



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 20, 2017

**Title:** Revisions to Personnel Policies in order align and modify language to conform with parameters set forth in Proposition 206 and the resulting changes to PP 8-106 Sick Leave.

### **Introduction/Background:**

Proposed Revisions to Personnel Policy 8-102 - Premium Pay  
Proposed Revisions to Personnel Policy 8-104 - Attendance  
Proposed Revisions to Personnel Policy 8-123 - Termination

### **Discussion:**

#### **Personnel Policy 8-102 G. 3. and I. 3.**

Aligns and modifies language to conform with parameters set forth in Proposition 206 and the resulting changes to PP 8-106 Sick Leave.

#### **Personnel Policy 8-104 B. 1. and B. 4.**

**B. 1.** Aligns and modifies language to conform with parameters set forth in Proposition 206 and the resulting changes to PP 8-106 Sick Leave.

**B. 4.** Language incorporated into B. 1.

**Personnel Policy 8-123 A.2.c.1** Broadened language from dismissal which only applies to permanent employees separating employment for a disciplinary reason to termination to encompass additional employees and separations.

**Personnel Policy 8-123 A. 6.** Removes language that is no longer applicable as a result of Proposition 206

**Personnel Policy 8-123 B.1.d., B. 2., B.2.b-e** Aligns and modifies language to conform with parameters set forth in Proposition 206 and the resulting changes to PP 8-106 Sick Leave

### **Conclusion:**

These modifications are required to align the policies with the changes to PP 8-106 Sick Leave resulting from Proposition 206.

### **Recommendation:**

That the Board of Supervisors approve the Personnel Policy modifications as outlined above to become effective June 25, 2017.

### **Fiscal Impact:**

None

### **Board of Supervisor District:**

1       2       3       4       5       All

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Department: Human Resources

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Department Director Signature/Date:

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Deputy County Administrator Signature/Date:

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County Administrator Signature/Date:

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A. Definitions

1. "Premium pay" means compensation in addition to an employee's normal pay and includes the following: overtime pay, compensatory time, callback pay, on-call pay, holiday pay, shift differential pay, special assignment pay, and multilingual compensation.
2. "Overtime" means time worked in excess of forty (40) hours per work week, unless a different definition is required by law.
3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.
4. "Holiday benefit" means up to eight (8) hours paid compensation for time off in recognition of each County holiday. An employee on a leave of absence without pay and who is using Catastrophic Leave time is not eligible for the holiday benefit.
5. "Multilingual compensation" means additional pay given to an eligible employee for providing sign language or non-English language services.

B. Exclusions from Premium Pay

The following are not eligible for premium pay except that an Appointing Authority shall receive the holiday benefit as provided herein.

1. Elected Officials;
2. Appointing Authorities; and
3. Anyone who is not an employee on County payroll.

C. Overtime

1. An employee eligible for overtime shall be compensated for overtime hours worked by either one of the following methods, at the discretion of the Appointing Authority:
  - a. By payment at one and one-half (1½) times the employee's current hourly rate;
  - b. By compensatory time at a rate of one and one half (1½) hours off for each hour of overtime worked and not paid.

- C. 2. The following are not eligible for overtime:
- a. Elected Officials;
  - b. Members of the personal staff of Elected Officials;
  - c. Persons appointed by Elected Officials to serve on a policy-making Board or Commission;
  - d. Advisors to Elected Officials with respect to the constitutional or legal powers of their office;
  - e. Employees classified as Executive (E), Administrative (A), or Professional (P), under the Fair Labor Standards Act, except those (E, A, or P) employees designated as eligible for overtime under the County's classification system.
3. Employees shall work overtime only when authorized by the Appointing Authority or designee. Overtime shall be allocated as evenly as possible among all employees qualified to do the work. While preference may be given to those employees who wish to volunteer for the work, all employees are required to work overtime when requested to do so.
4. Compensatory time shall not accumulate in excess of one hundred twenty (120) hours. An employee eligible for overtime who has one hundred twenty (120) hours of accrued compensatory time is to be paid for future authorized overtime worked. If compensatory time is accrued, it cannot be converted back to pay except as provided in the termination policy or other directive from the Board of Supervisors. The Appointing Authority shall establish procedures for timely usage of compensatory time accrued.
5. An employee who changes from one employment type to another shall retain any accumulated compensatory time, except as noted below, and shall be eligible to use and/or accrue compensatory time in accordance with his/her current employment type. An employee who changes status from a non-exempt employee to an exempt employee or who transfers from one County department to another shall be paid for any accumulated compensatory time at the current hourly rate in effect at the time of the transfer or vacating of the non-exempt position. An employee who is in a detail assignment to an exempt classification at the time shall be paid for accumulated compensatory time at the hourly rate held prior to the detail assignment.

D. Callback Pay

An employee eligible for overtime compensation shall be eligible to receive callback pay. An eligible employee who has left a place of work and is called back to work before his/her next regularly scheduled work shift shall receive a minimum

of two (2) hours of pay if reporting back to the worksite or a minimum of fifteen (15) minutes of pay for problem resolution by telephone. Callback pay applies in emergency circumstances only. The callback period shall begin when the employee is notified to return to work. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive callback pay.

1. The employee must report as soon as possible to the worksite. The callback period ends when the employee completes the job assignment. If the employee's private car is used for transportation in a callback situation, mileage shall be paid at the approved rate. Callbacks shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to work if called back.
2. If the employee is able to resolve the problem by telephone and is not required to report to the worksite, he/she shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received.

E. On-Call Pay

An employee eligible for overtime compensation shall be eligible to receive on-call pay. The eligible employee shall be designated by the Appointing Authority to be on call and available for immediate contact for a specific period of time and particular purpose. Being available for immediate contact does not constitute on call unless the employee has been designated on call as above. On-call pay shall be paid at the rate of one dollar and thirty cents (\$1.30) per hour of on-call duty. On-call pay may not be coincident with any other pay except for paid holidays.

Location of the employee for on-call duty shall be at the employee's discretion, with the stipulation that immediate contact can be made and that the employee must be able to report fit for duty within one (1) hour, unless other conditions require a shorter period. On-call duty shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to be on call when requested. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive on-call pay.

F. Holidays

1. Pima County recognizes the following actual holidays:

(1)	January 1	New Year's Day
(2)	Third Monday in January	Martin Luther King, Jr. Day
(3)	Third Monday in February	Presidents' Day
(4)	Last Monday in May	Memorial Day
(5)	July 4	Independence Day
(6)	First Monday in September	Labor Day
(7)	November 11	Veterans' Day
(8)	Fourth Thursday in November	Thanksgiving Day
(9)	Friday after the Fourth Thursday in November	
(10)	December 25	Christmas Day

County offices shall be closed on each of the ten (10) actual holidays listed above. If actual holidays 1, 5, 7, or 10 fall on a Sunday, the holiday shall be designated as observed for pay purposes on the following Monday. If actual holidays 1, 5, 7, or 10 fall on a Saturday, the holiday shall be designated as observed for pay purposes on the preceding Friday.

2. If possible, employees eligible for the holiday benefit, including temporary employees, shall be given time off with pay for each recognized holiday, either on the day the holiday is observed or within the work week in which the holiday falls. Full-time employees shall receive no more than eight (8) hours of time off. Variable-time, part-time employees and employees on reduced schedule leave under ADA shall receive a prorated amount of time off based on their work schedule. For non-exempt employees, holiday benefit hours are paid based on their work schedule. Exempt employees will receive their regular salary for a pay period in which the holiday falls. Intermittent employees, as defined in Merit System Rule 1, are not eligible for the holiday benefit, but may receive holiday pay.

3. If a non-exempt employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off within the work week, the employee shall receive the pay he/she would have received for the holiday benefit plus the following holiday pay:

Actual or Observed Holiday - 1½ times regular pay rate for time worked, minimum two (2) hours.

If a non-exempt employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off within the work week, he/she shall receive holiday pay for holiday hours worked. At the discretion of the Appointing Authority, the employee may be granted annual leave or compensatory time off and still remain eligible to receive holiday pay for holiday hours worked.

If an exempt employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off, the employee shall receive the pay he/she would have received for the holiday benefit and he/she shall be credited, in the form of straight-time compensatory time, with the number of hours worked on the holiday, not to exceed eight (8) hours.

4. Holiday Benefit & Workers' Compensation
  - a. An employee eligible for the holiday benefit, who elects to use annual leave, sick leave, or compensatory time to supplement workers' compensation benefits, shall receive as holiday benefit the equivalent to the daily amount of compensatory time or leave banks utilized to supplement worker's compensation benefits.
  - b. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive the holiday benefit based on his/her work schedule.
5. An employee eligible for the holiday benefit, who is on an approved medical leave of absence without pay, and who chooses to use his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.
6. An employee eligible for the holiday benefit, who is on an approved leave of absence under the Family and Medical Leave Act, and who is using his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

Qualifying departments are listed on Attachment I to this policy.

1. Definitions

- a. "Evening shift" means a work shift in which more than half of the hours worked fall between 5 p.m. and midnight.
- b. "Night shift" means a work shift in which more than half of the hours worked fall between midnight and 8 a.m.

2. A non-exempt employee, as established by Merit System Rule 1, who works an evening or night shift as defined in G.1, shall receive shift differential pay of sixty cents (\$0.60) per hour for evening shift and sixty-five cents (\$0.65) per hour for night shift, in addition to the current hourly rate for each hour worked on the shift. Eligible employees shall receive shift differential pay for all hours worked on the shift as defined in G.1 above.

3. Only eligible employees who are actually working **OR USING THEIR OWN SICK LEAVE ACCRUALS** (i.e., not using annual leave, ~~sick leave~~, compensatory time, **CATASTROPHIC LEAVE BANK HOURS**, any type of paid leave, or receiving holiday benefit) are eligible for shift differential pay.

H. Special Assignment Pay

Additional compensation may be authorized by the Board of Supervisors for certain employees who perform hazardous duty (duty which imperils or endangers an employee), or other duty under special circumstances. The Appointing Authority shall annually submit a request to the County Administrator with justification for the special assignment pay no later than July 1.

I. Multilingual Compensation

1. An employee may receive additional pay for providing sign language or non-English language services if the employee's duties require multilingual capability.

Qualification and eligibility requirements for multilingual compensation are set out by administrative procedures.

2. Multilingual pay is subject to rescission at any time. Rescission of multilingual pay does not constitute a disciplinary reduction in pay and is not grievable or appealable.

3. Only eligible employees who are actually working **OR USING THEIR OWN SICK LEAVE ACCRUALS** (i.e., not using annual leave, ~~sick leave~~,



compensatory time, catastrophic leave bank hours, any type of paid leave, or receiving holiday benefit) are eligible for multilingual pay.

J. Attachment(s)

Changes may be made to attachment(s) to this policy by Human Resources, with County Administrator approval.

ATTACHMENT I, Pima County Personnel Policy 8-102

Departments with Evening & Night Shifts

County Attorney's Office (Criminal Division Legal Processing Support Unit)  
Facilities Management  
Health (Animal Care)  
Information Technology  
Justice Court Ajo  
Justice Court Green Valley  
Justice Court Tucson  
Library  
Medical Examiner  
Regional Wastewater Reclamation  
Sheriff  
Transportation

A. Work Schedules

Work schedules are established at the discretion of the Appointing Authority.

Except for Elected Officials, Appointing Authorities must submit deviations from the stated work schedule to the County Administrator for approval and must emphasize how an alternative work schedule will improve or positively impact County operations.

B. Tardiness and Absence

1. All employees are required to be at work on time **ON SCHEDULED WORK DAYS**. If an employee is unavoidably detained or unable to report to work, **THE EMPLOYEE SHALL NOTIFY** ~~notification shall be made to the~~ **APPOINTING AUTHORITY OR DESIGNEE** ~~immediate supervisor or authorized department representative.~~ This notification shall be provided at least one (1) hour before starting time unless otherwise specified by the Appointing Authority. **NOTIFICATION CAN BE PROVIDED ORALLY, IN WRITING, BY ELECTRONIC MEANS OR BY ANY OTHER MEANS SPECIFIED BY THE EMPLOYEE'S DEPARTMENT.** Failure to **COMPLY WITH NOTIFICATION REQUIREMENTS MAY CONSTITUTE** ~~notify without good reason shall constitute~~ an unauthorized absence without pay **AND MAY RESULT IN DISCIPLINARY OR CORRECTIVE ACTION.**
2. Time off work with pay shall be allowed only as provided in County Personnel Policies for compensatory time, paid holiday time, or various paid leaves.
3. Employees classified as Executive (E), Administrative (A), or Professional (P) are required to be at work as scheduled by the Appointing Authority. All absences, including those of less than a full working day, must be approved in advance by the Appointing Authority or designee.
4. ~~It is the responsibility of the employee to notify the Appointing Authority or designee when absence from assigned duties and/or work schedule is required.~~

C. Breaks

1. All County employees shall adhere to work breaks established by the Appointing Authority or designee.
2. For a maximum of one (1) year after the birth of a child, nursing mothers may take reasonable break time, whenever necessary, to express breast milk. Such breaks are not paid time. In those circumstances where paid breaks are provided, an employee who uses that break time to express milk will be compensated in the same manner that other employees are compensated for

such break time. Break time utilized by nursing mothers to express milk that exceeds the amount of time allowed for other work breaks is not an unscheduled absence.

A. Obligations Employees Have to the County Upon Termination

1. A resigning employee shall submit a written resignation to an appropriate supervisor at least ten (10) business days before planning to leave County service, unless the time frame has been modified or waived by the Appointing Authority. If written notice is not received, oral notice of resignation becomes effective on the date stated by the employee and must be witnessed and documented by the Appointing Authority or designee. A written confirmation of the resignation shall be sent to the employee within two (2) business days of the employee's oral notification. Failure to provide such timely notice could jeopardize consideration for future employment with the County.
2. The employee shall adhere to checkout procedures as outlined by the Appointing Authority. Checkout procedures to be completed by a terminating employee shall include but not be limited to:
  - a. Return of all equipment and supplies to the designated unit charged with their maintenance. This includes keys, identification cards, clothing, etc.;
  - b. Payback of any outstanding financial obligations such as educational reimbursement, travel advances, personal telephone expenses, etc.;
  - c. Arrangement for final pay from the departmental payroll section; ARS § 23-353 provides:
    - (1) Employees who are dismissed **INVOLUNTARILY TERMINATED** shall be paid wages due within seven (7) business days or at the end of the next regular pay period, whichever is sooner.
    - (2) Employees who resign shall be paid in the usual manner all wages due no later than the regular payday for the pay period during which the termination occurred.
  - d. Exit interviews, when offered.
3. An employee who voluntarily terminates employment with the County within six (6) months of receipt of uniform allowance shall return fifty percent (50%) of monies received for the uniforms or have that amount withheld from one or more of the employee's pay(s) provided the amount withheld does not bring the employee's pay below the required minimum wage or overtime levels.

- A. 4. An employee who voluntarily terminates employment with the County within six (6) months of receipt of educational reimbursement shall return fifty percent (50%) of monies received or arrange with the department to have that amount withheld from one or more of the employee's pay(s) provided the amount withheld does not cause the employee's pay to fall below the required minimum wage or overtime levels.
5. Training Reimbursement
- a. Corrections Officers and Deputy Sheriffs who voluntarily terminate employment with Pima County and who accept a position with another Law Enforcement Agency within one (1) year of completing their basic training shall return one hundred percent (100%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) provided such return does not bring the employee's pay below the required minimum wage or overtime levels.
- b. Except to the extent it conflicts with Federal minimum wage and overtime requirements, Corrections Officers who otherwise voluntarily terminate employment with Pima County within three (3) months of being hired shall return seventy-five percent (75%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s). Corrections Officers who otherwise voluntarily terminate employment with Pima County after three (3) months of being hired and prior to the end of their initial hire probation shall return fifty percent (50%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) to the extent it does not reduce the wages of the employee below the minimum required by Federal law.
- c. Except to the extent it conflicts with Federal minimum wage and overtime requirements, Deputy Sheriffs who otherwise voluntarily terminate employment with Pima County within five (5) months of being hired shall return seventy-five percent (75%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s). Deputy Sheriffs who otherwise voluntarily terminate employment with Pima County after five (5) months of being hired and prior to the end of their initial hire probation shall return fifty percent (50%) of the cost of their basic training or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) provided the amount withheld does not bring the employee's pay below the required minimum wage or overtime levels.

- A. 5. d. Any other employee who voluntarily terminates employment with the County within six (6) months of completing any job-related training session or conference, wherein the training or conference fee exceeds five hundred dollars (\$500.00), shall return fifty percent (50%) of the training/conference fee or make arrangements with the department to have that amount withheld from one or more of the employee's pay(s) provided the reimbursement does not result in payment to the employee of less than the amount required by applicable minimum wage and/or overtime requirements.

~~6. An employee shall work the two (2) weeks prior to resignation unless other arrangements are made with the Appointing Authority and a letter stating the arrangements is forwarded to the employee's department personnel file. The Appointing Authority shall not grant the use of sick leave during this time without verification from a medical practitioner.~~

~~a. An employee currently on continuous FMLA leave is exempt from Personnel Policy 8-123 A.6 above.~~

~~b. For an employee on intermittent FMLA leave, the work arrangement may be based on the medical certification on file and, at the discretion of the Appointing Authority, verification may not be required.~~

B. Pima County's Obligation to Terminating Employees

1. Annual Leave

a. Termination

While on initial probation, a terminating employee who has completed six (6) months of his/her initial probation shall receive payment for accrued annual leave in the same manner as permanent employees. Employees hired under the Pima County Trainee Program who have completed six (6) months of the program shall receive payment for accrued annual leave in the same manner as permanent employees. All permanent employees shall receive payment for annual leave hours accrued through the pay period in which the effective date of termination occurs, up to a maximum of two hundred forty (240) hours.

b. Layoff

All accrued annual leave hours shall be paid to the laid-off employee.

B. 1. c. Death

All accrued annual leave hours shall be paid to the surviving spouse or to the estate of the deceased.

d. Retirement

An eligible employee who retires from County service shall have any annual leave in excess of two hundred forty (240) hours automatically converted to sick leave and paid out pursuant to Personnel Policy 8-106 H C.4. The unused hours of sick leave converted to annual leave for retirement payout purposes shall not be included in the calculation of the two hundred forty (240) hours annual leave payoff limit.

An employee who is detailed to a higher position at the time of termination shall be returned to his/her previous position as of the effective date of termination and shall be paid for accrued annual leave hours at the rate of the previous position.

2. Sick Leave

**THE OPTIONS CONTAINED IN ITEM 2. BELOW MAY ONLY BE APPLIED TO AN ELIGIBLE EMPLOYEE WITH EMPLOYMENT TYPE REGULAR CLASSIFIED, UNCLASSIFIED, TRAINEE OR TEMPORARY.**

a. Termination

Except as provided in Subsections b., c., d. and e. below, accrued sick leave shall not be paid to any terminating employee.

b. Retirement

An employee taking normal, early or permanent disability retirement shall be paid for unused, accrued sick leave pursuant to Personnel Policy 8-106 H C.4.

c. Death

Using the conversion formula cited in Personnel Policy 8-106 H.3 C.4.c, unused hours of sick leave shall be converted to annual leave and paid to the surviving spouse or to the estate of the deceased. The employee need not be eligible for retirement at the time of death in order for the conversion to be calculated and the payment to be made.



B. 2. d. Layoff

A conversion of unused sick leave hours to annual leave upon layoff is available to employees upon request and prior to the date of layoff. If an employee requests and receives this payout and returns to County employment, he or she is ineligible for reinstatement of sick leave hours under Personnel Policy 8-106 F.2 **B.3.**

e. Unclassified Employees

Using the conversion formula cited in Personnel Policy 8-106 H.3 **C.4.c and d**, a conversion of unused sick leave hours to annual leave upon termination is available to an unclassified employee upon request if his/her County position is eliminated due to the employee being transitioned to a non-County entity.

3. Compensatory Time

Accrued compensatory time shall be paid to terminating employees to a maximum of one hundred twenty (120) hours. An employee who is detailed to a higher position at the time of termination shall be returned to his/her previous position effective the last day of employment and shall be paid for accrued compensatory time at the rate of the previous position.