

ADMINISTRATIVE PROCEDURES



Procedure Number: 23-17

Effective Date: 06/06/2001

Revision Date: 06/21/2006

C. D. [Signature]
County Administrator

SUBJECT: **LOYALTY OATH**

DEPARTMENT RESPONSIBLE: **Human Resources Department**

I. STATEMENT

The purpose of this procedure is to document and ensure compliance with the loyalty oath requirements of State law.

II. DISCUSSION

All County employees must sign a loyalty oath and such document must be submitted with new hire paperwork and filed in the employee's official personnel file. (See Exhibit 1 - Loyalty Oath). Arizona Revised Statutes §38-231 requires in part that an officer or employee within the meaning of this section who fails to take and subscribe the oath or affirmation provided by this section within the time limits prescribed by this section shall not be entitled to any compensation unless and until such officer or employee does so take and subscribe to the form of oath or affirmation set forth in this section.

III. PROCEDURE

- A. All appointing authorities or designees must ensure that a loyalty oath is signed and notarized immediately upon a new hire reporting to work and prior to any work being performed by the new hire.
- B. New hire paperwork will not be processed for Pima County prospective employees or officers, nor will the employee be allowed to work, until required documents have been properly executed.
- C. In cases where the prospective employee or officer objects to signing the loyalty oath due to a conflict with his or her religious conviction, the appointing authority must approve an additional statement to be added at the end of paragraph E of the attached loyalty oath as follows: "except to the extent it conflicts with my religion." In order to become employed with Pima County, the employee must initial the exception statement, sign the form as amended, and have it notarized.

Reference: Arizona Revised Statute §38-231
1986 Attorney General of the State of Arizona Opinion (1986 Arizona.AG.LEXIS 33)
Pima County Loyalty Oath

STATE OF ARIZONA

Exhibit 1

OFFICE OF _____

LOYALTY OATH

NAME _____

CAPACITY _____

Arizona Revised Statutes § 38-231 (2006). Officers and employees required to take loyalty oath; form; classification; definition

- A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.
- B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.
- C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in *section 13-2301* the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in *section 13-2301* of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.
- D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.
- E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation:

State of Arizona, County of Pima I, _____, do solemnly swear (or affirm) that I will support the

 (type or print name)
 Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of
 _____ according to the best of my ability, so help me God (or so I do affirm).

 (name of office)

(Signature of Officer or Employee)

- F. For the purpose of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

The foregoing oath has been subscribed to before me this _____ day of _____, 20 ____

(Signature)