



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 02/05/2019

Title: Revisions to Personnel Policy 8-103; Civic Duty Leave and Uniformed Services Leave

Introduction/Background:

Proposed Revisions to Personnel Policy 8-103

Discussion:

Personnel Policy 8-103; Civic Duty Leave and Uniformed Services Leave

Item A.3, Definitions, adds definition of Cumulative Service for clarification.

Items G1.b. and G.3 were modified to align County policy with The Uniformed Services Employment and Reemployment Rights Act (USERRA).

Conclusion:

Recommendation:

That the Board of Supervisors approve the modifications to Personnel Policy 8-103 as outlined above to become effective upon adoption.

Fiscal Impact:

None

Board of Supervisor District:

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A. Definitions

1. "Civic duty leave" means periods of absence with pay and related benefits from regularly scheduled work approved in advance while:
 - a. Serving as a juror;
 - b. Responding to a subpoena to appear as a witness as hereinafter provided;
 - c. Serving as a member of a public service board, commission, or similarly constituted body;
 - d. Voting;
 - e. On short term Uniformed Service assignment as hereinafter provided.
2. "Consecutive years" means a twenty four (24) month consecutive period of time including the current and previous years. For the purposes of this section, "year" means the fiscal year of the United States Government (October 1 - September 30).
3. **"CUMULATIVE SERVICE" MEANS THE TOTAL AMOUNT OF UNIFORMED SERVICE TIME RESULTING FROM ADDING TOGETHER PERIODS OF CONSECUTIVE AND/OR NON-CONSECUTIVE UNIFORMED SERVICE.**
- 3.4. "Uniformed Service" means the United States Air Force, Army, Navy, Marine Corps, Coast Guard, the Arizona National Guard, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or to attend camps, maneuvers, formations or drills, or full-time National Guard duty, the Commissioned Corps of the Public Health Service and any other category of persons designated by the President in time of war or emergency.

B. Leave for Jury Duty

1. An employee summoned for duty as a juror shall appear as required for such duty and shall receive up to eight (8) hours leave with pay per day of jury duty. The employee on jury duty during regularly scheduled work hours shall remit the fees paid for such jury duty to the County. When the employee's presence as a juror is not officially required during regular work hours, the employee shall return to work until again called. However, an employee shall not be required to return to work if, because of the

remoteness of the location of such work, the employee cannot respond to a call to return to jury duty with timeliness, or the employee cannot arrive at work at least one (1) hour before the end of a regularly assigned work shift.

2. An employee on jury duty during regularly scheduled time off, or on annual leave or leave without pay, may keep any monies paid by the Courts.

C. Leave for an Employee Subpoenaed to Appear as a Witness

1. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, or legislative tribunal, when it relates to County business, shall be entitled to civic duty leave with pay. The Appointing Authority may authorize civic duty leave for an employee subpoenaed when such absence is for purposes which comply with this Policy. The Appointing Authority may require such employee to submit substantiating evidence and may disapprove the request if the evidence is not adequate.
2. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, or legislative tribunal due to a personal, commercial or business transaction, or due to the employee's own unlawful conduct or misconduct, shall not be entitled to civic duty leave with pay.
3. An employee who is paid a fee for an appearance as an expert witness while on civic duty leave shall remit such fee to the County.

D. Leave for Service on a Public Service Board or Commission

An Appointing Authority may authorize civic duty leave for an employee to attend meetings of a public service board or commission, provided the employee is an elected or appointed member of such a board or commission.

E. Time Off for Voting

1. Every County employee is encouraged to exercise the right to vote in all public elections.
2. An employee eligible and registered to vote in a state primary and general election may request time off for voting pursuant to ARS § 16-402. The employee may be absent with pay for one (1) hour at the beginning or ending of the shift as determined by the Appointing Authority on the day of the election for the purpose of voting.

3. Requests for time off for voting shall be made prior to the day of election. An employee may be required to provide evidence of eligibility to vote prior to approval for time off.

F. Leave for Short Term Uniformed Service

1. An employee ordered to Uniformed Service shall be granted civic duty leave up to two hundred forty (240) hours in any two (2) consecutive years in accordance with this Policy and in compliance with Arizona Revised Statutes (ARS § 38-610). Leave which occurs on an employee's regular scheduled days off is not to be charged against the 240-hour allotment. An employee ordered to the Uniformed Service shall provide the department with written notification of the leave, together with a copy of the employee's Uniformed Service orders. The notification shall be provided at least one (1) week in advance, whenever practicable.
2. An employee shall be granted Uniformed Service leave without pay, or may use accrued annual leave or compensatory time, for required Uniformed Service exceeding the two hundred forty (240) hours with pay cited in F.1. above.

G. Leave for Long Term Uniformed Service; Reemployment Rights

Leave for Uniformed Service shall be granted in accordance with this Policy and in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

1. A regular employee inducted, ordered, or enlisted into active service of the Uniformed Service shall be given the option to:
 - a. Resign from County employment and retain all reemployment rights. Pursuant to USERRA, a termination action for the purpose of military service is not considered a "break in service" if the employee has been separated for less than five (5) years; or
 - b. Be placed on a leave of absence without pay in accordance with County policy **AND USERRA**.
2. A regular employee inducted, ordered, or enlisted into active service of the Uniformed Service shall be reemployed in a position of like seniority, status and pay upon completion of active service if the employee:
 - a. Requests such reemployment in writing within ninety (90) calendar days of separation from Uniformed Service;

- b. Possesses a certificate of satisfactory completion of service (Honorable Discharge, General Discharge, or Discharge under Honorable Conditions); and
 - c. Is still qualified to perform the duties of the position.
- 3. An employee's reemployment rights expire after five (5) years of ~~continuous~~ **CUMULATIVE** service in the Uniformed Service **WHILE EMPLOYED BY PIMA COUNTY**, unless reemployment rights extend beyond five (5) years under USERRA.