

TOWN OF QUARTZSITE  
**RESOLUTION NO. 16-06**

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA AMENDING THE TOWN OF QUARTZSITE'S PERSONNEL POLICIES BY AMENDING ARTICLE I GENERAL PROVISIONS BY REPEALING SECTION 104 PERSONNEL ADVISORY BOARD AND SECTION 105 DUTIES OF THE PERSONNEL ADVISORY BOARD, BY AMENDING SECTION 110 RIGHT OF GRIEVANCE AND APPEAL, AND BY RENUMBERING ARTICLE I GENERAL PROVISIONS TO CONFORM WITH THE AMENDMENTS; BY AMENDING ARTICLE XVI APPEAL PROCEDURE BY AMENDING SECTION 1602 APPEAL PROCEDURE AND SECTION 1603 PERSONNEL ADVISORY BOARD HEARING; BY AMENDING ARTICLE XVII GRIEVANCE PROCEDURE BY AMENDING SECTION 1703 PROCEDURE FOR PRESENTATION OF COMPLAINT OR GRIEVANCE AND SECTION 1704 PERSONNEL ADVISORY BOARD HEARING; AND BY AMENDING ARTICLE XXVIII DEFINITIONS OF TERMS TO DELETE THE DEFINITION OF "BOARD"; ALL RELATED TO DISSOLVING THE PERSONNEL ADVISORY BOARD AND PROVIDING FOR THE APPOINTMENT OF A HEARING OFFICER; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CHANGES TO THE PERSONNEL POLICIES TO CONFORM.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL of the Town of Quartzsite, Arizona, as follows:

Section I. In General.

The Town of Quartzsite's Personnel Policies are hereby amended as follows (additions shown in CAPITALIZED TEXT, deletions shown in ~~strikeout~~):

~~**Section 104 – Personnel Advisory Board**~~

~~A Personnel Advisory Board shall be appointed by the Town Council. The purpose of the Personnel Advisory Board is to provide the Town Manager with as much unbiased factual information on personnel appeals and grievances as is possible prior to a decision by the Town Manager on such grievances or appeal.~~

~~**Section 105 – Duties of the Personnel Advisory Board**~~

~~As provided by this policy, the duty of the Personnel Advisory Board is to hear appeals filed by any classified employee regarding dismissal, demotion, or any grievance as referred by the Town Manager. The Board shall forward a written report, including a finding of facts and a recommendation, if any, to the Town Manager.~~

**Section ~~106~~ 104 - Adoption and Amendment of Policy**

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**Section ~~107~~ 105 - Equal Employment Opportunity Policy**

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**Section ~~108~~ 106 - Affirmative Action**

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**Section ~~109~~ 107 - Positions Covered**

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**Section ~~110~~ 108 - Right of Grievance and Appeal**

Any employee in the classified service shall have the right to appeal to the Personnel Advisory Board, as set forth in this policy, any dismissal, demotion, suspension or interpretation of these rules regarding these actions except in those instances where the right of appeal is specifically prohibited by these rules.

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**Section ~~111~~ 109 – Appointments**

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**Section ~~112~~ 110 - Establishment of New Positions**

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**Section ~~113~~ 111 - Abolishment of Positions**

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**Section ~~114~~ 112 - Chain of Command**

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**Section 113 - Personal Services Contracts**

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**Section 114 – Personnel Rules and Regulations**

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**Section 1602 - Appeal Procedure**

A confirmed employee may appeal any suspension, demotion or dismissal in writing to the Town Manager within 10 calendar days ~~or~~ OF written notice of the suspension, demotion or dismissal. The Town Manager or designee shall ~~transmit copies of the appeal to the members of the Personnel Advisory Board (defined in Section 140) within 10 calendar days from the receipt of the appeal~~ APPOINT AN INDEPENDENT HEARING OFFICER WHO IS NOT AN EMPLOYEE OF THE TOWN AND WHO HAS KNOWLEDGE OF PERSONNEL LAW TO HEAR THE APPEAL. The appeal hearing shall be in private, unless otherwise requested by the employee filing the appeal.

**Section 1603 - ~~Personnel Advisory Board Hearing~~**

~~Upon receipt of the appeal from the Town Manager, the Board Chair will cause notice to be given to the appealing party, the Personnel Officer, the Town Manager, and the Department Head stating the time, place and location of the hearing.~~ WHEN AN APPEAL IS ASSIGNED TO A HEARING OFFICER, THE HEARING OFFICER SHALL SET A DATE, TIME, AND PLACE FOR HEARING. A PARTY MAY REQUEST TO CHANGE THE HEARING OFFICER ASSIGNED TO THE APPEAL BY FILING A REQUEST IN WRITING TO THE TOWN MANAGER WITHIN FIVE DAYS OF RECEIPT OF THE NOTICE OF THE HEARING. THE REQUEST SHALL STATE THE REASONS FOR THE CHANGE. THE TOWN MANAGER SHALL NOT GRANT A CHANGE OF HEARING OFFICER UNLESS THE PARTY DEMONSTRATES A CLEAR CASE OF BIAS OR PREJUDICE. The employee shall have the right to representation by legal counsel. ~~The Personnel Officer shall serve as secretary to the Personal Advisory Board.~~

The ~~Board~~ HEARING OFFICER shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoena issued in the name of the Town of Quartzsite, and the Town Marshal shall cause service of same. Formal rules of procedures need not be followed during the course

of the hearing. THE HEARING OFFICER IS AUTHORIZED TO GRANT OR REFUSE EXTENSIONS OF TIME, TO CONDUCT THE HEARING, AND TO TAKE ANY ACTION IN CONNECTION WITH THE PROCEEDINGS AUTHORIZED BY LAW.

The Town Attorney shall represent the Town in support of the personnel action. ~~The Chair shall be responsible for maintaining order and decorum at the hearing and may appoint a sergeant-at-arms. The secretary to the Board shall not aid the Personnel Advisory Board in its deliberations as to the facts and ultimate decisions.~~ A record of the proceedings shall be made and shall be available to all parties following completion of the hearing upon request, at their expense. ~~Within 10 calendar days following completion of the hearing, the Personnel Advisory Board shall furnish the employee filing the appeal, the Personnel Officer, and the Town Manager with its written advisory decision.~~

THE HEARING OFFICER SHALL SUBMIT WRITTEN PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND A RECOMMENDATION, INCLUDING A BRIEF STATEMENT OF REASONS FOR THE FINDINGS AND CONCLUSIONS, WITHIN 10 DAYS AFTER THE HEARING TO THE TOWN MANAGER.

~~If a transcript is made, the Board shall have 30 calendar days to render its written advisory decision.~~ The Town Manager shall render a written, dated decision to the employee filing the appeal and will transmit a copy to the Personnel Officer and the Personnel Advisory Board, within a reasonable period of time. The Town Manager's decision is final.

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### **Section 1703 - Procedure for Presentation of Complaint or Grievance**

All complaints must be submitted to the employee's immediate supervisor. The following shall be followed when an employee desires to express dissatisfaction with some aspect of employment other than suspension, demotion or dismissal:

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C. When the Town Manager receives an appeal of a decision by a Department Head from an employee, within 5 working days from receipt of the written appeal, the Town Manager shall:

1. After meeting with the employee, render a written, dated decision without calling a hearing.
2. Summarily call for a review by ~~the Personnel Advisory Board~~ AN INDEPENDENT HEARING OFFICER.
3. After meeting with the employee, determine that the best interest of the employee would be served by ~~convening the Personnel Advisory Board~~ RETAINING AN INDEPENDENT HEARING OFFICER TO HEAR THE GRIEVANCE, IN WHICH CASE THE TOWN MANAGER SHALL APPOINT A HEARING OFFICER WITHIN A REASONABLE AMOUNT OF TIME.

**Section 1704 - ~~Personnel Advisory Board~~ REVIEW OF GRIEVANCES; INFORMAL Hearing**

The ~~Personnel Advisory Board~~ HEARING OFFICER shall, when called upon to do so, conduct an informal hearing without courtroom procedures or formal rules of evidence. The hearing shall be conducted in private, unless otherwise requested by the employee. Both parties shall be granted an opportunity to present their respective positions on the grievance. The ~~Personnel Advisory Board~~ HEARING OFFICER shall attempt to mediate the grievance. The recommendation and findings of the ~~Board~~ HEARING OFFICER shall be sent to the Town Manager in writing for review and decision.

The Town Manager's letter of decision shall indicate the basis for the action taken and the ~~Personnel Advisory Board's~~ HEARING OFFICER'S recommendations. A copy of Town Manager's decision shall also be forwarded to the supervisor of the employee filing the grievance and the Department Head within 10 calendar days. The time limits specified herein may be extended to a definite date by mutual agreement of the employee and the Town Manager. However, failure of the employee to meet the designated time limits will constitute a dismissal of the grievance.

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**ARTICLE XXVIII - DEFINITION OF TERMS**

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**~~BOARD~~**—~~The Personnel Advisory Board, as provided for and established in this policy.~~

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Section II. Providing for Repeal of Conflicting Resolutions.

All resolutions or parts of resolutions in conflict with the provisions of this Resolution or any part of the Personnel Rules and Regulations adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the Personnel Rules and Regulations adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Changes.

The Town Clerk is authorized and directed to make such changes in the Personnel Rules and Regulations so as to properly reflect the changes herein made by this Resolution.

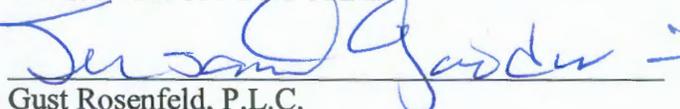
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA THIS 12<sup>TH</sup> DAY OF JULY, 2016.

By:   
Ed Foster, Mayor

ATTEST:

By:   
Tina Abriani, Town Clerk

APPROVED AS TO FORM:

  
Gust Rosenfeld, P.L.C.  
Town Attorneys  
By: Susan D. Goodwin