



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 6, 2017

Title: The Paid Time-Off Portion of Proposition 206

Introduction/Background:

Pima County has a body of Personnel Policies that apply to all County employees (unless otherwise stated). Personnel Policy 8-106 currently provides sick leave from date of appointment for all employees who receive pay for forty or more hours per pay period, except Elected Officials, intermittent employees and temporary employees.

Discussion:

The Minimum Wage and Paid Time-off Initiative, also known as Proposition 206, was on the November 8, 2016, ballot and approved as an initiated Arizona state statute. In addition to raising the minimum wage to \$10 per hour by January 1, 2017, it created a right to paid sick time off from employment effective on or before July 1, 2017. (Pima County's effective date will be June 25, 2017, the first day of the pay period within which July 1st falls)

Upon review of the sick leave requirements resulting from Proposition 206 passing, Human Resources combined new and existing sick leave parameters into a new draft of Personnel Policy 8-106, ensuring that the minimum requirements of the statute are met for all employees.

Conclusion:

The modifications to Personnel Policy 8-106 adequately address sick leave parameters for all Pima County employees and are compliant with Arizona Revised Statutes.

Recommendation:

Approve suggested modifications to Personnel Policy 8-106 with an effective date of June 25, 2017.

Fiscal Impact:

Required by Arizona State Statute. Fiscal impact to be determined.

Board of Supervisor District:

1 2 3 4 5 All

Department: Human Resources

Telephone: 724-3365

Department Director Signature/Date:

M. Brown

5/24/17

Deputy County Administrator Signature/Date:

Jon Barber

5-24-17

County Administrator Signature/Date:

Scott

5/24/2017

June 25, 2017

Summary of Proposed Revisions to
Personnel Policy 8-106
Sick Leave

The Minimum Wage and Paid Time-off Initiative, also known as Proposition 206, was on the November ballot and approved as an Arizona State Statute. It created a right to paid sick time off from employment effective July 1, 2017. Human Resources drafted modifications to Personnel Policy 8-106 with an effective date of June 25, 2017 (the pay period within which July 1 falls), to align it with new statute requirements.

Following is a list of modifications made to the content of the current sick leave policy:

A. Definitions

- Adds definitions of family member, health care professional and health care provider

B. General Provisions

- Expands eligibility to accrue sick leave to all employees with the exception of Elected Officials
- Modifies reinstatement of sick leave (that was not cashed out or donated), making it available to all employees rehired by the County within nine months of separation (previous reinstatement was available only to permanent employees who resigned in good standing or were laid off and returned to County employment within two years)
- Modifies the previous three month waiting period for use of sick leave to the ninetieth calendar day of employment
- Adds provision for rehired employees to be able to utilize reinstated sick time and new accruals immediately (without a waiting period)
- Removes stipulation that sick leave accruals earned at the end of the current pay period are not available for use until the following pay period
- Adds provision that, with the exception of the waiting period for use of accruals (90th calendar day), where applicable, sick leave may be used as it is accrued
- Removes stipulation that employees receiving workers' compensation benefits who have exhausted all accrued leave balances may utilize sick leave accruals during the pay period earned as this is now the case for all employees beyond the waiting period
- Expands what sick leave may be used for (item B.5)
- Removes the 40 hour cap on use of sick leave to care for a family member

- Requires that sick leave be provided upon request of employee when proper notification is followed
- Details expanded notification parameters
- Requires that employees provide reasonable documentation for use of sick leave of three or more days (previous requirement was more than three days)
- Removes permitting the County to make verification of illness in cases of suspected abuse of policy, with the exception of the prior item
- Details what is considered reasonable documentation
- Removed most content on CAT Bank, which is available in Administrative Procedure 23-46

C. Regular Classified, Unclassified, Trainee and Temporary Employees

- Removes previous limitations on sick leave accrual and usage for temporary employees
- Removes requirement that employees covered by this section must work at least 40 hours per pay period to be eligible to accrue sick leave
- Removes cap on sick leave accruals (previously 1,920 hours)
- Clarifies rollover of unused portion of first 56 hours of sick leave (or percentage thereof) will be calculated at the end of business on the day prior to the employee's anniversary date rather than by the end of the pay period in which the anniversary date falls
- Removes stipulation (so that policy matches practice) that conversion of unused portion of first 56 hours of sick leave (or percentage thereof) is available to permanent employees and Deputy Sheriffs who have completed one year of initial probation and expands to all employees in this section
- Caps conversion of sick leave to annual leave at 1,920 for payout upon retirement, layoff or for payout to an unclassified employee due to privatization of a County department or division

D. Intermittent Employees, Summer Youth and Paid Interns

- Adds that employees covered by this section are eligible to accrue sick leave upon hire or June 25, 2017, whichever comes first
- Adds the rate of accrual for employees covered by this section as one hour for every 30 hours worked
- Adds that employees covered by this section may not accrue or use more than 40 hours of sick leave per anniversary year
- Specifies no cap on accrual of sick leave

A. Eligibility

1. ~~All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue sick leave from date of appointment.~~

~~An eligible employee receiving pay for forty (40) or more hours per pay period shall accrue sick leave as specified in 8-106 B.~~

2. ~~New hire employees hired under the Pima County Trainee Program are eligible to accrue sick leave from date of appointment.~~

3. ~~A temporary employee extended beyond the first six (6) months of employment shall accrue and may use sick leave beginning with the pay period following six (6) months of continuous service and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with sick leave from original date of hire.~~

4. ~~Upon returning to County employment, an employee who retired from Pima County with 240 or fewer hours of unused sick leave accruals is eligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2 unless the employee contributed the balance of hours held at retirement to the catastrophic leave bank.~~

5. ~~Upon returning to County employment, any employee who converted sick leave hours to annual leave for payout purposes is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.~~

6. ~~An employee who is reinstated or reemployed and did not convert sick leave hours to annual leave for payout purposes shall, upon passing initial probation or earlier when probation does not apply, regain the accrued sick leave hours held at the time of termination.~~

A. DEFINITIONS

1. "FAMILY MEMBER" MEANS:

- a. **REGARDLESS OF AGE, A BIOLOGICAL, ADOPTED OR FOSTER CHILD, STEPCHILD OR LEGAL WARD, A CHILD OF A DOMESTIC PARTNER, A CHILD TO WHOM THE EMPLOYEE STANDS *IN LOCO PARENTIS*, OR AN INDIVIDUAL TO WHOM THE EMPLOYEE STOOD *IN LOCO PARENTIS* WHEN THE INDIVIDUAL WAS A MINOR;**
- b. **A BIOLOGICAL, FOSTER, STEPPARENT OR ADOPTIVE**

PARENT OR LEGAL GUARDIAN OF AN EMPLOYEE OR AN EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER OR A PERSON WHO STOOD *IN LOCO PARENTIS* WHEN THE EMPLOYEE OR EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER WAS A MINOR CHILD:

- c. A PERSON TO WHOM THE EMPLOYEE IS LEGALLY MARRIED UNDER THE LAWS OF ANY STATE, OR A DOMESTIC PARTNER OF AN EMPLOYEE AS REGISTERED UNDER THE LAWS OF ANY STATE OR POLITICAL SUBDIVISION;**
 - d. A GRANDPARENT (TO INCLUDE GREAT GRANDPARENT), GRANDCHILD OR SIBLING (WHETHER OF A BIOLOGICAL, FOSTER, ADOPTIVE OR STEP RELATIONSHIP) OF THE EMPLOYEE OR THE EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER; OR**
 - e. ANY OTHER INDIVIDUAL RELATED BY BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION WITH THE EMPLOYEE IS THE EQUIVALENT OF A FAMILY RELATIONSHIP.**
- 2. "HEALTH CARE PROFESSIONAL" MEANS ANY OF THE FOLLOWING AS DEFINED IN ARIZONA REVISED STATUTES:**
- a. A PHYSICIAN;**
 - b. A PHYSICIAN ASSISTANT;**
 - c. A REGISTERED NURSE PRACTITIONER;**
 - d. A CERTIFIED NURSE MIDWIFE WHO IS A REGISTERED NURSE PRACTITIONER APPROVED BY THE AZ STATE BOARD OF NURSING TO PROVIDE PRIMARY CARE SERVICES DURING PREGNANCY, CHILDBIRTH, AND THE POSTPARTUM PERIOD;**
 - e. A LICENSED DENTIST;**
 - f. A BEHAVIORAL HEALTH PROVIDER PRACTICING AS:**
 - i. A LICENSED PSYCHOLOGIST;**
 - ii. A LICENSED CLINICAL SOCIAL WORKER;**
 - iii. A LICENSED MARRIAGE AND FAMILY THERAPIST; OR**
 - iv. A LICENSED PROFESSIONAL COUNSELOR.**

3. "HEALTH CARE PROVIDER" MEANS A PHYSICIAN, NURSE OR OTHER PERSON INVOLVED IN PROVIDING HEALTH SERVICES.

~~B. Rate of Accrual~~

- ~~1. An eligible employee shall accrue sick leave at the rate of .04625 per hour in a pay status (not to exceed 3.7 hours per pay period.)~~
- ~~2. Sick leave shall accrue during any approved leave of absence with pay.~~
- ~~3. Sick leave shall not accrue during any leave of absence without pay or suspension without pay, i.e., employees must be in a pay status to accrue sick leave. Any pay received based upon catastrophic leave bank hours will not be calculated for accrual purposes.~~

B. GENERAL PROVISIONS

PROVISIONS IN THIS SECTION APPLY TO ALL EMPLOYEES ELIGIBLE TO ACCRUE SICK LEAVE.

1. ELIGIBILITY

ALL EMPLOYEES EXCEPT ELECTED OFFICIALS ARE ELIGIBLE TO ACCRUE SICK LEAVE.

2. ACCRUAL RATES

ELIGIBLE EMPLOYEES, BASED ON EMPLOYEE CLASS, SHALL ACCRUE SICK LEAVE AS SPECIFIED IN 8-106 C. OR 8-106 D. BELOW.

3. REINSTATEMENT OF SICK LEAVE

- a. UPON RETURNING TO COUNTY EMPLOYMENT FOLLOWING A BREAK IN SERVICE OF NINE (9) MONTHS OR LESS, AN EMPLOYEE'S UNUSED SICK LEAVE HOURS HELD AT THE TIME OF SEPARATION SHALL BE REINSTATED.**
- b. SICK LEAVE HOURS CONTRIBUTED TO THE CATASTROPHIC LEAVE BANK AND/OR CONVERTED TO ANNUAL LEAVE FOR PAYOUT PURPOSES UPON LEAVING COUNTY EMPLOYMENT (SEE 8-106 C.3 THROUGH C.5) ARE NOT ELIGIBLE FOR REINSTATEMENT.**

~~C. Accumulation~~

~~An employee may accumulate sick leave up to a maximum of one thousand nine hundred twenty (1,920) hours. Any accumulation in excess of this maximum shall not be credited to the employee.~~

D.4. Use of Sick Leave

4a. An eligible employee may use sick leave, **AS IT IS ACCRUED, BEGINNING ON OR AFTER THE NINETIETH (90TH) CALENDAR DAY OF EMPLOYMENT.** ~~after three (3) months of continuous service. Accrued sick leave may be used prior to the first three (3) months of service for a job-related injury or job-related illness.~~

2b. Sick leave accruals earned at the end of the current pay period are not available for use until the following pay period. **EMPLOYEES RETURNING TO COUNTY EMPLOYMENT FOLLOWING A BREAK IN SERVICE OF NINE (9) MONTHS OR LESS ARE ENTITLED TO USE REINSTATED SICK LEAVE ACCRUALS AND NEWLY ACCRUED SICK LEAVE IMMEDIATELY AND ARE NOT REQUIRED TO WAIT UNTIL THE NINETIETH (90TH) CALENDAR DAY OF EMPLOYMENT**

~~Employees receiving workers' compensation benefits who have exhausted all accrued leave balances may utilize sick leave accruals during the pay period earned.~~

c. **ACCRUED SICK LEAVE MAY BE USED PRIOR TO THE NINETIETH (90TH) CALENDAR DAY OF EMPLOYMENT FOR A JOB-RELATED INJURY OR JOB-RELATED ILLNESS.**

3d. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued sick leave for absences of less than a full work day when the Appointing Authority determines that voluntary partial day absences taken by the employee are excessive or have a negative impact on the operation of the department. Employees eligible for overtime are required to use sick leave for ~~absences of a full work day or less~~ **ALL FULL OR PARTIAL WORK DAY ABSENCES.**

45. Sick Leave ~~May Be Used For:~~

a. ~~Illness of the employee or any surgical, medical, or dental care for the employee.~~ **AN EMPLOYEE'S MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; AN EMPLOYEE'S NEED FOR MEDICAL DIAGNOSIS, CARE, OR TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; AN EMPLOYEE'S NEED FOR PREVENTIVE MEDICAL CARE; AN EMPLOYEE'S NEED FOR PREVENTIVE**

DENTAL CARE, DIAGNOSIS OR TREATMENT.

An employee who requires leave for medical reasons may be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993, Personnel Policy 8-108 G. Use of sick leave for FMLA reasons is provided for by administrative procedures which comply with the FMLA.

- b. ~~The illness of a spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, grandchild, domestic partner or child of a domestic partner.~~ **CARE OF A FAMILY MEMBER WITH A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; CARE OF A FAMILY MEMBER WHO NEEDS MEDICAL DIAGNOSIS, CARE, OR TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; CARE OF A FAMILY MEMBER WHO NEEDS PREVENTIVE MEDICAL CARE.**

The employee must file an affidavit with the department in order to take sick leave for the illness of the domestic partner or child of a domestic partner once a calendar year or more often if a relationship has changed in that calendar year or must have a current affidavit on file with the Human Resources Department for the domestic partner or child of the domestic partner enrolled under the County's health benefits plan.

~~Use of sick leave as defined above is for a combined maximum of forty (40) hours per year (established by anniversary date). An employee who must care for a seriously ill spouse, child, or parent as defined in the Family and Medical Leave Act may be eligible for FMLA leave.~~

- c. Parental reasons, such as court appearance, registration of child(ren) for school, teacher conference, or adoption procedure that can only be scheduled during business hours. Paternity leave is included under leave for parental reasons for those employees not eligible for paternity leave under FMLA, Personnel Policy 8-108 G-**AND PARENTAL LEAVE, ADMINISTRATIVE PROCEDURE 3-20.** Leave for parental reasons should be requested in advance, when possible. ~~Leave for parental reasons is included in and not in addition to the forty (40) hour maximum cited in Paragraph 3.b. above.~~
- d. The birth and/or care of a child, or the placement of a child for adoption, foster care, or other legal custody. Employees who request leave for these reasons may be eligible for FMLA leave,

Personnel Policy 8-108 G.

- e. **CLOSURE OF THE EMPLOYEE'S WORKPLACE BY ORDER OF A PUBLIC OFFICIAL DUE TO A PUBLIC HEALTH EMERGENCY OR AN EMPLOYEE'S NEED TO CARE FOR A CHILD WHOSE SCHOOL OR PLACE OF CARE HAS BEEN CLOSED BY ORDER OF A PUBLIC OFFICIAL DUE TO A PUBLIC HEALTH EMERGENCY, OR CARE FOR ONESELF OR A FAMILY MEMBER WHEN IT HAS BEEN DETERMINED BY THE HEALTH AUTHORITIES HAVING JURISDICTION OR BY A HEALTH CARE PROVIDER THAT THE EMPLOYEE'S OR FAMILY MEMBER'S PRESENCE IN THE COMMUNITY MAY JEOPARDIZE THE HEALTH OF OTHERS BECAUSE OF HIS OR HER EXPOSURE TO A COMMUNICABLE DISEASE, WHETHER OR NOT THE EMPLOYEE OR FAMILY MEMBER HAS ACTUALLY CONTRACTED THE COMMUNICABLE DISEASE.**
- ef. Attendance at court proceedings under the Arizona Victim Leave Law, as detailed in Personnel Policy 8-108 H.
- g. **NOTWITHSTANDING SECTION 13-4439, ARIZONA REVISED STATUTES, ABSENCE DUE TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING, PROVIDED THE LEAVE IS TO ALLOW THE EMPLOYEE TO OBTAIN FOR THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER:**
 - i. **MEDICAL ATTENTION NEEDED TO RECOVER FROM PHYSICAL OR PSYCHOLOGICAL INJURY OR DISABILITY CAUSED BY DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING;**
 - ii. **SERVICES FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR VICTIM SERVICES ORGANIZATION;**
 - iii. **PSYCHOLOGICAL OR OTHER COUNSELING;**
 - iv. **RELOCATION OR TAKING STEPS TO SECURE AN EXISTING HOME DUE TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING; OR**
 - v. **LEGAL SERVICES, INCLUDING BUT NOT LIMITED TO PREPARING FOR OR PARTICIPATING IN ANY CIVIL OR CRIMINAL LEGAL PROCEEDING RELATED TO OR RESULTING FROM DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.**

- ~~5. Sick leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using sick leave.~~
- ~~6. An employee using annual leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.~~
- ~~7. In order to discourage excessive use of sick leave, up to a maximum of fifty-six (56) hours of the unused portion of sick leave accrued during the current year (established by the end of the pay period in which the anniversary date falls) shall be converted to annual leave. Any sick leave used during the current anniversary year will be deducted from the fifty-six (56) hour maximum to determine the amount available for conversion. (Example: If only eight (8) hours of sick leave have been used during the anniversary year, the employee may transfer up to forty-eight (48) hours of sick leave to annual leave. If fifty-six (56) or more hours of sick leave have been used during the anniversary year, the conversion will not occur).~~

~~This conversion will occur on the employee's anniversary date. Any employee who wishes to transfer unused sick leave that was converted to annual leave back to sick leave shall make a request to central payroll within thirty (30) calendar days after the conversion occurred. This transfer applies to all permanent employees and to Deputy Sheriffs who have completed one (1) year of their initial probation, including those who have two hundred forty (240) or more hours accrued on their anniversary date, after the adjustment to two hundred forty (240) hours has been made.~~

~~As an equivalent to full-time conversion, part-time and variable-time employees are eligible to have fifty-eight percent (58%) of sick leave hours accrued during the current year (established by the end of the pay period in which the anniversary date falls), less any sick leave used, automatically converted to annual leave.~~

~~E.6. Leave Requests~~

~~**ACCRUED SICK LEAVE SHALL BE PROVIDED UPON THE REQUEST OF AN EMPLOYEE. SUCH REQUEST SHALL BE MADE ORALLY, IN WRITING, BY ELECTRONIC MEANS OR BY ANY OTHER MEANS SPECIFIED BY THE EMPLOYEE'S DEPARTMENT. WHEN POSSIBLE, THE REQUEST SHALL INCLUDE THE EXPECTED DURATION OF THE ABSENCE.**~~

~~To utilize sick leave, an employee must:~~

- ~~4a. Report promptly to his/her immediate supervisor or department, giving the reason for the absence.~~

- 2b. Keep the immediate supervisor or the department informed daily, unless approved otherwise by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with **REPORTING REQUIREMENTS** ~~the above~~ may constitute an unauthorized absence **AND MAY RESULT IN DISCIPLINARY OR CORRECTIVE ACTION** ~~without pay~~.
- 3c. Provide the department, ~~written verification from a recognized physician or medical practitioner~~ for use of sick leave lasting more ~~than~~ three (3) **OR MORE CONSECUTIVE** work days, **REASONABLE DOCUMENTATION THAT SICK LEAVE WAS USED FOR A PURPOSE COVERED IN ITEM B.5 ABOVE. DOCUMENTATION SIGNED BY A HEALTH CARE PROFESSIONAL INDICATING THAT SICK TIME IS NECESSARY SHALL BE CONSIDERED REASONABLE DOCUMENTATION.** Unless waived by the Appointing Authority, verification shall be provided upon return to work, or as requested by the department, and may be provided by mail or messenger if required.

IN CASES OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING, ONE OF THE FOLLOWING TYPES OF DOCUMENTATION SELECTED BY THE EMPLOYEE SHALL BE CONSIDERED REASONABLE DOCUMENTATION:

- i. **A POLICE REPORT INDICATING THAT THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER WAS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING;**
- ii. **A PROTECTIVE ORDER; INJUNCTION AGAINST HARASSMENT; A GENERAL COURT ORDER; OR OTHER EVIDENCE FROM A COURT OR PROSECUTING ATTORNEY THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER APPEARED, OR IS SCHEDULED TO APPEAR, IN COURT IN CONNECTION WITH AN INCIDENT OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING;**
- iii. **A SIGNED STATEMENT FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR VICTIM SERVICES ORGANIZATION AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS RECEIVING SERVICES RELATED TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING;**

- iv. **A SIGNED STATEMENT FROM A WITNESS ADVOCATE AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS RECEIVING SERVICES FROM A VICTIM SERVICES ORGANIZATION;**
 - v. **A SIGNED STATEMENT FROM AN ATTORNEY, MEMBER OF THE CLERGY, OR A MEDICAL OR OTHER PROFESSIONAL AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING; OR**
 - vi. **AN EMPLOYEE'S WRITTEN STATEMENT AFFIRMING THAT THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING, AND THAT THE LEAVE WAS TAKEN FOR ONE OF THE PURPOSES FOUND IN ITEM B.5 ABOVE. THE EMPLOYEE'S WRITTEN STATEMENT, BY ITSELF, IS REASONABLE DOCUMENTATION FOR ABSENCES UNDER THIS PARAGRAPH. THE WRITTEN STATEMENT DOES NOT NEED TO BE IN AN AFFIDAVIT FORMAT OR NOTARIZED, BUT SHALL BE LEGIBLE IF HANDWRITTEN AND SHALL REASONABLY MAKE CLEAR THE EMPLOYEE'S IDENTITY, AND IF APPLICABLE, THE EMPLOYEE'S RELATIONSHIP TO THE FAMILY MEMBER.**
- ~~4. Permit the County to make verification of the illness in cases of suspected abuse of this Policy.~~
- ~~5. Submit a written request for extended sick leave (over three [3] work days) to the department at least two (2) weeks in advance of the intended absence, or as soon as possible after an emergency situation arises which requires extended sick leave. The dates and duration of the sick leave should be noted in the written request. Requests for extended absences are reserved for situations involving an operation or hospitalization. Approval must be obtained from the department's authorized representative prior to the beginning of an extended sick leave. A department may authorize an extended sick leave in emergency situations when advance approval cannot be obtained.~~
- d. **MAKE A GOOD FAITH EFFORT, WHEN THE USE OF ACCRUED SICK LEAVE IS FORESEEABLE, TO PROVIDE NOTICE OF THE NEED FOR SUCH TIME TO THE DEPARTMENT IN ADVANCE. THE EMPLOYEE SHALL ALSO MAKE A REASONABLE EFFORT**

TO SCHEDULE THE USE OF ACCRUED SICK LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT DEPARTMENT OPERATIONS.

- ~~E.~~ ~~6.~~ e. Submit leave requests under the provisions of FMLA consistent with Personnel Policy 8-108 G. and County administrative procedures.

~~F.~~ **7.** Disposition of Accrued Sick Leave

- ~~1.~~ An employee who transfers from one County department to another shall retain any accumulated sick leave. An employee who changes from one employment type to another shall retain any accumulated sick leave and shall be eligible to use and/or accrue sick leave in accordance with his/her **THE** current employment type.
- ~~2.~~ A permanent status employee who either resigned in good standing in accordance with Merit System Rules/Law Enforcement Merit System Rules or who was laid off and did not convert hours pursuant to PP 8-106.I and who returns to County employment within two (2) years from the effective date of resignation or layoff shall, upon passing probation, regain the accrued sick leave held at the time of resignation or layoff.

~~G.~~ **8.** Catastrophic Leave Bank Program

An employee may contribute a portion of his/her sick leave to the catastrophic leave **CAT** ~~b~~**B**ank. An eligible employee who is experiencing catastrophic circumstances may apply for and receive catastrophic leave provided:

- ~~1.~~ The recipient is enrolled in the catastrophic leave bank program.
- ~~2.~~ The recipient meets the eligibility definitions of the Family Medical Leave Act (FMLA) as set forth in County administrative procedures. As the FMLA criteria change, so will the catastrophic leave criteria.
- ~~3.~~ The recipient has exhausted all paid sick and annual leave and compensatory time earned from his/her own accounts.
- ~~4.~~ There is a positive balance in the catastrophic leave bank.

~~After confirmation of eligibility, the recipient shall begin to receive catastrophic leave following the exhaustion of his/her own leave time as indicated in paragraph G.3 above. If more time was requested than the recipient actually required, only the needed amount shall be used and any excess will be returned to the catastrophic leave bank.~~

Implementation and administration of the catastrophic leave **CAT** ~~b~~**B**ank program

are set out by administrative procedures.

~~Denial of a request for leave hours from the catastrophic leave bank is not grievable or appealable.~~

C. REGULAR CLASSIFIED, UNCLASSIFIED, TRAINEE AND TEMPORARY EMPLOYEES

ALL REGULAR CLASSIFIED, UNCLASSIFIED, TRAINEE AND TEMPORARY EMPLOYEES ARE ELIGIBLE TO ACCRUE SICK LEAVE FROM DATE OF EMPLOYMENT.

1. RATE OF ACCRUAL

- a. **A REGULAR CLASSIFIED, UNCLASSIFIED, TRAINEE OR TEMPORARY EMPLOYEE SHALL ACCRUE SICK LEAVE AT THE RATE OF .04625 PER HOUR IN A PAY STATUS (NOT TO EXCEED 3.7 HOURS PER PAY PERIOD).**
- b. **SICK LEAVE SHALL ACCRUE DURING ANY APPROVED LEAVE OF ABSENCE WITH PAY.**
- c. **SICK LEAVE SHALL NOT ACCRUE DURING ANY LEAVE OF ABSENCE WITHOUT PAY OR SUSPENSION WITHOUT PAY (I.E., EMPLOYEES MUST BE IN A PAY STATUS TO ACCRUE SICK LEAVE). CAT BANK HOURS SHALL NOT BE INCLUDED IN CALCULATIONS FOR ACCRUAL PURPOSES.**

2. ACCUMULATION

AT THE END OF THE EMPLOYEE'S ANNIVERSARY YEAR, SICK LEAVE BALANCES NOT CONVERTED TO ANNUAL LEAVE SHALL CARRY OVER TO THE EMPLOYEE'S NEW ANNIVERSARY YEAR. THERE IS NO ACCRUAL CAP ON SICK LEAVE.

3. SICK LEAVE USAGE

- a. **SICK LEAVE SHALL NOT BE CHARGED AGAINST AN EMPLOYEE'S ACCRUED BALANCE FOR AN AUTHORIZED HOLIDAY WHICH OCCURS WHILE AN EMPLOYEE IS USING SICK LEAVE.**
- b. **AN EMPLOYEE USING ANNUAL LEAVE WHO BECOMES ILL MAY, UPON VERIFICATION OF ILLNESS, CHARGE THE ILLNESS TO ACCUMULATED SICK LEAVE.**

- c. IN ORDER TO DISCOURAGE EXCESSIVE USE OF SICK LEAVE, UP TO A MAXIMUM OF FIFTY-SIX (56) HOURS OF THE UNUSED PORTION OF SICK LEAVE ACCRUED DURING THE CURRENT YEAR (ESTABLISHED BY THE END OF BUSINESS THE DAY PRIOR TO THE EMPLOYEE'S ANNIVERSARY DATE) SHALL BE CONVERTED TO ANNUAL LEAVE. ANY SICK LEAVE USED DURING THE CURRENT ANNIVERSARY YEAR WILL BE DEDUCTED FROM THE FIFTY-SIX (56) HOUR MAXIMUM TO DETERMINE THE AMOUNT AVAILABLE FOR CONVERSION. (EXAMPLE: IF EIGHT (8) HOURS OF SICK LEAVE HAVE BEEN USED DURING THE ANNIVERSARY YEAR, THE EMPLOYEE MAY TRANSFER UP TO FORTY-EIGHT (48) HOURS OF SICK LEAVE TO ANNUAL LEAVE. IF FIFTY-SIX (56) OR MORE HOURS OF SICK LEAVE HAVE BEEN USED DURING THE ANNIVERSARY YEAR, NO CONVERSION WILL OCCUR).**

THIS CONVERSION WILL OCCUR ON THE EMPLOYEE'S ANNIVERSARY DATE. ANY EMPLOYEE WHO WISHES TO TRANSFER UNUSED SICK LEAVE THAT WAS CONVERTED TO ANNUAL LEAVE BACK TO SICK LEAVE SHALL MAKE A REQUEST TO CENTRAL PAYROLL WITHIN THIRTY (30) CALENDAR DAYS AFTER THE CONVERSION OCCURRED. THIS TRANSFER APPLIES TO ALL EMPLOYEES IN THIS SUBSECTION (8-106 C), INCLUDING THOSE WHO HAVE TWO HUNDRED FORTY (240) OR MORE HOURS ACCRUED ON THEIR ANNIVERSARY DATE, AFTER THE ADJUSTMENT TO TWO HUNDRED FORTY (240) HOURS HAS BEEN MADE.

AS AN EQUIVALENT TO FULL-TIME CONVERSION, PART-TIME AND VARIABLE-TIME EMPLOYEES ARE ELIGIBLE TO HAVE FIFTY-EIGHT PERCENT (58%) OF SICK LEAVE HOURS ACCRUED DURING THE CURRENT YEAR (ESTABLISHED BY THE END OF THE PAY PERIOD IN WHICH THE ANNIVERSARY DATE FALLS), LESS ANY SICK LEAVE USED, AUTOMATICALLY CONVERTED TO ANNUAL LEAVE.

H.4. Conversion of Sick Leave Hours to Annual Leave Upon Retirement

- 1a.** A conversion of unused sick leave hours to annual leave upon retirement shall occur for employees taking normal, early or permanent disability retirement.
- 2b.** Eligibility is limited to those employees who retire from County service into the Arizona State Retirement System, Public Safety Personnel Retirement System, or Corrections Officer Retirement Plan.

- 3c. Conversion of unused hours of sick leave to annual leave shall be as follows:

<u>Unused Hours of Sick Leave</u>	<u>Conversion To Annual Leave</u>
0 - 240 hours	0% of all hours up to 240
240.01 - 480 hours	25% of all hours up to 480
480.01 - 720 hours	35% of all hours up to 720
720.01 - 1,920 HOURS hours or more	50% of all hours

- 4d. Excess annual leave converted to sick leave shall be included in the conversion calculation in ~~H.3~~ **C.4.c** above.

The 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 payoff limit specified in Personnel Policy 8-123.

I5. Conversion of Sick Leave Hours to Annual Leave Upon Layoff

- 4a. 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.a.**

- 2b. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 ~~H.3~~ **C.4.c** and ~~H.4d.~~

J.6. Conversion of Sick Leave Hours to Annual Leave for Unclassified Employees

- 4a. An unclassified employee may convert unused sick leave hours to annual leave upon request if his/her County position is eliminated due to the employee being transitioned into a non-county entity.

- 2b. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 ~~H.3~~ **C.4.c** and ~~H.4d.~~

D. INTERMITTENT EMPLOYEES, SUMMER YOUTH AND PAID INTERNS

ALL INTERMITTENT EMPLOYEES, SUMMER YOUTH AND PAID INTERNS ARE ELIGIBLE TO ACCRUE SICK LEAVE AT THE COMMENCEMENT OF EMPLOYMENT OR JUNE 25, 2017, WHICHEVER IS LATER.

1. RATE OF ACCRUAL

AN INTERMITTENT EMPLOYEE, TO INCLUDE SUMMER YOUTH AND PAID INTERNS, SHALL ACCRUE SICK LEAVE AT THE RATE OF ONE HOUR EARNED FOR EVERY THIRTY (30) HOURS WORKED (NOT TO EXCEED 40 HOURS PER ANNIVERSARY YEAR). THE TIME WILL APPEAR IN BRACKETS ON EMPLOYEE TIME CARDS AS .03333 PER HOUR WORKED AND WILL NOT BE AVAILABLE FOR USE UNTIL A FULL THIRTY (30) HOURS ARE WORKED.

2. ACCUMULATION

AT THE END OF THE EMPLOYEE'S ANNIVERSARY YEAR, SICK LEAVE BALANCES SHALL CARRY OVER TO THE EMPLOYEE'S NEW ANNIVERSARY YEAR. THERE IS NO ACCRUAL CAP ON SICK LEAVE.

3. SICK LEAVE USAGE

INTERMITTENT EMPLOYEES, SUMMER YOUTHS AND PAID INTERNS SHALL NOT USE MORE THAN 40 (FORTY) HOURS OF PAID SICK LEAVE PER ANNIVERSARY YEAR.

REFERENCE:

ARIZONA REVISED STATUTES TITLE 23, CHAPTER 2, ARTICLE 8.1 § 23-371 THROUGH 381