



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 17, 2019

**Title:** Revisions to Personnel Policy 8-102, 8-105, 8-106

### Introduction/Background:

Proposed Revisions to Personnel Policies 8-102, Premium Pay, 8-105, Annual Leave, and 8-106, Sick Leave

### Discussion:

#### Personnel Policy 8-102, Premium Pay

1. Delete references to CAT Bank (A.4, F.5, F.6, G.3 and I.3)
2. Removal of "15 minutes as minimum pay for each telephone call received," allowing payment for shorter periods of time. (D, D.2)
3. Added "Holiday Benefit & Short Term Disability" - Language added to explain the holiday benefit entitlement for employees on Short Term Disability leave who elect to supplement the paid leave with compensatory time or leave banks. (F.7)

#### Personnel Policy 8-105, Annual Leave

1. Delete references to CAT Bank (B.6, G)
2. Convert the regular rate of annual accruals from days to hours to more accurately reflect how the ADP system tracks annual accruals, i.e. hours versus decimal measurements. (B.1, B.2, B.3, B.4)
3. Strike through last sentence in D.6 and move that sentence to a stand-alone (7), for clarification: *Employees eligible for overtime are required to use annual leave; this is not discretionary for the Appointing Authority.*
4. Renumbers remaining Section to D.8

#### Personnel Policy 8-106, Sick Leave

1. Delete references to CAT Bank (B.3.b, B.8, C.1.c)

### Conclusion:

The revisions are necessary to reflect changes to the CAT Bank Program and provide clarification in other areas .

### Recommendation:

That the Board of Supervisors approve Personnel Policy 8-102, Premium Pay, 8-105, Annual Leave, and 8-106, Sick Leave, modifications as outlined above to become effective upon approval.

### Fiscal Impact:

None

### Board of Supervisor District:

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5      ☒ All

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County Administrator Signature/Date: \_\_\_\_\_

*[Handwritten signatures and dates]*  
12/3/19  
12/3/19  
C. Deducting 12/3/19

A. Definitions

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

B. Exclusions from Premium Pay

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

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

C. Overtime

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

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



D. Callback Pay

An employee eligible for overtime compensation shall be eligible to receive callback pay. An eligible employee who has left a place of work and is called back to work before his/her next regularly scheduled work shift shall receive a minimum of two (2) hours of pay if reporting back to the worksite ~~or a minimum of fifteen (15) minutes of pay for problem resolution by telephone~~. Callback pay applies in emergency circumstances only. The callback period shall begin when the employee is notified to return to work. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive callback pay.

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

E. On-Call Pay

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

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

F. Holidays

1. Pima County recognizes the following actual holidays:

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

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

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

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

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

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

4. Holiday Benefit & Workers' Compensation

- a. An employee eligible for the holiday benefit, who elects to use annual leave, sick leave, or compensatory time to supplement workers' compensation benefits, shall receive as holiday benefit the equivalent to the daily amount of compensatory time or leave banks utilized to supplement worker's compensation benefits.
- b. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive the holiday benefit based on his/her work schedule.

5. An employee eligible for the holiday benefit, who is on an approved medical leave of absence without pay, and who chooses to use his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. ~~Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.~~

6. An employee eligible for the holiday benefit, who is on an approved leave of absence under the Family and Medical Leave Act, and who is using his/her accrued sick or annual leave, or compensatory time, in conjunction with leave without pay, shall receive the holiday benefit based on his/her work schedule. ~~Catastrophic leave hours and/or unpaid hours will not be calculated nor applied for these purposes.~~

7. HOLIDAY BENEFIT & SHORT TERM DISABILITY

- a. AN EMPLOYEE ELIGIBLE FOR THE HOLIDAY BENEFIT, WHO ELECTS TO USE ANNUAL LEAVE, SICK LEAVE, OR COMPENSATORY TIME TO SUPPLEMENT SHORT TERM DISABILITY LEAVE, SHALL RECEIVE AS HOLIDAY BENEFIT THE EQUIVALENT TO THE DAILY AMOUNT OF



**COMPENSATORY TIME OR LEAVE BANKS UTILIZED TO  
SUPPLEMENT SHORT TERM DISABILITY LEAVE.**

- b. AN EMPLOYEE ELIGIBLE FOR THE HOLIDAY BENEFIT, WHO WORKS A REDUCED SCHEDULE AND IS ALSO COMPENSATED BY SHORT TERM DISABILITY BENEFITS, SHALL RECEIVE THE HOLIDAY BENEFIT BASED ON HIS/HER WORK SCHEDULE.**

**G. Shift Differential Pay**

Qualifying departments are listed on Attachment I to this policy.

**1. Definitions**

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

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

3. Only eligible employees who are actually working or using their own sick leave accruals (i.e., not using annual leave, compensatory time, ~~catastrophic leave bank hours~~, any type of paid leave, or receiving holiday benefit) are eligible for shift differential pay.

**H. Special Assignment Pay**

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

**I. Multilingual Compensation**

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

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

2. Multilingual pay is subject to rescission at any time. Rescission of multilingual pay does not constitute a disciplinary reduction in pay and is not grievable or appealable.
3. Only eligible employees who are actually working or using their own sick leave accruals (i.e., not using annual leave, compensatory time, ~~catastrophic leave bank hours~~, any type of paid leave, or receiving holiday benefit) are eligible for multilingual pay.

J. Attachment(s)

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



ATTACHMENT I, Pima County Personnel Policy 8-102

Departments with Evening & Night Shifts

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

A. Eligibility

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

An eligible employee receiving pay for forty (40) or more hours per pay period shall accrue annual leave as specified in 8-105 B.

2. New hire employees hired under the Pima County Trainee Program are eligible to accrue annual leave from date of appointment.
3. Temporary employees extended beyond the first six (6) months of employment shall accrue and may use annual leave beginning with the pay period following six (6) months of continuous and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with annual leave from original date of hire.
4. For the purpose of annual leave rate of accrual, no credit shall be allowed or given to establish years of service using prior employment with Pima County where there was a break in service, except for reinstatement or reemployment, as defined in these Merit System Rules and Personnel Policies.

B. Rate of Accrual

An eligible employee, **WHEN IN A PAY STATUS**, shall accrue annual leave as follows:

1. An employee with fewer than three (3) years of service (established by anniversary date) shall accrue annual leave at the rate of **96 HOURS PER YEAR** ~~.04625 per hour in a pay status~~ (not to exceed 3.7 hours per pay period).
2. An employee with three (3) to seven (7) years of service (established by anniversary date) shall accrue annual leave at the rate of **120 HOURS PER YEAR** ~~.058125 per hour in a pay status~~ (not to exceed 4.65 hours per pay period).
3. An employee with seven (7) to fifteen (15) years of service (established by anniversary date) shall accrue annual leave at the rate of **144 HOURS PER YEAR** ~~.069375 per hour in pay status~~ (not to exceed 5.55 hours per pay period).
4. An employee with more than fifteen (15) years of service (established by anniversary date) shall accrue annual leave at the rate of **168 HOURS PER**

~~YEAR, .080875 per hour in pay status (not to exceed 6.47 hours per pay period).~~

5. Annual leave shall accrue during any approved leave of absence with pay.
6. Annual 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 annual leave. ~~Any pay received based upon catastrophic leave hours will not be calculated for accrual purposes.~~

C. Annual Accumulation

1. An eligible employee may carry over, from one (1) consecutive twelve (12) month period (established by anniversary date) to the next, a maximum of two hundred forty (240) hours of annual leave.

In exceptional circumstances, an Appointing Authority may request County Administrator approval for an employee to retain annual leave in excess of two hundred forty (240) hours with the expectation that the employee will reduce his/her annual leave balance to 240 hours within the following anniversary year. If the employee has annual leave in excess of two hundred forty (240) hours upon his/her subsequent anniversary date, annual leave hours in excess of two hundred forty (240) will automatically be transferred to sick leave pursuant to 8-105 H.

2. The sick leave hours converted to annual leave for payout purposes as specified in 8-106 H, I and J shall not be included in the calculation of the two hundred forty (240) hours payoff limit specified in Personnel Policy 8-123.

D. Use of Annual Leave

1. An eligible employee in the classified service may use annual leave after completion of six months of initial probation. Accrued annual leave may be used prior to completion of six months of initial probation for a job-related illness or job-related injury. New hire trainees who have completed six (6) months of the Pima County Trainee Program may use annual leave in the same manner as those in the classified service. Unclassified employees or employees not subject to initial probation may use annual leave upon accrual.
2. Annual leave accruals earned at the end of the current pay period are not available for use until the following pay period.

Employees receiving workers' compensation benefits who have exhausted all accrued leave balances may utilize annual leave accruals during the pay



period earned.

3. Annual leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using annual leave.
4. All employees are encouraged to take a two-week vacation per year for the purpose of rest and recuperation.
5. An Appointing Authority may require that an employee postpone or change scheduled annual leave for good cause.
6. At the discretion of the Appointing Authority, an employee classified as Executive (E), Administrative (A), or Professional (P) may be required to use accrued annual leave for approved 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 annual leave for approved absences of a full work day or less.~~
7. Employees eligible for overtime are required to use annual leave for approved absences of a full work day or less.
- ~~8.7.~~ Use of annual leave for Family and Medical Leave Act (FMLA) reasons is provided for by administrative procedures which comply with the FMLA.

E. Leave Requests

Unless waived by the Appointing Authority, an employee shall submit a written request for approval of annual leave at least two (2) weeks in advance of the intended absence and indicate the dates and duration of the requested annual leave. The Appointing Authority or designee shall respond to such request within one (1) week of receipt.

F. Disposition of Accrued Leave

An employee who transfers from one County department to another shall retain any accumulated annual leave. An employee who changes from one employment type to another shall retain any accumulated annual leave and shall be eligible to use and/or accrue annual leave in accordance with his/her current employment type.

G. ~~Catastrophic Leave Bank Program~~

~~An employee may contribute a portion of his/her annual leave to the catastrophic~~



~~leave bank. 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.~~
- G. ~~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 bank program are set out by administrative procedures.~~

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

**HG. Transfer of Accrued Annual Leave Hours to Sick Leave**

In order to prevent the loss of annual leave and supplement the accrual of sick leave, any amount of accrued annual leave hours in excess of two hundred forty (240) will automatically be transferred to sick leave on the employee's anniversary date.

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

- 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.~~**

4. Use of Sick Leave

- a. An eligible employee may use sick leave, as it is accrued, beginning on or after the ninetieth (90<sup>th</sup>) 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 (90<sup>th</sup>) calendar day of employment.
- c. Accrued sick leave may be used prior to the ninetieth (90<sup>th</sup>) calendar day of employment for a job-related injury or job-related illness.

- d. 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 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.

8. ~~Catastrophic Leave Bank Program~~

~~An employee may contribute a portion of his/her sick leave to the CAT Bank.~~

~~Implementation and administration of the CAT Bank program are set out by administrative procedures.~~



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 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. Conversion of Sick Leave Hours to Annual Leave Upon Retirement

- a. A 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. 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	50% of all hours

- d. Excess annual leave converted to sick leave shall be included in the conversion calculation in 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.

5. Conversion of Sick Leave Hours to Annual Leave Upon Layoff
  - a. 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 B.3.a.
  - b. 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.
6. Conversion of Sick Leave Hours to Annual Leave for Unclassified Employees
  - a. 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.
  - b. 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.

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 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