

RULE 23 – Attendance, Holidays and Leave

This policy covers all employees in the classified service. Sections 23.7 and 23.12 cover employees in the unclassified service, although nothing in this policy waives the at will status of an unclassified employee.

23.1 Basic Work Week. Except as otherwise provided, the regular basic work week of full-time County employees shall be forty (40) hours, normally consisting of eight (8) hours per day, Monday through Friday. Modifications to this provision, in order to provide essential County services, may be made subject to any federal, state or Constitutional limitations relating to hours of work.

23.2 Holidays.

A. Employees occupying regular positions shall be allowed time off with pay as provided for by County policy for those holidays recognized by Gila County, provided the employee is not on leave without pay on the employee's work days immediately preceding and following the day on which the holiday is observed. Employees required to work holidays in order to provide essential services shall receive for each such holiday worked compensation or compensatory time off as allowed by Federal or State law or as provided in the Gila County Merit System Rules and Policies. The holidays recognized by Gila County are as follows:

1. January 1	New Year's Day
2. Third Monday in January	MLK/Civil Rights Day
3. Third Monday in February	Lincoln/Washington Day
4. Last Monday in May	Memorial Day
5. July 4	Independence Day
6. First Monday in September	Labor Day
7. November 11	Veteran's Day
8. Fourth Thursday in November	Thanksgiving Day
9. Friday after the Fourth Thursday in November	Day After Thanksgiving Day
10. December 25	Christmas Day

B. Unless otherwise necessary due to circumstances, County offices shall be closed on each of the ten holidays listed above. If Holidays (1), (5), (8) or (10) fall on a Sunday, the holiday shall be observed on the following Monday. If Holidays (1), (5), (8), or (10) fall on a Saturday, the holiday shall be observed on the preceding Friday.

Revised (09/13)

23.3 Leave Time.

A. General

1. The purpose of paid leave time is to allow employees to earn wages up to the amount normally earned by working the employee's regularly scheduled work week.
2. Appropriate types of leave will be allowed to the extent that will ensure payment for a forty (40) hour work week.
3. Leave time will not be used in any manner to generate hours in excess of the normal work week.

23.4 Coverage and Administration of Leave.

- A. Coverage and Exclusions. Employees receiving original appointments are eligible to accrue leave with pay from the date of appointment. Emergency and temporary appointees are not eligible to accrue or use any type of leave with pay. The following employees shall be eligible for leave as indicated:
 1. Employees occupying regular positions who have completed six (6) months of continuous service may be allowed to use accrued annual and sick leave.
 2. Employees working less than twenty (20) hours per week are not eligible to accrue or use annual or sick leave.
 3. Employees on leave without pay do not accrue annual or sick leave for those periods of leave without pay.
- B. Avoiding Forfeiture of Leave. Departments should plan and carry out their functions so that reasonable opportunity is afforded to employees to use accumulated leave time. Authority for approving use of annual and compensatory leave rests with the Appointing Authority.
- C. Forfeiture of Leave.
 1. Annual leave accruals may not exceed two hundred forty (240) hours per employee.
 2. Original probationary employees who do not complete their probationary periods shall forfeit all accrued annual and sick leave.
- D. Reporting and Recording Leave. The Appointing Authority for each department shall be responsible for ensuring that all leave used is properly recorded as established by the Personnel Department.
- E. Leave Requests. Requests to use leave time shall be approved in advance of usage. Departments should establish procedures for emergency requests for leave. No unearned leave shall be approved for payment.
- F. Disposition of Accrued Leave Upon Transfer. Employees who transfer between departments shall retain any accumulated leave time.
- G. Disposition of Accrued leave Upon End of County Service. For those employees eligible to use leave, accrued leave will be disposed of upon completion of County service as follows:
 1. Accrued annual leave will be paid at the employee's regular hourly rate.
 2. Unused compensatory time will be paid.

23.5 Annual Leave.

A. Rate of Accrual.

1. Regular status full-time employees shall accrue annual time at the following rates:

<u>Years of Continuous Service</u>	<u>Hours Per Pay Period</u>	<u>Hours Per Year</u>	<u>Approximate Days Per Year</u>
1 thru 4	3.08	80	10
5 thru 9	4.62	120	15
10 & over	6.16	160	20

2. Employees prior to January 1, 1987 accruing twenty-five (25) days of annual leave per year will continue at that rate of accrual until termination or retirement.
3. Regular status part-time employees assigned to work at least twenty (20) hours per week but less than full time (forty [40] hours per week) shall accrue annual leave for each two (2) week pay period in which they are in a pay status as follows:

<u>Regularly Scheduled Hours Per Pay Period</u>	<u>Percent of Regular Accrual</u>
40 but less than 48	50
48 but less than 56	60
56 but less than 64	70
64 but less than 72	80
72 but less than 80	90

B. Use of Annual Leave.

1. Employees eligible to accrue annual leave should request leave far enough in advance of the desired time off to allow the employee's department to schedule around such time off so as to meet the needs of the department.
2. Appointing Authorities have the authority to approve or disapprove annual time requested.
3. Annual leave shall not be charged against an employee's accrued leave balance for an authorized holiday which occurs while an employee is utilizing annual leave. The employee should notify the Personnel Department of holidays occurring during annual leave.

- C. Leave Donation. Donation of leave may be made among all levels of County employment and is based on the dollar value of the leave donated. Only annual leave and compensatory leave are subject to donation.
1. An employee is eligible to receive donated leave under the following circumstances:
 - a. All sick leave, annual leave, and compensatory time have been exhausted and;
 - b. The employee is not eligible to receive benefits through a disability insurance program obtained through Gila County and;
 - c. The employee is not eligible to receive payments from the retirement system of which they are a member and;
 - d. The employee is not eligible to receive payments from social security and;
 - e. The employee is not eligible for any publicly funded financial assistance program for disability.
 - f. The employee or immediate family member (as defined under the FMLA) must have a serious health condition as defined under the FMLA.
 2. The dollar ratio of donated leave will be adjusted proportionately to the salaries of the donor and recipient. The Gila County Personnel Department is responsible for making such determination. The recipient is under no obligation to repay the donated hours or monies.
 3. The maximum amount of annual leave that may be donated during any fiscal year is limited to forty (40) hours. The amount of compensatory leave that may be donated is unlimited. The disabled employee may receive donations from any number of donor employees.
 4. If the recipient of the donated hours has a serious health condition, he/she must currently be on an approved medical leave of absence without pay and possess a doctor's certification specifying that the recipient is not yet able to return to work. The recipient must deliver the doctor's certification to his/her Appointing Authority. The recipient must have exhausted all paid sick leave, annual leave, and compensatory time from his/her leave balances.
 5. Procedure:
 - a. To initiate the transfer of leave, the donor must voluntarily request the "Donation of Leave" form from the Personnel Department. He/she must indicate the recipient and then complete the "Donor" portion of the form and sign the form before a Notary Public. After completion of the donor information, the form is forwarded to the recipient's department.
 - b. The recipient's department then completes the recipient's section of the form and attaches the doctor's certificate of unavailability to perform current duties. The completed form is then sent to the Personnel Department for approval.
 - c. The Personnel Department will then verify the doctor's certification (additional information may be requested as necessary). After approval, the original copy of the form is kept by the Personnel Department. Copies will then be forwarded to the Finance Department, the recipient, recipient's department and the donor.
 - d. If not approved, the Personnel Department will so indicate reason for disallowance on the form and copies will be distributed to the appropriate parties.

23.6 Sick Leave

A. Rate of Accrual

1. Regular status full-time employees shall accrue sick leave at the rate of ten (10) days per year (three and eight one-hundredths [3.08] hours per pay period). Maximum accrual is unlimited.
2. Employees retiring with at least one thousand (1,000) hours of unused sick leave will be entitled to a \$3,000 sick leave bonus.
3. Regular status part-time employees shall accrue sick leave at the following rates:

<u>Regularly Scheduled Hours Per Pay Period</u>	<u>Percent of Regular Accrual</u>
40 but less than 48	50
48 but less than 56	60
56 but less than 64	70
64 but less than 72	80
72 but less than 80	90

- B. Sick Leave. Employees eligible to accrue sick leave may use sick leave only as provided in these Rules. Sick leave may include any period of absence with pay of an employee under the following conditions:
1. Illness or injury;
 2. Medical or dental care;
 3. Quarantine or exposure to contagious disease which might be reasonably suspected of endangering others by the attendance of the exposed employee;
 4. Illness or injury of a member of the immediate family which requires the presence of the employee for assistance or care.
 5. Immediate Family is defined as spouse, child, adopted child, stepchild, ward, mother, father, brother, sister, and grandparents or grandchildren or an individual who stands or stood in loco parentis of either employee or spouse.
- C. Verification of Need for Sick Leave. The Appointing Authority may require an employee requesting sick leave to submit documentation substantiating the need for sick leave.
- D. Sick Leave Without Pay. In cases where the employee does not have sufficient leave time accrued to cover disability, such employee may request unpaid leave.

23.7 Family and Medical Leaves of Absence: The purpose of the Family and Medical Leave Act of 1993 (hereinafter referred to as Family Leave) is to entitle employees to take up to twelve (12) workweeks of leave during any twelve (12) month period for adoption or childbirth, the placement of a child with the employee for adoption or foster care, or to care for a seriously ill child (son or daughter), parent, spouse or the employee's own illness.

A. Eligibility:

1. All County employees are eligible for Family Leave if they have been employed with Gila County for:
 - a. At least twelve (12) months; and
 - b. For at least 1,250 hours (156 days) of service with the County during the previous twelve (12) month period.
2. Under certain circumstances, the highest paid 10% of the work force may be denied Family Leave if such leave would cause an economic hardship for Gila County.
3. Military Family Leave Provisions:
 - a. Qualifying Exigency Leave: An employee may take up to 12 workweeks of FMLA to handle certain non-medical exigencies arising from the fact that the employee's spouse, son, daughter, or parent in the National Guard or Reserve is on active duty or called to active duty status. There are eight qualifying exigencies that merit this type of leave:
 1. Short-notice deployment
 2. Attending military sponsored functions
 3. Counseling
 4. Rest and recuperation
 5. Post-deployment activities
 6. Making appropriate financial/legal arrangements
 7. Arranging for alternative childcare
 8. additional activities not encompassed in the previous categories that arise out of the covered military member's active duty or call to active duty status to which the employee and county agree
 - b. Military Caregiver Leave: Family members and next of kin of covered service members may take up to 26 workweeks of leave in a "single 12 month period" to care for a covered service member with a serious illness or injury in the line of duty.

B. Requirements:

1. An employee shall be entitled to a total of twelve (12) workweeks of leave during any twelve (12) month period for any of the following reasons or combination of the following reasons:
 - a. The birth of a child and in order to care for such child.
 - b. Because of the placement of a child with an employee for adoption or foster care.
 - c. In order to care for the spouse, child or parent of the employee.
 - d. Due to a serious health condition that makes the employee unable to perform the duties of the position held.
2. Family leave may be taken intermittently or on a reduced schedule if so requested in advance by the employee and approved by the Appointing Authority.
3. For the purposes of this Rule, a "serious health condition" shall be defined as "an illness, injury, impairment or physical or mental condition" involving either inpatient care or continuing treatment by a certified health care provider. This is for a period of three (3) consecutive days or more.

- C. Paid/Unpaid Leave:
 - 1. Before unpaid Family Leave will be granted, an employee must first exhaust any accrued sick and annual time.
 - 2. Any paid leave (i.e. annual or sick) granted during a Family Leave period shall be counted towards the annual total twelve (12) workweeks of Family Leave.
- D. Employee Notice:
 - 1. If the necessity for Family Leave is foreseeable by an employee (i.e. expected childbirth, adoption) an employee must provide their Appointing Authority with not less than thirty (30) days notice before the date the leave is to begin.
 - 2. If Family Leave is based on foreseeable and/or planned medical treatment of a spouse, child (son and/or daughter), parent, or an employee's own treatment, an employee must:
 - a. Make a reasonable effort to schedule such treatment as to not disrupt essential operations of the department;
 - b. Provide their Appointing Authority with not less than thirty (30) days notice before the date the leave is to begin.
- E. Husband and Wife – Both County Employees: If a husband and wife are both employed by Gila County, the total aggregate number of workweeks of Family Leave will be limited to twelve (12) total workweeks during any twelve (12) month period for the purposes of caring for a new child or a sick parent.
- F. Medical Certification:
 - 1. In order for an employee to be granted Family Leave due to medical treatment of a spouse, child (son and/or daughter), parent or an employee's own treatment, a certificate from the health care provider is required. The certificate must include:
 - a. The date on which the condition commenced.
 - b. The appropriate medical facts of the condition.
 - c. If the Family Leave is to be granted for the care or assistance in the recovery from an illness of a child, parent, or spouse, a statement that the employee is needed to provide the care.
 - d. If the Family Leave is to be granted for an employee's own treatment, a statement that the employee is unable to perform the duties of his/her position.
 - e. For planned employee intermittent leave or reduced work schedule, the dates and duration of each period, what treatment is expected, and a statement of the medical necessity.
 - f. A statement that the leave is necessary for planned intermittent or reduced work schedule time for the care or assistance in the recovery from illness of a child, parent, or spouse.
 - 2. Statements from health care providers shall be given to the Personnel Department for review and approval.
 - 3. Gila County reserves the right to have the employee obtain a second opinion, or third opinion if necessary, at Gila County's expense, regarding certifications by providers.

4. Employees on Family Leave are required to inform their Appointing Authority at least every thirty (30) days as to their status and possible return to work. Gila County reserves the right to require an employee to obtain subsequent re-certification(s) from a health care provider on a reasonable basis as deemed necessary by the Appointing Authority and after review by the Director.

G. Replacement During Family Leave: Gila County reserves the right to replace an employee, on a temporary or permanent basis, while such employee is on Family Leave.

H. Return From Family Leave:

1. As a condition of restoration, an employee returning from Family Leave must provide his/her Appointing Authority with a certification from the attending health care provider that they can return to work. The certification must outline what duties and restrictions the returning employee can assume (i.e. normal duties, can lift only 10 pounds, etc.).
2. An employee returning from Family Leave shall be:
 - a. Restored to the same position held when the leave commenced, or;
 - b. Restored to a comparable position with equivalent benefits, pay, etc.

I. Health Benefits:

1. Employee Coverage:
 - a. For an employee on Family Leave, Gila County shall maintain and continue to pay for the employee's medical coverage under the Gila County employee health plan.
 - b. If the employee is released by his/her health provider and fails to return from Family Leave after the period of leave expires, all premiums paid for group health coverage during the period of unpaid Family Leave may be recovered from the employee.
2. Medical Insurance Premiums: Employees on Family Leave who have health coverage shall bear the responsibility to maintain and continue to pay for medical coverage if the employee so chooses. Arrangements to pay for medical coverage are to be made with the Personnel Department prior to the commencement of the Family Leave.

J. Leave Accruals: Annual and sick leaves shall not accrue during a period of unpaid Family Leave.

K. Twelve Month Period is a "rolling" twelve (12) month period measured backward from the date an employee uses any leave under the Act.

23.8 Leaves of Absence With Pay. Employees may be granted leaves from work with pay under the following provisions. Pay granted shall not be charged to the employee's accrued sick, vacation, or compensatory leave credits.

A. Regular status County employees called to serve upon a jury during their work hours. Any federal jury pay (excluding reimbursement for miles traveled, food, and/or lodging) received by such employee must be turned over to the Treasurer's Department and a Treasurer's receipt furnished to the Personnel Department. County jury pay is mileage only.

- B. Leave with pay up to three (3) hours of duty time may be utilized for voting by an employee who is qualified to vote on primary and general election days.
- C. Leave with pay for County business requiring an employee to be absent from the County more than one day, except for established or routine duties, may be granted with approval of the Appointing Authority.
- D. Leave with pay to attend trade, professional, or other meetings which directly relate to official duties may be granted with approval from the Appointing Authority.
- E. An Appointing Authority may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor, or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.
- F. An Appointing Authority may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.
- G. Bereavement Leave. In the event of the death of a member of the immediate family, up to twenty-four (24) hours of paid leave may be granted. Up to forty (40) hours of paid leave may be allowed for circumstances requiring substantial travel.
- H. For the purposes of Bereavement Leave, Immediate Family means spouse, child, adopted child, stepchild, ward, mother, father, brother, sister, and grandparents or grandchildren or an individual who stands or stood in loco parentis of either employee or spouse.

23.9 Leaves of Absence Without Pay

- A. Educational Leave. Leave without pay may be granted for reasonable periods of time (normally not exceeding one [1] year) to enable employees to attend work-related education and training courses. Educational leave without pay may be granted by the Appointing Authority after the Personnel Director has certified that such leave is in the best interest of the County.
- B. Personal Leave. Up to six (6) months leave without pay for personal reasons may be granted upon approval of the Board of Supervisors and with concurrence of the Appointing Authority when fully justified in writing by the employee.
- C. Return From Leave Without Pay. An employee's right to return from leave without pay to a position in the County service shall be conditioned upon the availability of an appropriate position and sufficient appropriation. Any unused accruals shall be reinstated at the time of return to duty.

23.10 Military Leave. An employee who requests absence with pay on military leave pursuant to A.R.S. §26-168, 26-171, or 38-610, shall submit a copy of the orders for duty with the request for military service.

23.11 Absence Without Leave

- A. Any unauthorized absence of an employee from duty shall be considered an absence without leave and deduction of pay may be made for such absence.
- B. Any unauthorized absence shall constitute grounds for disciplinary action up to and including dismissal.

- C. Any employee who is absent for three (3) or more consecutive days without authorized leave is automatically considered to have abandoned the position. When extenuating circumstances are found to have existed, such absence may be covered by leave with or without pay by the Appointing Authority with concurrence of the Personnel Director.

23.12 Workers Compensation Leave

A. Use of Leave.

1. An employee who sustains a job-related “medical only” injury that is compensable under the Workers’ Compensation Law, Title 23, Chapter 6, A.R.S., or who is returned to modified or light duty, shall be required to use any available sick or annual leave when receiving medical treatment during the employee’s normal working hours unless the employee has been directed by the County to report to the treatment facility (as in the case of an independent medical examination). In this case, the employee will be paid his/her regular wage from the department budget.
2. An employee who sustains a job-related lost time injury that is compensable under the Workers’ Compensation Law, Title 23, Chapter 6, A.R.S., shall be placed on sick leave unless the employee has an available compensatory time balance.
3. The employee may elect to use compensatory leave, if available. Once available compensatory leave is exhausted or the employee chooses to no longer draw from the account, the employee will be placed on sick leave and finally annual leave until these leave accounts have been exhausted.
4. If eligible, the employee will be placed upon Family Medical Leave. Note: FMLA will not be charged against any time off in which the employee is using accrued compensatory time.
5. After all leave accounts are exhausted, the employee shall be placed on leave without pay.

B. Payments.

1. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers’ Compensation payments) not to exceed the gross salary of the employee.
2. If the employee receives a retroactive Workers’ Compensation payment for the initial five day period of industrial injury, and for that period has received leave payments, the employee shall reimburse the County for five days of Workers’ Compensation payments, and the equivalent value of leave shall be restored to the employee’s appropriate leave account.

- C. Modified or Light Duty. In the event of an industrial injury that prevents an individual from performing their regular duties, modified or light duty may be offered at the discretion of the County. The County will first attempt to place the employee on modified or light duty within his/her originating department. If no modified or light duty is available in the originating department, the County may place the employee in another department. Regardless of the department the employee is placed in, wages

will be paid from the originating department's budget. An employee who is offered modified or light duty who is currently on Family Leave will not be required to accept the modified or light duty. However, they may forfeit future workers compensation payments. All light duty positions are temporary in nature to be reviewed every thirty (30) days.

- D. Restriction. Sick leave with pay or leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of A.R.S. §23-901 to 23-1091.
- E. Health Benefit Plan Participation.
 - 1. An employee who is on leave without pay due to an industrial disability may continue to participate in the Health Benefit Plan for a maximum of six months by paying the employee contribution.
 - 2. At the end of this six month period, an employee who remains on leave without pay due to industrial disability may continue to participate in the Health Benefit Plan by paying both the employer and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long Term Disability, whichever occurs first.
- F. Disability Income Insurance Plan Participation. An employee who is on leave without pay may continue to participate in the Disability Income Insurance Plan by paying the premium.
- G. Termination. The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.
- H. Accrual of Leave. An employee shall continue to accrue full leave credits as long as the employee is using two or more hours of leave each day.