



MARICOPA COUNTY INTERNAL POLICY

Policy Title: EMPLOYEE LEAVE	Policy Number:	HR2415
	Current Adoption Date:	09-18-2019
Approved by: BOARD OF SUPERVISORS	Current Implementation Date:	09-18-2019
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I. PURPOSE

To outline Maricopa County's plan for approved employee leaves of absence and to set forth the policies for establishing employee leave practices.

II. AUTHORITY

This Policy is authorized by the Board of Supervisors pursuant to A.R.S.§11-251. All forms of leave not specifically authorized by this Policy are subject to approval by the Board of Supervisors.

III. APPLICATION

This Policy applies to all employees of Maricopa County elected offices and appointed departments as well as the Flood Control District of Maricopa County and the Maricopa County Library District (Special Districts); however, certain types of leave are granted only to certain types of employees. The Board of Supervisors is authorized to jointly adopt policies applying to the Special Districts under the Intergovernmental Agreement, C-06-18-393-6-00, approved on April 11, 2018. This Policy does not apply to individual Elected Officials.

IV. DEFINITIONS

- A. Appointing Authority:** An elected official, the single administrative or executive head of a Department, or the designated representative authorized to act in this capacity.
- B. Authorized Arizona Retirement System:** The statutorily-authorized Arizona retirement system into which a County employee contributes (e.g., Arizona State Retirement System, Public Safety Personnel Retirement System, etc.).
- C. Base Pay Rate:** A rate of pay, exclusive of any differentials, incentives, or other pay.
- D. Classified Employees:** Employees covered by an applicable set of Merit Rules (i.e. Employee Merit System Commission or Law Enforcement Officers Merit System Commission). Probationary employees occupying classified positions follow the portions of this Policy applying to Classified Employees even though they are in an at-will status until they complete probation.
- E. Contract Employees:** At-will employees hired to work for a defined purpose or project and defined time period (typically more than one (1) year but less than three (3) years).
- F. County Manager:** The single executive appointed by the Board of Supervisors, or the designated representative authorized to act in that capacity.
- G. Credited Service:** The amount of credited service time on account with the Authorized Arizona Retirement System into which the employee currently contributes, or the number of continuous years of service with Maricopa County, whichever is greater. For purposes of this definition, retirement from a

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position in one Authorized Arizona Retirement System and re-hire into a position in another Authorized Arizona Retirement System (e.g. from Public Safety Personnel Retirement System into Arizona State Retirement System) on the next business or scheduled work day does not constitute continuous service. Individuals who are re-employed with Maricopa County after retiring from an Authorized Arizona Retirement System do not receive prior service credit upon re-employment.

- H. Executive Compensation Package:** A package of compensation, benefits, and leave options established for executive positions equivalent to department deputy director or above.
- I. Family and Medical Leave Act (FMLA):** The federal law (29 U.S.C. § 2601 et seq.) conferring job-protected unpaid leave for eligible employees for a qualifying purpose. See Family and Medical Leave Act (FMLA) Approved Leaves of Absence Policy ([HR2413](#)).
- J. Furlough:** Mandatory unpaid leave imposed on employees as the result of a budget deficit.
- K. Head Start Contract Employees:** At-will employees in Human Services Education Division who do not typically work year round.
- L. HR Director:** The single executive appointed as the director of County Human Resources or the designated representative authorized to act in that capacity.
- M. Leave Adjustment Incentive:** Increased vacation and sick leave accrual rates and/or hours added to employees' leave banks when their positions are identified as critical and difficult to fill or retain.
- N. Initial Probation:** A specified period of time following the employment of employees in budgeted positions in classified service during which they serve in an at-will status and may be released from employment for or without cause. Employees serve an initial probation period upon their hire, promotion, voluntary demotion, or transfer into classified positions.
- O. Recognition Leave:** Additional paid leave awarded to incentivize and recognize employees for outstanding contributions that clearly demonstrate excellence on a project, task or function.
- P. Temporary Employees:** At-will employees hired to work less than one (1) year or sporadically on an as-needed basis (e.g. election workers).
- Q. Unclassified Employees:** At-will employees not covered by the Employee Merit System as determined by the Board of Supervisors or the Law Enforcement Officers' Merit System.

V. VACATION TIME

- A. Purpose:** Vacation Time may be used:
 1. On a discretionary basis for any purpose, subject to the departmental approval processes established by the Appointing Authority and based on the Department's business needs.
 2. For any Sick Leave event if the employee has insufficient Sick Leave to cover the event.
 3. Must be used for qualifying leave under the FMLA where there is insufficient Sick Leave.
- B. Eligibility:** Only Classified, Unclassified, Contract, and Head Start Contract Employees whose standard hours are at least 20 hours per week are eligible to accrue or receive Vacation Time. Contract and Head Start Contract Employees may receive an annual lump sum of Vacation Time not to exceed the amount that a Classified Employee with equivalent Credited Service would accrue in a calendar year on a prorated basis. Temporary Employees are not eligible.

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C. Accruals: Vacation Time is accrued by Classified and Unclassified Employees who are in a pay status of 40 hours per week as follows:

MONTHS OF CREDITED SERVICE	HOURS PER PAY PERIOD	HOURS PER YEAR
0 -36 months	4.65	120.9
37-72 months	5.55	144.3
73-120 months	6.90	179.4
121-180 months	7.90	205.4
181-228 months	8.50	221.0
229 months plus	8.80	228.8

Vacation Time accruals are prorated for Classified and Unclassified Employees in a paid status of 20 to 39.99 hours per week.

D. Impact of Absences on Vacation Time Accruals: Vacation Time accrues during any approved paid absence, but not during any Leave Without Pay (LWO). Vacation Time accrues on a prorated basis during pay periods where LWO for some, but not all of the pay period is used.

E. Maximum Hours of Vacation Time Carried Over from One Calendar Year to the Next:

Classified	Unclassified	Contract/Head Start Contract
240 Hours	320 Hours	No Hours

Hours in excess of these maximums for Classified and Unclassified Employees are transferred to the employees' Sick Leave balances at the end of each calendar year.

F. Use of Vacation Time: Use of Vacation Time is subject to the departmental approval processes established by the Appointing Authority and the following requirements and restrictions:

- 1. Advance Approval:** If the need to use Vacation Time is foreseeable, employees must request and be granted approval at least two (2) business days in advance of the vacation hours requested, unless the department's written policy requires a longer period of time.
- 2. Unscheduled Leave:** If the need for Vacation Time is unforeseeable, employees must notify the department of the need for the leave as soon as practicable following the department's approval procedure. The Appointing Authority may require the employee to disclose the circumstances warranting approval of the Vacation Time. If the Appointing Authority determines that the reasons provided or documentation submitted by the employee is inadequate, or if the employee is unable to provide any documentation or corroboration for the absence, the Appointing Authority has discretion to disapprove the use of Vacation Time. In such a situation, the Appointing Authority may consult with Human Resources or legal counsel to determine whether it is appropriate to code the absence as LWO and discipline the employee for the unauthorized absence.
- 3. Short Term Disability (STD) Requirement:** Employees who have STD insurance must use Sick Leave, Vacation Time, and Leave Without Pay (in that order) during any applicable waiting period until the STD benefit begins.

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4. Workers' Compensation Requirement: Employees injured on the job must use Sick Leave, Vacation Time, and Leave Without Pay (in that order) during any applicable waiting period before workers' compensation benefits begin. Employees may also elect to augment their workers' compensation wage benefits with Sick Leave and Vacation Time (in that order).
5. Resignation: Employees who are resigning from employment shall not be allowed to "burn off" their paid leave by using Vacation Time or Sick Leave to extend their last day.
6. Vacation Time cannot be frontloaded in the last pay period of the calendar year to cover vacation hours taken in January for the purpose of keeping Vacation Time that would otherwise roll over to Sick Leave at the end of the year (e.g., recording 24 hours of Vacation Time on December 31st to cover hours on January 2nd and 3rd).

G. Payout of Vacation Time Upon Separation from Employment: Classified and Unclassified Employees who have completed at least twelve (12) months of continuous employment with the County (non-temporary, non-contract) prior to separation shall have their accrued Vacation Time paid out at their current Base Pay Rate. Contract and Head Start Contract Employees are not eligible for this payout.

H. Donation of Vacation Time: Classified and Unclassified Employees who have completed at least twelve (12) months of continuous employment with the County (non-temporary, non-contract) may donate their accrued Vacation Time to another employee's Sick Leave balance. Temporary Employees or employees receiving Workers' Compensation, Short Term Disability, or Long Term Disability benefits are not eligible to receive donated leave.

1. Recipient Eligibility: A donation of Vacation Time is permitted where the donation will assist another Classified, Unclassified, Contract, or Head Start Contract Employee (the "Recipient") whose standard hours are at least 20 hours per week and whose Sick Leave and Vacation Time are insufficient to cover an absence caused by a serious health condition as defined by the FMLA for the Recipient or his/her "Immediate Family Member".

For purposes of donation of Vacation Time, "Immediate Family Member" includes Recipient's spouse to whom he/she is legally married under the laws of any state, child (biological, adopted, foster, step, legal ward, or child to whom the Recipient stands in loco parentis), or parent (biological, adopted, foster, step, or individual who stood in loco parentis to the Recipient when he/she was a child).

2. Cap: One qualifying event per year (rolling year from the start of the event).
3. Maximum: Recipient may receive up to six (6) months (1040 hours for a full-time employee) of donated Vacation Time for each qualifying event which may be used consecutively or intermittent.
4. Employees do not accrue leave on paid donated Vacation Time.
5. The dollar value of donated Vacation Time is adjusted proportionately to the Base Pay Rate of the Recipient for purposes of calculating the hours to be added to the Recipient's Sick Leave balance.
6. Once donated to the Recipient, Vacation Time shall not be returned to the donor.
7. If there is insufficient leave donated for the pay period, the remaining hours will be LWO.
8. Department Approval: To request department approval for donations of leave, a Recipient should submit the following to the Appointing Authority:
 - a. A written donation of leave request signed and dated by the Recipient; and
 - b. Documentation from a health care provider which states that the Recipient or his/her "Immediate

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Family Member” is under the care of the provider for a serious health condition as defined by the FMLA that is expected to cause an absence from work of at least two (2) consecutive weeks or that states the need for intermittent medical treatment for radiation, chemotherapy, or dialysis.

9. HR Director Approval: The Appointing Authority must submit a request to the HR Director or designee for authorization to solicit department employees for donations of leave. The request must state that:
 - a. The need for leave is for a serious health condition as defined by the FMLA for the Recipient or his/her “Immediate Family Member”.
 - b. The Recipient has exhausted or will have exhausted all of his/her Sick Leave and Vacation Time before his/her anticipated return date.
 - c. The situation giving rise to the donation of leave request is expected to cause an absence from work of at least two (2) consecutive weeks.

VI. SICK LEAVE

A. Purpose: Sick Leave (which includes Earned Paid Sick Time as defined by A.R.S. Section 23 -371 et seq.) is a paid absence for an eligible employee who is absent due to:

1. Personal illness or injury.
2. An FMLA-qualifying event.
3. Preventative, routine, and unexpected medical or dental appointments for the employee or employee’s “Family Member”.
4. Occasions that require the employee to care for a “Family Member” who is ill or injured.
5. Domestic violence, sexual violence, abuse, or stalking as defined by state law.
6. Any other purpose authorized by state law.

B. Within the context of Sick Leave, a “Family Member” includes an employee’s:

1. Spouse, the person to whom the employee is legally married under the laws of any state, as well as the employee’s or spouse’s:
 - a. Child (biological, adopted, foster, step, legal ward, or child to whom the employee or spouse stand in loco parentis currently or when the child was a minor).
 - b. Parent (biological, adopted, foster, step, legal guardian, or any person who stood in loco parentis when the employee or spouse was a minor child).
 - c. Grandparent or grandchild (biological, adopted, foster, or step).
 - d. Sibling (biological, adopted, foster, or step).
 - e. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

C. Eligibility: Employees are eligible to accrue Sick Leave beginning on the first day of employment with the County and may begin using Sick Leave as it is earned.

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D. Accruals:

1. Classified Employees: Accrue Sick Leave at the rate of one hour for every 30 hours worked (.0333) up to a fixed total in each calendar year based upon months of credited service.

Classified Employees

MONTHS OF CREDITED SERVICE	ACCRUED SICK LEAVE PER PAID HOUR	TOTAL PER YEAR CAP
0-36 Months	.0333	40.0
37-72 Months	.0333	48.1
73 Months plus	.0333	59.8

2. Unclassified Employees: Accrue Sick Leave in increments based upon months of credited service and with the earnings capped at the totals set forth below.

Unclassified Employees

MONTHS OF CREDITED SERVICE	ACCRUED SICK LEAVE PER PAID HOUR	TOTAL PER YEAR CAP
0-36 Months	.03875	80.6
37-72 Months	.04625	96.2
73 Months plus	.05750	119.6

3. Classified and Unclassified Employees: For purposes of this provision for Classified and Unclassified employees, "hours worked" includes actual hours worked as well as any time in a paid leave status.
4. Temporary, Contract, and Head Start Contract Employees: Accrue one hour of Sick Leave for every 30 hours worked (.0333 per hour) with a maximum of 40 hours per calendar year.

For purposes of these employees, "hours worked" includes only actual hours worked and does not include paid leave time.

Temporary, Contract, and Head Start Contract Employees

MONTHS OF CREDITED SERVICE	ACCRUED SICK LEAVE PER PAID HOUR	TOTAL PER YEAR CAP
Any	.0333	40

Temporary, Contract, and Head Start Contract Employees can only use up to 40 hours of Sick Leave each calendar year regardless of their Sick Leave balance. When Temporary, Contract, and Head Start Contract Employees' work or contracts end, any Sick Leave remaining is forfeited subject only to the reinstatement provisions set forth in this Policy.

5. Full-time Exempt Employees: Accrue Sick Leave based upon a maximum of 80 paid hours in a pay period. Exempt employees who record less than 80 paid hours in a pay period will accrue Sick Leave based upon the total number of paid hours. Exempt employees will not accrue Sick Leave on more than 80 paid hours in a pay period.

E. Use of Sick Leave: Employees are eligible to use Sick Leave subject to the following:

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1. Sick Leave must be used in accordance with this Policy. Acceptable documentation or proof of illness may be required for absences of three (3) or more consecutive days.
2. Employees must make a good faith effort to provide as much advance notice of foreseeable appointments as possible and a reasonable effort to schedule foreseeable medical or dental appointments so that they do not interfere with County or department business operations.
3. Employees shall request the use of Sick Leave, and whenever possible, include the expected duration of the absence. Departments may develop specific written call-out procedures for unforeseeable absences. An employee's request to use Sick Leave shall not require documentation (other than for an absence of three or more consecutive days) for up to the first 40 hours taken in a calendar year. If an employee requests to use more than 40 hours of Sick Leave in a calendar year, the employee may be required to submit documentation substantiating the need to use additional Sick Leave.
4. FMLA: If employees or their qualifying family members have a qualifying event under the FMLA, the provisions of federal law and County policy shall be followed. (See [HR2413](#).)
5. Short Term Disability (STD) Requirement: Employees who have STD insurance must use Sick Leave, Vacation Time, and Leave Without Pay (in that order) during any applicable waiting period until the STD benefit begins.
6. Workers' Compensation Requirement: Employees injured on the job must use Sick Leave, Vacation Time, and Leave Without Pay (in that order) during any applicable waiting period before workers' compensation benefits begin. Employees may also elect to augment their workers' compensation wage benefits with Sick Leave and Vacation Time (in that order).
7. Resignation: Employees who turn in their resignation from employment shall not be allowed to "burn off" their paid leave by using Sick Leave or Vacation Time to extend their last day.

F. Discretion to Send Employees Home: Supervisors can send employees home if they:

1. Come to work ill; or
2. Develop or exhibit an illness or condition while at work which impairs their ability to be productive or which could jeopardize the health or physical safety of co-workers or the public.

Any resulting lost work time is charged against employees' Sick Leave, Vacation Time, and Leave Without Pay (in that order).

G. Restrictions on Disciplinary Action Relating to Use of Sick Leave: No employees may be subject to discipline under any time or attendance policy due to their use of Sick Leave of up to 40 hours in a calendar year. However, failure to follow a written departmental call-out procedure, a copy of which has been provided to employees, for the use of Sick Leave may result in disciplinary action absent extenuating circumstances.

After an employee has used 40 hours of Sick Leave in a calendar year, any additional uses of Sick Leave may be subject to the restrictions of a departmental time or attendance policy, including possible discipline for poor attendance unrelated to the protected 40 hours of Sick Leave. No departmental time or attendance policy can provide for disciplinary action for any absences that are protected by the FMLA or authorized as an accommodation under the Americans with Disabilities Act (ADA).

H. Retaliation: No employees shall be subject to retaliation or discrimination for using leave protected by state or federal law or for filing any complaint relating to their use of leave protected by state or federal law. Employees who believe they have been subjected to unfair treatment as a result of their use of leave

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protected by state or federal law, should follow the complaint process outlined in HR 2405 (Employee Workplace Concerns) or HR 2406 (Prohibition Against Discrimination, Harassment, and Retaliation).

VII. HOLIDAY PAY

A. Legal Paid Holidays: The County has 10 paid holidays (New Year's Day, Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, the Friday after Thanksgiving Day, and Christmas Day).

1. The Legal Paid Holidays currently observed by County employees may be automatically revised as the result of subsequent legislative changes.
2. A holiday that falls on a Sunday is observed on the following Monday and a holiday that falls on a Saturday is observed on the preceding Friday.

B. Eligibility: Classified, Unclassified, Contract, and Head Start Contract Employees who are not required to work on a Legal Holiday shall be compensated for the holiday if they are in a paid status (e.g., regular hours worked, Vacation Time, Sick Leave or any other paid leave) on their scheduled day before and after the Legal Paid Holiday. Temporary Employees and employees with standard hours of less than 20 hours per week are not eligible for Holiday Pay.

C. Holiday Pay Rules:

1. Vacation Time and Sick Leave will not be deducted for a Legal Paid Holiday that falls within a group of days where an employee uses Vacation Time or Sick Leave.
2. Employees with standard hours of 40 hours per week receive eight (8) hours of compensation for a Legal Paid Holiday. Employees with standard hours of 20 to 39.99 hours per week receive a prorated amount for the holiday based on their standard hours.
3. Employees working a flexible schedule (e.g., four 10 hour days or a 9/80 schedule) receive no more than eight (8) hours pay for a Legal Paid Holiday. Subject to their supervisors' discretion, employees working flexible schedules in a week in which there is a Legal Paid Holiday have the following options:
 - a. Use Vacation Time to make up the difference between the eight (8) hours of pay for the holiday and their remaining scheduled hours; or
 - b. Adjust their work schedules to make up the time provided that the time is made up within the same work week in which the holiday occurred.

D. Holidays Worked: Classified, Unclassified, Contract, and Head Start Contract Employees required by their Appointing Authority to work a Legal Paid Holiday are compensated as follows:

1. Non-exempt Employees: Up to eight (8) hours Holiday Pay based on the employee's standard hours and pay for the hours actually worked. Holiday Pay does not count as time worked for the purpose of calculating overtime eligibility. At the discretion of the Appointing Authority, non-exempt employees who are required to work on a Legal Paid Holiday may receive equal time off (hour for hour actually worked on the holiday up to a maximum of 8 hours) from the employees' standard hours within the same workweek in which the Legal Paid Holiday occurs.
2. Exempt Employees: Exempt employees' work schedules should be adjusted to ensure no more than 80 hours of pay is received (which includes regular hours worked, approved leave hours, and Holiday Pay) during the pay period in which the Legal Paid Holiday occurs. If the Appointing Authority is unable to adjust the employees' work schedules, in addition to regular hours worked, they will receive

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Holiday Pay for the hours worked on the Legal Paid Holiday up to a maximum of eight (8) hours.

VIII. FLOATING PERSONAL DAYS

- A. Eligibility:** Classified and Unclassified Employees whose standard hours are 40 hours per week are granted eight (8) hours of paid leave each calendar year as a Floating Personal Day (prorated for those whose standard hours are 20 to 39 hours per week). Contract, Head Start Contract, and Temporary Employees are not eligible for Floating Personal Days.
- B. Use of Floating Personal Day:** Use of Floating Personal Days is subject to pre-approval according to the departmental approval processes and the needs of the department and will not be approved after the fact for an unanticipated absence from work.
- C. Expiration:** Floating Personal Days expire at the close of business on December 31st of each calendar year and are not paid out when employees leave County service.

IX. RECOGNITION LEAVE

- A. Purpose:** Appointing Authorities may award Recognition Leave for clearly demonstrated excellence (significant and distinct results that set them apart from peers and has a positive impact on the department or County) on a project, task, or function that has occurred within the last 12 months:
 1. Equal to the hours of an employee's regular daily shift.
 2. Not to exceed one recognition per employee during a calendar year.
 3. No more than approximately 10% of a department's workforce may receive Recognition Leave in a calendar year.
- B. Eligibility:** Full-time Classified, Unclassified, Contract, and Head Start Contract Employees. Part-time employees, Temporary Employees, employees who are not eligible for leave, and employees who have received discipline in the form of a Reprimand or higher in the previous 24 months are not eligible.

Recognition Leave is reserved as a retention tool for a department's strongest performers. The fact that an employee is eligible does not guarantee that the employee will receive an award. An employee who receives an award one year is not guaranteed to receive it again the next year.

- C. Use of Recognition Leave:**
 1. An employee's ability to use Recognition Leave must be pre-approved according to departmental approval processes and is subject to the needs of the department.
 2. An employee may request to use Recognition Leave starting the pay period it is loaded into the County's leave management system and may not use it prior to the current pay period in which the department approves its use.
- D. Expiration:** Recognition Leave expires at the close of business on December 31st of each calendar year and is not paid out when employees leave County service.

X. BEREAVEMENT LEAVE

- A. Eligibility:** With the approval of the Appointing Authority, Classified, Unclassified, Contract, or Head Start Contract Employees may receive paid Bereavement Leave for the death of a "Family Member". The Appointing Authority may require documentation substantiating the need for leave.

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For purposes of Bereavement Leave, "Family Member" includes: an employee's spouse to whom he/she is legally married under the laws of any state, parents (biological, adoptive, foster, step, in-law, or individual who stood in loco parentis to the employee when he/she was a child), sibling (biological, adopted, foster, step, in-law, or half), child (biological, adopted, foster, step, or child to whom the employee stands in loco parentis), grandparents (biological, adopted, step, or in-law), grandchildren, custodial persons, a reportable occurrence under Arizona law of fetal death of a listed relation, and the employee's aunts, uncles, nieces, nephews, or first cousins.

B. Leave: For each occurrence of the death of a "Family Member," eligible full-time employees may receive up to (prorated for eligible part-time employees):

1. 24 hours when travel outside of Arizona is not required.
2. 40 hours when travel outside of Arizona is required.

Bereavement Leave must be used within 12 months of the death of the "Family Member".

C. Additional Time Needed: Bereavement Leave may also be taken in conjunction with other forms of qualifying leave (e.g., Vacation Time) subject to the provisions of this Policy.

XI. CIVIC DUTY LEAVE

A. Purpose: Civic Duty Leave may be used:

1. To exercise the right to vote consistent with state law, or
2. For other authorized civic activities that have been pre-authorized by the Board of Supervisors or County Manager (e.g., Combined Charitable Campaign events, or assisting the Maricopa County Elections Department with elections and related activities).

B. Eligibility: For purposes of voting, all employees eligible to vote may receive Civic Duty Leave as outlined below. For all other purposes of Civic Duty Leave, Classified, Unclassified, Contract, and Head Start Contract Employees may be eligible.

C. Use of Civic Duty Leave:

1. To Vote: All employees eligible to vote may receive up to three (3) hours to vote in an election if their scheduled shift does not permit a three (3) consecutive hour period in which the polls are open for them to vote.
 - a. Civic Duty Leave to vote must be requested prior to the day of the election.
 - b. The Appointing Authority may designate the hours when the employee may be absent from the workplace and require evidence of eligibility to vote.
2. All other Approved Civic Duty Events: Employees' (excluding Temporary Employees) ability to attend pre-authorized events is dependent upon the needs of the department and is subject to departmental approval processes.

XII. JURY DUTY LEAVE

A. Eligibility: Classified, Unclassified, Contract, and Head Start Contract Employees are compensated for their standard hours during which they report to serve or are serving on a municipal, county, state, or federal jury. Temporary Employees are not eligible.

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B. Use of Jury Duty Leave:

1. Employees must follow departmental approval processes and provide notice of the summons in advance of the scheduled jury duty. Departments may require verification of the jury duty.
2. Employees who attend jury duty for fewer hours than they are scheduled to work (e.g., an employee on a 4/10 schedule attends 8 hours of jury duty or a regularly scheduled employee attends 6 hours of jury duty), may, subject to the discretion of the Appointing Authority:
 - a. Work the remaining scheduled hours for that day on the same day or within the same work week that they attended jury duty; or
 - b. Use Vacation Time.
3. Employees on an alternative work schedule (e.g., 4 days/10 hours) are paid for all their standard hours during which they were actually on jury duty (e.g., an employee scheduled to work 4 days/10 hours who attends jury duty for 8 hours receives 8 hours of jury duty pay).
4. Employees summoned for jury duty who work on a second or third shift must have their schedule altered to permit them to fulfill their obligation to attend jury duty.
5. Waiting to Call: When employees are required to call during the workday to find out if they need to report to jury duty that day, they are not eligible for Jury Duty Leave pay. Employees should report to work as per their regular schedule until they call and find out if they are required to report for jury duty.
6. Jury Duty Payment: Employees keep their jury duty payment from the Court. Employees' regular pay is reduced by this payment, excluding mileage reimbursement, unless the employees attend jury duty during their regularly scheduled days off, while using Vacation Time or Leave Without Pay, or while absent on FMLA leave.

XIII. WITNESS LEAVE

- A. Eligibility:** Classified, Unclassified, Contract, and Head Start Contract Employees shall receive paid Witness Leave when noticed as a witness, subpoenaed to testify in a legal action arising from County work-related events, or subpoenaed by a governmental entity to testify in an unrelated action to the employee's work. Temporary Employees are not eligible.
- B. Use of Witness Leave:** Employees must follow departmental approval processes and provide a copy of the subpoena in advance of the date on which they are ordered to appear.

XIV. CRIME VICTIM LEAVE

- A. Purpose:** Employees who are the victim of a criminal offense or who are an immediate relation (spouse, parent, child, sibling, grandparent, or any other person related to the person by consanguinity or affinity to the second degree), or any other lawful representative of a person who has been killed or incapacitated during a criminal offense, may use their Sick Leave, Vacation Time, or LWOP in any combination to attend court proceedings related to the crime.
- B. Reasons for Crime Victim Leave:** Specifically, victims of juvenile offenses are given the right to leave work to be present at proceedings under A.R.S. §8-395 (post-conviction release hearing), §8-400 (any hearing at which the accused has the right to be present), §8-401 (detention hearing), §8-402 (post-arrest release hearing), §8-403 (plea negotiation hearing); §8-405 (disposition hearing), §8-406 (probation modification or termination hearing), and/or §8-415 (reexamination proceeding).

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Similarly, victims of adult offenses are given the right to leave work to be present at proceedings under A.R.S. §13-4414 (post-conviction release hearing), §13-4420 (any proceedings at which the defendant has a right to be present), §13-4421 (initial appearance), §13-4422 (post-arrest release hearing), §13-4423 (plea negotiation hearing), §13-4426 (sentencing), §13-4427 (probation modification or termination), and §13-4436 (re-examination proceeding).

C. Eligibility: All Employees (Classified, Unclassified, Contract, Head Start Contract, and Temporary).

D. Use of Crime Victim Leave: Leave to attend court proceedings must follow departmental approval processes and is subject to the needs of the department and the requirements below.

1. Employees seeking to use Victim Leave must provide the Appointing Authority:
 - a. A request for Victim Leave at least two weeks in advance of such leave, unless such advance time is not practicable or foreseeable.
 - b. A copy of the form or information provided by the law enforcement agency related to the crime.
 - c. If applicable, a copy of the notice of each scheduled proceeding that is provided to the victim by the agency that is responsible for providing notice to the victim.
2. Appointing Authorities who receive documentation qualifying employees for Crime Victim Leave:
 - a. Will approve the leave requested to attend proceedings at the dates and times specified unless such leave creates an undue hardship on the department (significant difficulty and expense to the department taking into consideration the departments size and resources and the critical need of the employee). Accrued balances must be sufficient for the paid time, or Leave Without Pay may be granted as requested.
 - i. Victims may notify the prosecutors if exercising their rights under this section would create an undue hardship for the County, so that the prosecutors can communicate the notice to the courts during the scheduling of proceedings where the victims have the right to be present.
 - ii. Care must be taken when documenting the leave to protect the confidentiality and privacy rights of the employee. All records related to Victim Leave will be afforded the same safeguards as other confidential, personal information.
 - b. Shall not refuse to hire or employ, to bar or to discharge from employment, or to discriminate against an individual in any terms, conditions, or privileges of employment because the individual leaves work pursuant to the provisions of this section.

XV. MILITARY LEAVE

- A.** Short and long-term Military Leave shall be granted in accordance with all state and federal laws.
- B.** Employees on Military Leave are eligible to remain on County benefits for up to 24 months. The County will pay the employer portion of such benefits for up to one (1) year of that time; the employee would have to cover the employer portion of such benefits beyond the one (1) year.

XVI. ADMINISTRATIVE LEAVE WITH PAY

- A.** Administrative Leave with Pay may be authorized for any employee for their standard work hours:
 1. At the Appointing Authority's discretion, to interview for another position within the County.

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2. When the Appointing Authority determines that an employee should be removed from the workplace. Leave granted for this reason:
 - a. Requires the Appointing Authority to consult with the HR Director monthly, when applicable, to determine whether the leave should continue.
 - b. Requires County Manager approval to continue the leave beyond 180 calendar days.

XVII. EMERGENCY LEAVE WITH PAY

A. Emergency Leave with Pay may be authorized for any employee for their standard work hours:

1. If authorized by the County Manager for emergency situations.
2. If authorized via a declaration by the Board of Supervisors or the Governor of the State of Arizona that a state of emergency, disaster, or grief exists.

XVIII. LEAVE WITHOUT PAY

A. Eligibility: Classified and Unclassified Employees may submit a written request to take a leave of absence without pay of up to six (6) months. Approval of such requests is subject to the discretion of the Appointing Authority and based on the needs of the department.

B. Use of Leave Without Pay:

1. All accrued and available paid leave must be exhausted before an employee may be placed on Leave Without Pay unless the situation falls under Section V.F. above or the employee is on protected Military Leave and chooses not to use earned paid leave.
2. If an employee will be on Leave Without Pay for a full pay period or more, the Appointing Authority must submit a Personnel Action Form indicating the leave to Human Resources.
3. Employees do not accrue Vacation Time or Sick Leave during periods of Leave Without Pay.

XIX. FURLOUGH

A. Purpose: A Furlough is mandatory unpaid leave of one or more days imposed by departments to accomplish a budget reduction as a result of a budget deficit.

B. Every department contemplating the need for a Furlough must comply with the provisions of County Policy [HR2403 Reductions in Force and Furloughs](#) and with any related budget policies.

C. Eligibility: All employees may be subject to Furloughs.

D. Furlough Rules:

1. Furlough time must be taken in full work day increments or the residual mandatory Furlough time of less than a full work day may be taken at one time.
2. Employees on Furlough:
 - a. Accrue leave at the same rates as they would for worked hours.
 - b. Where appropriate, remain eligible for Holiday Pay even if a Furlough day off occurs on the day before or the day after a Legal Paid Holiday.

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- c. Are not compensated at a later time for their unpaid Furlough days off.
- d. Who are exempt under the Fair Labor Standards Act (FLSA) must be managed consistently with the provisions of the FLSA and other applicable state or federal laws.
- e. Must not perform any work for the County while on furlough status (e.g., reviewing emails, taking work-related telephone calls or accessing County networks remotely).

E. See County Policy [HR2403 Reductions in Force and Furloughs](#) Policy for additional information.

XX. ADDITIONAL PROVISIONS FOR HEAD START CONTRACT EMPLOYEES

A. Human Services' full-time Head Start Contract employees may be offered:

- 1. Up to 48 hours of Vacation Time.
- 2. Up to 10 additional paid days for breaks such as fall, winter, or spring break as determined by the Human Services Department based upon the budget and academic calendar.
- 3. The County's standard health benefits, including employer-paid premiums, during unpaid, non-work periods as long as the employees meet the same eligibility requirements of regular employees and pay the applicable employee premiums for the unpaid time period. The applicable employee premiums can be paid in a lump sum at the beginning of the non-work period or the employee can continue to pay them directly to the County every 2 weeks.

B. Employees who are on an unpaid leave of absence of any duration on their scheduled work days prior to or after a paid break shall not receive the paid break time identified above.

XXI. EXECUTIVE COMPENSATION PACKAGES

A. Executive Compensation Packages (ECPs) for employees (except Temporary Employees) at a level equivalent to department deputy director or above may be approved by:

- 1. The Board of Supervisors; or
- 2. The County Manager or designee as long as the leave does not exceed 80 hours of Vacation Time, 80 hours of Sick Leave, and/or a Tier 3 accrual rate for Vacation Time and Sick Leave.

B. Separation: ECP recipients who separate from employment will only be paid out for Vacation Time if they have completed at least twelve (12) months of continuous non-temporary employment in the months immediately preceding the date of their separation. Contract and Head Start Contract Employees are not eligible for any payout of Vacation Time upon separation.

XXII. LEAVE ADJUSTMENT INCENTIVES

A. Leave Adjustment Incentives for employees (except Temporary Employees) in critical and difficult to retain or fill positions may be approved by:

- 1. The Board of Supervisors; or
- 2. The County Manager or designee as long as the leave does not exceed 80 hours of Vacation Time, 80 hours of Sick Leave, and/or a Tier 3 accrual rate for Vacation Time and Sick Leave.

Departments must show how the position is critical and difficult to fill.

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B. Separation: Recipients of a Leave Adjustment Incentive who separate from employment will only be paid out for Vacation Time if they have completed at least twelve (12) months of continuous non-temporary employment in the months immediately preceding the effective date of their separation. Contract and Head Start Contract Employees are not eligible for any payout of Vacation Time upon separation.

XXIII. REINSTATEMENT

A. Subject to the exceptions below, employees who separate from County service and return to County service within one year of separation shall be entitled to reinstatement of all accrued Sick Leave that was forfeited at the time of separation, shall have immediate access to such accrued paid Sick Leave, and shall accrue paid leave as set forth in this Policy.

B. Exceptions: Employees who retire and receive a Post-Employment Health Plan in exchange for their accrued Sick Leave acknowledge that they have received a greater benefit than required by state law, and therefore if they subsequently return to County employment, such employees shall not be entitled to reinstatement of any previously accrued Sick Leave and shall begin accruing paid leave as a new employee with zero months of credited service.

XXIV. MISCELLANEOUS

A. Non-Exempt Employees: With the exception of Holiday Pay, Emergency Leave with Pay, and Board approved Premium Pay Rates that allow for non-exempt employees to be compensated above their standard hours, an employee cannot be paid by any other form of paid leave (e.g., Vacation Time, Sick Leave, Bereavement, Civic Duty Leave, Jury Duty Leave, Administrative Leave with Pay, or Floating Personal Day) for more hours than their standard hours in a week. For example, an employee who is on vacation for the week and gets called into work on Saturday would only get paid 40 hours for that week (not 48 hours) and would have their Vacation Time reduced to 32 hours.

B. Exempt Employees: Exempt employees cannot use paid leave to be paid for more than 80 hours in a pay period except as outlined under Holiday Pay or under Board approved Premium Pay Rates that allow for compensation above 80 hours in a pay period.

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Revision History

Version	Revision Date	Description of Revision
1	12-17-2008	Initial version (C-31-09-006-6-00)
2	05-20-2009	Added provisions for furloughs (C-31-09-016-6-00)
3	06-22-2009	Modifications to fit conversion to new HRIS (C-31-09-018-6-00)
4	12-15-2010	Updated Holiday Pay calculation (C-31-09-018-6-01)
4	01-12-2011	Allowed contract and temporary employees to use military leave (C-31-09-018-6-02)
5	06-22-2011	Updated short term disability language (C-31-11-017-6-00)
6	07-06-2011	Updated donated vacation leave language (C-31-11-017-6-01)
7	02-22-2012	Various edits to alter what qualifies for leave (C-31-11-017-6-03)
8	06-24-2013	Updated language to reflect changes to Policy HR2413 <i>FMLA Approved Leaves of Absence</i> , to County Head Start Contracts, to Short Term Disability waiting periods, and to Legal Holidays, A.R.S. § 11-413 (C-31-11-017-6-04)
9	01-29-2014	Updated so FMLA eligibility is not needed to accept donated leave and clarified that contract employees can receive donated leave (C-31-11-017-6-05)
10	12-09-2015	Minor revisions to align with changes to Employee Merit System Rules (C-31-16-016-6-00)
11	06-21-2017	Revisions necessary to comply with A.R.S. 23-371 through 23-381 (Earned Paid Sick Time). (C-31-17-039-6-00)
12	06-27-2018	Updated and clarified language, added Recognition Leave, and change eligibility for vacation payout and donation of vacation time to 12 months (C-31-17-039-6-01)
13	09-19-2018	Unused donated vacation is not returned to donor and employees on protected military leave do not have to use paid leave before they go into an unpaid leave status (C-31-17-039-6-02)
14	05-22-2019	Added language to prevent frontloading vacation time, updated Recognition Leave, and updated the Reinstatement Section (C-31-17-039-6-03)
15	09-18-2019	Added Emergency Leave with Pay, a maximum and cap to donated Vacation Time, a maximum amount of Sick Leave that can be used for temporary and contract employees, and updated Bereavement Leave (C-31-17-039-6-04)
16	03-04-2020	Corrected a minor grammatical error under the Family Member definition (removed "in-law" under the child definition) and updated formatting.