



~~SECTION 1. — Attendance: Employees are expected to maintain acceptable attendance levels in accordance with the policies regarding hours of work, holidays and leaves. All department heads (or designee) shall ensure that official time sheets, submitted either online or paper (as required), are utilized.~~

~~It is the policy of the Town that the standard work week shall consist of 40 hours as determined by the individual departments with the approval of the Town Manager.~~

~~Flexible work schedules may be allowed if approved by the Department Head and the Town Manager (or designee). It is the responsibility of the supervisor in conjunction with his/her department head to determine work schedules that meet the needs of the department, while giving consideration to employee preferences when possible. Alternate schedules must ensure that the Town's ability to serve our customers is not negatively impacted in any way.~~

~~Exempt Employees — Employees classified under these policies and designated as exempt employees pursuant to the Fair Labor Standards Act shall generally not be subject to deductions from pay or paid leave including annual leave for absences less than one complete work day.~~

~~SECTION 2. — Annual Leave: Requests for Annual leave shall be submitted to the immediate supervisor prior to use of the leave. In turn, Supervisors shall obtain additional approvals as required. Please check with your supervisor about the required form to use in your department to request time off. Timing of the leave shall be at the approval of the Department Head (or designee). All employees shall be entitled to annual leave with pay except for the following:~~

- ~~A. — Employees who have completed less than 90 days of service are not eligible to take annual leave, however annual leave is accrued during that period. In certain circumstances unpaid leave may be authorized for employees who have completed less than 90 days of service as provided for in section five of this policy.~~
- ~~B. — Employees who work on a provisional or volunteer basis and all employees who work less than 1040 hours a year.~~
- ~~C. — All part time employees who have a regular work schedule budgeted at less than twenty (20) hours per week.~~
- ~~D. — An employee will not be paid more annual leave time than they have accrued.~~

~~If work demands do not permit employees to use all of their annual leave in a particular fiscal year, such annual leave shall be carried over. The amount carried over must be used in the next fiscal year. Normally an employee may not accrue more annual leave than would be earned in 18 months of service. However, an employee with at least 20 years of service may accrue up to 300 hours of annual leave. In the event one or more municipal holidays fall within an annual leave, such holidays shall not be charged as annual leave.~~

~~Employees who terminate employment shall be paid in a lump sum for all unused accrued annual leave as of the effective date of termination. In the event the employee terminates employment due to becoming deceased, this lump sum payment is payable to the estate of the former employee.~~

## **10.1 ANNUAL LEAVE**

### **A. ELIGIBILITY**

- 1. ALL TOWN EMPLOYEES, EXCEPT FOR TEMPORARY AND PART-TIME, NON-BENEFITED EMPLOYEES (SEE DEFINITION IN POLICY 2) ARE ELIGIBLE TO ACCRUE ANNUAL LEAVE.**



**ATTENDANCE AND LEAVES**

**Effective Date: TBD**

**2. ALL TOWN EMPLOYEES ELIGIBLE TO ACCRUE ANNUAL LEAVE ARE ELIGIBLE TO USE THEIR ACCRUED ANNUAL LEAVE AFTER NINETY (90) CALENDAR DAYS OF EMPLOYMENT.**

The annual leave accrual policy is as follows:

Full time employees with the exception of Department Heads and exempt employees, accrue annual leave at a rate specified below, which depends on their length of employment with the Town and the number of hours in their regular work week. Annual leave will be accrued on a prorated basis per pay period using the formulas noted.

Years Employed	Scheduled Hours Per Regular Work Week	Accrued Hours Per Pay Period	Annual Equivalent Accrued
1 - 5	40	3.6923	96
6 - 10	40	5.2308	136
11 & over	40	6.7693	176

In order for the Town of Oro Valley to be able to attract qualified candidates during recruiting, and in response to the nature of their jobs, exempt employees will accrue annual leave at a rate of 5.2308 hours per pay period (136 hours annually) beginning with their first day of employment, this will increase to 6.7693 hours per pay period at 6 years of service. Department Heads will accrue annual leave at a rate of 6.7693 hours per pay period (176 hours annually) beginning with their first day of employment.

For purposes of determining “year employed,” the year noted begins on the day after the preceding anniversary. (For example, you are assumed to be in your sixth “year employed” on the day after your fifth anniversary (and therefore earning at the higher accrual rate beginning with that date).

Part time employees whose normal work week is budgeted at twenty (20) hours or more, but less than 32 hours, shall accrue annual leave pay at half the rate of full time employees.

**B. ACCRUAL OF ANNUAL LEAVE**

- 1. ELIGIBLE EMPLOYEES START ACCRUING ANNUAL LEAVE FROM THEIR DATE OF HIRE.**
- 2. PART-TIME BENEFIT ELIGIBLE EMPLOYEES ACCRUE ANNUAL LEAVE AT HALF THE RATE OF FULL-TIME EMPLOYEES.**
- 3. EMPLOYEES WHO ARE ON ANY UNPAID LEAVE OF ABSENCE (EXCEPT FOR FMLA OR MILITARY LEAVE) FOR AN ENTIRE PAY PERIOD (80 HOURS) WILL NOT ACCRUE ANNUAL LEAVE.**
- 4. ANNUAL LEAVE ACCRUAL IS CUMULATIVE, UP TO THE MAXIMUM NUMBER OF HOURS PERMITTED BY THIS POLICY.**

**C. ANNUAL LEAVE ACCRUAL RATES**



**ATTENDANCE AND LEAVES**

**Effective Date: TBD**

1. ACCRUAL RATES SHALL BE AT THE RATE SPECIFIED BELOW AND ARE BASED ON YEARS OF SERVICE AND FEDERAL LABOR STANDARDS ACT (EXEMPT OR NON-EXEMPT) STATUS:

a. **FULL-TIME / NON-EXEMPT RATE:**

YEARS OF SERVICE	HOURS PER PAY PERIOD	APPROXIMATE HOURS PER YEAR	MAXIMUM HOURS TO BE ACCRUED
1 – 5	3.6923	96	144
6 – 10	5.2308	136	204
11 - 20	6.7692	176	264
20 & OVER	6.7692	176	300

b. **FULL-TIME / EXEMPT RATE:**

YEARS OF SERVICE	HOURS PER PAY PERIOD	APPROXIMATE HOURS PER YEAR	MAXIMUM HOURS TO BE ACCRUED
1 – 5	5.2308	136	204
6 – 20	6.7692	176	264
20 & OVER	6.7692	176	300

c. **FULL-TIME / DEPARTMENT HEADS**

YEARS OF SERVICE	HOURS PER PAY PERIOD	APPROXIMATE HOURS PER YEAR	MAXIMUM HOURS TO BE ACCRUED
UPON HIRE	6.7692	176	264
20 & OVER	6.7692	176	300

2. FOR THE PURPOSE OF DETERMINING LENGTH OF SERVICE, THE YEAR NOTED BEGINS ON THE DAY AFTER THE PRECEDING ANNIVERSARY. CHANGES IN ACCRUAL RATES ARE EFFECTIVE IN THE FOLLOWING PAY PERIOD.

**D. MAXIMUM NUMBER OF ACCRUED ANNUAL LEAVE HOURS**

1. AN EMPLOYEE'S ANNUAL LEAVE BALANCE SHALL NOT EXCEED THE NUMBER OF HOURS THEY WOULD ACCRUE IN 18 MONTHS OF SERVICE (SEE CHARTS ABOVE).



2. **EMPLOYEES WITH MORE THAN 20 YEARS OF CREDITED SERVICE MAY ACCRUE UP TO 300 HOURS.**
3. **HOURS ACCRUED IN EXCESS OF THE MAXIMUM ALLOWED BECOME VOID AT THE END OF EACH PAY PERIOD.**
  - a. **EXCEPTIONS MAY BE GRANTED AT THE REQUEST OF THE DEPARTMENT DIRECTOR, CONCURRENCE OF THE HR DIRECTOR, AND APPROVAL OF THE TOWN MANAGER.**

**E. USE OF ANNUAL LEAVE**

1. **EMPLOYEES SHALL SUBMIT AN ANNUAL LEAVE REQUEST TO THEIR IMMEDIATE SUPERVISOR IN ACCORDANCE WITH DEPARTMENT POLICY. REQUESTS WILL BE REVIEWED BY THEIR SUPERVISOR AND/OR DEPARTMENT HEAD. APPROVAL IS BASED ON A NUMBER OF FACTORS, INCLUDING DEPARTMENT NEED AND STAFFING REQUIREMENTS.**
2. **DEPARTMENT HEADS MAY REQUIRE AN EMPLOYEE TO POSTPONE OR CHANGE THEIR SCHEDULED ANNUAL LEAVE FOR GOOD CAUSE RELATING TO TOWN SERVICES.**
3. **ACCRUALS EARNED AT THE END OF THE CURRENT PAY PERIOD ARE NOT AVAILABLE FOR USE UNTIL THE FOLLOWING PAY PERIOD.**
4. **ANNUAL LEAVE SHOULD NOT NORMALLY BE CHARGED AGAINST EXEMPT EMPLOYEES FOR PARTIAL DAY ABSENCES.**
5. **ANNUAL LEAVE SHALL NOT BE CHARGED FOR TOWN HOLIDAYS.**

**F. ANNUAL LEAVE AT EMPLOYMENT TERMINATION**

1. **EMPLOYEES WILL BE PAID IN A LUMP SUM FOR ALL UNUSED ACCRUED ANNUAL LEAVE AS OF THE EFFECTIVE DATE OF TERMINATION.**
2. **DECEASED EMPLOYEES WILL HAVE THEIR LUMP SUM PAID TO THEIR ESTATE.**

~~SECTION 3. — Personal and Immediate Family Sick Leave: Paid sick leave shall be accrued by all eligible employees of the Town. Sick leave is offered as a benefit to help minimize employee financial hardship as the result of legitimate illnesses or medical needs. Sick leave is not intended to be used as additional annual leave or for discretionary purposes.~~

~~Employees who become ill, are injured or require medical treatment are entitled to take sick leave with full pay for up to the total number of sick days available to that employee. Employees may use sick leave to care for an ill~~



family member who is part of the immediate family, living in the same household with the employee, or when the absence qualifies under the provisions of the Family Medical Leave Act (see FMLA Section 11).

Full-time employees accumulate sick leave at the rate of 3.6923 hours per pay period (equivalent to one 8-hour day per month). Part-time employees whose normal week is budgeted at twenty (20) hours or more, but less than 32 hours per week, shall accrue sick leave at half the rate of full-time employees. Part-time employees whose normal work week is budgeted at less than twenty (20) hours do not accrue sick leave.

Unused sick leave shall be allowed to be carried forward from year to year. Once an employee has exceeded 480 hours of accrued sick leave, one-half (1/2) of the sick leave balance in excess of the 480 hours shall be paid to the employee upon separation from employment, except that employees terminated for cause will not receive any payout for unused sick leave. In the event an employee is terminated due to becoming deceased, one-half (1/2) of the sick leave balance in excess of the 480 hours shall be paid to the estate of the former employee.

Annually, as of the first day of the pay period following July 1, any unused portion of the first seven days (56 hours) of sick leave accrued in excess of a total of 480 hours since July 1 of the preceding fiscal year will be transferred to annual leave. The transfer will occur automatically unless the employee requests in writing to the human resources department that the sick leave not be transferred. (Only that portion of the first 56 hours of unused sick leave that is in excess of the 480-hour total may be transferred.) In addition, in no situation shall an employee be allowed to accrue more annual leave than they can accrue in an 18-month period (see Section 2). Should an employee already have an 18-month accrual of annual leave, all unused sick leave will simply continue to accrue. Introductory employees may use accrued sick leave. Sick leave is accrued on a prorated basis per pay period.

In order to receive compensation while absent on sick leave, unless circumstances dictate otherwise, employees shall notify their immediate supervisor prior to or within two (2) hours after the time set for beginning their daily duties. When the absence is for more than five (5) consecutive work days, the employee may be required to file a physician's statement with their immediate supervisor stating the cause of the absence and that the employee was unable to work due to illness. Such absences may be designated as FMLA leave depending on the nature and duration of the absence. The statement should also release the employee to return to work. Employees absent for less than five days may also be required to present a physician's statement if employee health or safety is an issue. All physician statements are to be forwarded to the Human Resources office.

An employee receiving payments under the workers' compensation laws is eligible to receive supplemental pay for up to 180 days of absence due to a work-related injury or illness. Any payment received through workers' compensation insurance must be remitted to the Town and the employee will receive his or her full salary without sick leave, annual leave or comp time leave balances being affected for up to 180 days. If employee is released to return to work at full capacity or in a light duty capacity and refuses to return to work, this benefit is no longer available. After 180 days of supplemental pay, if the employee is unable to return to work the employee may choose to use his or her paid leave in addition to any workers' compensation insurance payments in order to continue to maintain regular income. In the event an employee has used all of his or her accrued paid time off benefits and is unable to return to work, he or she may be eligible for donations of paid time off in accordance with section 13 of this policy. The purpose of this policy is to reduce economic hardship as a result of a work-related injury or illness; however, the employee should not realize a financial gain as a result of injury or illness.

## **10.2 SICK LEAVE**

### **A. ELIGIBILITY**

- 1. ALL TOWN EMPLOYEES, EXCEPT FOR TEMPORARY AND PART-TIME NON-BENEFIT ELIGIBLE EMPLOYEES ARE ELIGIBLE TO ACCRUE SICK LEAVE AT THE FOLLOWING RATES:**



<b>FULL-TIME</b>	<b>3.6923 PER PAY PERIOD</b>
<b>PART-TIME / BENEFIT ELIGIBLE</b>	<b>1.8462 PER PAY PERIOD</b>

**B. ACCRUAL OF SICK LEAVE**

- 1. ELIGIBLE EMPLOYEES START ACCRUING SICK LEAVE FROM THEIR DATE OF HIRE.**
- 2. PART-TIME BENEFIT ELIGIBLE EMPLOYEES ACCRUE SICK LEAVE AT HALF THE RATE OF FULL-TIME EMPLOYEES.**
- 3. EMPLOYEES WHO ARE ON ANY UNPAID LEAVE OF ABSENCE (EXCEPT FOR FMLA OR MILITARY LEAVE) FOR AN ENTIRE PAY PERIOD (80 HOURS) WILL NOT ACCRUE SICK LEAVE.**
- 4. SICK LEAVE WILL ACCRUE WITHOUT LIMIT.**

**C. USE OF SICK LEAVE**

- 1. SICK LEAVE IS OFFERED AS A BENEFIT TO HELP MINIMIZE EMPLOYEE FINANCIAL HARDSHIP AS THE RESULT OF ILLNESSES OR MEDICAL NEEDS. SICK LEAVE IS NOT TO BE USED AS ADDITIONAL PAID ANNUAL LEAVE OR FOR DISCRETIONARY PURPOSES.**
- 2. ACCRUALS EARNED AT THE END OF THE CURRENT PAY PERIOD ARE NOT AVAILABLE FOR USE UNTIL THE FOLLOWING PAY PERIOD.**
- 3. ELIGIBLE EMPLOYEES MAY BE PERMITTED TO USE SICK LEAVE FOR THE FOLLOWING REASONS:**
  - a. PERSONAL ILLNESS OR INJURY, APPOINTMENTS FOR SURGICAL, MEDICAL, DENTAL, OR OPTICAL APPOINTMENTS (INCLUDING REGULAR AND PREVENTATIVE CARE APPOINTMENTS), AND THE TRAVEL TIME TO AND FROM THE PHYSICIAN'S OFFICE,**
  - b. MEDICAL CONDITIONS THAT PREVENT THE EMPLOYEE FROM PERFORMING ASSIGNED TASKS, AND/OR**
  - c. IMMEDIATE FAMILY MEMBER'S (SEE POLICY 2 FOR DEFINITION) ILLNESS OR INJURY, AND THEIR SURGICAL, MEDICAL, DENTAL OR OPTICAL APPOINTMENTS (INCLUDING REGULAR AND PREVENTATIVE CARE APPOINTMENTS) AND RELATED TRAVEL TIME TO AND FROM THE PHYSICIAN'S OFFICE.**
- 4. SICK LEAVE WILL NOT BE CHARGED AGAINST AN EMPLOYEE'S ACCRUED BALANCE FOR A TOWN HOLIDAY.**



5. AN EMPLOYEE USING ANNUAL LEAVE WHO BECOMES ILL MAY, UPON VERIFICATION OF ILLNESS AND SUPERVISOR APPROVAL, CHARGE THE ILLNESS-RELATED TIME-OFF TO ACCUMULATED SICK LEAVE.

**D. SICK LEAVE REQUESTS**

1. SICK LEAVE MAY BE TAKEN WITH APPROVAL FROM THE SUPERVISOR AND/OR DEPARTMENT HEAD.
  - a. UPON RETURN TO WORK, THE EMPLOYEE WILL SUBMIT A LEAVE REQUEST TO THEIR SUPERVISOR FOR THE MISSED TIME.
  - b. ALL SICK LEAVE REQUESTED IN CONJUNCTION WITH CERTIFIED FAMILY AND MEDICAL LEAVE ACT LEAVE WILL BE APPROVED.
2. FOR UNPLANNED ABSENCES, EMPLOYEES WILL NOTIFY THEIR SUPERVISOR PRIOR TO THE START OF THEIR SHIFT OR AS SOON AS POSSIBLE THAT THEY WILL BE ABSENT FROM WORK AND THE REASON FOR THEIR ABSENCE.
  - a. IF THE ABSENCE IS GOING TO BE FOR MULTIPLE DAYS OR FOR AN UNKNOWN DURATION, THE EMPLOYEE IS REQUIRED TO KEEP THEIR SUPERVISOR INFORMED OF THEIR ANTICIPATED RETURN TO WORK DATE.
  - b. THE EMPLOYEE OR SUPERVISOR WILL NOTIFY HUMAN RESOURCES (HR) OF THE EXTENDED ABSENCE TO DETERMINE FMLA AND/OR ADA ELIGIBILITY.
3. FOR PLANNED ABSENCES, EMPLOYEES WILL SUBMIT A LEAVE REQUEST FORM AS SOON AS THE EMPLOYEE BECOMES AWARE OF THE NEED FOR THE PLANNED ABSENCE.
  - a. FOR PROLONGED PLANNED ABSENCES, EMPLOYEES SHOULD CONTACT HR TO DETERMINE IF THE LEAVE QUALIFIES FOR FMLA.
4. REQUESTS FOR SICK LEAVE IMMEDIATELY PRIOR TO AN EMPLOYEE'S SEPARATION FROM EMPLOYMENT, EVEN IF FOR RETIREMENT, MAY NOT BE GRANTED WITHOUT MEDICAL VERIFICATION.

**E. MEDICAL VERIFICATION**

1. IF AN EMPLOYEE USES SICK LEAVE FOR THREE (3) OR MORE CONSECUTIVE WORKING DAYS, THE DEPARTMENT HEAD OR DESIGNEE MAY REQUIRE THE EMPLOYEE TO SUBMIT A MEDICAL VERIFICATION STATEMENT FROM A HEALTH CARE PROVIDER VERIFYING THE NEED FOR THE SICK LEAVE ABSENCE. A MEDICAL DIAGNOSIS IS NOT REQUIRED AND SHOULD NOT BE REQUESTED BY THE SUPERVISOR.



2. **IF AN EMPLOYEE EXHIBITS AN UNUSUAL PATTERN OF SICK LEAVE ABSENCES, THE DEPARTMENT HEAD MAY REQUIRE THE EMPLOYEE TO SUBMIT A MEDICAL VERIFICATION STATEMENT.**
3. **IF THE EMPLOYEE FAILS TO PROVIDE THE MEDICAL VERIFICATION STATEMENT OR IF THE STATEMENT IS INADEQUATE (AS DETERMINED BY BOTH THE DEPARTMENT HEAD AND HR DIRECTOR) THE ABSENCE MAY BE CHARGED TO ANOTHER CATEGORY OF LEAVE OR CONSIDERED LEAVE WITHOUT PAY.**
4. **ALL MEDICAL VERIFICATION STATEMENTS WILL BE FORWARDED TO THE HR DEPARTMENT AND WILL BE PLACED IN THE EMPLOYEE'S HUMAN RESOURCES MEDICAL FILE.**

**F. RETURN TO WORK**

1. **EMPLOYEES ABSENT FROM WORK FOR MORE THAN FIVE (5) CONSECUTIVE WORKING DAYS OR WHOSE ABSENCE WAS THE RESULT OF AN ON THE JOB INJURY WILL SUBMIT A STATEMENT FROM A HEALTH CARE PROVIDER RELEASING THEM BACK TO WORK. A MEDICAL DIAGNOSIS IS NOT REQUIRED AND SHOULD NOT BE REQUESTED BY THE SUPERVISOR.**
2. **IF THE DEPARTMENT HEAD, TOWN MANAGER OR RISK MANAGER, IN CONSULTATION WITH THE HR DIRECTOR, BELIEVES THAT AN EMPLOYEE'S RETURN TO WORK IS A HEALTH OR SAFETY ISSUE TO THE EMPLOYEE AND/OR THEIR CO-WORKERS, THE EMPLOYEE WILL SUBMIT A MEDICAL RELEASE FROM A HEALTH CARE PROVIDER.**
3. **ALL PHYSICIAN STATEMENTS WILL BE FORWARDED TO THE HR DEPARTMENT AND WILL ONLY BE PLACED IN THE EMPLOYEE'S MEDICAL FILE.**
4. **IF THE EMPLOYEE IS RELEASED TO RETURN TO WORK WITH RESTRICTIONS, THE DEPARTMENT MUST FOLLOW THE ADMINISTRATIVE DIRECTIVE ON TRANSITIONAL/LIGHT DUTY.**

**G. TRANSFER OF UNUSED SICK LEAVE**

1. **ON THE FIRST DAY OF THE PAY PERIOD FOLLOWING JULY 1<sup>ST</sup> SICK LEAVE MAY BE TRANSFERRED TO ANNUAL LEAVE AS FOLLOWS:**
  - a. **ANY UNUSED PORTION OF THE FIRST 56 HOURS OF SICK LEAVE ACCRUED IN THE PREVIOUS FISCAL YEAR IN EXCESS OF 480 HOURS WILL BE TRANSFERRED AUTOMATICALLY.**



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- b. **THE TRANSFER MAY NOT CAUSE THE EMPLOYEE TO HAVE AN ANNUAL LEAVE BALANCE GREATER THAN THEIR MAXIMUM ACCRUAL.**
- c. **ANY EMPLOYEE MAY REQUEST PRIOR TO JULY 1<sup>ST</sup> THAT THEIR SICK LEAVE NOT BE TRANSFERRED.**
- d. **ANY SICK LEAVE NOT TRANSFERRED WILL REMAIN AS SICK LEAVE.**

**H. PAYMENT OF SICK LEAVE UPON TERMINATION FROM TOWN EMPLOYMENT:**

- 1. **ONE-HALF (1/2) OF AN EMPLOYEE'S ACCRUED SICK LEAVE BEYOND 480 HOURS WILL BE PAID TO THE EMPLOYEE UPON SEPARATION FROM EMPLOYMENT.**
- 2. **EMPLOYEES TERMINATED FOR CAUSE WILL NOT RECEIVE ANY PAYOUT FOR UNUSED SICK LEAVE.**
- 3. **IN THE EVENT OF AN EMPLOYEE'S DEATH, ONE-HALF (1/2) OF THE SICK LEAVE BALANCE IN EXCESS OF THE 480 HOURS SHALL BE PAID TO THE ESTATE OF THE FORMER EMPLOYEE.**

~~SECTION 4. — Military Leave: Leaves of absence for military service shall be granted in accordance with the provisions of applicable State and Federal laws.~~

~~Pursuant to State law, the Town of Oro Valley will provide employees in the military reserves with 30 days of paid military leave every two years.~~

~~For administrative purposes, the 30 days of leave shall be provided in two year increments beginning with odd-numbered calendar years, and ending with even-numbered calendar years. Paid military leave is not cumulative, and is only available for the two year period ending with the even-numbered years. Any portion of the 30 days which remains at the end of the even-numbered year will be eliminated, and a new 30-day increment will be made available for the reservists' use during the next two-year period.~~

~~Employees hired in even-numbered calendar years will have 15 days of paid military leave to use until the beginning of the next odd-numbered calendar year.~~

~~For example: Employee "A" (a military reservist) is hired in 2003, and will have 30 days of paid leave available to use during calendar years 2003 and 2004. Beginning in 2005, any unused portion of the original 30-day leave is eliminated, and the employee will have a new 30-day increment available for calendar years 2005-2006.~~

~~Employee B (also a military reservist) is hired during 2004, and will have 15 days of paid military leave available during the remainder of 2004. Beginning in 2005, any unused portion of the original 15-day increment is eliminated, and the employee will have a new 30-day increment to use during calendar years 2005-2006.~~

~~At their option, employees of the Town of Oro Valley who have been called to active duty by Presidential Order will be eligible to receive supplemental pay for a period of up to one year while under military orders. Employees will be required to expend the unused balance of their 30 days of paid military leave mandated by federal and/or state law prior to receiving supplemental pay. They will not be required to use accrued vacation pay or compensatory time off prior to receiving supplemental pay. They will be eligible to receive their normal pay minus all applicable~~



deductions for benefits, taxes, etc. In order to eliminate tax consequences for the employee, the Town will calculate the difference between their regular pay and their military pay, and pay the difference to the employee. Employees who are called up for extended duty who do not opt for supplemental pay will not be required to use any portion of the 30 days of paid military leave that they normally have available to them. The remaining portion will be available for their use upon the employee's return from extended duty.

During periods of military leave, employees of the Town of Oro Valley who are serving on active duty as members of the Military Reserves will be allowed to continue to maintain their employee benefits with the Town by continuing to make the required employee contributions for each of the plans for which the employee has enrolled prior to the start of their military service leave.

State law requires the Town of Oro Valley to make the employee contribution to the Public Safety Retirement System (P.S.P.R.S.) on behalf of reservists serving on active duty. Members of the P.S.P.R.S. receiving supplemental pay will receive their normal pay minus the Town's contribution to P.S.P.R.S. on their behalf.

Pursuant to applicable state laws, employees requesting a leave of absence for military service must submit copies of valid orders to the Town. Copies of orders shall be submitted to the Human Resources office. For additional details, please contact Human Resources.

### **10.3 ADMINISTRATIVE LEAVE**

- A. ADMINISTRATIVE LEAVE WITH PAY MAY BE GRANTED TO TOWN EMPLOYEES BY THE TOWN MANAGER.**

### **10.4 LEAVE OF ABSENCE WITHOUT PAY**

- A. THE TOWN MANAGER MAY GRANT AN EMPLOYEE A LEAVE OF ABSENCE WITHOUT PAY IN ACCORDANCE WITH THE FOLLOWING CONDITIONS.**
  - 1. IN NO EVENT WILL A LEAVE OF ABSENCE WITHOUT PAY BE GRANTED FOR A PERIOD OF MORE THAN ONE YEAR.**
  - 2. EMPLOYEES WHO HAVE NOT RETURNED FROM ANY LEAVE OF ABSENCE AFTER ONE YEAR WILL BE DEEMED TO HAVE VOLUNTARILY RESIGNED FROM THE TOWN OF ORO VALLEY.**
  - 3. PRIOR TO THE COMPLETION OF TWELVE (12) CALENDAR MONTHS OF CONTINUOUS SERVICE WITH THE TOWN SUCH LEAVE WILL ONLY BE GRANTED FOR SIGNIFICANT AND EXTENUATING CIRCUMSTANCES. TOTAL UNPAID LEAVE AT THIS LEVEL WILL GENERALLY NOT EXCEED TWO WEEKS.**
  - 4. SUBSEQUENT TO THE COMPLETION OF ONE (1) YEAR OF CONTINUOUS SERVICE, AND PRIOR TO THE COMPLETION OF FIVE (5) CALENDAR YEARS OF SERVICE, AN EMPLOYEE MAY BE GRANTED UP TO SIXTY (60) CALENDAR DAYS OF LEAVE OF ABSENCE WITHOUT PAY.**
    - a. APPROVAL FROM THE HR DIRECTOR, DEPARTMENT HEAD AND THE TOWN MANAGER MUST BE OBTAINED.**



5. **AFTER THE COMPLETION OF FIVE (5) CALENDAR YEARS OF CONTINUOUS SERVICE, AN EMPLOYEE MAY BE GRANTED UP TO ONE (1) YEAR OF LEAVE OF ABSENCE WITHOUT PAY WITH THE APPROVAL FROM THE HR DIRECTOR, DEPARTMENT HEAD AND THE TOWN MANAGER.**
6. **EMPLOYEES MAY COMBINE PAID LEAVE WITH UNPAID LEAVE OF ABSENCE. HOWEVER, THE USE OF UNPAID LEAVE, ACCRUED ANNUAL LEAVE AND ACCRUED COMPENSATORY TIME OFF, OR ANY COMBINATION THEREOF, SHALL BE SUBJECT TO APPROVAL FROM THE HR DIRECTOR, DEPARTMENT HEAD AND TOWN MANAGER.**
7. **TIME ON LEAVE OF ABSENCE WITHOUT PAY SHALL NOT BE CREDITED AS CONTINUOUS SERVICE, AND SHALL NOT BE COUNTED TOWARD ELIGIBILITY FOR ADDITIONAL LEAVE OF ABSENCE TIME OR FOR SENIORITY OR OTHER BENEFITS.**
8. **DURING AN APPROVED UNPAID LEAVE OF ABSENCE, THE EMPLOYEE MAY CONTINUE THEIR COVERAGE FOR HEALTH, DENTAL, OR DISABILITY PLANS BY CONTINUING TO PAY FULL COSTS OF THE PROGRAM INCLUDING ANY PORTIONS NORMALLY PAID BY THE TOWN.**
9. **NO LEAVE OF ABSENCE WITHOUT PAY SHALL BE GRANTED WITHOUT THE WRITTEN REQUEST OF THE EMPLOYEE, SETTING FORTH THE REASON AND EXPECTED DURATION OF THE LEAVE. UPON THE EXPIRATION OF AN APPROVED LEAVE THE EMPLOYEE SHALL BE REINSTATED TO A LIKE OR SIMILAR POSITION AS THAT HELD AT THE TIME LEAVE WAS GRANTED, IF AVAILABLE AND IF THE EMPLOYEE RETURNS TO WORK.**
10. **FAILURE ON THE PART OF AN EMPLOYEE ON LEAVE TO REPORT UPON THE EXPIRATION OF THE LEAVE SHALL BE VOLUNTARY RESIGNATION FROM EMPLOYMENT.**

## **10.5 UNAUTHORIZED LEAVE**

### **A. AN EMPLOYEE WHO IS ABSENT WITHOUT AUTHORIZATION SHALL:**

1. **BE DESIGNATED AS “ABSENT WITHOUT LEAVE”.**
2. **FOR PAYROLL PURPOSES, BE RECORDED AS LEAVE WITHOUT PAY FOR THE PERIOD OF SUCH ABSENCE.**
3. **BE SUBJECT TO APPROPRIATE DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.**



**B. AN EMPLOYEE WHO IS ABSENT WITHOUT AUTHORIZATION FOR THREE (3) CONSECUTIVE WORKING DAYS WILL BE CONSIDERED AS HAVING ABANDONED HIS/HER JOB AND WILL BE TERMINATED WITHOUT GRIEVANCE RIGHTS.**

~~SECTION 5. — Leave of Absence Without Pay: The Town Manager may grant an employee a leave of absence without pay in accordance with the following conditions:~~

- ~~A. — Prior to the completion of twelve (12) calendar months of continuous service with the Town such leave will only be granted for significant and extenuating circumstances. Total unpaid leave at this level will generally not exceed two weeks.~~
- ~~B. — Subsequent to the completion of one (1) year of continuous service, and prior to the completion of five (5) years of calendar service, an employee may be granted up to sixty (60) calendar days of leave of absence without pay. Approval of the Department Head and the Town Manager must be obtained.~~
- ~~C. — After the completion of five (5) calendar years of continuous service an employee may be granted up to one year of leave of absence without pay with the approval of the Department Head and the Town Manager.~~
- ~~D. — Employees may combine paid leave with unpaid leave of absence. However, the use of unpaid leave, accrued annual leave and accrued compensatory time off, or any combination thereof, shall be subject to approval by the Town Manager and the employee's Department Head.~~
- ~~E. — Time on leave of absence without pay shall not be credited as continuous service, and shall not be counted toward eligibility for additional leave of absence time or for seniority or other benefits.~~
- ~~F. — Benefits. During an approved unpaid leave of absence, the employee may continue their coverage for health, dental, or disability plans by continuing to pay full costs of the program including any portions normally paid by the Town.~~
- ~~G. — No leave of absence without pay shall be granted without the written request of the employee, setting forth the reason and expected duration of the leave. Upon the expiration of an approved leave the employee shall be reinstated to a like or similar position as that held at the time leave was granted, if available and if the employee returns to work.~~
- ~~H. — Failure on the part of an employee on leave to report upon the expiration of the leave shall be a voluntary resignation from employment.~~
- ~~I. — In no event will a leave of absence without pay be granted for a period of more than one year. Employees who have not returned from any leave of absence after one year will be deemed to have voluntarily resigned from the town of Oro Valley.~~

~~SECTION 6. — Leave with Pay: Leave with pay for sufficient cause may be granted to employees of the Town by the Town Manager, up to and including five consecutive working days or ten total working days in any fiscal year. More extended periods of leave with pay require the approval of the Town Council. Leave with pay may be granted in cases of special hardship at full or partial pay. Examples of situations where leave with pay might be granted include, but are not necessarily limited to the following:~~

~~\_\_\_\_\_~~  
~~Absence to attend an authorized course of instruction directly related to the employee's duties and which is critical to Town business (educational leave of absence) and approved by the Department Head.~~



~~In considering whether leave with pay will be granted, the Town Manager shall use the following criteria:~~

- ~~1. The amount of paid and unpaid leave already taken by the employee in the year preceding the request for paid leave.~~
- ~~2. The employee's overall attendance.~~
- ~~3. The employee's previous performance ratings.~~
- ~~4. The length of the employee's tenure with the Town.~~
- ~~5. The amount of other paid leave time which is available to the employee, including consideration of any accrued compensatory time, annual leave or sick leave which may be available.~~
- ~~6. The employee's previous leave with pay requests.~~

~~Leave with pay is intended to be granted only in extreme or extraordinary circumstances. The denial of a request for such leave is not subject to appeal or grievance.~~

**10.6 OBSERVED HOLIDAYS**

**A. THE HOLIDAYS OBSERVED BY THE TOWN ARE:**

<b>NEW YEAR'S EVE DAY</b>	<b>MEMORIAL DAY</b>	<b>THANKSGIVING DAY</b>	<b>FLOATING HOLIDAY (BIRTHDAY)</b>
<b>NEW YEAR'S DAY</b>	<b>INDEPENDENCE DAY</b>	<b>DAY AFTER THANKSGIVING</b>	
<b>CIVIL RIGHTS/MLK DAY</b>	<b>LABOR DAY</b>	<b>CHRISTMAS EVE DAY</b>	
<b>PRESIDENT'S DAY</b>	<b>VETERAN'S DAY</b>	<b>CHRISTMAS DAY</b>	

**B. HOLIDAY PAY**

- 1. FULL TIME EMPLOYEES RECEIVE HOLIDAY PAY AT THEIR NORMAL RATE OF PAY FOR THEIR REGULAR SCHEDULED SHIFT (WHETHER 8 OR 10 HOURS) IN LIEU OF HOURS WORKED.**
- 2. PART-TIME BENEFIT ELIGIBLE EMPLOYEES SHALL RECEIVE HOLIDAY PAY BASED UPON A PRORATION OF THEIR BUDGETED WORKING HOURS.**
  - a. FOR EXAMPLE, A PART-TIME BENEFIT ELIGIBLE EMPLOYEE BUDGETED TO WORK TWENTY (20) HOURS PER WEEK WOULD BE ELIGIBLE FOR FOUR (4) HOURS OF HOLIDAY PAY ON OBSERVED HOLIDAYS.**



3. **EMPLOYEES WHOSE REGULARLY SCHEDULED DAY-OFF FALLS ON AN OBSERVED TOWN HOLIDAY MAY RECEIVE A DIFFERENT DAY OFF DURING THAT SAME WEEK AS THEIR HOLIDAY.**

**C. FLOATING HOLIDAY (BIRTHDAY)**

1. **THE EMPLOYEE'S FLOATING HOLIDAY MUST BE TAKEN DURING THE MONTH IN WHICH THE EMPLOYEE'S ACTUAL BIRTHDAY OCCURS.**
2. **EMPLOYEES WHO FAIL TO TAKE THE FLOATING HOLIDAY DURING THEIR BIRTH MONTH, FORFEIT THEIR FLOATING HOLIDAY FOR THAT YEAR.**
3. **AN EMPLOYEE MAY NOT WORK ON THE FLOATING HOLIDAY FOR ADDITIONAL COMPENSATION.**

**D. HOLIDAYS WORKED**

**IF AN ELIGIBLE EMPLOYEE IS REQUIRED TO WORK ON AN OBSERVED HOLIDAY, THE EMPLOYEE WILL RECEIVE THE EMPLOYEE'S NORMAL RATE OF PAY FOR THEIR USUAL SHIFT, PLUS HOLIDAY PAY, PLUS REGULAR OVERTIME PAY IF REQUIRED FOR ANY HOURS OVER 40 IN THAT WORKWEEK.**

**E. HOLIDAYS THAT FALL ON SATURDAY OR SUNDAY**

1. **WHEN AN OBSERVED HOLIDAY FALLS ON A SATURDAY, THE PRECEDING FRIDAY SHALL BE OBSERVED.**
2. **WHEN AN OBSERVED HOLIDAY FALLS ON A SUNDAY, THE FOLLOWING MONDAY WILL BE OBSERVED.**
3. **WHEN CHRISTMAS AND NEW YEAR'S DAY ARE OBSERVED ON A FRIDAY, CHRISTMAS EVE DAY AND NEW YEAR'S EVE DAY WILL BE OBSERVED ON THE PRECEDING THURSDAY. WHEN CHRISTMAS EVE DAY AND NEW YEAR'S EVE DAY FALL ON A SUNDAY, CHRISTMAS EVE DAY AND NEW YEAR'S EVE DAY WILL BE OBSERVED ON MONDAY AND CHRISTMAS DAY AND NEW YEAR'S DAY WILL BE OBSERVED ON THE FOLLOWING TUESDAY.**

**10.7 WORKER'S COMPENSATION**

**A. PURPOSE**

1. **UNDER ARIZONA LAW, IT IS MANDATORY FOR EMPLOYERS TO SECURE WORKERS' COMPENSATION INSURANCE FOR THEIR EMPLOYEES. WORKERS' COMPENSATION IS A "NO FAULT" SYSTEM IN WHICH AN INJURED OR ILL EMPLOYEE IS ENTITLED TO RECEIVE BENEFITS FOR A**



**JOB-RELATED INJURY OR ILLNESS, NO MATTER WHO CAUSED THE INJURY OR ILLNESS. IF AN ILLNESS OR INJURY IS JOB-RELATED, THEN THE INJURED EMPLOYEE IS ELIGIBLE TO RECEIVE MEDICAL BENEFITS AND MAY RECEIVE TEMPORARY COMPENSATION, IF ELIGIBILITY REQUIREMENTS ARE MET. IN SOME CASES, A CLAIMANT MAY ALSO RECEIVE PERMANENT COMPENSATION BENEFITS, JOB RETRAINING, AND SUPPORTIVE MEDICAL CARE.**

- 2. THE PROVISIONS OF THIS POLICY ARE NOT INTENDED TO CONFLICT WITH OR SUPERSEDE STATE LAW, NOR SHOULD THEY BE INTERPRETED OR CONSTRUED TO DO SO. IF ANY PROVISION OF THIS POLICY CONFLICTS WITH STATE LAW, STATE LAW SHALL CONTROL.**

**B. REPORTING REQUIREMENT**

- 1. EMPLOYEES WILL IMMEDIATELY REPORT ANY JOB RELATED ACCIDENT, ILLNESS, OR INJURY TO HIS OR HER IMMEDIATE SUPERVISOR.**
- 2. IF THE EMPLOYEE'S DIRECT SUPERVISOR IS NOT AVAILABLE, THE EMPLOYEE SHALL REPORT THE ACCIDENT, INJURY OR OCCUPATIONAL ILLNESS TO THE EMPLOYEE'S DEPARTMENT HEAD.**
- 3. THE EMPLOYEE'S DEPARTMENT HEAD, SUPERVISOR, OR DESIGNEE WILL ENSURE THAT THE ACCIDENT, INJURY OR ILLNESS IS REPORTED TO HR NO LATER THAN THE NEXT WORK DAY.**
- 4. FAILURE TO REPORT THE ACCIDENT, INJURY OR ILLNESS WITHIN 24 HOURS MAY RESULT IN THE DENIAL OF A WORKER'S COMPENSATION CLAIM.**
- 5. EMPLOYEES WILL FOLLOW THE REPORTING PROCEDURES ESTABLISHED BY HR/RISK MANAGEMENT, TO INCLUDE COMPLETING AND SUBMITTING ANY REQUIRED FORMS.**

**C. DETERMINATION OF COMPENSABILITY**

- 1. THE TOWN'S WORKERS' COMPENSATION CARRIER WILL DETERMINE COMPENSABILITY FOR JOB RELATED INJURIES AND ILLNESSES.**

**D. MEDICAL CLAIMS**

- 1. PURSUANT TO STATE LAW, IF AN EMPLOYEE IS OFF WORK DUE TO A JOB-RELATED INJURY OR ILLNESS DETERMINED TO BE COMPENSABLE, THE WORKERS' COMPENSATION CARRIER WILL PAY**



**ALL OF THE EMPLOYEE'S MEDICAL EXPENSES ASSOCIATED WITH THE JOB RELATED INJURY OR ILLNESS.**

- 2. IF AN EMPLOYEE'S ON THE JOB INJURY OR ILLNESS FALLS WITHIN THE FAMILY AND MEDICAL LEAVE DEFINITION FOR SERIOUS MEDICAL CONDITION, THE EMPLOYEE SHALL ALSO BE PLACED ON FAMILY AND MEDICAL LEAVE STATUS. DURING SUCH TIME, THE EMPLOYEE WILL BE AFFORDED THE SAME PROTECTIONS AND BENEFITS AS DESCRIBED IN SECTION 10.12 OF THIS POLICY.**

**E. BENEFITS**

- 1. ALL BENEFITS UNDER THIS PLAN WILL BE PROVIDED WHILE THE EMPLOYEE MEETS ALL ELIGIBILITY CRITERIA, FOR A PERIOD OF SIX (6) MONTHS FROM THE DATE THE EMPLOYEE RECEIVES FIRST PAYMENT OF WORKERS' COMPENSATION PURSUANT TO A.R.S. 23-1021, 38-961 AND RELATED STATUTES.**
- 2. PAYMENT OF THE EMPLOYEE'S REGULAR NET SALARY.**
- 3. ACCRUED LEAVE BALANCES WILL BE MAINTAINED AT PRE-INJURY LEVEL, INCLUDING SICK, VACATION, AND COMP TIME.**
- 4. CONTINUED PAYMENT OF THE EMPLOYER'S PORTION OF PREMIUM FOR HEALTH CARE BENEFITS, INCLUDING MEDICAL, DENTAL, AND VISION BENEFITS. EMPLOYEES REMAIN RESPONSIBLE FOR PAYING THEIR PORTION OF ANY PREMIUM.**
- 5. RETIREMENT**
  - a. PUBLIC SAFETY EMPLOYEES (MEMBERS OF PSPRS AND CORP)**
    - i. THE TOWN WILL PAY BOTH THE EMPLOYERS AND EMPLOYEE'S CONTRIBUTION TO THE PUBLIC SAFETY RETIREMENT SYSTEM.**
    - ii. THE EMPLOYEE WILL CONTINUE TO ACCRUE CREDIT FOR SERVICE IN THE PUBLIC SAFETY RETIREMENT PLAN.**
  - b. MEMBERS OF ASRS**
    - i. COMPENSATION RECEIVED UNDER THE WORKMAN'S COMPENSATION PROGRAM IS NOT ELIGIBLE FOR CREDITED SERVICE.**
    - ii. NEITHER THE EMPLOYEE NOR THE TOWN WILL CONTRIBUTE RETIREMENT CONTRIBUTIONS WHILE THE EMPLOYEE IS ON WORKMAN'S COMPENSATION.**
- 6. TO THE EXTENT THE EMPLOYEE IS ELIGIBLE FOR AND RECEIVES SALARY OR BENEFIT CHANGES WHILE ELIGIBLE AND RECEIVING**



**BENEFITS UNDER THIS SECTION, THE BENEFITS UNDER THIS SECTION WILL BE ADJUSTED ACCORDINGLY.**

- a. **FOR EXAMPLE, IF ALL EMPLOYEES ARE PROVIDED AUTOMATIC SALARY ADJUSTMENT AS PART OF AN ANNUAL PROCESS, THE EMPLOYEE WILL RECEIVE BENEFITS UNDER THIS PLAN BASED ON HIS/HER NEW ADJUSTED SALARY AS HE/SHE WOULD IF NOT INJURED.**
- b. **SUCH ADJUSTMENTS MAY OR MAY NOT BENEFIT THE EMPLOYEE.**

7. **EMPLOYEES RECEIVING BENEFITS UNDER THIS SECTION WILL NOT ACCRUE ADDITIONAL SICK OR ANNUAL LEAVE.**

**F. RETURN TO WORK**

1. **IT IS THE PHILOSOPHY OF THE TOWN TO RETURN INJURED OR ILL EMPLOYEES TO EMPLOYMENT FOR THE TOWN AS SOON AS THEY ARE PHYSICALLY AND/OR MENTALLY CAPABLE OF PERFORMING FUNCTIONS FOR THE TOWN AND ARE RELEASED TO RETURN TO WORK BY THE DESIGNATED PHYSICIAN.**
2. **WHEN AN EMPLOYEE WITH A JOB-RELATED INJURY OR ILLNESS RETURNS TO WORK, EITHER IN HIS OR HER NORMAL ASSIGNMENT OR IN AN ALTERNATIVE WORK ASSIGNMENT (TRANSITIONAL/LIGHT DUTY), THE EMPLOYEE WILL NOT BE CHARGED SICK LEAVE OR ANY OTHER TYPE OF LEAVE FOR ABSENCES DUE TO MEDICAL APPOINTMENTS, INCLUDING PHYSICAL THERAPY, FOR THE JOB-RELATED INJURY OR ILLNESS.**
3. **ANY EMPLOYEE WHO HAS BEEN ABSENT DUE TO A WORK-RELATED ILLNESS OR INJURY MAY BE REQUIRED TO UNDERGO A RETURN TO WORK EXAMINATION OR A FITNESS FOR DUTY EXAMINATION THROUGH THE TOWN DESIGNATED PHYSICIAN.**
4. **EMPLOYEES RELEASED TO WORK WITH RESTRICTIONS WILL BE PLACED ON LIGHT DUTY WHEN LIGHT DUTY IS AVAILABLE. SEE THE TOWN TRANSITIONAL/LIGHT DUTY ADMINISTRATIVE DIRECTIVE FOR FURTHER DETAILS.**
5. **IF THE EMPLOYEE IS RELEASED TO WORK WITH RESTRICTIONS, THE TOWN WILL COMPLY WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT.**
6. **IN THE EVENT THAT AN EMPLOYEE IS APPROVED FOR AND OFFERED LIGHT DUTY ASSIGNMENT AND CHOOSES NOT TO ACCEPT THE ASSIGNMENT, S/HE SHALL BE DENIED CONTINUATION OF WORKER'S**



**COMPENSATION BENEFITS, AND MAY BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION.**

## **10.8 MILITARY LEAVE**

- A. LEAVES OF ABSENCE FOR MILITARY SERVICE SHALL BE GRANTED IN ACCORDANCE WITH THE PROVISIONS OF APPLICABLE STATE AND FEDERAL LAWS. PURSUANT TO STATE LAW, THE TOWN OF ORO VALLEY WILL PROVIDE EMPLOYEES IN THE MILITARY RESERVES WITH THIRTY (30) DAYS OF PAID MILITARY LEAVE EVERY TWO YEARS.**
- B. PURSUANT TO APPLICABLE FEDERAL AND STATE LAWS, EMPLOYEES REQUESTING A LEAVE OF ABSENCE FOR MILITARY SERVICE MUST SUBMIT COPIES OF VALID ORDERS TO THE HR DEPARTMENT.**
- C. AT THEIR OPTION, EMPLOYEES OF THE TOWN OF ORO VALLEY WHO HAVE BEEN CALLED TO ACTIVE DUTY BY PRESIDENTIAL ORDER WILL BE ELIGIBLE TO RECEIVE SUPPLEMENTAL PAY FOR A PERIOD OF UP TO ONE (1) YEAR WHILE UNDER ACTIVE MILITARY ORDERS.**
- D. THE EMPLOYEE UNDER ACTIVE MILITARY ORDER WILL NOT BE REQUIRED TO USE ACCRUED ANNUAL PAY OR COMPENSATORY TIME OFF PRIOR TO RECEIVING SUPPLEMENTAL PAY.**
- E. THE EMPLOYEE ON ACTIVE MILITARY ORDER IS ELIGIBLE TO RECEIVE THEIR NORMAL PAY MINUS ALL APPLICABLE DEDUCTIONS FOR BENEFITS, TAXES, ETC.**
  - 1. IN ORDER TO ELIMINATE TAX CONSEQUENCES FOR THE EMPLOYEE ON ACTIVE MILITARY ORDER, THE TOWN WILL CALCULATE THE DIFFERENCE BETWEEN THEIR REGULAR PAY AND THEIR MILITARY PAY, AND PAY THE DIFFERENCE TO THE EMPLOYEE.**
- F. DURING PERIODS OF MILITARY LEAVE, EMPLOYEES OF THE TOWN OF ORO VALLEY WHO ARE SERVING ON ACTIVE DUTY AS MEMBERS OF THE MILITARY RESERVES WILL BE ALLOWED TO CONTINUE TO MAINTAIN THEIR EMPLOYEE BENEFITS WITH THE TOWN BY CONTINUING TO MAKE THE REQUIRED EMPLOYEE CONTRIBUTIONS FOR EACH OF THE PLANS FOR WHICH THE EMPLOYEE HAS ENROLLED PRIOR TO THE START OF THEIR MILITARY SERVICE LEAVE.**
- G. RETIREMENT CONTRIBUTIONS FOR EMPLOYEES CALLED TO ACTIVE MILITARY SERVICE. .**
  - 1. EMPLOYEES WHO ARE MEMBERS OF THE ARIZONA RETIREMENT SYSTEM**



- a. **IN ACCORDANCE WITH ARIZONA REVISED STATUTE 38-745, MEMBERS OF A.S.R.S WHO ARE ON PAID LEAVE WILL CONTINUE TO PAY THE EMPLOYEE'S PORTION OF THEIR RETIREMENT CONTRIBUTION WHILE THE TOWN CONTINUES TO PAY THE EMPLOYER'S PORTION.**
  - b. **IF THE EMPLOYEE IS ON UNPAID LEAVE, THE TOWN WILL PAY BOTH THE EMPLOYEE'S AND EMPLOYER'S PORTION OF THE REQUIRED CONTRIBUTION TO ASRS ONCE THE EMPLOYEE RETURN'S TO TOWN EMPLOYMENT AND MEETS ELIGIBILITY REQUIREMENTS**
- 2. EMPLOYEES WHO ARE MEMBERS OF THE PSPRS OR CORP**
- a. **IN ACCORDANCE WITH ARIZONA REVISED STATUTE 38-858, THE TOWN WILL MAKE BOTH MEMBER AND EMPLOYER CONTRIBUTIONS FOR YOU (UP TO 48 MONTHS) IN A LUMP SUM UPON YOUR RETURN IF:**
    - i. **YOU ARE A MEMBER OF THE ARIZONA NATIONAL GUARD OR A RESERVE IN ANY BRANCH OF THE MILITARY, OR**
    - ii. **YOU VOLUNTEER INTO ACTIVE DUTY OR ARE CALLED INTO ACTIVE DUTY AS A RESULT OF A PRESIDENTIAL CALL-UP, AND**
    - iii. **YOU ARE HONORABLY SEPARATED FROM ACTIVE DUTY AND RETURN TO TOWN EMPLOYMENT WITHIN 90 DAYS AFTER SEPARATION.**

**H. THE TOWN WILL FOLLOW THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT WHEN DETERMINING RETURN AND REEMPLOYMENT RIGHTS UPON RELEASE FROM ACTIVE MILITARY ORDER.**

~~SECTION 7. — Jury Leave: All employees of the Town who are called or required to serve as a juror shall be excused for their absence from work and receive their normal pay for such absence. In return for receiving regular pay, the employee shall remit any monies received for the jury duty (except for travel pay) directly to the Town.~~

~~SECTION 8. — Subpoena Leave/Expert Witness Leave: All employees of the Town required to appear in court as a witness in their official capacity shall be excused from their duties with the Town and shall receive pay and all other benefits during the period of such service. Under such circumstances, the employee shall refund the witness fee, if any, to the Town. Employees subpoenaed for matters not related to Town business shall not be paid for their absence unless accrued; approved annual leave or accrued compensatory time is used. Employees may use unpaid leave for such absences with appropriate approvals.~~

~~SECTION 9. — Administrative Leave: The Town Manager may grant up to five (5) days of Administrative Leave with pay, in any fiscal year, to exempt employees due to extenuating conditions of employment.~~

## **10.9 BEREAVEMENT LEAVE**

- A. UPON THE DEATH OF AN IMMEDIATE FAMILY MEMBER, BENEFIT ELIGIBLE EMPLOYEES WHO ARE ON ACTIVE STATUS (I.E., NOT ON ANOTHER FORM OF**



LEAVE OF ABSENCE) ARE ELIGIBLE TO RECEIVE FIVE (5) WORKING DAYS OF PAID LEAVE (NOT CHARGED TO SICK LEAVE OR ANNUAL LEAVE).

1. FOR BEREAVEMENT INVOLVING OTHER FAMILY MEMBERS OR FRIENDS, THE EMPLOYEE MAY REQUEST PAID ANNUAL LEAVE OR UNPAID LEAVE.
2. BEREAVEMENT LEAVE MUST BE APPROVED BY THE DEPARTMENT HEAD, OR DESIGNEE.

### **10.10 JURY DUTY LEAVE**

- A. ALL EMPLOYEES OF THE TOWN WHO ARE CALLED OR REQUIRED TO SERVE AS A JUROR SHALL BE EXCUSED FOR THEIR ABSENCE FROM WORK AND RECEIVE THEIR NORMAL PAY FOR SUCH ABSENCE. IN RETURN FOR RECEIVING REGULAR PAY, THE EMPLOYEE SHALL REMIT ANY MONIES RECEIVED FOR THE JURY DUTY (EXCEPT FOR TRAVEL PAY) DIRECTLY TO THE TOWN.

### **10.11 SUBPOENA LEAVE / WITNESS LEAVE**

- A. ALL EMPLOYEES OF THE TOWN REQUIRED TO APPEAR IN COURT AS A WITNESS IN THEIR OFFICIAL CAPACITY SHALL BE EXCUSED FROM THEIR DUTIES WITH THE TOWN AND SHALL RECEIVE PAY AND ALL OTHER BENEFITS DURING THE PERIOD OF SUCH SERVICE.
  1. UNDER SUCH CIRCUMSTANCES, THE EMPLOYEE SHALL REFUND THE WITNESS FEE, IF ANY, TO THE TOWN.
- B. EMPLOYEES SUBPOENAED FOR MATTERS NOT RELATED TO TOWN BUSINESS SHALL NOT BE PAID FOR THEIR ABSENCE UNLESS ACCRUED, APPROVED ANNUAL LEAVE OR ACCRUED COMPENSATORY TIME IS USED.
  1. EMPLOYEES MAY USE UNPAID LEAVE FOR SUCH ABSENCES WITH APPROPRIATE APPROVALS.

~~SECTION 10. — Holidays: The holidays to be observed by the Town are as follows:~~

- |  |   |
|--|---|
| <del>_____</del> New Year's Eve Day          |   |
| <del>_____</del> New Year's Day              | <del>_____</del> Labor Day                  |
| <del>_____</del> Civil Rights/MLK Day        | <del>_____</del> Veteran's Day              |
| <del>_____</del> President's Day             | <del>_____</del> Thanksgiving Day           |
| <del>_____</del> Memorial Day                | <del>_____</del> Day after Thanksgiving Day |
| <del>_____</del> Independence Day            | <del>_____</del> Christmas Eve Day          |
| <del>_____</del> Floating Holiday (Birthday) | <del>_____</del> Christmas Day              |



Employees budgeted for at least 20 hours per week are eligible for holiday pay on observed holidays. The amount of holiday pay will be prorated based on the regular budgeted status of the employee.

Employees who are eligible for holiday pay may take a floating holiday to celebrate their birthday. The day off with pay (pursuant to the other terms of this policy) must be taken during the month in which the employee's actual birthday occurs. If the employee fails to take the Floating Holiday during their birth month, it is forfeited for that year. An employee may not work on the Floating Holiday for additional compensation.

(Note: When a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday will be observed. When Christmas Day and New Year's Day are observed on a Friday, Christmas Eve Day and New Year's Eve Day will be observed on the preceding Thursday. When Christmas Eve Day and New Year's Eve Day fall on a Sunday, Christmas Eve Day and New Year's Eve Day will be observed on Monday and Christmas Day and New Year's Day will be observed on the following Tuesday. It should be noted that public safety and other essential service employees may be required to be on duty on holidays in the interests of the public health, safety, or general welfare of the Town and that for pay purposes, the holiday is the day designated by the Town.)

Full time employees receive holiday pay for a regularly scheduled work day in lieu of hours worked. Part time employees who are budgeted to work twenty (20) hours per week or more shall receive holiday pay based upon a proration of their budgeted working hours. For example, a part time employee budgeted to work twenty (20) hours per week would be eligible for four (4) hours of holiday pay on paid holidays.

In the case of police officers, if an officer is required to work on a holiday designated by the Town, the officer will receive double the officer's normal rate of pay for the period of time worked. If the officer does not work on a holiday designated by the Town, the officer will receive ten (10) hours pay at the officer's normal rate of pay provided that the officer is on a schedule where the normal work day is ten (10) hours.

If an eligible employee is required to work on a holiday designated by the Town, the employee will receive the employee's normal rate of pay for their usual shift (whether 8 or 10 hours), plus holiday pay, plus regular overtime pay if required for any time worked over 40 hours in the workweek.

~~SECTION 11. — Family and Medical Leave Act, as amended: The Town of Oro Valley shall comply with the requirements of the Family and Medical Leave Act. A summary of this Act is available for review in the Human Resources Office. Qualifying employees may be eligible under the act for up to a total of 12 weeks of unpaid family leave during an applicable 12 month period. The Act provides for leaves for childbirth, foster care, and adoption related situations, as well as serious health conditions for employees, or to care for a seriously ill spouse, parent or child in certain situations.~~

~~In certain circumstances FMLA leave may be available for members of the military and/or their family members. Requirements for military FMLA are different than other leave requirements, so please consult the Human Resources Director if you would like to request FMLA for a military related reason.~~

~~For purposes of calculating the total amount of unpaid leave available to qualifying employees, the Town requires that the employee shall first use paid leave for which they are eligible (i.e., sick leave, annual leave, compensatory time off, etc.). Thereafter, the Town shall grant qualifying employees unpaid leave up to a total of 12 weeks, including the paid leave noted previously.~~

~~The amount of available FMLA leave depends upon certain eligibility requirements (such as hours of service worked during the preceding 12 month period, etc.), a qualifying event (i.e., childbirth, adoption, foster care, or serious health condition affecting either the employee or member of the employee's immediate family), the amount~~



~~of paid leave available to the employee, as well as any unpaid leave already used by the employee. Eligibility for leave under the Act shall be determined by the Human Resources Director. Employees desiring additional information regarding family leave are encouraged to contact the Human Resources Director. In cases involving foreseeable qualifying events, a minimum of 30 days notice shall be given of the necessity of the leave. In all other situations, employees should give as much advanced notice as possible.~~

~~An employee who needs more than the 12 weeks of leave provided by the FMLA may request additional time off in accordance with the other leave of absence provisions discussed in this policy (see sections 5 & 6), up to a total of 12 months of total leave time. They may continue to use any paid time which they have accrued during this period~~

## **10.12 FAMILY AND MEDICAL LEAVE**

**A. THE FEDERAL FAMILY AND MEDICAL LEAVE ACT ENTITLES ELIGIBLE EMPLOYEES TO TAKE UNPAID, JOB-PROTECTED LEAVE FOR SPECIFIED FAMILY AND MEDICAL REASONS WITH CONTINUATION OF GROUP HEALTH INSURANCE COVERAGE.**

**B. ELIGIBILITY**

- 1. MUST BE A TOWN OF ORO VALLEY EMPLOYEE.**
- 2. MUST HAVE WORKED FOR ORO VALLEY FOR AT LEAST TWELVE (12) MONTHS, WHETHER OR NOT SUCH TIME IS CONTINUOUS, AND NOT HAD A CONTINUOUS BREAK IN SERVICE OF MORE THAN SEVEN (7) YEARS.**
- 3. MUST HAVE WORKED A MINIMUM OF 1,250 HOURS DURING THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE COMMENCEMENT OF LEAVE. *QUALIFYING HOURS DO NOT INCLUDE ANNUAL, SICK, BEREAVEMENT, HOLIDAY, UNPAID LEAVE, ETC. BUT OVERTIME AND HOLIDAYS WORKED AND MILITARY LEAVE DO QUALIFY.***

**C. QUALIFYING EVENTS**

- 1. THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION THAT MAKES THE EMPLOYEE UNABLE TO PERFORM ONE OR MORE OF THE ESSENTIAL FUNCTIONS OF HIS OR HER JOB.**
- 2. THE BIRTH OF A CHILD AND TO CARE FOR THE NEWBORN CHILD WITHIN ONE YEAR OF BIRTH.**
- 3. THE PLACEMENT WITH THE EMPLOYEE OF A CHILD FOR ADOPTION OR FOSTER CARE AND TO CARE FOR THE NEWLY PLACED CHILD WITHIN ONE YEAR OF PLACEMENT.**
- 4. TO CARE FOR THE EMPLOYEE'S SPOUSE, CHILD, PARENT OR EN LOCO PARENTIS WHO HAS A SERIOUS HEALTH CONDITION.**



**ATTENDANCE AND LEAVES**

**Effective Date: TBD**

5. **A MILITARY QUALIFYING EXIGENCY WHILE THE EMPLOYEE'S SPOUSE, SON, DAUGHTER, OR PARENT (THE "MILITARY MEMBER") IS ON COVERED ACTIVE DUTY OR HAS BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO COVERED ACTIVE DUTY STATUS.**
6. **TO CARE FOR A COVERED SERVICE MEMBER OR QUALIFYING VETERAN WITH A SERIOUS INJURY OR ILLNESS IF THE ELIGIBLE EMPLOYEE IS THE SERVICE MEMBER'S SPOUSE, SON, DAUGHTER, PARENT, OR NEXT OF KIN (MILITARY CAREGIVER LEAVE).**

**D. AMOUNT OF LEAVE**

1. **QUALIFYING FULL-TIME EMPLOYEES MAY BE ELIGIBLE FOR UP TO A TOTAL OF 12 WEEKS OF UNPAID FAMILY LEAVE DURING THE APPLICABLE 12 MONTH PERIOD.**
2. **FOR PART-TIME ELIGIBLE EMPLOYEES AND THOSE WHO WORK VARIABLE HOURS, THE FAMILY MEDICAL LEAVE ENTITLEMENT IS CALCULATED ON A PRO-RATA BASIS. A WEEKLY AVERAGE OF HOURS WORKED OVER THE 12 WEEKS PRIOR TO THE BEGINNING OF THE LEAVE SHOULD BE USED FOR CALCULATING THE EMPLOYEE'S NORMAL WORKWEEK.**
3. **A HUSBAND AND WIFE WHO ARE BOTH EMPLOYED BY THE TOWN ARE PERMITTED TO TAKE ONLY A COMBINED TOTAL OF 12 WEEKS OF LEAVE DURING THE 12 ROLLING CALENDAR MONTH PERIOD IF THEY ARE TAKING LEAVE FOR THE BIRTH OR ADOPTION OF A CHILD.**
4. **EXCEPT FOR LEAVE TO CARE FOR A COVERED SERVICE MEMBER WITH A SERIOUS INJURY OR ILLNESS, THE TOWN USES A ROLLING 12-MONTH PERIOD TO CALCULATE FMLA ELIGIBILITY. EACH TIME AN EMPLOYEE USES FMLA LEAVE, THE REMAINING LEAVE ENTITLEMENT IS THE BALANCE OF THE 12 WEEKS THAT HAS NOT BEEN USED DURING THE IMMEDIATELY PRECEDING 12 MONTHS.**
5. **FOR LEAVE TO CARE FOR A COVERED SERVICE MEMBER WITH A SERIOUS INJURY OR ILLNESS, THE BENEFIT PROVIDES FOR UP TO 26 WEEKS OF LEAVE AND THE "SINGLE 12-MONTH PERIOD" BEGINS ON THE FIRST DAY THE ELIGIBLE EMPLOYEE TAKES FMLA LEAVE TO CARE FOR THE COVERED SERVICE MEMBER AND ENDS 12 MONTHS AFTER THAT DATE.**

**E. SERIOUS HEALTH CONDITION IS AN ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL OR MENTAL CONDITION THAT INVOLVES:**

1. **IMPATIENT CARE OR CONTINUING TREATMENT BY A HEALTH CARE PROVIDER.**



2. **CONTINUING TREATMENT INVOLVES A PERIOD OF INCAPACITY:**
  - a. **OF MORE THAN THREE (3) CONSECUTIVE CALENDAR DAYS AND ANY SUBSEQUENT TREATMENT THAT ALSO INVOLVES TREATMENT AT LEAST TWO OR MORE TIMES BY A HEALTH CARE PROVIDER;**
  - b. **DUE TO PREGNANCY, OR PRENATAL CARE;**
  - c. **DUE TO A CHRONIC SERIOUS HEALTH CONDITION REQUIRING PERIODIC TREATMENT BY A HEALTH CARE PROVIDER OVER AN EXTENDED PERIOD OF TIME AND MAY CAUSE EPISODIC RATHER THAN A CONTINUING PERIOD OF INCAPACITY (E.G., ASTHMA, DIABETES, EPILEPSY);**
  - d. **PERMANENT OR LONG-TERM INCAPACITY DUE TO A CONDITION FOR WHICH TREATMENT MAY NOT BE EFFECTIVE; OR**
  - e. **ANY PERIOD OF ABSENCE TO RECEIVE MULTIPLE TREATMENTS BY A HEALTH CARE PROVIDER EITHER FOR RESTORATIVE SURGERY AFTER AN ACCIDENT OR INJURY OR FOR A CONDITION SUCH AS CANCER THAT WOULD LIKELY RESULT IN A PERIOD OF INCAPACITY OF MORE THAN THREE (3) CONSECUTIVE CALENDAR DAYS WITHOUT MEDICAL TREATMENT. TREATMENT WOULD NOT INCLUDE ROUTINE PHYSICAL EXAMINATIONS.**

**F. APPLICATION OF ACCRUED PAID LEAVE**

1. **ACCRUED PAID ANNUAL AND SICK LEAVE WILL BE APPLIED WHEN FMLA LEAVE IS TAKEN FOR ANY REASON OR ANY LENGTH OF TIME.**
2. **WHEN AN EMPLOYEE HAS USED ALL THEIR SICK OR ANNUAL PAID LEAVE, THE EMPLOYEE WILL BE PLACED ON UNPAID LEAVE FOR ANY PART OF THE 12 WEEK PERIOD REMAINING.**

**G. INTERMITTENT LEAVE**

1. **WHEN PLACED ON OFFICIAL FMLA STATUS, AN EMPLOYEE MAY TAKE LEAVE INTERMITTENTLY (A FEW DAYS OR A FEW HOURS AT A TIME), OR ON A REDUCED LEAVE SCHEDULE. AN EMPLOYEE SHOULD MAKE REASONABLE EFFORTS TO SCHEDULE THEIR ABSENCES SO AS NOT TO UNDULY DISRUPT WORK OPERATIONS.**
2. **WHEN IT IS NECESSARY FOR THE EMPLOYEE TO TAKE FMLA INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE, THE EMPLOYEE MAY BE REQUIRED TO TRANSFER TEMPORARILY TO A POSITION WITH EQUIVALENT PAY AND BENEFITS THAT BETTER ACCOMMODATES RECURRING PERIODS OF LEAVE WHEN THE LEAVE IS PLANNED BASED ON SCHEDULED MEDICAL TREATMENT.**



- a. **AN EMPLOYEE MAY TAKE LEAVE INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE FOR BIRTH OR PLACEMENT FOR ADOPTION OR FOSTER CARE OF A CHILD AT THE DISCRETION OF THE DEPARTMENT HEAD.**

**H. NOTICE REQUIREMENT**

1. **AN EMPLOYEE IS REQUIRED TO GIVE THIRTY (30) CALENDAR DAYS' NOTICE IN THE EVENT OF A FORESEEABLE LEAVE.**
2. **IN UNEXPECTED OR UNFORESEEABLE SITUATIONS, AN EMPLOYEE SHOULD PROVIDE AS MUCH NOTICE AS IS PRACTICABLE. VERBAL OR WRITTEN NOTICE WITHIN ONE OR TWO WORKING DAYS OF WHEN THE NEED FOR FAMILY MEDICAL LEAVE BECOMES KNOWN IS USUALLY SUFFICIENT.**
3. **IF THE EMPLOYEE DOES NOT NOTIFY THE DEPARTMENT WITHIN FIVE (5) WORKING DAYS OF RETURNING TO WORK THAT THE ABSENCE WAS FOR AN FMLA REASON, THE EMPLOYEE CANNOT LATER CLAIM THAT THE ABSENCE WAS FOR AN FMLA REASON.**
4. **A REQUEST FOR FAMILY MEDICAL LEAVE SHOULD BE MADE TO THE HR DEPARTMENT, EITHER BY THE EMPLOYEE, OR THEIR SUPERVISOR.**
5. **ELIGIBLE EMPLOYEES ON WORKER'S COMPENSATION SHOULD ALSO BE EVALUATED FOR FMLA LEAVE. HOWEVER, EMPLOYEES WHO ARE RELEASED TO WORK ON TRANSITIONAL/LIGHT DUTY WILL NOT HAVE THE MODIFIED DUTY HOURS COUNTED TOWARD FML LEAVE HOURS.**

**I. MEDICAL CERTIFICATION**

1. **MEDICAL CERTIFICATION MUST BE PROVIDED BY THE EMPLOYEE WITHIN FIFTEEN (15) CALENDAR DAYS AFTER REQUESTED. THE CERTIFICATION SHALL INCLUDE THE CONDITION BEING TREATED, THE DATE THE SERIOUS HEALTH CONDITION COMMENCED, AND THE HEALTH CARE PROVIDER'S BEST MEDICAL JUDGMENT CONCERNING THE PROBABLE DURATION OF THE CONDITION.**
2. **FOR INCREMENTAL USE OF LEAVE THE CERTIFICATION MUST INDICATE MEDICAL NECESSITY FOR A REDUCED WORK SCHEDULE.**
3. **THE TOWN RESERVES THE RIGHT TO REQUEST ADDITIONAL MEDICAL OPINIONS IN ACCORDANCE WITH THE FMLA.**

**J. EFFECT ON BENEFITS**



**ATTENDANCE AND LEAVES**

**Effective Date: TBD**

1. **SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS OF THE APPLICABLE GROUP HEALTH INSURANCE PLANS, THE TOWN SHALL MAINTAIN GROUP HEALTH INSURANCE COVERAGE, INCLUDING FAMILY COVERAGE, FOR AN EMPLOYEE ON FMLA LEAVE ON THE SAME TERMS AS IF THE EMPLOYEE CONTINUED TO WORK.**
2. **AN EMPLOYEE, WHO IS ON PAID FMLA LEAVE VIA THE USE OF ACCRUED LEAVE, SHALL CONTINUE TO PAY HIS OR HER SHARE OF THE INSURANCE PREMIUM, IF ANY, THROUGH PAYROLL DEDUCTIONS.**
3. **AN EMPLOYEE WHO IS ON UNPAID FMLA LEAVE SHALL MAKE ARRANGEMENTS WITH THE HR AND FINANCE DEPARTMENTS TO MAKE PAYMENTS FOR HIS OR HER SHARE OF THE INSURANCE PREMIUM, IF ANY. IF PAYMENT IS MORE THAN THIRTY (30) CALENDAR DAYS OVERDUE, COVERAGE WILL BE DROPPED, AFTER FIFTEEN (15) CALENDAR DAYS WRITTEN NOTICE IS PROVIDED TO THE EMPLOYEE. IN THIS SITUATION, COBRA WILL BE OFFERED.**
4. **THE TOWN'S OBLIGATION TO MAINTAIN HEALTH BENEFITS UNDER THIS SECTION STOPS IF AND WHEN THE EMPLOYEE INFORMS THE TOWN OF INTENT NOT TO RETURN TO WORK AT THE END OF THE LEAVE PERIOD OR IF THE EMPLOYEE FAILS TO RETURN TO WORK WHEN THE FMLA LEAVE ENTITLEMENT IS EXHAUSTED. IN SOME CIRCUMSTANCES, THE TOWN MAY RECOVER PREMIUMS IT PAID TO MAINTAIN HEALTH INSURANCE COVERAGE FOR AN EMPLOYEE WHO FAILS TO RETURN TO WORK FROM FMLA LEAVE.**
5. **THE TOWN WILL NOT MAINTAIN OTHER SUPPLEMENTAL BENEFITS WHILE AN EMPLOYEE IS ON FMLA LEAVE. TO MAINTAIN SUPPLEMENTAL BENEFITS, THE EMPLOYEE MUST MAKE PAYMENT ARRANGEMENTS WITH THE HR AND FINANCE DEPARTMENTS.**
6. **BENEFIT ACCUMULATION, SUCH AS ANNUAL, SICK LEAVE OR HOLIDAY BENEFITS, WILL BE SUSPENDED DURING ANY FULL PAY PERIOD (80 HOURS) OF UNPAID LEAVE PORTION OF THE FMLA LEAVE PERIOD AND WILL RESUME UPON RETURN TO ACTIVE EMPLOYMENT. USE OF FMLA LEAVE IS NOT CONSIDERED A BREAK IN SERVICE WHEN DETERMINING ELIGIBILITY FOR VESTING OR FOR PARTICIPATION IN A BENEFIT.**

**K. RETURN TO WORK**

1. **AN EMPLOYEE ON FMLA LEAVE SHALL PROVIDE THE HR DEPARTMENT WITH AT LEAST TWO (2) WORKING DAYS' ADVANCE NOTICE OF THE DATE THE EMPLOYEE INTENDS TO RETURN TO WORK.**
2. **AN EMPLOYEE ON FMLA LEAVE FOR THE EMPLOYEE'S OWN SERIOUS HEALTH CONDITION SHALL PROVIDE A WRITTEN RELEASE FROM A**



**HEALTH CARE PROVIDER INDICATING THAT THE EMPLOYEE MAY RESUME THE FULL ESSENTIAL FUNCTIONS OF HIS OR HER POSITION PRIOR TO OR IMMEDIATELY UPON RETURNING TO WORK.**

- 3. UPON RETURN FROM FMLA LEAVE, THE EMPLOYEE SHALL BE RESTORED TO THE EMPLOYEE'S ORIGINAL POSITION, OR TO AN EQUIVALENT POSITION WITH EQUIVALENT PAY, BENEFITS AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT.**
- 4. IF THE FMLA LEAVE PERIOD IS INSUFFICIENT AND THE EMPLOYEE IS UNABLE TO FULLY PERFORM THE ESSENTIAL FUNCTIONS OF HIS OR HER POSITION AT THE CONCLUSION OF THE FMLA LEAVE PERIOD, THE EMPLOYEE MAY REQUEST ADDITIONAL TIME OFF IN ACCORDANCE WITH THE OTHER LEAVE OF ABSENCE PROVISIONS HEREIN.**
- 5. IF AN EMPLOYEE IS RELEASED TO WORK WITH RESTRICTIONS, THE EMPLOYEE MAY BECOME ELIGIBLE FOR LIGHT DUTY. IN SOME CIRCUMSTANCES, IT WILL BECOME NECESSARY TO BEGIN AN INTERACTIVE ACCOMMODATION PROCESS IN ACCORDANCE WITH THE AMERICANS FOR DISABILITIES ACT.**
- 6. THE TOWN MAY REQUIRE UPDATED MEDICAL CERTIFICATIONS TO SUPPORT THE NEED FOR THE ADDITIONAL LEAVE.**
- 7. IF THE EMPLOYEE IS UNABLE TO RETURN AFTER THIS TIME, THE TOWN MAY INITIATE SEPARATION OF EMPLOYMENT.**

**L. RETALIATION**

- 1. THE TOWN PROHIBITS RETALIATION TOWARD EMPLOYEES WHO UTILIZE FMLA LEAVE.**

**SECTION 12. Bereavement Leave:**

Upon the death of a family member, all regular employees who are on active duty (i.e., not on another form of leave of absence) are eligible to receive up to three working days of paid leave (not charged to sick leave or annual leave). Up to two days of additional paid leave may be granted for out of state travel.

Bereavement Leave must be approved by the Department Head and the Town Manager.

For Bereavement Leave purposes, "family member" is defined as a spouse, child, mother, father, mother in law, father in law, step parent, step child, brother, sister, brother in law, sister in law, son in law, daughter in law, grandparent, or grandchild. For bereavement involving other family members or friends, the employee may request paid annual vacation leave or unpaid leave.

**SECTION 13. Transfer of Sick Leave, Annual Leave, or Comp Time:**



It is the policy of the Town of Oro Valley to permit the transfer of compensatory time off, annual leave, and/or sick leave between employees subject to the following conditions:

1. ~~The decision to authorize the transfer is at the sole discretion of the responsible Department Head(s) with concurrence by the Human Resources Director, and advance approval from the Town Manager.~~
2. ~~The transfer is made on a dollar for dollar basis (i.e., higher salary computed into lower salary hours or lower salary computed into higher salary hours). This is to ensure that the Town does not incur any additional costs or obligations, and is not adversely impacted by allowing the transfer of time.~~
3. ~~Requests for transfer of compensatory time off, annual leave, or sick leave must be made in writing to the responsible Department Head(s) and the Town Manager prior to the approval of any transfer. The specific reason for the transfer request must be included along with any documentation supporting the request.~~
4. ~~Transfers may be granted for extenuating circumstances normally limited to the serious illness of the recipient and only if the recipient is near or at a zero balance for sick leave, compensatory time and annual leave. Exceptions must be approved in writing by the Town Manager.~~
5. ~~Transfers should only be implemented for the anticipated period of absence for the affected employee (i.e., the recipient should not be left with a large sick leave balance following their period of absence).~~
6. ~~The recipient may only use the donated sick leave for reasons complying with the normal terms of sick leave found elsewhere in this policy.~~
7. ~~Individual employees may not transfer more than 40 hours of sick leave in a single pay period.~~

## **10-13 LEAVE DONATIONS**

- A. EMPLOYEES ARE ENCOURAGED TO MANAGE THEIR PAID TIME OFF TO ALLOW FOR MAJOR LIFE EVENTS. IN THE EVENT THAT, EVEN WITH GOOD LEAVE MANAGEMENT, AN EMPLOYEE EXHAUSTS ALL HIS/HER PAID TIME OFF, THE TOWN ALLOWS ALL EMPLOYEES TO DONATE UP TO FORTY (40) HOURS OF ANNUAL LEAVE EVERY TWELVE MONTHS, WHILE MAINTAINING A MINIMUM OF EIGHTY (80) ANNUAL LEAVE HOURS. EMPLOYEES WITH SICK LEAVE BALANCES IN EXCESS OF 480 HOURS MAY DONATE UP TO EIGHTY (80) HOURS OF SICK LEAVE EVERY TWELVE MONTHS.**
- B. ELIGIBILITY TO RECEIVE DONATED LEAVE HOURS**
- 1. MUST BE ON AN APPROVED FAMILY MEDICAL LEAVE ACT, AND**
  - 2. MUST HAVE EXHAUSTED ALL FORMS OF PAID TIME OFF, INCLUDING SICK LEAVE, COMPENSATORY TIME AND ANNUAL LEAVE TIME; AND**
  - 3. MUST BE ELIGIBLE TO EARN AND USE DONATED HOURS IN ORDER TO ACCEPT CONTRIBUTIONS.**
- C. REQUESTING DONATED LEAVE TIME**
- 1. TO REQUEST DONATED LEAVE TIME THE REQUESTING EMPLOYEE MUST COMPLETE A REQUEST FOR DONATION FORM AND SUBMIT IT TO THE HR DEPARTMENT. IN THE EVENT THE EMPLOYEE IS UNABLE TO COMPLETE THE FORM, THE EMPLOYEE'S SUPERVISOR MAY**



**COMPLETE AND SUBMIT THE FORM. UPON RECEIPT OF THE APPROVED REQUEST FOR DONATION FORM, THE HR DEPARTMENT WILL SEND AN EMAIL TO ALL TOWN EMPLOYEES INFORMING THEM OF THE EMPLOYEE'S NEED, AND REQUESTING DONATED HOURS.**

- a. **AN EMPLOYEE MAY RECEIVE THE LESSER OF 480 DONATED HOURS OR THE AMOUNT OF LEAVE TIME NEEDED TO BRING THE EMPLOYEE TO THE END OF THE EMPLOYEE'S FAMILY MEDICAL LEAVE ACT TIME. THE PAID LEAVE HOURS THE EMPLOYEE HAD ACCRUED AT THE TIME THEY WENT ON LEAVE, AND THE DONATED LEAVE HOURS CANNOT CONTINUE PAST THE TOTAL OF 480 HOURS ALLOWED BY THE FAMILY AND MEDICAL LEAVE ACT.**
- b. **EMPLOYEES USING DONATED TIME DO NOT ACCRUE ANNUAL AND/OR SICK LEAVE HOURS.**
- c. **AN EMPLOYEE MAY NOT DONATE LEAVE IF THAT EMPLOYEE HAS LESS THAN A TOTAL OF EIGHTY (80) HOURS OF ANNUAL LEAVE ACCRUED AFTER THE DONATED TIME IS DEDUCTED FROM THEIR ANNUAL LEAVE BALANCE.**
- d. **AN EMPLOYEE MAY NOT DONATE SICK LEAVE HOURS IF THAT EMPLOYEE HAS LESS THAN 480 SICK LEAVE HOURS. AN EMPLOYEE WITH OVER 480 SICK LEAVE HOURS MAY DONATE UP TO EIGHTY (80) HOURS OF SICK LEAVE.**
- e. **HOURS IN AN EMPLOYEE'S ADMINISTRATIVE LEAVE OR COMPENSATORY TIME BALANCE MAY NOT BE TRANSFERRED TO ANOTHER EMPLOYEE FOR ANY REASON.**
- f. **EMPLOYEES WHO RETURN TO WORK ON FULL-TIME STATUS AND HAVE REMAINING DONATED LEAVE HOURS WILL NOT BE ABLE TO KEEP THE HOURS IN THEIR OWN SICK LEAVE OR ANNUAL LEAVE ACCOUNT. THE REMAINING DONATED HOURS WILL BE RETURNED ON A PRO-RATED BASIS TO THE EMPLOYEE WHO DONATED THE TIME.**
- g. **ALL DONATIONS OF LEAVE TIME ARE TREATED AS CONFIDENTIAL AND ARE NOT SHARED WITH THE RECEIVING EMPLOYEE.**



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**ATTENDANCE AND LEAVES**

**Effective Date: TBD**