

**CHAPTER: 500**

**Personnel/Human Resources**

**DEPARTMENT ORDER:**

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# Arizona Department of Corrections Rehabilitation and Reentry



**Department Order Manual**

A handwritten signature in black ink, appearing to read "David Shinn", written over a horizontal line.

**David Shinn, Director**

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## **EXPECTED PRACTICES**

American Correctional Association (ACA) Expected Practices: 5-ACI-1C-12

## **PURPOSE**

The Director, who is authorized to administer most of the Arizona Department of Administration (ADOA) Personnel Rules for the Department of Corrections, Rehabilitation and Reentry, delegates to the Deputy Directors, Assistant Directors and their supervisory staff the authority and responsibility to implement specific personnel actions. This Department Order identifies the ADOA Personnel Rules administered by the Director and prescribes when and to whom such authority is delegated.

## **APPLICABILITY**

This Department Order is not applicable to private prisons or contractors. Private prisons and contractors shall adhere to their established corporate policies regarding personnel rules.

## **PROCEDURES**

- 1.0 R2-5A-102.C. – 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 ADOA Director.

Authority Delegated To: The Deputy Directors, and Assistant Directors and verified by the Department's Human Resources and Development Group.

- 2.0 R2-5A-303. – REFERENCE AND BACKGROUND CHECKS** – A candidate may be required to furnish, at the candidate's own expense, evidence of education or other qualification. The Director is responsible for verifying education, work experience, applicable license or licenses and references provided by candidates on the application form and in interviews. The Director may conduct a criminal background check on a candidate.

Authority Delegated To: The Human Services Bureau, the Inspector General and the specific Hiring Authorities as outlined in Department Order #504, Recruitment and Hiring (See sections addressing applicant employment of ex-offenders.) and Department Order #602, Background Investigations. (See sections addressing applicant disqualification, fingerprint cards, and background investigations.)

- 3.0 R2-5A-307.B.3. – SPECIAL ASSIGNMENT** – The Director may place an employee on special assignment within the Department; not to exceed six months.

Authority Delegated To: The Deputy Directors and Assistant Directors may place an employee on special assignment. The ADOA Chief Human Resources Officer has authority to approve special assignments and pay supplement within the range of the higher classification in accordance with R2-5A-403.C., Supplemental Pay. In the absence of the ADOA Chief Human Resources Officer, the ADOA Deputy Chief Human Resources Officer may approve the action.

- 4.0 R2-5B-202.B.1. – EXTENSION OF PROBATION** – The Director may extend a covered employee's probationary period up to six additional months for job-related reasons. (See R2-5B-202.B.2. for extensions for employees on leave without pay.)

Authority Delegated To: The Deputy Directors and Assistant Directors as outlined in Department Order #514, Managing Accountability and Performance (MAP).

- 5.0 R2-5B-202.C.1. – COMPLETION OF ORIGINAL PROBATION** – The Director evaluates a covered probationary employee to determine whether to grant the employee permanent status, extend the probationary period, or terminate the employee. {5-ACI-1C-12}

Authority Delegated To: The Deputy Directors and Assistant Directors are to ensure subordinate supervisors make a Managing Accountability and Performance (MAP) Public Note entry indicating the employee has successfully completed original probation and send a memorandum indicating the same to the servicing Human Resources Office so permanent status may be granted; or contact the Human Resources Office to receive instructions on how to extend the probationary period. For probationary employees who will not receive permanent status, confer with the Employee Relations Unit and R2-5B-202.C.2.a and b, Dismissal of Probationary Employees.

- 6.0 R2-5B-202.C.2.A AND 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 in that position, for any or for no reason, the Director, upon obtaining the approval of the ADOA Chief Human Resources Officer, may dismiss the employee without a stated reason and without the right to appeal, providing the employee a letter of dismissal; or offer the employee another position for which the employee possesses the qualifications. An employee who accepts a position that is not in the covered services is an at-will uncovered employee.

Authority Delegated To: The Deputy Directors, Assistant Directors, Wardens, Deputy Wardens, the ADOA Chief Human Resources Officer, ADOA Deputy Chief Human Resources Officer and Bureau Administrators as outlined in Department Order #601, Administrative Investigations and Employee Discipline.

- 7.0 R2-5B-202.C.2.A AND B. – REVERSION FROM PROMOTIONAL PROBATION** – The Director may revert a covered employee who fails to successfully complete a promotional probation to a vacant position in the Department in the class in which permanent status was held immediately prior to the promotion, or a similar position in another class at the same grade as the class the employee holds permanent status if employee possesses the qualifications for that position. The employee shall not have the right to appeal.

Authority Delegated To: The Deputy Directors, Assistant Directors, Wardens, Deputy Wardens, Bureau Administrators and Unit Administrators who shall coordinate the reversion with the Employee Relations Unit. Approval authority as outlined in Department Order #601, Administrative Investigations and Employee Discipline shall be coordinated with the Employee Relations Unit.

- 8.0 R2-5B-205.C. – RETURN TO STATE EMPLOYMENT** – The Director may require an employee returning to state employment in a covered position to complete an original probation.

Authority Retained by The Director: All returning employees appointed to a position in the covered service shall complete a full original probation period.

- 9.0 R2-5A-202.B.1. – CLASSIFICATION CHANGE – JOB DUTIES** – The Director, or an employee in a position, may file a written request with the ADOA 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, Classification and Compensation Unit which shall process in accordance with the ADOA State Personnel System Statewide policies and procedures.

**10.0 R2-5A-201.F. – JOB REALLOCATION** – Upon completion of a review of a position, the ADOA Director may determine that the position should be reallocated to a different job classification grade.

Authority Delegated To: The Deputy Directors or Assistant Directors, with final approval by the ADOA Chief Human Resources Officer or the ADOA Deputy Chief Human Resources Officer, in the absence of the ADOA Chief Human Resources Officer.

10.1 Counter Offer – The Director may counter an offer made to an employee in order to retain a high performing, uncovered employee in the same position, if the employee has received a written (verifiable) job offer and approval would benefit the Department.

Authority Delegated To: The Deputy Directors or Assistant Directors, with final approval by the ADOA Chief Human Resources Officer or the ADOA Deputy Chief Human Resources Officer, in the absence of the ADOA Chief Human Resources Officer.

10.2 Transfer and promotional increases to classifications which previously had an established Special Recruitment Rate.

Authority Delegated To: The ADOA Chief Human Resources Officer or the ADOA Deputy Chief Human Resources Officer, in the absence of the ADOA Chief Human Resources Officer.

10.3 Retroactive salary adjustments (correction of manifest errors involving High Risk Assignment Pay (HRAP) and uniform allowance stipends) up to 90 calendar days and the total cost is less than \$1,000. All other retroactive salary adjustments and those that exceed these limits shall be approved by the ADOA Director.

Authority Delegated To: The Deputy Directors, or Assistant Directors, with final approval by the ADOA Chief Human Resources Officer or the ADOA Deputy Chief Human Resources Officer, in the absence of the ADOA Chief Human Resources Officer.

**11.0 R2-5A-404.A.1. – 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 or designee.

Authority Delegated To: The Deputy Directors, Assistant Directors, Wardens, Bureau Administrators and Unit Administrators as outlined in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.

**12.0 R2-5A-404.C.1. AND 2. – OVERTIME PAY AND COMPENSATORY LEAVE – NON-EXEMPT 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: The Deputy Director, Assistant Directors, Wardens, Bureau Administrators and Unit Administrators as outlined in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.

**13.0 R2-5A-B601.E. – 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 at the current salary rate, or one hour of annual leave or one hour of time off with pay on an alternate workday, as specified by the Director, after the holiday and during the pay period in which the holiday is observed, or the succeeding pay period.

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

**14.0 R2-5A-B602.E. – USE OF ANNUAL LEAVE** – Annual leave may be taken at any time approved by the Director.

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

**15.0 R2-5A-B603.D. – USE OF SICK LEAVE** – Sick leave may be taken when approved by the Director.

Authority Delegated To: The employee's supervisor.

**16.0 R2-5A-B603.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.

**17.0 R2-5A-B603.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 outlined in Department Order #601, Administrative Investigations and Employee Discipline. The designated physician shall be approved by the Employee Relations Unit.

**18.0 R2-5A-D602.C. – INDUSTRIAL LEAVE – LIGHT DUTY** – In the event of a job-related illness or injury 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: The Occupational Health Administrator, in consultation with the Employee Relations Unit, as outlined in Department Order #519, Employee Health – State/Federal Programs and Assignments.

**19.0 R2-5A-B608.A. – EDUCATIONAL LEAVE – GENERAL** - An employee may be sent 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 ADOA Director, based on the determination that the leave is in the best interest of the state.

Authority Delegated To: The Deputy Directors and Assistant Directors for recommendation of approval to the Director.

**20.0 R2-5A-B608.B. – EDUCATIONAL LEAVE – APPLICATION** – An approved educational leave application shall be accompanied by a written agreement signed by the Director and the employee containing the following provisions at a minimum:

- 20.1 A statement of the payments, if any, to be provided to the employee and the manner of their payment.
- 20.2 An agreement by the employee to return to the Department upon the completion of the educational or training course of study for a period of time specified by the Director.
- 20.3 A statement by the employee that failure to successfully complete the course, to complete the specified state employment, or to fulfill all of the terms of the agreement shall result in the employee's being required to repay all or a proportionate part of the salary and other payments received, if any.

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

**21.0 R2-5A-B604.A. – ADMINISTRATIVE LEAVE** – The Director may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor, other emergency situations (i.e., extreme weather conditions, fire, flood or publicly-owned machinery/equipment malfunction) to prevent the spread of a highly contagious diseases, (e.g., Ebola, Chicken Pox, Tuberculosis) among staff or inmates, or to temporarily relieve an employee of duties during the investigation of alleged wrongdoing by the employee during a disciplinary process.

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

**22.0 R2-5A-C602.A. – LEAVE WITHOUT PAY – APPROVAL** – All leave without pay requires a written request by an employee in advance, including the reason for the employee's request, and approval by the Director.

Authority Delegated To: The Wardens, Deputy Wardens, Bureau Administrators for 80 hours or less; the Deputy Directors and Assistant Directors for 81 hours and greater.

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

Authority Delegated To: The Deputy Directors, Assistant Directors, Wardens, Deputy Wardens, Bureau Administrators and Unit Administrators as outlined in Department Order #524, Employee Assignments and Staffing.

**24.0 R2-5A-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: The Deputy Directors, Assistant Directors, Wardens, Deputy Wardens, Bureau Administrators and Unit Administrators as outlined in Department Order #520, Employee Travel Reduction and Department Order #524, Employee Assignments and Staffing.

**25.0 R2-5B-303.A.D. – SUSPENSION – AUTHORITY** – The Director may suspend an employee without pay for cause.

Authority Delegated To: The ADOA Chief Human Resources Officer, if the suspension is greater than 80 working hours (40 hours if a full authority peace officer) as outlined in Department Order #601, Administrative Investigations and Employee Discipline. The ADOA Deputy Chief Human Resources Officer may approve the action in the absence of the ADOA Chief Human Resources Officer.

**26.0 R2-5B-304.A. – INVOLUNTARY DEMOTION – AUTHORITY** – The Director may involuntarily demote a permanent status employee for cause to any covered position in the employing agency, provided the employee possesses the qualifications for such position.

Authority Delegated To: The ADOA Chief Human Resources Officer as outlined in Department Order #601, Administrative Investigations and Employee Discipline. The ADOA Deputy Chief Human Resources Officer may approve the action in the absence of the ADOA Chief Human Resources Officer.

**27.0 R2-5B-304.B. – INVOLUNTARY DEMOTION** – Before an employee with permanent status can be involuntarily demoted, the Director shall submit the proposed action to ADOA for review pursuant to R2-5A-802, Procedures for Review by the Director.

Authority Delegated To: The approving authority as outlined in Department Order #601, Administrative Investigations and Employee Discipline. Demotions shall be coordinated with the Employee Relations Unit and approved by the ADOA Chief Human Resources Officer. The ADOA Deputy Chief Human Resources Officer may approve the action in the absence of the ADOA Chief Human Resources Officer.

**28.0 R2-5B-305.C. – DISMISSAL** – Before an employee with permanent status can be dismissed, the Director shall submit the proposed action to ADOA as prescribed in R2-5A-802, Procedures for Review by the Director.

**29.0 R2-5B-305.D. – DISMISSAL PROCEDURES** – The Director may dismiss an employee with permanent status for cause.

Authority Delegated To: The ADOA Chief Human Resources Officer as outlined in Department Order #601, Administrative Investigations and Employee Discipline. The ADOA Deputy Chief Human Resources Officer may approve the action in the absence of the ADOA Chief Human Resources Officer.

**30.0 R2-5A-1001.A. – RESIGNATION – REFUSAL** – The Director may refuse to accept a resignation and separate the employee pursuant to R2-5A-1002, Involuntary Separation.

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

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms for the following:

- Approving Authority
- Arizona Department of Administration (ADOA) Director
- Arizona Department of Administration (ADOA) Chief Human Resources Officer



- Arizona Department of Administration (ADOA) Deputy Chief Human Resources Officer
- Director
- Hiring/Approving Authorities