CHAPTER IV (BENEFITS)

PR-401 Benefit Administration

A. Eligibility for leave. All County Government employees, except emergency, seasonal, and temporary employees are eligible for any type of leave with pay from the date of appointment. Emergency, seasonal, and temporary employees are eligible only for military leave, civic duty leave, and paid time off (PTO) as determined by state law. (See PR-403)

B. Requests for leave. Except in an emergency, an employee must obtain approval in advance and in writing, from the agency head or designee, prior to taking any leave.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 07/17/2017

PR-402 Holidays

A. Paid holidays shall be those as set forth by the County Board of Supervisors, which are:

1. January 1, "New Year's Day".
2. Third Monday in January, "Martin Luther King, Jr. / Civil Rights Day".
3. Third Monday in February, "Lincoln/Washington Presidents' Day".
4. Last Monday in May, "Memorial Day".
5. July 4, "Independence Day".
6. First Monday in September, "Labor Day".
7. November 11, "Veterans Day".
8. Fourth Thursday in November, "Thanksgiving Day".
9. Fourth Friday in November after "Thanksgiving Day".
10. December 25, "Christmas Day".
11. Upon Declaration by the Board of Supervisors, any date appointed or declared by the President of the United States as an occasion for national mourning, rejoicing or observance of national emergency.
12. Floating holiday: One (1) day per calendar year chosen by the employee and approved by the supervisor. The floating holiday may not be accrued or cashed out. This holiday is not reimbursable upon an employee's separation from service.

B. Employees scheduled to work. An employee who is regularly scheduled to work on a day on which one of the holidays listed in subsection (A) above is observed is entitled to be absent with pay for the number of hours that equals twenty percent (20%) of the number of regularly scheduled hours in their workweek.

C. Employees not scheduled to work. An employee who is not scheduled to work on a day on which one of the holidays listed in subsection (A) above is observed shall receive holiday compensation for the number of hours that equals twenty percent (20%) of the number of regularly scheduled hours in their workweek, provided the employee is not on leave without pay on both the employee's work days immediately preceding and following the day on which the holiday is observed.

D. Employees required to work. An employee who is required to work on a day which a holiday listed in subsection (A) above is observed shall receive both holiday compensation and one hour of pay at the current salary rate for each hour worked.

E. Holiday compensation.

1. If a holiday falls on the first day of an employee's regular two-day off period, the day preceding shall be considered a legal holiday for that employee; if a holiday falls on the second day off, the following day shall be considered a legal holiday for that employee.

2. An employee shall not be paid holiday pay if that employee was in complete leave without pay status on the working days which fall immediately before and after the regularly scheduled holiday.

3. New employees will be paid for any holiday that falls within their first two weeks as long as they worked either the work day before or after the holiday. Their holiday pay will be based on the number of hours that equals twenty percent (20%) of the number of regularly scheduled hours in their workweek.

4. Seasonal, temporary, and emergency employees shall not receive holiday compensation.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 11/4/2002, 09/21/2009, 07/6/2011, 06/24/12, 07/17/2017

PR-403 Paid Time Off

A. Paid time off (PTO) provides employees flexibility and responsibility to manage their PTO for occurrences such as vacations, personal or family illness or injury; medical and dental appointments; personal business; and holidays not observed by the County.

B. Eligibility and accrual:

1. All eligible employees will accrue PTO leave as defined below beginning from the date of employment.
2. PTO leave will accrue during any paid leave of absence except EIB (donated leave) usage.

3. PTO leave will not be advanced to an employee.

4. Employees may not utilize leave without pay if they have available PTO leave, unless the time off without pay is a result of tardiness.

5. The following schedule of accrual rates for PTO leave is based on years of credited service.

Years of completed County service	Hours per pay period	Approximate days per year
0 – 1 year	7.385	24
1 – 4 years	7.692	25
4 - 10 years	8.615	28
10 - 15 years	9.538	31
15 - 20 years	9.846	32
20 + years	10.154	33
Appointed Agency heads & Chief Deputies of Elected Officials (see PR-103 b)	10.154	33
Emergency, Seasonal, Temporary, Part-time less than 25%	1 hour for every 30 hours physically worked	

6. Regular and probationary employees shall accrue PTO on the basis of the number of hours paid in the pay period at the following rates:

   72 or more hours 100% of base rate
   56 to 71 hours 75% of base rate
   40 to 55 hours 50% of base rate
   39 or less hours 0% of base rate

7. Part-time employees who work one-quarter time, one-half time, or three-quarters time will accrue a proportional amount of PTO. Part-time employees who work a percentage of full-time other than one-quarter time, one-half time, or three-quarters time will accrue PTO at the next lower rate.

8. Seasonal, temporary, part-time less than 25% and emergency employees will accrue the appropriate number of hours as required by law, effective July 1, 2017.

9. Eligible employees accrue the appropriate number of hours of PTO leave on a pay period basis. Accrued PTO leave is credited on the last day of the pay period in which earned, provided the employee has been in a pay status for at least one-half of the employee's working hours in that pay period.

10. Service in positions which come under different personnel rules shall be considered credited service in determining accrual rates. The effective date for a change in the accrual rate is the first day of the pay period in which the required credited service is attained.

D. Credited service:

1. The date of the beginning of credited service is the first day of regular status employment.

2. All current and previous periods of eligible service as an employee of Yuma County shall be counted as credited service.

3. Military leave shall be counted as credited service.

4. Active military service of an employee who is restored to County employment is not a break in service and shall be counted as credited service.

E. Use of PTO leave:

1. PTO leave must be scheduled and approved in advance according to department policy.

2. See PR 404, attendance, for the unscheduled use of PTO leave.

3. An agency head shall approve PTO leave requested as a part of family and medical leave. (refer to FMLA-PR 411)

4. For absences greater than three consecutive days, the agency head may request medical verification that the employee is able to return to work with or without restrictions by a health care provider.

5. PTO leave may not be used in any manner that generates paid hours in excess of normally scheduled hours and never more than forty hours in a workweek.

6. An agency head has the authority to approve or disapprove PTO leave requested by an employee or may require that approved PTO leave be postponed or otherwise adjusted for good cause.

7. The department is responsible for ensuring that all PTO leave is properly used and recorded.

8. PTO leave shall not be charged against an employee's accrued leave balance for an authorized holiday that occurs while the employee is using PTO leave.

9. PTO leave shall not be used until all accumulated compensatory leave, as of the prior pay period end date, has been exhausted.

F. Maximum accrual balance

1. There will be no maximum accrual of PTO leave for regular status employees.

2. There will be a maximum rollover each calendar year of 40 hours for emergency, seasonal and temporary employees.

G. Separation

1. Employees hired on or after October 2, 2017, upon separation of employment from Yuma County, to be paid for any PTO leave accrued up to 280 hours for benefit eligible employees and 140 hours for employees who are not benefit eligible at the time of termination of employment at the current rate of pay. Any PTO leave hours in excess of these hours will be forfeited.

2. Grandfather Clause: employees hired before October 2, 2017, upon separation of employment from Yuma County to be paid for any PTO leave accrued up to 400 hours for benefit eligible employees and 200 hours for employees who are not benefit eligible at the time of termination of employment at the current rate of pay. Any PTO leave hours in excess of these hours will be forfeited.

3. Temporary employees will be paid off for any PTO on record when their employment ends, at the current rate of pay.

H. Movement from County agency to another County agency:

1. An employee's accumulated PTO leave will not change if an employee moves from one County department to any other County department covered by these personnel rules.

I. Movement from a County agency to a Court agency:

1. If an employee accepts a position as a judicial assistant, bailiff, or court reporter under the judicial merit rules, unused PTO leave will not be transferred, but will be paid to the employee at the time of transfer up to 400 hours for grandfathered benefit eligible employees or 200 hours for employees hired on or after October 2, 2017, and 200 hours for grandfathered employees or 100 hours for employees hired on or after October 2, 2017 who are not benefit eligible. Any remaining PTO balance will convert into sick leave.

2. If an employee accepts any other position under the Judicial Merit Rules, up to 240 hours of PTO leave will be converted to annual leave for grandfathered eligible employees. Remaining PTO up to 160 hours leave will be paid out, and any remaining PTO above those 400 will be converted to sick leave. For employees hired on or after October 2, 2017 up to 200 hours of PTO leave will be converted to annual leave. Remaining PTO up to 80 hours leave will be paid out, and any remaining PTO above those 280 hours will be converted to sick leave.

3. If an employee moves from a position that is under the Judicial Merit Rules to a position under these Personnel Rules, the conversion of leave hours will convert all accumulated annual and sick leave to PTO leave.

Historical Note: Adopted, Eff. 06/24/2012
Amended: 07/17/2017, 01/07/2019

PR-404 Attendance

A. Every employee is expected to report to work on time for their scheduled shift as predetermined by their department head. Due to the disruptive nature of unscheduled absences and tardiness, department heads may counsel and discipline employees who violate and/or abuse the attendance policy.

B. Unscheduled absences are absences where the employee fails to notify their supervisor prior to a predetermined time established by the department head or designee.

1. Each time an employee cannot report to their scheduled shift, they must contact their supervisor to inform them of their absence according to department policy. Employees who fail to follow their department's call-in procedure may receive disciplinary action.

2. Absence control begins at seven unscheduled absences within a 15 month period. One hour or more of unscheduled absence is defined as one occurrence. Multiple days of continuous absence are counted as one occurrence. Occurrences of absence are separated by a return to work. The fifteen month period will begin on the date of the first unscheduled absence. Upon the fifteenth month anniversary of each unscheduled absence, it will no longer be considered in the disciplinary procedure outlined in paragraph 5 below.

3. Employees absent three or more consecutive days due to illness may be required to submit a physician's statement indicating they are able to return to work. A physician's statement does not excuse any occurrence of unscheduled absence.

4. Leaving work after reporting to work without prior authorization is considered an unscheduled absence.

5. The Yuma County Disciplinary Procedure will be followed when addressing unscheduled absences using the following guidelines:

   a. Seventh unscheduled absence will result in a documented verbal warning.

   b. Eighth unscheduled absence will result in a written warning.

   c. Ninth unscheduled absence will result in an unpaid suspension of one working day.

   d. Tenth unscheduled absence will result in an unpaid suspension of two working days.

   e. Eleventh unscheduled absence will result in an unpaid suspension of three working days.

   f. Twelfth unscheduled absence will result in separation from employment.

6. If an employee has established a pattern of excessive absenteeism, (defined as three occurrences of verbal or written warnings, and/or unpaid suspensions within a 15 month period), the department head or designee may initiate disciplinary action at any time notwithstanding PR 404 (B) (5).

7. Supervisors will maintain a current attendance log for each employee containing accurate documentation of absences.

C. Tardiness

1. Every employee is expected to begin their workday at the start of their shift as predetermined by the department head or designee. An employee is tardy when they fail to arrive on time to any portion of the workday at the time predetermined by the department.

2. Failure to be on time may result in disciplinary action upon the seventh tardy within a 15 month period. The 15 month period will begin with the date of the first tardy. Upon the fifteenth month anniversary of an occurrence of tardiness, it will no longer be considered in the Disciplinary Procedure outlined in paragraph 5 below.

3. Each time an employee is tardy, they must notify their supervisor of their tardiness and their estimated arrival time according to department policy.

4. PTO leave will not be used to cover periods of tardiness.

5. The Yuma County Disciplinary Procedure will be followed when addressing tardiness using the following guidelines:

   a. Seventh tardy will result in a documented verbal warning.

   b. Eighth tardy will result in a written warning.

   c. Ninth tardy will result in an unpaid suspension of one working day.

   d. Tenth tardy will result in an unpaid suspension of two working days.

   e. Eleventh tardy will result in an unpaid suspension of three working days.

   f. Twelfth tardy will result in separation from employment.

6. If an employee has established a pattern of excessive tardiness (defined as three occurrences of verbal or written warnings, and/or unpaid suspensions within a 15 month period), the department head or designee may initiate disciplinary action at any time notwithstanding PR 404 (C) (5).

Historical Note: Adopted, Eff. 06/24/2012
Amended: 07/17/2017, 12/18/2023

PR-405 Industrial Leave

A. Use of Leave

1. An employee who sustains a job-related disability that is compensable under the Workers' Compensation Law**,** Title 23, Chapter 6, A.R.S., shall be placed on PTO.

2. If compensatory leave is available, the employee shall use compensatory leave before using PTO.

3. After all applicable leave is exhausted; the employee shall be placed on unpaid leave.

B. Payments

1. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers' Compensation payments) not to exceed the gross salary of the employee.

2. If the employee receives a retroactive Workers' Compensation payment for any period of job-related disability, and for that period has received leave payments, the employee shall reimburse the agency for the workers'

compensation payments, and the equivalent value of leave shall be restored to the employee's appropriate leave account. The payroll office will reduce the employment taxable wages by the amount of the WC payment.

C. Light duty. In the event of a disability that impairs performance on the former job, the agency head shall make every effort to place the employee in a suitable position, as reasonably determined by the agency head.

D. Restriction. Leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of A.R.S. § 23-901 to 23-1091.

E. Health Benefit Plan participation.

1. An employee who is on leave without pay due to a job-related disability may continue to participate in the Health Benefit Plan for a maximum of six months by paying the employee contribution.

2. At the end of this six-month period, an employee who remains on leave without pay due to a job-related disability may continue to participate in the Health Benefit Plan by paying both the County and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long Term Disability, whichever occurs first.

F. Life Insurance Plan participation. An employee who is on leave without pay may continue to participate in the Basic Life and Accidental Death and Dismemberment Insurance Plan by paying the County premium. An employee who elects to continue to participate in the Basic Plan may also continue any Supplemental coverage which is in force at the beginning of the leave without pay by continuing to pay the premium.

G. Termination of Health & Life Benefit Insurance. The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.

H. Accrual of Leave. An employee shall continue to accrue full leave credits as long as the employee is using two or more hours of leave each day.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 10/02/2006, 04/24/2012

PR-406 Civic Duty Leave

A. General. Upon substantiated application, an employee shall receive absence with pay as civic duty leave while serving as a juror, complying with a subpoena, voting, or serving as a member of a governmental board, elections board, commission, or

similarly constituted governmental body, subject to the conditions set forth in this rule and the limitations in PR-401(A).

B. Use of Civic Duty Leave. Except for voting pursuant to A.R.S. § 16-401 (primary elections) or A.R.S. § 16-402 (general elections), an employee granted civic duty leave shall report for duty with the employing agency whenever the employee's presence is not required for the civic duty, unless:

1. The distance to the work location would preclude timely reporting for the civic duty; or,

2. The employee cannot return to work at least one hour before the end of the work shift.

C. Appearance as a witness. An employee who is subpoenaed as a witness by any court or administrative, executive, or judicial body in this state may be absent with pay unless the testimony or evidence to be given relates to the employee's commercial, business, or personal matters.

D. Jury and witness fees. Employees who are granted civic duty leave when called for jury duty or subpoenaed, as a witness shall retain any payments received from the court for such duty, including mileage allowance. The employee is responsible for reporting such payments on his or her personal tax filing.

E. Membership on a public service body. An employee serving as a member of a governmental board, commission, elections board or similarly constituted governmental body may be absent with pay while performing official duties with the body.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 04/24/2012. 07/17/2017

PR-407 Military Leave

A. An employee who requests absence with pay on military leave pursuant to A.R.S. § 26-168, 26-171, or 38-610 shall submit a copy of the orders for duty with the request for military leave.

B. All state and federal laws for military leave shall also apply.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 10/02/2006, 04/24/2012

PR-408 Higher Education Leave

A. General. An employee may be sent with pay to participate in a formal educational or training course of study at a college, university, or technical school with the

approval of the agency head and the Human Resources Department, based on the determination that the leave is in the best interest of the County Government.

B. Application. The approved application shall be accompanied by a written agreement signed by the agency head and the employee containing the following provisions at a minimum:

1. A statement of the payments, if any, to be provided to the employee and the manner of their payment.

2. An agreement by the employee to return to or continue in County employment upon the completion of the educational or training course of study for a period of time specified by the agency head.

3. A statement by the employee that failure to successfully complete the course, to complete the specified County employment, or to fulfill all of the terms of the agreement, shall result in the employee being required to repay all or a proportionate part of the salary and other payments received if any.

Historical Note: Adopted, Eff. 11/25/1994

PR-409 Administrative Leave

An agency head may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Board of Supervisors or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment. An agency head may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.

Historical Note: Adopted, Eff. 11/25/1994

PR-410 Bereavement Leave

An employee may be absent with pay for a period of time not to exceed 40 working hours (prorated for part-time employees) for each occurrence of the death of a spouse, brother, sister, parent, step-parent, child, step-child, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, or a person serving in *loco parentis* of either an employee or his/her spouse (if domiciled with employee).

Historical Note: Adopted, Eff. 11/25/1994
Amended: 10/02/2006, 06/24/2012

PR-411 Family and Medical Leave Act

A. Purpose: It is the policy of Yuma County to comply with the provisions of the Family and Medical Leave Act of 1993 and to provide eligible employees up to 12

weeks of leave within a 12-month period for certain family and medical reasons. The County is a covered employer under the Family and Medical Leave Act of 1993, Public Law 103-3 [H.R.1]; February 5, 1993, 107 Stat. 6 to 107 Stat. 29.

1. An employee's rights under the act are set forth below in summary format. The full text of the FMLA is available from the Human Resources Department for review by any employee, and the full text and any statutes or rules, which implement the FMLA, shall govern any employee's rights notwithstanding any provision of these personnel rules, which may be inconsistent with the FMLA.

B. Eligible employees are Yuma County employees who have worked for Yuma County for twelve months and 1,250 hours during the 12 months preceding the date for the requested leave. For purposes of calculating the 1,250 hour requirement, the number of hours worked does not include paid time off (i.e. PTO leave, vacation, sick leave, holidays, compensatory time off, etc.), any unpaid leave hours**,** or periods of layoff. Overtime hours are included. The determining factor is whether the time is considered hours of work under the Federal Fair Labor Standards Act (FLSA).

C. Procedure:

Types of permissible FMLA leave: An eligible employee may request FMLA leave for one or more of the following reasons.

1. To care for the employee's child after birth, or placement for adoption or foster care;

2. To care for the employee's spouse, son or daughter, parent and/or individual who stands or stood in *loco parentis;* who has a serious health condition;

3. For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job;

4. For a qualifying exigency (QE) (leave)—arising out of the fact that an employee's spouses, a son or daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status in the national guard or reserves in support of contingency operations; and/or

5. For an employee to care for their spouse, son, daughter, parent, or next of kin who is a service member who has suffered a serious injury or illness in the line of active duty. For the purposes of service member leave/military caregiver leave, the term "next of kin" is defined as the service members'

closest blood relative outside of his spouse, parent, or child. If one blood relative has been given legal custody of the service member, then that person would be the next of kin. In all other cases, next of kin would be considered in the following order: Siblings, grandparents, aunts or uncles, and first cousins. If more than one person is equal in this line of succession (e.g., two sisters), then all of the equal blood relations (both sisters, for example) will qualify as the service member's next of kin, and all of them can take leave under this provision of the FMLA. If the service member has designated a blood relative to be his next of kin, then that person will be considered the service member's only next of kin for purposes of this FMLA provision.

D. Calculation of Leave:

1. An employee may be allotted up to 12 weeks of paid or unpaid leave for an FMLA qualifying reason during a 12-month period. The 12-month period will be determined on a rolling 12 months basis measured backward from the date an employee uses his/her FMLA leave. All FMLA leave used during that period will be counted as part of the allowed 12 weeks of FMLA leave.
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   a. Example: A covered employee requests 12 weeks of FMLA leave to begin June 1, 2009, for a permissible Medical Leave reason. The employee had previously used six weeks of approved FMLA leave from July 11, 2008, through August 19, 2008, for a permissible Family Leave reason. Thus, the employee only has six weeks of FMLA allotment remaining because the approved Family Leave used during the preceding 12 months counted towards the employee's FMLA allotment. However, the employee may utilize the remaining six-week allotment as long as a qualifying medical leave reason exists.

   b. An exception to the above example is if both spouses are employed by Yuma County, then the 12 weeks of Family Leave is limited to a combined total (between the spouses) of 12 weeks during the 12 months following the birth or placement of ~~a~~ child.

2. Service Member Leave/Military Caregiver Leave differs from all other types of FMLA leave in that it can last up to 26 weeks (taken in one block or intermittently). This type of leave must be used during a single 12-month period. The 12-month period for this kind of leave begins when the employee takes the first day of the caregiver leave.

   a. All types of FMLA leave taken by an employee during the same 12-month period are added together for purposes of computing the 26-week period. For example, if an employee had already taken 12 weeks of FMLA leave to care for a newborn or their own serious health condition, the employee would only have 14 weeks remaining

to use for injured service member leave.

E. Serious health condition: A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

1. Hospital care: Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to the inpatient care; or,

2. Absence plus treatment: A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves either; (1) treatment two or more times by a health care provider, by a nurse or physician's assistant under the direct supervision of a health care provider or by a provider of health care services (i.e. physical therapist) under orders of, or referral by, a health care provider; or (2) treatment by a health care provider on at least one occasion which results in a regime of continuing treatment under the supervision of the health care provider.

3. Pregnancy: Any period of incapacity due to pregnancy and pre-natal care.

4. Chronic conditions requiring treatments: A chronic condition which (1) requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying condition) and (3) may cause episodic rather than a continuing period of incapacity (i.e. asthma, diabetes, epilepsy, etc)

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

6. Multiple treatments (non-chronic conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under the orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy) and kidney disease (dialysis).

F. Employee request for FMLA leave: A leave of absence may be counted toward

an employee's FMLA allotment even if they do not specifically request FMLA, so long as the reason for the leave qualifies under the FMLA and the leave is properly documented by the Appointing Authority and Human Resources. However, to be assured of certain protections offered by the FMLA during the leave of absence, employees must request FMLA leave.

1. An employee must submit to Human Resources a request for a leave of absence not less than 30 days prior to the requested start of the leave.

2. If the reason for the leave could not have been foreseen 30 days in advance, the employee must submit the request for leave within five (5) days after the need for leave is discovered.

3. If an employee is incapacitated, a family member or other responsible party may submit the request for leave on behalf of the employee.

4. An employee request for a leave of absence may be verbal or in writing and should include applicable documentation verifying the need for the leave. Provisional approval of leave should be granted pending receipt of more complete documentation if original information is unavailable, incomplete, or inadequate.

G. Required Documentation:
When an employee requests FMLA leave, Human Resources will request the completion of a certification of health care provider form or appropriate documentation within 15 calendar days of the date of the request. (The Certification of Health Care Provider form is the only acceptable form that may be used by Human Resources to obtain information from the employee's health care provider.) In the event a medical emergency or other unforeseeable event prevents the completion of the Certification of Health Care Provider form, the employee must contact Human Resources as soon as practicable to request an extension.

H. Approval of FMLA Leave:
If sufficient documentation has been provided by the employee to determine whether the requested leave qualifies under the FMLA, Human Resources will notify the employee and the employee's agency head in writing that the leave is being approved as FMLA leave.

1. If the employee has not submitted sufficient documentation to make the determination, Human Resources shall immediately notify the employee in writing that the leave is being approved as FMLA leave subject to the receipt and review of the Certification of Health Care Provider form.

2. Human Resources shall provide the employee with a copy of the Certification of Health Care Provider form to assist the Health Care Provider in completing the required analysis. The Certification of Health Care Provider form and attachments should be given or sent directly to the

employee for the employee to submit to his/her own Health Care Provider.

3. It is the employee's responsibility to return the Certification of Health Care Provider form within 15 calendar days after receipt of the notice of eligibility and rights and responsibilities FMLA form. Refusal to provide the requested certification within the designated time may result in the denial of leave and/or disciplinary action, up to and including dismissal. Additional medical clearance may be required upon return to work if the leave was approved due to the serious health condition of the employee.

4. Upon receipt of the completed Certification of Health Care Provider form, Human Resources should review the information provided to determine whether the reason for the leave constitutes a serious health condition. If Human Resources determines that the information provided in the Certification of Health Care provider is sufficient to conclude that the employee's condition is a serious health condition, Human Resources will notify the employee in writing that the leave has been given final approval.

    a. The final approval letter should also specifically indicate the start date of the FMLA leave and anticipated return to work date. If an employee disagrees with the start date established by Human Resources, the employee must notify Human Resources of the dispute as soon as possible.

    b. If the information provided in the Certification of Health Care Provider is not sufficient to conclude that the employee's condition is a serious health condition, Human Resources may either request that the employee obtain clarification from the employee's health care provider (within seven days to correct incomplete or insufficient certifications) or may request that the employee receive an additional examination by another health care provider designated by Human Resources.

    c. The additional examination shall be at the employer's expense. In the event that the additional examination concludes that the employee's condition is not a serious health condition, Human Resources may request that the employee receive a third examination by a health care provider designated by an agreement with Human Resources and the employee. The third examination shall be at the employer's expense, and shall be conclusive.

    d. If an employee fails to obtain and return the required documentation to Human Resources within 15 days, Human Resources will notify the employee of the omission and require submission of the documentation. By the fifteenth (15) day, if Human Resources determines that the documentation is insufficient, the employee will then have seven (7) days to provide sufficient documentation. An

employee who fails to submit the required supporting documentation within the required seven-day (7) time frame may be subject to disciplinary action by the agency head up to and including dismissal. Additionally, the provisional approval of the employee's leave may be revoked, and the employee may be deemed absent without authorized leave.

I. Designation of leave as FMLA leave: Human Resources may designate (in writing) a qualifying paid or unpaid leave of absence as being counted toward an employee's 12 week allotment under the FMLA, even if the employee has not requested an FMLA leave. In order to do so, however, Human Resources must obtain the appropriate documentation to demonstrate that the leave was taken for an FMLA qualifying reason. It is recommended that whenever an employee has been absent for three (3) or more full working days due to a possible FMLA qualifying reason, Human Resources should designate the leave as FMLA leave in writing, pending receipt of appropriate documentation. Human Resources determines whether the reasons for the leave qualify under the FMLA.

J. Requests for intermittent or reduced scheduled leave: Approval of an employee's request for leave on an intermittent or reduced scheduled basis (rather than consecutive days) will depend upon what the request is for.

1. If the request is to care for the employee's child after birth, or placement for adoption or foster care; Human Resources may permit the employee to take the leave on an intermittent or reduced schedule basis (including absences of less than a full day). However, if Human Resources determines that the leave will not be approved on an intermittent basis, it does not mean that Human Resources may deny an otherwise qualifying leave request altogether.

2. If the request is for any other FMLA purpose, Human Resources must approve the leave on an intermittent or reduced schedule basis if the use of intermittent or reduced schedule leave is determined to be medically necessary by an appropriate Health Care Provider. However, even where the use of intermittent or reduced schedule leave is determined to be medically necessary by an appropriate Health Care Provider, Human Resources may work with the employee to determine the best means of scheduling of the intermittent or reduced schedule leave based upon the operational needs of the organization.

3. If leave is approved on an intermittent or reduced schedule basis, only the time not actually worked by the employee will be counted toward the employee's allotment under the FMLA. The time not worked will be calculated on an hourly basis. Time not worked as part of a part-time light duty assignment may also be counted towards an employee's FMLA allotment.

4. An employee's request for intermittent or reduced schedule leave must be made in the same manner and within the same time restrictions as a request for FMLA leave on a consecutive day basis.

K. Use of paid leave during FMLA leave: if FMLA is approved, the employee will first use all available compensatory leave, then PTO leave, then sick leave, and then annual (vacation) leave

1. Documentation of the amount of FMLA leave used by an employee is both the Human Resources' and the agency head's responsibility. Human Resources will track and maintain records relating to FMLA leave as reported by the agency head. If any portion of the FMLA leave is to be without pay, the leave must be entered as FMLA unpaid.

L. Continuation of benefits: During the period of the FMLA leave, the employee's health insurance coverage will be maintained at the same level and under the same conditions that coverage would have been provided the employee had remained on the job continuously. The employee's share of any health insurance premium and any other employee-paid premiums will continue to be the employee's responsibility. In the case of unpaid leave, the employee should contact the Benefits Representative to make arrangements for payment of any benefits that would normally have been paid through payroll deduction.

M. Employment upon return 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. Human Resources and the agency head may hire an individual in a temporary status to replace the employee on FMLA leave, subject to fiscal considerations.

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

N. Records and confidentiality: Human Resources shall maintain the following records detailing FMLA leaves of absence:

1. Documentation of the employee's request for Family or Medical Leave.

2. Written records showing the date that the employee's verbal or written request was received.

3. Documentation of approval or denials of FMLA leave, including start date, and anticipated return date, for any approved leave.

4. Dates FMLA leave was taken, including dates and hours taken, if leave was taken in increments of less than one full day.

5. Employee medical certification records: (note: Retention of all medical

information must be done in compliance with the Americans with Disabilities Act's confidentiality requirements and HIPAA). All employee medical information that contains specific information regarding an employee's current diagnosis, prognosis, medical condition or medical history must be maintained in a separate, sealed and locked file, apart from general personnel files in Human Resources. Absent extraordinary circumstances, immediate supervisors will only be informed regarding an employee's restrictions related to their Essential Functions and/or necessary accommodations.

6. Documentation regarding any dispute between the employee and Human Resources or agency head regarding the designation of the leave as FMLA leave.

7. Written documentation indicating that the employee has been offered FMLA leave and either chooses not to take it, and/or terminates as an alternative to the FMLA leave.

8. The agency head will maintain time sheets and other related payroll, benefits and earning records.

O. Enforcement: The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

1. An eligible employee may bring a civil action against an employer for violations.

2. 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.

3. An employee may grieve any violation of the FMLA which directly affects the employee; this right to grieve, however, shall not limit in any manner any right the employee may have under Federal or State law to bring civil action for any violation.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 07/20/2009, 04/24/2012, 07/17/2017

PR-412 Break Time for Nursing Mothers

A. Purpose

Yuma County recognizes that breastfeeding has many benefits for new mothers by accommodating the employee who wishes to express breast milk during her workday for up to one year after her child's birth.

B. Policy

Under the patient protection and affordable care act enacted March 23, 2010, employers are required to provide reasonable break time for an employee to express breast milk for one year after the birth of her child.

Reasonable break time is considered to be 20 minutes or less for up to three (3) times per day. Yuma County has employees who are exempt from the Fair Labor Standards Act (FLSA) and those who are Non-exempt. Non-exempt employees shall take PTO for breaks of more than 20 minutes in length.

Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk; however, where employers already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time.

Employees must be completely relieved from their duties in a designated room and not interrupted during break time to express milk.

C. Responsibilities

Employers are required to provide a designated room which is not a bathroom that can be locked and is shielded from view by the public and co-workers. This room must be equipped with a comfortable chair, electric outlets, and a table. The employee must leave this room clean. Employees who work offsite or in other locations will be accommodated with a designated room as necessary.

A refrigerator may be available for the storage of breast milk. Any employee storing breast milk in a refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason.

Employees are required to request the need for a designated room to their Supervisor and establish their lactation needs and approximate schedule.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 09/05/2018

PR-413 Leave of Absence without Pay:

A. Approval: All leave without pay must be approved in advance and in writing by the agency head. An agency head shall approve leave without pay requested as a part of pregnancy related condition to the extent consistent with the Family and Medical Leave Act (FMLA) and PR-411.

Procedure: Leaves of absence without pay will be considered first under the Family Medical Leave Policy. Should the request for leave fail to meet the criteria specified under the FMLA policy; only then would a leave without pay be

considered. Leaves without pay are limited to 180 calendar days. Request for such leave must be made in writing to employee's agency head. Request for leave without pay will not be granted until the employee has exhausted all available leave with pay.

B. Documentation of leave: All requests for leave without pay in excess of 80 consecutive hours shall be documented by stating the beginning date of the leave without pay, the reasons for the request, and the anticipated date of the return to work and contain the signature of the employee's agency head.

C. Return to work:

1. An employee who returns to work after an approved period of leave without pay of 80 consecutive hours or less shall return to the same position occupied at the start of the leave without pay.

2. Except as provided in paragraph (4) below, an employee who returns to work after a period of leave without pay in excess of 80 consecutive hours shall be entitled to return to a position in the class held at the start of the leave without pay, if such a position is available and funded, and provided the leave is terminated in one of the following ways:

    a. Expiration of its term and the employee's return to work.

    b. The rescission of the leave without pay by the agency head prior to its scheduled expiration, due to an unforeseen and unexpected pressing necessity resulting in an insufficient number of employees available to provide service. The agency head shall provide written notice of such rescission to the employee's last known address at least 15 days prior to the date the employee is required to return to work. If circumstances beyond the agency's control do not permit at least a 15-day notice, the agency shall provide notice as soon as it is aware of the need for the employee to return to work.

    c. The curtailment of the leave without pay prior to its scheduled expiration date, upon request of the employee and with approval of the agency head.

3. Failure or inability of an employee to return to work may be considered a resignation, or result in separation without prejudice, or be cause for dismissal.

    a. If a funded position is available, and the employee does not return to work on the first working day following the expiration of the approved leave without pay or any extensions, the employee may be either considered to have resigned and be separated without prejudice or dismissed for cause, depending upon the circumstances as

determined by the agency head; or

b. If no funded position is available to accommodate an employee's return to work on the first working day following the expiration of the approved leave without pay or any extensions, the employee may be separated without prejudice.

4. An employee returning to work from leave without pay granted for military service, industrial leave, to forestall a reduction in force, as part of a Family and Medical leave, or to accept an uncovered position, shall return to the position occupied at the start of the leave without pay. If this position or a position in the same class is not available and funded, a reduction in force shall be conducted.

D. Health Benefit Plan participation.

1. An employee who is on leave without pay for a health-related reason which is not a job-related disability or covered under the Family Medical Leave Act may continue to participate in the Health Benefit Plan by paying both the County and employee contribution.

2. An employee who is on leave without pay for other than a health-related reason may continue to participate in the Health Benefit Plan for a maximum of six months by paying both the County and employee contributions.

E. Life Insurance Plan participation. An employee who is on leave without pay may continue to participate in any County provided Basic Life and Accidental Death and Dismemberment Insurance Plan by paying the premium. An employee who elects to continue to participate in the Basic Plan may also continue any supplemental coverage which is in force at the beginning of the leave without pay by continuing to pay the premium.

F. Disability Income Insurance Plan participation. An employee who is on leave without pay for a health-related reason may continue to participate in any available County provided Disability Income Insurance Plan by paying the premium.

G. Termination of Health, Life & Disability Benefit Insurance. The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 10/02/2006, 06/24/2012, 07/17/2017

PR-414 Insurance Programs

A. Designation of qualifying health care plans. The Human Resources Department

designates as qualifying health care plans such plans as may be provided by the County Board of Supervisors.

B. Designation of other qualifying plans. The Human Resources Department designates as qualifying plans such plans as may be approved from time to time by the County Board of Supervisors.

C. Standards. All qualifying plans shall be financially responsible and provide adequate and satisfactory medical services, if applicable.

D. Complaints. An employee who wishes to submit a complaint about any employee insurance program shall contact the Human Resources Department.

Historical Note: Adopted, Eff. 11/25/1994
Amended: 10/02/2006

PR-415 Public Safety Supplemental Benefit Plan

A. Definitions (as used in this section)

1. Public safety employee (PSE) shall mean an individual who is a member of the public safety personnel retirement system or corrections officer retirement plan or a probation officer, surveillance officer, or juvenile detention officer who is employed by the state of Arizona.

2. Qualified injury shall mean an injury or illness sustained by a PSE while he or she is actively engaged in protecting the public's safety from immediate threats due to humans, animals, or natural disasters, or while protecting the safety and security of the County's jail facilities and/or personnel from the immediate threats of prisoners.

3. Attending physician shall mean the public safety employee's medical doctor as defined by section R20-5-113(f) of the Arizona Administrative Code.

B. Policy

1. Eligibility – PSE's are considered eligible for the supplemental benefits plan if the following criteria are met:

   a. The PSE is a current full-time employee.

   b. The PSE has an accepted workers' compensation claim.

   c. The injury for which supplemental benefits is being requested is a qualified injury.

   d. The attending physician places the PSE on total temporary disability

for eight calendar days or more as a direct result of their qualified injury or their attending physician places the PSE on restricted duty for eight or more calendar days as a result of a qualified injury and the PSE's department cannot accommodate the attending physician's restrictions.

2. Benefit amount – PSE's who are eligible for the plan shall be paid from the plan in an amount that, when added to the benefit amount paid under the County's workers' compensation insurance, shall equal the PSE's identical base salary less the amount of withholding from the PSE's salary at the time of injury.

3. While the PSE is enrolled in the plan, the County shall continue to pay the employer portion of any health care benefits and life insurance benefits that were being paid to the PSE on the date of the PSE's injury.

   a. While the PSE is enrolled in the plan, the PSE is responsible for the PSE's portion of any health care benefit costs that the PSE was paying on the date of injury and for any elective health care plan deductions, health related optional deductions, or optional life insurance deductions.

4. While the PSE is enrolled in the plan, the County shall pay the PSE's contribution to the public safety personnel retirement system or corrections officer retirement plan, as applicable, and shall continue to pay the employer contribution to the respective retirement system or plan.

5. While the PSE is enrolled in the plan, the PSE shall continue to accrue credited service.

   a. While the PSE is enrolled in the plan, the PSE shall not accrue any additional paid time off and any paid time off amount on the PSE's account shall not be decreased.

C. Benefit duration – benefits offered under the plan shall be offered for an initial period of six months. Thereafter, if the PSE is still eligible to participate in the plan and is unable to return to work, the PSE may submit a written request to County Risk Management for an extension of plan benefits for a period not to exceed an additional six months. The risk director shall consult with the PSE's agency head regarding the PSE's request for the extension of benefits prior to deciding whether or not the extension will be granted.

1. The plan begins and/or becomes retroactive to the first day the PSE is placed on an off work status by his/her attending physician as a result of a work related injury.

2. The initial six month period cannot be combined or run concurrent with any

prior or subsequent injury.

3. Participation in the plan cannot exceed a total of one year per qualified injury.

4. Leave under the family and medical leave act will run concurrently while the public safety employee is enrolled in the plan.

5. Plan benefits automatically cease if the PSE:

   a. Is released to regular duty or his/her department is able to accommodate work restrictions imposed by the PSE's attending physician.

   b. Refuses a modified duty assignment offered by his/her department.

   c. Fails to comply with all Risk Management requirements, including evaluation for light duty options and rehabilitation programs.

   d. Has received benefits for six months from the first day placed on an off work status; or

   e. Is no longer an employee of the County

6. If the PSE is not off work for the entire initial six months, any unused portion can apply to a future off work period, as long as the PSE's workers' compensation claim remains open and it is related to the initial qualified injury.

   a. The unused portion cannot be applied if the PSE's workers' compensation claim is closed and reopened at a future date.

D. Procedure

1. Initial six month benefit – once a PSE's workers' compensation claim is accepted and it is determined that the PSE will be off of work for eight or more days, the PSE may apply for benefits under the plan.

   a. The PSE shall have ten business days from the date his/her attending physician takes them off of work to request a supplemental benefits application from the Risk Director. Failure to make such a request within the designated time shall disqualify the PSE from participation in the plan.

   b. Upon request of the PSE, the Risk Director shall provide the supplemental benefits application to the PSE.

(1) The PSE shall have no more than ten business days from receipt of the supplemental benefits application to complete and return the application to risk management.

(2) The Risk Director shall make a determination of eligibility within five business days of receipt of a PSE's supplemental benefits application.

(3) If the supplemental benefits application is approved, the risk director shall provide County payroll with the benefit amount payable under the County's workers' compensation program and payroll will then utilize this amount to determine the benefits payable under the plan.

(4) Once qualified for participation in the plan, the PSE must present to risk management a work status report after each doctor visit until a full duty work status is obtained. This statement must include any work restrictions or physical limitations necessary.

2. If it is determined that the PSE's injury is not a qualified injury under the plan, the risk director shall notify both the PSE and the PSE's agency head, in writing, that they are not eligible to participate in the plan.

3. The decision of the Risk Director regarding whether or not the PSE's injury is a qualified injury under the plan is final and not open to appeal.

E. Extended six month benefit – if a PSE is enrolled in the plan for six months and is still unable to return to work, the PSE may request an extension of his/her participation in the plan.

1. The PSE's request for extension of plan participation must be submitted in writing to the risk director no less than ten business days prior to the expiration of the initial six month benefit period. Failure to submit the request within the designated time shall disqualify the PSE from further participation in the plan for the qualified injury for which the PSE received the initial six month benefit.

2. Within five business days from receipt of the PSE's request for extension of plan participation, the Risk Director shall advise the PSE and the PSE's agency head, in writing, of his/her decision.

a. The decision of the risk director is final and not open to appeal.

F. Funding

1. Funding of the PSE program shall be contingent upon annual appropriations

by the Board of Supervisors.

Historical Note: Adopted, Eff. 07/1/2013

PR-416 Reserved

PR-417 Reserved

PR-418 PTO Buy Back

A. Purpose: The purpose of this policy is to establish guidelines and procedures for the buyback of certain employee PTO benefits.

1. The establishment of such a PTO buyback program promotes efficiency and morale by providing a mechanism whereby eligible employees may sell back to the County PTO that will not be used for other purposes.

2. The PTO Buy Back Program shall be funded on a fiscal year basis, contingent upon Board approval. In all cases, employee participation in the program is strictly voluntary.

3. It is a violation of Yuma County policy and public policy for any County employee to coerce, threaten, intimidate or financially induce or reward another employee to participate in the PTO Buy Back Program.

B. Policy: Yuma County recognizes the existence of circumstances under which some employees have accumulated PTO that will not be used in a calendar year and will be rolled over to the next year. It is the objective of Yuma County to provide eligible employees with the opportunity to take time to recreate each year while at the same time reducing the total outstanding hours of PTO it is obligated to pay.

An employee may sell back to the County one week (40 hours) of PTO.

C. Eligibility: An employee may receive payment of one week (40 hours) PTO or vacation per calendar year under this PTO Buy Back Program, provided the employee meets all of the following conditions:

1. Twelve (12) full months of continuous service immediately prior to December 1st of the year in which PTO is applied.

2. A “Meets” or better performance rating on their most recent performance evaluation and not be subject to disciplinary action at the time the PTO buyback is requested.

3. Use, or be scheduled to use, at least 40 hours of PTO by December 31st of the year in which PTO buyback is requested, and

4. Retain a PTO balance, after the buyback and PTO used during the year are applied, of at least 80 hours of PTO.

5. Comply with the provisions of PR- 403.

D. Procedures to sell back PTO: An employee wishing to sell back one week (40 hours) of PTO must do the following:

1. Complete a PTO Buy Back Request Form. PTO Buy Back Request forms will be distributed to the departments by the end of the first quarter for the current fiscal year and are to be returned approved by the agency head by the date determined by Human Resources. Forms can also be obtained online at the Human Resources website.

2. Specify when, during the course of the calendar year, the one week (40 hours) minimum PTO will be taken or has been taken. The Human Resources Department will process the request, reviewing it for eligibility.

3. Payment will be paid at the employee's current rate, as calculated by Payroll, and paid during the pay period stated in the letter addressed to the agency head.

Historical Note: Adopted, Eff. 09/06/2006
Amended: 07/14/2007, 06/24/2012, 07/17/2017

PR-419 Tuition Reimbursement

A. Eligible employees are encouraged to attend internal and external training and education and development programs to develop and strengthen the knowledge and skills necessary to perform their current or anticipated job responsibilities within the County and Superior Court in Yuma County.

B. The intent of this policy is to reinforce the County's Core Values and Judicial Merit Rules by helping employees learn, change and improve.

C. The output of this policy is to strengthen the County's and Superior Court in Yuma County's ability to attract and retain highly qualified employees.

D. Definitions

Eligible Employees must be classified regular full time and meet the following criteria:

1. One year of continuous service with the County and Superior Court in Yuma County

2. Not be on original probation or disciplinary status

3. Received at least a “Meets” or equivalent rating on their most recent performance evaluation
4. Receive a grade of “C” or, “Pass” or better on any class submitted for reimbursement
5. Is not eligible and capable of utilizing the “HOPE” credit per IRS code
6. Continue employment with the County or Superior Court in Yuma County for a period of one year from the receipt of each reimbursement

A degree or vocational program is defined as a listing of specific courses required to obtain an accredited educational degree or certification. This must be provided to Human Resources along with the first request for reimbursement.

Eligible Courses are defined as:

1. Scheduled class meetings or on-line instruction for a quarter or semester period.
2. Provided by an accredited institution, such as a state college or university, or community college in regular or extension programs. “Accreditation” is defined as approved by the Council for Higher Education and its regional affiliates, such as:

    - Middle States Assoc. Of Colleges/Universities
    - New England Assoc. Of Colleges/Universities
    - North Central Assoc. Of Colleges/Universities
    - Northwest Comm. On Colleges/Universities
    - Southern Assoc. Of Colleges/Universities
    - Western Assoc. Of Schools/Colleges

3. Specialized instruction approved by the department head and the Human Resources Director.

Reimbursement is defined as up to $3,600 per calendar year ($1,800 for January through June and $1,800 for July through December) for tuition, books, and fees and is paid for expenses pre-approved by the Department Head and Human Resources, subject to an amount appropriated by the Yuma County Board of Supervisors in its annual budget for this purpose, and on file in the Human Resources office when the employee submits an official grade report that the course was satisfactorily completed with a grade of “C” or better, or “Pass”.

1. The tuition reimbursement application and all documentation will be submitted to Financial Services for payment within two weeks of receipt in Human Resources.
2. Applications are accepted and processed on a first come, first served basis

until the appropriated amount has been exhausted for each CALENDAR year.

Tuition Reimbursement Agreement and Application Forms can be accessed on-line from the Yuma County Human Resources website or obtained from the Yuma County Human Resources office.

Employee Responsibilities include actions required by employees to receive reimbursements, subject to other paragraphs within this Chapter:

Employees are responsible for:

1. Submitting in advance appropriate documentation to and obtaining prior approval of their department head;

2. A properly completed tuition reimbursement application form and providing a degree or vocational plan from an accredited college or university prior to beginning the course;

3. A properly completed check requisition form to accounts payable upon completion of the course;

4. Full payment of all costs to the institution or course provider; and,

5. Providing their written acknowledgement of and their compliance with the provisions of the tuition reimbursement policy and agreement.

Historical Note: Adopted, Eff. 03/06/2006
Amended 07/21/2008, 06/20/2011, 07/17/2017, 03/15/2021

PR-420 Flexible or Cafeteria Employee Benefit Plan

Yuma County provides benefits under a flexible employee benefit plan. Participation information is available upon request from the Human Resources Department and enrollment is available via the Human Resources webpage.

Historical Note: Adopted, Eff. 11/25/1994

PR-421 Educational Involvement Leave

The Yuma County Board of Supervisors recognizes the importance of excellence in education and commits its support of education through the participation of County employees in the educational process. All employees are encouraged to actively participate in the educational system by volunteering in the schools and, as appropriate, by becoming involved in the education and development of their children.

In order to support employees and to foster educational involvement, the County will

provide paid educational involvement leave to all regular status employees upon adoption of this rule. This leave may be used for time away from work in a certified pre-school, accredited private school, or public school setting for purposes of:

1. Assisting in tutorial programs.

2. Serving as a guest lecturer.

3. Attending parent-teacher conferences or other school-supported activities.

Under provisions of this policy, the County will donate on a matching basis up to eight (8) hours of educational involvement leave to each full-time regular status employee per school year. (Leave for regular status part-time employees will be prorated.) As a result, one-half of the required time away from work will be contributed by the County, while the other half will be taken from accrued comp time or PTO leave.

Effective with the pay period beginning August 1 of each year, regular status employees will have the appropriate educational involvement leave hours available for use during the coming school year through August 1 of the next year. Educational involvement leave hours do not accumulate, will not be carried forward from year to year, and will not be paid out upon termination.

Educational involvement leave requires the advance approval of the agency head or their designee. Validation of attendance at school activities may be required. Any abuse of this policy shall be grounds for disciplinary action.

Historical Note: Adopted Eff. 11/4/2002
Amended: 04/24/2012

PR-422 Attorney Loan Repayment Assistance

Provide retention incentives for attorneys and a recruitment tool for Yuma County to enable attorneys, who have the background and dedication to provide effective legal representation in service to the citizens of Yuma County. Implementation of the program directs benefits to employees who would otherwise be precluded from accepting a position with Yuma County due to high student debt coupled with comparison of government service wages to private sector.

A. Authority

Loan Repayment Assistance Program (LRAP) has been authorized by the Yuma County Board of Supervisors pursuant to A.R.S. §11-251 and the Yuma County personnel rule PR-302.

B. Modifications/review

1. The Yuma County Board of Supervisors reserves the right to modify the lap

within its sole discretion and any modifications will apply to all eligible attorneys. Continuation of the LRAP is contingent upon the availability of Resources and annual appropriation by the Board of Supervisors.

2. The effectiveness of the program will be reviewed by the Board of Supervisors after three (3) years to determine if the program should be continued, adjusted or terminated.

C. ATTORNEY Loan Repayment Assistance Program

The specific objectives of this program are:

1. To enable attorneys who have the background and dedication to provide effective legal representation in service to the citizens of the County; and

2. To increase diversity among those providing legal services to the citizens of the County by enabling attorneys from various economic backgrounds to take government-service positions; and

3. To enable attorneys who enter government service with the County to remain in their chosen field; and

4. To help the County better compete for talented legal professionals.

D. Eligible employees must meet the following criteria:

1. Working in an attorney or attorney supervisor position within the County Attorney, Public Defender or Legal Defender office. Part-time attorneys are eligible for pro-rated benefits, if they work at least half-time. Contract and temporary attorneys are not eligible. An attorney must have received a rating of “meets” or equivalent on their most recent performance evaluation.

2. Must not be on probationary or disciplinary status.

3. Attorneys are eligible to apply for participation in the program upon completing 12 consecutive months of employment in a qualifying position immediately preceding the date of the application submitted under section e below. Attorneys will begin receiving benefits for the quarter in which they are accepted into the program.

4. Attorneys who complete 12 consecutive months of employment in a qualifying position in the middle of a quarter will be eligible to receive benefits for the following full quarter upon acceptance into the LRAP.

5. Such benefits will be based on the actual amount of payment made in same quarter of the preceding year (“qualifying quarter”), subject to the limits addressed in Section D.4, above.

6. Employees eligible for loan repayment funds from other sources (i.e. governmental programs, National Association for Public Interest Law (NAPIL) or Equal Justice Works (EJW) fellowships, law school programs, etc.) must first apply to these programs for assistance.

7. Employees must apply for and participate in all other sources of loan repayment assistance, forgiveness, and cancellation that are available to them. Only those amounts an attorney is required to pay after taking advantage of all other programs are eligible for this program. Attorneys shall certify that they have taken advantage of all other programs available to them and that they are otherwise eligible for reimbursement on the initial application and quarterly proof of payment forms.

E. Educational debt eligibility is defined as:

1. A student or educational loan is eligible for repayment under this program if it is listed below:

   a. Stafford Direct (subsidized or unsubsidized) Loan - a loan made, insured, or guaranteed under Part B of Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §1071, 20 U.S.C. §1078-8, and 20 U.S.C. §1087a, et seq;

   b. Perkins Loan – a loan made, insured, or guaranteed under Part D or E of Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§1087aa – 1087ii;

   c. Federal Consolidated or Federal Direct Consolidated Loan – a loan made, insured, or guaranteed under Section 428c or 455 (G) of the Higher Education Act of 1965, as amended, 20 U.S.C. §1078-3 and 20 U.S.C. §1087e(g) to the extent that such loan was used to repay a Federal Direct Stafford, a Federal Direct Unsubsidized Stafford Loan, or a loan made under Section 428 or Section 428h of such act;

   d. Private educational loan or private educational consolidated loan – a private commercial educational loan or private commercial educational consolidated loan, subject to the provisions of subsection 3(b); or

   e. Bar Study Loan – a commercial credit –qualified private loan specifically intended by the lender to help cover expenses incurred after graduation while a student prepares for the Arizona Bar examination.

2. All need-based undergraduate and law school loan debt, and loan debt incurred in joint degree programs where one degree is a Juris doctorate, that meets the requirements of the preceding section, are eligible.

Otherwise, all need-based institutional loans used for educational expenses that meet the requirements of the preceding section are eligible.

3. Federal PLUS loans are not eligible. Eligible loans do not include private loans from friends or family members, or credit card or other consumer debt used to finance legal education. Loans consolidated with non-educational loans are not eligible. Educational loan debt that has been paid and satisfied and/or discharged is ineligible for reimbursement under this program.

4. Loans consolidated with spouses' loans are eligible if both spouses are employed with the County and all loans consolidated meet the eligibility requirements of this program. However, if one spouse reaches LRAP eligibility status prior to the other spouse, that spouse is eligible to receive benefits even though the other spouse is not yet eligible. Each spouse's benefit is limited to the amount they could have received absent the consolidation. upon application of an eligible spouse, that spouse's share of the remaining balance of the consolidated loan will be determined based on that spouse's share of the original consolidated loan, and that amount will be used to determine that spouse's benefit under this program.

5. Attorneys must submit documentation verifying educational loan debt and repayment schedules. Attorneys must also submit information on each loan including proof of the original principal amount for each loan and the calculated monthly repayment.

   Attorneys are then required to submit documentation each quarter of the actual payments made on each loan to qualify for matching reimbursement, up to the maximum allowable benefit. Therefore, the amount of monthly loan payments may affect the actual reimbursements made in that award amounts will never exceed the actual payments made.

6. It is the obligation of the attorney-applicant to provide sufficient documentation to prove eligibility of each educational loan.

F. Benefit disbursement

1. The program reimburses eligible attorneys for actual payments made on their student loans of the actual amount of payment made in the same quarter of the preceding year ("qualifying quarter"), up to $1,500.00 per quarter. The program provides a maximum, total benefit of $60,000 per attorney-applicant.

   Example: Employee begins employment on January 1, 2009. On January 1, 2010, the attorney-applicant becomes eligible to participate in LRAP. The first quarter of 2009 is the "qualifying quarter." Benefits to be received in the first quarter of 2010 are based on the actual payments made in the qualifying quarter. Therefore:

a. If employee made monthly payments of $500.00 in January and February, and $600.00 in March of 2009, the attorney-applicant will be entitled to LRAP benefits equal to $1,500.00 for the first quarter of 2010.

2. Attorneys currently employed by the County who have met the eligibility requirements as stated herein, will be eligible for benefits upon the effective date of the program, as indicated by the Board of Supervisors.

3. In order to receive reimbursement, the participating attorney must submit proof of actual education loan payment(s) made during the qualifying quarter, as provided in section j below. In order to receive the full benefit repayment, the proof of actual educational loan payment must equal the benefit amount. The program benefit payment will, in no instance, be more than the amount of actual loan repayment paid by the attorney in the qualifying quarter as provided in Section (J) below.

4. Receipt of benefits does not constitute a legal entitlement to future benefits nor does it constitute a right, promise or entitlement to continued employment. Employees must report any changes in eligibility to their office's Program Administrator within 30 days of the change.

G. Program participation voluntary

Participation in the program is voluntary. A participating attorney may decide to end his or her participation in the program at any time.

H. Separation policy

In case of voluntary or involuntary separation from employment with the County, or if the participating attorney continues employment with the County but outside of one of the three (3) legal offices noted above, the employee becomes immediately ineligible to receive benefits under the program.

I. Tax consequences

Under current State and Federal laws, benefits paid under the loan reimbursement program are considered to be taxable income and any tax liability associated with said benefits paid are the obligation of the participating attorney. Benefits paid under this program will be subject to any statutorily required deductions.

J. Procedure/administration

1. Participant responsibilities

a. Program application: participants shall submit an initial application for participation in the program no later than the last day of the first month of the first quarter to be reimbursed, except that the initial

application period is extended to September 29, 2009, for attorneys who are fully eligible as of July 1, 2009. The loan reimbursement application form can be accessed on-line from the Yuma County Human Resources website or obtained from the Yuma County Human Resources office. The participant shall submit, with the application documentation showing that each loan was for educational purposes only, the original principal loan amount for each loan, the amount of debt remaining on each loan, the name, address, and phone number of each lender, and the account number for each loan, and any further documentation required by the Plan Administrator, as defined in Section J (2) below.

b. Quarterly reimbursement request and documentation: participants shall submit proof of actual educational loan payments made during the quarter of the preceding year ("qualifying quarter"), and any other supporting documentation required by the Plan Administrator

The schedule for documentation submission for participants is as follows:

April 30: documentation for 1st qualifying quarter (January, February, March)

July 31: documentation for 2nd qualifying quarter (April, May, June)

October 31: documentation for 3rd qualifying quarter (July, August, September)

January 31: documentation for 4th qualifying quarter (October, November, December)

Example: If the attorney participant completes 12 consecutive months of eligible employment on November 18, 2009, the attorney participant must submit an initial application for participation in the program no later than January 31, 2010 (the last day of the first month of the quarter to be reimbursed). The attorney participant is then required to submit proof of actual payments for the qualifying quarter no later than April 30, 2010 (i.e. proof of payments for January, February, and March of 2009) (note: Section D (4)., above, as to eligibility status obtained in the middle of a quarter.)

c. Participants shall report any change in eligibility within 30 days of such change.

d. Participants who fail to comply with this policy shall be ineligible for LRAP benefits claimed for the quarter during which such noncompliance occurred.

2. Agency responsibilities:

   Each legal office, as referred to Section D above, will designate a Plan Administrator to administer the LRAP for that office.

   a. The Plan Administrator is ineligible for benefits under this program while serving as plan administrator.

   b. The Plan Administrator in each office will determine all questions of eligibility, subject to the dispute resolution process outlined in section I (3) below.

   c. The Plan Administrator will make available to attorneys employed by the County the official LRAP application form and process all lap applications and subsequent documentation.

   d. The Plan Administrator will provide Human Resources with all necessary documentation within 60 days of the end of each quarter to ensure that County Payroll can reimburse each eligible employee.

   e. The Plan Administrator will verify that the participant was eligible to receive benefits under the program during each quarter that the participant makes a claim for educational loan reimbursement.

   f. The Plan Administrator will maintain a copy of all records related to the LRAP including employee applications, eligibility verification documents, and a list of the employees participating in the program.

K. Human Resources responsibilities:

1. Verification of eligibility upon receipt of application

2. Provide a copy of the completed application request and submit a check requisition form to Financial Services upon receipt of payment for the loan received from the employee.

3. Maintains all records related to the loan repayment assistance program (i.e. application, eligibility verification and check requisition form)

L. LRAP Administrative Panel:

1. An LRAP Administrative Panel is established, consisting of the following four (4) people:

   a. One (1) Plan Administrator from the Public Defender's office and Legal Defender's office; and

   b. One (1) Plan Administrator from the County Attorney's office; and

c. A Representative of the County from the Department of Human Resources.

2. The Panel shall develop any administrative procedures required to implement this program.

3. The Panel shall be the final arbiter of any disputes that arise under the LRAP. An employee who disagrees with a decision of their Plan Administrator may appeal the decision to the LRAP Administrative Panel by submitting a written memo. The memo must specify the disagreement, attach any supporting documentation, and be submitted to the Panel within 30 days of the Plan Administrator's decision.

Historical Note: Adopted, Eff. 08/17/2009; Revised: 04/24/2012

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