



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 11/15/2022

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

Proposed Changes to Personnel Policy 8-106, Sick Leave

***Introduction/Background:**

Proposed revisions to Personnel Policy 8-106, Sick Leave, in alignment with the Board of Supervisor's approval at the September 6, 2022, Board Meeting concerning the County Administrator's Vacation and Sick Leave Proposal – Phase 1, items one (1) through eight (8), effective January 1, 2023. (Attached)

***Discussion:**

1) Increase sick leave accruals by 24 hours per year; 2) Permit eligible employees to use sick leave as it is accrued.

***Conclusion:**

The revisions are required to align with the Board of Supervisor's approval on September 6, 2022.

***Recommendation:**

That the Board of Supervisors approve Personnel Policy 8-106, Sick Leave modifications as outlined, to become effective January 1, 2023.

***Fiscal Impact:**

None.

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Human Resources

Telephone: 520-724-2732

Contact: Cathy Bohland

Telephone: 520-724-8672

Department Director Signature: _____

Date: _____

10/27/22

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____

10/27/22

January 1, 2023
Summary of Revisions
Personnel Policy 8-106
SICK LEAVE

Significant Changes

1) Revised Language in Following Sections:

- | | |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (B)(4)(a)-(c) | Changed the language to allow all employees to use sick leave upon accrual and not wait until ninetieth (90 th) calendar day of employment. |
| (C)(1)(a) | Increased the accrual of sick leave by 24 hours, from 3.7 to 4.65 hours per pay period. |
| (C)(2) | Changed the language to conform with the pay out of sick leave as outlined in Section (C)(4)(c) of the policy, i.e. capping the payout of unused sick leave at 1,920 hours. |
| (C)(4)(c) | Changed "Conversion to Annual Leave," to "Percentage of Sick Payout." |
| (C)(4) – (6) | <p>Modified language throughout from "conversion of sick leave hours to annual leave," to "payout of unused sick leave."</p> <p>Modified language throughout to clarify that excess of 1,920 sick leave hours is forfeited and not reinstated, unless the employee falls within section (B)(3) of the policy, i.e. the break in service is less than nine (9) months.</p> |

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. 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

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.

4. Use of Sick Leave

- a. An eligible employee may use sick leave **UPON ACCRUAL**, ~~as it is accrued, beginning on or after the ninetieth (90th) calendar day of employment.~~
- b. ~~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.~~
- 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.~~
- b. 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.

- c. Employees eligible for overtime are required to use sick leave for all full or partial work day absences.

5. Sick Leave May Be Used For:

- a. 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. 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.

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.
- 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.
- f. 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.

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:

- a. Report promptly to the immediate supervisor or department, giving the reason for the absence.
- b. Keep the immediate supervisor or the department informed daily, unless otherwise approved by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with reporting requirements may constitute an unauthorized absence and may result in disciplinary or corrective action.
- c. Provide the department, for use of sick leave lasting 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.

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

7. Disposition of Accrued Sick Leave

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 the current employment type.

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~~ **.05813** per hour in a pay status (not to exceed ~~3.7~~ **4.65** 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).

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; **HOWEVER, THE CAP OF 1,920 HOURS REMAINS IN EFFECT FOR MAXIMUM HOURS TO CALCULATE RETIREMENT PAYOUT.**

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 misuse 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 ~~THREETwo~~ **TWENTY** ~~forty (240320)~~ or more hours accrued on their anniversary date, after the adjustment to ~~THREETwo~~ **TWENTY** ~~forty (240320)~~ 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.

4. ~~Conversion~~ **PAYOUT** of **UNUSED** Sick Leave Hours to ~~Annual Leave~~ Upon Retirement

- a. A **PAYOUT** ~~conversion~~ of unused sick leave hours to ~~annual leave~~ upon retirement shall occur for employees taking normal, early or permanent disability retirement.
- b. 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.
- c. **THE PAYOUT** ~~Conversion~~ of unused hours of sick leave to ~~annual leave~~ shall be as follows:

<u>Unused Hours of Sick Leave</u>	<u>PERCENTAGE OF SICK PAYOUT 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	50% of all hours

- d. Excess annual leave converted to sick leave shall be included in the conversion calculation in C.4.c above.
- e. **ANY REMAINING SICK BALANCE IN EXCESS OF 1,920 HOURS IS FORFEITED AND NOT ELIGIBLE TO BE REINSTATED SHOULD A RETIRED EMPLOYEE RETURN TO COUNTY EMPLOYMENT, UNLESS THE RETURN FALLS WITHIN B.3. 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.~~

5. **PAYOUT** ~~Conversion~~ of **UNUSED** Sick Leave Hours to ~~Annual Leave~~ Upon Layoff

- a. A **PAYOUT** ~~conversion~~ of unused sick leave hours to ~~annual leave~~

upon layoff is available to employees upon request and **MUST BE MADE** prior to the date of layoff. **ANY REMAINING SICK BALANCE IN EXCESS OF 1,920 HOURS IS FORFEITED AND NOT ELIGIBLE TO BE REINSTATED SHOULD A LAID OFF EMPLOYEE RETURN TO COUNTY EMPLOYMENT, UNLESS THE RETURN FALLS WITHIN** ~~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 B.3.a~~ **ABOVE.**

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

6. **PAYOUT** ~~Conversion of~~ **UNUSED** Sick Leave Hours to Annual Leave for Unclassified Employees

- a. An unclassified employee may **RECEIVE A PAYOUT OF** ~~convert unused sick leave hours to annual leave upon request if~~ **THEIR** his/her County position is eliminated due to the employee being transitioned into a non-~~e~~County entity.
- b. **PAYOUT** ~~Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 C.4.c and d~~ **ABOVE.**

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.

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. 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

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.

4. Use of Sick Leave

- a. An eligible employee may use sick leave upon accrual.
- b. 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.
- c. Employees eligible for overtime are required to use sick leave for all full or partial work day absences.

5. Sick Leave May Be Used For:

- a. 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. 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.

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.
- 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.

- f. 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.

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:

- a. Report promptly to the immediate supervisor or department, giving the reason for the absence.
- b. Keep the immediate supervisor or the department informed daily, unless otherwise approved by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with reporting requirements may constitute an unauthorized absence and may result in disciplinary or corrective action.

- c. Provide the department, for use of sick leave lasting 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.

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

7. Disposition of Accrued Sick Leave

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 the current employment type.

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 .05813 per hour in a pay status (not to exceed 4.65 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).

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; however, the cap of 1,920 hours remains in effect for maximum hours to calculate retirement payout.

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 misuse 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.

4. Payout of Unused Sick Leave Hours Upon Retirement

- a. A payout of unused sick leave hours upon retirement shall occur for employees taking normal, early or permanent disability retirement.
- b. 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.

- c. The payout of unused hours of sick leave shall be as follows:

<u>Unused Hours of Sick Leave</u>	<u>Percentage of Sick Payout</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	50% of all hours

- d. Excess annual leave converted to sick leave shall be included in the conversion calculation in C.4.c above.
- e. Any remaining sick balance in excess of 1,920 hours is forfeited and not eligible to be reinstated should a retired employee return to County employment, unless the return falls within B.3. above.

5. Payout of Unused Sick Leave Hours Upon Layoff

- a. A payout of unused sick leave hours upon layoff is available to employees upon request and must be made prior to the date of layoff. Any remaining sick balance in excess of 1,920 hours is forfeited and not eligible to be reinstated should a laid off employee return to County employment, unless the return falls within B.3. above.
- b. Payout of unused hours of sick leave shall be in the same manner as set forth in C.4.c and d above.

6. Payout of Unused Sick Leave Hours for Unclassified Employees

- a. An unclassified employee may receive a payout of unused sick leave hours upon request if their County position is eliminated due to the employee being transitioned into a non-County entity.
- b. Payout of unused hours of sick leave shall be in the same manner as set forth in C.4.c and d above.

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.

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 forty (40) hours of paid sick leave per anniversary year.

Reference:

Arizona Revised Statutes Title 23, Chapter 2, Article 8.1 § 23-371 through 381



Board of Supervisors Memorandum

September 6, 2022

Vacation and Sick Leave Proposal – Phase 1

Background

Paid leave programs are an employer-provided benefit that help employees balance the needs of work with outside interests and obligations. The perceived value of such programs are an important factor in attracting candidates to an organization and retention of employees once hired. To progress our recruitment strategy and expand retention efforts, it is essential that we review and adjust current practices where we can. Current leave for the first year of employment in Pima County is 36 days of leave/288 hours per year:

Type of Leave	Days*
Annual Leave	12
Sick Leave	12
Holidays/Admin Days	12
Total Accrued at End of Year 1	36 Days or 288 Hours

*Based on eight (8) hour workday

An eligible employee in active pay status currently accrues vacation ("annual") leave as follows:

Length of Service	Current Rate of Accrual
0-3 Years	3.7 Hours (12 days)
3-7 Years	4.65 Hours (15 days)
7-15 Years	5.5 Hours (18 days)
15+ Years	6.47 Hours (21 days)

Employees accrue sick leave at 3.7 hours per pay period/12 days annually; however, this rate of accrual does not increase over time.

To remain competitive in the job market, the following recommendations for changes to current leave policies are listed below. These recommendations will place Pima County over at least eight (8) of our comparator organizations. (Attachment)

- (1) Increase annual leave accruals by three (3) days/24 hours per year for each tier identified below.

Length of Service	Rate of Accrual
0-3 Years	4.65 Hours (15 days)
3-7 Years	5.5 Hours (18 days)
7-10 Years	6.47 Hours (21 days)
10-15 Years	7.39 Hours (24 days)
15+ Years	8.31 Hours (27 days)

- (2) Increase the cap on the amount of annual leave that can be carried over on an employee's anniversary date from 240 hours to 320 hours.
- (3) Discontinue requests for approval for an employee to retain annual leave in excess of 320 hours. Any excess over 320 hours on the employee's anniversary date in 2023, will roll over to sick leave.
- (4) Of the total 15 days (120 hours) of annual leave an employee can earn in year one (1), frontload five (5) of those days (40 hours) for new employees on their date of hire. New employees will then begin accruing at a rate of 4.65 hours after the employee reaches the point in time when they would have accrued five (5) days (40 hours) of leave (roughly pay period nine (9)).
- (5) Permit an eligible employee in the classified service to use annual leave from date of hire, while still within the first six (6) months of initial probation, where the probationary employee is meeting performance expectations and with supervisor approval.
- (6) Employees returning to County employment following a break in service of five (5) years or less are entitled to accrue annual leave based on their length of service with Pima County when they left. For example, for an employee who was an eleven (11) year employee and left County employment in 2018, upon their re-hire in 2022, that employee would accrue annual leave at 7.39 hours/24 days, with five (5) days (40 hours) of that leave frontloaded. The employee would then begin accumulating 7.39 hours when the employee reaches the point in time when they would have accrued five (5) days (40 hours) of leave (roughly pay period five (5)). Employees who have retired from the County and return to work (regardless of break in service), will accrue annual leave as a new hire, i.e. 4.65 hours/15 days per year, with five (5) days (40 hours) frontloaded.
- (7) Increase sick leave accruals by three (3) days/24 hours per year, for a total of 15 days/120 hours of sick leave.
- (8) Permit an eligible employee to use sick leave as it is accrued and lift the requirement to wait until the ninetieth (90th) calendar day of employment.

Require employees to take compensatory time by their anniversary date in 2023. Going forward require Departments to pay overtime rather than permitting employees to accrue compensatory time.

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Vacation and Sick Leave Proposal – Phase 1**
September 6, 2022
Page 3

Recommendation

I recommend approval of options 1 through 8 listed above and I further recommend that any changes described herein take place January 1, 2023, in order to permit time to reconfigure our current pay system. The proposed changes are not intended to be retroactive.

Additionally, it is recommended to address Paid Time Off (PTO) as part of a second phase of review. PTO is a more complex process and requires a determination of how to convert current vacation and sick leave balances to PTO and necessitates more communication and advance notice to employees. Therefore, it is ideal to assess a change to PTO at the time that the County moves to its new enterprise system, which is actively in the procurement stages.

Finally, staff will continue to review student loan repayment, pet insurance, childcare resources, and a "Winter Break" paid vacation benefit in Phase 2 of this assessment as well.

Sincerely,



Jan Leshner
County Administrator

JKL/dym – August 24, 2022

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco Garcia, Deputy County Administrator and Chief Medical Officer
Steve Holmes, Deputy County Administrator
Ellen Moulton, Director, Finance and Risk Management
Cathy Bohland, Director, Human Resources

ATTACHMENT

Organization	Annual Leave	Change in Rate of Annual Leave Accrual	Max Annual Leave Accrual	Sick Leave	Change in Rate of Sick Leave Accrual	Max Sick Leave Accrual	Annual Pay Period Schedule
Pima County	3.7 PP	4.65 PP (3-7) 5.55 PP (7-15) 6.47 PP (15+)	240	3.7 PP	N/A	No Accrual Cap- Pay out 50% 720-1920	26
University of Arizona*	6.77 PP (Appointed) 3.38 PP (Classified)	Classified 4.92 PP (3 rd and 4 th year of service) 6.77 PP after five years of continuous service	320	3.69 PP	N/A	None	26
State of Arizona	4.0 PP	5.53 PP (3-8) 6.46 PP (9+)	240	12 days per year	N/A	NONE- can carryover	26
Maricopa County, AZ	4.65 PP	5.55 PP(3-6) 6.90 PP (6-10) 7.90 PP (10-15) 8.50 PP (15-19) 8.8 PP (19+)	228.8	3.07 PP (0-5)	4.46 PP(6+)	None	26
City of Tucson, AZ	4.0 PP	4.5 PP (1-2) 5 PP (2-6) 6 PP (6-9) 6.46 PP (9-14) 7 PP (14-17) 8 PP (20+)	288	4.0 PP	N/A	None	26
Pima Community College (PCC)**	5.54 PP NE or 8 PP for EX	7.38 PP for non-exempt (5+ yrs) (No change for EX))	320	4.0 PP	N/A	1440	26 Pays OR 20/21 for 9 Month Faculty -
Pinal County, AZ (Accrual based on years in ASRS)	3.08 PP	4.62 PP (5 –10) 5.54 PP (10-15) 6.15 PP (15+)	360	4 .0 PP	N/A	104/LE ONLY may accrue up to 1000	26
Town of Marana, AZ	3.08 PP	4.62 PP (5-10) 6.15 PP(10+)	240	Bank of 112 hours for FT (all at once)	N/A	None	26

Town of Sahuarita	3.08 PP	Increase by 8 hours each year; 3.38 PP (1-2) 3.69 PP(2-3) 4 PP (3-4) 7.692 PP (15+ years of service) **increase by 0.31 rate each year until employee's anniversary date reaches 15 years.	200	3.07 PP	N/A	None	26
City of Phoenix, AZ	4 PP	5 PP (6-10) 5.5 PP (11-15) 6.5 PP (15-20) 7.5 PP (21+)	450	10 hours per month	N/A	None	26
Bernalillo County, NM	4 hours PP	5.2 PP (5-10) 6 PP (10-15) 6.8 PP (15-20) 8 PP (20+)	228.8	1 hr/every 20 worked Not accrued on OT	N/A	None	26
Town of Oro Valley, AZ	3.69 PP (NE) or 5.23 PP for Exempt staff	5.23 PP NE (6-10) 6.77 PP NE (11+) 6.77 PP E (6-20)	300	3.69 PP Ft 1.8462 pt prior to 7/1/17 1 per 30 hrs worked after 7/1/17	N/A	None for FT 40 for PT	26

*University of Arizona observes an annual scheduled period of University Closure between the Christmas holiday and the New Year's holiday.

**Pima Community College has recesses where the College offices and educational services are officially closed, which include Thanksgiving Recess, Winter Recess and Rodeo Days Recess. During Spring Break some services are reduced.