

Personnel Reform
Agency Implementation Guideline # 10

Subject: Checklist of Agency Policies and Procedures	Issued: September 28, 2012
	Effective: September 29, 2012

Summary:

Provides guidance to agencies for reviewing agency-specific policies and procedures to ensure consistency with State Personnel System Rules.

Background:

Agencies may have agency-specific policies and procedures that may require review and updating as a result of changes to State Personnel System Rules. A checklist has been provided to assist agencies with the review of their policies and procedures.

Guidelines:

Agencies shall suspend any and all agency-specific policies and procedures until such time as the agency is able to determine if the policy is in compliance with the State Personnel System Rules.

Agencies may reinstate agency-specific policies and procedures after confirming compliance with State Personnel System Rules or reissue policies and procedures after appropriate modifications to bring the policy or procedure into compliance.

Attachment:

Checklist for Agency Policies and Procedures

Checklist for Agency Policies and Procedures to Ensure Compliance with Personnel Reform

Please note: this is not a checklist for everything that must be contained in your agency policies and procedures. Rather, it is a checklist to update your policies and procedures in light of personnel reform, new personnel statutes, and new State Personnel System Rules. It is imperative that you carefully read the State Personnel System Rules in conjunction with updating your agency policies and procedures. Also, when reviewing the State Personnel System Rules, please refer to the **final official** version of the new rules for the State Personnel System (A.A.C. Title 2, Chapter 5) rather than any draft versions.

General Guidance

_____ The new personnel rules now apply to both covered and uncovered employees, with the limited exceptions that apply only to covered employees found at A.A.C. R2-5B-101 through 603. Do your policies and procedures apply to both covered and uncovered employees where they should?

_____ All policy and procedures should state the following somewhere on the first page: **This policy [or procedure] does not create a contract for employment between any employee and the agency [or department/board/commission/etc.]. Nothing in this policy [procedure] changes the fact that all uncovered employees of the agency [or department/board/commission] are at-will employees and serve at the pleasure of the appointing authority.**

Anti-Harassment & Anti-Discrimination Policies

_____ Does the policy have an Equal Employment Opportunity statement up front? See A.A.C. R2-5A-104(B) for language.

_____ Does the policy prohibit unlawful harassment and discrimination? See A.A.C. R2-5A-104(C).

_____ Does the policy have an anti-retaliation provision? See A.A.C. R2-5A-104(D) for language.

_____ Does the policy follow the new "Complaint" procedures? They must comply with and set forth the procedures found at A.A.C. R2-5A-901 and R2-5A-902.

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Personnel Records Policy

- _____ Do they limit what is contained in the Official Personnel File to the items listed at A.A.C. R2-5A-105(C)(2)?
- _____ Do they limit disciplinary actions contained in the Official Personnel File to letters of reprimand, suspensions, demotions and dismissals? See A.A.C. R2-5A-105(C)(2)(e).
- _____ Do they limit access to the Official Personnel File in accordance with A.A.C. R2-5A-105(C)(3)?

Recruitment, Selection and Appointment Policies

- _____ Uncovered employee positions are no longer exempt or excluded from ADOA recruitment, selection and appointment requirements (with the limited exceptions of positions listed at A.R.S. § 41-742(F)). Your policies should not exclude uncovered employees from recruitment, selection and appointment requirements.
- _____ Any policy regarding the employment of relatives must comply with A.A.C. R2-5A-305.

Overtime Policies

- _____ **FLSA-exempt** employees, regardless of whether they are covered or uncovered, are no longer eligible for overtime pay or compensatory leave unless they are (a) engaged in law enforcement activities, (b) engaged in firefighting activities, OR (c) full authority peace officers, AND the agency head approves the payment of overtime or compensatory leave. See A.A.C. R2-5A-404(D).

Leave Policies

- _____ Does your leave accrual policy comply with the chart for leave accrual found at A.A.C. R2-5A-B602(B)?
- _____ Does your leave accumulation policy limit roll-over of annual leave to 240 hours for covered employees and 320 hours for uncovered employees? See A.A.C. R2-5A-B602(D).

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- _____ The new personnel rules eliminate “parental leave.” (Employees are still entitled to the rights regarding the birth, adoption, or placement of a child that are found in the Family and Medical Leave Act.) Have your policies eliminated “parental leave”?
- _____ Does your “Administrative Leave” policy comply with the new reporting requirements to ADOA found at A.A.C. R2-5A-B604(B)&(C)?
- _____ If you have a “Furlough Policy” for your agency, does it follow the new furlough rules at A.A.C. R2-5A-C601? (Keep in mind that an agency’s furlough policy is sufficient if it simply states: “Any furloughs will be conducted in accordance with the State Personnel System rules found at A.A.C. R2-5A-C601.”)
- _____ Have you combined your Medical Leave Without Pay (MLWOP) policy with your Leave Without Pay (LWOP) policy? The new rules no longer distinguish between MLWOP and LWOP. Instead, there is simply LWOP. Furthermore, the 180 days of guaranteed MLWOP is eliminated. See A.A.C. R2-5A-C602.

Performance Management Policies

- _____ Do your policies regarding performance management and performance evaluations comply with the new “Performance Management” rules at A.A.C. R2-5A-701 & 702?
- _____ Do your policies now include **uncovered** employees as well as covered employees in your performance planning and annual performance evaluation requirements?

Standards of Conduct for State Employees

- _____ Do your policies regarding the Standards of Conduct for State Employees make clear that they now apply to uncovered employees as well? See A.A.C. R2-5A-501.

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Disciplinary Policies

- _____ Does your policy indicate that uncovered employees are at-will, serve at the pleasure of the appointing authority and have no appeal rights to the State Personnel Board for any discipline?

- _____ Does your policy comply with requirements for ADOA review of any proposed action, for any employee whether covered or uncovered, that is a suspension greater than 80 hours, a demotion, or a dismissal? See A.A.C. R2-5A-801(D).

- _____ Does your policy clarify that covered employees may only grieve a discipline of a written reprimand or a suspension of 80 hours or less (40 hours or less for a full authority peace officer)? See A.A.C. R2-5B-402.

- _____ Does your policy clarify that a covered employee may appeal to the State Personnel Board a suspension of more than 80 hours, a demotion, or a disciplinary dismissal? See A.A.C. R2-5B-502. (Exception: covered employees who are full authority peace officers may appeal any suspensions that are greater than 40 hours, demotions, or disciplinary dismissals to the Law Enforcement Merit System Council. See A.A.C. R2-5B-503.)

- _____ Does your policy clarify that any challenge to a discipline alleging unlawful harassment or discrimination—whether by a covered or uncovered employee—may be filed as a complaint under the Complaint procedures? See A.A.C. R2-5A-901 & 902 and also review A.A.C. R2-5A-802.

Probationary Status

- _____ If after personnel reform takes effect, 100% of all new vacant positions in your agency automatically convert to uncovered positions (i.e., your agency does not employ corrections officers or full authority peace officers in covered service) do you have plans to eliminate your “original probation” policy once all current original probationary employees move to permanent covered status?

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_____ Do you have plans to eliminate your promotional probation policy once all of your current promotional probation employees achieve permanent status? (Exception: Keep in mind that if you have current covered employees in under-fill positions, the agency will not be able to eliminate the promotional probation policy until these individuals are no longer on promotional probation.)

_____ If your agency employs corrections officers or full authority peace officers in covered service, do your original and promotional probation policies comply with R2-5B-202 & 203?

Change from Covered to Uncovered Service

_____ Do you have a policy regarding employees transferring from covered to uncovered service that complies with A.A.C. R2-5B-205?

Grievance policy

_____ Does your grievance policy for covered employees comply with the new requirements set forth in A.A.C. R2-5B-401 through 403?

Reduction in force policy and procedure

_____ Does your reduction in force (RIF) policy only apply to covered employees?

_____ Is your RIF policy updated to be consistent with the new RIF rules found at A.A.C. R2-5B-601 through 603?