

# State Personnel System

## Employee Handbook

### PREFACE

*This Employee Handbook applies to all State of Arizona employees in the State Personnel System, both covered and uncovered, and replaces all previous agency-specific employee handbooks. Only the Arizona Department of Administration (ADOA) Director has the right to modify, revoke, suspend, terminate or change any of the provisions of this handbook, in whole or in part, and may do so at any time.*

*This Employee Handbook is an advisory document and does not create rights or privileges for employees nor add duties or responsibilities for management. The failure of a supervisor to follow any procedure in this handbook shall not create any rights for any subordinate employee.*

*No contract of employment is created by this handbook. Nothing in this handbook should be interpreted to conflict with Federal or State laws or rules. If a conflict is discovered, the appropriate laws or rules control.*

*This document is a publication of the ADOA Human Resources Division.*

*Issued: October 2012*

*Revised: May 2015*

## INTRODUCTION

Welcome to Arizona state government!

As an employee of the State of Arizona, what you do is important to others, whether an employee of your agency, another agency or a member of the general public. How you do your job is even more significant. The knowledge, courtesy, and helpfulness you demonstrate influence the attitudes of others toward you, your agency, and the State of Arizona. For these reasons, everything we do as State employees must be focused on providing the most responsive, effective service possible.

In 2012, not only did Arizona celebrate its centennial, but the Arizona Legislature passed and the Governor signed into law perhaps one of the most significant changes to government operations, Personnel Reform. Under Personnel Reform, seven personnel systems were consolidated into one system, the State Personnel System. The State Personnel System allows the State to attract the best talent, retain the highest performing employees and reward top performers.

This Employee Handbook contains basic information only and is intended to be a guide and quick reference tool for you as an employee of the State of Arizona. It provides summary information concerning your position as an employee of the State. For specific information regarding any content in this handbook, contact your agency's Human Resources office.

Whether you are a new employee or have been with the State for some time, it is expected that you will read and be familiar with this handbook and the more specific policies, procedures or guidelines of the agency in which you are employed. You are responsible for abiding by the contents of this handbook and your agency's policies and procedures. Please keep in mind that the contents of this handbook as well as your agency's policies and procedures may change.

You are encouraged to keep apprised of changes and to consult your supervisor, and/or your agency's Human Resources office for specific up-to-date information. In addition, the "Your Employee Services" (YES) website often provides important employee news. By logging into YES, the State's web-based portal, you can view and maintain your employee data. If you do not know how to log into YES, a member of your agency's Human Resources office can assist you.

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## **Part One: Overview of Arizona State Government**

Arizona became a state on February 14, 1912. Arizona was the 48<sup>th</sup> state admitted to the United States and the last of the contiguous states to be admitted. The year 2012 marked the centennial celebration of the State of Arizona.

### The State Capitol

The original Capitol building, with its distinctive copper dome, was dedicated in 1901, when Arizona was still a territory. Phoenix became the official state capital with Arizona's admission to the Union in 1912. The Capitol complex is fronted and highlighted by Wesley Bolin Memorial Plaza, named after Wesley Bolin, a governor who died in office in the 1970s. Numerous monuments and memorials are on the site, including the anchor and signal mast from the USS *Arizona* (one of the U.S. Navy ships sunk in Pearl Harbor).

### The State Seal

The official state seal was approved by Article 22, Section 20 of the Arizona Constitution and adopted in 1911. The State's key enterprises are symbolized on the face of the seal. In the background is a range of mountains with the sun rising behind the peaks. At the right side of the range of mountains there is a storage reservoir and a dam, below which, in the middle distance, are irrigated fields and orchards reaching into the foreground with grazing cattle to the right. To the left, the middle distance depicts a mountainside with a quartz mill. In the foreground is a miner with a pick and shovel. Above this is the motto "Ditat Deus," meaning God enriches. In a circular band surrounding the whole seal is inscribed "Great Seal of the State of Arizona" and the year 1912, which marks the year of statehood.

### The State Flag

The Arizona State Flag was adopted by the Arizona State Legislature on February 17, 1917. The top half of the flag represents the 13 original colonies of the United States and the western setting sun (alternating rays of red and gold). The copper star in the center of the flag identifies Arizona as the largest copper producing state in the union. The red and blue are the same shades as the colors of the flag of the United States. The blue of the lower half of the flag and the gold of the western setting sun are the Arizona state colors.

## The Three Branches of Arizona Government

Arizona's government organization closely models that of the United States federal government with three branches: executive, legislative and judicial.

### State Executive Branch

Arizona's executive branch is headed by a governor, who is elected to a four-year term. The governor may serve any number of terms though no more than two in a row. Other elected executive officials include the Secretary of State, State Treasurer, State Attorney General, Superintendent of Public Instruction, State Mine Inspector and a five member Corporation Commission. Arizona is one of a few states that do not have a specified lieutenant governor.

### State Legislative Branch

The Arizona Legislature consists of a 30-member Senate and a 60-member House of Representatives. Each Legislature covers a two-year period. The first session following the general election is known as the first regular session, and the session convening in the second year is known as the second regular session. Each regular session begins on the second Monday in January and is required to adjourn no later than the 100<sup>th</sup> day from the beginning of the regular session; however, it may be extended.

### State Judicial Branch

The Arizona Supreme Court is the highest court in Arizona. The court currently consists of one chief justice, a vice chief justice, and three additional justices. Justices are appointed by the Governor to serve on the Arizona Supreme Court for a regular term of six years. The Arizona Court of Appeals, further divided into two divisions, is the intermediate court in the state. Division One is based in Phoenix and Division Two is based in Tucson.

## State Government Agencies

Approximately 100 agencies, boards and commissions are part of the State Personnel System. In the State Personnel System, some of the largest agencies include the Department of Corrections (ADC), the Department of Economic Security (DES), the Department of Child Safety (DCS), the Department of Transportation (ADOT), the Department of Health Services (ADHS), the Department of Juvenile Corrections (ADJC), the Arizona Health Care Cost Containment System (AHCCCS), the Department of Revenue (DOR), and the Department of Administration (ADOA).



## **Part Two: Equal Employment**

### Equal Employment Opportunity

It is the State of Arizona's policy to provide equal employment opportunity to all without regard to race, color, religion, sex, age, national origin, disability, genetic information, pregnancy, military or veteran status, or any other status protected by law. All individuals are to be treated in a fair and non-discriminatory manner throughout the employment process.

### Harassment

The State is committed to maintaining human dignity and protecting its employees from unlawful harassment, whether it is of a sexual nature or based on race, color, national origin, religion, age, disability, genetic information, gender, pregnancy, military or veteran status or any other status protected by federal and state laws, rules, and regulations. Unlawful harassment in any form, whether verbal, physical or visual, is prohibited and will result in disciplinary action up to and including dismissal.

### Retaliation

The State prohibits retaliation against anyone for raising a concern about, assisting in an investigation of, or filing a complaint concerning unlawful discrimination or unlawful harassment.

### Americans with Disabilities Act (ADA)

The State of Arizona follows the ADA, as amended, by ensuring equal employment opportunities for qualified persons with disabilities and by providing employees, visitors, and contractors with equal access to facilities, programs, and services. For additional information or assistance, contact your agency's Human Resources office.

### Complaints

Your agency will have procedures for addressing employee complaints of discrimination, harassment or retaliation and personnel assigned to conduct investigations. Also, a specific office within your agency may be designated to address the State's commitment to equal employment opportunity or your Human Resources office may serve this purpose.

If you believe you have been the victim of unlawful discrimination, harassment or retaliation, or are aware or concerned that someone else has been, report it immediately. Your agency will have procedures for addressing employee complaints.

## **Part Three: Conditions of Employment**

### Standards of Conduct

The State's Standards of Conduct, under the State Personnel Rules, outline the conduct required of all state employees. State employees are required at all times to:

- Comply with federal and state laws and rules, statewide policies, this handbook, and agency policies and directives;
- Maintain high standards of honesty, integrity, and impartiality, free from personal considerations, or favoritism;
- Be courteous, considerate, and prompt in interactions with and serving the public and other employees; and
- Conduct themselves in a manner that will not bring discredit or embarrassment to the state.

The Standards of Conduct also outline prohibited conduct. State employees shall not:

- Use their official position for personal gain, or attempt to use, or use, confidential information for personal advantage;
- Permit themselves to be placed under any kind of personal obligation that could lead a person to expect personal official favors;
- Perform an act in a private capacity that may be construed to be an official act;
- Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan that is, or may appear to be, designed to influence the employee's official conduct. This provision shall not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value;
- Directly or indirectly use or allow the use of state equipment or property of any kind, including equipment and property leased to the state for other than official activities unless authorized by written agency policy or as otherwise allowed by the rules;
- Inhibit a state employee from joining or refraining from joining an employee organization; or
- Take disciplinary or punitive action against another employee that impedes or interferes with that employee's exercise of any right granted under the law or the rules.

An employee who violates these standards of conduct may be disciplined or separated from State employment.

### Political Activities

Arizona Revised Statutes (A.R.S.) § 41-752 (as amended effective September 29, 2012) regulates the political activities of State officers and employees; the full text of this law is copied below:

- A. *Except for expressing an opinion or pursuant to section 16-402, an employee shall not engage in any activities permitted by this section while on duty, while in uniform or at public expense.*
- B. *An employee shall not:*
  - 1. *Use any political endorsement in connection with any appointment to a position in the state personnel system.*
  - 2. *Use or promise to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration.*
- C. *An employee, a member of the state personnel board or a member of the law enforcement merit system council shall not be a member of any national, state or local committee of a political party, an officer or chairperson of a committee of a partisan political club or a candidate for nomination or election to any paid public office, shall not hold any paid, elective public office or shall not take any part in the management or affairs of any political party or in the management of any partisan or nonpartisan campaign or recall effort, except that any employee may:*
  - 1. *Express an opinion.*
  - 2. *Attend meetings for the purpose of becoming informed concerning the candidates for public office and the political issues.*
  - 3. *Cast a vote and sign nomination or recall petitions.*
  - 4. *Make contributions to candidates, political parties or campaign committees contributing to candidates or advocating the election or defeat of candidates.*
  - 5. *Circulate candidate nomination petitions or recall petitions.*
  - 6. *Engage in activities to advocate the election or defeat of any candidate.*
  - 7. *Solicit or encourage contributions to be made directly to candidates or campaign committees contributing to candidates or advocating the election or defeat of candidates.*
- D. *A person shall not:*
  - 1. *Solicit any employee, member of the state personnel board or member of the law enforcement merit system council to engage or not engage in activities permitted by this section with the direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence, including the loss of any benefit, reward, promotion, advancement or compensation.*
  - 2. *Subject any employee, member of the state personnel board or member of the law enforcement merit system council engaging in activity permitted by this section to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence, including the loss of any benefit, reward, promotion, advancement or compensation.*

3. *Subject any employee, member of the state personnel board or member of the law enforcement merit system council who chooses not to engage in any activity permitted by this section to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence, including the loss of any benefit, reward, promotion, advancement or compensation.*
- E. *Subsections B and C of this section do not apply to those employees listed in section 41-742, subsection F.*
- F. *This section does not apply to school board elections or community college district governing board elections, and an employee may serve as a member of the governing board of a common or high school district or as a member of a community college district governing board.*
- G. *An employee who violates any of the provisions of this section is subject to suspension of not less than thirty days or dismissal.*
- H. *A person who violates:*
  1. *Subsection D of this section is guilty of a class 6 felony.*
  2. *Any other provision of this section is guilty of a class 1 misdemeanor.*
- I. *In addition to any other penalty, any person soliciting or encouraging a contribution in a manner prohibited by this section is subject to a civil penalty of up to three times the amount of the contribution solicited or encouraged plus costs, expenses and reasonable attorney fees.*
- J. *This section does not deny any employee or board member any civil or political liberties as guaranteed by the United States and Arizona Constitutions.*
- K. *It is the public policy of this state, reflected in this section, that government programs be administered in an unbiased manner and without favoritism for or against any political party or group or any member in order to promote public confidence in government, governmental integrity and the efficient delivery of governmental services and to ensure that all employees are free from any express or implied requirement or any political or other pressure of any kind to engage or not engage in any activity permitted by this section. Toward this end, any person or entity charged with the interpretation of this section shall take into account the policy of this section and shall construe any of its provisions accordingly.*

### Conflict of Interest

Arizona Revised Statutes (A.R.S.) §§ 38-501 through 38-510 and State Personnel Rules place some restrictions with which employees must comply regarding business interests, outside (secondary) employment and employment of relatives. To ensure compliance with the provisions of these laws and rules, you are required to make an initial disclosure when first employed by the State and any time there is a change.

### Work Hours

The state work week is the period of seven consecutive days starting Saturday at 12:00 a.m. and ending Friday at 11:59 p.m.

Operational needs vary from agency to agency, function to function and time to time. State agencies may require coverage 24 hours per day, seven days per week or only during usual business hours. There may be seasonal fluctuations or variations in workloads throughout the year based on the specific responsibilities of your agency.

Your work schedule will depend on your agency, your position, and the area where you are assigned. Your position may require that you work overtime. In addition, your agency may have established attendance standards that you are required to follow. Your supervisor will explain working hours, attendance standards and if applicable, flexible work schedules. Although neither federal nor state laws require meal periods or other breaks, most agencies provide them. Your supervisor will explain these to you.

#### State Property – Security and Appropriate Use

State property is made available to employees to assist them in the performance of their job duties. Property which the State furnishes for your use in conducting State business includes, but is not limited to: telephones, copy and fax machines, cameras, radios, email services, personal computers, access to the Internet, and vehicles.

Preventing the loss, damage, misuse or theft of State property is the responsibility of each employee. If you have State property in your personal possession, reasonable precautions should be taken to help ensure its security. In the case of a loss or damage, you must report the loss or damage to your supervisor/manager in accordance with your agency's policies and procedures.

Arizona Revised Statutes (A.R.S.) § 38-448 specifically prohibits State employees from using agency owned or agency leased computer equipment to access, download, print or store any pornographic material.

Any use of State property for other than State-business purposes must be exercised in accordance with your agency's policies and procedures.

#### Outside (Secondary) Employment

A State employee is not to engage in outside or secondary employment or other activity that is not compatible with the full and proper discharge of the employee's duties and responsibilities. This also includes outside employment that impairs an employee's capacity to perform job duties in an acceptable manner.

Outside or secondary employment refers to any second job, contract or work agreement made by any employee of the State with any other party, including your agency or any other State agency. You are required to disclose your intent to hold any part-time or full-time employment in addition to your existing State position, whether inside or outside of State government. This includes self-employment, owning a business, holding any elected or appointed public office, and holding a position in a political party or organization. For more specific information, consult your supervisor.

If you desire to engage in outside employment, you are required to notify your supervisor in advance. Your supervisor will provide you with a form to submit for approval. Your supervisor will advise you whether the outside employment conflicts with your position, based on such considerations as conflict of interest, adverse impact on your agency

and, if applicable, consistency with the State Personnel Rules. The final determination as to whether a conflict exists shall be made by your agency's appropriate management.

You are required to disclose any actual or potential conflict of interest related to outside employment as soon as you become aware of the conflict.

If outside employment conflicts with or impairs your capacity to perform your job or adversely impacts your agency, you will be required to terminate the outside employment. If you fail to terminate the outside employment, you may be disciplined or separated from State employment.

Failure to give prior notification or make any of the disclosures described above may result in discipline or separation. Consult your supervisor and/or agency Human Resources office for additional information.

#### Substance-Free Workplace

Employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, and/or use of unauthorized controlled substances on state premises or worksites, including state vehicles. State employees may not be impaired by alcohol or drugs while on duty.

Your agency may have additional policies that are specific to its mission. These may include policies regarding drug and/or alcohol testing. Consult your supervisor for specific information.

### **Part Four: Compensation and Classification**

#### Pay and Salary Administration

There are 26 bi-weekly pay periods per year. Official paydays are on Thursdays. Employees are required to have their paychecks deposited automatically ("direct deposit") into the financial institution(s) of their choice.

Positions are assigned into classes based on similarities of duties and responsibilities. Each job class is assigned a grade and a pay range in the State salary plan. Each pay range is a continuous range of pay from a minimum to a maximum rate.

An employee or agency head may file a written request with the Director of the Department of Administration for review of the classification of their position.

Your agency may offer merit increases pursuant to ADOA guidelines. Merit increases are available to uncovered employees and, if legislatively appropriated, to covered employees.



If you need clarification or additional information regarding your pay, pay administration, position classification or merit increases, ask your supervisor or your agency's Human Resources office.

### Supplemental Pay

An employee on a shift other than day shift may receive shift differential pay if authorized by the Director of the Department of Administration.

Under qualifying conditions, an employee may receive conditional pay supplements.

Variable pay is available only to uncovered employees unless otherwise specified in the guidelines established by the Director of the Department of Administration.

Consult your agency's policies and procedures, your supervisor or agency Human Resources office for specific information regarding supplemental pay.

### Overtime and Compensatory Leave

Your agency may require that you work overtime. All work in excess of 40 hours per work week must be approved in advance by your supervisor.

The Fair Labor Standards Act (FLSA) requires that non-exempt employees either be paid overtime at 1½ times the employee's regular rate of pay or credited with compensatory leave at the rate of 1½ hours for every hour actually worked in excess of 40 hours per week or in excess of a work period as defined by FLSA. Each FLSA non-exempt employee is required to select either overtime pay or compensatory leave for overtime compensation. An agency reserves the right to pay cash even if an employee elects to receive compensatory leave for overtime worked.

Exempt employees, with the exception of those who work in a public safety activity or emergency response activity, do not receive additional compensation for overtime.

Exempt employees who are full authority peace officers as certified by the Arizona Peace Officers Standards and Training Board and in a position that requires such certification, or who are engaged in law enforcement or firefighting activities receive one hour of additional pay or earn one hour of compensatory leave for each hour of overtime worked. The method of compensation (pay or compensatory leave) is at the discretion of the agency head.

The State Personnel Rules limit the accumulation of compensatory leave to a maximum of 240 hours, except for those who work in a public safety or an emergency response activity, who may accumulate up to 480 hours.

You can check your position's FLSA designation by logging into YES, click on the "Personal Information" tab, and then click the "Current Employment" tab to display your profile. Your FLSA designation will appear next to "Pay Plan" on the screen. For more

specific information regarding your FLSA designation and for additional information regarding overtime and compensatory leave, check with your supervisor or contact your agency's Human Resources office.

### Tuition Reimbursement

Your agency may offer a tuition assistance program. Conditions or eligibility criteria may vary by agency. Consult your agency's policies and procedures or your supervisor for specific information.

## **Part Five: Employment**

### Employment Status

With a few exceptions, any employee hired or a current covered employee who voluntarily accepts a change in assignment will be an at will uncovered employee. If approved by the agency, a covered employee may voluntarily elect to become an at will uncovered employee without a change in assignment. Uncovered employees serve at the pleasure of the appointing authority and do not have grievance or appeal rights.

### State Job Board and Applying for Other State Jobs

The state job board is a listing of job opportunities for all agencies, boards and commissions in the State Personnel System. The state job board is a one stop recruitment tool for finding and applying for state positions. Current state employees interested in applying for other job opportunities with the State can access the state job board through the YES "Search for Jobs" link.

### Career Center

State employees may also utilize the Career Center for assistance with career management, resume development and improving interviewing skills. For more information about the Career Center, visit their website at: [www.careercenter.az.gov](http://www.careercenter.az.gov).

For further information, refer to the State Personnel Rules, your agency's policies and procedures, or contact your supervisor or your agency's Human Resources office.

## **Part Six: Paid Leave**

### Holidays

There are 10 paid holidays each year:

- New Year's Day (January 1)



- Martin Luther King Jr. Day/Civil Rights Day (the third Monday in January)
- Presidents' Day (the third Monday in February)
- Memorial Day (the last Monday in May)
- Independence Day (July 4)
- Labor Day (the first Monday in September)
- Columbus Day (the second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (the fourth Thursday in November)
- Christmas Day (December 25)

If a holiday falls on a Sunday, the holiday is observed on the following Monday. If it falls on a Saturday, it is observed on the preceding Friday.

Additional information on holidays, including information regarding conditions for employees required to work and holiday pay for part-time and temporary employees, can be found in the rules of the State Personnel System.

Requests for Leave

Except in an emergency, an employee is required to request and obtain approval prior to taking any leave. Because request and approval processes vary by agency and even by unit, check with your supervisor to obtain the specific process that applies to you.

Annual Leave

Annual leave includes all periods of approved absence with pay, which are not chargeable to another category of leave. Annual leave time accrual rates differ for covered and uncovered employees, as shown below.

*Bi-weekly Accrual Credits in Hours for Covered Employees:*

Credited Service	Hours Bi-Weekly
Fewer than 3 years	3.70
3 years but fewer than 7 years	4.62
7 years but fewer than 15 years	5.54
15 years or more	6.47

*Bi-weekly Accrual Credits in Hours for Uncovered Employees Hired Before September 29, 2012 or Uncovered Employees Hired into a Position Listed in A.R.S. § 41-742(F):*

6.47 hours bi-weekly

*Bi-weekly Accrual Credits in Hours for Uncovered Employees Hired After September 29, 2012:*

Credited Service	Hours Bi-Weekly
Fewer than 3 years	4.00
3 years but fewer than 9 years	5.54
9 years or more	6.47

Part-time employees who work  $\frac{1}{4}$  time,  $\frac{1}{2}$  time, or  $\frac{3}{4}$  time accrue a proportional amount of leave. Part-time employees who work a percentage of full-time other than  $\frac{1}{4}$ ,  $\frac{1}{2}$ , or  $\frac{3}{4}$  accrue a proportional amount of leave at the next lower rate. Part-time employees who work less than  $\frac{1}{4}$  time and temporary employees are ineligible to accrue leave. Consult your supervisor for specific information.

Covered employees can accumulate and carry annual leave over into the next calendar year, provided no more than 240 hours have been accumulated as of the last day of the last pay period in a calendar year. Annual leave balances in excess of 240 hours will be forfeited by covered employees unless an exception is authorized.

Uncovered employees can accumulate and carry annual leave over into the next calendar year, provided no more than 320 hours have been accumulated as of the last day of the last pay period in a calendar year. Annual leave balances in excess of 320 hours will be forfeited by uncovered employees unless an exception is authorized.

You may use accrued leave after completing a leave request form and obtaining prior approval from your supervisor.

You should work with your supervisor to schedule annual leave early enough in the year to reduce the risk of losing any of your leave.

Subject to certain conditions, an employee may receive payment for all or a portion of their annual leave.

An agency head shall pay an employee who separates from state employment for all unused and unforfeited annual leave at the employee's current rate of pay.

If you transfer to another agency, all accrued annual leave transfers with you.

For additional information, including information regarding accrual and compensation or payment related to annual leave, contact your agency's Human Resources office.

### Donation of Annual Leave

You may donate one or more hours of annual leave to another State employee who is employed in your agency and who has a seriously incapacitating and extended illness or injury, or who has a seriously incapacitating and extended disability that is caused by pregnancy or childbirth. Leave may also be donated if the employee is unable to work because an immediate family member has a seriously incapacitating and extended illness or injury, or the employee's immediate family member has a seriously incapacitating and extended disability that is caused by pregnancy or childbirth.

Annual leave donations may also be made to an employee in another agency provided they meet the donated leave criteria and are a member of your family. The definition of family for this purpose is *spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law or father-in-law.*

To receive donated leave for your illness or injury, you are required to exhaust all available paid leave. If you are requesting donated leave to care for a family member, you are required to first exhaust 40 hours of family sick leave, if available.

The dollar value of donated leave is adjusted proportionately in relation to the salary of the contributing employee and the salary of the receiving employee. All unused donated leave is returned to the contributors on a pro-rata basis.

For additional specific information, contact your agency's Human Resources office.

### Sick Leave

Sick leave is any approved period of paid absence for:

- Illness or injury which renders you unable to perform the duties of your position;
- Disability caused by pregnancy, childbirth, miscarriage or abortion;
- Examination or treatment(s) by a licensed healthcare practitioner; or
- Illness, injury, examination or treatments by a licensed health care practitioner of your spouse, dependent child or parent. Sick leave for this purpose cannot exceed 40 hours per calendar year.

If you will be absent unexpectedly for any of the above reasons, contact your immediate supervisor. Your agency, or particular section/unit, may have specific absence-reporting procedures. Ask your supervisor to advise you of reporting requirements.

All employees, except temporary and part-time employees, accrue sick leave at the rate of 3.7 hours bi-weekly.

Part-time employees who work  $\frac{1}{4}$  time,  $\frac{1}{2}$  time, or  $\frac{3}{4}$  time accrue a proportional amount of sick leave. Part-time employees who work a percentage of full-time other than  $\frac{1}{4}$ ,  $\frac{1}{2}$ , or  $\frac{3}{4}$  accrue a proportional amount of sick leave at the next lower rate. Part-time employees who work less than  $\frac{1}{4}$  time and temporary employees are ineligible to accrue sick leave.

Sick leave can be used if you are unable to work for a reason as outlined above and if approved by your supervisor.

Although sick leave accumulates without limit, accrued sick leave is forfeited upon termination of employment, unless the termination is for retirement. (See "Retiree Accumulated Sick Leave Program" (RASL) below.) Former employees who return to state employment within two years of separation will be credited with all unused sick leave at the time of separation, provided the individual is not a RASL program participant.

If you transfer to another agency, all accrued sick leave transfers with you.

For additional information regarding sick leave, consult your supervisor or contact your agency's Human Resources office.

#### Retiree Accumulated Sick Leave (RASL) Program

The RASL Program provides employees who retire directly from State employment and who have a minimum of 500 hours of accumulated sick leave with a cash benefit according to a graduated scale. Additional information about this program is available at your agency's Human Resources office.

#### Administrative Leave

An employee may be placed on administrative leave during a state of emergency, as defined in the rules of the State Personnel System, or to relieve an employee of duties temporarily during an investigation of alleged wrongdoing by the employee or during a disciplinary or dismissal process. Consult your agency's Human Resources office or the State Personnel Rules for specific information.

#### Bereavement Leave

Up to 24 hours of paid bereavement leave may be approved for an employee upon the death or funeral of a spouse, natural child, adopted child, foster child, stepchild, natural

parent, stepparent, adoptive parent, one who functioned "in loco parentis," grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law or daughter-in-law. Bereavement leave may be extended an additional 16 hours if the employee travels out of State for the funeral.

Part-time employees who work  $\frac{1}{4}$  time,  $\frac{1}{2}$  time, or  $\frac{3}{4}$  time may be absent with pay for a proportional amount of bereavement leave. Part-time employees who work a percentage of full-time other than  $\frac{1}{4}$ ,  $\frac{1}{2}$ , or  $\frac{3}{4}$  may be eligible to be absent with pay for a proportional amount of bereavement leave at the next lower rate. An employee who works less than  $\frac{1}{4}$  time is not eligible for bereavement leave.

### Civic Duty Leave

This category of paid leave applies when you serve as a juror, comply with a subpoena, vote, or perform official duties as a member of a governmental board, commission or similarly constituted governmental body.

Civic duty leave may be approved if you are subpoenaed as a witness by any State court or administrative, executive or judicial body except if you are subpoenaed regarding your commercial business or personal matters.

You are required to report to work whenever your presence is not required for the civic duty unless the distance to work precludes timely reporting to the civic duty. If you cannot return to work at least one hour before the end of your work shift, you do not need to report to work that day.

Except for mileage allowances, you are required to remit any juror or witness fees received by you to your agency.

### Compensatory Leave

Compensatory leave is leave earned by an employee for working overtime hours, if the employee is eligible for additional compensation when additional hours are worked.

If you have available compensatory leave and request to use the leave, your request to use the leave will generally be approved as long as it will not unduly disrupt agency operations. In addition, you may be required to use your available compensatory leave during a period specified by your agency management.

You may be paid for all or a portion of unused compensatory leave at any time if approved by your agency.

If you change from a position eligible to earn compensatory leave to a position where you are no longer eligible to earn compensatory leave, you may still be able to use the leave that you earned.

If you transfer to another agency, your compensatory leave may transfer with you depending on the approval of both the losing and gaining agencies.

If you separate from state employment, you will be compensated for all unused compensatory leave. For specific information, consult your supervisor or agency Human Resources office.

### Educational Leave

You may be granted leave with pay to participate in a formal educational or training course with the approval of your agency's management. Consult your agency's policies and procedures and/or your supervisor for additional information.

### Living Donor Leave

An employee may be absent with pay for living donor leave provided the employee submits written verification that they are to serve as a donor. The maximum amount of leave is up to 40 working hours to serve as bone marrow donor and up to 240 hours to serve as an organ donor.

### National Disaster Medical System (NDMS) Training Leave

An employee may request leave with pay for national disaster medical system training duty.

### Meritorious Service Leave

Meritorious service leave may be provided by your agency. This type of leave is available only to uncovered employees unless otherwise specified in the guidelines established by the Director of the Department of Administration. For specific information regarding whether your agency provides meritorious service leave, consult your agency's policies and procedures, your supervisor, and/or your agency's Human Resources office.

## **Part Seven: Unpaid Leave**

### Furlough

An employee may be placed on furlough (R2-5A-C601) for budgetary reasons. Furlough is involuntary leave without pay. There are two types of agency-initiated furloughs.

*Reduction in Funding Furlough* – An agency may place employees on furlough for consecutive or non-consecutive days. There is no maximum number of days an employee may be placed on furlough, but consecutive furlough days will not exceed five consecutive days or more than ½ of the employee's regularly scheduled hours in a pay period, whichever is less.

*Suspension of Funding Furlough* – An agency may place employees on furlough indefinitely until funding is restored.

A furlough day equals eight hours for full-time employees and is pro-rated for part-time employees.

Paid leave may not be substituted for furlough days.

All state employees within the scope of the furlough are subject to the furlough in the same manner except when an agency determines certain employees are considered mission critical.

Upon conclusion of the furlough period, the employee will be returned to the employee's status and position. If an employee fails to return to work, the employee may be placed on leave, considered to have resigned, or dismissed.

Failure to return to work upon conclusion of furlough for a covered employee may be cause for dismissal.

Contact your agency's Human Resources office for specific information.

### Leave Without Pay

Requests for leave without pay (R2-5A-C602) must be in writing, submitted in advance, include the reason for the request, and be approved in writing by management.

An employee granted leave without pay who returns to work after authorized leave for 80 hours or less will return to the same position held at the start of the leave.

Except for military leave, leave without pay in excess of 80 hours may be approved after all annual leave and, if the leave is for medical reasons, sick leave are exhausted. The employee may return to a position in the class held at the start of the leave if it is available and funded and:

- if the employee returns to work at the expiration of the leave term, or
- if the agency rescinds the leave before the expiration date and the employee returns to work, or
- if the employee curtails the leave period before the expiration date and the agency approves.

An employee who fails to return to work after the approved leave without pay has been exhausted and continues to be absent from duty without proper authorization may be considered to have voluntarily resigned. Refer to State Personnel Rule R2-5A-C602 and to your agency's policies and procedures.

Employees granted leave without pay may be eligible to continue to participate in employee insurance plans. Generally, the employee will be required to bear the costs of both the State and employee. For specific information regarding conditions affecting benefits while on leave without pay, contact your agency's Human Resources office.

## **Part Eight: Leave That Could Be Either Paid or Unpaid**

### Family and Medical Leave

In accordance with the Family and Medical Leave Act (FMLA) the State will grant FMLA leave to eligible employees for up to 12 workweeks per 12-month period for any one or more of the following reasons:

- The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee), or
- To care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition, or
- The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.
- Any qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on "covered active duty." (Consult your agency's Human Resources office for definitions of "qualifying exigency," "military member" and "covered active duty.")

The state will grant FMLA leave to eligible employees for up to 26 workweeks in a single 12-month period for the following reason:

- To care for a covered servicemember with a serious injury or illness when the covered servicemember is the employee's spouse, child, parent, or next of kin. (Consult your agency's Human Resources office for the definition of "covered servicemember.")

To be eligible for FMLA leave, an employee shall have been employed by the State of Arizona for at least 12 months and actually worked for 1,250 hours over the previous 12-month period.

If the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent, and both spouses work for the State of Arizona, their total period of FMLA leave in any 12-month period shall be limited to an aggregate of 12 workweeks. If the leave is taken to care for a covered servicemember with a serious illness, the total period of leave is limited to 26 workweeks.



An employee on FMLA leave is required to use available paid leave in the following order:

1. Sick leave or family sick leave;
2. Compensatory leave;
3. Annual leave; and
4. Leave without pay.

An employee on FMLA may continue to participate in employee insurance plans. Consult your agency's Human Resources office for conditions and payment responsibilities.

An employee returning from FMLA leave shall be restored to their original position or to an equivalent position with equivalent pay, benefits, and other terms of employment.

An employee is responsible for adhering to agency call-in procedures and notice requirements. Refer to your agency notice, reporting, and other requirements for employees requesting FMLA leave. Consult your agency's Human Resources office for specific information. *See the Appendix for the USDOL Notice of Employee Rights and Responsibilities Under the Family and Medical Leave Act.*

### Industrial Leave

An employee who sustains a job-related illness or injury that is compensable under the Worker's Compensation law will be placed on sick leave. If eligible, the employee shall use FMLA leave.

If possible, the employee may be placed on light duty.

Leave payments may not exceed the employee's gross salary.

If an employee exhausts all sick leave, compensatory leave and annual leave, the employee will be placed on leave without pay.

Under specific conditions, health benefit and insurance plan participation may continue. Contact your agency's Human Resources office for additional information.

### Military Leave

Paid leave will be granted for up to a total of 30 days in two consecutive federal fiscal years for training or duty in the Arizona National Guard or any branch of the United States Armed Forces. If you request military leave, you are required to submit a copy of your orders for duty with the request.

See Arizona Revised Statutes (A.R.S.) §§ 26-168, 26-171, 38-610 and 38-610.01 for specific information and requirements regarding military leave or contact your agency's Human Resources office.

### Victim Leave

Victims of crimes or juvenile offenses are entitled to take work time off to attend all court proceedings involving the perpetrators of their crimes. An employee requesting leave shall submit a copy of the form/information provided to the employee by the law enforcement agency with the request for victim leave.

An employee may use accrued annual leave, sick leave, or leave without pay to attend the court related proceedings. If an employee has no accrued annual or sick leave, the employee may use leave without pay.

## **Part Nine: Other Benefits of State Employment**

### Insurance Benefits

Most full-time State employees are eligible to enroll in the State's insurance plans (health, dental, vision, life, and disability) and to establish certain flexible spending accounts. The State also offers, through automatic payroll deduction, discounted home and auto insurance and a computer purchase program. These benefits are administered by the ADOA Human Resources Division (HRD), Benefit Services.

HRD Benefit Services also administers wellness programs such as health assessments, screenings, and flu shots. These programs are available to eligible employees and, in some cases, their dependents.

View eligibility, insurance policies, benefit guides and other benefits information by visiting the HRD Benefit Services website at: [www.benefitoptions.az.gov](http://www.benefitoptions.az.gov). Eligible employees can enroll for these benefits at: [www.yes.az.gov](http://www.yes.az.gov)

### Retirement Benefits

Most State employees are required to enroll in one of the State's retirement plans. These plans include:

- The Arizona State Retirement System (ASRS) – Note: Employees eligible to enroll in ASRS are subject to a waiting period.
- The Corrections Officer Retirement Plan (CORP)
- The Public Safety Personnel Retirement System (PSPRS)

For specific information regarding eligibility and how to enroll in one of these retirement plans, please contact your agency's Human Resources office. *See the Appendix for links to each of the above plans.*

### Employee Assistance Program (EAP)

The State-contracted EAP providers offer free, confidential, short-term counseling services for you and your family. The free counseling can help you handle concerns or issues constructively, before they become a major problem. In addition to counseling, EAP offers work-life benefits and referrals to local affordable resources.

EAP providers vary by agency. To determine which provider serves your agency, please contact your agency's Human Resources office, or visit the HRD Benefit Services website.

## **Part Ten: Performance Management**

### Performance Evaluations

The performance evaluation system used by the State of Arizona applies to most employees. Performance evaluations are not mandated for employees in a position listed in A.R.S. § 41-742(F); however, evaluations may be required for these positions at the discretion of the agency head (or appointing authority in the case of a board or commission).

To maintain high levels of performance and service, employees should ensure that they have a thorough understanding of their work assignments and the expected results.

A performance plan, prepared by the employee's supervisor, outlines what is expected of the employee and how the employee's performance will be measured. Employees are expected to comply with the performance plan established by the employee's supervisor. The performance plan may be modified at any time during a performance period. The performance plan will be modified when significant responsibilities or expectations are added to or removed from the position.

An employee's performance will be evaluated formally at least annually. A covered probationary employee's performance shall be evaluated at least once prior to granting the employee permanent status.

## **Part Eleven: Records**

### Personnel Files

Employee information, which is not considered public information, is held confidential. Only the persons listed below may have access to an employee's personnel file:

- The employee, the employee's attorney, or anyone who has written authorization from the employee;
- Agency personnel designated by the agency head as having need for the information;
- A Department official in the normal line of duty;
- An official acting in response to court orders or subpoenas;
- An official of an agency to which the employee has applied; and
- An official of an agency of the federal or state government or any of their political subdivisions, but only when management deems access to the file to be appropriate.

If you wish to view your personnel file, contact your agency's Human Resources office in advance. Please note that you will be required to provide identification prior to reviewing the file.

Consult your agency's policies and procedures and/or Human Resources office for specific information if you require copies of any items from the file.

The agency Human Resources office is responsible for determining the need or right to know regarding any information requested and for releasing information.

### Employee Time Records

Many State agencies use the electronic Employee Time Entry (ETE) system instead of paper time cards or time sheets. Your supervisor will provide you with information about recording your hours for payroll purposes.

## **Part Twelve: Disciplinary Actions**

### Discipline

The State of Arizona's policy is to encourage and promote good employee/supervisor relations, and to use discipline when deemed appropriate.

A covered employee may be disciplined only for cause.

An uncovered employee serves at the pleasure of the appointing authority and may be dismissed at will.

Each agency determines the levels of discipline to be imposed, up to and including dismissal. Consult your supervisor, the State Personnel Rules and/or your agency's Human Resources office for specific information.

A covered employee who is issued a disciplinary action may have grievance or appeal rights.

An uncovered employee does not have grievance rights or the right of appeal to the State Personnel Board or the Law Enforcement Merit System Council.

### **Part Thirteen: Additional Information**

#### Keys, Key Cards and Badges

Your agency may provide you with keys, a key card and/or an agency identification badge. As with any State property, employees must exercise due care and safety with these items and if lost, misplaced or stolen, you may be charged for their replacement.

#### Safety and Accidents

Safety is each employee's responsibility. The State's goal is to provide a safe and healthy work environment for all employees. This effort is intended to minimize the risk of a work-related injury and/or illness. Many accidents can be prevented by using care and caution in performing job duties.

If you observe an unsafe act or condition, report it immediately to your supervisor. If safety equipment is provided for the performance of your duties, use it. Always use the safety equipment required or provided for State-owned vehicles. Failure to use designated equipment may result in discipline or separation from employment.

If you are injured while at work, obtain any necessary medical treatment and notify your supervisor immediately (within 48 hours of occurrence). *See also the section below entitled Workers' Compensation.*

#### Solicitations

All solicitations must comply with Arizona Administrative Code (A.A.C.) Title 2, Chapter 11. Soliciting for the promotion, sale or transfer of products, services, memberships or participation in commercial ventures of any kind is not permitted in work areas during work hours or in any manner that interferes with work.

Solicitations for official State-endorsed programs such as the State Employees Charitable Campaign (SECC), Blood Drive or the employee Deferred Compensation Program are allowed under certain circumstances and restrictions. These officially endorsed programs may be conducted on State time in State facilities as long as established guidelines are followed.

## Training

The Arizona Learning Center (ALC) provides training available to all State of Arizona employees. In addition to providing our own CBT courses, ALC also hosts agency-specific courses designed by other State agencies.

All newly hired State employees are required to successfully complete two courses within six months of their date of hire: Welcome to State Government and Standards of Conduct for State Employees.

In addition, any employee who has supervisory or management responsibility is required to successfully complete the Supervisor Academy and Essentials for Managing Employees in Arizona State Government within six months of hire or promotion to a supervisor.

Statewide courses are available to all State employees. Course registration is handled through the YES website. Click on the "How to Take Courses" link to get started.

## Travel on State Business

All official travel must be authorized in advance by your supervisor; out-of-state travel may require additional approvals. Employees may claim expenses and allowances with limits prescribed by statute or policy for authorized travel while on official business. You are only reimbursed for meals while in official travel status, as pre-approved by your supervisor.

In order to operate a State vehicle, you must have a current, valid Arizona Driver's License. A number of policies address issues related to accidents involving State vehicles, including accident notification, accident investigation and the accident review process.

## Workers' Compensation

In accordance with Arizona's Workers' Compensation laws, the State provides comprehensive workers' compensation insurance at no cost to you. This protection covers any work-related injury or illness that requires medical treatment or time off work. Workers' compensation insurance generally provides limited benefits to eligible workers in the form of medical treatment and/or compensation for a portion of lost wages.

If you sustain a work-related injury or illness, no matter how minor, you must inform your supervisor and report the injury/illness immediately (within 48 hours of occurrence and after medical treatment is received). For additional information, visit ADOA Risk Management's Workers' Compensation site at:

<https://staterisk.az.gov/workers-compensation/employees>

## **Part Fourteen: Separating from State Employment**

If you decide to leave State employment, you should submit a written resignation to your supervisor at least ten working days prior to its effective date. If you resign orally, the agency head may confirm your resignation in writing.

An employee who is absent for three consecutive work days without proper authorization may be considered to have voluntarily resigned.

Agency management may refuse to accept an employee's resignation and separate the employee.

Employees who separate from employment with the State also need to be aware that Arizona law limits State officers and employees from certain activities. Both during and for 12 months following your employment with the State, you are prohibited from representing another person for compensation before a public agency for which you served in connection with any matter in which you were directly concerned and personally participated by a substantial and material exercise of administrative discretion. Furthermore, both during and for two years after State employment, you may not disclose or use for personal profit confidential information acquired during the course of official duties. (A.R.S. § 38-504)

## **Part Fifteen: Covered Employees**

*Note: This part of the handbook is applicable only to covered employees.*

### Probationary Periods – Only Employees Hired Into Covered Positions

- Original Probation - Employees who are hired into covered regular positions serve a one-year probationary period before gaining permanent status. Supervisors evaluate probationary employees before the end of that period. If no action is taken to extend the probationary period or dismiss the employee, the employee is granted permanent status. Employees dismissed during the original probationary period are not entitled to an explanation for the dismissal and they are not entitled to appeal their dismissal. Your supervisor will inform you of the time frame for your original probation.

You will be notified prior to the expiration of your probationary period whether it is being extended, the length of the extension, and the reason(s) for the extension. You will also be notified if you do not successfully complete your probation.

- Promotional Probation - If you are a permanent status employee and receive a promotion to a covered position, you will serve a six-month promotional probation. An employee who fails to complete a promotional probation can be reverted to the employee's former class or offered a similar position in another class at the same grade. Your supervisor will inform you of the time frame

for your promotional probation. Employees reverted to a position in the class held before the promotion or transferred to a position in another class do not have the right to appeal.

#### Change from Covered to Uncovered Status

If approved by the agency, a covered employee may voluntarily elect to become an at will uncovered employee without change in assignment. If an employee voluntarily accepts a change in assignment to an uncovered position, the employee becomes an at will uncovered employee.

#### Grievance Procedures – Only Covered Employees

Your agency's grievance procedure provides covered employees with a systematic means of obtaining further consideration of complaints related to specific disciplinary actions when informal meetings have failed.

For specific information regarding your agency's grievance procedures, consult your agency's Human Resources office.

#### Appeals – Only Covered Employees Who Have Achieved Permanent Status

A covered employee who has achieved permanent status and is not a full authority peace officer may file an appeal of a disciplinary action that is either a suspension for more than 80 working hours, an involuntary demotion, or a dismissal.

A covered employee who has achieved permanent status and is a full authority peace officer may file an appeal of disciplinary action that is either a suspension for more than 40 working hours, an involuntary demotion, or a dismissal.

For further information, consult your agency's Human Resources office.

#### Reduction in Force – Only Covered Employees Who Have Achieved Permanent Status

A reduction in force (RIF) is conducted when there is a lack of funding or work, when one or more covered positions are abolished, when material changes in duties or organization occur, or when a cost reduction initiative is introduced.

In a RIF, retention points are used to determine if a permanent status employee is retained in the employee's position, transferred to another position at the same pay grade, reduced to a lower-level position or separated.

An employee may request a review of the calculation of the employee's points, a job offer resulting in transfer or reduction, or separation. For specific information regarding RIFs, contact your agency's Human Resources office.



## APPENDIX:

### Useful Links

The following is a list of related government links, which you may find useful in performing your day-to-day duties.

- Arizona Government - Arizona's Official Website  
<http://www.az.gov>
- Arizona Revised Statutes - Arizona state laws  
<http://www.azleg.gov/ArizonaRevisedStatutes.asp>
- Human Resources Division (HRD)  
<http://www.hr.az.gov>
- HRD Benefit Services  
<http://www.benefitoptions.az.gov>
- State Personnel Rules  
[http://apps.azsos.gov/public\\_services/Title\\_02/2-05.pdf](http://apps.azsos.gov/public_services/Title_02/2-05.pdf)
- State Retirement Systems:
  - Arizona State Retirement System (ASRS)  
<https://www.azasrs.gov>
  - Corrections Officer Retirement Plan (CORP)  
[http://www.psprs.com/sys\\_corp/cato\\_corp.htm](http://www.psprs.com/sys_corp/cato_corp.htm)
  - Public Safety Personnel Retirement System (PSPRS)  
[http://www.psprs.com/sys\\_psprs/cato\\_ps\\_main.htm](http://www.psprs.com/sys_psprs/cato_ps_main.htm)
- YES (Your Employee Services)  
[http://www.hr.az.gov/State\\_Employee/index.asp](http://www.hr.az.gov/State_Employee/index.asp)

## Appendix C to Part 825-Notice to Employees Of Rights Under FMLA (WHD Publication 1420)

### EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

#### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

#### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

- (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 (2) a veteran who 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, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

#### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

#### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days

combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

#### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



WHD Publication 1420 · Revised February 2013

U.S. Department of Labor | Wage and Hour Division