



**TOWN OF DEWEY-HUMBOLDT
ADMINISTRATIVE
REGULATION**

AR № 17-01

Subject: *Employee Sick Leave*

Effective Date: July 1, 2017

1. **Scope.** This policy applies to all Town Employees, including full time, part-time and temporary employees.
2. **Purpose.** To outline employee earned paid sick time accrual and procedures in conformance with Arizona state law. This Policy is effective July 1, 2017.
3. **Policy.**

3.1 **Definitions:** For purposes of this policy, words of the masculine gender include the feminine; words in singular number include the plural; words in the plural include the singular; and the following definitions apply:

- a. **Abuse:** An offense prescribed in Section 13-3626, Arizona Revised Statutes.
- b. **Domestic Violence:** As defined in Section 13-3601, Arizona Revised Statutes.
- c. **Family Member:**
 - i. 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;
 - ii. 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;
 - iii. 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;
 - iv. A 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

- v. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- d. *Sexual Violence*: An offense prescribed in: (1) Title 13, Chapter 14, Arizona Revised Statutes, except for Sections 13-1408 and 13-1422; or (B) Sections 13-1304(A)(3), 13-1307, 13-3019, 13-3206, 13-3212, 13-3552, 13-3553, 13-3554, or 13-3560, Arizona Revised Statutes.
- e. *Stalking*: An offense prescribed in Section 13-2923, Arizona Revised Statutes.

3.2 Accrual of Earned Paid Sick Time ("EPST"):

- a. Full Time Employees shall accrue .03462 hours of EPST for each hour worked. All other employees shall accrue .0333 hours of EPST for each hour worked, up to a maximum of 72 hours (9 days) per year.
- b. EPST shall begin to accrue at the commencement of employment.
- c. For Full-Time Employees, unused EPST shall be carried over to the following year, up to a maximum accrual of 240 hours (30 days). For all other employees, up to a maximum of 24 hours of unused EPST shall be carried over to the following year.
- d. Employees who terminate employment, retire, or are terminated by the Town shall forfeit accrued EPST, and shall not be compensated for any accrued EPST.
- e. Any employee rehired within nine (9) months of separation of employment shall have all accrued, unused EPST at the time of his separation reinstated and may use the balance immediately upon rehire.

3.3 Use of Earned Paid Sick Leave: EPST Leave may be taken as set forth in Arizona Revised Statutes, § 23-373, including:

- a. The employee's: (1) mental or physical illness, injury or health condition; (2) need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or (3) need for preventive medical care;
- b. Care of a family member: (1) suffering from a mental or physical illness, injury or health condition; (2) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or (3) who needs preventive medical care;
- c. Closure of the employee's place of business 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 exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or

- d. Absence necessary 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 the domestic violence, sexual violence, abuse or stalking.
- e. Employees shall make a reasonable effort to schedule routine doctor and dental appointments in a manner that is least disruptive to Town operations. An employee may be requested by the Town to provide documentation of health care practitioner appointments. An employee who is on sick leave shall not engage in any gainful employment with an employer other than the Town unless prior written approval has been granted by the Town Manager.
- f. EPST is not available for use until the employee has completed ninety (90) days of employment with the Town. EPST must be accrued before it can be used. Part-day absences shall be rounded up to the nearest quarter hour for calculation of how many hours have been used. EPST shall not be used to supplement an employee's hours to exceed the number of hours she is normally scheduled to work each work week.
- g. EPST shall be paid only for periods when the employee would normally be scheduled to work.

3.4 Abuse of EPST: Taking EPST Leave under false pretenses is a violation of trust that is essential to the employer- employee relationship.

3.5 Notice Requirements:

- a. An employee who knows in advance that he will be absent using EPST shall give his supervisor advance notice in writing, including the probable start date and duration of the absence. If a sudden illness or other emergency situation requiring use of EPST makes it impossible for an employee to request EPST leave before the workday begins, he should notify his Supervisor within 15 minutes of the start of the workday by telephone, email, or text message. Failure to provide such notice may result in the employee not being permitted to use EPST for the absence.
- b. Before an absence may be charged against his accrued EPST, the employee shall complete a Request for Leave form and have it authorized by his supervisor prior to the end of her first day of return from EPST leave.

3.6 Proof of Need for Absence: An employee absent for three (3) or more consecutive days shall provide reasonable documentation that the EPST has been used for a purpose covered under Section 3.3, Use of EPST Leave.

- a. In case of absence for health-related reasons, a note from a health care practitioner certifying that the employee was unable to work for health reasons shall be considered reasonable. Supervisors also may require proof of illness for absences of less than three days in cases where an employee has compiled a poor attendance record or exhibited a pattern of absences.
- b. In cases of an absence due to domestic violence, sexual violence, abuse or stalking, one the following types of documentation shall be considered reasonable documentation:
 - i. 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 under Use of EPST Leave, above. 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.
- c. Any documentation provided is not required to explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.
 - d. If an employee is absent from work for health reasons for a period of more than seven calendar days, he may be required to submit a written release, without restrictions, or with restrictions, if a light duty position is available, from a qualified physician prior to returning to work.
 - e. An employee who is absent and uses EPST for any part of the last scheduled day before or first scheduled day back from vacation, holiday, or personal day, shall provide reasonable documentation that the EPST has been used for a purpose covered under Subsection 3.3 Use of EPST Leave.

3.7 Transfer of EPST: Any Full Time Employee who has been employed by the Town for a minimum of three (3) years and has depleted his EPST as a result of serious illness or injury may receive donations of EPST from other employees subject to the following limitations:

- a. A completed "Authorization to Transfer EPST" form must be submitted to and approved by the Town Manager;
- b. The EPST transfer is voluntary and shall be provided in multiples of eight hours;

- d. Paid vacation leave will accrue at a rate of 4.6154 hours each pay period for up to 15 days per year, but cannot be used until an initial 3 months of full time employment have been completed. Vacation leave carryover and payment is subject to AR No. 08-04.
- e. Paid Holidays and Personal Days. The Town provides ten (10) paid holidays each calendar year. After completion of 30 days of full-time employment, FTE shall receive one (1) paid personal day off (8 hours) per calendar year. Personal days can be used by an hour increment, but must be used within one calendar year of accrual. Any remaining personal day hours cannot be carried over from one calendar year to the next. Remaining personal day hours will not be paid by Town when the employee is discharged voluntarily or involuntarily.

3.3. Permanent Part Time Employees are not eligible for the benefits provided to FTEs, except Earned Paid Sick Leave as set forth in AR No. 17-01, but are eligible for the following benefits:

- a. ICMA-RC 457 retirement account: PPTs are required to contribute 2.5% of income to an ICMA-RC 457 retirement account. The Town provides a 2-to-1 match of up to 5% of employee's gross salary for an employee contribution of 2.5% (for a total of 7.5% of an employee's gross salary). The vesting period is two years. The Town does not participate in Social Security or the Arizona State Retirement System.

3.4. Temporary employees are not eligible for and do not receive benefits from the Town, except Earned Paid Sick Leave as set forth in AR No. 17-01.

3.5. The Town has less than 50 employees and is exempt from the Family Medical Leave Act requirements. Details for the unpaid medical leave of absence benefit are set forth in AR 15-02.

TOWN MANAGER APPROVAL	Initial: <u>WLR</u> <u>6.21.2017</u>
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