

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:		File Under Section:	
COMPENSATORY TIME AND OVERTIME		PERSONNEL	
Effective Date:	Number:	Page:	
March 26, 2015 Res. No. 1908	2-06	1 of 3	
Supersedes:		Approved By:	
November 18, 2004 Res. No. 1315, 11/18/2004		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

1.1 Department directors shall establish, in conjunction with the Town Manager, internal procedures for the review and approval of overtime within their areas. Overtime work shall be authorized only when absolutely necessary. Non-exempt employees are not permitted to work more than forty (40) hours during a workweek unless the additional work is authorized in advance by the supervisor. Employees may be required to work additional hours and may be scheduled for flexible working hours so that no more than forty (40) hours are worked in a workweek.

2.0 PURPOSE

2.1 It is the purpose of this overtime policy to protect the interests of the Town of Prescott Valley and its employees by providing standards for overtime compensation. This policy is designed to be consistent with the Fair Labor Standards Act (FLSA). As defined by the FLSA, overtime work is actual time worked beyond forty (40) hours in any one workweek. General leave, compensatory hours taken, and other leave hours (excluding the initial hours missed due to an industrial accident/injury) in any workweek do not count toward the forty (40) hours worked. For the purpose of calculating overtime and/or compensatory time, holiday hours will be considered as time worked.

3.0 APPLICABILITY

3.1 All non-exempt employees.

4.0 REFERENCE

- 4.1 Fair Labor Standards Act
- 4.2 Arizona Revised Statutes

5.0 ADMINISTRATION

5.1 Compensatory Time. Except as set forth in Section 5.2 below, the Town will provide compensatory time off in lieu of paid overtime compensation with respect to all non-exempt employees who work in excess of forty (40) hours in any workweek.

5.2 Paid Overtime. The following are bona-fide circumstances that will result in paid overtime unless the employee requests and receives approval for compensatory time in lieu of paid overtime. These situations must be required and, except for emergencies, approved in advance by written authorization from the department director and concurrence by the Town Manager.

- Emergency call-ins (i.e., under special circumstances that do not constitute activities that would be conducted in the course of an employee's daily work activities).
- Court appearances in excess of 40 hours (sworn police personnel).
- Special event/activity assignments in excess of 40 hours (i.e., concerts)
- Any work performed in a workweek that is in excess of 40 hours and the employee's accrued compensatory time is already at the maximum allowed.

5.3 Rate of Accrual. For each hour worked in excess of forty (40) hours in a workweek, employees receive one and one-half (1½) hours of compensatory time or, as provided under Section 5.2, paid overtime.

5.4 Maximum Compensatory Time Accrual. Employees may accrue up to forty (40) hours of compensatory time unless otherwise modified by a Memorandum of Understanding and/or as approved by both the department director and Town Manager.

5.5 Use of Compensatory Time.

Employees may use their accrued compensatory time at their discretion by requesting time off in accordance with all normal leave policies. The Town may also require employees to accept cash payment instead of receiving compensatory time where funds are available and workloads do not permit the time off.

Because non-exempt employees are eligible for compensatory time payment upon termination under the FLSA, such employees may be required to take compensatory time off before being allowed to take general leave time off.

The Town shall pay an employee for accrued compensatory time, if any, upon termination of the employee or before the status of the employee changes from non-exempt to exempt.

5.6 Scheduling Overtime. Supervisors should ensure that overtime work of non-exempt employees is kept to a minimum. A supervisor or department director

2-06 Compensatory Time and Overtime

must maintain accurate daily and weekly records of actual hours worked and time charged to paid or unpaid leave for each non-exempt employee.

- 5.7 Exempt Employees. Employees exempt from the overtime provisions of the FLSA shall not receive compensatory time credit.

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:		File Under Section:	
ON-CALL DUTY		PERSONNEL	
Effective Date:		Number:	Page:
March 26, 2015 Res. No. 1908		2-07	1 of 3
Supersedes:		Approved By:	
September 16, 2007 Res. No.1532, 09/13/2004		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

- 1.1 The policy of the Town of Prescott Valley is to effectively respond to after-hour emergencies associated with the delivery of public service to the citizens of Prescott Valley and the surrounding community.

2.0 PURPOSE

- 2.1 The purpose of this policy is to establish and maintain procedures for responding to after-hours emergencies.

3.0 APPLICABILITY

- 3.1 Non-exempt employees in Public Works, Police and other Town departments as designated by the Town Manager.
- 3.2 All employees whether or not they are scheduled for on-call duty may be called into work in response to a service call or shortage of staffing.

4.0 REFERENCE

- 4.1 Town of Prescott Valley Drug & Alcohol Free Workplace
- 4.2 Town of Prescott Valley Drug & Alcohol Control Policy
- 4.3 Fair Labor Standards Act
- 4.4 Arizona Revised Statutes

5.0 PROCEDURES

5.1 General.

- 5.1.1 Weekly on-call duty schedules will be prepared by the department operations supervisor and posted for review by all personnel affected for a period of not less than five (5) working days prior to the effective date of the schedule to avoid conflicts.
- 5.1.2 During the review period employees may reschedule or trade their assigned on-call week with that of any other employee who agrees to the exchange, subject to the approval of the department supervisor. Employees may volunteer for additional on-call duty to cover for those employees who desire to be excused. In the event that there are an insufficient number of volunteers for on-call duty, then assignments will become mandatory.
- 5.1.3 Upon completion of the review period, an official copy of the approved weekly on-call duty schedule and weekly holiday schedule will be posted on the department bulletin board and distributed to all personnel and the department manager involved.
- 5.1.4 If an emergency situation should occur making it impossible for the designated employee to perform on-call duty, a replacement on-call employee will be selected from a list of personnel who have requested additional on-call duty, the order of which will be based on rotation.
- 5.1.5 The duration of time that an employee will be assigned weekly on-call responsibilities will commence at the beginning of his/her regular weekly working shift and conclude at the beginning of the following regular weekly working shift.

5.2 Conditions of On-Call Duty.

- 5.2.1 All qualified department employees will be required to assume on-call responsibilities on a rotating basis subject to:
 - a. Residence within a thirty (30) minute commuting distance from the department operations center. If the residence of a qualified employee changes resulting in a commuting distance greater than thirty (30) minutes, that employee will no longer be eligible for on-call assignment or an assigned vehicle.
 - b. New employees who meet the above conditions will be added to the next weekly on-call duty schedule following the successful completion of their introductory period.

5.3 On-Call Duties and Responsibilities.

- 5.3.1 General duties performed by an employee whose status is on call shall include, but not be limited to, responding to all calls relating to customer services and emergencies.
- 5.3.2 Personnel on call will be required to respond by phone within ten (10) minutes and be capable of reaching the emergency site within thirty (30) minutes.
- 5.3.3 The on-call employee shall be assigned a Town owned vehicle during on-call hours. Use of the Town owned vehicle shall be restricted to the performance of official business.
- 5.3.4 The on-call employee shall be assigned and will have access to a portable radio, cellular phone and pager at all times during the scheduled on-call hours.
- 5.3.5 It is recognized that personnel on call will be required to make decisions not normally within their scope of responsibility as to the nature of the “call out” (i.e. emergency or non-emergency, number of personnel needed for the situation, etc.). To this effect, the on-call employee will, to the best of his/her ability, evaluate each situation and take corrective action in the most economical way possible while maintaining a safe environment for the community and personnel.
- 5.3.6 The on-call employee shall file a report in the format designated by the Town to the department head with respect to all incidents to which response was initiated.
- 5.3.7 While on call, employees are prohibited from consuming alcohol or controlled substances.

5.4 Compensation.

- 5.4.1 A fixed amount of stand-by pay will be paid per day to employees whether a call out occurs or not.
- 5.4.2 On-call time cannot be converted to compensatory time or overtime.
- 5.4.3 During scheduled work days on-call employees called back into work will be compensated at a minimum of one (1) hour at time-and-one-half of their regular rate of pay.
- 5.4.4 During scheduled days off, on-call employees called back into work will be compensated at a minimum of two (2) hours at time-and-one-half of their regular rate of pay.
- 5.4.5 Employees not scheduled for on-call duty but are called back into work will be paid regular wages for a minimum of two (2) hours.

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:		File Under Section:	
GENERAL LEAVE		PERSONNEL	
Effective Date:	Number:	Page:	
March 26, 2015 Res. No. 1908	2-08	1 of 7	
Supersedes:		Approved By:	
October, 22, 2009 Res. No. 1671		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

1.1 It is the policy of the Town of Prescott Valley to provide its employees with the opportunity to accrue general leave as a fringe benefit. The intent of general leave is to provide paid time off for purposes of rest and relaxation as well as to attend to matters of a personal nature.

2.0 PURPOSE

2.1 The purpose of this policy is to set forth the manner in which general leave is earned and to establish guidelines and responsibilities for using and reporting general leave.

3.0 APPLICABILITY

3.1 All Town of Prescott Valley regular full-time and regular part-time employees.

4.0 REFERENCE – N/A

5.0 PROVISIONS OF GENERAL LEAVE

5.1 General leave includes all periods of approved absence with pay which are not chargeable to another category of leave.

5.2 Employees may use accrued general leave when they plan to be away from work during normally-scheduled hours. General leave can also be used when employees miss work due to illness or personal emergency. Employees are required to exhaust their general leave bank prior to requesting leave without pay, unless the Town Manager, with Council approval, has implemented a salary plan requiring employees to take leave without pay.

- 5.3 Normal Accrual Rates. Full-time employees accrue general leave on a bi-weekly basis in accordance with the following schedule. General leave is accrued by part-time employees on a pro-rated basis based on regularly-scheduled hours.

Group I Schedule			Group II Schedule	
All non-exempt employees			All exempt employees	
<u>General Leave in Hours</u>			<u>General Leave in Hours</u>	
<u>Years of Service</u>	<u>Accrual Rate/Pay Period</u>	<u>Accumulation by the end of Service Year</u>	<u>Accrual Rate/Pay Period</u>	<u>Accumulation by the end of Service Year</u>
0 to 1 year	4.615	120	6.154	160
1 to 2 years	4.923	128	6.462	168
2 to 3 years	5.231	136	6.770	176
3 to 4 years	5.538	144	7.077	184
4 to 5 years	5.846	152	7.385	192
5 to 6 years	6.153	160	7.692	200
6 to 7 years	6.462	168	8.000	208
7 to 8 years	6.769	176	8.308	216
8 to 9 years	7.077	184	8.615	224
9 to 10 years	7.385	192	8.923	232
10 and over	7.692	200	9.231	240

5.4 Accrual in Conjunction with Leave

5.4.1 An employee will accrue general leave while on general leave, except under the following circumstances.

5.4.2 General leave accrual will be discontinued for the pay period the employee does not perform any work because the employee is on:

- a. approved short-term disability leave;
- b. approved long-term disability leave;
- c. leave without pay; or
- d. work-related industrial leave

5.5 Maximum Accumulations.

5.5.1 Non-exempt employees with zero (0) to five (5) years of service may accumulate general leave hours up to a maximum of 304 hours. Non-exempt employees with five (5) or more years of service may accumulate general leave hours up to a maximum of 400 hours.

- 5.5.2 Exempt employees with zero (0) to five (5) years of service may accumulate general leave hours up to a maximum of 384 hours. Exempt employees with five (5) or more years of service may accumulate general leave hours up to a maximum of 480 hours.
- 5.5.3 Part-time employees' maximum accumulation will be pro-rated based on regularly-scheduled hours.
- 5.5.4 Employees may accrue and use general leave above their maximum hours while employed but upon separation all excess hours are subject to forfeiture under Section 5.9 below.
- 5.6 Use of General Leave Limitation. General leave will not be granted in advance of being earned. General leave is earned on the pay date for the corresponding pay period. If an employee has insufficient general leave or other applicable leave to cover a period of absence, a deduction on the current payroll will be made for the time involved (leave without pay).
- 5.7 Emergency General Leave Bank. The Town provides employees the voluntary, confidential option to donate accrued general leave to an emergency general leave bank to be used by employees who have suffered a catastrophic illness or injury, or whose immediate family member has suffered a catastrophic illness or injury that necessitates the employee's direct care. All donated or received general leave hours in and out of the bank are confidential. Hours are converted to dollars at the time of transaction based on donor or recipient employee's current rate of pay.
 - 5.7.1 Donations: Under certain circumstances and on a limited basis, employees are permitted to donate up to 40 hours accrued general leave during any announced donation period to the emergency general leave bank but no more than 80 hours in any 12-month period. Once accrued general leave time is donated it cannot be reclaimed by the employee who donated it. No employee may donate an amount that would reduce their personal general leave balance below 40 hours or that is above their maximum leave payout at the time of separation.
 - 5.7.2 Recipients: Employees are eligible to apply for emergency general leave on the first of the month following 30 days of employment for qualifying absences expected to extend beyond 14 calendar days. It is the sole responsibility of the employee to request donated leave and submit the required documentation to Human Resources for approval.

Catastrophic illness or injury for purposes of this section is defined as an extreme, unforeseen or life threatening illness, injury, impairment, physical or mental condition causing one to be placed on medical leave as documented by an attending physician. Leave would typically work in conjunction and run concurrently with the employee's leave under the Family Medical Leave Act (FMLA).

No emergency general leave hours will be paid retroactively and not until the employee has been absent for more than 14 calendar days and

has exhausted all of their accrued personal sick and/or general leave; thereafter, the employee will be paid on a week-to-week basis. The maximum number of emergency general leave hours an employee may withdraw per week is based on the difference between the employee's normal work hours and any compensation received from other insurance (up to 11 weeks) subject to a maximum of 220 hours per 12-month period except in extenuating circumstances or until long-term disability commences. Recipients of donated leave do not accrue general leave until they return to work and will return to work with a zero general leave balance.

- 5.7.3 Providing that the maximum number of hours has not been reached, an employee may continue to access emergency leave assistance subsequent to returning to work (either on a part-time or full-time basis) if the employee has intermittent absences related to the same catastrophic illness or injury.
- 5.7.4 Employees seeking emergency leave assistance are prohibited from soliciting donations. Hours donated are not accepted for specified individuals but placed in the bank for use by any qualifying employees.
- 5.7.5 The Town Manager reserves the right to deny any particular request to donate or access the emergency general leave bank, based on the individual circumstances involved.

5.8 Redemption Provisions. Employees who have completed six (6) months of service are eligible to redeem up to forty (40) hours of general leave at full cash value.

- 5.8.1 One (1) cash redemption election is permitted per employee per Town fiscal year and the employee may select the redemption date. Employees are required to designate, on the form provided by Human Resources, the number of hours to be redeemed (maximum of 40) and the payment date requested.
- 5.8.2 In no event shall an employee request or receive redemption of general leave which would have the effect of reducing the employee's accumulated balance to below eighty (80) hours.
- 5.8.3 Redemption pay is subject to budgetary approval by the Council.

5.9 Payment of General Leave at Separation. Payment for accrued but unused general leave shall be at the employee's base rate of pay upon separation from service.

- 5.9.1 Payment for accrued but unused general leave shall not exceed the maximum allowed accumulation of general leave balance as defined in Subsection 5.5. General leave accrued above the maximum accumulation at the time of separation is forfeited.

- 5.9.2 Separation from Town service during the first six (6) months of service results in forfeiture of all accrued but unused general leave.
- 5.9.3 The official separation date shall be the actual last day worked. Employment shall not be extended, nor an employee's separation date altered, due to payment of unused general leave.

6.0 GUIDELINES FOR USE OF GENERAL LEAVE

6.1 Planned, Non-Emergency Use

- 6.1.1 Non-emergency use includes scheduled vacation, personal business, healthcare appointments, and other planned events.

Requests for general leave for non-emergency purposes shall be submitted as far in advance as possible to the appropriate supervisor for approval.

- 6.1.2 Advance notification requirements and the scheduling of non-emergency general leave shall be at the discretion of the department director based upon operational considerations. Reasonable efforts will be made to accommodate the employee's requested dates for general leave.

- 6.1.3 Any consecutive general leave usage for non-emergency purposes shall be limited to thirty (30) calendar days in length unless otherwise approved by the department director.

6.2 Unplanned, Emergency Use

- 6.2.1 Unplanned emergency use includes, but is not limited to, personal illness or injury and a family member's illness or injury that requires the employee's care.

In the case of an unplanned absence, the employee who is unable to report to work as scheduled for any reason shall notify the immediate supervisor no later than one (1) hour before the beginning of the assigned work shift unless departmental policies differ.

In the case of an employee becoming ill on the job or being notified of an emergency affecting the employee's ability to continue working, the employee shall notify the supervisor before leaving the workplace.

- 6.2.2 In the case of any unplanned usage of general leave for illness that exceeds three (3) consecutive days, the supervisor or department director may require medical confirmation of said illness or injury at the expense of the employee prior to approval of payment for general leave. Additionally, employees in such cases should contact Human Resources for any FMLA benefits due. Should the employee be found to have falsified the reasons for emergency use of general leave, the department director may deny the payment of general leave and/or initiate appropriate disciplinary action up to, and including, termination.

6.2.3 Irrespective of the length of absence, an employee in a safety sensitive position who uses general leave as a result of a personal illness or injury may be required to provide medical confirmation from the employee's physician, at the expense of the employee, and may be required to obtain medical confirmation from the Town physician, at the expense of the Town, prior to the employee's return to work, in order to confirm that the employee is able to perform the essential functions of the job with or without accommodations.

6.3 Use in Conjunction with Short-Term Disability (STD) Plan

6.3.1 During the fourteen (14) calendar day waiting period before STD benefits begin, an employee may apply accrued compensatory time or general leave hours, to the extent they are available, to cover the waiting period.

6.3.2 Once STD benefit payments begin, an employee will be eligible to supplement STD pay with other earned paid time off. Such supplemental pay when combined with STD pay shall not exceed one hundred percent (100%) of an employee's regular base salary.

6.3.3 Supplemental pay shall be applied in the order that follows:

- 1st – hours from the employee's banked personal sick leave account
- 2nd – compensatory time or general leave hours available
- 3rd – requested and approved Emergency general leave.

6.3.4 Upon exhaustion of all available paid time off, STD benefits will continue per the plan guidelines with no additional supplemental pay. Retirement contributions will cease. It is the responsibility of the employee to arrange payment with Human Resources for dependent coverage or any other deductions normally taken from the employees' paycheck.

6.4 Use in Conjunction with Long-Term Disability (LTD) Plan

6.4.1 Upon qualifying for LTD benefit payments, an employee will be eligible to supplement LTD pay with other earned paid time off. Such supplemental pay when combined with LTD pay shall not exceed 100% of an employee's regular base salary.

6.4.2 Supplemental pay shall be applied in the order that follows:

- 1st – hours from the employee's banked personal sick leave account
- 2nd – compensatory time or general leave hours available
- 3rd – requested and approved Emergency general leave.

6.4.3 Upon exhaustion of all available paid time off, LTD benefits will continue per the plan guidelines with no additional supplemental pay. Retirement contributions will cease. It is the responsibility of the

employee to arrange payment with Human Resources for dependent coverage or any other deductions normally taken from the employees' paycheck.

6.5 Family and Medical Leave Act (FMLA)

6.5.1 The use of general leave for qualified absences under FMLA shall be administered in the same manner as those listed above for planned non-emergency (Subsection 6.1) and unplanned emergency use (Subsection 6.2).

TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject:	File Under Section:	
HOLIDAY LEAVE	PERSONNEL	
Effective Date:	Number:	Page:
March 26, 2015 Res. No. 1908	2-09	1 of 3
Supersedes:	Approved By:	
November 18, 2004 Res. No. 1315, 11/18/2004	Larry Tarkowski Town Manager	
	Date: _____/S	

1.0 POLICY

1.1 This policy establishes the Town of Prescott Valley's holiday schedule. The Town observes eleven (11) holidays in a calendar year.

2.0 PURPOSE

2.1 The purpose of this policy is to establish uniform practices for holiday pay and holiday time off. Further, it defines a holiday as an eight (8) hour day for full-time employees budgeted at 40 hours weekly, and is pro-rated for all other regular part-time employees based on their budgeted weekly schedule. Holiday pay is calculated at an employee's regular base rate of pay.

3.0 APPLICABILITY

3.1 All full-time and regular part-time employees.

4.0 REFERENCE

- 4.1 Personnel Policy 2-06, Compensatory Time and Overtime
- 4.2 Personnel Policy 2-08, General Leave

5.0 HOLIDAY SCHEDULE

5.1 The Town observes the following holidays.

<u>Actual Holiday</u>	<u>Date Observed</u>
New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	4 th Friday in November
Christmas Eve Day	December 24 th
Christmas Day	December 25 th

5.2 Shifting Holidays

- 5.2.1 When a holiday falls on Sunday it will be observed the following Monday. When a holiday falls on Saturday it will be observed the preceding Friday.
- 5.2.2 When a holiday falls on an employee's regularly scheduled day off, the employee may be allowed to shift the holiday to a regularly scheduled work day occurring in the same work week as the holiday. This option must be approved by their supervisor in advance of the date of the Town-observed holiday.
- 5.2.3 Employee positions that operate on a continuous 24-hour, seven-day schedule (*i.e. Police Officers*) shall observe the holiday on the actual calendar day on which it falls.

6.0 ADMINISTRATION

6.1 Non-Exempt Employees.

- 6.1.1 When a holiday falls on an employee's regularly scheduled work day and the employee does not work, the employee will receive holiday pay for the day off (*i.e. holiday taken*).
- 6.1.2 When a holiday falls on an employee's regularly scheduled day off and the employee does not work, the employee may:
- (a) shift the holiday (see 5.2.2) and receive holiday pay for taking the alternate day off; or
 - (b) receive overtime for any hours over forty (40) in the workweek. (see Compensatory Time and Overtime Policy 2-06).
- 6.2 In addition to "holiday pay" any non-exempt employee who works on the "actual holiday" (see Section 5.1) will qualify for "holiday worked pay" calculated at one and a half times his/her base pay for any actual hours worked regardless of the total hours worked in that work week. All other provisions of the overtime policy will apply for determining compensatory time or additional paid overtime.
- 6.3 Each Town observed holiday shall be an eight (8) hour day for full-time employees and pro-rated for all regular part-time employees. Employees who are regularly scheduled to work hours in excess of the designated holiday hours must make-up the difference by working additional hours within the work week or by utilizing accrued general leave hours. Arrangements for either extra work hours or to utilize general leave must be made between the supervisor and employee prior to the holiday.
- 6.4 Coordination of Leave and Holidays
- 6.4.1 An employee who is on pre-approved paid leave when a holiday occurs will receive holiday pay for the holiday and utilize the pre-approved paid leave benefit only for any remaining balance of the absence. (*i.e. If a holiday occurs during a workweek in which the employee is taking vacation, the holiday will be counted as time worked and will reduce the compensatory time or general leave taken by the employee.*)
- 6.4.2 An employee who is otherwise eligible for holiday pay and who is on unpaid leave at the time of the holiday commencing will not receive holiday pay.

- 6.5 In order for a new employee to receive holiday pay, the employee must have actual hours worked prior to the holiday.

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:		File Under Section:	
OTHER SHORT-TERM ABSENCES		PERSONNEL	
Effective Date:	Number:	Page:	
March 26, 2015 Res. No. 1908	2-10	1 of 5	
Supersedes:		Approved By:	
October 22, 2009 Res. No. 1671		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

- 1.1 It is the policy of the Town of Prescott Valley to permit employees to be absent from work on an authorized short-term basis for a variety of reasons. To help employees maintain their income during certain authorized absences, the Town will provide compensation according to the guidelines below.

2.0 PURPOSE

- 2.1 The purpose of this policy is to establish a uniform procedure for requesting paid or unpaid leave. In all cases where the leave is with pay, it will be paid at the employee's regular base rate of pay.

3.0 APPLICABILITY

- 3.1 All full-time and regular part-time employees.

4.0 REFERENCE

5.0 JURY DUTY

- 5.1 To encourage employees to willingly accept the civic responsibility of jury duty, an employee called for jury duty is entitled to serve without loss of time or pay and may accept expenses and jury fees from the court jurisdiction. In addition, all jury duty is subject to the following.
 - 5.1.1 Jury duty pay will be based on the employee's regularly scheduled workday not to exceed eight (8) hours per workday.
 - 5.1.2 The period of paid jury duty will not exceed two work weeks. Employees must return to work during his/her regularly scheduled shift

on any day that the employee is released early from jury duty unless approved otherwise by their immediate supervisor.

- 5.1.3 In the event of a trial that is expected to exceed two work weeks, the employee summoned to serve must obtain advance approval to be absent beyond the two-workweek period. This additional jury duty period will be unpaid by the Town. The employee must utilize his or her accrued general leave for the unpaid period, or take leave without pay if no accrued general leave is available.
- 5.2 An employee must present the jury duty summons to his/her supervisor as soon as it is received. For scheduling purposes, the supervisor shall discuss with the employee the amount of time the employee will likely be absent from work. The supervisor shall also reiterate the requirement for the employee to return to work within his/her shift any day that the employee is released early from jury duty.
- 5.3 A copy of the employee's summons and appearance notice is required for payroll records.

6.0 WITNESS DUTY

- 6.1 Where an employee is subpoenaed to testify in a legal action and the Town determines that such subpoena resulted directly from the performance of the employee's required duties, the Town shall compensate the employee at the employee's regular base rate of pay for all hours the employee expends to comply with the subpoena; provided, however, that the employee shall turn over to the Town any witness fee received, or, the employee must refuse any witness fee offered.
- 6.2 An employee who is called as a witness in a case unrelated to official duties may accept witness expenses and fees, but must charge the absence to accrued leave, or take leave without pay, if no accrued leave is available.

7.0 BEREAVEMENT LEAVE

- 7.1 An employee may be granted leave with pay due to a death in the employee's immediate family. Refer to the Glossary of Terms appended to the Town's Personnel Policies for the definition of "immediate family."
- 7.2 The amount of paid bereavement leave is limited to three working days (up to 24 hours), or in cases of funerals held out of state up to five working days (up to 40 hours). If additional leave is needed, an employee may request to use accrued general leave or request leave without pay when no accrued general leave is available. In either case, approval will be at the discretion of the department director.
- 7.3 In the event of death of a family member not listed in Section 7.1 or a non-relative, an employee may request time off to attend services. If the department director approves a request for leave under this subsection, the employee must use his/her accrued general leave or request leave without pay if no accrued general leave is available.

7.4 Documentation of the death may be required.

8.0 MILITARY LEAVE

- 8.1 **Eligibility:** A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States for a period of up to five (5) years (not including certain involuntary extensions of service). An employee is eligible for military leave beginning the first day of employment for all categories of military training and service including active duty, active duty for training, inactive duty for training, National Guard duty, reserve duty and time taken off for an examination to determine fitness to do any of the above.
- 8.2 **Employee Notification Requirements:** Requests for military leave, together with a copy of the employee's orders, should be submitted in writing to the employee's supervisor at least thirty (30) days before the start of the leave. When the need for leave is not foreseeable, employees should give as much notice as is possible. The department director will forward the request to Human Resources for final approval and coordination of benefits.
- 8.3 **Paid Military Leave for Guard, Reserves or other Training Duty Orders:** In accordance with Arizona Revised Statutes (A.R.S. §38-610), employees shall be granted leave without loss of time, pay or efficiency rating on all days during which they are employed on training duty or to attend camps, maneuvers, formations or drills under orders with any branch, reserve or auxiliary of the armed forces of the United States. The Town provides paid leave up to a maximum of thirty (30) scheduled work days (equivalent to 240 hours) over a consecutive two-year period. For purposes of this section, each two-year period commences on the first day of the federal fiscal year (October 1st) of even number years. All military leave taken by an employee in excess of 240 hours shall be without pay unless the employee elects to use his/her accrued general leave.
- 8.4 **Presidential Call-Up:** The Town will pay both the employer and employee portions of the Public Safety Personnel Retirement System (PSPRS) pension contributions for employees who are on an unpaid military leave of absence due to a presidential call-up. Only employees who return to work with the Town, with orders documenting their presidential call-up and honorable military discharge, are entitled to this contribution. (A.R.S. §38-858).
- 8.5 **Health Care Benefits:** The Town will continue health care benefits for employees on a presidential call-up until the first day of the month following the first day of military leave. During this time the employee must contribute the same share of the cost as when they were actively at work. The employee is eligible to continue their coverage through COBRA benefits thereafter. Upon return from active military leave Town health care benefits will be restored with no waiting period.

- 8.6 **Reinstatement:** In accordance with the Uniformed Service Employment and Reemployment Rights Act (USERRA), those individuals who are called for military service can be reemployed with their civilian employer if they have performed five (5) years or less of cumulative military service. Employees in an introductory status at the time they are called to service will be required to complete the remainder of their introductory period upon their return to work.

Employees serving in the Armed Forces, the Military Reserves, the National Guard, or certain Public Health Service positions will continue to accrue seniority with the Town for the purpose of calculating benefits based on years of service, provided they return to work for the Town at the end of their leave. Upon returning to active Town employment every effort will be made to reinstate the employee to a similar if not identical job assignment, and at a pay rate they would have received had they not taken military leave (escalator position).

9.0 LEAVE WITHOUT PAY

- 9.1 Leave of absence without pay (LWOP) may be authorized by the Town Manager when all accrued leave benefits have been used. Where applicable, the leave will be subject to all provisions for disability leave of absence and/or FMLA leave.
- 9.2 To apply for LWOP an employee shall submit a written request to his/her department director that must include the reason for the leave and the length of time to be taken. The request is subject to approval by the department director and the Town Manager.
- 9.3 Failure to return to work at the expiration of the approved leave period will make an employee subject to dismissal.
- 9.4 Upon Council approval, the Town Manager may institute a budget reduction requiring employees to take leave without pay.

10.0 TIME OFF FOR VOTING

- 10.1 Employees must have adequate time to vote. To comply with the Arizona State Law (A.R.S. §16-402), the Town of Prescott Valley will allow employees paid leave from work when the following conditions are met.
- 10.1.1 The employee must be entitled to vote at a primary or general election held within the state of Arizona on the day of election.
- 10.1.2 There is less than three consecutive hours between the opening of the polls and the beginning of the employee's regular work shift or less than three consecutive hours between the ending of his/her work shift and the closing of the polls.
- 10.1.3 The employee must obtain prior approval from his/her supervisor.
- 10.1.4 The time off with pay must be used to vote.

10.1.5 If so requested, an employee must be able to show proof of being a registered voter.

10.1.6 No employee is to be denied the right to vote during work hours should his/her regular shift fall under criteria in paragraph 10.1.2 above.

11.0 VICTIM LEAVE

11.1 An employee who is the victim of a crime, or whose child is the victim of a crime, has the right to leave work for the following reasons:

- To attend scheduled proceedings relating to the crime.
- To obtain or attempt to obtain an order of protection, an injunction against harassment or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child.

11.2 Before an employee who is a crime victim or who's child is a crime victim may leave work as set forth herein, the employee shall do all of the following:

- Provide a copy of the form provided to the employee by the law enforcement agency and/or a court order the employee is subject to or any other proper documentation.
- If applicable, provide a copy of the notice of each scheduled proceeding that is provided to the victim by the agency that is responsible for providing notice to the victim.

11.3 All documentation will be kept in Human Resources in a confidential file.

11.4 Employees who exercise their right to leave work must charge the absence to accrued leave, or take leave without pay, if no accrued leave is available.

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:		File Under Section:
RETURN TO WORK		PERSONNEL
Effective Date:	Number:	Page:
March 26, 2015 Res. No. 1908	2-11	1 of 3
Supersedes:		Approved By:
July 1, 2006 Res. No. 1442, 6/08/2006		Larry Tarkowski Town Manager
Date: _____/S		

1.0 POLICY

- 1.1 It is the policy of the Town to return employees to employment at the earliest medically appropriate date following an injury or illness. Where possible and based upon availability, a transitional work assignment will be made available to the employee to minimize or eliminate time lost due to the injury or illness. "Transitional work assignment" is a temporary, modified work assignment compatible with the employee's physical abilities, knowledge and skills. For any business reason and at any time the Town may elect to change the assignment, a working shift, location, department, etc. Further, the Town cannot guarantee a transitional work assignment and is under no obligation to offer, create or encumber any specific position for purposes of offering placement.

- 1.2 This policy is not intended to instruct the procedures application to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be directed to Human Resources.

2.0 PURPOSE

The purpose of this policy is to facilitate to the extent possible an employee's return to work at the earliest medically appropriate date following an injury or illness.

3.0 APPLICABILITY

- 3.1 All Town of Prescott Valley regular full-time and part-time employees who are on temporary work restrictions as a result of an injury or illness, and who have been approved for workers' compensation and/or disability benefits.

4.0 REFERENCE

- 4.1 Personnel Policy 2-12, Family and Medical Leave Act
- 4.2 Personnel Policy 2-13, Workers' Compensation

5.0 TRANSITIONAL WORK CATEGORIES

- 5.1 *Modified Work Assignment:* Changing or eliminating specific job assignments within the employee's regular job to meet the temporary work restrictions.
- 5.2 *Alternative Work Assignment:* Offering the employee a work assignment other than his or her regular duties to meet the temporary work restrictions.
- 5.3 *Alternative Work Schedule:* Offering different work hours or a reduced work schedule for a modified work assignment or in conjunction with an alternate work assignment to meet the temporary work restrictions.

6.0 RESPONSIBILITIES

- 6.1 The employee must maintain regular communication with their supervisor and Human Resources regarding absences or work restrictions and must also immediately (or as soon as possible) notify Human Resources regarding changes in their medical status. Upon release by a treating physician, the employee must immediately notify and provide a copy of the treating physician's written release to his/her supervisor and Human Resources before returning to full active duty.
- 6.2 Employees who cannot be safely accommodated in the position occupied at the time of an injury or illness may be afforded the opportunity to perform other work within the employee's capabilities if such work is available. Every effort by the supervisor, with the department and Human Resources directors' concurrence, will be made to determine if a transitional work assignment is available within their department. If none is available, Human Resources will determine if a transitional work assignment can be offered in an alternate department. The work provided in either case will conform to all treating physician restrictions.
- 6.3 Employees are responsible to perform all duties within the transitional work assignment with the same sense of urgency as they would their normal duties. All performance expectations including work product, attendance and Code of Conduct behaviors in the transitional work assignment must be adhered to.
- 6.4 If at any time during a transitional work assignment the employee's treating physician, or a physician chosen by the Town and/or risk carrier, determines that the employee will not be medically able to return to his/her regular job, the employee may be removed from the transitional work assignment. Eligibility for additional accommodation shall be determined in accordance with ADA guidelines.

- 6.5 All transitional work assignments will be evaluated on a case-by-case basis and may include input from the Arizona Municipal Workers' Compensation Pool. There is no guaranteed time period for such assignments. The Town reserves the right to discontinue transitional work assignments at any time.
- 6.6 In the event an employee refuses a particular transitional work assignment (outside the employee's FMLA benefits period) that the employee has the ability to perform and that is compatible with the employee's temporary work restrictions, the Town will notify the risk insurance carrier which may cause immediate termination of the employee's coverage. The Town is under no obligation to provide an alternative transitional work assignment.

7.0 ADMINISTRATION OF EMPLOYEE STATUS

- 7.1 Employees assigned to transitional work assignments will continue to occupy the same position title held prior to the injury or illness and will continue to receive the same regular base pay and salary increases charged to their home department in accordance with Town policy. This will apply regardless of whether the employee has been accommodated in the same position or has been given a completely different transitional work assignment.
- 7.2 If an employee is released to hours less than their normal work schedule, the employee will receive regular wages for the actual hours worked and compensation from the applicable benefit program (disability, workers' compensation or Supplemental Benefit Pay).
- 7.3 Permanent restrictions may require accommodation under the ADA in a different position at a new pay rate and as provided for within the budget and position classification plan. Typically a position must be vacant and the employee must meet all minimum qualifications and successfully complete all recruitment activities before being offered a transfer.

8.0 REASONABLE ACCOMMODATION

- 8.1 Employees with restrictions may be accommodated as follows:
- Changing or reducing the work hours or schedule as necessary
 - Performing the work in a different way
 - Using adaptive equipment or other devices to assist the employee in the performance of the job
 - Any other accommodation that is reasonable

TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject:	File Under Section:
FAMILY AND MEDICAL LEAVE ACT	PERSONNEL

Effective Date:	Number:	Page:
March 26, 2015 Res. No. 1908	2-12	1 of 19

Supersedes:	Approved By:
July 1, 2010 Res. No. 1699, 5/27/2010	Larry Tarkowski Town Manager

Date: _____/S

1.0 POLICY

1.1 It is the policy of the Town of Prescott Valley to provide eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended. Eligible employees are entitled to family and medical leave under the terms and conditions stated in this policy, the regulations issued by the Department of Labor under the FMLA and the Town's other applicable leave policies.

2.0 PURPOSE

2.1 The Town has adopted this policy to implement the terms of the FMLA. It is to be interpreted and applied in accordance with the FMLA and the related regulations adopted by the Department of Labor.

2.2 This policy outlines the basic procedures for administering requests for job-protected leave under the provisions of the FMLA.

3.0 APPLICABILITY

3.1 This Policy is applicable to all employees who have worked for the Town for a total of at least twelve (12) months and for at least 1,250 hours during the twelve-month period preceding the start of the leave.

4.0 REFERENCE

- 4.1 The Family and Medical Leave Act of 1993
- 4.2 Code of Federal Regulations Part 825
- 4.3 National Defense Authorization Act of 2007, 2008 and 2010
- 4.4 Town of Prescott Valley Personnel Policy No. 2-08 General Leave
- 4.5 Town of Prescott Valley Personnel Policy No. 2-11 Return to Work

5.0 DEFINITIONS

- 5.1 *ADA* means the Americans with Disabilities Act.
- 5.2 *Adoption* means legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave.
- 5.3 *Continuing treatment by a health care provider* means any one of the following:
 - 5.3.1 *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - 5.3.1.1 Treatment (as defined in this Section) two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist (circumstances beyond the employee's control that prevent a scheduled or planned follow-up visit), by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
 - 5.3.1.2 Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.
 - 5.3.1.3 The first treatment required in this subsection must occur within seven days of the first day of incapacity.
 - 5.3.1.4 Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.
 - 5.3.2 *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. Absences may qualify for FMLA leave even though the employee or the covered family member does not receive treatment

during the absence and even if the absence does not last more than three consecutive full calendar days (e.g., severe morning sickness).

5.3.3 *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. Absences may qualify for FMLA leave even though the employee or the covered family member does not receive treatment during the absence and even if the absence does not last more than three consecutive full calendar days (e.g., an employee is unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level). A chronic serious health condition is one which:

5.3.3.1 Requires periodic visits (at least twice per year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

5.3.3.2 Continues over an extended period of time (including recurring episodes of a single underlying condition); and

5.3.3.3 May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5.3.4 *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, or the terminal stages of a disease). The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

5.3.5 *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

5.3.5.1 Restorative surgery after an accident or other injury; or

5.3.5.2 A condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

5.4 *Covered active duty or call to covered active duty status* means duty during the deployment of a member of the Regular Armed Forces to a foreign country and duty during deployment of a member of the Reserve components of the Armed

Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

5.5 *Covered servicemember* means:

5.5.1 A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or

5.5.2 A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

5.6 *Covered veteran* means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

5.7 *Eligible employee* means:

5.7.1 An employee who has been employed by the Town for a total of at least 12 months, which need not be a consecutive 12-month period. But, the Town need not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring of an employee *unless* the break in service was caused by the fulfillment of the employee's Unformed Services Employment and Reemployment Rights Act (USERRA) or a written agreement exists concerning the Town's intention to rehire the employee after the break in service. A period of absence from work due to or necessitated by USERRA must also be counted in determining whether the employee has been employed for at least 12 months by the Town; and

5.7.2 An eligible employee must also have worked at least 1,250 hours during the 52-week period immediately preceding the date on which any FMLA leave is to commence (hours of service requirement), *except that* an employee returning from fulfilling his or her USERRA-covered service obligation shall be credited with hours of service that would have been performed but for the period of absence from work due to or necessitated by USERRA.

5.8 *Foster care* means 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster

family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

5.9 *Health care provider* means:

5.9.1 A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or

5.9.2 Any other person determined by the Secretary of Labor to be capable of providing health care services including *only* those providers expressly set forth under 29 CFR part 825.102, (definition for *Health Care Providers*).

5.10 *Incapable of self-care* means that the individual requires active assistance or supervision to provide daily self-care in several of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

5.11 “*In loco parentis*” means persons with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

5.12 *Intermittent leave* means leave taken in separate periods of time, rather than for one continuous period of time, and may include leave of periods in 15-minute increments or a single work day. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of time.

5.13 *Military caregiver leave* means leave taken to care for a covered servicemember with a serious injury or illness under the Family and Medical Leave Act of 1993.

5.14 *Next of kin of a covered servicemember* means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either

consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

- 5.15 *Outpatient status* means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- 5.16 *Parent* means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents “in law.”
- 5.17 *Parent of a covered servicemember* means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”
- 5.18 *Person* means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, and includes a public agency for purposes of this part.
- 5.19 *Physical or mental disability* means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR part 1630, issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 *et seq.*, as amended, define these terms.
- 5.20 *Public agency* means the government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Regulatory Commission), a State, or a political subdivision of a State, or any interstate governmental agency.
- 5.21 *Qualifying Exigency* means an exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).
- 5.22 *Reduced leave schedule* means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
- 5.23 *Reserve components of the Armed Forces*, for purposes of qualifying exigency leave, include the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve, and retired members of the Regular

Armed Forces or Reserves who are called up in support of a contingency operation.

5.24 *Serious health condition* means an illness, injury, impairment or physical or mental condition that involves inpatient care as defined in 29 CFR part 825.114 or continuing treatment by a health care provider as defined in part 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury and removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of part 825.113 are met.

5.25 *Serious injury or illness* means:

(1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(2) In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. *See also* §825.127(c).

- 5.26 *Son or daughter* means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.
- 5.27 *Son or daughter of a covered servicemember* means a covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.
- 5.28 *Son or daughter on covered active duty or call to covered active duty status* means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.
- 5.29 *Spouse* means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

6.0 EMPLOYEE LEAVE UNDER FMLA

- 6.1 Reasons for Leave. Except in the case of leave to care for a covered servicemember under Section 6.3 below, an eligible employee (Section 5.7) is entitled to an unpaid leave of absence of up to 12 workweeks during any rolling 12-month period measured backward from the date the leave commences for one, or any combination, of the following reasons:
- 6.1.1 The birth of the employee's son or daughter, and to care for the newborn child;
- 6.1.2 The placement with the employee of a son or daughter (Section 5.25) for adoption or foster care, and to care for the newly placed child;
- 6.1.3 To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- 6.1.4 A serious health condition (Section 5.23) of the employee that makes the employee unable to perform one or more of the essential functions of his or her job; and,
- 6.1.5 Because of any military qualifying exigency arising out of the fact that the employee's spouse, son or daughter of any age, or parent is a military

member on covered active duty status (or has been notified of an impending call or order to covered active duty). An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

6.1.5.1 Short-notice deployment. Leave up to seven (7) calendar days prior to the date of deployment to address any issue that arises from the fact that the military member is notified of an impending call or order to covered active duty. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the military member is notified of an impending call or order to covered active duty.

6.1.5.2 Military events and related activities. Leave required (i) to attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of the military member and (ii) to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of the military member.

6.1.5.3 Childcare and school activities. For the purposes of leave for childcare and school activities listed in (i) through (iv) of this paragraph, a child must be the son or daughter of the military member.

(i) To arrange for alternative childcare when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing childcare arrangement.

(ii) To provide childcare on an urgent, immediate need basis (but not on a routine, regular, or everyday basis) when the need to provide such care arises from the covered active duty or call to covered active duty status of the military member.

(iii) To enroll in or transfer to a new school or day care facility a child of the military member when enrollment or transfer is necessitated by the covered active duty or call to covered active duty status of the military member.

(iv) To attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors when such meetings are necessary due to circumstances

arising from the covered active duty or call to covered active duty status of the military member.

6.1.5.4 Financial and legal arrangements. Leave required (i) to make or update financial or legal arrangements to address the military member's absence while on covered active duty or call to covered active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust and (ii) to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on covered active duty or call to covered active duty status, and for a period of 90 days following the termination of the military member's covered active duty status.

6.1.5.5 Counseling. Leave to attend counseling provided by someone other than a health care provider, for oneself, for the military member, or for the son or daughter of the military member at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of the military member.

6.1.5.6 Rest and Recuperation. Leave to spend time with the military member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment. Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the military member commences each instance of Rest and Recuperation leave.

6.1.5.7 Post-deployment activities. Leave (i) to attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member's covered active duty status and (ii) to address issues that arise from the death of the military member while on covered active duty status, such as meeting and recovering the body of the military member, making funeral arrangements, and attending funeral services.

6.1.5.8 Parental care. For purposes of leave for parental care listed in (i) through (iv) of this paragraph, the parent of the military member must be incapable of self-care (as defined in Section 5.10) in three or more of the activities of daily living, must be the military member's biological, adoptive, step, or foster father or mother, or

any other individual who stood in loco parentis to the military member when the member was under 18 years of age, and the need to provide such care arises from the covered active duty or call to covered active duty status of the military member.

(i) To arrange for alternative parental care when the covered active duty or call to covered active duty status of the military member necessitates a change in the existing care arrangement for the parent.

(ii) To provide care for a parent of the military member on an urgent, immediate need basis (but not on a routine, regular, or everyday basis).

(iii) To admit to or transfer to a care facility a parent of the military member.

(iv) To attend meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent of the military member.

6.1.5.9 Additional activities. To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the Town and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

6.2 Husband and Wife Shared Time Exceptions. Except as otherwise provided in Subsection 6.3.5, a husband and wife who are eligible for FMLA leave and are both employed by the Town may be limited to a combined total of 12 weeks of leave during any rolling 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as a husband and wife are both employed by the Town. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave.

Where the husband and wife both use a portion of the total 12-week FMLA leave entitlement under this Section, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. For example, if each spouse took six weeks of leave to care for a parent, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

6.3 Military Caregiver Leave. An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period.

6.3.1 The single 12-month period begins on the first day the eligible employee takes FMLA leave and ends 12 months after that date, regardless of the method used by the Town to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of leave entitlement is forfeited.

6.3.2 The leave entitlement described in this section is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any single 12-month period. When an eligible employee takes leave to care for more than one covered servicemember or for a subsequent serious injury or illness of the same covered servicemember, and the single 12-month periods corresponding to the different military caregiver leave entitlements overlap, the employee is limited to taking no more than 26 workweeks of leave in each single 12-month period.

6.3.3 An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period described in this section, provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency.

Example. An eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered servicemember and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered servicemember.

- 6.3.4 In all circumstances, including for leave taken to care for a covered servicemember, the Town is responsible for designating leave, paid or unpaid, as FMLA-qualifying, and for giving notice of the designation to the employee as provided in 29 CFR part 825.300. In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the single 12-month period described in this section, the Town must designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the single 12-month period must not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. As is the case with leave taken for other qualifying reasons, the Town may retroactively designate leave as leave to care for a covered servicemember pursuant to 29 CFR part 825.301(d).
- 6.3.5 A husband and wife who are eligible for FMLA leave and are employed by the Town may be limited to a combined total of 26 workweeks of leave during the single 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as a husband and wife are employed by the Town. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 26 workweeks of FMLA leave.
- 6.4 Intermittent Leave or Reduced Leave Schedule. FMLA leave may be taken intermittently or on a reduced leave schedule (Section 5.12) under the guidelines described below. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks for military caregiver leave).
- 6.4.1 Medical necessity. For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

- 6.4.1.1 Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or a pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not physically able to work a full-time schedule.
- 6.4.2 Birth or placement. When leave is taken after the birth or placement of a healthy child, an employee may take leave intermittently or on a reduced schedule only if the employee and the Town mutually agree to a schedule of intermittent or reduced leave. All intermittent or reduced schedule leave under this subsection must be taken within one year after the birth or placement of a healthy child.
- 6.4.3 Transfer to alternative position. If an employee needs intermittent leave or leave on a reduced leave schedule for a qualifying event that is foreseeable the Town agrees to permit intermittent or reduced schedule leave. The Town may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. (See, Personnel Policy 2-11, "Return to Work" regarding transitional work assignments).

7.0 STATUS, PAY AND BENEFITS

- 7.1 Employees taking leave under this policy will be returned to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave.
- 7.2 Employees must use all accrued compensatory and general leave time before taking the remainder of FMLA leave as leave without pay except as outlined in Section 7.3 below. (Employees who have exhausted all paid leave time may request Emergency Leave Assistant as described under Personnel Policy 2-08, General Leave). Employees on paid leave will continue to accrue general leave in accordance with the Town's General Leave policy.
- 7.3 Disability leave and/or worker's compensation leave would be considered FMLA leave for a serious health condition and counted in the leave entitlement permitted under FMLA if the leave meets the criteria set forth in the FMLA and this policy. In such cases, the Town may designate the leave as FMLA leave and count the leave against the employee's FMLA leave entitlement.

Because leave pursuant to a disability benefit plan or a worker's compensation benefit is not unpaid, the provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the Town may require the substitution of paid leave. However, the Town and the employee may agree, where state law permits, to have paid leave supplement the disability plan benefits or worker's compensation benefits, such as in the case where a plan or benefit only provides replacement income for a percentage of an employee's lost wages.

- 7.4 Eligible exempt employees utilizing leave for the reasons outlined in this FMLA policy who exhaust all paid leave will typically not have deductions in salaries made for absences less than one day. On the other hand, deductions will be made from exempt salaries for absences of a day or longer for employees who no longer have paid leave available. The Town reserves the right, within FMLA guidelines, to reduce the salary of an exempt employee who arranges an on-going, reduced work schedule and incurs absences of less than one day with no paid leave available without affecting the exempt status of the employee. *See*, 29 CFR part 825.206.
- 7.5 During periods of unpaid FMLA leave the employee must remit their shared cost of any health premiums or voluntary deductions to Human Resources. If the payment is more than 30 days late, the employee's benefit coverage may be dropped for the duration of the leave. Any remaining balance due will be subtracted from the employee's first paycheck upon their return to work. All contributions made by the Town to an employee's retirement system shall be suspended during unpaid leave. FMLA unpaid leave shall not be treated as a break in service for purposes of vesting and participation.
- 7.6 Service credit accruals and seniority continue to be governed by applicable rules.

8.0 EMPLOYEE NOTICE REQUIREMENTS

- 8.1 **Foreseeable FMLA Leave.** An employee must provide the Human Resources Benefits Technician (HR) and their department supervisor at least 30 days advance notice before FMLA leave is to begin. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. Whether FMLA leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise HR and their department supervisor as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. In those cases where the employee is required to provide at least 30 days notice of foreseeable leave and does

not do so, the employee shall explain the reasons why such notice was not practicable upon a request from HR for such information.

- 8.2 Unforeseeable FMLA Leave. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to HR and their department supervisor as soon as practicable under the facts and circumstances of the particular case. Notice may be given by the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.
- 8.3 Employee failure to provide notice. When leave is foreseeable and an employee fails to give timely advance notice with no reasonable excuse, the Town may delay FMLA coverage up to 30 days after the date the employee provides notice. When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with 29 CFR part 825.303, the extent to which the Town may delay FMLA coverage for leave depends on the facts of the particular case.

9.0 CERTIFICATION

- 9.1 Forms and Filing Deadlines. All requests for FMLA leave shall be supported by a certification issued by the health care provider of the employee or the employee's family member or Department of Defense (DOD) via military orders. Employees shall provide HR with a complete and sufficient certification within 15 days of the request for the certification. Failure to provide a complete and sufficient certification may result in a denial of leave. After the employee has submitted the required certification, HR will designate eligibility for FMLA leave within five business days and advise the employee accordingly. The forms of the certifications shall be those developed by the DOL (available on the DOL website at www.dol.gov/whd/fmla/index.htm) and are as follows:
 - 9.1.1 *Certification of Health Care Provider for Employee's Serious Health Condition* – WH-380-E
 - 9.1.2 *Certification of Health Care Provider for Family Member's Serious Health Condition* – WH-380-F
 - 9.1.3 *Certification of Qualifying Exigency For Military Family Leave* – WH-384
 - 9.1.4 *Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave* – WH-385
 - 9.1.5 *Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave* – WH-385-V

- 9.2 Clarification and Authentication. After the Town has given an employee the opportunity to cure any deficiencies in a certification, HR may contact the health care provider for purposes of clarification and authentication of the medical certification.

Clarification means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. *Authentication* means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document. In no event shall additional medical information be requested by the Town.

If an employee chooses not to provide the Town with authorization allowing the Town to clarify and authenticate the certification with the health care provider and does not otherwise clarify the certification, the Town may deny the employee's request for FMLA leave. It is the employee's responsibility to provide the Town with a complete and sufficient certification and to clarify the certification if necessary.

- 9.3 Second and Third Opinions. If the Town has reason to doubt the validity of a medical certification, the Town may designate a health care provider to furnish a second opinion at the Town's expense. If the opinions of the employee's and the Town's designated health care providers differ, the Town may require the employee to obtain certification from a third health care provider, again at the Town's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the Town and the employee. The Town and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the Town does not attempt in good faith to reach agreement, the Town will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification.

Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the Act, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the Town's established leave policies.

- 9.4 Recertification. The Town may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless:

9.4.1 *More than 30 days.* If the medical certification indicates that the minimum duration of the condition is more than 30 days, the Town must wait until that minimum duration expires before requesting a recertification. In all cases, the Town may request a recertification of a medical condition every six months in connection with an absence by the employee even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months.

9.4.2 *Less than 30 days.* The Town may request recertification in less than 30 days if 1) the employee requests an extension of leave; 2) circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature or severity of the illness, complications); or 3) the Town receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

9.5 Certification of Qualifying Exigency. The first time an employee requests leave because of a qualifying exigency, the Town may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service.

If an employee submits a complete and sufficient certification to support his or her request for leave, the Town may not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the Town may contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The Town also may contact an appropriate unit of the Department of Defense to request verification that a military member is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).

9.6 Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave. When leave is taken to care for a covered servicemember with a serious injury or illness, the Town may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. The certification process shall be in accordance with 29 CFR part 825.310.

10.0 RETURN TO WORK

- 10.1 Intent to return to work. The Town may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The Town's policy regarding such reports will not be discriminatory and will take into account all of the relevant facts and circumstances related to the individual employee's leave situation.
- 10.2 Fitness-for-duty certification. As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition, the Town may require the employee to obtain and present a certification from the employee's health care provider that the employee is able to resume work. A request for certification shall be in accordance with the Town's policies requiring all similarly-situated employees who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work. The employee has the same obligations to participate and cooperate (including providing a complete and sufficient certification or providing sufficient authorization to the health care provider to provide the information directly to the Town) in the fitness-for-duty certification process as in the initial certification process. The cost of the certification shall be borne by the employee.
- 10.3 Failure to return to work. Failure of an employee to return to work on the established return date may result in termination of the employee as provided under the Town's job abandonment policy.

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

Subject:		File Under Section:
WORKERS' COMPENSATION BENEFITS		PERSONNEL
Effective Date:	Number:	Page:
March 26, 2015 Res. No. 1908	2-13	1 of 4
Supersedes:		Approved By:
August 2, 2012 Res. No.1810, 9/13/2012		Larry Tarkowski Town Manager
		Date: _____/S

1.0 POLICY

1.1 In accordance with the Arizona State Workers' Compensation Act, the Town of Prescott Valley covers its employees and volunteers against injuries, illness or disease occurring in the course of Town employment. The law provides for payment of medical expenses and, under certain circumstances, for compensation for loss of income. If an employee is absent from work as a result of any injury, illness, or disease that is covered under the State of Arizona Workers' Compensation Act, the absence is considered industrial accident leave.

2.0 PURPOSE

2.1 The purpose of this policy is to establish a procedure for reporting and determining on-the-job related injuries, illnesses or diseases.

3.0 APPLICABILITY

3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

- 4.1 Arizona State Workers Compensation Act
- 4.2 A.R.S. §38-961
- 4.3 Temporary Modified Duty Policy
- 4.4 General Leave Policy

5.0 REPORTING REQUIREMENTS

- 5.1 Employees must immediately report every on-the-job related injury, illness or disease to their supervisor. The supervisor must, in turn, report the incident to Human Resources within twenty-four (24) hours. The supervisor, in cooperation with Human Resources, will determine if outside medical care is necessary. Authorization for medical treatment is required to assure payment.
- 5.2 During the period of time that an employee is absent from work the employee must contact their supervisor and Human Resources as agreed upon to update the Town on the status of their condition and the projected return to work date/time.
- 5.3 Unless they are physically unable, employees who will be absent from work for more than seven (7) calendar days as a result of any injury, illness or disease covered under the State of Arizona Workers' Compensation Act must contact Human Resources to discuss coordination of workers' compensation (WC) lost-wages income with any Town supplemental benefits and the continuation of the employee's health, dental and any other benefits.

6.0 SUPPLEMENTAL BENEFIT PAY

- 6.1 Employees whose work-related injury occurred on or after August 2, 2012 and who have qualified for and are receiving WC lost-time wage replacement benefits may be eligible to receive the equivalent of their normal rate of pay as described below when physically unable to return to work for the Town in any capacity, including temporary transitional work (i.e. light duty assignments) as determined by the Town and as supported by the employee's physician or an independent medical exam (IME) ordered by the Town directly or through its WC insurance provider. The employee's inability to work in a capacity assigned by the Town, including inability to work temporary light duty assignments, must be supported by appropriate medical documentation in order for the employee to remain eligible for WC and the Town's supplemental benefit pay (SBP).
 - 6.1.1 When a full-time employee must miss work due to an on-the-job injury or illness, the employee shall receive 100% of their salary, less taxes, all voluntary deductions on the part of the employee, and any WC lost-wages pay until the employee is released to return to their regular job, temporary light duty, or for six (6) months from the date the employee receives their first WC lost-wages payment, whichever period is shorter. During this time the employee's general leave bank will be maintained to neither increase nor decrease.
 - 6.1.2 When a regular part-time or temporary/seasonal employee must miss work due to an on-the-job related injury or illness, the employee will not receive any compensation in addition to WC benefits paid. Upon qualifying for WC lost-wages pay an employee may use other earned time off to supplement WC pay by agreeing to endorse WC payments to the Town. Such supplemental pay, when combined with WC pay, shall not exceed one hundred percent (100%) of an employee's regular base salary. Upon exhaustion of all available paid time off, the employee will discontinue endorsement of WC payments to the Town and WC benefits will continue per the plan guidelines.

- 6.2 Compensation shall not be paid for the first seven (7) calendar days after an on-the-job related injury. If the incapacity extends beyond seven days, compensation shall begin on the eighth (8th) day after the injury. If the incapacity extends beyond two (2) weeks, compensation shall be computed from the date of the injury. State law establishes the amount of compensation.

During such periods of incapacity the Town will pay both the employer and employee contributions to the Arizona Public Safety Personnel Retirement System (PSPRS) based on the pre-injury salary without cost to the employee in accordance with A.R.S. §38-961. Proxy retirement payments to PSPRS are limited to the standard retirement contributions and do not include any service purchase or other agreements.

- 6.3 The employee may be eligible for payment of time lost on a regularly-scheduled workday to attend a medical examination or treatment required by the Town or the Town's representative. Payment will not be made for any time spent with the medical provider in excess of the regularly-scheduled workday. The employee must be working in an active or restricted duty status to be eligible for payment of lost time.

7.0 WC BENEFITS

- 7.1 Coordination of leave benefits will be administered by Human Resources. As the SBP Administrator, the Human Resources Director will receive all requests for plan benefits, the circumstances surrounding the injury, employee eligibility for WC and any relevant information needed for decision making by the Town. Within 30 days of receipt of the incident report the SBP Administrator shall provide the employee with written determination of benefits under this plan.
- 7.2 Continued payment of the Town's employer portion of premium for health care benefits as was paid pre-injury and/or as is paid for other similarly enrolled employees will be made during SBP. The employee remains responsible for paying the same portion of his/her health care benefits as was paid pre-injury and/or as is paid by similarly enrolled employees.
- 7.3 The employee remains responsible for all voluntary deductions and to arrange repayment with Human Resources in the event their pay does not cover said obligations.
- 7.4 To the extent the employee is eligible for and receives salary or benefit changes while receiving benefits under this plan, the plan benefits will be adjusted accordingly. Such changes may or may not benefit the employee.
- 7.5 Failure to cooperate and comply with the health care provider and/or treatment plan, or cooperate fully with the Town, SBP Administrator and others working to coordinate WC benefits may be cause for discipline.

8.0 RETURN TO WORK

- 8.1 In order to return to work the employee must provide a written release from the treating physician that indicates either:
 - 8.1.1 **Restricted Duty:** An employee who has not been released to full duty will be placed in a temporary transitional work assignment to the extent possible in accordance with their doctor certification and Personnel Policy 2-11, Return to Work. Employees returning to work in this case are required to work within their restrictions at all times. If transitional work is available and the employee chooses not to return to work, they will become ineligible for continued WC benefits.
 - 8.1.2 **Full Duty:** An employee can return to work at their regular position when no restrictions are indicated by the treating physician as provided by their written approval based on the employee's job functions. If an employee chooses not to return to work at their regular position after receiving said approval, they will become ineligible for continued WC benefits.
- 8.2 An evaluation and prognosis will be requested from the treating health care provider or IME expert for any employee on WC leave who is unable to return to regular duties as appropriate. A decision will be made at that time regarding how long the individual's position can be held open, and a determination regarding the employee's ability to return to work and/or continued employment will be determined in accordance with all applicable laws.

TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject:		File Under Section:	
WORK HOURS		PERSONNEL	
Effective Date:		Number:	Page:
March 26, 2015 Res. No. 1908		2-14	1 of 4
Supersedes:		Approved By:	
July 1, 2006 Res. No. 1442, 06/08/2006		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

1.1 It is the policy of the Town to establish the time and duration of working hours as required by workload, customer service needs, the efficient management of personnel resources, and any applicable law.

2.0 PURPOSE

2.1 To establish a workweek and hours of work for employees.

3.0 APPLICABILITY

3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

- 4.1 Personnel Policy 2-15, Rest Breaks / Meal Breaks
- 4.2 Fair Labor Standards Act

5.0 WORK TIME

- 5.1 For all non-exempt employees, as defined by the Fair Labor Standards Act (FLSA), work time is generally all time during which the employee is:
 - 5.1.1 Required to be on the Town's premises on-duty.
 - 5.1.2 At a prescribed work site.
 - 5.1.3 On a "rest break" not to exceed fifteen (15) minutes in each half shift (see Rest Breaks/ Meal Breaks Policy).
 - 5.1.4 Required to attend or conduct lectures, meetings, training programs, and similar activities outside of the regularly-scheduled work hours.

However, it is not work time if the employee's attendance is voluntary and such activities are not a requirement of the employee's job.

5.2 Unauthorized Work Time for Non-Exempt Employees. Work performed by a non-exempt employee outside of regularly-scheduled hours of employment without prior supervisory authorization is unauthorized work time. If the supervisor knows, or can reasonably assume such work is being performed, the employee must be paid for such work. However, the employee may be subject to disciplinary action if the employee had been formally notified by the supervisor not to perform work outside of his/her regularly scheduled hours.

5.3 Travel Time for Non-Exempt Employees – Day Trips.

5.3.1 Travel to and from work is generally not counted as work time. This is true whether the employee works in a fixed location or at different job sites, or is called to work outside the employee's regularly-scheduled hours.

5.3.2 Time spent in travel from one work site to another during normal work hours is counted as work time for wage and overtime purposes.

5.3.3 When an employee travels to another city for a special one-day assignment, all time spent traveling to the special assignment is generally considered hours worked. However, if the employee is required to leave from a meeting location within Prescott Valley the employee is paid for travel time from the meeting location to the special one-day assignment.

5.4 Travel Time for Non-Exempt Employees – Overnight Trips. Work time is considered to be all hours in transit between the employee's home or assigned Town location and the destination when the transit occurs within the employee's normally-scheduled hours (even if on a day the employee does not normally work). If an employee travels to the destination as a passenger of any mode of transportation, the time spent in travel that occurs outside of regular working hours will not be considered as work time. However, if the employee performs work while traveling, the time is compensable work time regardless of whether it falls within or outside of the employee's regular working hours.

6.0 WORKWEEK DEFINITION

6.1 A "workweek" is defined as a regularly-recurring period of 168 hours encompassing seven (7) consecutive twenty-four-hour periods. The Town recognizes a calendar week as the standard workweek beginning and ending at 12:01 a.m. each Sunday. Two consecutive calendar weeks comprise a pay period. Any work shift in progress at midnight, 12:00 a.m. Sunday shall be included as part of the work period in which that shift commenced.

7.0 WORK SCHEDULES

- 7.1 Departments may establish work schedules that accommodate department business needs. Work schedules shall be determined by the employee's supervisor and are subject to approval by the department director. Work schedules may be altered by the department as necessary to accommodate the workload or to accommodate employee needs.
- 7.2 Employees may propose an alternative work schedule to their supervisor. The work schedule must be approved by the department director before it becomes effective. The Town supports the use of alternative work schedules by regular full-time employees when such schedules are consistent with efficient and effective Town operations.
- 7.3 The department director will use the following criteria when deciding to approve or deny an alternative work schedule request. These criteria are not an exhaustive list, and the department head retains discretion to deny a request for an alternative work schedule.
 - 7.3.1 Service to the public will not be adversely affected.
 - 7.3.2 Staff will continue to provide complete coverage of department hours.
 - 7.3.3 The employee will maintain or improve the quantity, quality, and timeliness of work.
 - 7.3.4 Proper supervision will be maintained.
 - 7.3.5 The new schedule will have little or no impact on other departments or services.
 - 7.3.6 No additional staff will be needed.
 - 7.3.7 The new schedule will not generate a need for overtime.
- 7.4 Change of Work Schedule. Management may modify employee's work schedule if the current work schedule does not meet one or more of the criteria listed in Subsection 7.3.
 - 7.4.1 The supervisor must notify the employee at least two (2) weeks before any change is to occur (except less notice may be provided in the case of an emergency, as determined by the department).

8.0 ABSENCES

- 8.1 Approved absences must be charged to paid leave. The time charged must cover the number of hours the employee was scheduled to work on that day. For example, an employee scheduled to work 10 hours per day would have to charge 10 hours of leave time for each day of absence.
- 8.2 Department directors, at their discretion, may allow non-exempt employees to make up lost time during a given workweek. Generally, an employee cannot make up a full day absence by working on a normal day off. Flexible scheduling will not be allowed if the lost time is the result of conditions the employee could

control, if there is no work the employee is qualified to do, or if adequate supervision is not available.

- 8.3 Supervisors are responsible for ensuring that all hours of absence are correctly tabulated and reported.

9.0 TIME RECORDS

- 9.1 Non-exempt employees are required to complete an individual time record showing the daily hours worked. Time records cover one (1) workweek and must be completed by the close of each workday. The following points should be considered in filling out time records:

- 9.1.1 Employees must record accurately their starting time, time out for lunch, time in from lunch, quitting time, and total hours worked for each workday.

- 9.1.2 Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their scheduled quitting time without the prior approval of their supervisor.

- 9.1.3 Employees are required to take scheduled meal breaks.

- 9.1.4 Unworked time during the employee's schedule must be accounted for (i.e. paid general leave, holidays, etc.) and entered on the employee's time record. Supervisors should inform employees if they will not be paid for certain hours of absence.

- 9.1.5 An employee's time record must be signed by the employee and approved by the assigned supervisor. By their signatures, the employee and the supervisor certify the accuracy of the time record. Authorized compensatory time or overtime should be identified by the supervisor.

- 9.1.6 Employees on a planned leave are required to complete their time records in advance.

- 9.1.7 Completing another employee's time record or falsifying any time record is prohibited and may be grounds for disciplinary action up to, and including, termination.

- 9.1.8 Under special circumstances, the supervisor may complete a time record for an employee. Upon return from leave, the employee is required to review and sign their time record.

- 9.2 Exempt employees are not required to fill out hourly time records but must otherwise account for daily attendance, including absences, for the purposes of calculating leave benefits.

TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject:		File Under Section:	
REST BREAKS / MEAL BREAKS		PERSONNEL	
Effective Date:	Number:	Page:	
March 26, 2015 Res. No. 1908	2-15	1 of 3	
Supersedes:		Approved By:	
September 23, 2002 Res. No. 1117, 8/22/2005		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

1.1 It is the policy of the Town of Prescott Valley to offer periodic breaks in the work schedule for the benefit of its employees.

2.0 PURPOSE

2.1 The purpose of this policy is to establish uniform guidelines for taking rest breaks and meal breaks and to distinguish compensable work time from non-compensable work time.

3.0 APPLICABILITY

3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

4.1 Personnel Policy 2-14, Work Hours

5.0 PROCEDURES

5.1 Rest Breaks

5.1.1 Full-time employees are permitted two (2) fifteen minute rest breaks during each shift at approximately the midway point of each half of the daily working schedules. Part-time employees who are scheduled to work more than four (4) hours per shift are permitted one (1) fifteen minute rest break during each shift.

- 5.1.2 Supervisors are responsible for scheduling the time for employee rest breaks taking into consideration the workload for that particular day and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
- 5.1.3 Time spent on rest breaks will be compensated as working time, and employees are not required to sign out and in on their time records. However, employees are expected to be punctual in starting and ending their breaks and will be subject to disciplinary action for tardiness.
- 5.1.4 Employees working outside of a fixed Town facility shall take their rest breaks in the immediate vicinity of the work site and at a time that shall not interfere with assigned duties as determined by their supervisor.
- 5.1.5 Employees assigned to work within Town facilities shall take their rest break on the premises of such facility in a designated non-work area, such as the lunchroom. Employees are not permitted to leave the Town facility during paid break periods.
- 5.1.6 Employees on rest breaks are not permitted to interfere with fellow employees who are continuing to work.
- 5.1.7 Rest breaks may not be accumulated, added to lunch periods, or taken at the beginning or end of the workday. Employees who continue to work during rest breaks are not entitled to leave before the normal quitting time and will not receive extra pay for the time worked.
- 5.1.8 Employees who leave designated work areas during rest breaks for reasons unrelated to their employment shall be responsible for their actions. The Town shall bear only that responsibility provided for by law.

5.2 Meal Breaks

- 5.2.1 Full-time employees are allowed a meal break near the middle of the workday. The break will be at least thirty (30) minutes and no more than sixty (60) minutes, depending on operating requirements. Part-time employees who are scheduled to work more than four (4) hours per shift are permitted a meal break in lieu of a rest break during each shift. Such breaks shall be of the same duration as full-time employees in their department.
- 5.2.2 Supervisors are responsible for balancing workloads and scheduling meal breaks taking into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- 5.2.3 Non-exempt employees (other than sworn personnel) will not be compensated for their meal breaks unless they are required to work during their breaks. Non-exempt employees must accurately sign out and back in on their time record for all meal breaks.

- 5.2.4 Employees who leave the Town facility during their meal break must check out when leaving and check in when returning. Generally, employees may not leave early or extend meal breaks beyond their assigned period. Employees will be subject to discipline if tardy in returning from a meal break.
- 5.2.5 Employees on meal breaks are not permitted to interfere with other employees who are continuing to work. Non-exempt employees are not permitted to perform work of any kind during their unpaid meal break and therefore encouraged to take meal breaks away from their assigned work area.
- 5.3 The Town will make reasonable accommodations for rest breaks and meal breaks to otherwise qualified individuals to enable them to perform the essential functions of the job.

TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject:		File Under Section:	
TIME LOST DURING SEVERE WEATHER AND OTHER EMERGENCIES		PERSONNEL	
Effective Date:	Number:	Page:	
March 26, 2015 Res. No. 1908	2-16	1 of 2	
Supersedes:		Approved By:	
September 23, 2002 Res. No. 1117, 8/22/2002		Larry Tarkowski Town Manager	
		Date: _____/S	

1.0 POLICY

- 1.1 To determine when non-essential employees will be notified that they need not report for duty or may leave work during severe weather or other emergencies, if they choose to do so, and establish the method by which they can receive compensation for time not worked.

2.0 PURPOSE

- 2.1 To establish time reporting procedure and guidelines to be followed for work hours lost as a result of severe weather or other emergencies.

3.0 APPLICABILITY

- 3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

- 4.1 Personnel Policy and Procedures

5.0 PROCEDURES

- 5.1 Town facilities will maintain normal operating hours, if at all possible, during times of severe weather or other emergencies. The Town Manager shall determine under what circumstances it is in the best interest of the Town to close some or all of the Town facilities.
- 5.2 It shall be the responsibility of each department head to determine, before or during each severe weather occurrence or other emergency situation what

2-16 Time Lost During Severe Weather and Other Emergencies

positions are to be considered as essential or non-essential under the circumstances.

- 5.3 Employees considered to be essential to ensuring the health, safety and welfare of the community as determined pursuant to Section 5.2 above are required to report and/or remain on duty until relieved or dismissed. During periods of severe weather conditions or other emergency prior to the beginning of the regular work shift, it is the responsibility of each employee to monitor AM and FM radio stations or other public service announcement venues.
- 5.4 Employees should try to reach their supervisor through the regular work area extensions and/or their cell phones for information as to whether Town facilities are closed or non-essential employees are given the choice to report to work.
- 5.5 Employees on other than normal work shift are to contact their department prior to their shift for instructions as to their responsibility.
- 5.6 Under the circumstances set out above, if Town facilities are open but non-essential employees are given the option of staying home, non-essential employees who choose not to report to work must charge their lost hours to any general leave or compensatory time they have available. Employees who report to work will complete their time record for that day in the normal manner.
- 5.7 In the event a decision is made that the Town facilities will be or remain closed to all but essential personnel, all non-essential employees who were scheduled to work that day shall be compensated for their normal shift regardless of actual hours worked. Time records should reflect actual hours worked and hours not worked entered as "Other" paid time with a notation of the circumstances.
 - 5.7.1 A non-exempt employee required to work will qualify for time-and-one-half his/her regular rate of pay for the actual hours worked regardless of the total hours worked in that work week. All other provisions of the Overtime Policy will apply for determining compensatory time or additional paid overtime.
 - 5.7.2 FLSA exempt employees are exempt from the overtime provision according to the Overtime Policy.
- 5.8 If severe weather or other emergency conditions occur during the work shift, and the Town Manager has determined that conditions have reached severe enough proportions that it is in the best interest of the Town and its employees to permit certain non-essential employees to be released from work, employees will be notified by management. At that time, those non-essential employees may choose whether to leave work or continue working until the end of their shift.
 - 5.8.1 Those employees who remain until the end of their work shifts will complete the time record for that day in the normal manner. Those employees who choose to leave work early shall use general leave or compensatory leave available to make up for the work hours lost.