

REFERENCE TITLE: **noncertificated school employees; policies**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HB 2417**

Introduced by  
Representatives Lujan, Schapira

**AN ACT**

**AMENDING TITLE 15, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-504; RELATING TO SCHOOL EMPLOYEES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 15, chapter 5, article 1, Arizona Revised Statutes,  
3 is amended by adding section 15-504, to read:  
4 15-504. Noncertificated employees; policies  
5 A. THE GOVERNING BOARD OF EACH SCHOOL DISTRICT SHALL ADOPT EMPLOYMENT  
6 POLICIES FOR NONCERTIFICATED SCHOOL DISTRICT EMPLOYEES THAT INCLUDE AT LEAST  
7 THE FOLLOWING:  
8 1. A MINIMUM PERIOD OF PROBATIONARY EMPLOYMENT FOLLOWING THE INITIAL  
9 HIRING. DURING THE PERIOD OF PROBATIONARY EMPLOYMENT, THE PROBATIONARY  
10 EMPLOYEE SHALL PERFORM THE ACTUAL DUTIES OF THE POSITION AND MAY BE  
11 DISCHARGED WITHOUT CAUSE. AFTER THE PERIOD OF PROBATIONARY EMPLOYMENT, THE  
12 EMPLOYEE MAY BE DISCHARGED ONLY FOR CAUSE.  
13 2. THE CIRCUMSTANCES UNDER WHICH AN EMPLOYEE MAY BE DISCIPLINED,  
14 SUSPENDED WITHOUT PAY OR TERMINATED FOR CAUSE.  
15 3. A LIST OF CAUSES FOR DISCIPLINE, SUSPENSION WITHOUT PAY OR  
16 TERMINATION.  
17 4. AN APPEAL PROCESS TO THE GOVERNING BOARD OR A DESIGNATED HEARING  
18 OFFICER FOR ANY NONCERTIFICATED EMPLOYEE WHO HAS COMPLETED THE PROBATIONARY  
19 PERIOD OF EMPLOYMENT PRESCRIBED IN PARAGRAPH 1 AND WHO WISHES TO APPEAL A  
20 DISCIPLINARY ACTION, SUSPENSION WITHOUT PAY OR TERMINATION.  
21 5. A POSITION CLASSIFICATION PLAN FOR ALL NONCERTIFICATED POSITIONS IN  
22 THE SCHOOL DISTRICT.  
23 6. PROCEDURES TO EVALUATE THE PERFORMANCE OF EMPLOYEES FOR THE PURPOSE  
24 OF IMPROVING THE EFFECTIVENESS OF SCHOOL DISTRICT STAFF.  
25 7. PROCEDURES FOR PROMOTIONS AND TRANSFERS BETWEEN POSITION  
26 CLASSIFICATIONS WITH APPROPRIATE CONSIDERATION GIVEN TO THE CANDIDATE'S  
27 QUALIFICATIONS, RECORD OF PERFORMANCE AND CONDUCT.  
28 8. PROCEDURES TO DENY APPOINTMENT OR PROMOTION TO CANDIDATES WHO FAIL  
29 TO FULFILL REASONABLE REQUIREMENTS FOR APPOINTMENT OR PROMOTION.  
30 9. PROCEDURES FOR REDUCTIONS IN FORCE IN ORDER TO EFFECTUATE ECONOMIES  
31 IN THE OPERATION OF THE SCHOOL DISTRICT.  
32 10. A PLAN TO RESOLVE EMPLOYEE GRIEVANCES AND COMPLAINTS.  
33 11. ATTENDANCE PROCEDURES, INCLUDING HOURS OF EMPLOYMENT, VACATION  
34 LEAVE, SICK LEAVE AND LEAVES OF ABSENCE, WITH OR WITHOUT PAY OR WITH REDUCED  
35 PAY.  
36 12. STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES.  
37 13. THE PUBLICATION AND DISTRIBUTION TO ALL EMPLOYEES OF A HANDBOOK  
38 THAT CONTAINS ALL RELEVANT EMPLOYMENT POLICIES AND RULES.  
39 14. QUALIFICATIONS FOR OVERTIME PAY. THE QUALIFICATIONS ADOPTED  
40 PURSUANT TO THIS PARAGRAPH SHALL STATE THAT ONLY EMPLOYEES WHO ARE COVERED  
41 EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE  
42 SECTIONS 201 THROUGH 219) ARE ELIGIBLE FOR OVERTIME PAY.  
43 B. THE GOVERNING BOARD OF THE SCHOOL DISTRICT SHALL DEVELOP THE  
44 EMPLOYMENT POLICIES PRESCRIBED IN THIS SECTION IN CONSULTATION WITH  
45 NONCERTIFICATED SCHOOL DISTRICT EMPLOYEES.