of a commemorative name or commemorative name change, by email, memo, or letter addressed to the Director, Chief, or Head of the Managing Department. Requests received by other entities will immediately be referred to the applicable Managing Department. Proposals shall address each of the following factors:

a. The individual or group proposed for recognition.

b. Recommended specific commemorative name.

c. The significance of the individual or group to the development, culture, spirit, and/or longevity of Tucson.

d. If renaming, why the previous name is less important to Tucson than the new proposed name.

e. Proposed representative(s) of the individual or group to answer any questions, serve as an advocate, and attend an eventual dedication ceremony.

f. Why this asset is considered the appropriate manner to acknowledge this particular person or group.

g. The proposed funding source for all signs, monuments, plaques, markings, etc., that will display the name. (The proposer is expected to provide funding for such displays that change or are in addition to those signs normally included in the original project.)

2. The Managing Department shall evaluate the proposal to confirm the individual/group and asset is a logical, publicly understandable match and the individual/group is in fact significant to Tucson or our nation. The City Manager will then be notified of the proposal and the Managing Department's intent to proceed.

3. The Managing Department shall facilitate public notifications and appropriate forum(s) for public input and feedback on the proposed commemorative naming.

4. The Managing Department shall work with stakeholders to develop a recommendation, brief the City Manager on the recommendation, then with City Manager concurrence, process the recommended commemorative naming for Mayor and Council consideration and approval.

5. In cases of perceived urgency, the Managing Department will accelerate their consideration and stakeholder interaction and processing as they deem necessary and appropriate.

Appendices Attachment A - Parks and Recreation managed assets

References None

Review Responsibility and Frequency The General Services Department Director will review this directive as necessary.

Authorized

City Manager — Date 9/22/15

Michael Ortega

Tucson Parks and Recreation
A Nationally Accredited Agency

CITY OF TUCSON
PARKS AND RECREATION DEPARTMENT
PROCEDURE AND REGULATION MANUAL

Subject: Naming of Parks and Other Recreation Facilities

Number: 3.2-13
Date Issued: 11/2000
Revised: 12/5/08
TPRC approved: 5/25/11

Purpose

The purpose of this procedure is to establish the process for naming or renaming of parks and recreation facilities and special interest areas that are managed by the City of Tucson Parks and Recreation Department. The Department's intent is to honor and value the current names of parks and recreation facilities and special interest areas within the system while providing the opportunity to recognize individuals, organizations, historical events, and geographic locations that warrant merit. Careful consideration will be given to all requests prior to initiating a formal petition process. Certain parks and other recreation facilities may not be eligible for this process based upon research and/or historical information discovered by staff in reviewing the request.

Please note: there are **four** parts to this procedure/process as follows:

a) Attachment "A" – Background Information – For Staff Use Only ***(not for public distribution)***
b) Attachment "B" - **"Application Guidelines and Information Process"** ***(public hand-out)***
c) Attachment "C" - Petition Tracking Sheet *
d) Attachment "D" – Petition**

* Staff use only
**Will be made available only after review and approval of letter of intent.

The complete process for facility naming/renaming can take up to five months.

Staff shall completely review all of the information relating to this procedure prior to distributing Attachment "B".

Procedure

1. Staff shall provide REQUESTOR Attachment "B" - **"Application Guidelines and Information Process".**

2. Staff shall inform and reassure the requestor that all of the details and information they need to know and the steps they need to follow are included in Attachment "B"- **"Application Guidelines and Information Process"**.

3. If requestor has additional questions, staff shall refer him/her directly to the appropriate 1) Park District Administrator or Superintendent(s) or 2) the Director's office. Staff shall provide requestor with accurate telephone numbers and/or email addresses for direct contacts.

4. This procedure may be amended or repealed, in part or in whole by the Tucson Parks and Recreation Commission.

Tucson Parks and Recreation
A Nationally Accredited Agency

BACKGROUND INFORMATION – FOR STAFF USE ONLY
NAMING/RENAMING GUIDELINES AND PROCESS
PARKS AND RECREATION FACILITIES AND SPECIAL INTEREST AREAS

Estimated time frame for complete process is up to 5 months.

Upon receipt of a letter of intent to submit a petition to name/rename a park/facility, the Director/Park District Administrator shall:

1. Review and discuss the request for appropriateness and further advancement of the process.
2. Review the Department Inventory of Parks, Recreation facilities and Special Interest Areas to verify that the park/facility being requested is eligible for naming/renaming based on:
   - ✓ Current name
   - ✓ Historical significance of current name
   - ✓ Significance of the proposed name
   - ✓ Review proposal for adherence to stated criteria and authentication of statements relative to the application/petition
3. If it is determined that the process will continue, Director/Park District Administrator will initiate Mayor and Council notification of the request and Department's initial recommendation.
4. The Department shall initiate a response letter to the requestor advising whether or not the petition process should proceed and an explanation of that direction. If notice to proceed is issued, a petition shall be attached with the pre-described service area and number of signatures required.
5. The number of signatures required is determined by the size of the park as follows:

   a) Mini Park, (1 acre or less)……....25 signatures within .25 mile radius
   b) Neighborhood facility (1-15 acres)…. 50 signatures within .5 mile radius
   c) Community Park (15-40 acres).… ...150 signatures within 1.5 mile radius
   d) Metro Park (40-200 acres)……300 signatures within 3.0 mile radius
   e) Regional facility (200+ acres)……500 signatures within 7.0 mile radius

6. Petitions shall be submitted to TPRD within 90 days of receipt of notice to proceed.
7. Within 30 days of receipt of completed petition, TPRD will review and verify petition signatures to ensure established criteria is met. (If petition is incomplete, TPRD shall notify requestor in writing and provide an opportunity to resubmit a completed petition.)
8. Once a petition is approved to continue, the item will be placed on a Tucson Parks and Recreation Commission (TPRC) agenda for review. Requestor will be notified and will then have an opportunity to present petition to TPRC.
9. Within 10 business days of TPRC meeting, TPRD shall initiate a response letter notifying requestor of TPRC decision.
10. Staff shall initiate a Mayor and Council agenda item date and time; requestor will then be notified.
11. Staff shall initiate and forward a Mayor and Council Communication with TPRC recommendation for final action.
12. If the recommendation is approved by Mayor and Council, the corresponding District staff shall assist requestor in coordinating the naming/renaming ceremony.
13. Requestor shall be responsible for all costs associated with signage in accordance with City and TPRD standards. Installation shall be coordinated with TPRD staff.

Attachment A

Tucson Parks and Recreation
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"APPLICATION GUIDELINES AND INFORMATION PROCESS"
NAMING/RENAMING OF
PARKS AND RECREATION FACILITIES AND SPECIAL INTEREST AREAS

I. PROCESS

The Tucson Parks and Recreation Department (TPRD) of the City of Tucson (COT) accepts and processes requests for the naming or re-naming of parks and recreation facilities. The complete process can take up to five months.

II. REQUEST ORIGIN

The naming or changing of names of parks and recreation facilities and special interest areas may originate from the community, staff, the Tucson Parks and Recreation Commission (TPRC), or the COT Mayor and Council in an effort to recognize individuals, families or park locations.

III. RENAMING

The intent of naming a facility is for permanent recognition but the name should remain in place for a minimum of 25 years. The TPRD is committed to protecting the names of all parks and amenities in an effort to honor individuals, organizations, historical events and geographic locations. The renaming of parks and recreation facilities and special interest areas must be fully justified and efforts to change a name shall be subject to in-depth examination so as not to diminish the original justification for the name or discount the value of the prior contributors. Please note that some parks and recreation facilities may not be eligible for this process based on research/historical information.
Facilities named after individuals should not be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a parks and recreation facility or special interest area would not be in the best interest of the Tucson community.

IV. NAMING CRITERIA

Parks and recreation facilities and special interest areas shall be named in a manner to reflect local community requests and support or to identify a location or area. It is preferred that new parks should be named prior to the beginning of design for development so the area takes on an early identification and allows for proper tracking during the development period.

The following criteria are provided as a guideline for consideration prior to initiating a letter of intent:

a) Usable park land is donated to COT
b) A monetary contribution equal to the value of the land for a park, recreation facility, or special interest area is gifted to TPRD
c) A monetary contribution is made equal to the cost of development of a park, recreation facility, or special interest area
d) An individual or family is recognized for extraordinary accomplishments or contributions to TPRD. The recommended name must be accompanied by a biographical sketch which shall provide evidence of contributions to the community, park, facility, or park system overall;
e) When naming after a deceased person or persons, the individual (s) must have contributed in a definitive way to the betterment of the Tucson community and its citizens. Written documentation of approval by next of kin or appropriate family member to be honored (if available/possible) is required as part of the proposal;
f) A facility may be named after the area in which it is located in or for the geographical features of an area

g) Properties that are donated to TPRD may be named by deed restriction by the donor
h) Playfields, playgrounds, picnic areas, ramadas, greenways, linear paths, etc., may be named separately from the park they are in and are subject to the naming process described herein
i) If the proposed name is that of a service club, lodge, fraternal organization or other institution, the association group must have contributed in a definitive way to the betterment of the Tucson community and its citizens.

V. SUBMISSION PROCESS

The first step to the submission process is to initiate a letter of intent to submit a petition requesting a name/change of a park, recreation facility or special interest area. The letter must include sufficient information as to how the proposed name satisfies the criteria of the naming or renaming guidelines.

Letter of intent shall be sent to:

Director/Park District Administrator
Tucson Parks and Recreation Department
900 S. Randolph Way
Tucson, AZ 85716

Letter should include:

- ✓ Current name of park/recreation facility/special interest area
- ✓ Proposed name
- ✓ Address and zip code
- ✓ Name of person submitting letter (Requestor), address, telephone number, and email address.
- ✓ Neighborhood Association name if applicable
- ✓ Provide adequate historical or descriptive information to validate the proposed name so that staff may have a clear understanding and appreciation for the request.

VI. UPON TPRD RECEIPT OF THE LETTER OF INTENT TO SUBMIT A PETITION:

1. Staff shall initiate a response letter to the requestor advising whether or not the petition process should proceed and explanation of that direction. If notice to proceed is issued, the petition shall be attached with a pre-described service area for signatures and the number of signatures required based upon the size of the park and service radius per the department's Ten-Year Strategic Services Plan as follows:
   a) Mini Park, (1 acre or less)……....25 signatures within .25 mile radius
   b) Neighborhood facility (1-15 acres)…. 50 signatures within .5 mile radius
   c) Community Park (15-40 acres)..… .150 signatures within 1.5 mile radius
   d) Metro Park (40-200 acres)……300 signatures within 3.0 mile radius
   e) Regional facility (200+ acres)……500 signatures within 7.0 mile radius
2. Petitions shall be submitted to TPRD within 90 days of receipt of the notice to proceed.
3. Within 30 days of receipt of completed petition, TPRD shall review and verify petition signatures to ensure established criteria is met. (If petition is incomplete, TPRD shall notify requestor in writing and provide an opportunity to resubmit a completed petition.)
4. Once a petition is approved to continue, the item shall be placed on a Tucson Parks and Recreation Commission (TPRC) agenda for review. Requestor will be notified and will then have an opportunity to present petition to TPRC.
5. Within 10 business days of TPRC meeting, TPRD shall initiate a response letter notifying requestor of TPRC decision. TPRD shall schedule and notify requestor of Mayor and Council agenda item date and time.
6. If the recommendation is approved by Mayor and Council, the corresponding Park District staff shall assist requestor in coordinating the naming/renaming ceremony.
7. Requestor shall be responsible for all costs associated with signage in accordance with City and TPRD standards. Installation shall be coordinated with TPRD staff.

Attachment A

Tucson Parks and Recreation
A Nationally Accredited Agency

PETITION TRACKING SHEET

For staff use only.

NAMING/RENAMING OF
PARKS AND RECREATION FACILITIES AND SPECIAL INTEREST AREAS

Current Name of Park /Center/or specific item to be named: _____

Address and Zip Code _____

Proposed Name (please be specific) _____

Name of Association (if applicable): _____

Contact Person
Submitting Petition: _____

Address and Zip Code: _____

Email address: _____

- ☐ Date of receipt of letter of intent to submit a petition from REQUESTOR: _____
- ☐ If it is determined that the process will continue, date of Mayor and Council notification and by whom: (Director/District Administrator) _____
- ☐ Date of Notice to Proceed (or not): _____
- ☐ If yes, number of Signatures required on petition: _____
- ☐ Date Petition sent out to Requestor: _____
- ☐ Petition 90-Day Due-Date back to TPRD: _____
- ☐ Date signed petition was returned to TPRD:_____
- ☐ *(30 day review process time.)*
- ☐ Date placed on TPRC Agenda _____
- ☐ REQUESTOR notified of time and date for presentation to TPRC: _____
- ☐ Date Requestor Notified of TPRC decision: _____
- ☐ Set M/C agenda item Date and time: _____
- ☐ Informed Requestor of M/C date and time of meeting: _____
- ☐ M/C Communication sent downtown: _____
- ☐ Requestor notified of M/C action _____

Processed by: _____

Attachment A

Tucson Parks and Recreatic
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PETITION FOR NAMING OR RENAMING
PARKS AND RECREATION FACILITIES AND SPECIAL INTEREST AREAS

Date of Petition _____

☐ **Name** ☐ **Rename** ☐ **Park** ☐**Facility/Center** ☐ **Special Interest Area**

☐ **Other** _____

Proposed Name _____

Present Name _____

Address: _____

Name of Group/Organization sponsoring petition: _____

Contact Person: _____ **Telephone No.** _____

Address: _____

Number of Signatures Required: _____ **Signature Mile Radius Required:** _____

Mayor/Council Review/Approval _____ **Date** _____

NAME:	ADDRESS:	ZIP:	PHONE #:	DATE:
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Attachment A

(Continued from front page)

NAME:	ADDRESS:	ZIP:	PHONE:	DATE:
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ADMINISTRATIVE DIRECTIVE

EMPLOYEE GRAFFITI REPORTING	NUMBER 1.02-20	PAGE 1 of 2
	EFFECTIVE DATE June 29, 2015	

I. PURPOSE

To establish policies and procedures for City employees to report graffiti during work hours.

II. POLICY

Graffiti is vandalism that affects the image and appearance of the community and can contribute to high crime rates, lowered property values, and a decreased sense of security for residents. Additionally, taxpayers' dollars used to remove graffiti from public structures are all too often redirected from other critical services.

The most effective way to reduce graffiti is through prompt reporting and removal. The faster and more frequently graffiti is removed, the less likely it is to reappear – eradication denies the vandals the recognition they desire. If removed within 24 hours, there is a 10 percent chance graffiti will reappear.

III. DEFINITIONS

A. **Employee(s)** – includes all City of Tucson employees whether permanent or non-permanent, part-time or full-time.

B. **Graffiti** – writing, symbols, or drawings scribbled, scratched or sprayed on any surface without the consent of the property owner, authorized agent, or designee.

C. Tag – graffiti in the form of an identifying name or symbol.

IV. APPLICABILITY

This Administrative Directive (A.D.) applies to all City employees during work hours or while on city business.

V. PROCEDURES

A. **Reporting Graffiti** – In order to maximize our ability to identify and remove graffiti quickly, all City employees shall make every reasonable effort to report graffiti during work hours by following the procedures outlined within this A.D. Having City employees report graffiti during work hours acts as a "force multiplier" and increases the City's ability to abate graffiti quickly.

City of Tucson employees shall make reasonable efforts to report graffiti using one of the options provided below:

1. **In-progress graffiti reporting:**

a. City staff should report in-progress graffiti to 9-1-1.

2. **Existing graffiti reporting procedure:**

   a. "MyTucson" smartphone application. Graffiti Protective Coatings (GPC) and the City of Tucson have a smartphone application for reporting graffiti information, including the capability to upload pictures of graffiti. "MyTucson" is a free downloadable App available through the iPhone App Store and Google Play for Android.

   Note: The City of Tucson will not reimburse employees for data charges incurred on personal devices. Please use options (b) or (c) below.

   b. Call 520-792-CITY (2489) – choose option #1 when prompted.

   c. Fill out the "Employee Graffiti Report Form" (Appendix 1) and turn in at the end of your shift, in accordance with your respective department processes. Forms should be transmitted via email to (graffiti@tucsonaz.gov) or online (www.tucsonaz.gov/graffiti/removal-report) as soon as possible to facilitate rapid removal.

B. **Employee Safety** – The health and safety of City employees is of top priority. Nothing within this A.D. should be construed as diminishing the necessity of City employees to prioritize the safe operation of their vehicles. Employees shall not take pictures, report graffiti, or perform any other such activity while operating a vehicle. Employees shall pull over to a safe location and place their vehicles in park prior to capturing graffiti information or reporting graffiti. Additionally, when reporting in-progress graffiti, employees other than law enforcement personnel shall not attempt to stop or otherwise engage the individual suspected of committing the act.

C. **Work Priority** – City employees shall not allow graffiti reporting to severely impact or conflict with their day-to-day work priorities or interfere with the emergency repair or maintenance of their vehicle.

Appendices Employee Graffiti Reporting Form

References None

Review Responsibility and Frequency The City Manager's Office will review this directive annually, or as necessary.

Authorized

City Manager

6-22-15
Date

Martha Durkin

Strategic Workforce Plan

ADMINISTRATIVE DIRECTIVE

STRATEGIC WORKFORCE PLAN	NUMBER 1.03-1	PAGE 1 of 1
	EFFECTIVE DATE February 1, 2014	

I. PURPOSE

This directive establishes the City's Strategic Workforce Plan, a comprehensive approach to workforce development that addresses recruitment and hiring, employee retention, employee recognition, training and career development, and post promotion support. The Strategic Workforce Plan will be implemented in conjunction with the City's Diversity Recruitment Plan.

II. POLICY

Implementation of the Strategic Workforce Plan will improve employee retention and professional growth by providing tools for the recognition, advancement and support of City employees. The City is committed to providing public service with integrity and a vision for the future. City employees are expected to provide excellent service in a rapidly changing environment. City management is expected to provide resources and opportunities to enable City employees to perform excellent work and reach their short – and long-term career goals.

III. RESPONSIBILITY

All Department Directors are responsible for the successful implementation of and adherence to the Strategic Workforce Plan. All employees are encouraged to participate in Strategic Workforce Plan programs.

Appendices None.

References City Manager Memorandum (December 13, 2013) – Strategic Workforce Plan.

Review Responsibility and Frequency The City Manager's Office will review this directive as needed.

Authorized

City Manager — Date 2.26.14

Richard Miranda

MEMORANDUM

DATE: December 13, 2013

TO: Honorable Mayor
and Council Members

FROM: Richard Miranda
City Manager

SUBJECT: Strategic Workforce Plan

The mission for the City of Tucson organization is to provide quality government services to our community and it is paramount to acknowledge that our goals are achieved by a committed and dedicated workforce. Because of the global economic crisis, we have had to reconfigure our organization and provide innovation to continue to meet the expectations of our citizenry. Therefore, our workforce has been reduced to levels experienced in the mid 1990's. However, at the same time the demands for service delivery have not been reduced at corresponding levels. These two facts can be considered the new normal for our organization. Therefore, I believe that it is important to develop strategies for providing our current and future workforce the resources and support to meet the expectations of our community.

A sound strategic workforce plan that enhances the abilities of our workforce must include a foundation direction from Mayor and Council. Respective to our workforce, Mayor and Council have made it clear that we as an organization must have a solid understanding of our community's priorities through interactions that builds trust and confidence in each other. A corner stone in the construct of these interactions is to demonstrate and make it observable that diversity in our workforce is an organizational value. As we build on enhancing the strengths of our workforce, this organizational value, diversity, will be inclusive in our strategies.

The strategic workforce plan will be constructed from a framework that includes the following: innovations in hiring and recruiting, retention of employees, acknowledgement of our workforce, preparation for promotion opportunity, examination of promotional processes and post-promotional support. The strategic workforce plan will be implemented in tandem with the recruitment diversity plan being developed by the Human Resources Department.

Recruiting and Hiring

As we move forward there must a defined and observable effort to recruit and hire quality individuals who at the onset demonstrate that they will enhance our service delivery systems by becoming members of this organization. To meet the evolution of future community expectations, it is essential to have recruiting and hiring strategies that are innovative and hold to our organizational values.

Retention of Employees

It is imperative that we do everything we can to retain employees who excel in our workforce and not lose them to other entities. That we are in a competitive environment for individuals who possess skills and abilities that are significant to our organization must be understood. Therefore, strategies must be developed that keep exceptional employees employed with the City of Tucson.

Acknowledgement of our Workforce

On a daily basis the commitment and dedication of our employees is observable. The acknowledgement of this commitment must be a priority for City leadership. Demonstrations of appreciation and an organizational environment that openly values effort is becoming more necessary as we adjust to lower staffing levels and increasing service delivery demands. Employees have to do more with less and it is paramount that we acknowledge our workforce.

Preparation for Promotion

We must have strategies that enhance each individual's chances to advance professionally. Training and education are basic components of any pre-promotion plan. However, I believe that we must be innovative in these pre-promotional activities. Programs that include job shadowing, internal internships and interaction with community members must be included in our portfolio of pre-promotional opportunities. This period of discovery provides a bedrock of thought when one is preparing for advancement.

Promotional Processes

I have charged Assistant City Manager Martha Durkin to conduct a review of all promotional processes and provide recommendations to me on the analysis to assure fairness and consistency within our promotional processes.

Post –Promotion Support

Although some departments have a program that guides newly promoted individuals in their new assignment, there must be organizationally defined efforts that ensure the success of our investment in newly promoted individuals. In addition, formal mentoring and coaching programs need to be developed as part of our plan.

Conclusion

The creation and implementation of the strategic workforce plan will be an organizational team effort headed by Assistant City Manager Martha Durkin. Included in her team will be individuals from all ranks within the organization. Ideas of innovation have come forward from our Supervisory Core Capstone Projects and these individuals will be included within this group.

I have met with our department heads and have communicated to them directly that the development of this plan is crucial. Their full commitment to its development and implementation is an expectation. The entire Executive Leadership Team is aware that I have placed this matter as a priority therefore; the dialogue on these issues will be immediate. Certainly, your feedback or commentary is welcomed. Please feel free to contact me or Assistant City Manager Durkin on the matter.

Thank you.

RM/yle

C: Martha Durkin, Assistant City Manager
Kelly Gottschalk, Assistant City Manager/Chief Financial Officer
Albert Elias, Assistant City Manager
Executive Leadership Team
Mayor and Council Aides

ADMINISTRATIVE DIRECTIVE

EMPLOYEE ADVANCEMENT PROGRAM	NUMBER 1.03-2	PAGE 1 of 4
	EFFECTIVE DATE February 7, 2014	

I. PURPOSE

This directive sets forth the Employee Advancement Program as part of the City's Strategic Workforce Plan.

II. POLICY

The Employee Advancement Program is designed to motivate employees to be innovative and successful in career advancement. It includes the following components:

a) Executive Internship

b) Mentor/Mentee

c) Job Shadowing

d) Community Outreach

III. GENERAL REQUIREMENTS

A. Eligibility requirements for employee participation:

1) Full time permanent, probationary or appointed employee,

2) Supervisor approval, and

3) No discipline or work improvement plan in previous 12 months.

B. Time Commitment

1) Interns will be assigned full time to the position.

2) Mentees and Job Shadows are limited to 80 hours a year unless the employee's home department supervisory approves additional hours.

3) No overtime work is allowed.

IV. EXECUTIVE INTERNSHIP PROGRAM

A. The City Manager's Office will select up to three employees for up to two-year full time assignments as executive interns.

1) The Assistant City Managers will identify specific projects that require services that can be performed by an executive intern.

2) The Manager's Office may issue an announcement describing the qualifications for this year's executive interns and requesting nominations; City employees may nominate themselves.

B. The executive intern assignment is a full-time exempt position with work assignments in one or more departments as determined by the City Manager's Office.

1) City employees working as executive interns will retain their current compensation rate unless an adjustment is required as determined by the City Manager's Office.

2) Interns must agree to the compensation and terms of the program.

3) The executive intern position is an assignment. Interns can be returned to their home departments in their previous positions at any time at the direction of the City Manager.

4) After completion of the Executive Internship Program, interns will return to their previous department, position and compensation, or pursue other employment opportunities.

C. Assigned Department Directors or designees will evaluate the executive interns at least monthly using an Executive Internship Program evaluation form provided by the Manager's Office. Upon completion of the internship, a formal evaluation will be presented to the intern and included in the personnel file.

V. MENTORSHIP PROGRAM

A. The City Manager's Office will administer the Mentorship Program for the purpose of improving post promotion support and professional development, thereby improving employee retention.

B. Qualification and Selection of Mentors:

1) Qualified mentors will be accountable and accomplished leaders, having served in their current position for at least one year.

2) The mentor shall be at the same or higher pay grade as the mentee and cannot be in the same reporting chain.

3) Employees interested in serving as mentors shall submit a letter of interest to the City Manager. The letter shall include a list of areas of interest or in providing support and guidance. The mentor's supervisor shall cosign the letter, indicating their approval of the mentor's participation in the program.

4) The City Manager, or designee, shall approve the list of mentors.

C. Nomination and Selection of Mentee:

1) Nominations for mentee will be accepted by the City Manager's Office and employees may nominate themselves.

2) Employees interested in becoming a mentee shall submit a letter to the City Manager. The letter shall include a list of areas of interest. This will assist with the mentor/mentee assignments and provide a basis for the individual development plan. The mentee's supervisor shall cosign the letter, indicating approval of the mentee's participation in the program.

3) The City Manager's Office will assign mentees to mentors. The City Manager's Office shall facilitate the mentor/mentee assignments using a method that allows the potential mentors and mentees to get acquainted to determine compatibility, prior to the final assignment. Either party may request to terminate the relationship.

VI. JOB SHADOWING PROGRAM

A. The purpose of this program is to give employees an opportunity to shadow certain positions in order to become familiar with alternative city work and potential promotions.

B. This program will be managed by the Human Resources Department. When appropriate, participants will be placed in positions that are difficult to recruit and fill, or positions identified through the Recruitment Diversity Plan.

C. Employees will complete and submit the Job Shadowing Program Application to the Human Resources Department. Applicants should have or display the qualifications required to perform the job they are requesting to shadow.

D. Position assignments, once approved by the Human Resources Department, will dictate each participant's time commitment. Participating departments will review and approve each participant's time commitment while working with the Human Resources Department.

E. Job Shadow Program participants will retain their existing compensation.

VII. COMMUNITY OUTREACH PROGRAM

A. The purpose of the Community Outreach Program is to strengthen community relationships and provide improved customer service by employees through work performed in the community to charitable organizations.

B. The Community Outreach Program will be managed by the Human Resources Department with the assistance of the Department of Housing and Community Development. Qualified employees may apply to participate in the Community Outreach Program one work day per calendar year.

C. The Department of Housing and Community Development will identify local charitable organizations to participate in the Community Outreach Program and provide this information to the Human Resources Department.

D. Interested employees will download the Community Outreach Program Form from the Human Resources Department website and receive written supervisory approval prior to participating in the Community Outreach Program, as evidenced by supervisor signature on the Community Outreach Program Form.

E. The Human Resources Department will make the assignments for Community Outreach work.

F. Upon completion of the outreach activity, employees will have an authorized representative of the charitable organization sign the Community Outreach Program Form, certifying the number of hours worked by the employee.

G. Employees will provide the completed Community Outreach Program Form to their supervisor for placement in the employees' personnel file.

VIII. RESPONSIBILITY

All Department Directors are responsible for the successful implementation of and adherence to the Employee Advancement Program.

Appendices None.

References None.

Review Responsibility and Frequency The City Manager's Office will review this directive as needed.

Authorized

City Manager 5.20.14 Date

Richard Miranda

Intergovernmental Programs

ADMINISTRATIVE DIRECTIVE

INTERGOVERNMENTAL AGREEMENTS	NUMBER 1.04-1	PAGE 1 of 5
	EFFECTIVE DATE November 1, 2015	

I. PURPOSE

To establish the procedures for analyzing, negotiating, preparing, and coordinating intergovernmental agreements.

II. DEFINITIONS

A. Intergovernmental Agreement (IGA)

A written contract required under Arizona Law (ARS §11-952) when two or more public agencies agree to jointly exercise common powers, contract for services, or enter into joint or cooperative action. IGAs generally fall into one of six major categories:

1. **Contract for Services** - while acting jointly in the exercise of common powers, two or more public agencies agree to contract for services with one party paying and the other performing services or a division of tasks between the parties.

2. **Joint Program** - two or more public agencies agree to participate jointly in providing a particular function, with planning, financing, and provision of service to be shared by participants.

3. **Functional Consolidation** - two or more public agencies agree to merge their resources to provide a particular service under a single agency.

4. **Service Transfer** - total and usually permanent transfer of responsibility for a service from one agency to another.

5. **Mutual Aid** - two or more public agencies agree to provide specific emergency services to each other when requested, usually involving public safety programs.

6. **Property** - one public agency leases or exchanges property with another public agency.

B. Public Agency

Includes federal government and any federal department, agency, or Indian tribal council; the State of Arizona (or adjoining state) and any state department, agency, board, commission, college, or university; and any political subdivision of the state, including counties, cities, towns, municipal corporations, and school districts.

III. POLICY

The City of Tucson enters into IGAs with other public agencies when such agreements (1) provide cost effective approaches to City operations or services, (2) improve effectiveness of City staff or resources, or (3) involve metropolitan services that are best provided by a single source.

IV. RESPONSIBILITY

A. Department Directors are responsible for ensuring IGAs initiated by their Department are in the best interest of the City. Staff shall be assigned to negotiate, coordinate, and prepare the final agreement, ensure that the agreement is properly adopted and signed by the participating public agencies, monitor and evaluate the agreement on an ongoing basis, and renegotiate the agreement as necessary to protect the City's interests.

B. The City Attorney is responsible (1) to determine whether an IGA is the proper legal form for the proposed agreement, (2) to provide counsel to City staff to ensure the legality of the terms of the agreement, (3) upon request of City staff, to participate in complex or sensitive negotiations, and (4) to approve each IGA as to final form.

V. PROCEDURES

A. The assigned department staff will obtain approval to proceed with the IGA from the City Manager's Office, solicit input from affected departments, research the City's past experiences and experiences of other jurisdictions, and establish and maintain contact with the other public agency(ies) involved.

B. The assigned department staff will review the proposal to determine the purpose, scope, and impact by obtaining a copy of the originating agency's proposal, determining the exact type of agreement involved, and confirming that the purpose is consistent with City policies, practices and objectives.

C. In conducting their review, assigned department staff will consider impacts the proposal would have on City operations and staff, the potential amount and source of funds involved, any materials, property, vehicles, equipment, or staff to be furnished either by or to the City, the length of time the agreement would be in effect, and the validity of the rationale given for entering into the IGA.

D. <u>Assigned Department Staff Prepares the IGA as Follows</u>:

1. Develop the IGA or monitor the progress of the development of the agreement if another public agency is responsible for its preparation. If appropriate, request a sample agreement from the City Clerk or City Attorney. Each IGA should contain the following items, as applicable.

a. A detailed description of the purpose and scope of the agreement.

b. The manner of financing and of establishing and maintaining a budget for the joint or cooperative undertaking, including the source and recipient of funds for specific items or services, the exact total of funds each agency is liable for or how such amounts will be determined, the timing of payments, on whose authority and with what documentation payments will be made, to what office funds are to be transferred, and any penalties for late or non-payment.

c. The process to be followed if the costs incurred under the agreement exceed the original budgeted allocation or costing formula.

d. The specific materials, property, vehicles, office space, or staff to be transferred from one agency to another, or to be shared by the agencies, and for what time periods.

e. The continuing property interest each agency maintains in property purchased or shared under the agreement, and the disposition of such property upon termination of agreement.

f. The effective date and term of the agreement.

g. The required procedures for terminating the agreement with notification of termination far enough in advance to allow the effected agency(ies) to make other arrangements to provide the service.

h. Monitoring, reporting, accounting, and evaluation requirements.

i. The specific authority of each agency to make or participate in policy decisions regarding the provision of service or cooperative activity, beyond the policies and service levels defined in the agreement.

j. The standard assurance that the agreement does not reduce, limit, or extend the legal jurisdiction and responsibilities of the public agencies involved.

k. The appropriate insurance, hold harmless, and equal employment opportunity clauses, as specified by the City Attorney.

2. Review the draft agreement with the other public agency(ies) and negotiate the agreement until all parties agree on content, terminology, and form.

3. Review the final draft agreement with the City Attorney to insure proper legal form.

E. **Assigned Department Staff Shall Submit IGAs for Approval as Follows:**

1. **THE GOVERNING BODIES OF EACH PARTICIPATING AGENCY MUST SIGN THE AGREEMENT; SUFFICIENT COPIES OF THE AGREEMENT MUST BE SIGNED BY EACH JURISDICTION TO PROVIDE EACH JURISDICTION WITH A FULLY SIGNED ORIGINAL.** The governing body of the agency that initiated the agreement usually signs the agreement first. However, in cases where a service is involved, the agency assuming prime responsibility for providing the service should be the first to sign.

2. Coordinate with the liaison from the public agency(ies) involved to schedule the review/approval of the IGA by each governing body and schedule the IGA on the Regular Agenda for Mayor and Council adoption.

3. The City Clerk will follow-up to ensure that all copies of the agreements are signed by the other public agencies, as scheduled.

4. If for any reason an IGA is withdrawn or not approved by one of the participating agencies, the coordinating department director is responsible for informing the City Clerk in writing, including any documentation if available, of such action.

F. **Department Directors are Responsible for Implementing, Monitoring, and Evaluating their IGAs:**

1. The IGA becomes effective on the date provided in the IGA.

2. The department director is responsible to ensure adherence to terms of the IGA.

3. IGAs will be amended and renegotiated as determined by the City Attorney. Amendments to an IGA require the same approval process as original IGAs.

Appendices None

References A.R.S. §11-952
Tucson City Charter

Review Responsibility and Frequency The Deputy City Manager shall review this directive as necessary. Last review date: July 29, 1992.

Authorized

City Manager

Date 11/3/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

GRANTS	NUMBER 1.04-2	PAGE 1 of 10
	EFFECTIVE DATE May 21, 2010	

I. PURPOSE

To provide City management with pertinent information pertaining to grants applied for by City of Tucson agencies prior to submitting the application to the grantor.

To establish internal guidelines for City agencies to account for grant funds following the grant award.

II. POLICY

It is the policy of the City to actively encourage efforts to bring grant dollars into our community, thereby augmenting City programs, creating innovative opportunities, and enabling the citizens of Tucson to receive as many benefits as possible from their tax dollars. All departments have authority to apply for grants. Budget capacity needs should be discussed with the Office of Budget and Internal Audit.

Departments should actively pursue grants from all legitimate sources, and when appropriate, use grants to develop cooperative programs with other jurisdictions and/or the private sector.

Grant administration is an extremely important part of ongoing budget activity. Since grant assisted funds represent a portion of the City's revenues, it is only appropriate that the management of grants be treated as a resource allocation and management function.

III. DEFINITIONS

A. **Advanced Payment** - A payment made to a recipient upon its request either before outlays are made by the recipient or through the use of predetermined payment schedules.

B. **Allocation** - An equitable distribution of aid or resources to states and localities through quantitative mathematical formulas usually specified in legislation but that can also be provided by regulation.

C. **Applicant** - The City department applying for state, federal or other programs, such as formula allocations, competitive grants, and bonds.

D. **Award** - Financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money or property in lieu of money, by the grantor to an eligible recipient. The term does not include: technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies,

or insurance; direct payments of any kind to individuals; and contracts which are required to be entered into and administered under federal procurement laws and regulations.

E. **City Agency** - Any department, office, board, committee, commission, or other body, that is an entity of the City.

F. **Date of Completion** - The date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which awarding agency sponsorship ends.

G. **Denied** - The grantor's refusal of funding (through awards or allocations) to the applicant. Denial should be confirmed through the applied program official award announcement.

H. **Grantor** - A federal, state or other entity who is the maker of a grant. Grantors seek and select applicants for the disbursement of funds or resources.

I. **Grants** - An award (money, equipment, material, etc.) that is made by a public or private source for a designated purpose, and which has governing regulations requiring some or all of the following as a condition of award: separate accounting, reporting, maintenance, responsibility for liability, and/or expenditure of additional financial or non-financial resources.

J. **In-Kind** - The value of non-cash contributions provided by non-federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to a project or program.

K. **Intergovernmental Agreement (IGA)** – A written contract required under Arizona Law (ARS 11-952) when two or more public agencies decide to jointly exercise common powers, contract for services, or enter into joint or cooperative action.

L. **Match** - The portion of project or program costs not borne by the grantor.

M. **Memorandum of Understanding (MOU)** - An informal document that sets forth an arrangement between the City or a City department and another entity. An MOU does not limit or affect the authority of each; and does not require the parties to assume or expend any monies.

N. **Pending** - When the application of a program has been submitted and the applicant is awaiting the official award announcement from the grantor.

O. **Position/Full Time Equivalent (FTE)** - Any funding provided under a grant that is applied to any portion of the salary or benefits of a City employee, whether to fund all or part of an existing employee, to fund the creation of a new position requiring the hiring of a new employee or to fund all or part of the costs of transfer of an existing employee. Hiring and transfers of an employee shall require the review of the Human Resources Director.

P. **Reimbursable Payment** - A payment made by the grantor to the recipient based on eligible spending of awarded or allocated funding.

Q. **Strategic Work Plan/Focus Areas** - The Mayor and Council Strategic Work Plan is the guiding document outlining Mayor and Council Focus Areas, City Objectives and Priority Projects over a two year period. All projects and associated grants initiated and requested by City staff should be aligned with this plan.

R. **Sub-Recipient Award** - An award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible sub-recipient or by a sub-recipient to a lower tier sub-recipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include any form of assistance which is excluded from the definition of award.

IV. ROLES AND RESPONSIBILITIES

A. **Budget and Internal Audit** - The Office of Budget and Internal Audit is responsible for establishing or assigning a unit number and providing that information to the Grant Coordinator and the Finance Department's Accounting Division. They are also responsible for determining if a grant application is consistent with the budget capacity of the applicant.

B. **City Manager** - The City Manager oversees the Grants Team and provides direction to the team on the grants process. The City Manager has final approval and signature authority on any grants accepted by the City.

C. **Department Grant Coordinator** - The Grant Coordinator is the department representative who is responsible for providing information to the reviewing departments during the pre-application process and for providing information to the departments responsible for financial tracking of the grant award.

D. **Department Grant Administrator** - The Grant Administrator is the person responsible for carrying out the direction of the grant award and is responsible for the budget into which the grant award will be placed. Once the department director signs off on the pre-application process the director becomes the grant administrator.

E. **Finance Department - Accounting Division** - The Finance Department's Accounting Division has limited responsibility during the grant application phase. Some information needed by the department in the application phase may include information about the capabilities of the accounting system, tax identification number, DUNS number, etc. The Accounting Division will provide this and related information as needed. Once the grant is awarded, the Accounting Division will work with the department and Office of Budget and Internal Audit to establish the various chart of accounts needed to provide the financial information and reporting required by the grant. Other responsibilities include working with the department to ensure only eligible costs are recorded, making payments, preparing grant reports and initiating draw downs, as appropriate, and working with departments to closeout and finalize grants.

F. **Human Resources** - The Human Resources Department is responsible for analysis of all positions for appropriate placement in job classification as well as compensation and employee group.

G. **Information Technology** - The Information Technology Department is responsible for the analysis and approval to use grant awards to purchase and/or use City technology resources.

H. **Mayor and Council** - The Mayor and Council is the governing body for the City and their approval may be required to submit for or accept grant awards. The grant application materials will indicate if this is required.

I. **Procurement** - The Procurement Department is responsible for the purchase, acquisition and contracting process in accordance with applicable law, ordinance or regulation, for any equipment, materials and/or services necessary to carry out the purpose and intent of the grant.

V. GRANT DEVELOPMENT/PRE-APPLICATION PROCESS

A. Step 1: Determine Strategic Alignment/Strategic Work Plan

The Strategic Work Plan is a joint agreement between the Mayor and Council and the City Manager that sets the operational and project priorities for the City

Manager. City staff should only be pursuing programmatic funds that support the Focus Areas and City Objectives of the Plan.

B. Step 2: Determine/Establish Budget Capacity

Prior to submission of the grant application, the applicant must consult with the Office of Budget and Internal Audit to determine the budget capacity needs.

1. Budget Considerations:

a. Departments are encouraged to apply for grants as far in advance of the annual budget submission as possible to facilitate planning for required in-kind contributions and provision of adequate budget capacity when applicable. When possible, departments should provide for indirect costs in grant requests.

b. When necessary, departments should make every effort to include contingent capacity for grants in their budget submissions. Sometimes grant applications have not yet been approved by or even submitted to the granting agency at the time the City's budget is put together and approved for the ensuing fiscal year, and the amounts of money that might be received are not known. To maintain the flexibility necessary to accommodate such circumstances, departments are encouraged to work with the Office of Budget and Internal Audit to establish adequate budget capacity.

c. Departments may either be required to include, or wish to include grant initiated programs in their budgets upon the cessation of grant funding. Such inclusion may require departments to prioritize the grant against existing or other new programs.

2. Special State and Federal Grant Requirements:

a. Grants from the State of Arizona that are made for a specific purpose are subject to State budget law (i.e., the grant money must be designated by purpose and identified in the City Budget) but not to spending limitations (i.e., the City's total "bottom line" capacity). To spend proceeds from these grants, expenditures must be anticipated and budgeted at the start of the fiscal year.

b. Federal grants that come to the City through the State are not subject to either the State budget law or spending limitations. While these grants can be budgeted and spent at any time, the Office of Budget and Internal Audit recommends that a department incorporates the anticipated spending in their annual budget.

3. **Matches (Hard or In-Kind):**

a. A hard match is when a grant proposal requires a commitment of City funds. In-kind matches include the value of non-cash contributions provided by eligible third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

b. Insofar as in-kind services can be accommodated within existing budgets, departments are encouraged to utilize in-kind services in matching grant programs as allowed under program guidelines.

C. **Step 3: Evaluate Human Resource Needs/Seek Approval on FTEs**

1. Departments should insure that they have sufficient resources to administer and evaluate grant programs.

2. Prior to application, the Human Resources Department must approve every grant that results in a new grant funded position (See Administrative Directive 2.02-3, *Grant Funded Positions*). If the Human Resources Department does not approve the position in advance, the City agency will not be allowed to fill this position and will have to use existing resources to manage and administer the grant.

Prior to application, departments should also coordinate with other units or agencies affected by a grant application to insure that they can handle any additional workload. In the "Objectives" section of their budget requests, departments shall include an Impact Statement reflecting what effect a proposed grant will have on other City departments as well as any continued budgetary impact on future City budgets at the expiration of grant funds.

D. **Step 4: Evaluate and Seek Approval on Information Technology (IT) Needs**

Grants that indicate a technology purchase must be pre-approved by the Information Technology Director in order to determine that the City has the funding for IT support, installation, maintenance and storage. Additionally, some applications may be unsupportable in the City's technology environment and this needs to be determined in advance before a grant application is submitted.

E. **Step 5: Determine Equipment/Insurance Needs**

1. Grant applications shall not specify which specific service provider or consultant, which brand of equipment/materials, or which vendor the City would purchase from in order to carry out the purpose or intent of the grant. If a grant application is submitted that is specific to which service provider, consultant, equipment and/or materials supplier the City intends to utilize, the City is put in the position of potentially violating public bidding requirements or the competitive acquisition requirements of the granting agency. However, there may be instances when a cost estimate is needed or the name of a specific qualified person is required as a part of the application. In those cases, the Procurement Department's review and recommendation shall be obtained prior to grant application submission. In the event the required Procurement Department review and recommendation is not obtained prior to grant submission and an application is advanced that conflicts with the requirements of the Tucson Procurement Code, any resulting grant is subject to being declined by the City.

2. Capital equipment purchased from grant funding will be recorded at the acquisition amount. The equipment is tagged as City property. The record keeping procedures for capital assets and other equipment are defined in Administrative Directive 4.01-3, *Capital Assets and Other Equipment*.

3. Vehicles and heavy equipment that are temporarily furnished as part of the grant award will be insured separately and will not be part of the City's self insurance program. The premium for this insurance will be charged to grant funds.

F. **Step 6: Seek Mayor and Council Approval (if required)**

1. Some grants require Mayor and Council approval in order for a City agency to receive grant funds. If the grant requires Mayor and Council approval, it needs to be scheduled on the Mayor and Council agenda for

consideration prior to the submittal of the grant application (See Administrative Directive 1.02-3, *Scheduling, Preparing, and Processing Mayor and Council Agenda Materials*). However, if a Mayor and Council resolution will strengthen a grant application, departments may also schedule this on the Mayor and Council agenda to request this resolution.

2. Once approved by Mayor and Council, the application may be submitted by the applicant.

VI. ACCEPTING AN AWARD

A. **Department Notification** - Upon receipt of an award letter, the Grant Coordinator is responsible for providing the grant number, the amount, and the effective date of the award to the Finance Department's Accounting Division and the Office of Budget and Internal Audit.

If the grant award requires a capital equipment purchase, the Grant Coordinator is responsible for notifying the Procurement Department to appropriately procure, and Risk Management to insure (property casualty and liability) the equipment.

B. **City Manager Approval** - Under most grant awards, the City Manager is considered the Authorized Recipient Official or Senior Government Executive authorized to accept an award (in the form of a contract). Once signed by the City Manager, the Grant Coordinator is responsible for returning the letter/contract to the granting agency.

C. **Mayor and Council Approval** - If a grant requires an increase to the City's annual budget, a Mayor and Council resolution is required prior to submitting the grant application.

VII. GRANT ADMINISTRATION

A. Administration

The **Grant Administrator** is required to:

- Alert all appropriate personnel concerning the importance of segregating grant financial activity at the outset of the project.
- Create appropriate procedures to track expenses and collect the information required in order to comply with the grant reporting requirements.
- Assure all eligible expenses are correctly charged to the assigned organization. If for any reason eligible expenditures are charged to some other organization, promptly request their transfer in writing, providing

complete identification as to fund, organization location, and the nature of the charges being transferred.

- Assign the necessary personnel to comply with auditing and reporting processes.
- Be prepared to provide all program material and reports to auditors assigned to complete program and compliance audits of the grant.

B. Financial Reporting/Deliverables

Financial reporting is a joint responsibility of the Finance Department's Accounting Division (Accounting) and the department awarded the grant (Department). Accounting and the Department will work together to determine the best process for reporting and requesting reimbursement from the grantor. The area responsible for invoices, financial reports, draw requests, etc., will send the other party copies of invoices, grant draws and other pertinent information each month, quarter or other time period determined by the grant. When discrepancies are found by either Accounting or the Department, the other party will be notified to rectify the difference. If discrepancies or issues are found during draw requests through an electronic system, the party responsible for processing the draw will notify the other party of the discrepancy or issue, which will be resolved before the draw is completed. Upon a successful draw, the responsible party will notify the other party within five (5) days that the draw was finalized.

C. Grant Funded Positions (see A.D. 2.02-3)

D. Mayor and Council Approval

For grant awards that require the cooperation of other organizations, this cooperative agreement must be approved by the Mayor and Council through the Intergovernmental Agreement Process (See Administrative Directive 1.04-1, *Intergovernmental Agreements*). In addition, Mayor and Council approve budget capacity for grants as part of the annual budget adoption process.

Appendices None

References

1.02-3 Scheduling, Preparing, and Processing Mayor and Council Agenda Materials
1.04-1 Intergovernmental Agreements
2.02-3 Grant Funded Positions
4.01-3 Capital Assets and Other Equipment

Review Responsibility and Frequency

The City Manager will review this Administrative Directive annually, or as necessary.

Authorized

City Manager

Date 9-9-10

Mike Letcher

ADMINISTRATIVE DIRECTIVE

STATE AND FEDERAL LOBBYING	NUMBER 1.04-3	PAGE 1 of 3
	EFFECTIVE DATE February 20, 2015	

I. PURPOSE

The purpose of this Administrative Directive is to establish procedures for lobbying on behalf of the City of Tucson and representing the City of Tucson's interests before governmental entities.

II. POLICY

The City of Tucson's Office of Intergovernmental Relations (IGR) shall be solely responsible for lobbying and representing the City of Tucson's interests at the Arizona State Legislature and the Arizona Governor's Office as required by state law; and the United States Congress and the Executive Administration. Having one office represent the City ensures compliance with state law and the policy direction of the Mayor and Council.

This policy is to ensure: (1) compliance with the legal requirements set forth in A.R.S. 41-1232.01 and federal lobbying requirements under the U.S. Lobbying Disclosure Act of 1995, and (2) to ensure that all City of Tucson actions before state and federal legislative bodies are consistent with direction provided by Mayor and Council.

III. DEFINITIONS

A. **Authorized Public Lobbyist (APL)** – A lobbyist for a Public Body who is other than a Designated Public Lobbyist or Lobbyist for Compensation. An Authorized Public Lobbyist is considered registered when listed on the Public Body's registration form by the Designated Public Lobbyist. He/she is not required to file expenditure reports directly to the Secretary of State. Instead, he/she reports expenditures to the Designated Public Lobbyist, who includes the expenditures on the Designated Public Lobbyist's Quarterly and Annual Expenditure Reports.

B. **Designated Public Lobbyist (DPL)** – The Secretary of State's "point of contact", who is required to file their Lobbyist Registration and Lobbyist Quarterly Expenditure Reports as well as the Public Body's Registration and Annual Expenditure Reports. The Designated Public Lobbyist signs all reports filed for him/herself and for the Public Body he/she represents. The Designated Public Lobbyist can be an individual or a firm whose primary professional function is lobbying in Arizona.

C. **Intergovernmental Relations (IGR)** – The City Manager's Office Division of Intergovernmental Relations (IGR) coordinates and implements key Mayor and Council strategic initiatives and is responsible for lobbying and representing the City's interest at the Arizona State Legislature, the Arizona Governor's Office, the United States Congress, and the Federal Executive Administration.

D. **Lobbying** – Any attempt by a group or individual to influence the decisions of government, including influencing passage or defeat of legislation or attempting to influence any formal rule making or any level of government. The effort may be a

direct appeal to a decision maker in either the executive or legislative branches. It may include oral or written efforts of persuasion, campaign contributions, public-relations campaigns, and research supplied to legislative committees and staff of the Arizona Governor or U.S. President, and formal testimony before such committees.

E. **Lobbyist Registration** - The U.S. Lobbying Disclosure Act of 1995 requires lobbyists and the groups they represent to register and report contributions and expenditures to the respective bodies of Congress they lobby in. Likewise, pursuant to A.R.S. 41-1232.01, the State of Arizona requires municipalities and individuals to register with the Arizona Secretary of State to lobby on behalf of a public body.

IV. PROCEDURES

A. **Lobbying and advocating on the employee's own behalf** – In any instance where a City employee chooses to promote an issue or advocate for or against an issue on the employee's own behalf or on behalf of a non-City association, that employee shall not use his/her City title, affiliation, or any insignia in any manner that would suggest that the employee is acting or speaking as a representative of the City.

B. **Registering as an Authorized Public Lobbyist** – Only the DPL may designate other individuals to lobby on behalf of the City. The DPL must register these individuals as Authorized Public Lobbyists with the Arizona Secretary of State and submit an annual report outlining their activities. City employees, who have not been authorized by the DPL, shall not advocate for or against an issue, take an official position on legislation, or initiate discussions about proposed legislation as a representative of the City.

C. **Communicating with legislators and staff** – In the event a City employee is contacted by a legislator, legislative staff, or administrative staff about legislation related to the City, the City employee is required to notify IGR staff immediately. Unless approved by IGR staff, City employees shall not state the City's position on legislative or other intergovernmental issues.

D. **Testifying on state and federal issues on behalf of the City** – Employees planning to testify on any federal or state issue on behalf of the City or as a representative of the City shall seek approval from IGR staff prior to testifying to ensure the testimonial is consistent with Mayor and Council's initiatives and priorities, or to seek Mayor and Council approval.

E. **Providing input on state and federal issues** – In order to be effective, IGR requires input from City staff. Therefore, staff should respond promptly, within 24-72 hours, to all legislative inquiries from IGR. Responses, unless otherwise requested, shall be submitted via the City's online legislative tracking system, Legislative Online Arizona (LOLA). These responses should be clear, thorough, and informative, as they will assist Mayor and Council and City management in determining the City's positions on

legislative issues. Any questions with respect to what is expected should be directed to IGR staff.

F. **Providing technical support** – Occasionally, IGR will request the accompaniment of City employees for technical support at legislative meetings or committees. This is not considered lobbying as long as the employee is accompanied by IGR staff, the support remains on a technical level, and no advocacy is involved. Under these conditions, the City employee does not need to be registered with the Secretary of State as an authorized lobbyist.

Appendices None

References

Lobbyist Handbook, Arizona Secretary of State
http://www.azsos.gov/election/lobbyist/lobbyisthandbook.pdf

Article 8.1 – Registration and Regulation of Lobbyists
http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=41

U.S. Lobbying Disclosure Act of 1995
http://www.senate.gov/legislative/Lobbying/Lobby_Disclosure_Act/TOC.htm

Review Responsibility and Frequency The Intergovernmental Relations Coordinator will review this directive as needed.

Authorized

City Manager

3-5-15
Date

Martha Durkin

Records and Reports

ADMINISTRATIVE DIRECTIVE

RECORDS MANAGEMENT POLICY	NUMBER 1.05-1	PAGE 1 of 6
	EFFECTIVE DATE April 15, 2016	

I. PURPOSE

To establish policies and departmental responsibilities for the City's Records Management Program which promotes the effective storage and destruction of the inactive records of City departments and offices.

II. POLICY

A. The Office of the City Clerk shall maintain a records management program as required by Arizona Revised Statute § 41-151.14. City Departments and Offices shall use the General Retention Schedules for All Public Bodies established by the Arizona Library, Archives and Public Records for the management of City records and documents.

B. The City Clerk is the custodian of records stored in the Records Center, and will ensure that only authorized personnel have access to these records. Inactive records in storage at the Records Center shall remain the property of the respective office or department.

C. No City official or employee has, by virtue of their position, any personal or property right to City records even though they may have helped develop or compile them. Such records are the property of the City of Tucson and ultimately the State of Arizona. The unlawful destruction, removal from files, or use of City records is prohibited. (See Administrative Directive 2.02-5, "Rules of Conduct", Section III, "City Ownership of Employee Work Products.")

III. DEFINITIONS

A. **Public Records** – All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media, made or received by the City in pursuance of law or in connection with the transaction of City business and preserved or appropriate for preservation by the City.

B. **Retention Period** – The period of time a record can be stored in a City department or the City Records Center before its transfer, micrographic conversion, archive, or destruction, as specified in the approved Records Disposition Schedules for the City of Tucson departments and offices.

C. **Inactive Records** – Records which are so seldom referred to as to make their retention in the originating department impractical and uneconomical. In most cases, records that are referred to less than six times a year are considered to be inactive records.

D. **Permanent Records** – Recorded information which is required by law to be retained indefinitely, or which has been designated for continuous preservation because of its legal, administrative, or historical significance to the City. Such records are transferred to the custody of the City Records Center as soon as they are deemed to be inactive.

E. **Non-Records** – Copies of a record other than the record copy, furnished through courtesy or kept for reference or convenience. Non-record materials may be disposed of immediately after they have served their purpose. They should not be filed or maintained unless there is sound justification for their use and retention.

F. **Records Control Official** – City employee(s) designated by a Department Director to be responsible for coordinating records management activities between their department and the City Records Center.

G. **Essential Records** – also called Vital Records, are those records necessary for the continuity and/or resumption of operations of an organization during and following a disaster.

IV. GENERAL

A. **Records Retention Periods** – To efficiently and effectively manage City of Tucson's records and provide proper public accounting of all official business, the following policies will apply:

1. Records with a retention period of three (3) years or less shall be maintained by, and stored in the respective City departments and offices for the life of the records.

2. Records with a retention period in excess of three (3) years, but less than fifteen (15) years, which have no archival value and which have low retrieval requirement, are to be stored in the City Records Center for cost effectiveness unless prior approval is obtained from the City Clerk.

3. Records which must be retained longer than fifteen (15) years, and which have no archival value are to be microfilmed and the official record copy destroyed. Where it is economically impractical to microfilm, the official record copy will be preserved.

4. Records which have archival value are to be stored in the City of Tucson Archives, where they will remain in the permanent custody of the City Clerk.

B. **Record Liaison Officers** – Departmental Directors shall appoint one or more Record Liaison Officers to coordinate records management activities between City departments and the City Records Center. Directors shall notify the City Clerk of these appointments. It is the responsibility of each department to notify the City Clerk of any changes.

V. CITY RECORDS MANAGER AND CITY RECORDS CENTER

A. **The role of the City Records Manager** – The City Records Manager maintains the City's records management program, including all operations of the City Records Center. The Records Manager answers questions and assists departmental staff on aspects of their department's records and records series, storage and retrieval of records, and the destruction of records.

B. The City Records Manager coordinates with Records Liaison Officers to maintain their specific records series in accordance with the requirements of the Arizona State Library, Archives, and Public Records (ASLAPR), and assists departments with the following:

1. Disseminates information to departmental staff about records management procedures at the City Records Center;

2. Reviews the department's record keeping practices for compliance and can identify practices that require improvement;

3. Reports non-compliance to the department;

4. Ensures inactive records are properly prepared for transfer to the City Records Center;

5. Reviews authorization to dispose of inactive records that have reached their destruction date according to the approved records retention schedules;

6. Assists departments with digital imaging or scanning requests; (see Reference A)

7. Assists departments with determination of permanent records; (see Reference B)

8. Provides information to departmental records liaisons relating to ASLAPR webinars and training sessions.

C. **City Records Center** - is located at 4300 S. Park Avenue, and stores both inactive records and permanent records. This facility is not open to the public and is under the control of the City Clerk's Office. Departments wanting to store inactive or permanent records at this site must coordinate through the City Records Manager.

VI. ESSENTIAL RECORDS LISTING

Pursuant to A.R.S. §41-151.14 (A)(5), every local agency is required to submit lists of all essential records in the custody of the agency, to the State Library every five (5) years. Identifying essential records and their locations allows for the following:

A. Respond to a disaster affecting records;

B. Minimize disruption of operations after an emergency;

C. Rapidly restore government services; and

D. Reduce the economic impact of a disaster.

The City Records Manager will help departments to determine their essential records lists, and will submit a city-wide listing of all essential records to ASLAPR by December 31st of the year it is due.

VII. ELECTRONIC RECORDS

Are those records that reside in electronic computer systems or other electronic media. The City currently uses Sire Technologies to manage electronic documents (with a few exceptions, i.e. City Attorney and City Courts). The Electronic Documents Management System (EDMS) is available to any department upon request to the City Records Manager. (Also see A.D. 1.05-3.)

VIII. NON RECORDS

Generally, only one copy of a document is designated as a record. All other copies of that document fall into the category of non-record. Non-records should never be mixed with records in the same file. Non-records can include the following:

A. Reading file copies of correspondence,

B. Tickler, follow-up, or suspense copies of correspondence,

C. Identical duplicate copies of all documents maintained in the same file,

D. Extra copies of printed or processed materials,

E. Superseded copies of published manuals and directives,

F. Catalogs, trade journals, magazines, etc.,

G. Information copies of correspondence, and

H. Physical exhibits, artifacts, and material objects lacking documentary values.

To aid in the effort to control excessive accumulations of non-records, only current and necessary materials should be retained, and should be destroyed as soon as their administrative value has been met.

IX. DISPOSITION OF RECORDS

Once a record is no longer needed for an administrative, legal or fiscal reason, that record has reached the end of its useful life and it can be destroyed.

A. Pursuant to ARS §41-151.12, retention periods are the minimum amount of time records may be kept. Keeping records for a time period shorter than their approved retention period is illegal. Records required for ongoing or foreseeable official proceedings such as audits, lawsuits or investigations, must be retained until released from such official proceedings, notwithstanding the instructions of the schedule. If it is believed that special circumstances warrant that records should be kept for a shorter time than listed in the retention schedules, then please contact the City Records Manager to inquire about a change to the retention period. Only the Arizona State Library, Archives and Public Records has the authority to set records retention periods. Public records, including electronic records, not listed in the retention schedules are not authorized to be destroyed.

B. The City Records Manager will provide a Memorandum of Destruction to each department once the documents have met their retention period. It is important to review those lists of boxes, as all of the documents within that destruction will be disposed of by the date indicated in the memorandum.

Appendices None

References

Item A – Minimum Standards for Digital Imaging or Scanning of Textual Documents (can be located at: https://www.azlibrary.gov/sites/azlibrary.gov/files/arm-minimum-standards-for-digital-imaging-or-scanning-textual-documents-2014-06-18.pdf)

Item B – Standards for Permanent Records (can be located at: https://www.azlibrary.gov/sites/azlibrary.gov/files/arm-standard-for-permanent-records_april_23_2013_signed.pdf)

Item C – A.D. 1.05-3 Access, Production and Retention of City Records

Review Responsibility and Frequency The City Clerk shall review this Administrative Directive annually or as needed. Last review date: February 1, 2016.

Authorized

City Manager — Date 6/10/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

ACCESS, PRODUCTION AND RETENTION OF CITY RECORDS	NUMBER	PAGE
	1.05-3	1 of 6
	EFFECTIVE DATE	
	June 22, 2016	

I. PURPOSE

This directive prescribes the rules regarding access, production, and retention of City records.

II. POLICY

A. All records and other matters in City offices are presumed to be open for public inspection and shall be open to inspection at all times during office hours with the following exceptions:

1. Arizona law or court order prohibits disclosure.

2. Individual privacy rights prohibit disclosure, including, but not limited to the portions of a record containing home address and phone, birth date, tax identification number, employee identification number, social security number, account numbers or other personal identifying information as defined in A.R.S., §13-2001.

3. Best interest of the City is served by non-disclosure such as during an investigation when disclosure would harm the investigation.

B. Information provided in response to a public records request will be in the format in which it is kept. As a general rule, the City will not create a record, obtain new data, perform research, or create new report formats in order to respond to records requests.

C. Each City department and office is responsible for maintaining information in accordance with state law and City Administrative Directives.

D. The management of the enterprise-wide Electronic Document Management System is under the authority of the City Clerk. **No department shall proceed with the implementation of an Electronic Document Management System without prior approval from the City Clerk's Office.**

III. DEFINITIONS

A. **Access** - Permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this directive.

B. **Custodian of Records** The City Clerk is the custodian of records stored in the Records Center, and will ensure that only authorized personnel have access to these records. Inactive records in storage at the Records Center shall remain the property of the respective office or department.

C. **Electronic Document Management System (EDMS)** – A software program that manages the creation, storage, control and life-cycle of documents electronically.

D. **Legal Hold** – An administrative action taken by the custodian of records to prevent destruction of all records related to pending and anticipated litigation.

E. **Maintain** - Collect, file, update, use, or disseminate.

F. **Other Matters** – Written records kept by an office in the course of official business whether or not the records are required by law or are otherwise considered to be public records.

G. **Personal Identifying Information** – Any written document or electronic data that does or purports to provide personal information as defined in A.R.S., § 13-2001.

H. **Public Records** – All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media, made or received by the City in pursuance of law or in connection with the transaction of City business and preserved or appropriate for preservation by the City.

I. **Public Records Request** - A request to examine or be furnished copies, printouts, or photographs of a public record under A.R.S. § 39-121 or 39-121.02.

IV. DESIGNATED CUSTODIANS OF RECORDS

A. The Director of Human Resources is the custodian of personnel and pension records. All employment records shall be maintained in accordance with Administrative Directive 2.02-20, Employment Records.

B. The Director of Finance is the custodian of all finance, insurance, risk management, and payroll records.

C. The Chief of Police is the custodian of Police Department records.

D. The Director of Development Services is the custodian of all City building permits and corresponding records.

E. The Director of Transportation is the custodian of records pertaining to City streets and traffic.

F. The Director of Tucson Water is the custodian of records pertaining to Tucson water distribution, plant and well maintenance, planning and engineering, and water quality management.

G. The Court Administrator is the custodian of records pertaining to City Court.

H. The Fire Chief is the custodian of Fire Department records.

I. The City Clerk is the custodian of records in all other cases where the City Manager has not designated a records custodian. Records with a retention period of three (3) years or less shall be maintained by, and stored in the respective City departments and offices for the life of the records.

J. The Director of Procurement is the custodian of records pertaining to the procurement process, including solicitations, contracts, protests, contract disputes, vendor records and other documentation related to the procurement process.

V. ELECTRONIC RECORDS

A. Electronic access to City databases will not be granted.

B. Copies of databases may be released on a case by case basis after consultation with the City Attorney and department director approval.

C. As a general rule, departments can retrieve and reproduce their own electronic records including email correspondence. The Information Technology (IT) department will assist with the retrieval and reproduction of electronic records when requested by the City Attorney's Office, City Clerk's Office, the City Manager's Office or a department director.

VI. ELECTRONIC DOCUMENT MANAGEMENT OF PUBLIC RECORDS

A. The City is required by law to make virtually all records available to the public (A.R.S., § 39-121) while safeguarding confidential and personal identifying information. An Electronic Document Management System (EDMS) facilitates rapid retrieval of records for both city staff and citizens.

B. The City of Tucson has selected SIRE Technologies as the official enterprise-wide electronic document management system (EDMS) for public records. SIRE Technologies meets the minimum electronic document management standards set forth by the Arizona State Library, Archives and Public Records Agency. SIRE Technologies has the ability to:

1. Receive, capture, and create records;

2. Provide secure selective access and redaction to records and ancillary information based on user rights;

3. Ensure records are protected from unauthorized alteration or loss;

4. Maintain and preserve records over time; and

5. Dispose of records, either by deletion or transfer to a durable medium for permanent retention by the State of Arizona Archives.

C. As of June 1, 2012 no other EDMS will be authorized for the creation, maintenance, or storage of public records.

D. The City Clerk has the sole authority to authorize the use of SIRE Technologies for use by City departments.

VII. SIRE EDMS AUTHORIZATION

A. Departments must complete an EDMS Authorization Request (Attachment A) to implement SIRE for the storage, access, and eventual disposal of public records.

B. The department must identify key staff as EDMS liaisons. EDMS liaisons must have sufficient records access, production, and retention knowledge of the department records in order to work with the City Records Manager to create a document management filing structure and associated metadata (SIRE cabinets). File structures and associated metadata will be based on enterprise-wide standards.

VIII. EDMS LIAISONS

A. The role of the EDMS liaison is to ensure:

1. All records created or maintained within the system belong to a specific records series in accordance with the Records Retention and Disposition Schedule for Arizona Municipalities or a state-approved records retention and disposition schedule;

2. All records created or maintained must include sufficient content, context, and structure to meet business and legal needs according to specific criteria developed by the City Clerk's office;

3. All file structure and associated metadata (SIRE cabinets) is thoroughly examined, reviewed, and tested in the SIRE test environment prior to production;

4. A means for public access to indexed and categorized records is provided on departmental web pages; and

5. Requests for changes to file structure and metadata (SIRE cabinets) are submitted to the City Clerk's Office for implementation prior to production.

B. Training for department EDMS liaisons will be provided by the City Clerk's Office.

IX. PUBLIC RECORDS REQUEST PROCEDURE

A. Requests for City records shall be submitted to the appropriate Custodian of Records who will work with the City Attorney, and, if appropriate, the IT department to respond to the request in accordance with state law.

B. Requests for City records, including subpoenas and public records requests submitted to the City Clerk's Office shall be referred to the appropriate department or office and to the City Attorney who will assist the City Clerk and departments in responding to the request in accordance with state law.

C. The custodian of records may require that the public record request be in writing.

D. The custodian of records may charge a reasonable fee for copies of public records; except that there can be no charge for research to locate requested documents, or for copies produced in support of a claim against the United States government, or for police reports provided to crime victims and their families (A.R.S., §§ 39-122 and 39-127).

E. Civil subpoenas for records will be handled as follows:

1. Agendas, agenda backup information, minutes, and ordinances may be released without legal inquiry.

2. Subpoenas for other materials should be reviewed by the City Attorney for determination of whether to seek a protective order restricting dissemination to only such materials as are necessary and proper.

3. Comply with the subpoena as required by law.

X. DEPARTMENTAL RESPONSIBILITY

A. Each department director is responsible for all records created and maintained by the department and for establishing a records procedure consistent with this directive. Departmental procedures must include at a minimum:

1. An inventory of records maintained by the department;

2. A list of persons that are allowed access to the records;

3. The types of records produced; and

4. A state approved records retention and disposition schedule.

B. Each designated custodian of records shall file Departmental Records Management Procedures with the City Clerk's Office biennially.

XI. RETENTION OF RECORDS

A. All City files shall be retained in accordance with the Records Retention and Disposition Schedule for Arizona Municipalities or a state-approved records retention and disposition schedule. http://www.azlibrary.gov/records/municipality.aspx

B. The custodian of records will post notifications of legal holds and the relevant records retention and disposition schedule on the Intranet. http://intranet.ci.tucson.az.us/online-forms-tools-city-logos

1. The legal hold notification will describe the basis for the pending or anticipated litigation, the contact person who will answer questions about the legal hold, and the estimated duration of the hold.

2. The custodian of records will post the cancellation/expiration of the legal hold and the relevant records retention and disposition schedule on the Intranet.

Appendices Attachment 1 – EDMS Authorization Request

References
AD 1.05-1 Records Management Policy
AD 2.02-20 Employment Records
Legal Hold Notices.
http://intranet.ci.tucson.az.us/online-forms-tools-city-logos
Records Retention and Disposition Schedule for Arizona Municipalities.
http://www.lib.az.us/records/municipality.aspx

Review Responsibility and Frequency The City Clerk and City Manager shall review this directive and recommend revisions as appropriate. Last review date: April 15, 2016.

Authorized

City Manager — Date 7/15/16

Michael Ortega

Attachment A

AD 1.05-3

EDMS AUTHORIZATION REQUEST
City Clerk's Office

The _____ [*Department Name/Division*] requests authorization from the City Clerk, in accordance with Administrative Directive 1.05-3, to image records described on the attached State Approved Records Retention Schedule. The department agrees to comply with all conditions and standards set forth by the City Clerk and the Arizona State Library, Archives and Public Records agency regarding the management of electronic records.

The department further agrees to assign one or more Electronic Document Management System (EDMS) Liaisons for the purpose of collaborating with the City Records Manager to create document management filing structures and associated metadata. EDMS liaisons must have sufficient records access, production, and retention knowledge of all departmental records.

Prior to Authorization, complete the following:

☐ Attach a State Approved Records Retention Schedule(s) indicating which departmental records are being recommended for document imaging: (http://www.lib.az.us/records/municipality.aspx)

☐ Assign Electronic Document Management System (EDMS) Liaison(s):

EDMS LIAISON NAME(S)	PHONE NUMBER

☐ Obtain signature of Department Director:

_____ _____

Director's Signature **DATE**

Please send this completed EDMS Authorization Request and required attachments to Yolanda Lozano, City Records Manager, City Clerk's Office.

Reviewed and Approved:

_____ _____

Yolanda Lozano **DATE**
City Records Manager

AUTHORIZATION

In accordance with Administrative Directive 1.05-3, the City Clerk authorizes the use of the SIRE Electronic Document Management System (EDMS) for the records described on the attached State Approved Records Retention Schedule(s).

_____ _____

Roger W. Randolph **DATE**
City Clerk

ADMINISTRATIVE DIRECTIVE

PUBLIC RECORDS REQUESTS	NUMBER **1.05-4**	PAGE **1 of 6**
	EFFECTIVE DATE **November 1, 2015**	

I. PURPOSE

The City is required by law to make all records, except confidential records, available to the public (A.R.S. § 39-121 – Inspection of public records) while safeguarding confidential and personal identifying information. The following guidelines are to assist City staff in response to public records requests/inquiries.

II. POLICY

A. Public records and other matters in City offices shall be open to public inspection at all times during office hours. The appropriate City staff shall answer all citizen public records requests/inquiries completely and promptly. Exceptions to the above include:

1. Arizona law or court order prohibiting disclosure,

2. Individual privacy rights that prohibit disclosure, including, but not limited to the portions of a record containing home address and phone, birthdate, tax identification number, employee identification number, social security number, account numbers or other personal identifying information (see Attachment A), and

3. When the best interest of the City is served by non-disclosure, such as during an investigation when disclosure would harm the investigation.

B. Departments shall respond courteously and be as helpful as possible within the constraints of policy and departmental budgets and procedures. If questions or requests are not clear, staff shall obtain more information from the requestor. In many instances, staff will be able to refer the requestor to the City's webpage or a specific department.

C. Staff shall ensure that requestors are referred to the appropriate place to receive assistance. City publications shall list appropriate telephone numbers, email addresses, and websites so that citizens who have questions may easily obtain additional information. Any changes to this information should be forwarded to the City Manager's office as soon as possible.

D. Information provided in response to a public records request/inquiry will be in the format in which it is kept. As a general rule, the City will not create a record, obtain new data, perform research, or create new report formats in order to respond to records requests.

E. Each City department and office is responsible for maintaining information in accordance with state law and City Administrative Directives.

III. DEFINITIONS

A. **Commercial Purpose** – the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record

B. **Inquiry** – Any request for public records, information or assistance. Inquiries may be received via:

1. Letter

2. Telephone call,

3. In-person visit to a City facility,

4. Email either through the City's website, MCWeb address, or city clerk address.

C. **Maintain** – Collect, file, update, use or disseminate.

D. **Other Matters** – Written records kept by an office in the course of official business whether or not the records are required by law or are otherwise considered to be public records.

E. **Personal Identifying Information** – Any written document or electronic data that does or purports to provide personal information (see Attachment A).

F. **Public Records** – All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media, made or received by the City in pursuance of law or in connection with the transaction of City business and preserved or appropriate for preservation by the City.

G. **Public Records Request** – A request to examine or be furnished copies, printouts, or photographs of a public record under A.R.S. § 39-121 or § 39-121-02.

IV. PUBLIC RECORDS REQUESTS (PRRs)/INQUIRIES PROCEDURE

A. Requests/Inquiries made directly to a department about that department's staff or work shall be addressed according to the department's internal response policies. Every effort should be made to respond in a courteous, thorough and timely manner.

B. Requests/Inquiries directly to a department about another department's staff or work that cannot be answered simply or directly should be forwarded to the City Clerk's Office via email at cityclerk@tucsonaz.gov with all of the pertinent referral information (name, address, phone, email and concise issue description). This request/inquiry will then be handled through the public records request process.

C. Requests/Inquiries received by telephone, scheduled or unscheduled walk-ins, or via the City's website shall receive the same level of service and follow-up as all other inquiries. Every effort must be made to provide a high level of customer service and avoid passing the customer to another department. It is always preferable, whenever possible, to call other departments to obtain the correct information and provide that information to the citizen directly and immediately rather than having to tell the citizen that the inquiry will be forwarded on to the correct department for an answer.

D. Requests/Inquiries for City records, including subpoenas, submitted to the City Clerk's Office shall be referred to the appropriate department/office and the City Attorney when deemed appropriate. The City Attorney may assist the City Clerk and departments in responding to the request in accordance with state law.

E. Civil subpoenas for records will be handled as follows:

1. Agendas, agenda backup information, minutes, and ordinance/resolutions may be released without legal inquiry.

2. Subpoenas for other materials should be reviewed by the City Attorney for determination of whether to seek a protective order restricting dissemination to only such materials as are necessary and proper.

3. Comply with the subpoena as required by law.

F. When a request is received, staff trained in working on public records requests and entering the information into the Public Records Request cabinet in SIRE will receive an email from the City Clerk's Office. The email will contain:

1. Information about who or what departments were assigned the PRR, and

2. Copy of the acknowledgement letter to the requestor from the City Clerk with a copy of their original request submitted. The letter will also include reference to a PRR number that is used to track the request.

V. RESPONDING TO A PUBLIC RECORDS REQUEST/INQUIRY AND DEPARTMENT RESPONSIBILITIES

A. Every effort shall be made to respond to the requestor in a timely manner, within 2 weeks preferably, from the date the request was received. If the request cannot be

fulfilled within that time frame, staff shall respond to the requestor with the status of the department's progress on the request. Follow up responses may be required until the request has been fulfilled and closed out in SIRE.

B. For tracking purposes, you may want to add comments in the remarks field for any contacts made with the requestor in the PRR cabinet in SIRE.

C. Once all of the information is gathered to complete the PRR, before releasing any documents to the requestor, review the documents for any personal identifying information that **must** be redacted from all records for public inspection or view (see Attachment A).

D. Staff trained in the use of SIRE will complete the process following the procedures for Public Records Requests (Uploading and Searching Requested Documents into SIRE by all City Departments), and Public Records Requests (E-mail Searches in Retain) for email searches.

E. If your search for records yields, "**no information found**", that must be communicated to the requestor via email, letter and/or telephone call. Staff will still need to follow the procedures to close out the request in SIRE.

VI. PUBLIC RECORDS REPRODUCTION FEES

A. Any City department may charge a fee for the reproduction of records as permitted by A.R.S. § 39-121.01 (D) (1) and § 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. The custodian of public records shall promptly furnish such copies, printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in:

- § 39-122 - Free searches for and copies of public records to be used in claims against United States; liability for noncompliance or

- § 39-127- Free copies of police reports and transcripts for crime victims, shall be furnished without charge.

B. The City Clerk's Office has set a fee schedule that is within reason and may be used City-Wide, as long as the department has means for collecting and depositing funds (see Attachment B).

C. Exceptions to the above where individuals will not be charged are:

1. Mayor and Council

2. Boards, Committees and Commissions (official business only)

3. Media (first copy of public record within reason)

4. City Departments (these are handled on a case-by-case basis; check with your department director)

VII. DENIAL OF SERVICE

A. Staff will make good faith efforts to work with all constituents, but the City reserves the right to deny service if constituents are physically or verbally intimidating and staff should take appropriate action based on observed behavior. City staff shall immediately call 911 if there is any threat of physical violence.

B. All denials of service must be approved by a department director or their designee and must be documented.

VIII. PUBLIC RECORD

Constituents' public records requests, inquiries or comments ordinarily become part of the public record and are subject to release under Arizona public records law.

IX. CONFIDENTIALITY

A. Constituents are not required to provide their name or contact information (including address, phone number or email address) in order to make an inquiry or submit a comment unless they want a response. If a constituent requests to keep his/her name and contact information confidential, the City will attempt to do so. However, the constituent shall be informed that, although the City will make every effort to protect confidentiality, Arizona's public records law may require that the information be released. Staff shall not make judgments regarding whether or not the confidentiality request is warranted.

B. The protection and confidentiality of information gathered by some departments, such as Police, Fire and Housing and Community Development Services, are governed by state statute and federal law. Information collected as part of the services provided by these departments must be handled in accordance with procedures that comply with these laws.

Appendices

Attachment A: Personal Identifying Information
Attachment B: City Clerk's Fee Schedule for Reproduction of Records

References

Arizona Revised Statutes, §13-2001, §39-121, §39-121-02, §39-121-03, §41-4171, §41-4172; A.D. 1.05-3 Access, Production and Retention of City Records

Review Responsibility and Frequency

The City Clerk's Office will review this directive annually, based on the date of publication.

Authorized

City Manager

Michael Ortega

11/24/15
Date

Redaction of Public Records

The following is a list of personal identifying information that must be redacted from all records released for public inspection or view in compliance with Arizona Revised Statutes (A.R.S.) §§ 41-4171 and 41-4172 relating to Government Anti-Identification Procedures; and A.R.S. §13-2001 relating to Restricted Use of Personal Identifying Information.

A. Name, signature, electronic identifier or screen name **(*case by case basis)**

B. Electronic mail signature, address or account

C. Biometric identifier

D. Driver or Professional license number

E. Access Device **(not applicable)**

F. Residence or Mailing Address **(*case by case basis)**

G. Telephone Number

H. Employer, Student or Military Identification Number

I. Social Security Number

J. Tax Identification Number

K. Employment Information **(*case by case basis)**

L. Citizenship Status or Alien Identification Number

M. Personal Identification Number

N. Photography **(*case by case basis)**

O. Birth Date

P. Savings, Checking or Other (Retirement) Financial Account Number

Q. Credit Card, Charge Card or Debit Card

R. Mother's Maiden Name

S. Fingerprint or Retinal Image

T. Image of an Iris or Deoxyribonucleic acid or genetic information.

U. Retirement Account Number

V. Savings, checking or securities entitlement account number

W. Driver's license number or non-operating identification license number

***On items noted as a case-by-case basis, there may be situations where these might need to remain intact (such as the person's name filing a claim). Witnesses and/or minors listed on claims should be redacted. If unsure, please check with your supervisor for further clarification.**

City Clerk's Office
Public Records
Reproduction
Fees (Revised 07/08/14)

(NOTE: Fees must be paid in advance before release of records)

PAPER	
Faxed Copies	$0.25 per printed page – fees must be paid in advance before copies are faxed.
Photocopies	$0.25 per printed image (double sided is $0.50)
Oversized Copies (greater than 11 x 17)	Fees range from $1.00 to $4.50 (based on size)
Ward Maps	$12.00 (Actual cost recovered)
ELECTRONIC	
Audio CD(s) / Cassettes	$5.00 each
Data CD (copy of existing data CD)	$5.00
Data CD (if CD is created from paper documents and put onto a CD)	$0.25 per image ($5.00 minimum charge)
***DVD – Mayor & Council Meeting**	**$5.00 per DVD** Video is also available online at: http://www.tucson12.tv
Electronic Copy – E-Mailed	$0.25 per image
PUBLICATIONS	
Tucson City Charter Tucson City Code	Available free of charge online: http://www.amlegal.com/library/az/tucson.shtml
MISCELLANEOUS	
Agendas and Notices	Available free of charge online: http://cms3.tucsonaz.gov/agdocs/ http://cms3.tucsonaz.gov/clerks/boards-committees-commissions market as best determined by the public body.
Media Request	The first copy of each public record requested will be provided free of charge
Notary Services	Available in the City Clerk's office free of charge.
Postage	Actual cost of Postage – postage will be added to all requests being mailed and must be paid prior to mailing.
Public Records	Available for review in the City Clerk's office free of charge.

Copies for City Departments will be handled on a case-by-case basis. Check with Management.

*** Updates noted in BOLD - 07/08/14 dsc**

Capital Programs

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
BOND PROGRAMS: SCHEDULING OF BOND SALES AND COMPLETION OF BOND FINANCED PROJECTS	**1.07-3**	**1 of 3**
	PAGE ISSUE DATE	
	April 6, 1993	

I. PURPOSE

To establish procedures and responsibilities for scheduling bond sales and the execution of bond-funded City projects to ensure compliance with Federal arbitrage regulations.

II. SCOPE

This directive applies to all projects that have been approved through the City's capital budget process (see Administrative Directive 1.07-1, "Capital Improvement Program") for funding from the sale of bonds, and for which bond capacity is available from a prior vote of electorate.

III. DEFINITIONS

A. **Allowable Interest Rate** – A rate on investment of bond proceeds which is equal to the yield on the bond issue.

B. **1.** **Arbitrage Expenditure Schedule** – Arbitrage Regulations require expenditure of bond proceeds (including interest earnings) within the following time periods for the proceeds to be exempt from rebate or penalty:

Funds Used For Construction (And Acquisition If Acquisition Is No More Than 25% Of The Issue):

6 Months	10% Expended
12 Months	45% Expended
18 Months	75% Expended
24 Months	100% Expended (Less Retaining Up to 5%)
36 Months	100% Expended

Funds Used For Acquisition, If Acquisition (Land, Buildings, Machinery, Equipment) Is More Than 25% Of The Issue:

6 Months	100% Expended

2. **Bifurcation of an Issue** – If Expenditures for Acquisition represent more than 25% of an issue, the City can bifurcate the issue (i.e., divide the issue into two issues) for accounting purposes. If an issue is bifurcated, the Acquisition portion will be subject to the six-month expenditure requirement and the construction portion will be subject to the three-year expenditure requirement.

C. **Bond Delivery Date –** The date on which there is a delivery of the bonds in exchange for the bond sale proceeds.

D. **Issue** – Two or more projects are part of the same "issue" if they:

1. Are issued at substantially the same time,

2. Are sold pursuant to a common plan of financing, and

3. Will be paid out of substantially the same source of funds.

E. **Project** – Any governmental project financed by the issue of governmental obligations including the acquisition, construction, installation, and/or equipping of City facilities.

F. **Rebate Account** – An account in the City books of account in which interest earned on the bonds will be credited. This account shall contain a sub account called the earnings account and a sub account called the excess account.

IV. POLICY

The City Manager will direct the Finance Director to proceed with a bond sale and will determine the type of bonds and amount of bonds to be sold.

Departments and offices shall be responsible to plan and execute bond-financed projects in a manner that satisfies the Performance Standards listed in Section V.B., below. The Finance Department and the responsible department/office shall monitor project activities to ensure compliance with these Performance Standards and the underlying Internal Revenue Service arbitrage regulations.

V. GENERAL

A. **Performance Standards** – The planned execution of bond funded projects shall comply with the federally established performance standards listed below:

1. At the time of the sale of bonds, the City shall reasonably expect to spend all of the bond proceeds and interest earned thereon at the allowable interest rate within three (3) years from the bond delivery date.

2. The City shall establish a rebate account and deposit earnings and any excess earnings over the amount that would have been earned if investments were invested at a rate equal to the yield to the bond issue. Any excess earnings and interest thereon shall be paid to the U.S. Government at least every 5 years.

3. If at the end of the three (3) year period all the bond proceeds and interest earnings thereon have not been expended, an extension should be requested from the Finance Director.

B. **Transmittal** – Once the responsible department or office is notified that they will be receiving bond sale proceeds to fund a capital improvement project, the department should prepare and forward to the Budget and Research Department and the Finance Department the following schedules:

1. A schedule showing separately the amounts programmed for the project construction costs and project acquisition costs (acquisition includes land, buildings, and equipment).

2. Project performance/completion schedules for the project to be financed by the sale of the bonds. Separate completion schedules shall be prepared for acquisition and construction costs.

3. A statement to indicate whether the projects will be completed within the arbitrage expenditure schedule.

C. The Finance Director shall review these schedules to support the certificate that the Mayor, City Clerk, and Finance Director must execute at bond closing on behalf of the City of Tucson.

VI. RESPONSIBILITY FOR REVIEW

The Deputy City Manager shall review this directive annually in October, or as necessary.

AUTHORIZED:

CITY MANAGER

ADMINISTRATIVE DIRECTIVE

DESIGN, CONSTRUCTION AND RENOVATION OF CITY BUILDINGS	NUMBER	PAGE
	1.07-4	1 of 11
	EFFECTIVE DATE	
	September 15, 2015	

I. PURPOSE

To establish policy and procedures for the design, planning and execution of construction and renovation of all City-owned buildings and facilities.

II. POLICY

All construction for new or renovated City facilities shall conform to all City of Tucson standards.

Customer departments shall initially consult with the Architecture and Engineering Division (AE) of the General Services Department (GSD) for all projects involving City facilities that may require a permit. AE will provide a cost estimate at no charge along with all applicable standards.

AE provides City facilities expertise and ensures that the standards and the needs of both the public and the customers departments are met, and the buildings achieve highly functional, cost-effective, low maintenance and sustainable solutions.

III. DEFINITIONS

A. **Annual Permit** – AE currently holds an annual permit which allows internal approval of certain types of permits for City facilities which expedites and reduces the cost of the permitting process.

B. **Architectural Design Program** (Programming) – The phase of the project where the project sponsor identifies the user facility and building needs, the intended uses, and planned occupants.

C. **Architectural Project** – All phases of a City building or facility construction or remodeling project, including planning, programming, design, construction, and warranty period. Architectural projects may include new buildings and modifications/ additions to existing buildings.

D. **Building Permit** – The formal permission granted by the City to begin the planned construction, demolition, or renovation of a facility. Often, permits for mechanical, plumbing, and electrical work are also required.

E. **Contract Representative – (Project Manager)** – The City staff member designated as the person responsible for administering the contract for the City of Tucson, and who provides day-to-day project oversight and management of the design and construction including the project budget and schedule.

F. **Customer Department** – The department, agency, or office, which uses, or will use, the facility being remodeled or constructed.

G. **Department Liaison** – The customer department's liaison delegated responsibility by the project sponsor for departmental coordination and developing and distributing public information on a project. Typically, the day-to-day contact for the project manager and contract officer.

H. **Design Development** (DD) – The phase of a project where plans, specifications, and updated construction cost estimates are advanced and ultimately provided to the project sponsor. Once approved, the design proceeds to the construction documents phase.

I. **Field Inspection** – On-site construction project investigations, critical appraisals, and examinations (including demonstration runs) to determine and make certain of compliance with construction drawings, specifications, contract requirements, or work standards.

J. **Field Review** – The arms-length on-site review of construction conditions, equipment, materials, processes, workmanship, and accomplishments to ascertain the quality of materials used, standards of workmanship, and work progress in general, conformance to construction drawings, specifications, work schedules, and other contract requirements.

K. **Project Coordinator** – The person who is tasked with performing field reviews. It is also the responsibility of the project coordinator to initiate any change orders and to review and process contractor's estimates for payment. The project coordinator will report to the project manager.

L. **Project Sponsor** – The customer department representative with the overall responsibility for initially defining the scope and approving the budget and providing oversight of project execution. The project sponsor formally assigns the project manager, the department liaison, and the fiscal support person. For projects where more than one department, office or agency will use the facility, the customer department-assigned individuals shall meet and mutually agree to the project director for the project. That person shall also be responsible for communicating project information to the public.

M. **Project Manager** – The individual assigned to either: (1) provide architectural or engineering services for in-house projects, or (2) administer architectural or engineering projects, or (3) act as technical advisor and project manager to a contract architect, engineer or other professional for in-house projects, and/or (4) serve as the contract representative. The project manager will be assigned based on knowledge, experience, and collaborative approach. The project manager is the focal point of contact between the contract architect, department liaison and contractor, and with support from the fiscal support contact, tracks overall project budget and related activities.

N. **Project Team** – The group of subject-matter experts assembled from throughout the City, and supporting contractors, to plan, execute and close out a project.

O. **Registered Plant** – The designation applied by the City Building Official to qualified organizations that are issued an Annual Permit.

P. **Schematic Design** – An initial design scheme or multiple schemes that seek to define the general scope and conceptual design of the project, the rough plans, and costs.

Q. **Stakeholders** – Organizations and individuals outside the Project Team who may be impacted by a project.

IV. RESPONSIBILITIES

A. AE Division, for projects under its management control, shall:

Provide in-house and/or contractual architectural advice, counsel and technical assistance in developing, analyzing, coordinating, and monitoring architectural projects. This may involve planning and conceptual designs, cost estimates, plans and specifications, and construction monitoring and inspection.

1. Coordinate the receipt and distribution of record plans, and operations and maintenance manuals.

2. Serve as the depository and custodian for City buildings within the GSD archive of all official design and construction records including plans (originals and as-builts), specifications, and related data. This is applicable to those projects that AE manages and where records have been provided to AE.

3. Provide guidance on interior design, decor, costs, and space utilization.

4. Ensure appropriate coordination: (1) through the review of architectural projects with FCM relative to building and facility maintenance and operational considerations; (2) Information Technology Department relative to telephone and communication requirements; and (3) other necessary agencies.

5. Obtain the services of contract architects or other technical disciplines such as structural, civil, mechanical or electrical engineers when special conditions or projects require such specialized services.

6. Provide contract management of architectural and other professional contract services rendered and of construction contracts where a contract architect has been retained as the construction administrator.

7. Promote and advocate the architectural needs and requirements of the customer department.

8. Qualify proposed improvements to existing facilities under Annual Permit as determined by the latest City adopted version of International Building Code and City Amendments. The following is NOT covered by the Annual Permit:

a. Work resulting in the change of use or occupancy for any portion of a building.

b. Work resulting in the change of a building type.

c. Work that adds, alters, removes or penetrates rated fire or smoke control assemblies, exit courts or exit passageways.

d. Work that requires moving more than five sprinkler heads.

e. Work that modifies load bearing structures.

f. Outdoor lighting changes that are regulated by the City of Tucson/Pima County outdoor lighting code.

9. Approve payments for contracted design and construction services.

10. Develop, maintain, and update standards for building design, construction and renovation. Ensure design and construction meet these standards.

11. Ensure the seamless transition of the improved or modified facility to FCM for ongoing maintenance.

B. City of Tucson Departments shall:

1. Contact AE prior to the start of any design phase involving the construction of a new City facility or modification of an existing City facility.

2. Assign the project sponsor and department liaison.

3. Provide the necessary funding source and staff support to initially define a project's requirements and objectives, and to obtain City approval of those requirements and objectives.

4. Participate throughout the consultant selection process from assisting AE in drafting the scope of professional service through the selection of the contract professional(s).

5. Contribute basic technical and non-technical data required for the project (i.e., number of proposed occupants, special equipment or uses, non-standard work areas).

6. Obtain approval for project budget changes.

7. Aid to resolve, in conjunction with the project manager, the Procurement Director and other staff, various issues that may arise during programming, designing, and the construction of the project.

8. Initiate the ordering of, and provide the follow-up on, the installation of telephone service well in advance of the anticipated occupancy date of the building or facility.

9. Ensure that the provisions are followed of the City's Public Art Program as provided for in Administrative Directives 7.01-1 through 7.01-7.

10. Approve/coordinate the public information aspect of the project.

11. Expedite/coordinate the user review of the project design and assist in resolving conflicts with and among users.

12. Coordinate with appropriate parties to set up utility service and billing and building maintenance.

C. <u>City Manager's Office (CMO)</u>:

The City Manager's Office shall approve architectural projects for which costs for all phases exceed $10,000 before the projects can proceed. The project sponsor for any architectural project exceeding $10,000, and that otherwise has not received written authorization from the CMO, must submit the total project to the designated Assistant, Deputy or City Manager under which the project falls for approval. The project sponsor must also receive CMO approval for changes in previously-approved project scope, such as increased building size or change in building function, that result in additional costs that exceed $10,000.

V. AE PROCESS OVERVIEW

The following explanation is intended to provide City departments with an overview of the phases, processes and procedures involved in the planning, designing and construction of public buildings and facilities.

A. Project Planning

1. AE provides expertise in City facilities to all entities, departments, agencies, and offices to include the following:

a. Professional architectural and engineering counsel.

b. Technical assistance, and information involved in preparation of the City's Five-Year Capital Improvement Program (CIP) for City buildings and related facilities, except for Housing and Community Development.

c. Developing preliminary project proposals, scopes and budgets which are consistent with the applicable standards.

2. Requests for preliminary project proposals shall be initiated with the submission of a work order estimate request, submitted to the GroupWise email address "FM-Estimate."

a. Customer departments are responsible for refinement and approval of the preliminary project requirements.

b. AE will develop, based on the preliminary project requirements, conceptual design criteria and a statement of probable project cost.

B. Project Initiation

1. The AE Administrator will evaluate the project's requirements, design criteria, objectives and budget allocation.

2. The project sponsor will clarify project requirements and objectives based upon the budget allocation to ensure the facility can be built for the funds available.

3. The project manager will develop specific design criteria that meets the needs of the customer department and will update, when necessary, the probable project costs. The project manager, in conjunction with the customer department, will describe the professional services to be provided by City staff and/or contract architects or other consultants, and will provide an estimate of fees for those services.

C. Design Consultant Selection and Monitoring

1. Design consultant required:

a. Procurement, in consultation with the customer department and the project manager, shall a conduct a selection process in accordance with all applicable Procurement Code requirements.

b. Upon a consultant contract award, the project manager is responsible for the day-to-day coordination and administration of all matters between the contract professional and the City to include monitoring the performance, approval of requests for payment, and design changes, as well as to aid in resolving disputes between the construction contractor and contract professional.

D. Design

1. An Architectural Design Program (ADP) may be required to either confirm or develop:

a. Detailed design criteria

b. Detailed functional and relationship requirements

c. Site plan information

d. Budget and construction cost data

e. Time schedules and other project requirements

f. This phase may require special research, visits to buildings of a similar type, “mock-up” studies of the actual activities to be housed, or materials and assemblies work flow analysis

2. Customer department responsibilities:

a. Provides basic technical and non-technical data

b. Is responsible for reviewing and approving the overall program

c. The project sponsor’s written approval is required before the project moves into the design phase

3. Design and construction documents:

a. Upon approval of the ADP, the project design proceeds to the actual schematic design, design development, and preparation of construction documents.

b. The construction documents provide drawings that define the project spatially, as well as the construction specifications to define the materials, equipment, workmanship, and quality standards to be used.

4. Project Manager:

a. Monitors the contractor's progress and interfaces with contractor on behalf of the customer department.

b. Reviews and provides comment on the design, construction documents, and construction cost estimate which establishes minimum standards of quality of material and equipment.

c. Coordinates with the customer department and other stakeholders to ensure that all City reviews take place in a timely fashion and issues are resolved.

5. Project Sponsor:

a. Provides design review, as well as the selection of design alternatives based on architectural advice, and for approval of the completed design.

b. Coordinates, or delegates the coordination of, public meetings, reviews and outreach if needed.

6. All changes with budgetary impact:

a. Must identify funding.

b. Be authorized by the Budget and Internal Audit Office prior to submission to the Procurement Director.

7. Plans:

Registered professionals preparing plans and specifications for different parts of a project must stamp each sheet so as to clearly indicate the professional responsibility for each part.

8. Final Project Package:

a. A set of contract documents are to be used for obtaining competitive bids or proposals.

b. The package includes the general conditions of the contract, the standard and special provisions as may be necessary.

E. Solicitation and Award

The solicitation process and the contract award of design and construction contracts will be facilitated by the Procurement Department in accordance with all procurement code requirements and other applicable statutes, policies and procedures.

F. Construction Responsibilities

1. The construction contractor shall supervise and direct the work and shall be solely responsible for, and have control over, construction means, methods, techniques, safety, sequences and procedures.

2. The construction contractor shall be responsible for coordinating all portions of the work unless the contract documents give other specific instruction concerning these matters.

3. The contract officer shall be kept fully advised by the project manager of all material aspects of the project as construction progresses.

4. The Procurement Department Director, after consultation with the project sponsor and Project Manager, has the ultimate authority to resolve disputes concerning contract performance and to stop the work whenever such stoppage may be necessary to ensure the proper execution of the work.

G. Construction Change Orders

Should conditions encountered in the performance of construction differ from the construction documents, or should a party to the construction contract request a change, addition, or deletion, an equitable adjustment may be accomplished in accordance with the contract provisions and the following criteria.

1. **Field Change Orders**

   a. Unforeseen conditions or minor design errors or omissions and that do not amount to $10,000 or 10% of the contract amount (whichever is less).

   b. Can be approved by the project manager unless the change involves a significant change in the scope of work.

   c. Notifications to the contract officer and stakeholders must be in writing (e.g., job meeting minutes, fax or e-mail). The notification shall clearly identify the contract number, project description, contractor name, change order number, description of the change, and purchase order number.

   i. The contract officer shall be notified in writing of the Field Change within five (5) business days with a formal change order document to follow.

   ii. Notification that a Field Change has been authorized should also be sent in writing to any stakeholders for their information and records.

   d. Minor change orders can be bundled and approved prior to a formal change order being issued. However, the contractor cannot be paid for the changes until a formal change order has been completely executed.

H. Contractor Performance Problems

If there is a performance failure, violation, or default in either a professional services contract or construction contract, then the project manager, in consultation with the AE Administrator, Procurement and the project sponsor, will seek resolution through a "meet and confer" process between the parties. If these individuals cannot resolve the situation, then it shall be delegated to the contract officer who will address the problem in accordance with the applicable provisions of the Tucson Procurement Code.

Appendices None

References Public Art Administrative Directives 7.01-1 through 7.01-7
Project Management Process AD 1.02-18
Architecture and Engineering Division Change Order Standard
https://www.tucsonaz.gov/files/gs/AE_Project_Managers_Manual_02-27-2015.pdf

Review Responsibility and Frequency The General Services Department Director shall review this directive annually, based on date of publication. Last review date: 9/9/09.

Authorized

City Manager

Date 11/3/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

CODE COMPLIANCE IN CITY IMPROVEMENT PROJECTS	NUMBER 1.07-6	PAGE 1 of 3
	EFFECTIVE DATE February 12, 2010	

I. PURPOSE

The purpose of this directive is to provide policies and procedures for permit approval or zoning compliance review for (1) all new City development and (2) facility improvement or repair projects for which City approval would be required if the activity were performed by the general public.

II. DEFINITIONS

A. **ADA** – Americans with Disabilities Act

B. **ADAAG** – Americans with Disabilities Act Accessibility Guidelines, 28 CFR, Part 35 and 36, Revised as of July 1, 1994.

C. **Community Design Review Committee (CDRC)** - An organization established by the City Manager to serve the Zoning Examiner, City Manager, and the Mayor and Council, as technical advisory committee on land development (see Development Standards 1-03.0).

D. **Development** - Any human alteration of the natural state of land, including its vegetation, soil, geology or hydrology, for any public, residential, commercial, industrial, and utility uses, including all areas used for vehicular access, circulation, and parking.

E. **Development Standards** - City design standards and regulations governing land development requirements such as fire protection; City Engineer's public improvement standards; and sanitation, street, and parking lot improvement standards.

F. **Force Account Work** - Any construction of City Improvements which is performed by City employees (see Tucson Code, Sec. 2-81).

III. POLICY

A. All new City development or private development on City-Owned land, and improvements or repairs to existing City facilities for which a City permit would be required if performed by the general public, will be performed pursuant to a permit which complies with all applicable City Codes, Development Standards, and other City development requirements for issuance of such a permit.

B. Zoning and/or engineering review and approval is required in some instances when a permit is not required, such as landscaping in scenic corridor zones or construction of walls in City or Federal Emergency Management Agency (FEMA) floodplains.

C. Force account work will be performed in accordance with the same permit and approval requirements as contracted work.

D. Departments and divisions will obtain: (1) plan approval for building, grading (including stockpiles), and site plans in accordance with the ordinances and regulations of the City,

and (2) required permits and inspections by the City agency responsible for enforcing the applicable code provision.

IV. REVIEW PROCEDURE

A. General

1. All proposed City improvements which involve modification of existing City buildings will be submitted to the Planning and Development Services Department (PDSD) for review. PDSD will review the project for compliance with the codes/standards applicable to the project. Such review will occur before initiating any improvement activity.

2. All proposed City improvements which do not involve modification of existing City buildings will be submitted to PDSD for review. PDSD will review the project for compliance with the codes/standards applicable to the project. Such review will occur before acquisition of property for installation of public facilities and/or before initiating any improvement activity.

3. The Planning and Development Services Director has discretion in specifying the review procedures for ensuring compliance with most City Code requirements. When creating or modifying such review procedures, the Planning and Development Services Director will give consideration to the needs of affected departments.

B. Emergency Street Closures and Excavations in the Public Right of Way

Requirements for prior notification to the Traffic Engineer of street closures (Tucson Code Sec. 25-24) and/or prior permitting by Planning and Development Services of excavations in the public right-of-way are suspended in the event of an emergency (such as a fire, water main break, or traffic accident). However, departments will notify the Traffic Engineer's Office and/or obtain excavation permits from the Planning and Development Services Department as soon as possible.

V. APPEAL

A. With certain exceptions (see subsections B and C, following), if plans or permits for City work are not approved by the responsible City agency, departments may appeal to the City Manager. The written appeal submitted by the department to the City Manager should:

- describe those factors which make complying with the code(s) in question infeasible or impossible,
- describe what alternative course of action is requested and why, and

- include review comments on the request from the City agency that withheld approval of the project. Those review comments should reference any adopted Mayor and Council policy that applies to the request.

The City Manager will review the information and determine if exceptional circumstances exist that would warrant waiver of the application of this directive. If the Mayor and Council has adopted a policy requiring City compliance in specific situations, any request to waive the application of this directive in a similar situation must be approved by the Mayor and Council.

B. Where an ordinance or Code provision contains specific language requiring the City to comply with the Code or standard, the department must request an appeal or variance through the applicable procedures established in the Code.

C. Pursuant to all applicable provisions of the ADA (Public Law 101-336, 42 USC 12101-12213) and applicable federal regulations under the Act (28 CFR Parts 35 and 36), as well as the Arizonans with Disabilities Act (ARS 41-1492), ADA requirements must be met for all City improvement projects and may not be appealed. No exceptions shall be made.

References

AD 2.05-10 – Americans with Disabilities Act (ADA) Compliance with Title II – Public Services
Americans with Disabilities Act
Development Standards
Tucson Code

Review Responsibility and Frequency

The City Manager will review this directive annually upon date of publication, or as necessary.

Authorized

City Manager

Date 2/19/10

Mike Letcher

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
PROTECTION OF ARCHAEOLOGICAL AND HISTORICAL RESOURCES IN CITY PROJECTS	**1.07-7**	**1 of 8**
	PAGE ISSUE DATE	
	May 21, 1999	

I. PURPOSE

Tucson has a rich, multi-cultural heritage. The community's legacy is shown through its historic buildings and neighborhoods as well as the wealth of archaeological resources which are less visible but continue to provide information about cultures of the past. In many cases, prehistoric and historical resources exist in the same area, making development particularly challenging. Protection and enhancement of Tucson's cultural heritage is critical to preserving the unique identity of the community while allowing for the provision and maintenance of modern urban services and infrastructure to support community development and growth.

The purpose of this directive is to publish City policies and procedures for the protection of archaeological and historic resources that may be associated with City projects or work activities of City staff.

II. POLICY

A. City staff and any consultants or contractors hired by the City shall comply with all applicable laws and regulations governing protection of historical and archaeological resources. A list of applicable laws and regulations in effect as of the date that this Administrative Directive was signed is attached. (See Attachment 1)

B. Departments shall ensure that no land leveling, grading or excavation occurs on City projects, and no designated historic structures or potentially historic structures are altered or demolished, without first receiving clearance for such activities in accordance with the provisions of this directive. Departments shall seek this clearance during the earliest stages of project planning, so that any potential impacts can be identified and resolved without causing project delays or unplanned increases in project budgets.

C. The City Manager's Office, through the Historic Program Administrator, shall have primary responsibility to coordinate, develop and administer all cultural resource protection programs of the City. The Real Estate Division of the Transportation Department, through its Negotiations Section, shall assist in the day-to-day operation and administration of such programs, and shall work in close cooperation with the City Manager's Office.

D. The City shall maintain one or more annual contracts for on-call archaeological services and historical preservation services. <u>All archaeological and historic preservation work needed for City projects shall be performed by these contract firms under the City's annual contracts(s)</u>, unless an exception is authorized in advance by the City Manager's Office and Procurement Department.

E. Project-related costs for any archaeological or historic investigations and mitigation work performed by the contract firms shall be paid from the department budget for the project.

III. PROCEDURES TO OBTAIN CLEARANCE FOR CITY PROJECTS INVOLVING EARTH MOVING OR ALTERATION OR DEMOLITION OF STRUCTURES

A. In order to assist in determining those projects which must comply with historic and archaeological standards and requirements, the Planning Department, the Historic Program Administrator, the Real Estate Division and the City's consultants will prepare and update maps, lists, and other tools to identify areas of significance from both an historic and archaeological perspective.

B. As soon as the general boundaries of a proposed project are identified in the capital planning process, departments shall contact the Historic Program Administrator to determine if there are cultural resources which may need to be considered in designing and implementing the project. If so, a recommendation will be made to the appropriate department with regard to the issues to be considered and a proposed course of action to define or address the issues.

When project funding has been approved, departments shall initiate a "Request for Cultural Resources Clearance" form (see Attachment 2), and shall attach maps and include information describing the project, as requested on the form. Four (4) copies of the completed Request Form with attachments shall be sent to the Real Estate Division. Real Estate staff shall keep one copy and distribute remaining copies to Real Estate Division files, the Historic Program Administrator, and the appropriate on-call firm.

The clearance review process may be initiated at very early stages in project design and development, as the first stage of the review process is a records check and field survey for known historic and/or prehistoric remains within the project area. The locations of previous archaeological and historical surveys within and adjacent to the project area will also be documented.

C. When work is proposed which would affect the exterior appearance of any City-owned building, including demolition, (whether operated by the City or leased to another agency) which is individually listed on the National Register of Historic Places, or is within a National Register or locally designated historic district, the following process will apply:

1. A description of the work to be performed will be prepared and submitted for review to the Historic Program Administrator.

2. If the property is within a local historic preservation zone, the design review and demolition process included in Section 2.8.8. of the City of Tucson Land Use Code, and City of Tucson Demolition Procedures, will be followed. At a minimum this will entail consideration of the proposed work by the appropriate Historic Zone Advisory Board, consideration of the work by the Plans Review Committee of the Tucson Pima County Historical Commission, and approval by the Planning Director.

3. If the property is within only a National Register Historic District, is an individually listed property, or is an eligible property located within the Downtown Heritage Incentive District, the Plans Review Committee of the Tucson Pima County Historical Commission must review and comment on the proposed work or demolition, and it must be approved by the Historic Program Administrator.

D. Any site likely to contain potentially significant archaeological resources (as determined from the records search or field survey) shall be subject to an intensive archaeological survey of areas of potential land disturbance as soon as the City attains ownership or right of access to the site. Similarly, the potential significance of any historical resources existing on a proposed project site will also be assessed. The City's designated contractor(s) will record all archaeological and historical remains found in those areas, and evaluate their eligibility for inclusion in the National Register of Historic Places. The archaeological contractor will meet with project personnel to discuss potential project impacts and to consider avoidance alternatives, if appropriate.

Note: it is imperative that departments initiate the Request Form as soon as funding has been approved. If the clearance review produces evidence of historic or cultural resources, the department will then have time to consider alternatives. For example, it may be more cost effective early in a project to slightly realign the project rather than to perform the work required to mitigate the impacts on such resources.

E. The archaeological contractor may determine that testing (using backhoe trenches, etc.) is necessary to determine the probability of impacting archaeological resources. Should significant archaeological resources be identified (either through testing or during the actual course of construction), the archaeologist may propose an excavation or other data recovery phase to document and protect the identified resources.

Any such proposal for archaeological testing or data recovery shall document the need for such activities, specify the scope of work, and provide a cost and time schedule. The Historic Program Administrator shall obtain independent archaeological review of the proposal (by the Arizona State Museum, the State Historic Preservation Office (SHPO), or other outside consultant), to verify appropriateness of the scope of work and the

contractor hours involved when either the complexity of the project or the proposed cost merits outside review.

F. To ensure the efficient and effective use of the City's contracted archaeological and historic preservation firms, the Real Estate Division shall coordinate the flow of work between City departments and the contract firms. When necessary, and with particular sensitivity to the needs of the City departments, the Historic Program Administrator, and/or Real Estate shall coordinate priorities for the work performed by the contracted firms. Departments that have any questions about a particular archaeological or historic preservation project shall contact the City's lead agency, whether the Real Estate Division or the Historic Program Administrator, not the contract firm. Most initial project reviews should be completed within 45 days of submittal of the Request for Cultural Resources Clearance to the Real Estate Division. However, if archaeological testing and/or major historic resource survey or building condition assessment activities are required for compliance, additional time will be necessary to obtain a clearance.

G. In regard to archaeological compliance:

The Historic Program Administrator shall: consult with Real Estate division staff on the scope of proposed archaeological mitigation projects; coordinate contacts with SHPO, and confer with SHPO as required by special projects or issues. For projects not requiring review by the State Historic Preservation Office, a committee of the Tucson Pima County Historical Commission will provide review and comment on such projects.

The Real Estate Division, through the Negotiation Section, shall: initiate and maintain contact with the City's archaeological contractor(s) for each survey and/or mitigation project; maintain day-to-day oversight over projects; prepare and disseminate all project-related correspondence; approve payments for work completed.

Representatives of the City shall conduct interim and final field inspections as appropriate, with assistance from the Tucson Pima County Historical Commission as appropriate.

H. In regard to historic preservation compliance:

The Historic Program Administrator shall: review and approve the proposed scope and methods for survey and recording projects, review and approve reports of work in progress and completed work; make recommendations for additional work, if needed; concur with Real Estate's recommendations for payment; coordinate contacts with SHPO; and confer with SHPO as necessary. For projects not requiring review by the State

Historic Preservation Office, a committee of the Tucson Pima County Historical Commission will provide review and comment on such projects.

The Real Estate Division, through the Negotiations Section shall: Initiate and maintain contact with the City's historic preservation contractor(s) for each survey and/or recording project; maintain day-to-day oversight over projects; prepare and disseminate all project-related correspondence; recommend payments for work completed; maintain continuing project-related contact with SHPO.

Representatives of the City shall conduct interim and final field inspections as appropriate.

IV. INCLUSION OF SPECIAL CONDITIONS FOR PROJECTS TAKING PLACE IN HISTORIC DISTRICTS, OR WORK PROPOSED FOR HISTORIC BUILDINGS.

A. Procurement department and user departments will develop standard contract language when possible, or special conditions when necessary, to be inserted in bid documents and construction contracts when projects take place in historic districts or areas of special archaeological sensitivity. The elements to be covered include but are not limited to:

- Use of special backfill material when surrounding buildings are made of adobe.
- Use of equipment and construction methods that will produce the minimum vibration.
- Video or other documentation of building condition before and after construction takes place, either by City staff or through contracts.
- Use of seismic measuring equipment to determine the actual level of vibration caused by construction work.
- Language regarding handling of asbestos and other hazardous materials, when appropriate.
- Language that repairs to an existing structure shall be completed so as to cause no damage to other parts of the building.
- Adherence to City of Tucson "hot works" procedures to minimize threat of fires.
- Adherence to City of Tucson demolition procedures.

B. Neighborhood Notification - As soon as construction dates are firm, existing Historic Zone Advisory Board members, and officers of the affected neighborhood association shall be notified of the proposed work and the dates construction is anticipated to take place. Whenever possible, neighborhood notification should take place no later than two weeks prior to start of construction. A copy of any notifications(s) to be sent to neighborhood residents, organizations or boards shall be sent to the Historic Program

Administrator, the Planning Department, and to the Chairman of the Tucson Pima County Historical Commission prior to being distributed.

Such notification shall be considered a project cost and shall be done either by the responsible department or as part of the construction contract for the project. Mailing lists and labels are available from Citizen and Neighborhood Services.

It is recommended that at least one public meeting be held, or an announcement be placed in the appropriate neighborhood newsletters, during project planning in order to identify potential issues such as scheduling of work, use of appropriate equipment, etc. which may impact project design and cost.

V. DISCOVERY OF CULTURAL RESOURCES DURING CONSTRUCTION

A. Departments shall stress the importance of protecting archaeological and historical resources to staff who are involved in excavation or construction inspection work. A training program will be developed for field inspection personnel, and will be incorporated into the new employee orientation program as well as being made available to those inspectors who are already employed.

B. If any archaeological resource is discovered during construction, the City shall stop work immediately and have the resources evaluated. Departments may contact the Real Estate Division or the Historic Program Administrator to obtain an emergency site review by one of the contracted firms.

VI. REVIEW OF PROJECTS RECEIVING STATE AND/OR FEDERAL FUNDS

A. Use of state and federal funds may require a review of proposed project activities for impact on cultural resources, and consultation with the SHPO and the Advisory Council on Historic Preservation. This review can be performed by the user department, the Historic Program Administrator, or an outside contractor, depending upon the complexity of the project and the resources impacted. However, the Historic Program Administrator will review and sign off on the final review process and correspondence and will be the point of contact with the State Historic Preservation Office and Advisory Council, unless alternate arrangements are made on specific projects.

As soon as notification of receipt of state or federal funds is received, the formal cultural resource clearance process should be initiated. It is recommended that the Historic Program Administrator be made aware of proposed projects during the planning stages so that impacts can be evaluated early in project design and development. If major

impacts are identified early in the process, adjustments can often be made to location or other project elements that can avoid the often major expense of mitigation.

B. For user departments which regularly receive state or federal funds, a separate process will be developed that provides the most efficient means of reviewing and receiving clearance for projects and programs.

VII. GENERAL

A. City employees shall not remove archaeological or historical materials (including fragments) from, nor disturb such materials on, City property. Any violation of this direction shall require a written report to the City Manager, documenting the incident. The report shall include a description of the incident and an analysis of why the incident occurred, shall detail any disciplinary action taken, and shall describe measures developed to prevent such incidents from reoccurring in the future.

B. Leased City Property: The requirement to obtain archaeological and/or historical clearance before any excavation, remodeling, or demolition is performed shall also apply to City property that is leased to another party. The Real Estate Division shall ensure that lessees are made aware of this requirement, and that the City reserves the right to approve or disapprove of any alteration, demolition, land leveling, grading or excavation of property leased from the City. Construction work on leased property shall be reviewed by the City, and/or committee of the Tucson Pima County Historical Commission.

C. City Sale/Leaseback Projects - The outside organization shall coordinate with the Historic Program Administrator to determine if the organization will separately contract for archaeological and historic preservation services, or use the City's annual contract. Such work shall be reviewed by the City, and/or committee of the Tucson Pima County Historical Commission.

D. Projects Taking Place in Rights-of Way by Others: Projects that regularly take place in City rights-of-way by private companies, such as installation and replacement of electric and gas lines, telephone lines, fiber optic cables, television cable, etc. shall continue to receive permits from Engineering for such work. Excavation which occurs in the downtown (see Attachment 3 - map of archaeological sensitivity class zones) will require evidence that a professional archaeologist or ethnographic consultant will be present during excavation activities and will comply with all applicable laws and regulations including notification of the City Historic Program Administrator within 24 hours should any significant artifacts be located within City right-of-way. (A list of consultants can be obtained from the Engineering Permits and Codes Section or Real Estate Division located at 201 N. Stone. This list is not an official endorsement of any contractor by the City of Tucson or the State Historic Preservation Office). Any excavation

performed in right-of-way which is adjacent to a local historic district, a National Register Historic District, or culturally sensitive area may also require that the procedure outlined above be followed.

VIII. APPENDIX

Attachment 1 - Applicable Laws and Regulations
Attachment 2 - Request for Cultural Resources Clearance (form)
Attachment 3 - Map of Archaeological Sensitivity Class Zones

IX. RESPONSIBILITY FOR REVIEW

The Deputy City Manager shall review this directive annually, based upon date of publication.

AUTHORIZED:

_____

City Manager

Attachment 1
A.D. 1.07-7

Applicable
Law and Regulations

1. National Historic Preservation Act
2. State Historic Preservation Act
3. Arizona Antiquities Act
4. State Laws – Human Burials – ARS 41-844 and ARS 41-865
5. City of Tucson Resolutions No. 12443 and 16548

RESET FORM

Attachment 2
A.D. 1.07-7

Department of Transportation—Real Estate Division
Request for Cultural Resource Clearance

To:_____ Date of Request:_____
From:_____ Account Chargeable:_____
Requestor:_____ Dept/Div:_____
Contact Person:_____ Phone Ext.:_____

Job Title:_____
Drawing Attached: ( ) Yes ( ) No
Description of Service:_____

Please obtain the following:_____
_____
_____
_____

Return completed request to the attention of: ( ) Requestor
( ) Other,_____

(REQUESTOR PLEASE LEAVE BLANK)

_____ _____ _____
Real Estate Admin. Actual Completion Date Job. No.

(MONITORING REQUIRED)

Additional Charges:_____ Final Report In:_____

Copy of final report to:_____ Date:_____

Additional Notes:_____
_____
_____
_____

Attachment 3 - Map of Archaeological Sensitivity Class Zones

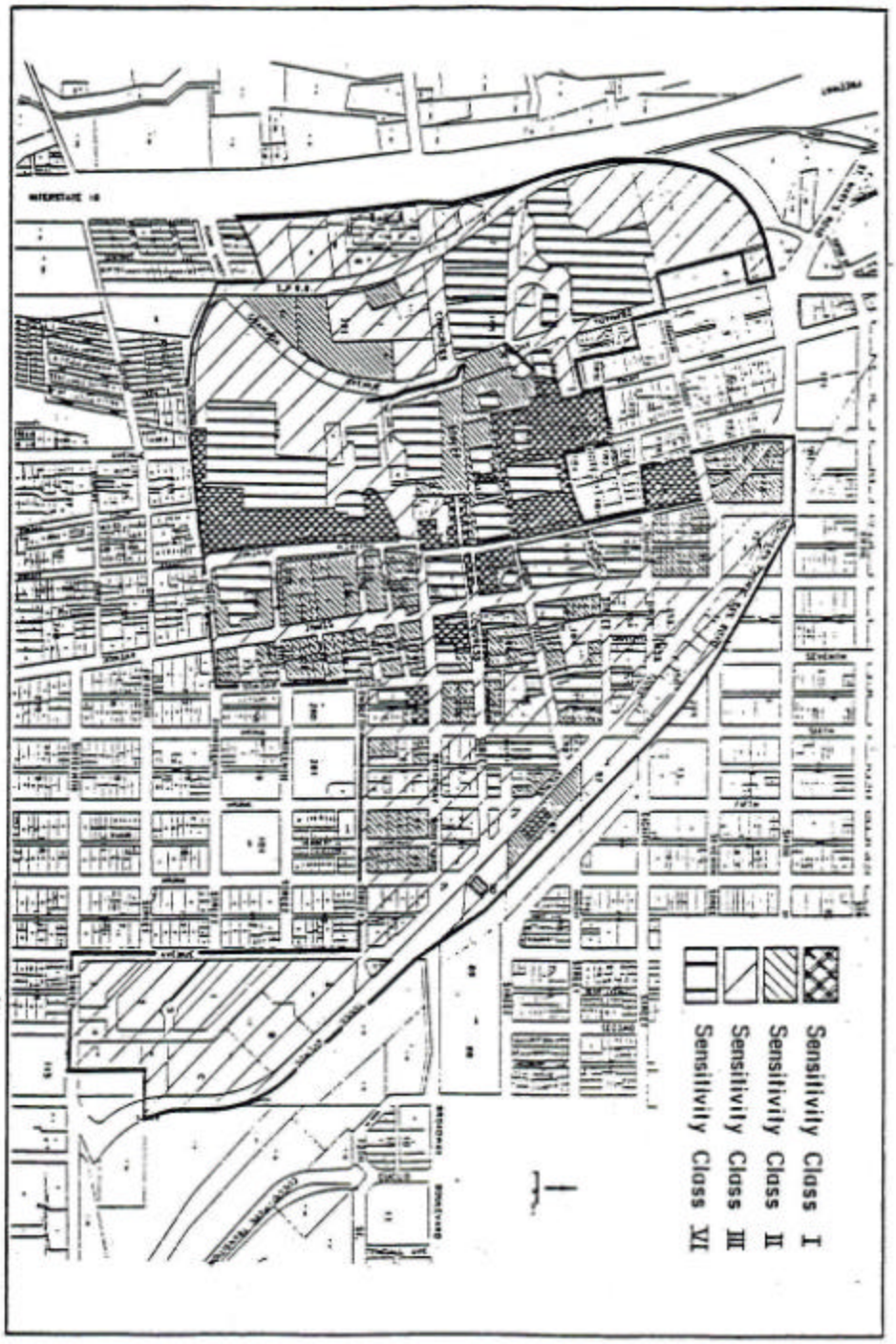

Figure 4. Archaeological sensitivity-class zones of the DHID.

Summary of Sensitive Classes

Sensitivity Class	Likelihood of Encountering Significant Deposit	Description of Cultural/Environmental Setting
I	Very High for nearly any undertaking, approaching 100% for large-scale disturbances	Significant subsurface cultural resources have been documented archaeologically or are very likely to exist, based on archaeological and archival data are inconclusive.
II	Moderate to high, depending on nature and extent of proposed disturbance	Significant subsurface cultural resources may exist, and some of these deposits may be complex, but archaeological and archival data are inconclusive.
III	Low to moderate, depending on nature and extent of proposed disturbance	Archival and/or archaeological data indicate that the density and complexity of subsurface cultural deposits is relatively low, but isolated pockets of dense deposits may be encountered.
IV	At or near 0%, even for large-scale undertakings	Subsurface deposits are likely to have been obliterated, impacts have been completely mitigated, or significant resources are otherwise known to not exist.

A variety of sources were tapped for the information that was considered in creating the sensitivity zones. Sites recorded at Arizona State Museum were plotted on overlay maps, and the information on the types of remains these sites contain were evaluated before assigning sensitivity classes to the areas both within and immediately surrounding the sites. Published and unpublished articles, reports, papers, and manuscripts (all of which are listed in the Bibliography section of this report) were helpful in the evaluation of the potential of various areas of the district. Archaeologists and historians (listed in the acknowledgment section) who have worked within the DHID were also consulted. Finally, the various historical maps of Tucson that are housed at the Arizona Historical Society, the University of Arizona, and elsewhere were most useful in filling in gaps in areas for which no other information was available. These maps, which date as far back as 1862, were also used to document the history and development of the city from historic through modern times (see “Cultural Resources with the DHID,” above). Generally areas that were well developed early in Tucson’s history remain so today; thus, these areas are expected to contain the most complex subsurface remains (provided that the depth of modern development has not removed all traces of earlier occupation).

Communications and Electronic Information

ADMINISTRATIVE DIRECTIVE

COMMUNICATIONS AND OTHER ELECTRONIC EQUIPMENT	NUMBER 1.08-2	PAGE 1 of 4
	EFFECTIVE DATE August 26, 2016	

I. PURPOSE

To establish procedures for the acquisition, maintenance and disposition of communications and other electronic equipment and to establish certain procedures for radio systems.

II. POLICY

All acquisitions of communications and other electronic equipment shall be made after consultation and approval of the Information Technology Department (ITD). All requests for maintenance or disposal of communications and other electronic equipment shall be submitted to Environmental and General Services Department (EGSD) Communications Maintenance Section for service.

III. DEFINITIONS

A. **Communications** – Transmission of analog and/or digital intelligence between point of origin and reception.

B. **Communications Equipment** – Any point-to-point or point-to-multi-point communication system or associated component used by, or for, the City of Tucson. This includes, but is not limited to, all portable, mobile and fixed two-way radios, microwave, copper and fiber optic systems, but for the purposes of this directive, excludes telephone, switches and routers. Requests for this excluded equipment should be routed and managed through the Information Technology Department Service Desk.

C. **Other Electronic Equipment** – Equipment of an electronic nature maintained by the EGSD Communications Maintenance Section, such as sirens, police light bars, and automated fuel systems. Questions regarding whether specific equipment is maintained by the Communications Maintenance Section should be directed to Communications Maintenance via phone: (520) 791-3121 or email: CM-Service@tucsonaz.gov.

D. **Radio Systems** – Includes the following:

1. Public Safety Radio Systems – The system that provides radio and emergency communications in conjunction with Pima County Wireless Integrated Network (PCWIN).

2. Public Works Radio System – The system that provides radio communications for non-public safety City departments, divisions and offices.

3. Medical Emergency Dispatch System (MEDS) – The system authorized by the Arizona Department of Public Safety such as AIRS and Federal NIFOG

frequencies to dispatch personnel and equipment to medical emergencies within the Tucson metropolitan area.

E. **City Communications Infrastructure** – Any fiber optic cable, copper cable, communication tower, or associated component used to transport the City's voice and data services. This includes, but is not limited to, conduit, pull-boxes or direct buried inner duct.

F. **ITD Business Innovation Process** – An ITD process that encompasses transparency, accountability, innovation, civic engagement, citizen orientation and sustainability. These tenets, accompanied by City administration ownership, strong program governance, internal and external stakeholder involvement, help to assure project success, increase stakeholder ownership and place the City in the forefront of innovation.

IV. ACQUISITION OF COMMUNICATIONS EQUIPMENT

The ITD is assigned the responsibility to review and approve the acquisition of all equipment that will use City of Tucson frequencies or interface with City communications infrastructure. This review will be conducted jointly with the EGSD Communications Maintenance Section through the ITD Business Innovation Process to determine if the acquisition:

- is the most cost effective;
- meets the needs of the requestor; and,
- is compatible with existing infrastructure.

Prior to acquisition of equipment, the purchaser shall meet with ITD's Project Management Team concerning their communications and other electronic equipment needs.

ITD and/or Communication Maintenance shall perform the following steps:

- examine the needs of the requesting department,
- recommend equipment that will fill the needs of the requesting department and be technically compatible with City of Tucson communications infrastructure,
- provide written equipment specifications which will be used by the requesting department to complete the requisite purchasing request (requisition or direct release),
- provide a written maintenance impact statement providing an estimate of the annual cost to maintain the equipment including a projection of ITD and/or Communications Maintenance service hours to the requesting department, and

- upon equipment arrival, the Communications Maintenance Section and ITD will check equipment for asset assignment, proper operation and notify the requesting department when equipment is ready for use.

V. REPAIR OF COMMUNICATIONS EQUIPMENT

The Communications Maintenance Section is responsible for repair and service of all communications equipment defined in this directive.

All transportable communications and other electronic equipment requiring repair or service should be taken to the Communications Maintenance Section at the Thomas O. Price Service Center (4004 S. Park Ave.) and given to the Customer Service Clerk (Building 2, Door H) for processing. An individual turning in a radio-equipped vehicle will also check in with the Customer Service Clerk. Service hours are 8:00 a.m. to 4:00 p.m., Monday through Friday (holidays excluded).

General Services After-Hours Call-Outs – Departments, divisions, and offices requesting after hours support shall call the Communications Center General Services Operator by phone at 791-4803.

VI. DISPOSAL AND TRANSFER OF COMMUNICATIONS EQUIPMENT

A. The disposal and transfer of communications electronic equipment shall be handled according to Administrative Directive (AD) 4.01-3, “Fixed Assets and Other Equipment.”

B. In addition to the procedures in AD 4.01-3, the following two steps should be followed for **two-way radios** (portables, vehicle, and base stations) **and pagers.**

1. When two-way radios (portables, vehicle, and base stations) and pagers are to be transferred between departments or disposed of through Surplus, Auction and Materials Management (SAMM), the Communications Maintenance Section and ITD must be notified by the owning department in order to terminate the monthly maintenance fees charged to departments no longer using this equipment and ensure all FCC and engineering documentation is current.

2. When two-way radios and pagers are to be disposed of through SAMM, the equipment shall first be taken to the Communication Maintenance Section where a clearance statement will be provided. Once clearance is provided, it is the responsibility of the owner Department to then transfer the property with clearance documentation to SAMM. SAMM will not accept this equipment without the required surplus form as outlined in AD 4.01-3 and the clearance statement from the Communications Maintenance Section.

VII. RADIO SYSTEMS OPERATION

A. **Licensing** – All requests for licenses for new systems should be directed to the ITD Infrastructure Engineering Section, who is responsible for obtaining and managing Federal Communication Commission (FCC) licenses for the City of Tucson.

B. **Tucson Fire Dispatching** – The Tucson Fire Dispatch Communications Center is responsible for 9-1-1 call taking, dispatch of fire and rescue services for the Tucson Fire Department (TFD) and other agencies as governed by intergovernmental agreement, MEDS support, and after-hours call-taking and dispatch support for Public Works through the General Services Operator Position. Questions regarding these functions may be directed to the Communications Operations TFD Superintendent. If circumstances require an immediate response or immediate action, the on-duty Shift Supervisor may be contacted at 791-4803.

C. **Tucson Police Dispatching** – The Tucson Police Dispatch Communications Center is responsible for dispatch of all police related 9-1-1 calls.

D. **Recordings** – Master recordings of all radio system communications are routinely kept for a six-month period. Requests for a copy of master recordings should be directed to the Communications Maintenance Section Superintendent.

Appendices None

References None

Review Responsibility and Frequency CIO shall review this directive annually or as necessary. Last review date: October 1, 2015.

Authorized

City Manager — Date 11/17/16

Michael Ortega

ATTACHMENT
A.D. 1.08-2

STANDBY CALL-OUT ROSTER

DATE: _____

TO: COMMUNICATIONS DIVISION OPERATIONS SECTION
ATTENTION: COMMUNICATIONS OPERATIONS SUPERINTENDENT

FROM:_____ _____ _____
AGENCY NAME PHONE

THE FOLLOWING IS A ROSTER OF STANDBY PERSONNEL FOR THE PERIOD OF
_____ TO _____.

	INCLUSIVE DATES	NAME	RADIO CALL NO.	HOME PHONE	PAGER NO.	CRAFT AREA OR COMMENTS
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
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June 2001

ADMINISTRATIVE DIRECTIVE

INFORMATION SECURITY POLICY	NUMBER 1.08-3	PAGE 1 of 8
	EFFECTIVE DATE October 1, 2015	

I. PURPOSE

This directive provides the policy and procedures for safeguarding electronic information and systems throughout the City of Tucson (City). The purpose is to protect the rights of citizens and employees and to fully comply with City policies and with State and Federal laws. This directive defines the requirements needed to mitigate the security risk(s) created by unauthorized access, loss, release, destruction, or modification, for all City Electronic Information, or restraint from authorized access to City Electronic Information.

II. DEFINITIONS

A. **Access** - To log into, instruct, communicate with, store in, retrieve from, or otherwise use a computer or City electronic information.

B. **City Manager, Chief Information Officer (CIO), and Department Director** - Those persons and any designee(s) of those persons.

C. **Computer** - Electronic devices that can store or process information or data by manipulating magnetic, optical or other inputs in order to acquire, create, access, modify, store, manipulate, manage, move, control, display, switch, interchange, transmit, process, receive, or produce data or information. The term includes individual devices whether or not connected to the City Network, and accessories including output, processing, storage, media, memory sticks and other storage devices, memory, software, communications, and other ancillary devices and equipment. A City computer is any computer owned by the City.

D. **City Electronic Information** - Any and all information, data, software, security measures, e-mail, or other material that is acquired, created, accessed, modified, stored, manipulated, managed, moved, controlled, displayed, switched, interchanged, transmitted, processed, received or produced electronically.

E. **E-mail** - Any system used by the City of Tucson that allows the electronic communication of messages via computer between a sender and one or more recipients, and any message(s) produced through the system. The term “message” includes any attachment(s) to the message. (See also A.D. 1.08-4, “E-Mail.”)

F. **Firewall** - A computing platform or electronic device that serves as a barrier to protect other computing platforms on the network from being directly accessed.

G. **Network** - A configuration of computers, devices and software connected for information exchange.

H. **Password** - A string of characters used to gain access to City electronic information.

I. **Publicly Accessible Electronic Information** - City electronic information that the general public may access on a read only basis.

J. **Security Measures** - Codes, passwords, encryption methodology, hardware, software or other equipment, policies, or procedures that restrict access to a computer or City electronic information, secure the computer or City electronic information from destruction or modification, or otherwise assure the availability, confidentiality, security and integrity of the computer or City electronic information.

K. **Software** - Includes, but is not limited to, source and object programs, shareware, netware, utilities, diagnostic programs, operating systems and communication programs.

L. **User** - Any person or entity who accesses City electronic information.

III. POLICY

As further described in this directive, City electronic information:

- Is the sole property of the City, and users have no personal or property rights in it.
- Shall be protected to ensure the information is available when needed, and is secured from unauthorized access, modification, or release.
- Shall only be released or made accessible to the public by department director approval, in accordance with the Arizona Public Records Act and other applicable laws, and City or department policies.
- Shall, except in the case of publicly accessible electronic information, be accessible to persons other than City employees only with proper authorization.

IV. GENERAL

A. City Ownership of, and Right of Access to, City Electronic Information

City electronic information is solely the property of the City, regardless of physical location or how maintained; users have no personal property, privacy or other rights in it.

As owner, the City has, at all times, the right of access to City electronic information whether or not it has been made subject to security measures. The City Manager may access City electronic information within any department or office, and department directors may access City electronic information within their respective departments. Where necessary, assistance in obtaining authorized access shall be provided by the CIO. Any user shall cooperate in the access of specific City electronic information at any time upon an authorized request.

The accessing of a department's City electronic information shall be coordinated with the department director unless the City Manager determines that the access should remain confidential.

B. Security of City Electronic Information

City electronic information, including publicly accessible electronic information as appropriate, shall be secured from unauthorized access, destruction or modification. Access shall be in compliance with any applicable legal requirements and City and department policies and procedures.

Software and hardware security products selected as standards will be used for all computer systems and equipment that contain restricted information. These products will provide for ease of access while still securing the information. Non-standard security products may be authorized by the CIO on a case by case basis upon justification by the department requesting the exception.

Criminal justice systems may be subject to special security requirements and standards to ensure confidentiality of information. Access by employees and non-employees to criminal justice information maintained on City computers will be as authorized by the Police Department or City Court, in conformance with legal requirements for release of such information.

C. Release of City Electronic Information to the Public

Release of City electronic information to the public, including both release in response to public records requests and the categorization of City electronic information as publicly accessible electronic information, shall be by department director approval, in accordance with the provisions of the Arizona Public Records Act and City or department policies. Any questions concerning release of City electronic information should be directed to the City Attorney's office. The City will determine the form in which City electronic information is to be released, unless the form is specified by law.

Nothing in this directive shall be construed as a statement or admission by the City that any particular City electronic information is in fact subject to disclosure under the Arizona Public Records Act. Such a determination will be made on a case by case basis.

D. Access by Non-Employees to City Electronic Information

Non-employees may not access City electronic information, beyond that which the City has made publicly accessible, unless authorization is obtained from the City as provided below:

1. A department director may authorize persons who are providing services to the department (e.g., consultants or employees of temporary agencies) to access information from a City computer, if such access is necessary to carry out their work assignments on behalf of the City, and consistent with the City's policies and security requirements.

2. A department director may, on a case by case basis and in consultation with the City Attorney's office and the CIO, authorize other users, including contractors and governmental agencies, to access City electronic information from a City or a non-City computer, if such access is necessary to carry out the user's work assignments, deemed beneficial to the City, and consistent with the City's policies and security requirements. The user must demonstrate to the City's satisfaction that the City electronic information will remain confidential and will be protected by adequate security measures.

E. Distribution of Directive and Compliance with Requirements

Departments shall provide a copy of this directive to all computer users. Users shall comply with the provisions of this directive and shall be subject to penalties for failure to comply with any requirement.

In addition to civil or criminal remedies or sanctions available to the City under law, penalties for violation of this directive may include:

For City employees - appropriate disciplinary action, up to and including termination.

For non-employees - immediate loss of the privilege to use any City computer and City electronic information, and other sanctions available to the City, such as contract revocation.

V. RESPONSIBILITIES

A. CIO Responsibilities

Security issues posed by the implementation of networks are city-wide in scope, since breaches of security on networked devices may present risks to other resources on the network. Inter-network connections to other agencies, the Internet and remote access can present serious threats to the security of the entire network. The CIO is responsible for maintaining security at the City network level, and shall provide oversight, design and administration for resources which impact network security.

B. Departmental Responsibilities

Since departments are most familiar with their information processing, they are best qualified to identify their City electronic information and indicate how and to what extent

it should be secured, based upon legal considerations or departmental policies, and assistance, upon request, from the CIO.

1. Each department shall secure its City electronic information from unauthorized access, destruction, or modification; prevent unauthorized access to its computers; dispose of unnecessary information in accordance with A.D. 1.05-1 ("Records Management Policy"); monitor user compliance with security procedures; and restrict access to confidential information (e.g., computerized employee information) to those users whose duties require access.

2. Each department shall develop a plan for securing its City electronic information. The following steps should be used by departments in developing a plan:

- Evaluate all City electronic information as to the importance of its availability, confidentiality, and protection from unauthorized changes.
- Determine the probability that losses will occur.
- Evaluate the economic impact from such losses.
- Recommend the most acceptable method of security commensurate with the amount of risk and the cost of securing the information.

Working together, departments and the CIO will review the plan and implement appropriate security measures to accomplish the purposes of this policy.

3. Departments shall monitor implementation of the security procedures, including compliance with file backup procedures.

4. To ensure that the City's computers and electronic information are not subject to modification by former users who should no longer have access:

- The Department of Human Resources shall inform the Department of Information Technology of all employee resignations and terminations.

- Each department shall notify the Department of Information Technology when any contract personnel or consultants, who have been authorized access to computer systems managed by Information Technology, have completed their service to the City.

- Should a department desire to temporarily limit an employee's access (e.g., when the employee is on an extended leave of absence or suspension), the Department of Information Technology shall also be notified.

C. User Responsibilities

1. Users shall assist in maintaining the security of City electronic information through the steps set forth in this directive.

2. Except where designated as publicly accessible, City electronic information shall be accessed only for official City business and purposes, and for such other activities as may be necessary and desirable to meet City organizational needs and goals. Access for other purposes is prohibited.

3. City employees, and non-employee users authorized to access City electronic information pursuant to Section IV.D, shall not access or attempt to access City electronic information except where necessary to the performance of their work assignments. This section shall not be construed to prohibit the use of training or tutorial software or similar activities that may improve users' ability to carry out their work assignments.

4. Persons using publicly accessible electronic information shall not attempt to circumvent security measures relating to such information, nor take other action that might compromise the availability, security or integrity of that information.

5. A user's personally owned software or hardware shall not be installed on any city computer or network except as provided under Section VI.C.

6. Users shall not attempt to obtain information regarding any security measure(s) for computers or City electronic information to which they do not have authorized access.

7. Except as may be necessary to permit access by authorized City personnel, users shall not share information regarding the security measures that protect computers or City electronic information relating to their work assignment without the prior consent of the director of the department providing access to the user.

8. E-mail is a form of City electronic information that is governed by the provisions of this directive, as applicable, and the policies and procedures in A.D. 1.08-4, "Use of Electronic Communication Systems." Should there be a conflict between the two directives, the provisions of A.D. 1.08-4 shall take precedence with regard to e-mail.

VI. SECURITY MEASURES

A. Normal security measures for City electronic information include locked desks, filing cabinets, and offices; password access to resources beyond the desktop workstation; file backups; effective scanning for viruses; establishment of standards, rules and procedures for access to systems; and assurance that the appropriate personnel deal with systems.

Further security measures may be necessary as the availability, integrity, or confidentiality of automated system data becomes more important to regular operations.

B. Virus protection shall be utilized on all City computers. When a virus is detected, the user shall immediately notify the Department of Information Technology Service Desk.

Since viruses can easily spread, removal shall be coordinated through the Department of Information Technology in order to guarantee complete removal of the virus from City computers. The Department of Information Technology has responsibility for the final determination of appropriate virus removal measures.

C. Mission critical files shall be backed up in accordance with established department guidelines, and the backup secured in a location sufficiently separate from the primary storage device to provide for the recovery of lost or damaged files.

D. A backup strategy for non-critical personal PC files on a LAN PC could be multiple backups. For example, users may wish to back up files to the department 'I' drive (on the network server) daily and weekly.

E. To the extent possible, publicly accessible electronic information will not be encumbered by onerous access controls. However, firewall systems will be implemented to separate it from other City electronic information requiring a greater level of control.

F. Access to City electronic information by authorized employees or non-employee users shall occur through access keys, passwords and other suitable security measures. Security measures, including virus protection, will be regularly reviewed and changed as often as deemed necessary by the department to protect the security of its City electronic information.

G. All connections to non-City networks will be secured by firewalls designed to permit users with specific needs to access only those resources necessary.

H. Access to the Internet by City employees will be subject to authorization by their department director, based on business need.

ADMINISTRATIVE DIRECTIVE

INFORMATION SECURITY POLICY	NUMBER 1.08-3	PAGE 8 of 8
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Appendices None

References Related Administrative Directives, sections of the City Code or Charter, Civil Service Commission Rules, state or federal law, etc.

Review Responsibility and Frequency The Department of Information Technology shall review this policy in October of each year, or as necessary. Last review date: 7/10/96.

Authorized

City Manager

Date 10/6/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

USE OF CITY ELECTRONIC COMMUNICATION SYSTEMS	NUMBER 1.08-4	PAGE 1 of 7
	EFFECTIVE DATE October 1, 2015	

I. PURPOSE

This directive documents the acceptable use and management of City provided electronic and telephonic communications, including, but not limited to e-mail, facsimile, Internet/Intranet access and electronic communication systems. This policy applies to any and all electronic communications composed, sent or received by any employee or authorized user to conduct City business.

II. POLICY

The City provides electronic communication systems to its employees and other authorized users for their use in performing City duties or business.

City electronic communication systems are to be used only for City business, except as specifically allowed by this policy.

Use of electronic communication systems under the management of City Court is also governed by Supreme Court Administrative Order 2002-30 and 2003-89, Part 1: Judicial Branch Administration, Chapter 5: Automation, Section 1-503: Electronic Communications. In an event of conflict between this order and City policy, the more restrictive policy will apply.

III. APPLICABILITY AND EXCEPTIONS

A. This policy applies to all City electronic communication systems.

B. Because the missions of City Departments vary, if necessary to perform official duties, exceptions to these policies may be authorized by the department director and Chief Information Officer or City Manager.

IV. DEFINITIONS

A. **Authorized Users -** City employees, contracted staff, consultants, and elected and appointed officials who have been granted access to the city network and/or systems.

B. **City Electronic Communication Systems -** any City-owned or leased medium that transmits voice, video or data. Includes, but not limited to, City network, City wireless networks, City telecommunications system (voice), City public service and public safety radio systems.

C. **Metadata** - Information about electronic mail messages, including, but not limited to, sender, recipients, date, routing and subject lines.

D. **Record or Public Record** - All books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media, made or received by the City in pursuance of law or in connection with the transaction of City business and preserved or appropriate for preservation by the City.

V. GENERAL RULES

A. All authorized users who use City electronic communication systems shall certify that they have read and fully understand the contents of this policy. Additional certification is required when significant changes are made to this policy. Department directors are responsible for certification of all employees in their departments.

B. Electronic communication resources including e-mail shall not be used to maintain or store official records or other information.

C. The City Manager's Office shall approve citywide e-mails.

D. Authorized users may use City electronic communication systems for performing City business. Authorized users shall use professional courtesy in all electronic communications.

E. If an electronic communication is received that is thought to contain prohibited content, the receiver shall report the matter to a supervisor for appropriate action.

F. Incidental use of City electronic communication systems (sending or receiving) for personal, non-business purposes is permitted under the following conditions:

1. personal use may not interfere with the productivity of the authorized user or his or her co-workers;
2. personal use may not be performed in areas where there is direct interaction or service to the public;
3. personal use may not involve any prohibited activity described in this policy;
4. personal use may not disrupt or delay the performance of City business; and
5. personal use may not adversely deplete system resources available for business purposes.

G. If the personal use of City electronic communication systems results in a cost to the City, the authorized user must reimburse the City.

H. Authorized users should avoid using City electronic communication systems to send confidential, privileged, and/or sensitive information. Confidential information must never be transferred to anyone who is not authorized to receive such information.

VI. PROHIBITED USES

A. Any use of City electronic communication systems that violates any law, regulation, ordinance, policy or procedure of the City is forbidden.

B. Authorized users may not load any software on City computers, including freeware and shareware available from Internet sites. See Administrative Directive 1.08-3, Information Security Policy, for additional guidance.

C. Authorized users shall not register their City e-mail address at Internet sites unless necessary to conduct city business.

D. City electronic communication systems shall not be used in any way that is offensive, harmful, or insulting to any person. Examples of forbidden electronic communications include, but are not limited to:

1. threatening, harassing, obscene or profane nature, or that would reasonably be considered to be offensive or disruptive or to infringe on the personal privacy of others;
2. gambling;
3. ethnic or racial slurs;
4. unsolicited "junk mail," "for profit" messages, or chain letters;
5. sexually explicit photography, messages or jokes/cartoons;
6. unwelcome propositions, or any other use that violates the city's nondiscrimination and harassment policies;
7. signed or identified as coming from an individual other than the actual sender, unless the sender is authorized to send that type of electronic communication on behalf of the other individual (e.g. a secretary's e-mail meeting notice in a supervisor's name, when authorized by the supervisor);
8. in support of or connection with the authorized user's own outside employment or business activity (e.g. commercial consulting for pay; solicitation or sales of goods or services; administration of the business or employment).

E. Conducting City business from external e-mail systems is prohibited. This includes, but is not limited to: Gmail, Yahoo! Mail, Hotmail, MSN Mail, AOL, Earthlink, Cox Communications, Comcast and other e-mail services offered by internet service providers. The City e-mail system may be accessed from any computer with internet access.

F. Use of unapproved instant messaging programs is forbidden.

G. City electronic communication systems shall not be used to copy, send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without appropriate authorization.

City electronic communication systems shall not be used to transmit political messages, in behalf of or against a candidate for election or retention or in support of or opposition to an initiative, referendum or recall or any other measure or proposition, additional guidance may be found in the Political Activities Guidelines for Officers and Employees in the City of Tucson Classified Service.

I. Authorized users are prohibited from undertaking any unauthorized access, reading, modifying, copying, transferring, or deleting any other authorized user's electronic communications or information, computer or network equipment, or security controls.

J. Any attempt to bypass city computer/network security controls is forbidden.

K. City electronic communication systems shall not be used to conduct labor organization business except as specifically authorized by an applicable labor agreement or Ordinance No. 9321. City electronic communications systems shall not be used to recruit or solicit employee membership in any labor organization under any circumstances.

VII. SANCTIONS

A. In addition to any other civil or criminal sanctions available to the City under law, any authorized user who uses a City electronic communication system in a manner inconsistent with this policy or in violation of any other city policy is subject to the following:

1. If an employee, disciplinary action up to and including termination.
2. If a non-employee, immediate loss of the privilege to use any City electronic communication system, and contract revocation.

B. Authorized users who are unsure whether an electronic communication or the use of the City electronics communication system is authorized should check with a supervisor.

VIII. ELECTRONIC COMMUNICATION RETENTION

A. Electronic communications made or received by the city in connection with the transaction of City business, will be printed, with its metadata and attachments or transcribed and filed within the appropriate filing system. The printed electronic communication will assume the retention period of the records series with which it is filed.

B. This policy authorizes the deletion of routine electronic communications by the authorized user after the required action is taken.

C. Electronic communications subject to existing public record request or subject to ongoing or anticipated litigation will be printed and preserved in the appropriate file, even if the retention period has been met.

D. Electronic mail communications that are stored on the e-mail system will be automatically backed up by Information Technology to electronic media on a daily basis for Disaster Recovery purposes. The Information Technology department will delete all electronic messages and calendars from the local, online e-mail system after ninety (90) days.

IX. PROPERTY RIGHTS AND ACCESS

A. City electronic communication systems, and the electronic communications or information transmitted or stored on these systems, are the sole property of the City, and authorized users have no personal or property rights to them.

B. The City has the right to access electronic communications or information transmitted by or stored on City electronic communication systems at any time, with or without prior notice to authorized users. Authorized users have no expectation of privacy with respect to any use, professional or personal, of city electronic communication systems.

C. The City reserves the rights to intercept, monitor, review and/or disclose any and all electronic communication messages composed, sent or received. The city reserves the right to block the delivery of spam messages or those messages deemed malicious in their intent.

D. The City reserves the right to delete any electronic communication or information received through any city electronic communication system in order to maintain effective and efficient operation of the City's systems. Electronic communications may be deleted at any time, with or without prior notification.

E. Additionally, electronic communications may be subject to a public record request under the Arizona Public Records Act, and therefore subject to public disclosure. Authorized users shall exercise the same level of care in using electronic communications that they would exercise for composing and sending communications set down on paper. This statement of policy is not a statement or admission by the City that any particular electronic communication is in fact subject to disclosure under the Arizona Public Records Act. That determination will be made on a case-by-case basis.

X. ROLES AND RESPONSIBILITY

A. Employees/Authorized Users are responsible for:

1. Understanding and adhering to the electronic communication system policy.
2. Managing their electronic mail accounts by preserving and deleting from their mail folders as instructed by this policy.
3. Classifying messages sent or received according to content and the department's established retention schedule.
4. Advising management of breaches of this policy.
5. Safeguarding their electronic communication systems from unauthorized entry or use.

B. Department Directors are responsible for:

1. Understanding this policy and related polices and documents.
2. Enforcing this policy and appropriate use within their department.
3. Monitoring and maintaining employee compliance certification and training.
4. Assigning and supporting department Records Control Officials to each division within their department to support Records Management activities, including, the maintenance of electronic communication records.

C. The Information Technology Department is responsible for:

1. Establishing the appropriate standards and procedures to ensure the security and availability of the City electronic communication systems. This includes procedures for routinely purging stored electronic communications.
2. Backing up the online server.
3. Systematically deleting electronic e-mail communications at ninety (90) days.

D. The City Clerk's Office is responsible for:

1. Aiding in the establishment of retention schedules in accordance with applicable federal, state, and City code or statute.
2. Providing records retention training to all employees and authorized users that use City Electronic Communication Systems.

Appendices None

References

Arizona Revised Statute §41-151.16
Arizona Revised Statute §41-151.18
Supreme Court Administrative Order 2002-30 and 2003-89, Part 1: Judicial Branch Administration, Chapter 5: Automation, Section 1-503: Electronic Communications
Political Activities Guidelines for Officers and Employees in the City of Tucson Classified Service
1.08-3, Information Security Policy

Review Responsibility and Frequency

The Chief Information Officer and City Clerk shall review this policy annually. Last review date: 6/12/08.

Authorized

City Manager

Michael Ortega

10/15/15
Date

ADMINISTRATIVE DIRECTIVE

City Websites	NUMBER 1.08-5	PAGE 1 of 5
	EFFECTIVE DATE October 1, 2015	

I. PURPOSE

To state the policies regarding the administration, design, content and functionality of all City of Tucson (City) web sites, web pages and Internet properties operated by the City. This includes internal facing Websites (Intranet) as well as public facing Websites (Internet).

II. DEFINITIONS

A. **City Manager, Chief Information Officer (CIO), and Department Director** - Those persons and any designee(s) of those persons.

B. **City Website** - The collection of all Internet properties and web pages created, operated, hosted and maintained by or for the City. The City Website definition for purposes of this administrative directive also includes all City created content externally hosted for a City department or agency.

C. **Content** - Any material included on the City Website, including information, links and forms.

D. **External Content** - Content or link to a website that is provided by an entity other than the City.

E. **Link** – A link from a web page to another location or file, typically activated by clicking on a highlighted word, phrase or image on the screen.

F. **Public Record** - A record open to public inspection as provided by law.

G. **Web Application** - Any computer program that is accessible over the Internet through a browser.

I. **Protected Data** - Includes, but is not limited to, information which is protected by law (such as health information - HIPPA), financial information (such as bank accounts and credit cards) and information used to establish identity (such as social security numbers). Protected data is not a public record.

III. POLICY

The City Website is designed to provide constituents with browser based access to government departments, services and programs, and to public information. To achieve this, the following regulations apply. These regulations are not intended, and shall not be construed, to prohibit content that is required or authorized by law.

A. **Ownership** - The City owns and controls the City Website and web pages. The City may, at its discretion, include web pages for any fully city-funded organization, board, committee or commission. The City retains copyright protection for all text, logos and graphical images. Use is prohibited without the City's written permission.

B. **Domain Names** - All City Internet properties shall be hosted under the City's overarching domain name.

C. **Access** - The City allows the public free and open access to the City Website and all publicly available information contained therein.

1. The City Website shall be designed to be usable by people with disabilities. The CIO shall ensure compliance with Federal and State regulations related to the Americans with Disabilities Act (ADA).

2. The City Website shall be compliant with current Access Policy for Limited English Proficiency.

D. **Public Forum** - The City Website generally is not, and shall not be used as, a public forum. However, the City may, at its sole discretion, chose to establish a limited public forum on the website for the purpose of gathering citizen input on specific issues. In such cases, the City will declare the purpose and timeframe of the limited public forum, and establish the guidelines under which the limited public forum will be conducted.

E. **Content** - The City will include on its website content (including links to external content) that meets the purpose of the website: to be a central resource for access to City government information and services. The website may contain information that is available elsewhere or in other formats, or may provide complementary or alternative access to information or services; the website does not represent itself as the sole and complete source for access to information or services.

The City, at its sole discretion, will determine whether content meets the purpose of the website. Generally, content does not meet the purpose of the City Website if it contains, suggests or infers any of the items listed below. This is a nonexclusive list.

- Information attempting to influence the outcome of a public office election, referendum, initiative, or recall.
- Disparagement or promotion of any person or class of persons.
- External content not suitable for readers or viewers of all ages.
- Links to, or other promotion of, businesses whose products or services are not suitable for readers or viewers of all ages.
- Promotion or incitement of illegal, violent, or socially undesirable conduct.
- Promotion or availability of alcohol or tobacco products.

- Promotion or availability of illegal drugs.
- Promotion or availability of illegal gambling.
- Promotion or availability of adult or sexually oriented entertainment or materials.
- Promotion, opposition, or availability of weapons.
- Claims of efficacy, suitability, desirability or other non-objective statements about businesses, products, or services.
- Content that infringes on any trademark, copyright, or patent rights of another.
- Claims or representations in violation of advertising or consumer protection laws.
- Promoting, advertising or facilitating "for profit" activities or organizations that are not supported by, or in partnership with the City.

F. **External Links** - The City may, at its sole discretion, link to websites outside the City's control that the City determines furthers the purpose of the City Website. As such, the City may link to any government website. The City may also provide links to non-government sites that are partners of the City or that provide unique, non-commercial community information not available on an official government website.

The City shall, at its sole discretion, decide if a link furthers the purpose of the City Website. Links or references to other information or organizations do not constitute an endorsement by the City. The City is not responsible for the nature or accuracy of the content services on these websites including linked websites.

Generally, a link does not meet the purpose of the City Website if it contains, suggests or infers any of the items listed in Section III. E. above. This is a nonexclusive list. A link also does not meet the purpose of the City Website if the referenced site's technical quality makes the site difficult to access or use by anyone, including persons with disabilities.

G. **Social Media** – The City may provide links to Social Media websites as additional means for citizens to receive information. The City is not responsible for the nature or accuracy of content or services on these social media websites.

The City reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial or religious group. In addition, the City also reserves the right to delete comments that:

- Are clearly off topic, and/or disruptive
- Advocate illegal activity
- Infringe on copyrights or trademarks
- Contain spam, advertising or include links to other sites
- Contain private personal information about an individual without consent

- Promote particular services, products or political organizations

Comments to our posts on social media sites do not reflect the opinions and position of the City or its officers and employees. The City is not responsible or liable for comments or feedback posted by any subscriber to our social media tools.

Use of social media websites may increase exposure to viruses. It is the responsibility of site users to protect their personal information by customizing the privacy settings of each social networking site they join.

H. **Exceptions** - Because the missions of City departments vary, it will be necessary to grant exceptions to some of these policies. Any exceptions will be granted by the CIO in consultation with the City Manager.

IV. GENERAL

A. **Publishing Content** - The CIO shall develop procedures for publishing content to all City web pages. Department directors are responsible for publishing and maintaining content on their department's web page.

B. **Presentation** - The CIO shall direct development of presentation standards for all City Websites to ensure quality and adherence to City style standards, ADA accessibility, privacy and security policies.

C. **Branding** - The City Manager is responsible for overall messaging and branding of the City Websites.

D. **Quality Assurance** - The CIO shall direct development of quality assurance procedures for all City Websites to be implemented. These procedures shall include reviews for adherence to technical standards, presentation standards, and City ADA accessibility, privacy and security policies.

E. **Compliance** - Department directors are responsible for ensuring that the content on their department's web pages complies with the above policies. The CIO shall establish procedures to monitor the implementation and continuing oversight of this policy including running security scans and traffic monitoring against all City web servers.

F. **Security** - The CIO will designate the appropriate security policies, data safeguards and access controls needed to protect citizens' information, all protected data and the overall function of the City's network and computing systems.

G. **Removal of Content** - The City reserves the right, at its sole discretion, to withdraw external content that otherwise meets its guidelines. The City may do so if it becomes

aware of, receives claims or allegations, or has reason to inquire whether the content refers or links the viewer to content that is in violation of any of the above listed guidelines. Removal of content on these bases will be permitted whether or not the City is legally obligated to act upon any information of which it is aware. In addition, outdated content, or any content which has no direct links to or from current web pages, is also subject to removal.

H. **Prohibited and Unsecured Content** - Any City employee who (1) intentionally places any prohibited content or link on the City Website or any City web page, or (2) modifies the City Website (including server settings) or any City web page in a way the reduces website security, is subject to disciplinary action.

I. **Prioritization** - The CIO will be responsible for the allocation and priorities of internal resources for the City Website. The CIO may present the option of using external resources for web development, with the expense to be borne by the requesting department.

J. **Defacing of Website** - If any other individual intentionally places any prohibited content or link on the City Website or any City web page, the City reserves all rights and remedies against that individual and against any employer or other party responsible for the actions of that individual.

Appendix None

References None

Review Responsibility and Frequency The Chief Information Officer will review this directive annually, based on date of publication, or as needed. Last review date: 12/31/09.

Authorized

City Manager

Michael Ortega

10/15/15

Date

PERSONNEL

Employment Compensation

ADMINISTRATIVE DIRECTIVE

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ADMINISTRATIVE DIRECTIVE

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I. POLICY

Per Tucson City Code (TCC) 10-31(1), the city's compensation system provides equitable and consistent treatment of employees commensurate with internal and external values of classifications and the objective of attracting, retaining and motivating employees. Key measures of employee compensation shall be labor market information and job performance. In addition, for classifications subject to TCC 10-7, a key measure will be job evaluation grades assigned to classifications based on compensable factors.

II. DEFINITIONS

A. **Appointed Employees (Appointees) -** Elected officials and those positions within the City Manager's office and the Mayor and Council offices that are authorized by Chapter V, Section 13 of the City Charter.

B. **Bi-Weekly Payroll Timesheets -** The payroll record on which time, leave, and pay information is posted for every pay period.

C. **Classification -** A group of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum qualifications and other characteristics, that the same title, the same test of fitness, and the same schedule of compensation may be applied to each position in the group.

D. **Classified Employees -** Employees in positions within the classified service, as defined by ordinance (TCC Section 10-4 and City Charter, Chapter V, Section 2) now existing or hereafter which are not appointed employees.

E. **Compensation Plan -** A plan adopted annually by ordinance providing for the compensation of all employees of the city, whether classified or unclassified, except the Mayor and Council and those charter officers appointed directly by the Mayor and Council. Subject to City Manager approval, the Position Compensation Plan is recommended by the Human Resources Director for adoption by the Mayor and Council.

F. **Demotion -** The reassignment of an employee from a position in one classification to a position in another classification that is assigned a lower salary range by ordinance.

G. **Employees Not Eligible for Representation -** Employees ineligible for representation by an employee organization per City of Tucson Ordinance No. 9321, which are: commissioned police personnel above the rank of sergeant, commissioned fire personnel above the rank of captain, all other city employees who are in either supervisory (except lead persons) or confidential positions (positions which regularly assist or act in a confidential capacity to an individual, manager or supervisor who formulates, determines and effectuates management, personnel, or labor relations policies).

H. **Exempt Employees -or- Overtime Exempt Employees -** Salaried employees who are not eligible to receive overtime pay under the federal Fair Labor Standards Act (FLSA) because they fall into one of the following major categories:

1. **Executive Exemption -** Positions in which the primary duties involve the management of an agency, department, or subdivision, who customarily and regularly direct two or more employees, specifically in the capacity of City Manager, Deputy and Assistant City Manager, Department Director, Deputy/Assistant Director, Division Administrator, or other management personnel responsible for identifiable subdivisions within the city.

2. **Administrative Exemption -** Positions in which the primary duties consist of non-manual work directly related to management policies, business operations, or administrative work of an organization rather than the "day-to-day production" operations of a department; the work must involve the exercise of discretion and independent judgment.

3. **Professional Exemption -** Positions in which the primary duties consist of work requiring advanced learning in a specialized field, work requiring invention, imagination, or talent in a recognized field of artistic endeavor or work that requires theoretical and practical application of highly specialized knowledge in computer systems analysis, programming, and software engineering; the work must include the consistent exercise of discretion and judgment.

I. **Lateral Transfer to a Vacant Position -** The employee is transferring from one department to another department, from one division to another division, or from one classification to another classification (for which he/she meets the minimum qualifications) that is at the same pay range.

J. **Mid-point**

1. **Exempt Pay Ranges.** Mid-point is the sum of the minimum pay rate plus the maximum pay rate of the pay range, divided by 2.

2. **Non-Exempt Pay Ranges.** Mid-point is the highest pay step in the pay range that does not exceed the sum of the minimum pay rate plus the maximum pay rate of the pay range, divided by 2.

K. **Non-Exempt Employees -or- Overtime Eligible Employees -** Hourly employees who are eligible to receive overtime under the provisions of the federal Fair Labor Standards Act (FLSA).

L. **Pay Anniversary Date -** The date on which an employee is eligible to receive a performance-based compensation increase.

M. **Pay Grade or Pay Range -** The "pay grade" for a classification is synonymous with the term "pay range" for purposes of Administrative Directive 2.01-1, Compensation Administration, and Administrative Directive 2.01-1A, Pay Rate Placement and is established annually as part of the compensation plan.

N. **Personnel Action Request Form (PARF) -or- Electronic Personnel Information Change (EPIC) -** The required form (hard copy or electronic) used to document the hire, promotion, transfer, or change of employee specific information, such as a performance-based pay increase, disciplinary actions, extended leaves, returns from leave, out-of-classification assignments, organization changes, etc.

O. **Premium Pay -** All pay categories paid above base pay for the position, except for special assignment pay. Examples: Shift differential pay and second language pay.

P. **Promotion -** The reassignment of an employee from a position in one classification to a position in another classification that is assigned a higher salary range by ordinance.

Q. **Reallocation -** A change in title, pay range, and/or compensable factor for a vacant position. A vacant position may be reallocated at any time.

R. **Reclassification -** The assignment of an employee in a position from one classification to a new or existing classification based on a change of assigned duties and responsibilities, as determined by Human Resources. The only exception will be reclassifications related to an approved reorganization within a department**.**

S. **Red-lined Pay Rate -** A pay rate, approved in writing by the City Manager, which exceeds the top of the established pay range for the purpose of addressing an individual pay inequity as a result of reclassification of an employee to a lower classification. The employee shall not receive any further salary increases until the employee's salary falls within the salary range of the classification.

T. **Rounding Rule for Step Placement Purposes**

1. **For an employee assigned, promoted or reclassified to a higher non-exempt pay range:** An established step in a pay range which is within one-fourth of a percent (0.25%) of a five-percent (5%) pay increase shall be considered a five percent (5%) pay increase) for purposes of appropriate pay step placement when the employee has been assigned, promoted or reclassified to a higher non-exempt pay range with established pay steps.

2. **For an employee demoted to a lower non-exempt pay range:** An established step in a pay range which is within one-fourth of a percent (0.25%) of a four percent (4%) pay decrease shall be considered a four percent (4%) pay decrease for purposes of appropriate pay step placement when the employee has been demoted to a lower non-exempt pay range with established pay steps.

U. **Special Assignment Pay -** A pay rate associated with a particular job assignment in accordance with the compensation plan.

V. **Time Worked Record -** A written record, maintained in department files, of the daily time worked by each non-exempt (overtime eligible) employee.

III. COMPENSATION PLAN DEVELOPMENT

The Compensation Plan covers all individuals employed by the city except for the Mayor and Council and Charter Officers appointed by the Mayor and Council. Under the supervision of the City Manager, the Human Resources Director prepares the annual Compensation Plan, as part of the budget process, for adoption by the Mayor and Council. Under the direction of the City Manager, the Human Resources Director shall conduct annual labor market surveys which, subject to available funding and current economic trends, shall be the basis for the annual compensation schedules recommendation. The City Manager and Human Resources Director may recommend amendments to the plan at any time throughout the year.

IV. COMPENSATION PLAN ADMINISTRATION

The Human Resources Director shall develop and maintain the compensation plan. Department directors shall administer the plan within their departments fairly, equitably and consistently utilizing guiding values of trust, leadership, budget, and operational accountability and discretion.

A. Compensation Plan Structure

1. The compensation plan contains various pay schedules:

   a. The Non-Exempt Schedules contain ranges with designated minimum and maximum pay rates with steps in each range.

   b. The Exempt Schedules contain ranges with designated minimum and maximum pay rates without pay steps.

   c. The Non-Permanent Schedules may contain a combination of both flat pay rates (no minimum or maximum pay rates in a range) and ranges that contain minimum and maximum pay rates.

2. Application of pay rates within pay ranges:

   a. A pay rate may not exceed the maximum of the assigned pay range except in instances where the pay rate is affected by adoption of the annual Compensation Plan, position reclassification, classification reevaluation or when an individual has an approved red-line pay rate.

b. If a pay rate changes through promotion, demotion, performance-based increase, transfer, or reclassification, it must at least meet the minimum of the new pay range. If a new pay rate falls between two steps of a non-exempt pay range, the pay rate shall be subject to the rounding rule for purposes of the initial step placement

B. **Retroactive Pay Adjustment -** Retroactive increases or decreases in pay require the Human Resources Director' approval. Department directors shall be responsible for submitting timely documentation for payroll actions. Retroactive pay adjustments should be applied only in instances where unforeseen circumstances prevented the timely submission of documentation. Retroactive pay adjustments will be limited to a maximum of twelve (12) months unless authorized in writing by the City Attorney.

V. SALARY DISPUTE PROCESS

A. Mayor's Public Hearing

1. Per City Charter, Chapter VII, Section 2, within ten (10) days of the Human Resources Director's annual Compensation Plan recommendation, the Mayor will hold a public hearing affording all interested parties reasonable time to discuss the proposed plan.

2. The employee must provide a written notice of dispute with a complete explanation of the basis for the dispute. The written notice shall be filed with the City Clerk at the scheduled Mayor's Public Hearing or by 5:00 p.m. on the day of the hearing. Each employee who wishes to dispute must sign his/her written dispute. An employee may select a representative to represent him or her in the dispute process, in which case, the selected representative must sign the employee's written dispute. After the final recommendations are made, disputing employees will be notified regarding final plan recommendations.

B. The Mayor and Council - Employees who remain dissatisfied with the recommendation may continue their disputes by appearing before the Mayor and Council to present their disputes. Such meetings will be scheduled by the Human Resources Director. Employees who are dissatisfied with the decision of the Mayor and Council may submit to advisory arbitration.

C. Advisory Arbitration

1. In order to submit an issue to advisory arbitration, employees must notify the Mayor of their intent to proceed to arbitration within fifteen (15) days of the Mayor and Council's final decision concerning the Position Compensation Plan.

2. Upon receipt of notice of intent to arbitrate, the Mayor shall appoint an advisory arbitration committee to study the merits of the dispute.

3. The committee shall consist of a member of the Tucson City Council and a representative of the employee group that raised the dispute. Within three (3) days, these two (2) members shall choose a third member not connected with the city. If the representatives fail to agree upon such third member, they shall jointly request the Federal Mediation and Conciliation Service to furnish a list of five (5) persons qualified to act as an arbitrator. Upon receipt of the list, the representatives will attempt to select one (1) of the five (5) persons satisfactory to both. Failing to agree, they shall alternately strike one name from the list (the right to strike the first name having been determined by lot) until only one (1) name remains, and that person shall thereupon be accepted as the arbitrator.

   a. The Human Resources Department, with representation by the City Attorney's Office, as needed, shall present the city's position at the arbitration.

   b. The cost of the arbitration shall be borne half by the city and half by the disputing employee(s).

   c. The advisory arbitration committee shall render to the Mayor and Council its recommendations concerning the merits of the dispute in writing.

   d. The Mayor and Council may consider these recommendations and may adopt such recommendations in whole or in part.

VI. IMPLEMENTATION OF COMPENSATION PLAN

Implementation of the compensation plan recommended by the Human Resources Director and the City Manager, after adoption by the Mayor and Council, shall require the approval and signature of the City Manager prior to being processed by the Department of Human Resources.

Forms (Attached)

A - Work Out of Class Authorization Form
B - Time Check Request Form
C - Employee Separation Clearance Form

Related ADs and other documents (this list comprehensively relates to the entire AD compensation series)

COMPENSATION ADMINISTRATION, DIRECTIVES AND MANUALS

Tucson City Code Chapter 10
2.01-1A, Pay Rate Placement
2.01-1B, Shift Differential Pay Rates
2.01-1C, Stand by/On-call Pay
2.01-1D, Second Language Pay
2.01-1E, Longevity Pay
2.01-1F, Reporting/Show-Up Pay
2.01-1G, Terminal Pay
2.01-1H, Downtown Allowance and Discounted Transit Passes
2.01-1I, Tuition Reimbursement Program
2.01-2, Overtime
2.01-7, Employee Leaves
2.01-7A, Vacation Leave
2.01-7B, Sick Leave
2.01-7C, Family and Medical Leave (FML) and Parental Leave
2.01-7D, Medical Leaves – All
2.01-7E, Donated Leave
2.01-7F, Leaves Without Pay
2.01-7G, Military Leave
2.01-7M, Other Leaves
Civil Service Commission and Rules and Regulations

Review Responsibility and Frequency

The Human Resources Director will review this directive annually, based on date of publication

Authorized

City Manager — Date 12/5/07

Mike Hein

RESET FORM

Out-of-Class Assignment – Authorization Form

Date: _____

Employee's Name _____

Employee I.D. # _____

Current Classification _____

Grade / Step _____

Current Dept./Div./Org. & Fund _____

Start Date _____
(First Day of Pay Period)

Current Position Number _____

End Date _____
(not more than 90 calendar days from start dates)

Classification of out-of-class duties _____

Reason for Out-of-Class Assignment

☐ Incumbent _____ on Leave of Absence

☐ Position _____ is Vacant

☐ Other: (explain assignment in detail)

_____

_____

_____ _____
Supervisor Signature Date

_____ _____
Department Director Signature Date

_____ _____
Human Resource Analyst Signature Date

_____ _____
Human Resources Director Signature Date

_____ _____
Entered in AHRS by Date

Distribute completed copies to: Original - Human Resources Copy - Department

FILLABLE EXCEL FORM AVAILABLE AT THIS LINK

TIME CHECK REQUEST

AD 2.01-1 - ATTACHMENT B

EMP. SOCIAL SECURITY # | ORGANIZATION | FUND | AGENCY | PAY PERIOD ENDING

(ENTER ONLY IF TO BE MAILED) (UPDATE ADDR SCREEN ON FINAL CHECKS IF NECESSARY)

EMPLOYEE NAME

EMPLOYEE ADDRESS

CITY, STATE, ZIP

DETAIL OF TIME WORKED:

CODE:	WEEK 1 HOURS:	WEEK 2 HOURS:	AMOUNTS
AC1			
AC2			
AC3			
AC4			
REG			
SLUSE			
VLUSE			
CTUSE			
CBST1			
CBST2			
HOLPT			
HOLWK			
ONCAL			
SHFAM			
SHFPM			
SHIFT			
SFTOT			
OT			
CBKH1			
CBKH2			
CRT2			
EDUAL			
EDALX			
EQPAL			
HSKAL			
UNFAL			
VEHAL			
SLPO			
VLPO			
CTPO			
OTHER:			

PAYROLL INFORMATION (TO BE COMPLETED BY P/R OFF.)

RATE:		
TAX STATUS:		
FEDAD AMOUNT:		
PENSION:		
FICSE ELIG:		
FICME ELIG:		
WEEKLY IND.:		
DEATH BEN.:		
PREV. GROSS:		
	CODE:	**AMOUNT:**
INSURANCES:		
MEDICAL:		
DENTAL:		
DEP. LIFE		
SUP. LIFE		
SPSL. LIFE		
LTDEE		
UNIONS		
PARKING		
FLEX		
AREC		
BONDS		
CITY		
CREDU		
ECAP		
FGRN		
GARN		
ICMA		
ICMAP		
LEVY		
LEVYS		
MAYOR		
TIME		
LTDER		

REASON FOR REQUEST:

PREPARED BY: TIME CLERK

APPROVED BY: DEPARTMENT HEAD

CERTIFIED BY: HUMAN RESOURCES

CHECKED BY: ACCOUNTING

RESET FORM

AD 2.01-1 – ATTACHMENT C

CITY OF TUCSON
EMPLOYEE SEPARATION CLEARANCE FORM

NAME _____ ORG. NO._____ EMPLOYEE NO. _____
(**PRINT**: LAST, FIRST, MI.)

DEPARTMENT _____ DIVISION _____

I. DEPARTMENT

☐ PARF/EPIC prepared & submitted
☐ Time-check prepared and submitted
☐ IT contacted & access removed
☐ Keys (key transfer list prepared)
☐ Dept. ID card, badge etc.
☐ City equipment returned
☐ pCard returned

Signature_____ Date_____
(Department Representative)

When this section is completed, employee will take form to the Human Resources Department.

II. HUMAN RESOURCES DEPARTMENT

☐ Re-employment Rights
☐ City keys returned
☐ Civil Service Appeal Rights
☐ Parking Garage Card returned
☐ Unemployment Insurance
☐ Other_____
☐ City ID returned

Signature_____ Date_____
(HR Department Representative)

EMPLOYEE

FINAL PAY CHECK: ☐ **MAIL FINAL PAY CHECK TO:**_____
(Address provided by employee if present)

(Check One)
☐ **I WILL PICK UP FINAL PAY CHECK IN ACCOUNTING.**
☐ **FINAL PAY CHECK WILL BE MAILED TO LAST KNOWN ADDRESS (If employee not present)**

FINAL PAY CHECK WILL BE SENT OR AVAILABLE FOR PICK UP IN THREE (3) BUSINESS DAYS:_____
(Pay Date)

Signature_____ Date_____
(Employee)

When this section is completed, employee will take form to the Retirement and Employee Benefit Offices.

III. RETIREMENT AND EMPLOYEE BENEFITS

1. PENSION (Retirement Refund/Rollover/ Transfer/Deferred)

☐ TSRS **(Non-Sworn General)**
☐ PSPRS **(Sworn Police/Fire)**

Signature_____
Date_____
(Department Representative)

2. DEFERRED COMPENSATION

☐ Distribute / Rollover

Signature_____
Date_____
(Department Representative)

3. INSURANCE

☐ Benefit Recap Form

Signature_____
Date_____
(Department Representative)

When this section is completed, an Employee Benefits representative will forward this form to Accounting.

IV. ACCOUNTING (Paycheck comments:)_____

Final Paycheck No. _____ Amount $ _____ Final Paycheck No. _____ Amount $ _____

Final Paycheck No. _____ Amount $ _____ Final Paycheck No. _____ Amount $ _____

Final Paycheck No. _____ Amount $ _____ Final Paycheck No. _____ Amount $ _____

☐ If final pay check mailed, certified / return receipt requested (attached) Yes_____ No _____

ADMINISTRATIVE DIRECTIVE

PAY RATE PLACEMENT	NUMBER **2.01-1A**	PAGE **1 of 9**
	EFFECTIVE DATE **November 1, 2014**	

I. PURPOSE

This Administrative Directive establishes the rules applicable to pay rate placement of employees within the City of Tucson's compensation system to ensure that all classified and appointed employees are paid at the appropriate pay rate applicable to each employee.

II. POLICY

Employees will be paid at the appropriate rate of pay applicable to each employee. If an employee's circumstances change in a manner that affects the employee's pay rate, such change in pay rate shall be administered consistently in accordance with this directive.

III. HIRE AND REHIRE RATES OF PAY

Generally employees are hired at the minimum of the pay range. Appointing authorities have the discretion to apply new hire and rehire pay rates up to the midpoint of a range as long as there are valid business reasons for the higher pay, and the pay is within the current department's budget capacity. New hire or rehire pay rates that exceed the midpoint of a range require City Manager approval.

A. **Classified Employees Hired with a Rate of Pay up to the Midpoint -** The appointing authority may specify the rate of pay by approving the rate noted on the Personal Action Request Form (PARF).

B. **Classified Employees Hired with a Rate of Pay above the Midpoint -** The appointing authority may request a hire rate of pay above the midpoint by attaching a justification memorandum signed by EOPD and Budget to the PARF. The City Manager will review and either approve or disapprove the rate of pay.

C. **Appointed Employees -** Employees appointed by the City Manager or by the Mayor and Council may be hired at any rate within the established pay range for that particular position. Movement of an appointee within the established salary range may be based on performance or other criteria established by the appointing official, provided that the appointee's salary does not exceed the maximum for the applicable pay range and is within the budget allocation established for the appointing official's office.

IV. OUT – OF - CLASS PAY AND TEMPORARY ASSIGNMENT PAY

Requests to pay an employee for work out-of-class or temporary assignment pay shall be submitted to Human Resources in writing on the appropriate form (see Administrative Directive 2.01-1, Compensation Administration-General Policies, Attachment 1, Out-of-Class Authorization Form).

A. Pay for Working Out-of-Class

1. When an employee (except for commissioned Fire personnel) is designated by the appointing authority to assume substantially all of the duties of a higher classification due to the absence of the incumbent, the employee shall receive a pay increase of up to five percent (5%), not to exceed the maximum of the employee's pay range. To be eligible for compensation, such assignments must exceed two (2) weeks of consecutive work in the higher classification, be authorized in writing by the employee's appointing authority and approved by the Human Resources Director prior to the start of the assignment.

2. Pay for out-of-class assignments shall begin on the first day of a pay period, end on the last day of a pay period and not exceed ninety (90) calendar days. Appointing authorities shall make every effort to rotate assignments among different staff members. If it is necessary to retain an employee in the out-of-class assignment past ninety (90) days, an extension of the out-of-class assignment must be approved in advance by the Human Resources Director. Out-of-class assignments may be extended only once.

3. Time served in an out-of-class assignment will not be credited toward successful completion of a promotional probationary period.

4. Accrued paid leave used while an employee is assigned to work out-of-class shall be paid at the out-of-class pay rate provided that the employee actually worked at least forty (40) hours, or fifty-six (56) hours for Fire Operations employees, during the pay period.

5. Commissioned Fire Personnel Acting in a Higher Capacity:

a. **Consecutive Shifts Worked in a Higher Capacity**. When a commissioned Fire employee is required to act, for more than ten (10) consecutive work days, in a capacity which is normally given to a higher ranking classification, the employee will receive an additional five percent (5%), retroactive to the first day that the employee was acting in the new capacity.

c. **Non-Consecutive Shifts Within a Three-Month Period**. When a commissioned Fire employee works over fifty-percent (50%) of the work days in a 3-month period in the higher capacity, the employee will receive an additional five-percent (5%), even if the work days were not consecutive.

d. **Leave While Working in a Higher Capacity**. Authorized leave shall not constitute a break in consecutive shifts/days worked in a higher capacity for commissioned Fire personnel.

B. **Temporary Assignment Pay** – Temporary assignment pay applies only when the assignment is for either higher level duties or additional duties of a significant nature.

1. **Temporary Assignments** - Shall have a specified effective date and shall not exceed twelve (12) months in duration unless otherwise specified in the compensation plan.

2. **Temporary Assignment Pay** - Subject to the Rounding Rule (Administrative Directive 2.01-1, Compensation Administration-General Policies, Section II. T.), an employee on an authorized temporary assignment shall receive a pay increase of five percent (5%) when performing designated temporary assignments. The City Manager may approve a higher temporary assignment pay to meet the needs of the City provided the pay rate does not exceed the employee's pay range.

3. **Expiration of Temporary Assignment** - Upon assignment expiration, the employee will be returned to his/her prior position at the employee's prior pay rate, subject to any across-the-board increases which may have affected the pay rates for all individuals in that classification. An employee who received a performance-based pay increase while on temporary assignment shall have the performance-based pay increase recalculated upon return to the employee's prior position.

V. PAY ANNIVERSARY DATE

A. An employee's pay anniversary date (see definition) is originally established as the date the employee was hired by the City and may be changed under the following circumstances:

1. When a new Position Compensation Plan is adopted, an employee's pay anniversary date may be changed as required by the adopted salary ordinance.

2. When an employee receives a delayed performance-based compensation increase, a promotion, demotion, reduction in pay or a pay adjustment as a result of a reclassification, the pay anniversary date shall change to the effective date of the change in compensation.

3. When an appointing authority makes a reduction in pay for disciplinary reasons and takes subsequent action to reinstate the employee's pay rate, the employee's pay anniversary date will become the effective date of the reinstatement of the prior pay rate.

4. With the exception of periods when an employee is on approved Family Medical Leave (FML) or military leave, an employee on leave-without-pay

status for more than ten (10) consecutive working days will have his or her pay anniversary date moved forward the number of days the employee was on leave-without-pay, regardless of whether the employee receives any donated leave during the period of leave without pay.

B. An appointing authority may request that the anniversary date not be changed for those instances not specifically prohibited by Tucson Code. Such a request must be indicated on the PARF and must be approved by the Human Resources Director prior to implementation of the change.

C. When an existing classification is assigned to a new pay range based on the recommendation of Human Resources, there will be no change in anniversary dates for the incumbents in that classification.

VI. PERFORMANCE BASED PAY INCREASES

It is the policy of the City of Tucson to compensate employees based on their performance. Performance based pay increases shall be available when **funded** by the Mayor and Council and administered in accordance with the direction of the City Manager.

VII. PAY ADJUSTMENTS

Based on a review by the Equal Opportunity Programs Division (EOPD) in the Human Resources Department and the Budget Director, appointing authorities may request City Manager approval for adjustments in compensation to address departmental pay equity issues or to retain key employees. The intent of this paragraph is to provide an avenue to address singular bona fide equity or retention issues; not to adjust groups of employees within classifications or work units. Compensation shall at all times remain within the pay range assigned to the position, and the department's current budget. As a general rule, new funding to cover pay adjustments based on pay equity or retention of key employees will not be added to the department budget. All pay adjustments outlined within this AD will be budget neutral.

VIII. PAY RATE UPON PROMOTION, TEMPORARY PROMOTION, TRANSFER, DEMOTION, OR REDUCTION IN PAY

Subject to the Rounding Rule (Administrative Directive 2.01-1, Compensation Administration-General Policies, Section II. T.), additional pay is provided to employees promoted to a classification with a higher pay range, assigned to work substantially outside of their classification, performing the duties of a classification that is assigned a higher pay range, or during instances when a special assignment is involved whereby employees perform assigned executive duties ancillary to their base classification, hazardous duty, or perform work in designated public safety positions. Employees who demote to a classification within a lower pay range receive a pay decrease.

Requests to adjust the pay of an employee due to promotion, transfer, demotion or reduction in pay, shall be submitted to Human Resources in writing on a PARF.

A. Promotion and Temporary Promotion

1. A promotion (or temporary promotion) occurs when a qualified employee is appointed or assigned to a new classification with a higher pay range than the employee's current pay range. Civil Service Rules and Regulations govern permanent and temporary promotional activities and a promotion is subject to normal budgetary and affirmative action reviews. Any qualified permanent full-time or part-time employee may be considered for a promotion.

2. The appointing authority submits a written request on a PARF for approval by the Human Resources Director, indicating the following:

a. Subject to the Rounding Rule (Administrative Directive 2.01-1, Compensation Administration-General Policies, Section II. T.), increase employee's pay rate at least five percent (5%) or to the minimum of the new pay range, whichever is greater.

b. Assignment pay will be deleted prior to or added after an employee's classification or assignment have been changed, as appropriate to the employee's new position and assignment.

c. Other categories of compensation currently received by the employee will be added or deleted as appropriate to the employee's new position and assignment (**Examples**: second language pay or downtown allowance).

d. The Human Resources Department processes the changes and updates the employee's record.

3. After consultation with the Human Resources Director and with approval from the City Manager, appointing authorities may award a promoting employee with an increase higher than five percent. The pay rate may not exceed the maximum of the assigned pay range.

4. Temporary promotions exceeding six (6) months require Human Resources Director approval. Temporary promotions may not exceed twelve (12) months, in accordance with Civil Service Commission Rules and Regulations, Rule VI, Section 3.

B. Lateral Transfer to a Vacant Position

1. The receiving department hiring authority shall submit a written justification to the Human Resources Director, indicating the following:

a. The employee is transferring from one department to another department, from one division to another division, or from one classification to another classification (for which he/she meets the minimum qualifications) that is at the same pay range.

b. There is no change to the employee's pay rate.

c. There is no change to the employee's pay anniversary date.

d. The Human Resources Department processes the changes and updates the employee's record.

2. In extraordinary circumstances, upon recommendation of the Human Resources Director, subject to approval by the City Manager in advance of the effective date of the lateral transfer, appointing authorities may award pay rate adjustments to lateral transfers.

C. Voluntary Demotion

1. The appointing authority shall submit a PARF and a written request to demote from the employee to the Human Resources Director for approval, indicating the following:

a. Employees demoting prior to passing probation in the promoted classification will be returned to their previous rate of pay prior to the promotion, subject to any across-the-board increases which may have affected the rates for all individuals in that classification.

Employees demoting after successfully passing probation in the promoted classification will receive **at least** a 5% reduction in pay. The resulting new rate will not be less than their previous rate of pay prior to the promotion, subject to any across-the-board increases which may have affected the rates for all individuals in that classification.

In extraordinary circumstances, after consultation with the Human Resources Director, subject to approval by the City Manager in advance of the effective date of the demotion, appointing authorities may waive the pay rate decrease for an employee voluntarily demoting.

b. Assignment pay added or deleted as appropriate to the employee's new position and assignment.

c. Other categories of compensation currently received by the employee added or deleted as appropriate to the employee's new position and assignment (**Examples**: second language pay or downtown allowance).

2. The Human Resources Department processes the changes and updates the employee's record.

D. Involuntary Demotion

1. Employees may be demoted for just cause as a disciplinary measure in accordance with the Civil Service Rules. The appointing authority shall submit a PARF to the Human Resources Director for approval, indicating the following:

a. Subject to the Rounding Rule (Administrative Directive 2.01-1, Compensation Administration-General Policies, Section II T.) a decrease in employee's pay by at least five percent (5%) or the next lowest step in the lower pay range which results in a pay decrease of at least five percent (5%), however, in no event will a demoted employee be paid less than the minimum pay for the lower pay range.

b. If the employee's current salary step falls between two intermediate steps of the new pay range, the employee's pay rate will be reduced to the lower of the two steps. In no event will an employee receive an increase in pay as a result of a disciplinary demotion.

c. Assignment pay added or deleted as appropriate to the employee's new position and assignment.

d. Other categories of compensation currently received by the employee added or deleted as appropriate to the employee's new position and assignment (**Examples:** second language pay or downtown allowance).

2. The Human Resources Department processes the changes and updates the employee's record.

E. Reduction in Pay - Employees may have their pay reduced for disciplinary purposes to a pay rate within their same classification and range. A reduction in pay is not considered a demotion for purposes of this policy.

F. Failure of Probationary Period

Employees who fail a probationary period and are subsequently reinstated to their former position will be returned to their prior pay rate, subject to any across-the-board increases which may have affected the rates for all individuals in that classification. Civil Service Rules govern expiration of probationary periods. (See Civil Service Rule VII. Section 2.)

IX. PAY RATE UPON RECLASSIFICATION

An employee is reclassified when the employee is assigned to a different classification because it is determined to be more appropriate based on the employee's assigned duties and responsibilities.

A. As required by Tucson Code Section 10-37(2), when an employee is reclassified to a classification with a higher pay range, the reclassification will be treated the same as a promotion. If the employee's current salary is lower than the minimum of the salary range of the classification to which the employee's position has been reallocated, the employee's salary shall be raised to the minimum of the new salary range, provided the increase meets the minimum pay requirements for a promotion.

B. Subject to the Rounding Rule (Administrative Directive 2.01-1, Compensation Administration-General Policies, Section II. T.), if the employee's current salary falls between two intermediate steps of the new pay range, the employee's salary shall be adjusted to the next highest step of the new salary range, in accordance with the pay rate placement procedure for promotions. If the employee is reclassified to a classification with a lower pay range and the employee's current salary step falls between two intermediate steps of the new pay range, the employee's current pay rate will not change (except for implementation of an across-the-board pay increase paid to all employees) until the employee next receives a performance-based pay increase, at which time the employee's pay rate will move to the appropriate step within the established pay range.

C. If the employee's current salary is greater than the maximum of the salary range of the classification to which the employee has been reclassified, the employee's salary shall not change. The employee shall not receive any further salary increases until the employee's salary falls within the salary range of the new classification.

X. RETROACTIVE PAY ADJUSTMENTS

Appointing authorities shall be responsible for submitting timely documentation for payroll actions. Retroactive pay adjustments should be applied only in instances where unforeseen circumstances prevented timely submission of documentation. Retroactive pay adjustments are limited to the prior twelve (12) months, unless a longer period of retroactive pay is authorized in writing by the City Attorney.

To ensure timely evaluations and pay adjustments for employees, retroactive pay adjustments submitted more than three (3) pay periods after the effective date of the adjustment will require formal approval by the Human Resources Director.

Appendices None

References Tucson City Code Chapter 10
Civil Service Rules and Regulations Rule IX, Sections 2 and 3
Administrative Directive 2.01-1 -- Definitions

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager

Martha Durkin

11-19-14
Date

ADMINISTRATIVE DIRECTIVE

SHIFT DIFFERENTIAL PAY RATES	NUMBER **2.01-1B**	PAGE **1 of 2**
	EFFECTIVE DATE **July 1, 2015**	

I. PURPOSE

Shift Differential is a category of premium pay for eligible non-exempt employees for all hours worked during designated hours. This directive sets forth eligibility and rate for Shift Differential.

II. ELIGIBILITY FOR SHIFT DIFFERENTIAL PAY

Non-exempt permanent and probationary employees shall be eligible for Shift Differential pay, for actual hours worked between the hours of 6:00 PM and 6:00 AM.

Shift Differential pay will not be paid for time that is charged to:

- Sick Leave
- Vacation Leave
- Floating Holiday
- Holidays (unless hours are actually worked on the holiday)
- Sick Leave incentive day (Personal Leave)
- Compensatory Time (CTUSE)
- Leave without Pay (LWOP)
- Accident Compensation time for work-related illnesses or injury

III. EMPLOYEES NOT ELIGIBLE FOR SHIFT DIFFERENTIAL PAY

A. Employees exempt from overtime compensation in accordance with Administrative Directive 2.01-2, Overtime Policies.

B. Non-permanent employees.

C. Employees on leave (including Family Medical Leave and Military Leave).

D. Employees covered by the collective bargaining agreement with the Tucson Fire Fighters Association.

IV. SHIFT DIFFERENTIAL PAY RATE

All eligible employees who have worked hours described in Section III, and reported the work as described in Section V, shall receive compensation at the rate of $1.00/hour**.**

V. RECORDING SHIFT DIFFERENTIAL PAY

The Bi-Weekly Payroll Timesheets shall be completed in compliance with instructions established by the Finance Department and shall reflect the number of hours each employee is entitled to Shift Differential pay.

VI. WEEKEND DIFFERENTIAL PAY

AFSCME-eligible employees (labor and trades employees) scheduled to work a weekend day as part of their regular schedule will be paid $1.20 for each weekend hour worked. Weekend differential will not be paid for unscheduled call-outs, stand-by/on-call, or scheduled overtime which occurs on a weekend day.

Forms	None
Related ADs and other documents (this list comprehensively relates to the entire AD compensation series)	Tucson City Code Chapter 10 2.01-2, Overtime Labor Agreements
Review Responsibility and Frequency	The Human Resources Director will review this directive annually, based on date of publication. Last review date: 07/01/2007.
Authorized	

City Manager — Date 1/28/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

STAND-BY/ON-CALL PAY	NUMBER **2.01-1C**	PAGE **1 of 3**
	EFECTIVE DATE **July 1, 2015**	

I. PURPOSE

To establish administrative procedures and controls related to payment of Stand-By (also known as On-Call) pay and to identify those employees who are eligible to receive such payment.

II. DEFINITIONS

A. **Stand-By/On-Call Status -** Time during an employee's off-duty hours (i.e., non-working time) when the employee is designated to be able to respond to situations in which the employee's services are required. While on Stand-By (On-Call) status, an employee's time is unrestricted except that the employee must comply with his/her department's established availability and reporting requirements.

B. **Stand-By/On-Call Pay -** The compensation approved for employees on Stand-By or On-Call status.

III. ELIGIBILITY

A. Only employees eligible to receive Overtime pay (in accordance with Administrative Directive 2.01-2, Overtime Policies) may receive Stand-By/On-Call pay.

B. Commissioned public safety employees do not receive Stand-By/On-Call pay (with the exception of authorized Fire personnel).

C. Stand-By/On-Call pay shall apply only in those instances when employees are designated to respond to duty during the period of time when services are not being performed by other shift employees (with the exception of the following positions: Emergency 911 Operators and Public Safety Dispatchers; Public Service Operators with the Tucson Police Department; and Water Systems Operators from Tucson Water Department).

IV. AUTHORIZATION FOR STAND-BY/ON-CALL PAY

A. Stand-By/On-Call status must be authorized in advance by department directors, or their designees, and shall not be authorized for any period of time during which an employee is on approved leave (vacation leave, sick leave, compensatory time or any other leave with or without pay).

B. Stand-By/On-Call status shall not be authorized for periods of time during which an employee has failed to report for regularly scheduled work.

C. Stand-By/On-Call status shall not be authorized for periods of time when an employee is on-duty (either as part of the employee's regular workday, overtime or on a call-out), including lunch periods and break periods.

V. PAY PROVISIONS

A. Employees designated to receive Stand-By/On-Call pay shall be compensated for all authorized standby/On-Call time at $2.75 per hour.

B. Time spent responding by telephone, radio, e-mail or other electronic means while authorized on Stand-By/On-Call status shall be compensated at the Stand-By/On-Call rate and does not constitute a “call-out”. Exceptions may be authorized, **in advance**, for employees who have remote access capabilities to perform the actual callout activities from a remote location. In those situations, the department must provide notice of the approved exception to the employee with a copy to Human Resources for inclusion in the employee’s personnel record.

C. Stand-By/On-Call pay shall not be paid for any time an employee receives regular or overtime rate of pay.

D. Employees assigned to Stand-By/On-Call status, who fail to respond to a service call in accordance with the department’s availability and reporting requirements shall not receive Stand-By pay and shall be subject to discipline.

VI. GENERAL

A. Department directors shall be responsible for the administration of this directive in their respective departments and to ensure that Stand-By expenditures are within approved budgetary allocations.

B. The Bi-Weekly Payroll Timesheets shall be completed in compliance with instructions established by the Finance Department and shall reflect the number of hours each employee is entitled to Stand-By pay.

Forms (Attached to AD 2.01-1) None

References Tucson City Code Chapter 10
Labor Agreements
2.01-2, Overtime Policies

Review Responsibility and Frequency The Human Resources Director will review this directive annually, based on date of publication. Last review date: 07/01/2007.

Authorized

City Manager — Date 1/28/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
SECOND LANGUAGE PAY	**2.01-1D**	**1 of 4**
	PAGE ISSUE DATE	
	July 1, 2007	

I. PURPOSE

To implement the Language Communication Skill Compensation Program established by the Mayor and Council (Tucson City Code [TCC] Section 10-33).

II. POLICY

Employees shall receive additional compensation per pay period in accordance with the Language Communication Skill Compensation Program established by the Mayor and Council (TCC Section 10-33).

III. EMPLOYEES ELIGIBLE TO RECEIVE SECOND LANGUAGE PAY

A. Employees meeting the following language communication skills may be eligible to receive second language pay:

1. Full-time probationary or permanent employees who use a language other than English for a minimum of five percent (5%) of their work week (two [2] hours per forty [40] hour work week) while interacting with the public in the performance of their duties if approved by the department director; or

2. Full-time probationary or permanent employees who use a language other than English less than the five percent (5%) minimum and occupy a position specifically designated for language skills compensation by a department director and formally approved by the Human Resources Director; or

3. Part-time probationary or permanent employees who use a language other than English and occupy a position specifically designated for language skills compensation by a department director and approved by the Human Resources Director.

B. The following considerations must be addressed by department directors when justifying a position as a language skill compensation position:

1. The need for number of positions designated. (Two [2] or more positions within the same classification at the same location will not generally be considered essential to effective and efficient interactions with the public).

2. The reasons the operational needs of the department for communication with the public in languages other than English cannot be effectively met by employees who use and are compensated for using a language other than English more than five percent (5%) of their work week.

3. Whether any interactions with the public in performance of the duties of the positions are significant to assigned duties, or only ancillary thereto.

4. Whether the use of another language is essential to the effective and efficient provision of services to the public.

C. Designation for Second Language Pay, a position may be designated for language skills compensation only when:

1. The position is within a classification which has significant interaction with the public; and

2. The use of a second language other than English is <u>not</u> less than five percent (5%); and

3. The position has been justified, documented and designated by a department director as a position where the use of a second language is essential to interactions with the public permitting effective and efficient provision of services to the public; and,

4. The position has been approved by the Human Resources Director for designation as a language skills compensation position.

IV. ADMINISTRATION OF SECOND LANGUAGE PAY PROGRAM

Administration of this program is the responsibility of the Human Resources Department, and involves the following:

A. Confirmation of the conversational proficiency related to the services provided by the employee's department/division upon entry into the program, with all program participants being re-tested between November 1, 2007 and November 1, 2009.

B. Processing of a written request form (hard copy or electronic) necessary to add or delete participants from the program, as required, based on changes in work assignments that cause employees to meet or not to meet the criteria of five percent (5%) usage of a second language.

C. Subject to annual confirmation of all second-language positions by departments to Human Resources, once an employee has been approved for the additional compensation, the employee will continue to receive the additional compensation until such time as it is determined that the second language use has diminished to less than five percent (5%) of the work week or the employee is transferred to another position.

D. Employees who transfer, promote or demote to different work assignments will not continue to receive the additional compensation unless the department director designates that the new position/assignment is eligible because the second language is used in the new position/assignment for a minimum of five percent (5%) of the work

week or the position has been designated by a department director and approved by the Human Resources Director as a language skill compensation position.

If the new position/assignment is eligible for second language pay and the employee has been certified as conversationally proficient for purposes of this directive, the employee will not have to be re-tested, unless the conversation competency test for the new position is different than the test for the employee's previous position.

E. Employees on leave without pay for greater than 10 (ten) working days**,** including employees on Family Medical Leave (FML) or Military Leave, will not receive language skill compensation pay. Language skill compensation pay may be reinstated upon return to work, with compensation to resume during the first full pay period after the employee has returned to work, provided that all other program requirements are met.

F. To ensure equitable financial benefit to all full-time employees with the requisite language skills who use a second language for less than five percent (5%) of the work week, department directors shall, where possible, rotate employees through all language-designated positions.

V. SECOND LANGUAGE PAY RATES:

Employee Group	Amount per Pay Period
Employees not eligible for representation	$30.00
American Federation of State, County and Municipal Employees (AFSCME) – eligible (employees labor and trades)	$25.00
Communication Workers of America/Tucson Association of City Employees (CWA/TACE) – eligible employees (white collar)	$30.00
Tucson Fire Fighters Association (TFFA) – eligible	$25.00
Tucson Police Officers Association (TPOA) – eligible	$30.00

Forms (Attached to AD 2.01-1) None

References Tucson City Code Chapter 10

Review Responsibility and Frequency

The Human Resources Director will review this directive annually, based on date of publication

Authorized

City Manager

12/5/07

Date

Mike Hein

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
LONGEVITY PAY	2.01-1E	1 of 3
	PAGE ISSUE DATE	
	July 1, 2007	

I. PURPOSE

To state the longevity compensation policies of the City of Tucson and the procedures governing the Longevity Compensation Plan as authorized by the Tucson City Code (TCC) Section 10-52.

II. POLICY

The Longevity Compensation Plan was designed to reward city employees for continuous satisfactory service, according to a schedule based on a percentage of regular pay related to length of service. Any employee hired, or rehired, after May 1, 1977, is not eligible for longevity compensation.

III. DEFINITIONS

A. **Longevity Compensation** - A semi-annual payment, based on regular salary, paid to eligible permanent employees in all classes of positions both classified and unclassified, as reward for continuous satisfactory service.

B. **Regular Salary** - The annual salary of a city employee, at the base rate of pay, exclusive of overtime, shift differential, standby pay, "out of class" assignment pay, and longevity pay.

C. **Time in Service** - Continuous service as an employee of the city, beginning with the starting date of the employee's first appointment.

IV. EMPLOYEES ELIGIBLE FOR LONGEVITY COMPENSATION

Eligibility for longevity compensation is established as follows:

A. Full time permanent employees in the classified and unclassified service with a date of hire prior to May 1, 1977, who have had no break in service since that date, are eligible for longevity compensation.

B. Permanent part-time employees who are scheduled to work 21 hours or more per week (or 42 hours or more per pay period) with a date of hire prior to May 1, 1977, and who have had no break in service since that date, are eligible for longevity compensation.

C. Employees hired, or rehired, May 1, 1977 or after, are not eligible for longevity compensation. Non-permanent employees such as intermittent, seasonal, and temporary employees are not eligible for longevity compensation. Similarly, part-time employees who are scheduled to work less than 21 hours in a week (or less than 42 hours per pay period) are not eligible for longevity compensation.

D. Any discharge, layoff, or resignation will act as a break in service, and no future longevity compensation will be allowed.

V. COMPUTATION OF LONGEVITY PAY BENEFIT

A. Longevity compensation is to be paid as a fixed percentage of an employee's regular salary for the six months ending with the pay period in which June 1 and December 1 fall and shall be paid on the payday for the pay periods in which June 1 and December 1 fall. The following schedule establishes the percentages to be used in the calculation of the benefit:

Years of Full Time Service (Employees hired before May 1, 1977 only)	Percent of Annual Salary as Longevity Compensation
0 through 5th year	0% N/A
Beginning 6th year through end of 10th year	4% N/A
Beginning 11th year through end of 15th year	6% N/A
Beginning 16th year through end of 20th year	8% N/A
Beginning 21st year and following	10%

B. Longevity compensation amounts are based on the percentage of regular salary actually received. Any paid leave time used during the six (6) month period will count as regular salary for computing longevity compensation.

C. Eligible part-time employees who are paid less than 42 hours in any pay period will not accrue any longevity credit for that pay period.

D. The longevity compensation for an employee who has been on a leave of absence due to a work related injury or illness will be based on a percentage of the amounts received from the City's Accident Compensation and the State Worker's Compensation Funds. (See the City's Occupational Safety and Health Manual (OSHM) for limitations on industrial injury benefits.) The Accounting Division will verify the amount of Worker's Compensation payments allowed by law when requested, and shall advise the affected employees on the method of calculation.

E. The Payroll Section of the Finance Department is responsible for calculating and processing all longevity payments, according to the schedule shown.

VI. CALCULATION OF TIME IN SERVICE FOR LONGEVITY CREDIT

A. Permanent part-time employees working 21 hours or more per week (or 42 hours or more per pay period), will be credited with prorated time in service up to 40 hours per week (or 80 hours per pay period). Eligibility for longevity will be established when a permanent part-time employee, in accordance with this section, has accumulated a five (5) year equivalency of full-time service (10,400 hours). Subsequent adjustment (i.e., 10 years, 15 years, 20 years) will also be established when the accumulated hours equal the equivalent full-time service.

B. With the exception of military leave and approved Family Medical Leave (FML), any time in an approved leave-without-pay status in excess of ten (10) continuous working days will not count as time in service toward longevity credit, but will not be considered a break in service (see Administrative Directive 2.01-7, Employee Leaves).

C. Military Leave, subject to the limitations in Administrative Directive 2.01-7G, Military Leave, will fully count toward time in service for longevity purposes.

D. The Department of Human Resources is responsible for determining an employee's length of service, including any approved prior service credit, and determining the appropriate percentage of longevity pay for each employee.

Forms (Attached to AD 2.01-1) — None

References
Tucson City Code Chapter 10
City's Occupational Safety and Health Manual (OSHM)
2.01-7, Employee Leaves
2.01-7G, Military Leave

Review Responsibility and Frequency — The Human Resources Director will review this directive annually, based on date of publication

Authorized

City Manager — Date 12/5/07

Mike Hein

ADMINISTRATIVE DIRECTIVE

REPORTING AND SHOW UP PAY	NUMBER 2.01-1F	PAGE 1 of 3
	EFFECTIVE DATE September 17, 2014	

I. PURPOSE

This directive sets forth the pay provisions for employees who are excused from work because of lack of work, inclement weather, or other unusual circumstances.

II. POLICY

This policy provides for reporting or show-up pay; and allows employees that have been excused from work to be compensated by using their paid leave, to work extra hours at a straight time rate for hours not worked, or to use Leave Without Pay for hours not worked. This policy also provides for compensation of employees for hours not worked due to emergency release.

III. DEFINITIONS

A. **Emergency –** Any natural disaster or man-made calamity, including but not limited to flood, conflagration, windstorm, tornado, earthquake or explosion within the corporate limits of the city that requires extraordinary measures to protect the public health, safety and welfare.

B. **Inclement Weather -** The condition wherein the appointing authority or authorized representative determines that the environmental conditions do not permit normal duties to be performed in a safe, practical manner.

C. **Lack of Work -** The condition wherein the appointing authority or authorized representative determines that the amount of work to be performed does not require the services of an employee or employees on a particular day due to unavailability of essential equipment or other unforeseen event or condition preventing productive work on that day.

D. **Reporting or Show-up Pay -** A minimum of two hours straight time paid to non-exempt employees officially excused due to lack of work, inclement weather, or other unusual circumstances, unless otherwise provided in an applicable labor agreement.

E. **Reporting To Work -** The act of appearing at an assigned work site on a regularly scheduled workday, ready and able to perform normal assigned duties.

IV. NON-EXEMPT EMPLOYEES (Overtime Eligible)

A. Full-time employees eligible for overtime who report to work at a regularly assigned time, but who are officially excused due to lack of work, inclement weather, or other unusual circumstances:

1. Shall receive reporting or show-up pay as follows: unless otherwise provided in an applicable labor agreement, the employee shall be credited with two (2)

hours pay at the employee's normal rate, if excused before completing at least two hours work; or

2. Shall be compensated for actual time worked, if the employee is excused after completing two (2) or more hours of work.

3. The absence of an employee who reported to work as scheduled, but was later excused, shall be considered a "scheduled" absence for purposes of department attendance procedures.

B. Once employees have been officially excused from work as described above, departments have the option to allow employees to work extra hours at a straight time rate **during the same workweek** to make up the lost time. Otherwise, employees may elect to use available Compensatory Time, Vacation Leave or take Leave Without Pay for the hours not worked. Sick Leave may not be used to cover lost time.

V. EXEMPT EMPLOYEES (Overtime Exempt)

A. Exempt employees are not eligible for reporting or show-up pay. The Fair Labor Standards Act provides that exempt employees must be paid their full salary should they be officially excused from work for a period of less than a workday due to lack of work, inclement weather, or other unusual circumstances. Therefore, all city departments shall ensure that exempt employees have backup work assigned should their primary work be completed or postponed due to inclement weather or other unusual circumstances spanning less than a workweek.

B. Departments may require exempt employees to use accrued vacation leave if excused from work.

C. As a general rule, an exempt employee need not be paid for any day in the employee's regular workweek in which the exempt employee performs no work at all.

VI. EMERGENCY RELEASE

A. Employees, both exempt and non-exempt, may be excused from work due to an emergency, if declared by the City Manager or Mayor. In the event of this emergency release, each Department Director may identify emergency personnel who will not be excused from work or given emergency release.

B. Once employees, both exempt and non-exempt, have been officially excused from work due to an emergency as declared by the City Manager or the Mayor, they will be compensated for time not worked and shall not be required to use paid leave or take Leave without Pay. This is not applicable to employees who did not work the day of the emergency release, or in the event that the emergency release is declared in advance of a given work day, to employees who were scheduled not to work on that

day (for example, an employee with scheduled vacation leave, or on continuous leave, or whose work schedule does not include the day when emergency release is declared).

Appendices Attached to AD 2.01-1

References Tucson City Code Chapter 10
Labor Agreements
Fair Labor Standards Act

Review Responsibility and Frequency The Director of Human Resources will review this directive as needed.

Authorized

City Manager 9-17-14 Date

Martha Durkin

Last Review Date: January 29, 2016. No changes.

ADMINISTRATIVE DIRECTIVE

TERMINAL PAY	NUMBER 2.01-1G	PAGE 1 of 4
	EFFECTIVE DATE February 1, 2012	

I. PURPOSE

To state the policy regarding terminal pay for employees who leave City service, and to describe the use of associated forms.

II. POLICY

All employees voluntarily separating from employment and non-permanent employees with expired appointments shall be paid in the usual manner no later than the regularly scheduled payday for the pay period during which the separation occurred. In the event of the employee's death or non-voluntary separation from employment, the employee shall be paid wages due within three (3) business days of separation or at the end of the next regular pay period, whichever is sooner.

III. PAY PROVISIONS

All employees who leave City service for any reason shall receive all pay with the following qualifications that may be due them:

A. **Vacation Pay** - An employee eligible to use vacation shall be compensated for any accumulated vacation leave (see Vacation Leave Administrative Directive 2.01-7A, Section V). Such employees shall be fully compensated for the vacation leave at the employee's rate of pay at the time of separation. Vacation leave cannot be used to extend an employee's stated termination date.

B. **Compensatory Time** - All unused compensatory time must be paid at the time of separation from the City (e.g., resignation, lay-off, discharge) at the average regular rate of pay received by the employee during the last three (3) years of employment or the final regular rate received by the employee, whichever is greater. City policy requires that employees who are retiring or resigning from the City use all accumulated compensatory time prior to separation from the City, whenever possible.

   If exceptional circumstances prevent an employee from using the compensatory time, the department director must authorize the employee to be paid for the time in accordance with Fair Labor Standards Act (FLSA). The employee must document the exceptional circumstances in writing and forward to the department director for approval.

C. **Sick Leave** - Only employees who retire from the City with an early, normal, or disability retirement (not to include a deferred retirement), or the designated survivor(s) of an employee who dies while in active employee status, shall be compensated for accumulated sick leave at the time of separation (see Employee Leaves Administrative Directive 2.01-7, for rates of compensation). Sick Leave cannot be used to extend an employee's termination date unless the employee is on approved medical leave (see

Sick Leave, Family Medical Leave, and Medical Leaves Administrative Directives 2.01-7B, 2.01-7C, and 2.01-7D).

D. **Longevity** - Only longevity-eligible employees (1) who retire from the City or (2) who die while in City service shall be compensated for longevity at the time of separation. The retiring employee, or the designated survivor(s) of a deceased employee, shall be paid for all longevity accrued between the date of the last longevity check and the date of separation.

E. **Deceased Employees** - A person who dies while an employee of the City shall have all unused vacation, compensatory time, sick leave, and any accrued longevity paid to the employee's survivor(s). Pension benefits will be paid in accordance with the pension plan in which the employee participated. "Survivor(s)" shall be the person(s) who are designated as the beneficiary of the employee's pension or as otherwise provided by law."

F. **Effective Date of Separation (non-retirement)** - Other than for retirement and the exceptions noted below, the effective date of an employee's separation shall be the last day of work. The date of separation cannot be extended by the use of vacation leave or sick leave; however, employees separating on a holiday as last day of work will be paid for the holiday.

For an employee on an approved sick leave or on an approved leave of absence, the effective date shall be the day the resignation is submitted, unless the Human Resources Director has formally approved a later date, in writing.

For an employee being discharged, the effective date shall be a date after the employee is notified of the decision to discharge (for permanent classified employees, see Disciplinary Action Administrative Directive 2.02-16).

G. **Effective Date of Retirement**

1. **Tucson Supplemental Retirement System (TSRS) Retirees** - The effective date of retirement for employees covered by TSRS shall be determined by the retirement board.

2. **Public Safety Personnel Retirement System (PSPRS) Retirees** - The effective date of retirement for employees covered by PSPRS shall be determined by the retirement board.

3. **Elected Officials** – The effective date of retirement for employees covered by the Elected Officials' Retirement Plan is the day after the member meets age and service requirements.

H. **Ending Date for Medical and Dental Insurance Plan Coverage for Separating and Retiring Employees** - Beginning December 1, 2007, medical and dental insurance plan coverage for benefit-eligible employees who separate or retire from City employment, will end on the last day of the calendar month in which the separation date or retirement date is effective.

IV. FORMS

Departments must complete the appropriate forms as determined by the Human Resources Department (electronic or hard copy) for each employee separating from City service as follows:

A. **Personnel Action Request Form (PARF)** (or equivalent electronic form) - The appropriate form shall be completed indicating the type of separation. Employees who resign from the City shall sign the approved exit form(s). If the employee is not available to sign the form, a copy of a resignation letter may be attached.

B. **Time Check Request Form** - This form shall be completed for all permanent, probationary, and appointed employees separating from City service. A Time Check form is not required for non-permanent employees with expired appointments. In order to ensure timely issuance of the employee's final paycheck, the department shall provide a completed Time Check Request Form (see Compensation Administration--General Policies Attachment B, Administrative Directive 2.01-1) to the Human Resources Department no later than three (3) business days before the employee's last day of work, when the department has prior knowledge of the employee's pending separation.

C. **Employee Separation Clearance Form** (see Compensation Administration-General Policies, Attachment C, Administrative Directive 2.01-1) - Except as noted below, this form shall be completed by all employees separating from City service (including retirees) to ensure they are following the appropriate check out procedures. This form is not required for non-permanent employees whose appointments have expired. The department shall complete the appropriate sections of the form and give the form to the employee for obtaining all other required clearance information.

On the last day of work, the employee shall bring the Employee Separation Clearance Form to the Human Resources Department for an exit interview and completion of Section II. The employee will then meet with the Benefits office to review medical benefit options then meet with the Retirement office for clearance. The Retirement office will review TSRS benefits (options for refund, rollover, transfer or deferred retirement, etc.) and deferred compensation. Public Safety Employees will be referred to the Public Safety Personnel Retirement System office in the Finance Department.

After completion of all steps described above, the employee should present the form to the Finance Department's Accounting Division - Payroll Section. The Accounting

Division will distribute copies of the completed form to the originating department and the Human Resources Department.

Forms

2.01-1B Time Check Request Form
2.01-1C Employee Separation Clearance Form

References

Fair Labor Standards Act
Tucson City Code Chapter 10
2.01-1 Compensation Administration-General Policies
2.01-7 Employee Leaves
2.01-7A Vacation Leave
2.01-7B Sick Leave
2.01-7C Family and Medical Leave
2.01-7D Medical Leaves
2.02-16 Disciplinary Action

Review Responsibility and Frequency

The Human Resources Director will review this directive annually, based on date of publication.

Authorized

City Manager — Date 2-22-12

Richard Miranda

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
DOWNTOWN ALLOWANCE AND DISCOUNTED TRANSIT PASSES	**2.01-1H**	**1 of 1**
	PAGE ISSUE DATE	
	July 1, 2007	

I. PURPOSE

The city shall provide a downtown allowance to certain employees working in the downtown area who cannot utilize an assigned city vehicle and who is not provided with parking by a city department. The city further encourages the use of alternative transportation by employees.

II. DOWNTOWN ALLOWANCE POLICY

A. **Allowance and Designated Locations** - An allowance of $25.00 per month shall be paid to permanent and probationary civil service employees, elected officials and appointed employees working in the downtown areas bounded by 6th Street as the North boundary, 12th Street as the South boundary, Interstate 10 as the West boundary and 4th Avenue as the East boundary, unless not eligible as described in Section B, below.

B. **Employees Not Eligible For Downtown Allowance** - Permanent and probationary city civil service employees, elected officials, and appointed employees, working within the downtown boundaries who utilize an assigned marked city vehicle for all or part of their commute or are provided parking by a city department are not eligible to receive the allowance. Additionally, permanent and probationary employees and appointed employees of the Tucson Police Department, Fire Department, and the Tucson Convention Center are not eligible to receive the allowance.

III. DISCOUNTED TRANSIT PASSES

In support of alternative modes of transportation, the city offers a discounted bus pass to all employees.

Forms (Attached to AD 2.01-1)	None
References	Tucson City Code Chapter 10
Review Responsibility and Frequency	The Director of Human Resources will review this directive annually, based on date of publication

Authorized

City Manager — Date 12/5/07

Mike Hein

ADMINISTRATIVE DIRECTIVE

TUITION REIMBURSEMENT PROGRAM	NUMBER 2.01-1I	PAGE 1 of 8
	EFFECTIVE DATE August 1, 2010	

I. PURPOSE

To provide tuition reimbursement to eligible employees and to describe the criteria for tuition reimbursement eligibility, reimbursement rates, and the process for requesting tuition reimbursement. The Human Resources Department retains administrative authority over the Tuition Reimbursement Program for all employees (except those who are City Court employees) including, but not limited to, the authority to adopt administrative procedures and determine eligibility for reimbursement and qualifying institutions. City Court will administer tuition reimbursement for City Court employees in accordance with this Administrative Directive ("AD").

The funding for the Tuition Reimbursement Program is subject to budgetary restrictions and reimbursement is contingent upon availability of funds.

II. POLICY

The objective of the program is to provide a means for employees to upgrade skills, become more efficient at work and to improve the quality of city services. To this end educational assistance is made available to eligible employees who have successfully completed education courses which are related to either their current position or to other work or services performed by the City of Tucson.

III. RELATED DEFINITIONS

A. Accreditation

Accreditation is the recognition by the U.S. Department of Education that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality, and that course credits are acceptable for transfer to other accredited institutions of higher learning.

B. Eligible Educational Institutions

This directive recognizes community colleges, four-year colleges and universities with regional accreditation and located in Arizona, and post-secondary trade and technical schools with national accreditation in Tucson, Arizona.

1. **Community College:** Community colleges are institutions of higher learning that award two-year Associates degrees, or that provide specialized classes not for a degree.

2. **University:** A university is an institution of higher learning that awards undergraduate and advanced degrees. The undergraduate degree recognizes four years of study.

3. **Post-Secondary Trade or Technical School:** Post-secondary trade or technical schools include programs whose purpose is academic, vocational, and continuing professional education, and excludes adult basic education programs.

C. Employment Status

Employment status is defined as follows: Half-time is defined as working twenty (20) hours or more per week but less than 30 hours per week; three-quarter time is defined as working thirty (30) or more hours per week but less than 40-hours per week; and fulltime is defined as working forty (40) hours per week.

D. Credit Hours

Credit hours are defined as the number of credits/units earned at an eligible educational institution per semester, and is based upon the traditional academic standards of Arizona public colleges and universities.

IV. ELIGIBILITY

A. Eligible Employees

1. Permanent full time or permanent part-time (half-time and three-quarter time) employees who have successfully completed the probationary period of employment with the City. The employee must have successfully completed probation prior to beginning an educational course.

2. Mayor and Council or City Manager appointees, who have successfully completed one year of service. Appointees must complete one year of service prior to beginning an educational course.

B. Eligible Courses and Institutions

1. All courses must be related to either the employee's current position or to other work or services performed by the City of Tucson.

2. All courses must be for a degree, certificate, or course credit from a regionally accredited college or university with teaching facilities physically located in Arizona. Course credits must be transferable to an Arizona public college or university. See Appendix A: Regionally Accredited Colleges/Universities in Arizona. Exceptions are:

   a. Courses may be taken at a nationally accredited post-secondary trade or technical school with teaching facilities physically located in Tucson for an AA degree, diploma, certificate or course credit, but not for a Bachelor's Degree or Graduate Degree. See Appendix B: Nationally Accredited Post-Secondary Institutions in Tucson, for a list of eligible institutions.

   b. Courses may be taken at out-of-state, regionally accredited four-year colleges and universities only as part of enrollment in a Pima Community College (PCC) Transfer Partnership. All PCC Transfer Partnership requirements must be fulfilled before transferring, and courses must be for Bachelor's degrees related to City of Tucson work and services. See Appendix C: Pima Community College Transfer Partnerships, for eligible PCC Partnerships institutions.

3. A maximum of one class (3 – 4 credit hours) per degree will be reimbursed for research, thesis, dissertation or capstone project.

4. Only courses with a grade of C or better, or a "pass" for Pass/Fail can be reimbursed.

C. **Employee Responsibility**

Prior to Beginning Course: Prior to beginning a course at a given educational institution and at the beginning of each academic term, the employee must submit:

1. A completed and signed 'Affidavit of Intent to Seek Tuition Reimbursement for the Current Term' (Appendix D) to the Human Resources Department.

2. A tuition reimbursement request online in the City of Tucson Employee University or COTEU (www.coteu.org) including a list of classes for pre-approval purposes. (Note: In completing the online request for pre-approval purposes enter 0 in the grade field and 0 in the credit hours field.)

Course Completion: Within 30 days of completion of the course, the employee must submit a complete online tuition reimbursement request, and a grade report or transcript. The tuition reimbursement request is submitted to the City of Tucson Employee University (www.coteu.org) and should include a list of all classes for which

grades are being submitted. However, City Court employees will submit all reimbursement requests through the Court Administrator's office.

1. Complete online tuition reimbursement requests and include employment status, union eligibility, course relationship to City position, institution, degree, course number, course title, letter grade received, number of earned units, major/program of study, and expected graduation date.

2. Submit acceptable documentation of course grade such as: a class grade report, transcript, certificate, or instructor's statement indicating a grade of "C" or better. For a pass/fail course, a report indicating "pass" must be submitted as evidence of successful completion of a course in order to receive reimbursement.

3. Requests must be submitted within the same fiscal year the course was completed.

V. REIMBURSEMENT

Reimbursements will be paid at a prorated per-unit rate that is determined by the employee's status: half-time, three-quarter time or fulltime, and the educational institution from which the credit is earned. Employees will only be reimbursed for tuition costs and not for fees or books.

A. University Level Courses

Courses towards a four-year degree, master's or doctorate or individual relevant courses taken at a university will be reimbursed. Current reimbursement rates may be obtained through the City of Tucson Employee University (**www.coteu.org**).

B. Community College Level Courses

Courses towards an AA degree, or taken at a two-year college or at a post-secondary trade or technical school will be reimbursed at the tuition rate charged at Pima Community College. Community College reimbursement rates will be adjusted to correspond to any increases in Pima Community College tuition rates. Current reimbursement rates may be obtained through the City of Tucson Employee University (**www.coteu.org**).

C. Educational Assistance

Educational assistance through this program, after reimbursement or assistance from any other sources, may not equal more than 100% of the cost of the course. Thus employees who are receiving grants, scholarships, tuition or fee waivers, or reimbursement from other sources may be eligible for City of Tucson reimbursement

only for those tuition costs that exceed educational assistance from other sources, and up to the limit established above. Student loans are not considered a grant.

D. Maximum Reimbursement Per Annum

Reimbursement is limited to $1,500 per annum, or thirty (30) credits/units, which ever comes first, per employee per fiscal year (July 1 – June 30).

E. Tuition Reimbursement Subject to Maximum Amount Budgeted

Tuition reimbursement is subject to the maximum amount budgeted for each fiscal year. Reimbursement is contingent upon funding and may be denied if the budgeted allocation is expended prior to the end of any fiscal year.

F. Refund of Tuition Reimbursement

If an employee voluntarily resigns within twelve months after completing the course in which the employee received reimbursement, the employee will be responsible for refunding the tuition reimbursement received during the preceding 12 months to the City. The amount to be refunded will be prorated based upon the number of months worked since completing the reimbursed courses. The refund will be deducted from the employee's final paycheck.

VI. REIMBURSEMENT PROCESS

Reimbursement is a two step process. The first step is at the start of the term prior to beginning the course, and the second step is at the end of the term upon completing the course.

A. Prior to Beginning Course

1. Prior to beginning a course and at the start of the academic term, the employee will submit a signed 'Affidavit of Intent to Seek Tuition Reimbursement for the Current Term' and a tuition reimbursement request online in the City of Tucson Employee University (www.coteu.org).

2. Upon receipt of the Affidavit and online request, the Human Resources Department will review the request and Affidavit for the employee's acknowledgement of the requirements set forth in this AD. Approval for reimbursement eligibility is based upon the information submitted.

3. A request for reimbursement will not be accepted without a prior completed and signed Affidavit and online request.

B. Course Completion

1. Within 30 days of completing the course, the employee will again submit an online tuition reimbursement request.

2. Upon receipt of the tuition reimbursement request, the Human Resources Department will review the request within 30 days, or as soon as administratively possible, and may request additional information or documents.

3. Upon completion of the review and approval, reimbursement will be issued in the paycheck for the pay period in which the request was approved, subject to budgetary restrictions and contingent upon availability of funds.

4. The Human Resources Department will decline the request if ineligible or if requirements for eligibility are not met.

C. If credits appearing on a completed online tuition reimbursement request form are a format (i.e., quarter hours) other than a traditional academic calendar, units will be converted to equivalent semester hours using Arizona public university standards for reimbursement purposes.

D. The City (and City Court for court employees) reserves the right, either before or after approving a request, to require documentation such as transcripts (unofficial or official), verification of academic program of study and plan (degree and major), verification of tuition payments (including paid invoices), scholarships and grants, tuition or fee waivers, or reimbursement from other sources received or declined, and/or to periodically audit tuition reimbursement participant documentation.

VII. TAX IMPLICATIONS

When required by Arizona State or Federal tax regulations, the City will deduct taxes from those payments that fit the category of taxable fringe benefits.

VIII. EXCLUSIONS

The following is a list of general exclusions. This list is not intended to be all inclusive and circumstances will be subject to review and approval by the Human Resources Department.

Tuition Reimbursement Program benefits are not available to:

- Non-permanent or probationary employees
- Employees on leave-without-pay status

- Employees enrolled in courses/majors/degrees which do not relate to either their current positions or to other work or services performed by the City of Tucson
- Employees in the Tucson Supplemental Retirement System End-of-Service Program, or Public Safety Personnel Retirement System DROP Program who are in their final 12 months of employment with the City of Tucson
- Employees who plan to separate employment within a year of receiving tuition reimbursement
- Employees enrolled in an accredited, out-of-state college or university except those enrolled in a Pima Community College Transfer partnership
- Employees enrolled in colleges or universities, which do not have regional accreditation, and do not transfer credit successfully to an Arizona public college or university
- Employees enrolled in post-secondary technical or trade schools, which do not have national or regional accreditation, and are located OUTSIDE of Tucson
- Employees who prior to beginning a course and at the beginning of each academic term do not submit a completed and signed Affidavit of Intent (Appendix D) and a request online through the City of Tucson Employee University **(www.coteu.org)** for reimbursement
- Employees who at the completion of a course (within 30 days) do not submit tuition reimbursement requests online through the City of Tucson Employee University **(www.coteu.org)** and who do not submit acceptable documentation (requests, grade reports, etc.)
- Employees who do not receive a grade of C or better, or a Pass
- Employees requesting reimbursement for fees paid for licensing or certification classes and exams from non-academic (not-for-credit) programs or professional associations
- Employees who are receiving educational assistance (grants, scholarships) which in combination with City of Tucson tuition reimbursement, exceeds 100% of the cost of course tuition
- Employees submitting requests for courses which are eligible under the GI Bill or any other military educational program for reimbursement or waiver of tuition or fees, whether sponsored by the state or the federal government

Forms Attached to AD 2.01-1I

Appendix A: List of Regionally Accredited Colleges and Universities in Arizona

Appendix B: List of Nationally Accredited Post-Secondary Trade or Technical Schools in Tucson

Appendix C: Pima Community College Transfer Partnerships

Appendix D: Affidavit of Intent to Seek Tuition Reimbursement for the Current Term.

ADMINISTRATIVE DIRECTIVE

TUITION REIMBURSEMENT PROGRAM	NUMBER 2.01-1I	PAGE 8 of 8
	EFFECTIVE DATE August 1, 2010	

Review Responsibility And Frequency

The Human Resources Director will review this directive annually, based on date of publication.

Authorized

City Manager

Mike Letcher

Date

Regionally Accredited Colleges/Universities in Arizona
June 2010

School	Address			Accrediting Agency
American Indian College of the Assemblies of God Inc	10020 N 15th Ave	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Argosy University	2233 West Dunlap Ave.	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Arizona State University at the Tempe Campus	P.O. Box 2203	Tempe	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Arizona State University at Downtown Phoenix Campus	411 N. Central	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Arizona State University at Polytechnic Campus	7001 E. Williams Field Rd.	Mesa	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Arizona State University at the West Campus	4701 W. Thunderbird Rd.	Glendale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Arizona Western College	2020 S. Avenue 8E	Yuma	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Central Arizona College	8470 N Overfield Rd	Coolidge	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Cochise College	4190 W Highway 80	Douglas	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Coconino County Community College	2800 S. Lone Tree Rd.	Flagstaff	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
DeVry University - Glendale Center	6751 N. Sunset Blvd.	Glendale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
DeVry University - Mesa Center	1201 S. Alma School Rd.	Mesa	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
DeVry University - Phoenix Campus	2149 W. Dunlap Ave.	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Dine College	1 Circle Dr	Tsaile	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Eastern Arizona College	615 N. Stadium Ave.	Thatcher	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Embry-Riddle Aeronautical University	3700 Willow Creek Road	Prescott	AZ	Southern Association of Colleges and Schools, Commission on Colleges
Embry-Riddle Aeronautical University Tucson Center	5355 E. Granite Street, Davis Monthan AFB	Tucson	AZ	Southern Association of Colleges and Schools, Commission on Colleges
Everest College	10400 N. 25th Avenue, Suite 190	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Frank Lloyd Wright School of Architecture	12621 N. Frank Lloyd Wright Blvd.	Scottsdale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission

Regionally Accredited Colleges/Universities in Arizona
June 2010

Grand Canyon University	3300 W Camelback Rd	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community College System Office	2411 W 14th St	Tempe	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Chandler-Gilbert Community College	2626 E. Pecos Road	Chandler	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Estrella Mountain Community College	3000 North Dysart Road	Avondale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Gateway Community College	108 N. 40th Street	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Glendale Community College	6000 W Olive Ave	Glendale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Mesa Community College	1833 W Southern Ave	Mesa	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Paradise Valley Community College	18401 N 32nd Street	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Phoenix College	1202 W. Thomas Road	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Rio Salado Community College	2323 W. 14th Street	Tempe	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - Scottsdale Community College	9000 E. Chaparral Rd.	Scottsdale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Maricopa Community Colleges - South Mountain Community College	70850 S. 24th St.	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Mohave Community College	1971 Jagerson Ave	Kingman	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Mohave Community College - Lake Havasu Campus	1977 West Acoma Blvd	Lake Havasu City	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Northcentral University	505 W. Whipple St.	Prescott	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Northern Arizona University	P.O. Box 4092	Flagstaff	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Northern Arizona University - NAU YUMA Branch Campus	2020 S. Avenue East, P.O. Box 6236	Yuma	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Northland Pioneer College	103 N. First Ave	Holbrook	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Ottawa University Phoenix	10020 N. 25th Ave.	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Park University	Davis-Monthan AFB Campus Center	Tucson	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission

Regionally Accredited Colleges/Universities in Arizona
June 2010

Park University	Luke AFB Campus Center	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Pima Community College	2202 W Anklam Rd	Tucson	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Prescott College	220 Grove Ave	Prescott	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Southwestern College	2625 E. Cactus Rd.	Phoenix	AZ	North Central Association of Colleges and Schools, Association for Biblical Higher Education, Commission on Accreditation
The Art Center Design College-Tucson	2525 N Country Club Rd	Tucson	AZ	North Central Association of Colleges and Schools, Accrediting Commission of Career Schools and Colleges of Technology
Thunderbird-The Garvin School of International Management	15249 N 59th Ave	Glendale	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Tohono O'Odham Community College	Highway 86, Mile Post 115.5 N	Sells	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Troy University (Western Region)	5355 E. Granite Street, Davis Monthan AFB	Tucson	AZ	Southern Association of Colleges and Schools, Commission on Colleges
University of Advancing Technology	2625 W Baseline Rd	Tempe	AZ	Pre-Accredited for North Central Association of Colleges and Schools, Accrediting Council for Independent Colleges and Schools,
University of Arizona	1401 E University	Tucson	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
University of Arizona South	1140 N. Colombo Ave.	Sierra Vista	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
University of Phoenix	4635 East Elwood Street	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Wayland Baptist University	6235 East Broadway	Tucson	AZ	Southern Association of Colleges and Schools, Commission on Colleges
Western International University	9215 N Black Cyn Hwy	Phoenix	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission
Yavapai College	1100 E Sheldon St	Prescott	AZ	North Central Association of Colleges and Schools, The Higher Learning Commission

Nationally Accredited Post-Secondary Institutes in Tucson
For Certificate, Diploma and AA Degrees ONLY
June 2010

School	Address			Accrediting Agency
Brown Mackie College - Tucson	4585 E Speedway Blvd Suite 204	Tucson	AZ	Accrediting Council for Independent Colleges and Schools
IIA College - Tucson (online)	5441 E. 22nd St. Ste. 125	Tucson	AZ	Accrediting Council for Independent Colleges and Schools
ITT Technical Institute - Tucson	1455 W. River Rd	Tucson	AZ	Accrediting Council for Independent Colleges and Schools
The Art Institute of Tucson	5099 East Grant Road	Tucson	AZ	Accrediting Council for Independent Colleges and Schools
Tucson College	7310 E 22nd St	Tucson	AZ	Accrediting Council for Independent Colleges and Schools

The City of Tucson Tuition Reimbursement Program will honor tuition reimbursement requests for certificates, diplomas and AA Degrees ONLY for the above institutions. Credits may NOT transfer to Bachelor Degree Programs at regionally accredited colleges and universities in Arizona.

Pima Community College Transfer Partnerships
July 2010

Institution	Address	City	State	Accrediting Agency
Bellevue University	1000 Galvin Rd S	Bellevue	NE	North Central Association of Colleges and Schools, The Higher Learning Commission
Capella University	225 S 6th St	Minneapolis	MN	North Central Association of Colleges and Schools, The Higher Learning Commission
Eastern New Mexico University	1500 S Ave K	Portales	NM	North Central Association of Colleges and Schools, The Higher Learning Commission
Jones International University	9697 E Mineral Ave	Centennial	CO	North Central Association of Colleges and Schools, The Higher Learning Commission
Strayer University	1133 15th St NW	Washington	DC	Middle States Association of Colleges and Schools, Commission on Higher Education
University of Maryland		College Park	MD	Middle States Association of Colleges and Schools, Commission on Higher Education

Courses and degrees at these institutions are eligible for reimbursement ONLY as part of enrollment in a Pima Community College Transfer Partnership. Courses and degrees must also meet eligibility requirements described in the Tuition Reimbursement Administrative Directive.

Print Form

City of Tucson Affidavit of Intent to Seek Tuition Reimbursement for the Current Term:

I hereby declare:

My Employment Status

☐ I am a permanent employee and I have passed probation (i.e., not a probationary employee).

☐ I am not on leave-without-pay status.

☐ I am submitting for a course/major/degree which relates to either my current position or to other work or services performed by the City of Tucson.

☐ I am not in the final 12 months of TSRS End-of-Service or PSPRS Drop, nor am I in my final 12 months of employment prior to retirement from the City of Tucson.

Separation from City Employment

☐ I do not plan to separate employment within 12 months of receiving this reimbursement.

☐ I understand if I voluntarily separate employment from the City of Tucson, that any reimbursement I have received for classes completed within last 12 months must be refunded to the city on a prorated basis.

Eligible Institutions

☐ I am submitting for an eligible institution:

- Listed in Appendices A or B of Tuition Reimbursement A.D. 2.01-1I (i.e., regionally accredited college or university with physical facilities in Arizona, or a nationally accredited post-secondary institution with physical location in Tucson, AZ.), or
- Listed in Appendix C of Tuition Reimbursement AD 2.01-1I (Pima Community College Transfer Partnership).

Deadline for Submitting Request/Documentation

☐ I understand that upon completion of my course (within 30 days) I must submit my request online in the City of Tucson Employee University (www.coteu.org) using the tuition reimbursement request form, and correctly checked my employment status (fulltime, ¾ time, ½ time).

☐ I understand the City reserves the right, either before or after approving a request, to require documentation such as transcripts (unofficial or official), verification of academic program of study and plan (degree and major), and verification of tuition payments (including paid invoices), scholarships and grants received or declined, and/or to periodically audit tuition reimbursement participant documentation.

Dollar & Credit Cap

☐ I understand that my reimbursements are limited to $1,500 per annum, or thirty (30) credits/units, which ever comes first, each fiscal year (July 1 – June 30), and that reimbursement requests must be submitted in the same fiscal year as the courses were completed.

☐ I understand tuition reimbursement is subject to the maximum amount budgeted for each fiscal year. Reimbursements may be denied if the budgeted allocation is expended prior to the end of any fiscal year.

Grants, Scholarships, Military Benefit, Other Reimbursements

☐ I have not received grants or scholarships (not including student loans) for tuition payments for which I am seeking reimbursement. I understand that I may seek reimbursement only for the difference between the scholarship award and the tuition cost, not to exceed the applicable reimbursement rates set forth in the AD.

☐ I am not eligible nor have I received reimbursement or a waiver under any state or federal sponsored military education entitlement program including but not limited to: Montgomery GI Bill, Post-9-11 GI Bill, or Arizona National Guard reimbursement benefits.

☐ I further understand the failure to abide by these requirements, or the failure to produce requested documents may result in the reversal of any tuition reimbursement requests for the term(s) in question.

Submit: I certify that I meet all the above requirements and that I have answered truthfully.

_____

Signature **Employee ID#** **Print Name** **Date**

ADMINISTRATIVE DIRECTIVE

OVERTIME POLICIES	NUMBER 2.01-2	PAGE 1 of 8
	EFFECTIVE DATE October 4, 2015	

I. PURPOSE

This directive establishes the City's work period for several categories of City employees and defines City policy regarding the calculation of hours worked for overtime purposes in accordance with applicable state and federal laws.

II. DEFINITIONS

A. **Compensatory Time** - Future time off for non-exempt employees in lieu of overtime payment accrued at a rate of one and one-half hours of leave time for each hour of overtime worked. Compensatory time in lieu of overtime payment is at the discretion of the department.

B. **Emergency Overtime** - Unplanned overtime work necessary to safeguard the health, safety, and property of the public from immediate danger.

C. **Exempt Employees** – Employees who meet the Executive, Administrative, Professional, or computer related exemptions under the Fair Labor Standards Act (FLSA) and are not eligible for overtime pay.

D. **Holiday Pay** - Permanent full-time employees actively working or on paid leave status are paid their regular pay for the number of hours they are regularly scheduled to work on the day. Permanent part-time employees actively working or on paid leave status who are scheduled to work 20 hours per week or more receive four hours holiday pay. Commissioned 24-hour duty Fire personnel are compensated with 12 hours of holiday pay. (See Holiday Pay 2.01-6)

E. **Furlough Leave Hours** – Unpaid hours off from work designated by ordinance for a specific time period. Exempt employees become non-exempt employees during weeks in which furlough hours are implemented in accordance with the FLSA.

F. **Non-Exempt Employees** – Hourly employees eligible to receive overtime under the provisions of the FLSA.

G. **Overtime Rate of Pay** – Employees will receive overtime pay at a rate of one and one-half times their regular rates of pay.

H. **Overtime Calculation** – For overtime eligible employees, overtime compensation is calculated based on actual hours worked, paid vacation leave and holiday leave, in excess of 40 hours in a seven (7) consecutive day work period and is compensated at one and one-half times the regular rate. (With the exceptions of shift work overtime and commissioned Fire suppression personnel) Overtime may be compensated by payroll payment or compensatory time, at the discretion of the department.

I. **Regular Rate of Pay** - The rate of payment for overtime work, which is the average amount earned per hour (including base pay, and shift differential pay, but excluding overtime pay) during the work period the overtime is worked.

J. **Shift Work** - When it is mandatory for a City function to be covered 24 hours a day, employees must work shifts to provide the coverage. The position must remain filled around the clock.

III. WORK PERIODS

A. To ensure compliance with FLSA purposes, the City established the work periods as follows:

1. The work period shall commence at 12:01 a.m. April 13, 1986 and shall be a seven-consecutive-day period, usually worked on an eight hour day, five days per week (40 hours) basis, and shall continue in seven day increments thereafter.

2. The work period for commissioned Fire suppression shift personnel shall be a 15 consecutive-day period, commencing at 8:00 a.m. April 13, 1986 and continuing in 15-day increments thereafter.

3. The work period for employees on a 9/80 work schedule, begins at 12:00 p.m. Friday, and ends at 11:59 a.m. on the following Friday. 9/80 workweeks shall be suspended during weeks in which furlough hours are implemented.

B. **Alternative Work Schedules** - Administrative Directive 2.01-9, Alternative Work Schedules, requires the Human Resources (HR) Director's approval before any department or office establishes a 40-hour work schedule of less than five days.

To request an alternative work schedule, a department director must submit a proposal to the HR Director addressing the criteria delineated in Administrative Directive 2.01-9.

C. **Adjusted Work Hours (Flex Time)** - To reduce overtime expenditures, department directors may adjust the work hours of non-exempt employees to meet the demands of the department. For example, if an employee is required to work late one evening, the department director may require the employee to flex hours during the same workweek so that the employee does not work more than 40 hours. In all cases, the employee must complete the 40 scheduled hours during the workweek (e.g., between 12:00 a.m. Sunday and 11:59 p.m. Saturday night).

IV. OVERTIME ELIGIBLE

General

When necessary, department directors or designee shall authorize overtime in cases of emergency or during an unusually high workload. Overtime shall be allocated as equitably as possible among qualified employees.

A. Only non-exempt employees are eligible for overtime compensation.

B. Overtime is time worked beyond actual hours worked, paid vacation leave and holiday leave in excess of 40 hours in a seven (7) consecutive day work period.

C. Shift workers required to work outside their normally scheduled shift earn compensation at the overtime rate of pay for the hours worked in excess of the shift regardless of the 40 hour minimum.

D. Overtime for commissioned Fire suppression personnel assigned to 24-hour duty is:

1. Time worked in excess of an FLSA defined 15-day work period implemented as follows:

Firefighters in suppression classifications, except Battalion Chiefs, working their regularly scheduled shift hours in a pay period, will receive 106 hours of regular pay and six (6) hours of overtime. Any unpaid leave time taken during the pay period may reduce the six (6) hours of overtime hour for hour.

2. Time worked in excess of a 24-hour period, either at the beginning or end of a 24-hour duty period.

3. When called back to duty during an off-duty period to maintain shift minimums or for emergency purposes. If called in for overtime and after reporting it is determined they are not needed, the employee shall be paid a minimum of two (2) hours at the overtime rate of pay.

V. CALCULATION OF TIME WORKED

With the exception of commissioned Fire suppression personnel, the number of hours worked in excess of 40 hours in a workweek determines the number of overtime hours for which the employee must be compensated. The overtime calculation is based on actual hours worked, paid vacation leave and holiday leave, in excess of 40 hours in a seven (7) consecutive day work period.

A. **Actual Hours Worked** - The hours an employee is at work performing job duties or other assigned activities for the benefit of the City under the control or direction of the City. Actual Hours Worked does NOT include:

1. Hours already designated for payment at the overtime rate, such as:

- Hours worked outside of a regularly scheduled shift on a holiday.
- Hours worked beyond a shift worker's normal shift.
- Compensatory time.
- Off duty work performed by commissioned officers for other city departments.
- Any other instance in which the hours worked are to be paid at the overtime rate of pay.

2. Hours while on stand-by when an employee is on-call to report to work.

B. **Paid Vacation Leave** - Vacation leave used during a workweek is time worked for the calculation of the number of paid hours in a workweek. Employees called back to work while on paid vacation leave must adjust their leave cards by the number of hours compensated for the call out. (The leave time requested must be reduced by the number of hours of regular pay.)

C. **Holidays** - Time off for a City holiday is time worked for the calculation of overtime, except:

1. When an eligible employee works the employee's normally scheduled hours on the holiday. (See Attachment I, Example A)

2. When an eligible employee (other than a shift worker) works outside the regularly scheduled shift on the holiday, but does not complete 40 hours in the workweek. (See Attachment I, Example B)

3. When the holiday falls on the employee's regularly scheduled day off. (See Attachment I, Example C).

4. An employee on leave without pay status for any part of the day before or after the holiday receives no compensation for the holiday.

VI. OVERTIME COMPENSATION

Overtime for non-exempt employees is compensated by payroll payment or, at the discretion of the department director, by compensatory time at the rate of time-and-one-half for each hour of overtime worked.

A. **Overtime Compensation for Part Time Employees** - Part-time employees who work in excess of their normal hours, but less than 40 hours in a seven day period, shall receive pay at the straight time rate. Work in excess of 40 hours shall be compensated in the form of a payroll payment or compensatory time, at the rate of time-and-one-half.

B. **Overtime Compensation for Commissioned Police and Fire Personnel** - In addition to the other overtime policies applicable to commissioned Police and Fire Personnel, extra compensation is allowed as stated below.

1. Commissioned personnel providing services to another City department at that department's request (e.g., security, paramedic), shall be paid at regular overtime rates as described in this directive provided they have worked the required number of hours to be overtime eligible.

Police and Fire employees will be paid through their department payrolls for performing these services for other departments. Police employees shall submit overtime slips to their department payroll clerk showing the hours worked, the name of the user department, and the correct account number to be billed. Fire suppression and emergency medical personnel shall list all of their overtime on their daily roster sheets for their department payroll clerks.

2. Commissioned personnel providing services at promoter-sponsored events at the Tucson Convention Center shall be paid by the promoters at rates established by Police and Fire for off-duty services.

3. Commissioned Police personnel required to attend judicial proceedings during hours other than their regular work hours shall be compensated with a minimum of three hours at the overtime rate of pay, except when the court appearance occurs within 60 minutes of the employee's shift. In this case, the employee shall receive overtime compensation for the actual time spent in court, including the period of time between the court appearance and their regular shift.

The employee shall not receive a second three-hour minimum overtime if required to attend a second judicial proceeding within 60 minutes of the first judicial proceeding or within 60 minutes of the first three-hour minimum period.

4. Commissioned Police personnel shall be compensated at the overtime rate of pay when less than eight hours lapse between the end of one shift and the start of the next. Overtime shall be paid only for those hours worked that fall within eight hours of the former shift.

C. **Special Circumstance Overtime Compensation for Non-Commissioned Shift Personnel** - Non-exempt shift workers subpoenaed to attend judicial proceedings and provide testimony related to their work duties outside of their regular scheduled work hours shall be compensated with a minimum of two hours at the overtime rate of pay.

When the court appearance occurs within 60 minutes of the employee's shift, the employee shall receive overtime compensation for the actual time spent in court including the period of time between the court appearance and the employee's regular shift.

When the court appearance includes both scheduled and unscheduled hours, the employee shall be compensated with a minimum two (2) hours of overtime rate of pay and regular hours reduced by the number of scheduled hours in court. (See Attachment I, Example D).

The employee shall not receive a second two-hour minimum overtime if required to attend a second judicial proceeding within 60 minutes of the first judicial proceeding or within 60 minutes of the first two-hour minimum period.

D. **Compensatory Time Accruals** - Compensatory time accrues at the rate of time-and-one-half for each hour of overtime worked.

Maximum accrual rates for eligible employees are as follows:

- Non-represented – 60 hours
- ASFCME – 60 hours
- CWA - 100 hours
- TFFA - 180 hours
- TPOA – 200 hours

E. **Compensatory Time Payout**

1. **Mandatory Payout –** Accrued compensatory time is paid out when an employee permanently promotes to a higher rank or grade or permanently transfers to a different department. The procedure for the payout follows:

a. The hiring department will notify the employee of mandatory payout upon promotion.

b. The HR department will run a report at the close of each pay period to identify employees eligible for mandatory payout and notify the Finance Department.

c. The Finance department will process the mandatory payout within 30 days of notification using the employee's rate of pay prior to permanent promotion or permanent transfer.

2. **Requested Payout -** Commissioned Police personnel may request to cash out not less than 40 hours of compensatory time per pay period using the Compensatory Time Payout Request form. (Attachment II)

VII. APPROVAL OF OVERTIME

A. All overtime must be approved by the department director or designee in advance of working the overtime, except when prior approval is not attainable.

B. Payroll clerks shall immediately post all overtime to the time sheets within the period it has been earned. An Approval Overtime form (Attachment II) signed by the department director or designee must follow as soon as possible.

Commissioned Fire personnel working overtime to maintain a full complement of firefighters for a shift shall note the overtime on the daily roster sheets which shall be approved by the on duty Emergency Captain. An Approval of Overtime form will not be required in these cases.

C. **Approval of Overtime Form:**

Employees, supervisors, and payroll clerks shall complete the Approval of Overtime form according to the directions. Departments shall inform their employees of reporting requirements specific to their department that differ from those described in Section VI, Overtime Compensation. The employee shall sign and date the bottom of the form.

D. All departments shall provide their payroll clerks with a current listing of all authorizing signatures for overtime approval. Payroll clerks shall not accept Approval of Overtime forms signed by use of a signature stamp.

VIII. DEPARTMENTAL RESPONSIBILITY

A. All department directors shall be responsible for the administration of this directive, and for ensuring that overtime expenditures are within budget allocations.

B. Departments will: 1) assign an individual to periodically review overtime usage for the purpose of spotting trends and to develop a strategy to reduce the need for overtime, and 2) use temporary or intermittent on-call personnel to assist with departmental workload, rather than paying overtime to permanent staff.

C. The Office of Budget and Internal Audit is charged with the responsibility of continually monitoring overtime to ensure that expenditures incurred do not exceed the budgeted funds available for this purpose. The Office of Budget and Internal Audit shall review and update, as necessary, the Approval of Overtime form.

D. Department directors may initiate a review of a classification's overtime status under the FLSA by submitting appropriate justification to the Director of Human Resources. The Director of Human Resources, in consultation with the City Attorney's Office, will

evaluate the status. Upon determining the appropriate FLSA designation, HR will notify the department.

Appendices	Attachment I - Examples of Certain Calculations Attachment II - Compensatory Time Payout Request Form Attachment III - Approval of Overtime
References	Fair Labor Standards Act (FLSA)
Review Responsibility and Frequency	The Director of Human Resources will review this directive annually, based on date of publication. Last review date. 9/25/15
Authorized	

City Manager — Date 9/25/15

Michael Ortega

Illustrative Examples

Example A (Section V. C. 1.): When an eligible employee works the employee's normally scheduled hours on the holiday, the holiday time is not counted towards the calculation of overtime:

> The holiday is Monday and the employee works the regularly scheduled shift that day (8 hours) plus the remainder of the regular work week (32 hours. The time worked is the actual 40 hours worked. The employee receives holiday pay for the holiday, as well as actual salary (i.e., the employee receives 48 hours at straight time).

Example B (Section V. C. 2.): When an eligible employee (other than a shift worker) works outside the regularly scheduled shift on the holiday, but does not complete 40 hours in the workweek, the holiday time is not counted towards the calculation of overtime:

> The employee works <u>outside</u> the regularly scheduled shift on the holiday, uses several sick leave days during the week, and takes leave without pay for the remainder of the workweek. The actual hours worked on the holiday count as time worked; however, the employee did not complete 40 hours of work that workweek and is not paid overtime.

Example C (Section V. C. 3): When the holiday falls on the employee's regularly scheduled day off, the holiday time is not counted towards the calculation of overtime:

> The employee's regular days off are Sunday and Monday. The holiday is Monday. The employee works the regularly scheduled hours, Tuesday through Saturday. The time worked is 40 hours, and the employee is also given eight hours of holiday pay at straight time (i.e., the employee receives 48 hours at straight time).

Example D (Section VI. C.): Noncommissioned shift personnel who are subpoenaed to attend judicial proceedings and the court appearance includes both scheduled and unscheduled hours, the employee shall be compensated with a minimum two (2) hours of overtime:

> The employee's normal schedule is from 8:00 a.m. to 5:00 p.m. The employee is summoned to court at 7:30 a.m. and leaves at 9:00 a.m. The employee is paid two (2) hours at the overtime rate of pay and regular hours reduced by one (1) hour.

City of Tucson
Compensatory Time Payout Request

Attachment II
A.D. 2.01-2
Overtime Policies

Instructions: The employee initiates the payout request by filling out Section A and submitting to TPD Payroll. TPD Payroll fills out Section B, validating employee information. TPD Payroll emails the form to Central-Payroll@tucsonaz.gov along with HRM attachment as directed. The Central Payroll Department will process all requests received for payment.

Central Payroll Deadline: Payouts will be processed in the second paycheck after submission to Central Payroll.

Section A – To be Filled Out and Signed by the EMPLOYEE (Sworn Officers Only)

Employee ID# _____ Employee Name _____
Print Name

Employee Title _____
(Sworn Officers Only)

Number of Hours of Compensatory Time Requested for Payout: _____
(Minimum of 40 Hours)

I understand that payment of compensatory time will be included in my regular paycheck and payout will be taxed at the higher flat rate of withholding required for supplemental payments.

Employee Signature _____ **Date** _____

Section B – To be Filled Out and Signed by TPD PAYROLL

Date of Receipt: _____ Current Balance of Compensatory Time _____

I have verified in the City's HRM system that the number of compensatory hours being requested for payout is available in this employee's leave record. **The HRM Leave Balance screen shot is attached**.

TPD Personnel ID# _____ Employee Name _____
Print Name

TPD Personnel Title _____

TPD Personnel Signature _____ Date _____

Section C – To be Filled Out and Signed by CENTRAL PAYROLL

Date/Time of Receipt _____

Processed By _____ Paycheck Date _____

CITY OF TUCSON — APPROVAL OF OVERTIME

Name _____ Employee No. _____

Department _____ Organization No. _____

Planned Overtime Pre-approved By: _____ Date: _____ Social Security No. _____

Report in 6 Minute Increments

Hrs. Worked or Hrs. Allowed | Indicate Overtime Rate ☐ Straight ☐ Time & Half | CT Computation (Payroll clerk use)

Date _____ From _____ A.M. P.M. To _____ A.M. P.M. [ ] [ ] [ ]

Request Payment ☐ Request Comp. Time ☐ Account to be Charged _____

Work Site _____

Reason for Overtime _____

Supervisor _____ Date _____

Date _____ From _____ A.M. P.M. To _____ A.M. P.M. [ ] ☐ Straight ☐ Time & Half [ ]

Request Payment ☐ Request Comp. Time ☐ Account to be Charged _____

Work Site _____

Reason for Overtime _____

Supervisor _____ Date _____

Date _____ From _____ A.M. P.M. To _____ A.M. P.M. [ ] ☐ Straight ☐ Time & Half [ ]

Request Payment ☐ Request Comp. Time ☐ Account to be Charged _____

Work Site _____

Reason for Overtime _____

Supervisor _____ Date _____

Date _____ From _____ A.M. P.M. To _____ A.M. P.M. [ ] ☐ Straight ☐ Time & Half [ ]

Request Payment ☐ Request Comp. Time ☐ Account to be Charged _____

Work Site _____

Reason for Overtime _____

Supervisor _____ Date _____

I certify that the above hours were worked by me in the performance of my duties as indicated and with the knowledge of my Superior.

Overtime approved as indicated: I certify this task could not be accomplished within normal work hours.

Signed: _____ Employee _____ Date

_____ Division Head (or other supervisory personnel) _____ Date

_____ Payroll Clerk (when posted) _____ Pay Period Posted

_____ Division or Department Head _____ Date

79-6-6250-6 DISTRIBUTION: WHITE-Budget & Research CANARY-Department

DIRECTIONS

To the Employee

1. Complete the Approval of Overtime form according to your department's information requirements. If you have any questions, consult your Supervisor or Payroll Clerk.
2. Enter the date any planned overtime was authorized and who assigned the overtime.
3. When working emergency assignment ("Call out"), use the box "Hrs. Worked or Hrs. Allowed" to show the two hours for the first call out. (Per A.D. 2.01-2)
4. If your department allows you to request part compensatory time (CT) and part overtime payment for the time worked, please use separate entries — one for overtime payment and one for CT. Do not split the hours on one entry.
5. Do NOT use the CT Computation square. This is for Payroll Clerk's use only.
6. Unless directed otherwise, submit the completed form(s) to your supervisor as follows:
   - For Call outs that occur on Monday through Thursday, submit completed forms on or before Friday morning. Forms for weekend Call outs shall be submitted on Monday morning. Call outs occurring on Sundays of a new pay period shall be recorded on a separate overtime form.
   - Submit completed forms for emergency overtime work within two working days.
   - Submit planned overtime when the form is filled, the project is completed, or the end of the pay period, whichever comes first.

To the Supervisor

1. Approve each completed overtime entry by signing where indicated. The use of signature stamps by supervisory and administrative personnel is **prohibited.**
2. Void those sections of the form that are not completed by crossing them out.
3. Submit the form to the Payroll Clerk or to the next individual authorized to approve overtime work.

To the Payroll Clerk

1. Insure appropriate supervisory personnel have signed the Approval of Overtime form for each completed entry. Do not accept overtime forms with signature stamps.
2. Use the CT Computation square to record the number of compensatory time hours that is to be credited.
3. Sign the Approval of Overtime form and note the pay period the overtime is posted on the Payroll Time Sheet.
4. Send the white copy of the Approval of Overtime form to Budget and Research and retain the yellow copy in the department's files.

Revised 3/92

ADMINISTRATIVE DIRECTIVE

CALL – OUT POLICY	NUMBER 2.01-3	PAGE 1 of 5
	EFFECTIVE DATE July 1, 2011	

I. PURPOSE

The intent of this directive is to establish administrative procedures and controls related to call-out pay.

II. POLICY

A. Except for commissioned Police personnel, work that is assigned on an emergency basis to an employee after the employee's scheduled duty day has ended and he or she is called back to work is considered a call-out. Call-out work does not include any planned overtime work. Commissioned Police personnel are covered in Subsection IV, C.

B. Non-exempt employees called back to work during an off-duty period shall be compensated with a minimum of two hours call-out pay. Time worked in excess of the two hours will be compensated as actual time worked. Depending on the situation, call-out pay will either be compensated as straight time or at the overtime rate of pay (see section IV A).

1. **12-Hour Policy** – Employees shall receive the minimum two hours Call-Out pay only once in a 12-hour period starting at the time of the Call-Out. For any subsequent Call-Out during the 12-hour period, the employee will be paid for the actual time worked.

   Example - An employee is called back to work after leaving the work site. The employee works for 30 minutes and is given the minimum two hours Call-Out. The employee is called back to work again several hours later. The employee works for one hour and is compensated for the one hour. The total number of hours compensated in this 12-hour period is three hours.

2. **Extended Workday** – Additional work assigned beyond the workday while an employee is still at the work site is not a call-out, but is considered an extension of the workday. Although the minimum two hours call-out pay is not applicable, the employee is compensated for the actual hours worked beyond the schedule workday.

   If the employee is no longer at the work site or on the premises and is called back to work, it will be considered a call-out and the employee will be given the minimum two hours call-out pay.

   Example - An employee is in the process of leaving work and is asked to stay at work for an emergency. The employee will be compensated for the actual time worked during the emergency but will not receive the minimum two hours call-out pay.

Another employee leaves the work site and is enroute home. The employee is notified to report back to work for an emergency. The employee will receive the minimum two hours call-out pay or will be compensated for the actual hours worked during the emergency, whichever is greater.

3. **Portal to Portal** – Call-out shall begin at the time the employee begins transit to report to work. The employee shall be paid for reasonable travel time both to and from the job site. Travel time is only allowed for call outs and is not authorized for planned overtime.

   Example - An employee is called back to work for an emergency. The call-out begins when the employee leaves for work and ends when the employee returns home.

   Note - Supervisors shall ensure the travel time both to and from the job site is reasonable when approving the overtime slip.

III. DEFINITIONS

A. **Call Out** – Work assigned on an emergency basis to an employee after the employee has already left the work site and is called back to work. Phone calls not requiring employees to return to work are not considered a call-out.

B. **Call-Out Pay** – A minimum two hours at the employee's hourly rate of pay or compensation for the actual hours worked during the emergency over two hours, whichever is greater.

C. **Exempt Employees** – Employees in salaried positions, classified as executive, administrative or professional, who are not eligible to receive overtime pay under the Fair Labor Standards Act (FLSA).

D. **Non-Exempt Employees** - (overtime eligible employees) Hourly employees who are eligible to receive overtime under the provision of the federal Fair Labor Standards Act (FLSA).

E. **Overtime** - Time worked by a non-exempt employee that exceeds the employee's normal 40 hour work week and is compensated at the rate of time and a half of the employee's regular hourly rate for hours worked as noted below.

F. **Time Worked** – The actual hours worked during a workweek, plus any paid leave time used. In most instances, time off for holidays will also be considered time worked.

IV. COMPENSATION

A. Non-Public Safety Compensation for Call Out

Call-out pay shall be compensated at the overtime rate **if** the non-exempt employee has accumulated 40 hours of time worked in the workweek. If the employee has less than 40 hours of time worked during a workweek, the call-out pay will be at the employee's hourly rate of pay.

Example - An employee works 38 hours during the workweek. The employee is then called back to work for one hour. The employee is given the minimum two hours call-out pay at the employee's regular hourly rate of pay because the employee has not completed the 40-hour minimum to be eligible for the overtime rate.

B. Commissioned Fire Personnel

Fire personnel assigned to 24–hour duty who are called out for extra duty shall receive the minimum two hours pay at the overtime rate or will be compensated at the overtime rate for the actual hours worked if they are called out for a period of more than two hours, except for a call-out during the regularly scheduled shift on a holiday (see Section D below for applicable holiday call-out).

C. Commissioned Police Personnel

1. Call-out for commissioned Police personnel eligible for overtime are defined as: an emergency call back to work, investigative personnel called back to conduct immediate specialized or follow-up investigations, annual physical examinations, instructor assignments, speaking engagements, and required off-duty meetings, including interviews by Internal Affairs.

2. Non-holiday call-out shall be compensated at the overtime rate of pay **if** the employee has completed 40 hours time worked in the workweek (see Section D below for applicable holiday call-out). Commissioned Police personnel called out within 60 minutes of their regular shift or previous call-out shall be compensated for the actual time worked including the period of time between the call-out and their regular shift or previous call out. The minimum three hours call-out pay does not apply in these situations.

3. A three-hour call-out for court appearances will be allowed when Commissioned Police personnel eligible for overtime are on an approved leave.

D. Holiday Call-Out

1. Holiday call-out pay will be in effect on the day an employee observes the holiday. Staff with a normal Monday through Friday schedule will observe a Saturday holiday on the preceding Friday and a Sunday holiday on the following Monday. Staff normally scheduled to work on a Saturday or Sunday which is a holiday will observe the holiday on the actual Saturday or Sunday.

2. Employees called back to work on a holiday during the employee's regularly scheduled shift shall be compensated for the minimum two hours call-out, or for the actual hours worked if more than two hours, at the employee's regular hourly rate of pay.

3. Employees called back to work on a holiday outside of the regularly scheduled shift shall be compensated at the overtime rate of pay for the minimum two hours call-out, or for the actual hours worked if greater than two hours.

   However, all employees, except shift workers and 24 hour commissioned Fire personnel, must complete 40 hours in any workweek before they are eligible for the overtime rate.

   Example - An employee is called back to work on a holiday during the employee's regularly scheduled shift. The employee works a total of ten (10) hours on the holiday: three hours during the regular shift and seven hours outside the regularly scheduled shift. The employee receives three hours pay at the straight time rate and seven hours pay at the overtime rate. In this instance the minimum two hours call-out pay does not apply because the employee worked more than the two-hour minimum.

   Note - Employees also receive holiday pay for the holiday (see Administrative Directive 2.01 Holiday Policy for more information).

E. Approved Leave Call Out

Employees on an approved paid leave status who are called back to work for an emergency shall be compensated with two hours Call-Out pay and must adjust their leave cards by the number of hours compensated for the Call-Out.

V. DEPARTMENTAL RESPONSIBILITY

A. All department directors shall be responsible for the administration of this directive, and for ensuring that call-out expenditures are within budget allocations.

B. Departments are encouraged to: 1) assign an individual to periodically review call-out usage for the purpose of spotting trends, and 2) use temporary or intermittent on-call personnel to assist with departmental workload, rather than paying overtime to permanent staff.

C. The Office of Budget and Internal Audit is charged with the responsibility of continually monitoring call-out to ensure that overtime expenditures incurred do not exceed the budgeted funds available for this purpose.

Appendices None

References 2.01-6 Holiday Policy

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication.

Authorized

City Manager

Mike Letcher

1-25-11

Date

ADMINISTRATIVE DIRECTIVE

CLASSIFICATION	NUMBER 2.01-5	PAGE 1 of 3
	EFFECTIVE DATE February 1, 2016	

I. POLICY

Department Directors may not, on a permanent basis, assign to a position substantial duties that are outside of the specification for the classification (departments may not work an employee "out-of-class"), nor shall departments work an employee “out-of-class” as justification for promoting the employee to a higher classification.

II. DEFINITIONS

A. **Classification:** A group of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum qualifications and other characteristics, that the same title, the same test of fitness, and the same schedule of compensation may be applied to each position in the group.

B. **Classification Plan:** A plan adopted by the Human Resources (HR) Director with the prior approval of the City Manager that groups all positions in the classified service into classes based on their duties, authority and responsibilities. An appropriate job title, a brief description of the job and essential functions to be performed by persons holding positions therein and the minimum qualifications necessary for appointment thereto shall be set forth for each class of positions.

C. **Classification Review:** A process conducted to evaluate and gather the information necessary to describe and classify a position into the correct grouping of positions within the classification system.

D. **Demotion:** The reassignment of an employee from a position in one classification to a position in another classification that is assigned a lower salary range by ordinance.

E. **Job Evaluation:** A system used to determine the internal worth of classifications by assigning points to specifically designed compensable factors which are present in the essential duties of the classification. The compensable factors are formal education, experience, organizational control, human relations skills, freedom to act, complexity and working conditions. An additional compensable factor used for exempt classifications is budget responsibility.

F. **Personnel Action Form (PARF):** The required form used to hire, promote or change employee specific information, such as merits, disciplinary actions, extended leaves, etc.

G. **Promotion:** The reassignment of an employee from a position in one classification to a position in another classification that is assigned a higher salary range by ordinance.

H. **Reclassification:** The approved assignment of a position from one classification to a new or existing classification that is based on a change in assigned duties or responsibilities to meet organizational needs.

III. CLASSIFICATION REVIEW

A. The following information shall be included in the request for a Classification Review:

1. Detailed explanation of the need for the classification review and the desired result,

2. Current organizational chart and proposed changes,

3. Detailed description of the proposed changes in duties associated with the position classification review or in the event of an individual position review, a detailed description of the current duties associated with the position, and

4. Names and contact information of current incumbents and supervisors.

B. The following types of Classification Requests will not be accepted.

1. Requests submitted directly to HR without Department Director approval.

2. Requests for change in grade assignments.

3. Requests for review of compensable factor points.

4. Requests which have already been reviewed and for which no additional or new information is provided.

C. Employees may submit written requests for classification review to the Department Director. Requests should include a detailed description of the need for a classification review as well as a completed job description questionnaire.

D. The HR Department will review all information submitted. If further clarification is needed, interviews may be scheduled with incumbents or supervisors of the positions in question. Final recommendations may include:

1. No change in classification,

2. Reclassification,

3. Creation of a new classification.

VI. JOB EVALUATION

A. A classification review may result in the creation of a new classification. At that time, the HR Department will conduct a job evaluation and the classification will be assigned compensable factor points within the job evaluation system.

B. The job evaluation shall be based on factors and levels that are consistent with professionally established criteria. Subject to prior approval of the City Manager, the HR Director shall record the final job evaluation grades as part of the adopted classification plan.

Appendices None

References Tucson City Code Chapter 10 Sections 10-6 and 10-8 Civil Service Rules
Administrative Directive 2.01-1, Compensation Administration – General Policies
Administrative Directive 2.01-1A Pay Rate Placement

Review Responsibility and Frequency The Human Resources Director shall review and revise this directive as appropriate. Last review date: April 10, 2009.

Authorized

2/16/16

City Manager **Date**

Michael Ortega

ADMINISTRATIVE DIRECTIVE

HOLIDAY PAY	NUMBER **2.01-6**	PAGE **1 of 5**
	EFFECTIVE DATE **December 5, 2014**	

I. PURPOSE

To identify paid City of Tucson holidays, and outline the eligibility of employees for paid holidays.

II. POLICY

A. The following are days designated by the City of Tucson as paid holidays for actively working employees or employees on paid leave status:

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Cesar Chavez Day	The Monday closest to March 31
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
Floating Holiday	Any day between January 1 and December 31
Employee Birthday	Commissioned Public Safety Personnel (in lieu of Floating Holiday)

B. Employees actively working or on paid leave status will receive eight (8) hours of holiday pay on designated holidays, except:

1. Permanent part-time employees and part-time appointed, benefit-eligible employees who normally work at least 40 hours per pay period, receive four hours of holiday pay.

2. Twenty-four hour duty Fire personnel receive 12 hours of holiday pay.

3. Employees working Involuntary Alternate Work Schedules.

C. When an actual holiday falls on a Sunday, it will be observed on the following Monday. When an actual holiday falls on a Saturday, it will be observed on the preceding Friday. Commissioned Public Safety personnel, see Section IV (G).

D. Staff normally scheduled to work on a Saturday or Sunday on which a holiday falls will observe that holiday on the actual day of the holiday.

E. When Mayor and Council declare a special holiday, it will be observed in the same manner as regularly scheduled holidays, as stated in this directive.

III. DEFINITIONS

A. **Holiday Pay** – Hours paid at the straight time rate, when an employee is off work for the designated holiday.

B. **Alternate Work Schedules**

1. **Involuntary Alternate Work Schedule** – Mandatory full-time work schedule whereby employee works 80 hours in a pay period in less than 10 days of work (e.g. 4-10 and 9-80 schedules).

2. **Voluntary Alternate Work Schedule** – An employee's requested and department-approved Alternate Work Schedule, whereby an employee works 80 hours in a pay period in less than 10 days of work (e.g. 4-10 and 9-80 schedules).

C. **Exempt (Salaried) Employees** – Employees who are not eligible for overtime because they fall into one of the following categories: Executive, Administrative, or Professional (see Overtime Policies Administrative Directive 2.01-2).

D. **Non-Exempt (Hourly) Employees** – Employees eligible for overtime.

IV. PROCEDURES

A. **Off Work to Observe a Holiday**

1. Employees receive normal compensation when off work on a designated holiday (see Section II).

2. Employees must be at work or on paid leave status on the full scheduled day before and full scheduled day after the holiday in order to receive compensation for the holiday. Pay for Donated Leave use does not meet this requirement.

3. Employees may not use accrued leave on a holiday to gain overtime.

4. Employees may not flex their schedules in order to gain extra pay during the pay period in which a holiday falls.

5. Employees working Voluntary Alternate Work Schedules must utilize one of the following methods to make up the hours they would have worked during that week:

a. Employees working four (4) 10-hour shifts may revert their schedule back to 5-40 for the holiday week; employees working 9-80 schedules may revert their schedule back to 5-40 for the pay period in which the holiday falls, or;

b. Make up the difference in hours by working, or;

c. Use paid leave for the hours in excess of the eight (8) hour paid holiday.

B. Working on an Observed Holiday (Excludes Birthday or Floating Holiday)

Non-exempt employees working on a holiday receive pay for the hours they work on that day. Work during the employee's normal hours of work will be paid at the straight time rate, or the employee may be given Compensatory Time at the straight time rate.

C. Non-Permanent Employees

Non-Permanent employees will not be paid if given the day off for the holiday. If such employees work on the holiday, they will be paid at a time-and-a-half rate for the hours worked on the holiday. Non-permanent employees are not entitled to a Floating Holiday.

D. Equivalent Time Off

1. Exempt employees who work on the observed holiday may be given equivalent time off during the same pay period. Equivalent time off may be arranged by whole day increments only, not hourly increments.

2. Non-exempt employees who work on the observed holiday may be given equivalent time off within the same workweek.

E. Floating/Birthday Holiday

Permanent employees are entitled to one (1) Floating Holiday per year to be used during the current calendar year (January 1 through December 31). If not used, the Floating Holiday will be forfeited and will not carry over to the next calendar year. No additional compensation will be given for an unused Floating Holiday.

Commissioned public safety employees are entitled to a Birthday Holiday in lieu of a Floating Holiday.

F. Birthday Holiday (Commissioned Public Safety Personnel Only)

Supervisors are responsible to see that employees have the opportunity to take off work for their Birthday Holiday. The Birthday Holiday may be taken any day during the

month in which the birthday falls. If not used, the Birthday Holiday will be forfeited, except:

1. Any employee whose birthday falls during an initial training academy may be paid at the straight time rate or receive Compensatory Time, instead of time off, for their Birthday Holiday.

2. Commissioned public safety employees eligible for overtime will be paid at the straight time rate or receive Compensatory Time for hours worked on the Birthday Holiday.

G. Employees Exempt from Overtime

If an exempt employee works on a holiday, or the holiday falls on their day off, the employee may be given another day off during the same pay period in which the holiday falls. The employee does not receive additional pay. If a day off is not given during the same pay period, the employee receives no holiday benefit, except:

1. Commissioned Public Safety personnel who are exempt from overtime, and are required to work on a holiday, may, at the option of their Chief, receive compensation at the straight time rate.

2. Exempt part-time employees who work on a holiday and are not given another day off for the holiday, will be credited four (4) hours of Holiday Pay during the pay period, allowing a maximum of 80 hours for the pay period.

H. City Court Employees

City Court employees will observe the City holidays listed in Section III. Additionally, on designated non-juridical days in which the court is closed to the public, City Court employees will report to work and conduct administrative business or be on approved leave.

I. Religious Holiday Observation

Departments are required to reasonably accommodate the needs of their employees for a religious holiday. Inquiries regarding reasonable accommodation for religious holidays may be directed to the City Attorney's Office. Employees given leave for this purpose must use paid leave (excluding Sick Leave), or Leave without Pay, if no paid leave is available.

Appendices None.

References 2.01-2 Overtime Policies

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager 1-7-15 Date

Martha Durkin

ADMINISTRATIVE DIRECTIVE

EMPLOYEE LEAVES	NUMBER 2.01-7	PAGE 1 of 8
	EFFECTIVE DATE July 1, 2013	

I. PURPOSE

To provide the framework for the City of Tucson leave policy as it relates to the Administrative Directive leave series, which includes: 2.01-7A through 2.01-7M.

II. POLICY

The City of Tucson rules and procedures for administration of employee leaves will be in accordance with Tucson Code and in compliance with federal and state laws. Leave rules and procedures are established by the Human Resources Director, with approval of the City Manager/Designee.

Employees are expected to report and work as scheduled unless an employee is on approved leave pursuant to the term of this Administrative Directive and other directives in the 2.01-7 series.

This directive applies to all employees, regardless of Civil Service status. For purposes of this directive only, appointed employees and officials are treated as permanent employees with regard to employee leaves. Questions related to this directive may be referred to the Human Resources Department.

III. DEFINITIONS

A. **Administrative Leave** – Approved paid time off for exempt (salaried) employees, in recognition of exceptional performance requiring expenditure of numerous hours beyond the hours normally worked. (A.D. 2.01-7M).

B. **Annual Sick Leave Transfer Date** – The date on which Sick Leave may be transferred to Vacation Leave; transfer takes place effective the pay period following the end of the Leave Year. (A.D. 2.01-7B).

C. **Approved Leave** – Leave granted in accordance with the Administrative Directive 2.01-7 series.

D. **Absent Without Leave (AWOL)** – An unpaid leave that is unapproved and/or denied.

E. **Bereavement Leave** – Leave taken for the death of an employee's immediate family member. (A.D. 2.01-7H).

F. **Certification of Health Care Provider Form** – Form that must be requested from and submitted to the Human Resources Department to verify the need for Family and Medical Leave (FML) and/or non-FML (City) Medical Leave, as well as Donated Leave.

G. **City Medical Leave** – Continuous paid or unpaid leave for illness or injury of an employee or immediate family member, for a time period as specified by the

individual's healthcare provider, based on the medical condition. This leave will run concurrently with FML and Workers Compensation, if applicable. (A.D. 2.01-7B, Sick Leave; A.D. 2.01-7C, Family and Medical Leave; A.D. 2.01-7D, Medical Leave and Parental Leave).

H. **Donated Leave** – Accrued paid leave (Sick Leave and/or Vacation Leave) which an employee (donor) elects to donate to assist another employee (recipient) in need of paid time off for a serious health condition, or to care for an eligible family member who has a serious health condition. The recipient must have a current leave approved by the Human Resources Department. (A.D. 2.01-7E, Donated Leave).

I. **Equivalent of Two Consecutive Workweeks** – Length of time worked that equates to two (2) consecutive weeks worked (e.g. Monday, Jan. 1 through Friday, Jan. 12 for full-time, Monday-Friday employees).

J. **Family and Medical Leave (FML)** – Entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons, to care for oneself or immediate family member, as defined in A.D. 2.01-7C, Family and Medical Leave.

K. **Furlough Leave** – Dates and/or hours designated by ordinances as unpaid furlough leave hours for a specific time period, in a particular fiscal year. Furlough leave can apply to all City employees or a specified group as described in the applicable ordinance (A.D. 2.01-8, Furlough Guidelines).

L. **Immediate Family Member** – The following defines an immediate family member as pertains to the corresponding A.D.:

1. **Bereavement Leave** –

a. **Immediate Family Member of Employee** – The employee's spouse/domestic partner, parents, stepparents, parent surrogate, child(ren), grandparents, grandchild(ren), brother, sister.

b. **Immediate Family Member of Employee's Spouse/Domestic Partner** – The employee's spouse/domestic partner's parents, stepparents, child(ren), grandparents.

2. **FMLA & City Medical Leave** – An immediate family member is defined as a spouse, child, or parent. For purposes of FML, a child includes a son or daughter who is biological, adopted or foster child, a step child, a legal ward, or a child of a person standing in loco parentis either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted,

foster or step-child. Under federal law a domestic partner is not recognized as an immediate family member. (A.D. 2.01-7C).

3. **Sick Leave** – An immediate family member is defined as an employee's spouse/domestic partner, child(ren), adopted child(ren), stepchild(ren) child(ren) of a domestic partner, parent, parent surrogate, grandparent(s), grandchild(ren), brother or sister (A.D. 2.01-7B, Sick Leave).

M. **Health Care Provider Note** – A note from the employee's health care provider indicating that the employee has been under their care, is fit to return to work, and/or if the employee has work restrictions.

N. **Imposed Leave** – Leave with or without pay at the direction of the employee's department director/designee, with the concurrence of the Human Resources Director/Designee and the City Attorney's Office, including time off when an employee is too disruptive or dangerous in the work place, has criminal charges pending, to address matters of safety during ongoing investigations, and/or time off between the pre-discharge notice and the pre-discharge meeting. (A.D. 2.01-7M, Other Leaves).

O. **Leave of Absence** – Approved unpaid leave that is not Medical, Military, or Parental Leave (A.D. 2.01-7F, Leaves Without Pay - Other).

P. **Leave Without Pay** – Any approved unpaid leave (A.D. 2.01-7F, Leaves Without Pay – Other; A.D. 2.01-7B, Sick Leave; A.D. 2.01-7C, Family and Medical Leave; and A.D. 2.01-7D, Medical Leaves and Parental Leave).

Q. **Leave Year** – The calendar year (January 1 – December 31).

R. **Military Leave** – Leave for active, reserve, or auxiliary military duty, either voluntary or when an employee is called to serve by state or federal authority (A.D. 2.01-7G, Military Leave).

S. **Non-Permanent Employee** – Intermittent, temporary, or seasonal employees.

T. **Permanent Employee** – Employees who have completed an initial probationary period with the City. In addition, appointed employees and elected officials are treated as permanent employees with regard to employee leaves.

U. **Probationary Employee** – An employee who has not completed an initial probationary period with the City.

V. **Scheduled Absence** – Foreseeable planned absence with at least 24 hours advance notice.

W. **Serious Health Condition** – An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment, as defined by the Family and Medical Leave Act (A.D. 2.01-7C, Family and Medical Leave).

X. **Sick Leave** – Paid time off for illness of an employee or immediate family member, as defined in A.D. 2.01-7B, Sick Leave.

Y. **Unscheduled Absence** – Leave time that was requested less than 24 hours in advance of absence.

Z. **Vacation Leave** – Approved paid time off as defined by A.D. 2.01-7A, Vacation Leave.

AA. **Work Improvement Plan** – A non-disciplinary written plan to improve employee job performance. A Work Improvement Plan will specify a start date, end date and specific quantifiable performance measures, scheduled progress meetings, and a written notice of progress to the employee at the conclusion of the plan.

BB. **Work Status Verification Form** – City-provided form completed by the employee's healthcare provider after an absence of more than the equivalent of two consecutive work weeks, indicating the employee is able to return to work, and providing any work restrictions.

IV. LEAVE APPROVAL

It is the responsibility of department directors to ensure the appropriate use of leave in accordance with the policies set forth in this directive.

A. When completing Request for Leave of Absence forms (leave card) or other designated department record - written or electronic - supervisors are responsible for indicating that the leave is either scheduled or unscheduled and sign and date (or electronically verify) if the leave was approved.

All Request for Leave of Absence forms must be signed (not stamped or initialed) with the full signature of the supervisor or management personnel authorized to approve employee leaves, and the department or division director. Other designated department records, written or electronic, must include verification of approval by supervisor or management personnel. All Request for Leave of Absence forms/records must be retained with departmental payroll records in accordance with the City's Records Retention schedule.

B. Supervisors are responsible for monitoring all absences. Excessive non-FML absenteeism and patterns of unscheduled absenteeism should be reviewed by department directors/designees and may be cause for disciplinary action. Employees on a Work Improvement Plan related to attendance may be required to provide a Health Care Provider Note for all unscheduled absences. Unapproved absences are

considered absences without leave (AWOL) and may result in disciplinary action, up to and including discharge.

C. Failure to obtain prior department approval for leave may result in the employee being placed on AWOL status, and may result in disciplinary action, up to and including discharge.

D. Sick Leave approval may be contingent upon an employee providing a Certification of Health Care Provider form and/or a Health Care Provider Note, depending upon the length of the requested leave.

E. An employee will be required to provide a completed Certification of Health Care Provider form verifying the need for a Medical Leave of absence exceeding the equivalent of two (2) consecutive work weeks. This information will be provided to the Human Resources Department. This document will be kept as a confidential medical document and not made a part of the official personnel file. Failure to provide medical documentation when requested may result in a leave designation of AWOL and/or disciplinary action up to and including discharge.

F. A department may require employees to provide a Health Care Provider Note to ensure that non-FML Sick Leave is being used appropriately in the following situations:

1. Where an employee has a pattern of unscheduled absences. Examples include but are not limited to: on a day or shift prior to or immediately following scheduled time-off of three (3) or more days, a holiday, or a weekend.

2. Unscheduled absences during pre-determined and posted peak workload times for critical operations, as designated by the department director and approved by the Human Resources Director/Designee.

3. As expressly identified in the Work Improvement Plan.

Employees who are required to provide a Health Care Provider Note for unscheduled Sick Leave will be provided prior written notice that the employee is subject to this requirement. Failure to follow proper leave requesting procedures or provide the required Health Care Provider Note will result in unapproved Leave Without Pay (AWOL). It is within the department director's discretion to approve unscheduled leave.

V. EXCEPTIONS

Due to continuous staffing needs and regulatory mandates of the City's public safety departments, the application and implementation of this Administrative Directive will be superseded by department Standard Operating Procedures and individual agency

accreditation standards, subject to legal review. However, this exception does not permit the approval of any leave benefits that are not expressly authorized by the Tucson Code.

VI. UNAPPROVED LEAVE

An employee who is absent without approval must:

A. Be designated as Absent Without Leave (AWOL), and recorded as such for payroll purposes, and;

B. Be subject to appropriate disciplinary action, up to and including discharge.

Note: Unapproved Leave does not include Leave Without Pay (LWOP). LWOP must be approved by the employee's department director/designee.

VII. EFFECTS ON BENEFITS

A. Employees on a Human Resources approved Medical Leave, Family Medical Leave or Military Leave, with or without pay, may continue existing insurance benefits, subject to the provisions of applicable contracts, administrative directives and benefits plans, unless such provisions are contrary to applicable laws.

B. For the first 12 months of leave, the City will continue to pay the employer portion of the continued insurance premiums. The employee will be responsible for the payment of the employee's portion of the premium for themselves and their covered dependents. If an employee fails to make the required premium payment within 30 days of the due date, the employee's insurance coverage may be terminated.

C. For any period exceeding 12 months, the employee may elect to continue existing medical, dental, vision, and in some cases health care FSA, through COBRA for up to 18 months, in accordance with COBRA laws, and by paying 102% of the premium.

D. Employees may cancel insurance coverage for the remainder of the coverage period by providing advance written notification to the Human Resources Benefits Office.

E. Once coverage is terminated, it may not be reinstated during the remainder of the Plan Year, except in accordance with COBRA and USERRA laws and the City's policy on open enrollment and mid-year changes.

F. For all other Leaves of Absence (including personal) employees may elect to continue existing medical, dental, vision, and in some cases health care FSA, through COBRA for up to 18 months, in accordance with COBRA laws, and by paying 102% of the premium.

G. Continuation of insurance not subject to COBRA laws (examples include, but are not limited to, life, disability and voluntary insurance benefits) will be available in accordance with provisions of applicable contracts, administrative directives and benefit plans, unless such provisions are contrary to applicable laws.

H. Employees returning from all other Leaves of Absence (including Personal) may resume active employee benefits the first day of the month following the date they return from leave, provided they make their elections within the first 30 days of returning from leave. Elections must be made in accordance with City benefit elections procedures, policy, and in accordance with provisions of applicable contracts, administrative directives and benefits plans, unless such provisions are contrary to applicable laws.

I. Employees on unpaid leave status for more than the equivalent of two consecutive pay periods are NOT eligible for Holiday Pay, allowances (other than Medical Opt-Out), premium pay, accrual of Sick Leave or Vacation Leave, or Compensatory Time, Floating/Birthday Holiday, or Personal Leave (beyond accruals provided in accordance with A.D. 2.01-7C, Family Medical Leave, and A.D. 2.01-7G Military Leave).

Appendices None.

Related ADs and other documents (this list comprehensively relates to the entire AD leave series)

EMPLOYEE LEAVES, RELATED DIRECTIVES AND MANUALS

Tucson City Code
Civil Service Rules and Regulations

2.01-1	Compensation
2.01-2	Overtime
2.01-7A	Vacation Leave
2.01-7B	Sick Leave
2.01-7C	Family and Medical Leave (FML)
2.01-7D	Medical Leaves and Parental Leave
2.01-7E	Donated Leave
2.01-7F	Leaves Without Pay
2.01-7G	Military Leave
2.01-7H	Bereavement Leave
2.01-7M	Other Leaves
2.02-22	Drug and Alcohol Use
2.05-2	Reasonable Accommodation of Disabled Applicants and Employees

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

_____ _____
City Manager Date

ADMINISTRATIVE DIRECTIVE

VACATION LEAVE	NUMBER **2.01-7A**	PAGE **1 of 4**
	EFFECTIVE DATE **July 1, 2013**	

I. PURPOSE

To provide paid time off for eligible employees.

II. POLICY

A. Eligibility to Accrue Vacation Leave

The following employees are eligible to accrue Vacation Leave:

1. Permanent or probationary employees, who work 40 hours or more per pay period and;

2. Benefits-eligible appointees who work 40 hours or more per pay period.

B. Rate of Vacation Leave Accrual

1. Eligible employees accrue Vacation Leave according to actual hours worked and hours of paid leave used per pay period, except as otherwise provided by Tucson Code for commissioned public safety personnel.

Eligible, full-time employees who normally work 40 hours per week (80 hours per pay period) accrue Vacation Leave each pay period as follows:

Continuous Years of Service:	Per Pay Period	Annual
0-10 years*	4 hours	13 days (104 hours)
Over 10 to 15 years of continuous service*	4 hours 38 minutes	15 days, 28 minutes (120 hours 28 minutes)
Over 15 years*	6 hours 10 minutes	20 days, 20 minutes (160 hours 20 minutes)

*Continuous service excludes AWOL/LWOP

2. Eligible, part-time employees, who work 40 hours or more per pay period accrue a pro-rated amount of Vacation Leave according to the actual hours worked and hours of paid leave used per pay period.

EXAMPLE: Eligible employees who normally work 30 hours per week (60 hours per pay period) accrue Vacation Leave each pay period as follows:

Continuous Years of Service:	Per Pay Period	Annual
0-10 years	60/80 X 4 hrs = 3 hours	78 hours
over 10 and up to 15 years	60/80 X 4 hrs 38 mins = 3 hours 48 minutes	90 hours 35 minutes
over 15 years	60/80 X 6 hrs 10 mins = 4 hours 6 minutes	120 hours 25 minutes

C. Permanent, part-time employees, who work less than 40 hours per pay period, as well as non-permanent employees, do not accrue Vacation Leave.

D. A maximum of 288 vacation hours may be accrued. An employee who accrues the maximum vacation hours will not have any further Vacation Leave credited until the accrued leave time is reduced below 288 hours.

Employees whose accrued Vacation Leave reaches 288 hours during any pay period will not accrue additional Vacation Leave for that pay period. However, the hours of Vacation Leave that would have accrued (if not for the 288-hour cap) will be credited to the employee as Sick Leave Alternate accrual for that pay period. Employees may accrue a maximum 56 hours of Sick Leave Alternate each leave year, except as authorized by ordinance or labor agreement for commissioned public safety personnel.

In an emergency, the employee's department director may request that the City Manager waive the maximum accrual provision so the employee may continue to accrue Vacation Leave. If approved, the employee must take the excess Vacation Leave within reasonable time after the emergency is resolved.

E. An employee who is on unpaid leave for up to one-half of the pay period will accrue Vacation Leave on a pro-rated basis for that pay period, based on the actual hours worked and hours of paid leave used. Additionally, an employee who is on unpaid leave for more than one-half of a pay period does not accrue Vacation Leave for that pay period (A. D. 2.01-1, Compensation Administration).

F. Employees on Vacation Leave will be paid their regular salaries and will continue to receive their normal Vacation and Sick Leave accruals.

III. VACATION LEAVE USE

A. Employees serving their initial probation are eligible to use Vacation Leave at the end of six (6) months of continuous service. Eligible employees on promotional probation are not restricted from using accrued Vacation Leave.

B. Vacation Leave accrued within a pay period may not be used in that pay period.

C. Vacation Leave must be used in 10-minute increments, and may only be used on a day that an employee would otherwise have worked.

D. Except in emergencies, employees who wish to use Vacation Leave must request approval from their department director/designee. A request for Vacation Leave must be submitted via a Request for Leave of Absence form (i.e. Leave Card), in advance of their absence from work, by the employee to the supervisor or management personnel authorized to approve such leave.

E. Depending on the needs of the department and rights of other employees, employees will be afforded reasonable opportunity to select a vacation period. However, a supervisor may delay or deny authorizing Vacation Leave if the employee requesting the leave has failed to complete work deemed critical to the department or if the employee's absence would reduce the City's ability to provide critical services.

F. Long-Term Disability benefits will be paid only after the employee's Sick Leave and Vacation Leave are exhausted.

G. Vacation Leave may not be used while an employee is receiving Worker's Compensation and/or Accident Compensation benefits, except to supplement the Worker's Compensation benefit when the maximum benefit is less than the employee's regular salary. In no case will the use of Vacation or Sick Leave, combined with Worker's Compensation or Accident Compensation benefits, exceed the employee's gross regular base salary (A.D. 3.04-2, Occupational Safety and Health Manual).

H. Exempt employees - A salaried employee who is exempt from overtime and who has exhausted all Vacation Leave may have no deductions made for absences of less than one (1) day due to personal reasons (except as authorized under the FLSA). Such absences may occur only with the approval of the department director/designee.

I. An employee may donate Vacation Leave to another employee for use as Sick Leave when the other employee is eligible to receive Donated Leave under A.D. 2.01-7E, Donated Leave.

J. Employees returning from continuous, unpaid leave will begin accruing Sick and Vacation Leave when they have returned to work.

IV. TRANSFER OF SICK LEAVE TO VACATION LEAVE

Annually, at the end of the Leave Year (the calendar year), any unused portion of the first seven (7) days (not to exceed 56 hours) of Sick Leave (since the beginning of the Leave Year), will be transferred to Vacation Leave, unless the employee requests in writing that their leave not be transferred. Employees may elect to retain the days as Sick Leave or delay transfer for up to one (1) year. If the annual transfer of Sick Leave to Vacation Leave results in the employee exceeding the maximum 288 hours, no transfer will be processed (A.D. 2.01-7B, Sick Leave).

VI. VACATION LEAVE AT TERMINATION

A. Upon separation from City employment for any cause, including layoffs, permanent employees eligible to use accrued Vacation Leave will be paid in full for any accrued Vacation Leave.

B. Vacation pay upon separation will be at the base rate of pay at the time of separation.

C. An employee cannot use vacation to extend their separation date.

D. Payment made for unused accrued Vacation Leave at separation is considered salary for establishing the member's average final monthly compensation for pension benefits and is subject to the contribution requirements of creditable compensation. Unused accrued Vacation Leave paid at retirement is also used to establish the member's eligibility for retirement purposes under the Tucson Supplemental Retirement System (TSRS), and therefore is included when computing total length of service.

For TSRS retirement purposes, unused accrued Vacation Leave may be applied to the calculation of the Average Final Monthly Compensation (AFMC is determined by the average of the highest consecutive 36 months of salary for Tier 1 employees; for Tier 2 employees, AFMC is determined using the average of highest consecutive 60 months of the member's last 10 years of service). The number of unused Vacation Leave hours at the employee's wage at retirement will be used to replace an equal amount of hours at lower salaries at the beginning of the 36 or 60-month period, whichever is applicable.

State law determines the manner and method in which benefits will be calculated for Public Safety Personnel Retirement System participants.

Appendices None.

References (for a complete list of all references for the entire AD Leaves series, please see AD 2.01-7)

Tucson Code Chapter 22
2.01-1 Compensation
2.01-1A Overtime
2.01-7B Sick Leave
2.01-7E Donated Leave
3.04-2 Occupational Safety and Health Manual

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager Date

ADMINISTRATIVE DIRECTIVE

SICK LEAVE	NUMBER **2.01-7B**	PAGE **1 of 6**
	EFFECTIVE DATE **July 22, 2013**	

I. PURPOSE

To provide paid time off for illness of an eligible employee or an eligible family member.

II. POLICY

A. Eligibility to Accrue Sick Leave

The following employees are eligible to accrue Sick Leave:

1. Permanent or probationary employees who work 40 or more hours per pay period, and;

2. Benefits-eligible appointees who work 40 hours or more per pay period.

B. Rate of Sick Leave Accrual

Eligible employees accrue Sick Leave in accordance with Tucson Code Chapter XXII, Article V.

1. Eligible full-time employees accrue four (4) hours of Sick Leave each pay period, or 13 days per year (104 hours), except as otherwise provided by ordinance for commissioned public safety personnel.

2. Eligible part-time employees who work 40 hours or more per pay period accrue a pro-rated amount of Sick Leave, according to the actual hours worked and hours of paid leave used per pay period.

EXAMPLE:

Part-time hours worked:	Sick Leave accrual Pro-ration:	Per pay period
30 hours per week	60/80 x 4 hours =	3 hours

3. Permanent, part-time employees, who work less than 40 hours per pay period, as well as non-permanent employees, do not accrue Sick Leave.

4. Employees on unpaid leave for up to one-half (1/2) of a pay period will accrue Sick Leave on a pro-rated basis for that pay period based on actual hours worked and hours of paid leave used. Additionally, employees on unpaid leave for more than the equivalent of one-half (1/2) of a pay period do not accrue Sick Leave for that pay period (A.D. 2.01-1, Compensation Administration).

5. Sick Leave is cumulative, with no maximum accrual.

6. Sick Leave may not be used for non-medical purposes.

III. SICK LEAVE REQUEST

A. Employees should request leave in advance for pre-arranged optical, medical, or dental appointments. However, if the absence is unplanned, the supervisor must be notified prior to the time scheduled to report for duty, or in accordance with department policy, unless there are extenuating circumstances which prevent the employee from doing so. Failure to follow proper leave requesting procedures may result in the leave being designated as Absent Without Leave (AWOL).

B. If the employee requests Sick Leave or is absent due to a medical condition for more than the equivalent of two (2) consecutive workweeks, the supervisor will notify Human Resources so that Family and Medical Leave (FML) and/or Medical Leave or Parental Leave notifications can be sent to the employee on a timely basis. The employee will be required to submit a completed Certification of Health Care Provider form to Human Resources within 15 days (A.D. 2.01-7C, Family & Medical Leave; A.D. 2.01-7D, Medical Leaves and Parental Leave).

C. If an employee is not available to sign a Request for Leave of Absence form (i.e. Leave Card) because of absence due to illness, the employee's supervisor must complete the form for that employee and include a signed notation explaining why the employee's signature is missing. The employee must also sign this form upon returning to work.

D. Employees on a Work Improvement Plan for attendance may be required to submit a Health Care Provider Note for all unscheduled absences, regardless of the number of hours or days absent.

IV. SICK LEAVE USE

A. Employees serving their initial probationary period may use Sick Leave after they have been employed one (1) month with the City. For example: an employee who starts on January 10 may use Sick Leave beginning February 10; an employee who starts on January 29, 30 or 31 may use Sick Leave beginning March 1.

B. Sick Leave accrued within a pay period may not be used in that pay period.

C. Sick Leave must be used in 10-minute increments, and may only be used on a day the employee would otherwise have worked.

D. Long–Term Disability will be paid only after the employee's Sick Leave and Vacation Leave are exhausted.

E. **Accrued Sick Leave may be used for**:

1. **Attending the birth of the employee's child** – Or other circumstances covered by authorized Parental Leave. (A.D. 2.01-7C, Family and Medical Leave, A.D. 2.01-7D, Medical Leaves and Parental Leave).

2. **Attending to the health condition or following the death of an employee's immediate family member** – Will be permitted subject to the department director's discretion and the needs and operational requirements of the department. An employee who is needed to care for an immediate family member with a serious health condition may be eligible for FML. (A.D. 2.01-7H, Bereavement Leave; A.D. 2.01-7C, Family and Medical Leave; A.D. 2.01-7G, Military Leave). Definitions of Immediate Family Member as they apply to Bereavement, FML, or Military Family Leave, can be found in A.D. 2.01-7, Employee Leaves.

3. **Bereavement-related absences –** Or if death is other than the employee's immediate family member.

4. **Contagious or pandemic preparedness** – When a supervisor observes an employee exhibiting flu or other symptoms of a potentially contagious illness, the supervisor may place the employee on Sick Leave and require the employee to seek medical attention and provide a Health Care Provider Note before the employee can return to work.

5. **Fitness for Duty** – If, in the opinion of the department director/designee, the employee is unable to perform the assigned duties, or may create a direct threat to self or others, the department director will contact the Human Resources Director/Designee to request that the employee submit to an examination by the City Physician. If appropriate, HR will arrange an exam by the City Physician. If the report indicates that the employee creates a direct threat to the safety or health of self or others in the performance of assigned duties, or is unable to perform assigned duties, the employee may be placed on Sick Leave by the HR Director/Designee or department director/designee.

6. **Illness, injury, or disease** – Which prevents the employee from performing assigned duties.

7. **Medical, dental, or optical treatments, examinations, or fittings** – Which must be made during working hours. Sick Leave may not be used for insurance examinations, pension examinations, etc., which are not connected with City employment.

8. **Off-the-job accident or injury** – Which prevents the employee from performing assigned duties.
9. **On-the-job accident or injury** – Sick Leave may not be used while an employee is receiving Worker's Compensation and/or Accident Compensation

benefits, except to supplement the Worker's Compensation benefit when the maximum benefit is less than the employee's regular salary. In no case will the use of Sick or Vacation Leave, combined with Worker's Compensation or Accident Compensation benefits, exceed the employee's gross regular base salary (A.D. 3.04-2, Occupational Safety and Health Manual).

F. An employee may donate Sick Leave to another employee for use as Sick Leave when the other employee is determined to be eligible to receive Donated Leave under A.D. 2.01-7E, Donated Leave.

G. Employees are required to use Sick Leave when off work due to unscheduled, non FML medical absences, for self or eligible family member.

H. When an employee has exhausted their Sick Leave, and is off work due to unscheduled, non-FML medical reasons, Vacation Leave (if eligible), Compensatory Time, Floating/Birthday Holiday, and/or Personal Leave must be exhausted before unpaid leave can be approved.

1. **Exempt employees** – A salaried employee who is exempt from overtime and has exhausted all paid leave may have Leave Without Pay (LWOP) posted for absences of less than one day due to illness (to the extent permitted under the Fair Labor Standards Act (FLSA)). An exempt employee who has exhausted all paid leave and is absent for one or more days (in whole day increments) is to be placed on LWOP, if approved by the employee's department director/designee. Unapproved leave once paid leave is exhausted may be coded as AWOL.

2. **Non-exempt employees** – Who are eligible for overtime are to be placed on LWOP (if approved by the employee's department director/designee) for any hours not at work when all other accrued paid leave has been exhausted. Unapproved leave once paid leave is exhausted may be coded as AWOL.

I. Employees on Sick Leave will be paid their regular salaries and will continue to accrue normal Sick Leave and Vacation Leave.

J. Employees who have an approved leave for a non-work-related illness or injury and have exhausted all paid leave including, but not limited to: Sick Leave, Vacation Leave, Compensatory Time, Floating/Birthday Holiday, and Personal Leave, may apply for Donated Leave until eligible to receive Long-Term Disability (LTD). For information on LTD, employees may call HR Employee Benefits (A.D. 2.01-7E, Donated Leave).

K. Employees returning from continuous, unpaid leave will begin accruing Sick and Vacation Leave when they have returned to work.

TRANSFER OF SICK LEAVE TO VACATION LEAVE

Annually, at the end of the Leave Year (the calendar year), any unused portion of the first seven (7) days (not to exceed 56 hours) of Sick Leave (since the beginning of the Leave Year), will be transferred to Vacation Leave unless the employee requests in writing that their leave not be transferred. Employees may elect to retain the days as Sick Leave or delay transfer for up to one (1) year. If the annual transfer of Sick Leave to Vacation Leave results in the employee exceeding the maximum 288 hours, no transfer will be processed.

V. SICK LEAVE ALTERNATE

Employees whose Vacation Leave accruals reach 288 hours during any pay period will not accrue additional Vacation Leave for that pay period. However, the hours of Vacation Leave that would normally have accrued (if not for the 288-hour cap) will be credited to the employee as Sick Leave Alternate accrual that pay period. Employees may receive a maximum 56 hours of Sick Leave Alternate accrual each Leave Year, except as authorized by ordinance or labor agreement for commissioned public safety personnel.

Sick Leave Alternate will be transferred to an employee's Sick Leave balance during the annual Sick Leave to Vacation Leave transfer process. In the event that all paid leave has been exhausted before this process, the department will request Sick Leave Alternate to be transferred to Sick Leave before posting any unpaid leave for an employee.

VI. SICK LEAVE AT SEPARATION

A. Employees who are laid-off, discharged, or resign will not be compensated for unused accrued Sick Leave; however, accrued Sick Leave will be reinstated for an employee who is laid-off, if the employee accepts reemployment with the City - in accordance with Rule VIII, Section 2 of the Civil Service Rules and Regulations - within two (2) years of the date of layoff.

B. **Retiring Employees**:

1. An employee taking normal, early, or permanent disability retirement will be paid for unused, accrued Sick Leave as follows, except as otherwise authorized by ordinance for commissioned public safety personnel:

Accrued Sick Leave Hours	Payment
0 through 240	0%
Over 240 through 480	25%
Over 480 through 720	35%
Over 720	50%

Sick Leave payout at retirement will be paid based on a percentage of the employee's current base rate of pay, as illustrated above.

2. Any payment for unused accrued Sick Leave will not be considered salary for the purpose of making Tucson Supplemental Retirement System (TSRS) contributions. Unused accrued Sick Leave can be used to achieve eligibility for TSRS retirement, and will be counted when computing length of service for employees hired prior to July 1, 2011. This inclusion in determining pension will not be construed as giving an employee any vested rights to payment.

State law establishes the manner and method in which benefits will be calculated for Public Safety Personnel Retirement System participants.

C. Deceased Employees

The City will provide a special death benefit in an amount equal to all of the unused, accrued Sick Leave to the survivor(s) of any employee who dies while still employed by the City. "Survivor(s)" will be those who are indicated as the beneficiary of the employee's pension or as otherwise provided by law.

It is the intent of the City that such monies be used to assist in the payment of the employee's funeral expenses.

Appendices (Forms) All forms may be obtained through the Human Resources Department.

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

2.01-7 Employee Leaves
2.01-7C Family and Medical Leave (FML)
2.01-7D Medical Leaves and Parental Leave
2.01-7G Military Leave
2.01-7H Bereavement Leave
Tucson Code

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager Date

ADMINISTRATIVE DIRECTIVE

FAMILY AND MEDICAL LEAVE (FML)	NUMBER	PAGE
	2.01-7C	1 of 12
	EFFECTIVE DATE	
	February 1, 2016	

I. PURPOSE

To set forth the City's policies and procedures governing Family and Medical Leave (FML), in accordance with the Family and Medical Leave Act (FMLA).

II. POLICY

A. In accordance with the FMLA, City employees are entitled to FML, which provides eligible employees unpaid, protected leave to care for themselves or an immediate family member for up to a total of 12 weeks in a single 12-month period regardless of the number of open approved FML cases an employee has. The City has adopted the calendar year as the FML Year. Utilization of FML runs concurrent with all other leaves (Administrative Directive (AD) 2.01-7, Employee Leaves).

B. **FML can be used for the following reasons:**

1. A serious health condition rendering the employee unable to perform their job.

2. The birth of a child and in order to care for such child or for a child placed with the employee for adoption or foster care (AD 2.01-7D, Medical Leaves and Parental Leave). Leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee.

3. In order for the employee to care for an immediate family member who has a serious health condition.

III. DEFINITIONS

A. **Continuing Treatment** – Incapacity involving a period of continuing treatment by a healthcare provider:

1. Of more than three (3) consecutive calendar days and any subsequent treatment that also involves, absent extenuating circumstances: treatment of at least two (2) or more times within 30 days of the incapacity (the first visit must be within seven (7) days of incapacity); and/or treatment on at least one occasion which results in a regimen of continuing treatment;

2. Due to pregnancy or for prenatal care - any period of incapacity related to pregnancy or prenatal care;

3. Due to a chronic serious health condition requiring periodic treatment (periodic means at least two (2) times a year) over an extended period of time, and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy);

4. Permanent or long-term incapacity due to a condition for which treatment may not be effective; or

5. Any period of absence to receive multiple treatments by a healthcare provider either for restorative surgery after an accident or injury, or for a condition such as cancer that would likely result in a period of incapacity of more than three (3) consecutive calendar days without medical treatment, plus a regimen of continued treatment. First visit must occur within seven (7) days of incapacity. Treatment would not include routine physical examinations.

B. **Domestic Partnership** – An unmarried couple who share a relationship of caring and commitment, who are not related by blood closer than would bar marriage in the State of Arizona; are not married to another person in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person; are both 18 years or older; are both competent to enter into a contract; both declare that they are each other's sole domestic partner; and both currently share a primary residence, are in a relationship of mutual support, and declare that they intend to remain in such for the indefinite future.

C. **FML Year** – The calendar year (January 1 – December 31).

D. **Human Resources** – For purposes of this AD, Human Resources (HR) refers to the City of Tucson Human Resources Department, not an individual department's HR sections or divisions. City Court employees must submit all FML documents to City Court HR.

E. **Immediate Family Member** – A spouse or domestic partner, child, or parent. For purposes of FML, a child includes a son or daughter who is biological, adopted or foster child, a step child, a legal ward, or a child of a person standing in loco parentis either under eighteen (18) years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care.

F. **Intermittent Leave** – Leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time. Intermittent leave periods may be used in conjunction with a continuous leave, and may include periods of up to several weeks. Examples of intermittent leave include leave taken on an occasional basis for medical appointments (not including routine physical examinations), or leave taken several days at a time over a period of six (6) months, such as for chemotherapy.

G. **Medical Necessity for Leave** – A medical need for the leave, as distinguished from voluntary treatments and procedures. Medical need for leave is determined by the information provided on the Certification of Health Care Provider form.

H. **Reduced Schedule** – A schedule that reduces the normal number of hours per workweek or hours per workday.

I. **Serious Health Condition** – An illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider, as defined in paragraph A of this section (Continuing Treatment).

IV. FML ELIGIBILITY AND COVERAGE

A. Employees, regardless of Civil Service status, must have worked for the City for at least 12 months and at least 1,250 hours during the previous 12-month period preceding the effective date of the leave. The 12 months of service need not be consecutive. Employment before a break in service of seven (7) years or more will not be counted, unless the break in service was caused by the employee's active duty with the National Guard or Reserve.

B. Employees may request FML for leave taken because of the employee or immediate family member's serious health condition on a continuous basis, intermittently, or a combination of both.

Employees are required to submit a Certification of Health Care Provider form for leaves taken because of the employee's or immediate family member's serious health condition for leave of more than the equivalent of two consecutive work weeks.

When an Employee requests leave for bonding following the birth of a child or for the placement of a child for adoption or foster care, Health Care Provider Certification is not required; however, proof of birth or placement will be required along with the employee's request. Examples of acceptable proof are documentation from the health care provider which confirms the pregnancy and due date of the child, or from an appropriate agency confirming the placement of a child for adoption or foster care.

C. FML will provisionally commence the first day leave is taken, pending receipt of the Certification of Health Care Provider form, and a determination by HR.

For part-time employees and those who work variable hours, the FML entitlement is calculated on a pro-rated basis. A weekly average of hours worked over the 12 weeks prior to the beginning of the leave will be used for calculating the employee's normal workweek. For example: an employee working an average of 20 hours per week for at least 12 weeks prior to taking leave would be eligible for 20 hours of FML per week, for up to 12 weeks (provided that all other eligibility requirements are met).

D. An employee whose Certification of Health Care Provider form states that there is a medical necessity for intermittent or reduced schedule leave may take leave accordingly due to the employee's own serious health condition, or to provide psychological comfort or care for an immediate family member with a serious health condition.

D. Employees on FML are not permitted to volunteer or work for another employer or organization, or work special duty during such leave, unless authorized in writing by the HR Director/Designee.

F. An employee may use leave intermittently or on a reduced schedule after the birth, adoption, or foster care placement of a child, when requested and approved by the employee's appointing authority, with approval from the HR Director/Designee.

V. FML PROCESS

A. Request Period

1. Employee Responsibility – Planned Leave

a. An employee is required to give notice of 30 calendar-days (or as soon as possible, under the circumstances of their appointment/treatment leave schedules) in the event of foreseeable leave. Employees should make their request via their department chain of command; the department will notify HR of the request (employee requests may also be made directly to HR).

b. The employee must ensure that the required Certification of Health Care Provider form is completed and signed by the employee's (or immediate family member's) healthcare provider and returned to the HR Department. Employees will be given 15 days to provide medical certification. Failure to submit a completed Certification of Health Care Provider form will result in the denial of FML and the employee's department may designate the non-FML leave as Absent Without Leave (AWOL).

In lieu of a Certification of Health Care Provider form, the employee is required to provide documented proof of birth or placement along with a signed request form when the employee is requesting leave to bond with a new child following the birth of a child or for the placement of a child for adoption or foster care. Examples of acceptable proof are documentation from the health care provider which confirms the pregnancy and due date of the child, or from an appropriate agency confirming the placement of a child for adoption or foster care.

c. When intermittent leave or a reduced schedule is required as a medical necessity, the Certification of Health Care Provider form must include the treatment regimen.

2. Employee Responsibility – Unplanned Leave

a. In the event an employee's medical condition requires immediate attention and is such that advance notice of the need for leave is urgent or unforeseeable, the employee must give notice as soon as possible, under the circumstances.

b. An employee must notify their direct supervisor within one (1) business day to provide sufficient information regarding the need for leave (i.e. when and for whom; not medical information) and to support a request for leave under FML; the department will notify HR of the request.

3. Employee Responsibility – All Requests

When submitting a request for leave, or multiple leaves in the same leave period, the employee must provide sufficient information for HR to determine whether the leave will qualify as FML, including:

- Employee's name and ID number;
- If the leave is a renewal of a previous request;
- Identify whether leave is for employee's own health condition, Parental Leave, or immediate family member's condition;
- If Parental Leave, indicate whether for spouse or domestic partner, self, or other;
- If leave is for the employee's own health condition, identify whether or not condition is work-related;
- If leave is for family member, identify if leave is for a parent or domestic partner, spouse or qualified child;
- Start date of leave(s) (or expected start date); and,
- Whether leave is expected to be continuous or intermittent (or both).

4. Department Responsibility

a. Departments will **immediately** notify HR of any potentially qualifying medical leaves and/or requests for FML.

b. After an employee has been off work in excess of the equivalent of two consecutive work weeks, and has not requested FML, the department will notify HR and request an FML packet be sent to the employee.

Departments should email the request for medical leave criteria to HR (format provided by HR).

5. Human Resources Responsibility

a. Upon receipt of the employee or department's request, and within five (5) business days (absent extenuating circumstances), HR will issue a Notice of Eligibility and Rights and Responsibilities, notifying the employee of their eligibility to take FML. If the employee is otherwise qualified for FML, the leave will be designated FML on a provisional basis, pending receipt of the completed Certification of Health Care Provider form. Failure to return the completed form within the required time will result in denial of the leave request.

b. HR will provide the department a copy of the Notice of Eligibility and Rights and Responsibilities.

B. Review Period

1. Employee Responsibility

a. Employees must comply with department "call-in" policies. Also note, when calling in "sick," if the employee does not identify the leave as FML, it might not be designated or posted as such.

b. Employees must inform their supervisor/designee if the requested leave is for a reason for which FML has been requested or is currently approved within three (3) days of the absence.

2. Department Responsibility

a. When an employee calls in "sick" during this review period, departments may ask whether the leave is related to FML.

b. Departments will post the employee's leave as FML during the Review Period, following the employee's request.

3. Human Resources Responsibility

a. Following receipt of the Certification of Health Care Provider form, and absent extenuating circumstances, HR will issue a Designation Notice notifying the employee and the department of the determination and designation of leave as FML or non-FML, as well as leave expectations, within five (5) business days.

b. Eligible employees who have had a qualifying industrial injury will be notified that their leave will be designated as FML. Employees who are released to work on Light Duty will not have light duty hours worked counted toward FML hours.

c. If HR deems a Certification of Health Care Provider form insufficient or incomplete, HR will specify in writing what information is lacking, and give the employee seven (7) calendar days to correct the deficiency.

d. If HR has reason, the employee may be required to obtain a second opinion (in some cases a third) at the employer's expense. Any such request will be coordinated and approved by the HR Director/Designee. HR will notify the employee's department of any change in the employee's leave status as a result of such examination.

e. If the certification does not establish the employee's entitlement to FML, the leave will not be designated FML and it will be treated as paid or unpaid leave under AD 2.01-7, Employee Leaves. Failure to submit a completed Certification of Health Care Provider form will result in the denial of FML and the employee's department may designate the non-FML leave as AWOL.

f. All documentation related to the employee or immediate family member's medical condition will be maintained by HR as part of the employee's confidential medical file.

C. Leave Period

1. Employee Responsibility

a. An employee is required to use all paid leave benefits, including, but not limited to: Sick and Vacation Leave, Compensatory Time, and Floating/Birthday Holiday when on FML (continuous or intermittent), and such leave will run concurrently, before LWOP can be taken or posted.

b. Employees must comply with department "call-in" policies. Also note, when calling in "sick," if the employee does not identify the leave as FML within three (3) days of the absence, it might not be designated or posted as such.

c. The employee must comply with the leave expectations defined on the Designation Notice. In addition, the employee must notify HR if the dates of the leave change, are extended, or were initially unknown, and report whether he/she is able and intend to return to work. Notice must be given as soon as possible.

2. Department Responsibility

a. When an employee calls in "sick" during the leave period, departments may ask whether the leave is related to FML and to which leave event if the employee has been approved for multiple leave events.

b. **The employee's department must appropriately post FML hours taken for the date(s) used, and track the number of hours used to ensure the employee does not exceed their entitled hours (i.e. 480, for most employees).**

c. Employees certified for intermittent or reduced schedule leave may be required to transfer temporarily to an alternative position for which the employee is qualified with equivalent pay and benefits that better accommodates recurring periods of leave.

3. Human Resources Responsibility

HR will maintain all documentation related to the employee's or immediate family member's medical condition as part of the employee's confidential medical file.

D. Return to Work

1. Employee Responsibility

a. If an employee is off for their own serious health condition, the employee must provide documentation in order to return to work. In all cases, employees are expected to return to work **on** the date their physician released them, therefore, City Physician clearance (if required) must be obtained **prior** to the return to work date.

(1) If off work for more than the equivalent of one workweek, the employee must submit a Healthcare Provider Note, completed by their healthcare provider;

(2) If off work continuously for more than the equivalent of two consecutive workweeks, the employee must submit a Work Status Verification form, completed by their healthcare provider;

(3) If off work continuously for more than 30 calendar days, the employee must:

(a) Call the HR Medical Leave Specialist assigned to their case prior to their anticipated return to work date,

(b) Have their physician complete the Work Status Verification form,

(c) See the City Physician for clearance to return to work. The employee must present to the City Physician the completed Work Status Verification form completed by their physician, along with their job description,

(d) Provide all return to work clearances to their Supervisor and/or the department HR liaison.

(e) Exceptions to the requirement of a medical release to return to work are as follows:

- The employee is returning to work following an uncomplicated childbirth,
- The employee is returning to work following the placement of a child for adoption or foster care.
- The employee is returning to work following leave for a family member.

b. If the employee fails to provide the required return to work documentation, or submit to a return to work examination or medical recertification, the employee will **not** be allowed to return to work and may be subject to disciplinary action, up to and including discharge.

2. Department Responsibility

a. Departments will obtain all required return to work documents from the employee before the employee is allowed to return to work, and must promptly notify HR before an employee who has been on continuous FML and/or medical leave is scheduled to return to work. Return to work documents must be forwarded to HR immediately.

b. The department may designate intermittent leave as FML after the employee has returned to work, in accordance with the Designation Notice and only if the employee has not exhausted their FML entitlement.

3. Human Resources Responsibility

HR will re-enforce the return to work requirements with the employee and may work with the City Physician on return to work evaluations.

HR will maintain all return to work documentation in the employee's confidential medical file.

E. Recertification and Renewal

1. HR may request a medical recertification after the minimum duration of the certification period has passed and no more frequently than every 30 calendar days. Employees will be given at least 15 calendar days to provide the recertification.

HR may require recertification at any time when any of the following apply:

- Circumstances described by the previous Certification of Health Care Provider form have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications); or
- HR receives information or documentation that is inconsistent or creates a discrepancy with previous information or documentation received; or
- Every six (6) months in connection with intermittent FML.

2. If the recertification does not establish the employee's entitlement to FML, leave will not be designated as FML and it will be treated as paid or unpaid leave (which may include AWOL, at the appointing authority's discretion) under AD 2.01-7, Employee Leaves.

3. All re-certifications will be coordinated and approved by the HR Department. Recertification will be at the employee's expense and second or third opinions may be required, at the employer's expense. HR will notify the employee's department of any change in the employee's leave status.

4. Employees and/or departments may request re-certification if the need for leave changes, or if leave is being taken outside of the expectations defined in the Designation Notice.

5. If needed, **it is the employee's responsibility to request renewal of their leave within 30 calendar days of the expiration of their current designated leave.** All renewals may be subject to a second or third opinion, at the employer's expense.

VI. MILITARY FAMILY LEAVE UNDER FMLA

In accordance with the FMLA, as amended by the National Defense Authorization Acts, MFL provides eligible employees leave for up to 26 weeks in a single 12-month period. Utilization of

MFL runs concurrently with all other leaves. MFL due to Qualifying Exigencies may be taken on an intermittent basis.

A. **MFL can be used for the following reasons:**

1. **Qualifying Exigency** - An eligible employee may be entitled to take up to 12 weeks of leave to address certain qualifying exigencies, as defined in AD 2.01-7G, Military Leave, Section III, arising out of a covered service member's active duty or call to active duty in support of contingency operations.

2. **Military Caregiver** - An eligible employee who is the spouse or domestic partner, child, parent, or next of kin of a covered service member recovering from a serious illness or injury sustained in the line of duty or at any time during the five (5) years preceding the date of treatment, recuperation or therapy from a serious illness or injury sustained in the line of duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member.

B. HR may require that an employee's request for MFL be supported by an appropriate certification in accordance with 29 CFR § 825.309 and 825.310.

C. HR will not request recertification and/or second opinions for certification of a covered service member's serious injury or illness or of a qualifying exigency. Any questions regarding recertification must be directed to HR.

D. MFL will be administered consistent with the applicable provisions of this AD.

VII. EFFECT ON BENEFITS

A. Employees on unpaid leave for more than one-half (1/2) of a pay period are not entitled to leave benefit accruals.

B. Unpaid leave while on FML will not affect an employee's anniversary date.

C. For the first 12 months of leave, the City will continue to pay the employer portion of insurance premiums. The employee is responsible for the payment of the employee's portion of the premiums for themselves and their covered dependents. If the employee has exhausted paid leave accruals and is in a Leave Without Pay status, the employee must contact Employee Benefits to make arrangements to pay the employee portion of the premiums. If an employee fails to make the required premium payments as agreed upon with Employee Benefits, the employee's insurance coverage may be terminated.

D. See AD 2.01-7, Employee Leaves, for **complete information** regarding the use of Medical/Parental Leave, Family Medical Leave, and Military Leave, and their effects on employee benefits.

VIII. JOB PROTECTION

A. If the employee returns to work within the 12 weeks allowed for FML, the employee will be reinstated to their former position or an equivalent position with equivalent pay, benefits, status, and authority.

B. The employee's reinstatement rights are the same as the employee would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

IX. RETALIATION PROHIBITED

Supervisors and other management staff are prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA. As an employer, the City of Tucson is also prohibited from discriminating against employees or prospective employees who have used FML.

Forms:	All forms may be obtained through the Human Resources Department.
References (for a complete list of all references for the entire AD Leaves series, please see AD 2.01-7)	29 Code of Federal Regulations Part 825 2.01-7 Employee Leaves 2.01-7A Vacation Leave 2.01-7B Sick Leave 2.01-7D All Medical Leaves and Parental Leave 2.01-7F Leaves Without Pay 2.01-7G Military Leave 2.06-1 Employee Insurance Benefit Plans
Review Responsibility and Frequency	The Human Resources Director will review this directive annually. Last review date: October 1, 2014.

Authorized

City Manager — Date 2/16/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

MEDICAL LEAVE AND PARENTAL LEAVE	NUMBER **2.01-7D**	PAGE **1 of 7**
	EFFECTIVE DATE **October 1, 2014**	

I. PURPOSE

To set forth the City's policy on Medical Leave and Parental Leave available to permanent and probationary employees for the serious health condition of an employee or employee's immediate family member.

II. POLICY

A. Medical Leave and Parental Leave provide protected, unpaid leave for City employees to care for themselves or their immediate family members. These leaves are available to employees who have exhausted their Family Medical Leave (FML) and/or are not FML-eligible. Medical Leave and Parental Leave run concurrent with all other leaves, including FML, and may only be used on a continuous basis. Medical Leave may be approved for a period of up to 12 months, provided the result of the absence from work, and/or the failure to perform the essential functions of the classification to which the employee is permanently assigned, does not exceed 12 months.

Medical Leaves will initially be approved by Human Resources for up to six (6) months, after which the decision to allow additional leave, up to 12 months, is subject to approval by Human Resources in consultation with the employee's appointing authority.

B. **Medical Leave and Parental Leave can be used for the following reasons:**

1. A serious health condition rendering the employee unable to perform their job.

2. In order for the employee to care for an immediate family member who has a serious health condition.

3. The birth of the employee's child and in order to care for such child, or for a child placed with the employee for adoption or foster care. Leave for this reason must be taken within the initial 12-month period following the child's birth or placement with the employee.

III. DEFINITIONS

A. **Continuous Leave** – For purposes of this A.D., qualifying leave of more than the equivalent of two (2) consecutive workweeks.

B. **Domestic Partnership** – An unmarried couple who share a relationship of caring and commitment, who are not related by blood closer than would bar marriage in the State of Arizona; are not married to another person in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person; are both 18 years or older; are both competent to enter into a contract; both declare that they are each other's sole domestic partner; and both currently share a

primary residence, are in a relationship of mutual support, and declare that they intend to remain in such for the indefinite future.

C. **Human Resources** – For purposes of this A.D., Human Resources refers to the City Human Resources Department, not an individual department's HR sections or divisions.

D. **Immediate Family Member** – A spouse, child, or parent, as defined by the Family & Medical Leave Act (FMLA). A child includes a son or daughter who is biological, adopted or foster child, a step child, a legal ward, or a child of a person standing in loco parentis, either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care.

E. **Medical Necessity for Leave** – A medical need for the leave, as distinguished from voluntary treatments and procedures. Medical need for leave is determined by the information provided on the Certification of Health Care Provider form.

F. **Serious Health Condition** – An illness, injury, impairment, or other physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider.

IV. PROVISIONS

A. Medical Leave for illness, injury, pregnancy, childbirth, or related medical conditions may be given to permanent and probationary employees for a period of time as defined by the nature of the medical condition, not to exceed 12 months, unless the employee qualifies for Extended Medical Leave under Section X of this A.D. This does not imply that employees are entitled to 12 months of Medical Leave.

B. Employees serving their initial probation will be eligible for one day of Medical Leave equivalent to the number of workdays they have been employed. For example, employees who have been employed for three (3) months would be eligible for up to three (3) months of Medical Leave (Probationary employee's Parental Leave entitlement is addressed in Section VIII).

C. Leave may be approved in increments not to exceed 60 days, unless a longer period is approved at the beginning of the Medical Leave, due to the nature of the serious health condition.

D. Use of Medical Leave requires the completion of a Certification of Health Care Provider form, which can be obtained from the Human Resources Department.

V. REQUEST FOR MEDICAL LEAVE

A. An employee who has exhausted their FML, or is ineligible to use FML, may request to use Medical Leave.

B. The employee will be required to complete a Certification of Health Care Provider form, completed and signed by the employee's (or immediate family member's) healthcare provider, indicating the need for leave. Employees will be given 15 calendar days to provide medical certification.

C. Failure to submit a completed Certification of Health Care Provider form will result in the denial of Medical Leave, and the employee's department may designate the leave as Absent Without Leave (AWOL).

VI. MEDICAL LEAVE PERIOD

A. Once Medical Leave is approved, employees must first exhaust all of their paid leave, including, but not limited to: Sick Leave, Vacation Leave, Compensatory Time, Floating/Birthday Holiday, and Personal Leave. Once an employee has exhausted their paid leave, they will be placed on Leave Without Pay (LWOP).

B. Employees on approved Medical Leave, who have exhausted their paid leave, may request Donated Leave. Requests must be submitted to Human Resources (A.D. 2.01-7E, Donated Leave). City Court employees must contact City Court HR for all matters involving Medical and Parental Leave.

C. Employees on Medical Leave Without Pay that extends for more than the equivalent of two consecutive workweeks will not accrue additional leave, and supplemental pay/allowances will be suspended and/or prorated, including, but not limited to:

1. Certification Pays

2. Certified Bilingual Pay

3. Downtown Parking Allowance

4. Educational Incentive Pay (Fire Inspectors only)

5. Equipment and/or Uniform Allowance

6. Executive Vehicle Allowance

7. Insurance Allowance for Commissioned Fire personnel (HSKA1)

8. Second Language Pay

D. Medical Leave will be reviewed at 60-day intervals, unless a shorter/longer leave period is approved at the beginning of the leave.

VII. RETURN TO WORK

This section applies to all Medical Leaves except Military Family Leave (MFL). For information on MFL, see A.D. 2.01-7G, Military Leave.

A. If an employee is off for their own serious health condition, they must provide documentation in order to return to work:

1. If off work for more than the equivalent of one workweek, the employee must submit a Healthcare Provider Note, completed by their healthcare provider.

2. If off work for more than the equivalent of two consecutive workweeks, the employee must submit a Work Status Verification form, completed by their healthcare provider.

3. If off work more than 30 calendar days, the employee must submit a Work Status Verification form, completed by their healthcare provider AND they must have clearance from the City Physician prior to reporting to work (exception: following uncomplicated childbirth).

4. Employees who have sustained a back (neck, mid-back, lower-back) or eye injury/illness/condition, on or off the job, and who have lost one (1) or more full workdays as a result, will be required to be examined by a City Physician prior to returning to work.

5. Employees placed on Light Duty status (restricted or limited duty) by their own healthcare provider may be required to be examined by a City Physician prior to returning to work.

B. **Reinstatement Rights After Medical Leave**:

1. An employee returning from Medical Leave will be entitled to reinstatement in the same classification held at the time the leave was granted.

2. A vacancy created by Medical Leave will be regarded as temporary, and will not be filled by a permanent appointment prior to the expiration date of the leave, unless the employee on leave is transferred to another position, or is determined by a healthcare provider to be permanently, medically unable to perform the essential functions of the position, with or without reasonable accommodation.

C. Employee Options if Unable to Return to Work in Primary Job Assignment

When it is determined by a healthcare provider that an employee on Medical Leave is unable to return to work in their primary job assignment, and there is no expectation that the employee will return in a reasonable period of time, the employee will be advised by Human Resources regarding their options under the Americans with Disabilities Act (ADA), Long-Term Disability benefits, and medical disability retirement (if applicable). Civil Service Rules govern reassignment rights for an employee affected in this manner.

D. Expiration of Medical Leave

If an employee on Medical Leave has not returned to work and is not been involved in the reasonable accommodation process at the end of the one-year Medical Leave, the department will discharge the employee in accordance with the Civil Service Rules and Regulations, unless the employee qualifies for Extended Medical Leave under Section X of this A.D. In this case, the employee will be discharged at the expiration of the Extended Medical Leave period, as set forth in Section X.

VIII. PARENTAL LEAVE

The following Parental Leave provisions are applicable for both FML-eligible permanent employees and those who are not otherwise eligible for FML, including employees who are serving their initial probationary period. Parental Leave will run concurrent with FML and/or Medial Leave.

A. An employee is required to use paid leave, including, but not limited to: Sick Leave, Vacation Leave, Compensatory Time, Floating/Birthday Holiday, and Personal Leave, whenever they are absent from work for parental purposes. The employee's appointing authority has discretion to approve an employee request to adjust hours or flex time worked within a workweek for medical appointments related to Parental Leave. Leave Without Pay will not be approved if the employee has paid leave available for use.

B. Employees serving their initial probation who are ineligible for FML, or permanent employees who have exhausted all or part of their 12 weeks of FML prior to the birth or adoption of a child, may request up to 12 weeks of leave to bond with the child, for adjustment, and to arrange for child care.

C. An employee who is pregnant must use all paid leave and Donated Leave before Long-Term Disability will be available (see Employee Insurance Handbook).

D. Leave for Complications Due to Pregnancy or Childbirth

1. Notwithstanding the provisions under FMLA, permanent and probationary employees may be approved for additional Medical Leave Without Pay for periods not to exceed one (1) year (2,080 hours for full-time employees/2,912 hours for Fire Suppression Personnel; and prorated for part-time employees) when a healthcare provider certifies that the employee is physically and/or emotionally unable to perform normal duties as a result of complications due to pregnancy, childbirth, or related medical conditions.

2. All Medical Leaves apply toward the employee's eligibility to use up to one (1) year of leave.

3. An employee may not return to work from Leave Without Pay due to any of these conditions until a healthcare provider (and the City Physician, if off work more than 30 days, paid or unpaid) completes the Work Status Verification form stating that the employee is physically and/or emotionally able to perform the essential functions of their job, with or without reasonable accommodation.

IX. EFFECTS ON BENEFITS

See A.D. 2.01-7, Employee Leaves, for complete information regarding the use of Medical/Parental Leave, Family Medical Leave, and Military Leave, and their effects on employee benefits.

Employees on unpaid leave for more than one-half (1/2) of a pay period are not entitled to leave accruals.

X. EXTENDED MEDICAL LEAVE

An employee on Medical Leave who has not returned to work, and is not involved in the reasonable accommodation process at the end of the one-year Medical Leave period, may be approved for Extended Medical Leave, not to exceed an additional 12 months, by the Human Resources Director/Designee, under the following conditions:

A. Employee who has a Petition for Medical Disability Retirement Pending with TSRS or PSPRS – An employee who has a petition for medical disability retirement pending with either the Tucson Supplemental Retirement System or Public Safety Personnel Retirement System offices when the employee's original Medical Leave has expired, will be approved for Extended Medical Leave until a determination is made by the appropriate retirement board. Employee requests to postpone a scheduled hearing on the medical retirement petition will result in immediate expiration of the Extended Medical Leave. Denial of the application for medical retirement will result in immediate expiration of the Extended Medical Leave.

B. **Employee with Medical Certification of Terminal Illness** – An employee, who provides a Certification of Health Care Provider form verifying that the employee has a terminal illness and is not expected to return to employment, will be approved for up to 12 months of Extended Medical Leave beyond the expiration of the employee's original year of Medical Leave.

C. **Employees with Documentation of Hospice Eligibility** – An employee who provides documentation of hospice eligibility from a hospice service provider will be approved for up to 12 months of Extended Medical Leave beyond the expiration of the employee's original year of Medical Leave.

Employees qualifying for Extended Medical Leave under subsections A, B, or C above are not expected to return to employment with the City. Therefore, the employee's position may be filled on a permanent basis when the employee is approved for Extended Medical Leave.

Reemployment rights are set forth in the Civil Service Rules. Employees seeking reemployment following Extended Medical Leave must be medically released to return by both the employee's treating healthcare provider and the City Physician prior to being considered for a vacant position.

Appendices All forms may be obtained through the Human Resources Department.

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

2.01-7 Employee Leaves
2.01-7B Sick Leave
2.01-7C Family and Medical Leave
2.01-7E Donated Leave
2.05-2 Reasonable Accommodation of Disabled Applicants and Employees
Civil Services Rules and Regulations
Employee and Retiree Insurance Handbook

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager

10-13-14
Date

Martha Durkin

ADMINISTRATIVE DIRECTIVE

DONATED LEAVE	NUMBER 2.01-7E	PAGE 1 of 4
	EFFECTIVE DATE July 14, 2013	

I. PURPOSE

To provide a process for employees electing to donate accrued leave to assist another employee who has exhausted all paid leave, that is in need of additional paid time off for a serious health condition, or to care for an eligible family member with a serious health condition, as defined by the Family and Medical Leave Act (FMLA).

II. POLICY

This policy allows employees to assist other employees by donating leave to an employee who has exhausted all paid leave and has an approved medical leave, for more than the equivalent of two consecutive workweeks.

III. ELIGIBILITY TO RECEIVE DONATED LEAVE

A. The following categories of employees are eligible to receive donated leave, provided that the employee receiving the donated leave meets the following criteria:

1. The employee or the family member the employee is caring for has a serious health condition as defined by the Family and Medical Leave Act, and verified by a Certification of Health Care Provider Form, submitted to Human Resources (A.D. 2.01-7C, Family and Medical Leave).

2. The employee will be absent for more than the equivalent of two consecutive workweeks.

3. The employee has exhausted all paid leave, including, but not limited to: Sick Leave, Vacation Leave, Compensatory Time, Floating/Birthday Holiday, and Personal Leave.

4. The employee is permanent and works 40 hours or more per pay period, or;

5. The employee is appointed, benefit-eligible, and works 40 hours or more per pay period.

B. Employees serving their initial probationary period may receive a maximum of the equivalent of two (2) work weeks of Donated Leave, with authorization from the City Manager/Designee.

C. Employees cannot receive Donated Leave which would result in a leave exceeding 12 consecutive months.

D. Employees requesting Donated Leave must complete and submit the Request for Donated Leave form to the Human Resources Department **by close of business on the second Tuesday of the first pay period in which the Donated Leave will be made available for use** (see calendar below).

MAY						
S	M	T	W	T	F	S
		1	2	3	4	5
6 **Pay Period Begins**	7	8	9	10	11	12
13	14	15 Request for Donated Leave and Request to Donate Leave forms due*	16	17	18	19 **Pay Period Ends**
20	21	22	23	24	25	26
27	28	29	30	31		

The shaded area above illustrates a standard two-week pay period and **due date** for Donated Leave forms.
*The employee must also meet eligibility requirements, defined in section III A. 1. of this A.D.

E. Employees may not receive Donated Leave while receiving Long-Term Disability benefits.

F. Employees may not receive Donated Leave for work-related injuries.

IV. ELIGIBILITY TO DONATE LEAVE

A. Permanent and benefit-eligible appointed employees may donate Sick or Vacation Leave to an eligible employee.

B. Employees may not donate Sick Leave at the time of their separation.

V. PROCEDURES

A. Employees Requesting Donated Leave:

1. Employees must submit the Request for Donated Leave form to the Human Resources Department.

2. A completed, current Certification of Health Care Provider form, verifying the need for leave, must be submitted to the Human Resources Department before Donated Leave can be approved.

3. The Human Resources Department will review the Certification of Health Care Provider form and approve or deny the request.

4. By request of the employee seeking Donated Leave, the Human Resources Department will publish the requesting employee's name, employee ID number, and department on the City Intranet.

5. Recipients must use the donated Sick or Vacation Leave as Sick Leave.

6. Donated Leave will not be made available for use until the employee has exhausted all paid leave, including, but not limited to: Sick Leave, Vacation Leave, Compensatory Time, Floating/Birthday Holiday, and Personal Leave.

7. Employees who return to work after using Donated Leave do not need to re-qualify for Donated Leave if returning to approved leave for the same, previously-approved serious health condition.

8. Donated Leave will be treated the same as unpaid leave as follows:

a. Pay received from Donated Leave use will not make the employee eligible for Holiday Pay. However, a day of Donated Leave will be used on a holiday, <u>if the employee has Donated Leave available</u>.

b. Donated Leave will not make an employee eligible for overtime.

B. <u>Employees Donating Leave to Requesting Employee(s)</u>:

1. To donate Sick or Vacation Leave to a qualified recipient, the donor must complete a confidential Request to Donate Leave form and submit it to the Human Resources Department by the close of business **on the second Tuesday of the first pay period in which it will be made available for use** (refer to calendar in Section III. D).

2. Leave donated will remain confidential, and the names of donors will not be provided to the recipient.

VI. GENERAL PROVISIONS

A. Donated Sick or Vacation Leave must be used in half-day or full-day increments based on the recipient's regularly scheduled workday. **The leave will not be deducted from the donor's leave record until actually used by the recipient**. When the Donated Leave is deducted for use by the recipient, it will not count against the donor as usage.

B. Sick or Vacation Leave donations under this provision will be made only for the period during which the need exists, as verified by the Certification of Health Care Provider form. It is the department's responsibility to ensure that Donated Leave transfer requests are only made for an approved leave event, per the terms of the Designation Notice.

C. Donations of Sick or Vacation Leave to probationary employees – not to exceed the equivalent of two workweeks (e.g. 80 hours for most full-time employees) – may be permitted. The department director/designee must request the donation be allowed and the City Manager/Designee must concur that the circumstances are exceptional.

D. All authorizations to transfer Sick or Vacation Leave will be handled by the Human Resources Department, except for donations between City Court employees donating leave to a qualified recipient who is also employed by City Court.

Forms

All forms may be obtained through the Human Resources Department.

References (for a complete list of all references for the entire AD Leaves series, please see AD 2.01-7)

2.01-7 Employee Leaves
2.01-7A Vacation Leave
2.01-7B Sick Leave
2.01-7C Family and Medical Leave (FML)
2.01-7D Medical Leave and Parental Leave
2.01-7F Leaves Without Pay

Review Responsibility and Frequency

The Human Resources Director will review this directive as needed.

Authorized

_____ _____
City Manager Date

ADMINISTRATIVE DIRECTIVE

LEAVES WITHOUT PAY – OTHER (NOT FAMILY MEDICAL LEAVE (FML), MEDICAL/PARENTAL OR MILITARY LEAVES)	NUMBER 2.01-7F	PAGE 1 of 4
	EFFECTIVE DATE January 11, 2016	

I. PURPOSE

To provide the terms and conditions applicable to any approved unpaid leave that is not Medical, Parental, or Military Leave (see A.D. 2.01-7D, Medical Leave and Parental Leave and/or A.D. 2.01-7G, Military Leave for terms on unpaid leave for these reasons).

II. POLICY

As part of the City of Tucson's commitment to retaining highly qualified employees in the City service, when shown to benefit the City, employees are allowed to take an unpaid leave of absence in accordance with this directive and remain an employee of the City of Tucson. Leaves without pay under this policy will not be approved until the employee has exhausted all paid leave, with the exception of Sick Leave, as it does not apply to this policy. Paid leaves which must be exhausted include Vacation Leave, Compensatory Time, and, Floating/Birthday Holiday.

III. GENERAL PROVISIONS

A. **Unscheduled Leave** – Subject to the approval of the department director/designee, departments may place an employee on approved Leave Without Pay (LWOP) or unapproved Leave Without Pay (AWOL) when an employee has an unscheduled absence and has no accrued leave available for use, provided the leave is not due to a medical leave previously approved by Human Resources (A.D. 2.01-7, Employee Leaves).

B. **Scheduled Leave** – Subject to the approval of the department director/designee, with concurrence of the HR Director/Designee, departments may place a permanent employee on a scheduled leave of absence without pay when the purpose for the leave can be demonstrated to benefit the City. Such leaves will not be regarded as a right of employment and will be approved only when the organization will not be adversely affected. Duration of the leave is limited to 12 consecutive months.

Such leaves may include the following:

1. **Full-Time Employment Outside the City's Service** – Leave will be denied unless it is clearly demonstrated that the position will be temporary and the experience gained will benefit the City.

2. **Educational Purposes** – Leave will be denied unless it is clearly demonstrated that the experience gained will benefit the City.

3. **Personal Purposes** – Other leaves without pay will be denied unless it is clearly demonstrated that it will benefit the City.

IV. EFFECTS ON EMPLOYMENT

A. Leaves without pay, when approved in accordance with this directive, do not constitute a break in service and do not affect seniority in class for purposes of the Civil Service Rules. An employee on approved Leave Without Pay remains an employee of the City of Tucson and is entitled to all rights and privileges provided by the Civil Service Rules (e.g., seniority rights during layoff). While on leave, the employee must also comply with all City Administrative Directives.

Employees on unpaid leave for more than one-half (1/2) of a pay period are not entitled to leave accruals.

B. Leaves without pay for more than the equivalent of two consecutive workweeks will affect an employee's anniversary date, leave accrual and certain premium pay/allowances.

1. The pay anniversary date will be moved forward the number of calendar days the employee was on Leave Without Pay, except for employees on approved FML and Military Leave.

2. Employees will not accrue Sick Leave, Vacation Leave, or longevity credit while on approved Leave Without Pay; the date of eligibility for increases in leave accrual rates will be moved forward the amount of time the employee was on Leave Without Pay, except for employees on approved FML and/or Military Leave.

3. The following premium pay/allowances will be suspended and/or pro-rated for any Leave Without Pay of more than the equivalent of two consecutive workweeks, including, but not limited to:

a. Certification Pay

b. Certified Bilingual Pay

c. Downtown Parking Allowance

d. Fire Inspectors Certification Pay

e. Equipment and/or Uniform Allowance (non-commissioned personnel only)

f. Executive Vehicle Allowance

g. Insurance Allowance for Commissioned Fire personnel (HSKA1)

h. Second Language Pay

V. EFFECTS ON BENEFITS

See A.D. 2.01-7, Employee Leaves, for complete information regarding the use of Leave Without Pay and its effects on employee benefits.

VI. PROCESS TO REQUEST LEAVE WITHOUT PAY

A. If the Leave Without Pay is for the equivalent of two consecutive work weeks or less, a Request for Leave of Absence form (leave card) must be prepared and submitted at the end of the pay period(s) to which it pertains.

B. If the Leave Without Pay is for more than the equivalent of two consecutive work weeks the following steps must be followed**:**

1. The request must be made in writing (memorandum) to the employee's department director/designee four (4) calendar weeks in advance of the date the leave is to begin. In case of an emergency, the department director/designee may waive the four-week notice period.

2. When approved by the department director/designee, the Human Resources Director/Designee will review and submit the memo for final approval by the City Manager/Designee.

3. Once approved, a Personnel Action Request Form (PARF) must be prepared and submitted to Human Resources with a copy of the signed memo attached as soon as possible, and no later than the beginning of the pay period to which it pertains.

4. A separate PARF must be submitted to Human Resources before the employee returns to work, or before a leave of absence is extended.

C. Leaves without pay may be terminated by the employee prior to the expiration date only with the approval of the department director/designee and concurrence of the Human Resources Director/Designee.

D. Failure of an employee to report for duty promptly upon expiration of the leave will result in the employee being considered AWOL, and is just cause for discharge.

Appendices None

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

2.01-7 Employee Leaves
2.01-7C Family and Medical Leave (FML)
2.01-7D Medical Leaves and Parental Leave
2.01-7G Military Leave
Civil Service Rules and Regulations
Tucson City Code Part II, 10-34

Review Responsibility and Frequency Authorized

The Human Resources Director will review this directive as needed. Last review date: 7/1/2013.

City Manager

Date 1/25/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

MILITARY LEAVE	NUMBER **2.01-7G**	PAGE **1 of 7**
	EFFECTIVE DATE **February 1, 2016**	

I. PURPOSE

To ensure that City of Tucson policies and practices conform with state and federal law concerning Military Leave including, but not limited to: leave entitlements under Administrative Directive (AD) 2.01-7C, Family and Medical Leave (FML), the Family and Medical Leave Act (FMLA) (29 CFR 825.100 *et. seq.*), and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

II. POLICY

Employees who are members of any branch, reserve, or auxiliary of the Armed Forces will receive Military Leave benefits as provided under state and federal law. Coverage and Eligibility for Military Family Leave (MFL) under FMLA will be administered by Human Resources (HR) in accordance with Section VI of the Family and Medical Leave AD 2.01-7C. Department designees must contact HR immediately upon notification that an employee may require MFL.

III. DEFINITIONS

A. **Active Duty** – Service as an active duty member of the United States Armed Forces or a call or order to active duty (or notification of an impending call/order to active duty) under any provision of law during a war or during a national emergency declared by the President or Congress so long as it is in support of a contingency operation.

B. **Child** – For the purposes of MFL, a child, regardless of age, includes a biological, adopted or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis. This definition does not include “in-law”.

C. **Covered Servicemember** – A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty; and veterans who were discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

D. **Extended Military Leave** – Continuous Military Leave in excess of 30 calendar days.

E. **Federal Fiscal Year –** October 1 – September 30.

F. **Human Resources** – For purposes of this AD, Human Resources (HR) refers to the City Human Resources Department, not an individual department’s HR section or division. City department HR sections must coordinate with City HR for all matters involving Military Leave. City Court employees must contact City Court HR for all matters involving Military Leave.

G. **Leave Year** – The calendar year (January 1 – December 31).

H. **Next of Kin** – For the purposes of MFL, the nearest blood relative other than the Covered Servicemember's spouse, parent, or child, in order of priority or as designated by the Covered Servicemember in accordance with the FMLA.

I. **Parent** – For purposes of MFL, a Covered Servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the Covered Servicemember. This definition of parent does not include "in-law."

J. **Qualifying Exigency** – Includes the following:

1. Short-notice deployments (seven (7) or fewer calendar days' notice);

2. Attending military events such as ceremonies and briefings;

3. Arranging for childcare/school on account of active duty or call to duty;

4. Addressing financial and/or legal arrangements related to the call to duty;

5. Attending counseling sessions related to the call to duty;

6. Periods of up to 15 calendar days' leave to spend time with a Covered Servicemember who is on short-term, temporary rest/recuperation leave during deployments;

7. Attending post-deployment activities such as arrival ceremonies and briefings;

8. To care for a Covered Servicemember's parent who is incapable of self-care, when the care is necessitated by the member's covered active duty, and;

9. Any other event the employee and employer agree is a qualifying exigency.

K. **Serious Injury or Illness** – An injury or illness incurred by a Covered Servicemember in the line of duty, or which existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty, that may render the Covered Servicemember medically unfit to perform the duties of the Covered Servicemember's office, grade, rank, or rating and requires undergoing medical treatment, recuperations, or therapy.

L. **Service in Uniformed Services** – As defined by USERRA, the performance of duty on a voluntary or involuntary basis in a uniformed service, including, but not limited to: active duty, active duty for training, initial active duty for training and inactive duty training, full-time National Guard duty, absence from work for examinations to

determine a person's fitness for any of the above types of duty; funeral honors duty and duty performed as disaster response.

IV. PAID MILITARY LEAVE – NOT TO EXCEED 30 CALENDAR DAYS IN ANY TWO (2) CONSECUTIVE FEDERAL FISCAL YEARS

A. Employees of the City of Tucson who are members of any branch, reserve or auxiliary of the Armed Forces, and are under orders for short tour training, attending camps, maneuvers, formations or drills, will be given Military Leave as provided by state law and/or the Tucson Code. This leave is not to exceed 30 days in any two (2) consecutive federal fiscal years (Oct. 1 – Sept. 30), except as otherwise provided by the Tucson Code for commissioned Fire personnel (who receive up to 30 12-hour days in any single federal fiscal year). Up to the 30-day limit, such employees will receive full City salary for normally scheduled working hours that fall within the periods of training duty unless otherwise provided by the Tucson Code. Employees will not be charged Military Leave for days on which the employee was not otherwise scheduled for work.

B. Employees who work an Alternate Work Schedule (anything other than eight (8) hours per day) will be charged one (1) day of Military Leave for each day during which they were scheduled to work. Firefighters assigned to suppression will be charged two (2) days of Military Leave for each 24-hour shift they are scheduled to work.

V. MILITARY LEAVE EXCEEDING 30 CALENDAR DAYS IN ANY TWO (2) CONSECUTIVE FEDERAL FISCAL YEARS

When tours for temporary military training duty exceed the Military Leave allowance provided by state law and/or the Tucson Code:

A. Employees, including commissioned personnel, whose classifications are exempt from overtime may elect:

1. To receive their weekly City salary offset by the amount of military pay received for absences of less than a full workweek,

2. To use accrued Vacation Leave for the period of leave,

3. To take full-day increments of Military Leave No Pay (MLNP), or

4. To combine accrued Vacation Leave and MLNP.

B. Employees, including commissioned personnel, whose classifications are eligible for overtime, may elect to use:

1. Accrued Vacation Leave;

2. Earned Compensatory Time, and/or;

3. MLNP.

VI. REQUESTS FOR MILITARY LEAVE AND REQUIRED DOCUMENTATION

Any employee, including commissioned personnel, requesting Extended Military Leave must complete the **mandatory** Extended Military Leave Pre-Deployment and Return Checklists, included as appendices to this AD. These Checklists outline all matters and responsibilities relating to their employment with the City of Tucson, before and during Military Leave, and upon their return to work. The employee and the department HR liaison should refer to the checklists for detailed processes and responsibilities. All City employees (including commissioned personnel) must provide the completed and signed mandatory Extended Military Leave Pre-Deployment and Return Checklists to their department HR liaison for inclusion in their permanent personnel file.

Request for Military Leave of absence without pay will be approved for all permanent and probationary employees in accordance with state and/or federal law. All requests for Military Leave will be forwarded to HR to coordinate necessary benefits and leave entitlements.

An employee under orders for military duty will provide documentation of the orders signed by a military authority to their department director or department HR liaison prior to the commencement of Military Leave, unless such notice is precluded by military necessity. This policy is subject to exception upon approval by the HR Department. The employee's department director or department HR liaison will forward such orders to the City's HR Department for retention in the employee's record by the end of the pay period in which the leave commences.

VII. REINSTATEMENT AND REEMPLOYMENT UPON RETURN FROM SERVICE

A. Employee Responsibility for Reinstatement:

1. **Service of 1 to 30 days**: Notify your department's HR liaison and report to position no later than next scheduled day, after return home and eight (8) hours of rest.

2. **Service of 31 to 180 days**: Notify the HR Department and report to position within 14 days of release from duty.

3. **Service of more than 180 days**: Notify the HR Department and report to position within 90 days of release from duty.

B. **Employee Rights for Reinstatement/Reemployment**:

1. **Service of 1 to 90 days (in order of priority)**:

   a. Prompt reemployment in the job the employee would have held had they remained continuously employed, as long as the employee is qualified or can become qualified after reasonable efforts by the City.

   b. Prompt reemployment in the job in which the employee was employed on the date of commencement of service, only if they are not qualified to perform the duties of the position in subsection a. above, after reasonable efforts by the City to qualify the employee.

   c. If neither a. nor b. above can be met (even after reasonable employer efforts) the employee must be reemployed in a position that is the nearest approximation to the positions described above (in that order), which the employee is qualified to perform, with full seniority.

2. **Service of 180 or more days (in order of priority)**:

   a. Prompt reemployment in the job the employee would have held had they remained continuously employed, or a position of like seniority status and pay, as long as the employee is qualified for the job, or can become qualified after reasonable efforts by the City.

   b. Prompt reemployment in the job in which the employee was employed on the date of the commencement of service, or a position of like seniority status and pay, the duties of which the employee is qualified to perform, only if they are not qualified to perform the duties of a position referred to in section a. immediately above.

   c. If neither a. nor b. above can be met (even after reasonable employer efforts) the employee must be reemployed in a position that is the nearest approximation to the positions described above (in that order), which the employee is qualified to perform, with full seniority.

VIII. MILITARY FAMILY LEAVE UNDER FAMILY AND MEDICAL LEAVE ACT

In accordance with the Family and Medical Leave Act (FMLA), as amended by the National Defense Authorization Acts, MFL provides eligible employees leave for up to 26 weeks in a single 12-month period. Utilization of MFL runs concurrent with all other leaves (AD 2.01-7D,

Medical Leave and Parental Leave). MFL due to Qualifying Exigencies may be taken on an intermittent basis.

A. Military Family Leave can be used for the following reasons:

1. **Qualifying Exigency** - An eligible employee may be entitled to take up to 12 weeks of leave to address certain Qualifying Exigencies, as defined in section III of this AD, arising out of a Covered Servicemember's active duty or call to active duty in support of contingency operations.

2. **Military Caregiver** - An eligible employee who is the spouse, child, parent, or next of kin of a Covered Servicemember recovering from a serious illness or injury sustained in the line of duty or at any time during the five (5) years preceding the date of treatment; recuperation or therapy from a serious illness or injury sustained in the line of duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. Military Caregiver Leave is calculated based on the same leave year.

B. HR may require that an employee's request for MFL be supported by an appropriate certification. However, HR is not permitted to request recertification and/or second opinions for certification of a Covered Servicemember's serious injury or illness or of a qualifying exigency.

C. MFL will be administered consistent with related provisions of the FML AD 2.01-7C.

D. Unused MFL cannot be carried forward to another Leave Year and cannot exceed the maximum allowable under federal law.

IX. EFFECT ON LEAVE ACCRUAL AND OTHER BENEFITS

A. An employee on **paid** Military Leave (described in Section IV above), regardless of pay status, is entitled to accrue Sick Leave and Vacation Leave at the same accrual rate of an employee on FML. If an employee's accrual rate changes during deployment, the new accrual rate is applied. If applicable, accruals will be added to the employee's leave balance(s) upon the employee's return to active employment status with the City.

B. Employees' anniversary dates will not be affected by the use of Military Leave No Pay (MLNP).

C. Employees on MLNP whose Sick Leave or Vacation Leave accrual rate would change during deployment will have the new accrual rate applied upon the employee's return to active employment status.

D. Employees, including commissioned personnel, on MLNP or supplemental pay status under Tucson Code § 10-48, do NOT receive:

- Holiday Pay,
- Allowances (other than Medical Opt-Out),
- Premium Pay,
- Certification Pay or Incentive Pay,
- accrual of Sick Leave, Vacation Leave or Compensatory Time,
- Floating/Birthday Holiday, or
- Bi-Lingual or Second Language Pay.

D. Employee pension benefits are governed according to the Tucson Supplemental Retirement System (TSRS) or the Public Safety Personnel Retirement System (PSPRS), depending upon the system of which the employee is a member.

E. For information about continuation of benefits while on Military Leave, please refer to Section VII of the Employee Leaves AD 2.01-7.

Appendices

Extended Military Leave Pre-Deployment Checklist
Extended Military Leave Return Checklist

References (for a complete list of references for the entire AD Leaves series, see AD 2.01-7)

Tucson Code
Family and Medical Leave Act
2.01-7 Employee Leaves
2.01-7C Family and Medical Leave

Review Responsibility and Frequency

The Human Resources Director will review this directive as needed. Last review date: July 19, 2013.

Authorized

City Manager

Michael Ortega

Date 2/10/16

Extended Military Leave Pre-Deployment Checklist

(Deployments of 31 Days or More)

Please print legibly

Employee #_____ **Name (Last, First)**_____

Address_____

City, State, Zip_____ **Date of Birth**_____

Phone Hm#_____ **Wk#**_____ **Cell#**_____

E-mail Address_____

Initial and date each item listed below indicating you have read and understand it. If you have questions or need additional information contact phone numbers are provided on page 2.

General Information Regarding Military Leave Policies:

_____ I understand that, subject to certain restrictions, federal law protects my job with the City for a period of up to five years of military duty (exclusive of annual reserve training and certain other periods).
_____ I notified my Supervisor and/or Department Management of my anticipated departure date, length of service and/or date of release from active duty.
_____ I have arranged the turn-in of all City property, equipment, uniforms, keys, etc. to my supervisor.
_____ I will give Human Resources a copy of my military orders within 14 days of receipt.
_____ I will provide Human Resources with a copy of my Leave Earnings Statement within 45 days of receipt.
_____ I will provide a copy of orders as needed on an intermittent/yearly basis, whichever is applicable.

Paid Military Leave:

This leave is not to exceed thirty (30) days every two federal fiscal years (which begins on October 1). Employees shall not be charged Military Leave for days which the employee was not otherwise scheduled for work.
_____ I understand the availability and use of paid military leave.
_____ I understand that once I have exhausted paid military leave, I could incur leave without pay.

Handling of Accrued Leave Amounts:

The following options apply regarding leave use and **I should advise my department HR/Payroll Section** that I would like to:
_____ Use accrued vacation time for the period of leave, or
_____ Take full day increments of leave without pay, or
_____ Combine accrued vacation time and leave without pay.

Update My Information:

_____ It is my obligation to review my personal and emergency contact information on file with Human Resources to ensure it is up to date and that my Beneficiary Information is current for Insurance options, pension and deferred compensation accounts.
_____ It is my responsibility to inform Human Resources of a change of address for W-2 purposes or other purposes, either in writing or through a Power of Attorney.

_____ I understand that I have the right to provide the Human Resources Office a Power of Attorney assigning the right to make benefit changes during open enrollment, in the case of qualifying life events and all other matters concerning my employment. Absent a Power of Attorney, only I can make changes regarding City matters.

Insurance Benefits:

_____ It is my obligation to meet with a Benefits Office staff member prior to beginning military leave to be advised of my insurance benefit options to make my initial insurance elections.

_____ I am hereby advised that I may make changes annually during Open Enrollment and in accordance with qualifying life events as rules and procedures outlined in the Insurance Handbook posted at www.tucsonaz.gov/enroll.

_____ I understand I may drop insurance elections at the end of any month by completing paperwork/following procedures required by the Benefits Office. Reinstatement of insurance will be in accordance with USERRA laws and City of Tucson rules.

Maintaining My Retirement:

_____ I understand that my accumulated pension contributions and service remain in place during military leave and cannot be withdrawn during this period;

_____ I understand that I will not be adding money into my retirement or receiving credited service while on Military Leave.

_____ I will NOT automatically receive pension credit during the period of military leave – unless I am a Public Safety employee (commissioned police officer or firefighter) who meets the requirements in Arizona Revised Statutes for service relating to a Presidential Call-up.

_____ Pension credit may be obtained upon return from military leave, subject to payment of contributions in accordance with Federal, State and local provisions.

Reemployment Rights:

Upon completion of active duty, I understand that in order to assert my reemployment rights, I must:

_____ Notify the Human Resources Department of my intent to return to my position as soon as possible but no later than provided below:

- _____ Activated less than 31 days – I must report to my position on the next scheduled day after return home and 8 hours of rest, or
- _____ Activated 31 to 180 days – not later than 14 days after release from duty, or
- _____ Activated more than 180 days – not later than 90 days following release from duty.

_____ Provide Human Resources a copy of my discharge documents. (DD-214, endorsed orders, letter from unit commander, or other proof of satisfactory completion of service) within 30 days of discharge or my intent to return to work.

_____ Obtain and complete the Extended Military Leave Return Checklist.

This form is a checklist of the major steps in the military leave process. It is not intended to be a complete statement of all rights or obligations of the employer or the employee. There may be exceptions, limitations, and details applicable to some steps outlined here. To obtain more details, see the USERRA poster in your workplace or contact Human Resources.

If you have questions, please use the contact numbers below:

Human Resources	791-4241	TSRS Retirement Plans	791-4598
Insurance Benefits	791-4597	PSPRS Retirement Plans	791-4282

By signing below, I acknowledge that I received the Military Leave Administrative Directive (2.01-7G) and contact phone numbers to obtain more information.

_____ _____

Employee Signature Date

Department Human Resources Representative:

_____ _____ _____

Printed Name Signature Date

Department Director or Designee:

_____ _____ _____

Printed Name Signature Date

Human Resources Director or Designee

_____ _____ _____

Printed Name Signature Date

Extended Military Leave Return Checklist

Please print legibly

Employee #_____ **Name (Last, First)**_____

Address_____

City, State, Zip_____ **Date of Birth**_____

Phone Hm#_____ **Wk#**_____ **Cell#**_____

E-mail Address_____

Initial each item listed below indicating you have read and understand it. If you have questions or need additional information contact phone numbers are provided on page 2.

I understand that in order to assert my reemployment rights, I must comply with certain federal requirements regarding my return to work. It is my obligation to notify my department within certain specified time limits in order to return to work (included on the Extended Military Leave Pre-Deployment Checklist and repeated below).

Upon Completion of Active Duty, I Will:

_____ Notify the Human Resources Department of my intent to return to my position as soon as possible but no later than provided below. I must report to my position on:

- _____ Activated less than 31 days – the next scheduled day after return home and 8 hours of rest, or
- _____ Activated 31 to 180 days – not later than 14 days after release from duty, or
- _____ Activated more than 180 days – not later than 90 days following release from duty.

Discharge Documents:

_____ I must provide Human Resources a copy of my discharge documents. (DD-214, endorsed orders, letter from unit commander, or other proof of satisfactory completion of service) within 30 days of discharge or my intent to return to work.

_____ I understand that in order to assert my reemployment rights that my discharge from military service must be an honorable discharge. It cannot be dishonorable, due to bad conduct, absent without authority, or for circumstances "other than honorable" as defined by the branch of the service.

Retraining or Certifications:

_____ I understand that I must satisfactorily complete any re-training or refresher training required to return to my previous position, including updating or maintaining any licenses or certificates, otherwise I will be reemployed in a different position for which I am qualified.

_____ I understand that my personnel file will be reviewed to assure any required licenses or certificates are still current and that a reasonable effort will be made to schedule me for re-training or refresher training in order to return me to my previous position.

_____ If I became disabled while on military duty, the City must make reasonable effort to accommodate the disability in reemployment.

Restoration of Benefits:

_____ I understand I must come to the Benefits Office to complete insurance enrollment paperwork within 31 days of the date I return from Military Leave. Otherwise, my current insurance elections will remain in force through the remainder of the current plan year. All rules governing insurance benefits, including when and how I may make changes due to open enrollment or qualifying life events, apply; and the rules are posted in the Insurance Handbook at www.tucsonaz.gov/enroll.

_____ It is my responsibility to review my paycheck to ensure all appropriate deductions are occurring. This includes insurance premiums, pension contribution deductions and payroll taxes.

_____ Credit for period of military service will be granted in accordance with Federal, State and Local codes. Generally, upon an honorable discharge a member may receive credit in the retirement system by paying the employee contributions that would have occurred had the member not been on leave and the employer will pay the corresponding employer contributions due for that time. *An exception to this general rule is military leave due to Presidential Call-up for Public Safety employees.

_____ It is my responsibility to reestablish voluntary benefits, like deferred compensation and Colonial Insurance, upon my return. "I understand that I must contact Colonial within 31 days of the date of my return from Military Leave."

This form is intended as a convenient checklist of the major steps in returning from military leave. It is not intended to be a complete statement of all rights or obligations of the employee or the employer. There are additional exceptions, limitations, and details applicable to some steps outlined herein. To obtain more details, see the USERRA poster in your workplace or contact Human Resources.

If you have questions, please use the contact numbers below:

Human Resources	791-4241	TSRS Retirement Plans	791-4598
Insurance Benefits	791-4597	PSPRS Retirement Plans	791-4282

By signing below, I acknowledge that I received the Military Leave Administrative Directive (2.01-7G) and contact phone numbers to obtain more information.

_____ _____

Employee Signature Date

Department Human Resources Representative:

_____ _____ _____

Printed Name Signature Date

Department Director or designee:

_____ _____ _____

Printed Name Signature Date

ADMINISTRATIVE DIRECTIVE

BEREAVEMENT LEAVE	NUMBER 2.01-7H	PAGE 1 of 2
	EFFECTIVE DATE July 1, 2013	

I. PURPOSE

To provide leave for eligible employees for the death of an immediate family member or other specified persons.

II. POLICY

Pursuant to Tucson Code § 22-91(a)(7) , this directive provides for paid or unpaid time off for a period of bereavement for the loss of an immediate family member, not to exceed one work week (for full-time employees: 40 hours, or 56 hours for commissioned fire suppression personnel; part-time employees receive 20 hours) per calendar year (not to be deducted from Sick Leave or Vacation Leave). Probationary employees are eligible to use Bereavement Leave, subject to the provisions of this directive.

III. DEFINITIONS

A. **Domestic Partnership –** An unmarried couple who share a relationship of caring and commitment, who are not related by blood closer than would bar marriage in the State of Arizona; are not married to another person in a marriage expressly recognized by the State of Arizona or in any domestic partnership and/or civil union with another person; are both 18 years old or older; are both competent to enter into a contract; both declare that they are each other's sole domestic partner; and both currently share a primary residence, are in a relationship of mutual support, and declare that they intend to remain in such for the indefinite future.

B. **Immediate Family Member of Employee –** The employee's spouse or domestic partner, parents, stepparents, parent surrogate, child(ren), grandparents, grandchild(ren), brother, sister.

C. **Immediate Family Member of Employee's Spouse/Domestic Partner –** The employee's spouse/domestic partner's parents, stepparents, child(ren), grandparents.

(**Note:** Aunts, uncles, brother-in-law, sister-in-law, stepbrother and stepsister are not considered immediate family members for purposes of receiving paid Bereavement Leave.)

IV. DEATH OF IMMEDIATE FAMILY MEMBER

This administrative directive provides Bereavement Leave for City employees as follows:

A. City employees will be entitled to a maximum of three (3) paid days of Bereavement Leave in connection with the death of an immediate family member within the state of Arizona. An additional two (2) days of paid leave will be authorized in connection with the death of an immediate family member where the employee must travel outside the state of Arizona. The total paid Bereavement Leave not charged to Sick Leave or Vacation Leave will not exceed 40 hours for full-time employees (or 56 hours for

commissioned fire suppression personnel) annually (part-time employees receive 20 hours). If paid Bereavement Leave is exhausted, any additional approved bereavement-related absences will be covered by either accrued paid leave (Sick Leave, Vacation Leave, or Compensatory Time, if available for use) or Leave without Pay (LWOP), if applicable paid leave is exhausted.

B. Bereavement Leave must be used in full-day increments.

C. Employees requesting Bereavement Leave may be required to provide documentation of the death and their relationship.

D. Domestic partners must be registered and documentation may be required if an employee requests Bereavement Leave for an immediate family member of their domestic partner.

V. DEATH OF OTHER THAN IMMEDIATE FAMILY MEMBER

An employee requesting Bereavement Leave for any person not specified as an immediate family member in this directive must either use accrued Sick Leave, Vacation Leave, or Compensatory Time, or be placed on Leave without Pay (if applicable paid leave is exhausted or employee is ineligible for available leave, with the approval of the employee's department director/designee).

Appendices None.

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7) Tucson Code § 22-91 (a)(7)

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

Richard Miranda — 6-24-13

City Manager — Date

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
TIME OFF FOR BLOOD DONATIONS	**2.01-7I**	**1 of 1**
	PAGE ISSUE DATE	
	July 1, 2007	

I. PURPOSE

To state the policy and procedures for permitting permanent/probationary full-time city employees time off with pay to make blood donations.

II. POLICY

As a public employer, the City of Tucson encourages its employees to make regular blood donations. The city realizes that the donation of one's blood for the use of those who need it to sustain their lives in emergency situations is one of the most simple, yet one of the most profoundly humanitarian actions any individual can perform.

III. DEFINITIONS

Blood Donations – The contribution of blood, white blood cells, or single-donor platelets for which the employee receives no remuneration.

IV. GENERAL

A. Permanent/probationary full-time employees wishing to donate blood will be allowed to do so with pay during normal working hours. The paid time off will be limited to the actual time necessary to donate blood (including travel time to/from a blood donation center), up to a maximum of two hours. In unusual circumstances, or as necessary for more complex medical procedures, additional time off with pay may be approved by the employee's department director.

B. Employees wishing to take time off with pay to donate blood must receive approval from their supervisors prior to leaving the assigned work area.

Forms None

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7) No other Administrative Directives are specifically cited in this Administrative Directive as reference.

Review Responsibility and Frequency The Director of Human Resources will annually review this directive, based on date of publication.

Authorized

City Manager — Date 6/19/07

Mike Hein

No changes. January 22, 2016.

ADMINISTRATIVE DIRECTIVE

TIME OFF FOR VOTING IN PRIMARY AND GENERAL ELECTIONS	NUMBER 2.01-7J	PAGE 1 of 2
	EFFECTIVE DATE August 27, 2014	

I. PURPOSE

To state the policy regarding the city's responsibilities to permit an employee to exercise their right to vote in primary and general elections.

II. POLICY

As a public employer, the city not only encourages its employees to vote, but will, in the manner set forth below, allow employees sufficient time off to vote in primary and general elections.

A. Employees entitled to vote in a primary or general election for state or city offices other than all mail elections, may be allowed time off for the purpose of voting on the day of the election. Time will be permitted only if there are less than three consecutive hours between the opening of the polls and the beginning of their regular working hours, or between the end of their regular working hours and the closing of the polls. In such event, employees will be allowed time off at the beginning or end of their regular working hours so that when added to the time difference between regular working hours and the opening or closing of the polls, a total of three consecutive hours will be provided.

EXAMPLES: (based on poll hours from 6:00 a.m. to 7:00 p.m.)

1. **Employee hours 8:00 a.m. to 5:00 p.m.:** Employee allowed up to one hour off from either 8:00 – 9:00 a.m. or 4:00 – 5:00 p.m.

2. **Employee hours 7:30 a.m. to 4:30 p.m.:** Employee allowed 30 minutes off from 4:00 – 4:30 p.m.

3. **Employee hours 7:00 a.m. – 4:00 p.m., or 6:00 a.m. – 3:00 p.m.:** No time off allowed, as employee has three hours after work in which to vote.

4. **Employee hours 8:00 a.m. – 7:00 p.m. (possible 4/10 schedule):** Employee allowed one hour off from 8:00 a.m. to 9:00 a.m.

5. **Employee hours 8:00 a.m. – 6:00 p.m. (possible 9-hour day schedule):** Employee allowed one hour off from 8:00 a.m. to 9:00 a.m.

B. Any time off for voting must be requested by the employee prior to the day of the election and the supervisor may specify the hours during which the employee will be given time off.

C. Employees should ensure that they are eligible to vote in an election before requesting time off.

D. Time off to vote is not allowed for mail elections, bond, school board, special, or other elections unless specifically authorized for all employees by the City Manager.

Appendices None

References 2.01-7 Employee Leaves

Review Responsibility and Frequency The City Clerk will review this directive annually, based on date of publication.

Authorized

City Manager

Date 9-15-14

Martha Durkin

No changes. January 22, 2016.

ADMINISTRATIVE DIRECTIVE

LEAVE FOR WITNESS/JURY DUTY AND FOR VICTIMS TO BE PRESENT AT PROCEEDINGS	NUMBER 2.01-7K	PAGE 1 of 3
	EFFECTIVE DATE February 1, 2016	

I. PURPOSE

To provide leave for City employees required to serve on jury or witness duty and employees who are victims of crime.

II. POLICY

Employees are required to follow all City and departmental attendance requirements, assure timely communication with supervisor, and submit original official documentation associated with the event such as subpoenas and jury duty attendance forms. Employees are required to report promptly to regular assignments at the conclusion of the proceedings. As necessary, a supervisor may modify an employee's regular schedule to accommodate legal proceeding attendance requirements.

III. WITNESS DUTY

A. **City-Related Service:** An employee, including a non-permanent employee, required to appear as a witness in response to a properly served subpoena issued because of city employment shall be excused from his/her regular assignment to attend related legal proceedings and shall receive full pay.

B. **Not Associated with City Service:** Except for non-permanent employees, an employee who submits a properly served subpoena to appear as a witness in a legal proceeding not associated with city employment will be excused from work. The employee will notify his/her supervisor of his/her selected pay option by completing the Witness and Jury Duty Option Form (see Administrative Directive **2.01-7**, Employee Leaves, Attachment 7) indicating their preference to:

1. Receive full pay from the city by agreeing to submit to the city any pay received for witness duty, or

2. Utilize accrued vacation leave or compensatory time and retaining any pay received for witness duty.

Non-permanent employees will be placed on a leave-without-pay status to attend legal proceedings not associated with city employment.

IV. JURY DUTY

An employee who submits an original jury duty notice will be excused from work. The employee must notify his/her supervisor of his/her selected pay option by completing the "Witness and Jury Duty Option Form" indicating the preference to:

A. Receive full pay from the city by agreeing to submit to the city any pay received for witness duty, or

B. Utilize accrued vacation leave or compensatory time and retaining any pay received for witness duty.

Non-permanent employees will be placed on a leave-without-pay status to attend jury duty service.

V. Leave to be Present at Legal Proceedings

A. An employee who is a crime victim may use accrued paid leave (sick leave, vacation leave and/or compensatory time) to be present at a proceeding pursuant to the Arizona Victim' s Leave Law. If the employee has no accrued paid leave available for use, leave without pay will be granted for this purpose.

Before the employee may leave work to be present at the proceeding; the employee shall provide copies of the following documents to the department director:

1. A copy of the form identifying case information by the law enforcement agency, and

2. A copy of the notice of each scheduled proceeding that is provided by the agency that is responsible for providing notice to the victim.

B. The department director will keep confidential records regarding the employee's leave pursuant to this section.

C. The Human Resources Director or designee, in consultation with the employee's department director, may limit the leave provided under this section if the employee's leave creates an "undue hardship" to the work operations.

VI. Discrimination and Retaliation Prohibited

A. Employees who use leave in accordance with this Administrative Directive (AD) will not be subjected to discrimination and/or retaliation, including discharge, loss of seniority or discrimination in compensation or other terms, conditions or privileges of employment as a result of taking such leave.

B. The city will not refuse to hire or employ or otherwise bar an applicant from employment because the individual is a crime victim who has exercised his/her right to be present at proceedings related to the crime.

Forms attached to AD 2.01-7

Witness and Jury Duty Option Form

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

Victim's Leave Law, A.R.S. §13-4439
2.01-7, Employee Leaves

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication. Last review Date: July 1, 2007.

Authorized

City Manager

Michael Ortega

1/28/16
Date

Witness and Jury Duty Option Form

WITNESS AND JURY DUTY OPTION FORM

I, _____, having received official notice
(Please Print Your Name)
to report to _____ as a JUROR /
(Please Print Name of Court) **(Circle One)**

WITNESS, do hereby choose the method of payment designated below in accordance with City of Tucson Administrative Directive 2.01-7H.

☐ I wish to receive my full pay from the City of Tucson and assign and agree to submit to the City of Tucson, Finance/Accounting Division, all pay received for witness or jury duty.

☐ I wish to charge to my accrued vacation leave the time served on witness or jury duty and I will retain all payment I receive for this service.

☐ I wish to charge to my accrued compensatory time, the time served on witness or jury duty and I will retain all payment I receive for the service.

_____	_____	_____
Date	Employee Signature	Employee Number
_____	_____	_____
Department	Division	Organization No.

Distribution: **Original: Accounting** **Copy: Division Payroll Clerk** **Copy: Human Resources**

ADMINISTRATIVE DIRECTIVE

OTHER LEAVES	NUMBER **2.01-7M**	PAGE **1 of 2**
	EFFECTIVE DATE **July 1, 2013**	

I. PURPOSE

To outline City of Tucson policy for the provision of Administrative Leave and Imposed Leave.

II. ADMINISTRATIVE LEAVE

Under circumstances in which exempt employees are required to work an exceptional amount of time in performance of their duties, department directors may approve Administrative Leave in the special circumstances described below:

A. The department director may approve an exempt employee for 40 hours of Administrative Leave per calendar year.

B. Departments must submit a memorandum explaining the employee's Administrative Leave to the City Manager's Office. A copy of the memorandum should be retained with the departmental payroll staff, and the original must be sent to the Human Resources Department to be placed in the employee's personnel file.

C. The Administrative Leave policy does not require department directors to keep records of the extra hours worked for purposes of calculating Administrative Leave for exempt employees, nor should the department approve the time off on an hour-for-hour basis.

D. Fair Labor Standards Act regulations require that exempt employees be treated as salaried employees rather than as hourly wage employees.

III. IMPOSED LEAVE

A department director/designee may require an employee to take Imposed Leave with or without pay, with the concurrence of the Human Resources Director/Designee and the City Attorney's Office.

A. **Imposed Leave with Pay** – Imposed Leave with Pay is appropriate when:

1. An employee is too disruptive or dangerous to remain in the work place;

2. An employee is removed from the worksite pending investigation of a matter where there is concern that the employee's presence in the workplace may impede or compromise the investigation;

3. To address matters of safety during an ongoing investigation, and;

4. During the time period between the pre-discharge Notice of Intent and the pre-discharge review meeting (provided that the employee was in paid status at the time the employee received the Notice of Intent) (A.D. 2.02-16, Disciplinary Action).

B. **Imposed Leave without Pay** – Imposed Leave without Pay is appropriate when:

1. An employee is placed on unpaid leave while criminal charges are pending;

2. An employee who is on unpaid leave is served with a pre-discharge Notice of Intent, in which case the employee will remain on unpaid status during the time between the pre-discharge Notice of Intent and the pre-discharge review meeting, or;

3. The employee is incarcerated.

C. **Duration** – The duration of the Imposed Leave will be noted on the Personnel Action Request Form (PARF) signed by the department director/designee, the Human Resources Director/Designee, and the City Attorney's Office. The duration of the Imposed Leave may be for a specific or an indefinite period of time. If a specific period of time is not designated, the Imposed Leave will be for a maximum of 30 calendar days. Extensions of Imposed Leave must be submitted by written request by the department director/designee, and approved by the Human Resources Director/Designee and the City Attorney's Office.

D. Imposed Leave and any extensions of Imposed Leave - will be documented on a PARF signed by the department director, the Human Resources Director/Designee and the City Attorney's Office.

Forms None.

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

2.01-2 Overtime Policies
2.02-16 Disciplinary Action

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

Richard Miranda
City Manager

6-24-13
Date

ADMINISTRATIVE DIRECTIVE

ALTERNATE WORK SCHEDULES	NUMBER **2.01-9**	PAGE **1 of 3**
	EFFECTIVE DATE **December 1, 2016**	

I. PURPOSE

To state the City's policies regarding alternate work schedules (AWS) and to establish administrative procedures for requesting approval and implementation of alternate work schedules.

II. POLICY

Subject to the review and approval of the Human Resources Director, the City allows the use of an AWS in certain work areas when the work schedule:

- Provides improved employee and organization productivity,
- Provides better customer service,
- Provides financial savings or is cost neutral to the organization, and
- Is compatible with other City work cycles and with other organizations that have a connection to the work schedule.

All AWS are subject to review and approval by the Human Resources Director who has been delegated the authority, through the City Manager on behalf of the Mayor and Council, to approve or deny any work schedule changes.

III. DEFINITIONS

A. **Alternate Work Schedule (AWS)** – Refers to a fixed schedule whereby the employee's basic work duties are scheduled for less than 10 workdays in each pay period. For example:

4/10 Work Schedule – A schedule in which a full-time employee works 10 hours a day, four days a week.

9/80 Work Schedule – A schedule in which a full-time exempt employee works 9 hours a day for 8 days, and 8 hours for one day.

5/8 and 4/10 Work Schedule – A schedule in which a full-time employee works 8 hours a day for one week **and** 10 hours a day for 4 days the second week of the pay period.

4/9 plus 4 Hours Work Schedule – A schedule in which a full-time employee works 9 hours a day for 4 days **plus** 4 hours for 1 day per week.

B. **Workweek** – For purposes of the Fair Labor Standards Act (FLSA), the City establishes the workweek for non-exempt employees as follows:

1. The normal workweek is a seven consecutive-day period, beginning on Sunday at 12:00 AM, and ending on Saturday at 11:59 PM.

2. The normal work period for commissioned Fire suppression shift personnel shall be a 15 consecutive-day period, commencing at 8:00 AM April 13, 1986 and continuing in fifteen-day increments thereafter.

3. The workweek period for exempt employees on a 9/80 work schedule begins at either 12:00 PM Friday and ends at 11:59 AM the following Friday, or 12:00 PM Monday and ends at 11:59 AM the following Monday.

C. **Standard Day Off** – The day of the week that the Department Director has scheduled as the employee's regular day off for purposes of an AWS.

IV. PROCEDURES

A. Department Directors may submit a written proposal to implement an AWS to the Human Resources Director. The request should address the impact on customer service and operations of the alternate work schedule. The request should clearly identify the employees affected by the alternate work schedule, the specific work schedule proposed, and the financial impact on the department.

B. AWS schedules will begin on the first day of the pay period and if terminated, will end on the last day of the pay period.

C. Unless department operational needs require alternate schedules, employees currently on work improvement plans and/or employees who have been subject to formal disciplinary action or a work improvement plan in the prior 12 months will not be eligible to work an alternate work schedule.

D. The Human Resources Director will review the request for compliance with the criteria listed in the Policy section of this Directive and for potential impact on other work units.

E. If an AWS is approved, the Department Director will advise the employees that setting work schedules is a management responsibility and the Department Director may rescind the AWS at any time.

F. Initial implementation of a 9/80 schedule may result in more than standard hours for the first workweek under the new schedule.

G. In the event a holiday falls on the employee's Standard Day Off, the Department may designate another day off within the workweek. Credit for the observed holiday shall be as follows:

1. **Voluntary Alternative Work Schedules** - Employees who request and are granted alternative work schedules in accordance with this directive are credited with 8 hours of holiday pay even if they would otherwise work more

hours on that day. The department may allow these employees to make up the hours they would have worked during the work week.

2. **Mandatory Alternative Work Schedules** - Employees who are required to work four 10-hour shifts or a 9/80 work schedule are credited with the hours scheduled. For example, if a holiday falls on a 9 - or 10-hour workday, the employee's holiday pay is 9 or 10 hours, respectively.

3. **24 hour duty** - Fire-Fighters are credited with 12 hours holiday pay.

V. GENERAL INFORMATION

A. The Human Resources Director's decision regarding AWS is not subject to a review through a grievance process.

B. Employees assigned to an alternative work schedule will be given a memorandum stating their designated workweek and schedule. A copy of this memorandum is retained the work record file, as required by FLSA.

Appendices None

References None

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on the date of publication. Last review date: 02/01/16.

Authorized

Michael Ortega

City Manager — Date 12/6/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
ASSIGNMENT OF WAGES	**2.01-11**	**1 of 1**
	PAGE ISSUE DATE	
	December 10, 1993	

I. PURPOSE

To state the policy regarding assignment of an employee's wages.

II. DEFINITIONS

A. **Involuntary Wage Assignment** – An assignment of wages ordered by a court within the jurisdiction of the State of Arizona, or a levy served by a government agency for the purpose of collecting delinquent taxes.

B. **Voluntary Wage Assignment** – A voluntary agreement between an employee and a creditor or taxing agency for the purpose of deducting an amount from an employee's wages and paying the deduction to a creditor or taxing agency.

III. POLICY

A. An involuntary wage assignment will be honored in accordance with applicable Federal and State law.

B. A voluntary wage assignment will not be accepted from a creditor nor will it be binding on the City except in accordance with provision C, below.

C. The Payroll Section of the Finance Department will authorize a voluntary wage assignment at an employee's request if:

- the City has received a court ordered wage assignment or tax levy, and
- the creditor or taxing agency will release the court ordered wage assignment or levy if the City will honor the employee's request for the voluntary wage assignment.

Appendices	None
References	None
Review Responsibility and Frequency	The Finance Director will review this directive as needed. Last review date: January 8, 2016

Authorized

Luis G. Gutierrez
CITY MANAGER

AD was reviewed 1/22/16. There were no changes.

ADMINISTRATIVE DIRECTIVE

REPORTING TIME WORKED AND LEAVE USE	NUMBER 2.01-15	PAGE 1 of 5
	EFFECTIVE DATE July 1, 2013	

I. PURPOSE

To establish record-keeping requirements in compliance with the Fair Labor Standards Act to ensure that all employees are paid for their time worked.

II. POLICY

Employees and supervisors are responsible for assuring the accuracy of the Time Worked Record/Time Sheet. Inaccurate recording of time worked for additional pay, either willful or unintentional, is subject to disciplinary action up to and including discharge from employment.

III. DEFINITIONS

A. **Break** – A rest period of short duration running approximately five (5) to 15 minutes that is counted as hours worked for non-exempt (hourly) employees.

B. **Certification** – Signature of an employee, supervisor or director attesting to the accuracy of the entries on a Time Worked Record/Time Sheet.

C. **Exempt Employee** – One who is exempt from the provisions of the Fair Labor Standards Act including executive, administrative and professional exemptions (salaried employees) (A.D. 2.01-2, Overtime).

D. **Lunch Period** – A daily 30-minute (minimum) scheduled unpaid time off work for a meal that is not counted as hours worked for non-exempt employees. The lunch period cannot be taken at the beginning or end of the work day. An employee must take a lunch period if their shift is six (6) or more hours, unless otherwise specified in a labor agreement (does not apply to commissioned public safety or public safety communication employees, or Court Initial Appearance Team).

E. **Non-Exempt Employee** – One who is eligible to receive overtime compensation (hourly employees) as required by the Fair Labor Standards Act (A.D. 2.01-2, Overtime).

F. **Request for Leave of Absence form (Leave Card)** – For exempt and non-exempt employees, a document in which the employee must complete, certify, and submit for any leave hours used.

G. **Time Sheet (completed by departmental Payroll Clerk)** – A computer generated form, a supplemental form, or electronic document used for the purpose of entering time and leave data into the City's payroll system in order to generate paychecks and maintain leave and pay balances. The Time Sheet shows any additional pay such as Standby Pay or Shift Differential Pay, and leave time used by exempt and non-exempt employees.

H. **Time Worked** – The actual hours worked per day, as reflected on the Time Worked Record.

I. **Time Worked Record (completed by the employee)** – A record detailing an employee's name, payroll number, pay period, days worked, and times of day worked. It may be a record generated by an electronic time keeping system or a form that is used to record time worked.

IV. PROCEDURE FOR REPORTING TIME WORKED AND LEAVE USE

A. Non-Exempt Employees

1. Each non-exempt employee is responsible for accurately recording all hours worked each day using an electronic time keeping system or a form, as determined by their department. At a minimum the following items must be recorded:

a. Employee's name and payroll number

b. Pay period dates

c. Actual starting time

d. Actual lunch period beginning and ending time

e. Actual ending time

f. Employee's signature and date of signature

g. Supervisor's signature and date of signature

2. Non-exempt employees who are allowed to take breaks during the work day are not required to record the break times. Breaks may not be taken at the beginning or end of the work day, or combined with the lunch period. For employees not covered by a labor agreement, breaks are available at management discretion. Time provided for breaks does not accrue.

Non-exempt employees are required to take a lunch period during the work day. Lunch will, at minimum, cover a 30-minute period and the employee is responsible for accurately recording the start and end time of their lunch. Each department will determine the schedule or times during which lunch periods for non-exempt employees are to be taken, with the exception that lunch may not be taken at the beginning or end of the workday. An employee must take lunch if their shift is six (6) or more hours, unless otherwise specified in a labor

agreement (does not apply to commissioned public safety or public safety communication employees, or Court Initial Appearance Team).

3. Each non-exempt employee is required to complete, certify, and submit a Request for Leave of Absence form (i.e. Leave Card), whether on a paper form or in an electronic system, when any of the following occurs during the pay period:

a. Paid leave time is used,

b. Compensatory Time is used, or;

c. Leave Without Pay is taken.

4. The City uses a rounding procedure in the calculation of total hours worked to allow flexibility when recording insignificant or variations in actual time worked.

a. The rounding procedure may be applied up to five (5) minutes before or after the daily start and/or end times, and applies only up to a total of 10 minutes in a workday.

b. If an employee's actual time exceeds the five (5) minutes allowed at the start and end of each workday, the actual start and end times must be used when calculating the daily time worked.

c. The rounding procedure does not apply to unpaid lunch periods and is not intended to avoid paying overtime, nor does it relieve an employee's responsibility to report to work on time and remain at work as scheduled.

d. The rounding procedure only applies to the posting of an employee's work hours to the Time Sheet. The Time Worked Record must reflect the actual time worked.

5. If an employee is not available to complete the Time Worked Record or Request for Leave of Absence form (i.e. Leave Card), the employee's supervisor will complete the document for the employee and include a signed notation explaining why the employee was unable to complete the document. The employee must also sign this form upon returning to work.

6. Employees are not allowed to use an electronic time keeping system to clock in or out for another employee. Clocking another employee in or out may result in discipline up to and including discharge from employment.

7. Supervisors of non-exempt employees are responsible for certifying that the Time Worked Records and Requests for Leave of Absence received from employees are accurate.

B. Exempt Employees

1. Exempt employees are not required to record hours worked each day, unless otherwise specified by department policy.

2. Exempt employees are required to complete, sign and submit a Request for Leave of Absence form (i.e. Leave Card) when any of the following occurs during the pay period:

a. Paid leave time is used

b. Leave Without Pay is taken

3. Supervisors of exempt employees are responsible for approving Request for Leave of Absence forms received from their employees, and ensuring that their employees are at work on scheduled workdays.

C. Department Director Responsibility

1. The department director/designee is responsible for assuring the accuracy of the Time Worked Records and Request for Leave of Absence forms used to generate the Time Sheet. Hours worked will be calculated from the Time Worked Record and recorded on the Time Sheet.

2. The department director/designee must approve Time Sheets by signing on the paper version or by approval code on electronic documents, thereby authorizing the payroll for payment and certifying that the Time Worked Record is on file in the department.

3. Time Worked Records will be retained by the department for a minimum of three (3) years. The period of retention will be longer if required by other criteria (i.e., federal grant regulations). Time Worked Records will be available for audit or inspection.

Appendices None.

References 2.01-2 Overtime

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

_____ _____

City Manager Date

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
NEW EMPLOYEE RELOCATION EXPENSES	**2.01-17**	**1 of 4**
	PAGE ISSUE DATE	
	December 12, 2006	

I. PURPOSE

The purpose of this directive is to provide more standard guidelines to City departments for expenses that may be paid to relocate new employees. City departments have the authority to determine the type and amount of expenses they will incur to relocate new employees upon approval by the City Manager. The application of these guidelines is applicable to Executive Staff positions including Deputy City Manager, Assistant City Manager, Department Director, Deputy Director, and others as approved by the City Manager's Office.

II. AUTHORIZATION

Payment of relocation expenses will only be provided by specific authorization of the City Manager. Exceptions to specific provisions of this regulation may be approved by the City Manager's Office for unusual circumstances. All arrangements will be facilitated through the Procurement Department.

III. EXPENSES THAT MAY BE PAID BY THE CITY

All relocation costs will be charged to the hiring department who will determine actual services provided and costs covered in conjunction with the Procurement Department.

A. The following is a list of services, which may be covered as a part of relocation expenses.

1. House Hunting Trips
   The City may provide for payment of transportation, lodging and meals for the new employee and spouse for the purpose of house hunting. The total amount to be covered for this purpose is to be determined by the hiring department and will be reimbursed to the employee separate from other moving expenses.

2. Transportation
   The City may provide for transportation of the new employee and his/her family members to Tucson. The City may reimburse the employee at the rate of $.32 per mile, or at the current rate as prescribed in City policy, or a one-way ticket using the most economical commercial air transportation available for the employee and the employee's family.

3. Household Goods
   The City may provide for the movement of an employee's household goods, limited to the provisions in this policy.

B. Allowable Moving Expenses that may be Paid

The following is a list of expenses that may be authorized and covered by this policy. Actual expenses and services provided will be determined on an individual basis by the Procurement Department.

1. Shipment
   Actual cost of shipment weight or portion thereof not to exceed 15,000 pounds (plus 1,000 pounds per child) of personal household goods, excluding items listed in this policy, may be covered by the City from the city of origin to Tucson, Arizona.

2. Packing and Unpacking
   Actual cost of packing and partial unpacking (wardrobes, mattresses, and mirror containers) of household goods to the maximum weight limitation specified in Shipment may be covered.

3. Storage at Destination
   Storage in Tucson is authorized for up to 30 days, if preauthorized.

4. Transportation of Automobiles
   The transportation of up to two cars at a flat rate up to $1,100 (maximum) per car may be authorized for moves over 500 miles.

C. Expenses not Covered by the City

1. Packing, unpacking, or shipping of household goods in excess of the maximum weight limitation.

2. Storage at point of origin unless otherwise preauthorized.

3. Exclusive use of van.

4. Shuttle service.

5. Expedited service.

6. Housecleaning or maid service.

7. Transportation or storage of boats, trailers, camping trailers, vans, trucks, utility trailers, pickup-type camping units, or airplanes.

8. Disassembly or assembly of storage sheds, playhouses, portable swimming pools, or items of a similar nature.

9. Removal or installation of TV antennas, satellite dishes, telephones, intercoms, stereos, mailboxes, light fixtures, clothes posts, basketball goals, garbage can racks, gas barbecue grills, and/or other house attachments.

10. Removal or installation of paneling, shelving, draperies, or wall-to-wall carpeting.

11. Installation of air vents for dryers, electrical circuitry, or plumbing to accommodate appliances in the new home.

12. Shipping of firewood, driftwood, dirt, sand, glass, bricks, lumber, patio blocks, rocks, gravel, or other building materials.

13. Additional labor charges.

14. Overtime packing, loading or unloading charges.

15. Excessive waiting time.

16. Debris removal charges.

17. Additional pick up at origin.

18. Preparation for transportation or transportation of pets or any other type of animal.

19. Shipment of articles of extraordinary value – furs, jewelry, collectibles, legal documents, stocks, or other articles.

20. Packing or unpacking of live plants, flowers, or shrubs.

21. Articles requiring refrigeration or other perishable items.

22. Damage charges in excess of carrier liability.

Appendices None.

References None

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication.

Authorized

City Manager

12/6/06
Date

Mike Hein

ADMINISTRATIVE DIRECTIVE

EMPLOYEE MORALE AND RECOGNITION PROGRAM	NUMBER **2.01-18**	PAGE **1 of 3**
	EFFECTIVE DATE **January 1, 2016**	

I. PURPOSE

The Employee Morale and Recognition Program (EMRP) is intended to recognize and reward City employees for various reasons including, but not limited to, outstanding performance, and overall celebration of the accomplishments and unique recognitions of an individual employee or a team of employees.

II. DEFINITIONS

A. Approved Funding Source: An acceptable funding source identified by a Department and approved by Budget to be used to make purchases for the EMRP. No grant funds may be used to make purchases under this program.

B. Individual Employee Reward: A reward, as specified in Section III-C that is given to a specific employee.

III. PROCEDURE

A. Departments shall be permitted to utilize their existing budget to fund the EMRP program.

B. Departments may recognize individual employees, groups/teams of employees or their entire staff through various rewards as defined within this Administrative Directive.

C. Acceptable recognitions and rewards may include:

1. Gift cards valued at $25.00 or less. Gift cards must be purchased and managed in accordance with Section V.

2. Food at events, such as luncheons or special celebrations must be in compliance with Section IV.

3. Pins, plaques, certificates or similar recognition items

D. An individual employee may not receive more than $25.00 in total value in gift cards for a given calendar year.

E. An employee who has received an Individual Employee Reward may still be a recipient of other types of rewards such as food, plaques or non-monetary items.

F. Departments may utilize a portion of their EMRP budget for group events, such as recognition luncheons, holiday celebrations, employee anniversary recognitions or other general employee recognitions, so long as the recognition falls within the guidelines of this Administrative Directive.

G. No purchases under the EMRP shall violate any other Administrative Directive or the City's Ethics Policy.

H. Only Approved Funding Sources may be utilized to fund the EMRP. Any questions on an acceptable Approved Funding Source shall be directed to the Finance Department.

IV. EMPLOYEE MEAL AND FOOD PURCHASE POLICY

The following types of meal purchases are permissible under this program:

A. Meals/food/beverage purchases necessary for the City's convenience and provided on City premises where business is normally conducted, such as meals provided during staff trainings/extended staff meetings or water/coffee provided for City business.

B. Business lunches for a clear business reason in a business setting. When submitted for reimbursement or paid with pCard, a receipt is required along with documentation showing the purpose, attendees and location. Departments will maintain this documentation for pCard payments.

C. De Minimis meal purchases (low value food items) provided on an occasional basis. This may include special staff and/or team celebrations, breakfast items for early morning meetings, snacks at late meetings.

V. GIFT CARD PURCHASES

Gift cards shall be handled the same as cash and stored in a secured location until distributed to an employee. Departments must abide by all requirements in A.D. 3.02-1, Cash Handling. In order to help ensure compliance with both the Arizona Constitution's Gift Clause and IRS taxing considerations, Departments will need to maintain a record of the gift cards issued, the employee issued to, the dollar amount of the gift card and the date issued. A copy of the record shall be made available upon request to the Finance Departments.

Appendices None

References None

Review Responsibility and Frequency The Finance Department and Human Resources will review this Administrative Directive as needed.

Authorized

City Manager

Michael Ortega

1/28/16
Date

Employment Practices

ADMINISTRATIVE DIRECTIVE

CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY	NUMBER 2.02-1	PAGE 1 of 3
	EFFECTIVE DATE October 3, 2014	

I. PURPOSE

To set forth procedures for certifying that all employment and promotional opportunities are afforded equally to all employees and applicants for employment.

II. POLICY

It is the policy of the City of Tucson to ensure that all employees and applicants for employment are afforded equal opportunity in the application and selection process.

Departments will work with the Human Resources Department to develop recruitment strategies designed to encourage applicants in protected classes to apply for all positions. If necessary, an external recruitment procedure may be utilized to further this policy. All appointments shall be made in accordance with the City's Civil Service Rules and state and federal laws. All individuals appointed to city positions shall be qualified for the position.

To ensure that all appointments to the Civil Service are in conformance with the City's Equal Opportunity Programs Division (EOPD) (within the Human Resources Department) objectives, each department will complete a *Certification of Equal Employment Opportunity* (CEEO) form when hiring, rehiring, promoting, or transferring employees.

III. DEFINITIONS

The following definitions are relevant to required categories on the CEEO form:

A. **Disability** – For the purpose of this policy, a qualified individual with a disability is one who:

a. Has a physical or mental impairment which substantially limits one or more major life activities (e.g. seeing, hearing, walking, talking, working, etc.);

b. Has a record of such impairment; or

c. Is regarded as having such an impairment.

B. **Racial/Ethnic Group** – For the purpose of this policy, racial/ethnic groups include Asian, Black or African American, Hispanic or Latino, American Indian or Alaska Native, Native Hawaiian or other Pacific Islander, White or two or more races.

a. **Asian (category A)** – Includes persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

b. **Black or African American (category B)** – Includes persons having origins in any of the black racial groups of Africa as well as those identified as Jamaican, Trinidadian, and West Indian.

c. **Hispanic or Latino (category H)** – Includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

d. **American Indian or Alaska Native (category I)** – Includes persons having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment (e.g. Tohono O'odham, Pima, Yaqui, etc.).

e. **Native Hawaiian or Other Pacific Islander (category P)** – Includes persons having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

f. **White (category W)** – Includes persons having origins in any of the original peoples of Europe, the Middle East, or North Africa.

g. **Two or More Races (category T)** – Includes all person who identify with more than one of the above six races.

IV. CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY (CEEO)

A CEEO form shall be completed and signed by the hiring authority or designee and attached to all Personnel Action Request Forms (PARF) used in the hiring, rehiring, promotion, or transfer of employees, including all competitive and non-competitive appointments. Seasonal appointments (Provisional, Intermittent, and Temporary) do **not** require the completion of a CEEO form.

V. PROCEDURES

The Equal Opportunity Programs Division will monitor and evaluate that equal employment opportunity is being afforded to all employees and applicants for employment and will provide current data on representation by race, sex, age, and disability in classifications relevant to each department.

A. Type or print the names of all persons who are considered and/or interviewed for the position, including the name of the selected applicant.

B. Provide justification for the selection and non-selection of each listed candidate. (**Note:** it is not sufficient to state that the successful candidate was the most qualified or ranked the highest after the interview process. Justification in the form of

information specific to the successful candidate's knowledge, skills and abilities is required.)

C. The CEEO form and accompanying PARF must be signed and dated by the hiring authority or designee. In specific instances, signature by the City Manager may also be required.

D. Submit the completed form, along with the corresponding PARF, to EOPD for review and signature. After review for compliance with state and federal laws and this policy, EOPD will forward the forms to Human Resources for final signature. The selected applicant(s) shall **not** be notified until Human Resources has reviewed and signed off on the PARF.

E. To further ensure that appointments are in conformance with EEO objectives, EOPD will audit individual selection processes on a random basis. Audit requests will be conducted in cooperation with Human Resources and the hiring department(s) and will be performed at least once per quarter.

Appendices Certification of Equal Employment Opportunity (CEEO) form

References AD 2.02-12A Civil Service Open Recruitment, Examination, Certification and Appointment

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager

Martha Durkin

10-9-14

Date

POSITION CONTROL NO.:		

CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY

UNDER THE GUIDELINES SET FORTH IN ADMINISTRATIVE DIRECTIVE 2.02-12, THIS FORM MUST BE COMPLETED AND PROCESSED WITH APPROPRIATE SIGNATURES BEFORE PROCEEDING WITH ANY HIRING ACTION.

POSITION TO BE FILLED	Organization	Department	Division	Date

SELECTEE (NAME)	ACTION RECOMMENDED	Effective Date

HIRING AUTHORITY APPROVAL	EQUAL OPPORTUNITY OFFICE APPROVAL
Signature of Hiring Authority or Designee	Signature of Equal Opportunity Office
Date	Date

PREVIOUS INCUMBENT (NAME)

LAST	FIRST	MIDDLE	AGE

PREVIOUS INCUMBENT SEX: DISABILITY:

RACIAL / ETHNIC GROUP OF INCUMBENT

ASIAN (A); BLACK / AFRICAN AMERICAN (B); HISPANIC / LATINO (H); AMERICAN INDIAN / ALASKAN NATIVE (I); NATIVE HAWAIIAN / PACIFIC ISLANDER (P); TWO OR MORE RACES (T); WHITE (W)

	NAMES OF THOSE INTERVIEWED/CONSIDERED (must be complete)	SEX	Racial/ Ethnic Group	Age	Disability (Y/N)
A					
B					
C					
D					
E					
F					
G					

PROVIDE JUSTIFICATION/RATIONALE FOR SELECTION AND NON-SELECTION OF ALL CANDIDATES CONSIDERED, I.E. WHAT DISTINCTIVE/SPECIFIC QUALIFICATIONS DID THE SELECTED CANDIDATE POSSESS THAT THE NON-SELECTED CANDIDATE(S) DID NOT POSSESS FOR THE POSITION. PLEASE INDICATE IN THIS SECTION WHETHER THE CANDIDATE WAS THE MOST QUALIFIED FOR THE POSITION. THIS SECTION MUST BE COMPLETED FOR ALL APPLICANTS SELECTED AND NOT SELECTED.

IF MORE SPACE IS REQUIRED TO ANSWER ITEMS 10 - 14, PLEASE USE ADDITIONAL FORMS OR UTILIZE THE SAME FORMAT.

Distribution: 1 copy to OEOP ; 1 copy to the Initiating Department; 1 copy of page 3 to Human Resources

POSITION CONTROL NO.:	0

CERTIFICATION OF EQUAL EMPLOYMENT OPPORTUNITY

UNDER THE GUIDELINES SET FORTH IN ADMINISTRATIVE DIRECTIVE 2.02-12, THIS FORM MUST BE COMPLETED AND PROCESSED WITH APPROPRIATE SIGNATURES BEFORE PROCEEDING WITH ANY HIRING

POSITION TO BE FILLED	Organization	Department	Division	Date
0	0	0	0	01/00/1900

SELECTEE (NAME)	ACTION RECOMMENDED	Effective Date
0	0	1/0/00

Hiring Authority Approval	EQUAL OPPORTUNITY OFFICE APPROVAL
Signature of Hiring Authority or Designee	Signature of Equal Opportunity Office
Date	Date

PREVIOUS INCUMBENT (NAME)

LAST	FIRST	MIDDLE	AGE
0	0	0	0

SEX OF INCUMBENT: **DISABILITY:**

RACIAL / ETHNIC GROUP OF INCUMBENT	ASIAN (A); BLACK / AFRICAN AMERICAN (B); HISPANIC / LATINO (H); AMERICAN INDIAN / ALASKAN NATIVE (I); NATIVE HAWAIIAN / PACIFIC ISLANDER (P); TWO OR MORE RACES (T); WHITE (W)

	NAMES OF THOSE INTERVIEWED/CONSIDERED (must be complete)	SEX	Racial/Ethnic Group	Age	Disability (Y/N)
A	0				
B	0				
C	0				
D	0				
E	0				
F	0				
G	0				

Distribution: 1 copy to OEOP ; 1 copy to the Initiating Department; 1 copy of page 3 to Human Resources

ADMINISTRATIVE DIRECTIVE

GRIEVANCE PROCEDURE	NUMBER	PAGE
	2.02-2	1 of 8
	EFFECTIVE DATE	
	July 15, 2016	

I. PURPOSE

This directive establishes the City's grievance procedure for City employees and defines City policy and practice for the review of certain employee complaints.

This directive:

A. Encourages the settlement of disagreements informally at the employee-supervisor level;

B. Provides an orderly procedure to handle grievances through the various supervisory levels when necessary;

C. Resolves grievances as quickly as possible; and

D. Discourages the filing of unfounded grievances.

II. DEFINITIONS

A. **Employee** - Includes all city employees in the classified service (civil service). Elected officials, persons appointed to an elected official's personal staff (e.g., Council Administrative Assistant, Legislative Assistant to the Mayor), individuals appointed to positions in the city government by either the City Manager or a majority of the governing body, probationary employees and non-permanent employees are not eligible to file a grievance under this directive.

B. **Grievance** - A formal complaint regarding the administration of minor disciplinary actions, the application of city or departmental rules and regulations, and other matters concerning working conditions.

C. **Grievance Committee** - A committee composed of city employees appointed in accordance with provisions of this policy and the labor agreements, to review a specific grievance and recommend resolution.

D. **Grievant** - The employee who files a grievance.

E. **Representative** - Any individual duly authorized by an employee to act on the employee's behalf.

F. **Working Day** – For purposes of this directive, any of the days of a normal work week, (Monday through Friday).

III. APPLICATION

This directive applies to all city employees in the classified service. Employees covered by labor agreements such as the Tucson Police Officers Association (TPOA), the Tucson Firefighters Association (TFFA), the Association of Federal, State, County, and Municipal employees (AFSCME) or the Communication Workers of America (CWA) may elect to file a grievance pursuant to this directive or the process authorized by their labor agreement, but not both. Actions or incidents which have been reviewed pursuant to any other investigative or review procedure, such as Administrative Directive (AD) 2.02-4, Reporting Wrongful Conduct, are not grievable.

IV. DISCRIMINATION BASED COMPLAINTS

Conditions in the workplace believed to be discriminatory in nature should be reported to the Equal Opportunity Programs Division (EOPD) at 791-4593. Discrimination includes, but is not limited to, conduct that is based on race/color, national origin, sex, sexual harassment, age, sexual orientation, gender identity, disability, marital status, familial status, religion and ancestry and impacts the workplace environment.

Employees should also refer to AD 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities and AD 2.05-8, Discrimination/Harassment Policy and Mediation/Complaint Procedures.

V. GRIEVANCE PROCEDURE

A. Management Rights

The rights of the city, through its management officials are not subject to grievance. The reserved management rights of the city include, but are not limited to, the right:

1. To determine the purpose of each of its departments, to exercise control and discretion over the organization and efficiency of operations of the city; to set standards for services to be provided to the public;

2. To direct the employees of the city; to hire, examine, classify, promote, transfer, assign work and overtime and evaluate job performance;

3. To suspend, demote, discharge or take other disciplinary actions against employees for just cause;

4. To increase, reduce, change, modify or alter the composition and size of the city work force, including the right to relieve employees from duties because of lack of work, funds, or a material change in the duties or organization of a department;

5. To determine the location, methods, means and personnel by which operations are to be conducted, including the right to determine whether goods or services are to be made or purchased;

6. To establish, modify, combine or abolish job classifications; and,

7. To change or eliminate existing work procedures, equipment, or facilities.

B. Grievable Issues

1. Grievable issues must:

a. Concern matters or specific incidents that have occurred, and

b. Result from an act or omission by management regarding working conditions or other aspects of employee-employer relations over which the department director has control, and

c. Arise out of a specific situation or act, which has resulted in perceived inequity or damage to the employee.

2. Examples of grievable issues are:

a. Written Reprimands and suspensions of ten (10) working days (80 hours) or less.

b. Working conditions.

c. Employee/employer relations over which a department director has control.

d. The application, operation, or alleged violation of an AD, Human Resources (personnel) policy, or department policy.

3. Examples of non-grievable issues:

a. An incident or issue subject to management rights (Section V. A.).

b. An incident or issue relating to a policy of the Mayor and Council, or state or federal law.

c. An incident or issue that was reviewed via another grievance procedure (as authorized in a labor agreement).

d. Employee Performance Evaluations.

e. Probation failure of an original appointment or promotional appointment.

f. Board of Inquiry at Fault Findings (resulting discipline may be grievable).

g. An incident or issue appealable to or under the jurisdiction of the Civil Service Commission.

h. Equal Employment Opportunity Complaints.

i. Employment status (e.g., status such as intermittent, permanent, temporary, seasonal, elected, probationary).

j. Employee Salary Charter Dispute Process.

k. Suspensions without pay in excess of ten (10) working days (80 hours) or for periods totaling more than ten (10) days (80 hours) in any 12-month period from the time the first suspension goes into effect, demotion, reduction in pay (e.g. step reduction), or discharge of a permanent employee. (See Civil Service Rules and Regulations.)

4. Actions or incidents reviewed pursuant to any other investigative or review procedure, such as AD 2.02-4, Reporting Wrongful Conduct.

C. General Rules

1. Grievances may only be initiated by the employee concerned and may not be pursued without the affected employee's consent.

2. Grievances must be initiated within twenty (20) working days from the date of the act or from the point that the employee became aware of the occurrence. If the 20th day falls on a weekend or holiday, the following day of business becomes the "20th working day." Grievance must be submitted on the form prescribed by the Director of Human Resources for this purpose (Attachment A, Grievance Procedure Form).

3. The employee must comply with the time limits set forth in this procedure. The employee's failure to comply with the time limits constitutes an abandonment of the grievance unless both parties have mutually agreed, in writing, to extend the time limits set forth in this policy.

4. Any grievance shall be considered resolved at the completion of any step if all parties are satisfied or if the employee concerned chooses not to present the matter to the next step of the procedure within the prescribed period of time.

5. Once a grievance has been investigated and denied, repeated filing of grievances on the same issue will not be permitted.

6. While the grievant may designate a representative at any step of the grievance procedure, labor unions do not have representation rights for non-union employees. A Grievance Committee is not required to recognize more than one (1) representative for any grievance.

7. If the grievance involves a group of employees or if a number of employees file separate grievances on the same matter, the grievances may be handled as a single grievance.

8. Following completion of the grievance process, department managers and supervisors shall ensure the grievant does not experience any retaliation for having pursued the grievance. Any City Manager direction associated with the grievance resolution is to be implemented as quickly as possible.

D. Steps in the Grievance Process

An employee submitting a grievance pursuant to this policy must follow the steps below. If at any step the grievant fails to take action within the allotted time, the grievance will be concluded. If at any step a respondent fails to take action within the allotted time, the grievance shall proceed to the next step.

1. Step One

a. Within twenty (20) working days from the date an employee becomes aware of an incident, event, working condition, or disciplinary action that is grievable pursuant to this policy, the employee initiates the grievance by verbally informing the immediate supervisor of the complaint and gives the supervisor the grievance form. The supervisor shall document on the grievance form the date the complaint is initiated.

b. Within five (5) working days the supervisor shall provide a verbal response to the employee and shall document the date provided on the grievance form.

2. Step Two

a. If the grievant disagrees with the supervisor's response, the grievant, shall within five (5) working days, indicate on the grievance form the grievant's proposed solution to the grievance and shall present it to the immediate supervisor.

b. Within five (5) working days from receipt, the immediate supervisor shall respond in writing and return the form to the grievant.

c. Within five (5) working days of the receipt of the supervisor's written response, if the grievant disagrees with the immediate supervisor's written response, the grievant must present the form to the Division Administrator. The grievant must also submit a written response to the supervisor's comments, indicating the areas of disagreement with the supervisor's comments and proposed solution.

d. The Division Administrator shall respond in writing to the employee within five (5) working days.

3. <u>Step Three</u>

a. A grievant disagreeing with the Division Administrator's written response and proposed solution shall, within five (5) working days of the receipt of the Division Administrator's response, present the grievance form to the Department Director along with a written response to the Division Administrator's comments and proposed solution, indicating the areas of disagreement with the Division Administrator's comments and proposed solution.

Although either party may request a meeting, it is the Department Director's option to respond only in writing.

b. Within five (5) working days from receipt of the grievance or of a meeting (if held), the Department Director will submit a written response to the grievant.

4. <u>Step Four</u>

a. Within five (5) working days of receiving the Department Director's response, if the Department Director's decision is not satisfactory to the grievant, the grievant must indicate on the appropriate section of the Grievance Procedure Form that a review is requested by the City Manager within five (5) working days. The grievant must clearly indicate the areas of disagreement with the Department Director's comments and proposed solution. Additionally, the grievant must forward to the City Manager all documents associated with the Grievance Committee.

b. The City Manger will provide a final decision to the grievant within ten (10) working days of receiving the grievance; or alternatively, the City Manager will call for a Grievance Committee.

E. Grievance Committee Review Process for Non-represented Employees, Employees Represented by TPOA, Employees Represented by TFFA and Employees Represented by CWA

1. If the City Manager calls for a Grievance Committee, the grievance will be forwarded to the Human Resources Director to initiate the process by convening a Grievance Committee. For a non-represented employee, a TPOA member, a TFFA member or a CWA member, a neutral administrative hearing board composed of two (2) city employees and one (1) neutral third-party shall be appointed to review and recommend a solution to the grievance. One committee member will be selected by the Department and one committee member will be selected by either the employee, TPOA, TFFA or CWA (depending on the grievant's union membership). To maintain the neutrality of the Committee, none of the members can have had involvement with the specific case.

A new committee will be designated for each grievance. If a group of employees present the same grievance, one committee will be selected for the group of employees.

The grievance committee will meet within 15 calendar days of their appointment. The Committee will have 15 calendar days from the date of its first meeting to prepare and submit a written memorandum of its recommended solution to the City Manager.

2. The Human Resources Department will act as a neutral facilitator of the Grievance Committee process to ensure that the Committee has access to all information necessary to make an informed decision and to ensure that the Committee limits its review to the specific grievance. Both the City and the employee or the employee's union representative will have the opportunity to present the grievance to the Committee. The Committee has the authority to call witnesses and review all necessary records and reports. During presentation and deliberation of the grievance, the Grievance Committee members shall not testify on behalf of either the grievant or the City.

3. The Committee's written memorandum will be forwarded to the City Manager's Office. The City Manager or designee will review the recommendation of the Grievance Committee and will provide a final written solution to the department, grievant, grievant's representative and Committee members within 15 calendar days of receipt of the Grievance Committee memorandum.

F. Grievance Committee Review Process for Employees Represented by AFSCME

1. Pursuant to the AFSCME Labor Agreement, if Grievance is forwarded to the City Manager, the City Manager must convene a Grievance Committee within fifteen (15) days to investigate and recommend a solution to the grievance of an AFSCME member, the committee will be comprised of four (4) City employees. The Grievance Committee is an Administrative Hearing Board; two (2) of the committee members will be appointed by the City Manager or designee and two (2) members will be appointed by the Union. The committee will have fifteen working days from the date of its first meeting to investigate the problem and forward a written report of its recommended solution to the City Manager. In the event of a split decision, the Grievance Committee shall call upon the Federal Mediation and Conciliation Service (FMCS) for mediation in an attempt to resolve the matter.

   Written reprimands will not go to the Grievance Committee for resolution but will be forwarded to a Federal Mediations and Conciliation Service (FMCS) mediator for review and recommendation.

   Mike Hein

2. The City Manager will, within 10 working days of receipt of the Grievance Committee's written report, review the findings of the Grievance Committee and will provide a final written solution to the grievance and return the grievance to the Director of Human Resources. The Director of Human Resources shall, within 5 working days, return the findings to the member, Department Director and the Union.

Appendices

Grievance Procedure Form

References

AD 2.02-4 Reporting Wrongful Conduct
AD 2.05-2 Reasonable Accommodation of Applicants and Employees with Disabilities
AD 2.05-8 Discrimination/Harassment Policy and Mediation/Complaint Procedures

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication. Last review date: January 17, 2007.

Authorized

City Manager — Date 7/22/16

Michael Ortega

Attachment A

GRIEVANCE PROCEDURE FORM

See Administrative Directive 2.02-2 For Instructions
(ATTACH ADDITIONAL SHEETS AS NECESSARY)

NAME: _____ DEPARTMENT/DIVISION: _____

CLASSIFICATION _____ EMPLOYEE WORK PHONE #:_____

DATE OF ALLEGED INCIDENT _____ NAME OF SUPERVISOR_____

STEP 1 TO BE SUBMITTED WITHIN TWENTY (20) WORKING DAYS FROM THE DATE OF THE INCIDENT. EMPLOYEE INITIATES GRIEVANCE BY DISCUSSING PROBLEM WITH SUPERVISOR IN AN ATTEMPT TO RESOLVE THE ISSUE INFORMALLY. DATE OF INITIATION _____
DATE OF SUPERVISOR'S RESPONSE:_____

WITHIN FIVE (5) WORKING DAYS FROM DATE OF SUPERVISOR'S VERBAL RESPONSE TO DISCUSSION, EMPLOYEE SUBMITS GRIEVANCE IN WRITING.

STEP 2 A. EMPLOYEE'S STATEMENT OF PROBLEM

STATEMENT OF PROBLEM:_____

_____

_____

EMPLOYEE'S PROPOSED SOLUTION:_____

_____

_____

(Optional) I DESIRE TO BE REPRESENTED BY:_____

_____

_____ _____
EMPLOYEE'S SIGNATURE DATE SUBMITTED TO SUPERVISOR

B. SUPERVISOR'S WRITTEN REPLY

(TO BE RETURNED TO THE EMPLOYEE WITHIN FIVE (5) WORKING DAYS FROM DATE WRITTEN GRIEVANCE WAS SUBMITTED).

_____

_____

_____

_____ _____
SUPERVISOR'S SIGNATURE DATE SUBMITTED TO EMPLOYEE

C. DIVISION ADMINISTRATOR'S WRITTEN REPLY

IF THE GRIEVANT DISAGREES WITH THE IMMEDIATE SUPERVISOR'S WRITTEN RESPONSE, THE GRIEVANT MUST SUBMIT TO THE DIVISION ADMINISTRATOR, WITHIN FIVE (5) WORKING DAYS, A WRITTEN RESPONSE (TO BE ATTACHED) TO THE SUPERVISOR'S COMMENTS, INDICATING THE AREAS OF DISAGREEMENT AND PROPOSED SOLUTION.

_____

_____

_____
DIVISION ADMINISTRATOR'S SIGNATURE DATE RETURNED TO EMPLOYEE

(USE REVERSE SIDE IF YOU WISH REVIEW BY DEPARTMENT HEAD OR CITY MANAGER)

STEP 3 A. REVIEW BY DEPARTMENT HEAD

IF THE GRIEVANT DISAGREES WITH THE DIVISION ADMINISTRATOR'S WRITTEN RESPONSE AND PROPOSED SOLUTION, THE GRIEVANT MUST WITHIN FIVE (5) WORKING DAYS PRESENT THIS FORM TO THE DEPARTMENT DIRECTOR WITH A WRITTEN RESPONSE (TO BE ATTACHED) TO THE DIVISION ADMINISTRATOR'S COMMENTS INDICATING AREAS OF DISAGREEMENT AND PROPOSED SOLUTION.

I HEREBY REQUEST THAT THIS ISSUE BE REVIEWED BY MY DEPARTMENT HEAD.

CHECK ONE ☐ I HEREBY REQUEST A MEETING WITH MY DEPARTMENT HEAD.

☐ I DO NOT REQUEST A MEETING WITH MY DEPARTMENT HEAD.

B. DEPARTMENT HEAD'S REPLY

TO BE RETURNED TO THE EMPLOYEE WITHIN FIVE (5) WORKING DAYS FROM DATE GRIEVANCE WAS SUBMITTED

_____

_____

_____

DEPARTMENT HEAD'S SIGNATURE DATE RETURNED TO EMPLOYEE

STEP 4 A. REVIEW BY CITY MANAGER

IF THE DEPARTMENT DIRECTOR'S DECISION IS NOT SATISFACTORY, THE GRIEVANT MUST WITHIN FIVE (5) WORKING DAYS INDICATE ON THIS FORM THAT REVIEW IS REQUESTED BY THE CITY MANAGER. THE GRIEVANT MUST CLEARLY INDICATE THE AREAS OF DISAGREEMENT WITH THE DEPARTMENT DIRECTOR'S COMMENTS AND PROPOSED SOLUTION. **THE GRIEVANT MUST FORWARD TO THE CITY MANAGER ALL DOCUMENTS ASSOCIATED WITH THE GRIEVANCE.**

I HEREBY REQUEST THAT THIS ISSUE BE REVIEWED BY THE CITY MANAGER

_____ _____

EMPLOYEE'S SIGNATURE DATE PRESENTED TO CITY MANAGER

B. CITY MANAGER ACTION:

THE CITY MANAGER WILL PROVIDE A FINAL DECISION WITHIN TEN (10) WORKING DAYS OF RECEIVING THE GRIEVANCE; OR CALL FOR A GRIEVANCE COMMITTEE.

CHECK ONE

1. **FINAL DECISION:**_____

_____

_____

_____ _____

CITY MANAGER'S SIGNATURE DATE

2. **REFER ISSUE TO GRIEVANCE COMMITTEE (FORWARD ALL MATERIALS TO THE HUMAN RESOURCES DEPARTMENT):**

AFTER REVIEW OF THE RECOMMENDATION MADE BY THE GRIEVANCE COMMITTEE, I HEREBY RESOLVE THAT:

_____

_____

_____

_____ _____

CITY MANAGER'S SIGNATURE DATE

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
GRANT FUNDED POSITIONS	**2.02-3**	**1 of 2**
	PAGE ISSUE DATE	
	December 6, 2006	

I. POLICY

It is the policy of the City of Tucson to apply Civil Service Rules and Regulations relevant to all grant funded positions.

A. Any employee, who on initial entry into City employment under any type of appointment is funded in whole or in part through a grant from a public or private source, shall be informed in writing by Human Resources at the time of appointment.

B. The employee shall acknowledge in writing, that the provisions have been read and understood that employment will cease at the termination of the grant regardless of the status of the employee and without regard to length of service.

C. If terminated, the employee will not be entitled to the layoff provisions set forth in the Civil Service Rules and Regulations.

D. The employee may be transferred, promoted or demoted into a non-grant funded position and become entitled to the provisions of the Civil Service Rules and Regulations.

E. Permanent classified employees who have previously completed a probationary period in a non-grant funded position and are serving in a grant funded position are exempt from the requirements of this section.

II. DEFINITIONS

A. Grant Funded Position

Any City position financed by public or private sources other than the General Fund, General Revenue Sharing, or Enterprise Funds.

III. DEPARTMENTAL RESPONSIBILITY

On the Personnel Action Request Form, the originating department shall state (a) the name and duration of the grant, and (b) the proportion of the position that is grant funded (e.g., “fully grant funded” or “half grant funded, half general fund”).

IV. HUMAN RESOURCES RESPONSIBILITY

Upon hire of an employee into a grant funded position, a Human Resources representative shall review the Administrative Directive on Grant Funded positions with the employee and require the employee to sign an Agreement of Understanding (Attachment 1) acknowledging that the employee has read and understood that employment will cease at the termination of the grant regardless of the status of the employee and without regard to seniority and layoff provisions of the Civil Service Rules and Regulations. The Agreement of Understanding will be filed with, and made part of, the employee's personnel record maintained by the Human Resources Department.

Appendices None.

References Civil Service Rules

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication.

Authorized

City Manager

12/6/06
Date

Mike Hein

ADMINISTRATIVE DIRECTIVE

RIGHT TO REPORT WRONGFUL CONDUCT PROCEDURES AND ANTI-RETALIATION PROVISIONS	NUMBER 2.02-4	PAGE 1 of 7
	EFFECTIVE DATE February 10, 2015	

I. PURPOSE

This Administrative Directive sets forth procedures for an employee or a member of the public to report or disclose mismanagement, abuse of authority, accidents or safety violations, fraud, waste, abuse, or criminal conduct on the part of a public official or city employee(s).

II. POLICY

City employees or any member of the public may report alleged wrongful conduct they reasonably believe was committed by a City official or employee. No supervisor or any employee shall retaliate, intimidate or harass another employee who has filed a Wrongful Conduct complaint, or who participates in an investigation of a public official or City employee(s).

III. DEFINITIONS

A. **Adverse Personnel Action** - Disciplinary action including written reprimand, suspension without pay, involuntary transfer or reassignment, discharge, withholding of an appropriate salary adjustment, or other significant change in duties or responsibilities which is inconsistent with the employee's salary or classification.

B. **Complainant** - Member of the public or employee filing the wrongful conduct complaint.

C. **Complaint Database** - A database that tracks wrongful conduct complaints and their final resolution.

D. **Criminal Allegation** - An accusation that an individual has committed an act or omitted to do something, which is punishable by law.

E. **Designated City Official, Public Official or Public Agency** - The Mayor, Council Members, City Manager, Deputy and Assistant City Manager, City Clerk, City Attorney, City Department Directors, County Attorney, State Attorney General, or a federal, state or local law enforcement agency.

F. **Employee** - All City employees of any status or classification, including elected officials, persons appointed to an elected official's staff, or individuals appointed to a position in city government by a majority of the governing body.

G. **Investigator** – The City Manager, any member of the City Manager's Staff, any representative of a department or agency assigned to investigate a complaint.

H. **Mismanagement** – A gross deviation from acceptable and recognized management practices, the disclosure of which would be of public interest and concern, or a matter(s) in which the public could reasonably be expected to take interest.

Allegations critical of management's legitimate discretionary decisions and business judgments regarding intra-departmental affairs or private grievances regarding discipline, performance, wages and other routine employment matters are **not** included within this definition, unless the allegation rises to the level of wrongful conduct.

I. **Respondent** – Employee, Department, or City Official alleged to have engaged in wrongful conduct.

J. **Retaliation** – Any adverse personnel action, layoff, and/or change in the terms and conditions of employment in response to an employee's allegation of wrongful conduct to a designated supervisor, City Official, public official or public agency.

K. **Supervisory Employee** – Any supervisor, superintendent, division director/administrator, department director or other employee who has influence over personnel actions, including disciplinary action.

L. **Wrongful Conduct** – Mismanagement, gross waste of monies or an abuse of authority, or violation of any law on the part of any city official(s) or city employee(s) that is reasonably believed to be of public concern.

IV. REPORTING WRONGFUL CONDUCT AND ADMINISTRATIVE COMPLAINTS

A. Reports of wrongful conduct submitted to any designated City Official shall be forwarded immediately to the City Manager's Office, entered into a database and referred to the appropriate entity for investigation.

B. Reports of wrongful conduct submitted to Department Directors shall be promptly addressed. If the investigation is completed internally, the Department Director shall notify the City Manager's Office of the results of the investigation. If a preliminary review reveals that the complaint cannot be resolved internally or it becomes apparent during an investigation that the department requires assistance, the complaint shall be referred to the City Manager's Office for evaluation and assigned for investigation.

C. Reports of wrongful conduct shall be in writing and shall include the following information:

1. The date of the report.

2. The name of the individual making the report.

3. The nature of the alleged violation(s).

4. The date or range of dates on which the alleged violation(s) occurred; complaints must be filed within 90 calendar days of the date complainant became aware of the alleged violation(s).

5. The name of the public official(s) or other city employee(s) who is/are the subject of the allegations [the Respondent(s)].

D. All submitted wrongful conduct complaints shall be reviewed by the City Manager's Office in consultation with the City Attorney, if necessary to determine whether the allegations, if substantiated, constitute wrongful conduct as defined by the Administrative Directive. Upon review, if it is determined that the allegations, even if substantiated, do not constitute wrongful conduct, the complaint will be dismissed.

Within fifteen (15) days of receipt, the complaint will be acknowledged by a letter from the City Manager's Office stating that the complaint was received and reviewed and advise whether or not an investigation will commence as well as the justification for an investigation.

Within fifteen (15) days of dismissal or a complaint or completion of an investigation, the complainant shall be notified in writing of the results.

V. INVESTIGATIVE PROCEDURE

A. After the initial review, the City Manager's Office will designate the city department(s) to conduct the investigation (e.g., Human Resources, Tucson Police, Finance, Budget and Internal Audit, City Manager's Office, involved Department). Some investigations may involve multiple departments and/or require an investigative team with duties assigned appropriate to the nature of the inquiry.

B. When a Wrongful Conduct Complaint is assigned to a department for investigation, a copy of the complaint will be forwarded to the director of that department. Any individual accused of wrongful conduct (the Respondent), except for allegations of a criminal nature, will be given notice of the complaint and provided an opportunity to respond to the allegations in writing or by interview at the discretion of the investigator. The Respondent will be given a copy of the Notice of Administrative Investigation form prior to any interview.

C. Wrongful Conduct investigations shall be completed within 90 calendar days or as soon as practicable.

The Department Director will review the completed investigative package and determine the appropriate disposition and recommended actions. The City Manager or his/her designee (Deputy City Manager or Assistant City Manager) shall review the investigative package and recommendations and will either concur with or modify the

recommended disposition. The City Manager's determination is final. A copy of the final decision shall be provided to the complainant and respondent.

A complaint shall be disposed of with one of the following determinations:

1. **Unfounded** - The employee did not commit the alleged violations(s), or the actions taken were consistent with City of Tucson Administrative Directives or Department Policy.

2. **Not Sustained** - An investigation could not determine whether the alleged actions and/or violations did or did not occur.

3. **Sustained** - An investigation conducted into the initial allegations established one or more allegation, or the investigation establishes other wrongful conduct.

4. **Dismissal/No Investigation** - A review of the allegations by the City Manager's Office did not find sufficient factual basis to conduct an investigation.

Complaints that are sustained may result in the imposition of discipline, up to and including discharge.

D. **Access to Records** - To carry out their responsibilities, investigators must have timely and unrestricted access to any copies of, all records, reports, investigations, audits, reviews, documents, papers or any other materials relevant to the allegations. Assigned investigators will coordinate with the City Attorney's Office to ensure that records are properly obtained and maintained.

E. **Employee Participation** - All City of Tucson employees are required to cooperate with investigators during wrongful conduct investigations. Employees will be allowed the right to representation during an investigative interview at their discretion. The role of the representative is one of an observer only. The employee may tape-record the interview after providing notification to the investigator. The representative may not interrupt or interject during the interview.

1. Employees are required to truthfully give all pertinent facts and information on any matters under investigation by the City of Tucson.

2. Employees have the responsibility to bring to the attention of the investigator any evidence or witness information he/she believe is relevant to the investigation.

3. Employees may not discuss or communicate in any manner (written, verbal or electronic), an administrative investigation with any unauthorized person.

4. Any employee found in violation of this section shall be subject to disciplinary action, up to and including discharge.

VI. INVESTIGATIVE RESPONSIBILITIES

A. Departmental Investigations

1. Department Directors remain responsible for investigation of complaints regarding employee misconduct and/or operational issues within their respective departments. The following are some examples of routine departmental investigations:

a. Employee misconduct involving violations of City Administrative Directives, unsafe conduct, reasonable suspicion of on-duty drug/alcohol use.

b. Department operational issues including policies, procedures or work rules, assignments and methods of operation.

2. During any departmental investigation, if any suggestion of criminal activity is discovered, the department shall suspend its investigation and refer the matter to the Tucson Police Department, advising the City Manager's Office and the City Attorney of its actions.

B. Specialized Investigations

1. **Tucson Police Department (TPD)** – Complaints alleging criminal activity will be referred to TPD. This includes but is not limited to theft of city property, theft of cash, materials, supplies, and equipment; misuse of payroll for overpayment of wages or theft of services; personal use of City supplies and equipment; personal use of City service contracts.

2. **Central Safety Services (CSS)** – Safety complaints alleging serious risk of harm. Complaints alleging serious risk of harm and safety issues will be referred to Central Safety Services for investigation and resolution in accordance with A.D. 3.04-4 Serious Accident Review Committee.

3. **Budget and Internal Audit** – Complaints alleging misuse of cash, financial resources and timekeeping. Complaints alleging improper financial controls will be referred to the Budget and Internal Audit Director for review, findings and recommendations. This includes but is not limited to misuse of City resources or cash controls, misuse of City finance systems including procurement processes, misuse of timekeeping equipment and/or time worked records in accordance with A.D. 2.01-15, Reporting Time Worked and Employee Leaves.

4. **Human Resources Department Equal Opportunity Programs Division (EOPD)** – Complaints alleging discrimination in violation of City, State or Federal anti-discrimination laws. All complaints alleging discrimination, harassment or sexual harassment, including allegations of failure to accommodate under the Americans with Disabilities Act (ADA) and violations of the Equal Pay Act (EPA) will be referred to the Human Resources Department Equal Opportunity Programs Division in accordance with A.D. 2.05-8, Discrimination/Harassment Policy.

5. **Human Resources** - Complaints alleging violations of the Fair Labor Standards Act (FLSA) or alleging violations of the Family Medical Leave Act (FMLA) will be referred to Human Resources.

VII. COMPLAINT OF RETALIATION

A. If an employee believes that an adverse personnel action (see Definitions Section III. A) taken against him/her is the result of the employee's report of, or cooperation in, a wrongful conduct complaint as described in this Administrative Directive, the employee may make a written complaint of retaliation to the Director of Human Resources, Human Resources Department Equal Opportunity Programs Division or City Attorney within thirty (30) calendar days of the effective date of the personnel action. The complaint shall include the following information:

1. The adverse personnel action.

2. The date of the adverse personnel action.

3. The supervisory employee(s) responsible for the alleged intimidation, harassment or adverse personnel action.

4. The reason(s) the employee believes the adverse personnel action was retaliation rather than a result of the employee's job performance or inappropriate work conduct.

The office that receives a complaint of retaliation shall immediately notify the Director of Human Resources, the City Manager, and the City Attorney.

B. The Director of Human Resources or designee will investigate the complaint of retaliation and shall determine whether retaliation occurred as a result of the employee's reporting wrongful conduct. It is **not** retaliation if the adverse personnel action was imposed for legitimate reasons. The Director of Human Resources will send a completed investigative report and recommendations to the City Manager.

C. If retaliation has occurred, the City Manager shall direct that the personnel action be reversed and that any lost pay and/or benefits be returned to the employee. If the

person alleging retaliation is still a City employee, the retaliatory action shall be reversed by the appointing authority. An appointing authority may reverse an adverse personnel action against an employee without interfering with the appellate jurisdiction of the Civil Service Commission. If the person is no longer a City employee due to discharge or layoff, a recommendation shall be made to the City Attorney's Office and Director of Human Resources that the action be overturned. The recommendation shall state that the employee's discharge was without just cause or the layoff was pre-textual and not because of reorganization or shortage of funds or work.

D. Any supervisory employee found to have knowingly retaliated against an employee shall be subject to disciplinary action, up to and including discharge.

E. No employee shall harass, intimidate, coerce or threaten any other employee who has made a Wrongful Conduct complaint or participated in an investigation of a Wrongful Conduct complaint. Employees found to have engaged in such behavior shall be subject to disciplinary action, up to and including discharge.

F. Any written complaint of retaliatory disciplinary action of a suspension of more than 10 working days, reduction in pay or position, discharge and/or layoff, regardless of either the City Manager's or the Human Resources Director's investigation and determination, may also be appealed to the Civil Service Commission of the City of Tucson, in accordance with the Civil Service Rules.

Appendices

City of Tucson Wrongful Conduct Complaint Form

References

AD 2.02-4 – Right to Report Wrongful Conduct Procedures and Anti-Retaliation Provisions
http://intranet.ci.tucson.az.us/administrative-directives-forms

AD 2.01-15 Reporting Time Worked and Employee Leaves
AD 2.05-2 Reasonable Accommodation of Applicants and Employees with Disabilities
AD 2.05-8 Discrimination/Harassment Policy
AD 3.04-4 Serious Accident Review Committee
Civil Service Rules

Review Responsibility and Frequency

The Deputy City Manager or City Manager designee, Director of Human Resources, and City Attorney will review this directive as needed.

Authorized

City Manager

3-11-15
Date

Complaint Tracking #:_____ Date Received:_____
Assigned to:_____

CITY OF TUCSON
WRONGFUL CONDUCT COMPLAINT FORM

In accordance with Administrative Directive #2.02-4, employees and members of the public who reasonably believe or have evidence of wrongful conduct on the part of a public official or city employee are encouraged to report such allegations to the City Manager's Office or other designated city official. Wrongful conduct is defined as mismanagement, gross waste of monies or an abuse of authority, or violation of any law on the part of any city official(s) or city employees(s) that is reasonably believed to be of public concern.

Complaints must be filed within 90 calendar days of the date you became aware of the alleged violation.

I. Complainant Information:

Name:_____

Home Address:_____City/State/Zip:_____

Home Phone#:_____Alternate Phone#:_____

FOR CITY EMPLOYEES

Current Job Title:_____ Department:_____

II. Please describe the nature of your allegation, providing as much supporting detail as possible including the date and/or time frame within which the violation(s) occurred.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

III. NAME, ADDRESS AND TELEPHONE NUMBER OF ANY PERSON(S) WHO HAVE DIRECT KNOWLEDGE OF THE EVENTS LISTED ABOVE:

Name:_____

Address:_____City/State/Zip:_____

Telephone#:_____Alternate#:_____

Name:_____

Address:_____City/State/Zip:_____

Telephone#:_____Alternate#:_____

Name:_____

Address:_____City/State/Zip:_____

Telephone#:_____Alternate#:_____

Name:_____

Address:_____City/State/Zip:_____

Telephone#:_____Alternate#:_____

Signature:_____Date:_____

ADMINISTRATIVE DIRECTIVE

RULES OF CONDUCT	NUMBER 2.02-5	PAGE 1 of 4
	EFFECTIVE DATE December 16, 2013	

I. PURPOSE

This policy establishes rules of conduct for all City employees. These general rules may be further defined in writing and distributed by individual departments as deemed necessary.

II. POLICY

A. All employees must observe the following basic principles and rules of conduct throughout their employment with the City. Failure to observe basic principles and rules of conduct, as specified in this policy and in City Code, may result in disciplinary action up to and including discharge.

1. Be at work on scheduled working days at the designated starting time, and remain at assigned work place during designated work hours unless permission to leave has been granted by the supervisor.

2. Observe department breaks and lunch periods without abuse.

3. Use and maintain in a reasonable manner, tools, machines, vehicles, and other City property and equipment to assure their usefulness and longevity. Report malfunctions or hazardous conditions of tools, machines, vehicles, and other City property and equipment to assure proper maintenance and safety.

4. Complete the required "time worked" records in accordance with instructions issued by the City.

5. Personally notify the supervisor as quickly as possible if absence is necessary, and otherwise comply with all provisions of AD 2.01-7 Employee Leaves.

6. Obtain Department Director's permission before soliciting funds, selling tickets, passing petitions, or distributing literature on City property or during business hours.

7. Follow established safety practices and immediately report accidents to the supervisor or his/her designee.

8. Cooperate in keeping the work place, equipment, and vehicles in clean and sanitary conditions.

9. Carry out specific orders or instructions from assigned supervisory personnel.

10. Perform a full day's work in an efficient manner in accordance with the methods and standards required by the City.

11. Conduct themselves in a manner, on and off duty, that:

a. Does not compromise their ability, or that of other employees, to perform assigned work and/or duties in an efficient, non-discriminatory, and professional manner;

b. Does not discredit the City or department in a manner that affects its ability to perform its mission;

c. Does not cause the City or department to question the employee's reliability, judgment or trustworthiness in carrying out assigned responsibilities.

12. Truthfully give all pertinent facts and information to supervisors on any matters involving or concerning City employment.

13. Truthfully give all pertinent facts on records prepared.

14. Cooperate fully and truthfully give complete, honest and accurate facts and information pertaining to any investigation or matter of concern to the City or department.

15. Truthfully give all pertinent facts and information to providers contracted by and working in partnership with the City to provide benefits to City employees on any matters involving or concerning City employment.

16. Employees shall not engage in dishonesty, falsifying or omitting information, either verbally or in written format (including electronically) on any records including but not limited to payroll records, human resources records, information prepared or provided in response to any investigation.

17. Promote harmony and cooperation among fellow workers.

18. Keep their supervisors informed of all matters relating to and affecting their employment.

19. Not report for duty or work under the influence of alcohol. On or off duty possession, use, or sale of controlled substances without a prescription is prohibited (see "Drug and Alcohol Use; Impaired Employees; Physical Evaluations; Applicant Testing AD 2.02-22).

20. Advise supervisory personnel of use of prescription drugs if such use may affect performance of assigned duties.

21. Report to the supervisor any damage, thievery, or unauthorized removal or use of property belonging to the City or to another employee.

22. Adhere to those provisions of the City Charter, City Ordinances, City Administrative Directives, Department rules and regulations, and Civil Service Commission Rules that relate to their employment with the City.

23. Supervisory personnel are responsible for the proper conduct of their assigned employees and the functional work activities under their control. As necessary, supervisors should strive to review, document, and take appropriate action in matters within thirty (30) working days, or as soon as practicable.

24. Abide by all local, state, or federal laws. Employees arrested or charged with a crime shall report the incident to their supervisor by the next working day. Employees have a continuing obligation to report new developments on any matters previously reported. The City Manager shall be notified by the department of any matter involving alleged criminal charges.

25. Employees are not to be in possession of firearms or other weapons while at work, or on City business unless specifically authorized to do so by the Department Director and the Chief of Police. An employee may leave a firearm in the employee's locked and privately owned motor vehicle or in a locked compartment on the employee's privately owned motorcycle while parked in a City owned or leased parking lot.

26. Employees are prohibited from using City vehicles, equipment, materials, property, or City processes for general convenience or profit, unless it is made available or provided to the general public. As an example, employees are prohibited from sending Christmas or other personal cards through the City mail system.

III. CITY OWNERSHIP OF EMPLOYEE WORK PRODUCTS

A. The City maintains ownership rights for all employee suggestions and work products conceived or produced by an employee, alone or with others, on City time, even if the work does not pertain to the employee's assigned duties. Examples of work products include ideas, inventions, solutions, drawings, writings, audio and videotapes, computer programs tools, equipment, and any other product, devices, or developments designed or modified, in whole or in part, on City time. Further, the City maintains ownership rights for all suggestions and work products that are the result of any materials, property, information, equipment, or other resources or opportunities supplied by the City that enable the employee to develop or perfect the suggestion or work product.

B. Work products created on City time by Seasonal Fee Class Instructors, for demonstration purposes in Leisure Education Fee Classes, may be retained by instructors if the materials necessary to produce the demonstration products are provided by the instructors at their own expense. If materials for demonstration products created by Seasonal Fee Class Instructors are provided by the City, the City will maintain ownership rights to the work products

Appendices None

References 2.01-7, Employee Leaves (Entire series)
2.02-22, Drug and Alcohol Use Impaired Employees, Physical Evaluations, Applicant Testing

Review Responsibility and Frequency The Human Resources Director will review this directive annually based on date of publication.

Authorized

City Manager 12.21.13 Date

Richard Miranda

ADMINISTRATIVE DIRECTIVE

OUTSIDE EMPLOYMENT	NUMBER **2.02-6**	PAGE **1 of 3**
	EFFECTIVE DATE **January 25, 2016**	

I. PURPOSE

To state the policy and procedures for City employees to follow to obtain approval for outside employment.

II. DEFINITIONS

A. **City Employee** – An individual employed in the City's classified service.

B. **Outside Employment** – Services rendered to an employer other than the City of Tucson (including self-employment) from which an individual receives or intends to receive anything of value (goods, services, money).

III. POLICY

The proper operation of City government requires that employees be independent, impartial and responsible to the people, and that the public has confidence in the integrity of its government. The most significant and encompassing of the state laws dealing with public employee conduct are the Arizona Revised Statutes 38-501 through 38-511, titled "Conflict of Interest of Officer's and Employees". These statutes are the basis of the City's Code of Ethics and the following policy for outside employment.

No employee shall engage in any outside employment or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of the employee's official duties, or which would tend to impair the employee's independence of judgment or action in the performance of official duties. Personal, a distinguished from financial, interest includes an interest arising from blood or marriage relationships, or close business or commercial association. (See AD 2.02-14), "Conflicts and Ethics" for more information regarding conflict of interest.

Some outside employment situations may not technically violate state statutes regarding conflict of interest, but present an appearance of impropriety that is just as damaging to the public trust as an actual conflict. In order to prevent appearances of impropriety, such employment situations will not be permitted under the policy below.

IV. GENERAL

Outside employment may be permissible under the following conditions:

A. There is no actual or potential conflict or appearance of conflict between the outside employment and the employee's duties.

B. The outside employment will not reflect derogatorily on the City or department, nor adversely affect the department's ability to fulfill its performance functions.

C. The outside employment will not be in an activity that is regulated by the department, whether or not the employee is directly involved in the regulatory activity.

D. If an employee is involved in the City's regulation of an outside firm, the employee may not have any employment relationship whatsoever with the outside firm.

E. If an employee's official duties include the possibility of reviewing, directing or assigning the work of outside firms, the employee will not engage in outside work of a similar nature.

F. The outside employment shall not involve the use of facilities, equipment or supplies of the City of Tucson, unless these services are available to the general public. Work related to an employee's outside employment shall not occur during the hours in which the employee is expected to fulfill the duties and responsibilities of a City position.

G. The outside employment will not require an amount of time or effort which could adversely affect the employee's ability to perform the City job. The employee must meet or exceed job performance standards prior to the approval and sustain that performance for the duration of their outside employment.

H. If an employee's outside employment is similar in nature to their City position official duties, they may not perform outside work for a City vendor/contractor on City property.

V. AUTHORIZATION PROCEDURES

Initial Authorization: An employee must have approval of the employee's department director prior to engaging in any outside employment. This request is to be made with a "Request for Outside Employment" form (Attachment). The employee shall provide any information regarding the outside employment, which might reasonably impact upon the decision to grant, deny, or terminate approval. Employees who do not provide such information are subject to disciplinary action and termination of their authorization for outside employment. In addition, employees who engage in outside employment without approval from their department director are subject to disciplinary action up to and including termination.

Exception: Commissioned employees of the Police Department who wish to engage in police-related outside employment are exempt from the requirement to submit a "Request for Approval of Outside Employment" form, but must comply with Tucson Police Department rules and regulations related to outside employment. Non-police related outside employment still requires submittal of the "Request for Approval of Outside Employment" form.

Annual Renewals: After outside employment is initially authorized, employees must annually request and receive authorization for continued outside employment. To make the timing of renewals consistent Citywide, employees shall submit new "Request for Approval of Outside Employment" forms (attached) annually on **November 1st**.

Forms Request for Approval of Outside Employment

References AD 2.02-14, "Conflicts and Ethics"

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication. Last review date: February 23, 2006.

Authorized

City Manager

Michael Ortega

1/28/16
Date

REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT
(Use one form for each employer)

Date of Request: _____

Name: _____ Department: _____

Classification: _____ Date of Hire with City: _____

I hereby request authorization to engage in the outside employment described below, understanding that such work will neither conflict with my employment with the City of Tucson, cause any conflict of interest, either actual or potential, nor present an appearance of an impropriety in relation to my employment with the City of Tucson. I agree to supply information regarding my outside employment which might reasonably impact upon the decision of my employer to grant, deny, or terminate approval of my request for outside employment.

Name of Company* _____ Title of Position _____

*if self employed, list primary clients _____

_____

_____

Type of Work _____

_____

_____

Hours of Work _____

Number of hours per day, week, or month _____

Estimated duration of job _____

Immediate Supervisor _____

Note: If work is intermittent and does not follow a fixed schedule, state the approximate hours and schedule:

_____

_____

_____

Attach any additional information regarding this request for employment which may impact the decision to grant, deny or terminate approval. FOR CONTINUING EMPLOYMENT, A NEW REQUEST FORM MUST BE SUBMITTED ANNUALLY ON NOVEMBER 1ST.

Signed: _____
(Employee requesting authorization)

		Approved	Not Approved
_____ Division Administrator	Date	_____	_____
_____ Department Director	Date	_____	_____

See A.D. 2.02-6 for more information

Distribution of completed form: Original to Employee
Copy to Department and to Human Resources

9/94

ADMINISTRATIVE DIRECTIVE

LAYOFF PROCEDURE	NUMBER 2.02-7	PAGE 1 of 4
	EFFECTIVE DATE November 2, 2009	

I. PURPOSE

This directive is intended to ensure: (a) layoffs occur only when there is a shortage of funds or work or material changes in duties or organization; (b) layoffs are not used in lieu of discipline; (c) required pre-layoff administrative and legal reviews are completed; (d) employees are provided with notice of proposed layoff and an opportunity to respond; and (e) employees are laid off within specific job classification in inverse order to total length of continuous service with the City.

II. POLICY

Appointing officers, department directors and the Human Resources Director will ensure that layoffs are administered in a manner that is consistent with the City Charter, Tucson Code, Civil Service Commission Rules and this directive. Layoffs shall be accomplished on a department basis within the affected job classification and may require transfers of permanent employees in accordance with Civil Service Rule VIII.

III. DEFINITIONS

A. **Appointing Officer:** The City Manager or other persons authorized by the City of Tucson Charter to make appointments to civil service.

B. **Bump Rights:** Permanent employees subject to layoff shall be permitted to take employment in the same department in a lower class in the same class series, or in some other lower class in which the employee has completed probation, each of which must be or have been under the same appointing authority, provided that the employee can perform the essential duties of the position and the action does not cause the layoff of an employee with more seniority.

C. **Classification:** A class of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum qualifications and other characteristics that the same title, the same test of fitness, and the same schedule of compensation may be applied with equity to each position in the group.

D. **Class Series:** A group of similar and/or related classifications with increasing levels of responsibility, advanced knowledge, skills and abilities. The Human Resources Department establishes and maintains the class series lists.

E. **Days:** Calendar days unless otherwise indicated. Workdays are distinguished from calendar days to include the employee's normal scheduled days of actual work. Leave, holidays and unscheduled workdays are excluded and not included as workdays.

F. **Layoff:** The termination of a person's employment because of lack of funds or work, or because of material changes in duties or organization. Layoffs are accomplished on a department basis within the affected job classification.

G. **Layoff Plan:** The Layoff Plan is prepared by the appointing authority and includes all of the following: each classification subject to layoff, an indication as to whether grant-funded employees in the classification will be grouped with other employees for layoff purposes, employees within specific classifications in inverse order to total length of continuous service with the City, employees who have bump rights within the department, the manner in which bump rights impact the layoffs, and the employees who will be laid off.

H. **Notice of Proposed Layoff:** The Notice of Proposed Layoff informs the employee of the reason for layoff and the employee's rights under the Charter, Code, and Civil Service Commission Rules.

I. **Notice of Layoff:** The written notice of layoff issued after the employee has had an opportunity to respond to the proposed layoff and at least fourteen (14) days prior to the effective date of the layoff. The approval signatures of the Appointing Officer and the Human Resources Director or designee are required.

J. **Reemployment:** The appointment of a laid-off employee to a classification, other than the classification from which laid off, in any department, or to the same classification in a department other than the department from which laid off, or to a position of the same classification in the same department from which laid off. Reemployment appointments are made from lists maintained in accordance with Civil Service Commission Rule IV Sections 3 and 4.

K. **Seniority:** The employee's total length of continuous service since the last date of hire with the City as a Civil Service probationary/permanent employee. Appointees and nonpermanent employees do not have seniority for purposes of layoff.

IV. LAYOFF PROCEDURE

A. Employees may be laid off when there is a shortage of funds or work or material changes in duties or organization. Layoffs shall be done in accordance with a Layoff Plan approved by the Human Resources Director and the City Attorney's Office.

B. Decisions regarding which classifications will be affected by layoff and when layoff will be effective shall be made by the Appointing Officer who shall draft a

Layoff Plan and submit it to the Human Resources Department and City Attorney's Office for review and approval.

C. When any classification in a department is subject to layoff, all vacant positions in the classification within the department shall be eliminated and all nonpermanent employees in that classification within the department shall be terminated before any permanent employee is laid off.

D. When the Appointing Officer identifies a permanent employee as subject to layoff, the permanent employee's bump rights shall be determined; the employee shall be permitted to take employment in a lower class in the same class series, or in some other lower class in which the employee has completed probation each of which must be or have been under the same appointing authority, provided that the employee can perform the essential duties of the position and the action does not cause the layoff of an employee with more seniority.

V. HUMAN RESOURCES DEPARTMENT AND LEGAL REVIEW

The Human Resources Director or designee and the City Attorney's Office shall review and approve the department Layoff Plan prior to the issuance of any Notice of Proposed Layoff to ensure compliance and conformity with the City Charter, Tucson Code, Civil Service Commission Rules and all applicable directives. The Human Resources Department and the City Attorney's Office will be available to advise and assist the departments during any phase of the layoff process.

VI. NOTICE OF PROPOSED LAYOFF, OPPORTUNITY TO RESPOND, AND PRE-LAYOFF TRANSFER

A. A Notice of Proposed Layoff will be issued to the employee informing the employee of his/her opportunity to present a written response and meet in person with the Appointing Officer or designee at a scheduled time, date and place prior to the layoff. The Notice of Proposed Layoff will be issued at least seven (7) calendar days in advance of the pre-layoff review meeting. The meeting will take place at least 14 calendar days prior to the effective date of the layoff.

B. The Appointing Officer or designee must schedule a meeting with the employee to provide the employee an opportunity to respond. The meeting with the Appointing Officer or designee is not an adversarial hearing. The employee may respond in writing or in person to present reasons, along with information and documentation to refute the proposed layoff. If the employee is accompanied by a representative, the representative's role is limited to consulting and advising the employee. The representative will be permitted to ask clarifying questions of the employee and present a statement on behalf of the employee. The

Appointing Officer or designee must give proper consideration to the employee's response whether written, oral or both, along with supporting information and documentation. Failure of an employee to submit a written response or appear at the meeting will constitute a waiver of the opportunity to respond.

C. Prior to the effective date of layoff, a permanent employee subject to layoff may be transferred pursuant to Civil Service Commission Rule VIII to any vacant position of the same or lower salary grade for which the employee meets the minimum qualifications. The employee shall retain all accrued sick leave, annual leave and compensatory time. The transferred employee shall serve a probationary period in the classification if a prior probationary period in that classification has not been completed. The transferred employee retains reemployment rights under Civil Service Commission Rules IV and VIII.

VII. NOTICE OF LAYOFF AND CIVIL SERVICE COMMISSION REVIEW

A. After the scheduled pre-layoff review meeting, the Appointing Officer's decision shall be documented in the Notice of Layoff. The Notice of Layoff shall indicate that the employee has the right of review by the Civil Service Commission. The original Notice of Layoff is submitted to the Human Resources Department and a copy is provided to the employee.

B. Within 10 days of the effective date of layoff, laid off employees may request a review by the Civil Service Commission. The request for review must be submitted to the Human Resources Department in writing and must include the grounds for the request for review.

Appendices

Form A - Layoff Plan
Form B - Notice of Proposed Layoff
Form C - Notice of Layoff
Form D - Employee's Request for Civil Service Review

References

Tucson Charter Chapter XXII Section 7; Tucson Code Chapter 10; Civil Service Commission Rules IV and VIII.

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication.

Mike Letcher 10/28/09

City Manager Date

Mike Letcher

Layoff Plan

Department/Division

Date:

Summary of plan including the reason for layoff and an indication of whether or not grant funded employees will be grouped with other employees for layoff purposes:

Classifications subject to layoff:

Employees in each classification subject to layoff in inverse order of total length of continuous service with the city:

Summary of bump rights:

Manner in which bump rights impact the layoffs:

Employees subject to layoff:

Appointing Officer Signature Date

Human Resources Department Director Signature Date

City Attorney's Office Signature Date

Notice of Proposed Layoff

Employee Name	Department/Division	Date

YOU ARE HEREBY notified that your position is subject to layoff in accordance with the attached <INSERT LAYOFF PLAN, REORGANIZATION OR RECLASSIFICATION>. The layoff is based on the following:

- ☐ Lack of funds
- ☐ Lack of work
- ☐ Material change in duties or organization

NOTICE OF MEETING

In accordance with Administrative Directive 2.02-7, Layoff Procedure, a pre-layoff review meeting has been scheduled by the Appointing Officer on:

DATE:

TIME:

PLACE:

NOTICE OF YOUR OPPORTUNITY TO RESPOND

You are entitled to present reasons, along with information and documentation to refute the proposed layoff at the meeting. The meeting with the department director or designee is not an adversarial hearing. If you are accompanied by a representative, the representative's role is limited to consulting and advising you directly. The representative will be permitted to ask you to clarify your statement and/or present a statement on your behalf. If you do not wish to be present at the meeting, you may respond in writing and present any and all supporting information and documentation. This written response must be received by the director or designee prior to or presented at the scheduled meeting for consideration. Failure to appear at the meeting or submit a written response will constitute a waiver of the opportunity to respond.

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

_____ _____
Department Representative Signature Date

Notice of Layoff

Employee Name	Department/Division	Date

After review and consideration of all information provided at the pre-layoff review meeting and/or in writing on ___<date>_____and the information set forth in the department Layoff Plan, the decision is as follows:

☐ **Layoff will occur as described in the Notice of Proposed Layoff**

☐ **Other ____<describe>**

<Insert specific items that were considered after the pre-layoff review meeting if appropriate.>

Civil Service Commission Review Rights:

Within 10 days of the effective date of layoff, the laid off employee may request a review by the Civil Service Commission. The request for review must be submitted to the Human Resources Department in writing and must include the grounds for review. (See attached Form D.)

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

_____ _____
Department Director/Designee Signature Date

EMPLOYEE'S REQUEST FOR CIVIL SERVICE REVIEW

The Civil Service Rules and Regulations give every **permanent** (*non-probationary)* employee the right to request a Civil Service Commission review of a layoff. If you have been laid off you may file a request for Civil Service Commission review. This request must be in writing, state the grounds for the request, and be filed with the Director of Human Resources within ten (10) days of the effective date of the layoff.

1. I hereby request a Civil Service Commission Review of my layoff which was effective on

   _____.

2. My request for review is based on the following grounds:

   _____

   _____

   _____

   _____

   _____

   _____

I have read and fully understand all of the above statements.

Name: (Print) _____

Address: (Print) _____

Signature:_____ Date:_____

Human Resource Staff Representative: _____

Date:_____

ADMINISTRATIVE DIRECTIVE

UNION ACTIVITIES	NUMBER **2.02-8**	PAGE **1 of 2**
	EFFECTIVE DATE **February 1, 2016**	

I. POLICY

The City will neither favor union organization by providing captive audience, nor discriminate against union organization by refusing to allow such meetings away from the immediate work or reporting area. Activities of unions or organizations representing City employees, or seeking to represent City employees, are subject to the following conditions:

A. During Working Hours

Activities connected with work and specifically authorized by agreement between the City and the union (such as the Grievance Procedure and the imposition of discipline) may be conducted during working hours. The union representative must secure permission from both his/her own Department Director and the respective Department Director (or authorized representative) prior to contacting any employee on City time. No other union activities will be conducted on City time during the employee's working hours.

B. Other Than Working Hours

Union activities are not to be conducted on City property including the immediate reporting area or work area. Such activities may be conducted on City property, outside the work area and the reporting area, if specific areas and times are formally approved in writing by the respective department head and the City Manager in advance.

C. Violation

Any violation of this directive by a City employee shall result in disciplinary action by the appropriate department head.

II. UNION AGREEMENTS

A. Association of Federal, State, County, and Municipal Employees

B. International Association of Firefighters, Local 479

C. Tucson Police Officers Association

D. Communications Workers of America

Appendices None

References Tucson City Code Chapter 14

Review Responsibility and Frequency The Director of Human Resources shall review and revise this directive as appropriate. Last review date: January 12, 2007.

Authorized

City Manager

Michael Ortega

1/28/16

Date

ADMINISTRATIVE DIRECTIVE

NEPOTISM	NUMBER 2.02-10	PAGE 1 of 2
	EFFECTIVE DATE October 1, 2010	

I. PURPOSE

To state the policy regarding employment of relatives, family members and members of the same household.

II. POLICY

City employees are prohibited from hiring, selecting for hire, promoting or selecting for promotion a relative or family member. City employees shall not work for, suggest, arrange or be a party to the hiring or promotion of a relative or family member.

City employees shall not directly or indirectly supervise a relative or family member. Whenever a reporting relationship is identified as contrary to the provisions of this directive, the Department Director, after consultation with the Human Resources Director and City Attorney, shall take appropriate action to resolve the matter.

All employees shall refrain from intervening in any employment matter involving a family member and shall refrain from involvement in any employment matter which may be viewed as a conflict of interest. Conflict of interest is covered in Administrative Directive 2.02-14, Ethics and Conflicts of Interest.

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

III. DEFINITIONS

A. **Relative** – Relative means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half-blood and their spouses, and the parent, brother, sister, or child of a spouse and any person related by affinity (marriage) or consanguinity (blood) within the third degree.

B. **Family Member** – Family member means domestic partner, court appointed legal guardian, individual who has acted as a parent substitute, and anyone living in the same household.

C. **Supervisor** – Any employee having authority to exercise independent judgment to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action.

Appendices None

References

2.01-12A Civil Service Open and Competitive Recruitment, Examination Certification and Appointment
2.02-5 Rules of Conduct
2.02-14 Ethics and Conflicts of Interest
A.R.S. §38-481

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication

Authorized

City Manager — Date 11/15/10

Mike Letcher

ADMINISTRATIVE DIRECTIVE

CIVIL SERVICE OPEN COMPETITIVE RECRUITMENT EXAMINATION, CERTIFICATION AND APPOINTMENT	NUMBER 2.02-12A	PAGE 1 of 6
	EFFECTIVE DATE April 6, 2012	

I. PURPOSE

This directive sets forth procedures for open competitive recruitment, examination, certification and appointment of City civil service employees in accordance with Tucson City Code and the Civil Service Rules.

II. RECRUITMENT

A. Recruitment for City civil service positions will be carried out in a manner that ensures competition, and results in selection of the most qualified applicant.

B. Recruitment plans are developed and implemented by the Human Resources Department and the hiring department, and are based on projected workforce needs and labor market conditions. The plan will include a description of the announcement, the examination process, rating instrument(s) and the interview questions.

C. Internal recruitments may be used when there are a sufficient number of qualified applicants to assure competition in the classification as determined by the Human Resources Department. A Citywide internal recruitment is limited to probationary and permanent City employees. Intradepartmental recruitment is limited to the hiring department.

D. Open and continuous recruitment and cluster recruitment (for multiple positions in multiple departments) may be used to increase the pool of eligible applicants when these types of recruitment are included in the recruitment plan.

E. A retired City employee, who is receiving a pension benefit from either the Tucson Supplemental Retirement System or the Public Safety Personnel Retirement System, is ineligible for rehire and will not be placed on a recruitment list until the retiree has served a twelve (12) month break in service.

III. ANNOUNCEMENTS

A. Announcements will specify the classification title, job code number, salary grade, description of work, minimum qualifications, other selection criteria, date for final receipt of applications, nature of the examination process, and how to apply.

B. Public announcements will be by public notice a minimum of five (5) business days before the closing date. The announcements will be posted on the City internet site and copies will be distributed electronically to City departments and other individuals and organizations as determined by the Human Resources Department.

C. Internal announcements will be open for a minimum of five (5) business days and distributed electronically to City departments or the hiring department as appropriate.

D. All recruitment announcements will be posted in accordance with Civil Service Rules.

IV. APPLICATIONS

A. All applications will be on forms provided by the Human Resources Department.

B. Applications must be received by the Human Resources Department on or before the final filing date and time specified in the announcement. The final filing date may be extended with the approval of the Human Resources Director for good cause.

C. Applicants are to submit documents and supplemental information as required by the Human Resources Department to verify and evaluate the applicants' qualifications and background.

D. The Human Resources Department will review applications to ensure that only applicants who have submitted complete applications and possess the minimum qualifications for the position will proceed to the examination stage of the process.

V. EXAMINATIONS

A. For the purpose of establishing employment lists in accordance with Civil Service Rule IV, the Human Resources Department will work with departments to establish a job related merit evaluation process specific to the position. All processes will be required to include evaluation and scoring of the minimum qualifications, experience, and training.

Any of the following examinations **may** also be included in the process:

1. HR or Department conducted Oral Boards at department's request
2. Telephonic interviews
3. Personal interviews
4. Written Examination
5. Performance/Practical Test
6. Any additional validated examination appropriate to the position

Subject matter experts may be used to evaluate applicants when technical expertise is deemed necessary by the Human Resources Department.

B. All examinations, evaluations, ratings and selection processes will be job related and conducted impartially.

C. Examinations will be conducted in locations accessible to the general public; reasonable accommodation will be provided to applicants with disabilities.

D. Oral Board examinations will be conducted by two or more qualified individuals.

E. The Human Resources Department will use professionally accepted principles and methods to ensure examinations meet standards of validity and reliability. All examination materials and scores will be maintained in the Human Resources Department.

F. The Human Resources Department will determine minimum scores for the employment lists.

G. The Human Resources Department will establish and maintain reemployment lists in accordance with Civil Service Rule IV, Section 3.

H. A person who had attained permanent status with the City and was laid off, or otherwise separated from the position at no fault of his/her own, upon request shall be placed on the appropriate reemployment list or lists pursuant to Civil Service Rule IV, Section 3.

I. Applicants may not retake an examination for the same recruitment process unless approved by the Human Resources Director upon a determination of good cause.

J. Any recruitment that is approved by the Human Resources Director on an "open continuous" basis will also be subject to a merit hiring process when a vacancy occurs and applicants will be contacted regarding participation at that time.

VI. CONTENTS AND DURATION OF EMPLOYMENT LISTS

A. When there are laid off employees eligible for reinstatement to the hiring department, the employment list will include only the names of those employees who were laid off from the department and who meet the qualifications of the position. The department must appoint from this list unless none of these employees accepts reinstatement.

B. In all other instances the employment list will include the names of all applicants with a passing score listed in order from the highest achieved score to the lowest achieved score.

C. For those applicants achieving a passing score, any applicable preference points will be applied to candidates' achieved scores in accordance with Civil Service Rule III Section 15. The employment list will then be ranked based on the final score (achieved score plus preference points, if applicable).

D. The Human Resources Department may make a selective employment list based on specialized requirements for the position when the selective requirements (unique to the specific position being filled) and the selective employment list are included in the recruitment plan.

E. When a Citywide or intradepartmental recruitment is used, the internal list will include laid-off employees who are eligible for reemployment for the classification requested.

F. Employment lists may be maintained on an open basis to allow continuous posting of qualified applicants. When an employment list does not include a sufficient number of applicants, the Human Resources Department may direct a new recruitment with existing eligible applicants being automatically placed on the new list for the remaining duration of the list.

G. The employment list will expire six months after the date of the list unless it is extended in accordance with Civil Service Rule IV.

VII. FINAL SELECTION PROCESS AND APPOINTMENT

A. Unless otherwise provided in the Civil Service Rules, all appointments to civil service must be made from an employment list prepared in accordance with the Civil Service Rules and Human Resources Procedures.

B. At the conclusion of the civil service examination process, the Human Resources Department will provide to the hiring department a certified list of candidates with ***the top seven final examination scores including ties.*** When more than one position is being filled, additional candidates with the next three highest scores will be added to the certified list for each additional position and the list will be based on rank order and will include all candidates with tied scores.

Example:

Final Score	Candidate Ranking	
100	1	
97	2	
95	3	
95	3	
90	4	
89	5	
89	5	
87	6	
85	7	Cut for first list
84	8	
84	8	
83	9	
81	10	Cut for second position
80	11	
79	12	
78	13	Cut for third position

C. Whole list certification may be used for police officer recruits, firefighter recruits, police dispatch recruits, 911 operator recruits, and any other recruitment as recommended by the Human Resources Director and approved by the City Manager, where multiple and/or simultaneous hiring is projected. Procedures must be in place to ensure that merit selections are made from the whole list.

D. The departmental final selection shall include a selection interview and may include additional examinations. The Human Resources Director or designee must review and authorize interview questions and any additional examinations based on job relatedness and scoring validity. Interview scores and additional examination scores must be submitted to the Human Resources Department.

E. The departmental final selection interview shall either offer all candidates on the certified list the opportunity for interview, or interview candidates in the order in which they appear on the certified list. The final interview requirement shall be waived when the hiring authority selects the top ranked candidate from the certified list.

F. When the hiring department determines that none of the applicants on the initial list is suitable for the position, the department may request additional candidates from those successfully completing the merit process, or request a new recruitment if necessary. Any department requesting additional candidates or a new recruitment must provide written justification to the Human Resources Director as to why all candidates are not suitable for appointment. Upon approval of the Human Resources Director, this process may continue until the employment list is exhausted or the recruitment is reopened.

G. Hiring departments should appoint the applicant with the highest score in the final selection process unless the highest scoring applicant declines the appointment in which case the department may offer the appointment to the next highest scoring applicant and so on until the appointment is made.

H. Hiring departments must submit all departmental and interview ratings to the Human Resources Director prior to final selection of a candidate and the Certification of Equal Employment Opportunity to the Office of Equal Opportunity Programs (OEOP) in accordance with AD 2.02-1. Human Resources and the OEOP will review the recommended appointment for Civil Service Rules and Human Resource procedures. Upon approval of the Office of Equal Opportunity Programs, the Human Resources Department will notify the hiring authority of the approval to make an offer of employment.

Appendices None

References Civil Service Rules
Tucson City Code

Review Responsibility and Frequency The Human Resources Director will review this directive annually, based on date of publication.

Authorized

City Manager

Date

Richard Miranda

ADMINISTRATIVE DIRECTIVE

EMPLOYEE PERFORMANCE APPRAISAL	NUMBER	PAGE
	2.02-13	1 of 4
	EFFECTIVE DATE	
	February 1, 2016	

I. PURPOSE

The purpose of this directive is to establish administrative procedures and controls relating to employee performance appraisals.

II. POLICY

It is the policy of the City of Tucson that employee performance appraisals be prepared as required by the Human Resources Department (HR), in compliance with state and federal law, and following accepted management practices.

The scope of this policy includes all City employees in permanent and probationary positions in the Classified Service.

III. DEFINITIONS

A. **Classified Service** - All classifications that are subject to the Rules and Regulations of the Civil Service Commission. With limited exceptions, most positions in the City service are in the classified service. Persons excluded from the Classified Service include elected officials and their staffs, and certain appointed officers and their staff that may be excluded by the City Charter.

B. **Probation Period** - A trial working period beginning with the date of an original or promotional appointment to a permanent position that must be successfully completed according to the Civil Service Commission Rules. Upon completion of an original probationary period, an individual attains status as a permanent employee of the City.

C. **Rebuttal –** The employee may submit a written statement to the Department Director with a copy HR for inclusion in the employee's official personnel file.

IV. GENERAL

A. Purpose of Performance Appraisals - The performance appraisal provided for periodic assessment of employee performance. The objectives of the performance appraisal system are as follows:

1. Inform the employee how effectively he/she is meeting work expectations;

2. Aid supervisors with a periodic procedure for performance appraisal;

3. Identify employee skills and deficiencies;

4. Assist employees and supervisors in developing plans for improved performance; and

5. Clarify the supervisor's and employee's job expectation.

B. Reporting Form – An employee performance appraisal shall be prepared using a reporting form provided by the Director of Human Resources or an alternate form developed by the hiring authority and approved by the Director of Human Resources.

C. Distribution of Completed Performance Appraisal Form - An employee's performance appraisal should be reviewed and signed by the appropriate parties (established by departmental procedures) before sharing it with the employee**.**

The last person to sign the appraisal is the employee and no changes should be made once it is signed, unless mutually agreed upon by the employee and the supervisor.

After completed performance appraisal has been reviewed with an employee, the employee is given a copy.

The original appraisal is maintained in the HR Department.

D. Frequency of Performance Appraisals:

1. Probationary Employees: Appraisals are due at the end of each six (6) month period during initial or promotional probation, for whatever length the probation period is set by the Civil Service Commission.

At each appraisal, the supervisor shall recommend one of the following:

a. the employee shall be allowed to continue his or her probationary period,

b. the employee successfully completes probation, or

c. the employee should not be allowed to continue to complete the probationary period (termination recommended or return to prior position). Civil Service Rule VII.

2. Permanent Employees: All permanent employees shall receive an annual performance appraisal coinciding with the employee's hire anniversary date. Semi-annual performance appraisals may be established at the discretion of the department director.

3. Special Evaluations: Supervisors have the discretion to prepare performance appraisal reports at times other than at the end of a stipulated appraisal period. For example, special appraisal reports may be prepared to:

a. reflect and formally record employee performance of exceptionally high quality,

b. record unusual job performance problems, or

c. monitor progress of work improvement plans.

Light Duty or Absence: Employees on light duty will be given appraisals addressing the work they are assigned.

5. If the employee has been on an extended absence due to FML or military leave, an appraisal will be done within 30 days of the employee's return to work. The employee's eligibility for a pay increase and anniversary date will not be affected or adjusted due to an absence for FML or military leave.

6. If the employee is on extended absence during the appraisal period, an appraisal will be due on the employee's adjusted anniversary date following the employee's return to work.

E. Responsibility for Performance Appraisals

1. Supervisor's Responsibility - It is the responsibility of every supervisor to evaluate the work and job performance of subordinate staff. Absent the first-line supervisor, the next higher official will initiate the appraisal.

Performance appraisals are a significant part of a supervisor's responsibilities. Failure to prepare written performance appraisals as required may result in disciplinary action.

2. Employee Options - An employee who does not receive a performance appraisal within two (2) weeks of the due date may give written notice to the department director that the appraisal has not been received.

Employees, who do not agree with their performance appraisal, may indicate on the original appraisal form that they do not agree with the appraisal and intend to file a rebuttal.

Employees may file a written rebuttal to any performance appraisal they receive with the Department Head. A copy can be sent to the HR Department for inclusion in their official personnel file.

Supervisors shall respond to the employee rebuttal even if just to acknowledge that is has been received and read.

3. Department Director's Responsibility - Department directors are responsible for the effective functioning of the performance appraisal system in their respective departments and for using and developing a system to monitor the uniformity and effectiveness of the program. The Director shall make sure that the performance appraisals are thoroughly and promptly prepared as pursuant to this directive.

If notified by an employee that they have not received their appraisal, the director shall ensure that an appraisal is issued within 30 days.

F. The HR Department offers training to supervisors in performance appraisal preparation.

G. Confidentiality of Performance Appraisals

To the extent permissible by law, the contents of Employee Performance Appraisal Reports shall be kept confidential and not disclosed to unauthorized persons.

Appendices None

References AD 2.01-7C Family and Medical Leave (FML)
AD 2.01-7F Military Leave

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication. Last review date: March 23, 2006.

Authorized

City Manager — Date 1/28/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

ETHICS AND CONFLICT OF INTEREST	NUMBER **2.02-14**	PAGE **1 of 5**
	EFFECTIVE DATE **January 15, 2016**	

I. PURPOSE

The purpose of this directive is to provide guidance to all City officers and employees to avoid actions that might result in, or create the appearance of:

- Using public office or employment for private gain;
- Giving preferential treatment to any organization or person;
- Impairing independence or impartiality of action;
- Impeding government efficiency or economy;
- Adversely affecting the confidence of the public in the integrity of City government.

II. POLICY

City officers and employees shall comply with the conflict of interest laws and this Directive, and avoid even the appearance of impropriety.

III. DEFINITIONS

A. Arizona conflict of interest laws are set forth in ARS §38-501 through §38-511. Under these laws, any City officer or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, service or decision of the city shall make known such interest in the official records of the city and shall refrain from participating in any manner as an officer or employee in the contract, sale, purchase, service or decision. A substantial interest does not include interests defined by the statute as remote interests ARS §38-502(10) http://www.azleg.state.az.us/ars/.

1. The term relative means the officer/employees' spouse; spouse's parents, siblings and children; children and grandchildren; parents and grandparents; siblings; and spouses of siblings.

2. The term substantial interest means a pecuniary (money) or proprietary (ownership) interest by which a person will gain or lose something as contrasted to general sympathy, feeling or bias.

B. Employees who have an interest in a City contract, sale, purchase, service or decision must formally declare the existence of the interest by filing a disclosure statement (form attached) and agree to refrain from acting upon that interest in any capacity or manner as an officer or employee. The disclosure form must be completed and signed by the officer or employee and must fully disclose the facts constituting the interest and the transaction in which the employee has the conflict. The original signed disclosure statement must be filed with the City Clerk's Office, which will route a copy to the City Attorney's Office and the employee's department director.

C. When a department is uncertain whether a conflict of interest exists for one of its officers or employees, the department may request a review of the facts and

circumstances by the City Attorney. If it is determined that a conflict of interest exists or will exist, the City Attorney shall advise the department to request that the employee file the disclosure statement with the City Clerk and refrain from acting upon the interest as a City official or employee.

IV. CONFIDENTIAL INFORMATION

The State conflict statutes also forbid the use by officers and employees of confidential information acquired in the course of their term of office or employment for any personal gain.

V. GIFTS AND ENTERTAINMENT

City employees shall not accept or solicit directly or indirectly anything of economic value such as a gift, gratuity, favor, entertainment or loan which may appear to be designed to influence the employee's conduct. This provision does not prohibit acceptance of minor promotional items such as calendars and pens; food and refreshments delivered as a gift to the work place for consumption on the premises by all employees at the work place; and business lunches.

Example - An officer or employee may accept a meal which is the result of a regular meeting of a board or commission; however, an officer or employee cannot accept dinner at his favorite restaurant for having participated in a particular manner on a question or for expediting a project.

VI. REPRESENTATION AFTER EMPLOYMENT

An officer or employee may not be compensated for representation of a party in a matter upon which he has exercised the discretion of his office or employment for a period of one year after the end of his term of office or employment.

VII. OUTSIDE EMPLOYMENT

An officer or employee shall not engage in or accept private employment or render services for private interests unless such activity is initiated and maintained in compliance with City **AD 2.02-6**, Outside Employment.

VIII. PURCHASES FROM THE CITY

An officer or employee may buy surplus City property, which is offered for sale through a public auction unless:

A. The officer or employee has, because of his official position, been able to obtain special knowledge about the condition of the goods to be sold, or

B. The officer or employee has been officially associated with the disposal arrangements.

IX. SALES TO THE CITY

An officer or employee may not sell or supply any equipment, materials, goods, or services to the City unless it is pursuant to an award or contract which has been let after public, competitive bidding.

X. USE OF CITY EQUIPMENT AND FACILITIES

Employees are prohibited from using City vehicles, equipment, materials, property, or City processes for general convenience or profit, unless it is made available or provided to the general public. As an example, employees are prohibited from sending Christmas or other personal cards through the City mail system.

XI. ELECTIONEERING, CAMPAIGN WORK AND CAMPAIGN CONTRIBUTIONS

Tucson Code §10-18 regulates the political activities of officers and employees in the City's classified service. "The Political Activity Guidelines for Officers and Employees in the City of Tucson Classified Service" https://www.tucsonaz.gov/clerks/pdf/PAG.pdf prepared by the City Clerk's Office and the City Attorney's Office set forth the guidelines of acceptable political activity and provide an overview of the political activities permitted and prohibited under the Tucson Charter and the Tucson Code §10-18.

XII. CITY EMPLOYEE CONDUCT AS CIVIL OR CRIMINAL DEFENDANTS

A. A City employee shall not, when defending against an actual or anticipated civil or criminal traffic citation, criminal misdemeanor citation, or criminal indictment which has been or may be issued to the employee:

1. Represent or purport to represent the City; or

2. Directly or indirectly influence or attempt to influence a witness or party through the use of City vehicles, uniforms, identification cards, or other indications of City authority.

B. SPECIFICALLY PROHIBITED ACTIONS

In addition to the general prohibitions stated in Section XII A above, City employees shall not, in the defense of any civil or criminal traffic citation, criminal misdemeanor citation, or criminal indictment which has been or may be issued to the employee:

1. Make any statements or take any actions which suggest that the employee is acting on behalf of the City, or representing the City;

2. Make any statements to a party or witness regarding the City's official position on the incident, or any other similar incident;

3. Make any promise or representation, either directly or indirectly, to a party or witness related to the City's handling or settlement of any claim against the City arising from the incident;

4. Admit any liability on behalf of the City, or purport to bind the City in any way;

5. Intimidate or coerce any party or witness by words or actions which suggest that failure to cooperate in the incident could lead to a loss of City services or other negative repercussions involving official City business that affects the party or witness;

6. Take any action related to the incident while on duty, except where authorized by the employee's supervisor or when required to do so by law or other rules, directives, or regulations;

7. Approach or contact any witness or party when wearing a City uniform or other clothing which displays City or Department insignia, at any time following the issuance of any such citation or indictment;

8. Operate any marked City vehicle, or use City equipment, buildings, facilities, or personnel in approaching or contacting witnesses or parties, at any time following the issuance of any citation or indictment;

9. Present to a witness or party a city identification card, badge, or other object which would identify the employee as a City employee, except when required to do so by law or other rules, directives or regulations.

XIII. ETHICS AWARNESS AND COMPLIANCE

The Director of Human Resources, through the employee orientation program, is responsible for informing newly appointed employees of the ethical standards they are expected to observe. Department heads shall be responsible for the administration of this policy and employee compliance in their respective departments.

XIV. ENFORCEMENT

Violation of any provision of this Directive shall be cause for disciplinary action. Disciplinary action may range from an oral or written reprimand to dismissal depending upon the degree of the violation.

Appendices

1) Conflict of Interest Disclosure Statement/Request for Review
2) Conflict of Interest Disclosure Statement for Federal Financial Assistance Projects and Programs (other than Section 8 Housing Assistance Payments Program)
3) Conflict of Interest Disclosure Statement for Section 8 Housing Assistance Payments Program

References

A.R.S. §38-501 through §38-511
Ord. 11102, City of Tucson Code of Ethics
AD 2.02-6, Outside Employment

Review Responsibility and Frequency

The Director of Human Resources will review this directive annually, based on date of publication. Last review date: 11/15/10.

Authorized

City Manager — Date 1/28/16

Michael Ortega

Attachment 1

Conflict of Interest Disclosure Statement/Request for Review

I, ___________________________________, am employed by the City of Tucson in the following capacity:

I have outside employment, or other financial interests, or a relative of mine has such interests, described as follows:

I have a potential conflict of interest regarding the following transaction(s) with the City of Tucson:

I will refrain from participating in any manner, whether in the preparation of bid preparations, specifications, or awards or otherwise, and in making any other decision whatsoever regarding any transaction in which I or my relative would hold a financial interest. If my City duties would normally require me to perform any functions in connection with such transactions, I will immediately notify my supervisor of my conflict of interest.

____ ____________
Signature of Employee Date

Original to be filed with City Clerk's Office. (City Clerk will send copies to City Attorney and employee's Department Director)

* *

☐ Request for Review (Check box if applicable)
I am requesting a review of a potential conflict of interest under the provisions of A.R.S. Section 38-501 et.seq. and under Federal law if applicable, regarding the above transaction(s) with the City of Tucson.

Note: Request for Review to be filed with the City Attorney's Office **only**. (It is not necessary to file the request for review with the City Clerk.) You will be notified of the City Attorney's conclusion. If the City Attorney determines a conflict exists, the appropriate form will be returned to you for filing with the City Clerk's Office.

* *

Attachment 2

Interest Disclosure Statement for Federal Financial Assistance Projects and Programs

I, _____, the undersigned, hereby make the following disclosure of interest as required by applicable Federal and State laws:

1. The undersigned or a relative as defined in A.R.S. Sec. 38-502, has, or both have, a direct or indirect financial interest in or concerning the contract between - _____ and _____ which is or is to be funded in whole or in part with federal financial assistance under the _____ project or program. The following is a short description of the interest:

2. The interest concerned was acquired before the tenure of the undersigned as an officer or employee of the City of Tucson, or, if the contract is prospective will be acquired during such tenure, or in either case during the year immediately following such tenure.

3. The undersigned will refrain from voting upon or otherwise participating in any manner as an officer or employee and from the exercise of any responsibilities or functions, including but not limited to recommendations and decisions, concerning the above-identified project or program as it relates to the above-described interest.

DATED: This _____ day of _____, 20___

_____
Signature

_____
Title or Job Classification

Original to be filed with City Clerk's Office. (City Clerk will make copies for City Attorney and employee's Department Director)

Interest Disclosure Statement for
United States Housing Act of 1937 as Amended
Section 8 Housing Assistance Payments Program

I, _____, the undersigned, hereby make the following disclosure of interest to the appropriate Public Housing Authority or Authorities as required by applicable law:

1. The undersigned has a direct or indirect financial or pecuniary interest in or concerning the premises located at and legally described as:

2. The interest concerned was acquired before or during the tenure of the undersigned as an officer or employee of the City of Tucson, or during the year immediately following such tenure.

3. The undersigned will refrain from voting upon or otherwise participating in any manner as an officer or employee and from the exercise of any responsibilities or functions, recommendations and decisions, concerning any aspect of the "Rental Rehabilitation Program" or any Section 8 Housing Assistance Payments Contract, whether proposed or entered into arising from or by reason of said program or otherwise.

DATED: This _____ day of _____, 20___

_____
Signature

_____
Title or Job Classification

Original to be filed with City Clerk's Office. (City Clerk will make copies for City Attorney and employee's Department Director)

I. PURPOSE

This directive is intended to ensure: (a) disciplinary action is based on just cause; (b) required pre-disciplinary administrative and legal reviews are completed; and (c) the employee is provided with notice of proposed disciplinary action and an opportunity to respond.

II. POLICY

Appointing officers, department directors and the Human Resources Director will ensure that disciplinary actions are based on just cause and administered in a manner that is consistent with applicable rules, regulations and directives.

III. DEFINITIONS

A. **Appointing Officer:** The city manager or other persons authorized by the City of Tucson Charter to make appointments to civil service.

B. **Days:** Calendar days unless otherwise indicated. Workdays are distinguished from calendar days to include the employee's normal scheduled days of actual work. Leave, holidays and unscheduled workdays are excluded and not included as workdays.

C. **Discharge:** Termination of employment of a permanent civil service employee for just cause by an appointing officer.

D. **Disciplinary Action:** Written reprimand, demotion, suspension, reduction in pay/position or discharge imposed for just cause.

E. **Disciplinary Action Subject to Civil Service Commission Review:** A disciplinary action may be appealed to the Civil Service Commission when the employee involved is a permanent civil service employee and the disciplinary action results in:

i. Discharge;

ii. Demotion or reduction in pay or position;

iii. A single suspension without pay for more than ten (10) days/eighty (80) hours or the final suspension of an aggregate of suspensions without pay in one year, from the date of the first suspension, that exceeds ten (10) days/eighty (80) hours.

F. **Disciplinary Action Subject to Grievance:** A disciplinary action may be grieved in accordance with applicable directives and labor agreements when the

employee involved is a permanent civil service employee and disciplinary action is a suspension of ten (10) days or less or a written reprimand.

G. **Final Disciplinary Packet:** Supporting documents and forms including, but not limited to, the following, will be filed in the employee's official personnel record:

i. **Notice of Intent to Discipline:** The *Notice of Intent to Discipline* informs the employee of the specific action to be taken and the right of the employee to respond in accordance with Section VI of this Administrative Directive.

ii. **Exhibit A:** The *Exhibit A* shall include a brief description of the event and evidence including the date(s) of occurrence or date of discovery and the specific act(s) and/or omission(s), prior disciplinary action and the effective date of the proposed disciplinary action.

iii. **Notice of Decision:** The decision rendered, after the employee has had an opportunity to respond, will be issued by the appointing official or his/her designee. The approval signature of the director or designee is required with the *Final Exhibit "A".*

iv. **Personnel Action Request Form (PARF):** The department will complete the PARF and ensure authorized signatures are obtained. The authorized signatures of the Human Resources Director or designee and City Attorney's office are required for disciplinary action appealable to the Civil Service Commission.

H. **Just Cause:** Just cause for disciplinary action, up to and including termination, as defined in section 10(3) of the Tucson City Code.

I. **Suspension:** The temporary termination of services of a permanent civil service employee without pay for just cause.

IV. DISCIPLINARY ACTION

A. Appropriate and Timely Action

The department should take action within 30 days of the occurrence or discovery of the infraction, unless extenuating circumstances exist including, but not limited to, investigation(s) of wrongful conduct, discrimination/sexual harassment or accident. The employee's immediate supervisor may recommend the form of disciplinary action to the appointing official or his/her designee. The recommended disciplinary action will depend on the totality of the circumstances

including, but not limited to, the employee's disciplinary history, recent or similar infraction(s) and the severity of the infraction(s).

B. Disciplinary Packet

The department will prepare a *Disciplinary Packet* in accordance with section II of this AD in support of the proposed disciplinary action. The final *Disciplinary Packet* will include the *Notice of Intent to Discipline* and *Exhibit A,* along with supporting documents including, but not limited to: applicable directives, policies, correspondence, memos, investigation and/or incident reports.

C. Human Resources Department Review

A Human Resources' designee shall be contacted prior to the issuance of the *Notice of Intent to Discipline* and will be available to advise and assist the department during any phase of the process.

D. Legal Review

Any action that is subject to appeal to the Civil Service Commission shall be reviewed by the City Attorney prior to issuing the *Notice of Intent to Discipline* to ensure compliance and conformity with applicable law, rules and regulations. Additionally, the City Attorney designee will be available to advise and assist the department and Human Resources staff during any phase of the process.

V. NOTICE OF INTENT AND OPPORTUNITY TO RESPOND

A. Issuing Notice of Intent to Discipline

Prior to the department imposing disciplinary action, a *Notice of Intent to Discipline* and the *Exhibit A* will be issued to the employee informing the employee of his/her opportunity to present a written response and meet in person with the appointing officer or designee at a scheduled time, date and place prior to imposing the disciplinary action. The *Notice of Intent* will be issued accordingly:

1. Non-Discharge: At least 2 workdays in advance of the pre-discipline meeting.
2. Discharge: At least seven (7) calendar days in advance of the pre-discharge review meeting. The employee will be placed on imposed leave with pay from the time the *Notice of Intent to Discharge* is issued until the pre-discharge meeting.

B. Opportunity to Respond

The appointing officer or designee must schedule a meeting with the employee to provide the employee an opportunity to respond. The meeting with the appointing officers or designee is not an adversarial hearing. The employee may

respond in writing or in person to present reasons, along with information and documentation to refute the proposed disciplinary action. If the employee is accompanied by a representative, the representative's role is limited to consulting and advising the employee. The representative will be permitted to ask clarifying questions of the employee and present a statement on behalf of the employee.

The appointing officer or designee must give proper consideration to the employee's response whether written, oral or both, along with supporting information and documentation. Failure of an employee to submit a written response or appear at the meeting will constitute a waiver of the opportunity to respond and the proposed discipline will be imposed.

C. Notice of Decision

After the scheduled meeting, the appointing official or designee's decision shall be documented in the *Notice of Decision* and a copy provided to the employee. The original *Notice of Decision* and *PARF* must be completed and include required signatures to be submitted with the final *Disciplinary Packet* to the Human Resources Department.

VI. SUSPENSIONS

A. In addition to the administrative policies and procedures outlined in section I - IV above, specific policies applicable to a suspension are detailed in this section and must be followed.

1. All suspensions shall commence immediately upon issuance of Notice of Decision or as soon as administratively possible. In no event shall a suspension commence later than sixty (60) days from the Notice of Decision, unless the employee is on authorized medical or military leave.
2. All suspensions shall be imposed on consecutive workdays and include loss of paid holidays.
3. Employees (both exempt and non-exempt from the overtime requirements of the Fair Labor Standards Act) may be suspended without pay in increments of not less than one workday.
4. Hours of suspension will not be considered as hours worked for purposes of calculating overtime for work week.

VII. DISCHARGE

A. In addition to the administrative policies and procedures required in sections I – V above, this section is applicable to the proposed discharge of a permanent civil service employee.

1. The department director or designee shall review any proposed discharge of a permanent civil service employee assigned to the department.

2. The department director or designee shall conduct the meeting with the employee.

B. The employee will be placed on imposed leave with pay when the *Notice of Intent to Discharge* is issued until the pre-discharge meeting. If the employee is serving a suspension or is otherwise on unpaid status when the *Notice of Intent to Discharge* is issued, the employee will remain in an unpaid status in accordance with Administrative Directive 2.01-7, *Employee Leaves.*

Forms	**Form A – Notice of Intent to Discipline** **Form B -- Notice of Intent to Discharge** **Form C – Notice of Decision (Appealable Action)** **Form D – Notice of Decision (Grievable Action)**
References	**Tucson Charter Chapter XXII; Tucson Code Chapter 10; Civil Service Commission Rule X.**
Review Responsibility and Frequency	The Director of Human Resources will review this directive annually, based on date of publication.

City Manager

3/2/09
Date

Mike Hein

RESET FORM

Notice of Intent to Discipline (Non-Discharge)

Employee Name	Department/Division	Date

YOU ARE HEREBY notified that the _____ Department intends to impose discipline as follows: _____.

Reasons for the proposed disciplinary action are stated in "Exhibit A" (attached).

NOTICE OF MEETING - In accordance with City policies, you have an opportunity to meet with the Department Director or designee to present reasons why the proposed disciplinary action should not occur. A meeting has been scheduled for:

DATE:

TIME:

PLACE:

FILLABLE EXCEL FORM

NOTICE OF YOUR OPPORTUNITY TO RESPOND - You are entitled to present reasons, along with information and documentation, to refute the proposed disciplinary action at the meeting. The meeting with the appointing officer or designee is not an adversarial hearing. If you are accompanied by a representative, the representative's role is limited to consulting and advising you directly. The representative will be permitted to ask you to clarify your statement and/or present a statement on your behalf.

If you do not wish to be present at the meeting, you may respond in writing and present any supporting information and documentation. This written response must be received by the appointing officer or designee prior to or at the scheduled meeting for consideration.

Failure to appear at the meeting or submit a written response will constitute a waiver of the opportunity to respond.

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

_____ _____
Department Representative Signature Date

RESET FORM

2.02-16 Form B

Notice of Intent to Discharge

Employee Name	Department/Division	Date

YOU ARE HEREBY notified that _____, intends to discharge you. The discharge is based on the following:

See "Exhibit A" - Attached

NOTICE OF MEETING

In accordance with City rules and regulations, a pre-discharge review meeting has been scheduled by the department director on:

DATE:

TIME:

PLACE:

NOTICE OF YOUR OPPORTUNITY TO RESPOND

You are entitled to present reasons, along with information and documentation, to refute the proposed disciplinary action at the meeting. The meeting with the department director or designee is not an adversarial hearing. If you are accompanied by a representative, the representative's role is limited to consulting and advising you directly. The representative will be permitted to ask you to clarify your statement and/or present a statement on your behalf.

If you do not wish to be present at the meeting, you may respond in writing and present any and all supporting information and documentation. This written response must be received by the director or designee prior to or presented at the scheduled meeting for consideration.

Failure to appear at the meeting or submit a written response will constitute a waiver of the opportunity to respond.

Notice of Intent to Discharge

If the scheduled meeting is delayed beyond 7 calendar days at your request (or at the request of your representative), you will be placed on unpaid status for the period of such delay beyond the date originally scheduled.

If you are discharged, you may appeal pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 4.

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

_____ _____
Department Representative Signature Date

RESET FORM

2.02-16 Form C

Notice of Decision (Appealable Action)

Employee Name	Department/Division	Date
	FILLABLE EXCEL FORM AVAILABL	

After review and consideration of all information provided at the pre-disciplinary review meeting and/or submitted in writing on _____ and the information set forth in "Exhibit A", the decision is as follows:

☐ **Discipline will be issued as proposed in the Notice of Intent effective _____.**

☐ **Other _____**

Appeal Rights:

Suspensions of more than 10 days (80 hours) or suspensions resulting in a total suspension of more than 80 hours in the prior 12 months – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 5.

Demotion or Reduction of Pay – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 5.

Discharge – may be appealed to the Civil Service Commission pursuant to Civil Service Commission Rules and Regulations, Rule X, Section 5.

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

_____ _____
Department Director/Designee Signature Date

RESET FORM

Notice of Decision (Grievable Action)

Employee Name	Department/Division	Date

After review and consideration of all information provided at the pre-disciplinary review meeting and/or in writing on _____ and the information set forth in "Exhibit A", the decision is as follows:

☐ **Discipline will be issued as proposed in the Notice of Intent.**

☐ **Other _____**

Grievance Rights:

Written Reprimands – may be grieved in accordance with Administrative Directive 2.02-2, Grievance Procedures, and any applicable labor agreement.

Suspensions of 10 days (80 hours) or less - may be grieved in accordance with Administrative Directive 2.02-2, Grievance Procedures, and any applicable labor agreement.

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

_____ _____
Department Director/Designee Signature Date

ADMINISTRATIVE DIRECTIVE

EMPLOYMENT RECORDS	NUMBER **2.02-20**	PAGE **1 of 8**
	EFFECTIVE DATE **February 1, 2016**	

I. PURPOSE

This directive delineates the information maintained in the City's employment records and prescribes the rules regarding access, retention and release.

II. POLICY

Effective personnel administration requires the gathering and use of information concerning employees. Files containing employment records shall be established and maintained in a manner consistent with employee privacy and associated legal considerations.

Employment records are the property of the City. Each appointing officer is responsible for filing employment information in the appropriate file as set forth in this Administrative Directive.

To avoid inappropriate disclosure of records pertaining to City employees, all requests including subpoenas and public records requests for personnel information shall be referred to the Human Resources (HR) Department, and all requests including subpoenas and public records requests for insurance, risk management, pension and payroll information shall be referred to the Finance Department.

III. DEFINITIONS

A. **Access** - permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this directive.

B. **Custodian of Records** - the person(s) designated by the City Manager to be in charge of official employee records. The Director of HR is designated the custodian of personnel insurance records**.** The Director of Finance is designated the custodian of risk management, pension and payroll records.

C. **Department Personnel File** - a file containing employment records maintained on current City employees by the employee's department.

D. **Employment Record** - any documentation maintained on a City employee. Employment records may be maintained in official personnel files, department personnel files, official insurance files, official payroll files, official pension files and risk management files. Employee medical information will be maintained by HR in files separate from the official personnel files; with limited exceptions for files maintained by risk management for medical information related to occupational health and/or on-the-job injuries and Commercial Driver Qualification file.

E. **Maintain** - collect, file, update, use, or disseminate.

F. **Official Insurance File** - a file containing insurance and benefits information on current and retired City employees maintained by the HR Department.

G. **Official Payroll File** - a file containing payroll information on current and retired City employees maintained by the Finance Department.

H. **Official Personnel File** - a file containing employment records on current or former City employees maintained by the HR Department.

I. **Official Pension File** – a file containing records to determine an employee's estimated future pension benefit amount or documentation of a retiree's pension benefit amount maintained by the Finance Department.

J. **Public Records Request** - a request to examine or be furnished copies, printouts or photographs of a public record under A.R.S. § 39-121.02.

K. **Risk Management File** - a file containing occupational health information or Commercial Driver Qualification file on current City employees maintained by the Finance Department.

IV. OFFICIAL PERSONNEL FILES

A. The HR Department shall maintain an Official Personnel File for each employee.

B. The Official Personnel File should contain the following information unless the information is maintained electronically:

1. Name
2. Social Security Number
3. Emergency contact information
4. City of Tucson Personnel Action Request Forms (PARFs) and supporting documentation
5. Performance Appraisal forms and employee rebuttals permitted by City policy and current union agreements
6. Documentation of all formal disciplinary actions and grievance actions not alleging discrimination
7. Outside employment documents
8. Employment application(s)
9. Loyalty Oath
10. Commercial Driver's License documents
11. Relevant credentials and/or verification of transcripts or diplomas as stated on the application
12. A copy of the City of Tucson Drug-Free Workplace Agreement signed by the employee
13. Electronic Mail Procedure Acknowledgement
14. Preventing Workplace Harassment Acknowledgement
15. Employee Consent to City of Tucson's Disclosure of Employment Information and Release of Liability form

16. Applicant Consent to Release Liability and Reference Information form and accompanying reference check documentation
17. Eligibility for Reinstatement of Sick Leave Hours form
18. Exit Interview and Check List Form
19. Original A-4 forms and W-4 forms

C. Records maintained by HR in files separate from the Official Personnel Files:

1. Pre-employment medical examination report
2. I-9 documentation
3. Family and medical leave records
4. Medical information not related to occupational health or industrial injuries

V. DEPARTMENT PERSONNEL FILES

A. Department personnel files are maintained by the employee's current department and should contain items 1-8 listed in the Official Personnel Files (Section IV B 1-7), plus the following:

1. Employee time and leave records including leave request documents and time sheets
2. Educational reimbursement application forms

B. In addition, employees may provide work-related documents such as letters of commendation, school transcripts, and updated resumes for inclusion in the department file.

C. Each department should also maintain copies of the non-medical portions of Risk Management files related to workers compensation reports and supervisor's copy of accident/injury reports. (See section VI A 1-2)

D. Department Personnel Files are relocated to the receiving department upon employee transfer. The transferring department may retain only the following information:

1. Name
2. Address
3. City of Tucson Personnel Action Forms and supporting documentation

E. As a general rule, departments shall maintain only the employee records listed in this section. Questions regarding the contents of department files should be referred to the Director of HR. For the purpose of employee performance evaluations–and pending disciplinary actions, notations related to identified performance factors may be placed in a supervisory working file provided the performance issue has been discussed with the employee and the notation(s) are removed after the performance evaluation or discipline has been issued and is final.

VI. RISK MANAGEMENT FILES

Risk Management Files are maintained by the Finance Department and should contain the following information:

A. Workers' compensation reports –

1. Initial reports (supervisor's report of industrial accident/injury, employer's report of industrial injury)
2. Work status documentation from health care provider

B. Accident/injury reports

C. Fitness-for-duty examination reports

D. Commercial Driver's License (CDL) Driver Qualification file

E. Non-Commercial Driver's License drug screen reports

VII. OFFICIAL INSURANCE, PAYROLL AND PENSION FILES

A. The HR Department shall maintain Insurance files. The Finance Department shall maintain Payroll and Pension files. The following information should be included in the files as listed unless the information is maintained electronically.

B. **Official Insurance Files:**

1. Medical enrollment records
2. Dental enrollment records
3. Life insurance enrollment records
4. Life insurance beneficiary information
5. Disability enrollment records Insurance benefit allowance and/or incentive records
6. Other supplemental insurance benefit records

C. **Official Payroll Files:**

1. Updated A-4 and W-4 forms
2. Authorizations for deductions (employee authorized, court ordered, federal or state ordered deductions)
3. Authorization to stop payroll deductions (for employee authorized deductions only)
4. W-2 Forms

D. Official Pension Files:

1. Any and all forms necessary to maintain and administer the City's Defined Benefit Plan (Tucson Supplemental Retirement System), including all contributing members' Designation of Beneficiary form, pension contribution history, pension service credit records, and final average pay records required to calculate a member's retirement benefit payment. In addition, the member's original signed selection of retirement option, pension data and calculation, authorization for direct deposit, member's selection of Federal and State tax withholdings and any other forms necessary for proper administration of pension benefit payment.

Any and all forms necessary to maintain and administer the City's Defined Defined Contribution Plan (Deferred Compensation Plan under IRC § 457), including all participating member's Designation of Beneficiary forms, records of member deferrals for the City Plan, and any information necessary to report member account balances and payments to eligible participants.

2. 1099-R forms

VIII. ACCESS TO EMPLOYMENT RECORDS

A. Employment records shall not be disclosed except as required by law. The following persons may be allowed access to employment records as listed below, during normal working hours for appropriate business purposes.

Any employment record:

1. City Manager or designated administrator
2. City Attorney or designated attorney
3. The employee or the employee's designated representative who has written authorization from the employee
4. Internal, state and federal auditors in the course of their duty, when required, and only after presentation of proper identification and notification of audit

B. In addition, the following persons may be allowed access to the following records:

1. Official Personnel files:

a. Authorized City administrators and attorneys with the approval of the Director of HR or designee
b. HR staff
c. The employee's current or prospective City appointing officer or designee

2. Department personnel files:

a. Authorized City administrators and attorneys with the approval of the Director of HR or designee
b. The appointing officer and authorized departmental staff

3. Payroll and Pension files:

a. Director of HR or designee
b. Authorized City administrators and attorneys with the approval of the Director of Finance or designee
c. Finance staff

4. Risk Management files:

a. HR Director or designee
b. Authorized City administrators and attorneys with the approval of the Director of Finance or designee
c. Risk Management staff

Insurance file information is protected information under the Health Insurance Insurance Portability and Accountability Act (HIPAA) and cannot be released unless required by law or with the employee's or retiree's consent.

C. Appointing officers, the Director of Finance and/or the Director of HR shall require reasonable identification of individuals requesting information to assure that records are disclosed only to the proper persons.

D. The HR and Finance Departments shall respond to civil subpoenas for any employment records as follows:

1. Notify the affected employee, unless a release signed by the employee is attached or accompanies the subpoena.
2. Notify the City Attorney; however, employee names, dates of service, positions held, and compensation may be released without legal inquiry.
3. Comply with the subpoena as required by law, or as advised by the City Attorney.

E. Each employee and/or her/his authorized representative have the right to review the employee's employment records. Authorized representatives must provide a written authorization in a format prescribed by the City, signed by the employee, a copy of which will be placed in the record being reviewed. With reasonable notice given to either the HR or Finance Departments, files may be reviewed in the presence of authorized staff.

F. Employees shall be provided with copies of their own employment records at no cost. All other requestors shall be charged a fee not to exceed the actual cost of providing the copy, or the prescribed statutory fee, if any, whichever is less.

G. The Director of HR and the Finance Director may provide access to persons other than those cited in this directive such as law enforcement and governmental organization's investigatory staff in the course of their duty and only after presentation of proper identification and upon determination that such persons in the course of their official duties have a valid need-to-know. The information released pursuant to this section shall be limited to employee names, dates of services, positions held and compensation.

IX. RETENTION OF EMPLOYMENT RECORDS

A. Official and department personnel files, payroll, and insurance files shall be retained in accordance with the Records Retention and Disposition Schedule for Arizona Municipalities set forth at http://www.dlapr.lib.az.us/records/pdf/Muni_RD.pdf, or federal law, or City policy, whichever requires a longer period of retention.

B. Risk Management files shall be retained in accordance with Occupational Safety and Health Act Regulations and the Federal Motor Carrier Safety Administration.

X. PUBLIC RECORDS REQUESTS

A. Employment records are public records protected from disclosure under certain circumstances.

B. Employee names, dates of service, positions held, and compensation may be released without legal inquiry.

C. Employee requests and employee authorized representative requests (pursuant to a written authorization signed by the employee) for records from the employee's employment record may be released without inquiry.

D. All other Public Records Requests for employment records shall be referred to the City Attorney who will assist the department in responding to the request in accordance with state law.

Appendices None

References

Records Retention and Disposition Schedule for Arizona Municipalities
See: http://www.dlapr.lib.az.us/records/pdf/Muni_RD.pdf
Health Insurance Portability and Accountability Act (HIPAA)
Family Medical Leave Act (FMLA)
Title VII, Civil Rights Act of XXXC, as amended
Fair Labor Standards Act
Occupational Health and Safety Act (OSHA)
Federal Motor Carrier Safety Administration (https://www.fmcsa.dot.gov

Review Responsibility and Frequency

The Directors of Finance and Human Resources shall review this policy annually based on the date of publication. Last review date: March 21, 2006.

Authorized

City Manager — Date 2/19/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

LIGHT DUTY POLICY	NUMBER	PAGE
	2.02-21	1 of 4
	EFFECTIVE DATE	
	July 1, 2013	

I. PURPOSE

To establish a Citywide policy regarding the assignment of employees to Light Duty.

II. POLICY

Light Duty is intended for employees recovering from a medically documented mental or physical illness or injury sustained on or off the job who have work restrictions, and who are expected to return to unrestricted work.

Assignment of Light Duty is not a right of employment. As provided in this directive, Light Duty is allowed with the approval of the department director/designee, as long as necessary and meaningful work is performed. In assigning Light Duty, department directors/designees will take the employee's skills and abilities into consideration. The decision of the department director/designee regarding Light Duty assignment is not subject to grievance or appeal.

If there is limited Light Duty work available, preference will be given to the employee whose work restrictions are due to an industrial injury, and/or individuals with permanent or substantially limiting work restrictions who have requested a reasonable accommodation under the Americans with Disabilities Act (ADA).

If the employee can perform their regular job duties within the limitations established by a physician, the employee will return to their regular duties, and the provisions of this directive do not apply.

III. DEFINITIONS

A. **Accident Compensation (AC)** – Salary benefits paid to an employee who is off work due to an industrial injury or illness that occurred before July 1, 2009. These benefits are paid to supplement Workers Compensation statutory benefits in accordance with Tucson Code, § 2-13(1).

B. **Light Duty** – Temporary work that is physically or mentally less demanding than normal job duties. Employees are required to provide work restrictions documented by their physician to support the need for Light Duty. An employee who has been accommodated into a permanent position under the ADA is no longer considered on Light Duty, and therefore, is not subject to this directive.

C. **Reasonable Accommodation** – Refers to the requirements of the Americans with Disabilities Act (ADA), as covered in A.D. 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities.

D. **Workers Compensation** – Statutory benefits, as established by ARS Title 23, to cover an employee who is injured on the job.

E. **Workers Compensation Benefit (WC)** – Salary benefits paid to supplement Workers Compensation statutory benefits paid to an employee due to an industrial injury or illness that occurred on or after July 1, 2009, in accordance with Tucson Code § 2-13(2).

IV. PROVISIONS RELATED TO INDUSTRIAL INJURIES ONLY

A. Employees on an Alternate Work Schedule may have their schedule changed while working restricted hours on Light Duty. This would constitute an unforeseen circumstance under any labor agreement.

B. Employees released to work Light Duty following an industrial injury may choose to remain off work under Family Medical Leave (FML), if eligible, and may choose to be on FML up to the entitlement of 12 weeks of FML. An employee who chooses not to return to work once released by a physician will not be eligible for statutory benefits or City AC/WC benefits.

C. While on Light Duty, employees may schedule doctor and physical therapy appointments during their current work hours, however, appointments should be scheduled at the beginning or end of the employee's shift to minimize their time away from work. For appointments, evaluations, and treatments outside of the employee's current work hours, paid overtime, Compensatory Time accrual, and flex time is not allowed. If the employee is working part-time, appointments should be scheduled during non-working hours.

D. Employees returning to work on Light Duty due to an industrial injury may be assigned Light Duty in another City department. The employee's department is responsible for arranging Light Duty assignments.

V. PROCEDURES

A. An employee requesting Light Duty must have a release from a physician, specifying their work restrictions and expected duration of the restrictions.

B. An employee will be sent to the City Physician when:

1. The release to Light Duty and/or regular duty is due to an industrial injury.

2. Clarification or confirmation of work restrictions is needed.

C. An employee may be sent to the City Physician when being released from Light Duty to regular duty.

D. Return to work evaluations by the City Physician are performed on a walk-in basis for non-work related injuries, and must be completed on the employee's time, prior to returning to work.

E. Employees are required to notify their supervisor immediately upon receiving a physician's release to Light Duty and/or regular duty. Supervisors must then notify Human Resources of the change in the employee's work status.

VI. DURATION

Light Duty, as defined in this directive, is temporary, not indefinite. Light Duty will not extend beyond 12 months, and may be terminated at less than 12 months. Light Duty will be approved and monitored in 30-day increments by the department director/designee.

Employees on Light Duty assignments for six (6) months must be referred to the Human Resources Director/Designee to initiate a case review, evaluation, and possible Reasonable Accommodation process. A review will take place to assess the possibility of the employee returning to regular duty within a reasonable period of time. When there is a high expectation that the employee will be able to return to unrestricted job duties, Light Duty may be extended beyond 12 months as recommended by the department director/designee, and approved by the Human Resources Director/Designee, as part of a reasonable accommodation.

VII. GENERAL PROVISIONS

A. Department directors/designees are responsible for monitoring Light Duty assignments of their employees and assuring the provisions of this directive are followed.

B. Performance appraisals will be completed for employees on Light Duty, in compliance with their normal review schedule, and will address their performance while on Light Duty.

C. Employees on Light Duty are eligible for merit increases based on job performance and availability of funding.

D. Previously approved outside and/or off-duty employment will be reviewed by the department director/designee for possible conflict with the medical work restrictions.

E. Assignment Pay may not exceed six (6) months while on Light Duty, unless the employee is performing the duties of the special assignment.

Appendices (Forms) Temporary Light Duty Work Assignment Form (2-sided)

References

2.01-1 Compensation Administration
2.02-6 Outside Employment
2.02-13 Employee Performance Appraisal
2.05-2 Reasonable Accommodation

Review Responsibility And Frequency The Human Resources Director will review this directive as needed.

Authorized

City Manager Date

TEMPORARY LIGHT DUTY WORK ASSIGNMENT FORM

_____DEPARTMENT

Employee Name (print): _____ **Employee ID:** _____

Job Title: _____ **Supervisor's Name**: _____

Part 1 – Commencement of Employee's Light Duty Work:

Section I – To be completed by employee's supervisor:
Based on the restrictions identified by your physician, you are being assigned to Light Duty. This assignment is temporary and is not a permanent assignment. This assignment will be evaluated every 30 days and will not exceed 12 months. If you are not released to full/regular duty at six (6) months, you will be referred to the Human Resources Department for case review, evaluation and possible Reasonable Accommodation under the Americans with Disabilities Act (ADA).

- Physician's Release to Light Duty Date: _____
- Light Duty Assignment Start Date: _____
- Scheduled Days: _____
- Scheduled Start & End Times: _____
- Location (Department/Divison): _____
- Assigned Duties/Responsibilities: _____
- Reporting to (Light Duty Supervisor): _____
- Next Review Date: _____

Section II – Employee's Acknowledgement:
I □ accept □ decline the terms and conditions of the assignment, as stated above.

_____ _____
Employee's Signature Date

Section III – Department Director/Designee's Approval:

_____ _____ _____
Department Director/Designee's Signature | Department Director/Designee's Printed Name | Date

Part 2 – Referral to Human Resources Department:

The Light Duty assignment has reached six (6) months in duration, however, the employee is not released to return to full/regular duty. Employee has been referred to the Human Resources Department for case review, evaluation and possible Reasonable Accommodation process under the ADA on: _____.
The employee's department must continue to monitor the Light Duty assignment. Date

_____ _____ _____
Department Director/Designee's Signature | Department Director/Designee's Printed Name | Date

Copies to: Temporary Supervisor, Department Payroll, Department File & Human Resources Department.
Supervisor Review Log ON BACK.

SUPERVISOR'S REVIEW LOG

Next Scheduled Review Date (30 Days/1 Month)	SUPERVISOR COMMENTS (Examples: Same Restrictions, Changed Restrictions, Follow-Up Appointment Scheduled, etc.)	Supervisor's Initials & ID#:	Review Completed Date
Refer employee to the Human Resources Department at six (6) months for case review, evaluation, and possible Reasonable Accommodation under the ADA. The employee's department must continue to monitor the Light Duty assignment.			

Copies to: Temporary Supervisor, Department Payroll, Department File & Human Resources Department.
Temporary Light Duty Assignment Form ON FRONT.

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
DRUG AND ALCOHOL USE: IMPAIRED EMPLOYEES PHYSICAL EVALUATIONS; APPLICANT TESTING	2.02-22	1 of 9
	PAGE ISSUE DATE	
	July 27, 2005	

I. PURPOSE

To state City policy regarding the use of alcohol, controlled substances (drugs), and other intoxicants by City employees.

II. POLICY

It is the City's policy to maintain a drug-free workplace. The City requires that applicants for firefighter positions, all positions in the Police Department, positions requiring a Commercial Driver's License, and certain positions listed in Section III.A of this directive shall be offered employment conditional on testing for controlled substances and meeting departmental drug-free workplace standards. Procedures for testing employees shall be in accordance with applicable law.

This Directive sets forth the minimum standards to which all City employees shall adhere. The Police and Fire Departments may, with City Attorney approval and consistent with applicable law, adopt additional internal standards, which shall apply only to those employees assigned within those departments.

III. DEFINITIONS

A. CDL employee – An employee required by the City to have and maintain a Commercial Driver's License (CDL), including all drivers required to have a CDL by 49 CFR § 382.107, as well as the following positions: 6005 Equipment Operations Specialist, 5153 Senior Environmental Services Worker, 5010 Environmental Services Supervisor, 5772 Welder, 5302 Fleet Services Technician, 5303 Senior Fleet Services Technician, 5304 Lead Fleet Services Technician, 5332 Auto Body Technician, and 5321 Heavy Equipment Mechanic in the General Services Department.

B. Controlled substance - a drug as defined by Arizona Revised Statutes or by schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. Section 812, including, but not limited to, amphetamines, barbiturates, cocaine, methaqualone, opiates, phencyclidine (PCP) and THC (marijuana).

C. Reasonable suspicion - A belief that can be described and is based on specific objective facts that an employee is under the influence of controlled substances and/or alcohol. "Reasonable suspicion" may include, but is not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. Direct observation of drug or alcohol use or evidence of such use;
4. Presence of the physical symptoms of controlled substance or alcohol use, such as glassy or bloodshot eyes, the odor of alcohol, slurred speech, poor coordination.

D. Safety-sensitive functions - On-duty functions while waiting to be dispatched; inspecting, servicing, or conditioning any commercial motor vehicle; driving a commercial motor vehicle; time, other than driving time, spent on or in a commercial motor vehicle; time loading or unloading, supervising or assisting in loading; performing driver requirements associated with an accident and time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

E. Substance Abuse Professional - The City's Employee Assistance Program professional who has knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

IV. POLICY REGARDING CONTROLLED SUBSTANCES

A. City employees shall not:

1. Report to work having used any controlled substance;

2. Whether on or off duty, use, manufacture, possess, sell, or provide to another any controlled substance, or improperly use any drug.

B. This policy does not apply to the authorized possession of controlled substances by employees in the course of their duties (e.g., employees involved in police operations or para-medicine).

C. Possession of medically prescribed controlled substances or medications, which have been legally prescribed to the employee by a person licensed to do so, and the use of such substances consistent with the prescription, is not a violation of this policy.

D. A City employee who is taking any medication, whether or not prescribed, which may interfere with the safe and effective performance of duties or operation of City equipment, is required to advise Risk Management of that fact before beginning work.

1. In the event that there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication, clearance from the City Physician shall be required; the employee shall not be allowed to drive or perform other safety-sensitive functions until clearance from the City Physician is obtained.

2. Failure to advise Risk Management of the use of any medication that may interfere with the safe and effective performance of duties or operation of City equipment may result in discipline.

3. Employees who are concerned about their alcohol and/or drug use are strongly encouraged to seek voluntary assistance. The City's Employee Assistance

Program (EAP) is available as a resource for all employees. Current information regarding the EAP may be obtained from the City Intranet.

V. POLICY REGARDING ALCOHOL OR OTHER INTOXICANTS

A. City employees shall not:

1. Report to work with an alcohol concentration of .04 percent or higher or under the influence of other intoxicants;

2. While on duty, possess or use alcohol, or sell or provide alcohol or other intoxicants to another;

3. While in uniform, on or off duty, buy or use alcohol or other intoxicants.

4. While on duty or on call, have an alcohol concentration of .04 percent or higher or be under the influence of other intoxicants.

B. This directive does not apply to possession, use, or provision of alcohol or other intoxicants by employees in the context of authorized work assignments, such as undercover police enforcement activities and intoxilizer demonstrations. In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by such possession, use, or provision of alcohol or other intoxicants.

C. CDL employees with alcohol concentrations of .02 and below .04 percent will be removed from driving duties and all safety-sensitive functions for a period of not less than 24 hours following the administration of the test. CDL employees with alcohol, concentration of .04 or higher are subject to disciplinary action in accordance with Section IX of this directive.

VI. GENERAL POLICIES AND PROCEDURES

A. Department directors and supervisors are responsible for consistent enforcement of the policies set forth in this directive. Any supervisor who knowingly permits a violation of this directive shall be subject to disciplinary action.

B. In the event that a **supervisor** has determined that there is reasonable suspicion to believe that an employee is under the influence of alcohol and/or controlled substances, the employee shall be required to submit to drug and/or alcohol testing. See Section VIII.C of this directive.

C. Refusal to submit to testing pursuant to this directive shall be treated the same as a positive test and is grounds for termination.

D. Criminal Arrests and Convictions.

1. Any employee who is arrested for a violation of a criminal drug statute shall notify his/her supervisor of the arrest within one business day of the arrest, and advise the supervisor of any changes in the status of the situation thereafter.

2. Any employee who is convicted of a violation of a criminal drug statute shall notify his/her supervisor or departmental administrative personnel of the conviction within five (5) calendar days of the conviction.

3. When notified of a conviction, the supervisor or departmental personnel notified shall immediately forward the information in a confidential manner to the Assistant Director of Human Resources.

4. If the City department in which the convicted employee is assigned receives federal grant funding, the conviction shall be reported to the granting agency within ten days, and disciplinary action shall occur within thirty days, of receiving the notice of conviction.

E. All testing of blood, breath and/or urine for controlled substances and/or alcohol shall be accomplished through the City Physician and/or such other medical facilities as may be selected by the City.

F. Controlled substance testing will follow split sample procedures. Any initial positive screening shall be confirmed by a gas chromatography/mass spectrometry test, using a portion of the same test sample initially provided by the employee. In addition, an employee whose urine sample has tested positive has the option (within 72 hours of being notified by the City Physician) of having the other portion of the split sample tested at the same or another federally-certified laboratory at the employee's expense.

G. The Human Resources Department is responsible for developing and maintaining a training program for supervisory personnel to assist them in recognizing conduct and other factors that give rise to a reasonable suspicion that an employee is under the influence of alcohol and/or controlled substances. This program shall comport with all applicable laws and regulations, including CDL requirements, and shall be contained within the Human Resources Department departmental procedures.

H. All City employees shall receive a summary of this Administrative Directive.

I. Supervisors of CDL employees must complete training in the recognition of alcohol and substance abuse.

J. CDL employees must complete training regarding the parameters of the expanded testing programs as defined in Section VII of this directive.

VII. TESTING FOR CDL EMPLOYEES

A. CDL employees, as defined in Section III.A of this directive, are subject to expanded drug testing prescribed by this directive and state and federal law. Department directors are required to ensure that an accurate listing of all CDL employees is provided to both Risk Management and Human Resources and is continually updated by adding or removing employees as assignments change.

B. Required testing for CDL employees:

1. Pre-appointment testing - Prior to an appointment or promotion to a position as a CDL employee or prior to the first time a driver performs safety-sensitive functions for the City, the driver must submit to testing for controlled substances. If the driver fails the test, that driver will not be hired or promoted and, if already employed, will be disciplined in accordance with Section IX of this directive.

2. Random Testing - Alcohol and controlled substance testing will be conducted on a random basis spread throughout the calendar year. Only drivers who are performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions, will be tested as established by federal regulation. Employees who are on temporary restricted duty continue to be subject to random testing.

3. Reasonable Suspicion Testing.

   a) Alcohol and/or controlled substance testing will be required when the City has reasonable suspicion, as set forth in 49 CFR § 382.307, to believe the driver has violated the alcohol and/or controlled substances prohibitions. The required observations shall only be made by those who have attended the training program described in Section VI.G of this directive.

   b) Return to work following a controlled substance test shall comply with the terms of 49 CFR § 40.21. If employment is not terminated following a positive alcohol test, return to work following the positive alcohol test is governed by the terms of paragraph 5, below. An employee who receives a negative alcohol test result shall return to work immediately.

4. Post Accident Testing – The supervisor will require each surviving driver to be tested for alcohol and controlled substances following an incident involving a commercial motor vehicle when either:

   a) the accident involves a fatality; or

b) the driver receives a citation for a moving traffic violation arising from the accident, AND either (1) the incident involves an injury treated away from the scene, or (2) a vehicle is required to be towed from the scene.

A driver who is subject to post-accident testing shall remain available, or the City may consider the driver to have refused to submit to testing. The driver subject to post-accident testing shall refrain from consuming alcohol for eight hours following the accident, or until s/he submits to an alcohol test, whichever comes first. For CDL drivers only, the City complies with CDL regulations containing additional requirements related to the time for certain testing and the related records to be maintained.

5. Return to Duty Testing - Any driver whose employment was not terminated, after engaging in prohibited conduct regarding alcohol misuse, shall undergo a return to duty alcohol test indicating an alcohol concentration of less than .02 percent prior to returning to duty. When a return to duty test is required, the driver must also be evaluated by and participate in treatment prescribed by the Substance Abuse Professional. The driver must also be cleared by the City Physician.

6. Follow-Up Testing - shall be directed by the Substance Abuse Professional as required by 49 CFR § 40, Subpart O.

C. Controlled substance testing will be conducted as set forth in Section VI.F of this directive.

D. Refusal to submit to testing pursuant to this directive will be treated the same as a positive test result and is grounds for termination.

VIII. DRUG TESTING OF NON-CDL EMPLOYEES

A. Pre-Appointment Testing - Applicants for the position of firefighter, Police Department positions, and all positions delineated in Section III.A of this directive, shall be tested for controlled substances as part of the post-offer pre-employment physical. Applicants failing the test will not be hired. If the applicant is already a City employee, s/he will be disciplined in accordance with Section IX of this directive.

B. Random Testing - Employees of the Police Department are subject to quarterly random drug testing during their initial probationary period.

C. Reasonable Suspicion Testing of City Employees.

1. If it appears that an employee is in immediate need of medical assistance, the supervisor is to contact the City Paramedics by calling 911, or 9-911 from most City telephones.

2. In non-emergency situations, whenever a supervisor has reasonable suspicion, as defined in Section III.C of this directive, that an employee is under the influence of alcohol, controlled substances, or other intoxicants, the supervisor shall immediately:

   a) Relieve the employee of his or her duties;

   b) Contact the Department Director or the Director's designee, state the observations that cause the supervisor to believe the employee is under the influence of a controlled substance or alcohol or other intoxicants, and receive direction as to whether to have the employee tested pursuant to this directive;

   c) If the supervisor is directed to have the employee tested, during normal working hours (8:00 a.m. to 5:00 p.m.) the supervisor or the person designated by the department to do so is to contact Risk Management to arrange for immediate testing of the employee. After working hours, the supervisor is to contact the City Physician answering service. The supervisor will request arrangements for a drug and/or alcohol test and will leave their name and number to be called back. The answering service will contact an on-call nurse who will contact the supervisor. The nurse will advise the supervisor regarding the facility that will test the employee. Clinic personnel will meet the supervisor and the employee at the designated site.

   d) Transport the employee to the City Physician or other designated facility for testing. Employees are not to transport themselves.

   e) The supervisor shall drive or arrange to have the employee driven home after being examined by the City Physician.

   f) An employee's refusal to submit to testing pursuant to this directive will be treated the same as a positive test result and is grounds for termination.

3. Employees undergoing reasonable suspicion testing will not be allowed to perform driving or other safety-sensitive functions until the test results are known to be negative.

   a) The supervisor is to advise the employee that he/she is not allowed to return to work until the results are known to be negative. The employee is to be placed on sick leave or, at the employee's request, leave without pay, and the supervisor shall drive or arrange to have the employee driven home. The employee must also be advised as to the appropriate person to contact to make arrangements for further examination by the

City Physician. (The appropriate contact will be either the Department's Personnel Section or the Risk Management Division, depending on individual department procedure).

b) In the event the test results are negative, the employee will be credited for the amount of sick leave used, or paid for any time on leave without pay.

4. The supervisor shall make a complete written report to the Department Director regarding each incident, including all observations regarding the employee's behavior. The Department Director shall forward a copy of the report to Risk Management.

5. The City Physician will notify the employee of the test results and forward the results to the City Risk Manager as soon as practical. The Risk Manager shall release the results to the Department Director or designee immediately. All test results must be maintained as confidential medical records.

6. If the test results are negative and the employee has not yet returned to work, the department shall immediately instruct the employee to return to work.

D. Post Accident Testing for City Employees Who Drive for the City. The same rules applicable to post-accident testing for CDL employees shall apply to any City employee driving on City business. See Section VII.B.4 of this directive.

IX. DISCIPLINE FOR VIOLATION OF THE CITY'S ALCOHOL AND/OR CONTROLLED SUBSTANCE POLICIES

A. Controlled Substances: Any City employee who tests positive or violates the Policy Regarding Controlled Substances, Section IV.A of this directive, shall be terminated.

B. Alcohol and other intoxicants:

1. Any employee who tests positive with an alcohol concentration of .04 percent or higher or who otherwise violates the Policy Regarding Alcohol or Other Intoxicants, Section V of this directive, will be subject to disciplinary action, which may include termination.

2. A second alcohol or other intoxicant violation shall result in the employee's discharge.

C. An employee's refusal to submit to testing as provided in this directive will be treated the same as a positive test result and is grounds for termination.

X. REFERRAL FOR TREATMENT AND FOLLOW-UP TESTING

A. All employees who test positive for alcohol or other intoxicants and *are not discharged* will be referred to the Substance Abuse Professional for assessment and counseling. Employees who are not discharged for a first offense and who fail to comply with the Substance Abuse Professional's recommendations shall be discharged.

B. CDL drivers who test positive for controlled substances or alcohol and are discharged will be provided by the Human Resources Department information regarding controlled substances and alcohol counseling and community resources.

C. Any leave to attend counseling and/or treatment facilities pursuant to this section is subject to the provisions of the City's Leave Policy.

D. If an employee successfully completes a rehabilitation program, he or she must complete a return to duty controlled substance and/or alcohol test and be released by the City Physician prior to returning to work.

E. All employees who are returned to the workplace after having tested positive for alcohol or other intoxicants must participate in follow-up testing as prescribed by the substance abuse professional. CDL employees will be subject to follow-up testing as described in Section VII.B.6 of this directive.

XI. RELATED DIRECTIVES

2.02-16	Disciplinary Action, Employee Review Process
6.01-6	Driver's License Policy
2.01-7	Employee Leaves

Appendices None

References None

Review Responsibility and Frequency The Director of Human Resources, City Attorney, and Risk Management shall review and revise this directive as appropriate

Authorized

City Manager

7/27/05
Date

ADMINISTRATIVE DIRECTIVE

DEFENSE AND INDEMNIFICATION OF CITY EMPLOYEES IN LITIGATION	NUMBER 2.02-23	PAGE 1 of 3
	EFFECTIVE DATE November 8, 2010	

I. PURPOSE

This directive establishes City policy regarding the defense and indemnification of City employees who are named in civil litigation along with the City of Tucson or in certain criminal litigation when the civil or criminal litigation arises out of the performance by the employee of employee's official duties on behalf of the City of Tucson.

II. POLICY

A. It is the policy of the City of Tucson to defend officers or employees of the City named in civil litigation and to hold harmless and indemnify any officer or employee of the City from and against any and all claims of civil liability for alleged acts, errors, or omissions of any nature while said employee is acting on behalf of the City of Tucson in that employee's authorized governmental or proprietary capacity and in the course and scope of the employee's employment or authorization of the City. For purposes of this administrative directive, officers or employees of the City include any officer, employee or agent of the City, and any authorized volunteer working under the direction of an officer, employee or agent of the City, any duly appointed member of boards, committees, or commissions of the City, and the spouse of any of the foregoing, where claims are made on the spouse for incidents arising solely out of the actions of the named officer or employee. Civil litigation includes, without limitation, administrative proceedings brought by any licensing or regulatory authority relating to any technical or professional activity within the scope of employment including any proceeding affecting a license possessed by any officer or employee that is necessary for the performance of official City duties by the officer or employee.

B. The following exclusions apply to the indemnification and other benefits provided in subsection (A):

1. Claims or losses that arise out of or are directly attributable to any act or omission determined by a court of competent jurisdiction to be a felony by the officer or employee; or

2. Claims or losses that arise out of or are directly attributable to any at or omission constituting tortious behavior outside of the scope and course of the employee's employment with the City; or

3. Actions brought against a City employee, whether criminal or civil, arising out of conduct unrelated to the employee's employment with the City of Tucson. The conduct of City employees in such cases is governed by Administrative Directive 2.02-14, Ethics and Conflicts of Interest.

III. COOPERATION WITH CITY DEFENSE

In order to receive the benefits of defense and indemnification pursuant to Paragraph II(A) above, any City employee claiming such indemnification shall perform the following:

1. In the event of an occurrence which may reasonably be expected to give rise to civil liability or a claim of liability on the part of the City, written notice detailing the particulars of the occurrence shall be provided by the employee or employees responsible to the Internal Litigation Unit of the City Attorney's Office, with a copy to the City's Risk Management Division, on a form provided by the Risk Manager. The notice shall contain the identity of the employee or employees claiming indemnification, and all reasonably, obtainable information with respect to time, place and circumstances of the occurrence. It shall include, if available, the name, address and telephone number of any person who may claim injury; the names, addresses and telephone numbers of all potential witnesses; and the name, badge number, and case number, if applicable, of any investigating law enforcement officer or agency. Such communication shall be deemed confidential, within the purview of the attorney/client privilege. Such written notification shall be provided as soon as possible after the potential incident giving rise to liability, but in no event later than three working days following the incident. In addition to written notification, any occurrence involving death or serious bodily injury to a third party shall be reported immediately by telephone to the Risk Manager during City business hours.

2. If notice of claim or suit is filed against an employee or other party claiming indemnity hereunder, that person shall immediately forward to the Internal Litigation Unit of the City Attorney's Office every demand, notice, summons or other process received by that person or by that person's representative. The employee shall also inform their respective department head of such service.

3. Employees or other officials seeking indemnity shall cooperate with the City Attorney, and upon the City's request, assist in participating in settlement conferences, in the conduct of lawsuits, and the enforcement of any right of defense, contribution or indemnity which may be owing to said officer or employee by any third person or organization. The officer or employee claiming indemnity shall not make any written or oral statements or agreements before or after an occurrence that would tend to prejudice the employee's or the City's right to defense, contribution or indemnification by a third person or organization, or which would prejudice the City's right to subrogation to any such rights.

4. The officer or other employee claiming indemnity shall attend any necessary meetings, hearings, or trials, and shall assist the City Attorney in the securing and providing of evidence and obtaining the attendance of witnesses. The officer or employee shall not voluntarily make any payment, assume any obligation, or incur any expense related to the defense of the matter, without prior authorization of the City Attorney.

IV. CITY'S DEFENSE OF LITIGATION

A. In civil litigation where the City of Tucson is named as a Defendant along with its officers or employees, in which there is no question that the employee's actions that are alleged to give rise to liability occurred within the course and scope of City employment, the City Attorney, or outside counsel designated by the City Attorney will jointly represent both the City and the named employees at the City's expense to the extent permitted by Arizona law and Supreme Court ethical rules.

B. In civil cases where the City Attorney determines that the City's interest may conflict with the employee's interest, and when such conflict is not waived or waivable, the City will provide separate counsel to represent the employee or employees, at the City's expense.

C. Any City officer or employee has the right to retain civil or criminal defense counsel of the officer's or employee's choosing at the sole cost and expense of the officer or employee.

V. LIMITATION OF LIABILITY

A. Nothing in this Administrative Directive shall be construed to impose any liability upon the City or departments, agencies, boards, or commissions, or upon any City officers, agents or employees.

B. Nothing in this Administrative Directive shall be construed to impair any defense that the City, or its departments, agencies, boards, commissions, officers, agents, or employees may have available at law.

Appendices None

References None

Review Responsibility and Frequency The City Attorney shall review this directive annually, or as needed

Authorized

City Manager — Date 11-29-10

Mike Letcher

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
EMPLOYMENT STATUS	**2.02-24**	**1 of 2**
	PAGE ISSUE DATE	
	December 12, 2006	

I. POLICY

The City makes permanent, temporary and non-permanent appointments to City positions in accordance with the Civil Service Rules.

II. PERMANENT APPOINTMENT

A. FULL-TIME: These positions require:

1. Regularly scheduled work of 40 hours per week (2080 hours in a full calendar year), and
2. Recurring work for long duration requiring more than 12 months of continuous uninterrupted service.

B. PART-TIME: These positions require:

1. Regularly scheduled work of fewer than 40 hours per week, and
2. Recurring work for long duration requiring more than 12 months of continuous uninterrupted service.

III. TEMPORARY APPOINTMENT

Whenever a need exists to hire or promote an employee into a permanent position because of a temporary vacancy caused by the regular incumbent being on leave for a period of not more than 12 months, the appointing officer may request to fill the position on a temporary basis in accordance with Civil Service Commission Rule VI – Appointments, Section 3.

IV. NON-PERMANENT APPOINTMENT

A. Non permanent appointments will be made to positions designated as intermittent, seasonal, or temporary by the Human Resources Director. Non-permanent positions supplement the regular permanent workforce and include only the following:

1. Intermittent positions work up to 1,500 hours per fiscal year on an on-call, as needed basis or on schedules that vary depending on workload.

2. Seasonal positions work up to 1,500 hours per fiscal year with specific start and end dates to cover workloads in specific periods of the year.

3. Temporary positions work part-time or full-time on a specific project that is expected to be one year or less in duration. Temporary positions can be extended one time for an additional six months with the approval of the City Manager.

B. Non-permanent positions must be advertised as non-permanent positions on the recruitment notices. Newly appointed non-permanent employees must sign an acknowledgement that the position is non-permanent.

C. The acceptance or declination of a non-permanent appointment shall not affect an applicant's standing on any employment list, eligibility list, or eligibility for a probationary appointment.

D. Employment under a non-permanent appointment shall not be counted as part of a probationary period. Non-permanent appointments do not grant any property rights to the incumbent. The appointing officer may terminate a non-permanent appointment at any time without notice or right of appeal but shall transmit to the Director the reasons for such actions.

Appendices None

References Tucson City Code Chapter 10
Civil Service Rules

Review Responsibility and Frequency The Director of Human Resources will review this directive annually, based on date of publication.

Authorized

12/12/06

City Manager Date

Mike Hein

ADMINISTRATIVE DIRECTIVE

EMPLOYMENT BACKGROUND INVESTIGATIONS	NUMBER 2.02-25	PAGE 1 of 5
	EFFECTIVE DATE April 1, 2015	

I. PURPOSE

To set forth the criteria and procedure by which employment background investigations will be conducted.

II. POLICY

The City of Tucson does not inquire about a candidate's criminal history on an initial job application.

The City will evaluate candidates based on their merits, and all candidates recommended for a position are required to pass an employment reference check. If applicable to the position, a Background Investigation, Motor Vehicle Driving Record check, drug screen and/or criminal history check will be conducted. When a criminal history is obtained, it will only be used in compliance with federal and state anti-discrimination laws. Candidates who do not pass the requirements set forth in this Administrative Directive (A.D.) or who do not provide the required documentation will be removed from consideration for the position in which employment is sought.

All departments, with the exception of Tucson City Court, Tucson Fire, Tucson Police, Tucson Parks & Recreation and Tucson Water will comply with the requirements of this A.D. in conjunction with Human Resources (HR). Requirements for staff working in or with Tucson City Court, Tucson Fire, Tucson Police, Tucson Parks & Recreation and Tucson Water may differ in some respects from other City departments, but will remain consistent with state and/or federal mandates. All final adverse decisions will be made by the Human Resources Director with the exception of Tucson City Court.

III. DEFINITIONS

A. **Adverse Action** – For purposes of this A.D., as defined by Section 609(c)(3) of the Fair Credit Reporting Act (FCRA), "Adverse Actions" are all business, credit and employment actions affecting consumers that can be considered to have a negative impact, e.g., denying employment, imposing discipline, or discharge from employment.

B. **Background Investigation** – A review of the employment, credit and civil history, or the education and/or licensing of a candidate based upon the requirements and responsibilities of the position sought.

C. **Candidate** – As defined in City of Tucson Civil Service Rules, an individual, formerly an applicant for a position or promotional recruitment with the City of Tucson, who has successfully completed all necessary examination processes and phases, received a final ranked merit score, and has been placed on an eligibility list.

For purposes of this A.D., candidates will also include employees in the classified service who are selected for promotion through an internal process (either competitive

or non-competitive), placed in a position from a certified reemployment list, transferred to a different classification or participate in job-rotation.

D. **Contingent Job Offer** – Recommendation of a candidate for a position, contingent upon the successful completion of an employment verification, reference check, and if applicable to the position sought, a Background Investigation, Motor Vehicle Record check (MVR) and/or a drug screen.

E. **Criminal Background Investigation** – The review of a candidate's criminal convictions based upon the requirements and responsibilities of the position sought.

F. **Employment Verification** – A review to verify a candidate is, or was, employed at the places they indicated on their application for employment.

G. **Human Resources** – For purposes of this A.D., Human Resources refers to the City of Tucson Human Resources Department, not an individual department's HR section or division.

H. **Motor Vehicle Record (MVR)** – The official 39-month printout of a driving or vehicle record obtained through the Arizona Department of Transportation.

I. **Reference Check** – The consideration of a candidate's job performance and behaviors based on information provided by prior employers and/or supervisors.

IV. CANDIDATE SELECTION - GENERAL

A. All hiring decisions will be based upon the merit, qualifications, and abilities of the candidate.

B. When a candidate is made a written contingent job offer by the hiring department, they will be offered a position subject to the successful completion of the employment verification, reference check, and if applicable to the position, MVR check, Background Investigation, Criminal Background Investigation and/or drug screen.

C. Candidates found to have been convicted of a felony or a misdemeanor within the last five (5) years may be disqualified from employment in the position for which employment is sought, if job-related and consistent with business necessity. Arrests will not be considered.

D. Any misrepresentations, falsifications, or material omissions in any of the information provided by the candidate throughout the hiring or promotional process may result in exclusion from consideration for employment and/or discipline, up to and including discharge from employment.

E. All information obtained by HR from each candidate will remain confidential and will be used for the sole purpose of the Background Investigation process.

F. All letters and written communication to and from candidates will be in digital format (e.g. email).

V. CANDIDATE SELECTION – DEPARTMENT RESPONSIBILITIES

A. Following a written contingent offer of employment, the selected candidate will be required to sign and authorize a Reference Check Release Form (Appendix A). If required for the position, the candidate will also complete and submit the Background Investigation Release Form (Appendix B) (See VI below). Any candidate who does not comply with this requirement will be removed from eligibility for the position sought.

B. A reasonable review of information submitted by candidates will be conducted, including prior employment history and professional reference checks, using the Suggested Questions to Ask Former Employers Form (Appendix C).

C. Once the selected candidate's reference checks have been completed, the department will forward final candidate reference checks, including the signed Reference Check Release Form and signed, accepted contingent offer letter to HR. In addition, if required for the position, the department will forward the completed Background Investigation Release Form to HR, which will initiate the Background Investigation if applicable to the position sought.

VI. CANDIDATE SELECTION – HUMAN RESOURCES RESPONSIBILITIES

A. Prior to the departmental selection process, HR will determine the scope of the Background Investigation (to include Criminal) that will be conducted, based upon the requirements and responsibilities of the position sought, using the Background Screening Category Matrix (Appendix D). If required for the position, the candidate will complete and submit the Background Investigation Release Form. The scope of Background Investigation must be job-related and consistent with business necessity.

B. Human Resources will process the Background Investigation request and send the Authorization for Release of Information to the contracted vendor, which will process the Background Investigation. Human Resources will review the findings against the current EEOC Employment Eligibility Decision Guidelines. (http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm).

VII. ADVERSE FINDINGS IDENTIFIED DURING BACKGROUND INVESTIGATION(S)

A. Not all criminal convictions or other unfavorable information obtained in the Background Investigation will disqualify a candidate from eligibility for City employment. If the Background Investigation results in adverse findings, based upon

the Background Screening Category Matrix, HR will review them. To determine if the nature and gravity of a candidate's background investigation results would disqualify them from eligibility for a specific position, HR will consider the following factors:

1. Time elapsed since conviction or release

2. Attempts, extent, and effects of rehabilitation, including conduct and accomplishments since conviction

3. The nature, number, and seriousness of convictions and their relevancy to the duties of the position sought

B. If adverse findings are identified during the Background Investigation, the selected candidate will receive a Pre-Adverse Action Letter (Appendix E) and a copy of the Background Investigation report explaining the findings from HR. The selected candidate will then have seven (7) business days from the date the Pre-Adverse Action Letter is sent to provide information or applicable documents to clarify and explain the findings to HR.

C. If adverse credit findings are identified, the candidate will receive a Fair Credit Reporting Act Pre-Adverse Action Letter (Appendix F) and a copy of the Summary of Your Rights Under the Fair Credit Reporting Act (Appendix G). The candidate will have seven (7) business days from the date that the FCRA Pre-Adverse Action Letter is sent to provide information or applicable documents for consideration and review to the credit reporting agency.

D. If the candidate provides documentation which contradicts the results of the Background Investigation, the documents must be specific and will be verified for authenticity.

E. No information will be given to individuals who do not have a right to such information.

VIII. FINAL DECISION REGARDING ADVERSE EMPLOYMENT ACTION

If no response is received from the candidate within the allotted time frame based upon the specific adverse finding, and/or information provided by the candidate is not sufficient to resolve the adverse findings, Human Resources will send the Adverse Action Letter (Appendix H) and/or the Summary of Your Rights Under the Fair Credit Reporting Act, and will notify the hiring authority that the candidate will be removed from eligibility for the position sought, as defined in Civil Service Commission Rule III, Section 7. In accordance with Civil Service Commission Rule X, Section 6, a candidate whose name has been removed from an eligibility list may request administrative review by the Commission.

IX. APPLICANTS WORKING WITH OR AROUND MINORS OR VULNERABLE ADULTS

The hiring department will, in accordance with State and Federal privacy and security laws; A.R.S. §41-1750 and Tucson Code, Chapter 2, Article I, Sec. 2-25, require the candidate to complete the City of Tucson Consent and Release of Liability for Applicants Working with or around Minors or Vulnerable Adults (Appendix I) to acquire history information from the Arizona Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI) to determine the fitness for employment with access to children, vulnerable adults, or individuals with disabilities.

X. RETENTION OF BACKGROUND INVESTIGATION RECORDS

Retention will be consistent with Arizona State Library, Archives and Public Records standards.

Appendices

Federal Trade Commission Section 609(c)(3)
A.R.S. §41-1750
Tucson Code, Chapter 2, Article I, Sec. 2-25
Civil Service Commission Rule III, Sec. 7

References

Appendix A: Reference Check Release Form
Appendix B: Background Investigation Release Form
Appendix C: Suggested Questions to Ask Former Employers Form
Appendix D: Background Screening Category Matrix
Appendix E: Pre-Adverse Action Letter
Appendix F: Fair Credit Reporting Pre-Adverse Action Letter
Appendix G: Summary of Your Rights Under the Fair Credit Reporting Act
Appendix H: Adverse Action Letter
Appendix I: City of Tucson Consent and Release of Liability for Applicants Working with or around Minors or Vulnerable Adults

Review Responsibility and Frequency

The Human Resources Director will review this directive as needed.

Authorized

City Manager

6-12-15
Date

Martha Durkin

Appendix A
REFERENCE CHECK RELEASE FORM

I, _____ (PRINT NAME), authorize the City of Tucson to contact any organization or individual that I have listed on my employment application or resume or mentioned in job interviews and obtain from them any relevant information about my job qualifications, including my experience, skills, and abilities. I understand that I am consenting to the release of any reference-related information about me held or known by my former employers, supervisors, and co-workers. In addition, I consent to the release of any information about my education, experience, abilities, or work-related characteristics or traits held or known by other organizations or individuals, including schools and educational institutions, professional or business associates, and friends and acquaintances that the City of Tucson might contact in the course of conducting a reference check or background investigation of my suitability for employment.

I understand and acknowledge that this release of information can involve my qualifications, performance, credentials, or other characteristics or factors affecting my suitability for employment with the City of Tucson.

_____ _____

Signature Date

Appendix B

BACKGROUND INVESTIGATION RELEASE FORM

I, _____ (PRINT NAME), authorize the City of Tucson to conduct a background investigation for the position of [position title].

I understand and acknowledge that the information will be released on an as needed basis only to the hiring department, and will be used to further determine my eligibility for this position. All information regarding my background investigation will be kept confidential by the Human Resources Department and will be considered the property of the City of Tucson.

In exchange for the City of Tucson's consideration of my employment application and information contained in a background investigation, I agree not to file or pursue any legal actions of any kind against the City of Tucson, nor any of its employees, representatives or agents arising out of their efforts to obtain information about me.

_____ _____

Applicant Signature Date

_____ _____

Applicant's Birth Date (mm/dd/yyyy) Applicant's Driver License Number

_____ _____

Applicant's Social Security Number Driver License Expiration Date

Appendix C

SUGGESTED QUESTIONS TO ASK FORMER EMPLOYERS FORM

Reference Check on: _____

Employer: _____

Phone: _____

Conducted by: _____on _____

1. Is _____ eligible for rehire? _____
2. If given the opportunity, would you rehire _____?
3. In what capacity do you know _____?
4. How long have you known _____?
5. How would you describe their interpersonal/people skills?
6. Is their preference working within a team or on their own?
7. How would you describe his/her interaction with colleagues?
8. Tell me about _____'s initiative on the job. Examples?
9. Describe _____'s work ethic and attendance.
10. Is there anything in his/her background we should know about or is there anything in their background that would embarrass the City of Tucson as their employer?
11. Is there anything else I should take into consideration before I hire this candidate?
12. Ask the reference to evaluate the employee's performance the tasks likely to be assigned in the new position.

Appendix D

BACKGROUND SCREENING CATEGORY MATRIX

Potentially Disqualifying Categories

'A Record of' is defined as both misdemeanor and felony convictions. Charges that do not result in convictions cannot be considered; only convictions within the five years preceding the application can be taken into account.

Category 1	**Routine operator of automotive or construction equipment**	***Requirements**
Potentially disqualifying factors:	A record of driving while under the influence, excessive moving violations, a revoked or suspended driver's license.	Primary, Secondary and CDL – MVR
Category 2	**Provide services directly to youth, elderly, individuals with disabilities**	**Requirements**
Potentially disqualifying factors:	A record of child molestation, assault, sexual assault, crimes against a person, public indecency, drug offenses (Refer to ARS 41-1758 for list of disqualifying offenses).	Fingerprint
Category 3	**Routines access to private property**	**Requirements**
Potentially disqualifying factors:	A record of forgery, theft, burglary, arson, crimes against property, violent crimes or other crimes involving dishonesty.	Criminal Background
Category 4	**Routine access to confidential police, court, personnel, or other sensitive records**	**Requirements**
Potentially disqualifying factors:	A record of forgery theft or embezzlement.	Criminal Background
	Misuse of confidential information, pattern of discharge from employment.	Employment Verification, Reference Check
Category 5	**Routine responsibility for the receipt of payment of City funds or control of inventories**	**Requirements**
Potentially disqualifying factors:	A record of forgery, theft, embezzlement, burglary, or other crimes committed for financial gain.	Credit Check & Criminal Background
Category 6	**Executives, Middle Managers, and other visible or critical positions**	**Requirements**
Potentially disqualifying factors:	A record of crimes against children, public indecency, theft, embezzlement, crimes against property, violent crimes, crimes for financial gain, or drug offenses.	Criminal Background
	Misuse of confidential information, pattern of discharge from employment.	Employment Verification, Reference Check
Category 7	**Department specific standards governed by federal or state regulations**	**Requirements**
Potentially disqualifying factors:	Examples include: Federal Aviation Administration standards, Homeland Security regulations, and Arizona supreme court standards for municipal court employees, Water Services drinking water and security, Criminal Justice Information Systems standards, public safety criteria for Police and Fire, state regulations governing working with children and vulnerable adults for Human Services, Parks & Recreation, Library, and Housing Departments.	Criminal Background

***Any position requiring formal education, credential, certification, etc., will be subject to verification.**

Appendix E
PRE-ADVERSE ACTION LETTER

CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

[Name]
[Address]
Tucson, AZ [XXXXX]

Dear [XXXX]:

We are writing to inform you that in evaluating your application for employment with the City of Tucson, we have received the enclosed background investigation findings.

Specifically, the disqualifying factors include:

This notification is provided because we may make an adverse decision based, in whole or in part, on this report.

The report was procured pursuant to an authorization signed by you. If you believe that this report contains incorrect information, or you have information which mitigates or refutes the disqualifying factors, your written explanation must be received by Human Resources within seven (7) business days of the date of this letter. We will consider your explanation and respond with our final decision. Our mailing address and phone number are listed below:

City of Tucson – Human Resources Director
P.O. Box 27210
Tucson, AZ 85726-7210
Phone: (520) 791-4241

Thank you.

Enclosures: Background Investigation Findings
Release Signed by Applicant

Appendix F

FAIR CREDIT REPORTING ACT PRE-ADVERSE ACTION LETTER

CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

[Name]
[Address]
Tucson, AZ [XXXXX]

Dear [XXXX]:

We are writing to inform you that in evaluating your application for employment with the City of Tucson, we have received the enclosed consumer report. This notification is provided because we may make an adverse decision that may be based, in whole or part, on this report. We are hereby informing you of certain information pursuant to the Fair Credit Reporting Act and state law.

The report was procured pursuant to an authorization signed by you. A summary of your rights as a consumer in enclosed. If you have any questions regarding this report or believe that it may contain incorrect information, you may contact the provider of the report, [vendor name], and they will respond to your inquiry. Their mailing address and phone number are listed below:

[Agency Name]
[Agency Address]
[Agency City, State and Zip]
Phone (800) [Agency Phone Number]
Fax (800) [Agency Fax Number]

[Vendor Name] only provided us the consumer report and plays no part in the decision to take any action on your employment application. [Vendor name] is unable to provide you with specific reasons for any employment related decisions to be made.

Sincerely,

[Name of City Department]

Enclosures: Consumer Rights Notification
Consumer Report
Release Signed by Applicant

Appendix G

A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about
check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to:
www.consumerfinance.gov/learnmore
or write to: Consumer Financial Protection Bureau, 1700 G
Street N.W., Washington, DC 20552.

- You must be told if information in your file has been used against you. Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- You have the right to know what is in your file. You may request and obtain all the information about you in the files of a consumer reporting agency (your "file disclosure"). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free.
- You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

  In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.
- You have the right to ask for a credit score. Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- You have the right to dispute incomplete or inaccurate information. If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- Consumer reporting agencies may not report outdated negative information. In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- Access to your file is limited. A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- You must give your consent for reports to be provided to employers. A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- You may limit "prescreened" offers of credit and insurance you get based on information in your credit report. Unsolicited "prescreened" offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.
- You may seek damages from violators. If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- Identity theft victims and active duty military personnel have additional rights. For more information, visit ww.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

A SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT, CONT.

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over $10 billion and their affiliates.	a. Bureau of Consumer Financial Protection 1700 G Street NW Washington, DC 20552
b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	b. Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above:	
a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks	a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050
b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act	b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480
c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations	c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106
d. Federal Credit Unions	d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, SE Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Proceedings, Surface Transportation Board Department of Transportation 395 E. Street, S.W. Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act. 1921	Nearest Packers and Stockyards Administration area supervisor
6. Small Business Investment Companies	Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, SW, 8th Floor Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F St NE Washington, DC 20549
8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed above	FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 (877) 382-4357

Appendix H

ADVERSE ACTION LETTTER

CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

[Date]

[Name]
[Address]
Tucson, AZ [XXXXX]

Dear [XXXX]:

We are writing to inform you that your application for employment as a [position] with the City of Tucson, [Name of Department] has been denied. This decision was based upon information obtained in your background investigation related specifically to the requirements of the position for which you applied, as well as any information you may have submitted.

Thank you,

City of Tucson Human Resources Department

Appendix I

CITY OF TUCSON CONSENT AND RELEASE OF LIABILITY FOR APPLICANTS WORKING WITH OR AROUND MINORS OR VULNERABLE ADULTS

BACKGROUND INVESTIGATION:

The term "background investigation" as used in this document refers to any and all information and sources of information that the City of Tucson, in its sole discretion, may deem necessary to obtain or contact to determine my fitness as a candidate for employment.

1. In accordance with Chapter 2, Sec 2-25 of the Tucson City Code, City Ordinance #8491, and Arizona Revised Statute § 41-1750 all prospective employees for the position I have applied for are required to submit fingerprints for the purpose of obtaining a state and national criminal history records check by the Federal Bureau of Investigation.
2. I authorize any person or entity contacted by the City of Tucson's officers, agents, and employees during the course of my background investigation, to furnish to such officers, agents and employees any and all information they may have which is relevant to ascertaining my truthfulness on my application and my fitness for employment.
3. I hereby release from liability and hold harmless under any and all possible causes of action, claims, demands, rights, damages, costs and debts, both in law and in equity which I may have, or in the future may have, against the City of Tucson and any of its employees for any statements, acts or omissions, and against any and all persons or entities who shall furnish any information to the employees of the City of Tucson who conduct my background investigation.

STATEMENT OF INDIVIDUAL'S RIGHTS:

Your fingerprints will be used to check the criminal history records of the FBI.

If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record. You should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before officials deny you the job, license, or other benefit based on information in the criminal history record.

The procedures for obtaining a change, correction, or update to your FBI criminal history record are set forth in Title 28, Code of Federal Regulations (CFR), Section 16.30 through 16.34. Information on how to review and challenge your FBI criminal history record can be found at www.fbi.gov at Criminal History Summary Checks or by calling (304) 625-3878.

To obtain a copy of your Arizona criminal history in order to review/update/correct the record, you can contact the Arizona Department of Public Safety Criminal History Records Unit at (602) 223-2222 to obtain a fingerprint card and Review and Challenge packet. Information on the review and challenge process can be found on the DPS website (www.dps.gov).

AFFIRMATION OF POLICY AND CONDITION OF EMPLOYMENT:

In consideration of the City of Tucson considering my application for employment, I irrevocably agree to the above terms and conditions, and affirm that I have read and understand the meaning of the above statement of policy. This release from liability given by me to the City of Tucson and its employees, and all others mentioned previously shall apply to any right of action of any nature whatsoever that might accrue to myself, my heirs, my personal representatives, successors and assigns. I acknowledge that failure to pass the background investigation or any other conditions of employment will render my ineligible for employment and any prior conditional offer of employment will be withdrawn.

Print Name: _____ Signature:_____

Date of Birth:_____ Social Security Number: _____ Date:_____

_____ _____ Date: _____

*Parent or Guardian Printed Name *Parent or Guardian Signature

***If under 18, parent or guardian signature is required.**

ADMINISTRATIVE DIRECTIVE

CUSTOMER SERVICE	NUMBER **2.02-26**	PAGE **Page 1 of 4**
	EFFECTIVE DATE **June 22, 2015**	

I. PURPOSE

This Administrative Directive sets forth the customer service expectations, policies and procedures for City of Tucson employees. All City employees will comply with this Directive.

II. POLICY

All City employees shall treat their colleagues and members of the public professionally and respectfully through person-to-person, telephone, and written communication.

III. GENERAL RULES

A. Attentively listen to customer requests/questions and refrain from interrupting. Ask appropriate questions to ensure that the customer requests/questions are being completely answered. If you are unable to answer, locate a staff member who can assist.

B. Personal telephone calls, social media (e.g. Facebook, Twitter and Instagram) and or personal email shall never be conducted in the presence of a customer. The computer, phone, research or paperwork activities are secondary unless related to the customer's inquiry.

C. Refrain from expressing personal opinions regarding a customer's request.

D. Be professional, courteous, and respectful at all times. Avoid negative language and remain factual and objective.

E. Be accurate, precise and complete in all correspondence.

F. Comply with any Americans with Disabilities Act (ADA) and/or Limited English Proficiency (LEP) requests or accommodations as requested by the customer.

G. If a customer becomes physically or verbally intimidating, the employee should take appropriate action based on observed behavior including calling 911 if there is any threat of physical violence.

H. If a customer becomes verbally abusive or uses excessive profanity during a telephone conversation, the employee will attempt to deescalate the situation. However, if the customer continues to be verbally abusive, the employee will calmly and professionally terminate the telephone call.

IV. PERSON-TO-PERSON INTERACTION STANDARDS AND ETIQUETTE

A. Immediately acknowledge and greet the customer in a welcoming and professional voice and manner by making eye contact, smiling and projecting positive body language.

B. When a customer enters the office while you are on the phone, acknowledge the customer and indicate that he/she should take a seat, and then assist the customer as soon as possible. When assisting the customer maintain eye contact and remain focused on the customer.

C. If the telephone rings while you are with a customer, excuse yourself, answer the phone call and ask the phone customer if he/she would like to hold while you assist a customer or leave contact information. If contact information is given, inform the customer that the call will be returned as quickly as possible.

V. TELEPHONE STANDARDS AND ETIQUETTE

A. Answer incoming calls within three rings during regular business hours. Departments with specialized call centers will adhere to their specific guidelines (e.g., Public Safety Communications, Environmental Services and Tucson Water call centers).

B. Speak clearly, in a professional, polite and friendly manner.

C. Identify the department and yourself by name and ask how you may be of assistance?

D. If you cannot provide assistance, ask the customer if he/she would like to be transferred to the appropriate department/staff. If yes, inform the customer of the employee's name, department or office and provide the transferring telephone number in case the transfer call disconnects.

E. Do not transfer a call without notifying the recipient.

F. If not transferring, conclude the telephone call by asking the customer if all his/her questions were answered and/or all information was provided and "is there any other assistance that may be provided?"

G. A concerted effort will be made to return telephone messages within 24 hours or by the next business day. When returning telephone calls, leave a message and clearly state your full name, department, telephone number and the subject of the call.

VI. VOICEMAIL STANDARDS AND ETIQUETTE

A. Check voicemail daily and clear messages so that incoming messages may be received. Check voicemail when out of the office on business or in training.

B. Voicemail outgoing greetings will be kept current, indicate any long absence from the office and provide an alternative staff member or department telephone number for assistance.

C. Do not use voicemail to avoid answering calls or speaking with customers.

VII. WRITTEN CORRESPONDENCE STANDARDS

A. Written correspondence includes letters, memoranda, email, newsletters, flyers, mass mailings, invitations, brochures, and websites.

B. Written inquiries should be responded to within ten (10) business days. If the inquiry cannot be fulfilled within the ten (10) business days, inform the customer that you are in receipt of the request and indicate a time frame for response.

C. Select the correct template to compose the correspondence.

D. Compose the written correspondence in a forthright tone that is readily comprehended by the customer. Do not use city jargon and acronyms when writing to external customers.

E. Before sending the correspondence, proofread it and have another staff member proofread it once more to assure grammar and spelling accuracy. Confirm that your name, title, telephone number, and email address are listed.

VIII. FORMAL EMAIL COMMUNICATION

A. Enter a subject topic in the subject line.

B. Respond to email inquiries within two (2) business days. If a complete response cannot be done within two (2) days, send an acknowledgement email to the customer and indicate an estimated time frame for a complete response.

C. At the conclusion of the email communication, include a signature block that contains the following: full name and title, department or office, email address, and telephone number.

D. For all scheduled absences from the office lasting more than one day, use an auto-reply that includes the date of the absence, return date, the contact information for the employee who may respond in your absence and the department phone number.

Appendices None

References
Administrative Directive 1.08-4 -- Use of City Electronic Communication Systems
Administrative Directive 2.02-5 -- Rules of Conduct
Administrative 2.05-9 -- Services for Language Access Policy for Limited Language Proficiency (LEP)
Administrative Directive 2.05-10 -- ADA Compliance with Title II Public Services

Review Responsibility and Frequency The City Manager or designee shall review this directive as needed.

Authorized

City Manager

Martha Durkin

6-22-15
Date

Employee Safety

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
EMERGENCY PROCEDURES FOR EVACUATION OF CITY BUILDINGS	**2.03-1**	**1 of 8**
	PAGE ISSUE DATE	
	May 8, 1990	

I. PURPOSE

To establish procedures for evacuation emergencies in all City buildings and to specify City staff responsibilities in emergency situations.

II. DEFINITIONS

A. **Evacuation** - The immediate exit of all occupants from the building upon the signal of a fire alarm, or a signal determined by the Risk Management Division for buildings without fire alarms.

B. **Occupants** - All individuals within the building, including employees, visitors, and others.

C. **Incident Commander** - The officer so designated by the Fire Department for fires and by the Police Department for bomb threats.

D. **Command Post** - The area outside each City building designated as the meeting place for City employees with special evacuation responsibilities during building emergencies.

E. **Safe Area** - The area outside each City building designated as the place where building occupants shall proceed during an evacuation to await authorization to re-enter the building.

III. POLICY

The fire warning system shall be the alarm system for all emergencies. All occupants shall evacuate City buildings at the sound of an alarm. For emergencies or potential emergency situations, it is essential that all occupants, without regard to present activity, evacuate the building immediately. No employee shall reenter an evacuated building unless specifically authorized by the Incident Commander.

IV. RESPONSIBILITIES

A. DEPARTMENT DIRECTORS

Department directors shall designate individuals with responsibility for ensuring all building areas occupied by the department are completely evacuated in an emergency.

All department directors shall also provide the Police Department, the Fire Department, and the Risk Management Division of the Finance Department with a list of the names and work stations of all employees who require physical assistance in evacuating their building.

Department directors have the responsibility of communicating and periodically emphasizing to their employees the importance of compliance with the procedures described in this directive to ensure the safety of occupants in all City buildings.

Department directors shall develop evacuation plans for all buildings occupied solely by their staff. Plans shall include the location of safe areas for employees and command posts. (The location of these areas will be designated by the Police and Fire Departments.) Plans shall be reviewed and updated to reflect building modifications. Such plans shall be approved by the Risk Management Division and the Fire Department.

Department directors shall ensure that evacuation plans exist and are known to staff located in buildings which are occupied by two or more City departments. If an evacuation plan does not exist in such a building, **directors shall report this condition to the Risk Management Division and the Fire Department.**

Department directors shall ensure that evacuation plans exist and are known to staff located in buildings not occupied solely by City staff. If an evacuation plan does not exist in such a building, **directors shall report this condition to the Risk Management Division and the Fire Department.**

In those City-operated facilities where the Public Buildings Division does not have all keys necessary for building access, Department directors shall ensure that keys are available to public safety officials.

B. FINANCE DEPARTMENT, RISK MANAGEMENT DIVISION

The Risk Management Division is responsible for coordinating all emergency drills to test the Fire Alarm System and the capability of occupants to evacuate buildings quickly (see Section IX).

The Risk Management Division shall ensure that evacuation instructions are wall-mounted in each major office area and exit in City buildings. Evacuation instructions will include an evacuation route map for that area. Also, Risk Management shall ensure that prominent signs are installed by each elevator in multi-story City buildings saying: IN CASE OF FIRE USE STAIRS.

The Risk Management Division shall develop evacuation plans for buildings occupied by two or more City departments or agencies.

The Risk Management Division shall ensure that a method for alerting occupants to evacuate a building is in place in all buildings occupied solely by City staff.

C. OPERATIONS DEPARTMENT

During normal working hours, the Public Buildings Division is notified when an emergency occurs at a City building. Public Buildings is responsible for dispatching appropriate employees to the

scene who can provide assistance to public safety officials with building equipment and access.

The on-call Public Buildings Division supervisor is notified when an emergency occurs after normal working hours at a City building to provide assistance.

Public Buildings Division employees, with the support of the Communications Division Technical Section and the Fire Department, shall conduct periodic preventive maintenance checks on all alarm systems, auxiliary power systems, and any other building equipment necessary for use during emergencies.

The Public Buildings Division shall install emergency evacuation signs and instructions in those buildings maintained by Public Buildings, when signs are requested by the Risk Management Division.

D. POLICE DEPARTMENT

The Police Department has primary control, responsibility for emergencies involving bomb threats (see Section VII), and for other emergencies as determined using the guidelines in the City of Tucson Disaster Control Plan. Primary control responsibility includes responsibility for facility security during an evacuation, until the building is cleared for reentry.

The Police Department shall assist City departments and agencies in developing specific evacuation plans for City buildings.

E. FIRE DEPARTMENT

The Fire Department has primary control responsibility for emergencies involving fires (see Section VI), and for other emergencies as determined using the guidelines in the City of Tucson Disaster Control Plan. Primary control responsibility includes responsibility for facility security during an evacuation, until the building has been cleared for reentry.

The Fire Department shall assist City departments and agencies in developing specific evacuation plans for City buildings.

F. CITY EMPLOYEES

Employees are responsible for immediately evacuating their building when an emergency alarm is sounded. To assist in the evacuation of buildings, employees are responsible for:

- knowing how to activate the fire alarm or designated evacuation signal for their building;

- knowing how and where to evacuate the building during an emergency--more specifically knowing
- two evacuation routes,
- the location of safe rescue areas for physically impaired people in the building, and
- safe areas to move to once outside the building;
- assisting visitors and others in the building who are unfamiliar with evacuation procedures and routes for that building.

V. EVACUATION PROCEDURES

A. ALARM ACTIVATION

Fire alarm boxes in City buildings so equipped will be tripped to evacuate those buildings. In buildings not equipped with fire alarms, the department director, assisted by the Fire Department and the Risk Management Division, shall determine the type of signal to be used to evacuate the building. The chosen signal type shall be communicated to all building occupants and the Police and Fire Departments.

A person designated by the department director shall make a call to the Fire Department (dial “9-911” from City phones) to ensure notification in all cases.

B. BUILDING EVACUATION PROCEDURES

When evacuating City buildings in an emergency, **elevators shall not be used.** Anyone on the elevators when the alarm sounds shall proceed on the elevators directly to the ground floor and exit the building.

Specific evacuation procedures for City buildings occupied by only one department shall be determined by the department director, with assistance from the Risk Management Division.

Specific evacuation procedures for City buildings occupied by staff from two or more departments shall be determined by the Risk Management Division.

All specific evacuation procedures are subject to approval by the Fire Department.

C. RETURN TO WORK

1. For employees evacuated from a City building, employees will wait in designated areas until they are instructed to reenter the building, report to another City facility to complete their workday, or are dismissed from the workday.

2. Dismissal from the workday shall be determined only by the City Manager or the Manager’s designee.

VI. RESPONSE TO FIRES

A. REPORTING PROCEDURES

All fires shall be reported by phoning "9-911" from City telephones. The evacuation alarm for the building or area shall be sounded when the Fire Department is notified.

Employees should notify the Fire Department if they observe any of the following conditions:

- if smoke is seen or smelled;
- if even a small fire is spotted;
- if any condition is observed which could cause a threat to life or property.

B. ATTEMPTING TO EXTINGUISH A FIRE

Employees should attempt to extinguish a fire only under the following conditions:

- after the alarm is sounded and evacuation of the area is underway;
- only if the fire is small, **and only if the employees are capable of extinguishing the fire without risking injury to themselves or others.**

VII. RESPONSE TO BOMB THREATS

A. REPORTED BOMB THREATS

1. Employees who receive incoming calls will be advised by department directors about types of information needed from a caller making a bomb threat (see Bomb Threat Checklist, attached) personnel who routinely answer phones shall keep a copy of the checklist available for immediate use.

2. An employee, after receiving a bomb threat, shall immediately telephone the Communications Center by dialing "9-911." The call will be connected to the Police Department.

3. After taking the information from the person receiving the bomb threat, the Police service operator shall notify the Police communications supervisor and the Fire Department. The Police communications supervisor shall notify the Police Station Manning Unit, who shall subsequently notify the City Manager or the Manager's designee.

4. After providing the Police Department with all known facts, the employee reporting the incident shall notify his/her supervisor and department director.

The supervisor or director shall instruct employees to evacuate the building, and shall activate the building's fire alarm system to evacuate the building.

5. Employees should briefly look around their work areas for suspicious items as they evacuate the building. Employees who notice suspicious items shall report the location of such items to Police officials **after exiting the building.**

B. SUSPICIOUS OBSERVATIONS WITHOUT A REPORTED BOMB THREAT

1. If anything out of the ordinary or of a suspicious nature is located, it should be left where it is without being touched. **The supervisor or department director shall order an evacuation of the immediate area, and shall notify the Police Department and the City Manager or the Manager's designee so they may consider evacuating the remainder of the building.** No access to the area should be allowed until members of the Police Department bomb unit arrive and can inspect the item.

2. During those hours when the City Manager or the Manager's designee are unavailable (usually after normal hours at City Hall), the Senior Police Command Officer on duty or the Command Officer's designee shall have the authority to order evacuations of City buildings.

3. If evacuation of a building is necessary, an alarm will be sounded and emergency evacuation procedures for City buildings shall be followed (see Section V).

C. BUILDING ACCESS DURING BOMB THREAT INCIDENTS

In bomb threat instances, the Police Department is responsible for searching the building, removing the bomb (if any), and declaring the building to be safe for reentry. Fire apparatus will not approach the building, but will locate in the vicinity ready to initiate immediate action should a bomb explode. During a bomb threat emergency, the only entry into the building by Fire Department or Public Building employees shall be at the request of the Police Department, in order to:

1. Provide access to locked areas;

2. Assist in determining that all personnel have, in fact, left the building;

3. Silence and reset the alarm system.

VIII. RESPONSE BY PUBLIC BUILDINGS DIVISION EMPLOYEES

In the event of an emergency at a City building, a Communications Division dispatcher will, after notifying the Fire and Police Departments, notify the Director of Operations or the director's designee,

and will notify the Public Buildings Division to dispatch an employee to the scene who can provide assistance to public safety officials with building equipment and access.

After normal working hours, the on-call Public Buildings Division supervisor is notified when emergencies occur at City Buildings to provide assistance.

At the specific request of Fire or Police Department officials, Public Buildings employees will reset alarm systems, provide entry into various building areas using a master key, shut off utilities, and monitor operation of auxiliary power systems as needed.

Guards under contract with the City for providing building security services, and who are on duty at the time of an emergency, shall report to the Incident Commander at each building's Command Post.

Public Buildings and contract security personnel will be notified by Police or Fire Department officials when the building is cleared for reentry.

IX. EMERGENCY DRILLS

A. The Risk Management Division shall schedule and coordinate all drills to test the evacuation alarms and capability of occupants to evacuate City buildings quickly.

B. Unless otherwise prescribed by the Fire Chief, emergency drills will be conducted at least twice a year for multi-story City buildings, and at least once a year for other City buildings as designated by the Risk Management Division, in coordination with the Fire Department.

C. Emergency drills shall be planned in advance after notification and coordination with the Office of the City Manager the Police Department, the Fire Department, and the Department of Operations Public Buildings Division. All department directors shall be notified about emergency drills, especially if their employees and/or buildings are involved. Personnel in a building where an emergency drill will be conducted shall be informed well in advance of the drill. **No unannounced emergency drills will be conducted.**

D. The Community Services Department is responsible for scheduling and coordinating emergency drills at City public housing facilities, with the assistance of the Risk Management Division and the Fire Department.

X. APPENDIX

Bomb Threat Checklist

XI. RESPONSIBILITY FOR REVIEW

The Assistant City Manager for Administration shall direct the review of this directive in October of each year or as necessary.

AUTHORIZED:

JOEL VALDEZ
CITY MANAGER

BOMB THREAT CHECKLIST

Exact time of call: _____

Exact words of caller: _____

_____

_____

QUESTIONS TO ASK

1. When is the bomb going to explode? _____
2. Where is the bomb? _____
3. What does it look like? _____
4. What kind of bomb is it? _____
5. What will cause it to explode? _____
6. Did you place the bomb? _____
7. Why? _____
8. Where are you calling from? _____
9. What is your address? _____
10. What is your name? _____

CALLER'S VOICE (circle)

Calm	Disguised	Nasal	Angry	Broken
Stutter	Slow	Sincere	Lisp	Rapid
Giggling	Deep	Crying	Squeaky	Excited
Stressed	Accent	Loud	Slurred	Normal

If voice is familiar, whom did it sound like? _____

Were there any background noises? _____

Remarks: _____

Telephone number call was received at: _____

Date: _____

Report call immediately to: _____

ADMINISTRATIVE DIRECTIVE

SAFETY FOOTWEAR	NUMBER **2.03-3**	PAGE **1 of 4**
	EFFECTIVE DATE **February 12, 2016**	

I. PURPOSE

To establish procedures for use, purchase, distribution and control of safety footwear for City personnel required for the job task as documented on the Job Hazard Assessment (JHA) or Physical Description Questionnaire (PDQ) to wear Personal Protective Equipment (PPE) including safety footwear. This Administrative Directive excludes commissioned Police and Fire personnel who are covered under department policy.

II. POLICY

The wearing of safety footwear by City of Tucson permanent, non-permanent, or temporary employees, including interns and volunteers, working in areas where there is a significant risk of foot injuries due to falling or rolling objects shall be mandatory. Each department shall maintain a list of job classifications required to wear safety footwear.

All safety footwear shall meet the minimum requirements set forth. Additional protection may be required based upon a JHA by Central Safety Services. Any specialized footwear provided by the City for specific situations such as Wellington (rubber) boots will be accepted as a matter of policy. A department may require a higher standard of footwear for a specific job function at the discretion of the director.

Exceptions must be approved by Central Safety Services. Any exceptions will be based upon special situations for which City policy is not applicable.

Supervisors shall ensure that employees wear the appropriate type of safety footwear for the specific job requirements. The type of safety footwear required shall be based upon the JHA or physical exposure to a hazard of the foot. Questions regarding identification of appropriate safety footwear shall be directed to Central Safety Services. All Employees not wearing appropriate safety footwear as required for the job task as documented on the JHA, PDQ or at the departments direction while in the scope of employment shall be subject to disciplinary action.

The City shall provide a safety footwear allotment to all permanent employees required by JHA to wear protective footwear.

Each department director is responsible for control of this program, and shall ensure that employees are protected from foot hazards by wearing safety footwear.

III. GENERAL

A. Authorization for Safety Footwear Allotment

The City will provide a voucher to any permanent employee who is required to wear safety footwear, in the allotted amount. The voucher may be used to purchase more than one pair of safety footwear at once or materials to care for safety footwear. Also if available from the vendor, employees shall be able to purchase orthopedic supplies such as insoles, etc., until the allotment is reached.

1. Non-exempt (900 Grade) employees authorized by each department shall receive a voucher for safety footwear each fiscal year.

2. Exempt (800 Grade) employees who do not wear safety footwear on a daily basis, but may be required by job duty or specific job hazard, will receive a voucher for the purchase of safety footwear on an as needed basis after the intial purchase.

3. All permanent employees required to wear safety footwear shall receive a replacement pair more than once a year if:

a. The employee's department management determines that the footwear is sufficiently worn to warrant replacement, or

b. The employee's footwear are destroyed under unusual job-related circumstances, or

c. The employee has a medical condition which requires an earlier footwear replacement.

Any other replacement of safety footwear during the year of issuance shall be at the employee's expense. Disputes regarding Paragraph 3.a. of this Section pertaining to the condition of safety footwear and whether replacement is warranted, may be directed to Central Safety Services for final disposition.

4. Employees who are filling positions similar to positions defined by the department as qualifying for the safety footwear allotment may be authorized safety footwear at the discretion and expense of the department.

B. Non-permanent Employees, Interns, Temporary Employees and Volunteers

Employees classified as non-permanent, interns, temporary (under contract to an employment agency or similar) and volunteers, working in an assignment identified by either a JHA or PDQ as requiring safety footwear, shall be required to provide their

own safety footwear prior to the beginning of assignment. Employee-supplied safety footwear shall meet the specifications for safety footwear and shall be inspected and approved by the Department prior to assignment.

C. Safety Footwear Specifications

1. Safety footwear shall have slip resistant soles and steel or non-metallic toe protection. All footwear, at a minimum, must meet ANSI standard and ASTM F2413-05 as revised. Safety footwear may be “high” or “low” cut, as defined in the Attachment, but shall meet the current ANSI standard and ASTM standard when purchased.

2. Specific positions may require safety footwear to have additional protection as determined by a JHA or PDQ. The additional features may include, but are not limited to:

a) Protective steel plate in the sole of the boot (puncture resistant),

b) Non-conductive footwear (EH - rated for electrical hazards),

c) Static dissipating footwear,

d) Chemical resistant footwear.

D. Care of Safety Footwear

Employees are responsible for maintaining their own safety footwear in a clean and sanitary manner.

E. Safety Footwear Acquisition

1. The Procurement Department will establish the contract(s) for safety footwear and will provide instructions on how to order from the contract. Safety footwear shall only be purchased from vendors on contract.

2. A department director, division administrator, or other delegated authority will sign an Authorization Memorandum that authorizes the purchase of safety footwear that meets the specifications noted in Section C for eligible employees.

a. The Authorization Memorandum will minimally include the employee’s name, employee identification number, activity number, and purchase order number.

b. The eligible employee will present the Authorization Memorandum and his/her City identification to the safety footwear vendor.

b. The eligible employee will present the Authorization Memorandum and his/her City identification to the safety footwear vendor.

3. Payments for safety footwear shall be made in accordance with the contract. The Procurement Department will provide payment instructions.

4. Employees are allowed to keep the old safety footwear for personal use but shall not wear any damaged or degraded safety footwear during work hours.

5. Employees shall not duplicate/replicate/copy, trade, sell or gamble their shoe voucher. Activity involving the illegal purchase of safety shoes shall be subject to disciplinary action up to and including discharge.

F. **Quality Control**

The Procurement Department shall monitor the suppliers to assure that safety shoe quality and availability are maintained as specified in the contract with the City.

Appendices Authorization to Receive Safety Footwear Memorandum

References None

Review Responsibility and Frequency The Director of Finance will review and revise this directive when the Annual Compensation Plan is adopted by Mayor and Council. Last review date: January 2, 2013.

Authorized

City Manager

Michael Ortega

2/16/16
Date

MEMORANDUM

DATE:

TO: FROM:

EMPLOYEE _____ EMPLOYEE #_____

PURCHASE ORDER #_____ ACTIVITY #_____

AUTHORIZATIONS DATED _____ ARE VOID.

SUBJECT: AUTHORIZATION TO RECEIVE SAFETY FOOTWEAR

In accordance with Administrative Directive 2.03-3, you are hereby authorized to receive an allotment to purchase safety footwear. The safety footwear allotment may be used to purchase more than one pair of safety footwear at once or materials to care for safety footwear. Also, if available from the vendor, employees shall be able to purchase orthopedic supplies such as insoles, etc., until the allotment is reached.

UNION/UNION ELIGIBLE OR NON UNION – DEPARTMENT SHALL CHECK ONE

[ ] The Safety Footwear allotment for permanent employees that are eligible for AFSCME Union is $195.00.

[ ] The Safety Footwear allowance for permanent employees that are not eligible for AFSCME Union is $155.00.

- All safety footwear will meet ANSI standards and ASTM F2413-05 Standard for Impact and Compression.
- Safety footwear shall be worn by City of Tucson employees working in field functions and in areas where there is danger of foot injuries due to falling or rolling objects as defined by Job Hazard Assessment.
- Safety footwear shall be leather (leather composite) and the top shall reach or extend above the ankle bone, with puncture and slip resistant soles, and have steel or non-metallic toe protection. Safety footwear in the form of sneakers or other similar material are allowed under specific job functions or conditions approved by Central Safety Services.
- Employees subject to electric shock (electricians, electronics technicians, etc.) shall wear safety footwear rated by the manufacturer for electrical hazards.
- Wellington-type boots and hip waders with toe protection are also acceptable if properly fitted to the employee's foot.

Each employee is responsible for displaying their city identification card upon request by the vendor when purchasing safety shoes.

THIS AUTHORIZATION EXPIRES: _____

AUTHORIZED BY: _____

ADMINISTRATIVE DIRECTIVE

DEPARTMENTAL SAFETY PROGRAMS AND DISCIPLINARY GUIDELINES INFRACTIONS OF SAFETY VIOLATIONS	NUMBER 2.03-4	PAGE 1 of 4
	EFFECTIVE DATE February 1, 2016	

I. PURPOSE

To provide for departmental safety programs and guidelines for the implementation of discipline when a city employee violates a safety practice or procedure. Each department shall develop its specific safety program. Central Safety Services (CSS) shall review these programs prior to implementation. The Department Director is responsible for program implementation, administration and enforcement. Meetings will be held quarterly with the Central Safety Manager and department Safety Coordinators to review these programs.

Each department and/or major division shall appoint a designated individual as their "Safety Coordinator". This person shall be responsible for the day-to-day implementation and enforcement of the safety program. The Safety Coordinator shall report to the Department Director or designee.

II. DEFINITIONS

A. **COMPETENT PERSON –** one who is capable of identifying existing and predicting hazards in the surroundings, or working conditions which are unsanitary, hazardous or dangerous to the employee, and who has authorization to take prompt corrective measures to eliminate them.

B. **PROJECT –** any construction, rehabilitation or maintenance activity subject to the City of Tucson safety standards and/or state or federal safety laws, standards and regulations.

C. **VIOLATION –** for purposes of this directive, an intentional or non-intentional infraction of an approved policy, procedure or work practice.

D. **VERBAL WARNING –** an admonition to an employee which is documented by a supervisory log entry that a practice or procedure utilized is unacceptable and prohibited due to safety concerns. The log must be retained in accordance with standards set forth in the Records Retention and Disposition Schedule for Arizona Municipalities.

E. **WRITTEN WARNING –** a formal memorandum to the employee concerning an unacceptable practice or procedure. A copy of the memorandum is retained in the employee's personnel file.

NOTE: Any of the above are "actions" supporting progressive discipline should additional violations or infractions occur. The employee should be requested to sign or initial any written action. A refusal to acknowledge the action shall be noted.

III. POLICY

This policy shall apply to all employees, supervisors and management personnel of the City of Tucson. The Tucson Police Department and Tucson Fire Department will be excluded from the application of this Administrative Directive (AD), based on the existence of current internal review procedures that replicate the processes outlined in this AD. Safety violations by employees of the City of Tucson will ordinarily be subject to progressive discipline. This policy shall not preclude termination for single infractions when warranted by the circumstances.

A "Competent Person" for the project shall be present at the commencement of the project and will then be available throughout the entire project. This individual shall be identified by name to all employees working on the project, with their available contact number(s) and name posted at the work site. The Competent Person shall visit the work site(s) at least once per 8 hour work day.

IV. ACTIONS REQUIRED – WHEN SAFETY VIOLATIONS CAUSE OR HAVE THE POTENTIAL TO CAUSE INJURY, LOSS OF LIFE OR PROPERTY DAMAGE.

A. IMMEDIATE ACTIONS

Regardless of the severity of violation or unsafe condition the employee responsible for the crew performance **SHALL**:

1. **STOP** employee unsafe act/condition. Provide coaching and advice concerning proper procedures, etc.

2. **WARN** employee that supervision will be notified and there may be further discipline.

3. **NOTE** incident in logbook or on work sheets and review incident with immediate supervisor before the end of the day.

B. SUPERVISION'S ACTIONS

The supervisor shall confer with the Safety Coordinator to **determine if further investigation will be recommended**. The Supervisor and Safety Coordinator will then, within 5 workdays, document the incident for the Division Administrator recommending closure or further investigation.

C. ADMINISTRATOR'S/DIRECTOR'S ACTIONS

1. If further investigation and/or discipline is required, the Administrator/Director will arrange for a Board of Inquiry (See Central Safety Services Directive No. S-006 for composition and responsibilities) within 30 days of incident. A Board of Inquiry will also be convened for Level 1, 2, and 3 violations described in Section V following. The employee is to be notified when a Serious Action Review Committee is also convened.

2. Any disciplinary recommendation made by a Board of Inquiry shall go to the Department Director who shall make the final disciplinary decision, in accordance with the guidelines set forth in Section V following. Any discipline should be administered within 90 days of the incident.

3. An **Executive Summary Report** (see attachment) of the entire proceedings shall be sent to the City Manager, Risk Manager and CSS Supervisor. This document shall be completed and delivered within five (5) working days of the close of the investigation or the administration of discipline as appropriate.

V. GUIDELINES FOR ASSESSING THE SERIOUSNESS OF SAFETY VIOLATIONS AND THE LEVEL OF DISCIPLINE GENERALLY ASSOCIATED WITH THE VIOLATION.

LEVEL 1 Violations - Result from property damage less than $1,000 and/or non-serious Occupational Safety and Health Administration (OSHA) violation. Discipline is mandatory. Verbal warning to a 10-day suspension should be considered. Subsequent and/or repeated violation should result in more serious discipline up to and including termination.

***NOTE: REFER TO RE-TRAINING SECTION**

LEVEL 2 Violations - Injuries or property damage greater than or equal to $1,000, but less than $5,000 resulting from safety infractions or serious OSHA violation. Discipline is mandatory. Written reprimand through termination should be considered. Subsequent and/or repeated violation should result in more serious discipline up to and including termination.

***NOTE: REFER TO RE-TRAINING SECTION**

LEVEL 3 Violations - Serious injuries, death(s), injuries that result in hospitalization over 24 hours, amputations, the loss of an eye or property damage greater than or equal to $5,000 or significant City liability exposure resulting from a safety infraction. Discipline is mandatory. A demotion through termination should be considered. Subsequent and/or repeated violation should result in more serious discipline up to and including termination.

***NOTE: RE-TRAINING IS MANDATORY**

SPECIAL CIRCUMSTANCE - Serious violation even though no injury or property damage occurs because an employee holds valid certification or license for a particular situation or substance [e.g. asbestos, CDL (Commercial Drivers License), pesticides]. Discipline is mandatory. A written reprimand through termination should be considered. Subsequent and/or repeated violation should result in more serious discipline up to and including termination.

***NOTE: RE-TRAINING IS MANDATORY**

The foregoing guidelines to not preclude more severe discipline, up to and including termination, for any single or combined violations whether Level 1, 2, or 3 violation(s) when otherwise warranted by the circumstances and in accord with general City disciplinary practices.

VI. RE-TRAINING

If more than one violation occurs within a 90-day period and the employee has not been terminated, re-training will be initiated. This does not preclude immediate re-training for first level violations based on safety representatives or safety coordinator's recommendation.

VII. SERIOUS ACCIDENT REVIEW COMMITTEE

The Serious Accident Review Committee shall be convened to review **ALL** Level 3 incidents. This committee is charged with providing an unbiased review of the circumstance surrounding the event. The Committee shall review the initial investigation, make findings, and recommendations to the City Manager.

Appendices Executive Summary Report

References Administrative Directive 3.04-4, Serious Accident Review Committee

Review Responsibility and Frequency The Central Safety Services Section of the Risk Management Division of the Finance Department and the Director of Finance will review and revise this directive when the Annual Compensation Plan is adopted by Mayor and Council.

Authorized

City Manager

Date 1/28/16

Michael Ortega

ATTACHMENT A
A.D. 2.03-4

EXECUTIVE SUMMARY REPORT
PROCEEDINGS OF DEPARTMENTAL INVESTIGATION AND RECOMMENDATIONS OF A SAFETY VIOLATION OR INFRACTION OR INCIDENT

Department_____ **Date of Incident**_____

Location of Incident_____ **Time of Incident**_____

Employees Involved_____ _____ _____ _____

Supervisor(s) of Involved Employees_____ _____ _____

Injuries and/or Fatalities (Names, Titles & Type of Injury)

_____

_____

Property Damage (Type and estimate)

_____

Description of Incident

_____

_____

_____

_____

Findings _____

_____

_____

_____

Discipline Recommended _____

Discipline Administered: Date_____**By Whom**_____

Investigating Committee Members (Name[s] and Title[s])

_____

_____

Signature_____ **Date**_____
Department Head

White: City Manager **Pink: Manager, Central Safety Services** **Yellow: Department**

ADMINISTRATIVE DIRECTIVE

OCCUPATIONAL SAFETY AND HEALTH MANUAL	NUMBER	PAGE
	2.03-5	1 of 2
	EFFECTIVE DATE	
	January 20, 2016	

I. PURPOSE

To establish city-wide policy on Occupational Safety and Health, through the publication of a manual for use by all levels of city government.

II. POLICY

It is the policy of the City of Tucson to assure awareness by all employees of the basic Occupational Safety and Health measures necessary to prevent the occurrence of occupational disease or accidents to themselves and others.

Accordingly, the city has published the Occupational Safety and Health Manual (OSHM) to describe procedures relating to employee accidents and departmental loss prevention activities. Departmental administrators shall ensure that the provisions of the manual are implemented by departmental staff at all levels.

III. GENERAL

A. **Department Directors** shall have total responsibility for maintaining safe and healthful working conditions within their jurisdictions whether in the field, in the shop, or in the office.

B. **Division Heads** shall be fully responsible and accountable to their department heads for compliance with the provisions of the Occupational Safety and Health program within their divisions.

C. **Supervisors and Foremen** have full responsibility for ensuring the safe actions of their employees and the safe performance of machines and equipment within their operating areas. All supervisors, without exception, shall be held responsible for enforcement of the safety rules and procedures set forth in the Occupational Safety and Health Manual (OSHM).

D. **Employees** are required, as a condition of employment, to exercise due care in the course of their work to prevent injuries to themselves and others and to conserve materials.

E. The **Finance Director** shall be responsible for administrative action relative to the enforcement of Occupational Safety and Health policy as set forth in the Occupational Safety and Health Manual. The Finance Director, under direction of the City Manager's, Office shall promulgate changes and amendments to the Occupational Safety and Health Manual.

Appendices A-Table of Contents, Occupational Safety and Health Manual

References Occupational Safety and Health Manual
https://intranet.tucsonaz.gov/central-safety-services (Click on Occupational Safety and Health Manual)

Review Responsibility and Frequency The Finance Director will review this directive annually, based on date of publication. Last review date: 8/20/08.

Authorized

City Manager — Date 1/25/16

Michael Ortega

Number	Procedure Name	Effective Date	Revised Date
	Safety Procedures		
S-001	Personal Protective Equipment	1/1/97	1/1/2013
S-002	Report of Hazard or Unsafe Condition	9/18/07	1/1/2013
S-003	Excavations and Trench Excavations	1/1/97	1/1/2013
S-004	Fall Protection	1/1/97	1/1/2013
S-005	Confined Space Program	10/1/95	1/1/2013
S-006	Safety Board of Inquiry	1/1/97	8/30/13
S-007	Safety Training	1/1/97	1/1/13
S-008	Work Procedures	1/1/97	1/1/13
S-009	Control of Hazardous Energy (Lockout/Tagout)	1/1/97	1/1/13
S-010	Hot Work	1/1/97	1/1/13
S-011	Ladders	6/26/09	1/1/13
S-012	Hand and Power Tools	7/30/09	1/1/13
S-013	Blue Stake Program	2/1/99	1/1/13
S-014	Compressed Gas Handling	1/1/2010	1/1/13
S-015	Accident Reporting Procedure (H-004)	2/1/99	1/1/13
S-016	Multi-Agency Inspection Team and Inspection Protocol	7/1/99	1/1/13
S-017	Use of Ground Fault Circuit Interrupters	3/10/00	1/1/13
S-018	Welding Procedures	10/2/00	1/1/13
S-019	Electrical Work Practices and Procedures	10/1/02	1/1/13
S-020A	Hazard Communication Program	7/12/99	7/16/13
S-020B	Evacuation Procedure for City Buildings	7/12/02	1/1/13
S-020C	Spill Response Program	7/12/02	1/1/13
S-021	Portable Fire Extinguisher Inspection, Maintenance and Use	1/1/97	1/1/13
S-022	Fork Lift (Powered Industrial Trucks)	1/1/07	1/1/13
S-023	Cranes, Hoists, Derricks, Lifts and Slings	8/1/04	1/1/13
S-024	Safety Signs and Accident Prevention Tags	1/1/07	1/1/13
S-025	Machine Guarding	1/15/09	1/1/13
S-026	Automated External Defibrillator	9/21/04	9/9/13
S-027	Aerial Lift Devices for Personnel	2/1/05	1/1/13
S-028	ADOSH Inspections	4/9/10	1/1/13
S-029	Flammable and Combustible Liquids	3/26/10	1/1/13
S-030	CDL/Safety Sensitive Random Drug and Alcohol Testing Procedure	4/7/10	1/1/13
S-031	Asbestos	2/28/11	1/1/13
S-032	Lead Containing Materials	3/27/12	1/1/13

Number	Procedure Name	Effective Date	Revised Date
	Industrial Hygiene		
IH-001	Respiratory Protection Program	5/1/95	1/1/13
IH-002	Bloodborne Pathogens and Hepatitis A/B Vaccinations	1/1/97	1/1/13
IH-003	Reporting Employee Exposure to a Chemical Substance	1/1/97	1/1/13
IH-004	Accident Reporting Procedure	2/1/99	1/6/16
IH-005	Occupational Health Exams	1/1/97	1/1/13
IH-006	Mycobacterium Tuberculosis (TB) Control Plan	1/1/97	1/1/13
IH-007	Hearing Conservation Program	1/1/97	1/1/13
IH-008	Reserved	1/1/97	8/28/09
IH-009	Reserved		
IH-010	Reserved		
	Safety Directives		
SD-001	MRSA Infection Control Guidance	12/1/07	2/1/12
SD-002	Reserved		
SD-003	Office Decorations	12/1/08	11/21/12
SD-004	Reserved		
SD-005	Safety Cans	6/8/09	1/1/11
SD-006	Reserved		
SD-007	Driving Policy	9/5/07	11/13/13
SD-008	Emergency Eyewash and Shower Stations	1/1/10	1/1/11
SD-009	Reporting, Security and Disposal of Hazardous Materials or Firearms	10/1/14	10/1/14
SD-010	Restraining Orders	7/17/96	1/1/11
SD-011	Use of Light Sticks and/or Flares	10/1/04	1/1/11
SD-012	Re-bar Caps	1/17/07	1/1/11

Employee Incentives

ADMINISTRATIVE DIRECTIVE

POLICE OFFICER RECRUITING REFERRAL COMPENSATION PROGRAM	NUMBER 2.04-3	PAGE 1 of 3
	PAGE ISSUE DATE August 13, 2009	

I. PURPOSE

The Mayor and Council have approved the implementation of a referral compensation program to assist the Tucson Police Department (TPD) in recruiting qualified police officer candidates and Certified Police Officer candidates.

II. POLICY

Any probationary or permanent City of Tucson employee who refers an applicant for a Commissioned Police Officer position to TPD or the Human Resources Department, prior to the applicant submitting any application or having made a prior contact with either agency, will be eligible for additional referral compensation if that applicant is successful in the hiring process and is assigned to, and begins an academy.

Probationary or permanent City of Tucson employees will receive $200.00 for each successful candidate referred to the TPD or the Human Resources Department, in accordance with the guidelines outlined in this directive. The additional compensation will be distributed through the City's payroll system and will be subject to all associated payroll taxes.

Probationary and permanent City of Tucson employees may submit an unlimited number of referrals.

The referral compensation program is open to all probationary and permanent City of Tucson employees as defined by the Civil Service Commission with the exception of the following:

A. Recruiting Officers, Human Resources Division Commanders, Chief of Police, Assistant Chiefs, Chief of Staff, Executive Officer, Commander of the Police Explorer Program, Secretaries located in the office of the Chief of Police, any non-sworn TPD employee involved in the Police Officer recruiting or Civil Service testing process or working with the TPD Recruiting Unit, and any other employee for whom participation in this program could be construed as a conflict of interest.

B. Any Human Resources Department employee involved in the Police Officer recruiting or Civil Service testing process or working with TPD Recruiting Unit, the Human Resources Managers and Administrators, the Deputy Human Resources Director, and the Human Resources Director.

C. Any commissioned TPD personnel who are temporarily assigned to the Recruiting Unit of the Human Resources Division are not eligible to submit names that are received while working in the Division.

III. PROCEDURES

When a probationary or permanent City of Tucson employee refers a prospective police officer recruit or certified police officer applicant, he/she will receive credit for the recruitment by doing the following:

A. Complete an applicant referral card with the applicant's name, address and phone number. The employee submitting the referral must include his/her name, payroll number, department, work telephone number, and payroll activity number.

B. Forward the completed applicant referral card to TPD's Recruiting Unit prior to the next written test date.

C. Referral cards are available through the Recruiting Unit, located in Police Headquarters, Personnel Unit, at 270 S. Stone Ave, (791-4499 ext. 1610 or 1614), or the City Human Resources Department (791-4241).

The TPD Recruiting Unit must receive a referral card prior to the closest written test date to be eligible for that process and prior to the applicant submitting any application or having made a prior contact with TPD or the City of Tucson Human Resources Department. The applicant referred must be assigned to and begin the academy in order for an employee to receive the referral compensation.

All referrals on file will expire after one year unless a new referral card has been completed and forwarded to the TPD Recruiting Unit. If an applicant who has been referred has not been assigned to an academy or has not taken the written test within one year, the referral will be deleted from the system.

In the event an applicant referral expires in the middle of a hiring process, that referral will be extended until the academy assignments have been made for that process. If the applicant is not selected for an academy, the referral will be purged.

The TPD Recruiting Unit will track all referrals. If more than one employee submits the same applicant name, the date that the TPD Recruiting Unit receives the referral will be used to determine which employee will receive the referral compensation.

The Human Resources Director, in consultation with the Chief of Police, will be the final point of resolution of any dispute that may occur in implementing this program, to include distributing compensation.

IV. TRACKING

The TPD Recruiting Unit will maintain a referral tracking system and ensure that periodic reviews are conducted.

When employees eligible for compensation have been identified, a memorandum recommending the compensation will be prepared by the Recruiting Unit and forwarded to the TPD Human Resources Division Commander for approval.

If approved, the memorandum will be forwarded to the Human Resources Department for final review and approval. When payment of the referral compensation is approved, it will be distributed through the City's payroll system and will be subject to all associated payroll taxes. Employees will receive compensation in their regular payroll check.

Appendices None

References None

Review Responsibility and Frequency The Chief of Police and the Director of Human Resources will review this directive annually, based on date of publication.

Authorized

Mike Letcher

City Manager

Mike Letcher

8/20/09

Date

Equal Opportunity Programs

ADMINISTRATIVE DIRECTIVE

REASONABLE ACCOMMODATION OF APPLICANTS AND EMPLOYEES WITH DISABILITIES	NUMBER 2.05-2	PAGE 1 of 6
	EFFECTIVE DATE February 1, 2016	

I. PURPOSE

To set forth procedures for the Reasonable Accommodation of applicants and employees who are qualified individuals with disabilities.

II. POLICY

Consistent with existing state and federal laws, it is the policy of the City of Tucson to provide applicants and employees with Reasonable Accommodations to ensure equal opportunity in the employment setting.

Retaliation against applicants or employees because they requested accommodation or made an Americans with Disabilities Act (ADA)-related complaint is prohibited. Additionally, discrimination against non-disabled applicants or employees because of any association or relationship they might have with individuals with disabilities is prohibited.

III. DEFINITIONS

A. **ADA** – Americans with Disabilities Act of 1990, to include the ADA Amendments Act of 2008 (ADAAA).

B. **City Physician** – The medical practitioner(s) authorized by the City to examine applicants and employees and to render medical evaluations.

C. **Disability** – A physical or mental impairment that substantially limits one or more major life activity; a record of such impairment; or being regarded as having such an impairment.

D. **Essential Functions** – The fundamental job duties of a position, not including marginal tasks, as determined by the City, with consideration given to written job descriptions established prior to advertising or interviewing applicants.

E. **Impairment** – Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

F. **Interactive Process** – An informal communication process between the assigned Human Resources (HR) Department staff and the applicant/employee to discuss Reasonable Accommodation options after a request has been received. This process may be initiated by the applicant/employee or the HR Department.

G. **Light Duty** – Temporary work that is physically or mentally less demanding than normal job duties.

H. **Major Life Activities** – Major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

I. **Modified Duty** – Performing limited duties in the employee's current classification.

J. **Qualified Individual with a Disability** – An individual who, with or without Reasonable Accommodation, can perform the essential functions of the City position that such individual holds or desires.

K. **Reasonable Accommodation** – Modification or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a City position; modifications or adjustments to the work environment, or to the manner or circumstances under which the position is customarily preformed that enable an otherwise qualified individual to perform the essential functions of that position; or modifications or adjustments that enable a City employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other City employees without disabilities. Reasonable accommodation may include, but is not limited to:

- making existing facilities used by employees readily accessible to and usable by individuals with disabilities,
- job restructuring,
- part-time or modified work schedules (as available),
- reassignment to a vacant position,
- acquisition or modification of equipment or devices,
- appropriate adjustment or modifications of examinations, training materials or policies, and
- the provision of qualified readers or interpreters.

L. **Substantially Limiting** – An impairment is considered substantially limiting if the individual is unable to perform a major life activity as compared to the average person in the general population.

M. **Undue Hardship** – An action that requires excessive expense to the City in relation to the resources available, or is unreasonably extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business.

IV. GENERAL INFORMATION

A. The existence of a disability is determined on an individualized case-by-case basis. To be considered disabled, the individual must have a physical or mental impairment that causes the individual to be unable to perform or be significantly restricted as to the condition, manner or duration under which the individual can perform some major life activity as compared to the average person in the general population. The HR Director/Designee will make this determination based on reports from the individual's healthcare provider(s) and after consultation with the City Physician and/or City Attorney, as appropriate.

B. Temporary, non-chronic impairments of short duration, such as a broken ankle, are generally not considered disabilities.

C. The ADA does not cover individuals who are currently engaged in the abuse of drugs and/or alcohol.

D. Disability does not include:

1. Pedophilia, exhibitionism, and voyeurism;

2. Compulsive gambling, kleptomania, or pyromania; or

3. Psychoactive substance use disorders resulting from current illegal use of drugs.

4. An individual's gender and sexual orientation are not impairments and therefore, are not disabilities.

E. In accordance with federal regulations, the determination of what constitutes a Reasonable Accommodation will be determined on a case-by-case basis.

F. A reasonable accommodation may not:

1. Constitute a direct threat to the health or safety of the individual with a disability or of other individuals in the workplace;

2. Contradict a business necessity of the employer; or

3. Impose undue hardship on the employer.

V. REASONABLE ACCOMMODATION PROCESS

A. Applicants

1. Applicants with disabilities may request reasonable accommodation for employment applications, tests and/or interviews by contacting the HR Department.

2. If the applicant's disability is not obvious, the applicant may be required to provide medical verification of the disability. Any medical information supplied for medical verification will be treated as confidential and will be returned immediately to the applicant after the review.

3. After verifying the applicant's disability HR will communicate directly with the applicant and engage in an interactive process if necessary to identify a reasonable accommodation that will allow the applicant to participate in the application process effectively.

a. If the applicant can be reasonably accommodated HR will generate a memorandum setting for the accommodation and ensure that the reasonable accommodation is made available to the applicant.

b. If the applicant cannot be accommodated the HR will notify the applicant in writing. The City Physician may recommend an accommodation for an applicant selected for a position as a result of the pre-employment examination. Upon receipt of the City Physician's recommendation, HR will follow the procedure for employees outlined below. If no Reasonable Accommodation is available, the applicant will retain the applicant's position on the eligibility list and will be notified of future openings.

B. <u>Employees</u>

1. An employee who is or becomes disabled, and who seeks a Reasonable Accommodation, may make a request for reasonable accommodation to the employee's immediate supervisor, the employee's department management staff or to the Human Resources Department.. The notification may be oral or written.

2. When a request for reasonable accommodation is made to the supervisor or department management it shall be referred to the HR Department immediately.

3. Upon receipt of a request, HR will assess the employee's job, identify the essential functions of the position and obtain the appropriate medical information and forms from the employee.

4. HR will determine whether the employee is a qualified individual with a disability based on a review of reports from the employee's healthcare provider(s) and additional documentation contained in the employee's confidential medical file. HR may also consult with the City Physician, as appropriate.

5. After completing a job assessment, HR will engage in an interactive process with the disabled employee to ascertain the precise job-related limitations imposed by the employee's disability and how those limitations can be reasonably accommodated. The accommodation implemented should be the most appropriate for both the employee and the department.

6. Pending verification of a disability by HR or determination of whether an accommodation is possible, the employee may be assigned modified/light duty. The assignment may fall within the employee's assigned job classification or another job classification at the same or lower pay grade. During the assignment, the employee will receive the employee's full pay, regardless of the assigned duties.

7. If no accommodation is possible within the employee's current position, HR will work with the employee and the department to identify other vacant positions within the employee's department, in an equal or lower classification, for which the employee meets minimum qualifications. If no position is identified within the employee's current department, HR will work with the employee to identify vacant positions Citywide, in equal or lower classifications, for which the employee is qualified.

8. Reassignment to a position in another classification will be based on the employee possessing the requisite qualifications to perform the essential functions of the position (with or without accommodation) and, when necessary, the City Physician's recommendation that the employee can safely perform the essential functions of the position.

9. If a vacancy in a comparable or lower position is identified, and the employee meets minimum qualifications and is able to perform the essential functions with or without accommodation, the employee will be offered the position as a Reasonable Accommodation, under the authority of the HR Director/Designee. The employee's pay will be determined in accordance with A.D. 2.01-2, Pay Rate Placement.

10. An employee <u>will not</u> be placed into a higher classification as a Reasonable Accommodation.

VI. DOCUMENTATION

When Reasonable Accommodation is available, the accommodation will be documented on a Record of Accommodation form to be completed and signed by the employee and appropriate department director, and approved by the HR Director/Designee.

When Reasonable Accommodation is not available, the employee will be provided notice of options, which may include: applying for medical disability retirement, full/early retirement, or Long-Term Disability, resignation, or discharge. In the case of discharge, the employee's department will issue a Notice of Intent to Discharge to the employee for inability to perform the essential functions of the position with or without Reasonable Accommodation.

VII. CONFIDENTIALITY OF RECORDS

All requests for accommodation and related medical information will be maintained by the HR Department in a separate file from the employee's personnel file and will be treated as confidential. In accordance with federal regulations, supervisors and managers may be informed regarding necessary work restrictions or accommodations; first aid, and department safety personnel may be informed, when appropriate, if the disability might require emergency treatment and/or evacuation assistance; and government officials investigating compliance with the ADA will be given relevant information upon request.

VIII. COMPLAINT PROCEDURES

Complaints will be processed in accordance with A.D. 2.05-8, Discrimination/Harassment Policy and Mediation/Complaint Procedures.

Appendices None.

References

AD 2.02-16	Disciplinary Action and Pre-Disciplinary Review Process
AD 2.02-1	Compensation
AD 2.05-8	Discrimination/Harassment Policy and Mediation/Complaint Procedures
AD 2.02-21	Light Duty Policy

Review Responsibility and Frequency The Human Resources Director will review this directive as needed. Last review date: July 1, 2013.

Authorized

City Manager — Date 2/2/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

DISCRIMINATION/HARASSMENT POLICY	NUMBER 2.05-8	PAGE 1 of 5
	EFFECTIVE DATE February 8, 2012	

I. PURPOSE

The purpose of this Administrative Directive is to prohibit discrimination, harassment and retaliation in the workplace and to set forth the procedures for filing a complaint with the City's Office of Equal Opportunity Programs.

II. POLICY

Consistent with existing city, state, and federal laws, it is the policy of the City of Tucson to provide a work environment free from discrimination and to promote Equal Employment Opportunity (EEO) and equitable treatment of all employees.

Adverse employment action or harassment because of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, or any other protected class status under applicable law is considered employment discrimination and constitutes a violation of this directive. Employees are entitled to work in an environment free of harassment.

Retaliation against an employee because s/he has filed an EEO complaint, participated in any manner in an EEO proceeding, or opposed an unlawful discriminatory practice is also prohibited.

III. DEFINITIONS

A. **Complaint** - An oral or written allegation of conduct, behavior, policy or practice which violates this administrative directive or applicable federal or state anti-discrimination laws.

B. **Complainant** – A City of Tucson employee, of any status or classification, or applicant for employment, except elected officials.

C. **Discrimination** - An act or failure to act (whether by itself or as a part of a practice), the effect of which is to adversely affect or differentiate the terms and conditions of employment against individuals or a group of individuals by reason of their protected class status.

D. **Harassment** - Verbal or physical conduct toward an individual because of her/his protected class status set forth in Section II preceding, that:

1. Has the purpose or effect of creating a hostile, intimidating, or offensive working environment;

2. Has the purpose or effect of unreasonably interfering with an individual's work performance;

3. Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to:

1. Epithets, slurs, negative stereotyping including that of language or accents, or threatening, intimidating, or hostile acts;

2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group's protected class status set forth in Section II preceding. This includes materials placed on walls, bulletin boards, electronic bulletin boards, e-mail, or elsewhere on the employer's premises, or circulated in the workplace.

D. **Protected Class Status** – A member or group afforded legal protection under federal, state, or local law on the basis of race, color, religion, national origin, gender identity, sex, sexual orientation, age, or disability.

E. **Respondent** – The department against which a complaint has been lodged.

F. **Retaliation** - Any adverse action taken against an employee or the employee's relative or significant-other because s/he has inquired into or complained about discrimination, cooperated in a discrimination investigation, or otherwise participated in any discrimination complaint proceeding.

Retaliation can potentially include: job transfers or discharges; changes in job duties, assignments, privileges, or performance evaluations; laughing at, ignoring, or failing to take seriously an employee who experiences discrimination; acting in ways that blame the victim for causing the problem; continuing or escalating discriminatory behaviors after an employee has objected to the behavior.

G. **Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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

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

3. 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.

Sexual harassment includes, but is not limited to:

1. Sexually suggestive, obscene, or lewd comments and jokes
2. Sexual innuendoes and gestures

3. Sexually suggestive pictures or written materials (e.g. posters, cartoons)
4. Gender related labels such as "honey" or "sweetie"
5. Leering, ogling, or drawing attention to a person's body
6. Unwelcome touching
7. Sexual intimidation or exploitation
8. Sexual assault

IV. GENERAL PROVISION

Delegated Authority – The Office of Equal Opportunity Programs (OEOP) shall have the authority to administer and investigate violations of this Directive. In the event of a conflict of interest or when appropriate, the City Manager shall delegate authority to investigate a specific complaint to a qualified third party.

Access to Records - To carry out its responsibilities, the OEOP shall have expeditious and unrestricted access to and copies of all records, reports, investigations, audits, reviews, documents, papers, recommendations, or other relevant material that are authorized by law and policy. Investigators are authorized access to all documents and all other evidentiary materials needed to discharge their duties.

Referrals – The City Manager, City Attorney or Department Director may initiate a request for OEOP to assist or investigate a matter or allegation brought to their attention.

Confidentiality - Except as required by law or this Directive, all written or verbal contacts with the OEOP shall be treated as confidential. Notwithstanding the outcome of the investigation, details of the complaint and/or any verbal or written resolution are considered confidential and should be shared only with those who have a need to know.

V. REPORTING REQUIREMENTS

A. Employees shall promptly report all incidents of discrimination, including sexual and/or other harassment to their immediate supervisor or department director or the Office of Equal Opportunity Programs (OEOP).

B. All complaints of discrimination and harassment shall be resolved as quickly as possible. An employee who is experiencing unwanted discrimination or sexual and/or other harassment is encouraged, when practical, to discuss and attempt to resolve the complaint at the department level before filing a complaint with OEOP.

C. Supervisors, who become aware of discriminatory practices, offensive behavior, jokes, comments, or other forms of sexual and/or other harassment within the workplace, shall take immediate and appropriate action to stop the discriminatory behavior. Failure to take action to stop the discrimination may subject the supervisor to disciplinary action, up to and including termination.

D. An employee conferring with OEOP, or assisting in the investigation of a complaint of discrimination or harassment filed with the OEOP, may do so on city time. The complainant must give reasonable advance notice to their supervisor(s) when time off is required; however, the specifics of the complaint need not be discussed with the supervisor.

E. All employees are required to cooperate in complaint proceedings and/or investigations whether as complainant, witness, or respondent. Knowledge of a complaint or information regarding the details of a complaint shall to be kept confidential and shared only with those who have a need to know.

VI. FILING A COMPLAINT

A. Employees may file a complaint of discrimination with OEOP. The "EEO Discrimination Complaint" form is available at the OEOP or may be downloaded via the Intranet.

B. Complaints must be filed with the OEOP within ninety (90) days of the date the complainant knew or should have known of the alleged discrimination or harassment. If the alleged discrimination is a continuing act, the 90-day period shall apply from the date of last harm. If the alleged discrimination is retaliatory in nature, the 90-day period shall apply from the date of the retaliatory action.

C. Respondent shall have twenty (20) days from date of notice to submit its response to OEOP.

D. An employee may withdraw a complaint or any part thereof, at any time during the complaint process. The Request for Withdrawal Form must be completed and submitted to the OEOP. An employee's withdrawal of a complaint does not limit OEOPs right to proceed with an investigation.

VII. INVESTIGATION OF COMPLAINTS

A. Upon receipt of a discrimination complaint, the OEOP shall determine if there are reasonable grounds to pursue an investigation of the allegation(s). If OEOP determines that there are no reasonable grounds to pursue an investigation, the complaint shall be administratively closed.

B. OEOP shall have one hundred twenty (120) calendar days from the date the complaint was filed to complete its investigation. The OEOP Director or designee may extend the 120 days for good cause.

C. At the completion of the investigation, if it is determined that there is no reasonable cause to believe that discrimination occurred, OEOP shall issue a no-cause finding. If it is determined that there is reasonable cause to believe that discrimination occurred, OEOP shall issue a cause finding and notify the City Manager or designee.

D. Following the issuance of a cause finding by OEOP, the department shall have ten (10) business days to submit a written response to OEOP, identifying where applicable, specific actions that shall be taken and an implementation schedule for resolution of the complaint.

In the event a resolution cannot be reached, OEOP shall submit a copy of its written findings to the City Manager for a determination. The decision of the City Manager shall be final.

Appendices
1) EEO Discrimination Complaint form
2) Withdrawal of Complaint Form

References None

Review Responsibility and Frequency The Office of Equal Opportunity Programs Director will review this directive annually, based on date of publication.

Authorized

City Manager

2-18-12
Date

Richard Miranda

CASE # _____ DATE RECEIVED: _____ OEOP STAFF: _____

CITY OF TUCSON
OFFICE EQUAL OPPORTUNITY PROGRAMS
INTERNAL DISCRIMINATION COMPLAINT FORM

NOTE: It will be necessary to show that persons of a different group than yours (*race, color, religion, sex, age, disability, national origin, sexual orientation, gender identity)* have been treated in a manner different from you and that the difference in treatment has had an adverse impact on your employment. Sexual harassment, whether physical or verbal, is illegal sex discrimination under Title VII of the Civil Rights Act of 1964 and violates city policy.

In accordance with Administrative Directive 2.05-8, complaints must be filed with the Office of Equal Opportunity Programs (OEOP) within ninety **(90)** calendar days of the date you knew or should have known of the alleged discrimination. If you believe you have been treated unfairly but not differently from others that are not in your protected group, do not complete this form. Your concerns might be addressed by using the City of Tucson Grievance Procedure (Administrative Directive 2.02-2). If you require assistance in completing this complaint form, contact OEOP at 791-4593.

PLEASE COMPLETE AND SIGN. (INCOMPLETE, UNSIGNED FORMS WILL NOT BE ACCEPTED AND WILL BE RETURNED.) ATTACH ADDITIONAL PAGES IF NECESSARY.

I. COMPLAINANT INFORMATION

Name: _____ City I.D. No. _____

Home Address: _____ Home Telephone No. _____

City/State: _____ Zip _____ Work Telephone No. _____

Current Job Title: _____ Department: _____

Immediate Supervisor: _____

II. NAME, TITLE, DEPARTMENT, AND TELEPHONE NUMBER OF PERSON(S) DISCRIMINATING AGAINST YOU.

_____

_____

_____

III. TYPE OF COMPLAINT. On what basis do you believe you are being discriminated against?

[ ] Race _____
[ ] Color _____
[ ] Religion_____
[ ] Gender Identity
[ ] Age (40 +) DOB: _____

[ ] National Origin _____
(e.g. Hispanic, Italian)
[ ] Sexual Orientation
[ ] Disability

[ ] Sex
[ ] Sexual Harassment
[ ] Sex, Pregnancy
[ ] Retaliation*

* Retaliation must be based either on your opposition to a perceived discriminatory act or on your participation in any manner in a discrimination investigation or proceeding.

IV. DESCRIBE HOW YOU WERE DISCRIMINATED AGAINST. (Beginning with the most recent incident, please list events in reverse chronological order by date of occurrence. Be specific.)

_____

_____

_____

_____

_____

_____

_____

V. NAME, DEPARTMENT, POSITION TITLE, AND TELEPHONE NUMBER OF PERSONS WHO HAVE DIRECT KNOWLEDGE OF THE EVENTS LISTED ABOVE.

_____

_____

_____

_____

_____

_____

_____

_____

_____

VI. WHAT WOULD YOU CONSIDER AN APPROPRIATE RESOLUTION TO YOUR COMPLAINT?

_____

_____

_____

VII. ACTION YOU HAVE TAKEN REGARDING YOUR COMPLAINT. (Please describe any steps you have taken internally to resolve this complaint. Be specific.)

_____

_____

_____

_____

_____

VIII. HAVE YOU FILED A COMPLAINT <u>EXTERNALLY</u>? *YES* [ ] *NO* [ ]

If yes: *EEOC* [ ] *ACRD* [ ] *OTHER* [ ] _____

OATH OF AFFIRMATION:

I affirm that the information I have provided in this complaint and attachments is true and accurate to the best of my knowledge.

Signature: _____ **Date:** _____

CONFIDENTIALITY NOTICE TO COMPLAINANTS
CITY OF TUCSON OFFICE OF EQUAL OPPORTUNITY PROGRAMS
INTERNAL COMPLAINTS

As per City of Tucson Administrative Directive 2.05-8 and to the extent possible, the Office of Equal Opportunity Programs will protect the confidentiality of any employee who contacts the Office to seek information, assistance, or guidance, or to file a complaint. Except as required by law or this directive, all written or oral contacts between the Office of Equal Opportunity Programs and any employee and/or witness shall be treated as confidential.

Interviews of any employee conducted by this Office in accordance with an investigation shall be treated as confidential, to the extent possible.

As a complaining party, your cooperation in protecting the confidentiality of the investigation is necessary. In order not to jeopardize the credibility of witness testimony, do not discuss this complaint with any of the parties involved (potential witnesses, supervisors).

I have read this notice and agree to cooperate in maintaining confidentiality.

Signature_____Date _____

Please return to:
City of Tucson
Office of Equal Opportunity Programs
201 N. Stone Avenue, 3rd Floor North
Tucson, Arizona 85701
Phone: 791-4593

Attachment B

WITHDRAWAL OF COMPLAINT FORM

You recently indicated a desire to withdraw your discrimination complaint. Please sign and date this form and return the original to the Office of Equal Opportunity Programs (OEOP). Please note that your complaint is presently open with OEOP and we are prepared to proceed with the investigation of your complaint. Withdrawal of your complaint does not limit OEOPs right to proceed with an investigation.

Complainant **Respondent**

v.

COMPLAINT #

IV. Assigned to Senior Equal Opportunity Specialist: _____

COMPLAINANT: COMPLETE THE INFORMATION BELOW

I am aware that the City of Tucson OEOP will protect my right to file a discrimination complaint.

I have been informed that it is unlawful, under Tucson City Code, to threaten, intimidate or harass me because I have filed a discrimination complaint. I have not been forced to request this withdrawal. I request the withdrawal of my complaint because .

I wish to formally withdraw my discrimination complaint, as identified above, with the City of Tucson, OEOP.

_____ _____

DATE **SIGNATURE**

Please return to:
City of Tucson
Office of Equal Opportunity Programs
201 N. Stone, 3rd Floor, North
P.O. Box 27210, Tucson, Arizona 85726-7210

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
SERVICES FOR LANGUAGE ACCESS POLICY FOR LIMITED ENGLISH PROFICIENCY (LEP)	**2.05-9**	**1 of 3**
	PAGE ISSUE DATE	
	July 14, 2008	

I. PURPOSE

To set forth procedures for providing meaningful language access to limited English proficient customers to all City of Tucson programs, services and/or activities.

II. POLICY

It is the policy of the City of Tucson to ensure that all departments are in compliance with Title VI of the Civil Rights Act of 1964. Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under any federally assisted program or activity on the grounds of race, color, or national origin, 42 U.S.C. § 2000d. The term program or activity means "all of the operations of a department, agency, special purpose district, or other instrumentality of a state or of a local government." 42 U.S.C. § 2004d-4a. When a city department receives federal financial assistance for a particular purpose, all operations of the department are covered by Title VI, not just the part of the department that uses federal assistance.

To ensure compliance with this Administrative Directive, in July of every year, each department shall appoint an Limited English Proficiency (LEP) Liaison and notify the Office of Equal Opportunity Programs (OEOP) of the appointment and/or any subsequent change in assignment.

III. DEFINITIONS

A. **Limited English Proficiency** – refers to persons who do not speak English as their native/primary language and who have a limited ability to read, speak, write and/or understand English.

B. **Meaningful Access –** meaningful access to programs and services is the standard of access required of federally funded entities to comply with Title VI language access requirements. LEP customers must be able to reasonably access available resources, services, and activities at no additional cost.

IV. LIAISON ROLES AND RESPONSIBILITIES

A. Ensure that departmental staff and the general public know how to contact the department's LEP Liaison. Contact information should be included on the departmental Web site, and in any departmental directory.

B. Complaints should be directed to OEOP for response.

C. Attend and schedule other appropriate staff for attendance at LEP Liaison meetings and training sessions

D. Serve as a departmental resource for LEP information.

E. Assess and identify the need for LEP compliance and awareness training within the department and coordinate the necessary training for departmental personnel with OEOP.

V. DEPARTMENT DIRECTOR ROLES AND RESPONSIBILITIES

Each department director is responsible to ensure that the following areas of LEP compliance are assigned to the department's LEP Liaison or other appropriate departmental staff.

A. Coordinates language interpreter services to ensure meaningful access to the department's programs, services, and activities (see Attachment A).

B. Determine departmental vital documents, and provide them in languages based on the LEP population to be served by the department.

C. Ensures that all meeting notices that provide information on city services, programs and activities that are open to the public conducted by the department contain the following statement:

> "If you require a foreign language interpreter or materials in a language other than English, please call_____ (this should include the name and telephone number of the responsible departmental person) at least five business days in advance."

D. Ensures that the department maintains copies of the "I Speak" cards at appropriate customer service areas (see Attachment B).

E. Develop and maintain a Standard Operating Procedure (SOP), based on the programs, services and activities offered by the department to ensure that meaningful access is afforded to its LEP customers in compliance with this policy. On an annual basis, each department shall forward departmental SOPs to OEOP.

F. Each departmental SOP shall include, but not be limited to, the Four Factor Analysis to assist with identifying LEP persons who may require assistance to each department's programs, services and activities.

The Four Factor Analysis shall include:

- The number of proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity, or service provided by the program to people's lives; and
- The resources available to the grantee/recipient and costs.

VI. OEOP ROLE AND RESPONSIBILITIES

VI. OEOP ROLE AND RESPONSIBILITIES

A. OEOP shall provide guidance and assistance to all city departments, their administration, their LEP Liaisons and other appropriate staff regarding the requirements of Title VI, state law and city ordinance as well as other issues related to meaningful access for LEP customers.

B. OEOP shall report to the City Manager any action, or lack of action, on the part of city departments that affects the city's compliance with Title VI.

Appendices

A – Translation and Interpretation Services
B – "I Speak" Flash Card

References

None.

Review Responsibility and Frequency

The Deputy City Manager or Office of Equal Opportunity Programs Director will review this directive annually, based on date of publication.

Authorized

MCHe 7/14/08

City Manager Date

Mike Hein

MEMORANDUM

Date: August 15, 2005

To: All Departments and Divisions

From: Wayne A. Casper, C.P.M.
Director of Procurement

Subject: Translation and Interpretation Services
Contract No. 041090

The design and intent of the Translation/Interpretation contract is to provide for translation and interpretations services for City departments. Services include, but are not limited to: written and oral translation and interpretation of Spanish and exotic languages, signing for the hearing impaired, and Braille, large print and audio cassette conversion for the visually impaired.

There are two Contractors supplying services under this contract: Asturias Language Interpreters who provides language and vision-related services, and Catholic Community Service of Southern Arizona dba Community Outreach Program for the Deaf COPD) who provides hearing-related services.

It is the responsibility of each using department to determine who within the department has authorization to request and make arrangements for these services. To request translation/interpretation services, contact:

LANGUAGES/VISUAL
Asturias Language Interpreters
Fernando Herran
545 E. University Boulevard
(520) 624-9941
CityWide PO# 21219

HEARING
CCS
Interpreting Department
268 W. Adams Street
(520) 792-1906
CityWide PO# 21220

SAMPLE RATES:

Written to/from Spanish/English	$ .10/word
Written to/from English/Exotic	$ .12/word
Oral Spanish	$30.00/hour
Oral Exotic	$35.00/hour
Braille conversion	$35.00/page
Large print conversion	$35.00/page
Audio cassette conversion	$ 3.00/minute

SAMPLE RATES:
Sign language interpreter
$40.00 per hour per interpreter
Two hour minimum

The referenced purchase order numbers are effective through the life of the contracts. The current contract term is September 1, 2005 through August 31, 2006. Should you have any questions regarding translation and interpretation services, please contact Christina Schipansky at 791-4400 x 131.

c: Marcheta Gillespie, Contract Administrator
Christina Schipansky, Senior Contract Officer
Procurement Liaisons

Language Identification Flashcard ✓

☐	**Arabic**	أنا أتحدث اللغة العربية
☐	**Armenian**	Ես խոսում եմ հայերեն
☐	**Bengali**	আমী ঝংলা কথা ঝেলতে পারী
☐	**Cambodian**	ខ្ញុំនិយាយភាសាខ្មែរ
☐	**Chamorro**	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro
☐	**Dinka**	Riŋp ëkënë yic të yïjam në thuŋjäy ye tök, ku kor raan Bï yï geer thok.
☐	**Simplified Chinese**	如果你能读中文或讲中文，请选择此框。
☐	**Traditional Chinese**	如果你能讀中文或講中文，請選擇此框。
☐	**Croatian**	Govorim hrvatski
☐	**Czech**	Mluvím česky
☐	**Dutch**	Ik spreek het Nederlands
☐	**English**	I speak English

Language Identification Flashcard ✓

☐	**Farsi**	من فارسی صحبت می کنم
☐	**French**	Je parle français
☐	**German**	Ich spreche Deutsch
☐	**Greek**	Μιλώ τα ελληνικά
☐	**Haitian Creole**	M pale kreyòl ayisyen
☐	**Hindi**	मैं हिंदी बोलता हूँ ।
☐	**Hmong**	Kuv has lug Moob
☐	**Hungarian**	Beszélek magyarul
☐	**Ilocano**	Agsaonak ti Ilokano
☐	**Italian**	Parlo italiano
☐	**Japanese**	私は日本語を話す
☐	**Korean**	한국어 합니다

Language Identification Flashcard ✓

☐	**Laotian**	ຂອ້ຍປາກພາສາລາວ
☐	**Polish**	Mówię po polsku
☐	**Portuguese**	Eu falo português do Brasil *(for Brazil)*
☐	**Portuguese**	Eu falo português de Portugal *(for Portugal)*
☐	**Romanian**	Vorbesc româneşte
☐	**Russian**	Я говорю по-русски
☐	**Serbian**	Ја говорим српски
☐	**Slovak**	Hovorím po slovensky
☐	**Spanish**	Yo hablo español
☐	**Somali**	Waxaan ku hadlaa af-Soomaali
☐	**Tagalog**	Marunong akong mag-Tagalog
☐	**Thai**	พูดภาษาไทย

Language Identification Flashcard ✓

☐	**Tongan**	Maaka ʻi he puha ni kapau ʻoku ke lau pe lea fakatonga
☐	**Ukrainian**	Я розмовляю українською мовою
☐	**Urdu**	میں اردو بولتا ہوں
☐	**Vietnamese**	Tôi nói tiêng Việt
☐	**Yiddish**	איך רעד יידיש
☐	**American Sign Language**	

ADMINISTRATIVE DIRECTIVE

AMERICANS WITH DISABILITIES (ADA) COMPLIANCE WITH TITLE II – PUBLIC SERVICES	NUMBER 2.05-10	PAGE 1 of 6
	EFFECTIVE DATE October 24, 2014	

I. PURPOSE

To effectuate the provisions of Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Arizonans with Disabilities Act as they apply to the delivery of city programs and activities to the public.

II. POLICY

Consistent with existing state and federal laws, it is the policy of the City of Tucson ("City") that all members of the public have equal access to and full participation in the programs, services and activities it provides to the community. This Administrative Directive sets forth the City requirements and procedures regarding public services provided by the City and prohibits discriminatory treatment and/or retaliation against an individual who requests an accommodation, opposes a practice or program, makes a charge of noncompliance, or who participates or assists in a disability-related complaint.

III. DEFINITIONS

A. **ADA** – Americans with Disabilities Act.

B. **Auxiliary Aids and Services** – Includes qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices/systems, telephone compatible hearing aids, closed caption decoders, open and closed captioning, telecommunications for deaf persons (TDD's), video text displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments. May also include: qualified readers, taped texts, audio recordings, Brailed materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments' acquisition or modification of equipment or devices.

C. **Direct Threat** – A significant risk to the health and safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services.

D. **Disability** – A physical or mental impairment that substantially limits one or more major life activities, including caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities can also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

E. **Facility** - Means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking

lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

F. **Individual with a Qualified Disability** – A disabled individual who:

1. Has a physical or mental impairment which substantially limits one or more major life activities;

2. Has a record of such impairment; or

3. Is regarded as having an impairment.

G. **Reasonable Accommodation** – Modifications to policies, practices and procedures, removal of barriers, provision of auxiliary aids and services, and other actions as necessary, that enable a qualified individual with a disability to have full and equal enjoyment of the goods, services, facilities, and privileges provided to the public.

H. **Substantially Limiting** – For an impairment to be considered substantially limiting, the individual must be unable to perform some major life activity or be significantly restricted as to the condition, manner or duration under which s/he can perform that major life activity as compared to the average person in the general population. (The term "substantially limits" or substantially limiting means materially restricts.)

I. **Undue Hardship** – An action that requires excessive expense for the city in relation to the resources available, or is excessively extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the program, service and/or activity.

IV. PRINCIPLES OF NON-DISCRIMINATION

A. The City shall provide an equal opportunity and access for Individuals with a Qualified Disability to participate in programs, services and activities, to the extent there is not an Undue Hardship.

B. Auxiliary Aids and Services will be provided to Individuals with a Qualified Disability that are necessary to ensure equal opportunity and access to programs, services, and/or activities.

C. A Reasonable Accommodation including, but not limited to: modifications in policies, procedures and practices will be made in accordance with this directive, unless it would create an Undue Hardship.

D. Programs, services and/or activities will be provided in the most integrated setting appropriate to the needs of individuals with disabilities. Pursuant to Title II, II-3.4000, an integrated setting is the equal participation of individuals with disabilities in the "mainstream" of American society. In accordance with federal guidelines, separate

programs may be offered; however, the City may not preclude individuals with disabilities from participating in integrated programs and activities solely because the separate programs are available.

V. PROHIBITED ACTIVITIES

In accordance with applicable federal and state laws, the City will **not**:

A. Fund or assist an organization that discriminates on the basis of disability;

B. Deny an Individual with a Qualified Disability the opportunity to serve in any capacity or participate in a program, service and/or activity simply because the person has a disability;

C. Apply or impose eligibility criteria that screen out or tend to screen out individuals with disabilities or a class of individuals with disabilities, unless it can show that the criteria are necessary to provide the program, service or activity in question;

D. Award procurement contracts based on criteria that subject individuals with disabilities to discrimination;

E. Require a person with a disability to accept an accommodation or auxiliary aid or service;

F. Charge individuals with a Qualified Disability for costs incurred in barrier removal, alternatives to barrier removal, reasonable modifications or the provision of auxiliary aids, including making modifications required to provide program accessibility or providing qualified interpreters. Charging for home delivery of goods is allowed, as long as the service is not provided as an alternative to barrier removal;

G. Discriminate against qualified individuals solely because they are related to or associated with an individual with a disability;

H. Retaliate against an individual who requests an accommodation, opposes a practice or program, makes a charge of noncompliance, or who participates or assists in a disability-related complaint;

I. Unnecessarily request information about a disability on program application forms or testing procedures. The city may, however, impose neutral criteria necessary to safely operate its program, even if those criteria do tend to screen out Individuals with a Qualified Disability;

J. The City shall eliminate any restrictions on the number of Individuals with a Qualified Disability who may participate in a program.

VI. GENERAL ROLES AND RESPONSIBILITIES

A. Equal Opportunity Programs (EOPD) Division within the Human Resources Department and Independent Police Auditor

EOPD shall provide guidance and assistance to City departments on the requirements of the ADA and state law, as well other issues relating to accessibility and disability. EOPD shall report to the City Manager any action, or lack of, on the part of City departments that affects the City's compliance with the ADA.

B. Department Directors

Department Directors shall be responsible for ensuring ADA compliance under all programs, services, and/or activities provided by the department and for assigning ADA compliance responsibilities within the department (see Attachment A).

C. Department ADA Liaisons

Each Department Director shall appoint an ADA Liaison, on an annual basis, who shall report to the Department Director, and who shall serve as the central point of contact between the department and EOPD.

VII. DEPARTMENTAL RESPONSIBILITIES

A. Ensure ADA Liaison contact information is posted on the departmental website, in the City directory, and in any departmental directory and available through telephone information services.

B. Coordinate the departmental ADA complaint process in accordance with the attached City of Tucson ADA accessibility complaint procedure (see Attachment B). All employment discrimination complaints should be referred directly to EOPD. In all other cases, the appropriate departmental staff should review the complaint and prepare a written response.

C. Ensure department ADA Liaisons attend mandatory ADA Liaison meetings and training sessions. ADA Liaison also serves as departmental liaisons for the Commission on Disability Issues (CODI).

D. Assess and identify the need for ADA compliance and awareness training within the department and coordinate the necessary training for departmental personnel with EOPD.

E. Promote the inclusion of people with disabilities in all departmental programs, services and activities.

F. Review new and proposed programs, policies, and procedures to ensure they appropriately address the needs of individuals with disabilities and are in full compliance with the requirements of the ADA.

G. Review existing departmental programs, policies, and procedures for ADA compliance.

VIII. ACCOMMODATION REQUESTS FROM THE PUBLIC

Individuals who require an accommodation should contact the sponsoring department not later than five (5) business days prior to the scheduled meeting or event date.

Accommodation/accessibility information is available by contacting the following city offices:

General Questions:

a) ADA Coordinator, Equal Opportunity Programs Division, (520) 791-4593.

b) Public Transportation Services: Transit Division, Department of Transportation, (520) 791-5883.

Departments unable to satisfy an accommodation/accessibility request must contact the ADA Coordinator, Equal Opportunity Programs Division, and provide a written statement signed by the department director as to why the request cannot be fulfilled.

IX. COMPLAINTS OF DISCRIMINATION

Complaint forms are available through the Equal Opportunity Programs Division, 320 N. Commerce Park Loop, 1st Floor, Sentinel Building, (520) 791-4593, or on the intranet at: http://intranet.ci.tucson.az.us/files/public/ada/ada_accessibility_complaint_form_fillable.pdf

Appendices

Attachment A – Department ADA Compliance Guidelines
Attachment B – ADA Complaint Procedures
Attachment C – Accessible Display Guidelines
Attachment D – Service Animal Guidelines
Attachment E – Accessible Conference Rooms

References

AD 2.05-2 Reasonable Accommodations of Applicants and Employee with Disabilities

Review Responsibility and Frequency

The Human Resources Director will review this directive as needed.

Authorized

City Manager

3-27-15
Date

Martha Durkin

DEPARTMENT ADA COMPLIANCE GUIDELINES

- Coordinate sign language interpreter services. Ensure that all appropriate staff are aware of:

  1. The City's policy and legal obligation to provide sign language interpreters, as needed for effective communication with members of the public, job applicants, and employees who are hearing impaired.

  2. The process for obtaining sign language interpreter services.

  3. The need to include projected costs for interpreters in annual budget requests.

- Provide departmental materials, such as public meeting notices, brochures, programs, services and activities information, as requested, in an accessible format for persons who are visually impaired. This involves providing information in Braille, in large type, on audiotape, or in a computer text file, when requested. The department is responsible for providing the appropriate accessible format.

- Ensure that all notices of City sponsored public meetings conducted by the department contain the following statement:

  "If you require an accommodation or materials in accessible format for this event, please call (this should include the name and telephone number of the responsible departmental person) at least five business days in advance."

  Notice of city compliance with the ADA and other related federal and state laws and regulations shall be included in all program advertisements and forms. Failure to provide this notice in a timely manner for response does not relieve the department of its responsibility to provide the appropriate accessible format.

- Public meetings shall be held in accessible locations. Factors to be considered in the determination of accessibility include wheelchair access (designated parking, sidewalk ramps, curb cuts, automatic front door, available seating area, restrooms, telephone, drinking fountain) and Assistive Listening System (ALS) set-up, or provision of sign language interpreters upon request. Notices of public meetings should also state the facility accessibility (e.g. wheelchair accessible, ALS, etc.). Mayor and Council Chamber, the Tucson Convention Center, and various meeting rooms are equipped for ALS. (See Attachment E, Accessible Conference Rooms.)

- Ensure that the aforementioned statement and information regarding the ADA and persons with disabilities are included in the department's written communications, e.g. meeting notices, minutes of public meetings, if any, etc., and publications. EOPD should be contacted for this information, when necessary.

- Coordinate TDD (telecommunication device for the deaf) or TTY (text telephone communication device for the deaf) and ALS Services.

  1. Maintain a list of departmental TDDs/TTYs.

  2. Ensure that appropriate staff members are trained in the use of TDDs/TTYs.

3. Ensure that TTY numbers are listed on business cards, in publications with other phone numbers, on departmental web sites, and in the TTY directories maintained by the City and Century Link.

4. Ensure that appropriate staff is trained in use of the ALS system.

- Ensure that all departmental broadcasts and video productions comply with the following:

  1. Responding to individual requests for captioning of programs the department broadcasts to, or otherwise makes available to, the general public.

  2. In conjunction with the Information Technology Department and Channel 12, each department that produces videos shall develop a process and ensure access to a contract for providing real time and postproduction captioning, as appropriate.

  3. In the case of emergency related broadcasts and videos, Channel 12 and all Public Information Officers shall:

     a. Caption emergency related announcements and programs including emergency preparedness, shelter information, special needs registry, evacuation instructions, etc.

     b. Include a statement in all emergency related public service announcements requesting that the station provide captioning.

     c. If it is not possible to provide real time captioning when emergency information is broadcast, provide scrolled message with essential emergency information and, if possible, provide sign language interpreters.

- Ensure that all departmental displays including exhibits, information booths, and information counters, provide program access for individuals with disabilities including individuals who are hearing and/or vision-impaired, individuals who use wheelchairs and individuals with developmental disabilities. For guidelines on accessible displays, see Attachment C.

- Ensure that any special events sponsored by the department are fully accessible to people with disabilities by:

  1. Assuring that any restroom facilities available to event participants are accessible. This includes portable toilets, not less than one or five percent, whichever is greater, of which must be a contract model that the City has certified as ADA compliant. The number of portable toilets required to be accessible is stated in the ADA *Standards for Accessible Design* (also known as ADA Accessibility Guidelines, or ADAAG), 28 CFR Part 36, revised as of July 1, 1994.

  2. Assuring there is accessible parking and an accessible route to spectator areas, stages, and all goods and services provided at the event.

  3. Assuring that, where seating is provided, there is accessible seating in the spectator area.

  4. Assuring that stages are accessible by ramp or lift.

5. Assuring that plans for any construction, including tenant improvements, have been reviewed and approved by Development Services for ADA compliance in accordance with ADAAG.

6. Assuring that accessible communication is provided as described above.

7. Assuring that all signs and structures comply with ADAAG specifications relating to protruding objects, so that people who are visually impaired will not be injured.

- Ensure that persons with disabilities accompanied by service animals are granted full access to all departmental facilities which are open to the public. For guidelines regarding service animals, see Attachment D.

- Set departmental priorities for removal of barriers in buildings and facilities (e.g. furniture, pamphlet display racks, etc.), to ensure access to all City programs.

- Ensure that any newly constructed, altered, or leased facilities comply with the accessibility requirements of the ADA and Arizona law. This involves:

  1. Requesting the assistance of special interest groups, when appropriate.

  2. Following up to make certain that recommended changes are carefully considered and required changes are incorporated in the plans.

- Ensure that plans for all new construction and alterations to City-owned or leased facilities are submitted to Development Services for review and approval in accordance with the Americans with Disabilities Act Accessible Guidelines (ADAAG), 28 CFR, Part 36. Additionally, ensure that departmental project managers and/or project coordinators responsible for construction:

  1. Perform and/or participate (in collaboration with Development Services) in critical inspections, such as inspection of forms, prior to pouring of concrete ramps.

  2. Perform and/or participate (in collaboration with Development Services) in the punch list development and intermediate and final inspection prior to the acceptance of the project from the contractor.

  It is the department's responsibility to comply with the ADA requirements for construction and alterations.

- Ensure, by contract language, that any contractors providing programs or services on behalf of the department do so in a manner that complies with the Title II requirements of the ADA. NOTE: It is the department's responsibility to review contracts for ADA and other compliance language. EOPD is a resource, and will review contracts on request. City contracts for services or materials shall include the following ADA compliance language:

  "The (contractor or agency) shall comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 USC 12101-12213) and applicable federal regulations under the Act (28 CFR Parts 35 and 36), as well as the Arizonans with Disabilities Act (ARS 41-1492)."

Private enterprise is covered by Title III of the ADA, which applies to state and local government. When the contractor provides services on behalf of the City, the City is required to ensure, by contract, that the services will be provided in a manner that complies with Title II of the ADA. Without that contractual agreement, the provider is only legally obligated to comply with the lesser requirement of Title III, and the City can be held liable for noncompliance with Title II

- Ensure that the department does not provide funding or other substantial benefits to entities that are not in compliance with their obligations under the ADA.

  A private entity is obligated to comply with the requirements of Title III of the ADA. If that entity receives federal funds, it would also be required to meet Section 504 requirements of the Rehabilitation Act, which are very similar to Title II requirements, and include provisions for program access.

- **TRANSPORTATION SERVICES**

  A lift-equipped van is available from the Fleet Pool section of the Department of General Services for transporting staff, volunteers or participants with disabilities, who are engaged in city business or city functions. Instructions on how to use the van's lift and wheelchair tie-downs will be provided by the Fleet Pool staff.

ADA COMPLAINT PROCESS

This complaint procedure shall serve as the City's mechanism to respond to complaints of discrimination on the basis of a disability in City programs and services and facility accessibility, under the Americans with Disabilities Act (ADA). This procedure shall not apply to complaints of discrimination in employment.

The complaint process involves receiving and processing complaints from the public that allege the department is not complying with the ADA.

Any individual who feels s/he has been discriminated against in the provision of a program or service operated by the City of Tucson, to include facility accessibility, shall have the ability to file a formal complaint, have the complaint responded to, and have the right to request a review by the City Manager, if dissatisfied with the resolution of the complaint. The procedures to be followed in filing a formal complaint shall be available and accessible to the general public.

Coordination of Procedure

The Equal Opportunity Programs Division (EOPD) within the Human Resources Department, 320 N. Commerce Park Loop,1st Floor, Sentinel Bldg. Tucson, Arizona 85745, shall be responsible for coordinating the City's ADA complaint procedure and will serve as the conduit between the complainant and the department against whom the complaint is made. If a complaint is received directly by a department, EOPD should be notified immediately. EOPD shall maintain the City's central ADA complaint log and issue complaint number assignments. EOPD will provide the department with the necessary technical assistance needed in reaching an amicable resolution of the complaint.

Filing a Complaint

A written complaint may be filed with EOPD. Complaint forms (a no postage necessary green postcard addressed to EOPD and entitled *City of Tucson ADA Accessibility Complain Card)* are available through EOPD, 320 N. Commerce Park Loop, 1st Floor, Sentinel Bldg. Tucson, Arizona 85745, or by calling (520) 791-4593 or on the intranet at:
http://intranet.ci.tucson.az.us/files/public/ada/ada_accessibility_complaint_form_fillable.pdf

In the event that a complainant submits a written complaint to the operating department, the department shall send a copy of the complaint to EOPD within five (5) business days of receipt.

Note: When receiving a complaint, recommendation or request for information from the Commission on Disability Issues (CODI), departments shall identify appropriate departmental staff, in collaboration with EOPD, to respond to the complaint, recommendation or request for information, and follow up to ensure a proper response is made by memorandum, report or presentation.

Complaint Resolution

Within five (5) business days of receipt of a complaint, EOPD shall inform the department of the complaint; transmit a copy of the complaint to the department with general instructions as to the format which the department should follow in their response, and a date by which the department shall return a response to EOPD. Appropriate departmental staff should review the complaint and prepare a written response. EOPD will review the response and/or complaint resolution with the department before the final response is issued to the complainant.

The department shall have thirty (30) days from receipt of the complaint from EOPD to respond to the complaint. When necessary, attempts will be made by the department to clarify the facts of the complaint. The actions taken by the department shall be conveyed to the complainant in writing. The response shall be mailed to the complainant by EOPD with a cover letter informing the complainant of her/his right to request a review by the City Manager. In no instance shall the Department mail the response directly to the complainant.

All reasonable attempts should be made by the department, with the assistance of EOPD, to mediate and resolve the complaint. Where a department can resolve a written complaint informally, the department will provide EOPD a written statement explaining the mutually agreeable solution. If EOPD concurs with the resolution, it should be signed by the complainant and the department representative and an executed copy provided by EOPD.

Request for Review

A complainant who is dissatisfied with the recommended resolution of her/his complaint may request a review by the City Manager. The complainant shall have thirty (30) days from the date of the written recommendation offered by the City to submit her/his request to EOPD for submission to the City Manager.

Review Process

Upon receipt of a written request for review, EOPD shall log in the request and forward it to the City Manager for review. The decision of the City Manager shall be final and shall be communicated to the complainant and the department by written notice from EOPD.

Recordkeeping

EOPD shall maintain files on complaints received along with all communications, recommendations, and other records pertinent to the complaints, pursuant to the state-approved retention schedule.

Alternative Remedies

The establishment of this complaint procedure shall not preclude nor waive the complainant's right to seek redress under any alternative remedy available.

Emergency Situations

In the event of an emergency in which accessibility must be readily achieved, departments shall consult with EOPD for direction.

ACCESSIBLE DISPLAY GUIDELINES

- Ideally: Any display with audio information should have the same information readily available in writing. Sign language interpreters should be available where any extensive or complex verbal communication is anticipated.

  Alternatively: If the display is advertised, the advertisement could include a notice that text information and sign language interpreters will be available upon request five days in advance. At the display area, a notice could be posted indicating that text information can be sent upon request and, in the event that the display involves extensive or complex verbal communication, that an appointment can be arranged with a sign language interpreter at a later time.

- Ideally: Any display containing text, photographs or illustrations used to provide information should have the same information available in accessible format including audio tapes, large type, Braille and computer disks. Descriptions of artwork should take into consideration the perspective of a visually-impaired person and should be available in accessible format. Where feasible, visually-impaired people should be allowed to touch artwork such as sculptures, even if latex gloves need to be provided.

  Alternatively: A person could be assigned to read information and provide verbal descriptions. At a minimum, a notice could either be posted in Braille and large type, or an audio notice provided, indicating a phone number to call to have the text information provided in an accessible format at a later date.

- Ideally: Any display should be approachable by persons using wheelchairs and be at a height viewable by persons using wheelchairs.

  Alternatively: While the general area would have to be accessible, a video display could be set up to provide those views that would not otherwise be available from a wheelchair; or a notice could be posted stating that a video tape would be available upon request and providing a phone number to call.

SERVICE ANIMALS GUIDELINES

As of March 15, 2011, a change was made in the definition of what constitutes a service animal pursuant to Title II of the Americans with Disabilities Act (ADA). The main change to the definition of a service animal is that Title II now recognizes only dogs and in some cases, miniature horses, to be service animals. Rabbits, chickens, snakes, etc, are no longer considered service animals under Title II.

Definition

The ADA defines a service animal as *any* dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.

Some examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Identifying a Service Animal

In most cases, a service animal is well trained and well behaved. Some people may take advantage of the law in an attempt to bring their family pet into a City of Tucson facility that otherwise does not allow pets. If there is doubt whether an animal is a service animal, it is permissible to ask the person who has the animal if it is a service animal required because of disability. It is not permissible to as the individual to identify his or her disability. It is permissible, but not advisable; to ask what service tasks the animal performs. This is unadvisable to ask because the ADA does not define qualified or unqualified tasks, nor does it include any provision to deny access to a service animal because the task it performs will not need to be performed at that location. Because there is no standardized certification for service animals, a person's claims that an animal is a service animal must be assumed to be truthful. As long as the animals are well controlled, it is better to let a few pets through than to risk a lawsuit by denying access to a person who may have a valid need for a service animal. However, if it is felt that an individual is trying to take advantage of the service animal rule to bring an unqualified animal into a City facility, and that some significant harm may come from that act, a supervisor, the departmental ADA Liaison, or EOPD should be contacted.

Admittance of a Service Animal

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

No Pets Policy

A service animal is *not* a pet. Although City facilities may have a "no pets" policy, service animals are not subject to policies regarding pets.

Health Department Regulations

Service animals of any type may not be refused admittance on the basis of local health department regulations or other state or local laws. As a federal law, the ADA takes priority over local or state laws or regulations.

Responsibility

Except where the City has responsibility for the owner of a service animal, the care or supervision of a service animal is solely the responsibility of his or her owner and the City is not required to provide care, food, or a special location for the animal. However, building managers and security personnel shall be able to direct the owner of a service animal to a nearby place where the animal can relieve itself. While there are no clear guidelines for situations where the City has responsibility for the owner of a service animal, such as emergency care, arrest, incarceration, etc. employees need to be aware that a service animal may be essential to the independent function of its owner and is often very valuable monetarily as well. Departments should work with EOPD to develop policies to meet specific circumstances.

Maintenance and Cleaning Fees

Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual, even if deposits are routinely required for pets. However, the owner of the service animal is responsible for its actions and may be charged if a service animal causes damage, so long as it is the regular practice of the City to charge non-disabled customers for the same types of damages, such as damage done by a child.

Service Animals in Vehicles

The same requirements relating to service animals apply to vehicles such as taxis and busses. No extra fee can be charged for the space needed by the service animal.

Exceptions

City employee shall recognize the right of persons with disabilities to be accompanied by a service animal unless there is direct evidence that:

- *The animal is not being adequately controlled by the person with a disability.* Evidence of this would include the animal's leaving the side of the person for reasons other than to perform tasks. It would be appropriate to warn the individual that the animal must be kept under control at all times while in the facility.

- *The animal poses a threat to other persons:* Evidence of this would include the animal barking, growling, or making threatening gestures or approaches toward other persons or generally acting vicious whether or not directed at another person. Normal defensive or protective actions, such as barking or growling on the part of the animal in response to improper action on the part of other persons should not be considered threatening behavior. It would be appropriate to warn the individual that the animal must not threaten other people in the building.

- *The animal, through its actions, is being disruptive to the proceedings.* Evidence of this would include the animal barking or making other disruptive sounds, the animal moving about, other than to perform tasks, with such frequency or energy as to cause a significant distraction to others, the animal approaching other persons to the extent of causing a significant distraction. It would be appropriate to warn the individual the animal not disrupt the proceedings.

Security

If employees find it necessary to guide an animal through or around a metal detector, etc., they should not approach or touch the animal without consulting with the owner. Also, employees should not approach or touch the owner of the animal, or any person with a disability, without first consulting him or her.

ACCESSIBLE CONFERENCE ROOMS

The listing will be updated periodically as more facilities are modified to become ADA accessible.

CONFERENCE ROOM	LOCATION
Eastside City Hall	7575 E. Speedway Boulevard
El Pueblo Neighborhood Center	101 W. Irvington Road
Mayor and Council Chambers	255 W. Alameda Street
Neighborhood Resources: Sentinel Building	320 N. Commerce Park Loop
Police: Department Headquarters	270 S. Stone Avenue
Hardesty Midtown Multi-Service Center	1100 S. Alvernon Way
Santa Cruz Substation	4410 S. Park Avenue
Westside Multi-Service Center	1310 W. Miracle Mile Road
Quincie Douglas Neighborhood Center	1575 E. 36th Street
Randolph Recreation Center	200 S. Alvernon Way
Therapeutic Recreation Center	1000 S. Randolph Way
Tucson Convention Center (all meeting rooms)	260 S. Church Avenue
Udall Regional and Senior Center	7200 E. Tanque Verde Road

ADMINISTRATIVE DIRECTIVE

EMPLOYEE MEDIATION PROGRAM	NUMBER **2.05-11**	PAGE **1 of 2**
	EFFECTIVE DATE **February 3, 2014**	

I. PURPOSE

The purpose of this directive is to set forth the process for mediation and encourage mediation as an alternative means of conflict resolution, where appropriate.

II. POLICY

The Equal Opportunity Programs Division (OEOP) shall be responsible for the administration of the mediation program and shall offer mediation to all employees when circumstances permit. Participation in the mediation process is voluntary for all employees. The commitment to mediation includes the understanding that all views and opinions expressed are to remain confidential, and the overall context of the mediation process is confidential.

III. DEFINITIONS

Manager and/or Supervisors - An individual and/or group having the authority and/or capacity to act in a manner on behalf of the City of Tucson to direct staff, direct and conduct business, determine work assignments, manage, plan, and/or control work products. Managers and/or supervisors are not limited by title and may include others who have been given such authority to function in this or similar capacity.

Mediation - An alternative means of conflict resolution in which a neutral third party assists disputing parties in communicating and developing a mutually agreeable solution to conflict.

Mediation Agreement - A written agreement resulting from the successful resolution of a dispute and/or conflict reached through the mediation process.

Mediator - Volunteer neutral third parties, trained through reputable and accredited training programs whose role is to impartially facilitate communication between participating disputing parties.

Retaliation - Any adverse action taken against an employee because s/he has inquired into or participated in mediation.

IV. MEDIATION PROCESS

A. The goal of mediation is to resolve conflicts. No determination will be made on the merits of the dispute. The City encourages mediation as an alternate means of dispute resolution where appropriate; however, issues such as disciplinary actions and performance reviews are not subject to the mediation process. The Employee Mediation Program is designed to supplement, not limit, replace, or take away any established grievance or compliant processes or procedures.

B. Prior to filing a complaint or anytime during the investigation process, employees may request mediation by contacting the OEOP. OEOP will assess the issue(s) presented

by the complainant to determine if mediation is an appropriate avenue for resolution. If mediation is deemed appropriate, OEOP will schedule the mediation session between the disputing parties (employee and her/his co-worker, supervisor, etc.). The time limitation for filing a complaint will be suspended during the mediation process.

C. Mediation sessions shall be facilitated by Mediators who have successfully completed mediation training from a reputable and accredited training program.

D. OEOP shall establish Ground Rules for Mediation and provide a copy to each disputing party. Mediation sessions are confidential and shall not be shared outside of OEOP mediation program administration without written permission of the disputing parties. Prior to the start of the mediation session, each party shall sign a confidentiality agreement. Violation of the confidentiality agreement may result in disciplinary action.

E. If mediation is successful, a written agreement will be drafted and signed by the disputing parties and the mediator(s). (**Note:** No agreement can exceed the provisions of the Tucson City Charter or any Ordinance or rules and regulations of the Civil Service Commission governing the employment relationship.) Each disputing party will receive an executed copy of the agreement from OEOP. If the mediation is not successful, notification will be sent to the referring department.

F. All notes and other documentation from the mediation session(s) shall be destroyed at the completion of the mediation. OEOP shall maintain only the confidentiality agreement and the written agreement or the notification that mediation was not successful. The agreement(s) and notification shall be maintained by OEOP in a separate, confidential mediation file and will not be included in any future complaint file or employee personnel files, unless supplied by the employee.

Appendices Employee Mediation Packet

References Administrative Directive 2.05-8
Non-Discrimination Policy and Compliant Procedures

Review Responsibility and Frequency The Director of the Office of Equal Opportunity Programs will review the administrative directive annually, based on the date of publication.

Authorized

Richard Miranda 2-11-14
City Manager Date

MEDIATION INFORMATION PACKET

Equal Opportunity Programs Division
320 N. Commerce Park Loop
Sentinel Building, 1st Floor
Tucson, AZ 85745
520-791-4593

WHY MEDIATION?

* Mediation can lead to a quicker resolution of the conflict or problem than more formal grievance and legal procedures.

* Mediation can be used for issues which are not appropriate for the grievance process or legal action.

* The parties retain control of the resolution of their dispute.

* Mediators are neutral and impartial facilitators.

* Mediation sessions are private and confidential.

* The focus is on a win-win solution.

* The disputing parties talk directly to each other, learn and understand the other's issues and needs, and practice effective communication skills for the future.

STAGES OF THE MEDIATION SESSION

* Welcome and Introductions

* Opening Statement by Mediators

* Participants' Opening Statements

* Discussing the Issues

* Resolving the Issues

* Drafting the Agreement

* Closing the Session

WHO ARE THE MEDIATORS?

* Fully trained Volunteers.

* Mediators participate in ongoing training and practice.

* Mediators will not be assigned to disputes which involve their department or department they may have worked in, and/ or individuals they know.

GROUND RULES FOR MEDIATION

* Mediators are impartial and neutral

* Mediators guide the process

* Be respectful of each other:

    - no screaming or shouting
    - no name-calling or put-downs
    - no profanity

* Allow each other to talk without interruption

* Talk honestly and openly

* Focus on future actions rather than past events

* Stay in the room until the session is over

* The disputing parties are responsible for creating the actual terms of the agreement

BEFORE YOU COME TO YOUR MEDIATION SESSION

* Collect any documents which you will need to refresh your memory or to discuss with the other disputant. **(Note: issues regarding disagreement with disciplinary actions and/or performance reviews are not subject to the mediation process.)**

* Consider the results which you want the mediation session to produce.

* Change your mindset from adversarial to cooperative problem solving.

* Read the *Mediation Information Packet* and familiarize yourself with the *Ground Rules.*

* Call the Equal Opportunity Programs Division (EOPD) if you have any questions (791-4593).

* If you have a problem with the mediators assigned to your case, call EOPD immediately to allow time to find a replacement.

* Think about the issues which are important to you and the points you want to make in your opening statement.

* Remember that mediation is not a trial or an arbitration hearing. You are not required to present evidence or witnesses.

ON THE DAY OF YOUR MEDIATION SESSION

* Bring with you any materials which you need to present your issues.

* Plan to arrive a few minutes early so the session can begin on time.

* Allow 2-3 hours for the session. Some mediations may take less time than others, but this is the average duration.

DURING THE MEDIATION SESSION

* Communicate candidly and honestly.

* Treat the mediators and other individual(s) with courtesy and respect.

* Control the desire to interrupt or rebut the statements of the other parties.

* Try to understand the feelings and the point of view of the other parties.

* Own your feelings and perspective by using “I” statements rather than “you” statements.

* Although you may have to discuss incidents and behaviors which contributed to the dispute, focus on future actions which will resolve the dispute.

* Don’t be afraid to express emotions.

* If you need to talk with the mediators privately, request a caucus.

* Do not sign an agreement because you feel that you have to or because you want to end the session. Remember that you are trying to resolve problems and disputes. An insincere or ineffective agreement is often worse than no agreement.

AFTER THE MEDIATION SESSION

* Give all the notes you took during the session to the mediators to be destroyed.

* Observe confidentiality requirements. Avoid discussing the content of the mediation with coworkers, friends, or anyone else not in the session.

* Make a commitment to fulfill your duties under the *Mediation Agreement*.

* If problems arise, contact EOPD.

FINANCIAL and PURCHASING

Financial Operations

ADMINISTRATIVE DIRECTIVE

PAYROLL DEDUCTIONS FOR LABOR AND EMPLOYEE ORGANIZATIONS	NUMBER 3.01-1	PAGE 1 of 5
	EFFECTIVE DATE April 5, 2011	

I. PURPOSE

The purpose of this Administrative Directive is to establish procedures and define requirements for labor and employee organizations to qualify for employee payroll deductions.

II. POLICY

The City makes payroll deductions for employee organizations and labor organizations that maintain payroll deduction authorizations for not less than ten percent (10%) of the City employees eligible for membership. Payroll deductions will not be made for any organization that does not maintain payroll deductions authorizations for a minimum of 50 City employees. Regardless of any other provisions in this directive, no organization shall be authorized a payroll deduction if the deduction cannot be processed within the regular payroll system procedures.

III. DEFINITIONS

A. **Payroll Deductions** – For the purpose of this Administrative Directive, those deductions which are voluntarily authorized by a City employee to be deducted from his/her pay check.

B. **Employee Organization** – An organization, not engaged in partisan political activity, which is either comprised only of employees of the City of Tucson and organized only for the promotion of social, cultural, economic, and educational improvement of City employees or is a Federal or State charted Credit Union comprised mainly of City employees.

C. **Employees Eligible for Membership** – Those employees authorized in the current budget who are eligible for membership in a labor or employee organization.

D. **Labor Organization** – An organization, not engaged in partisan political activity, which is comprised of a City employee group whose primary function is to represent its members with respect to wages, fringe benefits, and/or other work related activities, and which has a multi-year labor relations agreement with the City of Tucson which has been adopted by legislative action of the Mayor and Council; or, should a labor agreement expire and a new agreement is not immediately effective, any labor organization representing the previously covered employee group.

IV. GENERAL RULES

A. **Deduction Authorization** – No deduction for a labor or employee organization will be made from an employee's pay unless the employee submits a form approved by the Director of Finance authorizing the Payroll Section to withhold a specified amount each pay period.

B. **Change in Deductions** – Changes in deductions, including new deductions and termination of old deductions, shall be submitted through channels in order to be delivered to the Payroll Section at least seven (7) days in advance of the 1st day of the payroll period in which the change in deduction is effective.

C. **Method of Calculating Deductions and Making Payments** – Deductions shall be calculated by determining the annual amount and dividing by twenty-six (26) pay periods. The amounts shall be rounded to the next higher cent, so that the deduction for each pay period is exactly the same amount.

Payment of amounts deducted shall be made to the appropriate organization as soon as each payroll is reconciled. Payment shall be sent to each organization together with a detailed listing reflecting each member's employee number, name, amount of deduction, and the grand total of the deductions for the pay period involved. The total of the list shall equal the amount of payment and may be used as a reference for posting to individual organization records.

D. **Priority of Payroll Deductions for Employee Organizations** – The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the appropriate employee organization deduction. In this regard, all other legal and required deductions have priority over employee organization deductions.

When a member is in a non-pay status for an entire pay period, no withholding will be made to cover that pay period from future earnings nor will the member be permitted to deposit the amount with the City which would have been withheld if the member had been in a pay status during that period.

In the case of an employee who is in the non-pay status during only part of a pay period and the salary is not sufficient to cover the full withholding for employee organization deductions, no deduction will be made.

It shall be the employee's responsibility to settle with the Employee Organization any shortages resulting from a non-pay status.

E. **Refund of Over Withheld Deductions** – In the event that an employee's request to discontinue a deduction for a labor or employee organization is delayed and additional deductions are withheld after the employee has submitted the form to end withholding, refund of over withholding will be accomplished as follows:

- **Labor Organization** – It shall be the employee's responsibility to recover from the Labor Organization any over withheld funds.

- **Employee Organization** – Deductions over withheld for an organization only for the promotion of social, cultural, economic, and educational improvement of City

employees may be refunded through payroll. The employee shall contact the Payroll Section of the Finance Department and request a refund providing copies of the form submitted to discontinue the deduction.

- **Employee Organization** – It shall be the employee's responsibility to recover directly from the Credit Union any over withheld funds.

V. PROCEDURES

A. Payroll Deductions for Labor Organizations

1. Non-permanent employees are not eligible for deduction. Other employees are eligible for deduction as follows:

    - Public Safety employees upon graduation or date of hire if a lateral move.
    - Labor and trades employees in union eligible position for one year or more.
    - Administrative, professional, and clerical employees on date of hire.

2. Authorization by City employees for dues shall be made only on cards approved by the Director of Finance.

3. Should a labor agreement expire and a new agreement is not immediately effective, deductions may be made for any labor organization representing the previously covered employee group for a period not to exceed 30 days from the expiration of the previous agreement or as extended by the City Manager. Such organizations must meet the membership requirements stated in A1 and A2, above.

B. Payroll Deductions for Employee Organizations

1. Payroll deductions may be made for a Credit Union qualifying under Section III, B.

2. All City employees without regard to status are eligible for payroll deductions for an employee organization.

C. Payroll Deductions Continuation – Once an organization has qualified for payroll deductions, excepting the limitations of A1 preceding, the City will continue making such payroll deductions for the organization until:

1. Membership in the organization falls below the established requirements outlined in Section II and maintains that level for six (6) consecutive months.

2. The organization requests that deductions be terminated. The request must be in writing and appropriately signed.

3. The employee requests discontinuance of the deduction by filing with the Payroll Section of the Finance Department a payroll deduction change authorization.

4. The organization fails to meet any requirements established in this directive.

D. **Deduction Changes and Requests** – All payroll deduction requests must be submitted on forms approved by the Director of Finance and must be signed by the employee. Any changes in deductions must be initiated by the employee, excepted as noted below.

1. Changes in amount of deductions for labor organization dues may be made from a request submitted by the organization, detailing current and proposed dues. This is to be accompanied by the minutes of the meeting in which the change of dues was approved (by popular vote of the membership) and signed by an officer of the organization. The organization must sign a Hold Harmless Statement in which the City will be held harmless by the organization and its members for changes of deductions made by the City at the organization's authorization.

2. Changes in amount of deductions for employee organization dues requires that a list detailing names of members be submitted by the organization in addition to the requirements as stated above for a labor organization.

E. To be eligible for payroll deduction, a labor or employee organization must be non-profit, incorporated or chartered, have an adopted Constitution and By-Laws, and be administered by officers elected by a vote of the membership.

A list of current officers of the organization and a copy of the incorporation documents, Constitution, and By-Laws shall be filed with the City Manager. Not less than annually, the organization shall advise the City, in writing, of any change of status.

F. No City employee shall receive any compensation from a labor or employee organization or related activity thereof except salary or expense reimbursements as authorized in the organization's By-Laws or Constitution.

G. The Director of Finance shall be responsible for implementation of this directive.

Appendices None

References Labor Agreements

Review Responsibility and Frequency The Finance Director shall review this directive annually, or as necessary.

Authorized

City Manager

Mike Letcher

Date 4/13/11

ADMINISTRATIVE DIRECTIVE

ACCOUNTS RECEIVABLE AND DELINQUENT ACCOUNTS	NUMBER 3.01-2	PAGE 1 of 7
	EFFECTIVE DATE September 28, 2012	

I. PURPOSE

To establish policies and procedures for the collection of funds owed to the City of Tucson as the result of fines, assessments, delivery of goods or services, or contractual obligations which are not contingent upon future events.

II. POLICY

A. **Department Approval** - Any department that wants to directly issue invoices for goods or services rendered must receive approval from the Finance Director prior to invoice issuance. A memo outlining the department's accounts receivable process including the safe guards in place to insure recording of accounts receivable in the City's general ledger should be issued to the Finance Director. If approval is granted, the memo will be signed and a copy returned to the department.

B. **Invoice Issuance** - The department or division that issues an invoice, or that controls the billing system that issues an invoice, assumes responsibility for administration of the accounts receivable process for that invoice. Administration includes, but is not restricted to, the following:

1. **Updates City Records** - The receivable must be recorded in the City's general ledger upon issuance of the invoice. A copy of the invoice and supporting documentation will be attached to the journal voucher (billing systems are exempt from this requirement). When payment is received, the receivable must be cleared and the revenue recorded in the general ledger.

2. **Deposits Payments** - Payments received for invoices issued by the department or division should be deposited within 48 hours of receipt in the Finance Department's Collections Section. Payments received for invoices issued elsewhere should be forwarded to the issuing department.

3. **Maintains the Customer Account** - Payments received must be credited to the customer account. If a balance due remains after application of the payment, a past due invoice or a statement showing the past due balance must be sent to the customer.

4. **Responds to Customer Inquiries** - Customer questions and/or requests for information, an alternate payment schedule, reduction of balance due, or any other inquiry will receive a response from the issuer of the invoice.

5. **Issues Past Due Invoices** - An invoice clearly marked as past due will be issued if payment in full is not received within 30 days of the invoice issuance date.

6. **Refers Past Due Invoices to Delinquent Accounts** - If payment is not received within 60 days of original invoice issuance, the account shall be referred to Delinquent Accounts for further collection procedures.

C. **Accounting Division** - Departments that have not received approval to issue invoices directly (see Section III. A.) will request the Accounting Division to issue and administer invoices on their behalf. Department requests for the issuance of an invoice shall include the following information.

1. Customer name and address
2. Amount owed
3. A brief description of the goods or services purchased
4. Contract name/number if balance due is related to a contractual obligation
5. The account number for deposit of funds
6. The requesting department and division name
7. The name and employee ID number of a department contact
8. Supporting documentation
9. Any letters or documents to be mailed as attachments to the invoice

D. **Invoice Modifications and Cancellations** - In addition to the administrative tasks outlined in Section II. C. of this directive, the Accounting Division will generate an electronic accounts receivable report monthly for all invoices requested by departments that have an open balance due. It is the department's responsibility to review the report to confirm that the requests sent were processed and that the invoices issued were accurate.

The department will notify the Accounting Division any time an invoice requires modification or should be cancelled. Notification should be in writing and copies of appropriate documentation to support the change included.

On occasion, the amount of an invoice and/or finance charges may be changed through official action by Mayor and Council or other authorized City officials. When this occurs, the responsible department should notify the Accounting Division and include signed copies of documentation authorizing the change. No changes will be made without authoritative documentation.

E. **Invoices Returned in the Mail** - If an invoice is returned as undeliverable by the post office, the Accounting Division will notify the requesting department and will make every effort to obtain a correct address. If the department learns of an address change for a customer with an existing invoice, they will notify the Accounting Division as soon as possible. The invoice will be mailed a second time if a new address is found.

F. **Finance Charges**

1. Finance charges will be assessed against accounts receivables which have not been paid within 30 days of the initial billing date unless such finance charges are prohibited by law, by terms of a contractual agreement, or are waived by the Finance Director.

2. When specified by contract, finance charges will be assessed at the contracted rate. For past due accounts where a contracted rate is not specified or prohibited, finance charges will be accrued at a rate determined by the Finance Director.

3. Finance charges shall cease accruing when the account is assigned to the City's collection agency and a flat $15 processing fee accessed.

4. The enforcement of reclaimed water accounts will be initiated and carried out by the Water Department. Therefore, said accounts will be exempt from the finance charges provided in this administrative directive.

III. DEFINITIONS

A. **Accounts Receivable** - An account established to record an amount of money owed to the City. An account may be established for an amount due at a future date, but not for estimates of amounts which may become due pending some future event.

B. **Billing System** - A system that generates invoices for amounts owed to the City for specific goods or services such as the Naviline Water Billing System.

C. **Delinquent Account** - An account established for accounts receivable that has not been paid within a specified period of time. These accounts are considered past due and eligible for collection procedures.

D. **Delinquent Accounts Register** - A register detailing each past due account that has been turned over to the Finance Department's Accounting Division for additional collection efforts.

E. **Finance Charges** - Tucson Code Section 12A-5 authorizes the accrual of finance charges on past due accounts receivable as defined in Section II.F of this directive. Interest shall be billed at a rate determined by the Finance Director in compliance with applicable laws and contract terms. Finance charges commence on the date the account becomes past due.

F. **Invoice** - The document issued to a customer indicating an amount owed, what goods or services were purchased, the date payment is due, and a remittance address. Invoices may originate from different sources as follows.

- **Accounting Division** - An invoice is generated by the Finance Department's Accounting Division at the request of a department.

- **Billing System** - An invoice is generated by a billing system for goods or services specific to that system.

- **Department** - An invoice is issued directly to a customer by a department for goods or services purchased from that department. (See Section II. B)

G. **Past Due Invoice** - An invoice generated for a previous amount billed that was not paid within the specified payment terms and is showing a balance due past the due date.

H. **Settlement** - An agreement to close an account for a payment of less than the total balance due. An account with a balance due of less than $2,000 requires approval of the Finance Department and the department owed. An account with a balance due of $2,000 or greater requires approval of the Finance Department, the City Attorney's Office, and the department owed.

I. **Uncollectible Account Receivable** - An account on which all delinquent account collection procedures have been performed and for which the Finance Director has determined that further collection procedures on the part of the City are not beneficial and a recommendation for write-off is warranted.

J. **Write-off** - The removal of an account receivable from the active records of the City. The write-off of a receivable does not imply that the amount is not due to the City or that the City would not collect the account should the opportunity arise. Any City liens in place at the time of the write-off will remain in place.

IV. DELINQUENT ACCOUNTS

A customer will have 30 days from the date of an original invoice to remit the balance due or make arrangements for a payment plan. If payment has not been received or a payment plan has not been established at the end of 30 days, an invoice clearly marked as past due will be issued. If the balance due has not been paid within 60 days of the original invoice date, an account receivable issued by a department will be referred to the Accounting Division for additional collection efforts.

A. General Delinquent Account Collection Procedures

1. For receivables not recorded in the City's financial system - The department that generated the original invoice will refer accounts older than 60 days with a balance due to the Finance Department's Accounting Division in a format that can be transferred to the collection agency.

2. Upon receipt of a past due account, the Accounting Division will enter the account into the delinquent accounts register then refer the account to the City's collection agency.

3. If payment is collected by the City for an account previously referred to the collection agency, the collection agency will be notified that the account is paid and to discontinue their collection efforts. Any collections made (by the City or the collection agency) will be recorded and credited to the proper account.

4. Collection procedures will be performed at the Finance Department's discretion. Methods of collection may include but are not limited to: verbal or written communication, establishment of payment plans, placement of liens on customer property, application of payments due to the customer from the City to the balance due, or referral to a collection agency.

B. Exception to General Delinquent Account Collection Procedures

Per Tucson Code Section 27-50, Water Department customers with an account balance of greater than $75 outstanding for forty days shall be given written notice that the account is past due. This notice shall indicate that the customer has seven days from the date of the notice to either pay or dispute the balance due.

If the customer is not disputing the balance and payment is not received within the seven days following the written notice, a second notice shall be sent. The second notice shall notify the customer that their account is past due and their water service shall be subject to turn-off if payment is not received within seven days.

If the customer is not disputing the balance and the delinquent balance is not received within the second seven day period, the water supply shall be shut off, the meter locked, and a service charge accessed. The customer's water account shall be terminated if payment is not received within seven days of shut off. To re-establish service the full account balance must be paid.

Per Tucson Code Section 15-31, Environmental Services (ES) shall primarily follow these same procedures as long as charges for ES services are billed through the same system as water services. Further, a penalty fee shall be charged to accounts with monthly charges over the amount triggering a first written notice. Per Tucson Code Section 15-31.6, the amount of the penalty fee shall be 10% of the monthly charges, not to exceed $500, but at least $10. Residential and Groundwater Protection Fee charges are exempt from the penalty.

Per Tucson Code Section 15-31.5, the Environmental Services Director may discontinue services by not collecting material, removing containers and/or denying use of disposal facilities.

C. Settlements for Less than Full Amount of the Delinquent Account Receivable

1. In certain situations the City may agree to take less than the full amount due of a delinquent account receivable as payment in full settlement of the account. If negotiation is required to collect an account, representatives from the Finance Department and the department which requested the billing will determine an equitable settlement for accounts with a balance due of less than $2,000. Settlement amounts for all accounts with a balance due of over $2,000 will be determined by representatives from the Finance Department, the City Attorney's Office, and the department that requested the billing.

2. When a settlement agreement includes a payment plan, the standard from which the City will work is payments of not less than $25 per month and/or payment in full within a 12 month period.

3. The City's Risk Manager is authorized to negotiate settlements of accounts receivable due to subrogation claims against third parties for damage to City property. Settlement of subrogation claims for accounts over $5,000 will be approved by the Finance Director or an authorized representative.

D. Write-Off Authorization for Uncollectible Accounts Receivable

Periodically the Finance Director or the Director's authorized representative shall review open accounts in the delinquent account register and request that the Mayor and Council authorize the removal of accounts deemed to be uncollectible from the City's general ledger. The write-off of a receivable does not imply that the amount is not due to the City or that the City would not collect the account should the opportunity arise.

1. The Finance Department's Accounting Division will schedule the Consent Agenda for the Mayor and Council write-off request for the council meetings. Six to eight weeks prior to the scheduled Mayor and Council meeting Accounting will contact City departments that hold accounts not actively worked by Delinquent Accounts staff and request information on accounts that the department wants to be included in the Mayor and Council write-off. No requests are sent to departments actively working with the Accounting Division to collect past due accounts.

2. The accounts that are sent to Mayor and Council for write-off have been in a delinquent status for two years in Delinquent Accounts or at the collection agency.

3. Delinquent Accounts staff will prepare the Mayor and Council write-off request. Summary documents for the Council are submitted with the request, however detailed documents are produced and retained by the Accounting Division and can be requested for further review.

4. If the Mayor and Council approve the write-off request, Delinquent Accounts staff will prepare a packet for each affected department which acknowledges that the write-off request was approved and details information on which accounts were approved for write-off for that particular department.

5. Although a write-off was approved by Mayor and Council, if an account is at the collection agency it will remain on a person's credit report for a total of 7 years unless the City recalls it prior to the end of the 7 year period. Even after a debt is removed from a credit report, it continues to be a valid debt with the City until it is paid in full.

6. The Accounting Division shall maintain a record of all delinquent accounts removed from the City's general ledger for a period of 15 years. Collection of any account which has previously been written off shall be credited to the appropriate revenue account (except miscellaneous water service accounts receivable which shall be credited to the water recovery account).

7. Vacated Public Housing accounts can be removed from the general ledger by the Housing and Community Development Director on a monthly basis; however, these accounts must still be submitted to the Finance Department for attempted collection and/or Mayor and Council write-off. This procedure was approved by the Mayor and Council on June 9, 1980, Resolution 11161.

V. GENERAL

Questions relative to these procedures shall be directed to the Accounting Division's Finance Manager of the Service Area.

Appendices None

References Tucson Code Section 12A-5
Tucson Code Section 27-50

Review Responsibility and Frequency The Finance Director shall review this directive annually, or as necessary.

Authorized

City Manager — Date

Richard Miranda

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
CITY OF TUCSON BANKING POLICY	**3.01-3**	**1 of 4**
	PAGE ISSUE DATE	
	June 18, 2001	

I. PURPOSE

To establish procedures for using financial institutions' community reinvestment ratings as a factor in determining eligibility to receive City of Tucson deposits and investments.

II. DEFINITIONS

A. Deposits – Monies received by the City of Tucson, which are placed in demand deposit accounts for temporary periods pending investment or expenditure.

B. Investments – City monies placed in interest-bearing securities of the type authorized by Chapter XIII, Section 12, of the City Charter.

C. Eligible Depository – Any bank or savings and loan association with offices in the City which is insured by the Federal Deposit Insurance Corporation, or any successor, or any credit union which is insured by the National Credit Union Administration or its successor.

D. Servicing Bank – Any bank which is an eligible depository having a total capital structure of fifty million dollars or more and total assets of five hundred million dollars or more, maintaining a trust department, and being a member of the Federal Reserve System. Banks meeting these requirements are eligible to become the servicing bank for the City Treasurer's Deposit Account, Payroll Account, and General Revolving Account.

III. POLICY

It shall be the policy of the City of Tucson that its banking and investment activities should promote the economic stability and growth of the City of Tucson and all of its neighborhoods. The City of Tucson recognizes that private financial institutions, through their credit practices and the services they provide, play an essential role in maintaining healthy businesses and institutions in the community and jobs and housing for Tucson's residents. The City of Tucson will therefore use funds available for deposits and investments to discourage red-lining and disinvestment and to encourage responsible reinvestment in the City of Tucson.

IV. PROCEDURE

A. Collateral Required – No financial institution shall be eligible to receive City monies for deposit or investment above the amount insured by an agency of the U.S. Government unless such deposits or investments are secured by collateral of the type listed in Title 35-323 of the Arizona Revised Statutes. Such collateral, the market value of which must be maintained at a minimum of 105% of the amount of deposits or investments which exceed the insured amount, shall be held by the trust department of the City's servicing bank for the Treasurer's Deposit Account.

B. **Pledge Required** – Eligible depositories which are interested in receiving City deposits or investments shall submit a pledge not to discriminate against any individual seeking a loan on the basis of race, color, religion, sex or national origin; not to indulge in red-lining activities against any City neighborhood; and to make loans available, within legal restrictions and prudent financial practices, on low and moderate income residential property and for small businesses in the City of Tucson.

C. **Reports and Written Evaluations Required** – Eligible depositories which are interested in receiving City deposits or investments must submit to the Finance Director the written evaluation of the appropriate Federal financial supervisory agency. Such written evaluation submitted shall include the agency's rating of the institution's record of meeting the community's credit needs, as set forth in the Section 807 of the Community Reinvestment Act. At their option, financial institutions may submit their response to the rating and written evaluation of the supervisory agency and the reasons for their loan decisions. Also at the same time, financial institutions must report to the Finance Director all branches opened and closed in the Tucson metropolitan area during the previous 12 months, and any proposed branch openings or closings.

On a continuing basis, any financial institutions with City deposits or investments must notify the Finance Director of any proposed branch openings or closings in the Tucson metropolitan area.

When requested, financial institutions shall also submit Home Mortgage Disclosure Act (HMDA) reports prepared by the Federal Financial Institutions Examination Council (FFEIC), which shall include the aggregation and cross tabulation of data required by Regulation C, "Home Mortgage Disclosure", on loan applicants and their disposition; the race, sex, and income of borrowers and applicants; and the type of purchaser of loans that are sold.

At such time as the Finance Director has received the written evaluations and reports of the eligible depositories interested in receiving City deposits or investments, the institutions shall be grouped, for comparison purposes, as follows:

1. Institutions qualified to be a servicing bank for the City Treasurer's Deposit Account, Payroll Account, and General Revolving Account.

2. Eligible depositories not qualified to be a servicing bank.

D. **Servicing Banks – Determination of Eligibility to Receive City Deposits** – The Finance Director shall evaluate institutions qualified to become a servicing bank under the following criteria:

1. The performance of the financial institution in meeting the credit and financial needs of the people and neighborhoods of the City of Tucson, especially those with low and moderate incomes.

2. The range, quality, cost, and convenience of services offered.

3. Financial stability, profitability, and capitalization (net worth).

Financial stability and range, quality, and convenience of services being of comparable quality, deposit accounts will be placed as follows:

1. Those institutions with an "A" (outstanding record of meeting community credit needs) or "B" (satisfactory record of meeting community credit needs) rating shall be given preference in the placement of new deposit accounts and in the transfer of deposit accounts from lower rated institutions.

2. Those institutions with a "C" (needs to improve record of meeting community credit needs) rating will be considered probationary. Such institutions will not be eligible to receive additional deposit accounts if there are nay "A" or "B rated institutions in the servicing bank category. If the institution is a servicing bank for the City of Tucson, the Finance Director shall notify the institution of its probationary status. To continue as a servicing bank, the institution shall be required to submit evidence, within six months, of its attempts to improve its record. If the institution fails to demonstrate improvement or if it receives two consecutive annual ratings of "C or lower, the Finance Director shall take whatever action is necessary to move all deposit accounts from that institution to a higher-rated institution.

3. If an institution receives a "D" (substantial noncompliance in meeting community credit needs) rating, the Finance Director shall, as soon as is practical, transfer all deposit accounts to a higher-rated institution in the servicing bank group.

E. **Non-Servicing Banks – Determination of Eligibility to Receive City Deposits** - Eligible depositories not qualified to become a servicing bank for the City of Tucson shall be evaluated, within their group, in the same manner as institutions qualified to become a servicing bank. Deposit accounts transferred from a "C" or "D" rated institution in this group shall be placed with an "A" or "B" rated institution within the same group.

F. **Investments - Funds to be Made Available to Qualified Financial Institutions –** Financial institutions that are considered creditworthy, through evaluation of their financial condition, profitability, and capitalization, and that have received an "A" or "B" rating, shall be given the opportunity to bid on City monies available for investment. All bids shall be on a competitive basis and shall be subject to the provisions of the section of this policy entitled "Collateral Required". No investments shall be made 1) with a financial institution not deemed to be in sound financial condition, 2) at lower than market rates, or 3) for a period exceeding 12 months.

Any financial institution that has been given the opportunity to bid on City monies available for investment, but which has not been awarded any investments, will remain on the bid list and will be given further opportunities to bid for City monies available for investment.

G. **Priority for "A" Rated Financial Institutions** – In awarding new deposit accounts and in transferring accounts from lower rated institutions, financial institutions with an "A" (outstanding) rating will be given priority over institutions with a "B" (satisfactory) rating. Financial institutions with a "A" rating will be given the first opportunity to bid on City monies available for investment.

H. **Disqualification** – In addition to being disqualified by reason of one "D" rating or two consecutive "C" ratings, a financial institution may be disqualified from receiving City deposits or investments for any of the following reasons:

1. Refusal of the financial institution to provide any of the required information.

2. An excessive number of branch closings in low and moderate-income areas by the financial institution.

3. The financial institution being taken over by a Federal or State regulatory agency.

I. **Reports** – When requested, the Finance Director shall provide the Mayor and Council with a report specifically devoted to presentation of community reinvestment ratings of institutions in which the City has any deposits or investments. The report shall include the number of deposit accounts and the balance of such accounts, the amount made available for investment with financial institutions, the number of institutions submitting bids for those investments, and the amount invested. The report shall also include a listing of all branches opened or closed by each financial institution in low and moderate-income areas of the City.

Copies of this report shall be made available to the public through all branches of the City of Tucson Public Library and other such institutions as the Mayor and Council shall direct.

V. RESPONSIBILITY FOR REVIEW

An Assistant City Manager shall review this directive annually, or as necessary.

AUTHORIZED:

MIKE LETCHER
DEPUTY CITY MANAGER

Purchasing Procedures

ADMINISTRATIVE DIRECTIVE

CASH HANDLING: CHANGE FUNDS, CHECKING ACCOUNTS, MERCHANT ACCOUNTS, AND PETTY CASH	NUMBER 3.02-1	PAGE 1 of 12
	EFFECTIVE DATE April 20, 2012	

I. PURPOSE

To establish policies and procedures for change funds, checking accounts, merchant accounts, petty cash, and pCards.

II. POLICY

A. Departments will establish, operate, maintain, and safeguard change funds, checking accounts, merchant accounts, and petty cash in accordance with the policies and procedures in this directive.

B. Only employees listed on an Authorized Custodian Form will have access to these accounts and funds. Cash designated for change funds, petty cash, and checks will be secured in a safe or locking cabinet when not in use with access limited to authorized custodians.

C. A City Procurement Card (pCard) will be used to either reduce the cash requirement or eliminate the need for petty cash. pCards must be used for purchases less than $5,000 unless a business does not accept credit cards for payment.

D. All accounts, funds, and pCards are subject to audit without prior notice.

III. DEFINITIONS

A. **Account** - Change fund, checking account, merchant account, or petty cash.

B. **Authorized Custodian Form** - Utilized to record authorized amounts of an account or fund that includes signatures of all employees designated the responsibility for the account or fund, and the signature of the department director designating such.

C. **Authorized Signature List** - An annually updated City-wide listing of all employees authorized by their department directors to sign petty cash vouchers, DA-23s, City Stores requisitions, work orders, and receiving reports.

D. **Batch** - Credit/debit transactions that are grouped together and sent to the merchant account for processing.

E. **Change Fund** - Utilized to collect fees and make change ONLY for City business transactions. The fund will not be used as petty cash for disbursements nor will it be used to cash City warrants or personal checks. The cash balance will remain constant and consist of City authorized funds only.

F. **Change Fund Bank** - Amount of a change fund utilized to conduct business transactions. This can be the full amount authorized or a portion thereof.

G. **Checking Account** - Utilized for the purpose of making recurring payments or purchases, where allowed by the Tucson City Code, and where the timing and nature of the expenditure precludes the use of the City's centralized purchasing and payment procedures.

H. **Custodian** - An employee assigned possession, maintenance, replenishment, and safeguarding of an account or fund.

I. **Fee** - A charge attached to all credit/debit transactions by the City's bank and the financial institution that issued the card being used. Fees vary according to what type of card and which financial institution is involved in the transaction.

J. **Merchant Account** - Allows the City to accept credit/debit card payments to pay for City services. The account is set up by the bank to collect and distribute funds processed through a merchant terminal.

K. **Merchant Terminal** - An electronic device used to record and transmit credit/debit card transaction information.

L. **pCard** - A credit card issued to an individual employee or a department/division/project that is used to pay for various City related purchases.

M. **Petty Cash** - Utilized for the purpose of making emergency, non-recurring, and miscellaneous purchases that cannot be paid with a pCard. Petty cash will not be used for the purpose of avoiding or circumventing the City's centralized purchasing procedures.

N. **Petty Cash Voucher** - The form used to record individual disbursements of petty cash.

O. **Signer** - An employee assigned the duties of signing checks for payments made to conduct City business transactions.

IV. ESTABLISHING ACCOUNTS

Accounts are established by the Finance Department's Accounting or Treasury Divisions after a written request from a Department Director has been reviewed and approved by the Finance Director, or designee.

V. RESPONSIBILITIES

A. **Finance Director** - The Finance Director, or designee, is the approving authority for all accounts. The dollar amount of each account will be determined by the Finance Director, or designee, based on consideration of the requesting department's needs.

B. **Department Director**

The department director will:

1. Ensure that all accounts are requested and justified in writing to the Finance Director.

2. Be accountable for all monies in the account and be responsible for the security of the account.

3. Ensure that detailed written cashiering procedures, other than this directive, are developed for circumstances unique to the department.

4. Develop change fund monitoring procedures, including actions required when overages or shortages occur. Unusual or excessive overages or shortages will be reported by a memorandum from the department director to the Finance Director.

5. Designate a custodian and alternate custodian(s), as needed, for each account.

6. For checking accounts, designate a minimum of two persons in positions of responsibility to sign checks. Alternate signers may be designated, as all checks must have two signatures. Account custodians may not be a designated signer for the same account for which they are the custodian.

7. Provide the Accounting Division with a completed Authorized Custodian Form indicating the employees designated to be the account custodians.

8. Provide the Treasury Division with a completed Authorization Custodian Form indicating the employees authorized to be check signers.

9. Provide written notice to the Accounting/Treasury Divisions when there is a change in the designated employees or the amount of the account/fund is changed by attaching a sample signature of each of the designated employees using the Authorized Custodian Form available at the end of this directive and on the Finance Department's intranet page.

10. The department is responsible for fees incurred as a part of doing business.

C. **Accounting Division**

The Accounting Division will:

1. Maintain a schedule of established accounts which includes the approved amount, designated custodians, and signature samples from those listed above for each account.

2. Reconcile the checking accounts to the bank statements.

D. **Treasury Division** - The Treasury Division will maintain a schedule of established checking accounts which includes the approved amount, designated signers, and signature samples from those listed above for each account.

E. **Custodian**

The custodian will:

1. Safeguard the account/fund.

2. Control the activity of the account on a continuing basis in accordance with the provisions of this directive and the purpose of the account.

3. Be responsible to the department director for the proper operation of the account; however, this does not relieve the director of primary responsibility for the account/fund.

VI. CHANGE FUNDS

A. Cashiers

1. Start of Shift:

   a. Receive the change fund bank in accordance with department procedures.

   b. Verify the dollar amount of the change fund bank. If the amount is incorrect, notify supervisor immediately.

   c. Sign and date a log to indicate the amount of the change fund bank that was received. Logs will be established and maintained in accordance with department procedures.

2. During Shift:

   a. If a cash register is being used, close the cash register drawer after each transaction. Lock the drawer when leaving the register unattended.

   b. Stamp checks with a restrictive endorsement immediately upon receipt before placing it in the cash drawer.

   c. Depending on department procedures, ensure that a receipt is given to the customer for each transaction.

d. Follow the procedures established by your department to handle void transactions.

e. Use a counterfeit detection pen on currency of 20 dollars or larger. Contact your supervisor immediately if there is any question about the authenticity of currency.

3. After Shift:

a. Remove all money from the cash drawer.

b. Count cash in an area separate from public view or access. Count out the amount of the change fund to bring the change fund bank to the preferred mix of currency denominations. Secure the change fund bank in accordance with department procedures.

c. Count all of the remaining money and prepare a cash count report. Secure the money and cash count report in accordance with department procedures.

B. <u>Custodians</u>

1. Establish written procedures to ensure that change funds and the revenues collected are properly safeguarded at all times.

2. Develop detailed written cashiering procedures, other than this directive, for circumstances unique to the department.

3. Whenever possible, ensure that only one cashier works out of each cash drawer.

4. Establish procedures for handling "void" cash register transactions. Closely monitor "no-sale" and "void" transactions to ensure that they are appropriate.

5. Monitor change fund overages and shortages to determine which cashiers may need additional training or counseling on proper cash handling procedures.

6. Ensure that staff is informed of all procedures.

7. Conduct spot checks to ensure that procedures are being followed.

8. Deposit revenues.

C. **Deposits**

1. Deposits to Collections - Send cash, cash count report, cash register tapes, and supporting documentation to the Finance Department's Collections Section.

2. Deposits Directly to a Bank:

   a. Prepare a bank deposit slip.

   b. Send cash and bank deposit slip to the bank.

   c. Send a copy of the bank deposit slip, the cash count report, cash register tapes, and supporting documentation to the Collections Section.

VII. CHECKING ACCOUNTS

A. **Custodian**

The checking account custodian will:

1. Replenish the account at least once a month; however, it may be replenished more frequently if necessary.

2. Complete the cash disbursement record. List the amounts expended in check number order. Attach disbursement documentation and check copies with the completed record. Forward a copy of the cash disbursement record to the Accounting Division to assist with the reconciliation process.

3. Pick up reimbursement checks from the Accounting Division. Reimbursement checks may be deposited directly into the bank by requesting an Electronic Funds Transfer.

4. Order checks.

5. Arrange to have bank statements mailed directly from the bank to the City of Tucson, Accounting Division, P.O. Box 27450, Tucson, Arizona 85726-7450, for reconciliation of the account.

B. **Signers** - A signature stamp will not be used for any signature on the check. Designated signers will review the documentation presented by the account custodian for appropriateness of the payment, and review the accuracy of the written check before signing it.

VIII. MERCHANT ACCOUNTS

A. Initial Request

1. A department wishing to create a merchant account must send a memorandum to the Finance Director requesting the account. The memorandum must be signed by the department director or designee. The memorandum will state the reason the account is needed, where the merchant terminal(s) will be located, and the name and telephone number of a contact person.

2. The City currently accepts credit cards and debit cards. VISA and MasterCard are automatically set up by the bank contracted to process merchant accounts for the City. The acceptance of American Express or Discover Cards will require additional work by the department to set up. The fees for all cards vary.

3. The Accounting Division will serve as the liaison between departments and the bank for setting up the merchant account. The merchant terminal(s) will be ordered for each department by the Accounting Division. The bank will then supply the department with the terminal/equipment needed to process credit/debit card transactions.

4. The department will be responsible for any expenses incurred for the lease or purchase of equipment and any supplies needed. The departmental point of contact will be setup for online web access to view their merchant account(s) transactions.

5. Money collected from credit/debit transactions will be set up to automatically deposit into the City Treasurer Deposit Account unless approval was obtained for deposit into an imprest account.

B. Deposits

1. The department will batch transactions from payment terminals and electronically transfer them to the bank for processing daily. When a batch is transmitted, the terminal will print out a batch settlement report. Payments accepted via website will require daily activity reports be printed from the web site or from the payment processor.

2. The department will reconcile the batch/daily activity reports to the actual receipts on a daily basis so the credit/debit card amount may be added to the daily cash deposits. Any discrepancies between the daily reports and actual receipts must be resolved by the department. One copy of the batch report will be filed with the signed copies of the receipts. The other copy of the batch report will be sent to the Collections Section with the deposit.

3. The department will keep the batch settlement/daily activity report along with signed receipts on file in a secure location in order to research customer disputes. It is the department's responsibility to protect confidential customer credit card information and retain transaction documentation for a period of three (3) years.

C. Miscellaneous

1. The department will respond to any customer disputes prior to the imposed deadline. City Collections will be notified by the department of any successful dispute that results in a chargeback to the City. An account number to record the transaction in the general ledger will be provided by the department.

2. The department will be responsible for paying all fees associated with their merchant account. The Accounting Division will record any merchant bank fees deducted from the Treasurer's bank account through City Collections using the account number provided by the department. The Accounting Division will provide the department with the cash receipt information once processed.

3. The department will be responsible for ordering all supplies for the terminal.

4. The department is responsible for the reconciliation of the monthly merchant statement and to ensure that all batches were received and the correct amounts deposited. The department will report to the bankcard processor any missing or incorrect batch amounts for investigation. Unresolved discrepancies on the deposit amount should be reported to the Accounting Division.

5. The Accounting Division will post daily banking reports on the intranet at http://intranet.ci.Tucson.az.us/index.php/ach-transactions-dailymonthly for reconciling purposes.

6. The department will submit a Merchant Account Custodian Form to the Accounting Division whenever there is a change to merchant account equipment or custodians.

IX. PETTY CASH

Petty cash can be used for purchases costing no more than $150 (excluding tax) unless a business accepts pCards for payment.

A. Authorized Petty Cash Expenditures

Petty cash is authorized for the following:

1. Day-trip travel expenses not paid through the payroll system completed in accordance with Administrative Directive 3.03-1, Travel Authorization and Expenses Allowances. Meals are not an authorized expense.

2. Mileage allowance claims not paid through the payroll system and approved for reimbursement in accordance with Administrative Directive 6.02-1, Mileage Reimbursement and the Executive Vehicle Reimbursement Program.

3. Business related lunches, as follows:

   a. The lunch must have a City business purpose, attendees must include non-City employees, and the location must provide an atmosphere that is conducive to business discussions. Examples include: City officials whose job responsibilities include promotion of the City or lunches for non-City employees when providing service to the City, such as members of oral boards and commissions.

   b. Requests for reimbursement must include the receipt and a memorandum documenting the date, location, purpose of the lunch, and attendees.

4. Other purchases may be authorized **in writing** by the City Manager, Finance Director, the department director or their designee on a case-by-case basis. Any questions about the appropriateness of a petty cash purchase or written authorization requirements should be directed to the Accounting Administrator at 791-4561.

B. **Expenditures NOT Authorized from Petty Cash**

1. Items costing more than $150 unless specifically exempted from this provision in writing by the Finance Director, the department director, or designee. This authorization will be documented by the director's or designee's signature on the petty cash voucher.

2. Payment for personal services (i.e., expenses for salaries, wages, and related employee benefits).
3. Cashing personal or payroll checks.

4. Items purchased without proper receipt or authorization.

5. Loans and advances for personal use.

C. **Approval Signatures** - A signature stamp will not be used for any signature on the voucher. In addition to being personally signed by the purchaser and the account custodian, petty cash vouchers will have the approval signature of the department

director, division head, or their designee listed on the Authorized Signature List. The account custodian or the purchaser will not approve their own transactions.

For software purchases, the petty cash voucher will also be signed by the Information Technology Director, or designee, to ensure that the software is added to Information Technology's inventory of City owned software.

D. **Receipts** - Petty cash vouchers will be supported with an original sales receipt from the vendor; copies are not acceptable.

When the sales receipt fully describes the item sold, the "Description" portion of the petty cash voucher may state "per attached receipt." When only a cash register tape is available, a description of the items purchased must be shown on the petty cash voucher.

If the purchaser loses the receipt, a memorandum will be attached, signed by the purchaser and the department director or designee, verifying that the goods or services were received by the City.

In the absence of receipts for such items as parking meter fees, telephone calls, copies, etc., a memorandum will be attached, signed by the purchaser and the department director or designee that states the goods or services were received by the City and that a receipt was not available.

E. **Reimbursing the Employee** - The petty cash custodian will reimburse the employee after ensuring that the petty cash voucher is properly prepared, includes the necessary supporting receipts or documentation, and is signed by a designated individual on the current Authorized Signature List.

Software purchases must also be signed off by the Information Technology Director or designee before the employee is paid.

Once the reimbursement has been made, the custodian will sign the petty cash voucher and record the information on the Cash Disbursement Record.

F. **Cash Advances** - Cash advances to employees to purchase authorized items with petty cash is permitted (petty cash advances for travel orders are prohibited – see Administrative Directive 3.03-1, Travel Authorization and Expenses Allowances).

The petty cash custodian may make advances of up to $150 per purchase only if the top section of the petty cash voucher has been properly prepared and contains the required authorizing signature.

Employees receiving advances from petty cash will make the authorized purchase and provide receipts to the petty cash custodian within five working days of the advance. At

the time receipts are given to the petty cash custodian, the bottom section of the petty cash voucher will be completed in full, except that the department director or division head need not sign the approval again.

The petty cash custodian will review descriptions of items purchased to ensure that they are the same items that were authorized at the time of the advance. Any monies advanced in excess of documenting receipts will be recovered at this time and returned to the petty cash custodian.

G. **Replenishing Petty Cash** - Petty cash custodians should replenish the account weekly, but not less than once per month, according to the following procedure:

Amounts expended will be recapped in account number order on the lower portion of the Cash Disbursement Record. The form and receipts will be submitted to the Accounting Division for processing.

The Accounting Division will not make reimbursements for payments without a properly prepared petty cash voucher form supported by a receipt, cash register tape, or attached statement. No reimbursements will be made for unauthorized payments. The documents for disallowed payments will be returned to the petty cash custodian for appropriate action.

Pick up reimbursement checks.

H. **Losses and Shortages** - Petty cash losses or shortages (voucher or cash) will be reported by the department director or designee via memorandum to the Finance Director for necessary action. The memorandum must be signed by the Finance Director or designee to replenish the petty cash fund to the authorized amount.

I. **Overages** - Overages in petty cash will be listed as a credit to the reimbursement request, and an appropriate revenue account, provided by the Accounting Division, will be used. A statement explaining the overage will be included.

X. pCARD ACCOUNTS

pCard accounts are managed by the Procurement Department in accordance with the Procurement Card Program Information guide located at the following web site address - http://www.tucsonprocurement.com/assets/program%20manual.pdf.

XI. PROCEDURES TO INCREASE, DECREASE, OR CLOSE AN ACCOUNT

A. For any changes to an account, submit a memorandum from the department director to the Finance Director along with a brief explanation and supporting documentation for the request.

B. Submit a copy of the approved request to the Accounting Division for follow-up.

C. Additional procedures for reducing or closing an account:

1. Deposit the excess/remaining funds with the Collections Section. The description on the transaction receipt will state either a reduction or closure of the account.

2. Contact the Accounting Division if the account number is not known.

Attachments

1 - Petty Cash Voucher
2 - Cash Disbursement Record
3 - Cash Count Report
4 - Petty Cash/Change Fund Form
5 - Merchant Accounts Form
6 - Authorized Custodian Forms

References

3.03-1, Travel Authorization and Expenses Allowances
6.02-1, Mileage Reimbursement and Executive Vehicle Reimbursement Program

Review Responsibility and Frequency

The Assistant City Manager/CFO will review this directive annually, or as necessary.

Authorized

City Manager — Date 5-12-12

Richard Miranda

CITY OF TUCSON

PETTY CASH VOUCHER

COMPLETE THIS SECTION ONLY IF MONEY IS BEING ADVANCED

AMOUNT ADVANCED $ _____ DATE _____

REASON FOR ADVANCE _____

PURCHASER EMPL. #	APPROVED DEPT./DIV HEAD OR AUTHORIZED REP.
APPROVED IMPREST CASH CUSTODIAN	

THIS SECTION MUST BE COMPLETED WHEN RECEIPT IS PRESENTED FOR REIMBURSEMENT

PAID TO _____ DATE _____
VENDOR

DESCRIPTION	AMOUNT
CASH ADVANCED	$
TOTAL PURCHASES	$
AMOUNT FROM ADVANCE RETURNED TO PETTY CASH CUSTODIAN	$

PURCHASER EMPL. #	APPROVED DEPT./DIV HEAD OR AUTHORIZED REP.
APPROVED IMPREST CASH CUSTODIAN	ACCOUNT NUMBER

X

IMPREST CASH DISBURSEMENT RECORD

**FOR ACCOUNTING DIVISION USE

TRANSACTION CODE	P V	VOUCHER NUMBER		VOUCHER DATE	M M D D Y Y	ACCOUNTING PERIOD	M M Y Y	BUDGET FY	Y Y

ACTION	TYPE OF VOUCHER	SCHEDULED PAYMENT DATE	M M D D Y Y	OFFSET LIABILITY ACCOUNT		FIXED ASSET IND	
☐ Original Entry (E) ☐ Adjustment (M)	☐ Outside Vendor (1) ☐ Reimbursement (4) ☐ Between Funds (2) ☐ Transfer (5) ☐ Within Fund (3) ☐						☐ FIXED ASSET (F)

VENDOR CODE

VENDOR NAME _____

ADDRESS _____

Total Disbursed $ -

Cash in Drawer

Advances

Deposits in Transit

TOTAL CASH $ -

Total Cash (from left) $ -

Amount of Fund

Difference $ -

LINE NO.	DESCRIPTION	FUND	DEPT	UNIT	ACTIVITY	OBJ REV SOURCE	BS ACCT	PROGRAM CODE	REPT CATEGORY	AMOUNT	INC DEC
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											

Prepared by: Name _____ Date _____ Approved by: Name _____ Data Entry: Initials _____ Date _____

Printed Name: _____ Printed Name: _____

CONTINUED FROM PAGE 1

LINE NO.	DESCRIPTION	FUND	DEPT	UNIT	ACTIVITY	OBJ RCV SOURCE	BS ACCT	PROGRAM CODE	REPT CATEGORY	AMOUNT	INC DEC
19											
20											
21											
22											
23											
24											
25											
26											
27											
28											
29											
30											
31											
32											
33											
34											
35											
36											
37											
38											
39											
40											

CITY OF TUCSON

TREASURY DIVISION COLLECTIONS SECTION

CASH COUNT REPORT

DATE _____

STATION _____

CURRENCY	_____ x Ones	$	-
	_____ x Twos	=	-
	_____ x Fives	=	-
	_____ x Tens	=	-
	_____ x Twenties	=	-
	_____ x Fifties	=	-
	_____ x Hundreds	=	-
	Total Currency	$	-
COIN	_____ x .01	=	-
	_____ x .05	=	-
	_____ x .10	=	-
	_____ x .25	=	-
	_____ x .50	=	-
	_____ x 1.00	=	-
	Total Coin	$	-
Misc. Items (Collections Only)	Deposit Slip Total		
	Add: Credit Advices		
	Less: Charge Advices		
	Total Misc. Items	$	-

Currenty Total	$	-
Coin Total		-
Checks Total		
Misc. Item Total		-
GRAND TOTAL	$	-

Cashier _____

Verified by _____

Bag No. _____

TR No. _____

Revised 1/29/2010

CITY OF TUCSON
ACCOUNTING DIVISION
AUTHORIZED CUSTODIAN FORM
PETTY CASH/CHANGE FUND

Please complete and return to Accounting Division:
Reason for Form:

_____**New Fund** _____**Change in Custodian/ Alternate** _____**Change in Amount**

_____**Annual update** _____**Add/Delete Custodian/ Alternate**

Change From: _____
To: _____

Amount: $_____ Date:_____

CUSTODIANS

Typed Name of Custodian: _____

Signature of Custodian: _____

ALTERNATES

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Department Head Approval: _____

Finance Department Approval: _____

Accounting Use: (If this is an existing account, dept please supply info below)

Account Number: _____

Bank Account #: _____

Vendor Number: _____

Name of Account: _____

CITY OF TUCSON
ACCOUNTING DIVISION
AUTHORIZED CUSTODIAN FORM
PETTY CASH/CHANGE FUND

ALTERNATES

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

City of Tucson
Accounting Division
Merchant Account Custodian and Equipment

Date: _____

Reason for form:

_____ New Merchant Account
_____ Annual Update
_____ Change in Custodian/Alternate
_____ Change in Equipment

Merchant Account Information (dept please supply for existing accounts)

Merchant Account Name _____

Merchant Account Number: _____

Bank fees vendor # _____

Bank Fees fund account (use object 215) _____

Processing Terminals:

Terminal #1 Model _____ Rent/Lease or purchased: _____

Terminal #2 Model _____ Rent/Lease or purchased: _____

Terminal #3 Model _____ Rent/Lease or purchased: _____

Terminal #4 Model _____ Rent/Lease or purchased: _____

For Third Party Processor for online payments
Company name: _____
Company phone number _____
Web site used to accept payment: _____

Custodians:

Primary: _____ Phone number: _____

Alternate _____ Phone Number: _____

Department Head Approval: _____

Revised 1/29/2010

CITY OF TUCSON
ACCOUNTING DIVISION
AUTHORIZED CUSTODIAN/SIGNER FORM
IMPREST/MERCHANT ACCOUNTS

Please complete and return to Accounting Division:
Reason for Form:

_____**New Fund** _____**Change in Custodian/ Alternate** _____**Change in Amount**

_____**Annual update** _____**Add/Delete Custodian/ Alternate**

Change From: _____
To: _____

Amount: $_____ Date:_____

A. **CUSTODIAN:**
Typed Name of Custodian: _____

Signature of Custodian: _____

Typed Name of Alternate: _____

Signature of Alternate: _____

B. **SIGNERS:**
Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Department Head Approval: _____

Finance Department Approval: _____

Accounting Use: (If this is an existing account, dept please supply info below)

Account Number: _____

Bank Account #: _____

Vendor Number: _____

Name of Account: _____

CITY OF TUCSON
ACCOUNTING DIVISION
AUTHORIZED CUSTODIAN FORM
IMPREST/MERCHANT ACCOUNTS

SIGNERS

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

Typed Name of Signer: _____

Signature of Signer: _____

ADMINISTRATIVE DIRECTIVE

DIRECT PAYMENT AUTHORIZATION FOR SERVICES/ITEMS PROCURED OUTSIDE THE CITY'S PROCUREMENT PROCESS	NUMBER 3.02-2	PAGE 1 of 4
	EFFECTIVE DATE July 25, 2014	

I. PURPOSE

This administrative directive sets forth the policy and procedures for making payments for services/items obtained outside the city's procurement process.

II. POLICY

The city's procurement process must be used to purchase goods and services unless otherwise permitted in this directive. Use of the Direct Payment Authorization Form (formerly DA23) shall be restricted to certain types of payments as described in this directive. The Direct Payment Authorization Form should only be used for authorized purchases that cannot be acquired with the pCard.

III. DEFINITIONS

A. **Procurement Process** – Buying, purchasing, renting, leasing, or otherwise acquiring any materials, services, or construction as prescribed by the Tucson Procurement Code.

B. **pCard** – The City of Tucson's purchasing card which is a form of credit card that allows goods and services to be procured. Contact the Procurement Department at 791-4347 for more information.

IV. USE OF PAYMENT AUTHORIZATION FORM

The most frequent and representative authorized uses of the Direct Payment Authorization Form are listed below. Questions regarding any other use should be directed to the Finance Department (Accounting Division) or Procurement Department.

A. **Authorized purchases**:

1. Registration fees for all training sessions located within Pima County that cannot be made using a pCard and in accordance with Administrative Directive 3.03-1, Travel Authorization and Expenses Allowances.

2. Trade or professional memberships.

3. Subscriptions or periodicals.

4. Items funded by certain types of grants not requiring the city procurement process (e.g., Section 8 Housing Entitlements).

5. Refunds to citizens, businesses, or other organizations for overpayments, duplicate payments, and cancelled class events.

6. Various Improvement District payments and refunds.

7. Payments to the master custodians and money manager hired by action of the Tucson Supplemental Retirement System Board.

8. Payments made for Lease/Purchases, payments to Bond Attorneys, Financial Managers, attorney to Public Safety Personnel Retirement System Boards, etc.

9. Payments authorized within Intergovernmental Agreements or Financial Participation Agreements.

B. Unauthorized purchases:

1. Those items purchased within the procurement process.

2. Reimbursement to city employees for purchases that should have been acquired through the procurement process.

3. Payment of travel and lodging expenses, per diem, and registration fees to attend a conference, training session, convention, or meeting outside of Pima County as defined by Administrative Directive 3.03-1, Travel Authorization and Expenses Allowances. (Payment is requested by completing a Travel Order and Expense Report.)

4. Payments for use of personal vehicle as defined by Administrative Directive 6.02-1, Mileage Reimbursement and the Executive Vehicle Reimbursement Program, Section IV. B. (Payment is requested by completing a Vehicle Allowance Claim for Personal Car.)

5. Payments to city employees for educational reimbursements as defined by City of Tucson Administrative Directive 2.01-1I, Tuition Reimbursement Program. (Payment is requested at www.coteu.org, with reimbursement paid through the payroll process.)

6. Payments made from imprest cash accounts (petty cash account, change account, and imprest checking account), as described in Administrative Directive 3.02-1, Cash Handling: Change Funds, Checking Accounts, Merchant Accounts, and Petty Cash.

7. Payments to any city employee for personal labor, including overtime. (All employee labor is paid through the payroll process.)

8. Payments for legal and display advertisements as defined by Administrative Directive 1.02-8, Legal and Display Advertisements in Local Newspapers.

V. PROCEDURES

1. Only the current edition of the Direct Payment Authorization Form, as available on the City's intranet at www.intranet.ci.tucson.az.us/finance may be used for processing payments outside of the City's procurement process. A Direct Payment Authorization Form Checklist is also available for reference to help ensure all necessary information is included with the form for processing.

2. A Direct Payment Authorization Form should be prepared by the department and signed by an authorized signer. The signed original Direct Payment Authorization Form shall be submitted along with the original copy of the supporting documentation to the Accounting Division, Accounts Payable Section. If documentation is required to be sent with the check for clarification of payment, an additional copy of the supporting document can be submitted with the form. A copy is also kept in the originating department's records.

3. The Accounting Division reviews each Direct Payment Authorization Form for appropriate use, authorized signature(s) based on the disbursement amount, and proper documentation. When approved, the Accounting Division will process the payment. If there are any problems with the documentation the preparer will be contacted to resolve the issue or it will be returned to the originating department for correction.

4. All Direct Payment Authorization Forms are subject to audit by Internal Audit and by the City of Tucson's independent audit firm.

Appendices None

References
1.02-8, Legal and Display Advertisements in Local Newspapers
2.01-1I,Tuition Reimbursement Program
3.02-1, Cash Handling: Change Funds, Checking Accounts, Merchant Accounts, and Petty Cash
3.03-1, Travel Authorization and Expenses Allowances
6.02-1, Mileage Reimbursement and the Executive Vehicle Reimbursement Program

Review Responsibility and Frequency The Assistant City Manager/CFO will review this directive annually, or as necessary.

Authorized

City Manager

8-20-14
Date

Martha Durkin

ADMINISTRATIVE DIRECTIVE

UNIFORMS FOR CITY PERSONNEL	NUMBER	PAGE
	3.02-3	1 of 4
	EFFECTIVE DATE	
	October 1, 2015	

I. PURPOSE

To establish a uniform policy to maximize safe working conditions, promote a professional appearance and provide ease of recognition or identification of City of Tucson employees by the public.

The appearance of City of Tucson employees reflects the image of the organization and has a significant impact on how City of Tucson employees are viewed by customers and the general public.

II. POLICY

The City of Tucson expects its employees to present a high standard of personal appearance and grooming. Employees required to wear a uniform must adhere to the policies and procedures outlined in this directive. Supervisors are responsible for ensuring guidelines are met.

Employees are to be neatly and appropriately attired for the type of work they perform. Uniforms must be worn when on duty and should be well maintained.

An employee arriving for work dressed in a way that is inconsistent with policy will be advised by their Supervisor that the employee's attire or grooming is not proper for work and given the opportunity to immediately address the issue. If necessary, the employee may be directed to return home to change (the time to travel and change will not be paid). Deliberate breaches of this policy may result in disciplinary action

Uniforms are furnished according to the terms of the Labor Agreements or department policy. Responsibility for uniform laundering, maintenance, and exchange of damaged uniforms remains with the employee with the exception of employees working in departments or divisions where uniforms are provided through a contracted uniform vendor.

A. Employees not provided City uniforms, and employees provided City uniforms, but who want additional uniform garments, may purchase uniforms at the City contract price. All uniforms bearing a City insignia shall be used for City work only.

B. Departments shall ensure that only the type of uniform specified for each position is ordered.

C. Wearing uniforms as described by this directive shall be mandatory with the following exception(s):

1. Employees who are required to wear special clothing as designated in City Safety or OSHA regulations.

2. Employees whose positions have not been designated by the department as requiring a uniform.

III. DEFINITIONS

A. **Eligible Personnel** - Employees whose duties require protective clothing or contact with the public including commissioned personnel in the Police and Fire Departments. Field and shop uniforms are worn in the following departments:

City Court	Parks and Recreation
Environmental Services	Police
Fire	Procurement
General Services	Transportation
Housing and Community Services	Water

B. **Uniform Set** – Includes one shirt and one pair of trousers and any cap, T-shirt, jacket, protective clothing or coverall required by the employee position.

IV. UNIFORM SPECIFICATIONS

A. **Regulation Field and Shop Uniforms** - Shall be determined by each department. Department directors are responsible for obtaining Budget approval for their uniform requirements. Department directors shall select the type and quantity of uniforms needed, including any special uniform request.

B. **Placement of City Insignia** - The City emblem shall be centered on the left sleeve immediately below the shoulder seam, or directly above the left shirt pocket, or both. Departmental emblems may be provided at the option of departments and shall be worn centered on the right sleeve of the shirt immediately below the shoulder seam or centered on or above the front pocket. Departments shall ensure that the vendor, not employees or departments, attach the emblems.

V. UNIFORM ISSUE AND ALLOWANCE

A. General

1. When an employee is transferred to a position requiring a uniform, or promoted to a position that requires a different uniform than has been issued to the employee, that employee may receive a new issue of uniforms appropriate to the new position.

2. All uniforms to be replaced shall be sufficiently worn to warrant replacement. Employees may keep any worn uniform items that are replaced; however, all City insignia must be removed before wearing for personal use.

3. If an employee's uniform is destroyed under unusual job-related circumstances, a replacement will be issued as soon as possible. Except for unusual job-related circumstances, no employee shall be issued more than the number of uniform sets specified in this directive during any 12-month period. However, at their own expense, employees may replace uniform items beyond the limitations established in this directive.

4. Labor Agreements establish members' uniform maintenance allowance and payment schedule. Non-represented employees receive a uniform allowance as determined by the department.

5. Uniform replacements need not be issued in "sets". An employee may select any combination of uniform items that does not exceed the cost of the replacement set(s) to which the employee is entitled.

B. Permanent Full-Time Employees

1. **Initial Issue** - Permanent full-time employees are issued uniforms according to department policy or Labor Agreement.

2. **Annual Replacement Issue** - Permanent full-time employees, employed the full issue year, are issued replacements as needed.

3. **Annual Replacement Issue - New Employees** - For new employees not employed for their ordering group's full issue year, the employee's department **shall** prorate the replacement allowance, based on the number of months worked by the employee.

C. Permanent Part-Time Employees

At the time of employment with the City, permanent part-time employees shall be issued two (2) uniform sets and annually thereafter, no more than one (1) replacement set.

D. Temporary, Hourly (including seasonal and intermittent), Contract, and Provisional Employees

1. Temporary, hourly (including seasonal and intermittent), contract, and provisional employees may receive uniforms at the discretion of their departments.

2. These employees may be issued new or used uniforms, at the department's discretion. However, no more than two (2) new uniforms may be issued. If the

employee needs only trousers or only shirts (i.e., not a uniform set), no more than two of these items may be issued.

VI. UNIFORM ORDERING

Departments will follow uniform ordering requirements and procedures as established by the Department of Procurement.

City contracts will determine the "order month" for each department.

Ordering instructions are maintained by the Department of Procurement.

VII. UNIFORM DISPOSITION UPON TERMINATION OF EMPLOYMENT

A. Permanent Employees

At separation from the City, permanent employees may, at the discretion of their department, be required to turn in their last issue of uniforms. All employees not required to turn in uniforms shall remove all City insignia before wearing for personal use.

B. Temporary, Hourly, Contract, and Provisional Employees

At termination of employment, temporary, hourly, contract, and provisional employees shall turn in all City uniforms (laundered) to their department.

Appendices None

References None

Review Responsibility and Frequency The Director of Human Resources will review and revise this directive as needed. Last review date: 5/1/2000.

Authorized

City Manager — Date 11/12/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

POLICY AND PROCEDURES FOR LEASING OF PERSONAL PROPERTY	NUMBER 3.02-5	PAGE 1 of 5
	EFFECTIVE DATE November 1, 2016	

I. PURPOSE

To set policy and prescribe administrative procedures for obtaining the most favorable financing terms available for the leasing of personal property.

II. SCOPE

This directive provides guidance for the acquisition of personal property either through a vendor or third party financing, typically for a term of three to seven years. This directive does not apply to equipment or property acquired through the use of bond funds or Certificates of Participation (COPs).

III. DEFINITIONS

A. **Lease Agreement** – A contract between the City as lessee and a vendor or third party as lessor, where the City obtains personal property by making a series of lease payments to the lessor.

B. **Personal Property** – Property, other than real property, consisting of temporary or movable assets. This includes equipment and vehicles.

C. **Real Property** – Property consisting of land, buildings, or improvements on or to the land.

D. **Capital Lease** – A lease agreement is classified as a capital lease when substantially all risks and benefits of ownership are assumed by the City of Tucson. A capital lease is recorded as an asset of the City, with a corresponding liability for the full amount of the lease obligation. A lease is considered a capital lease if it meets one of the following criteria:

1. The lease transfers ownership of the property to the City at the end of the lease term.

2. The lease contains a bargain purchase option. A provision to purchase the property anytime during the lease term at a price less than the fair value.

3. The lease term is equal to or more than 75% of the estimated economic life of the leased property.

4. The present value of the minimum lease payments at the inception of the lease equals at least 90% of the fair value of the leased property.

E. **Operating Leases** – A lease agreement where there is no transfer of ownership with the asset being returned to lessor/vendor at the end of the agreement. An operating lease is treated like a series of rental payments.

IV. POLICY

A. Purchasing Process - As with any purchase, departments will follow the standard procurement process to acquire the personal property to be leased.

B. Lease Information Form and Lease Purchase Analysis Required - The primary reason for leasing rather than outright purchase should be because the direct purchase is not possible and other financing mechanisms are not available or are more expensive than leasing. The attached Lease Information Form must be completed by the department requesting the lease and submitted to the Finance Department Treasury Administrator and Procurement Department prior to embarking upon a lease. With the assistance of the Treasury Administrator, a lease purchase analysis should be completed by the department prior to entering into a lease agreement to demonstrate leasing is the most advantageous option for the City. The analysis must take into consideration the following criteria:

- Technical and operational useful life of the asset(s)
- Likelihood of continued use beyond the lease term
- Budgeting/cash flow concerns
- Financing terms (term, cost of borrowing)
- Type of lease (Operating vs. Capital)

Advantages of leasing:

- Preserves capital and avoids large cash outlays
- Matches the cost with the useful life of the asset

C. Budget Approval – During the annual budget process, the Finance Director and the City Manager's Office will determine if leasing demonstrates to be the most sound business decision for the use of available financial resources. Departments must have budget approval prior to requesting a lease option from the Finance and Procurement Departments. Budget approval is established upon completion of the form under IV. B.

D. Authorization and Mayor and Council Approval

1. Authority to Enter into Lease Agreement on Behalf of the City - The Procurement Director shall establish, through the standard procurement process, the purchase cost and the Finance Director shall determine the best financing options available. The Finance Director shall approve a proposed lease prior to the Procurement Director executing the lease agreement. Department directors and City employees are not authorized to purchase or enter into vendor or third party leasing agreements.

2. **Mayor and Council Approval** - Leases are legally binding agreements that financially obligate the City; therefore, all leases greater than or equal to $200,000 must have Mayor and Council Authorization. If a lease option is determined and included in the annual budget that is subsequently adopted by Mayor and Council, the lease is considered approved. If the lease was not included in the adopted budget and it is greater than $200,000, the Treasury Division will seek Mayor and Council approval prior to entering into a lease agreement.

3. **Capital Leases** - Negotiation, review and processing of all capital leases will be the responsibility of the Treasury Division and will require final approval of the Finance Director.

4. **Operating Leases** - Negotiation, review and processing of operating leases greater than or equal to $200,000 will be the responsibility of the Treasury Division and will require final approval of the Finance Director. Operating leases less than $200,000 will be the responsibility of the Procurement Director.

5. All vehicle and equipment leases whether capital or operating shall be worked in collaboration and with final approval of the Fleet Services Administrator in the General Services Department.

V. PROCEDURES

Step	Action	Responsible Party: Capital Lease	Responsible Party: Operating Lease >= $200,000	Responsible Party: Operating Lease < $200,000
1	The attached Lease Information Form must be submitted to the Treasury Administrator with the appropriate approvals. Lease purchase analysis must be completed.	Requesting Department and Budget	Requesting Department and Budget	N/A
2	A requisition must be submitted in OPIS; include Treasury Administrator and Budget Analyst in the approval path; upload the attached completed Lease Information Form to requisition. The standard purchasing process **will** be followed to acquire the equipment.	Requesting Department, Procurement, Budget, and Treasury	Requesting Department, Procurement, Budget, and Treasury	Requesting Department, Procurement, and Budget
3	Leases >= $200,000 require Mayor and Council approval. If budget capacity was included and approved by Mayor and Council during the budget process, the lease is considered approved. If not, the lease must be taken before Mayor and Council for approval prior to executing the lease agreement. This step can be accomplished concurrently with step two above.	Treasury	Treasury	N/A
4	Lease proposals will be obtained and reviewed to secure the most favorable financing terms for the City.	Treasury	Treasury	Procurement
5	If a third-party provider is financing the lease: When the property has been delivered and installed in good order, payment in full using available City funds shall be made by the requesting department directly to the vendor. The third-party provider will reimburse the City for the full price price of the equipment (see #7 below). If the vendor is financing the property, payment shall be made in accordance with the terms/conditions of the lease.	Requesting Department	Requesting Department	Requesting Department
6	Send executed lease documents to Requesting Department, Procurement, Accounting, and Budget.	Treasury	Treasury	Procurement
7	Request reimbursement from lessor to make the City whole and deposit proceeds in the appropriate general ledger account as provided by Accounting.	Treasury	Treasury	Procurement
8	Make rental or lease payments utilizing appropriate account codes for operating leases and capital leases as approved by the Accounting Division.	Treasury (Semi-annual)	Requesting Dept. (monthly) Treasury (Semi-annual)	Requesting Department

VI. GENERAL

Questions related to this policy and procedures shall be referred to the Finance or Procurement Director, as appropriate.

Attachment Lease Information Form

References None

Review Responsibility and Frequency The Director of Finance will review this directive as necessary. Last review date: August 6, 1999.

Authorized

City Manager 11/22/16 Date

Michael Ortega

CITY OF TUCSON
LEASE INFORMATION FORM

DEPARTMENT: _____ DATE: _____

REQUESTED BY: _____ PHONE: _____

DESCRIPTION AND ESSENTIAL USE OF EQUIPMENT:

_____

_____

ESTIMATED AMOUNT: _____

DESIRED TERM: _____

USEFUL LIFE OF EQUIPMENT: _____

DESIRED INTENTION AT THE END OF LEASE (CHOOSE ONE):

_____ KEEP EQUIPMENT _____ RETURN EQUIPMENT

EQUIPMENT LOCATION: _____

By signing you agree to the following statements:

I agree to comply with the City's policies and procedures for leasing of personal property.
The equipment to be financed will be used by the City for governmental purposes only.
I understand that the lease agreement is creating a financial obligation for the City which cannot be terminated until all lease payments have been made.
I understand that operating lease payments will be an expenditure within my budget.

SIGNED: _____ DATE: _____
Requesting Department's Director

NAME: _____ TITLE: _____

Budget Approval:
FUNDING SOURCE(S) FOR ESTABLISHED BUDGET CAPACY: (NAME, AMOUNT, GL ACCOUNT NUMBER)

_____ _____ _____

_____ _____ _____

Budget Capacity Included in Adopted Budget? Yes___No___

_____ _____
BUDGET APPROVAL DATE

NAME: _____ TITLE: _____

Travel

ADMINISTRATIVE DIRECTIVE

TRAVEL AUTHORIZATION AND EXPENSES ALLOWANCES	NUMBER 3.03-1	PAGE 1 of 17
	EFFECTIVE DATE July 25, 2011	

I. PURPOSE

To prescribe policies and procedures concerning authorization for travel of city employees on official city business unless provided for under Section VIII.E.

II. POLICY

A. Travel will only be approved if:

1. The purpose of the trip is to transact official business, attend official and professional meetings, or participate in conferences or training sessions necessary to promote the efficient conduct of the city's affairs, and
2. Official business cannot be handled by mail, fax, telephone, or e-mail.

B. Written approval by the City Manager or his/her designee is required for all travel with the exception of day trips.

C. The city will only pay for travel expenses that have been authorized by a signed and approved travel order or day-trip travel form. The departmental approval signature can not be the traveler.

D. Vacation or compensatory time may be taken in conjunction with travel on official business if approved by the employee's department director (see Section VII. A. 4). The travel order must indicate the employee's planned use of vacation or accumulated leave time.

III. DEFINITIONS

A. **City Vehicle** – For the purpose of this directive, either a vehicle owned by the City of Tucson or rented from the city's contracted vendor.

B. **Day-Trip** – Any out-of-county travel that allows an individual to depart and return on the same day.

C. **Day-Trip Travel Form** - A form used to authorize an employee's or group of employee's day-trip. See Attachment 1, Day-Trip Travel Form

D. **Entertainment Expense** – The purchase of a meal for a non-city employee for the express purpose of conducting business. The main purpose of the meal must be the active conduct of business, AND business must actually be conducted during the meal, AND there must be more than a general expectation of deriving income or some other specific business benefit at some future time.

E. **Incidental Expense Only Option** – An employee may be paid $5 per day or partial day if traveling away from home on business, and the City does not pay or incur meal expenses or pay per diem.

F. **Meals and Incidental Expenses (M&IE)** – Expenses while traveling that include meals and tips/gratuities for food and luggage handling type services. These expenses are included in the per diem rate.

G. **Miscellaneous Expenses** – Expenses incurred that are not included in the per diem rate. These expenses require receipts for reimbursement and include such items as cab fares, fax and telephone charges, room taxes, laundry, parking, and other business related expenses.

H. **Travel Order** - The term "travel order" refers to a form used by the City of Tucson to request authorization for travel, excluding day trips. See Attachment 2, Travel Order Request Form.

I. **Approved Travel Order** - A Travel Order Request Form that has been signed and approved by the employee's department and, if required, the City Manager's Office.

J. **Expense Report** - Denotes a City of Tucson Travel Order Expense Report (see Attachment 3). A travel order is considered "open" until an expense report has been filed with the Accounting Division and any refunds of travel advances due the city or reimbursement due the employee has been made.

K. **Per Diem Rate** – A federally established rate by travel locale for meals and related incidental expenses for employees on official government business. The allowance covers meals and incidental travel expenses for which itemized receipts are not required to be submitted. Current rates may be found at www.gsa.gov/mie .

L. **Procurement Card (pCard)** – A credit card issued by the City that may be used to make online travel arrangements, reserve hotel rooms, pay conference or seminar fees, or other business expenses related to approved travel.

IV. DEPARTMENT RESPONSIBILITY

A. Department directors are responsible to:

1. Screen all travel requests to limit trips, the number of employees traveling, points to be visited, itineraries, and the duration of the trip to those trips that are essential to the performance of the department's mission.

2. Exercise control of travel expenses by keeping them within established budget appropriations.

3. Examine travel destinations to ensure that employees travel to destinations that result in the lowest cost to the City of Tucson. (For example: If there are similar seminars, conferences, etc., scheduled throughout the year at various locations, usually the location closest to Tucson will be the least expensive.)

B. The Budget Office and the Accounting Division of the Finance Department shall monitor travel costs incurred under the provisions of this directive.

C. **Insurance Coverage** – City Risk Management requires that a signed and approved travel order or day-trip travel form is obtained **prior to travel** for all travel outside of Pima County even if all or part of the expense is to be paid by grant or outside agency. Employees on unapproved travel may not be covered by the City of Tucson insurance program

1. While employee is driving their privately owned vehicle on city business their auto insurance is primary. Any City insurance will be secondary and will come into use after the primary policy has paid out to the limits.

2. The city will provide legal defense and pay all settlements or judgments of claims or suits arising from an accident involving the use of a privately owned vehicle while conducting city business, subject to the following conditions:

   a. City coverage will be in excess of any other automobile liability insurance that provides coverage for an employee's vehicle while being used to conduct city business.

   b. The employee must be in the scope of city employment at the time of the accident.

   c. The employee must notify his/her supervisor of any accident while in the scope of employment as soon as possible and a Property Damage/Personal Injury report must be completed and sent to the Risk Management Division within two working days after the accident.

   d. The employee must notify his/her insurance carrier of the accident as soon as possible.

   e. The employee must cooperate in the city investigation and defense of any claim or suit.

The city will reimburse the employee for the physical damage deductible under comprehensive and collision coverage due to damage to an employee's vehicle arising out of the use of the vehicle while in the scope of city employment. The maximum reimbursement will be $1,000 whether or not the employee has physical damage

insurance coverage on the vehicle. All claims for the reimbursement of the deductible must be filed with the Risk Management Division and include supporting documentation.

D. **Travel in a Contracted Rental Vehicle** - The Fleet Services Motor Pool Office will utilize a contracted vendor to provide vehicles for all out-of-town travel. General use pool vehicles will not be available for travel outside the Tucson metropolitan area.

1. The assigned driver must have a valid Arizona drivers license and must be able to produce their license when picking up the contracted rental vehicle.

2. Reservations for Contracted Rental Vehicles must be made 5 business days in advance by sending a copy of an approved travel order or copy of an approved day-trip form to the Fleet Services Motor Pool Office, or by calling the Fleet Services Motor Pool Office at 791-3196. Employees making a Contracted Rental Vehicle reservation by telephone will be asked for their approved travel order number. A photocopy of the approved Travel Order Request Form or Day-Trip Travel Form must be presented when the vehicle is picked up by the employee.

3. Employees using Contracted Rental Vehicles for out-of-town trips may obtain an advance for gasoline through the Accounts Payable Section if a pCard is not available for fuel purchases. An approved Travel Order Request Form must be presented with each advance request. Receipts for any charges are to be submitted with the Travel Order Expense Report.

4. When mechanical assistance is required for a Contracted Rental Vehicle outside of the Tucson metropolitan area, the operator of the vehicle should contact the contracted vendor for instructions and vehicle replacement. The operator can also call Fleet Services at 520-791-3196 for assistance with the vendor during business hours.

5. The Contracted Rental Vehicle and key shall be returned to the Fleet Motor Pool Office at 4004 S Park Avenue, Building 3.

V. DAY TRIPS

A signed and approved Day-Trip Travel Form is required to travel outside of Pima County (even if all or part of the expense is to be paid by grant or an agency other than the City of Tucson).

A. **Approval** - An approved day-trip travel form is required prior to making any travel arrangements. The City is under no obligation to reimburse expenses incurred and/or paid by a city employee prior to receiving approval to travel if the trip is not approved later.

B. **Advances** - For day-trips that require $150.00 or less in advance payment for expenses, an employee should submit a completed Day-Trip Travel Form (Attachment 1) to his/her supervisor for approval. The form is maintained by the department and does not require approval from the Finance Department. An advance of $150 or less may be provided to the employee through petty cash.

Advances of more than $150.00 for a day trip require an approved travel order be submitted and forwarded to the Department of Finance, Accounting Division.

C. **Mileage Reimbursement** - MapQuest.com, Map.com, or some other online provided map service should be used to calculate mileage for reimbursement purposes. A copy of the online estimate should be attached to the Day-Trip Travel Form if mileage reimbursement is being requested.

Out-of-county travel by privately owned vehicle shall be reimbursed at the "If Government Owned Automobile Available" rate as set by the General Services Administration (GSA). Current rates may be found at http://gsa.gov under POV Mileage Reimbursement. Employees in the Executive Vehicle Reimbursement Program will also be reimbursed at the "If Government Owned Automobile Available" rate as set by the GSA for out-of-county travel. Mileage will be paid in addition to the Executive Vehicle reimbursement.

A pCard should not be used to purchase fuel for a privately owned vehicle. Fuel expenses will be reimbursed to the employee through mileage reimbursement. Mileage reimbursements will be paid only to the vehicle owner. Passengers are not entitled to mileage.

D. **Miscellaneous and Incidental Expenses** - Employees may be reimbursed for miscellaneous expenses such as parking (if paid by a means other than pCard) by submitting the day-trip travel form and associated receipts through petty cash. If more than one employee is listed on the form, the employee signing for the reimbursement shall be responsible for dispersing the funds.

The department is responsible for reimbursement of approved expenses incurred by the employee. Employees on day trips DO NOT receive per diem for meals. A $5 per day incidental expense may be paid if the employee is traveling away from home on business and no meal expense or per diem is paid.

VI. TRAVEL AUTHORIZATION

A signed and approved travel order form is required to travel outside of Pima County (even if all or part of the expense is to be paid by an agency other than the City of Tucson).

A. An approved travel order form is required prior to making any travel arrangements. The City is under no obligation to reimburse expenses incurred and/or paid by a city employee prior to receiving approval to travel if the travel is then not approved.

B. MapQuest.com, Map.com, or some other online provided map service should be used to calculate mileage for reimbursement purposes. A copy of the online estimate should be attached to the travel order if mileage reimbursement is being requested.

C. All travel requires City Manager approval prior to issuance of a travel order number. Memos requesting travel approval based on zero expense to the city must include an explanation of the process by which fronted city funds will be reimbursed.

D. ALL travel orders must have a travel order number to be processed. To obtain a travel order number, a copy of the signed approval should be emailed to TO_APPROVAL and an email with the assigned travel order number will be returned within 24 hours. A travel order should be forwarded to the Accounting Division <u>no less than fifteen (15) working days</u> prior to the date of departure.

E. A travel order number will not be given to any employee with an existing open travel order past the five working day closure date or that has an open balance due from a prior travel order.

VII. TRAVEL EXPENSE ALLOWANCES

Within the guidelines below, approved expenses for travel will be reimbursed to the employee with appropriate documentation of the expense (receipts). In some instances (e.g., per diem allowances), documentation is not required. If an employee requires a travel advance for expenses see Section VIII. B. for information.

A. General

1. Transportation, lodging, and registration expenses incurred pursuant to an approved travel order will be reimbursed on the basis of actual costs. Documentation is necessary for reimbursement of these expenses. (See Sections VII. C., D. E.)

2. The per diem method will be used for meals and incidental expenses for travel on an approved travel order. Per diem payments do not require receipts or other documentation of the expense. All pCard transactions for meals or incidental expenses are considered the same as a cash advance and will be considered in the per diem payment. (See Sections VII. B., F.)

3. The city's travel allowance is limited to the total expense resulting from traveling directly to the destination and staying only the number of days necessary to conduct official business.

   Employees are encouraged to arrive early or stay longer than is necessary only if doing so will result in savings to the city. In some cases, because of airline discount terms, an additional day of travel will result in substantial airfare savings--enough savings to offset additional lodging and per diem costs.

4. Combining a Vacation with a Business Trip: Employees are permitted to combine a vacation with a city-paid business trip. The travel order must be accompanied by a schedule comparing costs, and the employee must pay the costs that exceed the city's travel expense allowances. Personal expenses related to the vacation portion of the trip should not be paid by pCard.

5. Nothing in this directive shall preclude payment less than that set forth below (e.g., if the trip involves group travel and the sharing of lodging expenses, or other means of keeping travel expenses within authorized appropriations).

I. Procurement Card (pCard)

1. City of Tucson procurement cards (pCard) shall be used to make arrangements for business travel whenever possible.

2. A pCard shall be used to pay conference/seminar/class registration fees whenever possible.

3. Receipts are required for pCard transactions. Receipt copies as stated in Section VII., C. must be submitted with the travel order. Original receipts shall be maintained in the department with other pCard documentation.

4. **A pCard shall not be used to book airfare or pay for any travel related expenses for a non-city employee unless approved by the City Manager or his/her designee.** Use of a pCard to pay the expenses of a non-city employee may be just cause for disciplinary action in accordance with City A.D. 2.02-5 Section II A.11.

5. **A pCard shall not be used to cover expenses incurred during vacation time combined with a business trip.** Charging personal expenses on a pCard with the intention of reimbursing the city at a later date is unacceptable, and may be just cause for disciplinary action in accordance with City A.D. 2.02-5 Section II A.11. All pCard expenditures must be in conformance with pCard rules found at http://www.tucsonprocurement.com//assets/program%20manual.pdf.

6. Any meals and incidentals paid with a pCard will be included in the per diem reconciliation and will reduce the amount of per diem money due to the employee. If the amount of per diem advanced plus the amount charged to the pCard exceeds the total amount of per diem allowed, the overage must be repaid to the city.

7. Timely submission of a Travel Order to the Accounting Division is required for cash advances.

8. A pCard should not be used to purchase fuel for a privately owned vehicle. Fuel expenses will be reimbursed to the employee through mileage reimbursement.

9. **The Travel Order number shall be noted in the pCard PaymentNet "PO Number or TO Number" field for each transaction related to a Travel Order.** A report from PaymentNet showing all expenses by travel order number will be sent to Accounting with the Travel Order Expense report when closing a travel order.

10. An approved Travel Order must be submitted to the Accounting Division even if all expenses are paid with a pCard and there is no money due to or from the employee.

C. **Transportation Expense Allowances** - The employee's department director will decide whether it is in the city's best interest for an employee to travel by commercial airliner or automobile, based on such factors as destination, travel distance, and number of persons in the travel group. Employees who are asked to travel by air, but who wish to travel by vehicle instead, may do so provided they use a privately owned vehicle.

1. **Allowances for Air Travel**

a. Employees shall fly coach when the flight includes both coach and first-class seats. First-class seats may be allowed only if coach seats are not available, and no other flight can be substituted.

b. A City of Tucson pCard may not be used to book a flight for a non-city employee unless provided for under Section VIII.E. Use of a pCard to pay expenses for a non-city employee may be just cause for disciplinary action.

c. Mileage will not be paid from an employee's home to the Tucson International Airport.

d. Parking at Tucson International Airport (TIA): An employee shall park at Tucson International Airport's long-term parking lot or at a private park-

and-shuttle lot. Employees shall use the least expensive of these means. Receipts are required for reimbursement of such expenses.

e. Transportation to/from Phoenix International Airport: An employee flying out of Phoenix International Airport to save airline expenses will either be reimbursed for shuttle services to and from Phoenix, or paid mileage and reimbursed parking if a privately owned vehicle is used. MapQuest.com, Map.com, or some other online provided map service should be used to calculate mileage for reimbursement purposes. A copy of the online estimate should be attached to the travel order if mileage reimbursement is being requested. Receipts are required for reimbursement.

f. Transportation to/from Airports at Destinations: At travel destinations, the city will reimburse employees for the use of an airport limousine, shuttle, or taxi. Receipts are required for reimbursement of miscellaneous expenses.

g. Additional fees or fares incurred during air travel must be substantiated by a receipt.

2. <u>Allowances for Travel in a Privately Owned Vehicle (POV)</u>

a. The total reimbursement for vehicular transportation shall in no case exceed the amount that would be incurred using air transportation. Documentation of airfare used for cost comparison shall be attached to travel order.

b. Out-of-county travel by privately owned vehicle shall be reimbursed at the "If Government Owned Automobile Available" rate as set by the General Services Administration (GSA). Current rates may be found at http://gsa.gov under POV Mileage Reimbursement.

c. Employees in the Executive Vehicle Reimbursement Program will be reimbursed at the "If Government Owned Automobile Available" rate as set by the GSA for out-of-county travel in addition to the monthly Executive Vehicle reimbursement.

d. MapQuest.com, Map.com, or some other online provided map service should be used to calculate mileage for reimbursement purposes. A copy of the online estimate should be attached to the travel order if mileage reimbursement is being requested. Mileage reimbursements will only be paid to the vehicle owner. Passengers are <u>not</u> entitled to mileage reimbursements.

e. All vehicular parking or storage costs will be reimbursed if payment is made by a means other than a pCard. Receipts are required.

f. For employees that have been asked to travel by air, but who wish to travel by privately owned vehicle instead, the employee will charge the city only the time that would have been required to make the trip using airline transportation. All time used in excess of air travel time shall be charged to vacation or compensatory time.

g. Any variance to this policy must be submitted in writing by the department director to the Finance Department for approval. The request for a waiver of this policy must include a justification, three flight estimates, and a printout of mileage from an online source. For example, police officers traveling with weapons to a Federal Bureau of Investigations (FBI) workshop may request a variance to traveling by air because of the restrictions airlines impose with regard to carrying weapons.

D. **Allowances for Lodging** - The city will pay the actual cost of hotel rooms including tax. Both the room rate and tax paid must be substantiated by an itemized receipt that indicates payment has been made.

Any meals, mini-bar usage, or incidental items charged to the room will be deducted from per diem. Any personal expenses such as in-room movies are the responsibility of the employee.

E. **Allowances for Registration Fees**

1. Fees charged for registration at a conference, training session, convention, or meeting are allowable expenses. A receipt or some other proof of the fee and a copy of the conference program setting forth the fee rate and included meals shall be provided with the request for fee payment.

2. A pCard shall be used to pay registration whenever possible. If pCard payment is not possible, a request for advance payment of registration must be done on a travel order. A registration form must be submitted with the name of the employee(s) attending. All advanced registration checks are returned to the appropriate department.

3. Travel order requests for attendance at conferences, training sessions, or other meetings where applicable, must be supported by a program or other evidence of the opening and closing dates, times, and location.

4. Registration costs are authorized only to the extent necessary to transact official business; expenses for tour packages, golf tournaments, or other extra curricular activities offered in connection with conference registration are the

responsibility of the employee. Extra curricular activities shall not be charged to a pCard.

F. **Meals and Miscellaneous Expense Allowances** - Employees who have been approved for overnight travel will receive per diem for meals and incidental expenses. Per diem does not require receipts or documentation of expenses except in the case of entertainment expenses.

1. **Per Diem Rates** - Per diem rates are classified by the federal government, depending on the travel locality. A complete list of per diem rates is available at US General Services Administration on the Internet at www.gsa.gov/mie and should be consulted for current rates.

   a. Meals included in registration fees, provided for by another agency, or included in the cost of a hotel room will be subtracted from per diem according to the chart located at www.gsa.gov/mie. If a meal shown as provided in conference/seminar documentation is not provided, an email or letter from a conference representative is required to receive per diem for that meal. Breakfast per diem will be paid if the continental breakfast provided does not include hot food. Per diem for the first and last day of travel will be paid at 75% of the daily rate.

   b. Employees who spend less than the per diem amount are encouraged to request a reimbursement only for the amount actually spent. No receipts are required to receive actual reimbursement where the amount requested is less than or equal to the per diem amount.

2. **Miscellaneous vs Incidental expenses** - Miscellaneous expenses are not included in the per diem rate and include such items as personal telephone calls, laundry, parking, and other business related expenses. Receipts are required for reimbursement of miscellaneous expenses. Incidental expenses are included in the per diem rate and therefore do not require receipts and include items such as snacks, beverages, and gratuities.

3. **Entertainment Expense** – A meal purchased for a non-city employee with the express purpose of conducting business may be reimbursed outside of per diem rates. A receipt and memorandum from the department director authorizing reimbursement are required. The memorandum must include the amount, date, description of business conducted, names of the persons entertained and their business relationship to the city. Alcoholic beverages will not be reimbursed.

F. **Allowances for Long Distance and Local Calls** - Long distance and local telephone charges are allowed for official calls, and are governed by the following:

1. Calls for official city business (other than to city offices) shall be paid by the employee. The employee will be reimbursed upon submission of appropriate documentation relative to cost and purpose of the call. A memo from the department director or the director's designee is required authorizing reimbursement of this expense.

2. Calls for other than city business shall not be made at city expense.

3. The city does not reimburse for charges incurred on personal cell phones due to minute overages.

H. **Allowances for Internet Access** - Internet access fees are allowed for conducting official city business only. Reimbursement requires a receipt and a memo from the department director or his/her designee authorizing reimbursement of this expense.

I. **Special Rules for Sales Tax Auditors** - Sales Tax Auditors required to leave the state for extended periods are authorized additional reimbursement for laundry expenses on the trip commencing with the sixth day. Auditors will be advanced 100% of all estimated laundry expenses. Receipts are required.

VIII. PROCEDURES FOR PROCESSING REQUESTS FOR TRAVEL

A. **General** - A travel order must be processed for all over-night travel and for employees requiring an advance of more than $150.00 for a day-trip.

B. **Travel Advances**

1. Travel advances, except for commercial carrier tickets, are authorized on the basis of an approved travel order. To ensure receipt of an advance prior to departure, the approved travel order must be received by the Finance Department at least fifteen (15) working days prior to date of departure. Checks for travel advances will be prepared by the Accounting Division, and the departmental contact will be notified by Accounting when advances may be picked up.

2. Travel advances will be calculated by the Accounting Division based on both the estimated expenses section of the Travel Order Request Form, and the supporting documentation submitted. Supporting documentation should include but is not limited to the City Manager approval document, a conference itinerary, a conference registration form (if registration fees will be paid by Accounts Payable), proof of payment by personal credit card of travel related expenses requiring reimbursement, and a memo of justification for a waiver of any city travel policy or authorization for a rental car.

3. The amount of advance will be 100% of the cost of registration, approved special costs, and lodging supported by documents indicating room cost. Advances for meals and incidental expenses and unsupported lodging will be advanced at 75% of the GSA rate indicated at www.gsa.gov. No advance will be made if expenses are anticipated to be less than $100.00 **per employee traveling**. No advance will be made for any expenses paid by pCard.

4. All requests for a 100% advance for items not normally advanced at 100% (e.g., per diem) must be approved by the Finance Director (or designee). These requests should be submitted in memorandum form, with a justification included, attached to the submitted Travel Order Request Form.

5. In the event of the cancellation or indefinite postponement of travel for which an expense advance has been issued, monies due the city shall be repaid to the city within five (5) working days after the original travel date. Payment shall be made to the Collections Section of the Treasury Division (for deposit into the same account that was charged) in exchange for a treasurer's receipt. A copy of the treasurer's receipt shall be forwarded with the completed travel order and all other documentation to the Accounting Division.

6. Any travel advances for items subsequently paid with a pCard must be repaid **in full** within five (5) working days of the travel return date. Funds due to the city may be recovered by means of payroll deduction if not repaid within this five day period.

7. Travel advances shall not be made to employees that have an existing travel order open past the five (5) working days after the return date, or have an open balance due from another travel order.

C. Travel by Air

1. Employees are responsible for making their own reservations. Employees are encouraged to use online purchasing with a pCard or personal credit card, or any other resource to get the lowest rates available. All tickets paid in advance with an employee's credit card will be reimbursed prior to travel when proof of payment is received with the approved travel order.

2. In the event of the cancellation or indefinite postponement of travel for which an employee purchased, and was reimbursed the cost of, an airline ticket, the employee is responsible to provide the city all documents needed to use the credit derived from the cancellation for future travel by a city employee. If the ticket was non-refundable, the department shall bear the expense of the cancellation.

3. Upon completion of air travel, each employee must submit a copy of his/her boarding pass and itinerary with his/her completed Travel Order Expense Report.

D. **Rental Cars**

1. Whenever possible the least expensive mode of transportation to and from the airport will be used including airport limousines, shuttles, or taxis.

2. Rental car expenses will not be reimbursed if an employee opts to rent a car rather than use other available modes of transportation to and from the airport. Reimbursement of the amount that would have been expended on a shuttle or taxi may be made with documentation of established rates. Total reimbursement for transportation to and from the airport shall in no case exceed the amount that would be incurred using the least expensive mode of transportation.

3. Justification for the necessity of a rental car must be submitted with the travel order to the Accounting Division. Printouts of online quotes should be submitted along with the written justification memo signed by the department director. Justification is not required from the Police Canine Unit or from Sales Tax Auditors.

4. When justification for a rental car is submitted and approved on the basis of cost savings to the city, reimbursement will be based on the rate established with the justification.

5. An employee's personal credit card or a pCard will be used to reserve a rental car.

6. **The city will not reimburse the purchase of rental car insurance. The City of Tucson is self-insured and additional insurance is unnecessary**.

7. If an employee arrives at the destination by air, vehicular parking or storage costs will not be reimbursed unless a rental car is approved on the travel order.

8. Whenever possible, the employee will return the rental car with a full tank of gas to avoid paying inflated prices for fill-up by the rental agency.

E. **GRANT FUNDED TRAVEL**

1. City Risk Management requires that a signed and approved travel order or day-trip travel form is obtained **prior to travel** for all travel outside of Pima County even if all or part of the expense is to be paid by grant or outside agency. Employees on unapproved travel may not be covered by the City of Tucson

insurance program. Non-City employees may be included on a grant funded travel order; however they will not be covered by City insurance in case of accident or injury.

2. The departmental representative authorizing travel is responsible to verify that the grant allows for reimbursement of travel prior to submission of the travel order request. The travel order must state that travel is to be grant funded and shall include the agency assigned grant number. Per Diem rates specifically set in the grant must also be included in travel order documentation.

3. pCard may be used to make travel arrangements for City and non-City employees traveling under grant provisions. Travel arrangements may include such items as the purchase of airfare and payment of hotel accommodations.

4. Travel orders approved on the basis that there will be zero cost to the City, that is 100% of all expenses will be covered under the grant, must include documentation showing the reimbursement of all travel related expense with the travel order close out documentation.

5. Grant funded travel is subject to all City requirements and guidelines as stated in this AD.

F. **Closing Out a Travel Order**

1. After completion of travel, documentation shall be submitted to the Accounting Division of the Finance Department. Receipts should be legible (no highlights) and reflect the reimbursement dollar amount. Receipts without a dollar amount, such as a shuttle or subway ticket, may be substantiated by other means like a brochure or computer printout reflecting the rates.

   Closeout documentation may include:

   - Travel Order Request Form
   - Memo with City Manager approval for travel
   - Completed and signed Travel Order Expense Report
   - Proof of payment for expenses paid with personal credit card
   - Conference/seminar program or documentation
   - Conference/seminar registration form (if payment will be generated by Accounts Payable)
   - Memo signed by department director or his/her designee to:
     - Request a waiver or exception to any city travel policy
     - Authorize reimbursement for telephone or internet expenses
     - Present justification for the necessity of a rental car (requires submission of online quotes in addition to memo)

- Authorize reimbursement of expenses when no receipt is present
- Authorize reimbursement of entertainment expenses (memo must include nature of business discussed during the meal, the names of people entertained, and the name of the company or organization each represent)
- Request that employee drive, rather than fly, to destination (requires submission of 3 flight estimates and a printout of calculated mileage from an online source)

- Original receipts including, but not limited to:
  - Itemized lodging receipt
  - Conference or seminar registration
  - Itemized car rental receipt
  - Airline boarding pass and flight itinerary
  - Meals at which a non-city employee was entertained for business purposes
  - Any reimbursable travel related expenses that are not covered by per diem or incidental allowances
- Report for all travel related expenses paid by pCard with copies of all related receipts (original receipts remain in the department)
- Printout of calculated mileage from online source if privately owned vehicle is transportation used for travel and mileage reimbursement is requested
- Cost comparison schedule if vacation is combined with business trip
- Grant related documentation

2. If advance monies exceed reimbursable expenses, monies due to the city shall be paid to the Collections Section of the Treasury Division <u>within five (5) working days</u> after the completion of travel. If repayment is not received within this time frame, monies due may be collected through payroll deduction.

3. In the event of cancellation or indefinite postponement of travel, monies due to the city shall be paid to the Collections Section of the Treasury Division <u>within five (5) working days</u> after the original date of travel. The employee will receive a receipt to be submitted with the Travel Order Expense Report. **<u>Do not send cash or a check to the Accounting Division</u>**. If repayment is not received within this time frame, monies due may be collected through payroll deduction.

4. The completed Travel Order Expense Report, noting total amount due to or reimbursement from the city, shall be forwarded to the Accounting Division <u>within five (5) working days</u> after completion of travel.

5. If reimbursement of **under $150.00** is due, reimbursement will be processed through payroll unless **specifically requested** to return the travel order close out to the department for payment through petty cash.

6. If reimbursement of **over $150.00** is due, reimbursement will be processed through payroll rather than on a general revolving check unless the department **specifically requests** the issuance of a general revolving check.

7. Any expenses accidentally omitted from a travel order must be reimbursed by submission of a revised travel order as follows:

   - Make a copy of the closed travel order
   - Check the "Revised" box in the upper right hand corner of the Travel Order Request form
   - Attach any additional receipts or documentation
   - Submit to the Accounting Division for reimbursement

Omitted travel expenses should not be reimbursed through petty cash.

Appendices

Attachment 1 – Day-Trip Travel Form
Attachment 2 – City of Tucson Travel Order Request Form
Attachment 3 – City of Tucson Travel Order Expense Report
Attachment 4 – Travel Advance Reference Chart

References

U.S. General Services Administration Domestic Per Diem Rates
pCard Program Information

Review Responsibility and Frequency

The Director of Finance will review this directive annually, based on date of publication.

Authorized

City Manager

Richard Miranda

Date 7/29/11

DAY-TRIP* TRAVEL FORM

DATE OF REQUEST: _____ DATE OF TRAVEL: _____

INDIVIDUALS EXPECTED TO TRAVEL:

NAME	PAYROLL NUMBER	UNIT	EXPENSES PER EMPLOYEE	ACCOUNT NUMBERS

DESTINATION: _____

REASON FOR TRAVEL: _____

_____

_____

EXPECTED DEPARTURE TIME: _____ EXPECTED RETURN TIME: _____

PRIVATELY OWNED VEHICLE: YES / NO MILEAGE REIMBURSEMENT: $ _____

INCIDENTAL EXPENSE-$5 per day (optional) $ _____

OTHER EXPENSES: (Explain) _____ $ _____

EXPENSES PAID BY PCARD ($ _____)

TOTAL EXPENSES: $ _____

RECOMMENDATIONS: APPROVAL / DISAPPROVAL

SUPERVISOR: _____ DIRECTOR: _____

UPON RETURN

Employees may submit this form to petty cash for reimbursement of expenses not to exceed $150 per person (employees on day trips do not receive per diem for meals and incidental expenses). The employee receiving the reimbursement shall be responsible for disbursement.

REIMBURSEMENT RECEIVED BY: _____ DATE: _____

PETTY CASH CUSTODIAN SIGNATURE: _____

*A day trip would be defined as any travel that allows an individual to depart and return on the same day. Administrative directive 3.03-1, Travel Authorization and Expense Allowances, covers all City of Tucson travel policies.

This form must be maintained within the Department. DO NOT SEND TO ACCOUNTS PAYABLE. Use WHITE form for Petty Cash submission if employee is receiving reimbursement.

CITY OF TUCSON TRAVEL ORDER REQUEST FORM

See AD 3.03-1 for further guidance

Travel Order Number (Assigned By Accounting - Call 4561)	Revised (Check Here)

1. Employee Name(s)	2. Employee Number(s) (5digit)	3. Department/Division
a. b. c. d.	a. b. c. d.	
4. Account Number(s)	**5. Estimated Expenses** (From the Travel Expense Report)	**6. Purpose of Travel**
a. b. c. d.	a. b. c. d.	**7. Destination(s)**

8. Travel Times Leaving - Date: _____ Time: _____ If personal time is to be used in conjunction with travel
Returning - Date: _____ Time: _____ time, state leave dates: _____

9. Departmental Approval

Administrator _____ Date _____ Director _____ Date _____

10. Internet Access Approved	12. City Manager Approval Required: Yes [ ] No [ ]
Signature _____ Date _____	City Manager _____ Date _____

11. Travel Order Prepared By

Name _____ Phone Extension _____

Instructions:

1. Overnight travel and day-trip travel advances of more than $150 require a Travel Order. Email signed City Manager approval to TO_APPROVAL for a Travel Order number.
2. To receive travel authorization, complete this page and the Estimated Expenses Column of the Travel Order Expense Report. Attach all available documentation such as City Manager approval, a seminar brochure, registration form, memo requesting waiver of City policy, etc.
3. Forward the Travel Order Request Form and the Travel Order Expense Report to the Accounting Division no less than fifteen (15) days prior to departure.
4. Accounting will require City Manager approval.
5. Accounting will process advances in accordance with AD 3.03-01. All copies of the Travel Order Expense Report except for Accounting's suspense copy will be returned to the originating department.
6. To receive final reimbursement and/or to close the Travel Order, the Travel Order Expense Report must be completed and returned to Accounting within five (5) working days after travel return date.

DISTRIBUTION: White - ACCOUNTING Canary - ACCOUNTING-Suspense Pink - DEPARTMENT Goldenrod - EMPLOYEE Revised November 2006

Attachment 3
AD 3.03-1

CITY OF TUCSON TRAVEL ORDER EXPENSE REPORT

Employee Name(s)	Travel Order No.

Account No.	Estimated Expenses	Amount Advanced	Actual Expenses							
			Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Totals
TRANSPORTATION: AIR: ☐ Paid by Employee ☐ Paid by Pcard		Acctg. Use Only								
LAND: Rental Car ☐ Paid by Employee ☐ Paid by Pcard ☐ Advance Required Privately Owned Vehicle Mileage _____ X $ _____ Shuttle, Taxi										
REGISTRATION FEE: ☐ Paid by Employee ☐ Paid by Pcard ☐ Advance Required										
LODGING: ☐ Paid by Employee ☐ Paid by Pcard ☐ Advance Required										
LONG DISTANCE CALLS: Do not include with lodging above.										
MEALS AND MISC. Consult Federal Per Diem Rate at www.gsa.gov/mie. **The maximum advance for meals and miscellaneous is 75%**										
OTHER EXPENSES (List): _____ _____ _____ Per IRS regulations and city AD policy, supporting documentation for entertainment expenses must include receipts and a memo with the amount, date, description, names of the persons entertained and their business relationship to the city.										
TOTALS										

Department has reviewed and approves final expenses as shown.	I certify that this is a true accounting of my travel expenses.	LESS: ADVANCES	
		LESS: PCARD PURCHASES	
		LESS: OTHER REIMBURSEMENT	
		TOTAL DUE TO THE EMPLOYEE	
Administrator or Director Date	Employee Signature Date	TOTAL DUE TO THE CITY	

DISTRIBUTION: White - ACCOUNTING Canary - ACCOUNTING-Suspense Pink - DEPARTMENT Goldenrod - EMPLOYEE Revised October 2010

TRAVEL ADVANCE REFERENCE CHART

For Out-of-County Day-Trips

Expense	% Advanced on Estimated Expenses[1]	Allowable Expenses	Receipt or Documentation Required?
Transportation:			
Vehicle – Privately Owned Vehicle	100%	POV Mileage Rate	Yes[3]
– Contracted Rental Vehicle	100%	Fuel Only	Yes
Incidental Expense - $5 per day (optional)	100%		No

For Over Night Travel

Expense	% Advanced on Estimated Expenses[1]	Allowable Expenses	Receipt or Documentation Required?
Transportation:			
Air	100%	100%	Yes
Vehicle – Privately Owned Vehicle	100%	POV Mileage Rate	Yes[3]
– Contracted Rental Vehicle	100%	Fuel Only	Yes
– Rental Car at destination	100% or 75%[2]	100%	Yes
Shuttle to and from Phoenix International Airport	100%	Actual Expenses	Yes
Parking and storage of vehicles	100%	Actual Expenses	Yes
Lodging	100% or 75%[2]	Actual Expenses	Yes
Registration	100%	Actual Expenses	Yes
Meals and Incidental Expenses:	75%	Per Diem[1]	No
Long Distance Business Calls	N/A	Actual Expenses	Yes

Travel advances and allowable expenses are the same for in-state and out-of-state travel.

[1]No travel advance will be issued if expenses are estimated to be less than $100 per person.
[2]100% will be advanced if supporting documentation is supplied; without documentation 75% will be advanced.
[3]Mileage estimate from an online source required.

Insurance

ADMINISTRATIVE DIRECTIVE

RETIREE HEALTH BENEFIT CONTINUATION PROGRAM	NUMBER 3.04-6	PAGE 1 of 9
	EFFECTIVE DATE January 1, 2016	

I. PURPOSE

The purpose of this administrative directive is to set forth the City of Tucson sponsored group medical, dental and vision plan options available to employees upon retirement.

II. POLICY

The City offers continued health benefits to its retirees and eligible dependents in accordance with benefit policies in effect on the date of retirement. A retiree has the option to continue coverage in City sponsored medical, dental and/or vision insurance plans as long as the retiree is enrolled in the plan(s) on the day of retirement. The City reserves the right to amend or modify plan designs, coverage, premiums and eligibility for all employee and retiree benefits. It should not be construed as giving to any retiree or dependent any vested rights that cannot be modified by subsequent revision of benefits.

Retiree health subsidies will be applied only to City of Tucson group insurance plans. The subsidy cannot be applied to any plan or benefit that is not sponsored by the City of Tucson.

III. DEFINITIONS

A. **Retiree** – A City of Tucson employee or elected official who has gone directly from active employment to retired status who is eligible to receive retirement benefits under the Tucson Supplemental Retirement System (TSRS), the Arizona Public Safety Personnel Retirement System (PSPRS) or the Elected Officials Retirement Plan (EORP).

B. **Eligible Dependent(s)** – A dependent covered under the employee's medical, dental and/or vision insurance plan who qualifies for benefits under the definition of dependent as stated in the Employee and Retiree Insurance Handbook.

C. **State Subsidy** – The subsidy provided by the State of Arizona to EORP and PSPRS retirees pursuant to A.R.S. §§38-817 and 38-857.

D. **Age 65** - An individual is considered to have reached age 65 the first day of the month during which they turn age 65. If the individual's birthday is on the first day of the month, "age 65" is defined as the first day of the month PRIOR to the month during which the individual turns age 65.

IV. BENEFIT INCENTIVE FOR RETIREES WHO RETIRE BETWEEN DECEMBER 15, 2015 AND JUNE 10, 2016,

A. TSRS employees who retire between **December 15, 2015 and June 10, 2016** are eligible to receive a subsidy from the City equal to the following:

1. $800 per month for an employee who is not enrolled in the City's medical program on the day immediately prior to the date of retirement either under their own employment record or as a dependent of another City employee/retiree;

2. $1,000 per month for an employee who is enrolled in the City's medical program at the Employee Only coverage tier or as the dependent of another City employee/retiree on the day immediately prior to the date of retirement;

3. $1,175 per month for an employee who is enrolled in and covering one dependent under the City's medical program on the day immediately prior to the date of retirement (i.e., Employee + Spouse or Employee + one child);

4. $1,275 per month for an employee who is enrolled in and covering more than one dependent under the City's medical program on the day immediately prior to the date of retirement (i.e., Employee + Family or Employee + more than one child).

B. If any of the employee's dependents who are covered on the last day immediately prior to the date of the employee's retirement are ineligible for medical insurance continuation, either due to age (children turning 26) or Medicare eligibility (regardless of age) or the fact that they are not eligible dependents under the terms of the City's plan, the Incentive Subsidy as described above will be reduced to the level that reflects the number of dependents who would have been eligible to continue on City medical insurance.

C. The payment will be made monthly, and will be taxable income to the retiree.

D. Payments will cease and the Incentive Subsidy will terminate upon the earlier of any of the following:

1. After 3 years (36 months) of payments;

2. Upon the date the retiree qualifies for Medicare;

3. Upon the retiree's re-employment with the City of Tucson in a benefits-eligible position;

4. Upon the retiree's death; or

5. Upon election of COBRA coverage under the City's medical program by the retiree or any of the retiree's qualifying dependents.

E. <u>If the Incentive Subsidy terminates for any of the above reasons, the termination is final, and payment of the Incentive Subsidy will not resume for any reason.</u>

F. The Incentive Subsidy replaces the retiree medical insurance premium subsidy otherwise available through the City and is not paid in addition to the standard retiree medical insurance premium subsidy. Eligible employees who retire and do not elect to receive the Incentive Subsidy will remain eligible to receive the City's standard retiree medical insurance premium subsidy for the duration of time that such a subsidy is offered.

G. In order to participate, employees must agree to the following conditions:

1. The individual must choose not to elect retiree or COBRA medical coverage through the City of Tucson, either as the primary subscriber or as the dependent of another City of Tucson employee/retiree, beginning the first day of the month following the last day worked while retiring under this program; if the individual chooses to drop City medical insurance at a date later than when first eligible for this subsidy, the individual will not be eligible to receive this subsidy.

2. The individual will not be allowed to re-join or re-enroll in the City's medical plan either as the primary subscriber or as a dependent of another City of Tucson employee/retiree at any future date, with the sole exception of item (5), below, (relating to re-employment by the City).

3. The individual will not be eligible to be covered as the dependent of another City employee or retiree under the City's medical program at any time after separating from employment between the dates of December 15, 2015 and June 10, 2016.

4. If the individual or any of the individual's qualifying dependents elect COBRA to continue medical coverage through the City's medical plan, the Incentive Subsidy will immediately terminate and can never thereafter be renewed.

5. If the individual returns to active benefits-eligible employment with the City at any time in the future, he/she may enroll in the City's medical program as an active employee; but if he or she does so:

a. The Incentive Subsidy will immediately terminate, and any rights to future payments under this Agreement are forfeited; and

b. The individual will not be eligible to continue medical insurance after separating from re-employment except pursuant to COBRA or any other applicable federal or state law, nor will the individual be eligible for any future retirement incentives or subsidies related to medical coverage.

6. If the individual elects not to continue medical coverage through the City's medical plan upon retirement but does not sign the required agreement to receive this incentive, the individual will not be eligible to receive the Incentive Subsidy outlined in Section IV of this AD.

7. Any individual who elects to receive the Incentive Subsidy outlined in Section IV of this AD and who signs the required agreement form will receive no additional retiree medical insurance subsidy or medical benefits (except as an active employee as noted above in (5) above) through the City.

8. The City reserves the right to determine how payment will be made and when the first payment for this subsidy will begin.

V. BENEFIT COVERAGE EFFECTIVE JANUARY 1, 2016

New employees and rehired employees hired on or after January 1, 2016 will not be eligible for City of Tucson Retiree insurance (medical, dental, vision or life). They will be eligible to receive coverage continuation in accordance federal COBRA law; commissioned police and fire retirees will be eligible to continue coverage through the state of Arizona in accordance with state law in effect upon their date of retirement.

The only exception is if an employee who is employed in an insurance benefit-eligible position prior to January 1, 2016 is laid off and then rehired after January 1, 2016 from a lay-off re-employment list, the re-employed individual will be eligible for Retiree insurance.

VI. BENEFIT COVERAGE EFFECTIVE JANUARY 1, 2011

A. **Medical Coverage** - Effective January 1, 2011, all City of Tucson employees and elected officials retiring, entering a Deferred Retirement Option Plan (DROP) program, or entering an End of Service (EOS) program will be eligible to receive a retiree health insurance subsidy to be applied to a City of Tucson group medical insurance plan.

B. **City Subsidy for Retiree Medical Insurance** - Retirees less than age 65 who continue City group medical insurance coverage for themselves and their Eligible Dependents will be eligible to receive a retiree medical insurance subsidy as follows:

1. Single Retiree – $200 monthly subsidy until the Retiree reaches age 65

2. Retiree plus one (1) covered Dependent – $375 monthly subsidy until the Retiree reaches age 65

3. Retiree with two (2) or more covered Dependents – $475 monthly subsidy until the Retiree reaches age 65

C. **Dental and Vision Coverage** - Retirees and Eligible Dependent(s) may continue dental and vision coverage by paying 100% of the premium with no subsidy from the City. Requirements for continuous coverage apply.

VII. BENEFIT COVERAGE FOR TSRS RETIREES AND EORP RETIREES WHO RETIRED OR ENTERED EOS PRIOR TO JANUARY 1, 2011

A. **Medical Coverage** - Retirees less than the age of 65, who retired or entered the EOS program before January 1, 2011, may continue the City's group medical insurance coverage for themselves and their Eligible Dependents by paying twenty-five percent (25%) of the applicable premium.

B. **Incentive Programs** - Rates and coverage provisions for TSRS Retirees who retired under incentive programs prescribing health benefits not covered in this Administrative Directive may contact the Benefits Office for details at (520) 791-4597.

C. **Dental and Vision Coverage** – Retirees and Eligible Dependent(s) may continue dental and vision coverage by paying 100% of the premium with no subsidy from the City. Requirements for continuous coverage apply.

VIII. BENEFIT COVERAGE FOR PSPRS RETIREES WHO RETIRED OR ENTERED THE DROP PROGRAM PRIOR TO JANUARY 1, 2011

A. **Commissioned Fire Department Retirees** – This section pertains to Commissioned **FIRE** employees who retired, or entered the DROP Program after July 1, 2001, and before January 1, 2011. Rates and coverage details for Commissioned Fire Retirees who retired before July 1, 2001, or retired under any other incentive program, may be obtained from the Benefits Office at (520) 791-4597.

Qualifying Commissioned Fire Retirees less than the age of 65 may continue City group medical insurance and dental coverage for themselves and their Eligible Dependent(s). The City will pay 100% of the premium after the applicable PSPRS subsidy is applied.

B. **Commissioned Police Department Retirees** – This section pertains to Commissioned **POLICE** employees who retired, or entered the DROP Program after July 1, 1999 and before January 1, 2011. Rates and coverage details for Commissioned Police Retirees who retired before July 1, 1999, or retired under any other incentive program, may be obtained from the Benefits Office at (520) 791-4597.

Qualifying Commissioned Police Retirees less than the age of 65 may continue City group medical insurance coverage for themselves and their Eligible Dependent(s). The City will provide a percentage subsidy not to exceed 75% of the applicable City group medical insurance premium after the PSPRS applicable subsidy is applied. Qualifying Retirees and Eligible Dependent(s) may continue dental coverage by paying 100% of

the premium (no City subsidy) after the applicable PSPRS subsidy is applied. Requirements for continuous dental coverage apply.

C. **Vision Coverage** – This section pertains to all Commissioned PSPRS Retirees (Police and Fire). Qualifying Retirees and Eligible Dependent(s) may continue vision coverage by paying 100% of the premium with no subsidy from the City. Requirements for continuous vision coverage apply.

IX. RETIREES WITH FEWER THAN 40 MEDICARE QUARTERS

This section pertains to the following commissioned PSPRS Retirees who did not pay into the Medicare system during City of Tucson employment and who therefore must pay premium for Medicare Part A at age 65 due to a lack of sufficient quarters:

- **FIRE** employees who joined City employment prior to April 1, 1986 and retired or entered the DROP Program after July 1, 2001 and before January 1, 2011; and

- **POLICE** employees who joined City employment prior to April 1, 1986 and retired or entered the DROP Program after July 1, 1999 and before January 1, 2011.

Upon reaching age 65, these Retirees may elect one of two options:

A. Retirees may continue City group medical insurance coverage for themselves and their Eligible Dependent(s) by paying 100% of the premium (no City subsidy) after the applicable PSPRS subsidy is applied. The Benefits Office must receive written proof from the Social Security Administration that the Retiree lacks sufficient quarters for pre-paid Medicare Part A no later than thirty-one (31) days prior to the date the Retiree otherwise would have qualified for Medicare. If the Retiree's or Dependent's City medical coverage ceases for any reason, the Retiree and/or Retiree's Dependent will not be permitted to re-join the City's medical plan at a later date.

B. Retirees may elect to enroll in Medicare, and the City will reimburse the Retiree for the Retiree's Medicare Part A premium. Contact the Benefits Office for administrative procedures and deadlines required for reimbursement. Any money reimbursed to the Retiree for Medicare Part A premium will be taxable income to the Retiree. The City will not pay Medicare premiums for any Dependent(s) of the Retiree. The City will not pay Medicare Part B or D premiums or for premiums for Medicare Advantage or Supplement plans for the Retiree or Retiree's Dependent(s). If the Retiree later earns sufficient credits/quarters for Medicare Part A, such as through employment, a spouse or an ex-spouse, the Retiree must notify the City Benefits Office within thirty (30) days of such qualification; the City will no longer pay for the cost of the Retiree's Medicare Part A premium; and if the City paid Part A premium for any months after the Retiree's qualification, the Retiree will be responsible for reimbursing the City.

1. If the Retiree chooses this option, the Retiree's Qualified Dependent(s) may continue coverage through the City's group medical insurance plan until they

no longer meet the definition of an Eligible Dependent or until they dis-enroll from the City medical program, whichever is earlier; the Retiree shall pay 100% of the associated premium with no subsidy from the City. Contact the Benefits Office for administrative procedures and deadlines.

2. Retirees must follow Benefits Office procedures for dis-enrolling a Dependent within thirty-one (31) days after the date the Dependent becomes ineligible.

3. Once an age 65+ Retiree leaves the City of Tucson medical plan, the Retiree may **not** later return to the City group medical plan.

4. Once a Dependent of an age 65+ Retiree leaves the City of Tucson medical plan, the Dependent may **not** later return to the City group medical plan.

5. Once the Retiree reaches age 65, the Retiree may not add new dependents to the City medical plan, except as required under federal and state law.

"Qualified dependent" is defined as an Eligible Dependent who is covered under a City group medical plan at the time the Retiree reaches age 65. "Eligible Dependents" are defined in Section III B of this Administrative Directive.

X. GENERAL PROVISIONS

A. **Application Process** – To be eligible for continued medical, dental and/or vision insurance coverage under the Retiree Health Benefit Continuation Program, the Benefits Office must receive a completed application with all the necessary documentation no later than thirty-one (31) days after retirement date. Failure to complete the application process will result in the loss of continued coverage.

Retirees who miss the application deadline to continue coverage upon retirement, do not have coverage at the time of retirement, or waive coverage at the time of retirement may reapply for medical, dental and/or vision insurance coverage only during each plan's open enrollment or within thirty-one (31) days of experiencing a qualifying life event as defined in the Employee and Retiree Insurance Handbook. In order to enroll in the dental and/or vision plan, the Retiree must provide documentation of other continuous dental and/or vision insurance coverage for a period of three (3) years immediately preceding the date the City dental/vision insurance coverage will go into effect. The same continuous coverage provision and documentation requirement apply to Eligible Dependents of Retirees.

B. **Retirees Age 65 and Older** – Retirees age 65 and older at the time of normal retirement, or any time after normal retirement, are not eligible to participate in the City's group medical insurance plans, except in accordance with federal COBRA laws and under the provisions outlined under Section VII of this Administrative Directive.

C. **Dependent Coverage** – Eligible Dependent(s), enrolled on the date of the Retiree's retirement, may continue in the City's group medical, dental and vision insurance plans. Under most circumstances, in order for a Dependent to remain enrolled in a City insurance plan, the Retiree must also remain enrolled. Eligible Dependents have independent enrollment rights only to the extent offered under federal COBRA law or in the situation of the Retiree's attainment of age 65 or the Retiree's death, per item VIII C.8, below. Eligible Dependent(s) not enrolled on the date of the Retiree's retirement may enroll provided proper procedures are followed and required documentation is received by the Benefits Office during an annual open enrollment or within thirty-one (31) days of a qualifying life event (see Appendix A – Coverage Grid). Continuous coverage provisions apply to dental and vision.

1. The City's payment of medical premium subsidy for a Dependent is predicated upon the Retiree remaining enrolled in the medical plan with the Dependent and upon the Retiree being under the age of 65. Once a Retiree's coverage terminates under the medical plan, or once the Retiree is no longer under the age of 65, the City's medical subsidy ceases for the Retiree's Dependent(s). Additionally, for Fire retirees who qualify for dental subsidy under Section VI A, above, once the Retiree's coverage terminates under the dental plan, or once the Retiree is no longer under the age of 65, the City's dental subsidy ceases for the Retiree's Dependent(s).

2. Retirees pay 100% of the applicable premium (no City subsidy) for continuation of Dependents under the City of Tucson dental and vision plans, except as outlined in Section VI A of this Administrative Directive.

3. Dependent(s) become ineligible for the City's group medical plan when the dependent:

a. no longer meets the City's dependent criteria;

b. qualifies for Medicare (due to age or disability); or

c. joins another group health plan.

4. Dependent(s) become ineligible for the City's group dental and vision plans when the dependent no longer meets the City's dependent criteria.

5. Retirees must follow Benefits Office procedures for dis-enrolling dependents within thirty-one (31) days of the date the dependent becomes ineligible.

6. Dependent(s) no longer eligible for City group coverage may be eligible for COBRA benefits to the extent allowable under federal law.

7. Eligible Dependents of under-age 65 Retirees whose coverage has terminated may re-enroll provided proper procedures are followed and required documentation is received in the Benefits Office during annual open enrollment or within thirty-one (31) days of a qualifying life event. Continuous coverage provisions apply for dental and vision.

8. A Dependent covered under the City's group insurance plan(s) at the time the Retiree attains age 65 or at the time of the death of a Retiree may continue coverage by paying 100% of the premium (no City subsidy) for as long as the Dependent remains eligible. In order to remain enrolled in dental and/or vision, the Retiree must also be enrolled in the dental/vision plan, except in the event of the Retiree's death. If the Dependent's coverage under any available option terminates for any reason, the Dependent may not re-enroll at a later date.

   a. Coverage for a surviving dependent spouse terminates upon remarriage. The surviving dependent spouse must notify the Benefits Office within thirty-one (31) days of marriage. If the surviving spouse's new marriage later ends, the surviving spouse may **not** rejoin the City's insurance plans.

   b. Medical coverage for a non-Medicare eligible Dependent of an age 65+ Retiree terminates when the Dependent no longer meets the City's dependent criteria, qualifies for Medicare (due to age or disability), enrolls in another non-City group medical plan, or ceases to be covered under the City's group medical plan. The Dependent must notify the Benefits Office within thirty-one (31) days of these situations. Once dis-enrolled, the Dependent may not re-enroll at a later date.

Appendices Appendix A – Coverage Grid

References City of Tucson Employee and Retiree Insurance Handbook
A.R.S. §§38-817 and 38-857

Review Responsibility and Frequency The Human Resources Director will review this directive as needed. Last review date: September 1, 2013.

Authorized

City Manager

Michael Ortega

Date 6/10/16

MEDICAL	Retiree is under age 65 and doesn't qualify for Medicare *	Retiree is under age 65 and qualifies for Medicare (disability) *	Retiree is 65 or older and qualifies for Medicare	Retiree is 65 or older and doesn't qualify for Medicare	Retiree passes away
Retiree	Allowed on City of Tucson sponsored group medical plan.	Allowed on City of Tucson sponsored group medical plan.	Coverage under the City of Tucson sponsored medical plan ends the first day of the month during which Retiree turns 65. If Retiree's birthday falls on the first day of any given month, medical plan ends the first day of the month PRIOR to the month during which Retiree turns 65.	Retiree may remain on City of Tucson sponsored group medical plan until death by paying 100% of the premium (no City subsidy). Alternative option is available for certain PSPRS retirees - see Section VII for criteria and details.	Coverage ends on date of death.
Spouse is not Medicare eligible (due to age or disability)	Spouse may be on City of Tucson sponsored group medical plan only if retiree is on same plan.	Spouse may be on City of Tucson sponsored group medical plan only if retiree is on same plan.	Spouse may remain on City of Tucson sponsored group medical plan provided proper procedures are followed and the Benefits Office receives required documentation by prescribed deadlines. Contact Benefits Office for details. If spouse leaves City medical coverage for any reason, spouse may not return to medical plan at a later date. Retiree pays 100% of the premium (no City subsidy).	Spouse may be on City of Tucson sponsored group medical plan only if retiree is on same plan. Retiree pays 100% of premium (no City subsidy).	Spouse (widow) may continue coverage alone by paying 100% of premium (no City subsidy). However, coverage ends if spouse re-marries, qualifies for Medicare, joins another group medical plan or drops City of Tucson sponsored medical plan. Spouse must notify the Benefits Office within 31 days of marriage, Medicare qualification or joining of another group medical plan. If spouse later divorces, spouse may NOT return to City plan. Spouse who does not maintain continuous coverage may not later join City of Tucson sponsored plan.
Spouse is Medicare eligible (due to age or disability)	Spouse may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which spouse qualifies for Medicare.	Spouse may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which spouse qualifies for Medicare.	Spouse may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which spouse qualifies for Medicare.	Spouse may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which spouse qualifies for Medicare.	Spouse (widow) may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which spouse qualifies for Medicare.
Child meets dependent criteria	Child may be on City of Tucson sponsored group medical plan only if retiree is on same plan.	Child may be on City of Tucson sponsored group medical plan only if retiree is on same plan.	Child may remain on City of Tucson sponsored group medical plan provided proper procedures are followed and the Benefits Office receives required documentation by prescribed deadlines. Contact Benefits Office for details. If child leaves City medical coverage for any reason, child may not return to medical plan at a later date. Retiree pays 100% of the premium (no City subsidy).	Child may be on City of Tucson sponsored group medical plan only if retiree is on same plan. Retiree pays 100% of premium (no City subsidy).	Child may continue coverage alone by paying 100% of premium (no City subsidy) until child no longer meets dependent criteria or joins another group medical plan. Child must notify the Benefits Office within 31 days of date he/she no longer qualifies. Once child leaves City coverage for any reason, child may not return to plan at a later date.
Child doesn't meet dependent criteria	Child may not remain on City of Tucson sponsored group medical plan.	Child may not remain on City of Tucson sponsored group medical plan.	Child may not remain on City of Tucson sponsored group medical plan.	Child may not remain on City of Tucson sponsored group medical plan.	Child may not remain on City of Tucson sponsored group medical plan.
Child is Medicare eligible (due to age or disability)	Child may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which child qualifies for Medicare.	Child may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which child qualifies for Medicare.	Child may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which child qualifies for Medicare.	Child may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which child qualifies for Medicare.	Child may not remain on City of Tucson sponsored group medical plan - coverage ends first day of month during which child qualifies for Medicare.

* Retirees (and their dependents) who meet the criteria outlined in Section IV may not enroll in City medical, pursuant to the provisions outlined in Section IV.

Revised 4/25/2016

Budget and Administration

ADMINISTRATIVE DIRECTIVE

FINANCIAL PARTICIPATION AGREEMENTS AND MASTER OPERATING AGREEMENTS	NUMBER 3.05-3	PAGE 1 of 3
	EFFECTIVE DATE January 24, 2013	

I. PURPOSE

To create a process for preparing agreements with outside agencies that will assure the most effective and efficient use of monies allocated by Mayor and Council.

II. POLICY

To ensure that the City funds are effectively allocated, each Financial Participation Agreement (FPA) and Master Operating Agreement (MOA) shall incorporate, or provide for, program performance measures and/or a statement of specific services to be provided. To ensure that City funds are properly accounted for each FPA and MOA shall require the organization to provide, at the end of the fiscal year, a statement of revenues received and expenses incurred.

All FPAs and MOAs shall be reviewed and approved by the City Attorney's Office to ensure all payments to outside agencies are for a public purpose and valuable consideration is received by the public for the payment. Valuable consideration exists if the public expenditure is not "far exceeded" by the value of the item or service received by the public.

III. DEFINITIONS

A. **Assigned Department** - The department responsible for preparing and, usually, for monitoring FPAs and MOAs.

B. **Financial Participation Agreement (FPA)** - An annual contract between the City and an outside agency to render services designated by the Mayor and Council as beneficial to the community in exchange for a specified amount of funding. An FPA is a formal contract which must be approved by Mayor and Council at Regular Session. FPAs are not used with Mayor and Council Boards, Committees, or Commissions or an entity that is not a corporation.

C. **Master Operating Agreement (MOA)** - A long-term commitment of City support (usually three to five years) which is subject to an annual allocation of funds by the Mayor and Council. MOAs are designed to provide a framework for future cooperative efforts between the City and the agency, and outline agency and City responsibilities. A MOA is a formal contract that must be approved by the Mayor and Council at Regular Session. Agencies that have MOAs with the City are also required annually to enter into an FPA.

D. **Outside Agency** - An incorporated non-profit, private organization that is not a Mayor and Council Board, Committee, Commission, or a department or division of the City. (For contracting with other governmental agencies, see Administrative Directive 1.04-1, Intergovernmental Agreements. For information on human service programs, contact the Housing and Community Development Department.)

IV. PREPARING FINANCIAL PARTICIPATION AGREEMENTS AND MASTER OPERATING AGREEMENTS

The assigned department shall:

1. Obtain, if needed, a sample format from the Budget and Internal Audit Office.

2. Obtain a contract number from the City Clerk's Office - FPAs only. MOAs do not require a contract number.

3. Verify with the City's Risk Manager that insurance and hold harmless provisions are appropriate for the specific contract. The Risk Manager has authority to revise the standard insurance requirements and/or to include additional requirements for some types of services or agencies.

4. Work with outside agency representatives to develop a scope of services (performance measures) within the limits of the approved funding.

5. Incorporate the performance measures, the agreed on funding level, the terms of payment, the reporting requirements, the contract duration, and the contract "boiler plates" into the FPA, MOA format.

6. Contact Internal Audit to determine appropriate accounting provisions to be included in the agreement.

7. Send the draft agreement to the City Attorney's Office for review of special provisions and approval as to form.

8. Obtain an authorized agency signature on the completed agreement, and schedule the agreement for a Mayor and Council meeting (regular meeting for MOAs and FPAs) (See Administrative Directive 1.02-3, Scheduling, Preparing and Processing Mayor and Council Agenda Materials).

9. Notify the agency of the date and time of the Mayor and Council meeting when their agreement is scheduled for consideration.

10. Prepare a Mayor and Council Communication and process it according to Administrative Directive 1.02-3, Scheduling, Preparing, and Processing Mayor and Council Agency Materials.

    NOTE: The City Clerk's Office will send a copy of the executed FPA or MOA to the agency, the department assigned to monitor the agreement, and to Internal Audit .

V. MONITORING THE AGREEMENTS

A. Assigned Department

1. Ensure that (a) any agencies receiving city funds submit performance and financial reports on schedule, (b) outside agencies submit a Certificate of Insurance as required in the agreement, and (c) insurance coverage extends throughout the contract period. Ensure that the outside agency is in good standing with the Arizona Corporation Commission.

2. Process requests for payment from the agency (subject to compliance with reporting requirements and contract provisions). Payments shall be made using a DA-23 approved by Budget and Internal Audit Office staff.

3. Monitor agency performance. Internal Audit is available to provide assistance regarding FPA and MOA contract compliance issues.

Appendices

Examples of FPAs and MOAs are available from the Budget and Internal Audit Office.

References

AD 1.02-3 Scheduling, Preparing and Processing Mayor and Council Agenda Material
AD 1.04-1 Intergovernmental Agreements
Article IX, Section 7 of the Arizona Constitution

Review Responsibility and Frequency

The City Manager shall review this directive annually, or as necessary.

Authorized

1-29-13

City Manager — Date

Richard Miranda

ADMINISTRATIVE DIRECTIVE

ORGANIZATION REVIEW/REORGANIZATION	NUMBER	PAGE
	3.05-4	1 of 3
	EFFECTIVE DATE March 1, 2016	

I. PURPOSE

To set forth the minimum requirements for Department Directors when requesting an organization review and/or reorganization.

II. POLICY

A. Department Directors will be accountable for adhering to their approved budgets and for achieving operational goals. This includes the proper assignment of duties that are within the classification specifications for positions within the department budget.

B. Department Directors have discretion to reevaluate, reorganize and reassign resources as deemed necessary for the efficient delivery of services to the community. This discretion is limited as described in Section C below.

C. Department Directors or their subordinates shall not change any organizational structure approved by Mayor and Council during the annual budget process without receiving prior approval from the City Manager.

II. DEFINITIONS

A. **Budget Unit:** A discrete unit identified in the annual budget. A budget unit will include general description of duties, description and number of employees, and budgeted expenditures.

B. **Classification Review:** A process conducted to evaluate and gather the information necessary to describe and classify a position into the correct grouping of positions within the classification system (for more information see AD 2.01-5).

C. **Organization Review:** A process conducted that reviews organizational structures for their efficiency.

D. **Promotion:** The reassignment of an employee from a position in one classification to a position in another classification that is assigned a higher salary range by ordinance.

E. **Reclassification:** The approved assignment of a position from one classification to a new or existing classification that is based on a change in assigned duties or responsibilities to meet organizational needs.

F. **Reorganization:** An approved change in the structure, duties, and reporting relationships within a department or budget unit.

IV. PROCEDURE FOR REORGANIZATION

A. A reorganization is initiated to improve efficiencies, realign to customers' needs, or maximize use of resources. Reorganization can include changes to structure, duties, and reporting relationships within an organization.

B. The reorganization begins with an organization review conducted during the annual budget development process or to meet budgetary or efficiency needs as follow:

1. Department Directors' written requests for organization reviews are submitted to the Chief Financial Officer/Assistant City Manager for approval and referral to the Finance Department. The request shall be completed by the Department Director and submitted at least two weeks prior to the date the initial budget package is due to the Finance Department.

2. The request for an organization review shall include the following:

a. A written explanation of the need for the organization review,
b. Current organization charts and organization charts with proposed changes,
c. Detailed description(s) of the proposed change(s) in duties and assignments of each affected position, including:
(1) New duties which may affect position classification,
(2) Other equipment needed for new assignments,
(3) Remodeling/moving needs, and
d. Projected costs of organization changes.

3. Organization reviews are conducted by the Finance Department.

4. Recommendations of the Finance Department are submitted to the City Manager's Office for review and approval.

5. The Finance Department will notify Department Directors of results of their requests.

C. Examples of items resulting from reorganization:

1. Moving positions from one division to another,
2. Requesting additional positions for related functions,
3. Eliminating positions associated with obsolete or changing functions,
4. Requesting Classification Review,
5. Redefining duties required for positions,

6. Creating a new division/removing a division/adding or removing functions within divisions,
7. Redesigning reporting relationships,
8. Redefining functions in relation to customers' needs, and
9. Consolidation of Departments

D. Organization changes are implemented through amendments to the Compensation Plan, Classification Plan and/or the Tucson Code.

E. New Functions/Programs: The creation of new functions or programs of a Department can create entirely new duties and tasks of a position. In these cases, a new classification may be created in accordance with A.D. 2.01-5, Classification Review.

F. Modification of Existing Functions/Programs: As functions or programs of a Department are modified to meet the needs of the community or the organization, duties and tasks of existing positions may change resulting in a reclassification in accordance with A.D. 2.01-5, Classification Review.

Appendices None

References
Administrative Directive 2.01-1, Compensation Administration – General Policies
Administrative Directive 2.01-1A Pay Rate Placement
Administrative Directive 2.01-5, Classification Review

Review Responsibility and Frequency The Finance Director shall review and revise this directive as appropriate. Last review date: April 10, 2009.

Authorized

City Manager — Date 10/3/16

Michael Ortega

Risk Management

ADMINISTRATIVE DIRECTIVE

RISK MANAGEMENT POLICY	NUMBER 3.06-1	PAGE 1 of 17
	EFFECTIVE DATE May 2, 2016	

I. PURPOSE

To establish policies and procedures that safeguard human lives, protect City property and specify responsibilities for departments and employees.

II. POLICY

The City of Tucson (City) is subject to risks that affect health, safety and city assets. An effective risk management program reduces and prevents occurrence of accidents that lead to financial liability.

This administrative directive provides the minimum framework of an effective risk management and occupational safety health program and represents the minimum requirements in the areas of risk management and safety. Various departments have safety concerns and requirements unique to their daily job functions; therefore, individual departments may disseminate and enforce their own risk management directives in addition to this policy to ensure compliance with Federal and State laws. Departmental directives may be more stringent, but not less than the measures outlined.

III. DEFINITIONS

Accident – An event or incident involving a city employee, facility, or equipment that results in a loss of or damage to property, person, animal, or fixed object.

Claim – A demand by an individual or entity for monetary compensation related to a loss experienced by said individual or entity.

Deductible – The amount of a loss to be paid from the budget of the specific department.

Employee – Any individual employed and receiving direct payroll compensation from the City whether permanent or non-permanent, or any individual appointed to a City commission or board.

Form 103 – Incident (Event) Reporting Form used to document information on any property damage, loss or injury; shall be completed by the supervisor of involved employee.

IBNR – Acronym for Incurred But Not Reported. An estimate of losses where the claim-generating event has occurred, but the loss has not been reported.

OSHM – Occupational Safety and Health Manual containing City safety directives.

Property – City owned real and personal property or real and personal property owned by others utilized for City business.

Retention Level – The maximum amount of a loss to be paid from the Trust. Where applicable, losses above this amount will be paid from excess insurance coverage.

Risk Manager – Administrator for the City's Risk Management Program and Self–Insurance Trust fund, responsible for controlling accidental losses, encouraging safety, obtaining insurance coverage, and overseeing the administration of claims against the City and its employees.

Risk Management – The City's division, that systematically identifies, evaluates and implements programs and decisions minimizing the adverse effects of accidental losses associated with injury, property damage and other potential legal liability.

Serious Accident – An accident that results in serious injuries, death(s), injuries to three (3) or more persons, hospitalization over 24 hours, property damage greater than $50,000 or significant City liability exposure**.**

Trust – Self-insurance fund providing coverage for general public liability claims, property damage, workers' compensation, attorney fees, and other such costs associated with cases, including training and other programs to reduce potential losses and future liabilities.

Workers' Compensation Insurance – A form of mandatory insurance that provides medical and wage benefits, and/or disability to employees who experience work related injuries determined to be compensable.

Vehicles – In this context, all rolling stock (over-the-road or on-site) are subject to the controls and restrictions of this AD whether it was purchased through federal, state, City or donated funds.

IV. RESPONSIBILITIES

A. Departmental Responsibility

1. Adopt and enforce departmental polices that prevent loss or damage while conducting daily operations.

2. Provide training to ensure employee awareness of reporting protocols and processes.

3. Ensure appropriate insurance verification certificates are placed in City vehicles.

4. Take appropriate action following an accident to reduce the physical and/or financial impact on individuals and the City.

5. Conduct initial investigation and report to Risk Management within 48 hours of any accident that may give rise to a claim on Form 103 (Refer to Appendix A). This form shall include the names, addresses and phone numbers of all persons involved and as many witnesses as possible.

6. Contact Risk Management immediately in the event of a serious accident.

7. Preserve equipment, property, records and data involved until release has been provided by Risk Management and/or the City Attorney's office.

8. Direct all contacts and communication concerning claims against the City, its agencies, officers, agents, or employees by a third party to Risk Management and/or the City Attorney's office.

9. Implement remedial measures to prevent similar injuries or accidents.

10. Obtain prior approval from the Risk Manager or City Attorney's office before discussing or providing electronic (including email), written or verbal reports to anyone other than city-authorized personnel, including city personnel outside your department. The employee may discuss or provide electronic data to investigating Police or Fire personnel, the Department Director and/or their designee.

B. Employee Responsibility

1. Understand and follow policies, exercising due care that will prevent loss or damage to City property and prevent injury to themselves or others while performing daily operations.

2. Report all accidents that may give rise to a claim immediately to their supervisor (refer to OSHM–H004).

3. Take appropriate action following an accident to reduce the physical and/or financial impact on individuals and the City.

4. Preserve all equipment, property and/or vehicles involved, and refrain from repairing, scrapping or tampering with the equipment, property and/or vehicles until Risk Management or the City Attorney's office approves its release.

5. Cooperate fully with law enforcement, their supervisor, Risk Management, the City Attorney's office and their representatives providing all information and materials requested to investigate and resolve a claim as outlined in AD 2.02-5.

6. Do not make any public statements about the accident. Do not discuss the accident with anyone other than City authorized personnel. Do not speculate about what caused the accident or admit liability or fault for the accident (refer to AD 2.02-14, Ethics and Conflicts of Interest).

7. Do not assist a potential claimant in the preparation of any claim.

8. Direct questions concerning a loss to Risk Management.

9. Obtain prior approval from the Risk Manager or City Attorney's office before discussing or providing electronic (including email), written or verbal; reports to anyone other than city-authorized personnel including city personnel outside your department. The employee may discuss or provide electronic data to investigating Police or Fire personnel, the Department Director and/or their designee.

V. INSURANCE

A. The Risk Manager is to procure insurance from any authorized insurer doing business in the State by the Department of Insurance and to establish a self-insured retention program. Insurance coverage shall be in accordance with Title 20 of the Arizona Revised Statutes and shall cover liabilities incurred by the following:

1. Ownership of real property by the City.

2. Ownership of personal business equipment by the City including computers, furniture and fixtures.

3. Ownership and operation of motor vehicles, street cars, heavy equipment, and aircraft by the City and its employees.

4. Operation of employees' personally owned vehicle if used in the course of employment with the City and if such use is approved by the Department Director.

5. Employees authorized to operate a personally owned vehicle on city business and is deemed not-at-fault, the limitations of City responsibility is up to $1,000 of the employee's deductible.

6. Actions or inactions of employees, volunteers, elected or appointed officials of the City as well as commissions, boards, and authorities which operate under the direct supervision and control of the City, when acting in their capacity as agents of the City.

B. There shall be a minimum of two categories of casualty loss utilized by the Risk Manager to track claims: Auto and General.

1. Auto - Losses caused to third parties when a City employee is involved in an accident while driving City-owned automobiles, heavy equipment, or the employee's personal vehicle if being used for City business.

2. General – Losses caused to third parties other than Auto.

VI. SELF-INSURANCE FUND

The Risk Manager, under direction of the Finance Director, shall be responsible for the management of the City's self-insurance fund. Such management responsibilities shall include, but not be limited to, preparing an annual budget, creating requisitions to pay for the charges made against the fund, obtaining actuarial reports, allocating premium costs, and securing excess insurance to protect against insolvency of the fund.

A. Funding - Determination of the appropriate amount of funding for the Trust shall be made annually and shall be solely within the discretion of the Mayor and Council. The

trust shall be funded by allocation of monies from the general fund and non-general fund departments. Trust funds shall be based upon the trust administrator's analysis of claims history and pending claims.

B. Expenditure of Funds - Self-insurance funds shall be expensed solely for payment of claims, administration of the Trust, employee training and development to reduce future liabilities and other purposes as set forth in ARS §11-981, Title 20, and Tucson City Code, Chapter 18.

VII. FUND RESERVES

An accurate reserve is a compilation of a sound comprehensive evaluation of all factors affecting the ultimate value of any claim to include but not limited to, liability, nature and extent of injury, damage related issues, medical treatment and cost, lost earnings, anticipated length of disability, permanency and anticipated defense cost. Fund reserves shall cover the following types of reserves:

A. IBNR - On any given day, the fund has a liability to pay claims that have already been incurred but not reported (IBNR) as of that day. A valuation of the IBNR shall be performed annually by a qualified actuary. The actuary will use methods that conform to the relevant standards of practice as promulgated by the Actuarial Standards Board. The IBNR amount shall be funded 100% at all times.

B. Contingency Reserve - This reserve represents dollar estimate for an event that may occur. Even if the City continues to fund at the expected claim level (based on standard actuarial practices), there is a risk that claims can be higher. The Contingency Reserve covers costs associated with these unexpected claims. The amount of the Contingency Reserve shall be 20% of the current discounted expected confidence reserve estimate provided by the actuary or not less than a minimum targeted amount of $7 Million.

Maintaining the fund's ability to respond proactively and confidently in its function rather than being a reactionary, passive entity controlled by economic and insurance market fluctuation will ensure its stability. Should a deficit occur in the fund, the City shall consider deficit reduction measures to include but not limited to additional allocation of funds from general fund and non-general fund departments.

C. Any reserves in the Contingency Fund shall not be transferred out of the fund without affirmative recommendation from the Self-Insurance Trust Board and any transfer shall be in accordance with Tucson City Code, Chapter 18 and Title 20 of the Arizona Revised Statutes.

VIII. CLAIMS ADMINISTRATION

Risk Management shall investigate all reported liability claims to determine coverage, notify the appropriate insurance carrier, if applicable, evaluate the merits of self-insured claims and coordinate defense and settlements with the City Attorney's office. Any claim that can be

settled or denied within the authority granted to the Risk Manager shall be handled as outlined in Tucson City Code, Chapter 18.

A. Payment - All claims approved for payment shall be paid by the City at the established retention levels. Amounts exceeding established retention levels shall be paid through an excess insurance policy provided by an insurance company retained by the City. All claims shall be administered by the Risk Manager according to ARS §12-821, Title 20, and Tucson City Code, Chapter 18.

B. Settlement Authority - The Risk Manager or City Attorney shall have the authority to settle all claims against the City covered by the Declaration of Trust as follows:

1. Up to $20,000 for bodily injury or property damage.

2. Up to $40,000 combined bodily injury and property damage.

3. Up to the amount of the deductible of any city purchased property insurance policy in effect when the loss occurs.

Any claims $20,000 and over for Bodily injury, or for combined Bodily injury and property Damage exceeding $40,000 must have Mayor and Council approval as outlined in Tucson City Code, Chapter 18.

Settlement of any claim is conditioned upon a properly executed release by the claimant in favor of the City, its officers, appointees and employees.

Any claim requiring a legal analysis or response, or is beyond the settlement authority of the Risk Manager, shall be forwarded to the City Attorney's office for administration.

Prior to formulation of its formal response, the City Attorney shall consult with the Risk Manager to discuss the City Attorney's plan of action and to receive input from the Risk Manager.

C. Notice of Claim - Risk Management shall, upon request, make available to potential claimants a Notice of Claim form (Refer to Appendix B) permitting the claimant to provide facts supporting the claim and a specific amount for which the claim can be settled as per ARS § 12-821.01.

D. Records Management - The Risk Manager shall maintain the integrity and confidentiality of any and all claim records provided that are protected by federal or state law or City ordinance, and shall not disclose the nature of said documents to any unauthorized parties, unless required to do so.

IX. CLAIMS PROCESSING

A. Notice of Claims - The City Clerk receives notification of all claims against the City, its agents and employees. Upon receipt of a claim, the Clerk shall date stamp the claim

with the time and date and assign it a record number. The claim shall then be forwarded to the Risk Manager and/or the City Attorney for processing.

B. Lawsuits - The City Clerk receives all lawsuits against the City, its agents and employees. The Clerk shall date stamp the lawsuit with the time and date and assign it a record number. The lawsuit shall then be forwarded to the City Attorney and the Risk Manager. The City Attorney shall apprise the Risk Manager of any and all significant developments in the lawsuit and shall forward all settlement and expense invoices in connection with the case to the Risk Manager for processing and tracking.

Upon receipt of a complaint and summons, the City Attorney shall provide a litigation management plan to the Risk Manager and shall advise if changes to the plan become necessary.

C. Collection from Liable Third Parties - The Risk Manager shall be responsible for pursuing collection activities against third parties responsible for damage to City property. A determination as to whether collection activity is warranted shall be made by the Risk Manager. Any unsuccessful collection attempts shall be referred to City Collections.

X. SERIOUS ACCIDENT CLAIMS

In the event of a serious accident, it is essential that evidence not be compromised. The scene of an accident shall be coordinated with the Police officer or Fire officer in charge. Risk Management investigation activities both at the scene and subsequently shall not interfere with Police or Fire criminal investigation.

A. In the event of a serious accident, the Supervisor and or Department Director shall notify Risk Management within one (1) hour at 791-4728 of an accident and forward Form 103 within 48 hours. If the event occurs after work hours, contact 911 to obtain appropriate Risk Management contact information. The Risk Manager will work with the City Attorney's office to ensure documents; materials and equipment are preserved relative to the accident.

B. Departments shall report all occupational fatalities and serious injuries/illnesses requiring emergency transport within one (1) hour to Central Safety Services at 837-4312 or 850-6008.

C. In the event of a fatality, the Risk Manager shall notify the excess carrier within the required time frame and shall consult with the City Attorney's office prior to serious injury notification.

D. Serious Accident Investigation and Prevention:

1. Risk Management in collaboration with the City Attorney's office will:

a. Review ALL Level 3 accidents (equivalent to Level 3 violation in AD 2.03-4, Section V) to ensure that any departmental investigations of the

accident and follow-up activities are conducted in a coordinated manner.

b. Provide an unbiased review of the circumstance surrounding the event.

c. Review the initial investigation, make findings and recommendations as defined in AD 2.03-4 Departmental Safety Programs and Disciplinary Guidelines for Infractions of Safety Violations, Section V).

2. Review at any time individual department accident control and investigation procedures, including any other relevant departmental rules, regulations and policies and the actual enforcement of the same, in order to make general recommendations to the department Director and/or the City Manager.

E. Control of Material Evidence

1. It is essential that accident evidence not be compromised by being repaired, scrapped, lost or otherwise tampered with. Therefore, the City Attorney's office and/or Risk Manager may determine that specific city materials, equipment or vehicles that have been involved in an accident must be secured immediately after release from the Police and/or Fire investigation. Upon request departments shall immediately surrender any evidence pertinent to the accident (including vehicles, keys, files, records etc.) for safekeeping. City Attorney's office and/or Risk Manager will advise release of evidence as soon as its use in any claim is completed. Because impounded City equipment or vehicles may be important to a department's operations – for example, fire apparatus – the City Attorney's Office and/or Risk Management will coordinate with the claimant's legal representative to ensure that the City evidence is released as soon as possible.

2. To ensure the control of material evidence, the City Attorney's office and/or the Risk Manager, will notify the appropriate department when materials, equipment or vehicles are impounded and released from impoundment.

F. Release of Information - The Police and Fire Departments, upon request may release only information that they are legally obligated to release concerning an accident which the City may have substantial liability exposure. All requests for additional information about a Serious Accident shall be referred to the City Attorney's office for a response.

1. City Departments, offices or staff shall not release any information about serious accidents to the public or the media, but shall refer all questions to the City Attorney's office and/or the Risk Manager.

2. Unless specifically authorized by the City Attorney's office and/or the Risk Manager, all city employees while on duty are prohibited from any public speculation about the cause of accident or public discussion of City responsibility for the accident.

Any employee found responsible for the non-authorized release of information relating to a serious accident shall be subject to disciplinary action.

XI. CITY PROPERTY CLAIMS

In the event of loss or damage to City property, employees shall notify their supervisor immediately or as soon as practically possible and take appropriate steps to protect the property against further loss.

Any department experiencing a loss to City property shall report the loss on Form 103 providing a detailed description of the events to the Risk Manager within 48 hours of the accident.

The department experiencing the loss shall provide the Risk Manager all invoices, receipts, repair estimates and any other documents in connection with the repair or replacement of the damaged property within a reasonable amount of time. All approved loss payments are subject to a $10,000 deductible and shall be processed by the Risk Manager.

The Risk Manager will determine if the loss will be in excess of retention levels and, if so, report the claim to the appropriate property insurance carrier within 48 hours of the accident.

XII. RESERVATION OF RIGHTS

The Risk Manager, acting in concert with the Finance Director and/or City Attorney, may issue a reservation of rights whenever a claim is presented by a department, for which the City appears to be, but may or may not be liable, depending upon the determination of the factual basis for the claim.

XIII. LOSS PREVENTION

Loss prevention procedures such as employee training, use of safety devices and programs, regular inspections, risk assessments, and maintenance programs, shall be implemented to reduce the frequency or likelihood of losses. Central Safety Services, under the direction of the Risk Manager, shall administer such program services and inspections in accordance with the City of Tucson Safety policy and OSHM directives found at https://intranet.tucsonaz.gov/central-safety-services.

XIV. MAINTENANCE

All City property shall be maintained in safe working order. Care shall be exercised by all employees to protect said property from any and all perils. Logs outlining maintenance work shall be kept up-to-date.

XV. INSPECTIONS

All City facilities are subject to inspections at any time by Central Safety Services Multi-Agency Inspection Team, working under the direct supervision of the Risk Manager. Any violation of the standards set forth in OSHM or the standards promulgated by OSHA will be brought to the attention of the Department Director by Central Safety Services. A reasonable amount of time will then be given to correct the violation and the Department Director will provide written verification to Central Safety Services when said violation is corrected.

XVI. HAZARDOUS CONDITIONS

Any employee who notices a hazardous, or potentially hazardous, condition in City buildings or on any property owned and maintained by the City, and which has the potential to cause injury to persons or damage to property, shall take appropriate action using the following guidelines:

A. Immediately report all hazards and conditions that are imminently dangerous to life and health to their supervisor in accordance with AD 8.01-1 and OSHM S-002.

B. Departments shall investigate each Report within thirty (30) days. Corrective action, if warranted, shall be detailed and dated, with concurrence from a Department Administrator and Safety Officer or Safety Representative. If employee information is provided, the Department shall communicate the corrective action to their employee. For an anonymous report, the Department shall communicate corrective action to all affected employees.

C. Central Safety Services, in cooperation with all affected departments/divisions shall review each documented report and shall ensure that each report is addressed and corrected when warranted.

XVII. WORKERS' COMPENSATION

Workers' compensation insurance is a statutory, no-fault insurance that pays for medical treatment and, in some cases, wage compensation for employees injured on the job and determined to be compensable. City employees are covered under workers' compensation insurance provided by the City for industrial injuries.

The Risk Manager shall be responsible for financial oversight, obtaining actuarial reports, allocating premium cost, and securing excess insurance to protect the integrity of the fund.

Employees injured during the course of employment shall notify his/her immediate supervisor of his/her injury immediately, following processes outlined in OSHM H-004.

Volunteers approved to perform work for the City on a volunteer basis, shall not receive workers' compensation coverage under the City's self-insured workers' compensation program.

XVIII. TRAINING

The Risk Manager shall consult with various departments and provide necessary training to ensure employees tasked with conducting investigations receive training that covers, at minimum, the following:

1. Securing the scene
2. Rendering assistance
3. Collecting data
4. Analyzing the data
5. Completing the Incident (Event) Reporting Form 103 (including remedial measures)
6. Follow-up activities

Appendices

A. Incident (Event) Reporting Form 103
B. Notice of Claim Form
C. Safety and Discipline Guidelines Quick Reference

References

AD 2.02-5,	Rules of Conduct
AD 2.02-14,	Ethics and Conflicts of Interest
AD 2.02-15,	City Employee Conduct as Civil or Criminal Defendants
AD 2.03-4,	Departmental Safety Programs and Disciplinary Guidelines for Infractions of Safety Violations
AD 8.01-1	Environmental Management Program Policy and Incident Notification Procedure
OSHM S-002,	Report of Hazard or Unsafe Condition
OSHM H-004,	Accident Reporting Procedures
ARS § 11-981, ARS § 12-821 and 20	
Tucson City Code, Chapter 18	

Review Responsibility and Frequency The Director of Finance and Risk Manager will review this directive annually, based on date of publication.

Authorized

City Manager
Michael Ortega

Date 6/10/16

APPENDIX A

INCIDENT (EVENT) REPORTING FORM

Risk Management
255 West Alameda, 5th Floor
Tucson AZ 85726
Phone: (520) 791-4728 / Fax: (520) 624-2061
Email: RiskManagement.CHPO2.CHDOM2@tucsonaz.gov

Report To Be Completed By Immediate Supervisor In Its Entirety Within Two (2) Work Days Of Incident

EMPLOYEE INFORMATION

1. Employee Name	2. Employee ID#	3. Job Title

4. Department	5. Division	6. Supervisor Name	7. Supervisor Contact #

ACCIDENT INFORMATION

8. Date of Loss	9. Time of Loss	10. Incident Location (street address/ intersection)

11. Accident/Incident Type (mark all that apply)			
	Motor Vehicle Accident	MVA Loss Type:	N/A
	Bodily Injury	MVA Description Type:	Sideswiped
	Property Damage	Any Vehicle Towed?	Y

12. Responding Police Agency	13. Case Number	14. Officer Name & ID#		16. Citation#
			15. Employee Cited?	Y

17. Describe what happened, how it happened and include factors leading to the event. Be specific and give as many details as possible.
Vehicle Collisions Require Completion of Accident Diagram (on the Reverse Side)

NON-EMPLOYEE INJURY INFORMATION

18. If Person(s) injured, list the following information

Name	Street Address / Zip Code	Injury Description	Medical Transport	Date of Birth	Daytime Phone
			Yes		
			Yes		
			No		

PROPERTY DAMAGE

19. Type of Property Damage (mark all that apply)					
	City Property	Describe:			
	City Vehicle	Fleet #:		Plate #	
	Private Property	Describe:			

20. Property Owner Name (A)	Street Address / Zip Code	Daytime Phone

Insurance Company Name:	Telephone #:	Policy #:

Property Owner Name (B)	Street Address / Zip Code	Daytime Phone

Insurance Company Name:	Telephone #:	Policy #:

WITNESS INFORMATION

21. Name	Street Address / Zip Code	Daytime Phone

EMPLOYEE INJURY INFORMATION

22. Was medical treatment provided?	Y	Employee injury must be reported on Form 100A
23. Type of Treatment	At the Scene - First Aid Only	

SUPERVISOR REVIEW

Remedial Measures Required?	Y	Photos Attached?	N	Photos Taken By:	
Report Prepared By:			Employee #		Date:

Do Not Repair /Discard City Equipment Involved in an Accident until it is Released by Risk Management or the City Attorney's Office

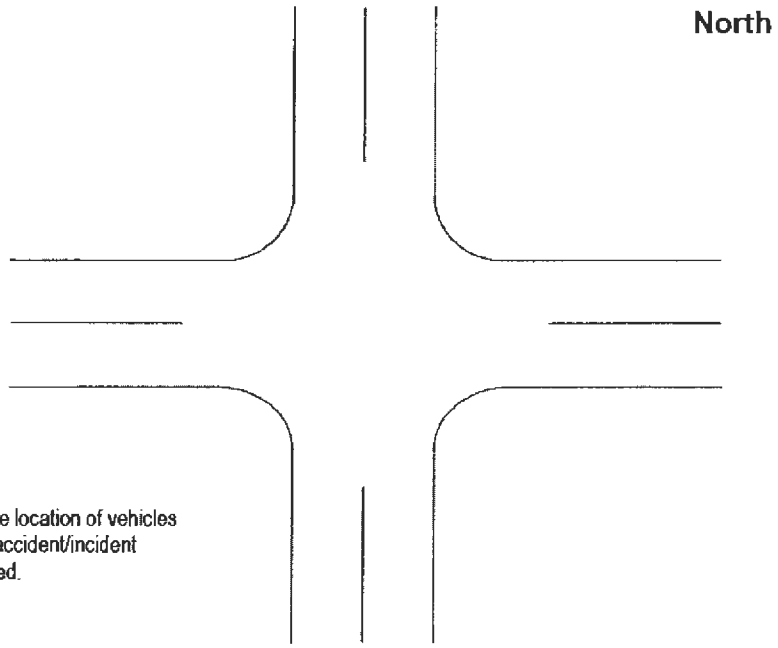
NOTE: IF ADDITIONAL SPACE IS REQUIRED TO COMPLETE THIS REPORT, USE SEPARATE SHEET OF PAPER AND ATTACH

DISTRIBUTION: 1. Email to Risk Management 2. Department Records 3. Forward to Fleet if repair is needed

APPENDIX A – (Cont'd)

Please Complete Scene Diagram

ACCIDENT SCENE

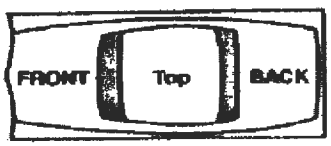


Please Complete Vehicle Damages Diagrams

Mark the area of damage with an "X"

COT vehicle

Mark the area of damage with an "X"



Other Vehicle

Reporting Guidelines

1) Completed form to be submitted to Risk Management within two (2) work days after collision, incident, or vandalism.
2) This form must still be filled out even if there are no damages to an employee's vehicle (city-owned, rented or personal) when there are damages to a citizen's property.
3) Do not repair or discard city equipment involved in an accident until it is released by Risk Management or the City Attorney's office .
4) Photos are required for all accidents/incidents.

APPENDIX B

CITY OF TUCSON

INSTRUCTIONS FOR FILING YOUR CLAIM

In order to file a Notice of Claim against a public entity or employee, please refer to Arizona Revised Statutes §12-821 and § 821.01, which provides certain requirements with regard to presenting claims against public entities and public employees.

This claim form is provided to assist in presenting a claim against the City of Tucson that complies with these statutes as follows:

> **ARS §12-821:** All actions against any public entity or employee shall be brought within one year after the cause of action accrues and not afterward.
>
> **ARS §12-821.01:** Persons who have claims against a public entity or a public employee shall file claims with the person or persons authorized to accept service for the public entity or public employee as set forth in the Arizona rules of civil procedure within one hundred eighty days after the cause of action accrues. The claim shall contain facts sufficient to permit the public entity or public employee to understand the basis on which liability is claimed. The claim shall also contain a specific amount for which the claim can be settled and the facts supporting that amount. Any claim that is not filed within one hundred eighty days after the cause of action accrues is barred and no action may be maintained thereon.
>
> A proper notice of claim must be filed and denied before suit may be filed against a public entity or public employee. A claim will be barred by the statute of limitations if a lawsuit is not filed within one year after the cause of action accrues.

Please complete the Notice of Claim form and provide all information requested on the form so that a prompt and fair evaluation can be made of your claim.

In addition to filling out the Notice of Claim, you can facilitate processing of your claim by including copies of any available supporting documents (medical bills, repair estimates, photographs, etc.) and information (exact loss location, direction of travel, description of personal property, etc.). For property damage losses over $1,000 please provide 2 estimates.

Please be aware that you are legally responsible to minimize any loss, to protect property from further damage and to preserve potentially relevant evidence.

Please note that each person making a claim against the City must fill out a separate claim form.

Once you have completed your Notice of Claim, it must be filed with the City Clerk's Office. The City Clerk will accept your form if it's mailed or hand-delivered as stated below. It is your sole responsibility to confirm that the Clerk's office has actually received your form.

Return by mail to:	**or**	**Hand Deliver to:**
City of Tucson City Clerk's Office P.O. Box 27210 Tucson, AZ 85726-7210		City of Tucson City Clerk's Office 255 West Alameda 9th Floor

Once we receive your claim, your claim will be investigated to determine whether and to what extent, if any, the City may be liable. The City can only pay for claims for which the City is legally liable. If you do not receive a response for your claim within 60 days, you may consider your claim denied.

PLEASE KEEP A COPY OF THE COMPLETED FORM AND ORIGINAL DOCUMENTS FOR YOUR RECORDS

APPENDIX B (Cont'd)

NOTICE OF CLAIMS AGAINST THE CITY OF TUCSON

The claim form must be filled out completely and:

MAILED TO:		HAND CARRIED TO:
City of Tucson City Clerk's Office P.O. Box 27210 Tucson, AZ 85726-7210	OR	City of Tucson City Clerk's Office 255 West Alameda 9th Floor

If you have questions regarding this form or the claims process, please call the City of Tucson's Risk Management Office at (520) 791-4728. The City Clerk may not accept service of claims or lawsuits filed against individual employees or their spouses.

Claimant may wish to review applicable laws, such as the following:

1. Arizona Revised Statutes § 12-821 (excerpt listed at bottom of the Notice of Claim form)
2. Arizona Rules of Civil Procedure [Volume 16, Rule 4.1 (b)]
3. Tucson City Charter [Chapter XXV, Section 12 (with the exception of the 60-day claim filing period which has been superseded by the period specified in Section 12-821.01, Arizona Revised Statutes)].

FOR CITY CLERK USE ONLY

1. ☐ Notice of Claim ☐ Lawsuit ☐ Subpoena Log # _____

☐ Claim/Lawsuit Involves a Juvenile Date of Birth: _____

2. Received By – Deputy City Clerk: _____
3. Describe: _____

Received on Behalf of: _____

Authorization on File? (Department Director or Code Official): ☐ Yes ☐ No

Does this claim Involve a Minor? ☐ Yes ☐ No

Attachments Included: ☐ Yes ☐ No

Number of Pages: _____ (Include Notice of Claim Form and Information Sheet)

Number of Photos: _____ BW ☐ Color ☐

Photos Received In Risk Management By: _____ Date: _____

Date/ Time Received

4. Method of Receiving Notice of Claim/Lawsuit:

☐ Process Server Name: _____

or

☐ Messenger Server Signature: _____

☐ Personal Delivery Name: _____

Signature: _____

☐ Regular Mail

☐ Certified Mail - Receipt # _____

☐ Other (Specify: _____

5. Email Distribution of Notice Claim (Courtesy Copies)

☐ Risk Manager	Date:	Received By:	
☐ City Attorney	Date:	Received By:	
☐ _____	Date:	Received By:	
☐ _____	Date:	Received By:	

Subpoenas Only:

Check # _____ ☐ Cash Amount $ ___ Payee: _____

APPENDIX B (Cont'd)

NOTICE OF CLAIM AGAINST THE CITY OF TUCSON

Pursuant to A.R.S. Sections 12-821 & 12-821.01
(and other applicable laws listed in the Instructions for Filing Your Claim)

Risk Management Use only- CLAIM #				RECEIVED IN CITY CLERK'S OFFICE
Name				Date of Birth
Address				Apt#
City	State	Zip Code	Home Phone	Cell Phone

CLAIM FACTS

Occurrence Date	Time of Day	Location (Street Address/Intersection)
	AM ☐ PM ☐	

Description of What Happened (specify the event, act, or ommission causing damage or injury) Attach additional pages, if necessary.

Property Damage? Describe the property and extent of damage(s) sustained. Attach estimates, appraisals, and repair bills, if available.

Bodily Injury? Describe the nature of the injury and when you first became aware of the injury. Attach copies of bills/receipts, if available.

Cause of damages and/or injuries:

Reasons why the City is responsible for your damages and/or injuries:

List names and addresses of witnesses, involved parties, and treating physician(s):

Name	Address	Daytime Phone

Photographs Attached?	Yes ☐ No ☐	Bills, Records, Receipts, Estimates and/or Invoices Attached?	Yes ☐ No ☐

Damages Claimed

Property Damage:	$
Bodily Injury:	$
Other - Please specify:	$
State the amount you would settle this claim should liability be found against the City	$

I, the undersigned, do solemnly swear (or affirm) that all of the above statements are true to the best of my knowledge and belief.

Date _____ Signature _____

This form is provided to assist in filing a claim with the City of Tucson that complies with the requirements of A.R.S. § 12-821 and 12-821.01, which defines the requirements of filing a claim against a public entity in the State of Arizona. Failure to file a proper claim prior to the expiration of the statute of limitations may result in your claim being denied. Filing a valid, timely claim remains the claimant's sole responsibility.

A.R.S. § 12-821: All actions against any public entity or employee shall be brought within one year after the cause of action accrues and not afterward.

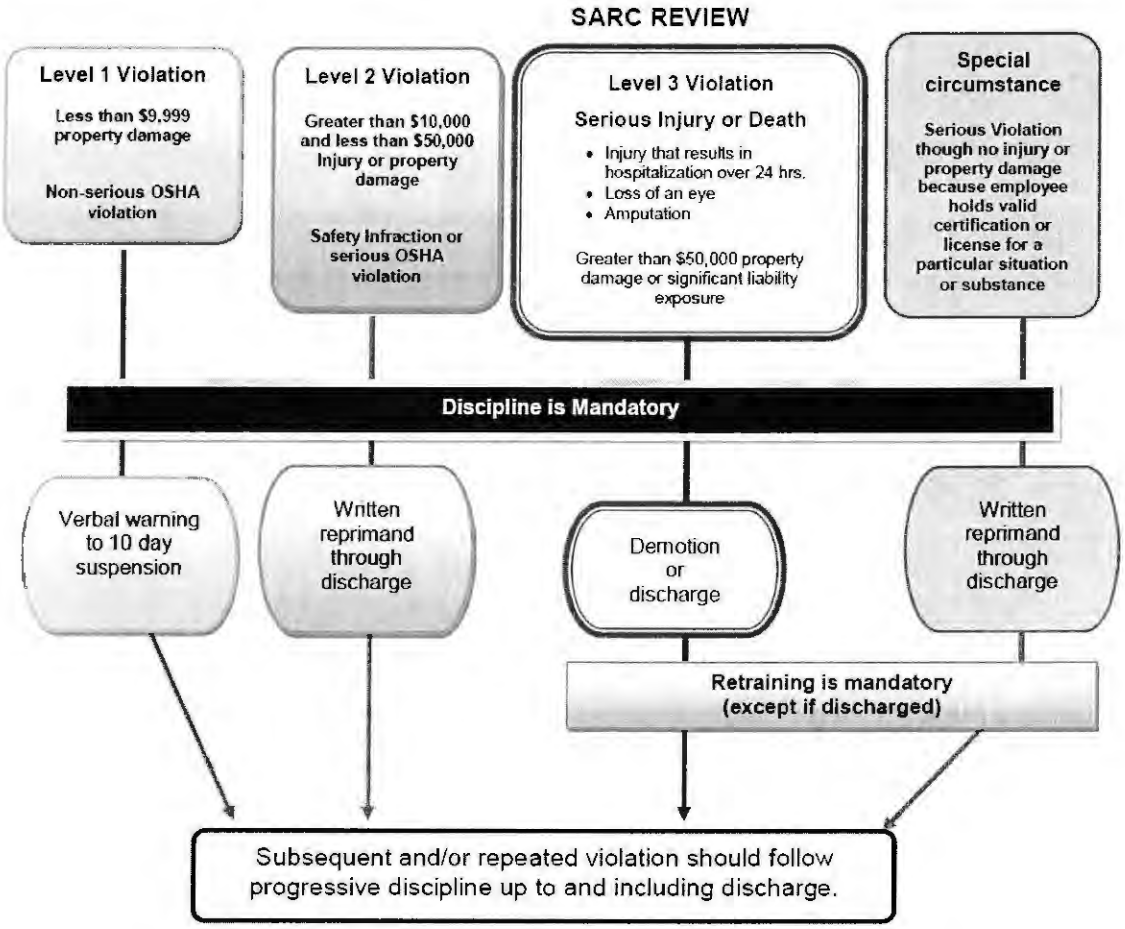
A.R.S. § 12-821.01: Persons who have claims against a public entity or a public employee shall file claims with the person or persons authorized to accept service for the public entity or public employee as set forth in the Arizona rules of civil procedure within one hundred eighty days after the cause of action accrues. The claim shall contain facts sufficient to permit the public entity or public employee to understand the basis on which liability is claimed. The claim shall also contain a specific amount for which the claim can be settled and the facts supporting that amount. Any claim that is not filed within one hundred eighty days after the cause of action accrues is barred and no action may be maintained thereon.

A proper notice of claim must be filed and denied before suit may be filed against a public entity or public employee. A claim will be barred by the statute of limitations if a lawsuit is not filed within one year after the cause of action accrues.

IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM. (Penal Code A.R.S. § 13-2311 – Insurance Code 44-1220)

APPENDIX C

Safety and Discipline Guidelines
Quick Reference



If more than one violation occurs within a 90-Day period and the employee has not been terminated, re-training will be initiated. This does not preclude immediate re-training for first level violations based on Central Safety Services, safety representatives or safety coordinator's recommendation.

Debt Management

ADMINISTRATIVE DIRECTIVE

DEBT MANAGEMENT - POST ISSUANCE COMPLIANCE	NUMBER 3.07-1	PAGE 1 of 10
	EFFECTIVE DATE August 22, 2016	

I. PURPOSE

The purpose of this policy is to guide the City, related trustees, elected officials, officers and staff in meeting the requirements of local, state and federal regulations including: continuing disclosure rules of Securities Exchange Commission ("SEC"), bond covenants and bond indentures, the Internal Revenue Code of 1986, as amended, and Treasury Regulations (the "Tax Code") concerning tax exempt and tax-advantaged debt. Non-compliance of continuing disclosure rules may have significant financial impact on the City, as well as individual elected officials, officers and staff. Tax Code compliance ensures preferential tax exempt status of debt issuances, which lowers the City's borrowing costs.

II. SCOPE

This policy applies to Water System Revenue Bonds and Obligations, General Obligation Bonds, Certificates of Participation, Street and Highway User Revenue Bonds, and any other indebtedness of the City.

III. DEFINITIONS

A. **Arbitrage** - Any time bond proceeds are invested at a yield higher than the bond yield, the amount earned over the bond yield is arbitrage. With certain exceptions, the City is obligated to pay (rebate) to the federal government any arbitrage earned.

B. **Bond Proceeds** - Bond proceeds include monies received from the sale of bonds, amounts held in a payment or reserve fund for the bonds and investment earnings on those amounts.

C. **Capital Expenditure** - A nonrecurring expenditure attributed to a capital project with a projected final cost of at least $100,000, resulting in a capital asset(s) with a useful life of at least six (6) years or a major renovation or rehabilitation of an existing City-owned facility that requires an expenditure of $100,000 or more and will extend the life of the original City asset. This definition applies to section VIII of this administrative directive.

D. **Compliance Officer** - A City employee designated by the Finance Director that is responsible for coordinating city-wide post issuance compliance efforts, in collaboration with both department Debt Management Liaisons, as well as outside consultants when necessary.

E. **Davis Bacon Act** - Legislation enacted by Congress to assure local workers a fair wage and to provide local contractors a fair opportunity to compete for local federal contracts.

F. **Debt Management Liaison** - A City employee designated by a department director to act as a liaison to the Finance Department and their designated Compliance Officer.

This employee will represent the department expending the bond proceeds and will be responsible for coordinating departmental compliance efforts.

G. **Material Event** - An event that triggers continuing disclosure to the Municipal Securities Rulemaking Board. Per the SEC Rule 15c2-12, material events include: a) delinquent debt service payments; b) non-payment related defaults; c) unscheduled draws on debt service reserves reflecting financial difficulties; d) unscheduled draws on credit enhancements reflecting financial difficulties; e) substitution of credit or liquidity providers, or their failure to perform; f) adverse tax opinions or material events affecting the tax-exempt status of a security; g) modifications to rights of security holders; h) bond calls and tender offers; i) defeasance; j) release, substitution or sale of property securing repayment of securities; k) rating changes; l) bankruptcy, insolvency or receivership; m) merger, consolidation, acquisition of City or sale of substantially all the assets of the City; n) appointment of a successor or additional trustee or change of name of trustee.

H. **SEC Rule 10b5** - A regulation created under the Securities Exchange Act of 1934 that makes it unlawful for any individual elected official, officer or employee, in connection with the purchase or sale of City bonds, to engage in a communication that: a) is reasonably expected to reach current or potential investors and b) makes an untrue statement of a material fact or omits a material fact. A material fact is a fact which a reasonable investor would consider the fact or omission of such fact significant to the investment decision.

I. **SEC Rule 15c2-12** - A regulation created under the Securities Exchange Act of 1934 that requires dealers, when underwriting municipal securities, to ensure that the state or local government issuing the bonds enters into a continuing disclosure agreement to provide certain information to the Municipal Securities Rulemaking Board about the bonds on an ongoing basis.

J. **Working Capital** - Any cost that is not a capital expenditure.

IV. COMPLIANCE

A. The City shall maintain compliance with continuing disclosure requirements, pursuant to the SEC Rule 15c2-12 and SEC Rule 10b5, as well as any other requirements or covenants that may be included in a related bond indenture, resolution or ordinance.

B. The City shall ensure compliance with the Tax Code in order to maintain the tax exempt or tax-advantaged status of each bond issuance. Compliance for each issuance shall include but not be limited to:

1. Arbitrage rebate and yield restriction

2. Use of bond proceeds

3. Use of bond-financed facilities

4. Other tax requirements

C. **Compliance Officer** – The Finance Director shall designate a Compliance Officer or officers for the City. The Compliance Officer shall be responsible for ensuring city-wide compliance with the requirements in this administrative directive and under applicable provisions of the Tax Code, as well as all other local, state and federal regulations.

D. **Department Responsibility** – Each department in receipt of bond proceeds shall designate a Debt Management Liaison **(Appendix A)**. Each Debt Management Liaison shall work with the Compliance Officer to:

1. Ensure that the selected financing mechanism aligns with business needs prior to issuance (i.e. tax exempt versus taxable financing, debt structure needs etc.)

2. Ensure departmental compliance with administrative directives and applicable provisions of the Tax Code, as well as other local, state and federal regulations.

E. **Training** – The Compliance Officer shall take all the necessary steps to maintain an adequate understanding of post issuance compliance requirements relating to the debt issuances for which the Compliance Officer will review. These steps include, but are not limited to training and seminars from financial organizations and associations, and the reading of related industry and IRS publications. In addition, the Compliance Officer will work with the Finance Director to organize periodic City training, as needed, for Debt Management Liaisons, Compliance Officer backup, project managers, elected officials, officers and staff.

V. CONTINUING DISCLOSURE

A. Elected officials, officers and staff have an obligation to disclose all material information related to its outstanding indebtedness and to meet certain standards in federal securities laws. These regulations include, but are not limited to, continuing disclosure rules such as SEC Rule 15c2-12 and SEC Rule 10b5.

B. Sound disclosure practices enhance credibility with the community, investors in the marketplace and rating agencies. Consequences of incomplete, inaccurate or misleading disclosures may include an SEC investigation, adverse publicity, rating downgrades, adverse financial impacts to the City, such as the loss of tax-exempt status, and/or civil or criminal actions against individual elected officials, officers and staff.

C. The Compliance Officer is responsible for the annual continuing disclosure requirements under SEC Rule 15c2-12, as well as material event notifications. Proof of filings should be retained in the records, as well as copies of any notices filed.

D. The Finance Director shall designate an individual as a backup responsible for complying with annual continuing disclosure requirements.

VI. YIELD RESTRICTION AND ARBITRAGE REBATE

A. **Bond Proceeds** - Proceeds from each bond issuance shall be tracked separately from other funds of the City and invested according to the City's investment policy or as stated in the related tax certificate, resolution, ordinance or indenture.

B. **Records** - For each bond issuance, detailed records of investments and earnings will be made and kept by the Compliance Officer with respect to all bond proceeds.

C. **Yield Restriction** - Generally speaking, proceeds of bonds cannot be invested at a yield higher than the bond yield unless during certain specific temporary periods. Therefore, for each bond issuance, prior to closing, the Compliance Officer will determine with bond counsel which funds do or do not qualify for a temporary period. Qualifying information will be documented in the related Tax Certificate and the City record.

D. **Arbitrage Rebate** - For each bond issuance, the City must, at a minimum calculate and potentially make rebate payments at every fifth anniversary of the issuance. The Compliance Officer will work with a contracted rebate analyst to ensure proper calculation of the rebate, timely payment and/or yield restrictions.

VII. QUALIFIED USE OF PROCEEDS, FINANCED FACILITIES AND PRIVATE BUSINESS USE

A. **Use of Proceeds – Department Responsibility** - Each department receiving bond proceeds shall assign a Debt Management Liaison that shall have the responsibility of spending the monies in accordance with the bond covenants and maintaining detailed records with regard to the use of bond proceeds for each bond issuance. If the project is also funded with non-bond proceeds, the records will reflect an allocation of expenditures between proceeds and other funds.

B. **Declaration of Intent to Reimburse** - No proceeds shall be used to reimburse an expenditure made prior to the issue date of the bonds unless the reimbursement rules, including any prior declaration of intent to reimburse, is fully complied with. Evidence of such compliance shall be maintained for that bond issuance. The Compliance Officer is responsible for adhering to reimbursement rules and accounting for all reimbursement expenditures.

C. **6-Month and 3-Year Requirements – Department and Compliance Officer Responsibility** - Under federal tax law, department Debt Management Liaisons are expected to exercise diligence to enter into, within six months of the issue date, a binding contract to expend at least ten percent (10%) of the proceeds and to have at least 85% of the proceeds expended within three (3) years. After the third anniversary

of the issuance, the Compliance Officer shall ensure that any remaining proceeds in the construction account be yield restricted, and bond counsel shall be notified.

D. **Tracking and Monitoring – Department and Compliance Officer Responsibility** - Prior to the expenditure of bond funds, the Debt Management Liaison shall work with the Finance Department to set up the appropriate cost accounting structure to ensure clear tracking of project funding. The department Debt Management Liaison and Compliance Officer shall annually review the progress of the projects and the expenditure of proceeds to ensure timely expenditure of proceeds and accurate record keeping.

E. **Private Activity Use** - For those facilities that are financed in whole or in part with bond proceeds, any sale or lease to, or other agreement for use by, a party other than the City can adversely impact the tax status of the bonds. The City shall not sell or lease any bond-financed property with other entities for use or management of any bond financed property without a thorough review by the Compliance Officer and bond counsel.

F. **Prior Approval Required – Agreements Involving City Assets** - Prior to entering into any sales agreement, lease agreement or management agreement, a department must notify the Finance Department and the City Attorney's Office (CAO) to determine whether or not the asset(s) involved were bond-financed and the potential implications of the agreement. Written approval to proceed with the agreement is required from both the Finance Department and City Attorney's Office.

VIII. BUILD AMERICA BONDS

For the City's outstanding Build America Bonds, in addition to the tax exempt bond provisions above, the City must comply with the following additional requirements:

A. **Capital Expenditure Requirement – Department and Compliance Officer Responsibility** - All of the bond proceeds, including investment earnings, must be spent on capital expenditures (and not working capital) except that up to two percent (2%) of the proceeds can be spent on costs of issuance and proceeds can fund a reasonably required reserve fund. The Compliance Officer shall consult with bond counsel prior to issuance to determine that the two percent (2%) costs of issuance limit will not be exceeded, that any reserve fund complies with requirements, and that the balance of the sales proceeds will be spent on capital expenditures. The Compliance Officer will work with department Debt Management Liaisons receiving bond proceeds to ensure compliance and proper record keeping.

B. **Filing for Subsidy** - An 8038-B will be prepared by bond counsel, executed by the Finance Director, Compliance Officer or authorized signer, filed promptly after the closing and included in the bond transcript. For each semi-annual interest payment, the City's paid preparer will file an 8038-CP to request the payment of the direct subsidy

from the IRS, upon review and execution of the form by the Finance Director or Compliance Officer.

C. **Yield** - The Compliance Officer shall review the yield calculation with bond counsel to ensure that the yield is reduced by the credit allowed under Section 54AA(a).

IX. SPECIAL REQUIREMENTS FOR TAX CREDIT BONDS

The following requirements must be met for Clean Renewable Energy Bonds (CREBs) and Qualified Energy Conservation Bonds (QECBs).

A. **Tracking and Use of Proceeds for Tax Credit Bonds – Department and Compliance Officer Responsibility** - Prior to the expenditure of tax credit bond proceeds, the Debt Management Liaison shall work with the Finance Department to set up the appropriate cost accounting structure to ensure clear tracking of project funding. All of the bond proceeds, including investment earnings, must be spent on one (1) or more "qualified purposes", as defined by IRS Section 54, except that up to two percent (2%) of the proceeds can be spent on costs of issuance and proceeds can fund a reserve requirement that meets the requirements below. The Compliance Officer shall consult with bond counsel prior to issuance to determine that the two percent (2%) costs of issuance limit will not be exceeded, that any reserve fund complies with requirements, and that the balance of the proceeds will be spent on one or more qualified purposes. The Compliance Officer will work with department Debt Management Liaisons receiving the bond proceeds to ensure all expenditures are in compliance and sufficient records are maintained.

B. **6-Month and 3-Year Period Requirements – Department Responsibility** - At the time of issuance, the City must have a binding commitment with a third party to spend at least ten percent (10%) of the proceeds within six (6) months and reasonably expect to spend one hundred percent (100%) of the proceeds for one or more qualified purposes within the three (3) year period, beginning on the date of issuance.

C. **Davis Bacon Act** - City Departments are responsible for compliance to federal labor requirements. If departments lack the expertise for this, the Department of Transportation and/or Housing and Community Development Department are available to assist. These departments possess compliance officers who specialize in this area.

X. RETENTION OF RECORDS

For each bond issuance, records, as described below, must be retained in order to substantiate compliance with all necessary requirements.

A. **Retention Period** - All records shall be kept in accordance with Arizona records retention policies, but in no event less than the life of the bonds plus three years and, if the bonds are refunded, for the life of all of the refunding bonds plus three years. The

Compliance Officer is responsible for ensuring the retention periods for all debt issuances are met.

B. Required information to be stored for each debt issuance (if applicable)

1. **Documents** - Bond Counsel shall send a Transcript for the debt issuance to the Compliance Officer. If a Transcript was not compiled, then copies of the following documents will be forwarded or made available:

   a. Bond Counsel Opinion
   b. Final official statement or Private Placement Memorandum
   c. Insurance documents
   d. Copy of ordinance or resolution authorizing debt issuance
   e. Declaration of Intent to Reimburse
   f. IRS Form 8038-G, Form 8038-GC, Form 8038, Form 8038-TC, or Form 8038-B
   g. Verification report (for refunding debt issuances only)
   h. Non-arbitrage Tax Certificate or similar document
   i. All debt service schedules not included in the Official Statement
   j. Winning bid forms (for competitive sales)
   k. Trust Indenture
   l. Closing certificates and receipts
   m. Any other closing documents that may be included in the transcript

2. **Expenditure Information – Department and Compliance Officer Responsibility** - Departments receiving proceeds shall assign a Debt Management Liaison to be responsible for collecting the following information and assisting the Compliance Officer with centralizing the documentation into one location.

   a. Description of expenditure
   b. Date of expenditure
   c. Amount of expenditure
   d. Invoices
   e. Contracts entered into for construction, renovation or purchase of bond-financed facilities
   f. Proof of payment (canceled check, wire information, pCard etc.)

3. **Centralized Records – Compliance Officer Responsibility** - The Compliance Officer is responsible for coordinating records retention into one central location.

4. Reports Completed after Issuance – Compliance Officer Responsibility

a. Rebate calculation reports, proof of payment, if applicable, or supporting documentation for exemption
b. Yield restriction reports
c. Spending exception reports
d. Penalty in lieu of rebate reports
e. Verification report for restructuring of escrow
f. Form 8038-T
g. Refund claims
h. Refunding documentation
i. Non-governmental use of bond financed property
j. Evidence of compliance with special requirements for Build America Bonds or Tax Credit Bonds
k. Other reports related to the Debt Issuance

5. Investment Activity – Compliance Officer Responsibility - Statements (or equivalent) with detailed investment activity for each fund/account in which gross proceeds of the debt issuance were held. Information to support the investments that were purchased or sold should be retained. Investment activity details include such items as:

a. General ledgers
b. Subsidiary ledgers
c. Investment statements
d. Type of investments
e. Date of purchase and purchase price
f. Interest rate
g. Interest payment amounts
h. Maturity date
i. Interest payment dates
j. Interest calculation methodology
k. Date of sale and sales price

C. Electronic file storage and backup - Financial and accounting transactions will be retained in the City's financial system and Finance Department will confirm the data is backed up by the third party vendor.

D. pCard Payments Funded by Debt Proceeds – Department Responsibility - Supporting documentation for pCard payments funded by bond proceeds shall be routed electronically to the Compliance Officer on a quarterly basis. The Compliance Officer is responsible for coordinating the upload and archival into the City's documentation management system. Supporting documentation shall include the purchase order, invoice, receiving documents, proof of payment and any other document that supports the expenditure.

E. **Destruction of Records** - Destruction of records will be done in accordance with the City's Records Retention Policy 1.05-3 and Section X.B of this administrative directive. The Compliance Officer must approve the destruction of any record associated with a bond issuance, prior to destruction.

XI. DUE DILIGENCE REVIEW AT REGULAR INTERVALS

The Compliance Officer will complete an annual due diligence review on all debt issuances.

XII. PROCEDURES TO MONITOR COMPLIANCE

This policy and its related procedures shall be used to do an annual due diligence review to ensure that each debt issuance is compliant with the Tax Code and other requirements. A *Post Issuance Compliance Annual Checklist* **(Appendix B)** and *Private Activity Use Form* **(Appendix C)** shall be used to document the annual review which shall include the following:

A. Identification and listing of all bond issues with unspent bond proceeds

B. Identification and analysis of uses of all proceeds

C. Identification and analysis of any private uses of financed facilities for all outstanding bonds. This includes identification of all leases, management agreements, licensing, naming rights or any other third party agreements related to facilities funded by tax exempt or tax-advantaged bonds. Any of these contracts or agreements identified must be analyzed for compliance with the Tax Code's Safe Harbor rules.

D. Confirm required arbitrage rebate and yield restrictions calculations were completed and any necessary payments or filings were submitted.

E. Confirm record retention requirements are being met for bond-related expenditures and investments.

F. Identification of all continuing disclosure requirements and confirmation that all required disclosures or material events were timely filed with the Municipal Securities Rulemaking Board via Electronic Municipal Market Access (EMMA).

G. Identification and listing of the bond indenture, resolution or ordinance requirements and confirmation that all requirements were met.

XIII. PROCEDURES TO CORRECT NON-COMPLIANCE

If it is determined that the applicable requirements of regulations, policies or procedures have been violated related to a debt issuance, the City will take the appropriate action to remediate such non-compliance. Such action may include, but is not limited to the following steps:

A. Notify the Finance Director and Compliance Officer

B. Notify bond counsel and financial advisor

C. Resolve non-compliance in a timely manner in order to reduce penalties and late interest.

D. Take the appropriate remedial action as advised by bond counsel. Remedies may include, but are not limited to:

1. Enter the IRS Voluntary Closing Agreement Program (VCAP).

2. Pay all past due arbitrage rebate or yield restriction liabilities to the IRS to include a letter of explanation for late payment, late interest and/or penalties.

3. Correct non-compliance matter to ensure future compliance.

E. Submit any necessary disclosures to the Municipal Securities Rulemaking Board via Electronic Municipal Market Access (EMMA).

Appendices Appendix A – Debt Management Liaison Assignment Form
Appendix B – Post Issuance Compliance Annual Checklist
Appendix C – Private Activity Use Worksheet

References AD 1.05-3 Access, Production, and Retention of City Records
AD 3.02-5 Financing of Equipment or Other Property
Comprehensive Financial Policies (https://www.tucsonaz.gov/finance)

Review Responsibility and Frequency The Finance Director will review this directive as needed.

Authorized

City Manager

Michael Ortega

8/16/16
Date

Debt Management Liaison Assignment Form
A.D. 2.xx-x Appendix A

Purpose: The purpose of this form is to designate a Debt Management Liaison for each City department receiving debt proceeds. This person will act as liaison to the Finance Department and Compliance Officer. He/she will be responsible for coordinating departmental compliance efforts with local, state and federal regulations including City administrative directives and bond covenants for each bond issuance. In addition, he/she will be responsible for notifying the Finance Director, the Compliance Officer and department director of any known violations in a timely manner. Compliance ensures preferential tax exempt status of debt issuances, which lowers the City's borrowing costs.

Check the appropriate box

New Liaison ☐

Change Liaison ☐

Department Name:____

Debt Management Liaison – Primary

Print Name:____

Title:____

Direct Phone Number:____

Debt Management Liaison – Secondary

Print Name:____

Title:____

Direct Phone Number:____

Department Director Approval:____

Date of Approval:____

POST ISSUANCE COMPLIANCE
ANNUAL CHECKLIST

A.D. 3.07.1
APPENDIX B

DEBT ISSUANCE - SERIES:
DEBT ISSUANCE DATE:
REFUNDING DATE(S) IF APPLICABLE:
LAST DEBT SERVICE PAYMENT:

RETAIN ALL RECORDS THROUGH:
PROCEED AMOUNT:
UNSPENT PROCEEDS: **AS OF:**

Instructions: The Compliance Officer shall work with Debt Management Liaisons to complete a post issuance compliance review per Administrative Directive 1.07-3A. Supporting documentation is required for each section below and should be referenced accordingly.

		Responsible Party	Date Completed	Reference to Supporting Documentation
A.	**ASSIGNMENTS**			
1	Has the City designated a Compliance Officer?	Finance Director		
2	Has the Compliance Officer designated a backup responsible for complying with annual continuing disclosure requirements?	Compliance Officer		
3	Has the City assigned Debt Management Liaisons for each department in receipt of bond proceeds?	Department Director		
B.	**TRAINING**			
1	Has the Compliance Officer taken all the necessary steps to maintain adequate understanding of post issuance compliance requirements relating to the debt issuances?	Compliance Officer		
2	Has the Compliance Officer worked with the Finance Director to organize periodic training for Debt Management Liaisons, Compliance Officer backup, project managers, elected officials, officers and staff?	Compliance Officer and Finance Director		
C.	**CONTINUING DISCLOSURE**			
1	Has the City complied with annual continuing disclosure requirements under SEC Rule 15c2-12?	Compliance Officer		
2	Has the City complied with material event continuing disclosure requirements under SEC Rule 15c2-12?	Compliance Officer		
D.	**YIELD RESTRICTION AND ARBITRAGE REBATE**			
1	Are the bond proceeds tracked separately from any other funds of the City and invested according to the City's investment policy or as stated in the tax certificate, resolution, ordinance or indenture?	Compliance Officer		
2	Have arbitrage reports been completed for each filing date?	Compliance Officer		
3a	Have project proceeds been spent before the end of the temporary period? If no, proceed to 3b.	Compliance Officer		
3b	Have yield restriction calculations been completed for all filing dates until the project monies were spent below the minor portion?	Compliance Officer		
E.	**QUALIFIED USE OF PROCEEDS**			
1	Has the department performed a periodic review of project progress and expenditure of bond proceeds?	Department Director and Debt Management Liaison		
1	Have the bond proceeds been spent in accordance with the bond covenants, local, state and federal regulations?	Department Director and Debt Management Liaison		
2	Has the department exercised due diligence to enter into within six months of issue date a binding contract to expend at least ten percent (10%) of the proceeds?	Department Director and Debt Management Liaison		
3	Has the department expended at least 85% of the proceeds within three (3) years?	Department Director and Debt Management Liaison		
4	Has the City secured a Declaration of Intent to Reimburse if applicable?	Debt Management Liaison and Compliance Officer		

POST ISSUANCE COMPLIANCE
ANNUAL CHECKLIST

A.D. 3.07.1
APPENDIX B

DEBT ISSUANCE - SERIES:
DEBT ISSUANCE DATE:
REFUNDING DATE(S) IF APPLICABLE:
LAST DEBT SERVICE PAYMENT:

RETAIN ALL RECORDS THROUGH:
PROCEED AMOUNT:
UNSPENT PROCEEDS: **AS OF:**

Instructions: The Compliance Officer shall work with Debt Management Liaisons to complete a post issuance compliance review per Administrative Directive 1.07-3A. Supporting documentation is required for each section below and should be referenced accordingly.

			Responsible Party	Date Completed	Reference to Supporting Documentation
F.	**PRIVATE ACTIVITY USE**				
1	Has bond-financed property been used in accordance with the allowable uses including Private Business Use limitations?		Department Director and Debt Management Liaison		
2	Has the department completed **Appendix C** documenting any nongovernmental use of facilities subject to private activity use limitations?		Department Director and Debt Management Liaison		
G.	**BUILD AMERICA BONDS (BABS)**				
1	Has the City verified compliance with the capital expenditure requirements specific to BABs?		Compliance Officer		
2	Has the City filed for the subsidy using IRS form 8038-CP?		Compliance Officer		
3	Has the City reviewed the yield calculation with bond counsel to ensure that yield is reduced by the credit allowed under Section 54AA(a)?		Compliance Officer		
H.	**TAX CREDIT BONDS (Clean Renewable Energy Bonds CREBS / Qualified Conservation Energy Bonds QCEBS)**				
1	Has the department performed a periodic review of project progress and expenditure of tax credit bond proceeds in accordance with the administrative directive?		Department Director and Debt Management Liaison		
2	Has the Department ensured compliance with Davis Bacon Act?		Debt Management Liaison		
I.	**TAX LAW REQUIREMENTS**				
1	Does the City have proof of filing 8038, 8038-G, 8038-GC or 8038-B (BABs)?		Compliance Officer		
J.	**RETENTION OF RECORDS**				
1	Has the City received a full Transcript of the debt issuance documents as described in the City administrative directive?		Compliance Officer		
2	Has the department worked with the Compliance Officer to collect all required expenditure information including description, date, amount, invoices, proof of payment and allocation of bond proceeds (if applicable) and retain in one central location?		Department Director, Debt Management Liaison and Compliance Officer		
3	Has the department routed supporting documents for Pcard payments funded by bond proceeds electronically to the Compliance Officer?		Department Director and Debt Management Liaison		
4	Has the City archived all post issuance reports described in the City administrative directive?		Compliance Officer		
5	Has the City retained relevant financial/accounting transaction data in the City's ERP system and ensured the data is backed up appropriately?		Finance Department		
6	Has the department been notified of the required retention period for debt issuances under their purview?		Compliance Officer		
7	Has the City centralized all records for this debt issuance into one location?		Compliance Officer		
8	Has the Compliance Officer approved destruction of any record associated with bond proceeds prior to destruction?		City Clerk and Compliance Officer		
K.	**CORRECTION OF NONCOMPLIANCE**				
1	Has the Finance Director been notified of any violations of post issuance compliance requirements?		Compliance Officer, Debt Management Liaison and/or Department Director(s)		
2	If a violation has occurred, has the appropriate remedial action been identified and executed?		Finance Director and Compliance Officer		

CITY OF TUCSON
POST ISSUANCE COMPLIANCE
PRIVATE ACTIVITY USE WORKSHEET

Department: _____

Debt Management Liaison _____

Debt Series Issuance(s) _____

Email: _____

Phone: _____

				Describe in detail					Measurement of private use					
Name of facility*	Location	Type of facility	Primary use of facility	List non-City users, lessees, managers, etc. of the facility	Ownership transfer (Y/N)	Lease	Management contract	Other arrange-ments (parking/ naming, subleases etc.)	Time used by non-City users	Total hours facility is open	Sq. footage used by non-City users	Total square footage of facility	Payments to city from private user	Any other private use

* If the department has a contract affecting all or several facilities, list it for each facility. ATTACH COPIES OF ALL CONTRACTS, LEASES, ETC FOR EVALUATION PURPOSES.

Return completed forms to Attn: Finance Department Compliance Officer.

_____ Debt Management Liaison

_____ Date

_____ Department Director

_____ Date

Management

ADMINISTRATIVE DIRECTIVE

FACILITY ACCESS AND SECURITY	NUMBER **4.01-1**	PAGE **1 of 3**
	EFFECTIVE DATE **January 20, 2016**	

I. PURPOSE

This directive describes policies relating to security and access for City of Tucson (City) public buildings and facilities.

II. POLICY

Security program and policy is the responsibility of each Department or the designated multi-site tenant. The Facilities and Communications Maintenance Division (FCM) of the General Services Department (GSD) shall manage the Access and Security Program for City facilities with certain exceptions (refer to Section IV.A.3 of this directive).

III. GENERAL

City facilities utilize an access security system comprised of identification (ID) badges and/or traditional keys. FCM has the responsibility to coordinate the authorization and issuance of badges and keys for City facilities except for those listed in Section IV.A.3.

Additional rules or standards, which complement this directive, may be established at either a site-specific or a departmental level to ensure that security is adequate for specific needs. Upon request, GSD can coordinate a security analysis to improve security.

IV. RESPONSIBILITIES

A. Facilities and Communications Maintenance Division (FCM)

1. FCM has the central responsibility for providing general security and access procedures for City buildings and facilities. This is accomplished through a combination of internal resources and contracted security services.

2. FCM's responsibilities extend to repairing and maintaining access devices and systems, which include doors, mechanical door locks and keys, safes, electronic card access systems, and ID badges.

3. Exceptions: Facility security and access protocols are the internal responsibility of City Hall, City Court, Housing and Community Development, Information Technology, Police, and Water Departments. FCM can provide certain support services to these Departments upon their request, such as key and ID badge preparation.

B. Departmental Responsibilities

1. Due to the various levels of security required for each of the City's facilities, specific security measures are determined by site. Each Department Director shall be responsible for determining security needs for the specific space or

spaces occupied by his or her staff members. Security measures may include locks, alarms, security hardware, security personnel, and security rules and procedures.

2. Each Department shall be responsible for determining who has access to their area. Each Department must develop and communicate security guidelines and procedures, and ensure compliance. Additionally, the Department shall ensure FCM has the most recent copy of their security guidelines and procedures, including updates.

3. Keys – An authorization form (see ATTACHMENTS) must be completed by the hiring authority to receive a key. In the case of transfer, or prior to termination of an employee, the originating Department must collect all keys issued to an employee prior to departure and return them to FCM.

4. ID Badges – FCM must receive a copy of the Department's authorized signatures and an authorization form (see ATTACHMENTS) before an ID badge can be made. In the case of transfer, or prior to termination of an employee, the originating Department shall collect the ID badge and return it to FCM. FCM will deactivate the ID badge and destroy it upon receipt.

5. Visitors – Departments are responsible for visitors at all times.

C. Employee Responsibilities

1. Each employee is responsible for adhering to all security and access requirements established for City buildings and facilities. Employees shall report any incident or condition contrary to these requirements to their Department Director.

2. While in the workplace, all employees must display their ID badge at all times. At any time, City employees, either probationary or permanent, may be asked to present their "Employee ID Badges" to those individuals who are responsible for the security of City property.

3. It is prohibited to pass, lend, or assign keys or badges except as authorized in this directive (see ATTACHMENTS). Tampering with the City's security system – keys or locks – is prohibited. Unauthorized manufacturing or duplication of City keys is a Class 3 misdemeanor as stipulated in Arizona Revised Statutes.

4. In all cases, the loss of City ID badges and/or keys must be reported to the employee's immediate supervisor without delay. The supervisor shall promptly notify FCM and also submit a written report of the loss.

V. AFTER-HOURS ACCESS

A. **City Employees** – City employees have access according to their completed authorization form (see ATTACHMENTS) and their internal Departmental policies.

B. **Contract Employees** – After-hours maintenance shall be coordinated with FCM (791-3141) and the Department where the work is located prior to the work being performed whenever possible. A City employee shall meet and escort the contractor in cases where the technicians are not approved for unaccompanied access. Arrival and departure times will be recorded on the Work Order.

New installation or project work shall be coordinated with FCM for contractor badges.

C. **Visitors** – Individuals attending after-hours meetings in City Hall shall be escorted to the designated meeting area by the responsible Department or office.

D. **Commissioned Police and Fire Officers** – On-duty public safety personnel are authorized to be in City buildings after hours. For facilities where there are no attendants, entry must be arranged through the responsible Department.

Attachments

Form A: City ID and Security Access Form for City Hall Badge Access
Form B: Facilities Access Request/Transfer Form

References

None

Review Responsibility and Frequency

The General Services Director shall review this directive annually, based on the date of publication. Last day reviewed: 10/15/07.

Authorized

City Manager

2/16/16
Date

Michael Ortega

ATTACHMENT 1

Form A

Card No. _____

City ID and Security Access Form
for City Hall Badge Access

☐ New Employee ☐ Current Employee ☐ City Hall ☐ Council Chambers

Name: _____ Employee No: _____
Department: _____ Division: _____ Unit No. _____
Title: _____ Date of Hire: _____ Date of Badge Request: _____

_____ _____
Employee's Signature for Badge *Date*

Standard Access: First Floor Stairwell and South Door Entrance 6 AM to 6 PM, Mon. – Fri.
Select required access points and hour requests:
Access Hours Requested: _____ AM to _____ PM
Days of Week: ☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday
☐ Saturday ☐ Sunday, or ☐ 24/7

☐ Mailroom Double Door Access ☐ Basement Access ☐ Ramp Receiving Door Access
Access to Tunnel: ☐ Entry ☐ Exit

Written Justification:

Signature Box for Approval(s)

_____ _____
Department Head / Designee Signature *Date*

_____
Department Head / Designee Name (print)

_____ _____
City Clerk Signature Approval *Date*

Council Chamber Access Date of Request: _____

☐ **Standard Access Monday - Friday, 8 AM to 10 PM** ☐ **Special Access**

Requestor: _____ Position: _____

_____ _____ _____
Department Head / Designee Signature *Department Head / Designee Name (print)* *Date*

_____ _____
City Clerk Signature Approval *Date*

A Memo from the Department Head must be attached to explain why the employee is required access to the Council Chambers. All Chamber access is authorized by the City Clerk ONLY.

ATTACHMENT 2

Form B

Facilities Access Request/Transfer Form

Request for: [ ] Key [ ] Badge

Date of Request: _____

Employee Name: _____ Empl. #: _____

Title: _____ Hire Date: _____

Department: _____ Division: _____

Point of Contact (Name/Phone) if questions: _____

Description of area(s) to be accessed: (For badge access to City Hall, please use Form A)
Be as specific as possible in your description below to assure proper access is provided. For example, include a door number if available, or specify if only entry or exit is needed.

Days and hours access needed: [] 24/7, or [] _____AM to _____PM
[] Monday [] Tuesday [] Wednesday [] Thursday [] Friday [] Saturday [] Sunday

For **Badges**, scan and email this completed form to Badge-Service@tucsonaz.gov

---

Key Transfer

Key ID number(s): _____ _____ _____ _____ _____ _____

Transferred From: _____ Unit #: _____
Print the Full Name and Employee # or Representing Agency

Transferred To: _____ Unit #: _____
Print Transferee's Full Name and Employee # or Representing Agency

For **Keys**, scan and email this completed form to FM-Service@tucsonaz.gov

---

Request Approved: _____ **Date**: _____
Signature of Authorized Department Head or Designee
(Signature must already be on file at the General Services Department/Facilities & Communications Maintenance Division)

Employee's Signature of Receipt _____ Receipt Date _____

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
FIXED ASSETS AND OTHER EQUIPMENT	**4.01-3**	**1 of 10**
	PAGE ISSUE DATE	
	September 12, 2001	

I. PURPOSE

This directive:

A. Defines record keeping procedures concerning the acquisition, identification, location, and description of fixed assets and other equipment;

B. Defines procedures to transfer property between departments, to Stores Surplus, from Stores Surplus, or to cannibalize property;

C. Assigns responsibility for safeguarding fixed assets and other equipment; and,

D. Defines procedures concerning lost, stolen, or damaged property.

(Not covered by the directive is the reporting damage to City vehicles and Heavy equipment, which is covered by A.D. 6.01-2 and the disposition of Real Property, which is covered by A.D. 4.02-1).

II. DEFINITIONS

A. **Fixed Assets** – Those assets costing $5,000 or more with a useful life of more than one year. The cost of major repairs or alterations (no dollar limit) which enhance the value or extend the life of an asset are added to the original cost of the asset.

B. **Other Equipment** – Those assets costing less than $5,000 with a useful life of more than one year. Included in this category are such items as computer equipment, small tools, small office machines, and certain office equipment. Assets costing less than $500 may be included on the Other Equipment Inventory at the departments' discretion.

C. **Property** – Fixed assets and other equipment.

D. **Stores Surplus Property** – Property which has been transferred by City departments to Stores for disposition (transfer to another City department, sale, or any other method of disposal.).

E. **Missing Property** – Property that has been lost or stolen.

F. **Damaged Property** – Any City property whose value has been reduced by vandalism, an accident, an act of nature, or negligence.

G. **Property Transfer Form** – A form, submitted to the Procurement Department, containing information pertaining to the transfer of property between departments, to Stores Surplus, or from Stores Surplus (see Section VI and Attachment A).

H. **Report of Survey** – A form, submitted to the Audit Division of the Finance Department, which contains information pertaining to the loss, theft, damage, or cannibalizing of fixed assets, or other equipment with a purchase price of $500 or more (see Section VII and Attachment B).

I. **Surplus Property** – Property not needed, obsolete, or in non-working condition.

J. **Cannibalize** – To dismantle or disassemble property for the purpose of reusing parts (see Section VII.C., page 7).

III. POLICY

A. Record keeping in accordance with the procedures in this directive – Department Directors are responsible for maintaining accurate records for the acquisition, transfer, and disposition of fixed assets and other equipment.

B. Personal Use of City property – Under no circumstances is any department or employee authorized to sell, or take for personal use any City property, supplies, or material without the prior written approval of the Director of Procurement.

C. Inventory – Department Directors are responsible for conducting an annual inventory of their department's property and for providing information needed by the Finance Director to maintain the Fixed Asset Inventory (see Section V).

D. Unneeded Property – Department Directors are responsible for reviewing their Department's property on an ongoing basis to identify property that is no longer needed, and to make it available to other departments or dispose of it through Stores Surplus.

E. Loan of City Property to Outside Agencies – Department Directors are responsible for loans of City property to be used by outside agencies. Written approval must be obtained from Risk Management prior to loaning the use of any City property to any non-City agency or individual.

IV. SAFEGUARDING OF FIXED ASSETS AND OTHER EQUIPMENT

A. Storage – Department Directors are responsible for safeguarding all fixed assets and other equipment charged to their custody. Property is to be protected against damage, theft, or unauthorized use.

B. Staff Training – Department Directors are responsible for ensuring that employees are adequately trained in the proper use and care of assigned property.

C. Maintenance – To maintain the value of the City's Property, Department Directors shall ensure that all assigned fixed assets and other equipment receive proper maintenance.

D. Assignment of Property – Departments shall maintain a record of accountability (such as a voucher system) for property assigned temporarily or permanently to individuals for use in the field.

V. RECORD KEEPING FOR FIXED ASSETS AND OTHER EQUIPMENT

A. Fixed Assets

1. Fixed Asset Procedure Manual – The Accounting Division of the Finance Department will record and maintain fixed asset information following procedures detailed in the Fixed Asset Procedure Manual. This manual is to be reviewed annually by the Finance Director and revised as needed. Department Directors shall ensure that their internal procedures agree with the internal control principles provided in the Fixed Asset Procedure Manual.

2. Fixed Asset Register – It is the responsibility of the Finance Director to maintain a perpetual inventory (Fixed Asset Register) of all City-owned fixed assets. It is the responsibility of Department Directors to ensure that the information provided for that Register is correct.

3. Receiving Fixed Assets – When a department receives the copy of the invoice or the packing slip it shall be compared promptly to the actual equipment, verifying that the invoice descriptions, including serial numbers are accurate. If the descriptions do not match, the Department Director or designee will specify the differences on the invoice copy and return it to Accounts Payable/Accounting Division. The Department shall notify, in writing, the Procurement Department for appropriate action.

4. Tagging of Equipment – When received from the Accounting Division, the Department will promptly affix property tags to the fixed assets. In addition, Department Directors or designee will ensure that the accompanying acquisition input documentation is promptly validated, any corrections noted, and returned to the Fixed Assets Accountant of the Accounting Division.

5. Annual Inventory – During August, the Accounting Division will provide a Fixed Asset Register to all departments. Department Directors will ensure that all department fixed assets are inventoried within 30 days of its receipt. Requests for extensions, if necessary, should be directed to the Accounting Division. The register, with changes noted, along with any necessary Reports of Survey, is to be signed by the Department Director and returned to the Accounting Division.

B. Other Equipment

1. Perpetual Inventory – A detailed record (description, purchase date, cost, location) shall be maintained by departments for their Other Equipment Inventory. Deletions of other equipment from the record shall occur only upon written authorization from individuals designated by the Department Director, and after procedures for transfer, loss, or theft of property have been followed – (see Sections VI and VII below).

2. Annual Inventory – An annual inventory is to be conducted as of June 30 for all other equipment on the perpetual inventory record. The inventory is to be certified by the Department Director. The inventory record, along with a listing of all fiscal year deletions (with reasons noted) is to be maintained on file within each department. A memo certifying that the inventory has been performed and a copy of the inventory register shall be submitted by each Department Director to the Finance Director by September 30th each year. Requests for deadline extensions, if necessary, should be directed to the Internal Audit Section of the Finance Department.

3. Other Equipment Tags – Other equipment shall be promptly tagged when received. Property tags for other equipment can be ordered from Stores.

VI. SURPLUS CITY PROPERTY

Surplus Department Property may be transferred between organizations within a department, transferred between departments, transferred to Surplus, or cannibalized. (specific procedures apply to the transfer and disposition of Communications and Other Electronic Equipment – see A.D. 1.08-2).

A. Transfer between Organizations within a Department

The Department Director or Assistant Department Director shall immediately notify the Accounting Division by memorandum of any transfer of fixed assets between departmental organizations. If other equipment is transferred between organizations within a department, written documentation of the transfer should be maintained in the records of both the receiving and transferring organizations.

B. Transfer between Departments

Property determined by the department to be of value, in good condition, and with future use potential, should be made available to other departments.

1. Other Equipment: Other equipment transferred between departments requires no Property Transfer Form or notification to the Accounting Division; however, both departments will document the transfer in their Other Equipment Inventory records.

2. Fixed Assets:

a. Originating Department (department transferring property): This department initiates and completes Sections A, B, and C of the Property Transfer Form (Attachment A) and sends all copies to the Receiving Department. (Note: Current Value is not the original purchase price).

b. Receiving Department (department receiving property):

(1) Upon receiving the Property Transfer Form, the Receiving Department completes sections D (include the organization number) and E and arranges for the physical transfer of the item(s).

(2) Obtains Receiving Officer signature and employee number when the item(s) are delivered.

(3) Sends the completed Property Transfer Form to the Stores Division.

c. Stores Division:

(1) Approves the Property Transfer Form and assigns a control number.

(2) Forwards the completed Property Transfer Form to the Accounting Division for final distribution.

d. Accounting Division:

(1) The Fixed Assets Accountant updates the Fixed Asset Register upon receipt of Property Transfer Forms involving fixed assets and distributes copies. If the transfer involves enterprise or federal funds, a

copy of the Property Transfer Form is given to the appropriate fund accountant.

(2) Transfers, including vehicles, between departments and enterprise funds (Water and Golf) or federal funds require a fee charge equal to the current value of the property transferred. The fund accountant will record/delete the property in the general ledger and make the transfer of funds, as agreed upon between the departments involved, and recorded on the form.

C. Transfer to or from Surplus

Property held in Stores Surplus is available to other departments. Departments may view property at the surplus warehouse (720 E. Ajo) daily from 7:30 a.m. – 2:00 p.m. Surplus property selected by a department will be reserved for ten (10) working days while Property Transfer Form is processed by the department. If the Property Transfer Form is not processed within ten (10) days, the property will be taken off hold and made available to other departments.

Small items of surplus (other equipment) that are broken and cannot be brought back to operating condition at a reasonable cost (e.g., a hand-held calculator or a fan), or would have no value at an auction (e.g., outdated law books) may be disposed of at the departmental level and need not be sent to Surplus. The department will update their Other Equipment Inventory records by noting the item was destroyed.

1. Department initiates the Property Transfer Form (Attachment A). If transferring property from Surplus, the department completes Sections A, D, and E. The receiving officer signature is left blank. In Section B, “Surplus” is entered as the department name. If transferring property to Surplus, the department completes Sections A, B, and C. In Section D, Surplus is entered as the department name and the shipping officer signature is left blank. The completed Property Transfer Form is sent to Stores/Surplus.

2. Stores:

a. Approves the transfer and assigns a transfer number to the Property Transfer Form.

b. Will pickup or deliver property to departments without transportation, with the exception of large items such as copiers. Pickup or delivery of large items will require the department to use the City’s contract mover, at the department’s expense.

c. Will notify departments that are able to transport property as to when to deliver or pickup the item(s).

If the transferred property includes only other equipment, or items with no property numbers, the Stores Division will distribute the completed Property Transfer Form. If the transferred property includes any fixed assets, the completed Property Transfer Form will be forwarded to the Accounting Division for final distribution.

3. Accounting Division:

a. The Fixed Assets Accountant updates the Fixed Asset Register upon receipt of Property Transfer Forms involving fixed assets and distributes copies. If the transfer involves enterprise or federal funds, a copy of the Property Transfer Form is given to the appropriate fund accountant.

b. Transfer of Property, including vehicles, between Surplus and enterprise or federal funds requires a fee charge equal to the value of the property transferred. The fund accountant will record the property in the general ledger and make the transfer of funds, as agreed upon by Procurement and the receiving department, and as documented on the Property Transfer Form.

D. Donation of Surplus City Property

All requests for donation of surplus property will be forwarded to the Procurement Department for evaluation and processing.

VII. LOSS, THEFT, DAMAGE, OR CANNIBALIZATION OF CITY PROPERTY

A. General

1. Department Directors shall conduct an investigation of all missing or damaged fixed assets and other equipment.

2. If loss or damage of property is in excess of $500 and is due to theft or vandalism, the Police Department shall be notified.

3. If the loss or damage is due to employee negligence, a written statement shall be obtained from the employee.

4. A Report of Survey is not required for lost or damaged other equipment under $500.

B. Loss, Theft, or Damage to fixed assets, or other equipment over $500

1. Department Directors shall maintain a written record documenting the cause of loss or damage and the corrective action taken to prevent future occurrences, and will retain a copy for the Police, if applicable.

2. Department Directors shall initiate a Report of Survey (Attachment B) whenever an equipment item with a purchase price of $500 or more, assigned to their department, is missing or damaged [see exception under 3b, below].

The Report of Survey shall include a statement from Department Director that either:

a. The property has been lost, stolen, or damaged due to unavoidable circumstances, or

b. The property has been lost, stolen, or damaged through negligence, and the individuals should be held liable to the extent of the estimated value of the article lost or damaged.

The Report of Survey shall be signed by the Department Director and submitted to the Audit Division of the Finance Department with all supporting documentation (employee statement and Police Report) within ten (10) working days of discovery of loss or damage.

3. Upon receipt of complete Report of Survey, the Audit Division is responsible for logging the report and obtaining appropriate documentation for the Finance Director (who conducts a review of the report), and distributing the original as follows:

a. Missing Fixed Asset(s), or Other Equipment over $500

(1) Other Equipment over $500

After approval by the Finance Director, the Audit Division will return the original Report of Survey to the originating department for record maintenance (see Section V.B.1).

(2) Purchase Price $5,000 and over (Fixed Asset)

After approval by the Finance Director, the original Report of Survey is forwarded to the Accounting Division. The Assets will be deleted from the property records and a copy of the closed Report of Survey returned to the originating department.

b. Damaged (Usable) Fixed Asset(s) or Other Equipment over $500: A Report of Survey will be prepared only if an employee is to be held liable. In such cases, the original copy of the Report of Survey is forwarded to Accounting for fixed assets with a purchase price over $5,000. The damaged item is not removed from the Fixed Asset Register.

c. Damaged (Unusable) Other Equipment over $500: Departments should attach the original copy of the Report of Survey to the Property transfer Form and forward to Procurement for approval.

d. Damaged (unusable) Fixed Assets or Other Equipment under $500: These items need not be transferred to Surplus, they may be disposed of with the approval of the Department Director. A copy of the memorandum authorizing disposal must be maintained in the department records to document changes to the Other Equipment Inventory.

4. The Finance Director is responsible for conducting a review of the Report of Survey and any supporting documentation for consistent application of the directive. Upon completing the review of the circumstances and the Department Director's statement of opinion regarding employee liability, the Finance Director will forward the results of the review to the department.

C. Property to be Cannibalized

City property in poor, obsolete, or non-working condition may be cannibalized to make use of reusable parts.

Approval is required prior to cannibalizing the property:

1. The department is responsible for initiating a Report of Survey form requesting authorization to cannibalize the subject property and forwarding the Report of Survey to the Internal Audit Section, Finance Department, for review.

2. The Audit Division will review the request and make a recommendation to the Finance Director, who reviews the request and recommendation. If additional information is required, the department will be contacted.

3. After approval by the Finance Director, the Report or Survey is forwarded to the Accounting Division. The property is then removed from the Fixed Assets Register and a copy of the Report of Survey form will be returned to the originating department.

4. Department will then proceed to disassemble or dismantle the property. The department is responsible for removing cannibalized other equipment from their Other Equipment Inventory records.

VIII. DISPOSITION OF FIXED ASSETS AND OTHER EQUIPMENT

The Director of Procurement is responsible for selling all surplus, obsolete, or unused supplies, material, and property. All sales will be conducted in accordance with City Code provisions requiring competitive bids.
An officer or employee may bid on surplus City property that is offered for sale through a public sale unless:

A. The officer or employee has, because of his or her official position, been able to obtain special knowledge about the condition of the goods to be sold, or

B. The officer or employee has been officially associated with the sale arrangements. All sale proceeds including sales tax collected will be deposited in the General Fund. Any sales tax due on the proceeds will be paid from the General Fund. Proceeds, net of sales tax, will be transferred by the Accounting Division to the appropriate funds upon notification from Procurement. The Procurement Department will provide documentation of all bids to the Accounting Division supporting transfer of funds.

IX. APPENDIX

Attachment A – Property Transfer Form
Attachment B – Report of Survey

X. RESPONSIBILITY FOR REVIEW

The Finance Director shall review this directive in April of each year, or as necessary.

AUTHORIZED:

JAMES KEENE, CITY MANAGER

ATTACHMENT A
A.D. 4.01-3

PROPERTY TRANSFER FORM

Property Transfer Between Departments Involving Fixed Assets and/or Other Equipment

(PLEASE PRINT OR TYPE)

No. _____

Transfer of the following items between the listed departments is authorized.

_____ Purchasing Authorization _____ Date

A.

Other Equip. Property #	Fixed Asset Property #	Description	Condition	STORES USE ONLY Lot #	Item

ORIGINATING DEPARTMENT

B.

_____ Department _____ Organization No.

_____ Department Head Signature _____ Date

C.

_____ Contact Person (Please Print) _____ Phone

_____ Item(s) Located At

_____ Shipping Officer Signature & Emp. No. _____ Date

RECEIVING DEPARTMENT

D.

_____ Department _____ Organization No.

_____ Department Head Signature _____ Date

E.

_____ Contact Person (Please Print) _____ Phone

_____ Deliver Item(s) To

_____ Receiving Officer Signature & Emp. No. _____ Date

ACCOUNTING DIVISION

F.

I certify that the necessary entries have been made in the Fixed Asset Register.

_____ Accounting Division Signature _____ Date

DISTRIBUTION: White - ACCOUNTING Canary - PROCUREMENT Pink - RECEIVING DEPARTMENT Goldenrod - ORIGINATING DEPARTMENT

78-6-6950-2

ATTACHMENT B
A.D. 4.01-3

CITY OF TUCSON
REPORT OF SURVEY
(Refer to A.D. 4.01-3 for specific reporting requirements for loss or damage to items both listed and not listed in the Property register)

Document No.

TO: Finance Director,

I certify that the item(s) of property shown on the reverse side of this report and charged to this department has been ☐ destroyed or damaged, ☐ stolen (attached Police Report, or ☐ lost (indicate employee responsible).

Date loss or damage discovered _____ (Submit completed Report of Survey to the Finance Director within 10 working days)

After examining all available evidence and testimony, I have determined responsibility as follows:

Employee responsible: _____ _____ _____ (Attach employee signed statement of circumstances)
Employee Name No. Activity

Please state below or attach statement. Explanation, recommended administrative action, and steps taken to eliminate future loss or damage.

Signature: _____ _____ _____
Department Head Department Date

FINANCE DIRECTOR'S REVIEW

_____
Date Received

The Departmental recommended administrative action is ☐ Approved ☐ Not Approved

☐ The Department is relieved of responsibility and the Assistant Finance Director shall remove the property items stated from the Fixed Assets Property Register.

☐ Each employee named is held financially liable in the amount of $ _____ and the Assistant Finance Director shall deduct $_____ from each employee's pay for _____ consecutive pay periods.

☐ Alternative method of restitution:

_____ _____ _____ _____
Finance Director Date Assistant Finance Director Date

COT/ROS (9/83)

ATTACHMENT B (OVERLEAF)
A.D. 4.01-3

REPORT OF SURVEY PROPERTY ITEMS

Property # (if none Activity No.)	Description as noted on Property Register	Date Acquired	Purchase Price	Damaged Property		*COMMENTS Recommended disposition (Repair, Surplus, Scrap). Indicate name and phone no. of resource person.
				Estimated Value Prior to Event	Present Condition	

The above property items are declared surplus

Department Director

The above property has been transferred to Stores surplus.

Purchasing Agent

Good
Fair
Poor

*If repair is recommended, include estimated cost of repair.

(Do not transfer property until instructed by Purchasing Department)

ADMINISTRATIVE DIRECTIVE

ABOVEGROUND AND UNDERGROUND STORAGE TANKS	NUMBER	PAGE
	4.01-4	1 of 8
	EFFECTIVE DATE	
	November 15, 2015	

I. PURPOSE

This Directive establishes the policy and departments' roles and responsibilities for the acquisition, operation, maintenance, repair, and removal of aboveground and underground storage tanks containing gasoline, E85, diesel, bio-diesel, oil, transmission fluid, antifreeze, or any other flammable, combustible or regulated liquid.

II. POLICY

All aboveground and underground storage tanks owned by the City of Tucson will comply with all applicable local, state and federal laws and regulations. The City, whenever practicable, will install above ground storage tanks, piping, and dispensing equipment in lieu of underground storage tank systems for fueling applications.

III. DEFINITIONS

A. **Storage Tank System** – An underground or aboveground storage tank and all physically connected piping and equipment, including dispensers, vent lines, and refill couplings/connections.

B. **Aboveground Storage Tank (AST)** – Any storage system used to store or catch fueling operations liquids in which less than ten percent (10%) of the storage volume of the system (including piping) is underground.

C. **Underground Storage Tank (UST)** – Any storage system used to store or catch fueling operations liquids in which ten percent (10%) or more of the storage volume of the system (including piping) is underground.

D. **Fuel System** – Includes the fuel storage tank and any associated leak detection monitoring apparatus, piping, valves, connections and dispensers.

E. **Leak Detection** – The process of regularly monitoring a tank's contents and/or its surrounding environment for leakage of contents.

F. **Tightness Test** – A test to precisely determine the amount of content leakage or leakage rate from a storage tank.

G. **CERCLA** – Comprehensive Environmental Response, Compensation, and Liability Act of 1980. A United States federal law designed to clean up releases

or threatened releases of hazardous substances that may endanger public health or the environment.

H. **RCRA** – Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste.

I. **Environmental Due Diligence** – The process of performing environmental investigations on real property. These investigations are based on the most current versions of American Society for Testing and Materials (ASTM) Standards E1527 and E1903, and are performed to establish potential environmental liability due to possible presence or impacts of regulated/ hazardous substances and/or petroleum hydrocarbon compounds.

IV. RESPONSIBILITIES

Responsibilities associated with storage tank systems are described by department as follows:

A. The Fire Prevention Section of the Tucson Fire Department (TFD) shall:

1. Ensure compliance of all storage tanks with applicable codes and regulations by overseeing and monitoring compliance and providing technical assistance.

2. Identify tanks which require manual leak detection monitoring (inventory control), and specify the types and frequencies of monitoring necessary to meet code and regulatory requirements.

3. Order and coordinate the closure of any tank(s) suspected of leaking until inspections/tests can be performed to verify actual situation.

4. Generate and maintain written records documenting all permits relating to the installation, removal, repair, maintenance, and modification of City ASTs/USTs, retain copies of all notifications to state or federal agencies concerning City USTs, to satisfy recordkeeping requirements.

5. Maintain the list of City ASTs/USTs approved and legal for use.

B. <u>The Planning and Development Services Department (PDSD) shall</u>:

In conjunction with the Tucson Fire Department Fire Prevention Section, review plans and issue permits for the installation of new storage tanks and for modifications to existing ASTs/USTs.

C. <u>The Environmental Services Department (ES) shall</u>:

1. Manage, on behalf of the user departments, all necessary regulatory closures of fuel systems and remediation projects associated with releases or impacts to the environment from AST/UST systems. These actions shall follow all applicable federal (CERCLA, RCRA), state and local regulations.

2. Serve as the City's liaison with regulatory agencies during investigation and remediation.

3. Provide technical assistance regarding AST/UST regulatory and code compliance.

4. Manage, on behalf of the user departments, all necessary City Environmental Due Diligence assessments of USTs/ASTs on real property associated with any transfer of ownership.

5. Request assessment services, as may be necessary, pertaining to suspected leaks, spills, or releases from storage tanks.

6. Request regulatory closures from state and local agencies when storage tanks are taken out of service or removed. Obtain closure documents from necessary agencies.

7. Provide budgetary estimates/updates annually to the Office of Budget and Internal Audit for storage tank remediation projects.

D. <u>The Architecture and Engineering Division (AE) of the General Services Department (GSD) shall</u>:

1. Manage, on the behalf of the user departments, all new construction, modifications, repairs, removals, and replacements of all City fuel island ASTs/USTs and associated equipment.

2. Provide consultation and review of all preliminary designs, plans and specifications directly involving or impacting the City's fuel island AST/UST automated leak detection and inventory monitoring systems.

3. Ensure all necessary tank facility construction permits are obtained from the Planning and Development Services Department and the Tucson Fire Department.

E. <u>The Facilities and Communications Maintenance Division (FCM) of the General Services Department (GSD) shall</u>:

1. Coordinate, in conjunction with the Fleet Services Division (Fleet) and AE, long-term planning to upgrade, modify or replace aging equipment and storage tank systems.

2. Coordinate leak detection and tank testing as required by codes and regulations.

3. Maintain and repair all City ASTs/USTs and associated equipment including automated leak detection, automated inventory monitoring, and dispenser and control systems or fuel management systems as directed by Fleet or the Transportation Department's Transit Services Division (Sun Tran and Sun Van).

4. Ensure Fleet and Transit Services have access to the fuel storage tank monitoring system for delivery and inventory reports.

5. Receive electronic tank monitoring status reports and investigate and resolve problems.

6. Review daily status reports and notify Fleet, Transit Services and Fire Prevention of any unresolved problems.

7. Respond to emergency call-outs coming from the general dispatch operator (Control A-4144) of the Communications Section of the Tucson Fire Department, and if the alarm is valid (represents a fuel loss), call 9-1-1 for the dispatch of the Tucson Fire Department to the tank site. Contact Environmental Management Program (EMP) Coordinator (837-3710 or 403-0295) to notify about the possibility of potential spills or releases. Provide timely updates to Fleet.

8. Administer the contract for UST tank and line tightness testing and provide reported results to Fire Prevention, Fleet and Transit Services.

9. Perform inspections of ASTs and provide results to Fire Prevention, Fleet and Transit Services.

10. Order contracted pumping services for emptying of any and all emergency catchment and containment structures.

11. Promptly notify Environmental Services EMP Coordinator, Fleet, and Transit Services when permit(s) for tank removal are granted by PDSD and the Tucson Fire Department.

12. Provide written records to Fire Prevention documenting all installations, repairs, maintenance, modifications and removals of automated leak detection and inventory monitoring systems to satisfy recordkeeping requirements.

13. Assist in the inspection of construction directly involving or impacting the City's AST/UST automated leak detection and inventory monitoring systems, and provide consultation to the relevant parties concerning the results of its inspection(s).

14. Report to Tucson Fire, EMP Coordinator and Fleet any spills resulting from the overfilling of a storage vessel <u>regardless of the quantity</u> (Tucson Fire personnel will determine and direct the measures necessary to remedy the spills).

F. <u>The Fleet Services Division (Fleet) of the General Services Department (GSD) shall</u>:

1. Operate the City's fuels storage and dispensing facilities, with the exception of Sun Tran and Sun Van.

2. Plan for and fund the operation and maintenance of fuel and associated product tanks.

3. Order all products dispensed from City ASTs/USTs (except for Sun Tran and Sun Van).

4. Electronically monitor tank levels on a daily basis.

5. Monitor and record (in respect to all the tanks it operates) product levels with a dipstick or tank gauge not less than once per week, compare the results to those of the electronic fuel monitoring system, and report all discrepancies to FCM.

6. Maintain written records of inventory control activity.

7. Maintain written records documenting manual inventory control measurements, calculations, and results on each tank for the life of the tank plus three years after its closure.

8. Manage ADEQ UST Exemption Certificates for all City fuel tanks and process the Annual Activity Tax Report for USTs.

9. Investigate and report immediately upon discovery suspected leaks, including those from dispensers, to FCM, Fire Prevention (791-4014) and Environmental Services EMP Coordinator (791-3175 or 403-0295).

10. Issue and maintain fuel dispensing cards/fobs for user access.

G. The Communications Section of the Tucson Fire Department shall:

1. Receive messages and alarms from automated leak detection systems and notify FM-Service@tucsonaz.gov or call 791-3141 during normal business hours (8:00 AM to 5:00 PM Monday through Friday excluding holidays), and notify the on-call FCM representative of any and all alarms after hours.

2. For after-hour leaks, contact Marshall 31 designee and EMP Coordinator (403-0295).

H. The Fleet Services Division and Transit Services Division shall:

1. Notify 9-1-1 immediately of any suspected or real leaks, including those from dispensers. Subsequently notify the EMP Coordinator (791-3175 or 403-0295).

2. Report to the Fire Prevention and the Environmental Services EMP Coordinator any spills resulting from the overfilling of a storage vessel regardless of the quantity. Tucson Fire and the EMP Coordinator will determine and direct the measures necessary to remediate the spills.

3. Request ongoing maintenance and repair services from FCM. Phone in work order requests to 791-3141 or e-mail "FM-Service" during normal working hours and 791-4144 during off-hours.

4. Inform FCM, Fire Prevention and Environmental Services-EMP Coordinator of all significant changes in operating uses, products and volumes of ASTs/USTs.

I. The Real Estate Program of the City Manager's Office shall:

1. Coordinate with Environmental Services EMP Coordinator for necessary Environmental Due-Diligence assessments when it is suspected that ASTs/USTs may be present on property transactions being considered by City of Tucson departments.

2. Report immediately any tanks acquired ancillary to the acquisition of real property to Fire Prevention, Environmental Services EMP Coordinator and FCM.

Appendices None

References Spill Response Program (S-020C) of Central Safety Services.

Review Responsibility and Frequency The General Services Department Director shall initiate an annual multi-department review based on the date of publication. Last review date: March 5, 2009.

Authorized

City Manager Date 12/14/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

FLYING FLAGS AT HALF-STAFF	NUMBER **4.01-5**	PAGE **1 of 3**
	EFFECTIVE DATE **September 15, 2015**	

I. PURPOSE

To establish policies and procedures for flying the United States flag and the State of Arizona flag at half-staff at City facilities.

II. POLICY

It is the City's intent to comply with the rules and customs pertaining to the display of the flag of the United States at half-staff that have been enacted under United States Code, 4 U.S.C. § 7. The legislative intent of that statute is that no public official except the President of the United States or the Governor of Arizona may order the flag of the United States flown at half-staff. Therefore, the City's policy is as follows:

A. When so ordered by the President of the United States (or, in the case of subparagraph 6 below, by the Governor of Arizona), all United States flags at City facilities shall be flown at half-staff for the periods indicated upon the death of any of the following individuals:

1. **The President or a former President of the United States:** *for thirty days from the day of death.*

2. **The Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives:** *for ten days from the day of death.*

3. **An Associate Justice of the Supreme Court, a former Vice President, the Attorney General, a Secretary of Agriculture, Air Force, Army, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Labor, Navy, State, Transportation, Treasury, or Veteran's Affairs; or the Governor of Arizona:** *from the day of death until interment.*

4. **A United States Senator or Representative:** *on the day of death and the following day.*

5. **Foreign dignitaries or federal officials not otherwise designated:** *as directed by instructions from the President of the United States.*

6. **Present or former officials of State government:** *as directed by instructions from the Governor of Arizona, or in the Governor's absence, from the Director of the Arizona Department of Administration.*

B. In accordance with 4 U.S.C. § 7, the flag of the State of Arizona shall be flown at half-staff whenever the United States flag is flown at half-staff.

C. If a Presidential order in a specific case directs half-staffing of the United States flag for a period different from the periods set forth above, half-staffing at City facilities shall occur in compliance with the Presidential order.

D. In addition to the above, the Mayor may request the Governor of Arizona to order half-staffing of the United States flag and State of Arizona flag at City facilities in appropriate situations not specifically provided for by law, including but not limited to the death of a current or former State senator or representative from any State legislative district encompassing any portion of the City.

E. On May 15, Peace Officer's Memorial Day, the United States flags shall be flown at half-staff unless that day is also Armed Forces Day (third Saturday in May) in which case flags shall not be flown at half-staff.

F. If a United States flag is flown over a City facility on Memorial Day (last Monday in May), it shall be displayed at half-staff until noon only, then raised to the top of the staff.

G. In all cases, when the flag of the United States or of the State of Arizona is being flown at half-staff, it shall first be hoisted to the peak for an instant and then lowered to the half-staff position, and shall again be raised to the peak before it is lowered for the day.

H. When the United States flag is displayed with the flags of States of the Union or municipalities, and not with the flags of other nations, the Federal flag, which represents all States, should be flown above and at the center of the other flags. The other flags may be the same size, but none larger than the Federal flag; in accordance with 4 U.S.C. § 7(e) United States Flag Code note-15.

III. RESPONSIBILITIES

Departments: Each City department having a flag pole at any of its sites shall appoint a flag manager, and shall provide the name of the designated employee to the Facilities and Communications Maintenance Division (FCM) of the General Services Department.

Departmental Flag Managers: Flag managers shall ensure that all flags under their department's jurisdiction are flown at half-staff as instructed by FCM.

Facilities and Communications Maintenance: FCM will tell and/or e-mail departmental flag managers each time that flags are to be flown at half-staff, and for how long. When necessary, FCM will confirm the existence or details of a particular Presidential or gubernatorial order regarding half-staffing. Such information may be obtained from the White House Press Office (202-456-1414); the Press Office of the Governor of Arizona (602-542-1428); the Director's Office, Arizona Department of Administration (602-542-1500), or the State Capitol Police (602-542-4580).

ADMINISTRATIVE DIRECTIVE

FLYING FLAGS AT HALF-STAFF	NUMBER	PAGE
	4.01-5	3 of 3
	EFFECTIVE DATE	
	September 15, 2015	

The Mayor: The Mayor shall act for the City in requesting that the Governor of Arizona order half-staffing of the United States flag and State of Arizona flag at City facilities in situations not specifically provided for by law. When such a request is granted, the Mayor's Office shall inform the City Clerk's Office. The Clerk's Office shall inform FCM, which shall in turn instruct departmental flag managers to fly flag(s) at half-staff.

Appendices None

References United States Code 4 U.S.C. § 7

Review Responsibility and Frequency An Assistant City Manager will review this directive as necessary. ."
Last review date: 5/1/07.

Authorized

City Manager — Date 10/26/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
INTERNAL URBAN LANDSCAPE MANAGEMENT	**4.01-6**	**1 of 5**
	PAGE ISSUE DATE	
	June 28, 2002	

I. PURPOSE

The purpose of the Internal Urban Landscape Management directive is to ensure internal compliance with applicable local policies and ordinances, state and federal laws governing landscape management, and to coordinate internal practices to ensure consistent interpretation and administration thereof; therefore it is necessary

A. To establish procedures and departmental responsibilities related to existing policies, regulations, and ordinances that affect landscape within city owned properties, street rights-of-way, and washes; and

B. To establish a City Urban Landscape Management and Assessment Team and prescribe its procedures, functions, jurisdiction and authority; and

C. To establish goals and objectives to guide the Urban Landscape Management and Assessment Team, including the establishment of best practices and coordination of efforts with other public and private sector entities with similar goals and responsibilities; and

D. To pro-actively act as an ombudsman for the implementation, coordination and enforcement of the City's policies and regulations related to landscape management; and

E. To create materials for public education concerning city internal landscape policies.

II. DEFINITIONS

A. Urban Landscape Management and Assessment Team (ULMT)

The ULMT is a permanent team of City Department and Office representatives charged with reviewing City actions, programs and procedures to establish best practices and ensure compliance with applicable internal polices, city ordinances, applicable county ordinances, state and federal laws in the area of landscape management. The team shall consist of one voting member from each of the below named Departments and Offices with the exception of the City Attorney's Office which shall serve in an advisory capacity only. Individual Department/Office Directors are responsible for appointing the appropriate representative(s). The Departmental/Office representative is responsible for all communication between ULMT and their respective Department/Office.

City Attorney's Office (non-voting)
Community Services Department
Development Services Department
Operations Department
Parks and Recreation Department
Planning Department
Procurement Department

Risk Management Division
Solid Waste Management Department
Transportation Department
Tucson Water
Library

The Team will be co-chaired by the representatives of the Transportation Department and Parks and Recreation Department. The co-chairs shall be charged with keeping the City Manager appraised of identified problems, tasks, and general progress; and to provide day to day staff support. Staff support and resources may be provided by other City Departments/ Offices on a project by project basis. Generally, meetings of ULMT will be held during the business day and are internal staff discussions. Meetings pursuant to the development of a Landscape Management Plan (LMP) may be open to the public when appropriate. Co-chairs are empowered to create sub-committees and to call meetings as often as is necessary. Notice of meetings shall be sent to all ULMT members.

B. <u>Landscape Advisory Committee (LAC)</u>

The LAC is a Mayor and Council appointed citizens advisory committee charged with promoting public awareness and assisting in the development of policy, regulations, planning, design and management of the City's landscape resources.

C. <u>Landscape Management Plan (LMP)</u>

The LMP is a comprehensive plan that serves as a framework for the City's resource management of public landscape. The plan shall include the following components for both the planned landscape and natural habitat:

- inventory of existing public resources*
- uniform landscape design guidelines
- compliance component
- maintenance component
- public information

* limited in scope to correlate with budget capacity and usefulness of information gathered.

D. <u>Urban Forestry Program (UFP)</u>

The UFP is a specific element of the LMP that identifies the management of trees and shrubs in urban environments of the City's rights-of-way, parks, washes and other City-owned properties, including Tucson Water.

E. <u>LAC Liaison</u>

The LAC liaison is a City of Tucson staff person appointed by the City Manager from the ULMT that shall serve as a liaison to the Landscape Advisory Committee.

F. City of Tucson Internal Urban Landscape Management Policy

The City of Tucson Internal Urban Landscape Management Policy is a general policy to guide city actions in the area of urban landscape management. The policy framework is contained in this administrative directive, and the policy shall provide overall direction for the City's Landscape Management Plan.

G. Tucson Clean and Beautiful (TCB)

Tucson Clean and Beautiful is a non-profit organization (501c3) whose mission is to enhance the urban built environment.

III. ULMT GOALS and RESPONSIBILITIES

- To give force and effect to the City of Tucson Internal Urban Landscape Management Policy.
- To develop a Landscape Management Plan, including urban forestry and wash habitat programs.
- To study City operations and property in order to establish and maintain an inventory/database that tracks conditions, maintenance, etc. of landscape resources.
- To be a resource for staff and the public having questions, concerns or problems regarding public landscape resources and issues, including compliance with adopted polices and regulations.
- To systematically review the City's' Landscape Management Plan (LMP) and make recommendations to the City Manager as to how that plan may be updated, improved and implemented.
- To oversee and ensure internal compliance with the LMP. Decisions and actions of the ULMT shall be consistent with the city's Internal Urban Landscape Management Policy, and with applicable state, local and federal laws, regulations and standards.
- To oversee and ensure internal compliance with the City's' generation, storage, disposal and recycling of green waste, and green waste reduction policies.
- To report to the City Manager those city actions, inaction's, or conditions related to landscape management that are not in compliance with the LMP or create liability, or exposure to charges of violation of local, state or federal law, and bring forward proposed recommendations and revise city policy, procedures, programs and ordinances.
- To report to the City Manager, and involved or affected City Departments, urban landscape management concerns and to work with affected departments to develop and implement solutions. In selecting solutions to identified problems, the ULMT shall make all reasonable efforts to identify and utilize the most effective economical available solution. In doing so, the ULMT shall identify all available resources including innovative cost-cutting measures, available in-house resources, possible sources of in-kind contributions and outside sources of assistance.

- To identify opportunities or circumstances that dictate the need to review or change City policy, City Code, City ordinances, and items requiring budget changes or increases.

The ULMT is charged with studying and addressing urban landscape issues unique to and arising out of or directly impacting City operations and property. The ULMT and LMP shall not impact private property owners, other than making recommendations to the Planning Department as to minimum setback requirements, and make recommendations to the appropriate City Department concerning nuisance abatement issues.

The ULMT shall have access to any City of Tucson Department or Office records relevant to the urban landscape and can require, through the City Manager's Office, Departmental/Office cooperation in the form of employee/administrator attendance at ULMT meetings to provide information and participate in problem solving and policy formation.

The ULMT's power to implement changes shall be via recommendations for policy, and proposed administrative directives to be considered by the City Manager. The ULMT shall have no power to directly censure, control or implement Department/Office operations or policy. All ULMT recommendations to Mayor and Council shall be made by and through the City Manager.

IV. POLICY FRAMEWORK

- Design standards shall incorporate the principles of water conservation: low water use plantings, the use of reclaimed water, water harvesting, permaculture, and xeriscape
- Design standards shall incorporate the principles of safety by design and limit liability
- Landscape management policy, procedures and standards shall be coordinated and be consistent across all City Departments and Offices
- Staff charged with landscaping responsibilities shall receive training regarding City landscape management policy, procedures, standards and native plant resource management
- The City shall follow its adopted landscape regulations in the development of City properties

V. MAYOR AND COUNCIL LANDSCAPE ADVISORY COMMITTEE:

The City Manager and the ULMT shall coordinate with the Landscape Advisory Committee (LAC). The City Manager will designate, make all reasonable efforts to establish, maintain and utilize a liaison to coordinate LAC and ULMT activities. Unless circumstances dictate or justify otherwise, any recommendations and reports from the ULMT to the City Manager shall also be sent to the LAC for comment. Likewise, LAC shall select a representative that shall serve as a liaison to the ULMT for the purpose of developing the Landscape Management Plan (LMP). Otherwise, the LAC liaison shall

make formal presentations to LAC on a quarterly basis at LAC's regularly scheduled meetings. LAC shall be provided a written summary of all official actions taken by the UMLT.

VI. TUCSON CLEAN AND BEAUTIFUL

Tucson Clean and Beautiful (TCB) shall select a representative that shall serve as a liaison to the ULMT for the purpose of developing the Landscape Management Plan (LMP). TCB's role is limited to coincide with its status as a recipient of City funds.

VII. RESPONSIBILITY FOR IMPLEMENTATION

The City Manager or his/her designee shall hold individual Department/Office Directors responsible for the implementation of the City's Internal Urban Landscape Management Policy. Individual Department/Office Directors will be responsible for ensuring that their respective representatives to the ULMT, and staff in general, cooperate with the ULMT. Evaluation of compliance with this Administrative Directive shall be incorporated into the affected Departmental/Office Directors' annual performance evaluation.

VIII. RESPONSIBILITY FOR REVIEW

In July of each year, or as necessary, the Assistant City Manager for Neighborhood Services shall direct a review of the actions taken under this directive.

AUTHORIZED:

MIKE LETCHER FOR
JAMES KEENE, CITY MANAGER

Sale

ADMINISTRATIVE DIRECTIVE

REAL PROPERTY: MANAGEMENT, ACQUISITION, SALE AND LEASE	NUMBER 4.02-1	PAGE 1 of 14
	EFFECTIVE DATE December 15, 2015	

I. PURPOSE

This directive summarizes procedures for acquisition, lease, management and disposition of all real property by the City of Tucson ("City"). All purchase and sale agreements, offers to sell or purchase, deeds, easement agreements, leases, utility service agreements, rights of entry, licenses, access agreements, intergovernmental agreements, development agreements, exclusive negotiation rights agreements and any other agreement or authorization concerning the use or occupancy of City-owned, possessed or controlled real property shall originate with a request to the Real Estate Program Director ("Director") of the City Manager's office ("Real Estate Program").

II. POLICY

A. The Real Estate Program is responsible for coordinating the closing of all real property transactions for the City.

B. The Real Estate Program shall initiate acquisition procedures in accordance with all applicable local, state and federal regulations and in accordance with Section V below.

C. The Real Estate Program shall make every effort to complete real property acquisitions through negotiated agreements and minimize hardship or inconvenience to owners and tenants who may be affected by the City's acquisition of real property.

D. If a negotiated settlement cannot be reached, Real Estate Program staff shall work with the City Attorney's Office to initiate and support condemnation proceedings.

E. All dispositions of City-owned real property shall be processed and/or coordinated through the Real Estate Program in accordance with all applicable local, state and federal regulations and in accordance with Section VI below.

F. Surplus real property shall be sold or exchanged at market value in accordance with Section VI below, unless otherwise directed by the Director with the concurrence of the City Manager or Mayor and Council.

G. Surplus real property shall be sold through a public bid process unless the Director determines that such property is usable only by the adjacent property owner(s), thus permitting a direct sale to the adjacent owner(s). The sale process may be revised as directed by Mayor and Council on a case by case basis.

H. When property is sold, adequate legal provision shall be made so that no property owner having legal access to the general system of streets before the sale is denied such access as a result of the sale.

I. To the extent there is a conflict between these directives and Planning and Community Development (PCD) Programs, PCD mandated operating procedures shall be followed. In these instances, PCD staff shall collaborate with the Real Estate Program

at the start of the program to outline and establish mutual operating procedures for the program's real estate transactions. Although some PCD programs/transactions may be performed under different operating procedures, the Real Estate Program shall be kept fully informed of all real estate activities in order to ensure, whenever possible, material conformance with the purposes and intent of this Directive.

III. DEFINITIONS

A. **Administrative Sales Process:** The sale of City-owned real property or rights of way with an estimated value of less than $50,000 according to the terms and conditions of the Administrative Sales Process, as defined herein and adopted by Mayor and Council on April 26, 2011, Ordinance #10892.

B. **Application Fee:** A minimum nonrefundable fee charged by the Real Estate Program for real estate service requests as defined herein and adopted by Mayor and Council on September 13, 2011, Ordinance 10928.

C. **Appraisal:** A statement prepared by a licensed or certified real estate appraiser setting forth an opinion as to the market value of real property or an interest in real property in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) and Arizona law.

D. **Appraisal Standards:** All appraisals completed by either a staff or an independent fee appraiser must adhere to all applicable provisions of the USPAP and the Arizona Revised Statutes (ARS).

E. **City-owned Real Property:** City-owned real property is divided into three classes:

1. Property currently in public use;

2. Property not in use, which is held in reserve for future public needs; and

3. Property not in use, which is surplus to the current and future needs of the City of Tucson.

F. **Condemnation:** A means of acquiring real property interests for public purposes through legal proceedings under the government's power of eminent domain.

G. **Lease or Extended Occupancy Agreement:** An agreement by which a possessory interest in City-owned land or improvements are transferred by the City to another person or entity (or conversely, the City receives a possessory interest from another person or entity for non-City-owned property) for a specified period of time in return for a specified rental amount or service.

H. **License Agreement:** An agreement by which specific use rights on a temporary basis are granted by or to the City for limited events and activities.

I. **Market Value:** The most probable price estimated in terms of cash in United States dollars or comparable financial arrangements that the property would bring if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all the uses and purposes to which it was adapted and for which it was capable.

J. **Negotiation:** Conference or discussion to arrange for purchase, sale or lease of real property.

K. **Property Interests Noted Herein:**

1. **Fee Ownership:** Ownership of the entirety of a property, without limitation. This is the highest form of property ownership.

2. **Leasehold Ownership:** A possessory right created by virtue of a contract to occupy a property under certain terms and conditions, for a specified period of time.

3. **Easement:** A right to use the property of another for a particular purpose, often permanent in nature, even though another party retains ownership

L. **Public Improvement Project Team:** A committee formed for the purpose of designing and/or constructing public improvements, including, but not limited to, transportation, water, environmental services, and parks and recreation projects, reasonably anticipated to require the acquisition of interests in real property not owned by the City, comprised of at least the Department Director responsible for implementing the project and his or her designees.

M. **Public Location Right of Entry for Peddlers:** A three (3) month permit with a minimum fee of $50 allowing peddlers to use City property or rights of way in accordance with the terms and conditions of the Peddlers Ordinance No. 8129, adopted by Mayor and Council on September 27, 1993. The Real Estate Program issues these permits only on surplus City-owned property. Traffic Engineering issues these Rights of Entry for requests within the public right of way, with the signature of the Transportation Director.

N. **Real Property Acquisition:** Securing an interest in real property for the City by gift, purchase, exchange, plat dedication, exaction as a condition of rezoning, annexation, or condemnation.

O. **Review Appraisal:** A review appraisal as defined by USPAP performed by the Staff Appraiser or contract appraiser, or a desk review of an appraisal conducted by the Staff Appraiser or contract appraiser.

P. **Right of Entry:** An agreement, signed by the Director, allowing a limited specific use of City-owned property for a term not to exceed 12 months or conversely, a license granted to the City for entry on another's property, for a specific purpose, transferring less than a possessory interest in real estate in return for payment or services. The minimum Right of Entry fee for City-owned property is $500.

Q. **Staff Appraisal:** An appraisal prepared by an appraiser employed by the City.

R. **Staff Estimate:** Estimate of sales price of an interest in City-owned real property prepared by staff through accepted processes and procedures.

S. **Surplus Real Property:** All real property interests not currently in use or planned for use by any City department.

T. **Temporary Construction Easement (TCE):** An agreement authorizing the City to use another's property temporarily for purposes of constructing a public improvement or project

U. **Temporary Revocable Easement (TRE)**: An agreement to allow the revocable use of City-owned property or rights of way that are not presently required for public purposes. The Director may sign TREs of less than $12,000 annual rent with the concurrence of the Director of the controlling Department. TREs in excess of $12,000 annual rent must be signed by the City Manager.

V. **Utility Service Agreement:** An agreement that authorizes utility companies to enter and use City-owned land for the purpose of providing utility services to City-owned facilities and/or buildings. The Utility Service Agreement is signed by the Director (as successor to the Real Estate Administrator) pursuant to Resolution No. 16431 adopted October 4, 1993.

W. **Value:** Value shall be determined pursuant to applicable law, depending upon the circumstances of the transaction.

IV. GENERAL

A. General Guidelines:

1. City Departments planning to acquire or dispose of real property or an interest in real property shall inform the Director, in writing, of the Department's objective, the name of the project manager, a funding source, and whether

Mayor and Council has authorized said transaction(s) by adopting the appropriate resolution or ordinance, if necessary.

2. When Mayor and Council approval of a real estate transaction is sought, the requesting department shall solicit the input of the Director prior to obtaining said approval. For certain projects requiring less than five separate acquisitions, Mayor and Council approval may be sought upon acceptance of all agreements or upon realization that condemnation efforts are required. The Director will advise the City Manager, on a case-by-case basis, which projects fall under this category.

3. The Real Estate Program shall maintain appropriate databases to manage the real property assets of the City.

B. <u>Real Estate Inventory – Property Management</u>:

1. The Real Estate Program shall maintain a current inventory of City-owned real estate interests and maintain files that provide relevant information on each property. Rights-of-way and drainage ways are not a part of this inventory.

2. The Real Estate Program shall:

- Maintain a Geographic Information System (GIS) and an Asset Management Data Base for all City-owned real property and all interim uses requiring Leases, TREs, Rights of Entry, Utility Service Agreements and Peddler's Rights of Entry processed through the Real Estate Program.

- Inspect and/or secure City-owned real property within a reasonable time after the City obtains possessory rights to property.

- Develop lease analyses of City-owned property that is leased or to be leased, as well as for lease or potential lease of property by the City. Lease analyses of a particularly complex or sensitive nature may require staff or fee appraiser consultation or appraisal, as determined by the Director on a case by case basis.

- Coordinate the collection of rents and management of the Fixed Assets Inventory with the Finance Department.

C. <u>Environmental Review</u>:

The requesting department is responsible for requesting the Environmental Services Department (ESD) to complete the required environmental reviews. The Real Estate Program, ESD and the requesting department shall achieve consensus regarding the recommended environmental action(s) associated with the proposed transaction(s).

D. Cultural Resources:

When property is to be acquired, a Cultural Resource Clearance (CRC) is required. When property is to be sold, Real Estate Program Staff may, through the on call consultant, obtain further information for Mayor and Council consideration. All City sponsored construction projects require a CRC prior to commencement. The requesting department is responsible for ordering and performing the CRC.

V. ACQUISITION PROCEDURE

A. Pre-Acquisition Planning - Real Estate Program Participation:

At the inception of the design and/or construction of public improvement projects reasonably anticipated to require the acquisition of interests in real property not owned by the City, a Public Improvement Project Team shall be formed by the Department Head responsible for implementing the project, for the purpose of soliciting the recommendations and advice of the Real Estate Program.

B. Review of Title Status:

A title report shall be obtained for all property to be purchased. Purchases shall be by Warranty Deed unless otherwise approved by the City Attorney's Office.

C. Environmental and Cultural Review:

1. Property to be purchased shall be reviewed through an environmental analysis sufficient to gain the approval of the ESD and entitle the City to an innocent purchaser status under Federal Environmental Law.

2. Property to be purchased is required to have CRC as outlined above in Section IV, D.

D. Real Estate Program Director Initial Review:

The Director or, in the Director's discretion, his or her designee, shall determine the propriety of each acquisition contemplated prior to the valuation process.

E. Appraisal of Property:

Property proposed to be acquired by the City with an initially-estimated value in excess of $10,000 shall be appraised by an independent fee appraiser or by a staff appraiser to determine market value. When acquiring property from another governmental agency, this appraisal requirement may be waived at the discretion of the Director.

F. Establishment of Maximum Purchase Price:

1. **By Administrative Estimate:** The Director shall have the option of selecting a nominal value of up to $10,000 for parcels initially estimated to be worth from $1 to $10,000 (and in some cases up to $25,000 in accordance with 49 CFR 24.7 and 24.102), substantiated by an estimate performed by a staff appraiser or contract appraiser based upon appropriate data to be retained in the file (Valuation Waiver).

2. **By Appraisal:** An appraisal, as defined in Section II, of scope sufficient to satisfy applicable law must be completed for parcels valued in excess of $10,000, unless the Director causes a Valuation Waiver to be prepared, as provided above.

G. Negotiations for Acquisition:

1. When negotiations have culminated in an agreement, Real Estate Program staff shall present and obtain a written contract. A Summary Statement of Just Compensation shall be presented to the property owner if the acquisition is precedent to or in lieu of condemnation. Offers made under the threat of condemnation shall be at no less than the approved appraised value.

2. Property offered to the City voluntarily such as through the Advanced Acquisition Program, and other Mayor and Council directed actions, may be acquired at a negotiated price to be approved by Mayor and Council or through Administrative Settlement as provided herein.

   Nothing in this Administrative Directive shall be interpreted as waiving any regulation including and not limited to provisions of the Uniform Relocation Act which require the acquiring agency to appraise and establish a just compensation value for property being acquired by the agency. Conversely, nothing in this Administrative Directive shall prevent a person or entity, after being informed of their right to just compensation, from waiving all or a part of the established just compensation and making a gift or donation of real property.

H. Administrative Settlement:

In certain instances, when a property owner or authorized representative has rejected the City's offer and has made a counteroffer, a determination may be made by the Director, in conjunction with City management and with the City Attorney's advice and consent where appropriate, to acquire the property through an administrative settlement rather than condemnation. The general criteria for such determination will be that the administrative settlement acquisition will cost the City less than the anticipated result of condemnation litigation, and that the determination is in the best interests of the City. This determination should be deemed appropriate upon advice of

the City Attorney's office, take into account legal requirements of just compensation beyond that measured by appraised market value. All relevant factors concerning the acquisition should be considered in making the determination of Administrative Settlement.

I. Administrative Settlement Authority:

Administrative Settlement Authority is provided to the Director, in conjunction with City management on the advice of the City Attorney's office, in accordance with the Legal Advisory Standards for Administrative Settlements in Anticipation of Litigation, which standards shall be uniformly applied.

J. Escrow Process:

Once a settlement to acquire property has been reached, the City may open an escrow with a title company selected from a list of acceptable escrow companies. The City shall pay all escrow fees directly related to the acquisition, unless otherwise agreed upon by all parties.

VI. SALE PROCEDURE

A. Circularization of Proposed Surplus Property Sales and Exchanges:

The Real Estate Program shall circulate for comments to all appropriate City Departments, utility companies, and any other interested entities, all proposed property sales, leases or exchanges. All comments shall be considered and evaluated prior to final action. If the comments provide no substantial reason to retain the property, the Real Estate Program will declare the property surplus to the City's needs and will notify all involved or affected departments of the declaration.

B. Review of the Title Status:

Real Estate Program staff shall perform a review to establish the status of title for all property to be sold, unless otherwise noted herein. A preliminary title report may be obtained for this purpose.

1. Where title to City-owned real estate is not clear, the City Attorney's Office may begin legal proceedings to clear title, or the property may be sold with questionable title. If the property is sold with questionable title, a written acknowledgment from the purchaser, specifying the title question and the purchaser's awareness and acceptance of said title question shall be obtained and kept as a permanent record of the City.

2. A Special Warranty Deed may be used to convey title to City property. However, no stated warranties shall be given in the cases of questionable title, in sales of vacated right of way, or in sales of property valued at or below

$50,000 pursuant to the Administrative Sales Process. In these cases a form of deed other than a Warranty Deed shall be issued, unless authorized by the Director and approved by the City Attorney's office.

C. Real Estate Program Director Initial Review:

The Director will determine the propriety of each disposition contemplated prior to the valuation process and seek the guidance of the Staff Appraiser and/or an independent fee consultant when the disposition is deemed to be sensitive or complex in nature.

D. Valuation Process - Appraisal of Property:

City-owned Property proposed to be sold that has an estimated sales price of between $1 and $50,000, established by a Staff Estimate does not require an appraisal report. A licensed or certified staff or independent fee appraiser shall appraise City-owned property with an estimated value of $50,000 or more. At the discretion of the Director, two appraisals may be performed on property when the proposed sale is particularly sensitive or complex in nature.

E. Establishment of Minimum Sales Price:

1. **By Administrative Process:** The Director shall have the option of selecting a minimum/nominal sales price between $500 and $5,000 for parcels determined by Staff to be worth less than $5,000, substantiated by appropriate data to be retained in the file. The Staff estimate, unless an appraisal is elected, shall set the minimum sales price of property between $5,000 and $50,000.

2. **By Appraisal:** An appraisal and a review appraisal, as defined in Section II, of scope sufficient to satisfy applicable law must be completed for parcels estimated to exceed a value of $50,000.

3. **Credits and Advances:** On all sales that require appraisal or survey services (boundary, ALTA, environmental, and archeological), the applicant may be required to front the cost of such services in the form of an advance and may, at the Director's discretion, recover all or part of the cost thereof as a credit against the purchase price at the time of closing. If no sale is consummated, no refund of the advance will be made to the applicant. In order to receive a credit, the sale must not be the result of an encroachment and the applicant must close the transaction within one year from the date the City established the value of the parcel. No reimbursement or credit shall be given for the non-refundable application fee and in no event shall the City reimburse or credit advances that exceed the purchase price of the parcel.

F. General Sale Procedures:

1. **Properties determined not to be independently developable or marketable:** Arrangements for the sale of these properties shall be made by the Real Estate Program staff to adjacent property owner(s) at the established minimum sales price in accordance with Section VI, E above.

2. **Properties determined to be independently developable or marketable:** These properties will be advertised at least twice in local newspapers, with requests for offers on a given date no less than thirty (30) days or more than three hundred sixty-five (365) days after first publication. Bids will be submitted per the advertised instructions.

G. Acceptance or Rejection of Offers:

Staff shall recommend to the City Manager's Office acceptance of the offer that is most advantageous to the City. If the City Manager's Office elects to forward an offer to Mayor and Council for consideration, the Mayor and Council shall be given a reasonable time to accept or reject the offer.

In the event that no acceptable offers are received, the Real Estate Program shall re-advertise the property at the same or at a reduced minimum sale price, subject to prior approval of the Real Estate Director.

H. Apportionment of Sales Costs:

The City may offer to pay a brokerage fee up to 7%, under certain limiting conditions, and may pay title insurance costs, half the escrow fees, and other applicable seller's costs on real estate sales, at the discretion of the Director.

I. Mayor and Council Authorization:

The sale of surplus real property shall be authorized by an Ordinance passed by the Mayor and Council provided, however, that sales of City-owned property estimated by Staff to have a value of $50,000 or less may be processed by the Director and completed administratively as authorized by Ordinance #10892, adopted by Mayor and Council on April 26, 2011. The abandonment of certain easements and restrictions by the City has been pre-authorized by Ordinance #8537 adopted by the Mayor and Council on July 10, 1995.

J. Exceptions:

The Study Session items adopted by Mayor and Council November 7, 1994 and June 19, 1995 provide the Real Estate Program with direction relating to undeveloped right of way requested to be vacated and redeveloped. These items are commonly referred

to as the "Paper Plat Process" and are not required to be valued and conveyed as outlined by this Administrative Directive.

Notwithstanding these rules and regulations, the Mayor and Council may elect to transfer, sell, dispose of, and convey title to real property by other legal methods.

VII. LEASE OF CITY-OWNED PROPERTY

A. General Provisions:

Charter amendments approved by the Mayor and Council September 5, 1989 allow for the direct lease of City-owned property without competitive bids if Mayor and Council determine that such a lease is in the best interest of the public. In the absence of such a determination, the lease of City-owned property shall be performed by a competitive bid in response to a public solicitation.

The Real Estate Program will coordinate all lease activities in accordance with the Leasing Policy adopted in Study Session by Mayor and Council February 14, 1994 with certain provisions being updated and restated in Ordinance #10892, adopted by Mayor and Council on April 26, 2011. The Real Estate Program shall perform lease analyses for lease of City-owned property as well as for lease of privately-owned property by the City. Lease analysis may require staff or independent fee appraiser consultation or appraisal, to be determined on a case-by-case basis by the Director.

B. Leases to Existing Occupants of Purchased Property:

1. Commercial entities occupying property at the time of City purchase under threat of condemnation or in lieu of condemnation are permitted to lease the property on a month-to-month basis. The lease rate for such extended occupancies shall be 50% of the fair market lease rate for six (6) months and at the prevailing market rate thereafter.

2. Residential occupants at the time of City purchase under threat of condemnation or in lieu of condemnation may lease the property at no cost for the first 90 days, reserving to the discretion of the City Manager a lease at a percentage of the prevailing market rate or a nominal rate thereafter. The City Manager or designee may execute an Extended Occupancy Agreement in these instances.

3. When property purchased by the City under threat of condemnation is vacant and not immediately needed for a public improvement, the property may be leased as described in the following sections.

C. Lease of Improved Residential Properties:

1. Unless otherwise directed by the City Manager, the Housing and Community Development Department (HCD) shall have the first opportunity to use unoccupied City- owned residential property for its family rental programs.

2. Property that is found to be unsuitable for use in the HCD family rental programs will be made available by the HCD for lease at market rates to a private or governmental entity in the best interest of the City.

3. Property that is not leased at market rate will be advertised by HCD as available to legally established non-profit human services agencies. Agencies interested in using the property will be asked to submit a proposal describing their intended use of the property and proposed rental rate. Only proposals for lease at a rate greater than or equal to 10% of the market lease rate and no less than $250/year shall be considered. The lease term including options to renew will be no longer than five (5) years. HCD will recommend a lease based upon review of the submitted proposal(s), zoning compliance, viability of the proposal(s) and return/benefit to the City. Only the Mayor and Council can approve a lease under this section.

D. Lease of Improved Commercial and Unimproved Residential Properties:

1. Vacant or improved commercial property and unimproved residential property may be listed as available for lease, or offered for lease through a publicly noticed competitive bid process, at market rates. Based upon review of submitted proposal(s), including but not limited to a review of such matters as zoning compliance, viability of the proposal(s) and return/benefit to the City, the Real Estate Program will make a recommendation through the City Manager's Office to Mayor and Council for its direction.

2. Vacant or improved commercial property and unimproved residential property may also be offered for lease at market rates through a publicly noticed competitive bid process. Based on review of submitted proposal(s), including but not limited to such matters as zoning compliance, viability of the proposal(s) and return/benefit to the City, the Real Estate Program will make a recommendation, through the City Manager's Office to Mayor and Council for its direction.

3. If after listing or a publicly noticed competitive bid process, the City is not able to lease properties at market value, the Real Estate Program may lease them to a legally- established non-profit entity at a rate greater than or equal to 25% of the market lease rate (no less than $1,200/year) and for a term up to five years, including options to renew. In the event a prospective lessee under this section is required to construct or perform such substantial improvements to the leased property so as to require lender or donor approval to secure

funding or to recapture the lessee's investment, upon the lessee's request, the term may be extended beyond that set forth herein, upon the approval of Mayor and Council. All such leases shall include rent escalator clauses using industry-recognized practices.

4. If properties are determined to be surplus to the City's needs, they may be offered for sale to the general public pursuant to approved City policies.

E. **Standard Lease Terms:**

1. The Real Estate Program shall ensure that each lease with a below market rent includes a provision that allows the City to audit the lessee's books, records, and financial statements. Audit provisions will be included in any new non-profit lease, and lease renewal.

2. All leases of City-owned property shall include a form of no-cause termination appropriate to the context of the lease which may be exercised by the City in its sole discretion. The Real Estate Program in consultation with the City Manager shall determine what form of no-cause termination is appropriate to the circumstances.

3. All leases to any non-profit entity for less than market lease rate shall be limited to a term not to exceed five (5) years, unless otherwise expressly agreed by Mayor and Council. Renewal options may be considered by the Director on a case by case basis.

F. **Clearances:**

Lessees of City property shall obtain any required investigations, surveys, clearances, approvals and permits prior to performing any excavation, remodeling, demolition or tenant improvements to the leased premises.

VIII. LEASE OF PROPERTY FOR PUBLIC USE

A. All departments which require the public use of property owned by other persons or entities through a lease shall submit, in writing, a request to the Real Estate Program outlining all requirements of the lease, i.e. location, size, parking, hours of operation, etc.

B. A public solicitation process shall be employed which may include letters to brokers and advertisements in local newspapers. The Director shall determine the level of solicitation on a case by case basis.

C. All property listings and offers for lease shall be routed to the Real Estate Program, who will perform a review of the proposals to determine if the lease rate offered is reasonable and if the particular property meets any departmental needs. Qualifying proposals shall be forwarded to the requesting Department for review. If the requesting department accepts a lease proposal and if the lease rate is less than $25,000 per year, the lease may be reviewed and approved by the Director, in consultation with a staff appraiser or independent fee appraiser. All other lease proposals accepted shall be submitted with the recommendation of the Manager to the Mayor and Council for its approval and execution the lease.

D. If a specific property is determined to be unique in location and amenities, the Director may determine a sole source is acceptable, thereby eliminating the need for a competitive selection process.

IX. TRESPASSERS ON CITY OWNED OR CONTROLLED PROPERTY

When trespassers on City owned or controlled real property are discovered, the trespassers will be notified to vacate the premises and given an opportunity to promptly remove any encroachments or personal property. The Director shall determine the eventual disposition of the property. The Study Session item of November 7, 1994 provides the Real Estate Program with further direction relating to the placement of private improvements within public right of way in residential areas.

Appendices Appendix 1, Mayor and Council Direction and Legislative Policy Documents

References None

Review Responsibility and Frequency The City Manager or his/her designee shall review this directive in May of each year and, in consultation with the Director, is authorized and directed to amend and revise this Administrative Directive as deemed necessary. Last review date: 9/15/15.

Authorized

City Manager

Michael Ortega

12/16/15
Date

Mayor and Council Direction and Legislative Policy Documents

Category	Affect	Date	Direction
Administrative Sales	Legislative Policy and approval for the sale of remnant properties.	12/11/95	Ord. #8614 Repealed by: Ord. #10892
Administrative Sales	Legislative Policy and approval for an alternate property sales policy.	11/1/04	Ord. #10077 Repealed by: Ord. #10892
Administrative Sales	Legislative Policy and approval for the sale of properties Administratively.	4/26/11	Ord. #10892
Abandonments	Legislative Policy and approval for the abandonment of Easements and/or Restrictions.	7/10/95	Ord. # 8537
Application Fees	Legislative policy establishing a real estate application fee structure.	6/7/82	Ord. #5584
Application Fees	Legislative policy establishing a real estate application fee structure.	9/13/11	Ord. #10928
Leases	Charter Amendment allowing non-competitive direct leases.	9/5/89	Charter Amendment
Leases	Policy regarding Leasing.	2/14/94	M&C Study Session
Leases	Updated and restated leasing policies.	4/26/11	Ord. #10892
Paper Plat	Policy regarding Paper Plat (undeveloped) right of way for redevelopment.	11/7/94	M&C Study Session
Paper Plat	Clarification of Policy regarding Paper Plat (undeveloped) right of way.	6/19/95	M&C Study Session

Peddler's License	**Consider a Policy regulating Peddlers.**	**6/7/93**	
Peddler's License	**Legislative Policy and approval to issue Peddler's Right of Entry.**	**9/27/93**	**Ord. #8129**
Private Use of right of way	**Policy regarding landscape and encroachments that preclude the uses of the R/W by the public.**	**11/7/94**	**M&C Study Session**
Temporary Revocable Easements	**Policy regarding payment of market rental for use of right of way.**	**6/7/82**	**Ord. #5584 M&C Policy #230-04**
Temporary Revocable Easements	**Policy regarding payment of market rental for use of right of way.**	**5/27/86**	**M&C Policy #221-2.9**
Temporary Revocable Easements	**Policy of calculating rental rates and discounts for constructed improvements.**	**10/28/91**	**M&C Study Session**
Utility Service Agreements	**Legislative Authority for City Manager to sign USA's.**	**10/4/93**	**Res. #16431**

Watercourses or Floodplains

ADMINISTRATIVE DIRECTIVE

COORDINATION OF CITY CONSTRUCTION AND MAINTENANCE IN WATERCOURSES, REGULATORY FLOOD PLAINS, OR EROSION HAZARD AREAS	NUMBER 4.05-1	PAGE 1 of 4
	EFFECTIVE DATE January 20, 2016	

I. PURPOSE

To establish procedures for the coordination of city construction and maintenance operations within watercourses or regulatory floodplains in order to ensure compliance with city drainage and floodplain policies and standards, and to disseminate the Engineering Division's knowledge of flood hazards, watershed problems, potential solutions, and neighborhood impacts.

II. DEFINITIONS

A. **Watercourse** – A lake, river, creek, stream, wash, arroyo, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designed areas in which substantial flood damage can occur.

B. **Major Wash or Major Watercourse** – Any watercourse which drains a contributing drainage basin of less than thirty (30) square miles and generates a base flood peak discharge of 2,500 cubic feet per second (cfs), or greater. Examples of major washes include, but are not necessarily limited to: Alamo Wash, Cholla Wash at and downstream from Mission Road, Pima Wash, Rodeo Wash, Silvercroft Wash, Tucson Arroyo, and West Branch of Santa Cruz River Washes.

C. **Minor Wash or Minor Watercourse** – A watercourse which conveys or collects a 100-year (base flood) peak discharge of less than 2,500 cubic feet per second (cfs), but more than 100 cfs.

D. **Regulatory Floodplain** – That portion of the natural floodplain that would be inundated by the 100 year flood. It includes that area where drainage is or may be restricted by man-made structures and that would be inundated by the 100 year flood or those areas which are subject to sheet flooding, or those areas mapped as being floodprone on existing recorded subdivision plats.

E. **Sheet Flooding Areas** – Those areas which are subject to flooding with depths of one-half (1/2) foot or greater during the regulatory flood where a clearly defined channel does not exist and the path of the flooding is often unpredictable and indeterminate.

F. **Detention System** – A type of flood control system which delays the downstream progress of floodwaters in a controlled manner, generally, through the combined use of a temporary storage area (pond) and a metered outlet device which causes a lengthening of the duration of flow and thereby reduces downstream flood peaks.

G. **Retention System** – A type of flood control facility which stores surface runoff and stops the downstream progress of surface water runoff or floodwaters by employing methods of total containment. No flow is discharged directly into a downstream watercourse form a retention system or basin. The stored water may infiltrate into the subsurface ground layers.

H. **Major Maintenance** – Includes: The realignment, excavation, or filling of watercourses; installation of drainage appurtenances, channel lining or other erosion facilities, etc. Major maintenance does not include the removal of weeds and accumulated sediment or other routine work necessary to keep established drainageways functioning properly.

I. **Erosion Hazard Area** – The land area adjoining a watercourse which is subject to erosion damage. If a detailed erosion hazard study is not available, the areas listed below are to be considered the erosion hazard area (or as calculated from the "Drainage Design and Floodplain Management Manual"):

WATERCOURSES	DISTANCE FROM TOP OF BANK	
	Straight Section	Curved Section
Santa Cruz River	490 Feet	1,220 Feet
Rillito Creek	360 Feet	895 Feet
Pantano Wash	350 Feet	870 Feet
Tanque Verde Creek	350 Feet	870 Feet
All Major Washes	100 Feet	250 Feet
All Minor Washes	50 Feet	100 Feet

J. **Construction** – Includes: Erection of any building, structure or fence; installation of pipes or other utilities across or along watercourses either above or below ground; construction of bridges, culverts or dip crossings; installation of improvements for bank protection; construction of grade control structures; and sand or gravel excavations.

III. POLICY

All departments undertaking construction or major maintenance work in watercourses or within a regulatory floodplain are required to have authorization from the City Engineer prior to commencing such work. Such authorization is also required for all construction in an erosion hazard area. Obtaining authorization may require the submitting agency to prepare and execute an approved mitigation plan for the protection of historical and archaeological resources, and for the restoration of affected vegetation or wildlife habitat. Watercourses and regulatory floodplains affected by this directive are on line at http://maps2.tucsonaz.gov/Html5Viewer/?Viewer=maptucson. Activities related to stormwater pollution/stormwater pollution prevention plans for watercourses also require coordination with the Transportation Engineering Division.

A. Notification of City Engineer

1. No city work in watercourses, erosion hazard areas, or regulatory floodplains other than routine maintenance shall be undertaken without prior approval by the City Engineer.

2. At the beginning of each fiscal year, all departments which plan to undertake construction or major maintenance activities in watercourses, erosion hazard areas or regulatory floodplains shall submit a list of these projects with a projected starting date to the City Engineer. The City Engineer shall also be notified prior to beginning construction or major maintenance activities in watercourses or regulatory floodplains which because of their unscheduled nature are not included on the project list.

B. Review by the City Engineer

1. The City Engineer or his designee, shall review the project list and advise each department in writing if detailed plans for the scheduled work are required.

2. If plans are required, they shall be submitted to the City Engineer thirty (30) days prior to the planned commencement date.

3. Written approval/authorization shall be obtained from the City Engineer prior to commencing work.

C. Inspection by the City Engineer

1. The City Engineer or his designee, shall determine whether or not there is a need for field inspection during construction/maintenance activities.

2. All work shall be inspected by the City Engineering Division upon its completion in order to determine whether or not there has been compliance with all city drainage and floodplain policies and ordinances. If not, then the responsibility for ensuring that the construction/maintenance is brought into compliance lies with the department doing the work.

IV. DEPARTMENT ASSISTANCE

Additional information on sites of interest may be obtained by calling the Engineering Division, Floodplain Unit at 791-5100.

ADMINISTRATIVE DIRECTIVE

COORDINATION OF CITY CONSTRUCTION AND MAINTENANCE IN WATERCOURSES, REGULATORY FLOOD PLAINS, OR EROSION HAZARD AREAS	NUMBER 4.05-1	PAGE 4 of 4
	EFFECTIVE DATE January 20, 2016	

Appendices None

References None

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, or as necessary. Last review date: October 13, 1994.

Authorized

City Manager

Date

Michael Ortega

VEHICLES

City-Owned Vehicles

ADMINISTRATIVE DIRECTIVE

RESPONSIBILITIES REGARDING UTILIZATION OF CITY VEHICLES	NUMBER 6.01-1	PAGE 1 of 7
	EFFECTIVE DATE December 28, 2015	

I. PURPOSE

To establish procedures and guidelines for proper use of City vehicles by City employees.

II. POLICY

The City of Tucson will maintain an effective and efficient fleet management program.

In order to ensure compliance with this directive and/or internal rules and standards, each department, office, agency, or organization using City vehicles will be responsible for monitoring vehicle use and imposing discipline up to and including discharge from employment. Nothing in this Administrative Directive (AD) shall be construed as diverting or diminishing the responsibility and authority delegated by the City Manager to certain City staff to exercise fleet management practices.

III. DEFINITIONS

A. **Accident –** An event or incident involving a city employee, facility, or equipment that results in a loss of or damage to property, person, animal or fixed object.

B. **AZPOST** – Arizona Peace Officer Standards and Training [Board].

C. **Vehicle** - In this context all rolling stock (over-the-road or on-site) are subject to the controls and restrictions of this AD. All such equipment is covered by this AD regardless of whether it was purchased through federal, state, City or donated funds.

IV. RESPONSIBILITIES

A. Departmental Responsibility

1. AD 6.01-6: Driver's License Policy outlines the City policy for qualifications and requirements to operate City vehicles with a valid Arizona Driver's License and 6.01-8: Commercial Driver Policy delineates additional direction for Commercial Driver's License (CDL) holders.

2. **Restrictions or procedures cited in this AD shall not be considered all-inclusive. Additional rules or standards that complement this AD may be established at the department level to ensure proper use of City vehicles.**

3. Ensure appropriate insurance verification certificates are placed in the vehicle.

B. Employee Responsibility

To be in compliance with the following AD's addressing vehicle use, the City's driving program and employee compliance with the program:

- 6.01-6 Driver's License Policy
- 6.01-1 Responsibilities Regarding Utilization of City Vehicles
- 6.01-4 City Vehicle Motor Pools
- 6.01-7 24-Hour Vehicle Assignments
- 6.01-8 Commercial Driver Policy

V. WHO MAY DRIVE

A. Persons operating City vehicles must be either City employees, or volunteers approved by the department director.

B. All drivers must:

1. Have a valid Arizona driver's license for the correct classification and with the necessary endorsements.

2. Have an acceptable 39-month Motor Vehicle Record (MVR) as obtained by Central Safety Services (CSS) and as determined by the department.

3. Be eighteen (18) years of age or older.

4. Have at least two (2) years of driving experience.

5. Be unimpaired by alcohol or other substances.

VI. WHAT MAY BE DRIVEN

A. Employees shall not operate any type or class of equipment for which they are not properly licensed and trained.

B. Supervisors shall pay special attention to the requirements regarding the operation of commercial vehicles. CDL holders must comply with the more rigorous requirements for all safety sensitive work in and around their commercial vehicles.

C. Vehicles that do not pass the driver's pre-trip inspection or exhibit a serious defect during the course of operation shall be immediately tagged *Out of Service* and not be driven until adequate repairs have been made. The problem(s) shall be immediately reported to supervision and Fleet Services.

D. Vehicles that have been found deficient in one or more safety systems during the post-trip inspection shall not be driven until those deficiencies are adequately corrected.

E. Vehicles with deficiencies affecting safe operation shall be parked until they can be towed in for the necessary repairs.

VII. OPERATIONAL REQUIREMENTS

A. PRE-TRIP

Persons driving on City business shall:

1. Position adjustable head restraints to where the top of the restraint is at or slightly above the top of the occupants' ears.

2. Before initial use, inspect the vehicle for damage, inoperable lights, tire inflation, etc. and report any safety-related problems to their supervisor.

3. Upon entering the vehicle, lock all doors and then complete the vehicle check and make the necessary adjustments to the seat, mirrors, audio and ventilation controls.

B. LOADS

Persons driving on City business shall:

1. Secure all loads and equipment adequately. Loads shall be suitable for the vehicle and within its rated capacity, as determined by the lesser of the vehicle, axle, or tire ratings. When carrying loads at the maximum tire rating, tires must be inflated to the pressure specified for that rated load carrying capacity. Tire pressures are calculated when cold.

2. Comply with the special driver licensing, vehicle specifications and placarding, and unique operational procedures required for the transportation of hazardous materials.

3. Not carry extra fuel in vehicles other than when in proper containers (meeting OSHA and DOT standards) and are adequately secured. This includes containers that are used for refueling small gas-powered tools.

C. The driver-operator will always remove the keys and lock the vehicle when not using it, whether on City property or not.

The driver-operator will provide daily maintenance and report any deficiencies immediately to the appropriate authority, who will report all deficiencies to the Fleet Services Division.

D. All Vehicles designated for ROAD USE and equipped with (mileage) odometers will be refueled at the AUTOMATED City fuel facilities ONLY or at specified City of Tucson contract fuel vendors (approved public safety vehicles only).

If refueling is required while driving outside of the immediate City of Tucson area, vehicle operators should refuel at a commercial station:

1. At their own expense and file for travel expense reimbursement upon their return; or

2. Use a city-issued pCard and provide purchase documentation to their Department's assigned pCard reconciler upon their return.

E. Spare tires will be provided and carried in all light duty vehicles up to and including 3/4-ton trucks. It will normally be the responsibility of the using employee to change flat tires on these vehicles. Vehicle operators will be responsible for ensuring that proper security is provided for spare tires to prevent theft or loss. The absence of a spare tire will be reported to the employee's supervisor, and if the spare cannot be located, the Fleet Control Office of Fleet Services must be advised so that a replacement can be supplied. Cost of the replacement tire and wheel will be a direct charge to the using activity.

VIII. GENERAL RULES

A. No employee of the City is authorized to use a City vehicle for other than the performance of assigned official duties, except for vehicles assigned to Mayor and Council, the City Attorney, and the City Clerk. No personal use of City vehicles is permitted unless provided for in Administrative Directive 6.01-7.

B. The vehicle-operator will maintain strict adherence to all traffic laws, wear seat belts and require the same of all passengers, control speed in accordance with posted limits, give proper and timely signals, comply with regulatory signs or traffic signals, and practice road courtesy at all times.

C. Drivers of City vehicles are expressly prohibited from picking up hitch-hikers or providing rides for persons not directly associated in some way with the processes of City business.

D. Under no circumstances are employees or members of the public to be transported in the bed of a truck, or on any piece of equipment in a manner not intended by the manufacturer. This applies to both on or off road, on public or private property.

E. Heavy equipment that cannot be adequately secured against unauthorized use shall not be left unattended in the field, but shall be removed to a secure location between usage periods.

F. Keep tailgates up when possible. When conditions or load require that the gate be left down, red flags shall be attached to the gate corners and load extremities to alert other drivers of the abnormal condition. Long or wide loads protruding beyond the vehicle's body width while parked should be marked with traffic cones where possible.

G. Employees or departments shall not modify City vehicles, or equipment mounted or placed on City vehicles for a specific work practice. Written permission for any structural modification to the vehicle or equipment shall be obtained from the vehicle or equipment manufacturer and concurrence shall be solicited from Fleet Services (Attachment A). Modifications/additions to communication equipment installed by the Facility and Communication Maintenance Division/General Services or to communication equipment in TPD or TFD vehicles are exempt.

H. Extra tinting may be applied to rear side windows and rear windows if dual outside mirrors are installed and maintained in good condition. All window tinting must comply with Arizona State Law and receive written concurrence from the Fleet Services Division. Police and Fire vehicles are exempt from the window tinting modification policy.

I. Employees shall utilize electronic communication devices in a safe and prudent manner and shall comply with their departmental policy on the use and operation of electronic communication devices. Specifically, texting, emailing, data entry, obtaining navigational information shall only be done when the vehicle is not in in the roadway in order to meet the intent of Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving.

J. Conversations using cell phones while driving shall be limited to essential business only and should occur only when the vehicle is not in motion. (Refer to Tucson Code 20-160).

K. The use of headphones connected to radios, tape players or CDs is prohibited while driving on City business. The only exceptions to this are Police and Fire personnel.

L. Maintain all original usage and warning labels and placards in good condition on all motor vehicle equipment, whether for on or off road application. Each vehicle or piece of motorized equipment shall have on board in an easily accessed location (such as the glove box or in an attached weatherproof plastic pouch) the operator's manual provided by the manufacturer.

M. Carry reflective triangles for any vehicle carrying flammable or other hazardous materials.

N. Do not expose any open flame near a vehicle being fueled.

O. No individual shall smoke or use tobacco products in the City vehicle.

P. No individual shall possess, transport, or consume alcohol or illegal drugs in a City vehicle, unless such activity is performed in the course of their assigned duties.

Q. Only AZPOST certified peace officers may carry firearms or weapons, concealed or otherwise in City vehicles. Management may authorize employees to carry and/or transport firearms in the course of their assigned duties.

R. Except for an AZPOST certified peace officer or Fleet Services employee acting in the course of their assigned duties, no employee may:

- Jump start another vehicle;
- Push/Pull another vehicle or non-City trailer.

IX. ACCIDENTS

A. Motor vehicle accidents shall be reported immediately to 911 and the employee's immediate supervisor. Property damage accidents or accidents occurring on private property shall be promptly reported to the employee's immediate supervisor.

B. Accidents involving injury of any parties should also be reported directly to the City's Risk Management Division. An Incident (Event) Reporting Form (Form 103) must be completed and sent to the Risk Management Division within two (2) days of any accident involving City vehicles. In addition, pertinent information shall be entered at the time of the accident on the incident reporting forms kept in the glove compartment of City cars and appropriate compartments of heavy equipment vehicles. All activities having equipment shall keep these forms in their vehicles. Replacement or additional accident report forms are available at the Fleet Control Office (791-3196).

C. A copy of the Incident Reporting Form 103 must be provided to Fleet Services when a damaged vehicle is taken for an estimate. Risk Management will provide determination of whether a claim should be made against the responsible party or their insurance company.

D. Accident damaged City vehicles must be taken or towed to Fleet Services (except for Fire Department apparatus) for repair.

E. No repairs are to be made on damaged equipment without an accompanying copy of the standard incident reporting Form 103 for those vehicles involved in any type of accident.

X. TRAINING

Primary, Secondary or CDL drivers identified by their department, who demonstrate poor driving behavior in the form of an unsafe driving action confirmed by a supervisor, conviction for a moving violation while operating a City of Tucson motor vehicle or a preventable collision while operating a City of Tucson vehicle may be required to attend specialized driver training at the direction of the department.

Appendices

Equipment Modification Proposal
Driver Pre-Trip Inspection List

References

AD 6.01-4 City Vehicle Motor Pool
AD 6.01-6 Driver's License Policy
AD 6.01-7 24-Hour Vehicle Assignments
AD 6.01-8 Commercial Driver Policy
AD 2.02-22 Drug and Alcohol Use: Impaired Employees Physical Evaluation; Applicant Testing
Tucson City Code 20-160

Review Responsibility and Frequency

The Director of Finance will review this directive annually, based on date of publication. Last Review Date: October 17, 2006.

Authorized

City Manager

Michael Ortega

1/28/16
Date

Equipment Modification Proposal

Description of equipment to be modified (generic type, i.e. pickup truck or forklift):

Vehicle number(s): Date of request:

Manufacturer: Model number: Model Year:

Purchased from (dealer or distributor):

Contact person: Title: Phone #:

City purchase or requisition # : Date:

City employee responsible for original purchase specification:

Nature of modification(s) proposed:

Modification approved by manufacturer in writing and copy attached or explain why not:

Modification work to be performed by: Department: Phone #:

Modification requested by: Department: Phone #:

Fleet Services Concurrence approval by: Date: Phone #:

Request for modification denied by: Date: Phone #:

Driver Pre-Trip Inspection List

Vehicle (Make/Model/Year): _____ Date: _____

Odometer Reading: _____

Check any item(s) that needs attention and include the details under "Needs Attention/Comments." Do not drive the vehicle until the issues you've discovered have been corrected. This list is not "all inclusive." Please provide any additional items issues identified in the "Other" section of this form.

Item	Y/N	Needs Attention/Comments
Tires Flat?		
Major body damage?		
Tire Tread ok?		
Spare Tire?		
Oil Leak?		
Other Leak?		
Unusual Engine Noise?		
Needs gas?		
Temperature ok?		
Check engine light On?		
Other dashboard light on?		
Headlights ok?		
Brake lights ok?		
Tail lights ok?		
Turn signals work?		
Hazard lights working?		
Seatbelts working?		
Windshield wipers ok?		
Fans/defroster ok?		
Heater/AC ok?		
Brakes and Parking Brake ok?		
Mirrors adjusted?		
Horn works?		
Accident forms in glove compartment?		

Other: _____

_____

_____

Employee Name and Signature: _____

ADMINISTRATIVE DIRECTIVE

MOTOR VEHICLE AND EQUIPMENT ACQUISITION, MAINTENANCE, REPAIR, RETENTION AND DISPOSAL	NUMBER 6.01-2	PAGE 1 of 4
	EFFECTIVE DATE September 15, 2015	

I. PURPOSE

To establish uniform policies and procedures to effectively manage and ensure proper utilization of the City of Tucson's motor vehicle fleet.

II. POLICY

All City of Tucson motor vehicle fleet management is centralized in the Fleet Services Division of the General Services Department. Departments are not authorized to purchase fleet units (as defined below) without approval from the Fleet Services Administrator.

III. DEFINITIONS

A. **Additional Unit –** A fleet unit which is purchased, or added by a grant, loan, lease, confiscation, donation or the addition of a unit needed to meet operational needs due to the expansion of an existing program, or the addition of a new program.

B. **Fleet Unit –** Any mechanized or towed item of rolling stock assigned a vehicle number by Fleet Services, including but not limited to automobiles; light, medium and heavy duty trucks; vans; trailers; forklifts; motorcycles; large equipment such as refuse trucks, graders, bulldozers, tractors, and loaders; other mechanized equipment designed to be towed by another vehicle, such as welding machines and generators.

C. **Replacement Unit –** A like or similar fleet unit purchased to replace a turn-in unit.

D. **Retained Unit –** A fleet unit approved for retention by the Fleet Services Administrator after the receipt of a replacement unit, or a surplus unit returned to service to meet a short- or long-term departmental program need.

E. **Surplus Unit –** A fleet unit removed from service for sale at auction.

F. **Turn-In Unit –** An existing fleet unit meeting replacement criteria to be removed from service upon issuance of its replacement unit.

IV. LIMITS OF RESPONSIBILITIES

A. ACQUISITION, RETENTION AND ASSIGNMENT

This directive applies to all city functions with the exception of Fire Department medical and fire response units and Sun Tran and Sun Van units.

B. MAINTENANCE AND REPAIR

This directive applies to all city functions with the exception of Fire Department medical and fire response units; Sun Tran and Sun Van equipment; certain Sun Link equipment; certain Water Department construction equipment, certain Tucson Convention Center and Golf equipment and Parks and Recreation off-road equipment.

V. PROCEDURES

A. ACQUISITION OF FLEET UNITS

In all cases of vehicle and equipment acquisition, the Fleet Services Division will prepare recommended technical specifications in cooperation with the using departments. Fleet Services will prepare for all fleet units the purchase requisition, the direct release, or complete the pCard purchase.

1. Replacement Units

a. Review of fleet unit replacement requests shall be performed by Fleet Services and are to be submitted as early as practical in the annual budget process.

b. Departments shall designate a turn-in unit for approved replacement units. A substitution for a designated turn-in unit may be requested of Fleet Services on or before the time of turn-in. Fleet Services is authorized to approve or deny the request.

2. Additional Units

Justifications for additional units will include:

a. A description of the program or additional service(s) being requested, and a statement as to how the requested fleet unit will be used in the realization of the program/service objectives, including the impact of not approving the requested purchase on the new program or additional services.

b. Estimated average monthly use, hours, and miles.

c. All requests to add additional units are to be submitted to Fleet Services and the Budget and Internal Audit Department for approval as early as practical in the budget process.

d. If a request is approved, the statement "additional unit," as well as a brief description of the program or service assignment, will be included on the purchase requisition.

B. RETENTION OF FLEET UNITS

1. All requests to retain replaced or surplus units shall be submitted by the requesting department director to the Budget Director and Fleet Administrator for review and approval using the General Services Department/Fleet Services Division Acquisition and Retention for Vehicle and Equipment Request Form (Attachment). Requests to retain a replaced fleet unit shall include at a minimum:

a. Unit description and purpose/mission.

b. Anticipated annual mileage (provided by requesting department).

2. A retained unit may remain in service until the using department requests its disposal or repair costs reach excessive limits, which shall be determined on a case-by-case basis, and in consultation with the using department.

3. When fleet units approved for retention and confiscated units approved for addition are turned in for disposal, they may not be used to justify the acquisition of replacement units.

C. ASSIGNMENT OF UNITS

It is the responsibility of each department to:

1. Assign vehicles to specific users.

2. Transfer vehicles between functions in order to maximize their useful lives.

3. Advise Fleet Services of any changes in vehicle organization assignments so that proper billing can be maintained.

D. MAINTANANCE, REPAIR AND EMISSIONS

1. It is the responsibility of the departments to bring vehicles in for scheduled preventive maintenance when notified by Fleet Services.

2. User departments must utilize Fleet Services for all maintenance and repairs except in the instance of vehicle failure during the course of out-of-town travel as noted in AD 6.01-4.

3. Departments are required to bring vehicles into compliance for emissions when notified by Fleet Services. Failure to do so will result in fuel shut-off for the vehicle and requires immediate remedial action by the department to bring the vehicle into compliance.

E. DISPOSAL OF FLEET UNITS

Disposal of units shall be conducted in accordance with Tucson City Code and Charter provisions relating to fixed assets and other equipment.

Appendices GSD/Fleet Services Division Acquisition and Retention of Vehicle and Equipment Request Form

References None

Review Responsibility and Frequency The General Services Director shall review this directive annually, based on the date of publication. Last review date: 5/22/07.

Authorized

City Manager — Date 10/6/15

Michael Ortega

Attachment
AD 6.01-2

GENERAL SERVICES DEPARTMENT/FLEET SERVICES DIVISION
ACQUISITION AND RETENTION OF VEHICLE & EQUIPMENT REQUEST FORM

Date _____

Requesting Department/Division _____

Please check appropriate box:

☐ **A** - *Acquisition of Fleet Units (replacement and additional new unit)*
☐ **B** - *Retention of Fleet Units*

A - Acquisition of Fleet Units:

I. Vehicle Funding (*please check one*):

☐ Direct purchase — Account Number: _____
☐ Replacement fund
☐ Grant
☐ Others _____

II. Repair and Maintenance Funding (*please check one*):

☐ Direct charge — Account Number: _____
☐ Monthly maintenance charge per mile/hour

III. Brief description why new unit or services is needed (*Attach memo from department—REQUIRED*)

_____
_____
_____

B - Retention of Fleet Units:

Original turn-in date: _____
Anticipated annual mileage _____
Reason for retention – Memo from department

Approval Section

Section I - Requesting Department

_____
Requestor's Name (please print)

_____
Department Director's Signature

Section II - For Fleet Services Only

☐ Approved ☐ Denied

_____
Fleet Services Administrator

ADMINISTRATIVE DIRECTIVE

FUELING CITY VEHICLES	NUMBER 6.01-3	PAGE 1 of 3
	EFFECTIVE DATE October 1, 2015	

I. PURPOSE

The fueling of vehicles has important public safety and financial implications. Failure to adhere to safe operating practices and procedures can result in serious injuries and environmental accidents. Failure to maintain accountability in the issuance of fuel can result in financial losses. The purpose of this directive is to provide appropriate guidance for addressing the above issues.

II. POLICY

All City of Tucson departments and agencies shall utilize city-owned and operated fueling stations when driving in town. If fuel is required while driving a city-owned vehicle outside of the immediate City of Tucson area, operators should refuel at a commercial station either:

A. At their own expense and file for travel expense reimbursement upon their return, or

B. Use a city-issued pCard and provide purchase documentation to their Department's assigned pCard reconciler upon their return.

III. LIMITS OF RESPONSIBILITY

This directive applies to all city functions with the exception of Tucson Police motorcycles and specific Tucson Fire's fire response units authorized by Fleet Services to fuel at City of Tucson contract vendor locations.

IV. AUTOMATED FUEL SYSTEM ACCESS

A. City-owned fueling stations use an automated system for fueling control, consumption record keeping, and mileage monitoring to determine vehicle preventive maintenance schedules. The Fleet Services Division of the General Services Department issues fuel system employee cards and vehicle fuel fobs to obtain fuel. Vehicle fuel fobs are issued to all vehicles when they are placed in service. Departments can receive assistance with all of their fueling inquiries by calling 791-3138 or emailing the fuel desk at Fueldesk@tucsonaz.gov. The fuel desk is located at the Thomas O. Price Service Center (TOPSC), 4004 S. Park, Building 1.

B. City departments are responsible for requesting their employees receive automated fuel system employee fuel cards. Fuel cards are issued to individual employees only.

1. **New Employees**. To acquire fuel cards for new employees, authorized department representatives will send an email to Fueldesk@tucsonaz.gov requesting the card, listing employee name, employee number and unit number the employee is assigned to.

2. **Replacement Cards**. To acquire replacements for lost, stolen, or damaged fuel cards or fobs, employees can visit the fuel desk or authorized department representatives can send an email to Fueldesk@tucsonaz.gov requesting the replacement fuel card or fob. Fleet Services will charge departments for replacement fuel cards and fobs.

3. **Employee Transfers or Separations**. Departments will notify Fleet Services when employees with fuel cards or fobs transfer to another unit number or terminate their employment. Fleet Services will update or cancel the card/fob as necessary.

V. FUELING LOCATIONS

In-town City fueling stations for all departments can be found at the following locations:

A. Thomas O. Price Service Center, 4004 South Park Avenue (Park and Ajo)
B. 18th Street Fuel Facility, 501 West 18th Street (18th and Osborne)
C. Midtown Fuel Facility, 900 South Randolph Way
D. Public Safety Training Academy, 10001 South Wilmot Road
E. 10th Avenue Fuel Facility, 1402 South 10th Street (Transfer Station)
F. Southeast Fuel Facility, 9670 East Golf Links Road (Rincon Fuel Center)
G. Northwest Fuel Facility, 3960 North Sun Tran Boulevard (City of Tucson side)
H. City of Tucson contract fuel vendors (only for approved public safety vehicles)

In-town City fueling stations for Sun Tran and Sun Van use only:

A. Sun Van Service Center, 3401 East Ajo Way
B. Sun Tran, 4220 South Park Avenue
C. Sun Tran N.W. Maintenance & Operations, 3920 North Sun Tran Boulevard

VI. FUEL STATION OPERATIONS AND REGULATIONS

A. Vehicle operators shall follow all applicable safety standards and on-site posted directions and regulations. Vehicle operators and Fleet Services staff are responsible for immediately reporting any safety violations or hazards.

1. Follow the prompts displayed on the fuel terminal screen to begin fueling.

2. Instructions for nozzle or dispenser operation are posted on the dispensers at each of the fuel stations.

3. Do not share fuel cards and only use the fob for the vehicle to which it is assigned.

B. Operators are responsible for preventing spills of fuel and motor oil. In the event of a spill, vehicle operators are responsible for cleaning up spills following the directions posted at each fuel station. Operators shall call 9-1-1 immediately for any and all spills that exceed five feet by five feet.

C. Fire extinguishers shall be available in conspicuous locations at all fuel stations in the event of a fire.

VII. EMERGENCY FUELING

In the event the automated fueling system is inoperable, Fleet Services will manually operate one or more fuel stations depending on City fleet fueling requirements.

Appendices None

References None

Review Responsibility and Frequency The General Services Department Director shall review this directive as needed. Last review date: 10/15/07

Authorized

City Manager — Date 10/15/15

Michael Ortega

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
CITY VEHICLE MOTOR POOLS	**6.01-4**	**1 of 4**
	PAGE ISSUE DATE	
	September 15, 2015	

I. PURPOSE

To establish procedures and guidelines to maintain effective control of City motor pool vehicles and equipment stationed at the Thomas O. Price Service Center ensuring readily accessible transportation for City employee business needs.

II. DEFINITIONS

A. **General Use Pool** – Motor pool vehicles stationed at the Thomas O. Price Service Center are for use by authorized employees in the Tucson metropolitan area in accordance with Section V.A.1. of this directive.

B. **Departmental Pools** – Vehicles available to departments for the specialized uses listed in Section V.A.2. of this directive.

III. POLICY

The City's policy is to assure effective and efficient management of the motor pools by ensuring that sufficient motor pool vehicles are available for authorized employee use while maintaining optimal utilization of City vehicles.

IV. RESPONSIBILITIES

The Fleet Services Division of the General Services Department shall monitor the City's motor pool program and ensure that proper motor pool procedures are implemented and maintained.

V. PROCEDURES

A. Types of Vehicles

1. **General Use Pool** – Vehicles used within the Tucson metropolitan area.

2. **Departmental Pools** – The Police and Water departments each maintain and coordinate departmental motor pools limited to use by their staff.

3. **Rental** – Fleet Services maintains and manages the contract for rental vehicles which departments are encouraged to use in the following situations:

a. Out-of-town use (travel outside Tucson metropolitan area).

b. As a replacement for accident damaged vehicles.

B. Vehicle Availability

1. Reservations for General Use Pool vehicles must be made in advance by calling Fleet Control at 791-3196.

a. Unreserved vehicles will be assigned on a first come, first served basis.

b. The motor pool supervisor will evaluate the demand for vehicles prior to authorizing full-day use.

c. A General Use Pool vehicle that is not picked up within one (1) hour of the reserved time may be reassigned.

2. Employees making a reservation by telephone will be asked for their approved travel order number or for a copy of their Department-approved Day Trip form. A copy of this signed travel order or Day Trip form shall be presented when the vehicle is picked up.

3. Individuals authorized to use vehicles for out-of-town trips can fuel the vehicle using a pCard, opt to be reimbursed by submitting receipts with their travel expense reports, or may submit a request for a cash advance through a travel order to the Finance Department's Accounting Division.

4. Vehicles are to be returned to Fleet Control refueled and cleaned.

a. For refueling, employees without a City fuel card may borrow one from Fleet Services.

b. Cleaning entails removing debris from inside the vehicle.

c. The motor pool supervisor will provide users with any necessary refueling instructions. Procedures for using the automated fuel facilities are specified in Administrative Directive 6.01-3, "Fueling City Vehicles."

C. Authorized Users

1. Department directors are responsible for ensuring that their employees meet the requirements of this Administrative Directive (AD) and are authorized to use motor pool vehicles.

2. The driver-operator must be at least eighteen years of age and have at least two years recent driving experience in the same class of vehicle or have formal driver training education that is approved by Risk Management. No person under the age of eighteen shall be allowed to operate any type of motor vehicle.

3. Only persons possessing City identification cards and valid Arizona driver's licenses will be eligible to use motor pool vehicles. The driver-operator will have in his/her possession at all times a valid Arizona driver's or chauffeur's license appropriate to the class of vehicle being driven (for example, a motorcycle-only license shall not fulfill the requirement if the employee is to drive vehicles with more than three wheels). Prior to the release of the keys for a vehicle, the driver's City ID card and Arizona driver's license must be presented to Fleet Control staff.

D. <u>Equipment Operation</u>

1. Vehicles will be operated in accordance with AD 6.01-1, "Responsibilities Regarding Utilization of City Vehicles." Each user of a motor pool vehicle is responsible for the daily preventive maintenance described in that directive. Vehicles are to be locked when not in use, even if parked on City property.

2. Each user shall check the assigned vehicle for damage prior to driving and immediately report any damage (including damage incurred while using the vehicle) to Fleet Control. Unreported damages subsequently noticed may be charged to the last user of the vehicle.

3. The Fleet Services Division will report by memorandum to the appropriate department director any abuse of motor pool vehicles.

4. When mechanical assistance is required for a motor pool vehicle within the metropolitan Tucson area, the operator of the vehicle must contact Fleet Control at 791-3196 during normal business hours or contact 791-4144 after hours and request assistance.

5. When mechanical assistance is required for a vehicle outside of the metropolitan area, excluding Contracted Rentals and vehicles traveling in Mexico with Mexican Insurance, the vehicle operator must contact Fleet Control at 791-3196 during normal business hours or contact 791-4144 after hours and request assistance.

6. When mechanical assistance is required for a Contracted Rental vehicle or a vehicle traveling in Mexico with Mexican Insurance, the vehicle operator should contact the applicable contracted rental vendor or Mexican Insurance provider. The vehicle operator must notify Fleet Control of the vehicle status.

E. Trip Tickets

Along with the keys to a motor pool vehicle, the driver is given a partially-completed Motor Pool Ticket listing the beginning mileage of the vehicle. Before using the vehicle, the driver must note any discrepancy between the Motor Pool Ticket's listed mileage and the vehicle's odometer reading. Any mileage discrepancy must be reported to Fleet Control who will adjust the appropriate Motor Pool Ticket. When returning the vehicle, the driver must complete the Motor Pool Ticket and return it to Fleet Control for later accounting of vehicle charges.

F. Motor Pool Charges

Charges for all pool vehicles are based on mileage plus a daily checkout rate and appear on the user department's monthly fleet billing report.

Appendices Attachment – Motor Pool Ticket

References None

Review Responsibility and Frequency The General Services Department Director shall review this directive annually based on the date of publication. Last review date: 5/17/02.

Authorized

City Manager

Michael Ortega

Date 11/3/15

Attachment
Motor Pool Ticket

AssetWORKS

Motorpool Ticket

Print Date: 9/15/2015

Reservation ID	Operator Name	Operator Employee #	Vehicle Type

Equipment ID	Reserved On	Required On	Expected Return On

Dispatch Location	Dispatched On	Beginning Mileage	Department to bill

*****Operator: Please fill out the information below when returning vehicle.***

*****Date and time of return*** _____ *****Ending Mileage*** _____

*****Is fuel tank more than 1/2 full?*** ☐ ***Yes*** ☐ ***No***

*****Is any maintenance Required?*** ☐ ***Yes*** ☐ ***No***

(If yes, explain further nature of repair, defect, or safety discrepancy noted:

_____

_____

_____

_____

_____

Charges ***Meter*** _____ ***Days*** _____ ***Total*** _____

ADMINISTRATIVE DIRECTIVE

VEHICLE REPAIR AND SERVICING	NUMBER 6.01-5	PAGE 1 of 4
	EFFECTIVE DATE November 14, 2016	

I. PURPOSE

To establish procedures for repair and servicing of City-owned vehicles by the Fleet Services Division (Fleet) of the Environmental and General Services Department (EGSD) at the Thomas O. Price Service Center (TOPSC).

II. POLICY

It is the responsibility of Fleet to maintain City vehicles and equipment in good working order and to ensure that they conform to specified conditions or functions and safety standards.

III. DEFINITIONS

A. **Repairs** – All non-routine mechanical maintenance work (scheduled or unscheduled) that is necessary to maintain vehicles and equipment in good working order.

B. **Service** – Routine equipment maintenance, including the repair and replacement of tires, lubrication, oil changes, service or replacement of batteries, and ancillary non-mechanical activities required to maintain the fleet in good working order.

IV. GENERAL

This directive provides procedures that are applicable for repair and servicing of City-owned vehicles and equipment at TOPSC. Limited field repairs are also provided from roving service trucks. Vehicles and equipment serviced and repaired by Fleet include, but are not limited to, all motorcycles, passenger vehicles, trucks, vans, refuse trucks, construction and earthmoving equipment, street maintenance, and certain other specialized equipment. The following are not included: Fire Department medical and fire response units, Sun Tran and Sun Van equipment, certain Sun Link equipment, certain Water Department construction equipment, certain Tucson Convention Center and Golf equipment, and Parks and Recreation off-road equipment.

V. PROCEDURES

A. Vehicles Requiring Repair or Service within the Metropolitan Tucson Area

1. Operators of vehicles and equipment can report to either TOPSC Fleet Control (Building #3) for repairs or Tire/Lube Shop (Building #5) for preventive maintenance (PM) or tire repairs. TOPSC can be entered through the East Gate off of Park Avenue 24 hours a day, seven days a week.

a. For vehicles unable to be driven to TOPSC, the vehicle operator must contact Fleet Control at 791-3196 during normal business hours or contact 791-4144 after hours and request assistance.

b. Operators of non-mobile equipment can coordinate repairs with the Fleet Maintenance Superintendent.

2. The vehicle operator shall report with the vehicle or equipment to the Service Writer Booth at Fleet Control or Leadman Booth at the Tire/Lube Shop.

3. The vehicle operator shall fill out a Vehicle Discrepancy Report (VDR) (see attachment) and provide the following information:

a. Vehicle identification number

b. Operator's name

c. Detailed description of problem

d. Mileage of the vehicle

e. Telephone number or email of the person or office to contact when repairs are completed

4. The Service Writer will initiate a repair order and either direct the vehicle operator to park the vehicle in the appropriate repair line or direct them to the appropriate maintenance area.

5. All operators shall wait in designated operator waiting areas. At no time will vehicle operators be allowed to wait in inspection bays, shops, or other work areas. All equipment brought in for repairs will be moved at the direction of Fleet personnel.

6. Vehicle and equipment operators must observe pavement markings, traffic control signs (including speed limits), and other posted information inside the TOPSC compound.

7. Vehicles left for repairs will be locked and all valuable items (including keys) removed by the operator. Fleet is not responsible for items left in vehicles that are lost or stolen.

B. **<u>Vehicles Traveling Outside the Metropolitan Tucson Area</u>**

1. Fleet recommends using a vehicle rental for travel outside of Tucson if the City-owned vehicle is out of warranty (since warranty coverages vary, contact Fleet Control at 791-3196 for warranty specifics on individual vehicles).

2. If a City-owned vehicle is used for out-of-town travel, Fleet recommends bringing the vehicle in for a trip check prior to travel. Contact Fleet Control at 791-3196 to schedule the trip check at least 3 days in advance of travel .

C. Vehicles Requiring Mechanical Assistance Outside the Metropolitan Tucson Area

1. When mechanical assistance is required for a City-owned vehicle outside of the metropolitan Tucson area, the vehicle operator must contact Fleet Control at 791-3196 during normal business hours or contact 791-4144 after hours and request assistance.

a. The vehicle operator may be instructed to drive the vehicle to an authorized repair facility or wait for a tow company to transport the vehicle.

b. When mechanical assistance is required for a City-owned vehicle traveling in Mexico with Mexican Insurance, the vehicle operator must contact the Insurance Company first and update Fleet Control on the vehicle status.

D. Repairs

1. Fleet Control shall maintain complete and current information concerning vehicle/equipment status and all questions regarding vehicle status shall be handled through Fleet Control at 791-3196.

2. Time estimates for repairs and equipment priorities will be the basis for scheduling repair work. Equipment requiring only preventive maintenance service (lube and oil) will normally be handled on a first-come, first-served basis.

E. Operator Damage

1. Any and all damage to vehicles shall be reported consistent with OSHM H-004 Accident reporting Procedure.

2. Fleet will not undertake any repairs to the vehicle until a completed Form 103 Incident (event) Reporting Form is submitted.

F. Key Control

The vehicle keys shall normally remain with the operator. Fleet maintains its own set of keys. If a vehicle requires towing, the operator shall give his/her keys to the tow vehicle operator who will turn them in to Fleet Services. The operator keys will be retained at Fleet Control and can be picked up when the vehicle has been repaired.

G. Motor Pool Vehicles

Certain fleet vehicles allocated to a motor pool can be used by City employees when their vehicles require lengthy repairs and no substitute vehicle exists within their departments or offices. Contact Fleet Control for availability at 791-3196.

H. Release of Vehicles

Vehicles and equipment left for repairs or service will not be removed from the Fleet parking area unless:

1. Repairs and service have been completed. At that time, the responsible party will be notified at the telephone number or email address provided by the vehicle operator on the VDR or responsible department representative as indicated on the vehicle or equipment record. These vehicles will be parked and locked on the ready line.
   Michael Ortega
2. Fleet Control has authorized the release (for example, waiting for parts and the vehicle or equipment is not a safety hazard).

Appendices Vehicle Discrepancy Report

References None

Review Responsibility and Frequency The Environmental & General Services Department Director will review this Administrative Directive annually, based on date of publication. Last review date: 10/21/2015.

Authorized

City Manager

12/14/16
Date

Michael Ortega

VEHICLE DISCREPANCY REPORT

Unit Number: _____ Miles/Hours: _____ Date: _____ Time: _____

Operator Name: _____ Supervisor Name: _____

CONTACT BY PHONE WHEN VEHICLE READY? Yes ____ No ____

Department Contact Name_____ Phone Number: _____

How about if an e-mail

Work Order number: _____ Service Writer Number: ____ ? _____

Breakdown ☐ Accident ☐ Damage in Operation ☐

Possible Repeat:_____ P.M. Due: _____ Type: _____ Emissions Due: _____

Environmental Services only – Is Truck Loaded Yes ____ No ____ Unit Towed: ____

Vehicle Discrepancies: _____

_____

_____

_____

_____

_____

_____

_____

_____

Customer signature: _____

ADMINISTRATIVE DIRECTIVE

DRIVER'S LICENSE POLICY	NUMBER **6.01-6**	PAGE **1 of 10**
	EFFECTIVE DATE **January 6, 2016**	

I. PURPOSE

To set forth the driver's license policy and procedures for employees who drive a City, rental, or personally-owned vehicle (POV) in the course of City business.

II. POLICY

Employees operating a City-owned motor vehicle, rental, motorized equipment, or POV in the course of City business will obtain and maintain a valid Arizona driver's license and endorsements, insurance and training required for the position.

A City employee whose license is restricted, suspended, revoked, cancelled or expired will be placed into a non-driving status until the license is legally restored. The implications to the employee and department of the non-driving status will be determined specifically for each situation and handled by the department, in consultation with Human Resources. Discipline up to and including discharge from employment may be imposed.

III. DEFINITIONS

A. **ACCIDENT** – An event or incident involving a city employee, facility, or equipment that results in a loss of or damage to property, person, animal or fixed object.

B. **ADOT** – Arizona Department of Transportation.

C. **AZDL** – Arizona Driver's License.

D. **Class D License** – An Arizona Driver's License required for operation of any single vehicle less than 26,001 pounds Gross Vehicle Weight Rating (GVWR), any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, provided the Gross Combined Weight Rating (GCWR) does not exceed 26,000 pounds and any such vehicle is not designed to carry 16 or more passengers, including the driver. The Class D license is not a Commercial Driver's License.

E. **Class M License** – An Arizona issued driver's license limited to the operation of a vehicle classified as a motorcycle.

F. **Central Safety Services (CSS)** – The City's Safety Manager and Staff whose responsibilities include overall City safety policies, training requirements, accident and injury prevention, general OSHA compliance and related reporting.

G. **Commercial Driver's License (CDL)** – A driver's license required in the United States to operate any type of vehicle weighing 26,001 or more pounds for commercial use, or that transports quantities of hazardous materials that require warning placards under Department of Transportation regulations, or that is designed to transport 16 or more passengers, including the driver. This includes, but is not limited to tow trucks, tractor trailers, and buses.

H. **CDL Endorsement** – Authorization added to a CDL permitting operation of specified commercial vehicles. Endorsements include tank vehicle, passenger bus, hazardous material, and double/triple trailer.

I. **Driving Designations**

1. **Primary Driver –** A designation assigned to a position/classification for which the ability to operate a motor vehicle or operate motorized equipment is an essential function of that classification. All CDL operators are considered Primary Drivers.

2. **Secondary Driver –** A designation assigned to a position/classification requiring the ability to operate a motor vehicle or motorized equipment, and requires driving on City business at least once per quarter, but not as an essential function of the classification.

3. **Non-Driving Position/Classification –** A designation assigned to a position/ classification where the ability to operate a motor vehicle or the ability to operate motorized equipment is not a requirement of the position.

J. **Human Resources (HR) –** For purposes of this Administrative Directive, HR refers to the City Human Resources Department, not an individual department's HR section or division.

K. **Ignition Interlock Device (IID)** – A protective device mandated by law and required to be installed on vehicles that will be driven by a person convicted of an alcohol-related DUI. An IID prevents the operation of the vehicle while under the influence of alcohol.

L. **Invalid License** – A driver's license which is restricted, suspended, revoked, canceled, expired, or any other condition that prevents a person from legally operating a motor vehicle.

M. **Motor Vehicle** – For purposes of this AD, all motor vehicles (to include City vehicles, rental vehicle, and POV) and motorized equipment operated on City business by employees while in the public right-of-way or on private property, including all City-owned property.

N. **MVD** – Motor Vehicle Division of the Arizona Department of Transportation.

O. **MVR** – Motor Vehicle Record is the official 39-month printout of a driving or vehicle record obtained through the Arizona Department of Transportation.

P. **Non-Driving Status –** A status in which an employee is prohibited from operating a City motor vehicle, motorized equipment or POV while on City business.

Q. **Personally Owned Vehicle (POV)** – A non-City vehicle operated by the employee that may be used in the course of City business with permission of the department director/designee.

R. **Serious Accident –** An accident that results in serious injuries, death(s), injuries to 3 or more persons, hospitalization over 24 hours, property damage greater than $5,000 or significant City liability exposure.

S. **Valid License** – A driver's license without restriction, suspension, revocation, cancellation, expiration, or any other condition that would prevent a person from legally operating a motor vehicle with no legal condition(s) that would prevent or otherwise restrict the operation of a motor vehicle in the public right-of-way and/or private property.

IV. RESPONSIBILITIES

A. Department Responsibility

1. In consultation with HR, departments will develop and maintain a schedule of driver's license requirements for positions/classifications and designate those positions/classifications as a primary, secondary, CDL, motorized equipment or non-driving assignment.

2. Departments will advise incumbents of the class of driver's license and driving duties required for the position/classification. In consultation with HR, departments may change license requirements specific to positions/classifications. In the event a license requirement is changed, affected incumbent employees will be given no less than 90 calendar days and no more than 120 calendar days to achieve compliance.

3. Appointing authorities will not hire or promote any employee:

a. into a primary or CDL driving designation until CSS verifies to the department and HR that the prospective employee's license is valid.

b. into a secondary driving designation until CSS verifies to the department and HR that the prospective employee's license is valid. In the event the appointing authorities hire or promote an employee into a secondary driving designation who has an invalid license, CSS will place the employee into a non-driving status immediately.

Non-cooperation or misinformation on the part of a prospective employee may result in termination of the application process by the department in consultation with HR.

4. An application or promotion process may be terminated if any Motor Vehicle Record (MVR) obtained during the pre-employment or promotional driver's license verification process in a primary, secondary or CDL driving position, contains the following:

- Legal condition(s) that would prevent or otherwise restrict the operation of a motor vehicle in the public right-of-way and/or on private property.

- A conviction for DUI or drug related driving offense(s) within the past 24 months.

5. Department directors or designee may authorize an employee to operate a POV while on City business only if the employee maintains a valid Arizona driver's license, registration and insurance in the POV.

6. Departments will monitor each employee's driving behavior in the form of accidents (including property damage), traffic citations, or other unsafe actions including those that do not fall under the administration of state law. These accidents will be documented on the Motor Vehicle Operator's Record and reviewed by the department. Corrective recommendations or disciplinary action taken by the department will be documented for the file. A copy of any/all departmental accident/incident/collision investigation reports will be sent to Risk Management within 48 hours of the incident.

B. <u>Employee Responsibility</u>

1. Employees operating a POV while on City business are required to maintain a valid Arizona Driver's License, registration and insurance in the POV while on City business.

2. Employees will not operate City vehicles, a rental, any motorized equipment or a POV while on City business, while impaired by alcohol or drugs. Reference Administrative Directive 2.02-22, <u>Drug and Alcohol Use: Impaired Employees, Physical Evaluation; Applicant Testing</u>, for further guidelines on City policy.

3. Employees currently in a primary, secondary or CDL driving designation will have in their possession a valid unrestricted Arizona Driver's License for the class of vehicle being driven. Employees occupying positions/classifications identified by departments as requiring a CDL must possess the appropriate endorsement(s). Refer to AD 6.01-8 for additional information on CDL requirements.

4. Any employee (including an employee in a non-driving position) who operates any vehicle (including a rental or POV) on City business at any time while not in possession of a valid driver's license appropriate to the class/type of vehicle being operated, is subject to disciplinary action, up to and including discharge.

5. Employees are responsible for monitoring and maintaining their driver's licenses and for obtaining the required license or endorsement for their position/classification.

6. All employees in positions carrying a primary, secondary or CDL driving designation must notify their immediate supervisor, by their next working day, of any motor vehicle citation (moving violation/citation) received while operating a City vehicle, rental, or POV while on City business. Employees are also required to notify their immediate supervisor of any and all changes in driver's license status (including any DUI restrictions) that places or may take them out of compliance with their position/classification license requirement, and/or render them legally unable to operate motor vehicles or motorized equipment for the City or on City business. Failure to notify supervisors by their next working day of any such actions may result in disciplinary action, up to and including discharge.

Notification must include providing the supervisor with a copy of the motor vehicle citation for inclusion in the employee's MVR for the City.

7. Employees who are issued a citation for vehicle repair (i.e. "fix-it ticket") while driving a City vehicle will immediately return the vehicle to Fleet Services for repair and will provide the citation to CSS for compliance with the issuing jurisdiction.

8. All employees operating City vehicles, rental, or POVs on City business are responsible for paying traffic fines, parking fines, and all other fines or fees imposed as a result of the employee's driving or during the time the employee was responsible for the City equipment.

IV. INVALID DRIVER'S LICENSE – PRIMARY, SECONDARY AND CDL DRIVING ASSIGNMENTS

A. Departments will consult with CSS to take immediate action to place an employee into a non-driving status (including removal from overtime and/or on-call status) based upon:

1. Disclosure from an employee of any loss of driving privileges.

2. Disclosure from an employee of any driving restriction(s) or any other circumstance affecting the employee's ability to legally operate a motor vehicle or motorized equipment.

3. Discovery of an employee driving citation, arrest, conviction or any other driving restrictions that affects an employee's ability to legally operate a motor vehicle or motorized equipment that results in the loss of driving privileges.

B. Employees in a primary, secondary, or CDL driving assignment, whose required license is restricted, suspended, revoked, canceled or expired by reason of violation(s) may be subject to disciplinary action, up to and including discharge.

C. Probationary employees in a primary, secondary, or CDL driving assignment with the City, whose license becomes restricted, suspended, revoked, canceled or expired, may be subject to discipline, up to and including discharge.

D. Employees in a probationary promotional status whose license is required and driving is an essential function of their position may or may not pass probation if their license is restricted, suspended, revoked, canceled or expired, or the employee is restricted from driving while at work.

E. Employees who fail to maintain the requisite license for their position because of a disability will be evaluated under Administrative Directive 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities.

V. DRIVER'S LICENSE MONITORING

A. CSS will monitor the licenses of employees in a primary, secondary, or CDL assignment to ensure compliance with state law. CSS will complete a MVR check on employees in these assignments by electronically accessing the Arizona State Department of Transportation (ADOT) MVR's, through the Arizona Secure Access Gateway. This check will be performed:

- At the time of hire.
- At the time of promotion with a change in driving status.
- Annually, during the employee's birth month.
- In the event of a motor vehicle accident.
- For specific cause at the request of the department.
- When a Notice of Violation is received during operation of a City vehicle.
- For verification of Driver's License reinstatement.

Employee information required to perform the driver's license check will be obtained from the employee's official personnel record maintained by HR.

B. Any invalid license (restricted, suspended, revoked, canceled or expired) discovered during the verification of AZDL status will be forwarded to the employee's department for review and consideration of potential disciplinary action, up to and including discharge from employment. The printed AZDL record will be retained in the permanent employee personnel file for any employee designated as a primary, secondary or CDL driver.

C. An invalid license will result in the employee being placed into a non-driving status, prohibiting the employee from operating any motor vehicle, rental, or motorized

equipment – including a POV while on City business. Departments will take appropriate corrective and/or disciplinary action, up to and including discharge from employment.

D. Employees placed on non-driving status are not eligible for "on-call" or overtime status.

E. The supervisor(s) and employee will meet formally within one (1) workday (excluding weekends and holidays) of receiving an invalid motor vehicle operating record notice. At the formal meeting, the employee and supervisor will sign a Memorandum of Non-Driving Status acknowledging the employee has been placed in a non-driving status.

F. Employees will have two (2) workdays (excluding weekends and holidays) to resolve any and all legal obligations with the State of Arizona directly affecting the employee's ability to operate any motor vehicle or motorized equipment for the City and/or to drive their POV while on City business. Time away from work to resolve the issue must be approved by the employee's supervisor using compensatory time or vacation leave.

G. Employees who provide official verification that they have obtained/restored their valid Arizona Driver's License status within two (2) workdays will provide written documentation to the department and CSS for verification.

H. CSS will verify the employee's driver's license status and forward the results to their department.

I. Employees who cannot provide official verification of a valid Arizona Driver's License within two (2) workdays will remain in a non-driving status and may be subject to discipline, up to and including discharge.

J. Any employee placed on non-driving status as a result of having an invalid Arizona Driver's License who operates City equipment, a City vehicle, rental or a POV while on City business, is subject to disciplinary action, up to and including discharge.

VI. DRIVING UNDER THE INFLUENCE (DUI) POLICY

A. Citation/Arrest

1. Any employee in a primary, secondary or CDL driving assignment or who operates a POV or rental on City business and is cited for a DUI offense, on or off duty, will notify their supervisor by the next working day and will immediately provide a copy of the DUI citation. The employee has a continuing obligation to provide their supervisor with all paperwork relating to the DUI charge and the status of their driver's license. Failure to provide notification of the DUI citation to the supervisor will result in disciplinary action up to and including discharge from employment. The department will notify CSS within one (1) workday.

2. The supervisor(s) and employee will meet formally within one (1) workday (excluding weekends and holidays) of the supervisor's notification of an employee's citation for DUI. At the formal meeting, the employee and supervisor will sign a Memorandum of Non-Driving Status.

3. Any employee placed in a non-driving status as a result of a DUI citation/arrest under this section, who operates City equipment, a City vehicle or a POV while on City business will be subject to disciplinary action, up to and including discharge.

B. Court Appearance

1. Any employee in a primary, secondary or CDL driving assignment with restricted, suspended, revoked or canceled driving privileges due to a DUI arrest will provide notification to their supervisor by the next working day by providing a copy of any and all documentation pertaining to the status of their driver's license. This includes the loss of a CDL license, but retention of a regular motor vehicle operator's license. This applies to a change in driving privileges imposed at an employee's initial court appearance or subsequent court hearings. The employee will be placed into a non-driving status and will be subject to disciplinary action, up to and including discharge.

2. An employee whose driver's license is reinstated by the court during the progression of legal proceedings will provide documentation of reinstatement (including payment of license reinstatement fee) to their department by the next working day. The department will forward the documentation to CSS within one (1) workday.

C. Conviction

1. Any employee in a primary, secondary or CDL driving assignment whose driver's license is restricted, suspended, revoked or limited by the State of Arizona because of a DUI conviction, will not drive a City owned vehicle, rental, or POV on City business. A violation will subject the employee to disciplinary action, up to and including discharge.

2. The employee will sign a Memorandum of Non-Driving Status prohibiting them from operating any motor vehicle, rental, or motorized equipment for the City, including a POV while on City business.

3. Any employee placed in non-driving status as a result of a DUI conviction, who operates City equipment, a City vehicle, rental or a POV while on City business will be subject to disciplinary action, up to and including discharge.

4. An employee whose driver's license is reinstated by the court must provide documentation of driver's license reinstatement (including payment of license reinstatement fee) to the department by the next working day. The department will forward the documentation to CSS within one (1) workday.

D. **Interlock Ignition Device (IID)**

1. Any employee who has been convicted of a DUI and has a court order requiring the installation of an Ignition Interlock Device (IID) on vehicles they drive will provide immediate notification to their department in the form of a copy of the court order.

2. Employees convicted of a DUI and required by court order to have an IID installed on any motor vehicle will be placed into a non-driving status and will not be allowed to operate any City motor vehicle, rental, motorized equipment or POV while on City business while under restriction and will be subject to disciplinary action, up to and including discharge.

3. Employees have a continuing obligation to provide their supervisor with all documentation regarding the IID and any additional citations or legal action that may affect the status of their driver's license under the IID restriction.

4. An employee whose IID restriction obligation has been completed, and who has fulfilled all legal obligations to the State of Arizona or other jurisdiction will provide documentation of their IID action completion to their department by the next working day. The department will forward the documentation to CSS within one (1) workday.

VII. TRAINING

A. Employees who are identified by their department as primary or CDL drivers will complete the City Fleet Driving Classroom Course. New employees in these categories must complete the course within 120 days of hire or they will be placed in a non-driving status. Departments will schedule training through CSS. Commissioned personnel for Police and Fire are exempt from this requirement.

B. Employees identified as primary or CDL drivers will complete a refresher course every three (3) years or they will be placed in a non-driving status.

VIII. LICENSE FEES AND RENEWALS

Employees are responsible for all costs and fees required to obtain, maintain and renew a Class D or M driver's license.

Attachments City of Tucson Vehicle Operator Record

References
2.02-1 Certification of Equal Employment Opportunity
2.02-22 Drug and Alcohol Use: Impaired Employees Physical Evaluation; Applicant Testing
2.05-2 Reasonable Accommodation of Applicants and Employees with Disabilities
6.01-8 Commercial Driver Policy

Review Responsibility and Frequency The Finance Director will review this directive as needed. Last review date: 1/15/10.

Authorized

City Manager — Date 1/25/16

Michael Ortega

City of Tucson Uniform Vehicle Operator Record

_____	_____	_____
Last Name (please print or type)	First Name (on driver's license)	Middle Initial
_____	_____	_____
Date of Birth	Driver's License Number	Employee No.
_____	_____	_____
Driver's License Class (CDL, D, D/M, M)	**Restrictions (D,H,M,N,P,T, or X)**	**Endorsements (A,B,C)**

Expiration Date: _____

Department: _____ Division: _____

_____ _____
Job title Vehicles Regularly Driven (i.e. passenger car, light truck, motor grader, Lodal, TFD Paramedic van, TPD uniform patrol car, etc.)

Driving Assignment (Primary, CDL, Secondary): _____

Initial Fleet Driving Safety Class Date: _____

I _____ am asking for permission to drive my personally-owned vehicle while on city business and have provided proof of insurance or insurance bond (copy attached) to my Department. I also understand that should my driver's license be rendered invalid by the State of Arizona (or any other jurisdiction), that I am required to inform my Department supervisor of my driver's license status within one (1) working day of such notice and I am prohibited from operating any motorized equipment, including my personally-owned vehicle while on City business, until my license is reinstated by the jurisdiction that rendered the license invalid.

_____ _____
Employee Signature Department Director or Designee

Collision/Incident History

Use the space below to provide a brief narrative of each collision/incident in which this employee has been involved. Indicate the date, case # if any, location, type of accident and if judged at fault or not. Also note if a Board of Inquiry was held.

ADMINISTRATIVE DIRECTIVE

24-HOUR VEHICLE ASSIGNMENTS	NUMBER **6.01-7**	PAGE **1 of 7**
	EFFECTIVE DATE **February 1, 2016**	

I. PURPOSE

The purpose of this directive is to describe the assignment criteria and administrative policies and procedures for City of Tucson 24-hour Vehicle Assignments.

The directive also describes procedures for authorizing the temporary overnight use of City vehicles (except for overnight use of motor pool vehicles, which is covered by Administrative Directive 6.01-4, City Vehicle Motor Pool).

This directive covers all 24-hour assignments, regardless of funding source (such as those assignments funded by grants to the City), except assignment of vehicles that are owned by other jurisdictions.

II. POLICY

A. The City Manager, or designee, will authorize 24-hour vehicle assignments as necessary to ensure the efficient and effective delivery of vital services on an after-hours basis, or for other purposes to meet the needs of the City.

B. Assignments will be authorized only when they benefit the City. Assignments will not be made for the convenience of employees, nor as substitute compensation for any employee.

C. 24-hour assignments shall be granted only to those employees who must have a 24-hour assignment in order to carry out their assigned job duties.

D. Insofar as possible, departments shall assign job duties in a manner to minimize the need for a 24-hour vehicle assignment.

E. Requests for 24-hour vehicle assignments for employees living 20 or more miles from their permanent work site require additional approval of the City Manager, or their designee, on a case by case basis, to determine that such extensive travel in a city vehicle is in the best interest of the city.

F. Employees shall not use a 24-hour vehicle for personal purposes other than for commuting or de minimis personal use.

G. Employees are responsible for any tax implications of their 24-hour vehicle assignment.

H. Any employee driving a City vehicle in violation of the policies and procedures established in this directive shall be subject to disciplinary action and revocation of the 24-hour vehicle assignment.

III. DEFINITIONS

A. **24-Hour Vehicle Assignments** – The authorized assignment of City vehicles to specific employees to permit them to respond to after-hours emergencies or meet other City needs.

1. **Individual Assignment** – One employee taking a vehicle home.

2. **Rotating Assignment** – One vehicle is taken home, but the duty is rotated among the employees included in the assignment.

3. **Temporary Assignment** – The irregular or short-term assignment of a 24-hour vehicle.

B. **De Minimis Personal Use** – Any transportation benefit that has so little value that accounting for it would be unreasonable or administratively impracticable. (Refer to Internal Revenue Service (IRS) Publication 15-B, *Employer's Tax Guide to Fringe Benefits*, for specific guidance.)

C. **Vehicle** – Any City owned, leased, or seized vehicle including, but not limited to, sedans, trucks, vans, and motorcycles. This definition includes vehicles purchased with grants.

IV. RESPONSIBILITIES

A. The **City Manager**, or designee, has final approval authority for all 24-hour vehicle assignments. However, temporary assignments of three (3) days or less may be approved at the department level.

B. The **Finance Department's Accounting Services Division** shall determine if an employee's 24-hour vehicle assignment is subject to federal income tax and ensure that any taxable fringe benefits associated with 24-hour vehicle assignments are processed in accordance with IRS regulations.

C. **Department directors** shall monitor employee use of City vehicles to ensure that the policies and procedures in this directive are followed. Each director shall ensure that:

1. 24-hour vehicle assignments are necessary and thoroughly justified;

2. Employees assigned a 24-hour vehicle receive and understand the policies and procedures in this directive;

3. Any authorized 24-hour vehicle assignment that no longer meets the criteria under which it was initially authorized is revoked by the department;

4. Employee vehicle use is reported quarterly to the Accounting Services Division for all use subject to federal income tax; and

5. Approved 24-hour vehicle assignments are documented on a current roster a copy of which is sent to the City Manager's Office annually and supplemented as changes occur.

D. **Employees** who are approved for a 24-hour vehicle assignment shall:

1. Provide off-street, overnight parking for the City vehicle at the employee's home.

2. Comply with the operator responsibilities, accident reporting requirements, and other procedures published in Administrative Directive 6.01-1, *Responsibilities Regarding Utilization of City Vehicles.*

3. Not transport non-City employees in the vehicle, except when conducting official City business.

4. Be personally responsible for any traffic citation received while driving a City vehicle, and promptly pay any adjudged fines.

5. Be personally responsible for any tax liability associated with the vehicle assignment and take any tax liability into consideration when completing IRS Form W-4, *Employee's Withholding Allowance Certificate*.

6. Maintain adequate records, if the assignment is subject to federal income tax, to distinguish business use from personal use and to report vehicle usage to the Accounting Services Division on a 24-Hour Vehicle Quarterly Reporting Form (Attachment B). See Section VIII.

V. PROCEDURE FOR REQUESTING 24-HOUR VEHICLE ASSIGNMENTS

A. Departments shall submit assignment requests annually, on May 1st, to the City Manager, or designee, for review. Approved assignments shall be valid for one year. If a department needs changes during the year, a new request may be submitted. Authorization for these assignments will cover only the balance of the yearly cycle.

B. Departments shall submit the 24-Hour Vehicle Assignment Request Forms (Attachment A). The responses to the questions on the 2nd page of the form shall include sufficient documentation for the City Manager, or designee, to fully evaluate the request.

C. For rotating assignments, departments may submit a single memorandum for all employees involved in the assignment in lieu of a separate request form for each

employee. The memorandum shall list all of the employees involved in the assignment and include the same information and certifications required for an individual assignment.

D. Undercover police officers do not have to include their name, driver's license number, or employee number on the assignment request form. However, the remainder of the form must be filled out.

E. The City Manager, or designee, shall review the requests, and indicate approval or disapproval for each request.

F. The City Manager's Office shall send approved assignment request forms to the Accounting Services Division for their follow-up with the involved employees. Disapproved forms shall be returned directly to the department.

G. The Accounting Services Division shall review the approved assignment request forms and provide employees who are subject to the IRS reporting requirements with the information and form needed to select an IRS reporting option. Once processed by the Accounting Services Division, the approved assignment request forms shall be forwarded to the department.

H. Departments shall maintain approved assignment request forms on file and maintain a current roster of 24-hour vehicle assignments. The roster shall include, as a minimum, the employee's name, vehicle number, and type of vehicle assigned. Departments shall provide a current copy of the roster to the City Manager's Office annually or as changes occur.

VI. CHANGE OR REVOCATION OF ASSIGNMENT

A. **Change of Assignment** - Assignment request forms (Attachment A) and department rosters shall be updated whenever:

- An assignment is transferred to another employee;
- The employee's job duties change;
- The assigned vehicle changes (except short term changes, such as for vehicle maintenance or rotation of undercover vehicles); or
- The employee's home address or permanent work location changes.

B. **Revocation of Assignment** - A 24-hour vehicle assignment may be revoked at any time by the City Manager or the employee's department director for budgetary or policy reasons, or for any of the following reasons:

1. The employee is involved in two chargeable accidents within a 12-month period while driving a City vehicle;

2. The employee is cited for two moving violations within a 12-month period while driving a City or private vehicle;

3. The employee fails to comply with the regulations and responsibilities outlined in this directive and in Administrative Directive 6.01-1, Responsibilities Regarding Utilization of City Vehicles; or

4. The employee's job assignment changes or the conditions that initially justified the vehicle assignment are no longer present.

VII. TEMPORARY 24-HOUR VEHICLE ASSIGNMENTS

A. **Occasional, Overnight Use of City Vehicle** - In order to meet the needs of a department, the department director may authorize an employee to take home a departmental vehicle for up to three (3) consecutive nights.

The department director shall make a separate, written authorization for each temporary vehicle request.

B. **Temporary Assignments Lasting Longer Than Three Days** - The department shall follow the same procedures as for requesting an ongoing assignment. See Section V.

However, a simplified request process that does not require completion of the 24-Hour Vehicle Assignment Request Form may be used if a temporary assignment is needed to address short term emergencies, or assignments that recur on an annual basis. In these cases, such as a police task force to address a specific problem or the "Operation Splash" program to barricade flooded streets during the rainy season, division heads shall send a memorandum to the department director including the following information:

1. A brief description of the need for the assignment,

2. The length of the assignment,

3. The employee's name, employee number, and home address, division and section, and type of vehicle (e.g., sedan, pickup, emergency fire vehicle, motorcycle, truck with utility body, truck with a gross vehicle weight over 7 tons, van or other type).

The department shall submit the memorandum to the City Manager, or designee, for approval.

C. **IRS Reporting** - Temporary assignments are subject to IRS reporting. See Section VIII.

VIII. IRS REPORTING REQUIREMENTS

A. General

1. IRS regulations require that if an employee uses the employer's vehicle for personal purposes, such as commuting between home and work, the value of that use must be determined by the employer and included in the employee's wages.

2. The fringe benefit value and any allowable exclusion from income shall be determined by the Accounting Services Division in accordance with IRS regulations.

B. Accounting Division

1. The Accounting Services Division shall provide employees who are subject to the IRS reporting requirements with the information and form needed to select an IRS reporting option and inform employees about the records required to be maintained for the selected reporting option.

2. On a quarterly basis, the Accounting Services Division shall increase the reported gross income of involved employees based on the reported vehicle usage.

3. Accounting Services Division shall also withhold from the employee's pay an amount to cover the FICA deduction for the additional gross income. Currently, no federal or state income tax is withheld on this amount, even though the additional income is taxable.

C. Departments

1. Departments shall report to the Accounting Services Division the involved employees' vehicle use on 24-Hour Vehicle Quarterly Reporting Forms (Attachment B).

2. The employee forms from each department shall be organized by division and submitted to the Accounting Services Division with a transmittal memorandum signed by the department director attesting that the attached forms represent all of the employees who are required to report.

D. **Employees** - Each employee involved shall submit a 24-Hour Vehicle Quarterly Reporting Form and shall maintain adequate records to substantiate the information reported on the form.

Attachments

A – Request for Assignment of 24-Hour City Vehicle Forms
B – 24-Hour Vehicle Quarterly Reporting Form to Meet IRS Requirements

References

AD 6.01-1, Responsibilities Regarding Utilization of City Vehicles
AD 6.01-4, City Vehicle Motor Pool

Review Responsibility and Frequency

The Finance Department shall review this directive annually in March, or as necessary. Last review date: 9/26/11.

Authorized

City Manager

Date

Michael Ortega

ATTACHMENT A
AD 6.01-7

REQUEST FOR ASSIGNMENT OF A 24-HOUR CITY VEHICLE

Request Date: _____ Dept. _____ Div/Sec _____

Employee Name: _____ AZ Driv.Lic #: _____ Exp. Date: _____

Home Address: _____

Job Classification: _____ Vehicle Number: _____

Is this an individual assignment or a rotating assignment? (circle answer) individual rotating

---

Is your home within city limits? (circle answer) Yes No

What is the one-way distance from your home to your permanent work site? ____ miles

---

The vehicle is a: Sedan _____ Pickup _____ Modified Pickup (describe) _____ Emergency fire vehicle _____ Motorcycle _____

Truck w/utility body _____ Truck w/GVW over 7 tons _____ Van _____ Modified Van (describe) _____ Other (describe) _____

Vehicle Description:

If police vehicle, it is: Marked _____ Unmarked _____ Leased _____ Seized _____

I CERTIFY THE ABOVE INFORMATION IS CORRECT. IF THIS ASSIGNMENT IS APPROVED, I AGREE TO COMPLY WITH ALL PROVISIONS OF ADMINISTRATIVE DIRECTIVE 6.01-7.

_____ _____ _____
Employee Signature Date Employee Number

I support this request: _____ _____
Department Director Signature Date

Approved / Disapproved: _____ _____
City Manager, or Designee, Signature Date

Department Comments:

FOR FINANCE DEPARTMENT USE

_____ Qualified Nonpersonal Use Vehicle

- OR -

_____ IRS reporting option selected. Quarterly reporting form provided to employee.

_____ _____
Finance Department Signature Date

REQUEST FOR ASSIGNMENT OF A 24-HOUR CITY VEHICLE – PAGE 2

Department Justification – Please prepare responses to the questions below.

1. What is the nature of the assignment?

2. How many similar assignments are being requested?

3. What are some examples of after-hours situations where a 24-hour vehicle is needed? Fact based examples:

4. Is response time critical? For situations where response is critical, what prevents on-duty personnel from handling the situation? Could on-duty personnel maintain control of the situation while a City vehicle was picked up from a City facility and driven to the scene?

5. What type of vehicle is needed for the assignment? What prevents a personal vehicle or a motor pool vehicle from being used instead of a 24-hour vehicle assignment?

24-HOUR VEHICLE – QUARTERLY REPORTING FORM TO MEET IRS REQUIREMENTS

NAME (Please Print or Type)	EMPLOYEE NUMBER	ORGANIZATION/UNIT #	QUARTERLY PERIOD COVERED

IRS REPORTING METHOD (Options of Valuation)

1. Select one method only.
2. Once selected, a method must be used consistently from period to period.
3. Certain employees can only report with the Annual Lease Value Method. Contact the Finance Department at 791-4561 if you need additional information.

ANNUAL LEASE VALUE	SPECIAL COMMUTING RULE	SPECIAL CENTS PER MILE
Personal Miles _____	Number of Round Trips _____	Personal Miles _____
Business Miles _____		
Total Miles _____		

I certify that the above is correct based on my personal records.
I understand that I am responsible for maintaining personal records substantiating the business use of the vehicle as required by IRS regulations.

EMPLOYEE SIGNATURE **DATE**

Reporting periods – Usage of Vehicle for:	Vehicle Usage Certificate to Accounting by:	Fringe Benefit Value and FICA Deduction Added:
November and December of previous year and January of Current Year	February 28	2nd Payday of March
February, March, April	May 31	2nd Payday of June
May, June, July	August 31	2nd Payday of September
August, September, October	November 30	2nd Payday of December

Quarterly, the Accounting Division will add the value of the vehicle fringe benefit to gross wages and deduct the appropriate FICA tax. The City of Tucson has elected not to withhold income tax on this benefit. The employee should consider the value of the vehicle fringe benefit in selecting W-4 exemptions.

SUBMIT TO THE FINANCE DEPARTMENT

ADMINISTRATIVE DIRECTIVE

COMMERCIAL DRIVER POLICY	NUMBER **6.01-8**	PAGE **1 of 6**
	EFFECTIVE DATE **January 6, 2016**	

I. PURPOSE

To set forth a commercial driver policy for City employees who operate a commercial vehicle requiring a commercial driver's license (CDL) as defined in the City's job classification.

This Administrative Directive (AD) is designed to supplement and complement Administrative Directive 6.01-6 Driver's License Policy. CDL holders are considered primary drivers by designation and definition.

II. POLICY

Employees operating a commercial vehicle for City business will obtain and maintain a valid Arizona driver's license and required endorsement(s) for the position.

A City employee whose license is restricted, suspended, revoked, cancelled or expired will be placed into a non-driving status until the license is legally restored. Implications to the employee and department of the non-driving status will be determined specifically for each situation and handled by the department, in consultation with Human Resources (HR) and/or Central Safety Services (CSS). Any violation of this policy may result in discipline up to and including discharge from employment.

III. DEFINITIONS

A. **ACCIDENT** – An event or incident involving a city employee, facility, or equipment that results in a loss of or damage to property, person, animal, or fixed object.

B. **ADOT** – Arizona Department of Transportation.

C. **Central Safety Services (CSS)** – The City's Safety Manager and Staff whose responsibilities include overall City safety policies, training requirements, accident and injury prevention, general OSHA compliance and related reporting.

D. **Commercial Driver's License (CDL)** – A driver's license required in the United States to operate any type of vehicle weighing 26,001 or more pounds for commercial use, that transports quantities of hazardous materials that require warning placards under Department of Transportation regulations, or that is designed to transport 16 or more passengers, including the driver. This includes, but is not limited to tow trucks, tractor trailers, and buses.

E. **CDL Endorsement** – Authorization added to a CDL permitting operation of specified commercial vehicles. Endorsements include tank vehicle, passenger bus, hazardous material, and double/triple trailer.

F. **Human Resources (HR) –** For purposes of this AD, Human Resources refers to the City Human Resources Department, not an individual department's HR section or division.

G. **Ignition Interlock Device (IID)** – A protective device mandated by law and required to be installed on vehicles that will be driven by a person convicted of an alcohol-related DUI. An IID prevents the operation of the vehicle while under the influence of alcohol.

H. **Invalid License** – A driver's license which is restricted, suspended, revoked, canceled, expired, or any other condition that prevents a person from legally operating a motor vehicle.

I. **Motor Vehicle** – For purposes of this AD, all motor vehicles (to include City vehicles and POV) and motorized equipment operated on City business by employees while in the public right-of-way or on private property, including all City-owned property.

J. **MVR** – Motor Vehicle Record is the official 39-month printout of a driving or vehicle record obtained through the Arizona Department of Transportation.

K. **NIDA** – National Institute on Drug Abuse (NIDA) Drug Screen is regulated by the Federal Government and the drug screen includes testing for the following five categories: Marijuana, Cocaine, Phencyclidine, Amphetamines and Opiates**.**

L. **Non-Driving Status –** A status in which an employee is prohibited from operating a City motor vehicle, motorized equipment or POV while on City business.

M. **Primary Driver –** A designation assigned to a position/classification for which the ability to operate a motor vehicle or operate motorized equipment is an essential function of that classification. All CDL operators are considered Primary Drivers.

N. **Valid License** – A driver's license without restriction, suspension, revocation, cancellation, expiration, or any other condition that would prevent a person from legally operating a motor vehicle.

IV. RESPONSIBILITIES

A. Department Responsibility

1. In consultation with HR, departments will identify and maintain a list of classifications requiring a CDL.

2. In consultation with HR, departments may change license requirements specific to positions/classifications. In the event a license requirement is changed, affected incumbent employees will be given no less than 90 calendar days and no more than 120 calendar days to achieve compliance.

3. Incumbent employees may apply for a promotional opportunity if they meet all of the position requirements except for a CDL or required CDL endorsement. An employee who does not have the required license may be conditionally selected and advised of the requirement that they obtain the required license within 60 calendar days of the conditional notification of selection. Conditional

notifications will be in accordance with Administrative Directive 2.02-1, Certification of Equal Employment Opportunity (CEEO). The approved CEEO and Personnel Action Request Form (PARF) will be forwarded to HR. The PARF will be processed upon notification from the department that the employee has obtained the required driver's license or endorsements.

4. Appointing authorities will not hire or promote *any* candidate or employee (including intermittent, temporary or seasonal) into a position requiring a CDL until the following documents required for the CDL Driver Qualification File have been received and reviewed by Central Safety Services:

- Driver-specific application for employment
- Photocopy of a valid Arizona driver's license
- Original 39-month Motor Vehicle Record (MVR)
- Medical Examiner's Certificate showing medically qualified
- Negative NIDA drug test
- Safety Performance History Data form

Non-cooperation or misinformation on the part of a prospective employee may result in termination of the application process by the department in consultation with HR.

5. Candidates applying for positions carrying a CDL driving designation are required to possess a CDL permit at the time of application, and must obtain a valid Arizona CDL within 60 days of hire. The CDL must be of the appropriate classification, with endorsements as required by the job classification.

B. Employee Responsibility

1. Employees operating a commercial vehicle while on City business will have in their possession a valid unrestricted Arizona Driver's License for the class of vehicle being driven. Employees occupying positions/classifications identified by departments as requiring a CDL must possess the appropriate endorsement(s).

2. Employees will not operate a commercial vehicle while impaired by alcohol or drugs; operate a commercial vehicle with a breath alcohol concentration of greater than .02. Reference Administrative Directive 2.02-22, Drug and Alcohol Use: Impaired Employees, Physical Evaluation; Applicant Testing and S-030 CDL and Safety Sensitive Random Drug/Alcohol Testing Procedure, for further guidelines on City policy. *NOTE: Federal laws may preempt some protections for card holders under the Arizona Medical Marijuana Act.*

V. DRIVER'S LICENSE MONITORING

A. CSS will monitor the licenses of employees in a CDL assignment to ensure compliance with state law. In addition to the criteria specified in AD 6.01-6, CSS will complete a MVR check on employees in these assignments by electronically accessing the Arizona State Department of Transportation (ADOT) Motor Vehicle Records, through the Arizona Secure Access Gateway. This check will be performed at the time of CDL medical certification renewal.

B. Employees with a CDL medical revocation, who still maintain a valid Class D license, may operate a non-commercial motor vehicle or motorized equipment if there are no other driving restrictions. For questions on employees' driving status, contact CSS.

VI. DRIVING UNDER THE INFLUENCE (DUI) POLICY

Citation/Arrest - In addition to Administrative Directive 6.01-6 and specific to CDL holders, subsequent to any legal hearing or conviction, the court will *usually* impose license suspension and/or restrictions including an Ignition Interlock Device (IID) requirement for a specified period of time and the removal of a CDL endorsement for a period of 12-months from the date of the citation. The consequences of this incident will have the effect of a continued non-driving status for the City of Tucson.

VII. TRAINING

Departments will ensure CDL drivers complete the CityLearn "CDL Drug Abuse and Alcohol Misuse" training course within 60 days of hire.

VIII. CDL MEDICAL EXAMINATION PROCESS

A. Employees and new applicants must be examined and medically cleared by the City Physician to determine whether Federal Motor Carrier Safety Administration (FMCSA) physical requirements for CDL licensing are met.

1. All physical examinations conducted by the City Physician as a required condition of the Medical Examiner's Certificate process will be conducted on City time, at City expense. Any additional examination, testing or documentation required by the City Physician to complete the Medical Examiner's Certificate process are subject to the employee's health insurance, if applicable, and on the employee's own time.

2. For new applicants, the City Physician will provide results of the physical examination to the applicant and CSS. CSS will notify HR who will notify the applicant's department representative of the results. If hired, the results will be maintained in both the CDL driver qualification file and the individual's permanent medical record.

3. For existing employees, the City Physician will provide results of the physical exam to the employee and CSS. CSS will maintain the results in the CDL driver qualification file. The employee will provide a copy of their Medical Examiner's Certificate to their department. CSS will provide a copy to HR for inclusion in the employee's permanent City medical record.

4. Employees who fail to maintain the requisite license for their position because of a medical disability, will be evaluated under Administrative Directive 2.05-2, Reasonable Accommodation of Applicants and Employees with Disabilities.

IX. CDL REQUIRED TESTING (NON-MEDICAL)

A. CDL applicants will be tested by ADOT on the type(s) of commercial vehicle operated in performance of City job duties.

B. If the City determines an employee is qualified to operate a commercial vehicle, the employee will be allowed to use a City vehicle for the ADOT testing process.

C. Departments will make necessary arrangements for City vehicle use for license testing.

D. All portions of CDL testing will be conducted during working hours and within the employee's regularly assigned shift. Overtime and/or Compensatory Time are not authorized for this purpose.

X. LICENSE FEES AND RENEWALS

A. Employees are responsible for all costs and fees required to obtain and renew a Class D driver's license.

B. When required to obtain a CDL within 60 days of hire or promotion, employees are responsible for all associated license costs and fees.

C. Employees who are required to maintain a CDL and specific endorsements as a condition of continuing employment will be on paid time for required written exams and/or road testing and reimbursed by the City for all fees and associated costs.

Attachments City of Tucson Vehicle Operator Record

References
2.02-1 Certification of Equal Employment Opportunity
2.02-22 Drug and Alcohol Use: Impaired Employees Physical Evaluation; Applicant Testing
2.05-2 Reasonable Accommodation of Applicants and Employees with Disabilities
6.01-6 Driver's License Policy

Review Responsibility and Frequency The Finance Director will review this directive as needed.

Authorized

City Manager — Date 1/25/16

Michael Ortega

City of Tucson Uniform Vehicle Operator Record

_____	_____	_____
Last Name (please print or type)	First Name (on driver's license)	Middle Initial
_____	_____	_____
Date of Birth	Driver's License Number	Employee No.
_____	_____	_____
Driver's License Class (CDL, D, D/M, M)	**Restrictions (D,H,M,N,P,T, or X)**	**Endorsements (A,B,C)**

Expiration Date: _____

Department: _____ Division: _____

_____ _____
Job title Vehicles Regularly Driven (i.e. passenger car, light truck, motor grader, Lodal, TFD Paramedic van, TPD uniform patrol car, etc.)

Driving Assignment (Primary, CDL, Secondary): _____

Initial Fleet Driving Safety Class Date: _____

I _____ am asking for permission to drive my personally-owned vehicle while on city business and have provided proof of insurance or insurance bond (copy attached) to my Department. I also understand that should my driver's license be rendered invalid by the State of Arizona (or any other jurisdiction), that I am required to inform my Department supervisor of my driver's license status within one (1) working day of such notice and I am prohibited from operating any motorized equipment, including my personally-owned vehicle while on City business, until my license is reinstated by the jurisdiction that rendered the license invalid.

_____ _____
Employee Signature Department Director or Designee

Collision/Incident History

Use the space below to provide a brief narrative of each collision/incident in which this employee has been involved. Indicate the date, case # if any, location, type of accident and if judged at fault or not. Also note if a Board of Inquiry was held.

Privately Owned Vehicles

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
MILEAGE REIMBURSEMENT AND THE EXECUTIVE VEHICLE REIMBURSEMENT PROGRAM	**6.02-1**	**1 of 4**
	PAGE ISSUE DATE	
	February 13, 2007	

I. PURPOSE

To establish policies and procedures for authorizing reimbursement for the use of personal vehicles by employees conducting city business in the Tucson metropolitan area.

Note: The use of personal vehicles by employees for travel **outside** the Tucson metropolitan area is governed by Administrative Directive 3.03-1, Travel Authorization and Expense Allowances.

II. DEFINITIONS

A. **Personal Vehicle** - privately owned motor vehicle used by a city employee to conduct city business.

B. **Mileage Reimbursement** - a rate paid to employees who are authorized to use personal vehicles rather than city vehicles for conducting city business.

C. **Executive Vehicle Reimbursement Program** - Members authorized a bi-weekly reimbursement to use a personal vehicle for city business on the Executive Vehicle Reimbursement Program – Authorized positions list (see Attachment B).

III. POLICY

Employees may be authorized a standard reimbursement for using a personal vehicle while performing city business within the Tucson metropolitan area for one or more of the following reasons:

A. A city vehicle is not available or accessible.

B. The nature of the business requires the use of a personal vehicle in lieu of a city vehicle.

C. The use of a personal vehicle is required as a condition of employment.

D. The employee is an executive assigned to the city's Executive Vehicle Reimbursement Program (see Section V.).

Mileage reimbursement shall be allowed for employees traveling during normal working hours from the employee's permanent work site to a training site. Reimbursement will not be allowed for travel from the employee's residence to the training site at the beginning of the workday, or from the training site to the employee's residence at the end of the workday.

IV. EMPLOYEE (NON-EXECUTIVE) USE OF PERSONAL VEHICLES

A. Authorization Process - Department directors or their designee are responsible for approving mileage reimbursement for the use of personal vehicles by departmental employees and will require all drivers to have a valid Arizona drivers license and to comply with the State of Arizona's financial responsibility laws (see Section VI.).

B. Reimbursement Procedures and Rates

1. Employees shall record business mileage on a Vehicle Allowance Claim form (see Attachment A). No personal (non-business) mileage shall be included on the claim form.

2. Employees shall attach copies of their current license and insurance card to the claim form. Please note employees will not be reimbursed without this information.

3. On a monthly basis, departments shall submit the claim forms to Petty Cash for reimbursement for claims of $150.00 or less.

4. The claim form, with copies of insurance card and current license attached, should be submitted to the Accounting Division if the requested reimbursement amount is more than $150.00

5. The current reimbursement rate may be found at http://gsa.gov.

V. EXECUTIVE VEHICLE REIMBURSEMENT PROGRAM

A. Authorization

1. The City Manager shall authorize those executive positions that may participate in the Executive Vehicle Reimbursement Program. (See Attachment B, Executive Vehicle Reimbursement Program - Authorized Positions).

2. Members of the Mayor and Council may select the Executive Vehicle Reimbursement Program if they do not wish to receive an assigned city vehicle.

B. Reimbursement Procedures and Rate (Executive Program)

1. A bi-weekly reimbursement of $200 shall be paid to executives authorized to participate in the Executive Vehicle Reimbursement Program effective July 1, 2007. Reimbursements will be included in executives' gross salary.

2. To begin receiving bi-weekly reimbursement, employees authorized for the program shall complete a Personnel Action Request Form (PARF) and submit it to the Human Resources Department. Human Resources will process the PARF and thereafter the employee will automatically receive bi-weekly reimbursement payments.

3. Executives are not required to record their business mileage to receive their reimbursement (however, executives may be entitled to a tax deduction for business-related vehicle expenses and may therefore wish to record business mileage).

4. In accordance with Administrative Directive 3.03-1, Travel Authorization and Expense Allowances, executives are entitled to reimbursement at the business mileage rate set by the Internal Revenue Service (in addition to the monthly reimbursement rate) for out-of-county travel and are required to record their travel mileage to receive this reimbursement. Current rates may be found at http://gsa.gov.

VI. RESPONSIBILITIES WHEN DRIVING PERSONAL VEHICLES ON CITY BUSINESS

A. All employees and executives driving personal vehicles on city business shall:

1. Have a valid Arizona Drivers license;
2. Maintain their vehicles in a safe operating condition;
3. Drive in a safe and legal manner;
4. Not loan their vehicle to other city employees to conduct city business;
5. Maintain insurance coverage in compliance with the State of Arizona's financial responsibility law, which mandates minimum insurance coverage of $15,000/ $30,000 bodily injury and $10,000 property damage.

B. Any employee who has been denied permission to drive on city business will be prohibited from using the mileage reimbursement program. (See Administrative Directive 6.01-6, Driver's License Policy, Section III.)

VII. ACCIDENTS IN PERSONAL VEHICLES WHILE ON CITY BUSINESS

A. The city will provide defense and pay all settlements or judgments of claims of suits arising from an accident involving an employee using a personal vehicle while in the conduct of city business subject to the following conditions:

1. City coverage will be in excess of any other automobile liability insurance that provides coverage for an employee's vehicle while being used in the conduct of city business.

2. The employee must be in the scope of city employment at the time of the accident.

3. The employee must notify his/her supervisor as soon as possible of any accident while in the scope of employment. A Property Damage/Personal Injury report must be completed and sent to the Risk Management Division within two working days after the accident (see Chapter 10 of the Loss Prevention Manual).

4. The employee must notify his/her insurance carrier of the accident.

5. The employee must cooperate in the city investigation and defense of any claim or suit.

B. The city will reimburse the employee for the physical damage deductible under comprehensive and collision coverages due to damage to an employee's vehicle arising out of the use of the vehicle while in the scope of city employment. The maximum reimbursement will be $1,000 whether or not the employee has physical damage insurance coverage on the vehicle. All claims for the reimbursement of the deductible will be filed with the Risk Management Division with supporting documentation.

Appendices

Attachment A, Vehicle Allowance Claim for Personal Car
Attachment B, Executive Vehicle Reimbursement Program - Authorized Positions

References

AD 3.03-1, Travel Authorization and Expense Allowances
AD 6.01-6, Driver's License Policy
Loss Prevention Manual
U.S. General Services Administration (gsa) Travel Mileage Rates

Review Responsibility and Frequency

The Deputy City Manager shall review this directive annually in June, or as necessary.

Authorized

City Manager

Date

ATTACHMENT A
A.D. 6.02-1

CITY OF TUCSON
VEHICLE ALLOWANCE CLAIM
For Personal Car

TO: ACCOUNTING DIVISION
FROM: (DEPARTMENT OR DIVISION)

DATE: ______________________
UNIT NO. ____________________

Date	Purpose	Speedometer		Miles
		Begin	End	
FOR RATES SEE http://gsa.gov		TOTAL MILES TRAVELED		
		AMOUNT		

I certify that the above speedometer readings are true and correct, and that the mileage indicated was used for the purposes noted above in the discharge of my duties for the benefit of the City of Tucson. I also certify that my license to drive has not lapsed or been suspended or revoked and that my insurance coverage is current.

APPROVED: ______________________ ______________________ ______________________
Division or Department Head — Employee Typed Name — Signature

Copies of current drivers license and insurance card must be attached for reimbursement

2/1/07 **Distribution: White Copy, Accounting Division – Canary Copy, Department Files** FORM: 1122-1

EXECUTIVE VEHICLE REIMBURSEMENT PROGRAM

AUTHORIZED POSITIONS

Assistant City Manager
Chief Public Defender
City Attorney
City Clerk
City Manager
Council Member Ward I
Council Member Ward II
Council Member Ward III
Council Member Ward IV
Council Member Ward V
Council Member Ward VI
Deputy City Manager
Deputy Director of City Court
Director of Budget and Research
Director of Community Services
Director of Office of Conservation and Sustainable Development
Director of Convention Center
Director of Development Services
Director of Environmental Services
Director of Finance
Director of General Services
Director of Human Resources
Director of Information Technology/Chief Information Officer
Director of Neighborhood Resources
Director of Parks and Recreation
Director of Planning
Director of Procurement
Director of Transportation
Director of Water
Equal Opportunity and Independent Police Review Director
Fire Chief
Mayor
Police Chief
Presiding Magistrate
Rio Nuevo Project Director
Zoning Examiner

Private Parking

ADMINISTRATIVE DIRECTIVE

PARKING POLICIES FOR DOWNTOWN TUCSON	NUMBER **6.03-1**	PAGE **1 of 9**
	EFFECTIVE DATE **January 20, 2016**	

I. PURPOSE

To establish policies for department and employee responsibilities concerning parking at downtown City facilities.

II. POLICY

This administrative directive establishes specific policies governing parking at City managed downtown parking facilities. Police and Fire off-street parking facilities are excluded from the provisions of this administrative directive. Park Tucson has primary responsibility for the management of City downtown parking facilities.

Employee-paid, reserved parking at or near downtown City facilities shall be provided to department directors and deputy/assistant department directors or those authorized by the City Manager.

All City employees and City-marked vehicles are required to comply with posted parking regulations at all times and this administrative directive.

To increase the availability of public parking near downtown City facilities, downtown City employees should not park their personal vehicles in metered spaces during working hours. No department may provide free or reduced-cost parking to any of its employees at a downtown City facility outside of the policies established in this administrative directive.

The City assumes no liability or responsibility for any theft of personal property, vehicles, or damage to any vehicle while parked in any City managed facility.

III. DEFINITIONS

A. **Bicycle Lockers** - Bicycle storage provided upon request to all downtown employees when there is space available at City Hall, the County/City Public Works Building, and the Water Building for $1 fee per pay period.

B. **"Park Smart" Smart Card** - Credit card-type cards containing a computerized chip, programmed with a pre-paid value that may be utilized in any City of Tucson parking meter displaying a Park Tucson sticker, rather than coins.

C. **City Managed Off-Street Parking Areas** - City owned and/or leased land used for monthly and hourly parking listed below and any parking facilities added for exclusive or partial use by City approved users:

1. Centro Garage
345 E. Congress St.

2. La Entrada Garage
310 W. Alameda St.

3. City Hall Lot
255 W. Alameda Street
Accessed from Pennington St.

4. Main Library Garage
101 N. Stone Ave.

5. City/State Garage
498 W. Congress St.

6. Pennington Street Garage
110 E. Pennington St.

7. Paseo Redondo Surface Lot
300 W. Paseo Redondo

8. Toole Avenue Surface Lot
201 E. Toole Ave.

9. Franklin Surface Lot
50 W. Franklin St.

10. Depot Plaza Garage
45 N. 5th Ave.

11. Historic Depot Surface Lot
400 N. Toole Ave.

12. City Court North Surface Lot
103 E. Alameda Street
Accessed from Council Street at Toole Ave.

D. **Downtown City Facilities** - City buildings and offices in the downtown area listed below and any buildings added for exclusive or partial use by the City:

Armory Park	Armory Senior Center
City Court	City Hall
County/City Public Works Center	Historic Depot
Information Technology Building	La Entrada Water Building
Main Library	MLK Apartments
Park Tucson Offices	Tucson Convention Center

E. **Hourly Parking** - Parking provided on an hourly or smaller incremental basis on the street in designated loading zones and at paid parking meters and in certain off-street parking facilities where separate charges are assessed each time the vehicle enters or exits the facility or parking space(s).

F. **Flat Rate Parking** – Parking provided for a flat fee between designated times for entrance and exit, at certain off-street facilities.

G. **Monthly Parking** - Paid parking provided in off-street facilities on a monthly basis Monday through Friday 6 a.m. - 6 p.m. that may include unlimited in and out privileges and, under limited circumstances, may include overnight and/or weekend parking.

H. **Parking Permit** - Permit issued by Park Tucson authorizing monthly parking in a designated space or lot.

I. **Parking Meters** - Meters payable by coins, pay-by-space, currency, credit/debit card/smart cards, cell phones or cash keys that are in rights of way for temporary parking in the University of Arizona, 4th Avenue, and downtown areas.

J. **Reserved Parking** - Employee paid parking spaces in City lots or facilities reserved for exclusive use by individuals or City vehicles as indicated by signs and generally limited to department directors, deputy/assistant department directors, or as authorized by the City Manager.

K. **"GoTucson" Mobile Application** - A mobile application that is available for download at no charge to mobile phone users. GoTucson allows for payment of parking at Park Tucson parking meters, as well as payment of parking citation fines, and the purchase of transit fares.

IV. OFF-STREET HOURLY PARKING

A. Off-street hourly parking is available at the Centro Garage, Main Library Garage, the Pennington Street Garage, the City/State Garage and the Depot Plaza Garage. Hourly parking is available through parking meters at Franklin Surface Lot, Paseo Redondo Surface Lot, Historic Depot Surface Lot, and Toole Avenue Surface Lot

B. City departments may provide validated hourly parking at these facilities, as well as the County/City Public Works Garage and El Presidio Garage.

C. All drivers of vehicles exiting these facilities, either City or private, must have an authorized validation stamp or pay with cash, credit, or debit. Receipts are issued upon request.

V. ON-STREET HOURLY PARKING

A. City employees may pay and park City and private vehicles at parking meters up to the time limit on the meter. Successive meter feeding by employees is prohibited.

B. Departments may purchase Park Smart cards for any value up to $100, from the Park Tucson Office for employees required to perform work on a short-term basis in downtown, University of Arizona, and 4th Avenue areas.

C. Designated parking meters, parking permit zones and loading zones may be taken out of service pursuant to procedures and a fee administered by Park Tucson. http://parktucson.tucsonaz.gov

VI. MONTHLY PARKING AT DOWNTOWN CITY FACILITIES

A. Departments and employees contact Park Tucson ((520) 791-5071), with requests for monthly parking, and/or bicycle storage lockers.

1. Parking in a City-managed facility is not a right of employment and employees, who work downtown, may contract to park their vehicles with private providers.

2. All vehicles assigned to park in a monthly parking lot or garage, including City vehicles, shall display a City parking permit/sticker for that facility or lot on the rear view mirror or window so that the permit is clearly visible in accordance with the Parking Rules and Regulations provided by Park Tucson for the facility.

3. Departments and employees shall not loan out, sublet, or transfer parking permits, access cards, or bicycle locker keys to any other individual. Park Tucson has a waiting list for its parking facilities. Any abuse or violation of this requirement may result in the loss of parking privileges at City-managed parking facilities for the duration of employment.

B. City departments requesting monthly parking at City-managed downtown parking facilities must provide an account number in writing to be billed by Park Tucson quarterly for the parking space. If space is unavailable, the department's request will be placed on a waiting list; Park Tucson may offer the requesting department a space in an available alternative facility until a space is available at the desired facility.

1. City departments may cancel their monthly parking at any time by notifying Park Tucson and returning the access card or key. Park Tucson will pro-rate charges on a monthly basis. Any adjustments due to a cancellation shall be reflected during the requesting department's next quarterly billing cycle. Failure to notify Park Tucson will result in no reimbursement.

2. City departments will be notified of employees utilizing City vehicles who do not comply with the rules and regulations of the parking facility and will be expected to take appropriate corrective action. Failure of departments to address improper use of City vehicles within a downtown parking facility may result in the City vehicle being ejected from the facility.

C. Assignment of employee disabled parking spaces may be made on an as needed, as available, basis. In most circumstances, the employee will not be assigned a specific or reserved parking space. Standard parking charges will apply. Park Tucson has open designated disabled parking spaces in compliance with the Americans with Disabilities Act at all of its facilities. There will be an annual review of

those employees eligible to receive disabled parking. All records pertaining to parking accommodations are confidential.

1. Disabled parking spaces are limited to an employee meeting State of Arizona criteria for obtaining a disabled license plate or placard.

2. The employee must have a completed, signed, and approved State Motor Vehicle Division application for disabled parking.

a. **Employees with Permanent Disabilities** – Reserved parking may be available to employees with permanent disabilities, who meet the following criteria:

An employee requesting a "reserved" parking space must contact the Human Resources Department and request reasonable accommodation as provided for by the Americans with Disabilities Act. If reasonable accommodation is approved, the Human Resources Department will notify Park Tucson. Park Tucson will notify the employee if and when the space is available and its location. Not all City facilities have adjacent parking.

b. **Employees with Temporary Disabilities** - A short term duration parking space up to six months may be granted, if space is available, to employees with temporary disabilities, who provide a signed letter from the employee's physician indicating the nature of the disability and the anticipated recovery time.

D. City employees, who work in downtown Tucson, may use City-managed parking spaces and bicycle lockers in accordance with Park Tucson requirements and the rules and regulations specific to the facility in which they park. If space is unavailable, the employee will be placed on a waiting list and notified as soon as a facility has one available.

1. Rules are provided when Park Tucson issues a parking permit, access card and/or a key.

2. Park Tucson reserves the right to relocate monthly parking clients to a similar City-managed parking facility when necessary for temporary purposes or permanently when a surface lot undergoes redevelopment.

3. Payment for City employee parking is processed by pre-tax payroll deduction. When receiving a parking permit and/or access card, the requesting employee must fill out and sign a payroll deduction card, which Park Tucson forwards to the Finance Department's Payroll Section, to begin the deduction.

4. Employees no longer wanting to park in a City-managed surface lot or garage must return their parking access card/permit to Park Tucson. At that time a payroll deduction cancellation form will be completed and forwarded to the Payroll Section. Failure to return the access card/permit will cause the payroll deduction to continue. No refund will be provided for failure to follow this procedure.

5. Employees are responsible for their parking permits, access cards and bicycle storage locker keys. Damaged or broken permits, cards or keys, will be replaced free of charge. In case of theft, loss, or damage of permits, access card, or keys, Park Tucson must be notified. There is a replacement fee, but if the permit, card, or key is found within 30 days after the loss is reported, the replacement fee will be reimbursed upon return of the replacement item. There will be no reimbursement if a missing parking facility access item is found after the 30-day loss report has been filed.

VII. ENFORCEMENT

A. Park Tucson Security and Parking Services Agents patrol the City-managed parking facilities throughout the day, and issue warnings and/or citations for vehicles not displaying the proper permit, for not parking in designated areas, for parking improperly, for parking in spaces reserved for others, and for parking in a way that creates a hazard or is not in compliance with posted signs. Parking privileges may be canceled after three warnings or citations.

B. Decisions to terminate monthly parking privileges are the responsibility of the Park Tucson staff. An appeal of a decision to terminate parking privileges may be made in writing to the Park Tucson Commission prior to its next regularly scheduled meeting. The Park Tucson Commission will consider the appeal without taking oral testimony. Any decision by the Park Tucson Commission regarding an appeal of termination is final and binding.

VIII. PARKING VALIDATION

A. Each department that uses validated hourly parking shall set aside sufficient funds in its operating budget to pay for hourly parking validation. City departments may validate parking for individuals other than City employees who visit the department or attend department meetings. This temporary hourly parking validation is not available for persons doing business at downtown City facilities such as individuals obtaining plans or permits, buying bus passes, or paying bills.

B. Park Tucson is responsible for providing City departments with validation tickets that are to be used at the Pennington Street Garage, Centro Garage, Depot Plaza Garage, Main Library Garage, and the City/State Garage. Contact Park Tucson for these validations.

C. At the County-City Public Works Garage and the El Presidio Garage, departments must stamp the back of the parking ticket and then give it to the cashier on their way out.

D. It is the responsibility of each department to monitor and regulate its temporary hourly parking validation programs. Upon request, Park Tucson will allow authorized department representatives to review their validated parking receipts, which are kept on file in the Park Tucson office.

E. The administrator of each office with a validation stamp for the County-City Public Works Garage, and El Presidio Garage shall submit a copy of the authorized stamp and the names, positions, and signatures of employees authorized to validate temporary hourly parking. Any subsequent deletions or additions of names to the list of employees authorized to validate temporary hourly parking must be reported to Park Tucson immediately. The administrator of each office with a temporary hourly parking validation stamp shall ensure that the use of validated parking complies with the policies and procedures in this directive.

F. City of Tucson parking garages use a separate ticket called a “chaser ticket” that is inserted after the original ticket into the slot of an automated pay station or exit lane verifier, or given to the facility cashier if one is available.

G. For those who provide validation at the County-City Public Works Garage and the El Presidio Garage, the employee charged with validating temporary hourly parking shall place the department stamp on the reverse side of the ticket and, in the space provided, date and sign as the authorized department representative. The visitor must present the validated parking ticket to the attendant.

H. Employees shall not validate their own parking, with the exception of General Services Department employees on City business in the downtown area who are authorized to validate their own tickets by writing “General Services” on the back of the ticket along with their signature and employee number.

I. City employees from other locations visiting City Hall on official business for short periods of time may park in the City Hall South Lot in reserved spaces designated “CITY VEHICLE OR PERMIT” IN EITHER A MARKED City vehicle or a private vehicle with a valid permit. Departments may obtain one or more City Hall “visitor” parking permits from Park Tucson and must ensure that such permits are used only for limited duration official business at City Hall. If a City employee with a “visitor” permit finds all of the designated City Hall parking spaces occupied, the employee may park in El Presidio Garage and obtain validation. The employee must present the “visitor” permit when requesting temporary hourly parking validation.

J. Employees required to attend evening Mayor and Council meetings may park in El Presidio Garage and obtain temporary hourly parking validation from the City Clerk Council Reporter. El Presidio Garage closes at 11:00 p.m. or 30 minutes after the

end of the Mayor and Council meeting, whichever is later. The City Clerk Council Reporter will inform the garage attendant when the Mayor and Council meeting will end.

K. Police officers attending City Court may park in several locations around the City Court building located at 102 E. Alameda. Marked or unmarked police vehicles may park on Council Street just north of City Court in the designated Police Department parking zones or at the Pennington Street Garage. Off-duty police officers attending City Court in their personal vehicles may park in the Park Tucson designated metered spaces immediately surrounding City Court. A Tucson Police Department placard (issued by Park Tucson) identifying the operator of the vehicle as a police officer, must be placed on the dashboard on the driver side of the vehicle. If an identification card is not properly displayed so it can be readily seen, a citation may be issued.

L. Other parties that may be eligible for the City's temporary hourly parking validation process include persons conducting City sponsored activities, i.e. staff training, blood drives, review panels or oral boards, or volunteers assigned to downtown City departments.

M. Individuals appointed to boards, committees, and commissions (members) may also receive temporary hourly parking validation when engaged in activities related to their appointments. If appointment activities are expected to cause members to use temporary hourly parking validation more than four times per month, the City Clerk's Office should contact Park Tucson to arrange alternate parking for these members.

IX. MANAGEMENT OF CITY PARKING FACILITIES

Park Tucson is assigned responsibility to manage all City-owned parking facilities and lots in the downtown area.

Park Tucson shall:

- Ensure the appropriate operation, maintenance, and signage of City parking facilities;
- Develop, administer, and manage maintenance, security, and other related use contracts, and leases for parking spaces;
- Issue parking permits, access cards, and bicycle locker keys to City departments, City employees and others who contract to park;
- Sell and add value to Park Smart cards up to $100 maximum; a non-refundable fee of $5 is due at the time of request;
- Manage hourly/monthly parking validation programs for several government facilities in the Central Business District at El Presidio Garage, the Main Library Garage, the

County/City Public Works Garage, the City/State Garage, Depot Plaza Garage, Centro Garage, and the Pennington Street Garage;

- Monitor compliance with parking validation policies and procedures;
- Identify City parking-related needs and problems, and recommend new parking programs as needed;
- Develop new parking facilities in the downtown area; and
- Recommend adjustments in parking rates and fees and establish travel reduction programs and incentives as needed or directed by the Park Tucson Commission.

Appendices

A – Current Schedule of Rates
B – Downtown Parking Map

References

Park Tucson web site: http://parktucson.tucsonaz.gov
Downtown Parking Map: http://parktucson.tucsonaz.gov

Review Responsibility and Frequency

The City Manager will review this directive annually, or as necessary. Last review date: August 6, 2010.

Authorized

City Manager

Michael Ortega

Date

CITY OF TUCSON

DEPARTMENT OF TRANSPORTATION, PARK TUCSON DIVISION

SCHEDULE OF FEES AND RATES FOR PARKING GARAGES AND LOTS

Pennington Street Garage

Parking Garages	Monthly Rates*		Weekday Hourly Rates			Daily (Flat) Rates			Hours of Operation
Regular	$	85.00	**Mon - Fri**	**6am - 5pm**		**Evening (5pm - 6am)**			7 Days/Week: 24 Hrs/Day
Motorcycle**	$	42.50	0 - 1 Hour	Free		Sun - Wed	$	3.00	
Bicycle Locker	$	2.00	1 - 2	$	2.00	Thur	$	5.00	
			2 - 3	$	3.00	Fri - Sat	$	5.00	
Late Payment Fee	$	10.00	3 - 4	$	4.00	**Weekend Day (6am - 5pm)**			
			4 - 5	$	5.00	Sat - Sun	$	3.00	
			5 - 6	$	6.00				
			6 - 7	$	7.00				
Lost Access Card Fee	$	50.00	7+	$	8.00	Lost Ticket	$	10.00	

Centro Garage

Regular	$	55.00	**Mon - Fri**	**6am - 5pm**		**Evening (5pm - 6am)**			7 Days/Week: 24 Hrs/Day
Motorcycle**	$	27.50	0 - 1 Hour	$	1.00	Sun - Wed	$	3.00	
			1 - 2	$	2.00	Thur - Sat	$	5.00	
Late Payment Fee	$	10.00	2 - 3	$	3.00				
			3 - 4	$	4.00	**Weekend Day (6am - 5pm)**			
			4 - 5	$	5.00	Sat - Sun	$	3.00	
Lost Access Card Fee	$	50.00	5 - 6	$	6.00				
Lost Permit Fee	$	25.00	6 - 7	$	7.00				
Lost Hanging Tag Fee	$	25.00	7+	$	8.00	Lost Ticket	$	10.00	

Depot Plaza Garage

Regular	$	65.00	**Mon - Fri**	**6am - 5pm**		**Evening (5pm - 6am)**			7 Days/Week: 24 Hrs/Day
Motorcycle**	$	32.50	0 - 1 Hour	Free		Mon - Fri	$	5.00	
			1 - 2	$	2.00				
Late Payment Fee	$	10.00	2 - 3	$	3.00	**Weekend (24 Hours)**			
			3 - 4	$	4.00	Sat - Sun	$	5.00	
			4 - 5	$	5.00				
			5 - 6	$	6.00				
Lost Permit Fee	$	25.00	6 - 7	$	7.00				
Lost Access Card Fee	$	50.00	7+	$	8.00	Lost Ticket	$	10.00	

Parking Garages	Monthly Rates*	Weekday Hourly Rates	Daily (Flat) Rates	Hours of Operation

City/State Garage

Regular	$	55.00
Motorcycle**	$	27.50
Bicycle Locker	$	2.00
Late Payment Fee	$	10.00
Lost Permit Fee	$	25.00
Lost Access Card Fee	$	50.00

Mon - Fri	6am - 5pm
0 - 1 Hour	Free
1 - 2	$ 2.00
2 - 3	$ 3.00
3 - 4	$ 4.00
4 - 5	$ 5.00
5 - 6	$ 6.00
6 - 7	$ 7.00
7+	$ 8.00

Evening and Weekend		
Mon - Fri (5pm - 6am)	$	3.00
Sat - Sun (24 Hours)	$	3.00

Special Event Fee	$	5.00
Lost Ticket	$	10.00

7 Days/Week: 24 Hrs/Day

Main Library Garage

Regular	$	65.00
Motorcycle**	$	32.50
Bicycle Locker	$	2.00
Late Payment Fee	$	10.00
Lost Access Card Fee	$	50.00

Mon - Fri	Open - 6pm
0 - 1 Hour	Free
1 - 2	$ 2.00
2 - 3	$ 3.00
3 - 4	$ 4.00
4 - 5	$ 5.00
5 - 6	$ 6.00
6 - 7	$ 7.00
7+	$ 8.00

Evening and Weekend	
Mon - Fri (6pm - Close)	Free
Sat - Sun	Free

Special Event Fee	$	5.00
Lost Ticket	$	10.00

Monday - Friday
5:45am - 9:00pm

Saturday
7:45am - 6:00pm

Sunday
12:00pm - 6:00pm

La Entrada Garage***

Regular	$	60.00
Motorcycle**	$	30.00

$1/Hour at Metered Spaces

Mon - Fri
6:00am - 6:00pm

Parking Lots	Monthly Rate*	Hourly Rate	Special Event Rate	Entire Lot Event Rate
Toole Avenue Parking Lot	$ 35.00	$1/Hour at Metered Spaces	$5.00	Not Applicable
Franklin Parking Lot	$ 45.00	$1/Hour at Metered Spaces	$5.00	$1/space/day
Paseo Redondo Parking Lot	$ 50.00	$1/Hour at Metered Spaces	Not Applicable	Not Applicable
City Hall South Parking Lot***	$ 50.00	No Hourly Parking is Available	Not Applicable	Not Applicable
City Court North Parking Lot***	$ 50.00	No Hourly Parking is Available	Not Applicable	Not Applicable

Late Payment Fee	$	10.00
Lost Hanging Tag Fee	$	25.00

Validations

Available for purchase at face value (dollar-for-dollar).
20% Discount for Pre-purchased Validations, minimum purchase of 10 validations or $20 in value

Notes

*Monthly permit rates for garages and lots do not include 2.5% Lease Tax. 2.5% Lease Tax is added to these rates.

**Motorcycle Parking monthly rate applies only to reduced-size spaces designated for motorcycle parking. These rates are one-half the regular monthly rate.

***Only City of Tucson employees and City departmental fleet vehicles use this facility on a monthly basis.

CITY OF TUCSON

DEPARTMENT OF TRANSPORTATION, PARK TUCSON DIVISION

SCHEDULE OF FEES AND RATES FOR METERED PARKING

Meter Locations	Days/Hours	Hourly Rate
Downtown	Mon - Fri, 8am - 5pm	$ 1.00
	Mon - Fri after 5pm	Free
	Sat - Sun, all day	Free
4th Avenue Area	Mon - Fri, 9am - 6pm	$ 1.00
	Mon - Fri after 6pm	Free
	Sat - Sun, all day	Free
University of Arizona Area/ Main Gate Square	Mon - Fri, 8am - 5pm	$ 1.00
	Mon - Fri, after 5pm	Free
	Sat - Sun, 8am - 5pm	$ 1.00
	Sat - Sun, after 5pm	Free

Stored Value Devices	Fee
Parking Meter "Park Smart" Smart Cards	
Stored Value	Dollar-for-dollar
Purchase Price	$ 5.00
Limit on amount of value that may be stored	Up to $100

Meter Exemption Program (MEP)	
Weekdays 8am-5pm Enforcement	$ 150.00
Weekdays 8am-5pm, plus Evening and Weekend Enforcement	$ 225.00
24/7	$ 325.00

Note: All meter-related fees include 2.5% Lease Tax (other than deposits, which are not subject to Lease Tax).

PROPERTY

Public Art

ADMINISTRATIVE DIRECTIVE

THE CITY OF TUCSON PUBLIC ART PROGRAM	NUMBER 7.01-1	PAGE 1 of 6
	EFFECTIVE DATE **September 19, 2006**	

I. POLICY

The City of Tucson funds and supports public art in order to create a cityscape that contributes to the image and identity of the City. The City of Tucson's Public Art Program aspires to meet the following goals:

- Promote civic pride through the high quality of Tucson's public art collection
- Celebrate Southern Arizona's history, culture, and traditions
- Provide information and support for artists interested in creating public art
- Involve neighborhoods, users, and the general public in the public art process
- Complement and support the City of Tucson's economic development, neighborhood development, and downtown revitalization efforts.

II. DEFINITIONS

A. **Artworks:** Tangible art forms that may include, but not be limited to, drawings, prints, photographs, collages, paintings, mosaics, murals, fiber artworks, stained glass, relief or free-standing sculptures, fountains, arches, mobiles, and environments. Works of art may be temporary as well as permanent.

Artworks shall not include objects that are mass-produced of standard design, such as playground equipment or fountains; reproductions of works of art, unless a numbered addition of a limited series; or landscaping or signage, except when designed by an artist as an integral part of a project.

B. **Conservation and Preservation**: Efforts made to maintain and save artworks from decay and decomposition. Such efforts may involve maintenance, repair, and protection.

C. **Deaccession:** To remove a work of art from the City's public art collection either by sale or demolition.

D. **Department:** A City department having administrative jurisdiction over any site, facility, or building or other space, existing or planned, which may be a potential site for development of an art project.

E. **Maquette:** A model of an intended work, such as a sculpture or piece of architecture

F. **Public Art Collection:** All artworks owned by the City of Tucson.

G. **Public Art Project Panel:** A group of individuals, of not less than seven members, who are selected for each art project and who represents constituencies and/or stakeholders in each art project. Through a consensus or voting process, the Panel selects the artist(s) for each art project and gives approval of the artist(s) design. This panel is fully described in AD 7.01-4 Public Art Program Selection Policy.

H. **Public Art Plan** An annual written work plan for public art to be commissioned in the City of Tucson for the following fiscal year.

I. **Public Art and Community Design (PACD) Committee:** A standing committee of AFTSA composed of 21 voting members that participates in the development and implementation of the Public Art Plan and promotes the Public Art Program. The Public Art and Community Design Committee is composed of seven Mayor and Council appointees, one designee of the City Manager, five Pima County Board of Supervisors appointees, one designee of the County Administrator, and seven appointees of AFTSA.

J. **Public Art Staff:** Arts Foundation for Tucson and Southern Arizona (AFTSA) staff persons who administer and coordinate the City's Public Art Program

K. **AFTSA:** Arts Foundation for Tucson and Southern Arizona provides arts and cultural development services through direct funding, technical assistance, and commissions and contracts to artists and arts organizations. Its mission is to foster an environment in which arts ad culture are recognized as critical to the quality of life in Tucson and Pima County. It is committed to the artistic expression, educational development and economic growth of Tucson's diverse community through support, promotion and advocacy of arts and culture. The City of Tucson contracts with AFTSA to administer the City's Public Art Program.

III. GENERAL PROVISIONS

A. The City of Tucson contracts with the AFTSA to administer the City's Public Art Program. The City will also manage or contract with an arts organization to manage the City's public art collection.

B. All City departments will be encouraged to utilize the talents and vision of artists early in the planning and design phase of eligible Capital Improvement Program (CIP) projects.

C. Regardless of funding source, the guidelines set forth in the public art policies and procedures shall be followed in the commissioning or acceptance of any donations of public art into the City's public art collection.

D. Public Art is funded by 1% of the budget of selected City CIP projects as defined in the Public Art Funding Policy. (AD 7.01-2, Public Art Funding Policy)

E. Artists and artwork will be chosen through a fair, equitable and informed public art selection process involving a broad array of stakeholders and the community at large. (AD 7.01-3, Public Art Public Involvement Policy, and AD 7.01-4, Public Art Selection Policy)

F. Because of its value, the City's public art collection will be periodically inventoried and monitored with sufficient funds will set aside for its maintenance AD 7.01-5, Maintenance, Conservation and Preservation Policy and AD 7.01-7, Public Art Relocation and Deaccession Policy)

G. The City will consider accepting gifts or donations of artwork from other parties as defined. (AD 7.01-6, Public Art Gifts, Acquisition and Donations Policy)

IV. ROLES AND RESPONSIBILITIES

A. The City of Tucson shall administer all designated funds from eligible projects, and execute all agreements with artists and other appropriate contractors in obtaining or commissioning artworks.

B. Mayor and Council:

1. Establishes Public Art Program.
2. Appropriates annually the allocation of funds to public art as part of the CIP plan.
3. Reviews and adopts the CIP annual budget, which identifies projects with art components for the upcoming fiscal year.
4. Consider funding AFTSA to staff the Public Art Program.
5. Each City Council Member and the Mayor recommends one member to the Public Art and Community Design Committee to be approved by Mayor and Council

C. City Manager:

1. Considers the inclusion of an allocation of funds for public art as part of the CIP annual budget.
2. Appoints a standing voting member of the PACD Committee.
3. Reviews public art selection process to affirm that the selection procedures and public art involvement plan in this policy have been properly followed.
4. Reviews and responds to the PACD Committee's comments regarding gifts and donations and determine if the artwork shall be accepted.
5. Assures that the resources are made available to have City staff or, through contract, an arts organization or a combination of City and contract staff manage the City's public art collection.

D. Each City Department:

1. Includes public art projects in all eligible CIP projects.
2. Provides information to AFTSA regarding CIP projects within the department's jurisdiction.
3. Notifies and coordinates with AFTSA public art staff and appropriate Ward Office staff when an eligible project is being implemented.
4. Administers all designated funds from eligible projects, and implement all agreements with artists and other appropriate contractors in obtaining or commissioning artworks.
5. Participates and assists AFTSA in the preparation and implementation a Public Involvement Plan that shall be prepared in collaboration with Ward Office representative and project consultants, as appropriate to the project.
6. Designates a responsible party for each departmental project regardless of funding source.
7. Facilitates internal City communications and permit processes regarding the departmental art project.
8. Designates a departmental representative for Public Art Project Panels.
9. Informs or includes public art staff and the selected artist in public meetings regarding the CIP project.
10. Consults with AFTSA regarding any conservation or preservation activities involving artworks in the Public Art Collection, including artworks that predate the Public Art Program.
11. Notifies AFTSA of all gifts, donations and potential commissions of artwork.

E. Arts Foundation for Tucson and Southern Arizona (AFTSA):

The Arts Foundation for Tucson and Southern Arizona is responsible for the overall administration of the Public Art Program. AFTSA shall hire public art staff to be paid from the City's annual allocation to AFTSA.

F. AFTSA Board of Directors:

1. Appoints seven (7) of the twenty-one (21) members of PACD Committee.
2. Reviews and approves an annual Public Art Plan.
3. Reviews and approves the PACD Committee's recommendations of artists and/or artworks to be purchased or commissioned.
4. Recommends professionals in the visual arts and design fields to serve on Public Art Project Panels to the PACD Committee.

G. AFTSA Public Art and Community Design (PACD) Committee:

1. Participates in the development of the Public Art Plan, recommend changes to the plan and oversee its implementation.
2. Conducts a program of community education for the Public Art Program in conjunction with public art staff.
3. Recommends professionals in the visual arts and design fields or others for Public Art Project Panels.
4. Participates in the public involvement process for each art project.

5. Constitutes subcommittees as appropriate to address pertinent public art issues.
6. Recommends policies to ensure the preservation of artworks that are purchased, commissioned, or received as donations.
7. Reviews and comments on gifts and donations in the areas of aesthetic qualities and appropriateness of the artwork; placement of the artwork; and maintenance, preservation and conservation implications.
8. Facilitates annual inventory and periodic conservation assessments of the public art collection.
9. Addresses the relocation and deaccession of artworks in the public art collection.
10. Establishes policies and guidelines appropriate to encourage financial contributions and facilitate the donation of quality artworks to the City.

H. AFTSA Public Art Staff:

1. Consults with departments regarding CIP projects for each upcoming fiscal year.
2. Develops an annual Public Art Plan.
3. Convenes and provides staff support to the PACD Committee and program subcommittees.
4. Maintains a database or file listing artists and potential panelists.
5. Maintains a web site with information on existing, current, and upcoming public art projects.
6. Facilitates a selection process for each art project.
7. Prepares and implements a Public Involvement Plan in collaboration with the appropriate City Department(s), Ward Office representative and project consultants, as appropriate to the project.
8. Prepares scope of services for the Requests for Qualifications (RFQs) or Requests for Proposals (RFPs) in consultation with the City department.
9. Prepares project-related contracts, in consultation with the City's Contract Administrator, appropriate departmental staff, and the selected artist for approval and execution by the City's Procurement Department.
10. Convenes the Project Panel at intervals consistent with artist selection, design concept review, preliminary and final design reviews before the artist enters into production as appropriate to the project.
11. Monitor production to assist artists in producing and installing artworks within established budgets.
12. Inspect the art project to certify progress and authorize payments to the artist as scheduled in the contract.
13. Provide information from the initial risk review to the Project Manager and artist.
14. Track expenses against art project allocations and monitor administrative costs.
15. Facilitate a program of community education for the Public Art Program with the PACD Committee.
16. Prepare estimated and actual costs for elements of the program.
17. Perform other duties as required to effectively coordinate the public art program.

Appendices None

References

AD 7.01-2, Public Art Funding Policy
AD 7.01-3, Public Art Public Involvement Policy
AD 7.01-4, Public Art Program Selection Policy
AD 7.01-5, Maintenance, Conservation and Preservation Policy
AD 7.01-6, Public Art Gifts, Acquisition and Donations Policy
AD 7.01-7, Public Art Relocation and Deaccession Policy

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized

City Manager's Office

Michael Ortega

Date 9/19/16

ADMINISTRATIVE DIRECTIVE

PUBLIC ART PROGRAM FUNDING POLICY	NUMBER 7.01-2	PAGE 1 of 2
	EFFECTIVE DATE **September 16, 2006**	

I. POLICY

It is the policy of the City of Tucson, subject to the eligibility requirements described below, for City Capital Improvement Program (CIP) projects with high public contact to have 1% of their total project budget—namely the planning, design and construction—allocated for public art.

II. ELIGIBLE PROJECTS

A. CIP projects that meet the following criteria shall have 1% of their CIP budget funding reserved for public art:

1. The project is within the City limits

2. The project is estimated to cost $100,000 or more

3. The project is financed by City general obligation bond funds

4. The project, regardless of the funding source, has high public contact.

B. Examples of eligible projects include structures, parks, recreational areas, pedestrian ways, and plazas.

C. Remodeling, renovation and building improvement projects will be considered eligible only if they:

1. Alter the use or appearance of the facility, and

2. Involve one-third (1/3) or more of the facility, or are a significant addition to the facility, such as a new wing or floor.

III. EXCLUDED PROJECTS

The following types of projects do not fall within the City's 1% for art program:

A. Water Department projects

B. Repair and maintenance projects, such as replacing a roof or plumbing

C. Street projects, including new road construction and street widening, may be considered for art on a discretionary basis.

IV. PROJECTS INCLUDED ON A DISCRETIONARY BASIS

A. Departments may initiate art for projects that are otherwise not required to have a portion of their funding reserved for public art (e.g., projects funded by an outside funding source).

B. For these projects, the department shall also follow the procedures set forth in the public arts policies. Arts Foundation for Tucson and Southern Arizona (AFTSA) performs the same functions for projects included on a discretionary basis as it does for mandated art projects, including administering the selection procedure.

V. BOND FUNDING

A. Bond funds must be used for the purposes approved by the voters as stated on the Bond Election Ballot. Therefore, bond funds authorized for one department cannot be used to develop art projects for another department.

B. When a new bond issue is prepared, it shall include language allowing pooling of public art dollars within departments.

VI. ADMINISTRATIVE COSTS

Ten percent of the 1% from each project shall be allocated to TPAC to cover the administration of the public art process. Administrative Costs adopted by Mayor and Council on June 19, 2000 during Mayor and Council Study Session. Item: Tucson-Pima Arts Council Proposals for Public Art Program (City-Wide) SS/June 19-00-289.

Appendices None

References Mayor and Council Memorandum (SS/June19-00-289) - Tucson-Pima Arts Council Proposals for Public Art Program (City-Wide)

Mike Hein

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized

City Manager's Office

Michael Ortega

Date 9/19/16

ADMINISTRATIVE DIRECTIVE

PUBLIC ART PROGRAM PUBLIC INVOLVEMENT POLICY	NUMBER 7.01-3	PAGE 1 of 2
	EFFECTIVE DATE February 16, 2012	

I. PURPOSE

The purpose of this administrative directive is to develop protocol for public art public involvement.

II. POLICY

It is the policy of the City of Tucson to engage stakeholders of a Capital Improvement Project (CIP), including the public art component, and provide opportunities for stakeholders to participate in the public art selection process or be informed about the process. The Public Art Project Panel is the primary point of interface with the public.

III. PUBLIC INVOLVEMENT PROCESS

A. When a CIP is being planned, the project manager or department shall notify AFTSA. AFTSA public art staff and the project manager, with other consultants as appropriate, shall determine how the artist will interface with the project's public process.

B. The public involvement for the public art component shall be coordinated to correspond to the public involvement for the CIP as appropriate.

C. All Calls to Artists and artist contracts shall state that the selected artists may be required to attend one or more public meetings for the project.

1. The Public Art Project Panel shall be convened as appropriate to review the artist's preliminary designs.

2. The artist must attend a public meeting to present a drawing and/or maquette of the proposed artwork.

D. The Public Art Project Panel shall be reconvened to review the artist's proposed design and consider comments from the public meeting for the purpose of approving the artwork to proceed to the production phase.

E. The artist will be approved to proceed to the production phase by the project manager following Public Art Project Panel approval of the design to production phase.

IV. INSTANCE OF CONTROVERSY

In the instance of high level of controversy, the project manager and AFTSA shall consult with the City Manager or designee to determine the appropriate course of action which could include but is not limited to cancellation, redesign, resubmission for additional public input, and/or consultation with Mayor and Council.

Appendices None

References None

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized

City Manager's Office

Date 9/19/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

PUBLIC ART PROGRAM SELECTION POLICY	NUMBER 7.01-4	PAGE 1 of 7
	EFFECTIVE DATE July 5, 2011	

I. PURPOSE OF A PUBLIC ART PROJECT PANEL

A. The Public Art Project Panel is responsible for recommending to Arts Foundation for Tucson and Southern Arizona (AFTSA) Public Art & Community Design Committee the artist or artists to provide design services or to create artworks. The Panel must consider appropriateness of the content of the artwork, design and materials of the artwork, potential risk issues, expense of maintaining and operating the artwork, and demonstrated commitment to engage in the public involvement process.

B. The Panel will be convened as many times as necessary throughout the project and specifically to:

1. Review the completed design.

2. Recommend any changes to the design based on their expertise and the response to community input.

3. Recommend that the artist proceed to production when satisfied that all design issues have been resolved and that the Public Involvement Plan has been implemented.

II. POLICY

A. For public commissions, artists shall be selected to provide design services and/or create artworks on the basis of their qualifications to provide services or create artworks appropriate to the project. Artists shall be selected by open competition.

Where the budget for artwork is more than the competitive bid threshold, an open competitive Call to Artists shall be issued.

B. For Capital Improvement Projects (CIP), where the budget for artwork is less than the competitive bid threshold or for temporary exhibits, artist shall be selected from the roster of pre-qualified artists, which have been selected by an open competition. Artists may be selected by an open competition if the sponsoring department and Arts Council determine that this process is preferable to using the roster of pre-qualified artists.

C. For grant funded projects such as Transportation Enhancement, Back to Basics, or Community Reinvestment funds where the budget for artwork is less than the competitive bid threshold, artist shall be selected from the roster of pre-qualified artists, which have been selected through open competition, potentially with consideration of additional artist recommendations made by the grant recipient, determined to be the entity stated on the grant application. The grant recipient must provide the artist information as requested in Calls to Artists to the Tucson Pima Arts Council for Panel consideration. Artists may be selected by an open competition if the sponsoring department, Arts Council, and grant recipient determine that this process is preferable.

D. In instances where the artist commission is less than the small dollar threshold, an artist may be invited and thereby selected for the project. Artists may be selected from the roster of prequalified artists or by a recommendation of members of the Public Art Selection Panel. All artists recommended by the Panel must provide the artist information requested in Calls to Artists for Panel consideration.

III. NEW SELECTION PANEL FOR EACH ART PROJECT

AFTSA shall convene a new Public Art Project Panel for each art project based on the prescribed composition in the Public Art Selection Policy.

IV. COMPOSITION OF THE PUBLIC ART PROJECT PANEL

A. AFTSA will seek and accept throughout the community recommendations for potential Public Art Project Panel members. The number and composition of the Public Art Project Panel shall be part of the Public Involvement Plan and shall include stakeholders and/or stakeholder representatives determined in consultation with the appropriate Mayor & Council Office.

B. The Panel will be comprised of an *odd* number of participants, contain a *minimum* of seven members, and shall have, as a minimum, representatives from the following:

1. One (1) visual art professional who is knowledgeable about the discipline or project scope of the project. Such person may be an art critic, collector, educator, etc.

2. One (1) person representing the City Department sponsoring the art project.

3. Two (2) persons who are working artists not interested in applying for the art project.

4. Three (3) representing involved stakeholders of the art project. Stakeholders may include neighborhood representatives, facility user groups, project designer(s) & architect (s), and departmental support groups.

C. Also added to the Panel shall be representatives, selected by neighborhood associations or recommended by the ward office of the neighborhoods adjacent to the proposed artwork. The addition of these representatives or other appropriate neighborhood representatives may expand the Panel beyond seven members.

V. ADVISORS

Individuals whose knowledge and experience could enhance the Panel's ability to select an outstanding artist and/or artwork may advise Public Art Project Panels. If not selected as a member of the Public Art Project Panel, the project manager, architect or engineer may act as an advisor to the Public Art Project Panel.

VI. CONFLICT OF INTEREST

The provisions of A.R.S. Title 38, Article 8, "Conflict of Interest of Officers and Employees," apply to all decisions and transactions made by selection panels. City of Tucson Administrative Directive 2.02-5 Rules of Conduct provides additional guidance in this area.

VII. CALL TO ARTISTS

A. **Call to Artists** – Depending on the nature of the art project, a Call to Artists may be either:

- Request for Proposal (RFP) – artist is retained to propose artwork, or
- Request for Qualifications (RFQ) – artist is retained to work on a design team.

B. **Notification** – The appropriate Ward Office and the City Manager's Office shall be notified by the project manager when funding for a CIP project with an art component has been identified and the project is being implemented.

C. **Initiation of the Call to Artists** – To initiate the Call to Artists, the public art staff and the project manager shall meet with the stakeholders and/or stakeholder representatives and/or additional project consultants as appropriate to the project. At this meeting, AFTSA's public art staff will solicit input for the scope of work of the Call to Artists, which may include input concerning community culture, pertinent history, interests and aesthetic preferences of the stakeholders.

D. **Development of the Scope of Work in the Call to Artists** – The information and input gathered in this or these meetings should be incorporated into the scope of work for the Call to Artists as well as the role and responsibility of the selected artist in the Public Involvement Plan. The Call to Artists may suggest possible themes, concepts, and/or materials to be used in the public art project as well as define the nature and context of the improvement.

VIII. SELECTING THE ARTIST PROCEDURE

A. **Public Art Project Panel's Responsibility** – The Public Art Project Panel is responsible for selecting an artist to be recommended to provide design services and/or create artwork. The process of selecting artists and artwork for both eligible CIP projects and discretionary projects must adhere to the guidelines detailed below.

B. **Public Art Staff** – AFTSA's public art staff shall assemble and facilitate Panel sessions, which shall be open to the public. The staff shall provide instructions to the Panel describing its duties and review the scope of work as described in the Call to Artists.

C. **Review Process** – The Panel shall review the artists' submissions and select the finalists. The Panel shall select finalists based on prior artwork, written statements, and/or ideas or approaches for the project that are consistent with the scope of work in the Call to Artists.

D. **On Site Meeting with Finalists** – In certain circumstances, it may be desirable for the public art staff to call a meeting of the finalists at the site of the artwork prior to finalists developing their presentations. This meeting may include some or all involved stakeholders and have as its purpose the further clarification of site requirements and stakeholder expectations.

E. **Presentation by Finalists**

1. The finalists may prepare artwork proposals for presentation to the Panel during a meeting that is open to the public. Under some circumstances, the Panel may interview artists without requiring specific artwork proposals. Finalists' proposals may be displayed at public venues such as libraries, neighborhood centers, or council offices with comment cards made available.

2. As part of his or her proposal, each finalist shall prepare a budget. Project costs may include:

a. The artist's fee
b. Labor of assistants, materials, and contracted services required for the production and installation of the artwork
c. Permit fees, as required
d. Business, insurance, and legal costs directly related to the project
e. Costs for community outreach
f. Transportation and travel expenses, if any
g. Possible costs associated with site preparation and installation
h. Any applicable taxes.

F. **Public Input** – All Panel meetings shall be open to the public and public input will be solicited.

G. Artist Selection

1. Each Panel member shall have one vote, and no member shall have the right to veto. In the absence of unanimity, a majority shall carry the decision.

2. The Panel shall have the option of making no selection. If the Panel decides that the proposals presented by the finalists are not acceptable, the Panel may ask the finalists to submit new proposals. If the Panel does not recommend asking artists to submit new proposals, AFTSA will initiate a new selection process.

H. Risk Assessment – During the selection process, the public art staff will submit the Panel's recommendation to the City's Risk Manager. The Risk Manager shall review the proposed artwork from a public safety standpoint and shall submit his report, in writing, to the public art staff.

I. Formal Vote – The Panel's recommendation shall be submitted to AFTSA's Public Art & Community Design Committee, and, if approved, shall be recommended to AFTSA's Board of Directors for review and approval.

J. Memorandum to the Ward Office and the City Manager

1. Once approved by AFTSA's Board of Directors, the public art staff shall assemble the chronology of the selection process to date, the selected artist's resume, artwork concept proposal or approach, and the written statement from the City's Risk Manager.

2. These materials shall be transmitted to the appropriate Council Member who, following his or her review shall provide AFTSA with a written concurrence of the process and selected artist or a written list of objections to the process and the selected artist.

3. After concurrence has been obtained from the Council Member, the same packet of information including the concurrence from the Council Office shall be transmitted to the City Manager. The City Manager shall review these documents and, if he or she finds all in order, shall concur that the public art policies and procedures, including the Public Involvement Plan, have been followed.

4. If the City Manager does not concur, he or she may provide AFTSA with a written list of objections or may prepare a Mayor and Council Memorandum detailing his or her objections and a recommended course of action for the Mayor and Council to consider.

K. **Notice to Contract** – After the final approval, AFTSA's public art staff will work with the Procurement Department to prepare a contract with the artist.

IX. DEVELOPING THE CONTRACT WITH THE ARTIST

A. **City Contract Development** – After an artist has been selected and approved, the contract with the artist can be developed. The City contract is prepared in collaboration with the AFTSA's public art staff, the project manager, the artist and the City's Procurement contract officer assigned to public art contracts.

B. **Terms**

1. The city contract may include the following items:

a. Description of the art elements
b. Schedule for the design and production of the artwork
c. Payment arrangements based on the artist's budget, which has been reviewed by AFTSA's public art staff and project manager
d. Responsibilities for site preparation and installation of the artwork
e. Terms and conditions of ownership of the artwork and any associated models insurance coverage required by the City.

2. The City contract shall specify the artist's roles and responsibilities in meeting the stakeholder involvement goals outlined in the Public Involvement Plan.

3. The City Contract shall specify the payment milestones.

C. **Execution of the Contract**

1. Following the City Manager's concurrence (see Section VII, Selecting the Artist), the City's Procurement Department shall execute the contract and issue a purchase order. The Procurement Department shall send copies of the executed contract and the purchase order to the project manager and to AFTSA.

2. Following the execution of the contract, the project manager shall be responsible for issuing all Notice to Proceed letters to the artist with a copy to AFTSA.

X. PRODUCING THE ARTWORK PROCEDURE

A. **Contract Oversight** – The funding department shall be responsible for implementing the contract. When executing the City contract and producing the artwork, the requirements described below must be met.

B. **Certification** – AFTSA public art staff shall be responsible for inspecting the art project at required intervals to certify progress and authorize payments to the artist as scheduled in the contract. The project manager shall certify that all requirements established by the City's Risk Manager are met.

C. **Installation** – The project manager shall coordinate on-site activity in conjunction with the artwork installation. AFTSA's public art staff shall serve as a resource to the project manager and to the artist in all matters relating to installation of the artwork.

D. **Dedication** – At the completion of the artwork installation and when appropriate, a public celebration or dedication will be planned and coordinated by the project manager, AFTSA, and stakeholders. At any dedication or celebration event, AFTSA shall make the presentation of the public art component.

E. **City Acceptance**

1. The artist must submit to AFTSA a maintenance protocol before the City accepts the artwork. AFTSA shall forward the completed protocol to the project manager who shall prepare a letter of acceptance to the artist. A copy of that letter shall be attached to the final payment request that releases the retainage to the artist(s) and another copy sent to the City Accounting Division.

2. By using Public Art Fixed Asset Form (Attachment 1), the City Accounting Division shall request the necessary information from AFTSA's public art staff and the department's project manager to place the artwork on the City asset register. Once on the City's asset register, the artwork becomes part of the City's Public Art Collection and subject to all the inventory procedures and maintenance guidelines.

Appendices

Attachment 1 – Public Art Fixed Asset Form
Attachment 2 – Instruction for Completing *"Public Art Fixed Asset Form"*

References

None

Review Responsibility and Frequency

The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized

Mike Letcher
City Manager's Office

9/19/16
Date

Michael Ortega

PUBLIC ART FIXED ASSET FORM

Type: _____

Title of Artwork: _____

Medium: _____

Artist Name: _____

Edition Number of Signed Work: _____

Size of Artwork: _____

Location: _____

Acquisition Method: _____

Date of Purchase/Receipt: _____

Purchase Order Number: _____

Amount of the Contract: _____

Valuation Amount: _____

Responsible Department: _____

Contact Person: _____

Additional Comments: _____

_____

_____

_____

Fixed Asset Number: (For Accounting Use Only)

Instruction For Completing "*Public Art Fixed Asset Form*"

Type: The art form such as painting, sculpture, prints, photographs, mixed media, etc.

Title of Artwork: The title that the artist has given the artwork.

Medium: The material used to create the artwork such as wood, metal, concrete, oil or acrylic paint, etc.

Artist Name: The name of the artist or artists that created the artwork.

The Edition Number of Signed Artwork: The number assigned by the artist to the edition of the artwork purchased by the city.

Size of Artwork: The dimensions of the artwork and whether the artwork was purchased framed or unframed.

Location: The exact location of the artwork. Example: The Mayor's office, 10th floor City Hall, Room Number XXX.

Acquisition Method: The method by which the artwork was acquired; i.e. was the work commissioned through the city 1% for Art Program, through departmental discretion, or was the artwork a donation to the city's collection.

Date of Purchase/Receipt: The date on which the City accepted a piece of commissioned artwork or the date on which the City received the artwork as a donation.

Purchase Order Number: The Purchase Order Number used to purchase the artwork.

Amount of the Contract: The total amount for the purchase, which includes the design, production and installation of the artwork. If applicable, the amount should also include freight for shipping and/or framing the artwork.

Valuation Amount: In the case of donated artwork, the amount shall be the appraised market value of the artwork at the time it is donated to the city.

Responsible Department: The city department that commissioned or received the donation of artwork.

Contact Person: The person to contact in the city department for further information on the artwork.

Additional Comments: This area can be used for additional relevant information about the artwork.

Fixed Asset Number: For Account Department use. The department will assign a Fixed Asset System number by which the artwork will be identified in the annual fixed asset inventory.

ADMINISTRATIVE DIRECTIVE

SUBJECT	NUMBER	PAGE
PUBLIC ART PROGRAM MAINTENANCE, CONSERVATION & PRESERVATION	7.01-5	1 of 1
	PAGE ISSUE DATE	
	September 16, 2006	

I. POLICY

Since the City of Tucson's public art collection is a valuable and appreciating asset, the City allocates funds to maintain, conserve, and preserve its public art collection. The City shall by its own staff or through contract with an arts organization:

A. Maintain an inventory of its public art collection in compliance with requirements of the City's Accounting Department

B. Conduct an annual inventory and periodic conservation assessment of its public art collection through the engagement of qualified personnel

C. Develop an annual plan to assure a regular schedule of maintenance for its public art collection.

II. GUIDELINES

The process for the maintenance, conservation, and preservation of public art shall adhere to the following guidelines:

A. Any repair and preservation of public art shall comply with any contractual obligations that may have been entered into at the time of acquisition of the artworks.

B. If artwork is in need of repair, the City shall give the artist the opportunity to do the repair work if practicable.

C. In making repairs, the artistic integrity of the work shall not be violated. To ensure proper repair, departments shall consult with appropriate art staff or contractor before beginning any conservation, preservation, or maintenance of artwork in the public art collection, including artwork that predates the Public Art Program.

D. City departments must follow the approved policy for relocation or deaccession of artwork to ensure the integrity of the artwork and the interests of the artists and public are respected. See Administrative Directive 7.01-7, Public Art Relocation and Deaccession

Appendices None

References AD 7.01-7, Public Art Relocation and Deaccession Policy

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication.

Authorized

City Manager — Date 9/16/06

Mike Hein

ADMINISTRATIVE DIRECTIVE

PUBLIC ART PROGRAM DONATIONS AND PRIVATELY FUNDED PROJECTS	NUMBER 7.01-6	PAGE 1 of 3
	EFFECTIVE DATE February 16, 2012	

I. PURPOSE

The purpose of this administrative directive is to develop a protocol for donated and privately funded art projects on public property.

II. POLICY

The City of Tucson will consider accepting donations of artwork into the City's public art collection and will consider sitting privately funded projects on public property. The City will also consider accepting temporary works of art for display in City-owned facilities or on City-owned property.

III. GUIDELINES

A. The process for accepting donations, temporary works of art, and privately funded projects must adhere to the following guidelines:

1. Arts Foundation for Tucson and Southern Arizona (AFTSA) Public Art and Community Design Committee (PACD) shall review and comment on the proposed artwork.

2. Artists or others requesting review of artwork for donation or sitting shall provide the following information:

a. Design of the Proposed Artwork – Information Required

(1) Site plan or photo of the site.
(2) Drawing and/or photo of the artwork with dimensions.
(3) Description or indication of proposed location.
(4) Description of how the artwork has been, will be produced including materials.
(5) Description of how the artwork will be installed including materials and/or hardware.
(6) Artwork material sample if applicable.
(7) Statement of whether the artwork is being donated with ownership transferred to the City or installed temporarily with ownership not conveyed to the City.
(8) Value of the artwork.
(9) Maintenance and conservation recommendations (to be formalized through completion of the Artwork Maintenance Protocol).
(10) Statement of maintenance responsibilities (privately maintained or requesting that City maintain).
(11) Anticipated annual maintenance cost if applicable.

(12) Letter stating agreement with the project from neighborhood association if in a registered or formalized neighborhood.

b. AFTSA's PACD shall review the proposed artwork using, but not limited to, the following criteria:

(1) Relationship of proposed artwork to existing artwork in the vicinity or future artwork proposed as part of an applicable Capital Improvement Project or other publically funded project.
(2) Constructability of the proposed artwork.
(3) Durability and craftsmanship in fabrication and production quality.
(4) The intended length of display of the artwork, whether permanent or temporary.
(5) Appropriateness of the artwork location.
(6) Appropriateness of the artwork scale to the proposed site.
(7) Appropriateness of the artwork to other aspects of its surroundings.
(8) Maintenance, preservation and conservation implications.
(9) Applicable neighborhood design guidelines.

c. AFTSA shall facilitate the City's Risk Manager evaluation of the public safety, insurance, and liability implications of the donated artwork.

d. AFTSA shall present the comments and recommendation of the PACD to the appropriate city department for their review and comments.

e. The City Manager shall review the PACD's, department's, and the Risk Manager's comments and determine if the artwork shall be accepted.

f. Artists shall retain their exclusive copyrights as expressed in the City's public art contract.

g. The City Manager shall respond to the PACD's recommendation with a letter of approval or denial.

B. Any and all public art that is accepted into the City's public art collection or sited on public property outside the Selection Policy described in Section 701-4, regardless of funding source, shall follow this policy.

Appendices None

References None

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized

City Manager's Office — Date 9/19/16

Michael Ortega

ADMINISTRATIVE DIRECTIVE

PUBLIC ART PROGRAM RELOCATION AND DEACCESSION	NUMBER 7.01-7	PAGE 1 of 5
	EFFECTIVE DATE **September 16, 2006**	

I. POLICY

A. It is the policy of the City of Tucson to ensure the ongoing presence and integrity of its public collection and the sites for which the artwork was created. The intention of the City is to preserve the vision of the artists who created the artwork, to honor civic interests that were involved in the creation and siting of the artwork, and to assure public safety and reasonable access to the artworks in the City's collection. In any conflict with federal copyright law and this policy the federal law will control.

B. On rare occasions, circumstances warrant relocation or deaccession of a work of art in the City's collection. Arts Foundation for Tucson and Southern Arizona (AFTSA), acting as manager of the City's Public Art Program, shall follow a process for relocation or deaccession to ensure that the integrity of the artwork and the interests of the artists and the public are respected. Relocation and deaccession requests involve careful consideration of public opinion, professional judgement, and legal advice.

II. GUIDELINES

A. Deaccession will be considered only after a careful and impartial evaluation of the artwork within the context of the City's collection as a whole. Consideration of removal or relocation of artwork must involve the same degree of careful review as the decision to commission the artwork. Therefore, professional judgement and public interest must inform decisions.

B. At the beginning of the process, a reasonable effort will be made to notify any living artist whose work is being considered for deaccession or relocation.

C. Deaccession should be considered only after five years have elapsed from the date of installation for permanent works or acceptance of the artwork in the case of portable works (unless otherwise specified in the artist's contract). Deaccession may also be considered under special circumstances such as when artwork has been damaged beyond repair or presents a public safety hazard.

III. ELIGIBLE ARTWORKS

This policy applies to all artworks owned by the City of Tucson whether acquired through the Public Art Program, donation, or any other method. In the case of donated artworks, all legal documents relating to the donation circumstances and donor obligations will be consulted prior to beginning the process. In the case of commissioned artwork, the artist's contract must be reviewed.

IV. RELOCATION/DEACCESSION PROCESS

A. City staff, elected officials, private citizens, or other interested parties may contact AFTSA with a specific request for deaccession or relocation. AFTSA staff may also recommend artworks for consideration/evaluation for deaccession. Any deaccession request must be submitted in writing to AFTSA and accompanied by photo documentation and/or pertinent graphic materials.

B. After reviewing the request, a Relocation/Deaccession Subcommittee of the Public Art and Community Design Committee (PACD) will be appointed. This Relocation/Deaccession Subcommittee will consist of no more than seven members with up to five arts professionals (including members of the PACD, art conservators or curators) and up to two City staff members from the department(s) directly responsible for the artwork. The Relocation/ Deaccession Subcommittee may seek expert advice in this process as appropriate.

C. As part of the ongoing evaluation of the collection, the Relocation/Deaccession Subcommittee may review the entire collection when deemed appropriate.

V. CRITERIA FOR RELOCATION/DEACCESSION

A. The PACD and the Relocation/Deaccession Subcommittee must consider relocating the artwork or repairing the artwork if damaged.

B. Deaccession or relocation of artwork may be considered for one or more of the following reasons:

1. Artwork is not, or is rarely, on display because of lack of a suitable site.

2. The condition or security of the artwork cannot be reasonably guaranteed.

3. The artwork has been damaged, or has deteriorated, and repair is impractical or unfeasible.

4. The artwork endangers public safety.

5. In the case of site specific artwork, no suitable site is available, or significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.

6. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.

7. The City wishes to replace the artwork with a work of more significance by the same artist.

8. The artwork requires excessive maintenance or has faults of design or workmanship and repair is impractical or unfeasible.

9. There has been sustained and overwhelming public objection to the artwork.

10. Written request from the artist.

VI. APPLICATION OF RELOCATION/DEACCESSION CRITERIA

A. The process chosen for relocation/deaccession of any given item will be determined by the AFTSA Board of Directors and may include fewer than all of the following steps.

1. Upon receipt of a relocation/deaccession request, the AFTSA Executive Director will refer the matter to the public art staff.

2. The public art staff will notify the Chair of the PACD to include the item on the agenda of the next available meeting or as soon as practicable. The PACD will review the concern to determine if one of the circumstances listed above exists and if so will submit it to a Relocation/Deaccession Subcommittee appointed by the PACD.

3. If possible, the artist will be advised of the circumstances prompting the review. The artist's contract, along with any other agreements or pertinent documents, will be reviewed and sent to the City Attorney's Office.

4. Opinions of independent professionals qualified to comment on the concern prompting the review (conservators, engineers, architects, art historians, legal counsel, etc.) will be solicited, as appropriate. If the concern is substantiated, reasonable efforts to address the concern, including repair and/or relocation should be considered.

5. If reasonable efforts to resolve the concern have gone as far as they can go and have failed to resolve the concern, relocation or deaccession should be pursued.

6. If practicable, a public hearing to discuss relocation/deaccession options will be scheduled with community members.

7. AFTSA staff should prepare a written report to include:

a. Determination that the City holds clear legal title to the artwork considered for deaccession.
b. The opinion of the City Attorney on any restrictions which may apply to the specific artwork.
c. Approval/recommendation from the appropriate City department(s).
d. Documentation of community input.

e. Attachments from independent reviewers.

8. The Relocation/Deaccession Subcommittee will make a recommendation to the PACD.

9. The PACD will review the report at a regularly scheduled meeting. The PACD may seek additional information regarding the work from artists, art gallery managers, curators, appraisers, or other professionals prior to making a recommendation to the full AFTSA Board of Directors.

10. The recommendation will then be forwarded to the AFTSA Board for approval at a regularly scheduled meeting.

11. The recommendation from the AFTSA Board will then be forwarded to the department head with jurisdiction over the artwork considered for relocation or deaccession.

12. If City personnel disagree with the recommendation, the matter will be referred back to the AFTSA Board of Directors for further review and action.

13. AFTSA will forward its final recommendation to the City Manager for decision or the City Manager may choose to refer the matter to the Mayor and Council for consideration.

14. Upon final decision, AFTSA will coordinate the relocation or deaccession activities including notifying the appropriate departments of the decision.

VII. DISPOSITION

A. The manner of disposition will be in the best interest of the City and its collection. AFTSA shall consider the following actions in order of priority:

1. *Relocation of the artwork*. If the work was designed for a specific site, relocation must be to a new site consistent with the artist's intention.

2. *Sale, loan or trade of the artwork*.

a. The artist will be given first option to purchase or trade the artwork.
b. Sale may be through auction, gallery resale or direct biding by individuals, in compliance with City law and policies governing advertising and disposition of surplus property. The artwork must bear at least one written appraisal by a qualified independent dealer or appraiser.
c. Trade or extended loan may be through artist, gallery, museum, or other institutions for one or more artwork(s) of comparable value by the same artist.

3. *Donation of artwork.* The work may also be donated, relocated or loaned to a non-profit organization.

4. *Destruction of artwork.* If sale, trade, gift, extended loan or relocation is not feasible, the artwork will be destroyed. Destruction is appropriate if the artwork is deteriorated or damaged beyond repair and deemed to be of negligible value.

B. The disposition of works by living artists will be accomplished in such a manner that it will not impugn the reputation of the artist or his or her body of work.

C. Full record of all exchanges and sales will be maintained and records will document the removal of any object from the City's collection and the nature of disposal.

VIII. CONFLICT OF INTEREST

No works of art shall be given, sold, or otherwise transferred, publicly or privately, to officers, directors, or employees or staff of AFTSA, or their immediate families or representatives of AFTSA or the City, consistent with State, City, and AFTSA conflict of interest policies.

Mike Hein

IX. PROCEEDS

If acquired through the Public Art Program, proceeds from the sale of artwork shall be retained in a City account as determined by the Finance Department. Funds in this account and from the sale of gifts shall be spent on future artwork purchases or projects. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored.

Appendices None

References Mayor and Council Memorandum (SS/June19-00-289) - Tucson-Pima Arts Council Proposals for Public Art Program (City-Wide)

Review Responsibility and Frequency The Deputy City Manager will review this directive annually, based on date of publication. Last review date: September 8, 2016.

Authorized

City Manager' Office

Michael Ortega

9/19/16

Date

ENVIRONMENTAL SERVICES

Environmental Procedures

ADMINISTRATIVE DIRECTIVE

Environmental Management Program Policy and Incident Notification Procedure	NUMBER **8.01-1**	PAGE **1 of 5**
	EFFECTIVE DATE **December 31, 2009**	

I. PURPOSE

To describe the City of Tucson (City) Environmental Management Program's (EMP) policy and procedures:

- To provide the accurate, timely conveyance of information regarding environmental incidents to Mayor and Council, and the City Manager so they may communicate effectively with the public, media and city staff.
- To establish a policy that will provide minimum standards for City operations; clarifying roles, responsibilities, and enabling departments to effectively address environmental incidents and related subsequent remediation activities.

II. POLICY

The City's established environmental policy is to conduct its operations in an environmentally responsible and sustainable manner; to comply with Federal, State, and local environmental laws and regulations; to reduce its use of natural resources; limit the generation of waste; and to lead the community by example (see Appendix A). The EMP Governing Board, EMP Coordinator and Environmental Services (ES) Director/Deputy Director with assistance from all other City departments will implement the City's EMP.

In the event of an environmental incident which has real or perceived impacts on human health or the environment, the EMP Coordinator or ES Director/Deputy Director shall adhere to National Incident Management System (NIMS) guidance to provide timely notification of the incident to the City Manager's Office, Chief Information Officer, Mayor and Council, and affected City departments. This policy shall be implemented when an environmental incident exceeds the scope of the City's existing Spill Response Plan as defined in the City's Hazardous Communication Program (S-020). EMP procedures shall comply with the policies established by the City's Office of Emergency Management and Homeland Security (TOEMHS).

III. DEFINITIONS

A. **Environmental Incident** - An event occurring within City limits, or on City owned property, or in the metropolitan area, whether caused by City personnel or others, resulting in an interruption or possible cessation of routine City operations and that has the potential to affect the environment, public health, safety, and the public's confidence in the City's management of such incident. This includes possible non-emergency environmental impacts to the air, soil, groundwater and/or surface water. City owned property includes any real estate, material or equipment operated by, leased or owned by the City.

B. **Emergency Incident** - An event occurring within City limits, or on City owned property, or in the metropolitan area, whether man-made or natural, resulting in an interruption or possible cessation of routine City operations that has the potential to affect human health, safety, property, and/or the environment. City owned property includes any real estate, material, or equipment operated by, leased, or owned by the City.

C. **Environmental Management Program (EMP)** - The consistent application of environmental laws, rules, and regulations throughout the City to safeguard human health, and the environment. A committee of directors, deputy directors, or their designees from all key departments meets quarterly to review environmental issues and ensure departmental compliance with environmental requirements.

D. **EMP Governing Board** - A subcommittee chaired by the ES Deputy Director, (and/or EMP Coordinator) that is given the responsibility of setting the EMP policy, reviewing incidents, providing revisions and recommendations to the EMP policy, providing training, and managing coordination of environmental issues. The governing board meets monthly, or more often if necessary, and includes staff from the following departments:

- Environmental Services
- Water
- Transportation
- Human Resources - Central Safety Services
- Fire
- City Attorney
- Tucson Office of Emergency Management and Homeland Security

IV. GENERAL

A. If the environmental incident is part of an emergency event with an **Incident Command System (ICS)** established [as defined by the **NIMS**]; the dissemination of information and notification process will follow the procedures specified by the City's public information network.

B. All other environmental incidents shall be reported to the EMP Coordinator or ES Deputy Director **(Office 791-5414 or Cell 403-0295) within two (2) hours** of any City departmental/staff awareness of the event. All notifications made/referenced shall initially be **verbal** either in person or by phone, and followed up in written format via email within 24 hours. The EMP Coordinator or ES Deputy Director is responsible for the **initial** notification to the Mayor and Council, City Manager and the City's Chief Information Officer.

C. This Administrative Directive has a widespread impact on City operations; therefore:

- Supervisors shall maintain a working knowledge of this directive.
- All employees are responsible for reviewing, understanding and complying with this directive. This procedure shall be followed for all environmental incidents. (See Incident Notification Procedure flow chart - attached.)

V. RESPONSIBILITIES

A. DEPARTMENT RESPONSIBILITY:

1. **IF THE SITUATION IS AN EMERGENCY OR LIFE THREATENING; EMPLOYEE/WITNESS SHALL CONTACT 9-1-1 (if within the city's phone network contact 9-9-1-1).**

2. Employee/witness shall notify their immediate supervisor of incident.

3. The supervisor shall notify their department director, deputy director, and emergency management coordinator, following appropriate departmental procedures.

4. The department director/deputy director or emergency management coordinator shall notify the EMP Coordinator **(Office 837-3710, Cell 403-0295)**, or the ES Deputy Director at 791-5414 within 2 hours. **(Off-hours call City Communications at 791-4144.)** Notification shall include all details regarding the incident known at the time.

B. ENVIRONMENTAL MANAGEMENT PROGRAM and ENVIRONMENTAL SERVICES DEPARTMENT RESPONSIBILITY:

1. When the environmental incident is part of an emergency event, upon notification, the EMP Coordinator or ES Deputy Director will respond as necessary to the incident as a technical advisor to the Incident Commander under NIMS procedures following standard ICS protocols.

2. When the environmental incident is not part of an emergency event, the EMP Coordinator or ES Deputy Director shall:

- Return the call from the notifying department and/or respond on-site within two (2) hours of notification.
- Evaluate the situation for potential City involvement and determine if the incident meets the criteria defined above in Section III. A.

3. If the incident meets the definition, the EMP Coordinator and/or the ES Deputy Director shall:

- Report the incident to the Mayor and Council, City Manager and City's Chief Information Officer within two (2) hours of initial report.
- Contact other impacted City departments as necessary to address incident concerns.
- Notify the EMP Governing Board within two (2) hours of department notification.
- After the incident has stabilized, the EMP shall coordinate environmental remediation or clean up activities between impacted City departments, regulatory agencies, contractors, subcontractors, or involved private-sector entities.

D. FOLLOW-UP NOTIFICATION PROCEDURES:

Affected departments shall adhere to the following regarding notification:

1. If the environmental incident is part of an emergency, the on-scene public information officer, or representative from the Joint Information Center will coordinate and disseminate all public information releases, and notifications within the City's chain of command.

2. If the environmental incident is **not** part of an emergency, the affected departments and the **EMP Coordinator or ES Deputy Director** will continue to coordinate and disseminate information within the City's departments, regulatory agencies, contractors or subcontractors.

3. The affected department is responsible for notifying the EMP Coordinator or the ES Deputy Director of changes to environmental concerns and conditions regarding the incident and their department.

4. Once the incident has stabilized, and can be addressed by the affected department's standard operating procedures, communications will be the responsibility of the affected department's public information officer.

E. RECORD KEEPING:

Affected departments shall keep written records of environmental incidents for 25 years or longer as required by statute.

Attachments

A - City EMP Policy Statement
B - EMP Incident Notification Procedure Flow Chart

References

Central Safety Services: Hazardous Communication Program (S-020) – Appendix H: Hazardous/Spill Response Program. (http://intranet.ci.tucson.az.us/css/other/spill/sld001.htm)
National Incident Management System (NIMS)
Tucson Office of Emergency Management and Homeland Security (TOEMHS)

Review Responsibility and Frequency

The Environmental Services Director or Deputy Director and the Environmental Management Program Coordinator shall review this directive annually.

Authorized

City Manager — Date 1/04/2010

Mike Letcher

City of Tucson Environmental Management Program Policy Statement

The City of Tucson is committed to protecting human health and the environment; meeting or exceeding Federal, State, and local laws, regulations, codes, and guidelines; and employing sustainable pollution prevention practices. The City will minimize environmental impacts and continually improve environmental performance by:

- Maintaining a policy of commitment to environmental excellence.
- Considering environmental impacts when making policy, planning, purchasing, and operating decisions.
- Identifying and complying with pertinent requirements in Federal, State, and local laws and regulations.
- Requesting the necessary resources to successfully carry out goals, meet objectives, and targets.
- Educating City staff of their environmental roles and responsibilities, providing appropriate training, and holding employees accountable for their performance and actions, including recognizing them for outstanding performance.
- Effectively communicating environmental issues with employees and the general public, while soliciting their input in developing and achieving goals and objectives.
- Routinely monitoring environmental operations and conducting periodic, inspections, and reviews to ascertain that applicable standards are being met, and that programs are effective.
- Correcting identified deficiencies in a timely manner and taking appropriate steps to prevent their recurrence.
- Developing annual goals, objectives, and targets to advance program performance in terms of both regulated and unregulated impacts.

City of Tucson Environmental Management Program
Incident Notification Procedure

Attachment B
A.D. 8.01-1

Emergency / Environmental Incident Occurs

Is the Situation Life Threatening?

Yes

Call 911 or 9-911, Report Emergency
Operator notifies Police and/ or Fire Dispatch. Fire Dispatch notifies Tucson Fire, and Tucson Office of Emergency Management and Homeland Security (TOEMHS)

Police (TPD) or Fire Department (TFD) Incident Commander follows Incident Command System (ICS) guidelines as prescribed under the National Incident Management System (NIMS). TOEMHS Notifies Environmental Management Program (EMP) Coordinator or Deputy Director Environmental Services (ES) if environmental aspect is associated with the Emergency.

TPD/TFD continues ICS protocols . EMP Coordinator or ES Deputy Director responds to incident as Technical Advisor to Incident Commander as necessary. Information/notifications are disseminated following ICS/NIMS Protocols

No

Is there a spill or release of a suspected hazardous or regulated substance? Has it occurred at a location under City jurisdiction?

Yes

Initiate City Spill Plan S-020, follow procedure, and clean up spill. (If spill is larger or more dangerous than Staff is trained to address; Call 911 or 9-911)

Unsure

1) City Staff on-scene notifies their *Supervisor* with details of the environmental incident.
2) Supervisor notifies their *Department Director/ Deputy Director, and their Emergency Management Coordinator.*
3) Director/Deputy Director or Emergency Management Coordinator notifies (by telephone) *Environmental Management Program Coordinator or Environmental Services Deputy Director* (791-5414 or 403-0295, off-hours call City Communications 791-4144) of incident within 2 hours. Notification to include incident details. Follow-up in written notification within 24 hours.
4) Environmental Management Program (EMP) Coordinator or Environmental Services Deputy Director evaluates situation with regards to potential City involvement, real and/or perceived environmental risk, and regulatory compliance. EMP Coordinator or Environmental Services Deputy Director will return call to notifying department by telephone, and/or visit the incident location within two (2) hours of notification.

Is City staff, property, & equipment involved? Is the public health or the environment at risk? (All ASPECTS must be negative for a "NO" answer)

Yes

No

No further EMP action at this time;

Environmental Services Deputy Director or EMP Coordinator will:

1) Provide initial notification to the City Manager's Office, Chief Information Officer (CIO) and Mayor & Council.
2) Notify the Environmental Management Program Governing Board (EMP-GB) members.
3) Environmental Services and EMP will assist with environmental site restoration, remediation and regulatory compliance activities.

Impacted/Affected Departments will:

1) In an Emergency Incident, the on-scene Public Information Officer (PIO), or representative from the Joint Information Center (JIC) will coordinate and disseminate all public information releases, and notifications within the City's chain of command.
2) Affected Departments shall notify EMP Coordinator or Environmental Services Deputy Director, and Deputy Chief, Tucson Office of Emergency Management of the status of the site, and any changes to environmental concerns or conditions.

ADMINISTRATIVE DIRECTIVE

RECYCLING AT CITY OF TUCSON GOVERNMENTAL OFFICES, SPONSORED OR CO-SPONSORED AND/OR HOSTED EVENTS	NUMBER 8.01-2	PAGE 1 of 4
	PAGE ISSUE DATE July 7, 2009	

I. PURPOSE

In keeping with the City of Tucson's (City) goal to operate in an environmentally sustainable manner, the City hereby establishes administrative procedures requiring recycling at all City workplaces and City sponsored special events which generate recyclables. In addition, the City encourages recycling at non-City sponsored events held at City venues. For event recycling, the City maintains a contractor available to provide this service, and would be paid directly by the event sponsor.

II. POLICY

A. **Internal City Recycling:** It is the policy of the City that all City governmental offices and facilities shall recycle materials accepted in the City's recycling program (see Attachment A). All City departments shall appoint at least one recycling liaison to coordinate the logistics of recycling and education of employees with Environmental Services (ES).

B. **City Sponsored or Co-Sponsored Public Events:** It is the policy of the City that events, either for City employees or the public that are sponsored, or co-sponsored, by the City provide recycling for the participants at the event (see Attachment B for a list of current City co-sponsored events). The department or division sponsoring, or the event organizer may use the existing recycling infrastructure at the venue, or contract with the City's event recycling contractor to provide the service.

C. **Non-City Sponsored Events:** It is the policy that non-City sponsors of events, held at City venues, are encouraged to provide recycling, and may contract at the sponsor's expense with the City's event recycling contractor for recycling service.

III. PROCESSES

A. **Internal City Recycling:** ES will coordinate with each liaison and custodial services vendor, the types of desk-size and intermediate recycling containers to be used. ES will distribute recycling education materials to employees, participate in training seminars for City's new hires and maintain contact with the liaisons. Each department will appoint new liaisons as needed. ES shall supply appropriate desk-size and intermediate recycling collection containers.

B. **City Sponsored, Co-Sponsored and Non-Sponsored Public Events:** The event organizer shall contact the City's facility management for the site and ES to coordinate recycling at the event. The event organizer will identify the recyclables available for capture from the different areas of the venue and work with the City, and their

recycling contractor as needed, to determine recycling equipment/containers and placement.

The number of recyclable containers required will be based on event size and the availability of recyclables to be captured. The event organizer will be responsible for preventing the contamination of recyclables with garbage. The event organizer will report to ES the estimated volume of material recycled within 30 days of the event.

If the City's event recycling contractor services are needed, the event organizer will contract with the City's event recycling contractor and be responsible for compensation. ES will provide contact information for the City's event recycling contractor.

Attachments

Attachment A – List of Materials
Attachment B - City Co-Sponsored Events

References

None

Review Responsibility and Frequency

The Environmental Services Director will review this publication annually.

Authorized

City Manager — Date 7/8-09

Mike Letcher

Attachment A
List of Materials

Paper:

- White and colored, coated and non-coated paper
- Open mail (with non-paper items removed) and envelopes (windows and labels OK)
- Adding machine tape, accounting ledgers
- Tabulating and time cards
- Pamphlets, brochures, advertising flyers, posters
- Booklets and magazines and catalogs (less than ½" thick)
- NCR invoice paper and carbonless forms
- Paper from legal, steno, note, memo, scratch and message pads
- Sticky notes
- Fax sheets
- Copy and typing paper
- Manilla or colored file folders
- Shredded paper in a secured, clear plastic bag (please put shredded white paper in a separate bag if possible; this is the only time plastic bags should go in the recycling container as they are not recyclable)
- Paperboard/chipboard (like stationery boxes)
- Phonebooks
- Fiberboard (the material that makes paper egg cartons)
- Newspaper and brown bags
- Corrugated cardboard
- Milk and juice cartons
- #1 PETE and #2 HDPE plastic non-hazardous product bottles & jugs with necks or screw-on lids (no tubs or pails)
- Steel and tin food and beverage cans (including non-hazardous product aerosol cans)
- Aluminum cans
- Glass food and beverage containers

Please make sure materials are clean, empty and dry and have no food residue. Do not recycle tissue paper; paper towels; carbon paper; photographic paper; paper plates and cups; paper with a moisture barrier (like paper ream wrappers and waxed coated food boxes); glued binders, folders with plastic tabs.

More recycling information is available at www.tucsonrecycles.org or 791-5000 or call ES Customer Service at 791-3171.

ATTACHMENT B
COT CO-SPONSORED EVENTS

Fort Lowell Soccer Shootout	-	January
Family Arts Festival	-	January
Martin Luther King Jr. Celebration	-	January
Tucson Rodeo Parade	-	February
Fiesta Grande	-	March
Cesar Chavez	-	April
Waila Festival	-	May
Juneteenth Festival	-	June
Fourth of July Celebration	-	July
Tucson Meet Yourself	-	October
It's Happening Downtown	-	October
El Tour de Tucson	-	November
Studio Arts Tour	-	November
Veteran's Day Parade	-	November
Winterhaven Festival of Lights	-	December
Downtown Parade of Lights	-	December

As this list will change over time, the event coordinator is responsible for determining whether their event is a City sponsored or co-sponsored event.

ADMINISTRATIVE DIRECTIVE

ENVIRONMENTAL DUE DILIGENCE REQUIREMENTS FOR CITY PROJECTS	NUMBER 8.01-3	PAGE 1 of 4
	EFFECTIVE DATE March 3, 2011	

I. PURPOSE

In order to provide the City of Tucson with Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) protection, the City hereby establishes the following environmental due diligence procedures relating to Phase I Environmental Site Assessments (ESA) conducted by the Environmental Services Department (ES) prior to all City real property acquisitions. Acquisitions, as used herein, include purchase, property exchange, and eminent domain. This requirement to complete a Phase I ESA may be waived in writing only by the City Manager.

II. POLICY

A. It is the policy of the City that all property acquisitions shall be preceded by a Phase I ESA completed per the Environmental Protection Agency's All Appropriate Inquiry Standard (40 CFR Part 312).

B. ES is responsible for hiring contractors for all ESAs and managing technical support to City departments when conducting environmental due diligence for real property transactions and development.

C. ES is responsible for reviewing reports for compliance with contract requirements.

D. ES shall maintain contracts for on-call environmental services in order to complete this work in a timely manner (approximately 6 to 8 weeks).

E. ES shall maintain copies of Phase I ESAs and distribute copies to requesting department. Requesting department will determine number of copies needed including electronic copies.

F. ES shall provide requesting department with cost estimate and turn around time for the Phase I report. Requesting department will respond by approving bid proposal. ES shall submit an approved Notice to Proceed (NTP) to requesting department. ES shall provide requesting department with a draft copy of all ESA documents for review and comments. If follow-up work is needed, ES shall meet with requesting department to discuss project specifics and report findings. Requesting department will determine whether to proceed with acquisition based on findings.

G. Project-related costs for any environmental investigation and mitigation work performed by the contract firms shall be paid from the requesting department.

H. If the property is acquired by the City and development is delayed for a year or more, it is recommended that ES be notified to review the environmental documentation and determine if additional work is needed.

III. DEFINITIONS

A. **All Appropriate Inquiry (AA)** – Is the process of conducting environmental due diligence or a Phase I Environmental Site Assessment to determine prior uses and ownership of a property and assess conditions at the property that many be indicative of releases or threatened releases of hazardous substances at, on, in, or to the property. The standards and practices established as comprising "All Appropriate Inquiries" are set forth in regulations promulgated in 40 CFR Part 312. EPA recognizes ASTM E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" as compliance with the AAI requirements.

B. **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)** – Also known as "Superfund," was established to address abandoned hazardous waste sites. CERCLA establishes a liability scheme for determining who can be held accountable for releases of hazardous substances. CERCLA also establishes the authority for EPA's Brownfields Program and sets forth which entities and properties are eligible for Brownfields grants.

C. **Environmental Contamination** – Is the introduction into water, air, and soil, any chemicals, toxic substances, wastes, or wastewater in concentration that impairs the medium for its next intended use; also applies to surfaces of objects, buildings and various household and agricultural use products.

D. **Environmental Due Diligence** – Is the process of inquiring into the environmental characteristics of a parcel of real estate or other conditions, usually in connection with a real estate transaction.

E. **Environmental Site Assessment (ESA) – Phase I** – Is a preliminary examination of a site to determine the potential for environmental contamination. It includes a review of present and historical land uses. Standards for performing a Phase I ESA have been promulgated by the EPA and are recognized in ASTM E1527-05 (or most current version).

F. **Environmental Site Assessment (ESA) Phase II** – Is an investigation performed on a potential real estate holding that was conducted on a site after a Phase I ESA identified potential environmental conditions, and where more detailed investigation activities were necessary. The detailed investigation may include, but not be limited to the laboratory/chemical analysis of soil, groundwater or air samples for hazardous substances and/or petroleum hydrocarbons. Standards for performing a Phase II site assessment have been promulgated by the US EPA and recognized in ASTM E 1903.

G. **Recognized Environmental Conditions (REC)** – Means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

IV. PROCESSES

A. Requesting department shall initiate an "Environmental Review Request" form (see Appendix A). This form shall be submitted to ES – Engineering and Technical Support.

B. **When applicable,** ES shall provide requesting department with bid proposals and requesting department will select the bid proposal to perform the Phase I ESA.

C. Per the "All Appropriate Inquiry" standard, for full ownership liability protection, the property transaction timelines in relation to completion of the Phase I ESA are exact and must be followed. Timeline expiration dates shall be included on the cover of the ESA documents.

D. Per the standard, the user questionnaire shall be completed by an employee of the requesting departments with the most knowledge of the site to be acquired.

E. The Phase I ESA may identify significant environmental conditions which are referred to as Recognized Environmental Conditions (RECs) and will include an opinion as to whether a Phase II ESA is warranted. ES staff will coordinate a meeting with requesting department to determine whether or not a Phase II ESA is warranted. If a Phase II is warranted, requesting department will submit an Environmental Review Request form to ES. ES shall submit bid proposals for Phase II and subsequent phases to requesting department for selection and approval. ES shall submit an approved NTP to requesting department. ES shall provide requesting department with a draft copy of the ESA documents for review and comments.

F. If a Phase II ESA is recommended as part of a voluntary acquisition or purchase in lieu of eminent domain, but cannot be completed until the City obtains legal possession of the property, an escrow holdback account or its reasonable equivalent shall be established and funded in an amount reasonably calculated to complete the investigation and any required remediation. The funds shall be held and applied to such investigation and remediation efforts as necessary. At such time, the balance of the escrow account shall be released.

G. ES shall provide comment or make recommendations, based on the findings presented in the Phase I and/or Phase II reports, to the requesting departments.

Appendices Environmental Review Request Form

References 40 CFR Part 312

Review Responsibility and Frequency The Environmental Services Director will review this publication annually.

Authorized

City Manager

Mike Letcher

3-1-11

Date

APPENDIX A
Environmental Review Request
Phase I Environmental Site Assessment

Date Requested: **Date Due:**

Project Manager: **Phone Number:**

Real Estate/General Services Contact: **Phone Number:**

DOCUMENT COPIES: hard copies #_____ electronic copy on CD#____

SPECIAL REQUEST:
Request for multiple scope and fees

PROJECT NAME:

TAX PARCEL #: **ACCOUNT #:**

SITUS ADDRESS:
Please attach an aerial map indicating the area of property transaction and if applicable, project design plans.

SPECIAL INFORMATION:

PROPERTY RIGHTS TO BE ACQUIRED:
Full Parcel:
Partial:

DESCRIPTION OF FUTURE LAND USE:

ESTIMATED DEPTH OF DISTURBANCE (below ground surface):

PERMISSION TO CONTACT PROPERTY OWNER AND/OR REPRESENTATIVE:
Yes_____
No_____

Other conditions apply (explain):

PROPERTY OWNER CONTACT INFORMATION:

Name:
Phone number:

SURVEY MARKERS PROVIDED FOR NEW RIGHT OF WAY CONSTRUCTION LIMITS (APPLIES TO PARTIAL TAKINGS ONLY)
Yes____
No____

CITY CONTACT FOR COMPLETING THE USER QUESTIONNAIRE:
Name:
Title:
Phone number: Email Address: