

## **RULE 2 - Administration of the Merit System**

- 2.1 Basic Objectives.** The purpose of these Rules is to establish a system of Human Resources administration that is based on merit principles and designed to ensure the following:
- A. A competitive process that evaluates applicants on the basis of job-related knowledge, skills and abilities will be used to fill positions covered by this Merit System.
  - B. That involuntary separation from County services be for a disciplinary reason as defined herein or for other reasons as specially provided in these Rules and policies adopted by the Board of Supervisors.
  - C. That no unlawful discrimination be practiced.
  - D. That disciplinary action is taken only for a disciplinary reason as defined herein.
- 2.2 Amendment to Rules.** Amendments to these Rules shall be brought before the Pinal County Employee Merit System Commission after notification to all affected Departments for evaluation, review, or recommendation. The Commission shall encourage the input of employees and Department heads on proposed amendments. Amendments recommended by the Commission shall go into effect upon the approval of the Board of Supervisors.
- 2.3 Positions Not Covered.** These Rules shall apply to all positions in the County service, unless the positions are specifically not covered in these Rules or specified as not covered in Arizona state statute. The following positions are not covered by these Rules:
- A. County Manager.
  - B. Deputy County Manager.
  - C. Assistant County Manager.
  - D. Chief Deputy to an Elected Official.
  - E. Clerk of the Board of Supervisors.
  - F. County Elected Officials.
  - G. Department Directors.
  - H. Deputy Directors – not to exceed three in each department.
  - I. One position in each Department which reports directly to the Director/Appointing Authority or Deputy Director, which shall be designated by the Director/Appointing Authority and Deputy Director, if any, in writing to the Pinal County Board of Supervisors and the Pinal County Human Resources Department
  - J. A position declared uncovered after the effective date of A.R.S. § 11-352. The number of positions declared uncovered under this provision shall not exceed fifteen percent ( 15 % ) of the total number of County appointive officers and employees.

- a. To declare a position uncovered, the Department Director or Elected Official must have approval from the County Manager. To be approved the requesting party must show there is fiduciary or administrative relationship.
  - i. Fiduciary relationship involves a position where the appointing authority places special confidence and trust in the integrity and fidelity of the employee above what would be delegated to the average employee.
  - ii. Administrative relationship means a relationship where an employee has substantial authority to initiate discretionary action or in which the appointing authority must rely on the employee's personal judgment and leadership abilities, beyond what would be expected of the average employee.
- b. Uncovered status is a question of fact based on actual duties and evidence, not labels applied by the appointing authority. Only positions where the employee has a high degree of trust, confidence, reliance, integrity, discretion, and fidelity above and beyond mere technical competence, and who may act in place of the appointing authority should be considered for uncovered. Requests to change the classification of a position should be submitted through the Pinal County Human Resources Department.
- K. Temporary, provisional, and appointed intermittent employees.
- L. All positions covered under the Judicial Merit System.

- 2.4 Discrimination in Employment.** The County, shall not, because of race, gender, disability, age, religion, color, national origin or veteran status refuse to appoint or promote any employee. Nor shall any employee be suspended, demoted or discharged unlawfully from a position in the Classified Service or unlawfully discriminated against in compensation or in terms, conditions, and privileges of employment. The Commission shall hear grievances based on alleged unlawful discrimination.
- 2.5 Reprisals.** The County shall take no disciplinary or punitive action against an employee for exercising their rights under these Rules.
- 2.6 Service of Process.** Unless otherwise provided by law or these Rules, whenever any notice, paper, or document is to be served upon any person, party, or agency by the Director, such notice, paper, or document may be personally served, or it may be served by mailing it, via certified mail, to the last known residence or business address of the addressee. Service is complete upon mailing.
- 2.7 Severability.** If any provision of these or the application thereof to any person or circumstances, is held invalid, the remainder of the Rules, or the application of such provision to other person or circumstances, shall not be affected thereby.
- 2.8 Conflict with Federal and State Requirements.** Any provision of these Rules which conflicts or is inconsistent with federal and state rules, regulations or standards governing the grant of federal funds or state assistance to any Agency, shall not be applicable to such Agency.