

## **GBC [proposed] EARNED PAID SICK TIME**

### **Definition**

The first forty (40) hours of accrued sick leave each fiscal year will be deemed *earned paid sick time* (EPST). The District will properly account for and provide employees EPST in accordance with the “Fair Wages and Healthy Families Act”.

### **Accrual**

All employees, whether full-time, part-time or substitute, will begin to accrue EPST on the later of July 1, 2017 or the commencement of employment. Any person who performs work as an independent contractor or as a volunteer will not accrue EPST.

Employees will accrue EPST at the rate of one (1) hour for thirty (30) hours worked (0.03333 hours of sick leave for each hour worked), with a maximum accrual and use limit of forty (40) hours per fiscal year, beginning July 1 and ending June 30. Full-time certificated employees and classified employees who are exempt from the FLSA overtime rules will be assumed to work forty (40) hours in each workweek for purposes of EPST accrual. Such employees who work part-time will accrue EPST proportionately.

An employee may not use more than forty (40) hours of EPST in one (1) fiscal year. Accrued EPST that is not used in one (1) fiscal year will carry over to the next fiscal year. However, use of EPST is limited to forty (40) hours per fiscal year, regardless of the amount of EPST accrued by the employee.

If an employee is also entitled to earn sick leave pursuant to Governing Board Policy GCCA (Professional Staff Sick Leave) or GDCA (Support Staff Sick Leave), the first forty (40) hours of sick leave will be considered EPST. All earned sick leave, other than the first forty (40) hours, will accrue and may be used by the employee as permitted by the sick leave rules contained in policy GCCA or GDCA.

### **EPST Uses**

Employees may use EPST only for:

- The employee’s preventive medical care; medical diagnosis, care, or treatment for mental or physical illness; or convalescence from mental or physical illness, injury, or health condition.
- Care of a family member who needs preventive medical care; medical diagnosis, care, or treatment for mental or physical illness; or convalescence from mental or physical illness, injury, or health condition.

- Care of the employee's child if the child's school or place of care has been closed by order of a public official due to a public health emergency.
- Care of a family member during a confinement directed by health authorities or a health care provider because of exposure to a communicable disease.
- The following victim assistance services, due to domestic violence, sexual violence, abuse or stalking, for the employee or a family member:
  - Medical attention needed to recover from physical or psychological injury or disability;
  - Services from a domestic violence or sexual violence program or victim services organization;
  - Psychological or other counseling;
  - Relocation or taking steps to secure an existing home; or
  - Legal services, including preparing for or participating in a civil or criminal legal proceeding.

As used in this Policy, "family member" means:

- Regardless of age, a biological, adopted or foster child, a stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor;
- A biological, foster, stepparent, or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood *in loco parentis* when the employee or employee's spouse or domestic partner was a minor child;
- A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- A grandparent, grandchild, or sibling (whether of a biological, foster, adoptive, or step relationship) of the employee or the employee's spouse or domestic partner; or
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

## **EPST Rules**

The following rules apply to an employee's accrual and use of EPST:

- The employee will request EPST by giving notice to his/her immediate supervisor. Notification by telephone, email or text message is acceptable.
- The employee will request EPST at the earliest opportunity. A request for EPST will include the expected duration of the absence, if known. Unless EPST for a planned absence has been scheduled with the employee's immediate supervisor, the employee will make a good faith effort to give notice of an absence no later than two (2) hours before the start of his/her regular workday and report by 3:00p.m. on the day of the absence whether he/she will return to work the next day.
- When use of EPST is foreseeable, the employee will make a reasonable effort to schedule EPST in a manner that does not unduly disrupt the operation of the District.
- For EPST of three (3) or more consecutive workdays, the District may require the employee to provide a health care provider's note, in writing or electronic form, or other reasonable documentation that the EPST was used for a purpose authorized by this Policy.
- Classified employees may use EPST in 15-minute increments. Professional employees may use EPST in one (1) hour increments.
- The District will not reimburse an employee for unused EPST upon termination of employment unless:
  - the unused EPST qualifies as accrued sick leave received pursuant to Policies GCCA or GDCA, and
  - the employee is eligible for reimbursement according to Policy Regulations GCCA-R or GDCA-R.
- If a separated employee is rehired by the District within nine (9) months after separation, any unused EPST will be reinstated.

## **No Retaliation**

The District and its employees will not retaliate or discriminate against a current or former employee because the person exercised his/her right to use EPST.

## Notices

- The District's paystubs will provide employees with a record of their current amount of accrued EPST, the amount of EPST used to date, and the amount of pay received as EPST.
- On or before July 1, 2017, of the commencement of employment, whichever is later, the District will provide appropriate notice stating:
  - Employees are entitled to EPST;
  - The amount of EPST that employees will accrue;
  - The terms of use of EPST under Arizona law;
  - Retaliation against employees who request or use EPST is prohibited;
  - Each employee has the right to file a complaint if EPST is denied or the employee is subjected to retaliation for requesting or taking EPST; and
  - The contact information for the Arizona Industrial Commission (AIC).
- The AIC's EPST rights poster will be placed in a conspicuous location in each school and facility.

## Adopted:

**LEGAL REF.:** A.R.S. 15-187  
15-502  
23-363  
23-364  
23-371  
23-372  
23-373  
23-374  
23-375

**CROSS REF.:** GCBA - Professional Staff Salary Schedules  
GCCA – Professional Staff Sick Leave  
GDCA – Support Staff Sick Leave