

**STATE PERSONNEL BOARD  
RULES  
AND  
INTERPRETATIONS**

PERSONNEL BOARD

(Authority: A.R.S. 41-782 et seq.)

ARTICLE I. GENERAL PROVISIONS

Sec.

- R2-5-01. Definitions.
- R2-5-02. Scope of Responsibility.
- R2-5-03. Personnel Board Procedures.

ARTICLE II. EMPLOYMENT PROCEDURES

- R2-5-11. Examination Announcements, Applications and Examination.
- R2-5-12. Registers.
- R2-5-13. Certification and Selection of Eligibles.
- R2-5-14. Types of Appointment.

ARTICLE III. EMPLOYMENT STATUS

- R2-5-21. Probationary Period.
- R2-5-22. Promotion, Transfer, and Demotion.

ARTICLE IV. CONDUCT, DISCIPLINE AND APPEALS

- R2-5-31. Code of Ethics for the State Service.
- R2-5-32. Separations and Disciplinary Actions.
- R2-5-33. Appeals.

ARTICLE V. CLASSIFICATION AND SALARY ADMINISTRATION

- R2-5-41. Uniform Classification Plan.
- R2-5-42. Uniform Salary Plan.

ARTICLE VI. EMPLOYEE BENEFITS

- R2-5-51. Employee Attendance, Holidays, and Leave.
- R2-5-52. Employee Health Benefit Plan.
- R2-5-53. Normal Retirement.
- R2-5-54. Employee Life and Disability Income Insurance Plan.

## Article I

### GENERAL PROVISIONS

#### R2-5-01. Definitions

The following words and phrases used in these Rules have the defined meaning hereinafter set forth unless otherwise clearly indicated in the context.

1. "ACT" means the provisions of Chapter 4, Title 41, Arizona Revised Statutes, as amended from time to time.
2. "AGENCY" includes department, board, office, authority, commission, or any other governmental budget unit served by the Arizona State Department of Administration, Personnel Division.
3. "APPLICANT" means any candidate for appointment or promotion or any person who formally or informally makes himself available for consideration for examination and employment in the State Service.
4. "APPOINTING AUTHORITY" means the officer or employee or group of officers or employees authorized to make appointments in the State Service.
5. "APPOINTMENT" means the offer and the acceptance by a person of a position in the State Service in accordance with these Rules.
6. "ARMED FORCES" means the United States Air Force, Army, Navy, Marine Corps, or Coast Guard.
7. "ASSISTANT DIRECTOR" means Assistant Director of the Department of Administration, Personnel Division.
8. "BOARD" means the Arizona State Personnel Board.
9. "CERTIFICATION" means the referral of the names of qualified eligibles by the Assistant Director to the appointing authority for appointment to a position in the State Service.
10. "CLASS" means a group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience, or skill, and such other characteristics that the same title, the same test of fitness, and the same schedule of compensation have been or may be applied to each position in the group and for which a class specification has been approved.
11. "CLASS SPECIFICATION" is an official description of the type and level of duties and responsibilities of the positions assigned to a class, and the necessary prerequisites for performing those duties. The official specification will include the title of the class, description of the type of duties and responsibilities, knowledge, abilities and skills, the required training and experience, a class code, and official date of adoption or revision.
12. "COMPENSATORY LEAVE" means leave earned as compensation for compensatory time worked.
13. "COMPENSATORY TIME" means time worked by a full-time employee in excess of the prescribed hours of duty which are established for his position.
14. "CONTINUOUS RECRUITMENT" means recruitment under which applications are received continuously after announcement has been made to that effect.
15. "COVERED POSITION" means any position in the State Service.
16. "DAYS" means calendar days unless the context otherwise requires.
17. "DEMOTION" means a change in the assignment of an employee from a position in one class to a position in another class having a lower salary grade.
18. "DETAIL TO SPECIAL DUTY" means the assignment of a permanent employee on an interim basis to a position other than his current position to meet a need for a determined time as provided for in these Rules.
19. "DIVISION" means the Personnel Division of the Arizona State Department of Administration.

20. "ELIGIBLE" refers to a person who has made a passing score on any examination required under these Rules and who has qualified to be placed on a register for certification.
21. "EMERGENCY APPOINTMENT" means an appointment made during an actual emergency to prevent the impairment of public business.
22. "EMPLOYEE" includes every officer and employee in the State Service.
23. "EXAMINATION" means the evaluation procedure used by the Assistant Director in accordance with these Rules to determine the relative excellence of applicants.
24. "EXAMINATION ANNOUNCEMENT" means the official public issuance of notice to give examinations either on a scheduled or continuous basis to fill positions as they are or become vacant in the State Service.
25. "EXEMPT POSITION" means any executive, administrative, or professional position as defined by the Federal Fair Labor Standards Act, whose incumbent is exempt from the provisions of the Fair Labor Standards Act.
26. "LAYOFF" is the separation of an employee for reasons of shortage of funds or work, or by reason of a bona fide abolishment of a position, change in duties of the position, or reorganization within the Agency.
27. "LIMITED APPOINTMENT" means the probationary appointment in accordance with these rules to a position of a one-time project nature which, upon successful completion of the probationary period, shall result in permanent status and its privileges, except layoff, reemployment and reinstatement rights. Layoff, reemployment and reinstatement rights shall be retained only with the project.
28. "MANIFEST ERROR" means an act or failure to act which clearly has caused a mistake of commission or omission to occur.
29. "MILITARY LEAVE" means the leave of absence status of a permanent or probationary employee who leaves a position to serve in the Armed Forces of the United States or of this State in time of national emergency or State emergency or for military training and who has the right under Statutes (ARS SS 26-168, 38-297, 38-298, or 38-610) relating to reinstatement of a person after military service to return to his position or a like position.
30. "MOBILITY ASSIGNMENT" means the assignment of a permanent employee to a position in another governmental jurisdiction for a period of not more than 36 months; or the assignment of an employee from another governmental jurisdiction to a position in the State Service for a period of not more than 36 months; or the assignment of a permanent employee of one State Agency to a position in another State Agency for period of not more than 36 months.
31. "NON-EXEMPT POSITION" means any position which is not an executive, administrative, or professional position as defined in the Federal Fair Labor Standards Act.
32. "NORMAL RETIREMENT DATE" means the first day of the calendar month immediately following an employee's 65th birthday.
33. "PART-TIME POSITION" means a position (whether occupied or vacant) in an agency involving duties requiring the services of one person on less than full-time basis.
34. "PERFORMANCE STANDARD" is that which tells how much, how well, how soon or in what manner a task is to be done in order to be satisfactorily accomplished.
35. "PERMANENT STATUS" is the status an employee achieves when he is retained in his position after the successful completion of the probationary period provided by these Rules.
36. "PERSONNEL MANUAL" means the official manual which outlines in detail the administrative procedures, forms and programs of the Arizona State Department of Administration, Personnel Division for the agencies.
37. "POSITION" means an office or employment in an agency (whether occupied or vacant) involving duties requiring the services of one person.
38. "PROBATION" means the specified period of employment following appointment, promotion, reinstatement, reemployment, transfer or demotion to any position in the State Service and which is a working test period for observation and evaluation of the employee's work and which must be completed successfully before permanent status may be conferred.

39. "PROMOTION" means a change in assignment of an employee from a position in one class to a position in the same or another agency in another class having a higher salary grade.
40. "PROVISIONAL APPOINTMENT" means the appointment of a qualified person on an interim basis not to exceed six months to a position under these Rules without a competitive examination, such appointment being necessary by reason of the absence of a register for the position involved.
41. "REALLOCATION" means changing the classification of an existing position when a material and permanent change in the duties or responsibilities of the position occurs.
42. "REEMPLOYMENT" means the return to the State Service of a former employee in State Service who was separated by layoff.
43. "REGISTER" means an official list of eligibles for a particular class or group of classes, placed in order of excellence according to results of the examination, which shall be used for reference of the highest ranking candidates for possible appointment by an appointing authority.
44. "REINSTATEMENT" means the return to the State Service of a former employee in the State Service.
45. "RULES" means the Rules as adopted from time to time by the Arizona State Personnel Board.
46. "SEASONAL APPOINTMENT" means the appointment or reappointment of persons to meet regular recurring seasonal or intermittent needs of an agency subject to approval by the Assistant Director as provided in the Rules.
47. "SEASONAL POSITION" is a position established to meet a recurring seasonal or intermittent need in an agency.
48. "STATE SERVICE" includes all offices and positions of employment subject to the terms of the Act and the Rules of the Board.
49. "TEMPORARY APPOINTMENT" means the appointment in accordance with the Rules to a position established to meet a temporary program need with a specified duration.
50. "TRANSFER" means a movement of any employee in the State Service from one position to another position in the same grade.
51. "UNCOVERED POSITION" means any State position not in the State Service.
52. "UNIFORM CLASSIFICATION PLAN" means the plan by which all positions in the State Service are evaluated and allocated to official classifications with official titles and class specifications.
53. "UNIFORM SALARY PLAN" means the salary plan approved by the Board for the State Service.
54. "VETERAN" means any person who has been separated after more than six months of active duty in the armed forces of the United States (Army, Air Force, Navy, Marine Corps or Coast Guard) under honorable conditions.

#### Historical Note

Former Rule 1; Amended October 12, 1977.

R2-5-02. Scope of Responsibility

- A. Purpose: The purpose of these Rules is to implement and give effect to the intent and requirements of the Act which establishes for the State a system of personnel administration based on merit principles and scientific methods governing the recruitment, examination, appointment, promotion, transfer, layoff, removal, discipline, development and welfare of its civil employees and other incidents of State employment.
- B. Rules:
1. These Rules shall apply to all classified positions in the State Service.
  2. Amendments to the Rules may be made by the Board from time to time in accordance with the administrative procedures act.
- C. Exceptions: In addition to the "exempt" or uncovered positions provided in ARS 41-771, the following temporary or part-time positions shall be excluded from the Act and these Rules.
1. Technical experts, consultants, or professionals employed on a fee basis and not engaged in the performance of administrative duties for the appointing authority.
  2. Such other temporary or seasonal positions mutually determined by the Board and the appointing authority to be excluded.
- D. Certification of Payrolls: The Assistant Director, in cooperation with disbursing authorities, shall provide for such audit and certification of personnel service payments as is necessary to insure that all persons in the State Service, for whom claim for payment of salaries or compensation is made, are holding positions as provided by law and these Rules. The Assistant Director may withhold certification from a payroll or any specific item or items thereon for failure to comply with the Act or these Rules.
- E. Assistant Director's Duties:
1. To serve as the administrative head of the Personnel Division of the Arizona State Department of Administration; to program, direct, and supervise all of its administrative and technical activities.
  2. To attend all meetings of the Board and provide for the recording of the minutes of its proceedings and be the official custodian of all its records, and keep the members of the Board informed of all important matters occurring in administration of the personnel program.
  3. To establish and maintain a roster of all classified employees of the State, and local jurisdictions serviced by the Division, in which there shall be set forth as to each position and employee, the class title, position number, grade, salary, sex, ethnic background, and any other necessary data as required by law.
  4. To appoint, under the provisions of the Act and these Rules, such employees of the Division, and such experts and special assistants as may be necessary to carry out effectively the provisions of the Act and Rules subject to budget limitations and any laws pertaining thereto.
  5. To formulate and prescribe procedures and forms consistent with these Rules and to publish them with reasonable instructions and guides in the form of a Personnel Manual.
  6. To develop, in cooperation with appointing authorities and others, training, educational, and staff development programs on an equal opportunity basis for employees in agencies covered by these Rules.
  7. To announce, recruit, examine and otherwise provide staffing services to the agencies as provided for in these Rules.
  8. To make and publish annual reports regarding the work of the Division, and such special reports as may be requested by the Board or other appropriate authorities.

9. To prepare and submit, subject to review and approval by the Board, budget requests covering the estimated costs for the Board's program.
10. To permit transfers of employees on a non-competitive basis when a function is being transferred to the State Service from other personnel jurisdictions or non-State Service agencies when recommended by the Appointing Authority and approved by the Assistant Director. Such transferred employees shall serve a minimum 90-day probationary period.
11. To make an adjustment to the status of an applicant or employee with respect to the Rules when his review determines that such an adjustment may rectify a manifest error.
12. To perform other acts and functions consistent with the Act and these Rules necessary or desirable to carry out their purpose and provide personnel administration for the State Service.

F. Performance Appraisal:

1. The Assistant Director shall develop a performance appraisal system in cooperation with the State agencies. All employees shall be evaluated in accordance with this system at established intervals.
2. Performance appraisals shall be considered in determining training needs, salary advancements, order of layoff, transfer, reemployment, and as a means for identifying employees who should be promoted, demoted, or dismissed.

G. Programs for Employee Development:

1. The Assistant Director shall cooperate with agency heads in developing and promoting programs for employee training, safety, morale, work motivation, health, retirement counseling, and welfare.
2. The Assistant Director shall assist agencies in determining needs for employee development.
3. The Assistant Director shall develop and conduct interdepartmental programs; shall assist with planning and conducting employee development programs for individual departments; and shall assist agencies in evaluating training.
4. The Assistant Director shall provide advice and counsel on employee development as requested by the agencies.
5. The Assistant Director shall establish working relations with educational institutions regarding employee development and continuing education programs for both present and potential State employees.
6. The Assistant Director shall keep records on training equipment, facilities, budgets, and training personnel in State Service.

H. Employment of the Handicapped: The Assistant Director shall establish a placement program for the handicapped. He may, with the approval of the Board, establish special procedures that may vary the examination, certification, and selection procedures for the established placement program for the handicapped.

I. Problem-solving Procedure or Procedure for Settling Grievances:

1. The Assistant Director shall establish a grievance procedure in cooperation with the State agencies through which employees may obtain consideration of grievances or problems in matters over which the appointing power has complete or partial jurisdiction and for which redress is not provided elsewhere in these Rules. The purpose of the grievance procedure is to afford employees a written and systematic means of obtaining further consideration of grievances after every reasonable effort has failed to resolve them through informal discussions initiated with their immediate supervisor.
2. The grievance procedure of each State agency shall conform to the established procedure.

3. The employee may appeal to the Assistant Director from a decision of the agency head in a particular grievance matter. The Assistant Director may refer to the Board any such appeal which he is unable to resolve.
- J. Prohibition of Discrimination in Employment: No agency shall, because of political or religious opinions or affiliations or because of race, national origin, age, sex or physical disability of any person, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, refuse to appoint or promote him, or suspend, demote, or discharge him from a position in the State Service, or discriminate against him in compensation or in terms, conditions, and privileges of employment.
  - K. Prohibition of Reprisals for Exercise of Rights: An agency shall take no disciplinary or punitive action against an employee, nor impede or interfere with the exercise by the employee of his right of review, appeal, or of any other employee right under the Act or these Rules.
  - L. Records and Reports:
    1. Personnel Action Forms: The Assistant Director shall prescribe personnel action forms which agencies shall use to report personnel actions and status changes as he may require. The Assistant Director shall inform the agencies which personnel actions and status changes must be reported to him.
    2. Agency Personnel Records: The Assistant Director shall prescribe necessary information and the general format for agency personnel records.
  - M. Service of Notice: Unless otherwise provided by law or these Rules, whenever any notice, paper or document is to be given to or served upon any person or agency by the Board or the Assistant Director, such notice, paper, or document may be personally served or it may be served by mailing it to the last known residence or business address of the addressee. Service is complete upon mailing.
  - N. Delegation of Responsibilities to State Service Agencies: Where the Assistant Director has agreed in writing with a State Service agency to delegate certain responsibilities covered in the Board Rules to increase the efficiency of the service, the Appointing Authority has the responsibility of applying all Board Rules to the delegated actions and for conducting them in the same manner as would the Division staff. The Division staff will provide an audit system to assure compliance with procedures, Board Rules and regulations.
  - O. Severability: If any provision of these Rules, or the application thereof to any person or circumstances, is held invalid, the remainder of the Rules, or the application of such provisions to other persons or circumstances, shall not be affected thereby.
  - P. Conflict with Federal Requirements: The provisions of A.R.S. 41-784 shall be applicable to these Rules, and any provision of these Rules which conflicts or is inconsistent with federal rules, regulations or standards governing the grant of federal funds to an agency shall not be applicable to such agency.

Historical Note

Former Rule 2; Amended October 12, 1977.

R2-5-03. Personnel Board Procedures

- A. Regular Meetings: The time and place of each regular quarterly meeting of the Board shall be fixed by the Board not less than two weeks preceding the date of the meeting. Quarterly meetings shall be in January, April, July, and October.
- B. Special Meetings: Special meetings of the Board shall be called by the Chairman. Written notice of any special meeting shall be given to the Board members at least five days prior to the date of the meeting and shall specify the time and place thereof and the general nature of the business to be transacted. Written notice of the meeting may be waived upon the unanimous written consent of the members of the Board.
- C. Emergency Meetings: In the case of an emergency, a meeting may be held with the consent or approval of not less than a majority of the membership of the entire Board. Such consent or approval may be given orally, by telephone or in writing, but attempt shall be made by telephone to inform all Board members of the emergency meeting. Such emergency meeting may be held at such time and upon such notice as may be appropriate.
- D. Calendar: All matters to be presented for consideration by the Board at a regular quarterly or special meeting shall be placed upon the Board's calendar without undue delay. The calendar shall be mailed to each member of the Board at least five days prior to such meeting. Matters which have not been placed upon the calendar shall not be considered by the Board except by the unanimous consent of the members present at the meeting.
- E. Notice to Agencies: The Assistant Director shall mail or cause to be mailed to each agency a copy of the notice of each regular or special meeting, and of the calendar for such meeting at least five days prior to such meeting. Failure of the Assistant Director to mail such notice and calendar, or failure of an agency to receive such notice and calendar, shall not affect the validity of such meeting or of any action taken by the Board at such meeting.
- F. Minutes: The Assistant Director shall provide for the recording of the official actions of the Board in its minutes. The time and place of each meeting of the Board, names of the Board members present, all official acts of the Board, the votes of each Board member except when the acts are unanimous, and, when requested, a member's dissent with his reasons shall be recorded in the minutes. The Assistant Director shall cause the minutes to be transcribed and presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof certified by a majority of the Board shall be open to public inspection.

Historical Note

Former Rule 3; Amended October 12, 1977.

## Article II

### EMPLOYMENT PROCEDURES

#### R2-5-11. Examination Announcement, Applications and Examinations

##### A. Examination Announcements:

1. Open Competitive Announcements: Examination announcements for open competitive examinations for positions under continuous or special recruitment shall be by public notice. (No less than five calendar days.) Every reasonable effort shall be made to attract qualified persons to compete in the examinations for appointments.
2. Announcement Procedures: Open competitive examinations shall be announced publicly throughout the State for a time and in a manner appropriate to the class involved as the Assistant Director may deem useful and expedient. Such announcement shall include posting a written announcement at the Personnel Division offices, employment service offices, and State agencies, which shall constitute public notice, and may include news media, educational institutions, professional and vocational organizations and any other organizations or individuals as may be considered appropriate.
3. Content of Examination Announcements: The public announcement of examinations shall specify the official title, salary range, typical duties to be performed, (or where this information may be obtained), the minimum qualifications and any special qualifications, the final date for receipt of applications or statement of open continuous examinations, the nature of the examination, and how to apply, and the times and places of examination subject to the Act and these Rules, and the expiration date of the register.
4. Promotional Examination Announcements: Announcements for promotional examinations may be issued separately for specific positions or on a combined basis with open competitive announcements. In either event, the same information will be provided on the announcement and the same minimum time for receipt of applications will be observed. The announcements will be distributed to all State agencies and all reasonable efforts will be made to communicate with State employees concerning promotional opportunities on an equal opportunity and timely basis.

##### B. Applications for Examination:

1. Official Forms: All applications shall be on the forms prescribed by the Assistant Director.
2. Filing Applications:
  - a. Applications for open competitive examinations must be filed at the Division offices or as otherwise designated in the announcement on or before the final filing date specified in the announcement or postmarked by midnight of that date. Applications for open continuous examinations may be accepted at any time and examinations held as the Assistant Director deems necessary and desirable for staffing the State Service.
  - b. The Assistant Director may require applicants to furnish such evidence of character, education, physical condition, or other qualifications which are job-related as he may deem necessary, which evidence shall be furnished by the applicant at his own expense.
3. Qualifications: Open competitive examinations shall be open to all applicants who meet the qualifications and standards provided in the official class specifications and examination announcements and provisions of the Act and these Rules. Provisions for the substitution of related experience, education

or other qualifications for specific education and/or experience requirements may be made in specific announcements for particular positions even though these provisions are not part of the class specification. Applicants must be residents of the State of Arizona unless waived by the Board or the Assistant Director, or except as otherwise provided by law. All applicants must possess qualifications of good character, temperate habits, sound health, and physical ability to perform successfully the duties of the position. In no case shall admittance to the examination constitute assurance of a passing rating on either qualifications or evaluation of training and experience.

4. Conditional Eligibility: Any applicant who does not meet minimum educational requirements for the position, but who will meet these requirements as a result of the completion of further education for which he is scheduled for the then current school term, may be allowed to take the examination. A successful applicant taking the examination under this provision shall have his name entered on the register in the same manner as other successful applicants, and his name may be certified for appointment. If appointed, he must furnish the Assistant Director acceptable evidence of his qualifications before the effective date of the appointment. Failure to complete the required educational work will cause the removal of the applicant's name from the register or the cancellation of his appointment.
5. Grounds for Disqualification of Applicants: The Assistant Director may refuse to examine an applicant, or after examination, may disqualify such applicant or remove his name from the register or refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove a person already appointed if it is found that:
  - a. He does not meet any one of the preliminary requirements established for the examination for the class of position; or
  - b. He is so disabled as to render him unfit for performance or unsafe to himself or other workers or the public in performing the regular duties of the class; or
  - c. He is addicted to use of narcotics or the habitual use of intoxicating liquors to excess; or
  - d. He has made a false statement of material fact in his application; or
  - e. He has used or attempted to use political pressure or bribery to secure an advantage in the examination or in the appointment to a position in the State Service; or
  - f. He has directly or indirectly obtained information regarding the examination to which, as an applicant, he was not entitled; or
  - g. He has failed to submit his application correctly to the appropriate place(s) within the prescribed time limits; or
  - h. He has taken part in the compilation, administration, or correction of the examination for which he is an applicant; or
  - i. He has previously been dismissed from a position in the State Service for cause; or
  - j. He has been convicted of a felony, or misdemeanor involving moral turpitude; or
  - k. He has been convicted of any felony or misdemeanor manslaughter involving the use of a motor vehicle; or
  - l. He has been convicted of any crime involving the use or sale of narcotics or habit-forming drugs; or

- m. He is charged with or under indictment for any crime which upon conviction would cause denial of eligibility under this Rule; or
- n. He otherwise has willfully violated the provisions of the Act or these Rules.

C. Nature of Examinations:

1. Content and Nature of Examinations: Examinations shall be practical in nature, and constructed or designed to reveal the traits, abilities and capacity of the applicant for the particular type of work usually assigned to the class of position for which he is being examined. The method of examining an applicant may be any one or combination of the following:
  - a. Assembled.
  - b. Unassembled.
  - c. Written.
  - d. Oral.
  - e. Demonstration or performance.
  - f. Evaluation of experience, educational background, and skills.
  - g. Any other valid method of examination.
2. Objectivity of Ratings: All examinations, evaluations, ratings and other selection devices or items shall be rated impartially and as objectively as possible.
3. Conduct of Examinations: Examinations shall be conducted in as many places in the State as necessary and required by Law. The convenience of applicants and the relationship of this to local needs shall also be considered. The Assistant Director may designate proctors or examiners in various parts of the State and in various agencies when practical and necessary to administer examinations locally and under procedures prescribed by him.
4. Open Competitive Examinations: Open competitive examinations for entrance into the State Service shall be conducted for all applicants who meet the requirements for examinations.
5. Promotional Examinations: Examinations for promotion within the State Service shall be conducted either on a qualifying or competitive basis, depending upon the program designed for the specific class of positions and the best interests of the Service.
6. Oral Examinations: When an oral examination is used as part or all of the examination process, the oral examinations shall be conducted and a proposed rating made by a panel of two or more qualified individuals selected by the Assistant Director. Any member of an oral examination panel who is related to an applicant being interviewed, or who has any possible conflict of interest with the applicant, shall disqualify himself.
7. Authority for Administration and Use of Examinations: An agency or appointing authority may not administer or use any examination, as defined in the Rules, except the hiring interview, training and experience evaluation, or reference and suitability checking, to determine the relative qualifications of certified eligibles for open competitive and and competitive promotional positions without prior written approval from the Assistant Director.

- D. Evaluating Results and Rating Examinations: In any examination the minimum rating or standing through which eligibility on a register may be earned shall be determined by the Assistant Director, with the use of norms and standards where practical. The basis for such final rating shall be specified in the examination announcement. All applicants for the class for which the examination was announced shall be accorded fair and equal treatment in all phases of the examination.

- E. Reference Checks and Investigations: The Assistant Director may check references and investigate the candidate's education or work history. If the results of these checks and investigations bring out information affecting the rating in any examination, the Assistant Director may re-rate the applicant according to the new information and will notify the applicant of any change.
- F. Notice of Examination Results and Administrative Rule: Written notice shall be given to each applicant of his final rating as soon as possible after the rating has been completed.
- G. Retaking Examinations:
  - 1. Performance examinations or tests of skills may be retaken or repeated within reasonable limits of scheduling.
  - 2. Training and experience may be reevaluated if justified and a score adjusted upon request of applicant and within reasonable limits of work time.
  - 3. Written tests may not be retaken for a period of ninety calendar days from date of examination. In each case of a repeated written test, the most recent test score achieved shall be used to place the eligible's name on the register.
- H. Inspection of Examination:
  - 1. Test or evaluation papers shall be only open to inspection by an applicant, or the applicant's attorney with the applicant's written authorization. This standard inspection, a request for which must be made in writing within 30 days after notice of score has been given to the applicant, will only allow the applicant or his duly authorized attorney to compare his answer sheet for any written test with the scoring key at such location and with such security procedures as may be designated by the Assistant Director for the purpose of determining whether his answers have been accurately scored. Such inspection shall be under supervision of a Division staff member or other authorized representative. Answer sheets for copy-righted or standardized examinations may be excluded by the Assistant Director from such inspection. Any applicant who reviews his test papers with a score key must wait ninety days from that time before retaking a written test where the same test materials are to be used. Any other method of inspection will be at the discretion of the Assistant Director.
  - 2. Examination papers, rating forms and test materials will be available for research purposes and outside inspection only with the approval of the Assistant Director.
- I. Adjustment of Errors: A manifest error in the rating of an examination, if called to the attention of the Assistant Director after receipt by the applicant of notice of rating, shall be corrected by the Assistant Director provided, however, that such correction shall not invalidate any certification and appointment previously made.
- J. Special Examinations: Except in the case of a manifest error affecting him, or in the case of placement of the handicapped, no applicant shall be given a special examination in any manner not afforded all applicants for the same class.
- K. Administrative Review: The Assistant Director shall provide an administrative review of an applicant's examination score or rating or disqualification, if any, upon written request from the applicant stating the reasons therefor.
- L. Veterans Preference: Any veteran of the Armed Forces separated under honorable conditions after more than six months of active duty shall be eligible to receive employment in the State Service regardless of his age if he is otherwise qualified and his age does not coincide with or exceed prescribed retirement age. Any such veteran who, pursuant to these Rules, qualifies for and takes an examination for any class of positions for which the establishment of a register may be

necessary, shall in the determination of his final rating be given a preference of 5% over persons who are not veterans; such preference is to be added to the final rating earned by him on the examination, but only in the event he earns a passing grade or rating on such examination without the addition of such preference. Such veterans' preference shall be applied to original entrance examination scores and not to promotional examinations.

- M. Examination Records: The Assistant Director shall be responsible for the maintenance and confidentiality of all examinations and records pertinent to selection and examination programs. Applications and other records shall be kept during the life of the register or as long as may be required by law.

Historical Note

Former Rule 4; Amended October 12, 1977.

R2-5-12. Registers

- A. Responsibility for Maintenance of Registers: It shall be the duty of each appointing authority to notify the Assistant Director as far in advance as possible of vacancies or anticipated vacancies and to cooperate in manpower forecasting and planning and turnover analysis studies. The Assistant Director shall be responsible for the establishment and maintenance of appropriate registers for all classes and for the determination of the adequacy of existing registers.
- B. Open Competitive Registers: After each examination, the Assistant Director shall prepare a register or merge the names of the new eligibles with those on the existing register. In the case of open continuous recruitment, registers may be amended continuously. The names of eligibles shall be placed continuously on the registers in the order of their final scores computed on the basis specified in the examination announcement. Eligibles may obtain their relative rank on a register by requesting such information in the manner prescribed by the Assistant Director.
- C. Use of Related Registers: If a vacancy exists in a class for which there is no appropriate register, the Assistant Director may prepare a register for the class from one or more existing related registers. The Assistant Director shall select names of eligibles from registers for which the requirements are comparable with and equal to or higher than those required for the class in which the vacancy exists. The scores of the eligibles may be reevaluated in light of the specific needs of placement in the class in which the vacancy exists.
- D. Duration of Registers:
1. A register shall expire as provided in the official announcement and notice of examination results unless the register is specifically extended by the Assistant Director for a period not to exceed six months. The Assistant Director may abolish a register before its expiration, in the event that it is determined after job analysis that a new or modified examination would be a more job-related method of ranking applicants or there are changes in class, duty or requirements, or whenever an existing register because of its highly specialized nature is expected to have limited utilization has ceased to meet the needs for adequate placement in State Service.
  2. The life of registers for classes for which continuous recruitment and examinations are conducted shall be indefinite, but may be terminated by the Assistant Director at any time in order to use new examinations, or meet needs of changed class, duty, or requirement concepts. Names of eligibles will be removed from open continuous registers after the period specified in the announcement, notice of examination results or six months from the date they were placed on the register.
  3. An expired or abolished register may be reactivated to resolve recruitment problems in the best interests of the State Service when deemed appropriate by the Assistant Director.
- E. Removal of Names from the Register or a Certificate: The Assistant Director may remove the name of an eligible from a register at any time for any one of the following reasons:
1. Any of the reasons specified in R2-5-11, B 5;
  2. When the eligible cannot be located despite reasonable efforts to locate him by the appointing authority or the Assistant Director;
  3. Receipt by the Assistant Director or the appointing authority of any written or oral communication from the eligible that he no longer desires consideration for a position in the class or is no longer available for appointment;

4. Refusal or rejection by the eligible of an offer or probationary appointment to the class for which the register was established;
  5. The probationary appointment of the eligible to a position in the State Service, provided, however, that the name of such eligible shall not be removed from any other register with a higher salary grade;
  6. Upon the recommendation of an agency after an eligible has been duly certified and considered when accompanied with substantiating reasons;
  7. Upon failure of an eligible to keep the State advised as to his availability when instructed, or fails to reply to an availability check.
- F. Notification of Removal From or Abolishment of Register: When a register is abolished or any eligible is removed from a register, all eligibles removed shall be notified of such abolishment or removal. Such notification shall not apply when an eligible's score has expired or the life of the register has expired. Such notification shall not apply when an eligible fails to keep the State advised as to his availability when requested or instructed. Eligibles removed in accordance with R2-5-12, F may request that their names be reinstated to the register for that class if it is still active.
- G. Reinstatement List: Any employee with permanent status who has resigned in good standing shall, for a period of one year from the date of his separation, be entitled upon written request to have his name placed by the Assistant Director on a reinstatement list for referral to agencies having vacancies in the same or lower classes for which he qualifies. His name shall remain on such reinstatement list for one year from the effective date of his resignation.
- H. Reemployment Register: Any employee with permanent status who has been separated as a result of a formal layoff in accordance with these Rules shall be entitled within three months from the date of separation, upon written request, to have his name placed on the reemployment register for the same or lower grade class for which he qualified. His name shall remain on such reemployment register for a period of one year from the date of his separation. Former employees may be ranked by the Assistant Director on a reemployment register on the basis of the following criteria: their current qualifications, length of service, performance appraisals, conduct, original test scores, and other related factors.
- I. Promotion Registers: Applicants who have obtained permanent status, meet the necessary minimum requirements, and have passed the appropriately announced promotional examination, if any, will be placed on a promotional register in the order of their respective relative ratings.
- J. Order of Use of Registers: In filling vacancies in the State Service from registers, the following order of preference of register shall be as follows:
1. The reemployment register for laid-off employees of the agency with the vacancy to be filled.
  2. The promotional register.
  3. Any or all of the following irrespective of the order listed: reemployment registers of former employees of agencies other than the one from which such employees were laid off; reinstatement lists; and open competitive registers.

#### Historical Note

Former Rule 5.

R2-5-13. Certification and Selection of Eligibles

- A. Request for Certification of Eligibles: Appointing authorities shall request certification of eligibles in order to fill vacant positions in the State Service by submitting an official request on the form and in the manner prescribed by the Assistant Director.
- B. Certification of Eligibles: Upon receipt of an agency request, the Assistant Director shall certify in the order of their relative excellence on the examination, and submit to the appointing authority the names of available eligibles for the appointment as follows:
1. Single Vacancy: For one vacancy, he shall certify from the appropriate register the names of seven eligibles with the highest final ratings or any lesser number of eligibles if less than seven names are contained on the register. Any certification for a single vacancy which contains at least three names shall constitute a complete certificate. If less than three eligibles are available for certification, those available may be certified to the appointing authority for consideration.
  2. Multiple Vacancies: If a request or requests are received to fill more than one vacancy from the same resiter, either in one or more agencies, the Assistant Director may certify additional names for an agency to consider.
  3. Vacancies in Part-time Positions: Requests for certification of eligibles for part-time positions will be processed in the same manner as for full-time positions of the same type.
  4. Local Certification: For vacancies outside of the metropolitan Phoenix and Tucson areas, the Assistant Director may first certify qualified eligibles whose residence is within 50 road miles of the location of such vacancy. If there are fewer than seven such eligibles, he shall certify sufficient additional eligibles on a statewide basis to provide a full certificate of seven eligibles. Former employees eligible for reinstatement or reemployment shall be certified for any vacancy for which they have applied regardless of their place of residence.
- C. Selection of Eligibles:
1. In each case, including single or multiple certifications from open competitive, temporary, seasonal (except summer employment of students), promotional, and reemployment registers, the appointing authority's selection must be from among one of the eligibles certified in accordance with R2-5-13,B.1.
  2. The appointing authority shall interview all available eligibles certified in order to make the best selection. In the event a certificate contains more than 7 names of eligibles per vacancy, the appointing authority shall interview a minimum of 7 available eligibles.
  3. The final selection by the appointing authority shall be reported in writing on the forms prescribed by the Assistant Director. The appointing authority shall indicate the action taken on each eligible certified and shall forward to the Assistant Director for permanent record all evidence of non-availability and any other materials concerning the eligibles.
- D. Selective Certification: The Assistant Director may make a selective certification of eligibles to an appointing authority from the appropriate register when the vacancy is for a position requiring specialized knowledge and/or experience or special background or qualification within a particular class or within a particular geographic area.
- E. Life of Certification:
1. The life of certification during which action may be taken shall be fixed by the Assistant Director giving consideration to the area, type of position, and other factors, and may be extended by him for a period not to exceed thirty days.
  2. Any appointment made during the life of a certification as indicated thereon shall not be subject to any change in the conditions of the register taking place during that period.

- F. Availability of Eligibles: Eligibles will be certified on the basis of their indicated availability for employment consideration. It shall be the responsibility of eligibles to notify the Assistant Director in writing of any change of address or other change affecting availability for appointment. An eligible may request that his name placed in an inactive status, but in so doing, his eligibility will not be extended beyond the active life of the register.
- G. Breaking Tie Scores for Certification:
1. When two or more scores are identical, the Assistant Director will review the examination components and determine whether a subset of these is the more job-related and valid. When such determination is made then the eligible making the highest score on the most valid and job-related subset will be ranked first.
  2. When such determination cannot be made, or when the scores of the tied eligibles on the subset of components is equal, then the eligibles with the tie score will all be certified, except as specified in Rule R2-5-13, G.3.
  3. If tied scores cannot be broken by any valid and job-related means and if the Assistant Director determines that the examining procedure yielded an excessive number of eligibles to be certified by the Rules then certification of names as required by the rules shall be done on a random basis by the Assistant Director using a lottery. Those who are certified after random selection cannot be recertified until all eligibles with the same highest score have been certified.
- H. Certification for Summer Student Season Appointments:
1. Students may be certified for summer employment in the State Service between the end of the spring school term and the beginning of the fall school term in the same manner as certification for regular employment.
  2. Where special placement involves a particular discipline, or is used to extend the educational program, the Assistant Director may designate the use of special procedures. Any such special procedure for a particular class or classes will be outlined in the examination announcement for student summer employment.

Historical Note

Former Rule 6; Amended October 12, 1977.

R2-5-14. Types of Appointment

- A. Filling of Vacancies: All vacancies in the State Service which are not filled by transfer, promotion, or demotion, shall be filled by probationary appointment, reemployment, temporary appointment, seasonal appointment, emergency appointment, provisional appointment, limited appointment, or reinstatement.
- B. Probationary Appointment: The appointment to a permanent position in the State Service through certification in accordance with these Rules from an open competitive register shall constitute a probationary appointment.
- C. Provisional Appointment: When a vacancy is to be filled in a class for which there are less than three eligibles available and no related registers can be used to provide at least three eligibles for certification, the appointing authority, with prior approval of the Assistant Director may make a provisional appointment to fill the position. A provisional appointee must be certified by the Assistant Director as meeting at least the minimum requirements established for the class and position. No such provisional appointment shall be continued beyond the reporting date of any eligible selected from a certificate, beyond the expiration date of any valid certificate, or for longer than six months. Successive provisional appointments of the same person to the same position shall not be made.
- D. Emergency Appointment: The appointment of an employee without regard to the examination requirements of these Rules by reason of a governmental emergency shall constitute an emergency appointment. An emergency appointment may not exceed thirty working days. Successive appointments of the same individual to the same position shall not be made. Emergency appointments shall have the prior approval of the Assistant Director except for night, or weekend, or holiday emergencies which will be reported to the Assistant Director the following working day.
- E. Temporary Appointment: The appointment of a person to a temporary position shall constitute a temporary appointment. Such appointments shall be made from a register or by certification of minimum requirements in the absence of an adequate register. Such appointment shall be for a specified period, which may be extended for a specified period by the Assistant Director.
- F. Seasonal Appointment:
  - 1. The appointment of a person to a position which with reasonable regularity recurs on a seasonal or intermittent basis, other than to a seasonal position exempted by the Board, is a seasonal appointment. Such appointments shall be made from a register if available or by approval of the Assistant Director based on meeting minimum requirements. If a person receives a seasonal appointment from a register, he will be eligible for successive seasonal appointments to the same class without reexamination or recertification. Otherwise, he must pass successfully the selection program for the class before being eligible for successive seasonal appointments.
  - 2. Seasonal appointments can only be made after the appointing authority has established and received approval from the Assistant Director of the recurring seasonal or intermittent needs and the approximate seasonal periods and types of classes involved.
  - 3. Seasonal positions shall be limited to a maximum of 1500 hours of employment per calendar year per agency.
- G. Limited Appointment: The appointment from a register to a position of a one-time project nature for not less than 6 months nor more than 36 months shall constitute a limited appointment. An employee who successfully completes probation in a limited appointment shall acquire all rights of permanent status except layoff, reemployment, and reinstatement rights. Such employee shall have rights of transfer, promotion or demotion to regular funded positions in the State Service provided the original appointment was from a competitive list of eligibles. The limited appointment employee who transfers, promotes, or demotes into a regular funded position in the State Service shall serve a six month original probationary period and shall not have the right to return to his limited position if his probation is unsuccessful.

- H. Reemployment: The appointment of a person who was a former permanent status employee who was laid off by reasons of lack of funds or work, curtailment of program, or other reasons and through no fault of his own shall constitute reemployment. A person so reemployed shall be subject to the successful completion of a probationary period in accordance with these Rules.
- I. Reinstatement: The appointment, within one year of termination, of a former permanent status employee who resigned or was separated in good standing from the State Service as provided for in these Rules shall constitute reinstatement. A person so reinstated shall be subject to the successful completion of a probationary period in accordance with these Rules.
- J. Mobility Assignments:
  - 1. An employee from another government jurisdiction may be appointed to serve in a mobility assignment in the State Service for an initial period not to exceed 36 months with the concurrence of the employee, the government in which he works, the State agency to which he would be assigned, and the Assistant Director.
  - 2. An employee with permanent status in the State Service may accept a mobility assignment to another government jurisdiction or another Arizona State agency for a period not to exceed 36 months with the concurrence of the employee, the agency in which he is employed, the jurisdiction to which he would be assigned, and the Assistant Director. He shall retain the right to return to a position in his former classification with all rights and benefits of permanent status. An employee returning from a mobility assignment will have his salary set in accordance with the merit increases he would have been eligible for had he not taken the mobility assignment.
  - 3. An employee serving in a mobility assignment may be extended beyond 36 months upon the approval of the Assistant Director of such request for extension from the employing agency and the availability of funds from the project.

Historical Note

Former Rule 7; Amended October 12, 1977.

## Article III

### EMPLOYMENT STATUS

#### R2-5-21. Probationary Period

##### A. Nature, Duration, and Purpose:

1. The probationary period shall be utilized for the most effective adjustment of a new employee whether on original probation or reinstatement or reemployment status and for the elimination of any employee whose performance does not in the judgment of the appointing authority meet the required standard of performance. It also is valuable in promotions to allow the appointing authority an opportunity to evaluate the employee in the new assignment. It is also used to evaluate further an employee who has been transferred or demoted when such transfer or demotion results in probationary status.
2. The probationary period for part-time and full-time employees in the State service shall be six months. The appointing authority may request in writing from the Assistant Director authorization for a probationary period which is either shorter or longer than six months for any class of positions in his agency. In no case may the basic probationary period be shorter than ninety calendar days or longer than one year. The Assistant Director may extend the probationary period of a probationary employee for good reason upon request by the appointing authority. The probationary period shall be extended for any corresponding period for which a probationary employee is on leave without pay for more than eighty consecutive working hours.
3. State Service immediately prior to a probationary appointment to the same classification may be credited toward completion of the required probationary period, with the approval of the Assistant Director, provided that such service was achieved under the same program of orientation, training and evaluation applied to probationary employees.
4. An employee who has been detailed to special duty may have his detail service applied to his probationary period if he subsequently is promoted to the position to which he had been detailed if recommended by the appointing authority and approved by the Assistant Director.

##### B. Conditions Preliminary to Permanent Status:

1. The appointing authority shall evaluate a probationary employee and submit a report to the Assistant Director on a form prescribed by him at least fifteen days prior to the expiration of the employee's probationary period unless the appointing authority supplies to the Assistant Director, in writing, justification for a period of time less than 15 days. If forms or justification are not submitted 15 days prior to the expiration of the employee's probationary period, the probationary period of the employee will automatically be extended for 30 calendar days.

If no action has been taken by the appointing authority by the end of the extended 30 day period, the employee shall be awarded permanent status.

In the event the probationary period is extended due to a manifest error by the appointing authority and the employee is recommended for permanent status, based on his job performance during the original probationary period, the employee's merit increase will be made retroactive to his original merit increase eligibility date and he shall retain the original eligibility date.

2. If the appointing authority determines at any time during the probationary period that the services of a probationary employee are unsatisfactory, the employee may be separated upon written notice by the appointing authority. The appointing authority shall prepare a personnel action that terminates the employee. The appointing authority shall supply the employee with a copy of the personnel action.
- C. Restoration to Register of Separated Probationary Employee: After a probationary employee has been separated, his name may be restored by the Assistant Director to the register for the same or other classes for which he had eligibility previously upon a determination that such action is in the best interest of the State Service, but the Assistant Director shall not again certify such eligible from the list for a vacancy in the same class to the agency from which he was separated unless requested by the agency. When an employee has been promoted but fails to successfully complete the probationary period, he will revert to a position of his former class. If there is no vacancy in a position of the former class, he shall be placed in another suitable position. However, if no other suitable position is available, the rules of layoff shall apply.

Historical Note

Former Rule 8; Amended October 12, 1977.

R2-5-22. Promotion, Transfer and Demotion

A. Promotion:

1. Vacancies in the State Service shall be filled by promotion whenever practicable and in the best interest of the Service. Promotions shall be based upon merit and shall be made in accordance with the procedures established in these Rules. A promotion may be made from within the appointing agency or from another agency within the State Service. Employees must have permanent status to be promoted.
2. Promotions may be made on either a competitive or non-competitive basis. The Assistant Director will issue procedures in the manual for making non-competitive promotions. All promotions shall be competitive unless the Assistant Director determines that the best interests of the State would be served by non-competitive promotion. Except as provided in paragraph 3 below, all persons promoted on a non-competitive basis must meet the minimum requirements and have satisfactory performance appraisal records.
3. An employee may be promoted provided he meets the minimum experience requirements for the class to which he is moved. Recommendations for substitution of related experience, education, or other qualifications for the specific minimum experience requirements for the class may be approved by the Assistant Director. Such promotions shall be recommended with justification by the employee's immediate supervisor, shall be endorsed by the agency head, and shall require the approval of the Assistant Director, who may require that the employee pass a qualifying examination. Requirements for certification, registration or licensure are not waived by this Rule.
4. An employee who is promoted shall be required to serve a probationary period as provided in these Rules.
5. Employees with permanent status may be appointed to non-elective exempt positions with the State, in which case the employee will be granted a leave of absence without pay in accordance with R2-5-51.

B. Transfer:

1. A transfer of an employee may be made between positions within the appointing agency or from a position in another State Service agency to a position with the same pay grade. The appointing authority may require that an employee who transfers to a different class serve a probationary period in accordance with R2-5-21. In any transfer between agencies the appointing authority may require that an employee serve a probationary period.
2. An employee may be transferred to a position in the same or a closely related series provided he meets the minimum experience requirements for the class to which he is moved.
3. No employee appointed to a position through selective certification shall be transferred from that position during the probationary period without the prior approval of the Assistant Director.
4. In the event that, by legislative action or otherwise, part or all of the functions of one agency are transferred to another agency, the affected employees of the transferring agency shall be accepted as transfers by the receiving agency at the same pay grade unless the receiving agency has no need for the particular position or positions. In the latter event, the Rule concerning layoffs will apply.

C. Demotion:

1. Until an employee who has been promoted to a position or class has successfully completed the prescribed probationary period and obtained permanent status in such new position or class, he may be returned or demoted to his former or like position or class and he shall have no right to appeal such demotion. The current employing agency shall assume demotion responsibilities following a transfer or promotion.
  2. An employee with permanent status may be demoted for cause or as otherwise provided by these Rules after the employee and the Assistant Director have been furnished by the appointing authority with specific reasons for such demotion in writing. The employee will be on probation in the new classification. The appointing authority shall include in the written statement to the employee a notice of his right to appeal in writing to the Board. The appeal must be filed within thirty calendar days from the effective date of the action.
  3. If, for personal or other reasons, an employee requests in writing that he be assigned to a position of a lower class, the appointing authority may make such a demotion. In such cases, the appointing authority will give the employee written notice of the demotion. A voluntarily demoted employee may be placed on probation if requested by the appointing authority. In such cases the demotion and acceptance of probation will be deemed to have been voluntary and there shall be no right of appeal of the demotion or action taken as a result of failure to successfully complete probation in the new position.
  4. An employee may be demoted to a position in the same or a closely related series provided he meets the minimum experience requirements for the class to which he is moved.
  5. When an employee not having permanent status is to be demoted, he must be qualified for appointment to the class of position to which he is being demoted in the same manner as an original appointment.
- D. Detail to Special Duty: When the services of an employee with permanent status are needed temporarily for more than thirty working days in a position within the State Service other than the position to which he is regularly assigned, upon prior approval of the Assistant Director he may be detailed to that position for a period up to one year. Such detail may be extended upon the approval of the agency head and the Assistant Director. Detail to special duty may be applied toward probationary requirements if recommended by the appointing authority and approved by the Assistant Director.

Historical Note

Former Rule 9.

Article IV

CONDUCT, DISCIPLINE AND APPEALS

R2-5-31. Code of Ethics for the State Service

A. Conduct and Requirements in General:

1. The maintenance of high standards of honesty, integrity, impartiality and conduct by State Service employees is essential to assure the proper performance of State business and maintenance of confidence by citizens in their State Government.
2. Employees in the State Service shall conduct themselves in such a manner that the work of the State is effectively accomplished; they shall be courteous, considerate and prompt in dealing with and serving the public; and shall conduct themselves in a manner that will not bring discredit or embarrassment to the State.
3. Employees shall observe the applicable laws and regulations governing participation in political activities and conflict of interest, and shall avoid any discrimination because of race, color, religion, national origin, or sex, and shall economically utilize, protect and conserve property of the State of Arizona entrusted to them, and conduct all their official activities in a manner which is above reproach and free from any indiscretions or acceptance of gratuities or favors which would cast doubt or suspicion upon themselves or the agency by which they are employed.

B. Specific Conduct and Responsibilities of State Service Employees:

1. Official position shall not be used by State Service employees for personal gain. Public influence and confidential or "inside" information may never be turned to personal advantage.
2. Conflict of interest laws must be scrupulously observed. The employee must disclose his interest, if any, in the official records of the employing agency and shall not participate in or vote for any contract, sale, purchase, or service in which he has an interest as defined in A.R.S. 38-502.
3. The employee shall not do any work in a private capacity which may be construed by the public to be an official act.
4. The employee shall not accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is or may appear to be designed to in any manner influence official conduct, particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the employing agency, or who has interests that might be substantially affected by the performance or non-performance of the employee's duty. This provision does not prohibit acceptance by an employee of food and refreshments of insignificant value on infrequent occasions in the ordinary course of a meeting, conference, or other occasion where the employee is properly in attendance, nor the solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the employee, nor the acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars, and other items of nominal intrinsic value.
5. The employee shall not directly or indirectly use or allow the use of State property of any kind, including property leased to the State, for other than official approved activities. An employee has a positive duty to protect and conserve State property, including equipment, supplies and other property entrusted or issued to him.

6. The employee must never permit himself to be placed under any kind of personal obligation which could lead any person to expect official favors.
7. The employee's official acts must reflect impartiality. His decisions and actions must be determined by impersonal considerations, free from any taint of favoritism, prejudice, personal ambition or partisan demands.
8. The employee shall not engage in outside or other employment or other activity which is not compatible with the full and proper discharge of the duties and responsibilities of his State Service employment, or which tends to impair his capacity to perform his State Service duties and responsibilities in an acceptable manner.
9. Each employee shall acquaint himself with the statutes relating to his conduct as an employee, including:

A.R.S. 38-501 through 38-504

A.R.S. 41-772

A.R.S. 41-773

A.R.S. 41-775

Federal Hatch Act

- C. Required Disciplinary Action or Dismissal: The employing agency shall suspend for not less than thirty days, or dismiss, any employee who is determined by the agency head to have violated any provisions of A.R.S. 41-761. The employing agency shall suspend for not less than ninety days, or dismiss, any employee who is convicted of a misdemeanor under Chapter 4, Title 41, A.R.S.

Historical Note

Former Rule 15.

R2-5-32. Separations and Disciplinary Actions

- A. General Provisions: Except as otherwise provided in these Rules, the tenure of an employee with permanent status shall continue during good behavior and the satisfactory performance of his duties.
- B. Layoffs:
1. An appointing authority may layoff an employee in the State Service whenever it is necessary by reason of shortage of funds or work, or by reason of a bona fide abolishment of or change in the duties of a position, or when the agency is reorganized and the need for the position is eliminated.
  2. When a layoff is deemed necessary by the appointing authority, he will notify the Assistant Director, who will establish in consultation with the appointing authority the order of preference of layoff for as many employees as are to be separated. In any event, the Assistant Director will attempt to obtain a transfer of the employees to be laid off to other vacancies in the State Service.
  3. No employee with permanent status is to be separated by layoff while there are provisional, temporary, emergency, seasonal or probationary employees serving in the agency in the same, or equal or lower level positions for which such permanent status employee or employees are qualified and available for reassignment.
  4. In determining the order of layoff of employees with permanent status, the Assistant Director shall consider on a consistent and equitable basis such factors as qualifications, performance appraisals, work record, conduct, and seniority.
  5. An employee serving in a limited appointment shall not have layoff rights to positions outside the project. Such employee shall have layoff and reinstatement rights only within the project to which he is assigned.
- C. Dismissals:
1. The appointing authority may remove any employee with permanent status only for cause as provided in A.R.S. 41-770 or in R2-5-31, but not before furnishing the employee personally or by certified mail with a written statement of the statutory or other grounds and the specific reasons for dismissal in sufficient detail to inform him of the facts, with a copy of such written notification provided to the Assistant Director. The appointing authority shall include in the written statement to the employee notice of the employee's right to appeal in writing to the Board within thirty calendar days from the effective date of the action. This provision shall not, however, be construed as precluding the appointing authority from relieving an employee immediately from his official position or from excluding him from his post or place of duty or employment pending preparation and giving notice of dismissal, but no pay shall be withheld for such period.
  2. At any time before receiving the Board's notice of the time and place of the hearing, the appointing authority may serve on the employee and file with the Board an amended or supplemental notice or statement of dismissal. If the amended or supplemental notice states new causes, the Board may grant the employee's request for a continuance of the hearing for a reasonable time to allow the employee to prepare his case.
  3. An employee with permanent status may appeal his dismissal as provided in these Rules.

- D. Separation or Dismissal During Probationary Period: An employee may be separated or dismissed without the right of appeal at any time during the probationary period. A promotional probationary employee may be demoted from his promotional position without right of appeal, but may not be separated from the State Service without the right of appeal. In any case of separation, dismissal, or demotion during an employee's probationary period, the Assistant Director or the Board may investigate the circumstances and causes for the action taken.
- E. Resignation: An employee who desires to terminate his service with the State should submit a written resignation to the appointing authority at least ten calendar days prior to the effective date of the resignation. Failure to provide such notice may cause such resignation to be considered by the appointing authority as being a separation with prejudice and may result in the denial of reinstatement rights. The appointing authority shall provide the Director with such information as is necessary and available for turnover analysis.
- F. Retirement: If an employee with permanent status is retired as provided under the State Retirement Act, he is deemed to be separated without prejudice and does not have the right of appeal to the Personnel Board.
- G. Suspensions:
1. An appointing authority may, as a disciplinary action, suspend any employee for cause with or without pay. The appointing authority shall within three calendar days of the effective date of the action furnish the employee, with copy to the Assistant Director, a written statement of the reasons for the action taken, specify in such statement the period of the suspension, and indicate that the employee if permanent has the right of appeal to the Personnel Board within thirty calendar days from the effective date of the action.
  2. Except as otherwise provided by law or in these Rules, suspensions shall not exceed thirty working days during any twelve-month period. The twelve-month period begins with the first day of the first suspension.

#### Historical Note

Former Rule 10; Amended October 12, 1977.

R2-5-33. Appeals

- A. General Provisions: Unless the context requires otherwise, the following definitions govern:
1. "APPEAL" means any written request filed with the Board by an employee with permanent status seeking relief from:
    - a. dismissal;
    - b. demotion;
    - c. suspension; or
    - d. alleged discrimination as defined in R2-5-02.
  2. "APPELLANT" means the permanent employee filing any appeal with the Board.
  3. "HEARING OFFICER" means a person employed or appointed by the Board or its chairman as a hearing officer, or any member of the Board designated by it or its chairman as a hearing officer.
  4. "RESPONDENT" means the State Service agency or agencies whose interests are adverse to those of the appellant or who will be directly affected by the Board's decision.
- B. Appeal Procedures:
1. Appeal: Every appeal filed with the Board shall be written. The appeal to the Board by a permanent status employee must be filed in writing through the Assistant Director. It shall state the facts upon which it is based and the action requested of the Board. The appeal shall provide in sufficient detail the necessary facts and identity of all persons or agencies concerned in a manner that the Board may understand the nature of the proceeding and appeal. In the case of appeals based upon alleged discrimination, the appellant must first show that the employee problem-solving procedure was pursued through all steps and failed to produce a satisfactory resolution of the problem. Unless the appeal names some other respondent, the appellant's appointing authority shall be considered the only respondent. The Assistant Director shall serve a copy of the appeal on the respondent.
  2. Time for Appeal: An appeal must be filed by the appellant with the Assistant Director not later than thirty days from the effective date of the dismissal, suspension, or demotion which is the subject of the appeal. An appeal based upon alleged discrimination must be filed by the appellant with the Assistant Director not later than thirty days from the date of his final recommendation under the employee problem-solving procedure.
  3. Answer: No answer to the appeal need be filed by the respondent. If an answer is filed prior to the hearing, a copy thereof shall be sent by the Assistant Director or hearing officer to the appellant. If no answer is filed, every relevant and material allegation of the appeal is in issue, but in any case, irrelevant and immaterial issues may be excluded.
  4. Hearing Officer: Any appeal may be assigned by the Board or its chairman to a hearing officer for hearing. When an appeal is assigned to a hearing officer, he shall be the authorized representative of the Board and is fully authorized and empowered to grant or refuse extensions of time, to set such proceedings for hearing, to conduct the hearing, and to take any action in connection with the proceedings which the Board itself is authorized to take by law or by these Rules other than making the final findings of fact, conclusions of law, and order. No assignment of an appeal to a hearing officer shall preclude the Board or its chairman from withdrawing such assignment and conducting the hearing itself or from reassigning an appeal to another hearing officer. The hearing officer conducting the hearing shall write and submit a report embodying findings of fact, conclusions of law and recommendations, as well as a brief statement of reasons for his findings and conclusions within ten days of the last date of the hearing.

- The hearing officer may be present during the consideration of the appeal by the Board, and, if requested, shall assist and advise the Board.
5. Time for Hearing: Every hearing on an appeal shall be held within thirty days from receipt by the Board unless the time is extended by mutual consent of the appellant and respondent.
  6. Notice of Hearing: Written notice of the time, date, place of hearing of an appeal, and of the name of the hearing officer, if any, shall be served by the Assistant Director on the appellant and the respondent at least five days before the date of such hearing.
  7. Nature of Hearing; Rules of Evidence: Every hearing shall be public unless the employee requests a confidential hearing. Any party may be represented by himself or an attorney of his choosing. Every hearing upon an appeal, held before the Board, a member of the Board or a hearing officer, shall be conducted in an impartial manner as a quasijudicial proceeding under the rules of administrative procedure. All witnesses shall testify under oath or by affirmation, and a record of the proceedings shall be made and kept. Such hearings shall be conducted in such manner as to ascertain the substantial rights of parties; the Board, a Board member or hearing officer shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure except the rule of privilege as recognized by law.
  8. Exclusion of Witnesses: Upon the motion of any appellant or respondent, the hearing officer, in his discretion, may exclude from the hearing room any witnesses not at the time under examination; but a party to the proceeding, or his attorneys, or other person conducting the case, shall not be excluded.
  9. Witness Fees: Witnesses, other than employees, when subpoenaed to attend a hearing or investigation are entitled to the same fee as is allowed witnesses in civil cases in courts of record. If a witness is subpoenaed by the hearing officer on his own motion, fees and mileage may be paid from funds of the Board upon presentation of a duly executed claim. If a witness is subpoenaed upon request of the appellant or respondent, the fees and mileage shall be paid by the party requesting the witness. Reimbursement to employees subpoenaed as witnesses shall be limited to payment of mileage by the party requesting him.
  10. Depositions: If a witness does not reside within the county or within one hundred miles of the place where the hearing or investigation is to be held, is out of the State, or is too infirm to attend the hearing or investigation, any party thereto at his own expense may cause his deposition to be taken. If the presence of a witness cannot be procured at the time of hearing or investigation, his deposition may be used in evidence by either party or the Board.
  11. Proposed Findings of Fact: Both appellant and respondent shall have the right to file with the Board or its hearing officer, if any, on or before the date of the hearing, proposed findings of fact. In the event such proposed findings of fact are filed by either or both parties, the written findings of fact of the hearing officer and the Board shall include a ruling upon each such finding proposed by the appellant and the respondent.
  12. Objections to Findings: The findings and conclusions of the hearing officer shall be transmitted to the interested parties. Within ten days of their receipt, any interested party may file written objections (not post-hearing evidence) to the report with the Board and shall serve copies of them upon the other interested parties.

13. Personnel Board Decision: The Board shall make its decision on an appeal in open meeting within thirty days after the conclusion of a hearing. The Board shall notify the interested parties in advance of the time and place of the Board meeting at which the appeal will be decided. The Board may affirm, reverse, adopt, modify, supplement, amend or reject the hearing officer's report in whole or in part, may recommit the matter to the hearing officer with instructions, may convene itself as a hearing body, or may make any other appropriate disposition of the appeal. The Board will make its decision on the appeal in its open meeting. The Board will notify the interested parties of its decision by registered mail, return receipt requested. In the event the Board orders the respondent to reinstate the appellant, it may also order the respondent to reinstate the appellant with or without back pay for such period and in such amounts as the Board deems proper under the circumstances.

Historical Note

Former Rule 11; Amended October 12, 1977.

Article V

CLASSIFICATION AND SALARY  
ADMINISTRATION

R2-5-41. Uniform Classification Plan

A. Uniform Classification Plan:

1. Definition: The Uniform Classification Plan, as approved and adopted by the Board upon recommendation of the Assistant Director, shall include for each class of positions an appropriate title and a class specification.
2. Changes in Plan: From time to time as necessary, the Board may establish new classes and divide, combine, alter or abolish existing classes. The Board will consult with agencies and the Assistant Director prior to taking such action. Where any such action is taken, the Assistant Director shall determine in each instance whether the positions affected are to reallocate to another class or classes after taking into consideration the duties and responsibilities, qualifications, performance standards, and other related criteria before and after the change.

B. Interpretation of Class Specifications:

1. Nature and Interpretation of Class Specifications: Class specifications are descriptive and explanatory and are not restrictive. They are designed to indicate the kinds of positions which should be allocated to the several classes as determined by their duties or responsibilities and shall not be construed as describing what the duties or responsibilities of any particular position shall be. The use of an individual expression or illustration as to duties or responsibilities shall not be regarded as excluding assignment of others not mentioned which are similar in kind or quality. The language of class specifications is not intended to be all inclusive or restrictive and is not to be construed as limiting or modifying the authority which agencies have to take from, add to, eliminate entirely, or otherwise change duties and responsibilities, to assign duties or delegate responsibility to employees, or direct and control their work. Material and permanent or indefinite changes in the duties and responsibilities of a position must be reported to the Board.
2. Minimum Qualifications: Minimum qualifications are comprehensive statements of the minimum background, as to education, experience, and other qualifications which will be required in all cases as evidence of an appointee's ability to perform the work properly. In addition, although not expressed in the class specification, all persons applying for or holding any position in the State Service shall be required to possess qualifications of good character, temperate habits, sound health and physical ability to perform successfully the duties of the position. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each class specification and need not be specifically set forth therein.

C. Classification Administration:

1. Allocation Factors: Every position in the State Service shall be allocated by the Assistant Director, after consultation with the Agency, to the appropriate class in the Uniform Classification Plan. The allocation of a position to a class shall derive from and be determined by the duties and responsibilities of the position and shall be based on the principle that all positions shall be included in the same class if:
  - a. They are sufficiently similar in respect to duties and responsibilities that the same descriptive title may be used;

- b. Substantially the same requirements as to training and experience, knowledge and ability are demanded of incumbents;
  - c. Substantially the same test of fitness may be used in choosing qualified appointees; and
  - d. The same schedule of compensation can be made to apply with equity.
2. Allocation of New Positions: The Assistant Director shall allocate each new position to a class upon receipt of the prescribed form from the agency containing statement of duties, responsibilities, requirements of the position, and organization-related materials. The Assistant Director may study the unit, division, or agency to the extent necessary to determine the proper allocation.
3. Reallocation of Existing Positions: The Assistant Director shall change the classification of an existing position when a material and permanent change in the duties and responsibilities of the position occurs. In all cases of reallocation of a filled position, the employee in the position at the time of reallocation shall be entitled to continue to serve therein. If such employee should have permanent status and the position is reallocated, he may retain his permanent status or serve a probationary status in accordance with Rule R2-5-21, at the discretion of the appointing authority and with the prior approval of the Assistant Director. If such employee be a probationary or provisional employee, he shall be entitled to continue to serve therein in the same status he held before the position was reallocated. In all cases the employee shall be required to pass any examination which may be required if there is a material difference in the qualifications.
4. Review of Allocations: Any appointing authority or any employee affected by the allocation or reallocation of a position to a class by the Assistant Director may obtain a review of such action upon filing with the Assistant Director a written request for a review thereof on such forms as the Assistant Director may prescribe.
- D. Classification Controls: A position shall have been allocated to a specific class before final administrative action can be taken by an appointing authority on appointment, transfer, promotion, demotion or change in compensation rate, or payment of salary with respect to the position.
- E. Title of Position:
- 1. Use of Titles: The class title of a position shall be used to designate such position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all personnel processes.
  - 2. Use of Working Titles: For purposes of internal administration or for any other purposes not involving the personnel processes, abbreviations or code symbols may be used in lieu of the class titles.
- F. Official Copy of Class Specifications:
- 1. Official Class Specifications: The Assistant Director shall maintain a master set of all approved class specifications. Such specifications shall constitute the official class specifications in the Uniform Classification Plan. The copies of the specification for each class shall indicate the date of adoption or the last revision of the specifications for such class.
  - 2. Issuance of Specifications: The Assistant Director shall provide each agency with a set of the class specifications appropriate to that agency. Such class specifications in the agency offices, as well as the master set in the Division offices, shall be open for inspection by the employees or the public under reasonable conditions during business hours.

Historical Note

R2-5-42. Uniform Salary Plan

A. General Provisions for Uniform Salary Plan:

1. Uniform Salary Plan: The Uniform Salary Plan as approved by the Board for the State Service shall provide salary grades and ranges for the various classes, with the salaries consistent with functions outlined in the classification plan. Such salary ranges shall include minimum, intervening, and maximum rates of pay for each class. Each class in the Uniform Classification Plan shall be assigned to a salary grade in the Uniform Salary Plan.
2. Grading Factors: In establishing such salary grades and ranges, consideration shall be given to the relative levels of duties and responsibilities of the various classes of positions, rates paid for comparable positions elsewhere and other relevant factors.
3. Changes and Adjustments to Salary Plan: The Assistant Director shall prepare and submit to the Board at least annually, in cooperation with the Finance Division, proposed adjustments to the Uniform Salary Plan based on comparable rates of pay for comparable work in the State generally, and other economic factors. The Board will consider the Assistant Director's proposed adjustments, and may make changes in the drafts submitted by the Assistant Director. The Board shall, at the public meeting at which objections and protests are heard, or at a later public meeting, adopt such changes and adjustments to the Uniform Salary Plan as the Board deems necessary to maintain a competitive position with respect to the labor market.
4. Submission of Plan: The Assistant Director shall submit to the Joint Legislative Budget Committee and the Legislature the salary plan as adjusted by the Board on or before December 1 of each year.
5. Effect of Plan: Except as otherwise established by the Legislature and subject to availability of funds, each employee in the State Service shall be paid at the appropriate rate set forth in the Uniform Salary Plan for the class in which he is employed.

B. Entrance Salary:

1. Appointments: Initial appointment to a position in State Service shall be made at the minimum salary of the salary range for the class unless otherwise approved by the Assistant Director.
2. Special Entrance Rates:
  - a. If the Assistant Director determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area or Statewide, he may, after consulting with the appointing authorities and the Finance Division, initiate recruitment for a class of position at a higher step of the range, provided that all other employees in the same class in the same agency in the same locality are adjusted in salary at least to the same step.
  - b. The Assistant Director may authorize the appointment of a qualified applicant at a higher step of the range based on the outstanding and unusual character of the applicant's experience, education, and ability over and above the normal minimum qualifications specified for the class, and provided that all other employees possessing similar qualifications in the same class in the same agency in the same locality are adjusted in salary to the same step.

3. Shift Differentials: Appointing authorities may request authorization to pay a shift differential for employees who work on night shifts. The appointing authority should submit substantial evidence of the circumstances to justify the shift differential to the Assistant Director. Where such evidence justifies, the Assistant Director may approve a shift differential based on steps or percent not to exceed two steps of the range for each class of position concerned.
  4. Unusual Work Schedules: When an employing agency finds it impossible or impracticable to establish a normal work week for a class or group of positions due to the unpredictable nature or the extent of the work to be required, the Board may authorize an hourly rate of pay for time worked by employees in such positions commensurate with the appropriate grade and rate of pay on the approved Salary Plan.
- C. Reentrance to State Service: Appointments of former State Service employees from a reinstatement list or a reemployment register shall be made at a salary (dollar amount) determined as follows:
1. The same or lower salary that was paid to the employee at the time of separation provided such salary is within the grade and at a step on the Uniform Salary Plan in effect for the class at the time of reentry; or
  2. If, due to adjustment to the salary plan, a former employee's salary falls below step one of the grade in which he previously held permanent status, he may be appointed to the present grade of the class at step one.
- D. Salary Adjustments:
1. Change in Salary Range: Whenever a change or adjustment to the Uniform Salary Plan is approved by the Board, agencies shall adjust the salaries of the employees affected thereby to the comparable step in the new range, subject to availability of funds, and provided that the agency shall afford equitable treatment to all its employees affected by the approved changes. Salaries adjusted pursuant to this section shall not be decreased, nor shall an adjustment hereunder affect the employee's merit increase eligibility date.
  2. Promotions:
    - a. An employee who is promoted shall have his salary raised to the lowest step of the salary range for the class of his new position which will provide an increase over the salary received prior to promotion. If this is not at least equivalent to a one-step increase in the new range, he shall receive an additional step increase, except under the provisions of paragraph b below.
    - b. An employee who is promoted may accept any salary step in the new range if he is promoting to a classification which allows future potential for advancement beyond the class in which he was employed prior to promotion when fiscal constraints prohibit the granting of a normal promotional salary increase in the new position. Such step may not exceed the step that would be provided under paragraph A above.
  3. Demotion: An employee who is demoted shall have his salary reduced to any rate in the range for the lower class which will be the same or lower, except as provided in paragraphs 5 and 8 below.
  4. Transfer: An employee who is voluntarily transferred to a position in the same class or to another class in the same salary grade shall, subject to availability of funds, be paid the same salary that he received prior to transfer.

5. Reallocation: An employee who is advanced to a higher pay grade through reallocation of his position shall have his salary raised to the lowest step of the range for the class to which he is reallocated which will provide a salary greater than the salary received prior to the reallocation. An employee who is reduced to a lower pay grade by reallocation of his position shall have his salary fixed on step at the lowest step in the new pay grade which would not reduce his present rate of pay. An employee whose salary is on a step above the top step of the new pay grade shall remain at his previous rate of pay.
6. Detail to Special Duty: An employee who is approved for detail to special duty in the State Service as provided by these Rules may have his salary raised to any rate for the class of the new position provided, however, that no such increase shall exceed that which would result from a promotion to the new class.
7. Return from Special Duty Detail: An employee who returns to his original position and class after completion of a special duty assignment shall have his salary reduced to the salary step received prior to the special assignment, plus any merit increase or other salary increase for which he may have been approved during his special duty assignment.
8. Uncompleted Promotional Probationary Period: An employee who does not complete his probationary period upon promotion and is returned to his original position or another position in the same grade as his original position shall have his salary reduced to the salary step received prior to the promotion. He also may receive any salary and advancement for which he might have been approved had he remained in his original position.
9. Administrative Adjustments: When the Assistant Director, after appropriate review, determines that a salary adjustment may resolve a manifest error or clear inequity he may approve such an adjustment in accordance with the Uniform Salary Plan. Requests for such adjustment must be initiated by an agency head.

E. Salary Advancements:

1. Merit Increases: All merit increases are discretionary with the agency. They shall be awarded only when the employee meets or exceeds the standards of performance or efficiency established for his position. Such increases shall correspond with the steps provided in the approved Uniform Salary Plan and may not be granted more often than provided in these Rules. Evaluation of the employee's work performance for merit increase purposes shall be made by the employee's supervisor in writing, subject to review by agency management. Employees in original probationary status may participate only in increases resulting from adjustments to the Uniform Salary Plan except as approved by the Assistant Director.
2. Merit Increase Eligibility:
  - a. Each employee at step 4 or lower on original or promotional probation shall be eligible for consideration by the agency for a one-step merit increase at the beginning of the first pay period following the successful completion of his probationary period. Thereafter, an employee at step 4 or lower shall annually be eligible for consideration by the agency for a one-step merit increase to be effective on the first day of the pay period in which his eligibility date falls, provided the employee's service has been continuous.

- b. An employee who has attained step five shall be eligible for consideration by the agency for a one-step merit increase to be effective on the first day of the pay period in which he completes two years of continuous service in that step after he has attained step five regardless of any classification changes that may have occurred. Advancement from step six to seven shall also be effective on the first day of the pay period in which the employee completes two years of continuous service in step six after attaining that step.
  - c. An employee who becomes eligible for a merit increase during detail to to special duty may have his detail salary adjusted when considering his merit increase if it is recommended by the appointing authority.
  - d. Seasonal, temporary, and limited appointment employees shall be eligible for consideration by the agency for a one-step merit increase at the beginning of the first pay period after the successful completion of service equivalent to six months of full-time employment. Thereafter, such employees shall be eligible for and given consideration by the agency for a one-step merit increase at equivalent periods of service in conformance with the merit increase eligibility rules.
  - e. For each agency initially implementing the Uniform Salary Plan for its employees, the agency may consider a one-step merit increase for each of its employees who were initially allocated to the first step of the salary range for the class upon the expiration of six months or more of continuous service following such initial implementation. Such an increase, if granted, will establish a new merit increase eligibility date for the employee.
  - f. An employee who has not received a merit increase on his merit increase eligibility date may be given the increase at the beginning of any pay period thereafter provided his salary is not advanced above the maximum step of the grade. An employee receiving a delayed salary advancement due to a manifest error, clear inequity, or lack of funds shall retain his earlier merit increase eligibility date as though there had been no delay.
3. Special Meritorious Increase: It is further provided that a special merit increase may be granted by an agency for extraordinary meritorious service at lesser intervals than stated above for any employee, subject to approval of the Assistant Director, provided the salary is not advanced above the maximum step of the grade.
  4. Merit Increase Eligibility Dates:
    - a. The first merit increase eligibility date shall be established on the first day of the pay period following successful completion of the employee's original probationary period.
    - b. A new merit increase eligibility date shall be established on the first day of the pay period following successful completion of a promotional probationary period.
    - c. A veteran who returns to the State Service from long-term military leave in accordance with these Rules, shall have a new merit increase eligibility date established at time of return. In establishing such date, the appointing authority may credit the veteran with any prior service accrued after his last merit increase up to his departure for the military service.

- d. An employee who does not complete a promotional probationary period shall have his merit increase eligibility date restored to that which he had prior to receiving the promotion.
- e. Absence of an employee on leave without pay for more than eighty consecutive working hours shall result in extension of his merit increase eligibility date by an equivalent amount of time except as otherwise provided in these Rules or required by law.
- f. The employee's merit increase eligibility date shall not change when:
  - i. The employee's salary changes as a result of an adjustment in the Uniform Salary Plan;
  - ii. The employee receives a salary adjustment as a result of the approval by the Assistant Director of a change due to a special entrance rate for a new employee in the same class;
  - iii. The employee transfers from one position to another in the same grade;
  - iv. The employee is demoted except as provided in paragraph R2-5-42, E., 4., d.: or his position is reallocated.
  - v. The employee is detailed to special duty as provided in these Rules;
  - vi. The employee has received a special meritorious increase.
- g. The merit increase eligibility date shall be adjusted when necessary based upon the employee's step in the new grade resulting from a reallocation.

Historical Note

Former Rule 13; Amended October 12, 1977.

## Article VI

### EMPLOYEE BENEFITS

#### R2-5-51. Employee Attendance, Holidays, and Leave

##### A. Basic Work Week and Hours of Work:

Except as otherwise provided in these Rules, the regular basic work week for full-time State Service employees shall be forty hours, normally consisting of eight hours per day, Monday through Friday. Modifications of this provision, in order to provide essential State services, may be made by the Agency Head subject, however, to any federal or State statutory or constitutional limitations relating to hours of work.

##### B. Paid Holidays:

1. State Service employees shall be allowed to be absent with pay for any holiday provided in A.R.S. Section 1-301 unless required by an agency to work in order to maintain essential State services.
2. State Service employees who are required to work on a legal holiday regardless of the day of the week on which such legal holiday falls, shall be compensated as provided in A.R.S. Section 38-608 for such holiday worked on one of the following bases:
  - a. Commensurate compensatory time off with pay;
  - b. Additional commensurate vacation or annual leave; or
  - c. Additional commensurate compensation or wages.
3. All State Service employees who are subject to the provisions of the federal Fair Labor Standards Act and who are required to work on one of the above-designated legal holidays, shall be compensated for such holiday worked as required by the provisions of such Act.

##### C. Coverage and Administration of Leave:

1. Coverage and Exclusions: All State Service employees are eligible to accrue any type of leave with pay under these Rules from the date of appointment except the following types of State Service employees who are excluded from the leave provisions of these Rules and are not eligible to accrue or to be given any type of leave with pay:
  - a. emergency appointees
  - b. seasonal appointees
  - c. temporary appointees
2. Avoiding Forfeiture of Leave: Agencies are obligated to plan and carry out their functions so that reasonable opportunity is afforded to employees to use accumulated annual and compensatory leave and, in particular, to avoid forfeiture of leave.
3. Reporting and Recording Leave: Each agency shall install and maintain a leave record showing the earned, used and unused leave for each category of leave for each of its employees. The forms and manner of maintaining such records shall be subject to approval of the Assistant Director. Such records shall be subject to review and audit by the Personnel Board for compliance with these Rules. Each agency shall notify its employees of their annual, sick and compensatory leave balance as of January 1 of each year.
4. Leave Requests: Normally, leave shall be requested and approved in advance of the time when it is taken. Agencies shall establish reasonable requirements to cover requests for leave in emergency situations when advance approval cannot be obtained.

5. **Crediting Leave:** Each eligible employee in the State Service shall accumulate annual and sick leave with pay at the rates prescribed in R2-5-51,D., 2. and R2-5-51,E.,3. respectively for each completed work month of service or major fraction thereof (1/2 or more of a work month constitutes a major fraction thereof).
6. **Disposition of Accrued Leave:** An employee who moves from one State Service agency, or from a position subject to the jurisdiction of the Law Enforcement Merit System Council, to another State Service agency shall retain any accumulated annual and sick leave. The losing agency shall certify in writing to the new employing agency the employee's accumulated leave balances as of date of transfer. The new employing agency shall credit the certified amount to the employee's leave record.

D. **Annual Leave:**

1. **Definition:** Annual leave is a broad category of leave which shall include, in addition to normal vacation time, all other periods of approved absence with pay from regularly scheduled work which are not properly chargeable to some other category of leave.
2. **Rates of Accrual:**
  - a. Each State Service employee shall accrue annual leave credits in accordance with the following schedule, except as otherwise provided herein:

Monthly Accrual Credits in Hours

	<u>Full Time</u>	<u>3/4 Time</u>	<u>1/2 Time</u>	<u>1/4 Time</u>
Less than three years	8	6	4	2
More than 3 but less than 7 years	10	7	5	2
More than 7 but less than 15 years	12	9	6	2
15 years and over	14	10	7	2

- b. Each State Service employee who was accruing annual leave under an established leave policy of his employing agency at a rate higher than that for which he would qualify under this Rule shall continue to accrue annual leave at said higher rate until his length of service entitles him to the same or a higher rate, or until his separation from State Service, under this Rule, or until January 1, 1973, whichever event first occurs, and provided that: the leave policy of the employing agency must have been fixed and established prior to August 1, 1969; and provided further that no employee shall accrue annual leave at a rate in excess of the maximum provided for in these Rules.
  - c. Any employee who had been accruing annual leave in accordance with paragraph R2-5-51,D., 2., b. who is reemployed shall be entitled to accrue annual leave at the same rate to which he was entitled prior to his layoff.
3. **Leave Accrual Rates for Part-time Employees:** Part-time covered employees shall accrue leave according to the fraction of full-time worked, e.g., three-quarter time, half-time, or one-quarter time.
4. **When Annual Leave May be Taken:** Each employee eligible to accrue annual leave credits pursuant to these Rules may request and be granted use of accrued annual leave at the discretion of the appointing authority. No leave shall be advanced by the appointing authority.

5. Computing Length of Service to Determine Rate of Accrual: Only complete calendar months of service before and after interruptions or breaks in service shall be counted. In computing the total number of years of service by which an employee is allowed to progress from one graduated rate of accrual for annual leave to the next, the following rules shall apply:
  - a. Where he has been employed in the State Service without any interruption or break in continuity of service, the date from which his total years of service are counted shall be the first day of the first complete calendar month he worked.
  - b. Periods during which the employee was employed in a non-elective position by any budget unit of the State shall be counted without regard to whether the position in which he was employed is or was a State Service position.
  - c. Periods of service as a State employee prior to a break or interruption in continuity shall not be counted except when the break or interruption was of less than twelve months duration and was not the result of disciplinary action.
  - d. Where an employee's continuity of State Service has been interrupted or broken by his being inducted or ordered into active military service in the Arizona National Guard or the Armed Forces of the United States, the period of military leave shall be counted as State Service in computing his total number of years of service, provided he meets the requirements of A.R.S. Section 38-298 and applies for restoration to position as therein provided.
  - e. Where an employee is absent under competent military orders pursuant to A.R.S. Sections 26-168, 26-171, or 38-610, such periods of time shall be counted as State Service in computing his total number of years of service.
  - f. Periods of leave without pay in excess of 240 hours shall not be counted as service. However, a period of leave without pay shall not be considered as a break or interruption in the continuity for purposes of adding periods of employment.
6. Effective Date for Change in Accrual Rate: A State Service employee shall be allowed to progress from one graduated rate of accrual for annual leave to the next on the first day of the month immediately following completion of the required total length of service.
7. Maximum Accumulation: An employee shall be permitted to accumulate unused leave provided that on January 1 of any calendar year he shall not have a total credit of annual leave of more than thirty days. Any leave credits in excess of this amount shall be forfeited, except as provided below in R2-5-51, D., 8. or in situations that preclude the granting of sufficient annual leave to prevent forfeiture, in which case the Assistant Director may authorize a date other than January 1 for forfeiture of excess leave. This authorization may be granted when requested by agency management with adequate justification.
8. Prior Annual Leave Credits: Unused accumulated annual leave earned in a State Service agency prior to the effective date of these Rules shall be retained by the employee. If the amount exceeds the maximum permitted under this Rule, the employee shall retain the higher accumulation until the excess is used.

9. Disposition Upon Termination: Upon termination of his employment, each employee shall be compensated at his then current rate of pay for all unused and unforfeited annual leave credits.

E. Sick Leave:

1. Definition: Sick leave shall include any approved period of absence with pay of a State Service employee resulting from:
  - a. Illness or injury which renders him unable to perform his official duties. Minor, non-disabling injuries and illness do not qualify an employee for sick leave.
  - b. Medical examination, consultation, or treatment by a licensed practitioner.
  - c. Attendance at the death or funeral of spouse, parent, child, brother, sister, mother-in-law or father-in-law. Each such absence shall not exceed three (3) working days as sick leave.
2. Industrial Accident or Disease: Sick leave with pay shall not be allowed an employee who has rejected or failed to accept compensation available to him pursuant to the industrial injury and disease provisions of Title 23, Chapters 6 and 7, A.R.S. When an employee must be absent from his duties as a result of an injury or disease arising out of his State Service employment, he shall be allowed to remain on the payroll for a period not to exceed five consecutive working days without a charge against his accrued leave. After the five consecutive working days, he shall be charged two hours of sick leave, annual leave, or compensatory time per working day until he returns to work unless he elects not to use such accrued leave, in which case he shall be placed on industrial leave without pay status. If two hours leave are not enough to approximate the employee's take home pay prior to the industrial injury or disease, sufficient additional leave may be charged to accomplish this objective. If he has no accrued leave or compensatory time, or should his accrued leave or compensatory time become depleted, he shall be placed on industrial leave without pay status.
3. A person who is on industrial sick leave shall be credited with full annual and sick leave accrual time as long as he has sick leave or annual leave and is using it at the rate of two or more hours per day.
4. Rate of Accrual: Each employee shall accrue sick leave credits in accordance with the following schedule.

Monthly Accrual in Hours

<u>Full Time</u>	<u>3/4 Time</u>	<u>1/2 Time</u>	<u>Less Than 1/2 Time</u>
8	6	4	2

Each employee eligible to accrue sick leave credits pursuant to these rules may request and be granted use of accrued sick leave at the discretion of the appointing authority. No leave shall be advanced by the appointing authority.

5. Accumulation: An employee shall accumulate unused sick leave credits without limit.
6. Evidence of Need for Sick Leave: The agency shall approve sick leave only after having ascertained that the absence was for an authorized reason. The agency may require the employee to submit substantiating

evidence including, but not limited to, a physician's certificate. If the agency does not consider the evidence adequate, it shall disapprove the request for sick leave.

7. Disposition Upon Termination: Upon termination of employment all sick leave credits shall be deemed forfeited. If the employee reenters the State Service within twelve months after termination, and if such termination was not the result of disciplinary action, he shall be credited with 100% of any unused sick leave he had accumulated at the time of such termination.

F. Civic Duty Leave:

1. Definition: Civic duty leave shall include approved periods of absence with pay from regularly scheduled work while:
  - a. Serving as juror.
  - b. Responding to a subpoena to appear as a witness except as hereinafter provided.
  - c. Casting one's vote under the terms and conditions hereinafter stated.
  - d. Serving as a member of a Public Service Board, Commission, or similarly constituted body.
2. Administration of Employees Summoned for Jury Duty: An employee summoned for duty as a juror shall appear as required for such duty. The agency shall require the employee on civic duty leave jury duty either to remit his fees for such jury duty to the employing agency or shall make an equivalent deduction from the employee's salary. At all times during regular working hours when his presence as a juror is not officially required, he shall return to work until again called or finally released; except, however, that he shall not be required to return to work if because of the remoteness of the location of such work, he cannot respond to a call to return to jury duty with timeliness or he cannot arrive at work and leave one hour before the end of his regularly assigned work shift.
3. Administration of Employees Subpoenaed to Appear as Witnesses: An employee who has been subpoenaed to appear as a witness by any court or administrative, executive or judicial tribunal which is vested by law with powers of subpoena and territorial jurisdiction in this State, shall be entitled to civic duty leave with pay unless:
  - a. The testimony or evidence he has been called to give relates to or arises out of his commercial, business, or personal matters; or
  - b. The testimony or evidence he has been called to give relates to his own misconduct or unlawful conduct.

In no case shall an employee who is paid a fee for his appearance as an expert witness be given civic duty leave with pay unless such fee is paid over to his agency.

The agency shall approve civic duty leave with pay for the absence of an employee who has been subpoenaed as a witness only after it is satisfied that such absence was for purposes which comply with the limitations stated in this Rule. The agency may require such employee to submit substantiating evidence. If the evidence is not considered adequate, the agency shall disapprove the request for civic duty leave with pay.

4. Official Capacity Distinguished from Civic Duty Leave:  
Employees are often required to appear in court or legislative, judicial or administrative tribunals in their official capacities as employees of the State of Arizona. Absence of such employees from their offices for the attendance to such duties shall not be accounted for as a category of leave but shall be counted as active State service.
5. Administration of Voting Leave: Pursuant to A.R.S. Section 16-897, an employee who is qualified to vote at a primary or general election held within the State is entitled to take civic duty leave with pay for the purpose of voting under the following circumstances and conditions only:
  - a. Where there will be less than three consecutive hours between the opening of the polls and the beginning of his regular workshift or between the end of his regular workshift and the closing of the polls. In such event, he may absent himself for such length of time at the beginning or end of his workshift that, when added to the time difference between workshift hours and the opening or closing of the polls, will provide a total of three consecutive hours; and
  - b. He has made application for such absence prior to the day of election. The agency may specify the hours during which such employee may absent himself. An employee who has been granted civic duty leave with pay for the purpose will be subject to disciplinary action if it should be subsequently determined that he did not meet the criteria of this Rule in qualifying for such leave or that he had no intention of and in fact did not vote at such election.

G. Maternity Leave:

1. The agency shall approve the request of any permanent female employee for leave with pay or leave without pay who by reason of pregnancy or childbirth is unable to perform her assigned duties, and subject to the provisions and limitations of these Rules. Leave with pay shall be approved only to the extent of accrued compensatory, sick and annual leave.
2. The agency may require a signed statement from a recognized licensed practitioner to determine the approximate date of delivery as well as the employee's ability to perform her assigned duties during pregnancy and following delivery.
3. A female employee shall be expected to be absent from work after the conclusion of the seventh month of pregnancy, unless an extended period of work is approved by the agency upon receipt of a statement as provided in the preceding paragraph 2. above. A female employee shall not be expected to return to work until thirty days following termination of pregnancy, unless a different period of time is approved by the agency upon receipt of a statement as provided in the preceding paragraph 2. above. The agency may extend maternity leave beyond thirty days following termination of pregnancy or may consider absence beyond thirty days following termination of pregnancy as constituting a resignation.

H. Military Leave for Active Service:

1. Long Term: as provided in A.R.S. Section 38-298, any State Service employee having been inducted or ordered into active service in the Armed Forces of the

United States after August 1, 1939, shall upon completion of his service be restored to the position held by him at the time of induction or of reporting for service, or to a position having similar or other duties which he is qualified to discharge, and shall have his salary set at the step and grade held by him at the time of induction or reporting for service, or to the step, within the grade to which he is appointed, closest to that salary, if such employee:

- a. Possesses a certificate of satisfactory training and service or honorable discharge issued by the proper military or naval authority;
- b. Is still qualified to perform the duties of the position;
- c. Applies for restoration within sixty days after separation from the Armed Forces; and
- d. Has either served in the Armed Forces during time of war or was called to service because of his status as an active or inactive member of the reserve.

2. Short Term:

- a. Definition: Military leave shall include authorized periods of absence of a State Service employee who is a member of the Arizona National Guard for active duty to attend camps, maneuvers, formations, or armory drills or other activities with the Arizona National Guard as provided in A.R.S. Sections 26-168 and 26-171. It also includes authorized periods of absence of a State Service employee for training duty pursuant to orders from any branch of the Armed Forces of the United States as provided in A.R.S. Section 38-610.
- b. Administration of Short Term Military Leave:
  - i. National Guard: Employees who are members of the National Guard and who are engaged in field training with the National Guard as provided in Title 26, A.R.S., shall be granted military leave with pay for all working days during which they are so engaged. Employees shall be granted military leave without pay or may take accrued annual or compensatory leave for absences from State Service positions for required attendance at activities of the National Guard other than field training as provided in Title 26, A.R.S. In either case, such employees shall also receive all other employee benefits to which they are regularly entitled while on such leave, provided the agency is notified by the employee in advance by submission of a request for absence accompanied by a copy of the employee's order from the National Guard.
  - ii. Other Armed Forces: Employees who are ordered by any branch of the Armed Forces of the United States to training duty as provided in A.R.S. Section 38-610 shall be granted military leave with pay for such period of time not exceeding fifteen calendar days in any one year. Leave with pay in excess of fifteen days for such training duty shall be charged against the employee's accrued compensatory or annual leave, if any. Such employees shall also receive all other employee benefits to which they are regularly entitled while on such leave, provided the agency is notified by the employee in advance by submission of a request for absence accompanied by a copy of the employee's order for training duty.

I. Educational Leave:

1. Definition: Agencies are authorized to approve reasonable periods of absence with or without pay to enable employees to attend work-related education and training courses. Agencies shall not, however, approve educational leave until the Assistant Director has certified that the approval of such leave is in the best interest of the State Service.
2. Administration:
  - a. Approval of educational leave with pay shall be conditioned upon the successful completion of courses at a college, university, or technical school, and upon the employee's written agreement to return or continue in the State Service for a reasonable period of time to be determined by the agency and specified in the agreement. The written agreement shall provide that in the event the employee fails to return to or continue in the State Service for the prescribed period, he will reimburse the State for all salaries, wages, registration fees, travel allowance or any other emolument advanced to him during his absence; provided, however, that if he does return to or continue in the State Service for a portion of the prescribed period, the total reimbursement required from him may be reduced in proportion to the percentage of prescribed period he has worked. In the event of the death or substantial disability of the employee before he has completed the prescribed period of State Service, the obligation for reimbursement shall not be enforced.
  - b. The approval of an employee's application for educational leave without pay shall not be approved for a period of time which is longer than is reasonably necessary considering such circumstances and the requirements of the State Service during his absence.

J. Compensatory Leave:

1. An employee authorized by the agency to work one or more hours in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis. The maximum amount of compensatory leave that can be accumulated without advance written authorization of the agency head is eighty (80) hours. Compensatory leave accumulations in excess of eighty hours may be approved only by the head of the agency, in advance of the overtime work, in writing to the supervisor, with a copy to the affected employee. The authorization must contain a statement that the compensatory leave earned may be taken within a time specified in the certification. The maximum amount of compensatory leave that can be accrued, including the eighty (80) hours authorized above, is two hundred and forty (240) hours.
2. Upon separation from the State Service or transfer to another agency, unused compensatory leave shall be forfeited unless in the case of a transfer, the receiving agency is willing to accept the compensatory leave balance. An agency may exempt management, supervisory and professional positions from compensatory leave provisions, subject to approval of the Assistant Director. Employees in positions governed by the federal Fair Labor Standards Act or by A.R.S. Section 23-391 shall be compensated in the manner provided therein.

3. Whenever there is more than one employee of the same classification qualified to perform the work to be done in the same unit of an agency, compensatory time shall be authorized in the following manner:
  - a. First, to those who request it;
  - b. Secondly, on a rotational basis among those who are willing to work compensatory time; and
  - c. Thirdly, on a rotational basis in the absence of the first two alternatives.

K. Administrative Leave:

Administrative leave shall include temporary periods of absence with pay authorized by the head of an agency in emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment. It may be used for the purpose of relieving an employee of his duties temporarily during the active investigation of alleged wrongdoing by the employee. Administrative leave may also be based upon executive declaration by the Governor that a state of emergency, disaster or grief exists.

L. Leave Without Pay:

1. Short Term Leave Without Pay:

- a. Definition: Short term leave without pay shall include any period of 80 consecutive working hours or less of approved absence without pay for which an employee has made application.
- b. Administration: Short term leave without pay may be granted for 80 working hours or less when there is a high probability that the employee will return to work at the expiration of the leave.
- c. Return from short term leave without pay: A permanent or probationary employee returning from approved short term leave without pay shall be returned to his former position, unless an alternative plan is given approval by the Assistant Director prior to the start of the employee's short term leave without pay.
- d. Short term leave without pay shall not be granted until all accrued compensatory leave is exhausted.

2. Long Term Leave Without Pay:

- a. Definition: Long term leave without pay shall include any period of approved absence without pay longer than 80 consecutive hours for which an employee has made application.
- b. Administration: Long term leave without pay may be granted for temporary periods of time when there is a reasonable expectation that the employee will return to work at the expiration of the leave.
- c. Long term leave without pay will not be granted until all accrued annual leave, compensatory time and, if appropriate, sick leave in accordance with R2-5-51.E. 1., is exhausted.
- d. Return From Long Term Leave Without Pay: An employee's right to return to a position in the State Service from long term leave without pay shall be conditioned upon availability of an appropriate vacant position and sufficient appropriation or authorization of personal service funds.
- e. Use During Probationary Period: An employee on probation will have that probation extended automatically for the period of time the individual is on long term leave without pay unless prior approval is obtained from the Assistant Director.

- f. A new merit increase eligibility date shall be established for an employee returning from long term leave without pay by advancing his old merit increase eligibility date by the number of calendar days the employee was on long term leave without pay.
- 3. Conversion: Short term leave without pay shall not be extended beyond 80 hours. If additional leave is required, the employee may request long term leave without pay. The long term leave without pay shall be computed from the first day the original leave began less any leave time used in accordance with R2-5-51.L.2. c.
- 4. Appointment Outside of the State Service:
  - a. An employee may be granted long term leave without pay to accept appointment to a position outside of State Service. Such leave shall be granted for a period of up to two years, shall be approved by the head of the agency and the Assistant Director and may be extended with the approval of both.
  - b. An employee granted leave without pay to accept an uncovered position which is covered by a formal leave policy may transfer his accrued leave in accordance with Rule R2-5-51.C. 6.
- 5. Industrial Leave Without Pay:
  - a. Definition: Industrial leave without pay shall include any period of approved leave for industrial accident or disease for which the employee elects not to use accrued leave or the employee has no accrued leave or compensatory time. Industrial leave without pay shall not be allowed an employee who has rejected or failed to accept compensation available to him pursuant to the industrial injury or disease provision of Title 23, Chapters 6 and 7, A.R.S.
  - b. Administration: Industrial leave without pay shall be granted for temporary periods of time when there is reasonable expectation that the employee will return to work at the expiration of the leave. (See R2-5-51.E. 2.)
  - c. Return From Industrial Leave Without Pay: An employee returning from industrial leave without pay shall be returned to his former or a comparable position. If no position is available the procedure for reduction in force will apply. This provision will apply only if the employee is certified as to ability to perform the job fully by his attending physician. In the event of partial disability or disability that would impair performance on the former job, the agency shall make every effort to place the employee in a suitable position.
- M. Absence Without Leave:

Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence; unauthorized absence may constitute grounds for disciplinary action and may serve to interrupt continuous service.

Historical Note

Former Rule 14; Amended October 12, 1977.

R2-5-52. Employee Health Benefit Plan

A. Health Insurance Definitions:

1. Anniversary Date or Contract Period: Anniversary date or contract period will normally be on an annual basis beginning on the first day of the fiscal year. Policies or contracts entered into during a fiscal year will normally be adjusted to the fiscal year basis or treated as provided by the Board.
2. Certificate: Evidence furnished to the employee of insurance under the policy.
3. Contract: The document embodying the conditions of services to be rendered by other than an insurance contract.
4. Control: The right to exercise all benefits, options, and privileges conferred by the policy or contract. Control is usually synonymous with ownership.
5. Coverage: The extent of services, facilities, procedures, devices, etc., provided by the policy and/or contract.
6. Enabling Legislation: Arizona Revised Statutes, Article 4, Section 38-651.
7. First Eligible Dependent: That dependent or those dependents who are dependents at the time of initial enrollment and qualification by the employee, or, if the employee has no dependents at that time, the first person who becomes a dependent by marriage, birth, or adoption.
8. Full-time Employee: For the purpose of this Plan, a full-time employee shall be one who:
  - a. Works at least twenty (20) hours per week with the anticipation of at least five months of continuous employment, and
  - b. Has Social Security taxes withheld from his wages, and
  - c. Is qualified to participate in and is making contributions to a state retirement system or plan for public employees authorized by the State of Arizona or is an employee who is on extended employment as provided in A.R.S. Sections 38-759.01 or 38-781.36;
  - d. Or is on a special alien assignment with one of the state universities for a period not to exceed one academic year who is eligible for participation in neither the state retirement system or the federal social security program. Persons falling into such a special group shall be certified to the personnel board in such manner as the board shall prescribe.
9. Qualified Full-time Employee: Qualified full-time employees shall be all persons who are full-time employees by definition c above, except those:
  - a. patients or inmates employed in State institutions;
  - b. officers and enlisted men of the National Guard of Arizona, except persons who qualify as full-time employees in accordance with section 8 of this rule and are serving on a temporary duty shall qualify for coverage;
  - c. positions which the Board determines are essentially for rehabilitation purposes; or
  - d. students or other persons employed by any State college or university for whom Social Security or retirement plan contributions are not paid;
  - e. positions or appointments which are designated as seasonal, temporary or emergency in nature.

10. Group Health Insurance Program: Each insurance policy and/or service contract which is designated under A.R.S. Section 38-651 by the Board to be a qualifying plan of indemnity health insurance, hospital and medical service plan, or closed panel medical plan.
  11. Plan: As used herein, Plan is defined as meaning the Group Health Insurance Program for employees of the State of Arizona designated by the Board as a qualifying insurance plan as authorized by A.R.S. Section 38-651.
  12. Policy: The document embodying the insurance contract.
  13. Policy Period: Same as anniversary date or contract period.
- B. Policy and Contract Provisions:
1. The Board shall determine the plan which shall be available to qualifying employees.
  2. Only those policies and contracts approved by the Board shall be recognized as qualified coverage.
  3. All contracts, policies, and/or certificates issued pursuant to the enabling legislation for this Plan hereby have the force and effect of these Rules.
  4. Employees shall control their certificates and/or contracts within the limitations of those documents and the Rules adopted by the Board.
  5. As new services and methods of coverage become available, such coverages as are deemed desirable and feasible as determined by the Board will be offered to State employees.
- C. Administrative Responsibilities of the Assistant Director:
1. The Board shall establish a claims procedure. The Assistant Director shall be responsible for the administrative methods and procedures approved by the Board or for services obtained for claims administration.
  2. The Assistant Director shall provide for a complaint procedure for all employees to receive consideration or follow-up information on claims or other matters concerning their health insurance plan.
  3. The Assistant Director shall have the authority to establish administrative procedures consistent with the law and these Rules. He shall also have the authority to negotiate for administrative services, consultant services, and claims services.
  4. The Assistant Director shall maintain such employee health insurance records and reports as deemed necessary and appropriate.
  5. The Assistant Director shall establish an advisory committee.
  6. An annual report and recommendation shall be made each year by December 1 as part of the regular compensation report and recommendation to the executive and legislative branches of the State.
- D. Provisions for Enrollment and Participation in the Plan:
1. All qualified full-time employees of the State, its departments and agencies shall have the opportunity to participate in the Plan.
  2. Enrollment in the Plan may be accomplished by completion and submission of necessary forms:
    - a. within 30 days of the date of employment, or
    - b. during an open enrollment period established by the Personnel Board.

Failure of an employee to submit enrollment, authorization, and other necessary forms for himself and for his first eligible dependent or dependents within 30 days of employment or during open enrollment period shall not preclude the employee from qualifying for coverage. However, such late enrollees' qualification will be restricted by a 90-day waiting period, with coverage to become effective on the first effective date after 90 days have passed since the date the application and enrollment papers were completed, signed and submitted to the Insurance Section of the Department of Administration, unless, upon good cause shown, the Assistant Director, with the consent of the carrier, shortens the 90-day time of the late enroller qualification period.

3. The Personnel Board may determine the frequency and extent of open enrollment periods except that such a period shall normally be held when:
  - a. New bids are called for and accepted and
  - b. When, for any reason, a carrier is dropped, the Personnel Board will authorize the enrollment period for the affected employees only.
4. Employees who move from agency to agency with continuous employment must sign corrected enrollment and authorization cards. Such employees shall not be considered as new employees unless there is a lapse of 30 or more days in their employment.
5. Upon the attainment of age 65 of any employee or employee's dependent spouse, such employee or dependent spouse shall convert from his regular indemnity or service benefit plan to the selected medicare supplement. Such conversion shall be effective on the first day of the month in which such employee or dependent spouse attains age 65. When either the employee or dependent attains 65 and the other is not yet 65, the individual under 65 shall be continued under the existing option until he or she reaches age 65. The employee shall complete and submit the necessary change cards and authorization forms prior to the date the employee or spouse becomes eligible for medicare. The failure to do so shall not disqualify such employee or spouse from changing to the medicare supplement at a later date, but shall disqualify the employee or spouse from receiving any refund or premiums overpaid because the change was not made when eligible.
6. The Board may, upon the occurrence of developments or conditions which justify such action, permit the opening of an enrollment or change period or anniversary date.
7. Changes in family situations, such as marriage, birth, adoption, dissolution, or death, which would result in desired changes in dependent coverage shall be made as provided in the contracts, policies, and/or certificates which may be issued in connection with the Plan.
8. Failure of a qualified employee to complete either an enrollment or rejection card by the end of his enrollment period shall be presumed to be prima facie evidence that rejection of the Plan was intended by the employee.
9. The Assistant Director shall supply the required forms to employees for enrollment into or rejection of the Plan and shall make necessary information for choice of options available under procedures established by the Assistant Director.

E. Provisions for Cancellation, Termination, and Conversion:

1. In the event an individual elects to cancel employee and/or dependent coverage while remaining an eligible employee, the insurance shall terminate at 11:59 P.M. of the last day of the month as follows:
  - a. Except in the event of death, deductions will continue to the month in which the cancellation is elected and the insurance shall terminate at the end of the month for which it is paid.
  - b. In the event of death of the employee or the last dependent under dependent coverage, the insurance will terminate on the date of death, and any unearned premium held by the applicable payroll shall be refunded to the insured, his estate or his assigns.
2. If an individual terminates employment, termination of individual and dependent coverage shall be at 11:59 P.M. on the last day (the 15th or the last day of the month) of the last effective coverage period for which the employee has earned sufficient income to allow a full payroll deduction. If the employee's final paycheck is insufficient to allow a full insurance deduction, then coverage shall terminate at 11:59 P.M. on the last day of the period covered by the preceding payroll period deduction.

If an individual, while on leave without pay due to health reasons qualifies for disability retirement benefits from a state retirement system or plan, public safety personnel retirement system, social security administration, or as the result of an industrial accident and after the lapse of the qualifying period of time to be eligible for medicare coverage, the health insurance coverage shall terminate with the effective date of such eligibility. The individual shall have conversion privileges for that portion of coverage as pertains to eligible dependents. Refusal or failure to accept disability benefits shall also be grounds for termination of coverage.

3. If an employee's insurance terminates by reason of termination of employment, the employee has a guaranteed privilege of converting to a direct Plan with the same carrier, providing he submits proper forms within 31 days of termination of coverage under the State Plan. However, nothing herein shall be construed to indicate that coverage continues for all or any part of the period during which conversion can be made.
4. If an individual, while on leave without pay, allows payment of premium to finance division to lapse to delinquent status, such coverage shall be terminated at 11:59 P.M. on the last day of the period covered by the preceding payment.

F. Provisions for Appropriations and Premiums:

1. Money appropriated by the State may be used only to pay for insurance coverage on the employee of the State. In the event the premium for an employee is less than the amount appropriated by the State, none of the excess appropriation shall be credited to family benefits coverage of the said employee, nor paid directly or indirectly to said employee.
2. In situations where both the husband and wife are qualified full-time employees, "employee" policy may be taken by each individual employee to qualify for the money appropriated by the State for each employee.

Where both husband and wife are State employees, and other dependents are covered under the Plan of one spouse, the other spouse shall be included in the same policy and entitled to use his/her employee contribution toward family benefits coverage. However, in this event no additional family benefits contribution by the State shall be allowed.

3. Experience rating refunds, if any, shall be used only for the improvement of the Plan resulting in benefits to the employees of the State of Arizona, its departments and agencies in such manner as shall be determined by the Board, including, but not limited to, reduction of premium, establishing a reserve, extending coverage, or providing preventive medicine additions.

G. Standards for Health Insurance Plan:

The standards for the Plan covered by these Rules shall include, at a minimum the types of coverage indicated in A.R.S. Section 38-651 and shall provide for the necessary authorizations to do business by the Insurance Department of the State of Arizona, evidence that adequate medical services can be performed in accordance with the contracts offered, and documentary proof of financial responsibility satisfactory to the Board.

Historical Note

Former Rule 16; Amended October 12, 1977.

R2-5-53 Normal Retirement

A. Normal Retirement Date:

Effective July 1, 1975, a public employee who is a member of the State Retirement System or Plan will be retired on his normal retirement date unless the employee requests and receives approval for an extension of employment beyond the normal retirement date. "Normal retirement date" is defined as the first day of the calendar month immediately following an employee's sixty-fifth birthday.

B. Notification of Right to Apply for Extension:

Each appointing authority shall notify the affected employees in writing of their right to apply for extension of employment at least seven months prior to the normal retirement date. Failure of a qualified employee to submit an application for extension at least six months prior to his normal retirement date or the anniversary date thereof, who has been so notified, shall be presumed to be prima facie evidence that the employee does not wish such extension.

C. Criteria and Schedule for Action on Requests for Extension of Employment:

1. An employee may have his employment extended beyond the normal retirement date if all of the following conditions are met:
  - a. Such employee requests in writing, in accordance with the procedures established by the appointing authority, at least six months prior to the normal retirement date or extended retirement date, that he be permitted to extend such employment, and
  - b. The appointing authority determines the employee is performing his job in a manner that is fully acceptable to the employer, and certifies that he is specially fitted by reason of ability, experience, and training to perform the duties of the position, and approves the request for extended employment and forwards its written approval and a certification that they have met all the requirements of these rules, to the Personnel Board on the forms or in the manner prescribed by the Board within at least forty-five calendar days of its receipt from the employee, and
  - c. The Personnel Board approves such request for employment within at least forty-five calendar days after receipt of the request from the appointing authority.
2. The Personnel Board shall approve such requests for extension of employment provided the employee or work situation meets one of the following criteria:
  - a. The employee possesses specialized job skills not readily available within the agency or in the outside labor market, or;
  - b. The employee is engaged in a project which was underway prior to normal retirement date and is expected to be completed in the following twelve months and which would be adversely affected by the retirement of this individual, or;
  - c. Promotional candidates are not available to fill the position and the skill requirements are of a nature that preclude the training of another employee in the six months prior to the incumbent's retirement date.

- D. Notification to Appointing Authority:  
The Personnel Board shall notify the appointing authority of its action on recommendations for extension of employment immediately after taking action.
- E. Notification to Applicant:  
The appointing authority shall notify the employee in writing of the Personnel Board's decision as soon as practicable after receipt of the notification.
- F. Notification to Retirement Board:  
The appointing authority shall notify the Retirement Board of the Personnel Board's approval of all extensions of employment within thirty calendar days of the receipt of such notice.
- G. Denial of Requests by Appointing Authority:  
Each appointing authority, upon receipt of a request for an extension of employment, for which it is denying the request, shall notify the employee of its denial of the request and the reasons for the denial within at least forty-five calendar days of its receipt from the employee.
- H. Duration and Number of Extensions:  
The Personnel Board shall not approve a request and recommendation for a term of extended employment exceeding one year or for more than one term of extended employment for the same employee at one time, but may approve as many requests for extended employment as it deems advisable in concurrence with the recommendations of the appointing authority.
- I. Review Procedure:  
Each appointing authority shall provide a review procedure or utilize an existing procedure for use by employees to request and obtain a review of denials of requests for extension of employment by the appointing authority. This procedure shall provide for completion of the review process including a written response to the employee within not more than sixty calendar days from the date the request for review is received by the appointing authority.
- J. Prohibited Practices:  
No appointing authority shall adopt or continue an existing policy, formal or informal, to deny all requests for extension of employment by any or all employees under its jurisdiction who have attained a particular chronological age, but shall consider each application on its individual merits.
- K. Administrative Delays:  
When applications and recommendations for extension are received from the appointing authority by the Personnel Board too late for action within the time schedule provided, due to administrative problems of the appointing authority or State Personnel Division not the fault of the employee, the employee shall have his employment extended until the Personnel Board can complete action on the application.
- L. Manifest Errors:  
When the Personnel Board, after appropriate review, determines that an extension of employment may resolve a manifest error or clear inequity, it may approve such an extension.

Historical Note

Amended October 12, 1977.

R2-5-54. Employee Life and Disability Income Insurance Plan

A. Insurance Definitions:

1. Anniversary Date or Contract Period: Anniversary date or contract period will normally be on annual basis beginning on the first day of the calendar year. Contracts entered into during a calendar year will normally be adjusted to the calendar year basis or treated as provided by the Board.
2. Certificate: Evidence furnished to the employee of insurance under the policy.
3. Contract: The document embodying the conditions of services to be rendered by other than an insurance contract.
4. Control: The right to exercise all benefits, options and privileges conferred by the policy or contract.
5. Coverage: The extent of risk, or the total amount of insurance, provided by a policy or contract.
6. Enabling Legislation: Arizona Revised Statutes 38-651.02 and 38-651.03.
7. Full-time Employees: A full-time employee is defined as one who:
  - a. works at least twenty hours per week and fills a position that is classified as permanent, and
  - b. has social security taxes withheld from his wages, and
  - c. is qualified to participate in and is making contributions to a State Retirement System or Plan for public employees authorized by the State of Arizona, or is an employee who is on extended employment as provided in A.R.S. 38-759.01 or 38-781.36.
8. Eligible Full-time Employee: Eligible full-time employees shall be all persons who are full-time employees, as defined above, except:
  - a. patients or inmates employed in state institutions;
  - b. officers and enlisted men of the National Guard of Arizona;
  - c. positions which the Board determines are essentially for rehabilitation purposes;
  - d. students or other persons employed by any state college or university for whom Social Security or retirement plan contributions are not paid;
  - e. positions or appointments which are designated as seasonal, temporary or emergency in nature.
9. Group Life and Long Term Disability Insurance Program: Each insurance policy and/or contract which is authorized by the Personnel Board under A.R.S. 38-651.02 and 38-651.03.
10. Plan: As used herein, Plan is defined as meaning the Group Life and Long-term Disability Insurance Program for employees of the State and their dependents, where applicable, which is designated by the Board as a qualifying insurance plan as authorized by A.R.S. 38-651.

B. Policy and Contract Provisions:

1. The Board shall determine the plan which shall be available to qualifying employees.
2. Only those policies and contracts approved by the Board shall be recognized as qualifying coverage.
3. All contracts, policies and/or certificates issued pursuant to the enabling legislation for this Plan hereby have the force and effect of these Rules.

4. Employees shall control their certificates and/or contracts within the limitations of those documents and the Rules adopted by the Board.
  5. As new services and methods of coverage become available, such coverages as are deemed desirable and feasible as determined by the Board will be offered to State employees.
- C. Administrative Responsibilities of the Assistant Director:
1. The Assistant Director shall be responsible for the administrative methods and procedures approved by the Board.
  2. The Assistant Director shall provide for a complaint procedure for all employees to receive consideration or follow-up information on claims or other matters concerning their life and disability income.
  3. The Assistant Director shall have the authority to establish administrative procedures consistent with the Law and these Rules.
  4. The Assistant Director shall maintain such group insurance records and render such reports as deemed necessary and appropriate.
- D. Provisions for Enrollment and Participation in the Plan:
1. All qualified full-time employees of the State, its departments and agencies shall be enrolled and have the opportunity to participate in the Plan.
  2. Enrollment in the basic portion of the Plan, shall be accomplished by the Group Insurance Office upon receipt of the necessary information from the employing agency.
  3. Enrollment in the optional portion of the plan may be accomplished by completion and submission of the necessary application and forms:
    - a. within 30 days of the date of employment, or
    - b. within 30 days of acquisition of a new spouse or dependent, or
    - c. during an open enrollment period established by the Board.
  4. The Personnel Board shall determine the frequency and extent of open enrollment periods which will normally be held:
    - a. when new bids are called for and accepted.
    - b. when in the judgment of the Board, such an enrollment is justifiable.
  5. Employee participation in the basic portion of the Plan, as pertains to life insurance, will terminate upon attainment of age 70 if the employee is on an extended employment status. Participation in the basic portion as pertains to long term disability insurance will terminate upon attainment of age 65.
  6. Employee and dependent participation in the optional portion of the Plan will terminate as follows:
    - a. employee, upon attainment of age 70, if the employee is on extended employment status.
    - b. spouse, upon attainment of age 70, or upon termination of employee, whichever is first.
    - c. children, upon the attainment of age 19.
  7. Changes in family situations, such as marriage, birth, adoption, dissolution or death, which would result in desired changes in dependent coverage shall be made as provided in contracts, policies and/or certificates which may be issued in connection with the Plan.

8. Failure of an eligible employee to complete either an enrollment application or a rejection card by the end of his enrollment period shall be presumed to be prima facie evidence that non-participation in the optional portion of the Plan was intended by the employee.
  9. The Assistant Director shall supply the required forms to employees for enrollment into or rejection of the optional portion of the Plan and shall make necessary information available under procedures established by the Assistant Director.
  10. The effective date of coverage shall be the first day of the month following one month of employment. Initial coverage shall be as directed by the Board.
- E. Provisions for Cancellation, Termination and Conversion:
1. In the event an individual elects to cancel coverage under the optional portion of the Plan while remaining an eligible employee the insurance shall terminate at 11:59 P.M. of the last day of the month in which such cancellation is elected.
  2. If an individual terminates employment, the basic portion of the Plan shall terminate at 11:59 P.M. on the last day of the month in which employed. Coverage under the optional portion shall terminate at 11:59 P.M. on the last day of the month for which a full monthly premium has been paid.
  3. If an employee's insurance terminates by reason of termination of employment, the employee has a guaranteed privilege of converting to a direct, permanent plan of life insurance on the basic portion of the State Plan. Application for this conversion must be accomplished by the employee within 31 days following the last day of active employment.

Historical Note

Adopted September 1, 1977.

INDEX TO PERSONNEL RULES

	RULE	PAGE
Abolishment of Registers	R2-5-12.D	13
Absence without leave	R2-5-51.M	46
Adjustments, Salary	R2-5-42.D	33
Administrative leave	R2-5-51.K	45
Amendments to Rules	R2-5-02.B	4
Announcements, Examinations	R2-5-11.A	8
Annual leave	R2-5-51.D	38
Appeal Procedures	R2-5-33.B	27
Applications,		
Conditional Eligibility	R2-5-11	9
Filing	R2-5-11	8
Grounds for Disqualification	R2-5-11	9
Qualification	R2-5-11	8
Appointments		
Emergency	R2-5-14.D	17
Filling of Vacancies	R2-5-14.A	17
Limited	R2-5-14.G	17
Mobility Assignments	R2-5-14.J	18
Probationary	R2-5-14.B	17
Provisional	R2-5-14.C	17
Re-employment	R2-5-14.H	18
Reinstatement	R2-5-14.I	18
Seasonal	R2-5-14.F	17
Temporary	R2-5-14.E	17
Assistant Director's Duties	R2-5-02.E	4
Availability of Eligibles	R2-5-13.F	15
Basic Work Week	R2-5-51.A	37

	RULE	PAGE
Certification	R2-5-13	15
Breaking tie scores	R2-5-13.G	16
Eligibles	R2-5-13.B	15
Life of	R2-5-13.E	15
Payrolls	R2-5-02.D	4
Selective	R2-5-13.D	15
Summer Students	R2-5-13.H	16
Civic Duty Leave	R2-5-51.F	41
Classification,	R2-5-41	30
Administration	R2-5-41.C	30
Controls	R2-5-41.D	30
Interpretation of Specifications	R2-5-41.B	30
Issuance of Specifications	R2-5-41.F	31
New Position	R2-5-41.C	31
Official Copy	R2-5-41.F	31
Titles	R2-5-41.E	31
Uniform Plan	R2-5-41.A	30
Code of Ethics for the State Service	R2-5-31	23
Compensatory Leave	R2-5-51.J	44
Conflict, Federal Government	R2-5-02.P	6
Definitions	R2-5-01	1
Delegation of responsibility	R2-5-02.N	6
Demotion	R2-5-22.C	22
Disability Income Insurance - See Insurance, Disability		
Disciplinary Actions	R2-5-31.C	24
Discrimination in Employment	R2-5-02.J	6
Disqualification, Grounds for	R2-5-11.B	9
Dismissal,		
Conflict of Interest	R2-5-31.B	23
Probationary Period	R2-5-32.D	26
Resignation	R2-5-32.E	26

	RULE	PAGE
Educational leave	R2-5-51.I	44
Eligibles,		
Availability of	R2-5-13.F	15
Certification	R2-5-13.B	15
Selection	R2-5-13.C	15
Emergency Appointment	R2-5-14.D	17
Employment of the Handicapped	R2-5-02.H	5
Errors, of Examinations	R2-5-11.I	11
Ethics, Code of	R2-5-31	23
Examinations,		
Adjustment of error	R2-5-11.I	11
Announcements	R2-5-11.A	8
Applications	R2-5-11.B	8
Conduct of	R2-5-11.C	10
Content of	R2-5-11.C	10
Evaluating results	R2-5-11.D	10
Inspection of	R2-5-11.H	11
Notice of results	R2-5-11.F	11
Objectivity of ratings	R2-5-11.C	10
Open competitive	R2-5-11.C	10
Oral	R2-5-11.C	10
Promotional	R2-5-11.C	10
Records	R2-5-11.M	12
Retaking	R2-5-11.G	11
Review, Administrative	R2-5-11.K	11
Special	R2-5-11.J	11
Veteran preference	R2-5-11.L	11
Exceptions, uncovered positions	R2-5-02.C	4
Exercise of Rights, reprisals	R2-5-02.K	6

Federal Government, conflict	R2-5-02.P	6
------------------------------	-----------	---

Grievances settling	R2-5-02.I	5
---------------------	-----------	---

	RULE	PAGE
Health Insurance - See Insurance, Health Holidays, paid	R2-5-51.B	37
Industrial Leave		
With pay	R2-5-51.E	40
Without pay	R2-5-51.L	46
Insurance, Life		
Administrative Responsibilities	R2-5-54.C	55
Cancellation	R2-5-54.E	56
Conversion	R2-5-54.E	56
Definitions	R2-5-54.A	54
Enrollment	R2-5-54.D	55
Policy Provisions	R2-5-54.B	54
Termination	R2-5-54.E	56
Insurance, Health		
Administrative responsibilities	R2-5-52.C	48
Policy	R2-5-52.B	48
Provisions for:		
Appropriations	R2-5-52.F	50
Cancellation	R2-5-52.E	50
Conversion	R2-5-52.F	50
Enrollment	R2-5-52.D	48
Premiums	R2-5-52.F	50
Termination	R2-5-52.E	50
Standards	R2-5-52.G	51
Insurance, Disability Income		
Administrative Responsibilities	R2-5-54.C	55
Cancellation	R2-5-54.E	56
Conversion	R2-5-54.E	56
Definitions	R2-5-54.A	54
Enrollment	R2-5-54.D	55
Policy Provisions	R2-5-54.B	54
Termination	R2-5-54.E	56
Investigations, references applicants	R2-5-11.E	11
Leave,		
Absence without	R2-5-51.M	46
Administrative	R2-5-51.K	45
Administration	R2-5-51.C	37

	RULE	PAGE
Leave, (continued)		
Annual	R2-5-51.D	38
Civic Duty	R2-5-51.F	41
Compensatory	R2-5-51.J	44
Education	R2-5-51.I	44
Industrial, without pay	R2-5-51.L	46
Maternity	R2-5-51.G	42
Military	R2-5-51.H	42
Sick	R2-5-51.E	40
Without pay	R2-5-51.L	45
Voting	R2-5-51.F	42
Life Insurance - See Insurance, Life		
Maternity Leave	R2-5-51.G	42
Merit Increase	R2-5-42.E	34
Meritorious increase	R2-5-42.E	35
Military leave	R2-5-51.H	42
Mobility assignments, appointments	R2-5-14.J	18
New Positions, classification	R2-5-41.C	31
Notice of Examinations	R2-5-11.F	11
Open Competitive		
Examinations	R2-5-11.C	10
Registers	R2-5-12.B	13
Oral Examinations	R2-5-11.C	10

	RULE	PAGE
Paid Holidays	R2-5-51.B	37
Performance Appraisal	R2-5-02.F	5
Personnel Board	R2-5-03	7
Probationary		
Appointments	R2-5-14.B	17
Dismissal	R2-5-32.D	26
Period	R2-5-21	19
Restoration to register	R2-5-21.C	20
Problem solving procedures	R2-5-02.I	5
Programs for Employee Development	R2-5-02.G	5
Promotion	R2-5-22.A	21
Promotional		
Examinations	R2-5-11.C	10
Registers	R2-5-02.A	14
Provisional Appointment	R2-5-14.C	17
Purpose of Rules	R2-5-02.A	4
Qualifications, for filing application	R2-5-11.B	8
Records		
Examination	R2-5-11.M	12
and Reports	R2-5-02.L	6
Re-employment,		
Appointments	R2-5-14.H	18
Register	R2-5-12.H	14
Salary Rate	R2-5-42.C	33
Reference Checks	R2-5-11.E	11
Registers,		
Abolishment of	R2-5-12.D	13
Duration of	R2-5-12.D	13
Notify of removal	R2-5-12.F	14
Open Competitive	R2-5-12.B	13
Order of Use	R2-5-12.J	14
Probationary employee restoration	R2-5-21.C	20
Promotion	R2-5-12.I	14
Re-employment	R2-5-12.H	14
Reinstatement	R2-5-12.G	14
Related, use of	R2-5-12.C	13
Removal of Names	R2-5-12.E	13
Responsibility for maintenance	R2-5-12.A	13

	RULE	PAGE
Reinstatement		
Appointments	R2-5-14.I	18
List	R2-5-12.G	14
Salary Rate	R2-5-42.C	33
Resignation	R2-5-32.E	26
Responsibility, employee conduct	R2-5-31.A	23
Results, Examinations evaluating	R2-5-11.D	10
Retirement		
Normal date	R2-5-53.A	52
Right to extention	R2-5-53.B	52
Review, Administrative of examinations	R2-5-11.K	11
Salary Plan		
Adjustments	R2-5-42.D	33
Advancements	R2-5-42.E	34
Entrance rate	R2-5-42.B	32
General provisions	R2-5-42.A	32
Merit Increase	R2-5-42.E	34
Meritorious Increase	R2-5-42.E	35
Re-entrance rate	R2-5-42.C	33
Shift Differentials	R2-5-42.B	33
Special entrance rate	R2-5-42.B	33
Unusual work schedules	R2-5-42.B	33
Scope of Responsibility	R2-5-02	4
Seasonal Appointments	R2-5-14.F	17
Selection of Eligibles	R2-5-13.C	15
Separations		
Dismissals	R2-5-32.C	25
Layoffs	R2-5-32.B	25
Resignation	R2-5-32.E	26
Retirement	R2-5-32.F	26
Suspensions	R2-5-32.G	26
Serving of Notice	R2-5-02.M	6
Severability	R2-5-02.O	6
Shift Differentials	R2-5-42.B	33
Sick Leave	R2-5-51.E	40
Special Duty	R2-5-22.D	22
Special Examination	R2-5-11.J	11
Summer Students, certification	R2-5-13.H	16
Suspensions	R2-5-32.G	26

	RULE	PAGE
Temporary Appointment	R2-5-14.E	17
Tie score, Breaking for Certification	R2-5-13.G	16
Transfer	R2-5-22.B	21
Unusual Work Schedules	R2-5-42.B	33
Veterans Preference	R2-5-11.L	11
Voting leave	R2-5-51.F	42
Without pay, leave	R2-5-51.L	45
Work week, basic	R2-5-51.A	37

INTERPRETATION OF

RULE R2-5-02, SCOPE OF RESPONSIBILITY

R2-5-02 E 10. TRANSFERS TO STATE SERVICE

Earned Benefits. Employees transferred to State Service under the circumstances outlined in this paragraph may be permitted to retain any benefits accrued under their former employment for which the State Service has a comparable program, providing they are not precluded from transfer or do not exceed benefits provided under the Rules of the Personnel Board or the transferring jurisdiction. This also applies to transfers from the Law Enforcement Merit System Council and to agencies under contract with the Personnel Board.

INTERPRETATION OF  
RULE R2-5-12, REGISTERS

R2-5-12 G. REINSTATEMENT LIST

Use of Tests in Determining Whether Qualified. Ordinarily no tests are required for reinstatement. Although exceptions might be made in cases in which the qualifications of the class specification have changed or the employee is requesting reinstatement to a class which requires skills not required in his former class. For example, a Typist III wanting reinstatement as a Secretary I might be required to take a shorthand test.

R2-5-12 J. ORDER OF USE OF REGISTERS

Reinstatement and Reemployment Rights for Promotional Eligible Lists. Former employees having reinstatement or reemployment rights may be placed on promotional eligible lists for the classes for which they have reinstatement or reemployment rights.

INTERPRETATIONS OF  
RULE R2-5-13, CERTIFICATION AND SELECTION OF ELIGIBLES

R2-5-13 C 3. INTERVIEWING ELIGIBLES

Interviewing Minimum of 7 on Multiple-Vacancy Certs. For each additional vacancy to be filled from one cert list the appointing authority must interview one additional applicant. For example: a cert list to fill 3 vacancies has 17 names above the line. The appointing authority, in compliance with this rule, interviews 7 applicants and makes one appointment. To fill the second vacancy he/she must interview one more applicant before selecting the second appointee, and a ninth applicant to fill the third vacancy.

INTERPRETATIONS OF  
RULE R2-5-14, TYPES OF APPOINTMENTS

R2-5-14 B. PROBATIONARY APPOINTMENT

Co-op Program for Engineering Students. Students certified and selected for this program will be given probationary appointments.

R2-5-14 G. LIMITED APPOINTMENTS

1. Status of Incumbents in Positions Converted From Temporary. Until July 1, 1978 incumbent may remain as a limited appointee in any existing filled temporary position changed in status to a limited position. The affected employee will serve a normal six month probationary period unless it is requested that immediately prior service be applied toward that probationary period in accordance with the rules.
2. Retention Point Accrual. Limited status employees begin accruing retention points from date of hire. These points are used only within the project. If the employee accepts an original probationary appointment in State Service, his retention points would go with him.
3. Limited Appointment for a Permanent Employee. A permanent status employee who wishes to accept a limited appointment should be detailed to the position rather than taking a leave of absence. If he does take a leave of absence, he is then subject to the same ramifications as if he took leave without pay.

R2-5-14 J. MOBILITY ASSIGNMENTS

Return of Employee. An agency must guarantee the return to a position to an employee who is granted a mobility assignment. The employee continues to earn retention points while on mobility assignment, but benefits earned will be dependent upon terms of the agreement between the two agencies.

INTERPRETATIONS OF  
RULE R2-5-22, PROMOTION, TRANSFER, AND DEMOTION

R2-5-22 A. PROMOTION

1. An Employee on Original Probation Not Eligible for Higher Level Appointment through Promotional Procedures. An employee who is serving an original probation period is not eligible for placement in a higher level classification by either competitive or non-competitive promotional procedures. He can attain such higher level placement only by selection from an open competitive or reemployment register or from a reinstatement list.
2. Transfer or Further Promotion during Promotional Probationary Period. A permanent employee who is serving a promotional probationary period is not prevented from receiving a transfer or further promotion during that period.
3. Employment Rights of Unsuccessful Promotional Probationer. If a promotional probationer is not successful in attaining a permanent appointment in the higher classification, he has employment rights back to his former class in which he had permanent status, even though it forces a layoff in the agency in which he is working.

R2-5-22 B. TRANSFER

Transfer of a Function From One Agency to Another. Unless otherwise provided by statute, a transfer (not an abolishment) of an entire function from one State Service agency to another State Service Agency, the following shall apply:

1. First, the transfer of the function will be carried out.
2. The employees will be placed in their same position and status within the receiving agency.
3. If a reduction in force is necessary, the reduction in force will be carried out in the receiving agency.
4. After the reduction in force, if necessary, is completed, the employees may or may not be placed on probation as the receiving agency determines.

R2-5-22 D. DETAIL TO SPECIAL DUTY

Approval of Detail for Less than 30 Days. Approval of the Assistant Director is not required if a detail to special duty is for less than 30 days, provided no change in salary is being made.

INTERPRETATIONS OF  
RULE R2-5-32, SEPARATIONS AND DISCIPLINARY ACTIONS

R2-5-32 C. DISMISSALS

Agency May Require Medical Examinations. When a permanent status employee's performance on the job appears to be adversely influenced by his mental or physical health, the agency for which he works may require him to be examined by a physician of its choice or approval in order to ascertain the employee's ability to perform his duties. Such examination shall be at the expense of the agency.

INTERPRETATIONS OF  
RULE R2-5-42, UNIFORM SALARY PLAN

R2-5-42 D 2. SALARY ADJUSTMENTS - PROMOTIONS

1. Adjustment of a "Red-Lined" Salary at Time of Promotion.  
A "red-lined" salary is an above-range salary that an employee in an originally allocated position is permitted to retain while he remains in that classification. Should he be promoted, and should the "red-lined" salary fall between two steps of the new grade, he would receive an adjustment that would give him a full step increase within the limits of the range as would any other promoted employee.
2. Adjustment When Promoted on Same Date End-of-Probation Increase Is Given. An agency may not use the same effective date for an end-of-probation increase and a normal promotional adjustment. For example, an employee in Grade 15, step 1 could receive an end-of-probation increase changing his salary to step 2. This new salary cannot be used, however, as justification for assigning a salary at step 2 in Grade 15 upon promotion made effective on the same date. In other words, an employee may not move through a theoretical salary level without ever having actually been paid the specified salary.

R2-5-42 D 8. SALARY ADJUSTMENT - UNCOMPLETED PROMOTIONAL PROBATIONARY PERIOD

Adjustment to a Formerly "Red-Lined" Salary When Promotional Probation Not Satisfactorily Completed. An employee who has been promoted from a "red-lined" salary and who does not satisfactorily complete his promotional probation, returns to that red-lined salary, not to the 7th step of his former grade.

R205042 E. MERIT INCREASES

Part-Time Employees. Merit increases for part-time employees are not pro-rated for any step. They are subject to the same time requirements as are full-time employees.

R2-5-42 E 4. MERIT INCREASE ELIGIBILITY DATES

First Eligibility Date When Probationer's Position Is Reallocated.  
R2-5-41. C. 3. provides that when a probationary employee's position is reallocated he is entitled to continue to serve in that position in the same status. It is the intent of this provision that the employee's end-of-probation eligibility date not change, so that, barring an agency's request to extend his probationary period, the employee will remain eligible for consideration for a one step increase at the end of his six month probationary service. Thus, an employee hired 4 months previously is moved up with his just reallocated position. He would move to the next highest salary in the new grade, and in 2 months, would be eligible for consideration for an end-of-probation increase.