



ADMINISTRATIVE DIRECTIVE

EARNED PAID SICK TIME	NUMBER 2.01-7N	PAGE 1 of 5
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I. PURPOSE

To implement Earned Paid Sick Time in accordance with applicable provisions of §§ 23-364, *et. seq.*, *Earned Paid Sick Time*, of Arizona Revised Statute (ARS).

II. POLICY

Employees regardless of classification or employment status are entitled to earn and use Earned Paid Sick Time (PST) in accordance with this Administrative Directive (AD). The Human Resources Department shall ensure Earned Paid Sick Time is administered city-wide pursuant to guidance and directives issued by the Industrial Commission of Arizona.

III. DEFINITIONS

A. Earned Paid Sick Time - means time, as defined in ARS § 23-371, that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked. Earned Paid Sick Time shall begin to accrue at the commencement of employment or on July 1, 2017, whichever is later.

B. 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, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood *in loco parentis* when the employee or employee's spouse or domestic partner was a minor child;
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 the 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.



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C. **Sick Leave** - means leave benefits provided in §22-90 of the *Leave Benefits Plan*, of the Tucson City Code (TCC), and administered in accordance with the Sick Leave AD 2.01-7B.

D. **Year** - means calendar year commencing on January 1.

IV. **ACCRUAL AND CARRYOVER**

Earned Paid Sick Time is not additional Sick Leave but Sick Leave designated as Earned Paid Sick Time. The first 20 hours of Sick Leave accrued after July 1, 2017 through December 31, 2017, shall be designated Earned Paid Sick Time. Thereafter, beginning January 1 of each calendar year, the first 40 hours of accrued Sick Leave shall be designated Earned Paid Sick Time. Employees shall not be entitled to accrue or use more than 40 hours of Earned Paid Sick Time in a calendar year.

A. Appointed and permanent part-time employees who work fewer than 20 hours per pay period and non-permanent employees shall accrue a minimum of one hour of Earned Paid Sick Time for every 30 hours worked.

B. Appointed and permanent part-time employees who work between 20 and 39 hours per pay period shall accrue Earned Paid Sick Time at the rate the employee is entitled to accrue Sick Leave in accordance with TCC §22-90.

C. Benefits-eligible appointed, permanent and probationary employees who work 40 hours or more per pay period shall accrue Earned Paid Sick Time at the rate the employee is entitled to accrue Sick Leave in accordance with TCC §22-90.

D. All employees are eligible to **use** Earned Paid Sick Time once the accrual is recorded in the payroll system. Usage is capped at a maximum of 40 hours a year.

E. A maximum of 40 hours of unused Earned Paid Sick Time shall be carried over to the following calendar year. Any carryover of Earned Paid Sick Time is available for the employee's immediate use at the beginning of the subsequent year, subject to the 40 hour maximum usage.

F. If an employee is transferred to a separate division, department, or location, or the employee's status or classification changes, the employee is entitled to all Earned Paid Sick Time accrued in his/her prior status or classification at the prior division, department, or location and is immediately entitled to use Earned Paid Sick Time as provided in this section.



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- G. When there is a separation from employment and the employee is rehired within nine (9) months of separation, previously accrued Earned Paid Sick Time that had not been used shall be reinstated, and the employee shall immediately be entitled to use accrued Earned Paid Sick Time. If the employee is rehired later than nine (9) months, meaning nine (9) months and one (1) day after the date of separation, unused accrued Earned Paid Sick Time will not be reinstated.
- H. Earned Paid Sick Time shall not be paid out upon an employee's separation from employment, unless the payout is pursuant to retirement in accordance with applicable provision of the Sick Leave AD 2.01-7B.
- I. All Sick Leave earned beyond 40 hours of Earned Paid Sick Time is Sick Leave accrual in accordance with Sick Leave AD 2.01-7B and applicable provisions of the TCC § 22-90. On January 1, Earned Paid Sick Time in excess of the maximum carryover of 40 hours shall be converted to Sick Leave.

V. USE

- A. For all employees, Earned Paid Sick Time is immediately available for use upon recording of the accrual in the payroll system. Employees who are entitled to accrue Sick Leave will have exhausted Earned Paid Sick Time prior to utilizing their accrued Sick Leave. Earned Paid Sick Time may be requested for:
 1. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
 2. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
 3. Closure of the City by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or



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- 4. Absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave request is to obtain either for the employee or the 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 counseling;
 - d. Relocation or taking steps to secure an existing home due to the 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 the domestic violence, sexual violence, abuse or stalking.

B. Donation of Earned Paid Sick Time is prohibited.

VI. REQUEST

- A.** Earned Paid Sick Time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the department and set policies. When possible, the request shall include the expected duration of the absence.
- B.** An employee shall make a good faith effort to provide notice of the need for such time to the employee's supervisor in advance of the use of the Earned Paid Sick Time and shall make a reasonable effort to schedule the use of Earned Paid Sick Time in a manner that does not unduly disrupt the operations of the department.
- C.** Documentation may be required for absences of three (3) days or more. Supervisors shall contact Department Human Resource Managers who will notify the employee of the request. This request does not diminish confidentiality or privilege provided by law.



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VII ANTI-RETALIATION PROVISION

- A. Interfering with, restraining, or denying the exercise of, or the attempt to exercise, any right protected pursuant to this AD or ARS §§ 23-364, *et. seq.*, is strictly prohibited.
- B. Retaliation against an employee or former employee because the person has exercised rights protected pursuant to ARS §§ 23-364, *et. seq.*, is strictly prohibited.

VIII. CONFIDENTIALITY AND NONDISCLOSURE

Employees are not required to disclose and supervisors/managers are prohibited from asking for details relating to domestic violence, sexual violence, abuse or stalking or the details of an employee or his/her family member's health information as a condition of providing Earned Paid Sick Time. If any information is disclosed or city personnel possesses health information or information pertaining to domestic violence, sexual violence, abuse or stalking about an employee or employee's family member, such information shall be turned over to Central Human Resources and treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.

Forms All forms may be obtained through the Human Resources Department.

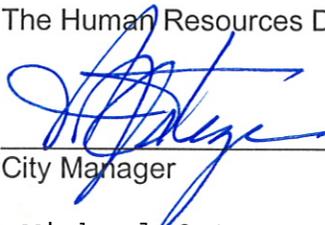
References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

- 2.01-7B Sick Leave
- 2.01-7C Family and Medical Leave (FML)
- 2.01-7D Medical Leaves and Parental Leave
- 2.01-7G Military Leave

Arizona Revised Statute, Title 23, Article 8.1, *Earned Paid Sick Time*
 Industrial Commission of Arizona: www.azica.gov

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized



 City Manager

 Date 7/11/17

Michael Ortega