

TUCSON UNIFIED <small>SCHOOL DISTRICT</small> POLICY REGULATION	REGULATION TITLE: Employee Sick Leave
	CODE: GBGC-R4

Tucson Unified School District complies with the Arizona Fair Wages and Healthy Family Act, A.R.S. 23-362 *et seq.*, to provide sick leave to eligible District employees. Each employee bargaining agreement outlines sick and personal leave options for District employees in classifications assigned to that bargaining agreement. This regulation applies solely to District employees who do not receive sick or personal leave through an employee bargaining agreement, an employment contract, or Governing Board and District policies and regulations. Unless specified otherwise, the term “Employee” in this regulation shall refer only to the District employees who are subject to this regulation as specified above.

Employees accrue a minimum of one hour of earned paid sick time for every 30 hours worked, but these Employees may not accrue or use more than 40 hours of earned paid sick time per fiscal year. Employees exempted from overtime requirements under the Fair Labor Standards Act of 1938 (29 USC 213(A)(1)) are assumed to work 40 hours in each work week for purposes of earned paid sick time accrual unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.

Employees may use earned paid sick time as it is accrued. However, newly hired Employees must wait until the ninetieth (90th) calendar day after starting work to use accrued earned paid sick time.

Earned paid sick time will carry over to the following year subject to the limitations on usage identified above.

Employees who transfer classifications will retain their earned sick leave upon transfer when the new classification is subject to this regulation. Sick leave carried forward under this regulation expires at the end of the following fiscal year.

Employees who transfer into a classification assigned to an employee bargaining unit may retain and use sick leave accrued under this regulation as long as the Employee does not exceed 40 hours of earned paid sick and personal leave for the fiscal year.

Earned sick leave reinstates for Employees re-hired by the District within nine (9) months from the earlier separation date. This provision shall apply to all employees that do not receive a separation payment for their sick leave at separation from the District, including employees assigned to an employee bargaining unit and/or provided sick

leave through the terms of an employment contract, District policy or District regulation. Upon reinstatement, the employees addressed in this paragraph may begin to use accrued earned paid sick leave and will continue to accrue earned paid sick leave in accordance with this regulation.

Nothing in this regulation shall be construed as requiring financial or other reimbursement to an Employee who is subject to this regulation upon the Employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

All employees of the District may use earned paid sick time for:

1. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employees need for preventive medical care;
2. Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
3. Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
4. Notwithstanding A.R.S. 13-4439, absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
 - (a) Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
 - (b) Services from a domestic violence or sexual violence program or victim services organization;
 - (c) Psychological or other counseling;

- (d) Relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
- (e) Legal services, including but not limited to preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual violence, abuse or stalking.

The Employees subject to this regulation may request earned paid sick time through the District's Time Clock system. Earned paid sick time may be used in the quarter of an hour increments permitted by the District's time Clock system.

When the need to use earned paid sick time is foreseeable, Employees shall make good faith efforts to notify their immediate supervisor(s) or designee(s) in advance and use reasonable efforts to schedule the earned paid sick time in a manner that does not unduly disrupt District operations.

When the need to request sick leave is not foreseeable, Employees shall notify their immediate supervisor(s) or designee(s) of the necessary sick leave absence at least one-half (1/2) hour before the start of the Employee's work day, either by telephone or by email, as directed by their supervisor. In this case, the Employee must also enter the absence into the District's Time Clock system upon return to work.

Employees are not required to search for or find replacement workers to cover hours during which the Employee is using earned paid sick time.

For earned paid sick time of three or more consecutive workdays, Employees must provide reasonable documentation that the earned paid sick time was used for a purpose covered by this regulation. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section. In cases of domestic violence, sexual violence, abuse or stalking, one of the following types of documentation selected by the Employee shall be considered reasonable documentation:

1. A police report indicating that the Employee or the Employee's family member was a victim of domestic violence, sexual violence, abuse or stalking;
2. A protective order; injunction against harassment; a general court order; or other evidence from a court or prosecuting attorney that the Employee or Employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual violence, abuse, or stalking;
3. A signed statement from a domestic violence or sexual violence program or victim services organization affirming that the Employee or Employee's family

member is receiving services related to domestic violence, sexual violence, abuse, or stalking;

4. A signed statement from a witness advocate affirming that the Employee or Employee's family member is receiving services from a victim services organization;
5. A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the Employee or Employee's family member is a victim of domestic violence, sexual violence, abuse or stalking; or
6. An Employee's written statement affirming that the Employee or the Employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking, and that the leave was taken for one of the purposes of subsection A, paragraph 4 of this section. The Employee's written statement, by itself, is reasonable documentation for absences under this paragraph. The written statement does not need to be in an affidavit format or notarized, but shall be legible if handwritten and shall reasonably make clear the employee's identity, and if applicable, the employee's relationship to the family member.

For purposes of this regulation, "family member" means:

1. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the Employee stood *in loco parentis* when the individual was a minor;
2. A biological, foster, stepparent or adoptive parent or legal guardian of an Employee or an Employee's spouse or domestic partner or a person who stood *in loco parentis* when the Employee or Employee's spouse or domestic partner was a minor child;
3. A person to whom the Employee is legally married under the laws of any state, or a domestic partner of an Employee as registered under the laws of any state or political subdivision;
4. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the Employee or the Employees spouse or domestic partner, or
5. Any other individual related by blood or affinity whose close association with the Employee is the equivalent of a family relationship.

Adopted: June 30, 2017 (Friday Report)

LEGAL REF.: A.R.S. 23-363 – 23-365 and 23-371 – 23-381

CROSS REF: Employee Bargaining Agreements (AFSCME Memorandum of Understanding for Blue Collar Employees; Agreement with CWA for the Supervisory/Professional Employee Unit; Meet and Confer Agreements with ELI for Administrators, Psychologists and Research Project Managers; Non-Bargaining Employees: Employee Agreement for Non-Bargaining Employees; TEA Consensus Agreement; TEA White Collar/Food Service Agreement)

Policy GCFB “Hiring of Retirees from the Arizona State Retirement System (ASRS)”

Policy GBGC “Employee Health and Safety”

Regulation GBGC-R5 “Prohibition Against Retaliation for Use of Sick Leave”

Regulation Exhibit GBGC-R5E “Prohibition Against Retaliation for Use of Sick Leave Exhibit – Employee Notice”