

FILED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

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IN AND FOR THE COUNTY OF MOHAVE

VIRLYNN TINNELL
SUPERIOR COURT CLERK

IN THE MATER OF:)
)
IMPLEMENTATION OF MOHAVE)
COUNTY SUPERIOR COURT)
PERSONNEL POLICIES AND)
PROCEDURES)

ADMINISTRATIVE ORDER
2017-08

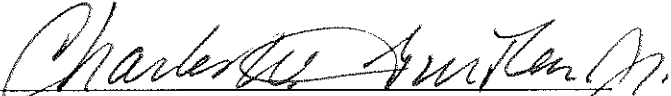
WHEREAS, on April 4, 2016, the Mohave County Board of Supervisors approved the Mohave County Personnel Policies and Procedures and vacated Mohave County Administrative Procedure 11-1 which the Court had previously adopted;

WHEREAS, the Mohave County Superior Court remains committed to the Mohave County Superior Court Operating Principles established in 2005 that support the need for consistency and fairness in classification, compensation, and leave policies affecting court personnel;

WHEREAS, the Superior Court has reviewed and modified the Mohave County Personnel Policies and Procedures Section 2: Compensation and Section 3: Attendance and Leaves of Absence and herewith renamed them as Section 7 and Section 8 respectively for inclusion in the court's policies and procedures;

IT IS ORDERED, that Mohave County Administrative Procedure 11-1 be removed and replaced with Mohave County Superior Court Personnel Policies and Procedures Section 7: Compensation and Section 8: Attendance and Leaves of Absence and adopted for immediate use.

DATED 9th day of February, 2017.


Charles W. Gurtler, Jr., Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

SECTION 7: COMPENSATION

- 7.1 CLASSIFICATION SYSTEM
- 7.2 COMPENSATION PROGRAM
- 7.3 OVERTIME (OT)
- 7.4 CALL BACK PAY
- 7.5 ON CALL PAY
- 7.6 HOLIDAYS
- 7.7 WORKERS' COMPENSATION
- 7.8 PAYMENT UPON TERMINATION OF EMPLOYMENT

7.1 CLASSIFICATION SYSTEM

7.11 Classification

A. Nature of the Plan. The Superior Court's classification system, as approved by the Presiding Judge, is a system that provides an inventory of Superior Court positions. The system standardizes job titles and descriptions, each of which indicates a range of duties and responsibilities, knowledge, skills and abilities, and minimum qualifications. The Superior Court Human Resources Manager shall maintain the official classification specifications in the classification plan. The Superior Court Human Resources Manager, at the Department Head's request, may establish new classifications and divide, combine, alter or abolish existing classifications upon approval of the Presiding Judge.

The Superior Court will use the Mohave County classification system as a guide for modification to the Superior Court classification system. The Department Head will seek approval of the Board of Supervisors for any classification change that results in an increase to the department's approved budget

B. Interpretation of Classification Specifications.

1. Nature and interpretation of classification specifications. Classification specifications are descriptive and explanatory and are not restrictive. The language of classification specifications is not all inclusive and shall not be construed as limiting or modifying the authority of the Department Head to recommend additions, deletions, or revisions of duties and responsibilities, with the assistance of Superior Court Human Resources.

2. Classification title. The classification title of a position shall be used in all employment, financial and personnel documents.

3. Minimum qualifications.

a. Minimum qualifications are the minimum requirements as to education, experience, and special qualifications that are required for each position.

b. When a job classification's minimum qualifications are increased, the educational requirements may not act against incumbents in the classification as to their eligibility for continued employment in the class except where required by law. All subsequent applicants for the classification shall qualify under the changed minimum qualifications.

C. Classification Administration.

1. Classification factors. Every position in the classified service shall be allocated by the Superior Court Human Resources Manager, after consultation with the Department Head, to the appropriate classification in the classification plan. Positions shall be allocated to the same classification if they meet the following requirements:

a. Sufficient similarity with respect to essential job functions, duties and responsibilities, training, experience, knowledge, skills, and abilities.

b. Same schedule of compensation.

D. Official Position Audit Requests. An employee who believes they are performing duties outside of their classification may file a written request for a review with their Department Head who shall review the situation and take the following action:

1. Resolve the concern through informal discussion with the employee and document the material resolution. Consultation with the Superior Court Human Resources Manager or designated representative may be necessary for clarification of the classification. It is the responsibility of the Department Head to consider all possible options to resolve the situation without causing the employee to work outside of their classification.

2. If the Department Head believes that there is sufficient justification, and upon notification to the Presiding Judge, the Department Head may request, in writing, an official position audit by the Superior Court Human Resources Department. Documentation, in the form of a Position Classification Questionnaire (PCQ) supporting the request shall be forwarded to the Superior Court Human Resources Manager.

3. Upon formal action of a reclassification request, additional official audit requests on the same position may not be submitted more than once during a fiscal year.

7.12 Reclassification

Job reclassification ideally should be accomplished during the budget process on an organizational and cost basis. In the event a department realizes a pressing need to reclassify the parameters of a position mid-year, reclassification may be considered on a case by case basis by the Presiding Judge, including consideration of available money to fund the proposed change.

A. Effective Date. The effective date of all classification actions shall be the first day of the pay period following the approval by the Presiding Judge.

B. The pay of a reclassified employee shall be determined through consultation of the Department Head, Superior Court Human Resources Manager and Presiding Judge. Employees whose positions are reclassified are deemed to be qualified to perform the duties of the reclassified position.

C. Reclassified Positions Due to Organizational Redesign. A position resulting from reorganization may be reclassified non-competitively with the approval of the Department Head, Superior Court Human Resources Manager and the Presiding Judge.

D. Notification to Employee. Superior Court Human Resources shall inform the Department Head and the employee of the final results of an official position audit.

E. Pay Determination Guidelines with Consideration of Financial Constraints. Salaries above the maximum of each range shall be approved by the Presiding Judge.

1. Movement of 1 to 3 Pay Ranges: If an employee is reclassified to a position that is 1 to 3 pay ranges above or below their current position, the employee shall receive a 5% pay increase or decrease.

2. Movement of 4 to 6 Pay Ranges: If an employee is reclassified to a position that is 4 to 6 pay ranges above or below their current position, the employee shall receive a 10% pay increase or decrease.

3. Movement of 7 to 9 Pay Ranges: If an employee is reclassified to a position that is 7 to 9 pay ranges above or below their current position, the employee shall receive a 15% pay increase or decrease.

4. Movement of 10 or More Pay Ranges: If an employee is reclassified to a position that is 10 or more pay ranges above or below their current position, the employee shall receive a 20% pay increase or decrease.

7.2 COMPENSATION PROGRAM

It is the policy of the Superior Court to provide compensation that will achieve the strategic goal of attracting and retaining the most qualified employees.

7.21 FLSA Public Employer Exempt Status

A. Employees shall be paid in compliance with current FLSA standards.

B. In accordance with principles of public accountability, exempt employees shall be paid for hours worked up to their budgeted Full Time Equivalent, and may be paid accrued PTO for partial day absences pursuant to Section 8.1(C)(4) when they work less than their Full Time Equivalent in a workweek, without losing their exempt status. Also pursuant to principles of public accountability, the pay of exempt employees may be reduced, or such employee may be placed on leave without pay for absences for personal reasons or because of illness or injury, for less than one work-day when accrued leave is not used by an employee because:

- (1) Permission for its use has not been sought or has been sought and denied;
- (2) Accrued leave has been exhausted; or
- (3) The employee chooses to use leave without pay pursuant to Section 8.202.

C. Exempt employees may be eligible for Management Leave.

7.22 Compensation

Every Superior Court employee shall be paid within the salary range assigned to the position for which they were hired. It is the intent of these Policies to not penalize or disadvantage Superior Court employees when hired, promoted or reappointed into a position. Therefore, the Hire Rate for employees, whether promoted, appointed or reappointed into a higher position, shall be the same and shall not differentiate between existing employees and those new hires not employed by the Superior Court. Prior to filling a position, the division head will ensure that they do not exceed their approved budget.

A. Step Placement Guidelines.

1. In order to establish an objective, equitable system for determining where an employee shall be placed within a range, the Superior Court may, in each instance, look at the requirements of each individual job as documented in the job description and the experience of the individual to be hired into the job.
2. The following process may be used by the Department Head in determining the appropriate within-range step placement for each individual case.
 - a. The Superior Court Human Resource Manager shall notify the County Financial Services Department as to an unfilled position.

- b. Review job description for minimum requirements.
- c. Review application and other documentation for relevant experience beyond minimum requirements.
- d. Review application and other documentation for relevant education beyond minimum requirements.
- e. Review Job Class Analysis to see where incumbents are placed for potential compression issues.
- f. Place as follows based on conclusions from above review.

Place as follows based on conclusions from above review:

STEP PLACEMENT GUIDELINES	
Experience	Placement
Meets minimum requirements	Step 01 or 02
Relevant Experience BEYOND Minimum Requirements:	
1-2 Years	Step 03
3-4 Years	Step 04
5-6 Years	Step 05
7-8 Years	Step 06
9-11 Years	Step 07
12-15 Years	Step 08
> 15 Years	Step 09
Education	
Bachelor's Degree in relevant field beyond minimum requirements:	Add 1 Step
Master's or advanced Degree in relevant field beyond minimum requirements: hiring manager can make recommendation on certificate/relevant education	Add 1 Step

B. Step Determination Guidelines

STEP DETERMINATION GUIDELINES	
Step 01 and Step 02	Determination is at the discretion of the Department Head
Step 03 and Step 04	Determination is at the discretion of the Department Head in consultation with Superior Court Human Resources to confirm compliance with compression guidelines and classification requirements.
Step 05 and Step 10	Requires written justification for determination based on the Step Placement Requirements. The Department Head must submit the request and justification for consideration and determination through Superior Court Human Resources and the Presiding Judge.

C. Step Placement.

1. Full and part-time employees: All full and part-time employees shall be hired onto a step within the pay range of the assigned position. The placement may be authorized in conjunction with the Step Placement Requirements and Step Determination Guidelines.
2. The salary of the appointee to the Clerk of the Superior Court shall be at the discretion of the elected official subject to budget approval.
3. Department Heads: The salary of the appointed Department Head shall be negotiated between the incumbent and the Presiding Judge where applicable, with the assistance of the Superior Court Human Resources Manager or their designee as needed. The Department Head shall discuss with and obtain the approval of the Presiding Judge. The salary of the appointed Department Head shall be maintained within the assigned salary range for the position to which they will be filling.
4. At the request of the Department Head and upon recommendation of the Superior Court Human Resources Manager, an upward salary adjustment may be recommended to the Presiding Judge in unusual circumstances and in the best interest of the Superior Court.

D. Initial Hire Rate.

Entry level rate. Initial appointments shall be based on the Step Determination Guidelines. Generally, initial appointments shall be at the "minimum" of the assigned salary range for the position when their education and experience meets the minimum qualifications for the position or when the position is being underfilled.

E. Underfill Appointments.

1. When a vacancy is to be filled and there are no qualified applicants, the Department Head may request Superior Court Human Resources to approve a position be underfilled. Individuals hired into such positions may be moved to appropriate classification when the acceptable qualifications and/or requirements are met; and receive a within-range salary increase equivalent to the entry of the salary range to which detailed or five percent (5%), whichever is greater, provided the appropriate funds exist.
2. Employees hired into an underfill position shall serve a probationary period as is appropriate to the classification.
3. Once the underfill status has been completed, employee's pay shall be paid in accordance with the Step Determination Guidelines.

F. Promotions/Reappointments. An employee who is promoted or reappointed to a position in a higher salary range shall generally receive a salary increase based on the Step Determination Guidelines.

G. Lateral Transfers. Lateral transfers are governed by Judicial Merit Rule 208 D.

H. Demotions – Voluntary / Involuntary. Demotions may include reclassifications, departmental reorganizations, reduction in force or disciplinary actions.

1. An employee who is demoted voluntarily or involuntarily may receive a reduction in salary, based on Step Determination Guidelines determined on a case-by-case basis.
2. If a promotion is followed by a demotion, the employee's salary shall not exceed the amount that would be due if no promotion had occurred.

I. Special Detail Assignment: Special Details are temporary assignments which exceed thirty (30) business days to a position other than the position to which they are regularly assigned. An employee detailed to a position in a higher classification shall receive a within-range salary increase equivalent to the entry of the salary range to which detailed or five percent (5%) based on the Pay Determination Guidelines, whichever is greater. The Superior Court Human Resource Manager shall notify the County Financial Services Department as to an unfilled position.

1. Additional pay increases above five percent (5%) of the pay range minimum may be recommended by the Superior Court Human Resources Manager, and approved by the Department Head and reported to the Presiding Judge. The complexity, responsibility, and potential increased workload requirements may be considered in the pay determination process.

2. Once an employee returns from special detail assignment to their regular assignment, their salary shall return to the previous rate of pay plus any general pay changes.

J. No salary increase as provided for by this section shall have the effect of causing an employee to exceed the maximum compensation level for the classification in which employed, unless approved by the Presiding Judge.

7.23 Effective Dates

Exceptions to effective dates shall be submitted to the Presiding Judge for approval with the exception of officials whose appointment is established by Arizona law.

7.3 OVERTIME (OT)

This policy is designed to be consistent with the Fair Labor Standards Act ("FLSA"). Only non-exempt FLSA covered employees are eligible for overtime compensation. Overtime work is time actually worked in excess of 40 hours in any single workweek excluding any paid leave.

7.31 Prior Authorization of Overtime

A. Employees shall get prior authorization from their Department Head before working in excess of their scheduled workday/workweek.

B. Employees who work overtime without prior authorization shall be compensated for the time worked; however, they may be disciplined for failing to obtain prior authorization.

C. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you perform for the Superior Court but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any time spent working will be subject to disciplinary action, up to and including dismissal.

7.32 Official Records

The Mohave County Payroll records shall be the official recognized records of time and overtime worked. It is the responsibility of the employee and their supervisor to ensure the time sheet submitted to payroll is accurate and reflects actual hours worked each day. If an employee believes that there is an error in the amount of pay on a paycheck, the employee shall promptly notify their Department Head so that corrections can be made. Any corrections shall be reported to payroll as soon as possible. Employees shall be notified of any corrections to their timesheet before being submitted to Payroll.

7.33 Distribution of Overtime

Overtime work shall be allocated as evenly as possible among all qualified employees and at the discretion of the Department Head. Preference may be given to those employees volunteering to work overtime, however, all employees are required to work overtime when requested.

7.34 Straight Time Off During Same Workweek

A. A non-exempt employee who works more hours in a day than their scheduled workday may receive time off during the same 40-hour workweek in order to avoid the payment of overtime. If the employee does not take the time off and works more than 40 hours, the overtime provisions shall apply.

B. Time off during the same workweek shall be granted on a straight hour-for-hour basis. For example, an employee who works 10 hours on Monday might work only six (6) hours on Tuesday (or only seven (7) hours on Wednesday and Thursday) to offset the two extra hours worked on Monday.

7.35 Compensation for Overtime

Non-exempt employees who work overtime shall be compensated by one of the following methods:

A. Direct Payment. Overtime is paid at the rate of 1.5 times the employee's regular hourly rate for each hour worked over 40 hours within the scheduled workweek. If an employee has less than 40 hours of actual work in the workweek, regardless of the hours worked during one single day the employee is not eligible for overtime and all hours worked shall be paid at the regular hourly rate.

B. Compensatory ("comp") Time.

1. Compensatory time is paid time off at the rate of one and one-half (1.5) hours of compensatory time for each hour worked over 40 hours within the scheduled workweek. If an employee has less than 40 hours of actual work in the workweek, the employee is not eligible for compensatory time.
2. A maximum of 60 hours of compensatory time may be accrued ("banked"). After an employee has accrued 60 hours of compensatory time, all subsequent overtime hours worked shall be paid at the rate of 1.5 times the employee's regular hourly rate. Accurate record-keeping of overtime hours worked and compensatory time credited on the employee's time sheets is mandatory.
3. Accrued compensatory time shall be used within a reasonable time frame. Should the employee fail to use the compensatory time, the Department Head, at their sole discretion, may direct the employee in writing which days they shall be taking off for compensatory time purposes.
4. Accrued compensatory time shall be exhausted before accrued PTO or EIB may be used.
5. Upon termination of employment, retirement, or change of status from non-exempt to exempt, an employee's accrued compensatory time shall be cashed out at the employee's current rate of pay.

7.36 Hours of Work

- A. The normal workweek for full-time employees is forty (40) hours. The normal workweek begins on Saturday morning at 12:01 a.m. and ends at 12:00 midnight the following Friday.
- B. At the sole discretion of the Department Head, employees may be required to work a modified schedule.

- C. At the sole discretion of the Department Head, work schedules (to include shift rotations: day shift, swing shift, grave shift), may be changed at any time for the purposes of business necessity and without requiring the agreement of the employee.

7.4 CALL BACK PAY AND SHIFT EXTENSIONS

7.41 Call Back Period and Pay

A. A FLSA non-exempt employee who is called back to work in a non-scheduled or emergency situation and who returns to work after having otherwise completed their shift shall be compensated at the rate of one and one-half (1.5) times the employee's regular hourly rate or compensatory time.

B. In no case shall a FLSA non-exempt employee who responds to such call back receive compensation for less than one (1) hour of time worked.

C. Time credited for callback shall include any such time during which a called back FLSA non-exempt employee is actively engaged in work activity, which includes reasonable commute time.

D. Shift extensions at the beginning or end of a shift shall be paid in accordance with FLSA Overtime Policy.

7.5 ON CALL PAY

- A. The determination as to whether or not the time an employee is on call need be counted as compensable working time depends upon the employee's freedom while on call. If employees must remain on the employer's premises or so near that they cannot use the time freely, the time is compensable. But if employees can come and go freely, even though they must leave a telephone number where they can be reached or carry a cell phone or pager, the time shall be excluded from hours worked. On Call pay is not the same as call back pay, which requires an eligible employee to be called back to work in a non-scheduled or emergency situation.

- B. For those employees subject to scheduled reoccurring on call hours, employees designated to receive and respond to off hour requests, the Department Head may establish specific policies within their department to compensate those employees for their inconvenience at a rate of one hour pay or comp time for every day required to be on call. This does not apply to those employees who are not specifically scheduled to be on periodic or reoccurring on call hours, such as those employees who have to respond to unscheduled call backs or such instances as impending inclement weather events. All Department on-call policies must be submitted to and be approved by the Presiding Judge.

7.6 HOLIDAYS

A. Superior Court offices shall be closed on each of the ten (10) holidays listed below:

HOLIDAY	DATE
New Year's Day	January 1 st
Martin Luther King, Jr./Civil Rights Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	4th/Last Monday in May
Independence Day	July 4 th
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veterans Day	November 11 th
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25th

B. Floating holiday. Employees shall receive one (1) 'floating' holiday from the list below:

1. The day after Thanksgiving (the fourth Friday in November) or;
2. Christmas Eve, which is recognized as the day preceding the Christmas Day holiday (if Christmas Day falls on a Saturday, Sunday or Monday, the holiday shall be recognized on the preceding Friday) or;
3. New Year's Eve, which is recognized as the day preceding the New Year's holiday (if New Year's Day falls on a Saturday, Sunday or Monday, the holiday shall be recognized on the preceding Friday).

C. When a holiday falls on Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed. A.R.S. §1-301. It shall be noted that public safety and other essential service employees may be required to be on duty during holidays. Unless the department employees are normally scheduled to work the holiday, the actual holiday is to be observed by all employees.

D. Non-exempt employees, juvenile detention officers, probation officers and surveillance officers, are automatically paid overtime for holiday hours worked. If it is not possible for an eligible employee to be given time off on a holiday and the employee is required to work, the employee shall be paid as follows:

1. Premium holiday wages, at a rate of one and one-half (1.5) times the employee's regular hourly rate, for each hour actually worked on the holiday.
2. All hours paid at the premium holiday rate will be subtracted from the total hours actually worked during the regularly scheduled work week to determine overtime.

3. Following the subtraction of all hours paid at the premium holiday rate, overtime shall be determined in accordance with these procedures.

E. A non-exempt employee, that is not a juvenile detention officer, probation officer or surveillance officer, called in to perform work during a recognized holiday shall receive their regular rate of pay for the holiday plus time and a half (1.5) for all hours worked on that holiday regardless of the total hours worked in that workweek.

F. Employees mandated to work ten (10) hour shifts shall have their schedules adjusted to an eight (8) hour shift for the week that includes a holiday, not to exceed 40 hours within the work week.

G. In order to avoid disparity among employees, a day of holiday leave shall be interpreted to mean an eight hour work day for full time employees. Part-time (at least 20 hours per week) employees shall receive four (4) hours of holiday leave.

H. Temporary workers are not eligible for paid holidays.

I. In order to receive pay for an observed holiday, an employee shall not have been on unauthorized absence the workday before or after the holiday or on unpaid leave during the pay period.

7.7 WORKERS' COMPENSATION (WC)

The County is committed to providing appropriate workers' compensation benefits as required by state law. Workers' compensation benefits are provided to employees for injury, illness or death arising out of employment and occurring in the course and scope of employment.

7.71 Injury Reporting Requirements

Every injury or illness sustained on-the-job, no matter how trivial, shall be reported immediately by the employees to their supervisor. In this way, prompt first aid treatment can be provided and immediate medical attention secured if necessary. Reporting the date and time of injury and names of witnesses is important when establishing a workers' compensation claim. Once an employee has reported an on-the-job injury or illness to their supervisor, the supervisor shall do the following:

- A. If the injury requires medical attention, the employee may be directed to report to a County-specified physician at the County's expense. However, the County may allow the employee to seek treatment from their own healthcare provider. Should an employee be directed to a physician selected by the County for the first visit, the employee may elect to continue treatment with the healthcare provider of their choice for subsequent medical treatment. Once an employee sees a healthcare provider the employee shall be required to continue all treatments with that provider for the duration of the claim unless the employee requests a change of physician through the Industrial Commission.
- B. If the injury is severe or one that requires immediate aid, arrange for transportation to the nearest emergency treatment center.
- C. Complete a "Supervisor's Report of Injury" and immediately forward a copy to the Mohave County Risk Management Division.

7.72 Use of Paid Time Off (PTO)

- A. PTO leave may be used to supplement Workers' Compensation (WC) payments up to 100% of an employee's regular bi-weekly base salary.
- B. Under no circumstances shall an employee be allowed to receive any combination of workers' compensation and PTO leave in an amount that is greater than their regular net salary.

7.73 Employee's Return to Work

After an absence due to an accepted industrial injury or illness, an employee shall return to their regularly assigned duties with a written release by the Workers' Compensation physician. The County may require the injured worker to see an independent physician for a determination of the employee's ability to return to date of injury work. Notification of an employee's intent to

return to work shall be provided as soon as possible to the Department Head, Mohave County Risk Management Division, and Superior Court Human Resources Department.

- A. Return to Work Program. The return to work program is provided to allow employees who are not yet able to perform their regular assignments to be assigned modified duty, when it is possible for the County to do so, for a specified period of time.

- B. Assignment to Modified Duty
 - 1. When an employee is determined to be able to perform modified duty by the Workers' Compensation physician, the employee shall notify Superior Court Human Resources and the Risk Management in writing, with a copy of his physician's note.
 - 2. Upon approval by the Workers' Compensation physician for specific types of modified duty, the Department Head shall determine what modified duty assignments, if any, exist, and notify Superior Court Human Resources and the Risk Management.
 - a. If there is a need for temporary services within the employee's work unit or another department work unit, the employee shall report daily to their assigned supervisor for such modified duty. Modified duty generally shall not exceed ninety (90) days.
 - b. If there are no modified duty assignments available in the employee's department, the supervisor shall work with Risk Management and Superior Court Human Resources to attempt to identify a temporary modified duty assignment in another department.
 - c. Grant funded employees shall only be assigned to a modified duty assignment that is supported by the grant from which they are paid.
 - 3. Mohave County Risk Management shall notify the workers' compensation insurer of the employee's work status.
 - a. Employees assigned to a department other than their own on a temporary modified duty assignment shall be paid by the department in which they are regularly employed.
 - b. Employees who are on modified duty assignments shall be paid at the regular rate of pay for the classification to which assigned.

- C. Medical Examination Requirement. While on workers' compensation, medical examinations of the employee may be required periodically by the County, at the County's expense, to determine the medical status of the employee.

- D. Return to Regular Duty From Modified Duty Assignment. Upon full duty release from the Workers' Compensation physician, the employee shall return to their department for regular duty assignment.
- E. Discontinuance of Modified Duty Assignment. If, at any time during a modified duty assignment, it is found not to be in the best interest of the County to continue modified duty, the employee may be laid-off unless on FMLA leave status.
- F. Inability to Return to Regular Duty. If an employee is no longer on FMLA leave status and is unable to perform regular duties on or before the completion of the modified duty assignment, the Department Head and Risk Management shall consider temporary or complete reassignment to another County position in or out of the employee's current field. Such position, if available, may involve a change in job classification and pay. If no position is available for which the employee is qualified, the County shall separate the employee from County service through layoff.

7.74 Public Safety Supplemental Benefits (PSSB) Plan

The purpose of the Supplemental Benefits Plan is to describe benefits afforded to the Public Safety (PS) Employees under the Public Safety Officer; Duty-Related Injury; Supplemental Benefits Plan (ARS § 38-961).

- A. ARS § 38-961 describes, "Public Safety Employee" as an individual who is a member of the Public Safety Personnel Retirement System, the Corrections Officer Retirement Plan or a Probation Officer, a Surveillance Officer or a Juvenile Detention Officer employed by the state or political subdivision of the state.
- B. Supplemental Policy.
 - 1. PS Employees shall apply for the PSSB Plan and the County shall determine the PS employees' eligibility into the Plan. To be eligible for the PSSB Plan, the PS employee must meet the conditions set forth in the statute including:
 - a. The PS employee must be employed full-time. Volunteers or those employed part-time by the County or Superior Court, such as, search and rescue employees, posse employees, boating employees, and similar volunteers and part-time employees shall not be provided for by this PSSB Plan.
 - b. The PS employee must be on an off work status and receiving workers' compensation benefits for the industrial injury prior to applying for acceptance into the PSSB Plan.
 - c. The PS employee has been on an off-work status for a minimum of thirty (30) calendar days. On the thirtieth (30th) day the PSSB Plan begins and

is retroactive to the first day the PS employee was placed on off-work status by a health care professional as a result of a work related injury.

- d. The PS employee must remain on active employment status with the County or Superior Court. If the PS employee fails to remain on said active employment status this Plan is not applicable to their case.
 - e. The PS employee's injury must not be the result of a pre-existing physical or medical condition.
 - f. The PS employee's injury must not be the result of an unlawful act, a County or Superior Court policy violation, misconduct or self-exposure.
 - g. The PS employee's injury must be the direct and proximate result of acting in the line of duty, such as keeping the peace, law enforcement, protection of people and property and investigation of crimes; (Training and similar activities shall not be considered to be in the line of duty.)
 - h. The PS employee shall comply with all Mohave County Risk Management requirements including but not limited to evaluation for light or modified duty and rehabilitation programs, provide the Mohave County Risk Management Division with qualifying medical documentation of the injury for supplemental benefits and medical status of employee's ability to perform functions of their position throughout the recovery process. The goal is to assure the employee makes as quick a recovery as possible and returns to light duty or full duty as quickly as possible.
2. Provided PS employee is accepted into the Supplemental Benefits Plan and is receiving benefits under the Plan said benefits will terminate immediately upon PS employee failing to comply with Risk Management decisions, PS employee returns to or refuses to return to available light duty or returns to full work status.
 3. Provided the PS employee is accepted into the Supplemental Benefits Plan, the following shall occur:
 - a. The County shall continue to pay the PS employee's regular salary through the means by which it is regularly funded with no reduction except for other benefits being paid by the workers' compensation fund and the amount of taxes the PS employee was paying prior to the work-related injury. This includes continuation of the following:
 - i. The PS employer's portion of enrolled health care benefits.

- ii. The PS employee's and employer's contributions to the retirement system or Corrections Officer Retirement Plan, as applicable.
 - b. The PS employee shall accrue credit for service for the time enrolled in the Plan. Employee's PTO shall not be reduced while on an off-work status for the term of the PSSB Plan.
- 4. The PS employee shall:
 - a. Be responsible to pay for the portion of their health care benefit costs they were paying at the time of the injury, health related optional costs and/or optional life insurance costs.
 - b. Continue to accrue credited service in the applicable retirement system during the period of time enrolled in the PSSB Plan.
 - c. Not accrue any additional PTO leave while the employee is participating in the PSSB Plan.
 - d. Comply with all Mohave County Risk Management requirements including but not limited to, evaluation for light duty and rehabilitation programs, provide the Mohave County Risk Management Division with qualifying medical documentation of the injury for supplemental benefits and medical status of the PS employee's ability to perform functions of their position and medically directed rehabilitation throughout participation in the PSSB Plan.
- 5. The PSSB Plan is offered to the PS employee for an initial period of 180 calendar days, provided the PS employee is accepted into the plan. This section also provides that the County may determine if the PSSB Plan shall be extended an additional six (6) months (180 calendar days). Total calendar days for receiving benefits under this plan shall not exceed one (1) year or three hundred and sixty five (365) calendar days.
- 6. Supplemental plan benefits may cease for reasons including but not limited to the following:
 - a. The PS employee is released to regular duty or light duty (a temporary modified position) where the employee is making their regular pay.
 - b. The PS employee refuses to accept a light duty assignment.
 - c. The PS employee has received benefits for 180 calendar days from the first day he was placed on an off-work status.

- d. The PS employee is no longer considered a PS employee of the County or Superior Court.
7. If the PS employee has been placed on an off-work status for more than 180 calendar days, they may submit a request for an extension of benefits in writing to Mohave County or Superior Court Human Resources and the Mohave County Risk Management Division. It is at the employer's discretion whether or not to extend benefits. If benefits are extended, they cannot exceed a maximum of an additional 180 calendar days.
8. The County may at any time require the PS employee to submit to a Fitness for Duty or Independent Medical Exam.
9. If the PS employee is not off-work for the entire initial 180 calendar days, any unused portion may be applied to a future off-work period for the same injury, provided the PS employee's workers' compensation claim remains open.
 - a. The unused portion of the initial 180 days shall not be applied if the PS employee's workers' compensation claim is closed and then reopened at a future date.
 - b. The unused portion of benefits extended for an additional 180 days shall not be applied to any future off-work period for the same injury or any reopening at a future date.
10. Once the Mohave County Risk Management Division receives information regarding an injury to a PS employee, they will establish a file:
 - a. If the claim is accepted and it is unclear the extent of the off-work status, the PS employee's department or supervisor will notify the Mohave County Risk Management Division when the PS employee has been off-work for more than thirty (30) days. The Mohave County Risk Management Division can then provide a Supplemental Benefits Application to the PS employee.
 - b. The Mohave County Risk Management Division will not accept the PS employee's application for benefits under the plan while the PS employee's workers' compensation claim is under investigation. Workers' compensation acceptance of the employee's claim will be sufficient for the Mohave County Risk Management Division to accept PS employee's application for benefits under the subject plan.
 - c. All checks from Workers' Compensation for time off-work will be sent to the Mohave County Risk Management Division.

- d. When the PS employee is released to light duty or regular duty the PS employee's department or supervisor will immediately notify the Mohave County Risk Management Division.
 - e. The Mohave County Risk Management Division can request a Fitness for Duty or Independent Medical Exam at any time during the period the PS employee is receiving supplemental benefits.
 - f. The County may provide rehabilitation or vocational assistance to the PS employee.
11. Light duty. The County will make every effort to accommodate the PS employee's needs in returning to light duty, including but not limited to the following:
- a. Payment of mileage if the light duty assignment is in a location other than the assigned work place.
 - b. Provide transportation via car pool or other means if the PS employee is unable to drive.
 - c. Provide light duty for a different work shift than previously assigned.
 - d. If the PS employee refuses to return to work in a light duty capacity – for any reason – the PS employee will be terminated from the PSSB Plan.
12. Workers' Compensation wage benefits will also be terminated if a PS employee refuses a light (modified) duty assignment that they are qualified for and have been released by a health care professional to perform.

C. Procedure.

- 1. PS Employees who are injured while performing required duties shall:
 - a. Immediately notify their supervisor or person in charge if the supervisor is not available, even if medical treatment is not necessary.
 - b. Seek medical attention as needed.
 - c. The PS employee must update Risk Management after each doctor visit who shall notify their Supervisor of the employee's work status, until full duty work status is obtained. The physician's report must include any work restrictions or physical limitations necessary for the PS employee's well-being.

2. The PS employee's supervisor or person in charge who is notified of an on-the-job injury shall:
 - a. Notify the Mohave County Risk Management Division immediately and complete a Supervisor's Report of Industrial Injury (SRI) and forward it to the Mohave County Risk Management Division within twenty-four (24) hours and no later than seventy-two (72) hours after the accident. An SRI must be completed even if no medical treatment is needed.
 - b. Forward all physician "work status" reports and releases to the Mohave County Risk Management Division in a timely manner.
 - c. Cooperate with the Mohave County Risk Management Division in identifying light duty work assignments for employees who received an on-the-job injury in order to avoid a time-lost claim against the County/State of Arizona. The employee's original department will be responsible for any wages paid to this PS employee while working a light duty assignment in another department.
 - i. The light duty assignment will be established using a Temp Modified Work Agreement form.
 - ii. The PS employee's pay and classification status will remain the same while on a light duty assignment regardless of the actual duties being performed.
- D. Failure of the PS employee to comply in good faith with all of the aforesaid provisions may exclude the PS employee from coverage under the PSSB Plan.

7.8 PAYMENT UPON TERMINATION OF EMPLOYMENT

It is the intent of Superior Court to comply with the provisions of A.R.S. §23-350 *et seq.* regarding the payment of terminated employees.

7.81 Payment of Wages to Terminated Employee

- A. When an employee is dismissed from the service of the Superior Court, in accordance with A.R.S. §23-353, they shall be paid wages due to them within seven (7) business days or at the end of the next regular pay period, whichever is sooner.
- B. When an employee resigns from the service of the Superior Court, they shall be paid all wages due to them no later than the regular payday for the pay period during which the termination occurred. If requested by the employee, such wages shall be paid by mail.

7.82 Withholding of Wages

Mohave County shall not withhold or divert any portion of an employee's wages unless: (a) required or empowered to do so by state or federal law; (b) the employee has provided written authorization; or (c) there is a reasonable good faith dispute as to the amount of wages due.

SECTION 8: ATTENDANCE AND LEAVES OF ABSENCE

- 8.1 PAID TIME OFF (PTO) LEAVE
- 8.2 INTENTIONALLY LEFT BLANK
- 8.3 BEREAVEMENT
- 8.4 MILITARY LEAVE
- 8.5 LEAVE OF ABSENCE WITHOUT PAY
- 8.6 ADMINISTRATIVE LEAVE WITH PAY
- 8.7 CIVIL LEAVE
- 8.8 VICTIM'S LEAVE
- 8.9 MANAGEMENT LEAVE
- 8.100 INTENTIONALLY LEFT BLANK
- 8.200 FURLOUGH LEAVE
- 8.300 EMPLOYEE ILLNESS BANK (EIB)

8.1 PAID TIME OFF (PTO) LEAVE

PTO allows employees flexibility and the ability to manage their accrued time off for vacations, personal illness or injury, illness, injury or death of a family member, medical and dental appointments, humanitarian/emergency relief as a volunteer, and other personal business.

A. Eligibility and Accrual.

All full-time (at least 32 hours per week) and part-time (at least 20 hours per week) benefits-eligible, non-temporary employees are eligible to accrue PTO leave from the date of hire provided they are:

1. Are actively at work for at least twenty hours in at least one (1) week of the pay period, including hours actually worked plus approved P.T.O., E.I.B., and or comp time.
2. PTO leave shall accrue during any approved leave of absence with pay or suspension with pay (i.e. PTO, short-term military leave, bereavement leave, administrative leave). An employee on an approved leave of absence with pay who is using PTO, EIB, and/or comp time accruals to supplement income replacement through short-term disability is eligible to accrue PTO leave during such paid leave of absence.
3. Employees do not accrue PTO leave if they are on a leave of absence or suspension without pay for the duration of one or more pay periods. Employees who are solely on Workers' Compensation shall not accrue PTO leave, with the exception of Public Safety Officers according to A.R.S. §38-961.
4. PTO leave shall not be used in advance of accrual.

B. Rate of Accrual. Eligible employees shall accrue PTO leave as follows:

1. Eligible part-time employees shall accrue PTO leave at 50 percent of a full time employee accrual per pay period based on their years of continuous service and their budget position.

Rate of accrual for employees hired prior to January 23, 2016

Years of Continuous Service	Full Time Employees Hours Accrued per Pay Period	
	Hours Accrued Per Pay Period	Hours Accrued Per Year (totals rounded to nearest hour/day)
Beginning on date of hire through end of 1 year	8.00	208 = 26 Days
Beginning year 2 through end of year 4	9.00	234 = 29 Days
Beginning year 5 through end of year 9	10.00	260 = 33 Days
Beginning year 10 through end of year 14	11.00	286 = 36 Days
Beginning year 15 and over	12.00	312 = 39 Days

Rate of accrual for employees hired on or after January 23, 2016

Years of Continuous Service	Full Time Employees Hours Accrued per Pay Period	
	Hours Accrued Per Pay Period	Hours Accrued Per Year (totals rounded to nearest hour/day)
Beginning on date of hire through end of year 2	4.62	120 = 15 Days
Beginning year 3 through end of year 4	6.15	160 = 20 Days
Beginning year 5 through end of year 9	7.12	185 = 23 Days
Beginning year 10 through end of year 14	8.08	210 = 26 Days
Beginning year 15 +	9.23	240 = 30 Days

C. Use of PTO leave.

1. The Department Head, or their designee, has the sole authority to approve or disapprove PTO or unpaid time requested by an employee. Failure to obtain approval for any PTO may be deemed by the Department Head as an unauthorized absence and may be subject to disciplinary action.
2. PTO leave shall not be charged against an employee's accrued leave balance for an authorized holiday that occurs while an employee is using PTO leave.
3. PTO leave accrued during a paid leave of absence may not be used until the employee has returned to work from the absence and has worked at least one (1) full day. Employees that do not return to work and separate for medical reasons shall be paid any accrued PTO.
4. PTO leave shall be allowed only to the extent that it will ensure payment for up to the employee's budgeted hours of their position.
5. PTO leave may be used to supplement Workers' Compensation (WC) payments up to 100% of an employee's regular bi-weekly base salary. Actual PTO hours required to supplement WC, shall be calculated to approach near approximation of the employee's regular net salary as WC payments are not subject to tax withholding.
6. PTO leave may be used to supplement Short Term Disability (STD) payments up to 100% of an employee's regular bi-weekly base salary. Actual PTO leave hours required to supplement STD shall be calculated to approach near approximation of the employee's regular net salary.
7. Compensatory time must be used prior to using PTO.

D. Verification of Need for Sick Related PTO Leave. The Department Head may require an employee requesting or having used sick related PTO leave to submit documentation substantiating the need for such leave in accordance with these procedures.

1. An employee who is absent for illness or injury more than three (3) consecutive days may be required to provide a medical release prior to returning to work. Such evidence may include, but is not limited to a certificate from a designated physician or practitioner, and/or an examination by a designated physician or practitioner.
2. The Department Head may disapprove the request for sick related PTO leave if such documentation is not adequate or if the designated physician determines that the request for sick related PTO leave is not a valid request.

E. Forfeiture of PTO Leave (Original Probationary Employees). Employees occupying classified positions who are on original probation and who do not complete their probationary period shall forfeit accrued PTO leave excluding accrued holiday leave hours and compensatory time, which the employee shall not forfeit.

F. Forfeiture of PTO Leave. For employees hired prior to January 23, 2016, at the end of the calendar year, total PTO leave accruals may not exceed nine hundred (900) hours. At the end of the calendar year (December 31) only nine hundred (900) total PTO leave hours (including accrued holiday leave hours), will be carried forward to the new calendar year and accrued hours in excess of the aforementioned limit will be forfeited. PTO exceeding the maximum limit of hours must be used or lost at the end of a calendar year.

At the end of the calendar year, carryover of PTO for employees hired on or after January 23, 2016, shall not exceed 300 hours.

G. Requesting PTO Leave. With the exception of emergencies, injuries, or illness, PTO leave shall be requested in writing at least two (2) weeks in advance. The Department Head or designee has the sole discretion to approve or disapprove any request for PTO.

H. Reporting and Recording Leave. The Employee and the Department Head or designee shall be responsible for ensuring that all leave used is properly recorded on employee's timesheet form.

I. Disposition of Accrued Leave. An employee who transfers between County departments or to or from the Superior Court shall retain any accumulated PTO leave. An employee who changes from one employment type to another employment type (i.e., full-time, benefits-eligible employee, to part-time, benefits-eligible employee) shall retain any accumulated PTO leave and shall be eligible to use and/or accrue PTO in accordance with their current employment type. A benefits-eligible employee, who transitions to a non-benefits-eligible employee or an elected position, shall receive payment of PTO upon separation in accordance with the separation provision below.

J. Separation. For employees hired prior to January 23, 2016, a classified employee who separates from Superior Court service shall be paid up to a maximum of four hundred (400) hours of unused PTO leave at the employee's current rate of pay. An unclassified employee who separates from Superior Court service shall be paid up to a maximum of six hundred (600) hours

of unused PTO leave at the employee's current rate of pay. Within the last three (3) months of employment, any amount of PTO used in excess of half of a year's accrual as defined in section 8.1, will be deducted from the 400/600 hours at separation. This does not include employees on approved medical leave.

K. Rate of PTO payout for employees hired on or after January 23, 2016, shall not exceed 300 hours.

8.3 BEREAVEMENT LEAVE

Bereavement Leave is paid leave granted to a benefit eligible employee to attend services and handle matters after the loss of an immediate family member of the employee.

- A. Immediate family member is defined as spouse, mother, father, child, stepchild, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents of an employee or grandparents of an employee's spouse.
- B. Department Heads may give special consideration to any other person whose association with the employee was similar to any of the above relationships. It is at the discretion of the Department Head to require documentation as necessary.
- C. Request for bereavement leave must be made as soon as possible and can be approved, modified or denied by the Department Head.

8.31 Length of Bereavement Leave

- A. At the discretion of the Department Head, an employee may be absent with pay for a period of time not to exceed:
 - 1. A full-time employee may be granted up to three (3) business days (24 hours) if services are less than 200 miles away one way.
 - 2. A full-time employee may be granted up to five (5) business days (40 hours) if services are over 200 miles away one way.
 - 3. If additional time is needed, the employee may use PTO or EIB leave upon approval of the Department Head.
 - 4. A 20-31 hour benefit eligible employee shall be granted bereavement leave at 50 percent of the full time employee rate.
- B. Bereavement Leave may not be used in a manner that generates paid hours in excess of the employee's regularly scheduled work week.
- C. Employees on unpaid leave are not eligible for Bereavement Leave.
- D. Bereavement Leave shall not be counted as hours worked for the purpose of computing overtime.

8.4 MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of current State and USERRA laws.

8.41 Military Leave Requests

In accordance with ARS § 38-610, and § 26-168, employees shall be granted leaves of absence from their duties without loss of time, pay or performance evaluation on all days during which they are employed on training duty or required to attend camps, maneuvers, formations or drills under documented orders or drill schedules with any branch, reserve or auxiliary of the armed forces of the United States for a period not to exceed thirty (30) days in any two (2) consecutive years.

- A. For purposes of this section, an officer or employee shall not be charged military leave for days on which the individual was not otherwise scheduled for work.
- B. The period of time spent in training under orders shall not be deducted from the accrued PTO to which any officer or employee is otherwise entitled.
- C. Employees taking military leave shall provide a copy of their military orders to their Department Head.

8.42 Restoration To Position Following Military Service

A Superior Court employee who has been inducted or ordered into active service in the armed forces of the United States shall, upon completion of their service, be restored to the position held by them at the time of induction or of reporting for service, or to a position having similar or other duties which they are qualified to perform, if such officer or employee:

- A. Possesses a certificate of satisfactory training and service or honorable discharge issued by the proper military or naval authority.
- B. Is still qualified to perform the duties of the position.
- C. Applies for restoration after separation from the armed forces.
 - 1. Less than 31 days – Must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.
 - 2. More than 30 days but less than 181 days – Must request re-employment within 14 days of release from service.

3. More than 180 days – Must request re-employment within 90 days of release from service.

D. Accumulated length of time absent for military duty and retain re-employment rights is five (5) years, unless initial enlistment lasts more than five (5) years, periodic national guard and reserve training duty, and involuntary active duty extensions and recalls.

8.5 LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay is intended to provide employees with the time and flexibility to address important personal situations. It also allows the Superior Court to meet its long-term needs by retaining valued employees. Employees shall submit a request to their Department Head in writing if they anticipate needing to take a leave of absence without pay.

A. The Department Head, in consultation with Superior Court Human Resources, may approve an employee's leave of absence without pay for a maximum of forty (40) hours per calendar year when it is in the best interest of the Superior Court to do so.

B. A request in writing for additional leave without pay beyond forty (40) hours may be considered and approved by the Department Head and with the approval of the Presiding Judge when it is in the best interest of the Superior Court. An employee requesting a leave of absence without pay shall expend all compensatory time, EIB, and PTO leave accruals before leave without pay may be granted.

1. An employee shall submit his/her request for leave of absence without pay at least two (2) weeks in advance of such leave unless advance time is reduced or waived by the Department Head in an emergency or extreme condition. The employee must also complete a leave of absence agreement and make arrangements for payment of insurance.

8.51 Continuation of Health Benefits (COBRA)

The continuation of Health Benefits shall require the employee to pay up to 102% of coverage (both employer/administrative and employee-paid portions) during the leave period in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Plan Document/Summary Plan Description of the Mohave County Employee Benefit Trust.

8.6 ADMINISTRATIVE LEAVE WITH PAY

Employees may be placed on Administrative Leave with Pay under the following circumstances:

- A. Emergency situation. At the request of the Department Head and approved by the Presiding Judge, or designee, an employee may be granted administrative leave with pay when emergency situations exist such as extreme weather conditions, fire, flood or malfunction of publicly owned or controlled machinery or buildings, making it hazardous or impossible for the employee to get to or perform at their workstation (providing alternate work or workstation has not been designated). Employees in essential operations may be required to work on a day or days when facilities are closed as provided for under this Policy. Employees who work under these circumstances shall receive regular pay. The department shall notify Superior Court Human Resources at time of leave.
- B. Non-disciplinary leaves with pay may be given to an employee by the Department Head and with the approval of the Presiding Judge under the following circumstances:
 1. Where an employee is charged with a felony or other crime involving moral turpitude.
 2. Where it is deemed in the best interests of the Superior Court while an inquiry is being made into the conduct of the employee or the employee's continued suitability for employment.
 3. In cases which may include, but are not limited to, matters involving alleged criminal activities or serious breaches or deficiencies in job related conduct or performance, and serious breaches of non-job related conduct.
 4. Other circumstances deemed in the best interest of the Superior Court by the Department Head and the Presiding Judge.
- C. Notification to the employee shall be made either personally or by certified mailing. Such written notice shall contain the facts or circumstances giving rise to the proposed action, including the dates of any oral or written warnings issued (if any), the effective date and duration (number of days) of the proposed action.
- D. An employee placed on administrative leave may remain on such leave until one of the following instances occurs:
 1. An inquiry or investigation is completed and other action is taken.
 2. The employee is acquitted of any criminal charges against them.
 3. The charges against such employee are dismissed.
 4. The employee is otherwise exonerated.

5. Other action is taken by the Superior Court.

8.7 CIVIC DUTY LEAVE

Employees shall be given time off when performing any of the following:

- A. Jury Duty. Employees receiving time off with pay for jury duty shall be required to pay the Superior Court the stipend received for jury duty. Employees may keep per diem and mileage allowances.
 - 1. Employees must provide a copy of the jury duty summons to their supervisor within two (2) working days of receipt so the supervisor can make arrangements to accommodate the employee's absence.
- B. Witness. Leave for an employee who has been subpoenaed to appear as a witness before any court or administrative, executive or legislative tribunal when it relates to Superior Court or County business, the employee shall be entitled to civic duty leave with pay. The Department Head may require such employee to submit substantiating evidence and may disapprove the request if the evidence is not adequate.
 - 1. When it is due to a personal, commercial, or business transaction, or due to the employee's own actual or alleged unlawful conduct or misconduct, employee shall not be entitled to civic duty leave with pay and all such leave shall be counted against the employee's PTO accrual balance.
 - 2. Employees shall provide a copy of the subpoena to their supervisor within two (2) business days of receipt so the supervisor can make arrangements to accommodate the employee's absence. An employee provided leave under this section is expected to report to work whenever the Court schedule permits.
 - 3. An employee who is paid a fee for an appearance as an expert witness while on civic duty leave shall remit such fee to Mohave County or take PTO leave.
- C. Voting. An employee shall be allowed necessary time off without loss of pay or leave time for the purpose of voting in a state, federal or a tribal election when the polls are not open at least three hours before or after the employee's normal scheduled hours of work. If approved, the Department Head may specify whether the time shall be taken at the start of or at the end of the workday.
 - 1. Requests for time off for voting shall be made by the Friday prior to the day of election, and the Department Head may specify the hours during which an employee may be absent. An employee may be required to provide evidence of eligibility to vote prior to an approval for time off.

8.8 VICTIM'S LEAVE

In accordance with ARS § 8-420, and §13-4439, the Superior Court shall grant an employee who has been a victim of a crime or a juvenile delinquent act time off to attend certain types of court-related proceedings in accordance with the foregoing statutes. This policy shall always be interpreted and applied in a manner consistent with the most current version of the statutes.

8.82 Procedure

- A. An employee shall use accrued compensatory time or PTO to attend the court-related proceeding. Victim's leave without pay shall be permitted once all accrued leave time is exhausted.

8.9 MANAGEMENT LEAVE

8.91 Exempt Employee

- A. An exempt employee who is required to work extraordinary hours may be authorized to receive management leave. Authorization of this time may be granted up to a maximum of three (3) business days within a pay period at the sole discretion of the Department Head. Management leave for a Department Head requires approval of the Presiding Judge.
- B. Under no circumstances is an exempt employee to be granted management leave time on an hour-for-hour basis or greater than hour-for-hour basis for extra hours worked.

8.200 UNPAID FURLOUGH LEAVE

8.201 Furlough Program: The Presiding Judge may implement a mandatory unpaid furlough program to reduce payroll costs and departmental expenditures during challenging budget shortfalls while maintaining critical Superior Court operations and services.

8.202 Voluntary Unpaid Furlough Leave

- A. Voluntary unpaid time off, up to eight (8) hours per week, is at the discretion of the Department Head, based on operational needs of the department.
- B. Employee hours shall not drop below a benefited status.
- C. Employees interested in this program should consult with their respective retirement system representative to determine the effect of an unpaid furlough on their retirement eligibility and benefit level.

8.203 Timesheet Reporting

This leave time must be reported on the employee's timesheet as "Other: Unpaid Furlough Leave."

8.300 EMPLOYEE ILLNESS BANK (EIB)

The purpose of the EIB is to acknowledge an employee's accumulated sick leave hours earned before transitioning into the PTO policy which was implemented on December 25, 1993. Accumulated sick leave hours were deposited into EIB for employees who work 20 hours or more per week and had accrued EIB leave in their individual leave accrual at the time of transitioning to the PTO policy. No additional time has been deposited and no additional accruals have accrued since transitioning to the PTO policy.

- A. Use of EIB. In the following instances, EIB must be used prior to PTO.
1. EIB may be used in the case of illness or injury suffered by an employee or as provided below for an employee's immediate family member.
 2. EIB may also be used for illness, injury or death of a member of the immediate family which requires the presence of the employee for assistance or care and can be used for making arrangements, settling the estate and other related matters of an ailing or deceased immediate family member.
 3. EIB may be used by an employee to respond as a volunteer to participate in state/national disasters and emergencies or short term provision of pay to attend to local emergency situations where a volunteer may receive a call out to respond to an emergency situation during regular work hours, which is known as humanitarian leave.
 4. EIB leave may be used to supplement Workers' Compensation (WC) payments up to 100% of base bi-weekly salary. Actual EIB leave is required to supplement WC will be calculated to come near to the employee's regular net salary as WC payments are not subject to tax withholding.
 5. Employees must complete a Request for EIB Form in accordance with Section C below.
 6. EIB leave shall not be charged against an employee's accrued leave balance for an authorized holiday that occurs while an employee is using EIB leave.
 7. EIB leave will not be used in any manner which generates paid hours in excess of the normal work week.
 8. EIB leave will be allowed only to the extent that will ensure payment for a full forty-hour work week.
 9. If an employee is placed on Family Medical Leave Act (FMLA) leave, the employee will be required to use available EIB leave prior to the use of PTO leave accruals.

B. Leave Request.

1. Requests for EIB leave should be submitted on forms prescribed by the Human Resources Department to the employee's Department Head at least two (2) weeks in advance, or in the event of an emergency illness, injury or extended bereavement leave as soon as practicable.
2. The Department Head has full authority to approve or deny the request for use of EIB leave.

C. Disposition of Accrued Leave

1. An employee who transfers between County departments or to or from the Superior Court shall retain any accumulated EIB leave.
2. An employee who changes from one employment type to another employment type (i.e., full-time, benefits-eligible employee, to part-time, benefits-eligible employee) shall retain any accumulated EIB leave and shall be eligible to use such leaves in accordance with their current employment type.
3. A benefits-eligible employee, who transitions to a non-benefits-eligible employee or elected position, will receive reimbursement of EIB leave with a maximum of 100 hours upon transition or separation.

D. Separation.

1. A regular employee who separates from Superior Court service shall receive reimbursement for unused EIB leave hours at a rate of three dollars (\$3.00) per hour of EIB leave up to one hundred (100) hours. The granting of such reimbursement is conditioned upon the employee providing the Superior Court with ten (10) working days' notice of separation.
2. If an employee is dismissed or terminated at the discretion of the Department Head, the employee will receive payout of their unused EIB leave hours as stated previously.

E. Abuse of EIB Leave.

1. Employees eligible for use of EIB leave under this policy may use EIB leave only as provided.
2. Employees are subject to discipline for misuse or abuse of EIB privileges. EIB leave is a privilege and not a right.