Board of Supervisors Memorandum

September 17, 2013

Catastrophic Leave Bank Program

Background

On August 6, 2013, the Board of Supervisors unanimously approved the Memorandum of Understanding (MOU) between the Service Employees International Union (SEIU) and Pima County for Fiscal Year 2013/14. This MOU included the creation of a Catastrophic Leave Program (CAT Bank).

Currently, Personnel Policies 8-105 and 8-106 provide the option for a permanent County employee to donate, per pay period, up to 40 hours of sick leave and 40 hours of annual leave to another County employee as sick leave credit. These leave balance transfers are voluntary and often contingent upon the relationship between the donating and receiving employees. This type of leave donation system can lead to strained relationships between coworkers, as well as higher levels of system abuse and misuse than a centrally managed leave donation program.

As of November 30, 2011, 445 employees have donated 10,716.92 hours (1339.15 days) of vacation time, and 95 employees have donated 1998.29 hours (249.86 days) of sick leave. For Fiscal Year 2012/13, 132 employees donated 2,304.09 hours (288.01 days) of vacation, and 24 employees donated 466.93 hours (58.36 days) of sick leave.

Many jurisdictions across the United States use CAT Bank programs rather than the donation of leave time on a case-by-case basis. Centrally managed programs treat all employees equitably and foster ownership of the program.

As designed, the CAT Bank will replace the current process whereby an employee who has exhausted their leave time must request time donations from other employees via their Department Personnel Representative. The CAT Bank donation program provides eligible employees a leave donation bank to assist employees who have a qualifying event and have exhausted all accruals (compensatory time, sick leave and annual leave). Employees will have the opportunity to buy into the program by contributing 16 hours of sick and/or annual leave hours upon enrollment. In the event a current employee does not have sufficient leave balances at the time of enrollment, the initial 16-hour contribution can be made in four installments.

The CAT Bank will have an initial three-month enrollment period beginning September 29, 2013 and ending December 28, 2013. Newly hired employees hired after the initial enrollment period will have the opportunity to enroll in the CAT Bank within 30 calendar days after attending New Employee Orientation. New hire contributions will be made from the first 16 hours of accrued leave.

The ability to donate sick and/or vacation leave to individual employees would be eliminated with the implementation of the CAT Bank program. This is the only way to reduce abuse and ensure the CAT Bank survives. It would not be adventagous to the County to have divergent policies concerning the donation of leave time.

It should be noted that staff is currently beginning the Meet and Confer process with the Deputy Sheriff's Association. The CAT Bank will be part of my recommended MOU with this Association. It is anticipated an MOU would be presented to the Board prior to January 1, 2014.

Pursuant to my instructions, Human Resources and Finance staff have moved forward with the creation of the attached Administrative Procedure, which provides the guidelines and basis of the program. The following Personnel Policies have been revised to diverge from the voluntary transfer of employee donation of sick and/or annual leave hours to reflect the CAT Bank process:

- Personnel Policy 8-102 Premium Pay
- Personnel Policy 8-105 Annual Leave
- Personnel Policy 8-106 Sick Leave
- Personnel Policy 8-108 Leaves of Absence Without Pay

I extend my thanks and appreciation to the members of SEIU who reviewed and reworked County management's first draft of the Administrative Procedure, resulting in a significantly improved document.

Recommendation

I recommend the Board of Supervisors approve the Catastrophic Leave Program to replace the current practice of employee-to-employee donations of accrued time.

I also recommend the Board of Supervisors approve the changes to the above listed Pima County Personnel Polices supporting the Catastrophic Leave Program.

Respectfully submitted,

C.H. Huckelberry
County Administrator

CHH/mjk – September 3, 2013

Attachments

c: Allyn Bulzomi, Director, Human Resources

A. Definitions

1. "Premium pay" means compensation in addition to an employee's normal pay and includes the following: overtime pay, compensatory time, callback pay, on-call pay, holiday pay, shift differential pay, special assignment pay, and medical services pay.

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

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

3. "Compensatory time" means earned time recorded on an employee's pay record in lieu of overtime pay.

4. "Work week" means seven (7) consecutive twenty-four (24) hour periods. Work weeks shall begin at 12:01 a.m. Sunday and end at 12:00 midnight the following Saturday, unless otherwise designated by the Appointing Authority.

5. "Holiday benefit" means up to eight (8) hours paid compensation for time off in recognition of each County holiday.

B. Exclusions from Premium Pay

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

1. Elected Officials;

2. Appointing Authorities; and

3. Anyone who is not an employee on a County payroll.

C. Overtime

1. An employee eligible for overtime shall be compensated for overtime hours worked by either one of the following methods, at the discretion of the Appointing Authority:

   a. By payment at one and one-half (1½) times the employee's current hourly rate;

   b. By compensatory time at a rate of one and one half (1½) hours off for each hour of overtime worked and not paid.

2. The following are not eligible for overtime:

   a. Elected Officials;

   b. Members of the personal staff of Elected Officials;

   c. Persons appointed by Elected Officials to serve on a policy-making Board or Commission;

   d. Advisors to Elected Officials with respect to the constitutional or legal powers of their office;

   e. Employees classified as Executive (E), Administrative (A), or Professional (P), under the Fair Labor Standards Act, except those (E, A, or P) employees designated as eligible for overtime under the County's classification system.

3. Employees shall work overtime only when authorized by the Appointing Authority or designee. Overtime shall be allocated as evenly as possible among all employees qualified to do the work. While preference may be given to those employees who wish to volunteer for the work, all employees are required to work overtime when requested to do so.

4. Compensatory time shall not accumulate in excess of one hundred twenty (120) hours. An employee eligible for overtime who has one hundred twenty (120) hours of accrued compensatory time is to be paid for future authorized overtime worked. If compensatory time is accrued, it cannot be converted back to pay except as provided in the termination policy or other directive from the Board of Supervisors. The Appointing Authority shall establish procedures for timely usage of compensatory time accrued.

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

D. Callback Pay

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

1. The employee must report as soon as possible to the worksite. The callback period ends when the employee completes the job assignment. If the employee's private car is used for transportation in a callback situation, mileage shall be paid at the approved rate. Callbacks shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to work if called back.

2. If the employee is able to resolve the problem by telephone and is not required to report to the worksite, he/she shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received.

E. On-Call Pay

An employee eligible for overtime compensation shall be eligible to receive on-call pay. The eligible employee shall be designated by the Appointing Authority to be on call and available for immediate contact for a specific period of time and particular purpose. Being available for immediate contact through a pager does not constitute on call unless the employee has been designated on call as above. On-call pay shall be paid at the rate of one dollar and thirty cents ($1.30) per hour of on-call duty. On-call pay may not be coincident with any other pay except for paid holidays. Location of the employee for on-call duty shall be at the employee's discretion, with the stipulation that immediate contact can be made and that the employee must be able to report fit for duty within one (1) hour, unless other conditions require a shorter period. On-call duty shall be allocated as evenly as possible among all employees qualified to do the work. All employees are required to be on call when requested. Intermittent employees, as defined in Merit System Rule 1, are not eligible to receive on-call pay.

F. Holidays

1. Pima County recognizes the following actual holidays:

(1)	January 1	New Year's Day
(2)	Third Monday in January	Martin Luther King, Jr., Day
(3)	Third Monday in February	Presidents' Day
(4)	Last Monday in May	Memorial Day
(5)	July 4	Independence Day
(6)	First Monday in September	Labor Day
(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 exempt and non-exempt employees eligible for the holiday benefit, including temporary employees, shall be given time off with pay for each recognized holiday, either on the day the holiday is observed or within the work week in which the holiday falls. Full-time employees shall receive eight (8) hours of time off and variable-time, part-time employees and employees on intermittent or reduced schedule leave under FMLA shall receive a prorated amount of time off. For non-exempt employees, holiday benefit hours are based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. The prorated calculation shall be ten percent (10%) of the regular hours paid. Exempt employees will receive their regular salary for a pay period in which the holiday falls. Intermittent employees, as defined in Merit System Rule 1, are not eligible for the holiday benefit, but may receive holiday pay.

3. If an employee eligible for the holiday benefit is required to work on a holiday, and the department is unable to give the employee holiday benefit time off, the employee shall receive the pay he/she would have received for the holiday benefit plus the following holiday pay:

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

F. 3. If an employee eligible for the holiday benefit is required to work on a holiday, and the employee receives the holiday benefit time off, he/she shall receive holiday pay for holiday hours worked. At the discretion of the Appointing Authority, the employee may be granted annual leave or compensatory time off and still remain eligible to receive holiday pay for holiday hours worked. Pursuant to A.2 above, annual leave and compensatory time are included in hours worked for the purpose of computing overtime.

4. If half or more of the hours worked on a shift fall on a holiday, the entire shift shall be paid in accordance with Paragraph 3. above.

5. If mutually agreeable to both Appointing Authority and employee, a non-exempt employee eligible for the holiday benefit may be given time in lieu of holiday pay for all hours worked on the holiday. These hours must be used within six (6) months from the time of their accrual or the County shall invoke its option to pay the employee for the accrued time.

6. An employee eligible for the holiday benefit, who elects to use annual leave, sick leave, or compensatory time to supplement workers' compensation benefits, shall receive a prorated amount of holiday benefit based on the number of accrued leave or compensatory time hours used in the same pay period.

7. An employee eligible for the holiday benefit, who works modified duty and is also compensated by workers' compensation benefits, shall receive a prorated amount of holiday benefit based on the number of hours paid in the same pay period.

8. An employee eligible for the holiday benefit, who is on an approved medical leave of absence without pay, and who chooses to use his/her accrued sick or annual leave, or compensatory time, in addition to leave without pay, shall receive a prorated amount of holiday benefit hours based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. ~~Donated~~ **CATASTROPHIC LEAVE** hours and/or unpaid hours will not be calculated nor applied for these purposes.

9. An employee eligible for the holiday benefit, who is on an approved leave of absence under the Family and Medical Leave Act, and who is using his/her accrued sick or annual leave, or compensatory time, in addition to leave without pay, shall receive a prorated amount of holiday benefit based on regular hours paid in the previous pay period or in the same pay period if no regular hours were paid in the previous pay period. ~~Donated~~ **CATASTROPHIC LEAVE** hours and/or unpaid hours will not be calculated nor applied for these purposes.

G. Shift Differential Pay

1. Definitions

a. "Day shift" means a work shift between 8 a.m. and 5 p.m.

b. "Evening shift" means a work shift between 5 p.m. and midnight.

c. "Night shift" means a work shift between midnight and 8 a.m.

2. A non-exempt employee as established by Merit System Rule 1, who works an evening or night shift, or any portion thereof, shall be eligible to receive shift differential pay of sixty cents ($0.60) per hour for evening shift and sixty-five cents ($0.65) per hour for night shift, in addition to the current hourly rate for each hour worked on the shift. If an employee works hours in more than one shift, the shift differential will be applied to each hour worked in the respective shift as defined in G.1 above. For overtime pay purposes, shift differential shall be calculated at the higher rate of sixty-five cents ($0.65) per hour.

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

H. Special Assignment Pay

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

I. Medical Services Pay

1. Non-exempt medical care employees who provide immediate and direct patient care for one (1) or more patients, and whose classifications are listed on Attachment II, shall receive medical services pay at the rate of

one dollar and seventy-five cents ($1.75) per hour, while waiting to be engaged to work. Medical services pay may not be coincident with any other pay except for paid holidays. Employees may not be designated to receive medical services pay on a continuous basis for more than one (1) pay period, unless exempted by the County Administrator.

2. Eligible employees shall be designated by the Appointing Authority or designee and shall be available to report to work within thirty (30) minutes of being called. Employees who fail to report within the specified time-frame shall forfeit their medical services pay and may be subject to termination.

3. Employees who report to work and provide direct patient care services in a medical setting shall be paid at a rate equal to one and one-half (1½) times their regular rate of pay for all hours worked, with a minimum of two (2) hours pay.

4. Employees who turn in or pick up required medical documentation, and who do not provide direct patient care services in a medical setting, shall receive straight time for all hours worked up to forty (40) hours per work week. Any hours worked over forty (40) in any work week shall be paid at the standard overtime rate of one and one-half (1½) times the employee's regular rate of pay.

5. Any employee eligible for medical services pay who is able to resolve the problem by telephone, and is not required to report to work, shall receive pay for the actual time spent in problem resolution, with fifteen (15) minutes as minimum pay for each telephone call received. Telephone resolution shall be paid at the employee's regular rate of pay, unless overtime provisions prevail.

6. The work period shall begin when the employee reports to work and shall end when the employee completes the job assignment. Employees who report to work under the medical services pay policy are not entitled to reimbursement for transportation or mileage costs.

J. Attachments

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

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

CLASS TITLE	CLASS CODE
LPN	4131
LPN Team Leader	4133
Patient Care Services II	4146

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

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

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.

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. Annual leave shall accrue during any approved leave of absence with pay.

5. Annual leave shall not accrue during any leave of absence without pay or suspension without pay.

6. 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 shall accrue annual leave as follows:

1. A full-time employee with fewer than three (3) years of service (established by anniversary date) shall accrue twelve (12) days of annual leave per year at the rate of three and seven-tenths (3.7) hours per pay period.

2. A full-time employee with three (3) to seven (7) years of service (established by anniversary date) shall accrue fifteen (15) days of annual leave per year at the rate of four and sixty-five hundredths (4.65) hours per pay period.

3. A full-time employee with seven (7) to fifteen (15) years of service (established by anniversary date) shall accrue eighteen (18) days of annual leave per year at the rate of five and fifty-five hundredths (5.55) hours per pay period.

4. A full-time employee with more than fifteen (15) years of service (established by anniversary date) shall accrue twenty-one (21) days of annual leave per year at the rate of six and forty-seven hundredths (6.47) hours per pay period.

B. 5. A part-time or variable-time employee shall accrue annual leave at a pro-rated amount of the full-time employee accrual rate (as set forth in paragraphs B.1-4 above) based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon ~~donated~~ **CATASTROPHIC LEAVE BANK** hours will not be pro-rated or calculated for accrual purposes. An eligible part-time or variable-time employee shall not accrue pro-rated annual leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

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. Credit in excess of two hundred forty (240) hours becomes void at the end of the payroll period in which the employee's anniversary date falls. At the discretion of the Appointing Authority and with the specific approval of the County Administrator, an employee may retain annual leave in excess of two hundred forty (240) hours.

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. Accruals earned at the end of the current pay period are not available for use until the following pay period.

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.

D. 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 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 absences of less than a full work day.

7. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.

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. ~~Voluntary Transfer of Accrued Annual Leave Hours to Another County Employee as Sick Leave Credit~~

~~A permanent County employee may request no less than four (4) nor more than forty (40) hours per pay period of his/her accrued annual leave as described below be transferred to another County employee as sick leave credit provided:~~

~~1. The recipient of the donated (transferred) hours is currently on an approved medical leave of absence without pay, including continuous or intermittent FMLA leave for his/her own serious health condition, or off work due to a workers' compensation injury, and possesses a doctor's certification specifying that the recipient is not yet able to return to work or is returned to work on an intermittent basis. Such an employee on continuous or intermittent FMLA leave for his/her family member's serious health condition is eligible to receive donated hours.~~

~~2. The recipient has exhausted all paid sick and annual leave and compensatory time from his/her own accounts.~~

~~3. The recipient is under no obligation to repay the donated hours or monies.~~

~~4. The donor initiates the request voluntarily, in writing, and submits the request to his/her department payroll representative for verification. The department payroll representative then forwards the written request to Central Payroll with the time summary. If the recipient is in a different department, a copy of the request should also be sent to the recipient's department payroll representative.~~

~~5. The recipient shall begin to receive the donated leave time immediately following the exhaustion of his/her own leave time as indicated in Paragraph G.2 above.~~

~~6. Leave hours donated to another employee shall be paid at the current rate of the recipient and all his/her deductions shall apply. Recipients, except for those currently receiving workers' compensation benefits, shall not accrue annual and sick leave benefits during the period of time they are using voluntarily transferred leave time.~~

~~7. If more time was donated than the recipient required, only the needed amount shall be deducted from the donating employee.~~

G. **CATASTROPHIC LEAVE PROGRAM**

AN EMPLOYEE MAY DONATE A PORTION OF HIS/HER ANNUAL LEAVE TO THE CATASTROPHIC LEAVE BANK. AN ELIGIBLE EMPLOYEE WHO IS EXPERIENCING SERIOUS MEDICAL HARDSHIP OR CATASTROPHIC ILLNESS MAY APPLY FOR AND RECEIVE CATASTROPHIC LEAVE PROVIDED:

1. **THE RECIPIENT IS ENROLLED IN THE CATASTROPHIC LEAVE PROGRAM.**

2. **THE RECIPIENT MEETS THE ELIGIBILITY DEFINITIONS OF THE FAMILY MEDICAL LEAVE ACT (FMLA). AS THE FMLA CRITERA CHANGE, SO WILL THE CATASTROPHIC LEAVE CRITERIA.**

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 PROGRAM ARE SET OUT BY ADMINISTRATIVE PROCEDURES.

DENIAL OF A REQUEST FOR LEAVE HOURS FROM THE CATASTROPHIC LEAVE BANK IS NOT GRIEVABLE OR APPEALABLE.

H. Transfer of Accrued Annual Leave Hours to Sick Leave

In order to prevent the loss of annual leave (established by anniversary date) and supplement the accrual of sick leave, a permanent employee may transfer any amount of accrued annual leave hours in excess of two hundred forty (240) to sick leave. Transfer of excess annual leave hours to sick leave is done only at the written request of the employee. Requests must be made to the Appointing Authority within thirty (30) calendar days prior to the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is processed.

A. Eligibility

1. All employees except Elected Officials, intermittent employees as defined in Merit System Rule 1 and temporary employees are eligible to accrue sick leave from date of appointment. New hire employees hired under the Pima County Trainee Program are eligible to accrue sick leave from date of appointment.

2. A temporary employee extended beyond the first six (6) months of employment shall accrue and may use sick leave beginning with the pay period following six (6) months of continuous service and extended employment. A temporary employee appointed to a regular appointment without a break in service shall be credited with sick leave from original date of hire.

3. Sick leave shall accrue during any approved leave of absence with pay.

4. Sick leave shall not accrue during any leave of absence without pay or suspension without pay.

5. Upon returning to County employment, an employee who retired from Pima County with fewer than 241 hours of unused sick leave hours is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.

6. Upon returning to County employment, any employee who converted sick leave hours to annual leave for payout purposes is ineligible for reinstatement of any sick leave hours under Personnel Policy 8-106 F.2.

7. An employee who is reinstated or reemployed and did not convert sick leave hours to annual leave for payout purposes shall, upon passing initial probation or earlier when probation does not apply, regain the accrued sick leave hours held at the time of termination.

B. Rate of Accrual

1. An eligible full-time employee shall accrue sick leave at the rate of three and seven tenths (3.7) hours per pay period.

2. An eligible part-time or variable-time employee shall accrue sick leave at a pro-rated amount of three and seven tenths (3.7) hours per pay period based on actual hours worked (excluding any overtime hours) plus any accrued paid leave used during the current pay period. Any pay received based upon ~~donated~~ **CATASTROPHIC LEAVE BANK** hours will not be pro-rated nor calculated for accrual purposes. An eligible part-time or variable-time employee shall not accrue pro-rated sick leave for hours worked less than forty (40) in a pay period. For accrual purposes, hours paid are exclusive of premium hours worked.

C. Accumulation

An employee may accumulate sick leave up to a maximum of one thousand nine hundred twenty (1,920) hours. Any accumulation in excess of this maximum shall not be credited to the employee.

D. Use of Sick Leave

1. An eligible employee may use sick leave after three (3) months of continuous service. Accrued sick leave may be used prior to the first three (3) months of service for a job-related injury or job-related illness.

2. Accruals earned at the end of the current pay period are not available for use until the following pay period.

3. 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 absences of less than a full work day.

4. Sick leave may be used for:

   a. Illness of the employee or any surgical, medical, or dental care for the employee. 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. Both exempt and nonexempt employees are required to use all available accrued sick leave when on intermittent or full time FMLA leave.

   b. Both exempt and non-exempt employees will be charged accrued annual or sick leave, to the extent accruals exist, for time taken as FMLA leave. Such annual or sick leave, to the extent accruals exist, is paid leave.

   c. The illness of a spouse, mother, father, step-mother, step-father, grandparent, child, stepchild, foster child, grandchild, domestic partner or child of a domestic partner. 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.

D. 4. d. Use of sick leave as defined in c. above is for a combined maximum of forty (40) hours per year (established by anniversary date). 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.

e. 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. Leave for parental reasons should be requested in advance, when possible. Leave for parental reasons is included in and not in addition to the forty (40) hour maximum cited in Paragraph 3.d. above.

f. 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.

g. Attendance at court proceedings under the Arizona Victim Leave Law, as detailed in Personnel Policy 8-108 H.

5. 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.

6. An employee using annual leave who becomes ill may, upon verification of illness, charge the illness to accumulated sick leave.

7. In order to discourage excessive use of sick leave, an eligible employee may convert 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 the pay period in which the anniversary date falls) to annual leave at the employee's request. 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 only 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, the employee cannot transfer any sick leave hours to annual leave).

a. Transfer of sick leave hours to annual leave is done only at the written request of the employee. Requests must be made to payroll within thirty (30) calendar days after the end of the year (established by anniversary date). Transfer credit becomes effective at the end of the payroll period in which the request is

processed. This transfer applies to all permanent employees and to deputy sheriffs who have completed one (1) year of their initial probation, 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 convert 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, to annual leave.

b. A permanent County employee may request no less than four (4) nor more than fifty-six (56) hours of sick leave accrued during the current year (established by anniversary date) be transferred to another County employee as sick leave credit provided the donor has earned at least fifty-six (56) hours of sick leave during this time period and at the time of donation has not used more than fifty-two (52) hours of sick leave during the current anniversary year. The donor shall not be eligible to convert to annual leave any hours of sick leave that have been donated during the current anniversary year.

c. A permanent County employee who has accumulated the maximum amount of sick leave hours as established by PP 8-106.C.1 may request no less than four (4) nor more than fifty-six (56) hours be transferred to another County employee as sick leave credit. In no case, shall the donor be eligible to donate hours on or before the fifteenth (15th) pay period following the end of the pay period in which the donor's anniversary falls.

E. Leave Requests

To utilize sick leave, an employee must:

1. Report promptly to his/her immediate supervisor or department, giving the reason for the absence.

2. Keep the immediate supervisor or the department informed daily, unless approved otherwise by the supervisor, if the unscheduled sick leave exceeds one (1) work day. Failure to comply with the above may constitute an unauthorized absence without pay.

3. Provide the department written verification from a recognized physician or medical practitioner for use of sick leave lasting more than three (3) work days. 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.

E. 4. Permit the County to make verification of the illness in cases of suspected abuse of this Policy.

5. Submit a written request for extended sick leave (over three [3] work days) to the department at least two (2) weeks in advance of the intended absence, or as soon as possible after an emergency situation arises which requires extended sick leave. The dates and duration of the sick leave should be noted in the written request. Requests for extended absences are reserved for situations involving an operation or hospitalization. Approval must be obtained from the department's authorized representative prior to the beginning of an extended sick leave. A department may authorize an extended sick leave in emergency situations when advance approval cannot be obtained.

6. Submit leave requests under the provisions of FMLA consistent with Personnel Policy 8-108 G.

F. Disposition of Accrued Sick Leave

1. 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 his/her current employment type.

2. A permanent status employee who either resigned in good standing in accordance with Merit System Rules/Law Enforcement Merit System Rules or who was laid off and did not convert hours pursuant to PP 8-106.I and who returns to County employment within two (2) years from the effective date of resignation shall, upon passing probation, regain the accrued sick leave held at the time of resignation.

G. ~~Voluntary Transfer of Accrued Sick Leave Hours to Another County Employee as Sick Leave Credit~~

~~A permanent County employee may request no less than four (4) nor more than forty (40) hours per pay period of his/her accrued sick leave as described below and in Section D. of this Policy be transferred to another County employee as sick leave credit, provided:~~

~~1. The recipient of the donated (transferred) hours is currently on an approved medical leave of absence without pay, including continuous or intermittent FMLA leave for his/her own serious health condition, or off work due to a workers' compensation injury, and possesses a doctor's certification specifying that the recipient is not yet able to return to work or is returned to work on an intermittent basis.~~

~~G. 2. The recipient has exhausted all paid sick and annual leave and compensatory time from his/her own accounts.~~

~~3. The recipient is under no obligation to repay the donated hours or monies.~~

~~4. The donor has not given notice of resignation, has not scheduled or been scheduled for termination to include terminations defined in Merit System Rule 11, or has no intention to resign less than thirty-one (31) days prior to donating his/her sick leave hours.~~

~~5. The donor initiates the request voluntarily in writing and submits the request to his/her department payroll representative for verification. The department payroll representative then forwards the written request to Central Payroll with the time summary. If the recipient is in a different department, a copy of the request should also be sent to the recipient's department payroll representative.~~

~~6. The recipient shall begin to receive the donated leave time immediately following the exhaustion of his/her own leave time as indicated in Paragraph G.2 above.~~

~~7. Leave hours donated to another employee shall be paid at the current rate of the recipient and all his/her deductions shall apply. Recipients, except for those currently receiving workers' compensation benefits, shall not accrue annual and sick leave benefits during the period of time they are using voluntarily transferred leave time.~~

~~For part-time and variable-time employees, donated time shall be pro-rated based on an average of the regular hours paid during the six (6) pay periods prior to the application of the donated time.~~

~~8. If more time was donated than the recipient required, only the needed amount shall be deducted from the donating employee.~~

~~9. An employee who retires from County service may donate to another employee as sick leave credit any portion of the sick leave hours subject to conversion to annual leave for retirement payout purposes, pursuant to H.4 below. The retiring employee may donate only those hours subject to conversion. The donated hours will be deducted from the total hours eligible for retirement payout. Employees who leave County service for reasons other than retirement are not eligible to donate accrued sick leave hours.~~

G. CATASTROPHIC LEAVE PROGRAM

AN EMPLOYEE MAY DONATE A PORTION OF HIS/HER SICK LEAVE TO THE CATASTROPHIC LEAVE BANK. AN ELIGIBLE EMPLOYEE WHO IS EXPERIENCING SERIOUS MEDICAL HARDSHIP OR CATASTROPHIC ILLNESS MAY APPLY FOR AND RECEIVE CATASTROPHIC LEAVE PROVIDED:

1. **THE RECIPIENT IS ENROLLED IN THE CATASTROPHIC LEAVE PROGRAM.**

2. **THE RECIPIENT MEETS THE ELIGIBILITY DEFINITIONS OF THE FAMILY MEDICAL LEAVE ACT (FMLA). AS THE FMLA CRITERA CHANGE, SO WILL THE CATASTROPHIC LEAVE CRITERIA.**

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 PROGRAM ARE SET OUT BY ADMINISTRATIVE PROCEDURES.

DENIAL OF A REQUEST FOR LEAVE HOURS FROM THE CATASTROPHIC LEAVE BANK IS NOT GRIEVABLE OR APPEALABLE.

H. Conversion of Sick Leave Hours to Annual Leave Upon Retirement

1. A conversion of unused sick leave hours to annual leave upon retirement shall occur for employees taking normal, early or permanent disability retirement.

2. 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.

3. Conversion of unused hours of sick leave to annual leave shall be as follows:

Unused Hours of Sick Leave	Conversion To Annual Leave
0 - 240 hours	0% of all hours up to 240
241 - 480 hours	25% of all hours up to 480
481 - 720 hours	35% of all hours up to 720
721 + hours	50% of all hours

4. 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.

I. Conversion of Sick Leave Hours to Annual Leave Upon Layoff

1. 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 F.2.

2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

J. Conversion of Sick Leave Hours to Annual Leave for Unclassified Employees

1. 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.

2. Conversion of unused hours of sick leave to annual leave shall be in the same manner as set forth in Personnel Policy 8-106 H.3 and H.4.

A. Types of Leave

Leaves of absence without pay may be granted by a department to an employee for the following reasons and lengths of time:

Reason	Maximum Leave Time
Education	One (1) year
Medical Disability	One (1) year
Candidacy for Elective Office	Six (6) months
Best Interest of County	One (1) year
Humanitarian/Personal	Six (6) months
Family and Medical Leave	Twelve (12) to Twenty-six (26) weeks
Victim	Unlimited

All leaves of absence must have the written approval of the employee's Appointing Authority, except leave designated under the Family and Medical Leave Act.

B. Education

An employee may be granted a leave of absence without pay for educational purposes when it is determined that such leave is in the best interest of the County and/or does not adversely affect its operation.

C. Medical Disability

An employee may be granted a leave of absence without pay when unable to work because of a medical disability that is documented by a recognized physician or medical practitioner. Medical disability includes disability arising from pregnancy or childbirth. For continuing disabilities, official documentation of the status of the disability may be required on a monthly basis at the discretion of the Appointing Authority. Upon returning to work from medical disability leave, the employee shall provide a written release from his/her attending physician or medical practitioner. Medical disability leave will end effective the date an employee is notified of his/her full or permanent long term disability coverage. Employees receiving full coverage under long term disability shall immediately resign from County employment. Intermittent medical disability leave without pay

C. may occur as an Americans with Disabilities Act (ADA) accommodation as determined by Federal law and regulations under the ADA or due to a serious medical condition as determined by Human Resources and may be interspersed with paid time. The ADA is set out by administrative procedures which comply with the Americans with Disabilities Act.

D. Candidacy for Elective Office

When an employee files petitions of candidacy for an elective office other than School Board Member, the employee shall be placed on a leave of absence without pay if it is determined that the employee's election activities prevent the employee from performing his/her County duties, or that the election activities adversely affect the operation of the department.

E. Best Interest of County

With the full concurrence of the employee and the Appointing Authority and the approval of the County Administrator, an employee may be placed on a leave of absence without pay if it is determined that such leave is in the best interest of the County.

F. Humanitarian/Personal Reasons

An employee may be granted a leave of absence without pay for humanitarian or personal reasons when it is determined that undue hardship to the employee would otherwise result and that the operation of the department would not be adversely affected or to supplement bereavement leave pursuant to 8-107 E.7. Humanitarian/personal leave includes a leave of absence due to the birth and/or adoption of a child and the serious illness of a child, stepchild, foster child, grandchild, spouse, mother, father, grandparent, domestic partner and/or the child of the domestic partner, as established by affidavit once a 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.

G. Family and Medical Leave Act (FMLA) Leave

1. Family and Medical Leave: An employee may be granted a leave of absence without pay as determined by Federal law and regulations under the FMLA. The FMLA is set out by administrative procedures which comply with the Family and Medical Leave Act.

2. Military Family Leave: The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces as established in the Federal law and regulations.

G. 3. The employee is required to use accrued sick and/or annual leave banks and compensatory time concurrent with FMLA unpaid leave and pursuant to administrative procedures. This applies to all eligible exempt and non-exempt employees on intermittent or continuous FMLA leave.

H. Victim Leave

1. General Conditions

a. An employee may be granted a leave of absence without pay for an unlimited amount of time under the provisions of the Arizona Victim Leave Law, ARS § 8-420 and § 13-4439, if the employee is a "victim" of a crime. The leave of absence shall be granted for the employee to attend all court proceedings involving the perpetrator(s) of the crime(s) against the employee.

Exception: an employee's time may be limited if it creates an undue hardship, as defined by the statute, for the County.

b. The employee shall maintain all seniority rights while absent from employment under these provisions.

c. All records regarding an employee's victim leave shall be considered confidential and maintained in a separate department personnel file.

2. Eligibility: to be eligible for victim leave, an employee must have been the victim of a juvenile offense or adult crime.

a. "Victim" is defined as a person against whom the delinquent act or criminal offense has been committed, or if the person/victim is killed or incapacitated, the person's immediate family or lawful representative.

(1) "Immediate family" means a victim's spouse, parent, child, sibling, grandparent or lawful guardian.

(2) "Lawful representative" means a person who is designated by the victim or appointed by the court to act in the best interests of the victim.

b. Exception: a family member is not entitled to take victim leave who is in custody for an offense or is the accused.

3. Employee's option for pay: victim leave is unpaid, unless the employee elects to use accrued sick and/or annual leave, or compensatory time, none of which need be exhausted before victim leave begins.

H. 4. Department requirements: at the conclusion of the leave period, the department shall assign the employee to the same or an equivalent position with the same pay, benefits and working conditions. An employee has no greater right to restoration or to other benefits than if the employee had been continuously employed during the leave period.

5 Leave request procedure: an eligible employee shall provide the Department with the following documentation before victim leave is granted:

a. A copy of the notice from law enforcement or the prosecutor regarding the employee's status as a crime victim; and

b. A copy, if applicable, of the notice of any scheduled proceeding.

I. General Provisions

1. An employee shall submit his/her request for a leave of absence without pay at least two (2) weeks in advance of such leave, unless such advance time is not practicable, or is reduced or waived by the department. The employee must also complete a Leave of Absence Insurance Coverage Agreement or group insurance will cease during the leave period. Approval must be obtained before such leave begins.

2. Annual leave and sick leave shall not accrue while an employee is on a leave of absence without pay, including continuous FMLA leave, unless the employee is using his/her own leave banks. Employees on intermittent or reduced schedule leave under FMLA, on intermittent medical disability leave or on intermittent victim leave shall accrue annual and sick leave based on the number of regular hours paid in the same pay period during which leave is used, including all hours of the employee's own leave and/or time worked. ~~Donated hours and/or u~~Unpaid hours will not be calculated nor applied for the purpose of determining annual and sick leave accruals.

3. An employee on a leave of absence without pay, who is not using his/her accrued leave banks, shall not receive pay for holidays.

4. An approved leave of absence without pay is not considered a break in County service, but no credit is given toward seniority unless the leave of absence without pay was for Uniformed Services leave in accordance with 8-103 G.1.b.

5. A leave of absence without pay shall not be granted for an employee to engage in outside employment.

I. 6. A department may appoint a temporary replacement, without a guaranteed length of employment, or detail another employee to substitute for an employee on a leave of absence without pay, until the regular employee returns. Upon agreement with the department, the employee is not obligated to remain on the leave of absence until the scheduled end date if reasons for the leave have changed and the employee is able to return from the leave earlier than scheduled.

7. An employee starting a leave of absence without pay, who wishes to continue coverage under any of the County's group insurance programs, must submit a Leave of Absence Insurance Coverage Agreement to Human Resources prior to such leave.

8. An employee starting a leave of absence without pay, other than FMLA leave, is expected to pay the full cost of the insurance premiums, which includes both employee's and employer's shares. The employee starting FMLA leave is expected to pay only the employee's cost of the premiums. If insurance coverage lapses, an employee can elect to continue coverage within thirty (30) calendar days upon returning to work.

9. An employee on intermittent medical disability leave will receive the employer's share of the insurance premium as long as he/she receives sufficient pay to cover the employee's share. Otherwise, the employee is responsible for the employer's and the employee's share of the insurance premium.

10. A leave of absence without pay, when granted, must be continuous and may not be interspersed with paid time, except for intermittent medical disability leave, for intermittent FMLA leave, and for intermittent victim leave.

11. Resignation during a leave of absence without pay becomes effective two (2) weeks from date of notice, or at the end of the leave of absence, whichever occurs first.