

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject LEAVES AND ABSENCES	Policy Number GC-1
		Effective Date 03-28-24
Related Information Maricopa County Employee Merit System Resolution and Rules Maricopa County Law Enforcement Officer Merit System Rules Maricopa County Employee Leave Policy HR2415 Maricopa County FMLA Approved Leaves of Absence HR2413 ARS 11-251, ARS 23, Chapter 6 (Workers' Compensation), 23-371, 23-373, 26-168, 38-298, 38-610 and 38-1112 Uniform Services Employment and Reemployment Rights Act (USERRA) GC-4, <i>Detention/Civilian Employee Performance Appraisals</i> GC-4(S), <i>Sworn Employee Performance Appraisals and Management</i> GC-16, <i>Employee Grievance Procedures</i> GD-16, <i>Modified Duty</i> GD-19, <i>Injury or Death of an Employee or Volunteer</i> GH-2, <i>Internal Investigations</i> GH-5, <i>Early Identification System</i> GJ-2, <i>Critical Incident Response</i>		Supersedes GC-1 (08-26-20)

PURPOSE

The purpose of this Office Policy is to outline the established Maricopa County policy for approved employee leaves of absence and the procedures required of Office employees to request leave. This Office Policy is derived from the Maricopa County Family Medical Leave Act (FMLA) Approved Leaves of Absence Policy HR2413, and the Maricopa County Employee Leave Policy HR2415, which were authorized by the Board of Supervisors, pursuant to Arizona Revised Statutes (ARS) 11-251.

This Office Policy applies to full time and part time classified and unclassified employees of Maricopa County, and where noted, to contract employees, temporary employees, and employees on initial probation. This Office Policy does not apply to individual elected officials. Volunteers are not subject to the provisions of this Office Policy.

POLICY

It is the policy of the Office to provide employees a comprehensive leave plan that is in compliance with the Family and Medical Leave Act (FMLA) and all other employee leave-related state and federal laws. Should this Office Policy conflict with federal and state laws, those laws shall supersede.

DEFINITIONS

Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendments Act (ADAAA): Federal law that protects individuals with disabilities recognized under the ADA and ADAAA who are able to perform the essential functions of their position with or without reasonable accommodation. For purposes of this Office Policy, “ADA, as amended” shall encompass both laws.

Certification of Health Care Provider (CHCP): A U.S. Department of Labor form used when an employee seeks a leave of absence under the Family and Medical Leave Act (FMLA). The form is to be completed by a health care provider as described in this Office Policy.

Classified Employee: All employees in positions in Maricopa County who are covered by a Maricopa County Merit System. Excluded are those employees identified as temporary, initial probation, or contract employees; and employees specifically identified as unclassified.

Contract Employee: An at-will employee hired to work for a defined purpose or project and defined time period.

County Payroll System: The Maricopa County payroll system used to record hours worked and attendance data, and to generate payroll information.

Disability: A physical or mental impairment that substantially limits one or more major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

Early Departure: An occurrence when an employee has an abrupt or urgent unscheduled event requiring them to depart work prior to the completion of a scheduled shift. This does not include events which are requested in advance and approved by the supervisor.

Electronic Time Off Request (eTOR): A electronic form submitted through the Maricopa County payroll system used by employees to request leave from work (or to provide notice of leave for military duty), to specify the type of leave accruals used, to notate whether the leave is for an FMLA event, and if applicable, the specific type of FMLA. The eTOR is submitted electronically to the supervisor for approval or denial.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Essential Functions: Those fundamental, not marginal tasks which are considered indispensable to the successful completion of a job's duties. Functions are considered essential when employees are required to perform them and when their elimination would fundamentally alter the job. A function which is rarely performed may nevertheless be essential.

Exempt Employee: Employees who meet the definition of an executive, administrative, or professional employee as defined in the Fair Labor Standards Act (FLSA). Employees who are designated as exempt are not eligible for overtime pay.

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.

FMLA-Qualifying Event: An event that qualifies under the FMLA, permitting an employee to take a job-protected leave of absence.

Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which they practice. Any other person determined by the United States Department of Labor to be capable of providing health care services, as specified in Maricopa County Policy HR2413.

Initial Probation: A specified period of time following the employment of a classified employee in a budgeted position during which the work performance of the employee is evaluated. A classified employee may be released from initial probation for or without cause.

1. **Initial Probation, Detention Only:** With the exception of Job Profile adjustments and reassignments, detention personnel must serve an initial probation period upon their most recent employment, to include hire, promotion, demotion, or transfer into any classified position. The initial probation period shall be a minimum of one year and may be extended by the Sheriff or designee for up to six additional months.
2. **Probationary Appointment, Sworn Only:** The appointment to a regular position through

certification in accordance with the Law Enforcement Officers' Merit System Rules. The probationary period for the probationary appointment of an entry level employee shall be one year and may be extended by the Sheriff or designee for up to six additional months.

3. An employee may be separated at any time during the initial probationary period without the right of appeal. In any case of suspension, dismissal, or demotion during an employee's initial probationary period the Sheriff or designee may investigate the circumstances and causes for the action taken. The employee must be given written notice of the action taken by the Sheriff or designee prior to the expiration of the established probationary period or the employee will be considered to have successfully completed the probationary period.

Leave Management Section (LMS): Employee Retention and Performance Division staff assigned to oversee issues relating to medically related leave, industrial injuries, ADA and FMLA compliance, modified duty, and military leave (formerly known as the Employee Medical Leave Section or EMLS).

Minimum Service Requirements: The amount of service to Maricopa County an employee must work to be eligible for FMLA leave. The minimum service requirement necessitates that an employee work for Maricopa County for at least 12 months and have actually worked at least 1,250 hours during the past 12 months. Previous employment with Maricopa County going back seven years shall count towards meeting the 12-month employment requirement.

Protected Leave: Absences that are protected by Arizona's Earned Paid Sick Leave law (A.R.S. 23-371 et seq.), the Family Medical Leave Act (FMLA), or as authorized as an accommodation under the Americans with Disabilities Act (ADA), as amended.

Reasonable Accommodation: Any changes to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables a qualified individual with a disability to perform the essential job functions of that position without imposing an undue hardship on the Office or imposing a direct threat to the safety of the individual or others in the workplace.

Recognition Leave: Paid leave awarded to incentivize and recognize employees for outstanding contributions that clearly demonstrate excellence on a project, task, or function.

Rolling 12 Month Period: A period of time used to determine FMLA leave entitlement. A rolling 12-month period is measured forward from the date FMLA leave first occurs. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the 12 months. For example, if an employee used four weeks beginning July 1, 2017, four weeks beginning October 1, 2017, and four weeks beginning December 1, 2017, the employee would not be entitled to any additional FMLA leave until July 1, 2018.

Scheduled Absence: A request for time off work submitted in advance and approved by a supervisor.

Serious Health Condition: A condition that qualifies under the FMLA permitting an eligible employee to take a job-protected leave of absence. A serious health condition includes an illness, injury, impairment, or physical or mental condition that involves inpatient/hospital care; continuing treatment by a health care professional for a health condition lasting three or more consecutive calendar days; chronic conditions requiring treatment over an extended period of time; incapacity due to pregnancy or prenatal care; permanent long-term conditions requiring supervision; and other absences to receive multiple treatments for restorative surgery or for other conditions.

Tardy: An occurrence when an employee is not present at the start of their scheduled shift. This does not include events which are requested in advance and approved by a supervisor.

Temporary Employee: An at-will employee who works on an as-needed basis, generally for a limited number of hours or a limited period of time.

Unclassified Employee, Civilian Only: An at-will employee not covered by the Maricopa County Employee Merit System Resolution and Rules.

Uniformed Service: The performance of duty on a voluntary or involuntary basis in a uniformed service (the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency), under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard, a period for which such person is absent from a position of employment for the purpose of an examination to determine the fitness of the employment, for the purpose of performing funeral honors duty as authorized by USERRA. 38 U.S.C. Part III, Ch. 43, 4303.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA): A federal statute that protects service members' and veterans' civilian employment rights and protects service members from discrimination in the workplace based on their military service or affiliation. 38 U.S.C. Part III, Ch. 43.

Unscheduled Absence (UA): An occurrence when an employee is scheduled to work and is not present at their assigned work location for that shift. An unscheduled absence does not include tardies or early departures.

PROCEDURES

1. **Paid Leaves and Absences:** Paid leaves consist of Bereavement Leave, Civic Duty Leave, Jury Duty Leave, Witness Leave, Crime Victim Leave, Military Leave, Administrative Leave with Pay, Floating Personal Day, Recognition Leave, Vacation Leave, Sick Leave, Holiday Leave, and Parental Leave.

A. Bereavement Leave: Full-time classified, unclassified, or contract employees may use paid Bereavement Leave for each occurrence of the death of a family member. Part time employees may be eligible for prorated Bereavement Leave. Temporary employees are not eligible for Bereavement Leave. The employee shall submit a request for Bereavement Leave electronically through the Maricopa County payroll system to their supervisor for approval, the supervisor has discretion to approve Bereavement Leave. If the pay period for which the Bereavement Leave time taken has already closed and the timecard can no longer be changed by the supervisor, the employee shall send an e-mail to their supervisor requesting the change. The supervisor shall forward the e-mail containing the following information to MCSO Payroll personnel.

1. The need for the electronic timecard adjustment;
2. The dates of leave;
3. The leave code that should be used; and
4. How many hours per day were used.

For purposes of Bereavement Leave, "Family Member" includes: an employee's spouse to whom they are 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 they were a child), sibling (biological, adopted, foster, step, in-law, or half), child (biological, adopted, foster, step, in-law, stillborn, miscarriage, 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.

5. For each occurrence of death of a family member, eligible full-time employees may receive paid Bereavement Leave of up to 24 hours when travel outside of Arizona is not required. If the occurrence of death requires travel out of the state, eligible employees may receive Bereavement Leave of up to 40 working hours.
 6. Up to an additional 16 hours of bereavement leave may be granted for the death of an eligible full-time employee's spouse, child (biological, adopted, foster, or step), or parent (biological, adoptive, foster, or step). These additional bereavement leave hours may be prorated for eligible part-time employees.
 7. Eligible employees shall be required to use other forms of qualifying leave (e.g. Vacation or Leave without Pay (LWOP)) when the requested time away from work for bereavement purposes exceeds the maximum time permitted under this Office Policy.
 8. The supervisor may require documentation substantiating the need for Bereavement Leave.
 9. Bereavement Leave may be taken intermittently and must be used within 12 months of the death of the "Family Member."
- B. Civic Duty Leave: Employees, excluding temporary employees, may use paid Civic Duty Leave. All employees eligible to vote may receive Civic Duty Leave as specified below:
1. An employee may be compensated for up to three hours of Civic Duty Leave to vote in an election when the employee's scheduled shift does not permit a three consecutive hour period in which the polls are open.
 - a. Civic Duty Leave to vote must be requested prior to the day of the election, and the supervisor may designate the hours when the employee may be absent from the workplace.
 - b. The supervisor may require evidence of eligibility to vote prior to approving time off to vote.
 2. The Board of Supervisors or the Maricopa County Manager may pre-approve Civic Duty Leave for authorized Maricopa County events. These events include such things as: Combined Charitable Campaign events or for employees who assist the Maricopa County Elections Department with elections and election-related activities.
- C. Jury Duty Leave: Employees, except temporary employees, shall be permitted Jury Duty Leave when an employee is called to serve on a municipal, county, state, or federal jury during regularly scheduled work hours. Jury Duty Leave does not count toward time worked for the purpose of overtime eligibility and shall be flexed down to prevent going over 40 hours within a pay week.
1. The employee must provide a copy of the summons to their supervisor in advance of the scheduled jury duty date so that the supervisor is aware that the employee may have to attend court for jury duty.
 2. If the employee is selected to appear for jury duty and is not chosen to serve additional days as a juror, the employee shall submit a request for Jury Duty Leave electronically through the Maricopa County payroll system to their supervisor for approval. If the pay period for which the Jury Duty Leave has already closed, the requesting employee shall provide a copy of the documentation received from the court for proof of attendance.

- a. The supervisor shall enter the Jury Duty Leave for the number of hours actually on jury duty, up to eight hours, on the employee's electronic timecard in the Maricopa County payroll system.
 - b. The supervisor shall forward a copy of the documentation received from the court as proof of attendance, to the Maricopa County Sheriff's Office (MCSO) Payroll.
 - c. The employee may keep the mileage reimbursement.
3. If the employee is chosen to serve on a jury, the employee shall advise the supervisor of the expected length of the trial.
- a. The supervisor shall enter Jury Duty Leave for eight hours on the employee's electronic timecard in the Maricopa County payroll system for each day the employee is required to report for jury duty.
 - b. The employee shall send an email to their supervisor if the pay period for which the Jury Duty Leave that was taken has already closed and give the supervisor a copy of the documentation received from the court, including a copy of each check as it is received by the employee as payment for jury duty.
 - c. The supervisor shall forward the email and documentation from the court, including a copy of each check as it is received by the employee, to MCSO Payroll.
 - d. The employee shall keep all checks received from attending Jury Duty. If the employee serves more than one day, MCSO Payroll will reduce the employee's pay by the payment received, excluding mileage reimbursement. All documentation received showing attendance, shall be forwarded to MCSO Payroll.
4. Employees on an alternative work schedule, such as four 10-hour days, may be granted up to eight hours of Jury Duty Leave for each day the employee is required to report for jury duty.
- a. An employee scheduled to work four 10-hour days who attends jury duty for eight hours, shall receive eight hours of Jury Duty Leave.
 - b. If an employee on an alternative work schedule attends jury duty for fewer hours than the employee was scheduled to work, the employee, with supervisor approval, may address the remaining scheduled work hours through one of the following options:
 - (1) The employee may work the remaining scheduled hours for that day on the same day that the employee attended jury duty.
 - (2) The employee may take Vacation Leave.
 - (3) The employee may work the remaining scheduled hours within the same work week. Exempt employees may make up hours within the same pay period.

5. When an employee summoned for jury duty is regularly assigned to work on a second or third shift, the supervisor must alter the employee's work schedule so that the employee is able to fulfill their obligation to attend jury duty. Jury Duty Leave does not count as time worked for the purpose of calculating overtime eligibility.
 6. When employees are required to call during their scheduled workday to find out if they need to report to jury duty that day, they are not eligible for Jury Duty Leave pay. Employees shall report to work as per their regular schedule until they call and find out if they are required to report for jury duty.
 7. An employee may keep any payment received for jury duty attended during their regularly scheduled days off, or while on Vacation, Leave without Pay, or while absent on FMLA Leave.
- D. Witness Leave: Employees, except temporary employees, are entitled to paid Witness Leave when the employee is absent from the workplace as the result of being subpoenaed to testify in a legal action arising from work-related events, or when subpoenaed by a governmental entity to testify in an action, even if unrelated to the employee's work.
1. Employees must notify their supervisors and provide a copy of the subpoena in advance of the date on which the employee is ordered to appear. The employee shall submit a request for Witness Leave electronically through the Maricopa County payroll system to their supervisor for approval. If the pay period for which the Witness Leave was used has already closed, a memorandum shall be required from the requesting employee.
 - a. The supervisor should enter the code through the Maricopa County payroll system.
 - b. The supervisor shall forward the memorandum with explanation and copy of the check they receive to the MCSO Payroll and a deduction will be made from their check for that amount.
 2. Witness Leave is not available to employees who are subpoenaed to testify by a private person or entity, or who voluntarily agree to appear and testify in any kind of action. In such circumstances, employees may use Vacation Leave or Leave without Pay, if approved by the supervisor.
- E. Crime Victim Leave: 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 Leave, or LWOP in any combination to attend court proceedings related to the crime. For additional information regarding the use of Crime Victim Leave, employees shall refer to Maricopa County Policy HR2415.
- F. Military Leave (Uniformed Service): Short- and long-term Military Leave shall be granted to all employees (including contract and temporary) for uniformed service in accordance with applicable state and federal laws. Restoration to a Maricopa County position following uniformed service shall likewise be in accordance with state and federal law.
1. Employees shall provide advance notice of their military service obligation to the chain of command in addition to providing notice to the Leave Management Section (LMS) in instances when leave will be more than 30 calendar days; notice must be provided as far in advance as reasonable under the circumstances. Advance notice can be written or verbal.

2. Supervisors shall keep a copy of any documentation for the active military duty in the employee's Division File; except in instances when leave will be more than 30 calendar days, in which case the original documentation shall be forwarded through the chain of command to the LMS. Any changes to the leave shall be reported to the supervisor and/or LMS.
3. For Uniformed Service of 30 Calendar Days or Less:
 - a. Before leaving for active duty, employees shall submit a request for Military Leave (e.g. military orders, annual training requirements, assembly dates, drills, etc.) to their chain of command as soon as it becomes available electronically through the Maricopa County payroll system to their supervisor for approval.
 - b. After completion of active duty, employees must report to their next work shift following the end of active military duty, safe travel, and eight hours of rest.
 - c. Supervisors must notify and forward to the LMS any related documentation when employees take leave for at least a full pay period due to active military duty so they may place the employee on Military Leave in the Maricopa County payroll system.
4. For Uniformed Service of More than 30 Calendar Days:
 - a. Before leaving for active duty, employees must contact the LMS to coordinate appropriate documentation, benefits information, and any other questions. Employees on Military Leave are eligible to remain on Maricopa County benefits for up to twenty-four months. The County will pay the employer portion of such benefits for up to one year of that time; the employee would have to cover the employer portion of such benefits beyond one year.
 - b. After completion of active duty, employees must contact the LMS to coordinate return-to-work notification and reporting requirements, appropriate documentation, benefits information, and other questions.
5. Military Leave with Pay: State law provides that employees shall be granted Military Leave with pay for up to 30 calendar days within any two consecutive years. For purposes of calculating paid Military Leave, the two years is defined as the current year and the immediate prior year. Paid Military Leave balances are adjusted at the beginning of each federal fiscal year (October 1st) by subtracting paid Military Leave used in the prior federal fiscal year from the allowed balance of 240 hours (30 days). The remaining balance is available for the current year.
 - a. For uniformed service of 30 calendar days or less, employees or, if unavailable, their supervisor, shall code the electronic timecard using available Military Service hours, until such hours are exhausted, for the duration of leave.
 - b. For uniformed service of more than 30 calendar days, the LMS will manage and approve the employee's electronic timecard using available Military Service hours until exhausted.
6. Once paid Military Service hours has exhausted, employees will be placed in a Military Leave Without Pay (Military Leave W/O pay) status for the remaining duration of their active military duty. Employees may use Vacation Leave accruals in lieu of Military

without Pay for time on active military duty, with advance written notification to their chain of command or the LMS.

G. Administrative Leave with Pay:

1. Administrative Leave with Pay shall be granted to employees under the following circumstances:
 - a. If authorized by the Maricopa County Manager for emergency situations, or when an employee has been given notice of a Reduction in Force.
 - b. If authorized by the Board of Supervisors or the Governor of the State of Arizona that a state of emergency, disaster, or grief exists.
 - c. When the Office determines that an employee should be removed from the workplace for allegedly engaging in misconduct that will likely result in discipline, as specified in Office Policy GH-2, *Internal Investigations*.
 - d. When the Office determines that an employee should be removed from the workplace after a critical incident, as specified in Office Policy GJ-2, *Critical Incident Response*.
 - e. When the Office determines that an employee may need to participate in a Fitness for Duty Exam pursuant to ARS Title 38, Chapter 8, Article 1, or where the Office has reason to believe the employee is a direct threat to self or others, where there is significant risk of loss to property, or if the Office deems it necessary.
2. When Administrative Leave with Pay is granted pursuant to Sections 1.G.1.d or 1.G.1.e of this Office Policy, then:
 - a. Leave should not be longer than 180 calendar days, not including Maricopa County observed holidays, beginning the day the Administrative Leave with Pay is granted, unless otherwise approved by the County Manager.
 - b. The Office shall provide the Maricopa County Human Resources Director or designee notification of the Administrative Leave with Pay by completing an entry in the Maricopa County payroll system by designated personnel.

H. Floating Personal Day: All classified and unclassified employees whose standard hours are 40 hours per week shall be granted eight 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 and temporary employees are not eligible for a Floating Personal Day.

1. The employee shall submit a request for Floating Personal Day electronically through the Maricopa County payroll system to their supervisor for approval.
2. An employee's ability to use the Floating Personal Day, or to split the Floating Personal Day over two days, must be pre-approved by the employee's supervisor, and is subject to the needs of the Office and the supervisor's discretion. The supervisor shall approve or deny the request in a timely manner.
3. The Floating Personal Day should not be approved after the fact for an Unscheduled Absence (UA) from work.

4. The Floating Personal Day expires at the close of business on December 31st of each calendar year. If unused, the Floating Personal Day does not roll over into the next calendar year, and it is not paid out if an employee leaves Maricopa County service.
 5. Subject to the discretion of the supervisor, the Floating Personal Day may be made available to an employee on initial probation if the employee's job performance is acceptable and the calendar year shall expire before the end of the employee's initial probation.
- I. Recognition Leave: All classified and unclassified employees may be awarded Recognition Leave for performing in an outstanding manner on a task, project, or goal, and who exhibits exemplary overall work performance that has occurred within the last 12 months. Part-time employees, temporary employees, employees who are not otherwise determined eligible for leave, and employees who have received discipline in the form of a Written Reprimand or higher in the previous 24 months, are not eligible for Recognition Leave.
1. Employee Recognition Leave shall be equal to the hours of an employee's regular daily shift.
 2. Recognition Leave is not to exceed one recognition per employee during a calendar year. No more than approximately 10% of the Offices' workforce may receive Recognition Leave in any one calendar year.
 3. The supervisor shall complete a *Recognition Leave Request Form* for the employee they would like to recognize and forward it through their respective chain of command for approval by their bureau chief.
 4. A review of the employees Early Identification System (EIS) records shall be conducted by the supervisor prior to submitting the *Recognition Leave Request Form* through the chain of command.
 5. If the *Recognition Leave Request Form* for an employee has been approved by a bureau chief:
 - a. The approved *Recognition Leave Request Form* shall be submitted to MCSO Payroll who shall provide the document to County Payroll, to upload into the Maricopa County payroll system. MCSO Payroll shall provide a copy of the document to the Early Intervention Unit for entry into the EIS.
 - b. The bureau chief's administrative support staff shall notify the supervisor of the *Recognition Leave Request Form* submittal for employee notification purposes.
 - c. The hours will be added to the electronic timecard under the pay code REC (Recognition Leave).
 - d. Recognition Leave hours will be visible on the employee's leave accrual tab in the Maricopa County payroll system along with other accruals such as Sick, Vacation, and Float Day. However, the hours will not be reflected on the employee's accruals balances on their earning statement.
 - e. The employee shall submit a request to use their Recognition Leave through the Maricopa County payroll system to their supervisor for approval.

- 6. Use of Recognition Leave:
 - a. An employee’s ability to use Recognition Leave must be pre-approved and is subject to the needs of the Office.
 - b. An employee may request to use Recognition Leave starting the pay period it is loaded into the Maricopa County payroll system and may not use it prior to the current pay period in which the Office approves its use.
 - c. Recognition leave does not count toward the calculation of overtime and shall not be used to place an employee over 40 hours in an individual week.
 - d. Recognition Leave expires at the close of business on December 31st of each calendar year it is awarded and is not paid out when employees separate from Maricopa County service.

J. Vacation Leave: Vacation Leave may be used by eligible employees on a discretionary basis for any purpose, subject to the supervisor’s approval, based on the business needs of the Office. Only classified, unclassified, and contract employees are eligible to accrue or receive Vacation Leave. Typical uses of Vacation Leave include, but are not limited to: vacations, personal business meetings, and family-oriented events, such as school events and family gatherings. Vacation Leave may be used for medical appointments and any sick event if the employee has insufficient Sick Leave to cover the event (Sick using Vacation Pay (SVP.) Vacation Leave shall also be used for qualified leave under the FMLA where the employee has insufficient Sick Leave.

- 1. Accrual Rates: Vacation Leave is accrued by all classified and unclassified employees whose regular work schedule is at least 20 hours per week. Vacation Leave is not accrued by nor awarded to contract, temporary, and employees appointed without leave. However, contract employees may receive an annual lump sum award of vacation hours not to exceed the amount of leave a classified employee with equivalent years of service would accrue in a calendar year on a prorated basis. Temporary employees are not eligible to accrue or receive Vacation Leave.

Classified and unclassified employees who are in a pay status of 40 hours per week shall accrue Vacation Leave as follows:

Months of Credited Service	Hours Per Pay Period	Hours Per Year	Days Per Year (based on 8-hour work day)
0 -36 months	4.65	120.9	15.1
37-72 months	5.55	144.3	18.03
73-120 months	6.90	179.4	22.4
121-180 months	7.90	205.4	25.6
181-228 months	8.50	221.0	27.6
229 months plus	8.80	228.8	28.5

Eligible employees who are in a pay status of 20 to 39.99 hours per week shall accrue Vacation Leave on a pro-rata basis, based on hours paid and months of credited service.

- 2. Impact of Absences on the Accrual of Vacation Leave: Vacation Leave shall continue to accrue during any paid absence, unless noted (such as a Supplemental Benefits Pay (SBP) code used for a PSPRS offered benefit plan) but shall not accrue during any hours of Leave

without Pay. Vacation Leave shall accrue on a pro-rata basis during any pay period where the employee takes Leave without Pay for some, but not all of the pay period. Vacation Leave shall not be charged against an employee's accrued balance for an authorized holiday leave that occurs while an employee is out on Vacation Leave.

3. Carryover of Vacation Leave:
 - a. Classified Employees: Classified employees may carry over a maximum of 240 hours of Vacation Leave from one calendar year to the next. Vacation time in excess of 240 hours at the end of each calendar year shall be transferred to the employee's Sick Leave balance.
 - b. Unclassified Employees: Unclassified employees who accrue Vacation Leave may carry over a maximum of 320 hours from one calendar year to the next. Vacation Leave in excess of 320 hours at the end of each calendar year shall be transferred to the employee's Sick Leave balance.
 - c. Contract Employees: Contract employees who accrue or receive Vacation Leave do not carry over hours from one calendar year to the next.
 - d. Vacation Leave 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 Leave that would otherwise roll over to Sick Leave at the end of the year (e.g., recording 24 hours of Vacation Leave on December 31st to cover hours on January 2nd and 3rd.)

4. Use of Accrued Vacation Leave:
 - a. If the need to use Vacation Leave is foreseeable, the employee must request and be granted approval in advance of using the Vacation Leave at which time the absence becomes a scheduled absence.
 - (1) The request to use Vacation Leave should be submitted at least two business days in advance.
 - (2) The employee shall request Vacation Leave electronically through the Maricopa County payroll system to their supervisor for approval.
 - (3) The supervisor has discretion to approve or deny the Vacation Leave request and shall make a determination in a timely manner.
 - (4) Any request in excess of 30 consecutive calendar days shall require the approval of a bureau chief.
 - b. If the need for Vacation Leave is unforeseeable, the employee's leave shall be identified as an Unscheduled Absence (UA) and documented, as specified in Section 4 of this Office Policy. The employee must disclose to the supervisor the circumstances warranting a request for Vacation Leave without advance approval. The supervisor has discretion to require that the employee submit documentation or corroborating evidence substantiating the need for unforeseeable Vacation Leave. The documentation or corroborating evidence may include, but is not limited to, an invoice documenting the unanticipated event, such as an auto or

home repair, or a written explanation of the situation with a business number that could be called, such as a child's school or day care, to confirm the event.

- (1) Upon returning to work from the UA, the employee must submit the UA time through the Maricopa County payroll system before the end of their shift.
 - (2) If the pay period for which the UA leave time taken has already closed, and the timecard can no longer be changed by the supervisor, the employee shall send an e-mail to their supervisor requesting the change. The supervisor shall forward the e-mail containing the following information to MCSO Payroll personnel.
 - (a) The need for the electronic timecard adjustment;
 - (b) The dates of leave;
 - (c) The leave code that should be used; and
 - (d) How many hours per day were used.
5. Payout of Vacation Leave upon Separation from Employment: At the time a classified or unclassified employee who has completed at least 12 months of continuous employment separates from Maricopa County employment, all unused Vacation Leave accruals shall be paid at the employee's current base pay rate, as specified in Maricopa County Policy HR2415. Contract employees are not entitled to this payout.
6. Donation of Vacation Leave: An employee who accrues Vacation Leave may donate accrued Vacation Leave time to another employee's Sick Leave balance. A donation of Vacation Leave is permitted where the donation will assist another employee whose Sick Leave and Vacation Leave balances are insufficient to cover an absence caused by the serious health condition as defined by the FMLA of the recipient or their immediate family member, as defined by the FMLA. The following conditions apply to the donation and receipt of Vacation Leave:
- a. Donation of Vacation Leave: Employees shall complete and submit a *Donation of Vacation Leave Form* to the LMS. The LMS shall coordinate the donation of Vacation Leave with the Maricopa County Human Resources Department.
 - b. Request Donation of Vacation Leave: To obtain approval to receive donated Vacation Leave, an employee must:
 - (1) Submit a written request to the LMS for donations of Vacation Leave; and
 - (2) Submit documentation from a health care provider to the LMS. This documentation must state that the employee has a need that is expected to cause an absence from work of at least two consecutive weeks, or an intermittent absence due to medical treatment for radiation, chemotherapy, or dialysis.
 - (3) Once the LMS receives the request for donations and documentation from the employee's health care provider, the LMS shall inform the employee's

chain of command regarding the request and coordinate the donation of Vacation Leave with the Maricopa County Human Resources Department.

- c. Receipt of Donated Vacation Leave: Upon approval to receive a donation of Vacation Leave, the Maricopa County Human Resources Department shall transfer donated leave to the recipient as a Donated Sick Leave balance in an amount not to exceed coverage needed for the pay period. If there is insufficient leave donated for the pay period, the remaining scheduled hours shall be Leave without Pay.
- d. Once donated to the employee, Vacation Leave shall not be returned to the donor.
- e. The dollar ratio of donated Vacation Leave to the recipient's Donated Sick Leave balance shall be adjusted proportionately to the salaries of the donor and the recipient.
- f. The recipient may only use enough donated Vacation Leave to satisfy the Short-Term Disability exclusion period, as specified in this Office Policy.
- g. An employee who is receiving Workers' Compensation Benefits, Short Term Disability, or Long-Term Disability Benefits shall not be eligible to receive donated leave.
- h. An employee can only have one qualifying event per rolling year from the start of the event.
- i. An employee may receive up to six months (1040 hours for a full-time employee) of donated Vacation Leave for each qualifying event which may be used consecutively or intermittently.
- j. An employee shall not accrue leave while using paid Donated Sick Leave.
- k. Donated Sick Leave shall only be entered on an employee's electronic timecard by the LMS.

K. Sick Leave:

- 1. Purpose and Eligibility Requirements: Sick Leave (which includes Earned Paid Sick Time as defined by ARS 23-371 et seq.) is a paid absence from the workplace for an eligible employee who is absent due to personal illness or injury; an FMLA-qualifying event; preventative and routine medical or dental appointments for the employee or employee's family member; occasions that require the employee to care for a family member who is ill or injured; absence due to domestic violence, sexual violence, abuse or stalking as defined by state law; or any other purpose authorized by state law.
 - a. The first 40 hours usage of accrued paid Sick Leave in a calendar year may be used for the above purposes or for any other purpose as defined within ARS 23-373 et seq.
 - b. Sick Leave is not intended to be used as a substitute for Vacation Leave or as a way to otherwise obtain paid time off.
- 2. Within the context of this Sick Leave provision, a family member includes the following:
 - 1) a spouse or domestic partner (any 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); 2) a child (any age), including biological, adopted, stepchild, legal ward, child of domestic partner, or child to whom the employee stands in loco parentis currently or when the child was a minor), 3) a parent (biological, foster, stepparent or legal guardian of the employee, employee’s spouse or domestic partner, or any person who stood in loco parentis when the employee or employee’s spouse or domestic partner was a minor child), 4) grandparent or grandchild (whether of a biological, foster, adoptive or step relationship of the employee, the employee’s spouse or domestic partner), 5) sibling (whether of a biological, foster, adoptive or step relationship of the employee, the employee’s spouse or domestic partner).

Within the context of **only** the first 40 hours of paid Sick Leave used in a calendar year, a family member also includes any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

3. Accrual Rates: Sick Leave is accrued by all classified employees 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, as set forth below. Employees are eligible to accrue Sick Leave beginning on the first day of employment with the Maricopa County and may begin using accrued Sick Leave as it is earned.

CLASSIFIED EMPLOYEES		
Months of Credited Service	Accrued Sick Leave Per Paid Hour	Total Accrued Sick Leave Per Year Cap
0-36	.0333	40
37-72	.0333	48.1
73 plus	.0333	59.8

Unclassified employees will accrue Sick Leave in greater increments based upon months of credited service, as set forth below, with the earnings capped at the totals set forth.

UNCLASSIFIED EMPLOYEES		
Months of Credited Service	Accrued Sick Leave Per Paid Hour	Total Accrued Sick Leave Per Year Cap
0-36	.03875	80.6
37-72	.04625	96.2
73 plus	.05750	119.6

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, unless noted (such as an SBP code).

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. Under no circumstances will an exempt employee be eligible to accrue Sick Leave on more than 80 paid hours in a pay period.

For temporary and contract employees, the accrual rate will be one hour 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. When the temporary or contract employees’ work or contract ends, any available Sick Leave remaining shall be forfeited subject only to the reinstatement provisions set forth in this Office Policy.

TEMPORARY AND CONTRACT EMPLOYEES		
Months of Credited Service	Accrued Sick Leave Per Paid Hour	Total Accrued Sick Leave Per Year Cap
Any	.0333	40

4. Impact of Holidays Occurring During Sick Leave: Sick Leave shall not be charged against an employee’s accrued balance for an authorized holiday that occurs while an employee is on Sick Leave.
5. Requirements for Use of Accrued Sick Leave: Employees are eligible to use accrued Sick Leave subject to the following requirements and restrictions:
 - a. 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 Maricopa County or Office business operations. When employees request to use Sick Leave for a scheduled absence, the employee should submit their request to their supervisor at least two business days in advance and whenever possible, include the expected duration of the absence. The requested time off shall be submitted electronically through the Maricopa County payroll system to their supervisor for approval.
 - b. If the need for Sick Leave is unforeseeable, the employee is subject to notification requirements for UAs, as specified in Section 4 of this Office Policy.
 - (1) Upon returning to work from the UA, the employee must submit the UA time through the Maricopa County payroll system before the end of their shift.
 - (2) If the pay period for which the UA leave time taken has already closed, and the timecard can no longer be changed by the supervisor, the employee shall send an e-mail to their supervisor requesting the change. The supervisor shall forward the e-mail containing the following information to MCSO Payroll personnel.
 - (a) The need for the electronic timecard adjustment;
 - (b) The dates of leave;
 - (c) The leave code that should be used; and
 - (d) How many hours per day were used.
6. Documentation Supporting Use of Sick Leave:

- a. An employee requesting to use Sick Leave shall not be required to provide documentation for up to the first 40 Sick Leave hours taken in a calendar year, except:
 - (1) An employee may be required to submit documentation supporting an absence of three or more consecutive scheduled working days as sick days; and
 - (2) After the first 40 hours of Sick Leave taken in a calendar year, an employee may be required to submit documentation substantiating the need to use additional Sick Leave.
 - b. An employee whose absence has been determined by the LMS to qualify for designation as FMLA-protected leave will have already provided necessary documentation substantiating the need to use additional Sick Leave. When a supervisor becomes aware of a use of Sick Leave that may potentially involve an FMLA qualifying event for employees who have not requested FMLA leave, the supervisor shall notify the LMS for their further review. Notifications shall include the nature of the qualifying event, the employee's first day absent (or first expected absence), and any additional information the supervisor knows about the potential FMLA need.
 - c. Any Sick Leave absence of three consecutive scheduled working days or more, including the use of other leave in lieu of an insufficient Sick Leave balance, shall be reported by the employee's supervisor to the LMS. The LMS shall review the leave and coordinate with the supervisor if any additional action is to be taken. If the leave is designated as an FMLA-qualifying event, the LMS shall begin to manage the leave in accordance with federal law, as specified in Section 2 of this Office Policy.
 - d. If the leave is due to an injury or illness arising out of, and in the scope of, employment, the LMS shall manage the leave, as specified in this Office Policy.
7. Supervisory Discretion to Send an Employee Home on Sick Leave: Employees are responsible to ensure that they are fit for duty when they come to work. A supervisor may send an employee home if the employee comes to work ill or if the employee develops/exhibits an illness or condition while at work which, in the judgment of the supervisor, impairs the ability of the employee to be productive and/or which could jeopardize the health or physical safety of co-workers or the public. Any lost work time shall first be charged against the employee's Sick Leave balance. If the employee's Sick Leave balance is insufficient to cover the lost time, then it shall be charged against the employee's Vacation Leave balance. If the employee does not have Sick Leave or Vacation Leave, the absence shall be Leave without Pay.
8. Disciplinary Action Relating to Use of Sick Leave: No employee 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 established call-out procedures 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 that are not FMLA-protected or authorized as an accommodation under the ADA may be subject to disciplinary action for absenteeism unrelated to the protected 40 hours of Sick Leave. Supervisors shall consult with the LMS prior to initiating early

intervention, issuing disciplinary action, or referencing in a Blue Team Supervisor Note or the employee's performance appraisal.

- L. Holiday Leave: Legal holidays to be observed with pay are: 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.

The legal holidays with pay observed by Maricopa County may be automatically revised as the result of subsequent legislative changes. When a holiday falls on a Saturday, it shall be observed on the preceding Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.

- 1. Holiday Pay Rules:
 - a. Neither Vacation Leave nor Sick Leave shall be deducted from an employee's accrued leave balance for a legal holiday that falls within a group of days where an employee is using Vacation Leave or Sick Leave.
 - b. Employees with regular work schedules of 40 hours per week shall receive eight hours of Holiday Pay for a legal holiday.
 - c. Employees working a flexible schedule, such as four 10-hour days, shall receive no more than eight hours of Holiday Pay for a legal holiday. Subject to their supervisor's discretion, employees working flexible schedules who do not want to be in the workplace on a legal holiday have the following options:
 - (1) Employees may use Vacation Leave to make up the difference between the eight hours of Holiday Pay and their remaining scheduled hours.
 - (2) Non-Exempt employees may adjust their work schedules to make up the time provided that the time is made up within the same work week in which the legal holiday occurred.
 - (3) Exempt employees may adjust their work schedules to make up the time provided that the time is made up within the same pay period in which the legal holiday occurred.
 - d. Employees with regular work schedules of 20 to 39.99 hours per week shall receive a pro-rated amount of Holiday Pay, based on their regular work schedule.
 - e. Employees with regular work schedules of less than 20 hours per week shall not be eligible for Holiday Pay.
- 2. Holiday Pay – Employee Not Required to Work the Legal Holiday: Classified, unclassified and contract employees who are not required to work on a legal holiday shall be compensated as follows:
 - a. An employee must at least be in a partial paid status for the scheduled day before and the scheduled day after a legal holiday in order to receive Holiday Pay. This means employees who are in a full UNPAID status on their scheduled day before or after a holiday are not eligible to receive holiday pay.

- b. An employee who is on an unpaid leave of absence of any duration on their scheduled workdays prior to or after a legal holiday shall not receive Holiday Pay.
3. Holiday Pay – Employee Required to Work the Legal Holiday: Classified, unclassified and contract employees who are required to work on a legal holiday, shall be compensated as follows:
- a. Employees with regular work schedules of 40 hours per week shall receive up to eight hours of Holiday Pay for a legal holiday based on the employee’s regular work schedule and the hours actually worked.
 - b. Holiday Pay does not count as time worked for the purpose of calculating overtime eligibility; alternatively, Holiday Pay is based on the employee’s regular work schedule, up to a total of eight hours, *and* equal time off (hour for hour actually worked on the holiday) from the employee’s regular schedule within the same pay period in which the legal holiday occurs.
- M. Paid Parental Leave:
- 1. Employee Eligibility: Classified, unclassified, and contract employees (*excludes temporary employees*) whose standard hours are at least 20 hours per week and who have been employed by Maricopa County continuously for at least 12 continuous months. An employee who is initially ineligible for Paid Parental Leave at the time of a qualifying birth or placement of a child may later establish leave eligibility by meeting the one year of service requirement. Leave may then be used during the 12-month period following the birth or placement of the child.
 - 2. Qualifying Events: A qualifying event is the live birth of an employee’s child or adoption of a child age 17 or younger (*excludes the adoption of a spouse’s child*).
 - 3. Amount of Leave:
 - a. Up to 240 hours (*prorated for part-time employees*) of Paid Parental Leave for the birth or adoption of a single child, or up to 480 hours (*prorated for part-time employees*) for the birth or adoption of multiple children. If both parents are employees, each parent is eligible for up to the applicable 240 or 480 hours of leave.
 - b. The maximum use is one qualifying event during a rolling 12-month period totaling no more than 240 hours (*prorated for part-time employees*) for the birth or adoption of a single child, or no more than 480 hours (*prorated for part-time employees*) for the birth or adoption of multiple children.
 - 4. Use of Paid Parental Leave:
 - a. May be used starting the date of the event and consecutively or intermittently during the following 12 months.
 - b. If applicable for a qualifying event, must be used first before using Sick Leave and Vacation Leave.
 - c. Must be pre-approved by the LMS.

- d. Paid Parental Leave runs concurrently with FMLA leave, if applicable.
- 5. Paid Parental Leave Requirements and Procedures: Employees requesting to use Paid Parental Leave shall contact the LMS at least 14 calendar days in advance of the anticipated event date.
 - a. Employees are required to provide proof of the date of the qualifying event.
 - b. Employees must submit a *Paid Parental Leave Request Form* provided by the LMS delineating whether the employee is opting to use Paid Parental Leave or not and, if using, attest to their understanding of the repayment provision applicable to the receipt of Paid Parental Leave.
 - c. Upon receipt of the required documentation, the LMS is responsible for managing this leave, to include:
 - (1) Requesting that Maricopa County Payroll establish the applicable leave bank for the employee’s use during the applicable period;
 - (2) Managing the employee’s electronic timecard while the employee is on a consecutive leave during which Paid Parental Leave is used, if approved; and
 - (3) Providing instruction to the employee and their supervisor for managing the employee’s electronic timecard during intermittent use of Paid Parental Leave, if approved.
- 6. Separation of Employment: Unused Paid Parental Leave is not paid out upon separation. Paid Parental Leave recipients who voluntarily separate from Maricopa County employment must repay any Paid Parental Leave received during the last twelve (12) months prior to their separation. Employees should reach out to Maricopa County Human Resources to determine repayment terms. The County Manager may grant an exception to this repayment if the parent or child has a serious health condition as defined by the FMLA, as documented by a medical provider, that precludes the employee from returning to work.

2. **Qualified Leave Under The Family Medical Leave Act:**

- A. **FMLA Eligibility and Usage:** The FMLA allows eligible employees job-protected, unpaid leave for a variety of healthcare and military reasons. Unless a critical need or other exigent circumstance occurs, the Office is required to hold an employee’s position open until FMLA leave is exhausted. Employees may not be subjected to discrimination, harassment, or retaliation as a result of exercising their rights under the FMLA. Blue Team entries by supervisors shall make no reference to protected leave or any information related to protected leave, as specified in Office Policy GH-5, *Early Identification System*.
- B. **Employee Eligibility:** Employees who have been employed by Maricopa County for at least 12 months, and have actually worked (i.e., in active work status) at least 1,250 hours during the past 12 months are eligible for FMLA leave. Previous employment with the Office or Maricopa County going back seven (7) years shall count toward meeting the 12-month employment requirement.

- C. Qualifying Events: The following events may qualify an eligible employee for traditional, non-military FMLA leave:
1. The birth of a child and to care for the newborn child within one (1) year of birth.
 2. Placement with the employee of a child for adoption or foster care and to care for the newly placed child within one (1) year of placement.
 3. The care of the employee's spouse, child, or parent with a serious health condition.
 4. The employee's own serious health condition that makes the employee unable to perform the essential functions of the job.
- D. Immediate Family Member:
1. Spouse: Spouse means a husband or wife as defined or recognized under Arizona state law.
 2. Parent: Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a child. This term does not include "parents-in-law."
 3. Child: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability. For the purposes of military-related FMLA leave, an employee's child on covered active duty may be of any age.
- E. Amount of Leave: Eligible employees have up to 12 weeks of FMLA leave per consecutive 12-month period calculated as a "rolling" 12-month period measured forward from the date of any FMLA leave usage. An eligible employee's normal workweek hours are used to calculate up to 12 weeks of FMLA leave (e.g., an employee working a 40 hour workweek is eligible for 480 hours of FMLA leave; an employee working a 30 hour workweek is eligible for 360 hours of FMLA leave).
- F. Paid FMLA Leave, if Available: Eligible employees must use accrued Sick Leave and Vacation Leave (in that order) concurrently with FMLA leave. When an employee exhausts all of their accrued Sick Leave and Vacation Leave, any remaining absence will be unpaid.
1. All paid and unpaid FMLA-qualifying absences count toward an employee's 12 weeks of FMLA leave and must be entered as a comment into the County's timekeeping system as an FMLA-qualified absence.
 2. Any time off requested beyond an employee's FMLA leave will be subject, as applicable to other provisions within this Office Policy in addition to Maricopa County policies HR2415 Employee Leave and HR2429 ADA/ADAAA Reasonable Accommodation for Applicants and Employees.
- G. Birth or Placement and Care of a Child for Adoption or Foster Care: Leave to care for a newborn or newly placed child will typically be granted for continuous blocks of time. At the employee's request, the Appointing Authority may approve Intermittent Leave for the birth or adoption of a

child based on business needs. When both parents are Office employees and are using FMLA leave for the birth or placement of a child, each employee may take up to 12 weeks of FMLA leave subject to Appointing Authority approval for scheduling FMLA leave either consecutively or concurrently.

H. Employee Notification:

1. Foreseeable Leave: When the need for leave under the FMLA is foreseeable, employees shall give their supervisor and the LMS at least 30 days advance notice. When the 30-day notice is not possible, employees should request leave the same or next business day after they learn of the need for FMLA leave. Failure to provide such notice without reason may delay the approval of the absence as FMLA-qualifying and employees may be subject to disciplinary action for not following the provisions of this Office Policy. Employees must make reasonable efforts to schedule FMLA leave so that it does not unduly disrupt operations.
2. Unforeseeable Leave: When the need for leave is unforeseeable, employees are required to give notice to their supervisor and, if practicable, to the LMS the same or next business day after they learn FMLA leave is needed. Unless there are extenuating circumstances, employees must also comply with the *Unscheduled Absences* section of this Office Policy and notify their supervisor of their absence.

I. FMLA Procedures:

1. New FMLA-Qualifying Event: Employees requesting leave for a new FMLA-qualifying event shall contact the LMS to discuss their FMLA need, the anticipated dates of leave, and the type of leave requested. Employees shall notify their supervisor of their request for an FMLA absence, but specific medical information shall not be shared with the supervisor.
2. Supervisors shall notify the LMS by the end of the next business day under the following circumstances:
 - a. When they become aware of a potential FMLA qualifying event for an employee. Notifications shall include the nature of the qualifying event, the employee's first day absent (or first expected absence), and any information the supervisor knows about the potential FMLA request.
 - b. When an employee who has not previously requested FMLA leave is absent from work for three (3) consecutive workdays and the reason for the absence is unknown or is for a medical reason (e.g., illness, medical appointments, overnight hospitalizations, etc.). The notification shall include any information the supervisor knows about the employee's absence.
3. Within five (5) business days of an employee's request for FMLA leave or notification of a possible need for FMLA leave, the LMS will send the employee a Notice of Eligibility and Rights & Responsibilities form. The appropriate Health Care Provider certification and the U.S. Department of Labor Employee Rights Under the FMLA forms will be included in these communications. When employees are requesting FMLA time off for their own serious health condition, a copy of their job description/essential job functions should also be provided to assist health care providers in completing the certification form.

- a. If the employee provides documentation from a health care provider prior to being sent the Notice of Eligibility, the LMS will review the documentation to determine whether sufficient information has been included to approve the FMLA request.
 - b. The LMS will include notice to the employee's supervisor when sending the Notice of Eligibility to the employee. Medical information will not be sent to the employee's supervisor.
4. An employee has 15 calendar days to return the Certification and/or provide any documentation to support the request for FMLA leave. When an employee's documentation is insufficient or incomplete, the LMS shall notify the employee and request the employee provide additional paperwork within seven (7) calendar days. Employees must respond to lawful questions posed by the LMS to determine whether an absence qualifies as FMLA job-protected leave.
- a. Employees with multiple FMLA-qualifying reasons are required to provide either separate Certifications for each reason or a single Certification that clearly describes each condition and the associated restrictions.
 - b. The LMS may contact health care providers to clarify the employee's restrictions on a Certification or verify a Certification's authenticity. Only the LMS, or in exigent circumstances, the Professional Standards Bureau (PSB), may seek medical clarification from a health care provider. Supervisors and command staff shall not contact health care providers for FMLA-related reasons.
 - c. The LMS should communicate with employees to resolve any delays in returning requested documentation or to approve extensions of time.
 - d. When the LMS has concerns about the validity of documentation from a health care provider, a second opinion may be requested by the Office at the Office's expense. When the first and second opinions differ, a third opinion may be requested at the Office's expense and must be approved by both the LMS and the employee. The opinion of the third health care provider is considered final.
 - e. If employees do not provide proper documentation to support the need for FMLA leave, the FMLA request may be denied. Any absences that were previously identified as FMLA shall be designated as non-FMLA and, if necessary, corrected in the County timekeeping system. Employees may be subject to discipline for unauthorized absences, up to and including dismissal from employment.
5. Within five (5) business days of receiving an employee's documentation, the LMS will ensure the Certification is complete and will send a Designation Notice to the employee approving or denying the request. The LMS will send to the employee's supervisor a courtesy copy of the Designation Notice so the supervisor is aware of the expected frequency and duration of absence(s).
- a. Medical information will not be shared with employees' supervisors. Certifications may be shared with the Maricopa County Central Human Resources if their aide is solicited by the LMS when an employee's own serious health condition involves potential accommodations under the Americans with Disabilities Act (ADA).
 - b. The LMS shall verify that the Designation Notice states when a release to return to work from a health care provider will be required for employees who have taken

continuous leave for their own serious health condition.

- c. For employees with multiple FMLA-qualifying reasons, the LMS shall either provide separate Designation Notices for each reason or clearly list each reason and the restrictions separately on the Designation Notice.
6. Supervisors shall not request that employees provide medical information or Certifications directly to them. Supervisors should not contact employees while they are absent from work on approved FMLA leave. Contact with an employee regarding the employee's work status and benefits shall be made by the LMS.
7. Employees' medical information and Certifications shall be kept confidential by the LMS. FMLA documentation must be maintained separately from personnel files and is not subject to public records requests. Limited medical information may be shared by the LMS with management only to the extent necessary to determine employees' fitness-for-duty, to assess the Office's ability to provide temporary modified duty, as specified in Office Policy GD-16, *Modified Duty*, or to evaluate providing reasonable accommodations under Maricopa County Policy HR2429 ADA/ADAAA Reasonable Accommodation for Applicants and Employees.

J. Intermittent Leave:

1. Employees approved by the LMS for Intermittent Leave must comply with all Office policies and procedures regarding absences from work and use of leave, including the provisions for foreseeable and unforeseeable leave. Employees must inform their supervisor of their expected absences and that the requested leave is for approved FMLA-qualifying reasons. For planned medical treatment, employees must attempt to schedule treatments at times that minimize disruption to the Office. Employee's scheduled use of foreseeable Intermittent Leave is subject to supervisory approval.
2. Employees approved for Intermittent Leave are not typically required to provide return-to-work documentation following each absence. The LMS may request that employees using Intermittent Leave provide a periodic release (e.g., every 30 days) when the employee's FMLA-qualifying reason(s) may involve significant risk of harm to the employee or others. When this situation applies, Designation Notices must state the employees' requirement to submit a periodic return to work release and the frequency the release is required.
3. When an employee's foreseeable Intermittent Leave substantially impairs the Office operations, the employee may be temporarily transferred to an available alternate assignment that they are qualified for and can perform within the expected leave. Alternate assignments must have equivalent pay and benefits, but do not need to have equivalent duties. Any request to transfer employees due to foreseeable Intermittent Leave shall be reviewed by the MCSO Chief Human Resources Officer or legal counsel prior to approval.

K. Time Off Requests Related to Approved FMLA Leave:

1. Continuous Block FMLA Leave: The LMS is responsible for entering and managing an employee's electronic timecard entries during continuous FMLA absences. Once entered in the Maricopa County payroll system by the LMS, the leave is automatically approved.
2. Intermittent FMLA Leave:

- a. Foreseeable: Employees with approved intermittent FMLA shall electronically request time off through the Maricopa County payroll system for their supervisor to approve dates of Intermittent Leave using codes applicable to intermittent FMLA usage. Specifically, employees are required to use Intermittent FMLA Sick, Intermittent FMLA Vacation Time Off – County, and/or Intermittent FMLA Unpaid Leave, in that order. A comment should be added when referencing the FMLA according to its designation from the LMS. Supervisors or designated timekeepers shall ensure the correct code is recorded in the timekeeping system (Intermittent FMLA Sick, Intermittent FMLA Vacation Time Off – County, and/or Intermittent FMLA Unpaid Leave, in that order).
- b. Unforeseeable: Upon returning to work and before the end of shift, employees with approved Intermittent FMLA shall electronically request time off through the Maricopa County payroll system for their supervisor to approve dates of Intermittent Leave using codes applicable to intermittent FMLA usage. Specifically, employees are required to use Intermittent FMLA Sick, Intermittent FMLA Vacation Time Off – County, and/or Intermittent FMLA Unpaid Leave, in that order. A comment should be added when referencing the FMLA according to its designation from the LMS. Supervisors or designated timekeepers shall ensure the correct code is recorded in the timekeeping system (Intermittent FMLA Sick, Intermittent FMLA Vacation Time Off – County, and/or Intermittent FMLA Unpaid Leave, in that order).
- c. Employees who find the intermittent FMLA codes missing from the codes available to select when submitting an electronic time off request or when attempting to code their electronic timecard, must contact their assigned case manager during LMS business hours for review of their specific circumstances and confirmation they have been approved for use of intermittent FMLA.

L. Return to Work:

- 1. Employees shall notify the LMS no later than three (3) business days prior to their anticipated return-to-work date from Continuous Leave. When employees are unable to provide three (3) business days’ notice for their return to work, they are required to give the notice the same or next business day after they learn of their expected return to work date. Should the expected return to work date change, the employee must notify the LMS as soon as possible.
- 2. Employees who take Continuous Leave for their own serious health condition must provide medical documentation to the LMS to verify they have been released by their health care provider to return to work. The LMS will approve an employee’s return to work and notify supervisors of the expected return dates. Employees are not allowed to work without prior approval from the LMS when returning from Continuous Leave for their own serious health condition.
- 3. Restricted Work Status: When employees are unable to return to full duty without restrictions on their schedule or work functions, their release documentation must include a clear description of the restrictions. The LMS shall contact the employee’s bureau chief or their designee immediately to determine whether employees may return to work in their current position with restrictions, and if not, whether other positions or assignments are available. The LMS will then notify the employee whether they may return to work with restrictions. When there is no available work within the bureau or division for the

employee to perform with the restrictions, the employee may continue on FMLA leave until one of the following options occurs:

- a. Their FMLA entitlement is exhausted;
 - b. They are able to return to full duty without restrictions; or
 - c. Work becomes available the employee can perform with the work restrictions.
4. Supervisors shall notify the LMS when employees actually return to work. If the employee has not been previously approved to return to work by the LMS or the employee fails to present a current return to work note from their health care provider, the supervisor shall direct the employee to contact the LMS and shall not allow the employee to work. If an employee does not return to work on the expected return date, the supervisor shall immediately notify the LMS.
- M. Medical Recertification:
1. The LMS may require an employee to recertify the need for FMLA leave when:
 - a. The circumstances described in the employee's current Certification change significantly (e.g., duration of the illness, nature of the illness, increase in the number of anticipated absences.)
 - b. Information is received that challenges the validity of the stated reasons for FMLA leave.
 2. For Intermittent Leave Only: More than 12 months have elapsed since the original Certification was signed by the health care provider and the employee makes another request for leave for the same qualifying reason.
- N. Military-Related Leave Under the FMLA: Employees requesting military-related FMLA leave shall refer to Maricopa County Policy HR2413 – Family and Medical Leave Act (FMLA) Approved Leaves of Absence, Section VIII.
- O. Exhausting of FMLA Job-Protected Leave:
1. Employees who have exhausted their FMLA Leave entitlement and must remain absent from work due to their own serious health condition may request additional leave as a reasonable accommodation pursuant to the ADA, as amended, as provided in Maricopa County Policy HR2429 ADA/ADAAA Reasonable Accommodation for Applicants and Employees.
 2. Absent an ADA accommodation, where an employee has exhausted their job-protected leave entitlement under the FMLA for their own serious health condition and cannot provide written documentation from their health care provider containing an imminent and definitive return to work date, the Office may proceed with administrative action for release due to medical inability.
- P. Retroactive FMLA Designation: The Office may retroactively designate leave as FMLA for a period of up to 30 days with appropriate written notice to the employee. If final written approval of an FMLA-qualifying leave occurs after the leave of absence begins, the LMS shall have the

employee's leave record revised to reflect the appropriate use of FMLA leave entitlement and usage.

3. **Unpaid Leaves Of Absence:** Unpaid leaves consist of Leave Without Pay (LWO), Sick Without Pay (SWO), and Furlough Day Off (FDO).
 - A. Leave Without Pay: Classified and unclassified employees may submit a written request and fully justify the need to take a leave of absence without pay for up to six months. Such requests are subject to approval based upon the needs of the Office. The following provisions apply to LWO requests:
 1. All available applicable paid leave must be exhausted before an employee may request and be placed on LWO, except when an employee takes leave for Uniformed Service (military duty) and chooses not to use earned paid leave or leave during which an employee is paid through short term disability, long term disability, or workers' compensation. To request LWO, an employee shall:
 - a. Submit to the supervisor a memorandum justifying the need for such leave. The memorandum shall include the dates and the number of hours for the LWO status; and
 - b. Submit any supporting documentation as requested by the supervisor, except if the requested documentation is healthcare related. If healthcare related, employees shall provide the requested documentation to the LMS for review and substantiation of the need for leave. The LMS shall contact the employee's supervisor to advise if the leave was substantiated.
 2. LWO that is not protected under FMLA, ADA, or due to Military Leave shall require approvals as follows:
 - a. A LWO absence in excess of eight hours shall require division commander approval;
 - b. A LWO absence beyond one week is subject to approval by the bureau chief; and
 - c. A LWO beyond four weeks is subject to approval by an executive chief.
 3. If an employee is on LWO status for a full pay period or more, the supervisor shall notify the Human Resource Services Division so that the required processing can occur in the Maricopa County payroll system.
 4. An employee requesting approval for a period of continuous leave may include a request for advance approval for LWO if, during the leave period requested, the employee will exhaust all available applicable paid leave.
 5. If the supervisor determines the supporting documentation is insufficient or if the supervisor determines a pattern of absenteeism, the supervisor may deem the LWO to be unacceptable and shall consult with the LMS prior to initiating early intervention, issuing disciplinary action, or referencing the leave in an employee's performance appraisal.
 6. If the supervisor determines that the supporting documentation is sufficient, the supervisor shall complete a Blue Team Supervisor Note to document the beginning date and end date

of the approved absence; however, the entry shall make no reference to protected leave or any information related to protected leave.

7. An employee's right to return to a position in Maricopa County service from an authorized non-FMLA LWO shall be conditioned upon the availability of a position for which the employee meets the minimum qualifications, and whether there is a sufficient appropriation or authorization of funds.
 8. An employee shall not accrue Vacation Leave or Sick Leave during any period of LWO.
- B. Leave without Pay for Work-Related Education and Training: LWO may be granted for reasonable periods of time, normally not to exceed one year, to enable employees to attend work-related education and training courses. The Sheriff or designee may grant educational LWO after the Maricopa County Human Resources Director has certified that such leave is in the best interest of Maricopa County. However, the employee shall be required to use any existing Vacation Leave before the LWO may be granted.
- C. Sick Without Pay: SWO is managed by the LMS in conjunction with other forms of medically related leave and if requested by employee after exhausting accruals and protected leave, requires chain of command approval.
- D. Furlough: Furlough is mandatory unpaid leave of one or more days imposed by the Office to accomplish a budget reduction initiative brought on by a budget deficit or shortfall. A furlough is not a reduction in the compensation or hourly rate of pay of an employee.
1. An employee on Furlough status shall accrue both Sick Leave and Vacation Leave and, where appropriate, remain eligible for Holiday Pay even if a furlough day is taken on the day before or the day after a holiday, and shall remain eligible for other paid time off, as appropriate.
 2. Employees on Furlough status shall not be compensated for their unpaid furlough days at a later time.
 3. Furlough shall be taken in full workday increments, except that residual mandatory Furlough time of less than a full workday may be taken at one time.
 4. The furlough of any employee who is exempt from the wage and hour requirements of the FLSA shall be managed in a manner that is consistent with the provisions of the FLSA and with the provisions of any other state or federal laws that may apply. FLSA-exempt employees and the Office shall ensure that Furlough occurs over as few work weeks as possible.
 5. Employees are not to perform any work for Maricopa County whatsoever while they are on Furlough status.
4. **Unscheduled Absence (UA):** Employees may use accruals for an UA; if their accruals are insufficient, the employee shall be in a LWO status. These absences will be captured in the Maricopa County payroll system. No Blue Team entry will be required by the supervisor.
- A. Employee Notification Requirements: If the need for leave is unforeseeable, the UA must be reported to the employee's supervisor no later than 30 minutes before the start of shift, unless extenuating circumstances exist, at which time the employee, or member of the employee's immediate family, if the employee is unable, shall contact the supervisor as soon as is practicable.

1. Unless the supervisor has issued a memorandum or directive detailing another notification option for subordinates, an employee must call and speak to the supervisor or leave a voicemail message for the supervisor with current contact information where the employee can be promptly reached.
2. Upon returning to work, the employee must submit the UA time electronically through the Maricopa County payroll system for the supervisor to approve before the end of their shift. If the pay period for which the UA occurred has already closed, and the timecard can no longer be changed by the supervisor, the employee shall send an e-mail to their supervisor requesting the change. The supervisor shall forward the e-mail containing the following information to MCSO Payroll personnel.
 - a. The need for the electronic timecard adjustment;
 - b. The dates of leave;
 - c. The leave code that should be used; and
 - d. How many hours per day were used.
- B. LMS Actions Related to an UA: The LMS shall respond to clarification or guidance requests by supervisors regarding an UA related to an employee's use of protected leave.
- C. Supervisor Requirements:
 1. Supervisors shall forward any medical documentation submitted by an employee related to an UA to the LMS, as specified in this Office Policy.
 2. Supervisors who have identified a possible attendance issue with an employee regarding an illness or injury shall contact the Employee Retention and Performance Division for guidance prior to initiating early intervention, disciplinary action, or addressing attendance issues in a Supervisor Blue Team Note or in an employee's performance appraisal.
 3. After consulting with the Employee Retention and Performance Division, the supervisor shall document actions taken related to an employee's unscheduled absence, not related to an employee's use of protected leave, within Blue Team Supervisor Notes.
5. **Tardies and Early Departures:** Foreseeable tardiness and early departures must be approved in advance to ensure proper staffing of the Office. Employees may use accruals for tardies and early departures; if there are insufficient accruals to cover the absence, the employee shall be in a Leave without Pay status.
 - A. Unless circumstances are of an emergency nature, any unforeseeable tardiness must be reported to the employee's supervisor no later than 15 minutes before the start of the shift. Unless the supervisor has issued a memorandum or directive detailing another notification option for subordinates, an employee who is late for work must either call and speak to the supervisor, or leave a voicemail message for the supervisor, with current contact information where the employee can be promptly reached.
 - B. Notification of unforeseeable early departures must be made to a supervisor as soon as possible.
 - C. Supervisors shall document an employee's tardies and early departures within Blue Team Supervisor Notes, except supervisors shall not document tardies and early departures of their employees related to intermittent protected leave.

6. **Short Term Disability and Workers' Compensation:**

- A. **Short Term Disability:** The Maricopa County Group Short Term Disability Plan Description specifies administration of the Short-Term Disability benefit. In general, Short Term Disability is a benefit plan that replaces a portion of an employee's salary while the employee is disabled. Short Term Disability wage benefits are only available to those employees choosing to participate in the plan through payroll deductions. An employee seeking to utilize the Short-Term Disability benefit may have a waiting period before the Short-Term Disability benefit begins. Employees who have Short Term Disability insurance must use Sick Leave, Vacation Leave, and Leave Without Pay (in that order) during any applicable waiting period until the Short-Term Disability benefit begins.
- B. **Workers' Compensation Benefits:** Workers' Compensation benefits cover an employee for approved medical expenses and, as applicable, a portion of lost wages when an employee suffers an injury or illness arising out of, and in the scope of, employment. The Maricopa County Risk Management Department shall determine whether a workers' compensation claim is accepted or denied, and the payment of benefits in accordance with Arizona Industrial Commission regulations. The LMS shall manage leave arising out of a workplace injury or illness as they otherwise would manage Sick Leave or other protected leave.
1. All on-duty injuries shall be reported to the supervisor as soon as possible, as specified in Office Policy GD-19, *Injury or Death of an Employee*.
 2. **Return to Work Following a Workplace Injury or Illness:** An employee who is able to return to work must notify their supervisor immediately and shall provide any work status documentation provided by the treating health care provider by the end of their shift on the day they return. Returning to work with restrictions shall be managed, as specified in Office Policy GD-16, *Modified Duty*. The employee shall send a copy of the health care provider's certification to the LMS.
 3. **Unable to Return to Work Following a Workplace Injury or Illness:** An employee who is unable to return to work must notify their supervisor and the LMS immediately. The employee shall send a copy of the health care provider's certification to the LMS. For approved workers' compensation claims:
 - a. Employees injured on the job must use Sick Leave, Vacation Leave, 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 Leave (in that order.)
 - b. If the treating health care provider places the employee on no work status or if the Office cannot accommodate the employee's restrictions and the employee must remain off work as a result for 14 calendar days or more, Workers' Compensation shall pay the employee for the seven-day waiting period. In this case, the employee is paid by Workers' Compensation and allowed to keep the Sick Leave and Vacation Leave already paid to the employee for the waiting period.
 4. Employees shall promptly inform the LMS of any changes to their medical restrictions and overall work status.
 5. **Medical Appointments Related to Workplace Injury or Illness:** Upon returning to work, any appointments related to the injury or illness must be made on the employee's own time. The employee shall use Sick Leave, Vacation Leave, and Leave Without Pay (in that order) when attending these appointments during their normal scheduled work shift.

- C. FMLA Leave runs concurrent with Short Term Disability, Long Term Disability, and leave under Workers' Compensation for employees who are eligible for FMLA and whose leave has been designated as an FMLA-qualifying event, until their FMLA leave entitlement is exhausted.

- 7. **Extended Leave of Absence:** Supervisors who have employees that are on extended leave of absences shall complete a Blue Team Supervisor Note to document the beginning date and the end date of the approved absence; however, the entry shall make no reference to protected leave or any information related to protected leave, as specified in Office Policies GC-4, *Detention/Civilian Employee Performance Appraisals* and GC-4(S), *Sworn Employee Performance Appraisals and Management*.

- 8. **Resignation or Retirement:** Employees who are resigning or retiring from employment shall not be allowed to "burn off" their paid leave by using Vacation Leave or Sick Leave to extend their last day.

- 9. **Reinstatement of Accrued Sick Leave:** With the exception of retiring employees who are eligible for the Post-Employment Health Plan in exchange for their accrued Sick Leave, any employee who returns to Maricopa 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, and shall have immediate access to this accrued paid Sick Leave subject to limitations set forth in the Sick Leave provisions of this Office Policy. The reinstated employee shall accrue Sick Leave, as specified in this Office Policy.

- 10. **Retaliation/Complaints:** Employees are expected to abide by policies of the Office; violations of Office Policy are subject to discipline, up to and including dismissal from employment. No employee shall be subject to retaliation or discrimination as a result of using leave protected by FMLA state or federal law, or for filing any complaint relating to their use of leave protected by state or federal law. If any employee believes that they have been subjected to unfair treatment as a result of their use of leave protected by state or federal law, Office Policy GC-16, *Employee Grievance Procedures* specifies the complaint process.