

SICK LEAVE

I. PURPOSE

To provide employees with income continuation in the event of illness, injury, or a need for medical attention that prevents them from attending work; additionally, to meet the statutory requirements for earned paid sick time as set forth in the Arizona Fair Wages and Healthy Families Act.

II. SCOPE

This policy applies to all full-time employees.

III. POLICY

It is the policy of TFD to provide sick leave accrual according to the guidelines below.

IV. DEFINITION

For purpose of this policy, "immediate family member" shall be defined as follows:

- A child of any age (biological, adopted, foster, stepchild, child of a domestic partner, a legal ward, or any child to whom the employee is *in loco parentis* or was when the person was a minor)
- A parent (a biological, stepparent, adoptive parent, foster parent, or legal guardian of an employee or the employee's spouse/domestic partner, or a person who stood *in loco parentis* when the employee or employee's spouse/domestic partner was a minor child)
- A spouse or domestic partner
- A grandparent, grandchild or sibling (biological, foster, adoptive or step-relationship of the employee or employee's spouse/domestic partner)
- Any other individual related by blood or affinity whose close association with the employee is equivalent to a family relationship.

V. GUIDELINES

A. Forty hours of the annual sick leave allotment is intended to meet the statutory requirements for Earned Paid Sick Time (EPST), as required under the Arizona Fair Wage and Healthy Families Act. The first 40 hours in the fiscal year of an employee's sick leave usage shall be designated as EPST, and may be used for any of the following circumstances:

- For the employee's own medical illness, injury or health condition, or for care/treatment of such; or for preventative care;

- For the care of a family member (as defined in Section IV above) with an illness, injury or health condition, or for their care/treatment of such, or for their preventative medical care.
 - In the event of closure of the District due to a public health emergency or employee's need to care for a child whose school or place of care has been closed due to a public health emergency, or if the employee or a family member has been determined by health authorities to jeopardize the health of others because of exposure to a communicable disease.
 - For the purpose of absence needed due to domestic violence, sexual violence, abuse or stalking, provided that the time away from work is to allow the employee to obtain assistance for himself or a family member.
- B. Full-time administrative or non-shift suppression employees shall receive 3.38 hours of sick leave accrual per bi-weekly pay period; full-time suppression employees shall receive 4.62 hours of sick leave accrual per bi-weekly pay period.
- C. Full-time suppression employees with at least five years of service who accrue more than 500 hours of sick leave may ~~elect to sell back~~ ~~convert~~ a portion of their sick leave hours at a rate of 50%, ~~to vacation leave~~, as long as they maintain a sick leave balance of at least 500 hours. If the employee has between 5-10 years of service, he may ~~convert-sell back~~ up to 48 hours; if the employee has greater than 10 years of service, he may ~~convert-sell back~~ up to 72 hours. An employee who is eligible to ~~convert-sell back~~ sick hours ~~to vacation~~ may only do this once per calendar year.
- D. Full-time administrative or non-shift suppression employees with at least five years of service who accrue more than 360 hours of sick leave may ~~convert~~ sell back a portion of their sick leave hours at 50%, ~~to vacation leave~~, as long as they maintain a sick leave balance of at least 360 hours. If the employee has between 5-10 years of service, he may ~~convert-sell back~~ up to 34 hours; if the employee has greater than 10 years of service, he may sell back ~~convert~~ up to 52 hours.
- E. Beyond the usage of the 40 hours of sick leave designated as EPST, regular sick leave may be used when the employee is medically unable to work, when the employee needs a medical or dental examination or treatment, or to care for an immediate family member in need of care.
- F. In the event that a supervisor or duty officer believes that an employee should not be at work due to illness, the employee may be relieved of duty and required to use accrued sick leave.

- G. If the employee is using the hours designated as EPST, he shall not be requested to explain the nature of the health condition or the nature of the domestic violence, sexual violence, abuse or stalking. Any information the District may receive shall be kept confidential.
- H. In the event that any employee is out for more than three consecutive scheduled work days (up to 40 hours) for a qualifying event under the EPST law (as defined in Guideline IV.A. above), the District may require documentation that the time has been used for any of the purposes listed in the Definition section above. If the absence is due to the employee's health issue or the employee's family member's health issue, documentation from the health care provider shall be acceptable. If the absence is due to domestic violence, sexual violence, abuse or stalking the employee may provide written documentation from law enforcement, the courts (court order, protective order, injunction against harassment, etc.), an attorney involved in the matter, the domestic or sexual violence program or victim services program, a witness advocate, clergy or medical professional, or from the employee himself.
- I. At the sole discretion of the Fire Chief, an employee utilizing regular sick leave benefits (beyond the 40 hours of EPST) may be required to provide written documentation from a health care provider.
- J. In the event that an employee is out on regular sick leave (not hours designated as EPST) for three consecutive scheduled workdays, the employee shall be required to provide a written doctor's release to return to work.
- K. Likewise, when an employee is absent from work the day before or the day after a holiday or vacation day or anytime during the two-week period prior to termination, and the time off is charged to sick leave, the Fire Chief may opt to require the employee to provide a written doctor's release to return to work.
- L. At the discretion of the Fire Chief, the employee may also be required to undergo a *Return to Work Evaluation* or a *Fitness for Duty Examination* through a District-appointed physician. In such event, the District shall cover the cost of such examination.
- M. An employee who does not have adequate hours accrued to cover necessary sick time will have the appropriate number of hours deducted from accrued vacation time to cover the difference. If the employee does not have adequate vacation time to cover this situation, the employee shall be placed on leave without pay. However, at the Fire Chief's discretion,

Medical Leave Assistance may apply, as set forth in the policy entitled "Medical Leave Assistance."

- N. Sick leave hours shall be counted as hours worked for the purpose of calculation of overtime.
- O. Upon retirement, accrued sick leave shall be paid out based upon total accrued hours as follows: ~~If the retiring employee has greater than 1500 hours of accrued sick leave, the sick leave shall be paid out at 25%. If the retiring employee has greater than 3000 hours of accrued sick leave, the sick leave shall be paid out at 50%. If the retiring employee has greater than 4500 hours of accrued sick leave, the sick leave shall be paid out at 75%.~~
 - o The first 750 hours shall be paid out at 25%
 - o Accrued hours between 750 – 999 shall be paid out at 50%
 - o Accrued hours in excess of 1000 shall be paid out at 75%
- P. Accrued sick leave shall not be paid out in the event of any other type of ~~termination-separation~~ of employment.
- Q. When an employee is laid off, no part of the sick leave balance shall be paid out; however, in the event of re-employment within one year, the sick leave accrual shall be reinstated.
- R. Unacceptable patterns of sick leave use, misuse, or misrepresentation of sick leave usage shall be grounds for disciplinary action, up to and including termination.
- S. Employees shall not be discriminated against or subjected to retaliation for using up to 40 hours of sick time to cover qualifying events under the EPST. Information regarding employees' rights under the Arizona Fair Wage and Healthy Families Act is provided on a poster on the District's bulletin boards for employees. Additional information is available on the Industrial Commission's website at www.azica.gov.