

ORDINANCE NO. 256

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY ARIZONA, ADOPTING "AUGUST 1991 AMENDMENTS TO THE TOWN OF JEROME PERSONNEL POLICIES AND PROCEDURES MANUAL"

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, ARIZONA:

Section 1 - Adoption of the "August 1991 Amendments to the Town of Jerome Personnel Policies and Procedures Manual"

That certain document known as the "August 1991 Amendments to the Town of Jerome Personnel Policies and Procedures Manual," three copies of which are now on file in the office of the Town Clerk of the Town of Jerome, Arizona which were made a public record by Resolution No. 260, are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2 - Repeal of Conflicting Ordinances

Any and all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance hereby adopted are hereby repealed.

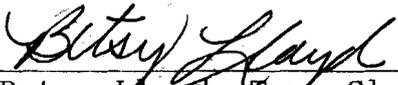
Section 3 - Validity

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the "August 1991 Amendments to the Town of Jerome Personnel Policies and Procedures Manual" adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, ARIZONA THIS 7TH DAY OF AUGUST 1991.

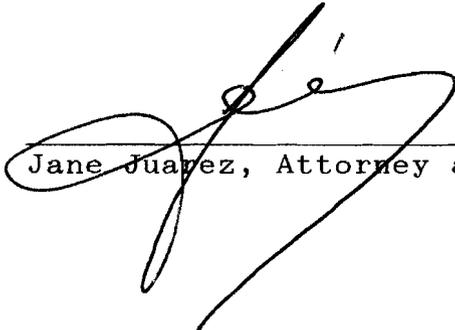
Philip Tovrea, Mayor

ATTEST:



Betsy Lloyd, Town Clerk

APPROVED AS TO FORM:



Jane Juarez, Attorney at Law

"AUGUST 1991 AMENDMENTS TO THE TOWN OF JEROME
PERSONNEL POLICIES AND PROCEDURES MANUAL"

The Town of Jerome Personnel Policies and Procedures Manual is hereby amended by the addition of Section 31, Sexual Harassment Policy, and Section 32, Drug Free Workplace Policy.

SECTION 31:

SEXUAL HARASSMENT POLICY

A. PURPOSE

To outline the Town's policy on Sexual Harassment in the workplace.

B. POLICY

1. It is the policy of the Town of Jerome to maintain a work environment that is based on mutual respect and encourages productive and cooperative work. Harassment of any employee on account of his or her gender will not be tolerated.
2. Sexual harassment is conduct of a sexual nature that is unwelcome and offensive to the person to whom it is directed. It includes unwelcome sexual advances, requests for sexual favors, and conduct or remarks of a sexual nature when: 1) submission to such conduct is made a condition of employment; 2) submission to or rejection of such conduct is used as a basis for an employment decision; or 3) such conduct unreasonably interferes with an employee's work performance or creates an offensive, hostile or intimidating working environment. The types of conduct that foster a hostile working environment include unwanted physical contact, sexually explicit language, obscene gestures, sexual jokes, display of sexually explicit materials, and other similar conduct.
3. All employees are responsible for keeping our workplace free of sexual harassment. If an employee believes they or another employee has been sexually harassed by a supervisor, co-employee or even a visitor, they must alert a supervisor who is not involved or the Personnel Director. The Town will investigate all reports of sexual harassment promptly and impartially and will not take any adverse action toward any employee for making a report. Any employee that the Town determines has violated this policy is subject to appropriate disciplinary action, up to and including termination.

SECTION 32:

DRUG FREE WORKPLACE POLICY

A. PURPOSE

To outline the Town's policy regarding the 1988 Drug-Free Workplace Act.

B. POLICY

1. The Town of Jerome recognizes drug and alcohol dependency as an illness and a major health problem. The Town also recognizes that the abuse of drugs and alcohol impairs employee judgment which may result in increased safety risks, employee injuries and faulty decision-making. Drug and alcohol abusers create a potentially hazardous working environment, have more on-the-job accidents resulting in higher worker's compensation claims, disrupt employee morale and increase costs for medical benefits. The dangers of substance abuse in the workplace impact all employees, not just abusers. Substance abuse results in lost productivity and increased absenteeism placing a burden on other employees. Therefore, the Town of Jerome expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.
2. It is the town's policy to prohibit the unlawful manufacture, distribution, dispensation, possession, use or effect of alcohol or a controlled substance while traveling on or performing town business on or off town premises and other work sites where employees may be assigned. Town vehicles or other motorized equipment, as well as private vehicles, parked on town premises or work sites are locations included within this prohibition. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, "crack." They also include "legal drugs" which are not prescribed by a licensed physician.
3. No employee shall be subject to discipline for the appropriate use of non-prescription or prescribed legal drugs for the treatment of illness or injury. However, if the employee knows or should know that use of a non-prescription or prescribed drug does or could impair the employee's ability to operate a town vehicle or equipment, or otherwise perform his or her job duties, the employee shall notify, in writing, his/her immediate supervisor or department head. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

C. EMPLOYEE RESPONSIBILITY

1. Employees must report any conviction under a criminal drug statute for violations occurring on or off town premises while conducting town business. A report of a conviction must be made within five (5) days after the conviction to the employee's department head or supervisor who will, in turn, immediately notify the mayor.

2. As a condition of employment, employees must abide by this policy. Such condition of employment does not create a contract of employment, but rather is a prerequisite to continued employment. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination. Disciplinary action may include mandatory attendance and successful completion of a drug abuse assistance or similar program as a condition of continued employment.

D. MANAGEMENT RESPONSIBILITIES

1. Within ten (10) days of learning of an employee's conviction of illegal drug activity within the workplace, the town will notify the federal government of such conviction. Within thirty (30) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the town will take appropriate personnel action, up to and including termination.
2. Where there is reasonable suspicion that an employee is under the influence of alcohol or drugs, the department head/supervisor shall, for safety purposes, provide the employee transportation from the work site. Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: the odor of alcoholic beverage; erratic behavior; violent mood swings; excessive absenteeism, including tardiness; a medical emergency which could be attributed to substance or alcohol abuse; physical on-the-job evidence of substance or alcohol abuse; documented deterioration in job performance, or an accident which is caused by the apparent action or inaction of the employee.
3. Department heads/supervisors who reasonably suspect an employee of being under the influence of alcohol or drugs shall not physically search the person of employees, nor shall they search the personal possessions of employees without the written consent of employee. Whether or not a consent form is signed, any information obtained which may relate to violations of federal or state criminal statutes will be transmitted to the appropriate law enforcement agency. The town reserves the right to search, without employee consent, all areas and property in which the town maintains control or joint control with the employee, such as, desks, file cabinets, town vehicles/equipment, etc. Department heads/supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession, or when the department head/supervisor is unable to reasonably control a situation where the the employee poses a potential liability to himself/herself, or others.

E. COUNSELING

1. Employees who have a substance dependency problem are strongly encouraged to obtain counseling. Counseling resources are available in the Personnel Department. In addition, medical insurance coverage for drug and alcohol treatment may be available. While the town will be supportive of those who seek help voluntarily, the town will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

F. SUBSTANCE ABUSE LEAVE

1. If, in response to counseling, the work performance, absentee rate, tardiness, or inability to get along with other employees does not improve and stay at an acceptable level, the department head/supervisor will document such performance.
2. On the basis of this documentation, the department head/supervisor will confront the employee with their employment record and offer the employee an opportunity to consult with a physician of their choice. If a diagnosis of alcoholism or drug dependency is made, the employee will be given an opportunity to participate in an approved treatment program. Sick leave and/or vacation may be used during such treatment.
3. Failure to enter a program or to remain in the program until work performance has returned to an acceptable level may result in the termination of the employee.
4. Participation in this program will in no way have an adverse effect on the promotional potential, seniority, or any other benefit derived from employment with the town.