

IN THE SUPREME COURT OF THE STATE OF ARIZONA

---

In the Matter of:	)	
	)	
AMENDING HUMAN RESOURCES	)	Administrative Order
POLICY FOR SUPREME COURT	)	No. <u>2003- 59</u>
EMPLOYEES	)	(Amending Administrative
	)	Orders No. 96-49, 97-66 and
<hr/>	)	2000-34)

On October 4, 1996, by Administrative Order No. 96-49, the Court adopted Human Resources Policies for Supreme Court Employees which replaced all previous and existing human resources policies.

On December 4, 1997, the Court adopted a revision to those policies allowing the transfer of sick leave by employees transferring from other state agencies.

On June 1, 2000, the Court adopted policies to make the Leave Policy and Education Assistance Policy more competitive and to create "on-call" pay for information technology staff.

It is now the desire of the Court to amend the Leave Policy to award personal leave to Court Staff, in order to provide an additional benefit for the recruitment and retention of staff.

Now, therefore, pursuant to Article VI, Section 3 and 7 of the Arizona Constitution,

IT IS ORDERED that the attached amendment to Section 6.10 "Leave Policy" of the Human Resources Policies for Supreme Court Employees, adopted by Administrative Order No. 96-49 on October 4, 1996, No. 97-66 adopted on December 4, 1997, and No. 2000-34 adopted June 1, 2000, is adopted effective June 28, 2003.

IT IS FURTHER ORDERED that the attached amendment to Section 6.10 "Leave Policy," hereby revises the previous and existing Human Resources policy section and is considered the governing authority until rescinded June 19, 2004.

Dated this 15th day of May, 2003.

---

CHARLES E. JONES  
Chief Justice

**LEAVE POLICY - Page 2**

Section: 6.10

Date: 05/08/03

Arizona Supreme Court

Policies and Procedures Manual

Section: 6.10

Date: 05/08/03

Applies to: Supreme Court

**LEAVE POLICY  
EMPLOYMENT STATUS AND BENEFITS ELIGIBILITY**

**Purpose**

To establish eligibility criteria which will permit employees of the Supreme Court to receive employee benefits. In any case where there is a question or conflict, Department of Administration benefit policy will govern.

**Definition**

Regular, full-time - Employees scheduled to work 40 hours per week for more than 5 months. **VACATION, SICK, HOLIDAY, MEDICAL BENEFITS AND RETIREMENT**. In addition, employees may receive other employment benefits, including employer paid contributions to a deferred compensation plan, or others as may be appropriate. These benefits require approval by the Chief Justice, Chief Staff Attorney, Clerk of the Court, Special Master or Administrative Director.

Regular, part-time(20 hours or more) - Employees scheduled to work 20 or more but less than 40 hours per week.

**PRORATED VACATION, SICK, HOLIDAY, MEDICAL BENEFITS AND RETIREMENT**

Regular, hourly - Employees scheduled to work less than 20 hours per week (hours may vary each week).

**NO VACATION, SICK, HOLIDAY, MEDICAL BENEFITS OR RETIREMENT**

Temporary- Employees hired to work on a temporary basis for less than 5 months. Interns are included in this status.

**NO VACATION, SICK, HOLIDAY, MEDICAL BENEFITS OR RETIREMENT**

Limited Appointment - Exclusive to law clerks; Employees hired for a prescribed period of time, usually one year or less.

**MEDICAL BENEFITS, BUT NO RETIREMENT (IF CONTINUED FOR A SECOND YEAR, RETIREMENT IS REQUIRED).**

Superior Court Judges - Superior court judges are paid one-half by the state and one-half by the county.

**VACATION, AND SICK-NOT APPLICABLE, HOLIDAY, MEDICAL BENEFITS AND RETIREMENT** (Offered either county or state benefits).

Pro-tem Judges - Some full time, some part time, some with benefits, some without

**LEAVE POLICY - Page 3**

Section: 6.10

Date: 05/08/03

-- all determined by funding.  
**NEVER ANY RETIREMENT**

**LEAVE POLICY - Page 4**

Section: 6.10

Date: 05/08/03

**ARIZONA STATE RETIREMENT**

Employees working 20 or more hours per week for five or more months in a fiscal year are required to participate in the state retirement system. For purposes of calculating the 20 hours and five months, employment with all participating employers will be combined.

Employees working less than 20 hours per week or for less than 5 months are not eligible to participate in the State Retirement System.

**LEAVE POLICY**

- \* The Leave Policy applies to employees of the Administrative Office of the Courts, Staff Attorneys Office, Office of the Clerk of the Court, Judicial Secretaries, and the Office of the Special Master.
- \* The Leave Policy does not apply to law clerks of the Supreme Court except as otherwise provided.

**SICK LEAVE**

**Definition**

Sick leave is any period of paid absence granted an employee for medical reasons, or the medical needs of an employee's parents, spouse, child, mother-in-law, father-in-law, brother or sister. 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.

**Policy**

- A. Sick leave will be granted upon approval for the following conditions:
  - 1. A physical or mental illness or condition or injury which renders the employee unable to perform the duties of the position.
  - 2. Examination or treatment by a licensed health care practitioner.
  - 3. 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.
- B. Accrual
  - 1. Full-time employees 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.

## LEAVE POLICY - Page 5

Section: 6.10

Date: 05/08/03

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.

### C. Accumulation

Sick leave credits are accumulated without limit.

### D. 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.
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 before returning to work. A copy of the medical verification from the licensed health care practitioner shall be provided to Human Resources and placed in the employee's medical file. Information regarding the diagnosis and treatment of any illness is considered confidential, and should be handled as such.

### E. Termination of Employment

All sick leave credits are forfeited upon separation from employment. Upon normal retirement, employees may be eligible for a sick leave payoff from the state.

## LEAVE POLICY - Page 6

Section: 6.10

Date: 05/08/03

### F. Medical Appointments

Employees should attempt to schedule medical appointments during non-work days or hours. Where this is not possible, employees should request approval of their supervisor(s) in advance. This notification shall be provided at the earliest possible time and preferably at least three work days in advance.

### G. Conversion

An employee who has accrued at least 240 hours of sick leave may convert each additional 1.5 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 may be done each July 1 and January 1.

### H. 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. Full time employees using 20 hours or less of sick leave in a fiscal year shall be credited with sixteen 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.

### I. Transfer

The Arizona Supreme Court recognizes the value of a sick leave payoff at the time of retirement from state service per A.R.S. 38-615. Employees who were employed by another state agency or an entity under the supervision of the Arizona Supreme Court may transfer their sick leave ending balance to the Court. The latter requires prior approval of the Justice, Clerk of the Court, Chief Staff Attorney, Special Master or Administrative Director. The employee must present sufficient documentation from their previous employer to receive the transfer of accruals.

## **DONATING SICK LEAVE**

Employees may donate accrued sick leave to another employee provided the donating employee has a sick leave balance in excess of 40 hours. The donation remains in effect while the receiving employee is still on staff.

An employee may donate up to 40 hours per year of unused sick leave to another employee only after the recipient has exhausted all other leave. Employees who have given notice of their intent to resign may not donate sick leave.

## LEAVE POLICY - Page 7

Section: 6.10

Date: 05/08/03

### A. Use of Donated 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 a serious medical condition. Employees with ordinary illnesses are not eligible.

### B. Conversion

Donated sick leave is converted on an hour-for-hour basis.

### C. Requests for Donated 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, Justice, or Special Master for approval; and the Division Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master of the receiving employee.

### D. Coordination of Benefits

In general, employees will be permitted to use donated sick leave at a rate of 20 hours per week (or less if their normal schedule is less than 20 hours/week). Those employees with medical benefits must use 20 hours of leave each week to maintain benefits eligibility.

### E. Caution

When donating or converting sick leave, employees should carefully consider that they may be forfeiting current or future incentives with their donation or conversion.

### F. Ordinary Illness

Notwithstanding the foregoing, the Chief Justice, Administrative Director, Clerk of the Court, Chief Staff Attorney, or Special Master may approve donations from one employee to another under their supervision, of up to 96 hours in a calendar year, for ordinary illness.

## **MATERNITY LEAVE**

Employees receive six weeks paid maternity leave after giving birth. Maternity leave is used first before accrued sick leave, annual leave, compensatory time, personal time, or leave without pay. The employee may use sick time beyond six weeks only if she or the child is ill or disabled.

### **FAMILY LEAVE**

Family leave is any period of absence up to 12 weeks in a rolling twelve month period granted an employee after the birth, adoption or placement of a child in the employee's home, or for the serious medical condition of the employee, employee's spouse, child or parent, in accordance with the family and medical leave act (FMLA) of 1993. A serious medical condition is an illness or injury which requires an extended period of hospitalization or treatment.

- A. An employee who qualifies for family medical leave must use all applicable accrued and catastrophic leave and any donated time. The remainder of the 12 week period, if any, shall be unpaid leave.
- B. The Director, Clerk of the Court, Chief Staff Attorney, Justice, 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.
- C. Once an employee has exhausted 12 weeks of FMLA leave, his or her position may be filled. Factors to be considered in deciding whether to fill a position include: the employee's performance and length of service, the position itself and workload demands, whether the employee anticipates returning to work soon, and other factors that may be appropriate at the time the decision is made. The Arizona Supreme Court will make reasonable efforts to notify the employee at the last known address, before the position is filled.

### **CATASTROPHIC ILLNESS**

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 mental or physical illness requiring extended absence. Catastrophic leave is in addition to sick leave and is used after ALL accrued and donated leave is exhausted. Employees will be granted one week of leave for each completed year of employment as needed in the event of a catastrophic illness. These weeks may only be used once, e.g. an employee who has completed 15 years of service who has used 8 weeks of catastrophic leave may only use 7 more weeks.

Requests for leave must be submitted to the respective Justice, Division Director, Clerk of the Court, Chief Staff Attorney, or Special Master for approval. Final approval will be determined by the Justice, Administrative Director, Clerk of the Court, Chief Staff Attorney, or Special Master. Medical documentation is required.

### **ANNUAL LEAVE (VACATION)**

Annual leave is approved vacation for a period of time away from work with pay.

#### **A. Accrual**

All regular, full-time Supreme Court employees shall accrue annual leave in



**LEAVE POLICY - Page 9**

Section: 6.10

Date: 05/08/03

accordance with the following schedule:

<u>Years of Service</u>	<u>Hours Accrued Per Year</u>
First year	96 hours
1 through 2 years	120 hours
3 through 4 years	140 hours
5 through 10 years	160 hours
10+ years	200 hours

1. The Chief Justice, Administrative Director, Clerk of the Court, or Chief Staff Attorney may approve an exception to these leave accrual provisions. The exception may be approved if necessary to recruit an employee with specialized skills or professional experience essential to the organization's needs, who would generally be eligible for additional leave time in another organization due to the employee's years of experience.
2. Part-time employees eligible for benefits will accrue a prorated amount of annual leave.
3. Temporary employees or part-time hourly employees will not accrue annual leave.
4. 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.
5. New and terminating employees will receive a prorated accrual.

**B. Requests for Annual Leave**

1. Requests for annual leave will be submitted to the immediate supervisor and approved by the respective Division Director or Deputy Director, or Clerk of the Court, Chief Staff Attorney, Justice, or Special Master.
2. Requests for annual leave should be submitted as far in advance as possible, generally at least two weeks in advance, for requests of five or more days.
3. Requests for annual leave for employees of the Clerk's Office, Staff Attorney's Office, and Judicial Suites will be processed in accordance with the requirements of those offices.

**C. 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

**LEAVE POLICY - Page 10**

Section: 6.10

Date: 05/08/03

Division Director, Deputy or Administrative Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master, as appropriate.

D. Accumulation

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.

E. Termination of Employment

Upon termination, employees will be compensated for all accrued annual leave at their prevailing salary rate. In general, terminating employees will receive their pay in a lump sum. Employees who resign or are terminated during their first six months of employment will not be compensated for accrued annual leave.

F. 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.

G. Conversion

Once each year, at the discretion of the Administrative Director, employees may be offered the opportunity to have the Supreme Court buy-down their vacation balance to a pre-determined level. The buy-down will be done only when funds are available. If funds are available, the Administrative Director will establish the buy-down level.

**COMPENSATORY LEAVE**

Compensatory leave is credited for hours worked in excess of a non-exempt employee's normal work week and has been implemented in accordance with the fair labor standards act (FLSA). Exempt Employees do not receive compensatory time.

Non-exempt employees are 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. Non-exempt employees should be given compensatory leave as soon as practical following when the overtime was worked. Non-exempt employees who accrue more than 80 hours of compensatory time will have their balance paid down to 80 hours. If employees want to be paid sooner, they should request this from their supervisor. If approved and funds are available, the supervisor will send a request to payroll authorizing the payment.

Compensatory leave must be approved by the Administrative Director, Division Director,

**LEAVE POLICY - Page 11**

Section: 6.10

Date: 05/08/03

Clerk of the Court, Chief Staff Attorney, Justice, or Special Master.

## **Termination of Employment**

All compensatory leave accrued by a non-exempt employee will be paid upon termination of employment.

### **PERSONAL LEAVE**

Personal leave, in addition to any other leave, may be earned in one of the following ways:

1. An employee who has accrued at least 240 hours of sick leave may convert each additional 1.5 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 may be done each July 1 and January 1.
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. Full time employees using 20 hours or less of sick leave in a fiscal year shall be credited with sixteen hours of personal leave on July 1 of the next fiscal year.

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

3. The Supreme Court recognizes that some exempt employees may work extraordinary hours (normally greater than 50 hours per week). Therefore each Division Director, the Administrative Director or designee, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master may grant up to 16 additional hours of personal leave per fiscal year to each exempt employee who works extraordinary hours. In unusual cases, the Administrative Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master may approve additional time.
4. ALL EMPLOYEES ELIGIBLE FOR A VACATION BENEFIT WILL RECEIVE AN AWARD OF PERSONAL LEAVE FOR THE PERIOD BEGINNING 6/21/03 AND ENDING 6/18/04. FULL-TIME EMPLOYEES WILL RECEIVE A MAXIMUM OF 16 HOURS OF PERSONAL LEAVE AND PART-TIME EMPLOYEES AND EMPLOYEES HIRED DURING THIS PERIOD WILL RECEIVE A PRO RATA SHARE OF 16 HOURS. THIS LEAVE WILL BE AWARDED, ACCRUE AND BE RECORDED IN THE MANNER OF ANNUAL LEAVE. EMPLOYEES ON LEAVE WITHOUT PAY ARE NOT ELIGIBLE FOR THIS PERSONAL LEAVE AND SITUATIONS THAT ARISE DUE TO FMLA, ADA OR OTHER ISSUES WILL BE CONSIDERED ON A CASE-BY-CASE BASIS. THIS PARAGRAPH IS RESCINDED ON 6/19/04.

**LEAVE POLICY - Page 13**

Section: 6.10

Date: 05/08/03

There is no entitlement to this time. The awarding of additional personal leave will be at the discretion of the Division Director, the Administrative Director or designee, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master and is not intended to reward employees on an hour-for-hour basis.

Exempt employees who are required by their Supervisor to work or travel on a weekend or holiday may be granted personal leave on an hour-for-hour basis, unless weekend or holiday work is part of their normal schedule. Weekend travel undertaken at the employee's request (e.g., to attend a conference) is not eligible for personal leave.

Requests for personal leave must be submitted to the immediate supervisor and Division Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master for approval.

**LAW CLERKS PERSONAL LEAVE**

During their one year appointment, law clerks may be granted up to 10 days (80 hours) personal time off with pay for illness, or to attend to personal matters. Beyond 10 days, time off without pay may be granted for extenuating circumstances on a case-by-case basis. Requests for time off should be made in advance where possible. The granting of this time is entirely at the discretion of the appointing Justice.

**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/WITNESS LEAVE**

Jury/witness leave is granted when an employee appears for or serves on jury duty, or complies with a subpoena to appear as a witness. Employees are not eligible for jury/witness pay if the subpoena concerns their personal matters.

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 or appearing as a witness 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**

Bereavement leave is paid leave granted to an employee to attend services and handle matters related to the death of a spouse, child, parent, grandparent, grandchild, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law or sister-in-law.

An employee may be absent with pay for up to three consecutive working days based on normally scheduled hours, not to exceed twenty-four hours. Upon request, bereavement leave may be extended for two more working days not to exceed sixteen hours if the employee travels out-of-state. Requests for bereavement leave must be made as soon as possible and be approved by the immediate supervisor and Division Director, Administrative Director if applicable, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master.

### **LEAVE WITHOUT PAY**

Leave without pay is unpaid leave taken when all other leaves are exhausted. 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.

#### **A. 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, forward requests to the Division Director, Deputy Director, Administrative Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master, as appropriate, with a recommendation to approve or deny the requests.

Any leave covered by the Family Medical Leave Act is not addressed in this section. 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.

#### **B. Period of Absence**

##### **NON-FAMILY MEDICAL LEAVE:**

Any period of leave without pay, not covered by family medical leave, in excess of 240 hours shall not count 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.

**FAMILY MEDICAL LEAVE:**

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

**C. 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 terminates 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 timely, coverage will be terminated.

**D. Life Insurance Plan Participation**

An employee who is on leave without pay for family medical 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.

**E. Short-term Disability**

An employee who is on leave without pay for a health related reason may continue to participate in the short-term disability plan by paying the premium.

**F. Termination**

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

**HOLIDAYS**

A holiday is a day of paid leave granted to employees as required by state law.

Employees are paid for official holidays designated by Arizona statute.

**LEAVE POLICY - Page 16**

Section: 6.10

Date: 05/08/03

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).

Others will not receive holiday pay.

**Employees Required to Work:**

Exempt employees required to work on a holiday receive personal leave equivalent to the number of hours actually worked.

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

**ADMINISTRATIVE LEAVE**

The Administrative Director, Clerk of the Court, Chief Staff Attorney, Justice, 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 situations such as extreme weather conditions, fire, flood, pollution advisories or malfunction of necessary machinery or equipment.

The Administrative Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master may grant administrative leave with pay to relieve an employee of duties temporarily during the investigation of alleged wrong doing by the employee, or for any other legitimate reason.

Exempt employees will not be placed on unpaid leave for less than one full week for disciplinary, budget, or any other reason.

**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.

Military leave taken is 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 is counted as credited service. Employees are entitled to military leave of 30 working days every two years. An employee with orders for more time may use accrued annual leave, compensatory leave, personal leave or leave without pay.

**INDUSTRIAL DISABILITY**

Industrial disability is defined as an injury received during the course of employment as



**LEAVE POLICY - Page 17**

Section: 6.10

Date: 05/08/03

defined by the workers' compensation laws of the State of Arizona.

A. 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.

B. 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.

C. 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 vacant position, as reasonably determined by the Division Director, Clerk of the Court, Chief Staff Attorney, Justice, or Special Master, and Human Resources.

D. 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.

E. 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

**LEAVE POLICY - Page 18**

Section: 6.10

Date: 05/08/03

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.

F. 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.

G. Short-term Disability Plan

An employee who is on leave without pay due to an industrial disability may continue to participate in the short-term disability plan by paying the premium.

H. 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.

I. 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.

**UNAUTHORIZED ABSENCE**

Any unauthorized absence with or without pay may be grounds for disciplinary action, and may be considered job abandonment and a resignation, at the discretion of the Deputy Director, Clerk of the Court, Staff Attorney, Justice, or Special Master.