




MEMORANDUM

Date: June 22, 2017

To: Elected Officials

From: C.H. Huckelberry
County Administrator 

Re: **Personnel Policy 8-106 – Sick Leave**

Attached is the Board of Supervisors approved revision to Personnel Policy 8-106, which will take effect June 25, 2017. I believe it prudent that you review the revised policy early and before it is posted online. If your department has an attendance policy that covers sick leave, please make the necessary changes be made to ensure its compliance with the parameters outlined in this policy and that a copy of the updated revision be sent to Human Tifanie Ward, Human Resources Employment Rights Supervisor, at tifanie.ward@pima.gov no later than June 26, 2017.

Human Resources is preparing a letter for distribution to all employees covering their rights under the new paid sick time statutes. A signature page for all employees to acknowledge receipt of the letter, as well as copies of Personnel Policies 8-104 – Attendance and 8-106 and your updated internal department attendance procedure, if applicable, will need to be completed and maintained at the department level.

If you have any questions regarding the changes to the sick leave policy or the requirement that all employees acknowledge receipt of the aforementioned directives, please contact Tifanie Ward, Employment Rights Supervisor, at 724.8078 or Cory Dent, Human Resources Division Manager, at 724.3365.

CHH/mjk

Attachment

c: Tom Burke, Deputy County Administrator for Administration
Allyn Bulzomi, Director, Human Resources
Tifanie Ward, Employment Rights Supervisor, Human Resources
Cory Dent, Division Manager, Human Resources

Ward, Employment Rights Supervisor, at 724.8078 or Cory Dent, Human Resources Division
Manager, at 724.3365.

CHH/mjk

Attachment

c: Tom Burke, Deputy County Administrator for Administration
Allyn Bulzomi, Director, Human Resources
Tifanie Ward, Employment Rights Supervisor, Human Resources
Cory Dent, Division Manager, Human Resources

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

Reference:

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