

PINAL COUNTY POLICY AND PROCEDURE 7.50

Subject: SICK LEAVE

Date: June 27, 2018

Pages: 1 of 5

Replaces Policy Dated: December 14, 2017

PURPOSE: To establish a procedure for the use of sick leave by Pinal County employees. Sick leave is a privilege and not an entitlement, and is to be used in case of actual illness or injury suffered by an employee or family member. Sick leave may be used for:

1. Physical or mental illness;
2. Injury or health condition;
3. Medical, mental, or dental care;
4. Maternity or paternity immediately preceding birth or immediately following birth or adoption of a child;
5. Exposure to contagious disease and possible endangering of others by attendance on duty;
6. 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;
7. Physician or practitioner appointments for employee and members of the employee's family listed below that cannot be scheduled outside of working hours; or
8. Pursuant to Arizona Revised Statute §23-373, absences necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or employee's family member:
 - (a) Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse, or stalking;
 - (b) Services from a domestic violence or sexual violence program or victim services organization;
 - (c) Psychological or other counselling;
 - (d) Relocation or taking steps to secure an existing home due to domestic violence, sexual violence, abuse, or stalking; or
 - (e) 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.

STATEMENT OF POLICY: Sick Leave is a benefit designed to ensure employees receive salary continuation when they are off the job due to illness. Such leave is intended for use only under specific conditions as set forth in this policy.

1. This Policy applies to all classified and unclassified positions. Nothing in this Policy modifies or waives “at-will” status of an unclassified employee.
2. Employees transferring between County departments or Elected departments, and employees who are promoted will retain accumulated sick leave balances.
3. If the employee separates from County employment but is rehired within nine (9) months of separation, previously accrued earned paid sick time that had not been used shall be reinstated. The employee shall be entitled to use this accrued earned sick time and accrue additional earned sick time at the re-commencement of employment.
4. If a holiday falls within the sick leave, the holiday(s) shall not be charged as sick leave.
5. Sick leave is not accrued during any leave of absence without pay.
6. An employee who has a qualified Workers’ Compensation injury or illness will be required to use accrued sick leave and/or leave balances for the first seven (7) calendar days of their absence until they have exceeded 14 calendar days. Once an employee has reached the 14th day of absence, the first 7 days will be reimbursed to their sick leave balance.
7. Any employee approved and scheduled for annual leave that becomes ill, may, with the approval of the Department Head, charge the illness to accumulated sick leave rather than annual leave.

SCOPE: All full-time, part-time, and seasonal Pinal County employees

PROCEDURE: For the purposes of this policy, family member is defined as the following:

A spouse or domestic partner;

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;

A biological, foster, stepparent, adoptive parent, or legal guardian of an employee or 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;

A grandparent, grandchild, or sibling (biological, foster, adoptive, or step relationship) of the employee or the employee’s spouse or domestic partner; or

Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

SICK LEAVE EARNING SCHEDULE

13 days per year (104 hours total)

Rate/Hour	Hours/Day	Hours/Pay Period
.05	.4	4.0

1. When feasible, the employee will schedule sick leave absences as far in advance as possible to ensure business continuity.
2. An employee who is absent for illness or injury for more than three (3) consecutive days may be required to provide a medical release prior to returning to work. Such evidence may include, but is not limited to, a certificate from a designated physician or practitioner, and/or an examination by a designated physician or practitioner.
3. In cases of domestic violence, sexual violence, abuse or stalking, one of the following types of documentation are acceptable:
 - (a) A police report indicating that the employee or employees family was a victim of domestic violence, sexual violence, abuse or stalking;
 - (b) A protective order, injunction against harassment, general court order, or other evidence from a court indicating that the employee or employee's family member is scheduled to appear in court in connection to domestic violence, sexual violence, abuse or stalking.
 - (c) A signed statement from a domestic or sexual violence program, or witness advocate indicating the employee or employee's family member is receiving treatment or services;
 - (d) A signed statement from an attorney, clergy member, or medical provider indicating the employee or employee's family member is a victim of domestic violence, sexual violence, abuse or stalking; or
 - (e) The employee's written statement affirming that the employee or employee's family member is a victim of domestic violence, sexual violence, abuse or stalking and the absence was/is in relation to this circumstance. The written statement does not have to be notarized and does not have to explain the details of the abuse, violence, or stalking.
4. Human Resources may disapprove the request for sick leave if such documentation is not adequate or if the designated physician determines that the request for sick leave is not a valid request.
5. An employee may be required to furnish a medical release issued by a licensed healthcare provider justifying the employee's absence.
6. If an employee returns to work after an absence exceeding five (5) working days for their own illness or injury, the employee must provide a licensed healthcare provider medical release prior to returning to normal duties.
7. The County may request a signed medical release from the employee in order to contact the attending healthcare provider for clarification of a work release involving, but not limited to, physical restrictions, length of time physical restrictions will be necessary, or any other appropriate inquiries to assess the employee's ability to perform the essential functions of their job on a temporary or permanent basis.

Employees are expected to maintain a high level of communication with their supervisor when they are off the job due to illness. Because operational needs vary among Departments, each Department Appointing Authority may establish the amount of notice an employee is to provide when they are ill and unable to report to work. Sick Leave in excess of five (5) consecutive working days will first be considered as Family Medical Leave (FMLA). If the employee's return to work date is not known and/or

is not imminent, the employee will be required to furnish written physician verification of illness in accordance with the provisions of the Family Medical Leave Policy 7.40. The Appointing Authority will provide provisional acceptance of Family Medical Leave, pending receipt of the required physician statement. Upon receipt of such verification, the Appointing Authority will make a final determination as to whether the illness meets the criteria for consideration as FMLA. In the event the illness does not meet the necessary criteria, it will be considered as sick leave. Failure to provide the required physician documentation may be grounds for denial of payment of sick leave.

NOTIFICATION

It is important where feasible, that employees exercising their sick time notify their fellow employees and the public they serve when they are out due to illness for an extended period and who may be contacted in their absence.

SICK LEAVE ABUSE

Employees are permitted to use sick leave only for the purposes stated above. Supervisors and managers are encouraged to seek appropriate documentation from employees when they suspect that an employee is using sick time at an inordinately high rate or for purposes other than those listed above. Supervisors and managers should also review the sick time usage of their staff to determine if there are patterns such as an excessive amount of sick time occurring on the days before or after a weekend, or holidays. If such patterns are evident supervisors should counsel those employees and make them aware of these findings and review their responsibilities under the sick leave policy.

ILLNESS ON THE JOB

In an effort to contain the spread of contagions, a supervisor or manager who observes an employee reporting to work or at work that displays symptoms of an influenza-like illness during a pandemic or an illness serious enough to pose a direct threat to others is to immediately advise the employee that he/she is not permitted to remain at work and the employee shall be sent home. Employees sent home under this provision that do not have any accrued sick time may use vacation or compensatory time, if available. In the event that the employee has exhausted all of his/her accrued time the time off will be categorized as unpaid.

SICK LEAVE ROLLOVER

An employee who is employed and uses no sick leave during the full twelve-month period from January 1st through December 31st, may have up to five days automatically deducted from his/her sick leave balance and transferred to vacation leave at the end of the pay period in which December 31st falls. If less than five days sick leave is taken during such a period then the difference between the number of days taken and the five days will be automatically transferred to vacation leave. If five or more sick days are taken in the period, then no transfer will take place. These transfers are automatic, unless the employee requests in writing at least 30 days prior that the transfer not take place. There are two restrictions to this rollover provision.

1. The vacation leave balance must be below the maximum allowable accumulation in order to accommodate the transfer on December 31st. If the employee's vacation leave balance is at the maximum allowable, no sick leave transfer to vacation will take place.
2. Transfer of sick time to vacation will only be made for sick time accruals in excess of 80 hours. Each employee must have a minimum sick leave balance of 80 hours remaining after the transfer takes place.

Payment will not be made for any unearned sick leave. Sick leave is not earned for hours in excess of 40 hours per week. An employee who transfers from one County department to another shall retain any accumulated sick leave. **Employees who resign from County service will not be paid for any accrued unused sick leave they may have. However, if the employee returns to County service within nine**

(9) months of separation, previously accrued earned paid sick time that had not been used will be reinstated and available for use at the commencement of re-employment.

RETIREMENT

Employees exercising any of the retirement options available under the Public Safety, Corrections Officer, or the Arizona State Retirement System may have a portion of accumulated unused sick leave hours transferred to vacation and added to a terminal vacation period without limitation according to the following schedule:

Separation after Consecutive years of Pinal County Service	Percent of Accumulated Unused Sick Leave Hours to Transfer to Terminal Vacation
5	10%
10	20%
15	30%
20	40%
21 or more	50%

PERIODS OF PROLONGED DISABILITY

Employees experiencing periods of prolonged disability, during which all leave accruals have been exhausted are eligible for Leave Without Pay per Pinal County Policy and Procedure 7.65 –Leaves of Absence Without Pay. Employees on unpaid leave must bear the entire cost and remit both the employee and County portions of the healthcare premiums to the Pinal County Benefit Plan on a monthly basis. Employees are encouraged to participate in the interactive process under Pinal County Policy and Procedure 6.50 - Reasonable Accommodation. Employees who need additional unpaid leave time will be evaluated on a case-by-case basis so as not to create an undue hardship upon the County.

SICK LEAVE TRANSFERS

Employees required to use vacation leave to supplement short-term disability gaps, may transfer a corresponding amount of sick time to their vacation leave bank to offset vacation leave use.

LAW ENFORCEMENT SICK LEAVE

Applicability of the following section is limited to: Pinal County sworn Deputies and Adult Detention Officers up to and including the rank of Sergeant and below, Dispatchers, Evidence Technicians, and Identification Technicians (“employee group”). Employee group personnel who have accrued 1000 hours or more of unused sick leave as a Sheriff’s Office employee may elect to convert additional sick leave the employee accrues into salary to be paid on a monthly basis. Once an employee exercises this benefit, the employee must accept salary in lieu of sick leave until expiration of this section as of the first full pay period in October 2019. The accrual of 1000 hours of sick leave is a one-time eligibility requirement and an employee’s use of sick leave that results in an employee having fewer than 1400 accrued hours shall not impact an employee’s right to convert newly-accrued sick leave into salary under this section.