

Arizona's New Paid Sick Time Policy



SAMPLE LANGUAGE
YOU CAN USE



JP Griffin Group
TRUSTED BENEFIT ADVISORS

ARIZONA SAMPLE PAID SICK LEAVE POLICIES

Below are sample paid sick leave policies for employers with over 15 employees and under 15 employees, respectively. These sample policies are written in accordance with the Arizona amendment to the Arizona minimum wage rules, to require employers to provide paid sick leave effective July 1, 2017.

Arizona Paid Sick Leave Policy (15 or More Employees)

Company provides paid sick time (PTO) in accordance with Arizona's Fair Wages and Healthy Families Act.

Eligibility

All employees are eligible for paid sick time.

Accrual and Usage

At the commencement of employment, employees will accrue one hour of paid sick time for every 30 hours worked. Employees who are exempt from the federal Fair Labor Standards Act's overtime requirements (e.g., salaried exempt managers, professionals, administrative employees, or outside salespeople) are presumed to work 40 hours per week for accrual purposes, except for weeks in which they work less than 40 hours, in which case their paid sick time accrues based on the actual number of hours worked.

Employees may only accrue or use 40 hours of paid sick time per year. Employees may use accrued paid sick time [Choose: as soon as it is accrued or 90 calendar days after the start of employment].

Paid sick time may be used for the following purposes:

- An employee's (or for an employee to care for a family member's) mental or physical illness, injury or health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for preventive medical care.
- A public health emergency; and
- Absence due to domestic violence, sexual violence, abuse, or stalking.

Family members include:

- Children of any age (including biological, adopted, or foster children, legal wards, children of a domestic partner, or children for whom the employee stands in loco parentis);
- Parents (including biological, foster, stepparents or adoptive parents or legal guardians of the employee or the employee's spouse or domestic partner, including persons who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child);
- Spouses or domestic partners;
- Grandparents, grandchildren, or siblings (including foster, adoptive, or step relationships) of the employee or the employee's spouse or domestic partner; or
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.



Carryover

Unused paid sick time is carried over to the next year. [Note: In lieu of carryover of unused accrued paid sick time from one year to the next, an employer may pay an employee for unused paid sick time at the end of a year and provide the employee with an amount of paid sick time that meets or exceeds the requirements of the law that is available for the employee's immediate use at the beginning of the subsequent year.]

Notice

If the need for paid sick time is foreseeable, an employee must make a good faith effort to provide advance notice and schedule the leave in a manner that does not unduly disrupt the employer's operations. Where the need for leave is unforeseeable, employees should provide notice as soon as practicable. A request to use paid sick time may be made orally, in writing, or by electronic means. The request must include the expected duration of the absence.

Where paid sick time is used on three or more consecutive work days, a company may require reasonable documentation that the paid sick time was used for purposes permitted by Arizona law.

Reasonable documentation includes documentation signed by a health care professional indicating that the paid sick time is necessary. In the case of domestic violence, sexual violence, abuse or stalking, the following documents are considered reasonable:

- A police report;
- A protective order, injunction against harassment, general court order, or other evidence from a court or prosecuting attorney;
- A signed statement from a domestic violence or sexual violence program, or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking;
- A signed statement from a witness advocate concerning services from a victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking;
- A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking; or
- An employee's legible, written statement concerning status of the employee or the employee's family member as a victim of domestic violence, sexual violence, abuse, or stalking that signals the employee's identity and (if applicable) relationship to the family member.

Retaliation

Company will not retaliate against an employee requesting or using paid sick leave in accordance with this policy.

Additional Information

For additional information about this policy, please contact your Human Resources department.



Arizona Paid Sick Leave Policy (Less than 15 Employees)

Company provides paid sick time in accordance with Arizona's Fair Wages and Healthy Families Act.

Eligibility

All employees are eligible for paid sick time.

Accrual and Usage

At the commencement of employment, employees will accrue one hour of paid sick time for every 30 hours worked. Employees who are exempt from the federal Fair Labor Standards Act's overtime requirements (e.g., salaried exempt managers, professionals, administrative employees, or outside salespeople) are presumed to work 40 hours per week for accrual purposes, except for weeks in which they work less than 40 hours, in which case their paid sick time accrues based on the actual number of hours worked.

Employees may only accrue or use 24 hours of paid sick time per year. Employees may use accrued paid sick time [Choose: as soon as it is accrued or 90 calendar days after the start of employment].

Paid sick time may be used for the following purposes:

- An employee's (or for an employee to care for a family member's) mental or physical illness, injury or health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for preventive medical care.
- A public health emergency; and
- Absence due to domestic violence, sexual violence, abuse, or stalking.

Family members include:

- Children of any age (including biological, adopted, or foster children, legal wards, children of a domestic partner, or children for whom the employee stands in loco parentis);
- Parents (including biological, foster, stepparents or adoptive parents or legal guardians of the employee or the employee's spouse or domestic partner, including persons who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child);
- Spouses or domestic partners;
- Grandparents, grandchildren, or siblings (including foster, adoptive, or step relationships) of the employee or the employee's spouse or domestic partner; or
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Carryover

Unused paid sick time is carried over to the next year. [Note: In lieu of carryover of unused accrued paid sick time from one year to the next, an employer may pay an employee for unused paid sick time at the end of a year and provide the employee with an amount of paid sick time that meets or exceeds the requirements of the law that is available for the employee's immediate use at the beginning of the subsequent year.]



Notice

If the need for paid sick time is foreseeable, an employee must make a good faith effort to provide advance notice and schedule the leave in a manner that does not unduly disrupt the employer's operations. Where the need for leave is unforeseeable, employees should provide notice as soon as practicable. A request to use paid sick time may be made orally, in writing, or by electronic means. The request must include the expected duration of the absence. Where paid sick time is used on three or more consecutive work days, a company may require reasonable documentation that the paid sick time was used for purposes permitted by Arizona law.

Reasonable documentation includes documentation signed by a health care professional indicating that the paid sick time is necessary. In the case of domestic violence, sexual violence, abuse or stalking, the following documents are considered reasonable:

- A police report;
- A protective order, injunction against harassment, general court order, or other evidence from a court or prosecuting attorney;
- A signed statement from a domestic violence or sexual violence program, or victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking;
- A signed statement from a witness advocate concerning services from a victim services organization affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking;
- A signed statement from an attorney, member of the clergy, or a medical or other professional affirming that the employee or employee's family member is receiving services related to domestic violence, sexual abuse, or stalking; or
- An employee's legible, written statement concerning status of the employee or the employee's family member as a victim of domestic violence, sexual violence, abuse, or stalking that signals the employee's identity and (if applicable) relationship to the family member.

Retaliation

Company will not retaliate against an employee requesting or using paid sick leave in accordance with this policy.

Additional Information

For additional information about this policy, please contact your Human Resources department.

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