

SUPREME COURT OF THE STATE OF ARIZONA

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**FILED**  
JUN 11 1993  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY *[Signature]*

ORDER ADOPTING LEAVE POLICY )  
FOR SUPREME COURT )  
EMPLOYEES )  

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ADMINISTRATIVE ORDER  
NO. 93 - 29

IT IS ORDERED that the attached Leave Policy for Supreme Court employees is adopted effective May 20, 1993.

Dated the 11th day of June 1993 at the Arizona Supreme Court, Phoenix, Arizona.

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STANLEY G. FELDMAN  
Chief Justice

Administrative Office of the Courts  
Policies and Procedures Manual  
Section: 6.10  
Date: 5/20/93

## LEAVE POLICY

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The Leave Policy applies to employees of the Administrative Office of the Courts, Staff Attorneys Office, Office of the Clerk of the Court, and the Office of the Special Master.

The Leave Policy does not apply to law clerks of the Supreme Court.

Only the Sick Leave section applies to the judicial secretaries of the Supreme Court.

If you have any questions, call Human Resources at 542-9311.

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### **Purpose**

To define and clarify the requirements for the use of leave including sick leave, maternity leave, family leave, catastrophic illness, annual leave, compensatory leave, personal leave, jury leave, bereavement leave, leave without pay, holidays, administrative leave, military leave, and industrial leave.

### **Sick Leave**

- A. **Definition.** Sick leave is any period of paid absence granted an employee due to his or her illness, or illness of an employee's parents, mother-in-law or father-in-law, brother, sister, spouse, or child. For the purposes of this section, the terms "child" and "parent" are defined as a natural child or parent, an adopted child or adoptive parent, a foster child, or a stepchild or step parent.
- B. **Policy.** Sick leave will be granted upon approval for the following conditions:
1. An illness or injury which renders the employee unable to perform the duties of the position.

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2. Pregnancy-related disability caused by childbirth, miscarriage, or where medical complications arise as a result of the pregnancy.
3. Examination or treatment by a licensed health care practitioner.
4. Illness, injury, examination, or treatment by a licensed health care practitioner of an employee's parents, mother-in-law or father-in-law, brother, sister, spouse, or child. For the purposes of this section, the terms "child" and "parent" are defined as a natural child or parent, an adopted child or adoptive parent, a foster child, or a stepchild or step parent.

**C. Accrual.**

1. Full-time employees shall accrue sick leave at the rate of eight hours per month. Sick leave is posted bi-weekly on the last day of the pay period in which earned. Sick leave is accrued at the end of 40 hours in the pay period and may be used even if not posted.
2. Part-time employees eligible for benefits will accrue a prorated amount of sick leave.
3. Temporary employees or part-time hourly employees will not accrue sick leave.

**D. Accumulation.** Sick leave credits are accumulated without limit.

**E. Use of Sick Leave.**

1. Sick leave may be used for an absence when approved by the employee's immediate supervisor, manager, and/or division director, clerk of the court, chief staff attorney, or special master, as appropriate.
2. The employee's immediate supervisor, manager, and/or division director, clerk of the court, chief staff attorney, or special master, as appropriate, may require submission of evidence substantiating the need for sick leave. If the evidence is determined to be inadequate, the absence shall be charged to another category of leave or considered leave without pay.

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3. An employee's immediate supervisor, manager, and/or division director, clerk of the court, chief staff attorney, or special master, as appropriate, may require an employee to be examined by a designated licensed health care practitioner at the Court's expense. If the licensed health care practitioner determines that the employee should not work due to illness or injury, earned sick leave shall be taken. If the employee's sick leave is exhausted, the employee may use a combination of compensatory leave, annual leave, personal leave, or leave without pay, as approved.

An employee may be required to obtain medical verification from the licensed health care practitioner prior to returning to work if there is a question concerning the employee's ability to perform his/her duties. A copy of the medical verification from the licensed health care practitioner shall be provided to the Human Resources Department and placed in the employee's personnel file.

- F. Termination of Employment. All sick leave credits are forfeited upon separation from employment.
- G. Medical Appointments. Employees should request approval of their supervisor(s) in advance of medical or dental appointments that require sick leave during the normal work day. This notification shall be provided at the earliest possible time and preferably at least three work days in advance.
- H. Conversion. An employee who has accrued at least 320 hours (40 days) of sick leave may convert each two additional hours of accrued sick leave to one hour of accrued personal leave. However, employees are encouraged to build sick leave balances in order to have sufficient time to cover a serious illness or injury. Conversion of sick leave to personal leave will be done each July 1 and January 1.
- I. Incentive. Any full-time employee using 40 hours or less of sick leave in a fiscal year (July 1 to June 30) shall be credited with eight hours of personal leave on July 1 of the next fiscal year. Part-time employees will be credited with personal leave on a prorated basis.

Example: A part-time employee working 20 hours per week who uses 20 hours or less of sick leave will be credited four hours of personal time.

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**Donating Unused Sick Leave**

- A. Definition. Unused sick leave is accrued sick leave in excess of 40 hours which one employee may donate to another employee.
- B. Policy. An employee may donate unused sick leave to another employee only after the recipient has exhausted all other leave.
- C. Use of Unused Sick Leave. An employee may be considered for receiving donated sick leave only if the employee or member of the employee's immediate family (as described in the Sick Leave section) suffers from an illness or injury which requires an absence.
- D. Conversion. Donated sick leave shall be converted on an hour-for-hour basis.
- E. Requests for Unused Sick Leave. An employee donating unused sick leave must complete a Leave Request Form and submit it to his/her immediate supervisor, respective division director, clerk of the court, chief staff attorney, or special master for approval.

**Maternity Leave**

Employees giving birth shall receive six weeks paid maternity leave. Maternity leave is used first before accrued sick leave, annual leave, compensatory time, or personal time.

**Family Leave**

- A. Definition. Family leave is any period of absence up to 12 weeks, granted an employee after the birth or adoption of a child or for the serious medical condition of the employee, employee's spouse, child or parent, in accordance with the Family and Medical Leave Act of 1993. A serious medical condition is an illness or injury which requires an extended period of hospitalization or treatment. Family leave is effective August 6, 1993.
- B. Use of Family Leave.
  - 1. To be eligible for family leave, the employee must first exhaust all applicable accrued and catastrophic leave. The remainder of the 12 week period shall be unpaid leave.

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2. The director, clerk of the court, chief staff attorney or special master, as appropriate, reserves the right to exempt employees, require notice, approve intermittent leave or require a medical certification, as permitted by law.

**Catastrophic Illness**

- A. Definition. Catastrophic illness is additional leave with pay granted only to employees who have suffered a life threatening illness or injury such as cancer, heart attack, loss of limb, or other severe injury or illness or mental illness requiring extended hospitalization. Catastrophic leave is in addition to sick leave and is used after accrued sick leave is exhausted.
- B. Policy. Any leave granted for catastrophic illness incurred by an employee from October 1, 1992 until October 1, 1993 will be determined on an individual basis. Effective October 1, 1993, employees will be granted one week of leave for each year of employment as needed in the event of a catastrophic illness.
- C. Use of Catastrophic Illness. Requests for leave must be submitted to the respective division director, clerk of the court, chief staff attorney, or special master for approval. Final approval will be determined by the administrative director, clerk of the court, chief staff attorney, or special master.

**Annual Leave (Vacation)**

- A. Definition. Annual leave is approved vacation for a period of time away from work with pay.
- B. Accrual. All regular, full-time Supreme Court employees hired prior to October 1, 1992, shall accrue annual leave according to the schedule below but shall accrue at least 160 hours per year regardless of length of service.

All regular, full-time Supreme Court employees hired on or after October 1, 1992 shall accrue annual leave in accordance with the following schedule:

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<u>Years of Service</u>	<u>Hours Accrued Per Year</u>
First year	96 hours
1 through 4 years	120 hours
5 through 10 years	160 hours
10+ years	200 hours

1. Part-time employees eligible for benefits will accrue a prorated amount of annual leave.
2. Temporary employees or part-time hourly employees will not accrue annual leave.
3. Annual leave is posted bi-weekly on the last day of the pay period in which earned. The rate of accrual is based on hours of accrual per year divided by 26 pay periods. Annual leave is accrued at the end of 40 hours in the pay period and may be used even if not posted.
4. New employees in their first week of employment working 40 hours or more in a pay period will receive the full accrual. New employees in their first week of employment working less than 40 hours in a pay period will receive a prorated accrual.

**C. Requests for Annual Leave.**

1. Requests for annual leave will be submitted to the immediate supervisor and approved by the respective division director, clerk of the court, chief staff attorney, or special master.
2. Requests for annual leave for employees of the Clerk's Office and Staff Attorney's Office will be processed in accordance with the requirements of the Clerk and Chief Staff Attorney without regard to the following subparagraphs.
3. Requests for one to four days of annual leave should be submitted at least seven days in advance.
4. Requests for five or more days of annual leave should be submitted at least 30 days in advance.
5. Requests for annual leave during the months of June, July and August shall be submitted by March 31. All requests received by March 31 will be reviewed as a group for

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purposes of approval. Requests submitted after March 31 will be considered in light of leave requests already approved for other staff members.

6. Requests for annual leave between November 15 and January 7 should be submitted by October 15. All requests received by October 15 will be reviewed as a group for purposes of approval. Requests submitted after October 15 will be considered in light of leave requests already approved for other staff members.
- D. New Employees. Employees will not be allowed to take annual leave during their first six months of employment, except in emergency or unusual situations with the approval of the division director, deputy or administrative director, clerk of the court, chief staff attorney, or special master, as appropriate.
- E. Accumulation. As a general rule, accrued annual leave should not exceed 320 hours (40 days) at any one time. Annual leave may be carried forward from one calendar year to the next; however, at the end of the calendar year, accrued annual leave in excess of 320 hours shall be forfeited.
- F. Termination of Employment. Upon termination, employees will be compensated for all accrued annual leave at their prevailing salary rate. A terminating employee not transferring to a state agency may receive his/her pay in a lump sum or may be paid over regularly scheduled pay periods if annual leave is used to extend termination date. Employees transferring to state agencies must receive their pay in a lump sum or, if approved by the new employer, transfer the annual leave balance. Employees who resign or are terminated during their first six months of employment will not be compensated for accrued annual leave.
- G. Period of Absence. Any period of leave without pay except for family leave in excess of 240 hours shall not be counted as credited service in determining years of service. Sick leave and annual leave accrues while on leave without pay not in excess of 240 hours.
- H. Military Duty. Military leave taken shall be counted as credited service for purposes of annual leave accrual. Active military service of an employee who is restored to employment with the Supreme Court is not a break in service and shall be counted as credited service.



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**Compensatory Leave**

- A. Definition. Compensatory leave is credited for hours worked in excess of a person's normal work week.
- B. Policy. Compensatory leave has been implemented in accordance with the Fair Labor Standards Act (FLSA).

Exempt employees (not covered by FLSA) required to work on a Saturday or Sunday or work hours in the work week in excess of their normal schedule shall receive compensatory leave equivalent to the number of hours actually worked.

Non-exempt employees shall be paid overtime or given compensatory leave at the rate of time and one-half for all hours worked in excess of the normal 40 hour work week, if the employee actually worked in excess of 40 hours in one week (Saturday through Friday). It is recommended that non-exempt employees be given compensatory leave within 30 days immediately following the week when the overtime was worked. If the non-exempt employee cannot take time off during that period of time, then they must be paid for overtime during the next available payroll period.

Compensatory leave must be approved by the division director, clerk of the court, chief staff attorney, or special master.

- C. Termination of Employment. Compensatory leave accrued by an employee considered exempt under the Fair Labor Standards Act is forfeited upon termination of employment, and may not be used to extend the employee's termination date beyond the last day worked.

**Personal Leave**

- A. Personal leave, in addition to any other leave, may be earned in one of the following two ways:
  - 1. An employee who has accrued at least 320 hours (40 days) of sick leave may convert each two additional hours of accrued sick leave to one hour of accrued personal leave. However, employees are encouraged to build sick leave balances in order to have sufficient time to cover a serious illness or injury. Conversion of sick leave to personal leave will be done each July 1 and January 1.

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2. Any full-time employee using 40 hours or less of sick leave in a fiscal year (July 1 to June 30) shall be credited with eight hours of personal leave on July 1 of the next fiscal year.

Part-time employees shall be credited with personal leave based on number of hours worked in a week.

Example: A part-time employee working 20 hours per week who uses 20 hours or less of sick leave shall be credited four hours of personal time.

Requests for personal leave must be submitted to the immediate supervisor and division director, clerk of the court, chief staff attorney, or special master for approval.

- B. Termination of Employment. Personal leave accrued by an employee is forfeited upon termination of employment, and may not be used to extend an employee's termination date beyond the last day worked.

**Jury Leave**

- A. Definition. Jury leave is granted when an employee appears for or serves on jury duty.
- B. Policy. Employees summoned to jury duty shall be paid their regular salary, provided they submit their jury fee amounts to the Finance Office. (Mileage and per diem amounts may be kept by the employee.) If employees elect to use annual leave during the period they are on jury duty, they may keep their jury fees.

Employees must notify their supervisors of the days they will be serving jury duty as soon as they are informed.

Employees shall be given the time needed to fulfill their civic obligation. Employees on the night shift summoned to jury duty will be excused from working their shift each day of jury duty. Employees not impaneled are expected to return to work when dismissed from jury duty unless the employee cannot return to work at least two hours before the end of the work shift.

**Bereavement Leave**

- A. Definition. Bereavement leave is paid leave granted to an employee to attend the funeral of a spouse, child, parent,

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grandparent, grandchild, brother, sister, mother-in-law, or father-in-law.

- B. Policy. An employee may be absent with pay for up to three consecutive working days based on normally scheduled hours. Upon request, bereavement leave shall be extended for two more working days if the employee travels out-of-state for the funeral. Requests for bereavement leave must be made as soon as possible and be approved by the immediate supervisor and division director, clerk of the court, chief staff attorney, or special master.

**Leave Without Pay**

- A. Definition. Leave without pay is unpaid leave taken when sick leave, annual leave, personal leave, compensatory leave, or family medical leave is exhausted. Exceptions must be approved by the administrative director, clerk of the court, chief staff attorney, or special master.
- B. Policy. Approval of leave without pay requests will take into consideration the reasons for the request, workload demands, and the availability of adequate personnel resources to provide job coverage during the requested leave period.
- C. Use of Leave Without Pay. Employees must submit requests to take leave without pay to their supervisors in the same manner as outlined for annual leave requests. Supervisors, in turn, shall forward requests to the division director, deputy director, administrative director, clerk of the court, chief staff attorney, or special master, as appropriate, with a recommendation to approve or deny the requests.

All requests for leave without pay in excess of eighty consecutive hours shall be documented by stating the beginning date of the leave without pay, the reasons for the request, the anticipated date of the return to work, and contain the signature or signatures of the appropriate level or levels of authority approving the request.

- D. Period of Absence. Any period of leave without pay, except for family leave, in excess of 240 hours shall not be counted as credited service in determining years of service. Sick leave and annual leave accrues while on leave without pay not in excess of 240 hours.

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Employees on leave without pay for family leave shall be credited for service for not more than 12 weeks. Sick leave and annual leave accrues while on family leave without pay.

**E. Health Benefit Plan Participation.**

1. An employee who is on leave without pay in excess of 12 weeks for family leave, or for any other health related reason that is not an industrial disability for any period, may continue to participate in the Health Benefit Plan by paying both the state and employee contribution. This authority to continue participation in the Health Benefit Plan shall terminate when the employee is determined to be eligible for Medicare coverage or when 30 months have elapsed since the incapacity began, whichever occurs first.
2. An employee who is on leave without pay for other than a health related reason may continue to participate in the Health Benefit Plan for a maximum of six months by paying both the state and employee contributions.
3. Employees on leave without pay will be notified of the full monthly premium amount and date due. If the premium is not paid for six weeks, coverage will be terminated.

**F. Life Insurance Plan Participation.** An employee who is on leave without pay for family leave in excess of 12 weeks or for any other reason may continue to participate in the Basic Life and Accidental Death and Dismemberment Insurance Plan by paying the state premium. An employee who elects to continue to participate in the Basic Plan may also continue any supplemental coverage which is in force at the beginning of the leave without pay by continuing to pay the premium.

**G. Disability Income Insurance Plan Participation.** An employee who is on leave without pay for a health related reason may continue to participate in the Disability Income Insurance Plan by paying the premium.

**H. Termination.** The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.

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**Holidays**

- A. Definition. A holiday is a day of paid leave granted to employees as required by state law.
- B. Policy. Employees shall be paid for official holidays designated by Arizona statute.

Regular, full-time employees will be paid for 8 hours of holiday pay. Regular, part-time employees will be paid a prorated number of hours based on percentage of FTE (Full Time Equivalent).

Temporary part-time employees or part-time hourly employees will not receive holiday pay.

- C. Employees Required to Work.

Exempt employees (not covered by FLSA) required to work on a holiday shall receive compensatory leave equivalent to the number of hours actually worked. For example, if an exempt employee works on a holiday, the employee will be credited one hour of "compensatory time" for each hour worked.

The employee would WETR 8 hours holiday and the number of hours worked for "compensatory time".

Non-exempt employees (covered by FLSA) required to work on a holiday shall receive compensation at a rate of one and one-half the actual hours worked if the employee has already worked 40 hours during the week.

If an employee works Saturday through Wednesday and a holiday falls on Monday, WETR should reflect 8 hours holiday for Monday and 8 hours "compensatory time." The time will be calculated at straight time.

If an employee's regular day off is Monday, but Monday is a holiday, the employee should WETR 8 hours holiday and 8 hours "compensatory time." The time will be calculated at straight time.

**Administrative Leave**

- A. Policy. The administrative director, clerk of the court, chief staff attorney, or special master may authorize or require an employee to be absent with or without pay on administrative leave during a state of emergency declared by the Governor or the Chief Justice, or in other emergency

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situations such as extreme weather conditions, fire, flood, or malfunction of necessary machinery or equipment.

- B. The administrative director, clerk of the court, chief staff attorney, or special master may grant administrative leave with pay to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.

**Military Leave**

An employee may request absence with pay on military leave pursuant to A.R.S. § 26-168, 26-171, or 38-610. The employee shall submit a copy of the orders for duty to the employee's immediate supervisor with the request for military leave, and it shall be granted as required by statute.

**Industrial Disability**

- A. Definition. Industrial disability is defined as an injury received during the course of employment as defined by the workers' compensation laws of the State of Arizona.
- B. Use of Leave.
1. An employee who sustains an industrial disability shall be placed on sick leave.
  2. If sick leave is not available, the employee may, upon request, use compensatory leave or personal leave until such leave is exhausted, then annual leave.
  3. After all sick leave is exhausted, if an employee does not request compensatory leave, personal leave, or annual leave, or has exhausted compensatory leave, personal leave, and annual leave, the employee may be placed on leave without pay.
- C. Payments.
1. An employee shall use leave in an amount necessary to receive total payments (leave payments plus workers' compensation payments) not to exceed the gross salary of the employee.
  2. If the employee receives a retroactive workers' compensation payment for the applicable time off, the employee shall reimburse the Supreme Court for the applicable time and the equivalent value of leave shall be restored to the employee's appropriate leave account.

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- D. Return to Work. In the event of a disability that would impair performance on the job, efforts shall be made to accommodate the disability or to place the employee in a suitable position, as reasonably determined by the division director, clerk of the court, chief staff attorney, or special master, and the human resources officer.
- E. Restriction. Sick leave with pay or leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of A.R.S. § 23-901 to 23-1091.
- F. Benefit Plan Participation.
1. An employee who is on leave without pay due to an industrial disability may continue to participate in the Benefit Plan for a maximum of six months by paying the employee contribution.
  2. At the end of this six month period, an employee who remains on leave without pay due to an industrial disability may continue to participate in the Benefit Plan by paying both the state and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long-Term Disability, whichever occurs first.
- G. Life Insurance Plan Participation. An employee who is on leave without pay due to an industrial disability may continue to participate in the Basic Life and Accidental Death and Dismemberment Insurance Plan by paying the state premium. An employee who elects to continue to participate in the Basic Plan may also continue any supplemental coverage which is in force at the beginning of the leave without pay by continuing to pay the premium.
- H. Disability Income Insurance Plan Participation. An employee who is on leave without pay due to an industrial disability may continue to participate in the Disability Income Insurance Plan by paying the premium.
- I. Termination. The insurance coverage of an individual on leave without pay due to an industrial disability who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.

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- J. Accrual of Leave. An employee shall continue to accrue full leave credits as long as the employee is using two or more hours of paid leave each day.

(Pursuant to 38-651 et seq. legislation)

*Conflict with Federal Requirements - If sections of this policy conflict or are inconsistent with federal or state law, the law shall apply.*