

H. Approval of Personnel Policies 1040,1041,1044 through 1047, and 1051, and Procedures 1012 through 1014



**Northwest Fire District  
Governing Board**  
13535 North Marana Main Street  
Marana, Arizona

**SCHEDULED**

**MEMORANDUM NO. 24-0707**

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**Date:** February 27, 2024  
**To:** Governing Board  
**From:** Kim Sotomayor, Director  
**Division:** Business Services  
**Type of Action:** Formal Action/Motion  
**Strategic Plan Goals:** Support and reinforce the critical functions of personnel related services  
**Agenda Item:** Approval of Personnel Policies 1040,1041,1044 through 1047, and 1051, and Procedures 1012 through 1014

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**RECOMMENDATION:**

Approve the policies and procedures as presented.

**MOTION:**

Move to approve Personnel Policies 1040,1041,1044 through 1047, and 1051, and Procedures 1012 through 1014 as presented.

**DISCUSSION:**

On March 22, 2023, the Governing Board approved the procurement of Lexipol's Policy and Procedure Solution. One of the District's identified weaknesses in the Strategic Plan is Policies and Procedures. Attached is a selection of personnel policies from Chapter 10 for review and approval by the Governing Board.

**ALTERNATIVES:**

None recommended.

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**Fiscal Impact**

**FISCAL YEAR:** 23/24  
**BUDGETED Y/N:** N/A  
**AMOUNT REQUESTED:** N/A  
**FISCAL IMPACT:** N/A

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## **Attachments**

Policy 1040  
Policy 1041  
Policy 1044  
Policy 1045  
Policy 1046  
Policy 1047  
Policy 1051  
Procedure 1012  
Procedure 1013  
Procedure 1014

## Paid Time Off (PTO)

### 1040.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a paid time off (PTO) benefit to eligible employees for time away from work, whether its for vacation, illness, emergency, or other personal reasons.

Eligible employees: Full-time employees.

### 1040.2 POLICY

It is the policy of Northwest Fire District to provide Paid Time Off (PTO) to eligible regular full-time employees.

PTO is to be used at the discretion of the individual employee.

PTO shall be counted as "hours worked" when used in accordance with 1040.1 for the purposes of computation of overtime. PTO shall not be not counted as "hours worked" for the purposes of computation of overtime when on leaves including but not limited to short-term disability, workers' compensation, leaves of absence, and administrative leave with or without pay.

Forty (40) hours of annual PTO allotment is intended to meet the statutory requirements for Earned Paid Sick Time (EPST), as required under the Arizona Fair Wage and Healthy Families Act. Accordingly, full-time employees do not receive a separate allocation of EPST. (A.R.S, 23-372) (See Policy 1041 Earned Paid Sick Time)

New hire regular full-time employees begin earning PTO on day one of employment. PTO is accrued on a bi-weekly basis in hourly increments based on an employee's length of service.

Eligibility to accrue PTO is contingent on the employee either working or utilizing accrued PTO.

PTO is not earned in pay periods during which unpaid leave is taken, and when on Administrative Leave without Pay.

The bi-weekly PTO accrual is added to the employee's current fiscal year PTO accrual when the bi-weekly pay is processed.

PTO must be approve before the leave is taken by the employee's supervisor.

# Northwest Fire District

## Policy Manual

### Paid Time Off (PTO)

#### 1040.3 ACCRUAL RATES

Full-time employees hired on or after July 1, 2019:

Continuous Years of Service	40 hour PTO Bank Cap is 532.50 hours		
	Hrs/PP	Days/YR	Annual Hrs
0-4	6.86	22.29	178.36
5-9	8.17	26.55	212.42
10-14	8.83	28.69	229.58
15-19	9.49	30.84	246.74
20+	10.14	32.95	263.64

Continuous Years of Service	56 hour PTO Bank Cap is 750 hours			Conversion Factor	
	Hrs/PP	Days/YR	Annual Hrs	From 56 to 40	From 40 to 56
0-4	10.15	11.00	263.90	0.675710	1.479924
5-9	12.00	13.00	312.00	0.680769	1.468927
10-14	12.92	14.00	335.92	0.683258	1.463576
15-19	13.85	15.00	360.10	0.685143	1.459549
20+	14.77	16.00	384.02	0.686458	1.456753

Full-time employees hired prior to July 1, 2019:

Continuous Years of Service	40 hour PTO Bank Cap is 1,065 hours		
	Hrs/PP	Days/YR	Annual Hrs
0-2	6.86	22.29	178.36
3-4	7.52	24.44	195.52
5-8	8.17	26.55	212.42
9-13	8.83	28.69	229.58
14-19	9.49	30.84	246.74
20+	10.14	32.95	263.64

# Northwest Fire District

## Policy Manual

### *Paid Time Off (PTO)*

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Continuous Years of Service	56 hour PTO Bank Cap is 1,500 hours			Conversion Factor	
	Hrs/PP	Days/YR	Annual Hrs	From 56 to 40	From 40 to 56
0-2	10.15	11.00	263.90	0.675710	1.479924
3-4	11.08	12.00	288.08	0.678700	1.473404
5-8	12.00	13.00	312.00	0.680769	1.468927
9-13	12.92	14.00	335.92	0.683258	1.463576
14-19	13.85	15.00	360.10	0.685143	1.459549
20+	14.77	16.00	384.02	0.686458	1.456753

The effective date for the change in accrual rate is the first day of the pay period following the employee's anniversary date that makes him eligible for the next accrual tier.

An employee must be working or on paid leave for the entire pay period in order to earn full PTO accrual for that pay period.

If an employee's accrual reaches the maximum allowable PTO bank cap, the hours in excess of the maximum shall be paid out to the employee at the current rate of pay during the annual PTO payout in June of each year. (See PTO Payout Procedure 1012)

#### **1040.4 PTO SCHEDULING**

a. Scheduled PTO may be taken in increments not to exceed six (6) calendar weeks in a twelve (12) month period.

1. Scheduled PTO requests should be submitted to the employee's immediate supervisor for prior approval.
2. Minimum Staffing guidelines will be considered when approving PTO requests for suppression staff. (See Policy 207)
3. If a suppression employee needs to cancel scheduled PTO, they must contact their supervisor. Notice of cancellation must be at least forty-eight (48) hours prior to their scheduled shift.

b. Unscheduled PTO is for illness or emergency situations that do not allow for the employee to get prior approval from their supervisor. The employee should notify their supervisor as soon as practicable depending on the emergency situation.

## *Paid Time Off (PTO)*

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### **1040.5 PTO PAYOUT PROGRAM**

1. To be eligible to participate in the annual PTO payout process, full-time employees are required to be at or exceed the Short Term Disability (STD) benchmark in their PTO bank. STD ensures that employees do not experience a financial burden if off work due to an off-duty injury or illness. STD has a 30 day waiting period from date of injury before benefits begin.
  - (a) Fifty-six (56) hour employees STD benchmark is 240 hours (10 shifts x 24 hours = 240 hours; equivalent to the 30-day waiting period)
  - (b) Forty (40) hour employees STD benchmark is 170 hours (4.25 weeks/month x 40 hours = 170 hours; equivalent to the 30-day waiting period)
2. Once eligible employees reach or exceed and maintain the STD benchmark, they may choose to either sell back excess accrued hours once during a twelve (12) month period at 50% of their current rate of pay, or participate in the annual PTO payout at the end of the Fiscal Year at 100% of their current rate of pay.
  - (a) The annual PTO payout will be paid up to one half (1/2) of the employee's current fiscal year's PTO accrual as long as the remaining PTO Bank balance is at or above the STD benchmark.

Please see PTO Payout Procedure 1012

### **1040.6 SEPARATION OF EMPLOYMENT**

- (a) Upon separation from employment (e.g., retirement, resignation, termination), any accrued PTO will be paid to the employee at (100%) of their current rate of pay up to the maximum accrual amount. See section 1040.3 above for PTO Bank CAP hours.
- (b) An employee who plans to retire has the option to transfer the amount of PTO hours paid out per a. above into their 457(b) deferred compensation account. If the employee does not have a 457(b) deferred compensation account, an account will need to be established by the employee.
  1. The amount transferred to the employee's 457(b) deferred compensation account is subject to the current annual contribution limitations as set forth by the Internal Revenue Service (IRS). If there is a PTO balance of hours remaining after the transfer, it will be paid out per a. above.
- (c) An employee who plans to retire has the option to transfer the amount of PTO hours paid out per a. above into their already established Health Savings Account (HSA). This is not applicable for Health Reimbursement Accounts (HRA) or Flexible Spending Accounts (FSA).
  1. The amount transferred to the employee's HSA account is subject to the current annual contribution limitations as set forth by the Internal Revenue Service (IRS). If there is a PTO balance of hours remaining after the transfer, it will be paid out per a. above.

A employee may choose one or a combination of the options above for their accrued PTO as applicable.

## Earned Paid Sick Time

### 1041.1 PURPOSE AND SCOPE

This purpose of this policy is to ensure compliance with Arizona Fair Wages and Healthy Families Act by providing eligible employees with up to 40 hours per year of earned paid sick time (EPST).

This policy applies to all part-time and temporary employees.

### 1041.2 POLICY

It is the policy of the Northwest Fire District to provide part-time and temporary employees with the EPST benefit.

Full-time employee are provided paid time off (PTO) that exceeds the requirements set forth by the law, and do not receive additional EPST hours. (See Policy 1040 Paid Time Off)

### 1041.3 EARNED PAID SICK TIME ACCRUAL

Eligible employees shall accrue one (1) hour of EPST for every thirty (30) hours worked, up to a maximum of forty (40) hours per fiscal year. Additional accrual provisions and carry over provisions for the following year will be in accordance with ARS § 23-372.

Any unused, accrued EPST shall be carried over to the next fiscal year up to a maximum of 80 years; however eligible employees may not use more than 40 hours of accrued EPST in any fiscal year.

EPST shall be paid at the eligible employee's normal hourly rate, and shall be counted as hours worked for the purpose of the calculation of overtime.

Unused, accrued EPST shall not be paid to eligible employees at the point of separation from the District.

### 1041.4 USE OF EARNED PAID SICK TIME

Earned paid sick time (EPST) is intended to be used for qualified absences (ARS § 23-373). EPST is not considered vacation. Abuse of EPST may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness.

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so (ARS § 23-373).



## *Earned Paid Sick Time*

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### 1041.4.1 NOTIFICATION

All employees should notify their supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact their supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employees shall, whenever possible and practicable, provide the District with no less than 30 days' notice of the impending absence (ARS § 23-373).

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken (ARS § 23-373).

The District does not require an employee to find a replacement worker for his or her time off during EPST.

### 1041.5 EXTENDED ABSENCE

Employees absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work to Human Resource Services. Employees on an extended absence shall, if possible, contact Human Resource Services at specified intervals to provide an update on their absence and expected date of return (ARS § 23-373).

#### 1041.5.1 ABSENCE BASED ON DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING

Employees taking EPST for three or more days for a qualified absence related to domestic violence, sexual violence, abuse, or stalking may be requested to provide reasonable documentation that the sick leave is being used for a qualified absence to Human Resource Services. The employee may choose the form of documentation to submit as provided in ARS § 23-373.

### 1041.6 COORDINATION WITH OTHER TYPES OF LEAVE

- (a) If an employees' use of EPST is due to a qualifying event under the Family Medical Leave Act (FMLA), the time spent on EPST may also be counted toward the employee's FMLA, if eligible.
- (b) If the employee's use of EPST is a qualifying event under the FMLA and/or the ADA, the District has the right to require evidence of disability or a serious health condition in accordance with federal law.
- (c) If the employee's use of EPST is related to a work-related illness or injury, the employee shall be subject to the guidelines set forth in the Policy 1035 Occupational Disease and Work-Related Injury.

## *Earned Paid Sick Time*

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### **1041.7 RETALIATION OR DISCRIMINATION**

Retaliation or discrimination against an employee for permitted use of EPST is prohibited (ARS § 23-374).

### **1041.8 NOTICE**

The Human Resource Services Manager shall ensure:

- (a) Notice is posted in a conspicuous place for employees to review information on EPST as required by ARS § 23-364.
- (b) Employees receive written notice of EPST provisions that meets the requirements of ARS § 23-375.
- (c) Required information regarding EPST is included with the employee's regular paycheck (ARS § 23-375).

### **1041.9 CONFIDENTIALITY**

The District may not require an employee to disclose the details of an illness or the circumstances involved as a condition of permitting EPST use. If the District does possess such knowledge, that information shall be deemed confidential and not disclosed except to the affected employee or with the permission of the affected employee (ARS § 23-377).

### **1041.10 ADDITIONAL RESOURCES**

Information regarding employees rights under the Fair Wage and Healthy Families Act is provided on a poster on the District's bulletin boards for employees.

Additional detailed information is available on the Industrial Commission website at [www.azica.gov](http://www.azica.gov).

## Military Leave

### 1044.1 PURPOSE AND SCOPE

This purpose of this policy is to provide general guidance regarding leave to perform military service as a member of the Reserves or National Guard, or for active duty in the U.S. Armed Forces (Uniformed Services Employment and Reemployment Rights Act (USERRA); 38 USC § 4301 et seq.).

This policy does not address every situation or circumstance that may arise when an employee is performing military service or ordered to active duty. As military leave situations arise, supervisors should consult with the Human Resource Services to obtain specific guidance regarding military leave rights.

### 1044.2 POLICY

The Northwest Fire District supports employees who may be called or who volunteer to serve in the military. The District will comply with USERRA and state laws relating to military leave.

### 1044.3 MILITARY LEAVE

Generally, employees on military leave are entitled to the same rights and benefits that are provided to employees having similar seniority, status and pay who are on furlough or leave of absence (38 USC § 4316).

#### 1044.3.1 LENGTH OF LEAVE

Employees are entitled to military leave of absence for up to a maximum of five years. Military leave is available for both voluntary and mandatory service (38 USC § 4303; 38 USC § 4312).

There are exceptions to the five-year cumulative total, including inactive duty training (drills), annual training, involuntary recall or retention in support of war, national emergency, certain operational missions, or training or retraining requirements (38 USC § 4312).

#### 1044.3.2 TEMPORARY MILITARY DUTY LEAVE OF ABSENCE

An eligible employee who is a member of the National Guard or United States Armed Forces reserves is entitled to temporary military leave for any period for active duty, field training, or to attend camps, maneuvers, formations, or drills (ARS § 26-168; ARS § 38-610).

### 1044.4 PROCEDURES AND RESPONSIBILITIES

Employees requesting military leave should:

- (a) Provide as much advance notice of the pending service as reasonably possible (38 USC § 4312).
- (b) Provide copies of official orders or other official documentation.

## *Military Leave*

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- (c) Select the benefit options desired during absence, if applicable.
- (d) Retain copies of all submitted documents.

Human Resource Services is available to the employees as a resource to assist with any questions about military leave.

### **1044.5 COORDINATION WITH CONTRACTS, PRACTICES AND OTHER RULES**

Wherever USERRA has more generous protections and benefits than state or local law, the District will apply the more beneficial right or benefit (38 USC § 4302).

### **1044.6 LEAVE ACCRUALS**

Employees are not required to use accrued leave while on military leave. However, employees may choose to use accrued annual leave at their discretion (38 USC § 4316).

Employees will not accrue paid time-off (PTO) days during any period of military leave without pay. However, upon return, military leave time will be included in determining leave accruals. For example, if PTO accrual increases from two weeks to three weeks upon completion of five years of service, then a person who works for two years, serves two years on active duty and then returns, would be entitled to three weeks of vacation one year after reemployment.

### **1044.7 MILITARY RESERVE AND DISASTER TRAINING LEAVE**

Employees attending camps, maneuvers, formations or drills under orders with any branch or reserve of the armed forces of the United States shall be granted leaves of absence from their duties. (ARS § 38-610):

- (a) The military leave period is based on the average total of regularly scheduled hours in a weekly work period. Utilizing the federal fiscal year of October 1 - September 30, an employee shall be entitled to military leave up to three (3) times the average regularly scheduled weekly hours per year, and up to six (6) times the average regularly scheduled weekly hours in any two consecutive years.
- (b) The employee shall return to their regular position upon return from military training leave.
- (c) Employees can choose to select the paid military leave bank, PTO, or leave without pay (LWOP). If the employee chooses the paid military leave bank there is a differential calculation completed after a Leave and Earnings Statement (LES) is received Human Resource Services from the employee. The District shall compensate the employee for the difference between the employees normal rate of pay and that pay received for the military leave for the duration of the leave. In the event the employee's military pay exceeds their normal District pay, there shall be no compensation for the military reserve training leave. The employee is responsible to coordinate with Human Resource Services for the arrangement of pay during the military training period.
- (d) Employees are allowed to do Shift Trades if another employee agrees to do so, and is on the same work schedule.

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### **1044.8 HEALTH CARE BENEFITS**

Employees on military leave may elect to purchase continuing health care coverage for a period of time that is the lesser of:

- (a) The 24-month period beginning on the first day of the employee's absence for military leave.
- (b) The period beginning on the first day of the employee's absence for military leave and ending on the date that he/she fails to return from service or apply for reemployment.

If the duration of an employee's military service is less than 31 days, the employee may purchase continuing health care coverage under the District's health plan for no more than the regular employee share. If the approved military service is 31 days or more, the District will charge the employee for no more than 102 percent of the full premium of the health care plan (38 USC § 4317).

### **1044.9 RETURN FROM DUTY**

Employees returning from a military leave of absence must report to work as follows (38 USC § 4312):

- (a) For periods of service less than 31 days, employees must report back to work no later than the beginning of the first shift that begins on the first full day that follows the end of the employee's service period, plus a reasonable time to travel to the employee's residence, plus eight hours. If reporting within this period is impossible or unreasonable through no fault of the employee, the employee must return as soon as possible after expiration of the eight-hour period.
- (b) For periods of service of more than 30 days but less than 181 days, employees must submit an application for reemployment no later than 14 days after completing service, or, if impossible or unreasonable to do so through no fault of the employee, no later than the next first full calendar day when it is possible to do so.
- (c) For periods of service of more than 180 days, employees must submit an application for reemployment no later than 90 days after completion of service.

Employees who are recovering from an illness or injury incurred in or aggravated during military service must report to the District or apply for reemployment as provided in this policy at the end of the period necessary to recover from such illness or injury. The recovery period may not exceed two years, except when circumstances beyond the employee's control exist.

An employee who fails to report or apply for reemployment in a timely manner will be subject to the District's rules of conduct and established policies covering absence from scheduled work.

### **1044.10 REEMPLOYMENT RIGHTS**

An employee returning from a temporary military duty leave of absence is generally entitled to reinstatement to the position and benefits he/she would have attained if not absent for military duty or, in some cases, a comparable job (ARS § 26-168).

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### 1044.10.1 FORMER POSITION

An employee returning from a regular active military leave is entitled to reinstatement in the position that they would have attained had the employee not taken leave. If the leave exceeded 90 days, the employee is also entitled to a position of like seniority, status, and pay (38 USC § 4313).

If an employee returning from military leave is not able to perform the essential duties of the position the employee would have attained, the District will make reasonable efforts to help the employee become qualified (20 CFR 1002.198). If the employee remains unable to perform the essential duties of the position after the District's reasonable efforts, the employee is entitled to their previously held position at the time of departure or, in the case the leave exceeded 90 days, a position of like seniority, status, and pay. Where an employee remains unqualified for both of these positions after reasonable efforts by the District, the employee is entitled to the nearest approximation to these positions (38 USC § 4313).

When a returning employee cannot become qualified because of a disability incurred in or aggravated during uniformed service, the District, after making reasonable accommodations, must find a position of equivalent seniority, status and pay for which the employee is qualified, or the nearest equivalent (38 USC § 4313; 20 CFR 1002.198).

### 1044.10.2 COMPENSATION AND BENEFITS

Upon return from regular active military duty, an employee is entitled to seniority and seniority-based rights and benefits, including, but not limited to:

- (a) Receiving credit for the time spent in uniformed service under honorable conditions for purposes of seniority, retirement, promotion and merit salary increases (20 CFR 1002.210).
- (b) Receiving credit for time spent on approved military leave for purposes of calculating eligibility for leave under the Family and Medical Leave Act (20 CFR 1002.210).
- (c) Returning to the level in the salary range that the employee would have attained had they not left on approved military leave (20 CFR 1002.236).
- (d) Receiving the same contribution to retirement benefits upon reemployment that the District would have contributed had they not taken leave (20 CFR 1002.261).
- (e) Being treated as not having a break in service for purposes of participation, vesting and accrual of pension benefits (38 USC § 4316; 38 USC § 4318).
- (f) Re-enrolling in District health benefits without any waiting period.
- (g) Restoring benefits that were elected by the employee and their dependents at the time military service began, as well as to any other benefits that began during the leave for which the employee would reasonably have become eligible (ARS § 26-168).

### 1044.10.3 EMPLOYEE REEMPLOYMENT RESPONSIBILITIES

An employee returning from regular active military leave is entitled to reinstatement rights only if they (38 USC § 4312):

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- (a) Have given advance written or verbal notice of such service, unless precluded by military necessity.
- (b) Have served in the uniformed service for no more than five years cumulatively while employed at the Northwest Fire District, except as provided in 38 USC § 4312(c).
- (c) Have been issued a discharge under honorable conditions.
- (d) Report to the Northwest Fire District or applies for reemployment in a timely manner as provided in this policy.
  - 1. In the case that the approved military leave exceeds 30 days, submits documentation showing:
    - (a) The application for reemployment is timely.
    - (b) The employee has not exceeded the cumulative five-year limit of service in the uniformed services, except as provided in 38 USC § 4312(c).

### **1044.10.4 DISTRICT REEMPLOYMENT RESPONSIBILITIES**

The District shall promptly reinstate employees entitled to reinstatement but no later than 14 days after a request for reinstatement. In the case of unusual circumstances, the District shall reinstate employees as soon as practicable (20 CFR 1002.181).

The District is not required to reemploy a person after military leave if any of the following conditions exist (38 USC § 4312):

- (a) The District's circumstances have so changed as to make such reemployment impossible or unreasonable.
- (b) Such reemployment would impose an undue hardship upon the District.
- (c) The person held a nonrecurrent job for a brief period of time and had no reasonable expectation that such employment would continue.

Human Resource Services, the Fire Chief or authorized designee would determine whether any of these conditions exist.

### **1044.11 RETENTION**

An employee who is reinstated after returning from military leave may not be discharged, except for cause (38 USC § 4316; 20 CFR 1002.247):

- (a) For 180 days after the date of reemployment if the most recent period of military service was more than 30 days and less than 181 days.
- (b) For one year after the date of reemployment if the most recent period of military service was more than 180 days.

### **1044.12 DISCRIMINATION AND RETALIATION PROHIBITED**

Discrimination or retaliation against any employee for participation in military service is prohibited, whether the employee volunteers or is ordered to active military service (38 USC § 4311; ARS § 23-1501; ARS § 26-167).

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### **1044.13 ADDITIONAL INFORMATION**

Military Leave Procedure 1013

Military Leave Packets (available in Human Resource Services)



## On-Duty Voting in Statewide Elections

### 1045.1 PURPOSE AND SCOPE

The purpose of this policy to permit District employees to exercise their right to vote in primary and general elections.

Every public officer or employee is entitle to absence from service for the purpose of voting on the biennial primary and general election days. (ARS § 16-206).

### 1045.2 POLICY

It is the policy of the Northwest Fire District to provide employees a reasonable opportunity to vote in all statewide elections in accordance to Arizona law.

### 1045.3 PROCEDURES

Polls are open from 6:00 a.m. to 7:00 p.m. each election day for statewide elections (ARS § 16-565).

Employees scheduled to be at work during that time may take up to three consecutive hours off to vote without losing any pay (ARS § 16-402).

Supervisors shall allow employees time off to vote according to the following (ARS § 16-402):

- (a) Employees may take up to three consecutive hours of paid time off to vote in accordance with Arizona law when application for such time is made prior to the day of the election.
- (b) The hours of authorized time off for voting may be specified by the employer in accordance with Arizona law.

## Jury Duty

### 1046.1 PURPOSE AND SCOPE

The purpose of this policy is to provide leave for District employees required to serve on jury duty.

This policy applies to all District employees.

### 1046.2 POLICY

It is the policy of Northwest Fire District to provide leave when an employee receives a jury duty notice. The employee must submit the original jury duty notice in order to utilize jury duty leave.

- (a) Employees will be compensated the difference between their regular pay and the payment for jury duty (this excludes payments for mileage).
  - 1. Proof of payment for jury duty must be received by the District in order to receive the differential pay.
  - 2. If the employee does not provide proof of payment for jury duty, no differential will be paid.
  - 3. If the employee wishes to retain the pay received for jury duty they may utilize accrued Paid Time Off (PTO).

Hours paid for jury duty will not be considered as "hours" worked for the purposes of the calculation of overtime.

Employees appearing in their own case as a plaintiff or defendant or for non-subpoenaed court appearance will not receive pay for this time off. PTO may be used, or Leave without Pay (LWOP) if PTO hours have been exhausted.

#### 1046.2.1 DISTRICT RESPONSIBILITIES

District employees shall be allowed to serve as a juror, and will not be penalized for serving as a grand juror or trial juror. (A.R.S 21-236 B.)

No employee shall lose seniority or precedence due to serving as a member of a grand or trial jury. Upon return to work from jury duty, the employee shall be returned to their previous position, or to a higher position commensurate with the employee's ability and experience as seniority or precedence would ordinarily entitle the employee. (A.R.S. 21-236 C.)

### 1046.3 RELEASE FROM COURT

When the court releases an employee more than three hours prior to the end of the normal workday, the employee is expected to return to work for the remainder of the day or shift.

If an employee is not required to serve on a day they are normally scheduled to work, they are expected to report to work.

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Hardship on the District - If there is a significant impact on customers or staffing from the loss of the employee to jury duty, the District may write a letter to the court requesting a postponement of the employee's jury duty.

## Union Release Time

### 1047.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a paid time off benefit allowing Union Members to participate in authorized Union activities when scheduled for duty without using any personal paid time off (PTO). This policy applies to full-Time Personnel of the Northwest Fire District who are union members authorized by the President of the Northwest Local to represent the International Association of FireFighters Local #3572 for union activity.

### 1047.2 POLICY

- (a) Northwest Fire District (District) provides an annual allotment of release time to be utilized by the Union in accordance with Memorandum of Understanding Article 4 – Benefits, Section 4.5 Union PTO.
  - 1. This annual allotment of release time does not carry forward from one fiscal year to another.
  - 2. Approval for the use of this release time is pursuant to Memorandum of Understanding Article 4 – Benefits, Section 4.5 Union PTO and Local 3572 Bylaws.

Additional Information

Memorandum of Understanding

## Leave without Pay (LWOP)

### 1051.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to allow employees to take time off if their accrued Paid Time Off (PTO) has been exhausted.

This policy applies to all employees eligible to accrue PTO.

### 1051.2 POLICY

It is the policy of Northwest Fire District to allow employees to take time off without receiving compensation from the District on a discretionary basis.

### 1051.3 GUIDELINES

- (a) Employees are required to use their accrued PTO prior to requesting LWOP. (exceptions see Military Policy 1044 and Jury Duty Policy 1046)
- (b) LWOP may be allowed on a case-by-case basis, at the District's sole discretion, considering the employee's circumstances and the District's reasonable business needs.
- (c) LWOP hours will not be compensated.
- (d) PTO accruals are adjusted accordingly when using LWOP hours.
- (e) LWOP is not considered hours worked for purpose of overtime calculations.
- (f) The use of LWOP for an entire pay period (fourteen days) or more is considered a break in service for retirement purposes. (exceptions see Military Policy 1044)

## Paid Time Off (PTO) Payout

### 1012.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish a process for Paid Time Off (PTO) payout options for all eligible regular full-time District employees.

### 1012.2 PROCEDURE

Eligibility to participate in any PTO Payout process requires an employee to be at or exceed the Short Term Disability (STD) benchmark of hours in their PTO Bank. Please see Policy 1040, section 1040.5.

The Annual PTO Payout process occurs at the end of the fiscal year (June) and will be paid out up to one half (1/2) of the employees current fiscal year PTO accrual as long as the remaining PTO bank balance is at or above the STD benchmark.

- PTO hours paid out that are not in excess of the PTO Bank Cap are not considered pensionable in the Arizona State Retirement System (ASRS) and Public Safety Personnel Pension System (PSPRS).

If an employee's PTO bank exceeds the PTO Bank Cap of hours allowed per Policy 1040, the hours in excess of the PTO Bank Cap shall be paid out to the employee at their current rate of pay during the Annual PTO Payout process in June of each year.

- Employees in ASRS who have pto hours in excess of the PTO Bank Cap paid out, those hours are considered mandatory PTO payouts and are pensionable.
- Employee in PSPRS who have hours in excess of the PTO Bank Cap paid out, those hours are not considered pensionable.

The Optional PTO Payout process may occur once in a twelve (12) month period, and an employee has the option to be paid out at fifty percent (50%) of their current rate of pay for hours in their PTO bank as long as the employee maintains the STD benchmark of hours in their PTO bank.

#### 1012.2.1 RESPONSIBILITIES

Employees (Optional PTO Payout):

- E-mail to the Human Resource Services Manager requesting the number of hours to be paid out from their PTO Bank and date the payout is needed.
- To qualify, the employee must have an established STD benchmark of hours, and may not go below the STD benchmark.

Employees (Annual PTO Payout):

- Finance will e-mail employees to confirm their eligibility to participate in the Annual PTO Payout.

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### *Paid Time Off (PTO) Payout*

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- Finance will provide an authorization form to eligible employees to review their options in the Annual PTO Payout process and indicate a deadline in which authorization from are due in order to process for payroll.
- Employees must complete the authorization form and submit to payroll for processing.
- Employees have the available options for payout to include one or a combination of the the following: direct deposit, rollover to the employees 457(b) deferred compensation plan, or into the employees Health Savings Account (HSA).

## Military Leave

### 1013.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish guidelines regarding leave to perform military service as a member of the Reserves or National Guard, or for active duty in the U.S Armed forces.

This procedure does not address every situation or circumstance that may arise when an employee is performing military service or ordered to active duty. As military leave situations arise, supervisors should consult with the Human Resource Services to obtain specific guidance regarding military leave rights

### 1013.2 PROCEDURE

#### 1013.2.1 EMPLOYEE NOTICE REQUIREMENTS

It is the responsibility of the employee to communicate with his supervisor and Human Resource Services in a timely manner regarding any call to military service and to ensure that Human Resource Services is provided with a copy of military orders issued for military service.

Employees requesting military leave should:

- (a) Provide as much advance notice of the pending service as reasonably possible (38 USC § 4312).
- (b) Provide copies of official orders or other official documentation.
- (c) Select the benefit options desired during absence, if applicable.
- (d) Retain copies of all submitted documents.

Human Resource Services is available to the employees as a resource to assist with any questions about military leave.

#### 1013.2.2 MILITARY RESERVE AND DISASTER TRAINING LEAVE

Employees attending camps, maneuvers, formations or drills under orders with any branch or reserve of the armed forces of the United States shall be granted leaves of absence from their duties. (ARS § 38-610).

1. Utilizing the federal fiscal year of October 1 – September 30, an employee shall be entitled to military reserve training leave up to three (3) times the average regularly scheduled weekly hours per year, and up to six (6) times the average regularly scheduled weekly hours in any two consecutive years.
  - (a) Employees assigned to 24-hour shifts shall be entitled to 168 hours of military reserve training leave per year and up to 336 in any two consecutive years.
  - (b) Employees assigned to a 40-hour week shall be entitled to 120 hours of military reserve training leave per year and up to 240 hours in any two consecutive years.
  - (c) Part-time employees military training leave shall be based upon their average regularly scheduled weekly hours.



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### *Military Leave*

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2. Employees can choose to select the paid military leave bank, PTO, or leave without pay (LWOP).
  - (a) If the employee chooses the military leave hours as described in 1.a and b. above use payroll code LV-Military. If the employee chooses the paid military leave bank there is a differential calculation completed after a Leave and Earnings Statement (LES) is received by Human Resource Service from the employee. The District shall compensate the employee for the difference between the employees normal rate of pay and that pay received for the military leave for the duration of the leave. In the event the employee's military pay exceeds their normal District pay, there shall be no compensation for the military reserve training leave. The employee is responsible to coordinate with Human Resource Services for the arrange of pay during the military training period.
    - (a) Due to the calculation being completed after the military training and after Human Resource Services receives the LES from the employee for the specific dates, the employee may be required to reimburse the District for overpayment due to the employees military pay exceeding their normal District pay.
  - (b) If the employee chooses their PTO leave bank use payroll code LV-Military PTO.
  - (c) If the employee chooses to use LWOP use payroll code LV-Military Leave without Pay. For the purposes of retirement, LWOP for an entire pay period or more is considered a break in service.
3. Employees are allowed to do Shift Trades if another employee agrees to do so, and is on the same work schedule.

#### 1013.2.3 FULL-TIME MILITARY LEAVE

1. An employee with military orders that would not be considered under 1013.2.2 above, should provide as much notice as possible of the pending orders, either written or verbally, or as soon as practical if time does not allow for advance notice.
2. Employees should coordinate with Human Resource Services to determine benefits and retirements options for the duration of the military leave.
3. This type of leave is typically unpaid. Employees are not required to use PTO during military leave; however, they may elect to do so.
4. The period of active duty is not considered a break in service for the purposes of retirement so long as the military service conforms to the provisions specified by USERRA.
  - (a) Retirement contributions will not be made during active duty; however, upon return to employment an employee can elect to make up missed contributions. This is voluntary and not a requirement.
  - (b) PSPRS employees only. Upon the employee's return to work from a Presidential Call-up, the District will make a lump sum contribution for both the employer and the employee on behalf of the employee.

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### *Military Leave*

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- (c) ASRS employees only. If the employee returns within the required 90 days or passes away while in service, the District is required to pay both the employee and the employer contributions.

#### **1013.3 ADDITIONAL INFORMATION**

Military Leave Policy 1044

Military Leave Packet (available in Human Resource Services)

## Jury Duty

### 1014.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish a process for employees when on jury duty.

This applies to all District employees.

### 1014.2 PROCEDURE

#### 1014.2.1 EMPLOYEES

1. Employees must present any jury duty notice to their supervisor on the first working day after receiving the notice.
2. Copies of vouchers received from the court showing compensation (excluding mileage) and dates served must be submitted to the employee's supervisor.
3. If documents from the court are not submitted to the supervisor, the employee will not receive the differential pay.

#### 1014.2.2 SUPERVISORS

1. Supervisors shall forward copies of the jury duty notice to Human Resource Services.
2. Copies of vouchers received from the court showing compensation (excluding mileage) and dates the employee served must be submitted to Human Resource Services.
- 3.

#### 1014.2.3 BUSINESS SERVICES DIVISION

##### **Human Resource Services:**

1. Copies of vouchers from the court submitted by the employees supervisor are verified by Human Resource Services.
2. If documentation for dates served is not submitted, the employee will not receive the differential pay.

##### **Finance:**

1. Hourly Employees: Once Human Resource Services verifies the dates served and payment from the court, payroll will deduct the jury duty pay from the employee's next paycheck, in accordance with Jury Duty Policy 1046. If the employee chooses to keep the jury duty pay, the District will deduct full amount paid to the employee by the District during their time off for jury duty. The employee can choose to use PTO or LWOP.
2. Salary Employees: Per Fair Labor Standard Act, no deduction will be made from the employee's salary due to the "exempt" status.