

## MARANA ORDINANCE NO. 2019.014

---

RELATING TO PERSONNEL; APPROVING AND ADOPTING AMENDMENTS TO THE TOWN'S PERSONNEL POLICIES AND PROCEDURES, REVISING CHAPTER 2 - EMPLOYMENT PROCESS, CHAPTER 4 - EMPLOYMENT BENEFITS AND LEAVES, AND CHAPTER 6 - PERFORMANCE MANAGEMENT AND EMPLOYEE DEVELOPMENT

WHEREAS Chapter 3-3 of the Marana Town Code provides that the Town Council may adopt personnel policies, rules, and regulations that follow the generally accepted principles of good personnel administration and which may be modified or changed from time to time; and

WHEREAS the Town Council adopted Personnel Policies and Procedures via Town of Marana Ordinance 99.12 and Resolution 99-38 on May 18, 1999, which have been amended from time to time; and

WHEREAS the Town Council is authorized by A.R.S. § 41-1750 to adopt an ordinance authorizing the Town to receive criminal justice information from state and federal criminal history repositories for the purpose of evaluating the fitness of current or prospective employees, so long as the ordinance identifies the specific categories of employees subject to the ordinance and requires that the specified employees submit fingerprints in conjunction with the requests for criminal history record information; and

WHEREAS the Town Council has adopted Section 2-8-1 of the Town's Personnel Policies and Procedures which identifies the specific categories of Town employees that must submit fingerprints so that the Town may receive criminal history record information regarding the employees; and

WHEREAS the Council finds that adoption of the amendments to Sections 2-8, Chapter 4, and Section 6-2-4 of the Town's Personnel Policies and Procedures as set forth in this ordinance is in the best interests of the Town and its employees.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Policy 2-8 (Fingerprinting) of the Town's Personnel Policies and Procedures is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

## POLICY 2-8 FINGERPRINTING

### Section 2-8-1 Affected Positions

- A. Candidates for employment in the following positions may be required, as a condition of hire, to furnish a full set of fingerprints on a standard fingerprint card to the town.
- ~~A.~~ 1. Positions in which the employees' job duties include unsupervised contact with minor children.
- ~~B.~~ 2. Parks and recreation department positions in which the employees work directly with children under the age of 18 or vulnerable adults. For purposes of this policy, "vulnerable adult" shall be defined as set forth in the Marana Town Code.
- ~~C.~~ 3. All police department positions.
- ~~D.~~ 4. Positions in the Marana Municipal Court, in accordance with any applicable state law or Arizona Supreme Court administrative orders or directives.
- ~~E.~~ 5. Animal control officer positions.
- ~~F.~~ 6. All technology services department positions.
7. Senior Assistant Town Attorney.
8. Human Resources Director.
- B. Employees who access, use, handle, disseminate or destruct criminal justice information or criminal history record information provided by the Department of Public Safety for noncriminal justice purposes may be required to furnish a full set of fingerprints on a standard fingerprint card to the Town.

### Section 2-8-2 Procedures

- A. All fingerprints furnished pursuant to this policy shall be submitted to the Arizona Department of Public Safety. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation pursuant to A.R.S. § 41-1750 and Public Law 92-544 for the purpose of obtaining state and federal criminal history record information.
- B. The results of the criminal history record information checks shall be provided to ~~and maintained by~~ the Human Resources Department.
- C. Criminal history record information obtained by the Town pursuant to this policy shall be used only for the purpose of evaluating the fitness of prospective or current employees. The Town shall comply with all relevant state and federal rules and regulations regarding the dissemination of criminal history record information.

### Section 2-8-3 Failure to Comply

- A. Any prospective employee for a position listed in Section 2-8-1(A) ~~who is subject to this policy and~~ who fails to be fingerprinted when required by the Town shall have his or her offer of employment with the Town rescinded.

- B. Any current employee in a position listed in Section 2-8-1(A) ~~who is subject to this policy~~ who fails to be fingerprinted when required by the Town shall be subject to immediate termination. Termination of an employee under this section supersedes the progressive discipline policies set forth in Policy 5-5.

SECTION 2. Chapter 4 of the Town's Personnel Policies and Procedures, entitled "Employment Benefits and Leaves", is hereby amended as set forth in Exhibit A attached to and incorporated by this reference in this resolution, with deletions shown with ~~strikeouts~~ and additions shown with double underlining.

SECTION 3. Chapter 6 of the Town's Personnel Policies and Procedures, entitled "Performance Management and Employee Development", is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

#### **Section 6-2-4 Eligibility for Participation**

- A. All ~~regular full-time~~ benefit-eligible classified or unclassified employees with satisfactory work and attendance records who have successfully completed the initial evaluation period are eligible to participate in the education assistance program.
- B. Employees who receive grants, scholarships, or veteran's benefits that cover tuition costs are eligible to participate, but the Town will only reimburse the employee for those tuition costs that are not covered by these external funds.
- C. Only courses that begin after a new employee's initial evaluation period ends will be eligible for reimbursement.
- D. Employees participating in the program must earn a grade of "C" or higher in graded courses or a grade of "pass" in pass/fail courses in order to remain eligible. Employees shall provide proof of satisfactory grades in the form of an original grade report or transcript to the Human Resources Department within 45 calendar days of the completion of each course.

SECTION 4. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. This ordinance is administrative, and shall become effective immediately.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA,  
ARIZONA, this 18th day of June, 2019.

---

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

---

Cherry L. Lawson, Town Clerk

---

Frank Cassidy, Town Attorney