



# Board of Supervisors Memorandum

August 6, 2013

**Designation of the Friday after the Fourth Thursday in November  
as a Legal Holiday in Place of the Second Monday in October**

Background

In accordance with Arizona Revised Statute §11-413, as amended by Laws 2013, Chapter 131, Section 1, effective September 13, 2013, the Board of Supervisors of any county may designate the Friday after the fourth Thursday in November as a legal holiday in place of the second Monday in October.

A survey of departments and agencies was conducted regarding their preference for switching the Columbus Day holiday for the day after Thanksgiving. Over 100 individuals received emails asking for their input. A total of 38 individuals, representing 33 County departments, including a representative of the Service Employees International Union (SEIU), indicated they would be in favor of the change.

Recommendation

I recommend the Board of Supervisors adopt the attached Resolution No. 2013-\_\_\_ approving the Friday after the fourth Thursday in November as a designated legal County holiday on which the public offices of Pima County shall be closed and that the second Monday in October is no longer a legal holiday, and public offices of the County shall be open on that day.

I also recommend the Board of Supervisors approve the attached changes to Pima County Personnel Policy 8-102 to reflect the adoption of Resolution No. 2013-\_\_\_.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. H. Huckelberry".

C. H. Huckelberry  
County Administrator

CHH/mjk – July 31, 2013

**Attachments**

c: Allyn Bulzomi, Director, Human Resources

**RESOLUTION NO. 2013 - \_\_\_\_**

**PIMA COUNTY**

**RESOLUTION DESIGNATING THE FRIDAY AFTER THE FOURTH THURSDAY IN  
NOVEMBER AS A LEGAL HOLIDAY IN PLACE OF THE SECOND MONDAY IN OCTOBER.**

WHEREAS, in accordance with the provisions of Arizona Revised Statutes § 11-413, as amended by Laws 2013, Chapter 131, Section 1, effective September 13, 2013, the board of supervisors of any county may designate the Friday after the fourth Thursday in November as a legal holiday in place of the second Monday in October; and

WHEREAS, it is the desire of the Board of Supervisors of Pima County to designate the Friday after the fourth Thursday in November as a legal holiday in place of the second Monday in October,

NOW, THEREFORE, BE IT RESOLVED that upon Laws 2013, Chapter 131, Section 1 becoming effective, the Friday after the fourth Thursday in November is a legal holiday on which the public offices of Pima County shall be closed, and the second Monday in October is no longer a legal holiday and public offices of the County shall be open.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of Pima County, this  
\_\_\_\_ day of \_\_\_\_\_, 2013.

PIMA COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Ramon Valadez, Chairman

ATTEST:

By: \_\_\_\_\_  
Robin Brigode, Clerk of the Board

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Deputy County Attorney  
**TOM WEAVER**

## **SUMMARY OF PROPOSED REVISIONS TO PERSONNEL POLICY 8-102**

**Effective date: September 13, 2013**

### **PERSONNEL POLICY (PP) 8-102**

#### **F. Holidays**

1. Revises the list of holidays recognized by Pima County in accordance with Board of Supervisors resolution by deleting Columbus Day, adding the Friday after the fourth Thursday (Thanksgiving) holiday, and renumbering subsequent holidays.

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 medical services pay.
2. "Overtime" means time worked in excess of forty (40) hours per work week, unless a different definition is required by law. For purposes of computing overtime hours, in addition to hours worked, annual leave and compensatory time used shall be included. Sick leave, bereavement leave, and administrative leave do not count as hours worked for the purpose of computing overtime. The holiday benefit is to be included as time worked only if it is part of the normally scheduled work week.

At the option of an Appointing Authority, the "8 and 80" definition of overtime may be utilized for hospitals and/or residential care establishments as provided in Section 207 (j and k) of the Fair Labor Standards Act.

3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.
4. "Work week" means seven (7) consecutive twenty-four (24) hour periods. Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday, unless otherwise designated by the Appointing Authority.
5. "Holiday benefit" means up to eight (8) hours paid compensation for time off in recognition of each County holiday.

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 a 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.
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 transfers from one County department to another shall retain any accumulated compensatory time. An employee who changes

from one employment type to another shall retain any accumulated compensatory time and shall be eligible to use and/or accrue compensatory time in accordance with his/her current employment type.

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 through a pager 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
<del>(7)</del>	<del>Second Monday in October</del>	<del>Columbus Day</del>
(78)	November 11	Veterans' Day
(89)	Fourth Thursday in November	Thanksgiving Day
<del>(94)</del>	<del>FRIDAY AFTER THE FOURTH THURSDAY IN NOVEMBER</del>	
(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, 78, 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, 78, or 10 fall on a Saturday, the holiday shall be designated as observed for pay purposes on the preceding Friday.

2. If possible exempt and non-exempt 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 eight (8) hours of time off and variable-time, part-time employees and employees on intermittent or reduced schedule leave under FMLA shall receive a prorated amount of time off. For non-exempt employees, holiday benefit hours are based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. The prorated calculation shall be ten percent (10%) of the regular hours paid. 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 an 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 plus the following holiday pay:

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

- F. 3. If an employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off, 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. Pursuant to A.2 above, annual leave and compensatory time are included in hours worked for the purpose of computing overtime.
4. If half or more of the hours worked on a shift fall on a holiday, the entire shift shall be paid in accordance with Paragraph 3. above.
5. If mutually agreeable to both Appointing Authority and employee, a non-exempt employee eligible for the holiday benefit may be given time in lieu of holiday pay for all hours worked on the holiday. These hours must be used within six (6) months from the time of their accrual or the County shall invoke its option to pay the employee for the accrued time.
6. 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 a prorated amount of holiday benefit based on the number of accrued leave or compensatory time hours used in the same pay period.
7. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive a prorated amount of holiday benefit based on the number of hours paid in the same pay period.
8. 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 addition to leave without pay, shall receive a prorated amount of holiday benefit hours based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. Donated hours and/or unpaid hours will not be calculated nor applied for these purposes.
9. 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 addition to leave without pay, shall receive a prorated amount of holiday benefit based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. Donated



hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

1. Definitions

- a. "Day shift" means a work shift between 8 a.m. and 5 p.m.
- b. "Evening shift" means a work shift between 5 p.m. and midnight.
- c. "Night shift" means a work shift 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, or any portion thereof, shall be eligible to 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. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of sixty-five cents (\$0.65) per hour.

3. A non-exempt employee of Pima Health Care System in a classification listed on Attachment I below, who works an evening or night shift, or any portion thereof, shall be eligible to receive shift differential pay of seven percent (7%) of the salary minimum of the open range for the classification of Patient Care Services Level II for evening shift and eleven percent (11%) of the salary minimum of the open range for the classification of Patient Care Services Level II for night shift, in addition to the current hourly rate for each hour worked on the shift. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of eleven percent (11%) of the salary minimum of the open range for the classification of Patient Care Services Level II.

H. Special Assignment Pay

Additional compensation may be authorized by the Board of Supervisors for certain employees who work evening or night shifts, perform hazardous duty (duty which imperils or endangers an employee), or other duty under special circumstances. The Appointing Authority shall submit a request to the County Administrator with justification for the special assignment pay.

I. Medical Services Pay

1. Non-exempt medical care employees who provide immediate and direct patient care for one (1) or more patients, and whose classifications are listed on Attachment II, shall receive medical services pay at the rate of one dollar and seventy-five cents (\$1.75) per hour, while waiting to be engaged to work. Medical services pay may not be coincident with any other pay except for paid holidays. Employees may not be designated to receive medical services pay on a continuous basis for more than one (1) pay period, unless exempted by the County Administrator.
2. Eligible employees shall be designated by the Appointing Authority or designee and shall be available to report to work within thirty (30) minutes of being called. Employees who fail to report within the specified time-frame shall forfeit their medical services pay and may be subject to termination.
3. Employees who report to work and provide direct patient care services in a medical setting shall be paid at a rate equal to one and one-half (1½) times their regular rate of pay for all hours worked, with a minimum of two (2) hours pay.
4. Employees who turn in or pick up required medical documentation, and who do not provide direct patient care services in a medical setting, shall receive straight time for all hours worked up to forty (40) hours per work week. Any hours worked over forty (40) in any work week shall be paid at the standard overtime rate of one and one-half (1½) times the employee's regular rate of pay.
5. Any employee eligible for medical services pay who is able to resolve the problem by telephone, and is not required to report to work, shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received. Telephone resolution shall be paid at the employee's regular rate of pay, unless overtime provisions prevail.
6. The work period shall begin when the employee reports to work and shall end when the employee completes the job assignment. Employees who report to work under the medical services pay policy are not entitled to reimbursement for transportation or mileage costs.

J. Attachments

Positions may be added to or deleted from the Attachment(s) to this Policy by Human Resources, with County Administrator approval.

ATTACHMENT I, PIMA COUNTY POLICY 8-102  
(SHIFT DIFFERENTIAL - COUNTY WIDE)

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
LPN	4131
LPN Team Leader	4133
Patient Care Services II	4146

ATTACHMENT II, PIMA COUNTY POLICY 8-102  
(MEDICAL SERVICES PAY - COUNTY WIDE)

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
Nursing Assistant - Certified	4111
Mental Health Technician	4117
Licensed Practical Nurse	4131
Patient Care Services II	4146
Respiratory Therapist	4173
Senior Respiratory Therapist	4174
Physical Therapist	4183