



Procedure 410-04 Sick Leave

Sponsor: Human Resources

Purpose

The purpose of the sick leave benefit is to provide the opportunity to take time off from work without loss of compensation during periods of personal or immediate family illness or other emergencies. This procedure establishes the accrual, use, accumulation, and payment of sick leave for employees

Definitions

Administrative/Professional Staff Salaried personnel who are exempt under the Fair Labor Standards Act (FLSA) and therefore not eligible for overtime

Classified Staff Hourly personnel who are eligible for overtime pay if they work more than 40 hours in a workweek

Family Member Family member is defined under A.R.S. §23-371(H).

Full-Time Employee Classified or administrative/professional staff approved as a .75 FTE (or 1,560 hours per year) or greater in a fiscal year

Full-Time Faculty Full-Time 9-month contract

Exempt Status: Employees who are in positions exempt from the FLSA overtime calculations.

Non-Exempt Status: Employees who are paid hourly for their work and are subject to the FLSA overtime Calculations.

In Good Standing To be in good standing with the College, the employee has not been placed on a disciplinary action with the college for the previous 12 months

Procedure

Effective Date

This procedure was revised to comply with A.R.S. § 23-371 *et. seq.*, effective as of July 1, 2017, and supersedes any other sick leave procedure previously outlined in the personnel policy manual and any other documents previously published, but not specified herein.

Eligibility

All employees accrue sick leave starting their first day of employment.

Accrual of Sick Leave

The accrual period will run on a fiscal year (July 1 – June 30). Full-time employees who work less than 40-hours per week and/or less than 12 months per year accrue and earn sick leave on a pro rata basis. The schedule below outlines sick leave accrual by employee category.

Category	Working	Accrual Rate	Maximum Accrual Sick days or Hours per year
Full-Time exempt staff, 1.0 FTE	40 hours per week, 12 months	2.89 hours per pay period/ 5.78 hours per month (est.)	8.67 days or 69.36 hours
Full-Time hourly staff, 1.0 FTE	1-hour sick leave for every 30 hours worked	2.89 hours per pay period/ 5.78 hours per month (est.)	8.67 days or 69.36 hours
Full-Time Faculty	Full-Time faculty 9-month contract	5 days or 40 hours per Fall and Spring terms/ 8 hours per month (10 months)	10 days per year or 80 hours
Part-Time Staff	Less than 30 hours per week, 12 months	1 hour for every 30 hours worked	5 days or 40 hours
Part-Time Faculty	Less than Full-Time Faculty contract	1 credit hour = 1.07 sick leave	5 days or 40 hours

Non-Accrual of Sick Leave

Employees do not earn sick leave during a period in which the employee is on unpaid leave as follows:

1. Within a period of an approved leave of absence without pay per Procedure 410-11 Absence Without Pay.
2. Within a period of an approved leave of absence and while using donated leave per Procedure 410-17 Donated Leave.
3. Within a period of an approved sabbatical leave per Policy 306-02 Faculty Sabbatical Leave.
4. Within a period of extended military leave.

Use of Earned Paid Sick Leave

Earned time off is available for use once it has posted to an employee's leave balance.

Earned paid sick leave shall be provided to an employee for the following events in accordance with A.R.S. § 23-373 (A):

1. An employee's diagnosis, care or treatment of a mental or physical illness, injury or health condition, including preventive medical care.
2. Care of a family member's diagnosis, care or treatment of a mental or physical illness, injury or health condition, including preventive medical care.
3. Closure by order of a public health official of the employee's place of business due to a public health emergency or when it has been determined by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others due to exposure to a communicable disease.
4. Necessary absence due to domestic violence, sexual violence, abuse or stalking to allow the employee to obtain for themselves or a family member the following:
 - a. Medical attention needed to recover from physical or psychological injury or disability caused by the above
 - b. Services from a domestic violence/sexual violence program or victim services organization
 - c. Psychological or other counseling
 - d. Relocation or steps to secure an existing home due to the above
 - e. Legal services, including preparing for or participation in any civil or criminal legal proceedings due to the above.

Request to Use Sick Leave

The employee may request to use sick leave verbally, in writing or electronically (text, email) or by a means

specified by the employee's supervisor.

1. Planned Time Off - Planned use of sick leave should be approved in advance when possible. When the need for time off can be planned, such as elective surgery or a doctor's appointment for preventative care, the employee shall make a good faith effort to provide advanced notice to the employee's supervisor of the need for such time off and scheduled to not disrupt the operations of the department.
2. Unplanned Time Off - When the need for time off cannot be anticipated, such as a sudden illness or injury, the employee must contact the employee's supervisor, or someone else designated to receive such communications as soon as possible and not later than the deadline established by the department. After returning to work, the appropriate forms must be completed and forwarded to the supervisor for approval within three working days of absence.

Personal Leave

Full-time faculty and staff may use a maximum of 24 hours of leave, each year for personal business that is charged against their sick leave.

Documentation to Support the Need for Paid Sick Leave

An employee absent for three or more consecutive workdays may be required to furnish documentation with Human Resources to justify absence as follows:

1. Health related absence: Documentation signed by a health care professional stating that that absence was necessary. The documentation should not provide specific details of any health condition, except as necessary to comply with the federal Family Medical Leave Act.
2. Domestic Violence, Sexual Violence, Abuse or Stalking: The employee shall provide one of the forms of documentation specified in A.R.S. §23-373(G), subsections 1 through 6.

Sick Leave Time Charges

1. A.R.S. §23-373(F) permits employees to request and use sick leave in the smallest increment of time the College uses to track time, which is 15 minutes for non-exempt employees, 1-hour increments for Faculty, and half-day for Exempt employees. Any exceptions to sick leave charges must be approved by the respective vice president or president.
 - a. Exempt employees may request in writing from their supervisor approval to perform work from home while on sick leave status. A record of hours worked from home is required for tracking purposes and may be deducted from the total sick leave charge.
 - b. Full-time faculty – sick leave will be submitted any time a full-time faculty member is unable to fulfill their contractual obligations due to illness or other event and is unable to teach, full-fill committee assignments, keep scheduled office hours, or other work-related obligations. Faculty will not be required to charge their faculty sick leave balances when a faculty member is sick on a day where they do not have formal obligations to the College (teaching, committee work, office hours, college closure, etc.). Excessive absence may impact compliance with faculty issued contracts, and Human Resources will engage with any faculty member at risk of contract breach before action is taken
 - c. Part-Time faculty - sick leave will be submitted whenever scheduled instructional time is missed by the part-time instructor. For every 15 minutes of scheduled classroom time missed, he/she will be charged 15 minutes against their earned paid sick time balance.
2. Employees are responsible for knowing the amount of sick leave they have available. When sick leave taken exceeds the total available accrued balance, the employee will be placed on vacation leave, if vacation leave accruals are available. An employee will be placed on an unpaid status if both sick and vacation leave balances are exhausted.
3. Sick leave is charged at the employee's straight-time rate of pay for the time lost within the regularly scheduled work period. Earned paid sick time may only be used for hours missed during an employee's regular scheduled times, not to exceed employee's approved Full-Time Equivalent (FTE).

4. Sick leave approved under the FMLA Procedure 410-10 will run concurrently and be charged against the employee's unused sick leave balance.
5. For full-time staff, if a holiday falls within a period of approved sick leave, it is charged as a holiday, not as sick leave time.

Carry Forward of Accrued Sick Leave

1. For part-time employees, the unused sick leave carried forward at the end of the year is capped at 40 hours. Part-time employees are entitled to accrue another 40 hours of earned paid sick time in any year.
2. For full-time staff, the unused sick leave carried forward at the end of the year is capped at 80 hours. Full-time staff are entitled to accrue an additional year of leave in any year.
3. For full-time faculty, all unused sick leave will be carried forward each year. There are no maximum balance restrictions for full-time faculty.

Payment for Accrued Unused Sick Leave

Sick leave balances may be paid upon termination of employment or approved retirement based on the following conditions:

1. **Part-time employees** are not eligible for payment of accrued unused sick leave at time of termination.
2. **Full-time staff** hired after June 30, 2009 are not eligible for payment of accrued unused sick leave at time of termination.
3. **Full-time staff** hired into a regular benefits eligible position after January 1, 1996 and before June 30, 2009, and who have 10 years of service with the College without service interruption, shall be paid for accrued unused sick leave reserve at their hourly rate as of June 30, 2009, up to a maximum of 75 days (600 hours) or \$5,000 whichever is less. Unused sick leave hours accrued after June 30, 2009 are not eligible for payout at time of termination. Temporary one-year appointments do not qualify as benefit eligible employees for the payment of accrued unused sick leave reserve. To be eligible for the sick leave reserve payout as defined above, full-time staff must be in good standing with the College, and not have been involved in any disciplinary action for the previous 12 months.
4. **Full-time faculty** hired on or after January 1, 1996 are eligible for sick leave to be paid upon termination of employment or approved retirement if a faculty member has ten (10) years of service. Unused sick leave will be paid for up to a maximum of 75 days, 600 hours, or \$5,000, whichever is less. Temporary one-year appointments do not qualify as eligible employment for the payment of accrued unused sick leave. Sick leave will only be paid if the faculty member is in good standing with the College, and not have been involved in any disciplinary action for the previous 12 months.
5. Employees hired into a regular **full-time staff or faculty** position prior to January 1, 1996, and who have stayed in a regular full-time staff or faculty position throughout the duration of their employment without service interruption, shall be paid at their hourly rate as of June 30, 2009, and not exceed the number of hours on record as of June 30, 2009. Unused sick leave hours accrued after June 30, 2009 are not eligible for payout at time of termination. Temporary one-year appointments do not qualify as eligible employment for the payment of accrued unused sick leave. Payments will be based on the following rules:
 - a. Upon 10 years of service, 50% of unused accrued sick leave up to a maximum of one year will be paid. For the purpose of this procedure, a year is defined as 2,080 hours.
 - b. Upon normal retirement after 55 years of age, 100% of unused accrued sick leave up to a maximum of one year will be paid.
 - c. Sick Leave pay as defined above will only be paid if the employee is in good standing with the College, and not have been involved in any disciplinary action for the previous 12 months.

Reinstatement of Sick Leave

1. For full-time faculty rehired within 12 months after termination, accumulated sick leave that was earned and not paid at the time of such termination will be reinstated.
2. All other employees rehired within 9 months after termination, accumulated sick leave that was earned and not paid at the time of such termination will be reinstated.

References

Procedure 410-11 Absence Without Pay

Policy 306-02 Faculty Sabbatical Leave

Procedure 410-17 Donated Leave

A.R.S. §23-371

A.R.S. §23-372

A.R.S. §23-373

Procedure History

05/13/2010 New Procedure

06/22/2011 Revised (to supersede 410-08), and Approved by College Council

05/27/2020 Reformatted, Renamed (Sick Leave for Faculty), Revised, and Approved by Executive Leadership Council

07/14/2021 Clarifications to sick leave payout on termination of employment

Legal Review

11/01/2019

05/27/2020