

## **STATUTORY SICK LEAVE (SSL) POLICY FOR TEMPORARY EMPLOYEES**

### **I. PURPOSE**

The purpose of this policy is to establish the rules and procedures applicable to the accrual and use of sick leave by temporary employees of the City in accordance with the Arizona Fair Wages and Healthy Families Act, A.R.S. § 23-371 *et seq.* .

### **II. POLICY**

Arizona law requires the City to allow all employees to earn a minimum of one hour of paid Statutory Sick Leave (SSL) for every 30 hours worked. Temporary employees will accrue SSL as described in this policy and may use a maximum of 40 hours of SSL per tax calendar year.

### **III. RESPONSIBILITIES**

#### **A. Employees are responsible for:**

1. Requesting SSL, in accordance with the Department's procedures, as soon as the need for the leave is reasonably foreseeable.
2. Making a good faith effort to give their supervisor advance notice and schedule their absences in a way that lessens the impact to their work group.
3. Complying with the Department's absence notice requirements when the employee's need to use SSL was unforeseeable.
4. Accurately coding SSL in the timekeeper system or timetracking process as determined by the Department.

#### **B. Supervisors are responsible for:**

1. Ensuring that reporting procedures are clearly understood by employees.
2. Approving SSL in a timely manner.
3. Requesting documentation, if necessary, only as permitted herein and after consultation with Human Resources.

#### **C. Department Directors are responsible for:**

1. Establishing procedures for reporting SSL.
2. Ensuring all employees and supervisors understand and adhere to this policy.

### **III. PROCEDURES**

- A. City-paid temporary employees will accrue .034 hours of SSL for every hour worked beginning July 1, 2017.
- B. Employees may use a maximum of 40 hours of accrued SSL per tax calendar year for the following purposes:

1. Absences related to an employee's mental or physical illness, injury, or health condition, including the need for medical diagnosis, care or treatment, and preventative medical care;
2. Absences to care for a family member with a mental or physical illness, injury or health condition including the need for medical diagnosis, care or treatment, and preventative medical care;
3. Absences related to a public health emergency affecting the employee or employee's family member such as the closure of the employee's place of business or employee's child's school, or the need to care for a family member whose presence in the community may jeopardize the health of others because of exposure to a communicable disease; and
4. Absences related to domestic violence, sexual violence, abuse, or stalking where the absence is necessary for the employee or employee's family member to:
  - a. Obtain medical attention to recover from related physical or psychological injury;
  - b. Obtain domestic violence, sexual violence, or victim services;
  - c. Obtain psychological or other counseling;
  - d. Relocate or take steps to secure an existing home; or
  - e. Obtain related legal services.

C. For purposes of the use of SSL only, the term "family member" means:

1. 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;
2. A biological, foster, step-, 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;
3. 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;
4. A grandparent, grandchild, or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or employee's spouse or domestic partner; or
5. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

- D. To the extent possible, employees are required to make a good faith effort to provide advance notice of and to schedule any absence in a manner that does not unduly disrupt operations. When an employee's need for SSL is not foreseeable, advance notice of the absence is not required. In cases where advance notice is not required, the employee shall follow his or her Department's notification and reporting procedures for the use of sick leave.
- E. When SSL is used for an absence of three or more consecutive days, the Director, after consultation with the Human Resources Director, may require an employee to provide reasonable documentation that the SSL was used for a permitted purpose under this Rule.
1. For health-related absences, documentation signed by a healthcare provider indicating the use of sick leave was necessary will be considered reasonable documentation.
  2. For absences related to domestic violence, sexual violence, abuse or stalking, reasonable documentation includes:
    - a. A police report;
    - b. A protective order, injunction against harassment, general court order, or other evidence from a court or prosecuting attorney confirming a court appearance by the employee or employee's family member;
    - c. A signed statement from a domestic violence or sexual violence program or victim services organization confirming the receipt of service by the employee or employee's family member;
    - d. A signed statement from an attorney, clergy member, or medical professional confirming 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 confirming the employee or employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking.
  3. All documentation received for purposes of documenting the need for SSL must be treated and maintained in a confidential manner.
- F. The employee is responsible for designating leave as SSL for payroll and reporting purposes.
- G. SSL may only be used for an employee's absences from scheduled work. It may not be used to receive pay for time an employee is not scheduled to work.
- H. When applicable, the City's Family and Medical Leave Policy will apply to absences designated as Statutory Sick Leave. Up to the first 40 hours of Family and Medical Leave used in a tax calendar year shall be designated Statutory Sick Leave/Family and Medical until Statutory Sick Leave is exhausted.

- I. Unused SSL will carry over to the next tax calendar year but only 40 hours of accrued SSL may be used in a tax calendar year. Only up to 40 hours of SSL can be used in a tax calendar year regardless of the number of SSL hours in the employee's leave bank.
- J. The value of unused SSL will not be paid out when the employee's employment by the City ends for any reason.
- K. If an employee separates from City service and is rehired within nine (9) months of separation from City employment, any unused SSL will be reinstated upon rehire.
- L. No employee shall be discriminated against or subjected to retaliation for: (1) requesting or using SSL; (2) assisting any person in doing so; or (3) informing any person of their rights under this policy or the Arizona Fair Wages and Healthy Families Act. An employee's use of SSL in accordance with this policy and Arizona law shall not be a factor in any disciplinary action.

**IV. APPROVAL**

  
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Debra Stapleton, Administrative Services Director

7/3/17  
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Date

  
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Marsha Reed, City Manager

7/3/17  
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Date