

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: September 13, 2011

TOMMIE C. MARTIN
Chairman

JOHN F. NELSON
Clerk of the Board

SHIRLEY L. DAWSON
Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

MICHAEL A. PASTOR
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Tommie C. Martin, Chairman (via ITV conferencing); Shirley L. Dawson, Vice-Chairman; Michael A. Pastor, Supervisor; Don McDaniel, Jr., County Manager; John Nelson, Deputy County Manager; Marian Sheppard, Chief Deputy Clerk; and Bryan Chambers, Chief Deputy County Attorney.

Item 1 – Call to Order – Pledge of Allegiance

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors hearing room. Pam Fisher led the Pledge of Allegiance.

Item 2 - Information/Discussion regarding the proposed revisions made to the Gila County Merit System Rules and Policies handbook.

Berthan DeNero, Human Resources Director, reviewed the proposed major changes to the Gila County Merit System Rules and Policies handbook with the Board. She presented a table of contents, which gave a brief description of the changes within each policy, along with an amendments section that emphasized the ever-changing information. The minor changes included corrections in words, minor additions, etc. She noted that a new policy—Victims Leave Policy—was included, which is required by A.R.S. §8-420 and 13-449. Chairman Martin stated that there were several clerical corrections needed and she would review those with Ms. DeNero at a later time. Ms. DeNero stated that these proposals had been reviewed by the Administrative Team; Management Team; Bryan Chambers, Chief Deputy County Attorney; and the Personnel Commission. Ms. DeNero then reviewed the following changes with the Board:

1) On page 13, Policy 4.5, Reporting a Complaint, the statement, “Each Elected Official, Department Head and Supervisor may be held personally and financially liable...” was initially written as “will be held” and was changed to “may be held...”

2) On page 14, Policy 4.6, the definition of sexual advances was expanded and broadened.

Supervisor Pastor referencing back to Policy 4.5, inquired, "When an Elected Official, a Department Head or a Supervisor report a complaint or an alleged allegation that there's harassment or anything, do you record the date, time and the person making that report or do you just make a note that you need to check on something?" Ms. DeNero replied, "Our department takes those complaints very seriously. We immediately look into the allegation immediately. The way I document it is I have my book and give me all the information that you know and then we'll start investigating whether it's a formal investigation or informal. It depends on the complaint as no two are the same." Supervisor Pastor then stated, "My question is if someone comes with a complaint and I take it to you, and then later on down through the process maybe something happens and it ends up in court, is that going to be enough record or do you need to maybe have like a form that when the complaint first started as you build your file--because we're saying here 'we may be liable financially?'" Ms. DeNero replied "I think our processes and systems in terms of an investigation are very thorough and even to the point where we think we need to be pulled out and we bring in a professional. Typically we use the same one, Keith Sobraske, and I forget the name of his company, Internal Investigations maybe, and the County has been using him for a long time...So depending on the severity of the case, we have thorough investigations." Chairman Martin questioned, "Who decides what is sexually-suggestive clothing? Who decides who is a reasonable person? Do we have a way when it gets right down to it--is that good language?" Ms. DeNero replied that the person and the direct supervisor would decide in terms of suggestive clothing. She noted that "reasonable person" is defined in the Definitions on page 5 as "An imaginary person who is used as the legal measuring stick against which to determine whether or not an individual exercised appropriate caution in an undertaking, or whether he/she exhibited negligence by not taking the precautions that the hypothetical reasonable person may have taken under the given circumstances, or by doing something that a reasonable person would not have done." Chairman Martin wanted to review that again since so much is being based on this "reasonable person." Vice-Chairman Dawson stated that "reasonable person" is a term that lawyers drew up a long time ago that the courts use in many determinations and, "I don't think we're stepping out of line in using that term." Chairman Martin then inquired about sexually suggestive clothing and how that is covered. Vice-Chairman Dawson stated that again she thought that was subjective and supposed that it would be up to the Human Resources (HR) Department to discuss it with the individual and after a second or third time maybe some action would be taken. Ms. DeNero inquired if Chairman Martin had a recommendation. Chairman Martin stated, "No, I just think we need to have some kind of conversation on this." Ms. DeNero replied that she did like Vice-Chairman Dawson's suggestion that the third or fourth time that the supervisor comes to an individual saying their clothing is inappropriate for the work place, bringing in another person from the HR

Department would work because she felt that the HR representative could be pretty objective in those areas. Chairman Martin stated that this leads into the Policy where each listed Official or Department Head or Supervisor could be held personally or financially liable for these complaints. Chairman Martin stated, "They don't need to inform HR. I just think when the time comes where we have opened this up broader, folks need to understand exactly what it is we are talking about here." Supervisor Pastor stated that this would be a legal question if it really got down to it because the policy says that the Elected Officials and Supervisors are the determining party at this point, but if it became a legal issue, it would be an issue for the County Attorney's Office to interpret for the Board. Mr. Chambers stated that he thought the intent of the wording "may be held personally and financially liable for complaints" is to not create a cause of action based upon the policy, but to acknowledge the fact that it's just essentially to warn County employees, Supervisors, Department Heads and Elected Officials that they, in fact, might be held financially liable if they ignore complaints of this nature. This is to warn supervisors that this is something that needs to be taken seriously. Ms. DeNero stated that meetings would be held to educate employees and have them acknowledge these policies.

3) On page 15, Policy 5, item number 6, the HR Department has annually been providing training on the prevention of sexual harassment, but the policy did not note this, so it was added.

4) On page 16, Policy 5.2, the policy on Hostile Work Environment was added. Supervisor Pastor questioned the wording in Policy 5.2 A.1., which states, "Thus, Federal law does not prohibit simple teasing, isolated offhand comments, or isolated incidents that are not extremely serious." He stated that from his previous work experience outside of the County, simple teasing and offhand comments could really get someone in trouble if somebody really wanted to pursue it and by putting this wording in here kind of gives the inference that it's okay to do some simple teasing or offhand comments. He recommended that if the wording was going to remain in there that it be emphasized that doesn't mean it is okay to do it and "we would recommend that you probably watch your p's and q's."

5) On page 24, Policy 9.2 B, Computing and Communication Technology Use and Ethics, Ms. DeNero noted that in the sentence "Computing and communication technology is for business purposes only; de minimus use is permitted," after much discussion, it was decided that "de minimus use is permitted" should be included. Vice-Chairman Dawson requested the meaning of "de minimus." Ms. DeNero stated that "de minimus" would mean 15 minutes or less. Ms. DeNero stated that "de minimus" was not defined in the Definitions section, but she would look up the words and provide a better explanation.

6) On page 26, Policy 9.4 C, Internet Usage, in the sentence "Elected Officials, Appointing Authority and Gila County Human Resources approval is required before any such retrieval or review may occur," Ms. DeNero stated that "Human Resources" was added to keep HR in the loop when someone requests detailed information from an employee's computer, phone, etc., because it would

typically involve an investigation of some type when that information is requested.

7) On page 28, Policy 10.3, Employees Subject to Alcohol & Controlled Substances Testing, 4 other groups of employees were added, which included jail medical staff, 9-1-1 dispatchers, employees assigned to supervise County/State inmates and GEST (Gila Employment and Special Training) employees. Ms. DeNero stated that also in the separate Amendments section, page 1, Policy 10.3, item number 8 was added in reference to employees subject to testing as follows: "Employees authorized to drive Gila County vehicles, as determined by the Appointing Authority." She noted that this is in reference to random drug testing and the use of County vehicles. Supervisor Pastor inquired the reason all employees should not be subjected to random drug testing. Julie Bocardo-Homan, Deputy Human Resources Director, stated that the reason it can't be for all employees is because it can't be suggested that the County randomly drug tests every single employee as that would be an unlawful search by the state. She stated that pre-employment testing also falls in the same category. Mr. Chambers stated that the County Attorney's Office is looking at this. He stated, "Certainly most employees in the County are probably authorized to drive a County vehicle, so that provision alone would pretty much get us close to having every employee subject to random drug testing. There is some case law in Arizona, which we're in the process of reviewing, and before you have an opportunity to approve this one way or another, we'll be sure we have an opinion to you on this." Vice-Chairman Dawson inquired if the court does random drug testing of its probation officers. Mary Hawkins, Court Administrator, stated that not everybody is tested at random, but only those that are in safety sensitive positions such as probation officers that are armed. Vice-Chairman Dawson inquired why the Board could not make this a standard for the County. Mr. Chambers replied that there was a case 5-7 years ago that involved some firemen and the district fire department had implemented a mandatory drug testing program for all employees. The firemen in that district brought suit claiming that this was a violation of their Fourth Amendment Rights and they won the suit. Mr. Chambers advised that he will review the Arizona Revised Statutes and provide the best legal analysis so the Board can stay within the law, but also protect the County from liability that might be incurred from employees who might be illegally using drugs and to protect the safety of the public. Chairman Martin stated that the County has done random drug testing on its employees that have a Commercial Driver's License (CDL), which was the delineating factor. She questioned why that couldn't apply to all employees driving County vehicles. She also questioned if an employee was in an accident, wouldn't that employee automatically be eligible to be drug tested? Mr. Chambers stated that with a post-accident, the County has a lot more leeway so definitely after an accident the County has a right to do drug testing on the employee. Chairman Martin inquired whether the County does, in fact, as a matter of course drug test employees after an accident. Ms. DeNero replied, "Currently, no we had limitations upon that" and then she called on Ms. Bocardo-Homan

for additional information. Ms. Bocardo-Homan stated that on page 31, Policy 10.6, item number 2.A., Post Accident/Incident Testing, it lists the 4 criteria, which are as follows; 1) for an accident involving a fatality; 2) an accident in which the County employee is cited by law enforcement; 3) an accident in which bodily injury is incurred; or 4) an accident in which one of the vehicles incurred bodily damage and had to be transported away. She stated that minor changes noted in red were added in. Chairman Martin stated that an accident to her is not minor. Ms. Bocardo-Homan clarified that the limitation language was already there; however, a few minor changes were added to the language. Chairman Martin again inquired if the County follows through with drug testing after an accident. Ms. Bocardo-Homan replied that the County does follow through if it meets one of the 4 criteria described. Ms. DeNero also added that the County does follow up with drug testing for the criteria described. Chairman Martin inquired if employees are drug tested if they back into another vehicle. Ms. DeNero stated that employees are not drug tested for minor incidents or accidents like that. Chairman Martin inquired if an officer hit a deer, which happens frequently, would that officer be drug tested? Ms. DeNero replied that the officer would not be drug tested unless it met 1 of the 4 criteria listed. Supervisor Pastor stated that he thinks it needs to be addressed in this policy as to exactly what needs to be done if an employee is involved in an accident and probably look at the level of accident. Supervisor Pastor stated that in his last employment, if a vehicle sustained more than \$150 in damages, the employee was automatically drug tested. He stated, "I think we are limiting ourselves here and we may have some liability issues if we don't get more specific with this policy." Ms. DeNero stated that a dollar amount was discussed; however, through ACIP (Arizona Counties Insurance Pool), the dollar amount would depend on the vehicle being driven, whether it was an older or newer model. So the dollar figure was dropped. Supervisor Pastor stated, "Well I think we need to look at it because I think it is an issue. We tend to go in cycles and I'm not pointing out anybody, but we tend to go in cycles with the accident process and I think we need to be more accountable for that." Chairman Martin stated, "I think we need to be less arbitrary. Again I'm used to the private side of this whether it's an accident or incident, it didn't matter. First thing that happened, you were drug tested and you were you were up for that if you were in that vehicle...That's part of the agreement to get in that car is that if you have an incident or accident, it's part of the agreement of being in a vehicle or being on a piece of equipment." Ms. DeNero thanked the Board for those comments. Jerry Ellison, a news reporter from Globe, questioned whether this policy applied to elected officials. Vice-Chairman Dawson replied that she believes that the County policies apply to everyone whether elected or not. Mr. Chambers stated that in this particular version of the Policies, at the very beginning of Policy 2, it states that the policy covers all employees, both in classified and unclassified service, so it attempts to include everyone. He did note, however, that some of the policies listed herein would not apply to elected officials; for example, elected officials have their own provisions in statute to be

removed from office through recalls, etc., so the statutes pertaining to termination of employees would not apply.

8) On page 29, Policy 10.4 A.5., Alcohol and Controlled Substances—Prohibitions, additional language was added to item 5 as follows: “If an employee refuses to submit to the required testing, the supervisors and/or County official will inform the employee that refusal to submit to testing shall be considered a failure of the testing requirement and the employee will be placed on administrative suspension with pay pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall result in disciplinary action up to and including termination. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.”

9) On page 30, Policy 10.5 B.1., Required Tests--Pre-Employment Testing—Non-Safety Sensitive, Ms. DeNero stated that HR will go through the entire process of hiring a candidate and once an offer letter is written, employment will be contingent upon that person passing a drug test. She explained that not all applicants will be tested and not all candidates will be tested; just those that the County is making an offer to would be pre-employment drug tested, which would include offers for temporary, permanent or part-time positions. Upon inquiry by Supervisor Pastor about who would pay for this drug test, Ms. DeNero stated that the testing would be done at the County’s expense, which would include an alcohol and an alcohol-drug test at a cost of approximately \$50-\$60. Supervisor Pastor stated that Elected Officials appoint their (Chief) Deputy Directors and inquired if they would come under this pre-employment testing. Ms. DeNero replied that they would not be tested. Supervisor Pastor stated, “I truly believe it needs to say all and I know there’s a legal question about it, but I believe it should be ‘all,’ just plain and simple.” Mr. Chambers replied, “I think this is another area where there’s necessarily going to be a difference between Elected Officials and everyone else. Now the Chief Deputies or Department Heads can be subject to this provision, but there’s no requirement that you do pre-drug testing before you run for the Board of Supervisors or County Sheriff, etc...Certainly if an Elected Official went through a drug testing and failed it, there might be a movement out there saying ‘let’s recall that elected official,’ but that would be the way it would have to take place. It wouldn’t take place because of this policy.” Supervisor Pastor inquired if this could be done by beginning a process to introduce legislation through the state legislative process to have all elected officials drug tested. Mr. Chambers stated that might be an avenue to look at for having a state law that requires elected officials to undergo drug testing.

9) On page 47, Policy 13.4 F., Classification Administration, the following sentence was added: “If a reclassification results in a change in pay grade, the Board of Supervisors’ approval must be obtained.” Ms. DeNero explained that this will cause departments to be held to the budget, number of positions, and position control numbers that have been approved by the Board. Supervisor Pastor inquired if the HR Department has some authority to approve pay

grades and payroll authorizations. Don McDaniel, County Manager, stated, “I don’t think so.”

10) On page 56, Policy 18.2, item number E, Separation of Employment-Resignation, Ms. DeNero advised that there have been some issues in HR regarding employees that were absent from work for 3 consecutive days; however, there was no written policy, so the following wording has been added: “An employee who is absent for three or more consecutive days without authorized leave is automatically considered to have abandoned their job and is subject to termination. If extenuating circumstances are found to have existed and the employee is allowed to return to work, such absence may be covered by leave with or without pay by the Appointing Authority with concurrence of the Human Resources Director.”

11) On page 60, Policy 19.3, Probationary Period-Types of Probation, Ms. DeNero noted that the second sentence was being removed, which stated, “At the discretion of the Appointing Authority, an employee may be granted a one step increase upon the successful completion of the probationary period.” She explained that a lot of discussion was held on this and it was decided that a person should be hired in at a certain rate instead of hiring them at a step rate and pay them a little bit less for 6 months and then moving them up another step after completion of probation. Chairman Martin inquired whether this change would save or cost the County money. John Nelson, Deputy County Manager/Clerk, stated that this would have a very minimal effect on the process. He stated, “Yes, we would pay somebody a little bit more to start, but the paperwork and the administrative nightmare we go through and the probation, I think we more than offset that.” Ms. DeNero did, however, clarify that the new employee would still be on a probationary period regarding employment. Mr. Nelson added, “With the probationary period, if the supervisor misses the probation of an employee or terminating an employee without cause within that 6 months, then that employee is automatically in that position. Originally we thought that by tying a salary increase to it at the end of probation that would force the review and that decision to be made. That was a fallacy in our thinking. It doesn’t really work.”

12) On page 61, Policy 19.3, Probationary Period, Ms. DeNero advised that section D.1.—Demotion Probation; section E.1.—Special Appraisal; and section F.3.—Reinstatement and Reemployment were added to this Policy. Ms. DeNero noted that the added section F.3. states: “If an employee is reemployed within six (6) months of departure in good standing, sick leave accrual balance will be restored and vacation will accrue at the same rate at the time of departure.”

13) On page 63, Policy 20, Performance Appraisal Program, Ms. DeNero stated that the way of doing performance appraisals has changed so the Policy has been updated to reflect those changes including the date of the appraisals and the forms used. She also noted that these proposed changes were also added to the first page of the Amendments document. She noted that the wording in Policy 20.9, Review, states that “performance appraisals may be reviewed at a higher level upon request by the employee” and this year was the first time an

employee requested same. There was no written procedure, so this is an attempt to document the process that HR went through.

14) On pages 64-65, Policy 21.2 A., Disciplinary Actions, some reasons were added or changes made for general disciplinary actions as follows:

- Item 16: (Changed) Misuse of government property, computers, cell phones, computer files, software, mail systems, computing systems or other County owned equipment.
- Item 18: (Added) Possession, distribution, sale, transfer or use of alcohol or illegal controlled substances in the workplace, while on duty or while operating County owned vehicles or equipment.
- Item 30: (Added) Theft or inappropriate removal or possession of property.
- Item 31: (Added) Smoking in non smoking areas.
- Item 32: (Added) Falsification of a doctor's note.
- Item 33: (Added) Making a false allegation against another employee or individual.

Ms. DeNero stated that a lot of discussion was held about adding Item 33. Chairman Martin called on Jesse Bryant, a resident of Globe, who asked if there was a process to determine how an allegation is established as being false. Ms. DeNero stated that it would be established in terms of investigations. Mr. Bryant inquired if the allegation involved an elected official, who would conduct the investigation and come to the final conclusion? Ms. DeNero replied that she would request an outside investigation be done rather than an internal one. Chairman Martin inquired if Mr. Chambers had a comment on this item. Mr. Chambers replied that the issue would be, "How do you prove that an allegation is false?" He stated that anyone who has had to deal with supervisory matters has had the situation where an employee will make an allegation and the other employee will deny same, so sometimes these things are difficult to determine. He stated, "A lot of these things can be difficult to determine whether it involves an elected official or not, they do take investigation and sometimes, as you are well aware, the supervisor may determine that there's not enough proof to show one way or another and ultimately an allegation may have been false, but if there's not enough evidence to show that it was, then no action's going to be taken." He continued, "As far as the process that Ms. DeNero outlined of going to an outside investigator to investigate these allegations when they deal with elected officials, I'm not sure that we have anything specifically in the policies that require that. But that's the type of practice that the HR Department has been using for a long time and that certainly helps result in perhaps a fairer outcome and perhaps even more important than the fairer outcome is the perception that the outcome is fair. Mr. Chambers stated that there is no policy in this paperwork that requires the use of an outside investigator, however, it has been done in the past and the County Attorney's Office endorses that procedure." Ms. DeNero also referred the Board to Item 17 under the same Policy regarding malicious gossip and false accusations because to her they are the same.

15) On page 65, Policy 21.2 B.1-B.2-B.3., Disciplinary Actions, an entire section was added on disciplinary action for law enforcement officers employed by the Sheriff's Office. Ms. DeNero referenced the first sentence, which states: "A law enforcement officer shall not be subject to disciplinary action except for just cause in accordance with A.R.S. §38-1104" and stated that because this is new to the County, her Department will be learning how to enforce same.

16) On pages 65-66, Policy 21.3 A. B. & C., Progressive Discipline, a section was added on how to implement the progressive discipline.

17) On page 66, Policy 21.4 A. & B., Documentation of Disciplinary Actions, a section was added for the documentation of disciplinary actions, which spells out in more detail how these disciplinary steps count toward the employee. Supervisor Pastor requested clarification as to the stages—stage 1 would be verbal, stage 2 would be written and stage 3 would be some sort of disciplinary action. Ms. DeNero stated that it would be a memo of concern, then a reprimand and then a notice of charges. In reference to time limits on these actions, Supervisor Pastor stated that if the time limit was for 12 months, would an employee's record would be cleared and paperwork removed from the employee's file? Ms. DeNero replied that the discipline would have a duration of 2 years, as noted in Policy 21.3 C, and for clarification the documentation would never be taken out of the employee's file. Supervisor Pastor inquired whether that information would be available to the employee at any time they requested it or if there were restrictions. Ms. DeNero replied that as long as the HR Department is open, employees can look at their file, but cannot remove it from the HR office. Upon inquiry by Supervisor Pastor if employees could make copies of anything in their file, Ms. DeNero replied that they could make copies. Supervisor Pastor then inquired if this employee information is shared with the public. Ms. DeNero stated that the public has a right to make a public records request; however, some employee data such as social security numbers, dates of birth and medical records would not be made public, but everything else is available to the public. Supervisor Pastor inquired if there is a policy in writing that states what is allowed for review by the public and what isn't allowed. Ms. DeNero deferred to Mr. Chambers who stated that in this policy there is nothing in writing; however, state statutes regarding public records law are in writing although sometimes they are difficult to interpret. Mr. Chambers stated, "I suppose that's something we could do in the future." Chairman Martin inquired of Mr. Chambers if the public couldn't simply be referred to the state statute that would apply in this case. Mr. Chambers replied that those who now request records are referred to state statutes. He stated that if the state statutes and the case law that interprets them require disclosure of a public record, then it would be disclosed; and if it doesn't, then disclosure might not happen. He stated, "It may be a bit much to think that we would have something in this policy in the next couple of weeks for you to vote on that would try to summarize state law on disclosure of a public record. It's something that we probably ought to look into in the coming year so we may be back with some proposal so that employees and supervisors are aware of what is available from a personnel file and what isn't. I think there may be some

perception around the County that the personnel files aren't readily available to the public, but in fact they are except for some very minor exceptions and so that's something that supervisors and employees alike should consider when they put something into an employee's file." Chairman Martin inquired of Ms. DeNero that as changes are made in statute at the state level, are they being tracked so the County is not in conflict with the changes? Chairman Martin stated that she didn't mind a summary, but she doesn't want anything left out so that folks get the wrong impression if there are changes at the state level. She recommended some wording be put in the employee's handbook that clearly tells the employee what information is or isn't available to the public and perhaps that should be included in this Policy as well. Supervisor Pastor noted a recent issue where a juvenile's information was mistakenly reported, so he believes that the County has to be very careful about allowing certain information to be accessed by the public.

18) On page 75-76, Policy 23.3 D., Attendance, Holidays and Leave, Ms. DeNero noted that at the top of page 76, item number D was added which reads as follows: "Regular status employees authorized to work nineteen (19) hours or less per week are not eligible to receive holiday pay." She stated that this is a current practice and now it is in writing. Supervisor Pastor inquired if a 29-hour, part-time employee was eligible for holiday pay. Ms. DeNero stated that in the Definitions, a full-time employee is defined as 30 hours and a part-time employee is 29 hours and would be eligible for holiday pay; however, the 19-hour employee would not be eligible. Supervisor Pastor inquired about the reason a 29-hour employee is a part-time employee and whether that was legal. Ms. DeNero affirmed that a 29-hour employee is a part-time employee and it is legal. Mr. Chambers stated that it is legal and clarified that even 20-hour employees who work 4 hours a day/5 days a week, if one of the days happened to be on a holiday, that employee would get credit for 4 hours of holiday pay, not 8 hours. Supervisor Pastor then inquired as to the reason the County has 20-30-hour employees, when 40 hours is considered to be a regular, full-time employee. Ms. DeNero explained that one of the reasons the County came up with the definition of 30 hours being full time is because that's the number of hours that are required to receive benefits such as health, life and dental insurance. An employee's accruals would probably be a little less because that is determined by the hours worked. Supervisor Pastor inquired if there is any law that states that 30 hours constitutes a full-time employee in government so an employee can be eligible for benefits. Supervisor Pastor was inquiring because of budget purposes and how money is being spent and it didn't make sense to him that the County would pay a 30-hour employee the same full-time benefits for which a 40-hour employee is eligible. Mr. Nelson stated that the 30 hours was selected to qualify for health insurance; therefore, that has driven the decision that 30 hours is considered a full-time employee. Mr. Nelson stated that the Board could change it if it wished, but he also advised that the other counties in the health insurance pool have qualified health insurance of 20 hours.

- 19) On page 79, Policy 23.7 A. 3, Sick Leave, Ms. DeNero advised that the following sentence was added: “Employees hired after July 26, 2011, will not be eligible for the \$3,000.00 sick leave benefit.” She noted that the date of July 26, 2011, will change to the date that this new policy is adopted by the Board.
- 20) On page 84, Policy 23.9 H., Leaves of Absence with Pay—Bereavement Leave, Jacque Griffin, Assistant County Manager/Librarian, requested that Ms. DeNero review the Amendment on page 1 of the Amendments in reference to this Policy. Ms. DeNero stated that “Immediate Family” in Policy 23.9 H has been amended to list those people who are covered under Bereavement Leave so there is no question and which now includes the following: An employee’s immediate family includes “a spouse, mother, father, step-mother, step-father, grandparent, child, step-child, foster child, ward, adopted child, grandchild, brother, sister, father-in-law, mother-in-law, sister-in-law, daughter-in-law, son-in-law, or an individual who stands or stood in loco parentis of either employee or spouse.” (Note for the record: “Brother-in-law” was included in the proposed policy; however, it was not listed in the Amendment, but should be included.”)
- 21) On page 84, Policy 23.9, Items I, J, K, L, M, N, O-I, II & III, P, Q, & R, under the Policy for Attendance, Holidays & Leave—Leaves of Absence With Pay-Victim Leave, Ms. DeNero noted that sections I through R as shown on page 1 of the Amendments will now be added to Policy 23.9 as new items. Ms. Griffin questioned if Item O, Eligibility for Victim Leave, that lists “immediate family” is spelled out somewhere in statute, because it is different. Ms. DeNero replied that it is spelled out in Arizona Revised Statutes §8-420 and §13-449 in the Victim Leave. Chairman Martin inquired if the statutes should be stated in this policy or if it should state in Item O, “by statute?” Ms. DeNero pointed out that the statutes are listed in Item K but agreed to add the words “by statute” to Item O as well.
- 22) On page 78, Policy 23.6 C, Leave Donation, Ms. DeNero referred back to Policy 23 and stated that there was an issue last year on the leave donation process, so it has been refined.
- 23) On page 80-81, Policy 23.8 A3(a) and A3(b), Family and Medical Leaves of Absence—Eligibility—Military Family Leave Provisions, Ms. DeNero also referred back to this section of Policy 23, and stated that because there were new FMLA (Family and Medical Leave Act) provisions, after attending workshops and reviewing the new provisions, those additional provisions were added to this Policy.
- 24) On page 87, Policy 24, Overtime Pay and Compensatory Leave, Ms. DeNero pointed out that sections 24.1 through 24.8 were new items added, which are basically definitions to help clarify what the FLSA (Fair Labor Standards Act) is about, defining an exempt and non-exempt employee and how they are paid.

Ms. DeNero stated that concluded her presentation on the major changes made to the Gila County Merit System Rules and Policies handbook. The Board and Ms. DeNero discussed the next steps in this process and Mr. McDaniel recommended that the proposed changes be presented to the elected officials in

a work session for input prior to the handbook coming back to the Board for adoption to which Ms. DeNero agreed. No action was taken by the Board.

At 11:20 a.m., Chairman Martin called for a brief recess.

At 11:30 a.m. Chairman Martin reconvened the meeting.

Item 3 – Information/Discussion of County Supervisors Association (CSA) compilation of 2012 legislative issues and proposals to be adopted at the Annual CSA Legislative Summit to be held in Navajo County on October 3-5, 2011.

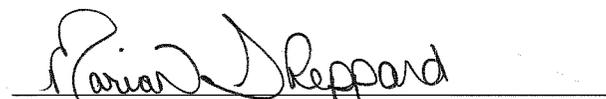
Don McDaniel, County Manager, stated that a list of the 2012 proposed legislative issues was previously presented to the Board for review. He then called on John Nelson, Deputy County Manager/Clerk, who reviewed all of the proposed legislative issues to be discussed and adopted at the annual CSA Legislative Summit and presented his recommendation for each issue. No action was taken by the Board.

There being no further business to come before the Board of Supervisors, Chairman Martin adjourned the meeting at 12:16 a.m.

APPROVED:


Tommie C. Martin, Chairman

ATTEST:


Marian Sheppard, Chief Deputy Clerk