

 DEPARTMENT ORDER MANUAL	ARIZONA DEPARTMENT OF CORRECTIONS	CHAPTER: 500 PERSONNEL/HUMAN RESOURCES	OPR: DIR
		DEPARTMENT ORDER: 518 <i>PERSONNEL RULES - DELEGATED AUTHORITY</i>	SUPERSEDES: DO 518 (09/01/96) EFFECTIVE DATE: MAY 21, 2009

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PURPOSE

The Director, who is authorized to administer most of the Personnel Rules for the Department of Corrections, delegates to the Division Directors and their supervisory staff the authority and responsibility to implement specific personnel actions. This Department Order identifies Personnel Rules administered by the Director and prescribes when and to whom such authority is delegated.

PROCEDURES

518.01 **R2-5-102.B - GENERAL PROVISIONS - AVAILABILITY OF FUNDS** - The granting of any compensation in these rules is contingent upon the availability of funds, as determined by the Director and the Department of Administration (DOA) Director.

Authority Delegated To: Division Directors and verified by the ADC Support Services Division.

518.02 **R2-5-205.C.3 – IDENTIFICATION AND SELECTION OF CANDIDATES** - The DOA Director or the Director may check references and investigate a candidate's background, education or work history.

Authority Delegated To: The Human Services Bureau, the Inspector General Bureau and the specific hiring authorities as provided in Department Order #504, Recruitment and Hiring. (See sections addressing applicant disqualification, fingerprint cards, background investigations, and employment of ex-offenders.)

518.03 **R2-5-208.C – SPECIAL DETAIL** – The Director may detail a permanent status employee to special detail in a covered position within the Department.

Authority Delegated To: Division Directors may special detail an employee who will perform duties of a vacant position. A special detail shall be for at least two full weeks. The maximum length of a special detail shall be in accordance with R2-5-208.C, 1, a and b.

518.04 **R2-5-213.B – PROBATION - CREDIT FOR PRIOR SERVICE** - Upon the request of the Director, up to six months of state service immediately prior to a probationary appointment in the same class may be credited toward completion of the probationary period by the DOA Director, provided that such service was achieved under the same program of orientation, training, and evaluation applied to other probationary employees.

Authority Delegated To: A hiring authority may request up to six months of state service immediately prior to a probationary appointment in the same class be credited towards the probationary period. This request shall be forwarded to the Human Services Bureau Administrator for approval at the time the employee is hired.

518.05 **R2-5-213.C.2 - ORIGINAL PROBATION - EXTENSIONS** - The Director may extend an employee's probationary period for job-related reasons.

Authority Delegated To: Division Directors as provided in Department Order #514, Performance Appraisal For Correctional Employees (PACE).

518.06 **R2-5-213.C.3.a - ORIGINAL PROBATION - COMPLETION** - The Director evaluates a probationary employee and submits a report to the DOA Director prior to the expiration of the employee's probationary period.

Authority Delegated To: Division Directors to ensure that subordinate supervisors prepare performance evaluations of probationary employees, as provided in Department Order #514, Performance Appraisal for Correctional Employees (PACE), and submit these evaluations to the Human Services Bureau within established time frames.

518.07 **R2-5-213.C.3.b - DISMISSAL OF PROBATIONARY EMPLOYEES** - If the Director determines at any time during an original probationary period that the services of the probationary employee are no longer required the employee may be offered another position or be dismissed without the right of appeal. In the case of a dismissal, the Director furnishes the employee with a copy of the letter of dismissal.

Authority Delegated To: Division Directors, Wardens, Deputy Wardens, Administrators and Bureau Administrators as provided in Department Order #601, Administrative Investigations and Employee Discipline.

518.08 **R2-5-213.D.3.a - REVERSION FROM PROMOTIONAL PROBATION** - The Director may revert an employee who fails to successfully complete a promotional probation to a position in the Department in the class in which permanent status was held immediately prior to the promotion. The employee shall not have the right to appeal.

Authority Delegated To: Division Directors, Wardens, Deputy Wardens, Administrators and Bureau Administrators who shall coordinate the reversion with the Human Services Bureau. Approval authority as provided in Department Order #601, Administrative Investigations and Employee Discipline shall be coordinated with the Human Services Bureau to ensure a suitable vacancy exists.

518.09 **R2-5-213.E.1 - PROBATION - REINSTATED/REEMPLOYED EMPLOYEES** - The Director may require a former employee who is reinstated or reemployed to complete an original probation.

Authority Retained By The Director: All reinstated/reemployed employees shall complete a full original probation period.

518.10 **R2-5-301.E - CLASSIFICATION - ALLOCATION** - The Director may underfill a position with the prior approval of the DOA Director.

Authority Delegated To: The hiring authority shall submit requests for underfills to the Human Services Bureau, which shall seek the necessary approval from the Department of Administration.

518.11 **R2-5-301.G - CLASSIFICATION REVIEW** - An employee or the Director may file a written request with the DOA Director for review of the classification of the position.

Authority Delegated To: The employee or hiring authority who shall submit a written request to the Human Services Bureau, which shall forward the written request to the Department of Administration.

518.12 **R2-5-305.A – OVERTIME PAY AND COMPENSATORY LEAVE - APPROVAL OF OVERTIME WORK** - All work in excess of 40 hours per week or in excess of an established work period must be approved by the Director.

Authority Delegated To: Division Directors, Wardens, Administrators and Bureau Administrators as provided in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.

- 518.13** **R2-5-305.C.2 - OVERTIME PAY AND COMPENSATORY LEAVE - NONEXEMPT EMPLOYEES**
- The Director determines if the excess hours are to be compensated by overtime pay or compensatory leave, unless the employee's compensatory leave balance has reached the maximum allowed, in which case the employee must be compensated by overtime pay.

Authority Delegated To: Division Directors, Wardens, Administrators and Bureau Administrators as provided in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.

- 518.14** **R2-5-402.E.1 - HOLIDAY COMPENSATION** - An employee who is required to work on an official state holiday shall receive, for each hour worked, one hour of additional pay or one hour of annual leave or one hour of time off with pay on an alternate workday as specified by the Director.

Authority Delegated To: The employee's supervisor for the annual leave and alternate workday options; the employee's Division Director for the additional pay option (follow the procedure used for overtime payments).

- 518.15** **R2-5-403.F – ANNUAL LEAVE - USE** - Annual leave may be taken at any time approved by the Director.

Authority Delegated To: The employee's supervisor as provided in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.

- 518.16** **R2-5-404.D.1 – SICK LEAVE – USE** - Sick leave may be taken when approved by the Director.

Authority Delegated To: The employee's supervisor.

- 518.17** **R2-5-404.D.2 - SICK LEAVE - EVIDENCE** - The Director may require submission of evidence substantiating the need for sick leave. If the Director determines the evidence is inadequate, the absence shall be charged to another category of leave or considered absence without leave.

Authority Delegated To: The employee's supervisor.

- 518.18** **R2-5-404.D.3 - SICK LEAVE - EXAMINATION** - The Director may require an employee to be examined by a licensed health care practitioner designated by the Director.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline. The designated physician shall be approved by the Employee Relations Officer.

- 518.19** **R2-5-405.C - INDUSTRIAL LEAVE - LIGHT DUTY** - In the event of a job-related disability that would impair performance on the former job, the Director makes every effort to place the employee in a suitable position, as reasonably determined by the Director.

Authority Delegated To: Division Directors as provided in Department Order #519, Employee Health – FMLA, ADA, Industrial Injury, FFD and Alternative Assignment.

518.20 **R2-5-408.A - EDUCATIONAL LEAVE - GENERAL** - An employee may be absent with pay to participate in a formal educational or training course of study at a college, university or technical school with the approval of the Director and the DOA Director, based on the determination that the leave is in the best interest of State Service.

Authority Delegated To: Division Directors for recommendation of approval to the Director.

518.21 **R2-5-408.B - EDUCATIONAL LEAVE - APPLICATION** - An approved educational leave application shall be accompanied by a written agreement signed by the Director and the employee.

Authority Delegated To: Division Directors for preparation of written agreements and recommendations of approval to the Director.

518.22 **R2-5-409 - ADMINISTRATIVE LEAVE** - The Director may authorize an employee to be absent with pay on administrative leave during emergency situations or to temporarily relieve an employee of duties during the investigation of alleged misconduct by the employee.

Authority Delegated To: The Approving Authority as provided in Department Order #601, Administrative Investigations and Employee Discipline.

518.23 **R2-5-411 - PARENTAL LEAVE** - The Director approves requests for parental leave, subject to the five conditions specified in R2-5-411.1 through 6.

Authority Delegated To: The employee's supervisor.

518.24 **R2-5-413.A - MEDICAL LEAVE WITHOUT PAY** - The Director approves requests for medical leave without pay for permanent status employees, subject to the four conditions specified in R2-5-413.1 through 4.

Authority Delegated To: Division Directors, Wardens, Deputy Wardens, Administrators and Bureau Administrators.

518.25 **R2-5-414.A - LEAVE WITHOUT PAY - APPROVAL** - All leave without pay must be approved in advance and in writing by the Director.

Authority Delegated To: Wardens, Deputy Wardens, Administrators and Bureau Administrators for 40 hours; the Division Director for more than 40 hours.

518.26 **R2-5-502.B - HOURS OF EMPLOYMENT** - The Director determines the hours of employment in the workweek for each employee.

Authority Delegated To: Division Directors, Wardens, Deputy Wardens, Administrators and Bureau Administrators as provided in Department Order #524, Employee Assignments and Staffing.

518.27 **R2-5-502.C - FLEXIBLE WORK OPTIONS** - If, in the Director's discretion, it is determined that the Department's existing services can be maintained by employees working a flexible 40-hour workweek, the Director offers this option to the affected employees.

Authority Delegated To: Division Directors, Wardens, Deputy Wardens, Administrators and Bureau Administrators as provided in Department Order #524, Employee Assignments and Staffing.

518.28 R2-5-801.A AND B - SUSPENSION - AUTHORITY - The Director may suspend an employee without pay for cause. In the case of a suspension without pay, the Director provides the employee with a written statement of the reasons for the suspension.

Authority Delegated To: The approving authority as provided Department Order #601, Administrative Investigations and Employee Discipline.

518.29 R2-5-802.A - DEMOTION - AUTHORITY - A permanent status employee may be demoted for cause by the Director to any permanent position, provided the employee meets the minimum qualifications of the class.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline. Demotions shall be coordinated with the Human Services Bureau to ensure a suitable vacancy exists.

518.30 R2-5-803.A - PRE-DISMISSAL PROCEDURES - Before an employee with permanent status can be dismissed, the Director gives the employee written notice of the charges, a summary of the Director's basis for the charges and an opportunity for the employee to present a written response. The employee's response shall be made not later than three workdays after the employee receives notice of the charges, unless extended in writing by the Director.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline.

518.31 R2-5-803.B - DISMISSAL PROCEDURES - The Director may dismiss any employee with permanent status only for cause, but not before attempting to serve the employee personally or with written notice of the specific reasons for dismissal, by registered or certified mail, return receipt requested.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline.

518.32 R2-5-803.D - RELIEF FROM DUTY - Nothing in this Rule shall preclude the Director from immediately placing an employee on administrative leave pending implementation of dismissal procedures, but no pay shall be withheld for such period.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline.

518.33 R2-5-901.C - RESIGNATION - REFUSAL - The Director may refuse to accept a resignation and may instead dismiss an employee pursuant to R2-5-803.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline.

518.34 R2-5-901.D - RESIGNATION - WITHDRAWAL - A resignation may be withdrawn only in writing by personal delivery to the Director not later than the end of the next workday after the employee gives notice of resignation. If a withdrawal is not submitted by this time, the resignation shall be final unless both the Director and the employee agree that the resignation may be withdrawn.

Authority Delegated To: The approving authority as provided in Department Order #601, Administrative Investigations and Employee Discipline.

DEFINITIONS

APPROVING AUTHORITIES - Positions in which incumbents are authorized to recommend corrective action and implement approved discipline when complaints of employee misconduct are sustained.

DOA DIRECTOR - The Director of the Department of Administration.

DIRECTOR - The Director of the Department of Corrections.

HIRING AUTHORITIES - Positions in which incumbents are authorized to offer employment to qualified applicants.

{Original Signature on File}

Charles L. Ryan
Director