

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE


IN THE MATTER OF: )  
 )  
REVISIONS TO SUPERIOR COURT ) ADMINISTRATIVE ORDER  
POLICIES AND PROCEDURE ) 2020-06  
8.1 AND 8.7 )

WHEREAS, on November 18, 2019, the Mohave County Board of Supervisors approved revisions to the Paid Time Off and Civic Duty Leave Policies;

WHEREAS, it is necessary to revise Superior Court Policy and Procedure 8.1 Paid Time Off (PTO) Leave and 8.7 Civic Duty Leave;

IT IS ORDERED, that the attached Superior Court Personnel Policies and Procedures 8.1 Paid Time Off (PTO) Leave and 8.7 Civic Duty Leave, be adopted effective this date.

DATED 27 day of January, 2020.

  
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Charles W. Gurtler, Jr., Presiding Judge  
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

# MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 8.1 PAID TIME OFF (PTO) LEAVE

EFFECTIVE DATE: 02/09/2017

REVISED DATE: 01/07/2020

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PTO allows employees flexibility and the ability to manage their accrued time off for vacations, personal illness or injury, illness, injury or death of a family member, medical and dental appointments, humanitarian/emergency relief as a volunteer, and other personal business.

## A. Eligibility and Accrual.

All full-time (at least 32 hours per week) and part-time (at least 20 hours per week) benefits-eligible, non-temporary employees are eligible to accrue PTO leave from the date of hire provided they are:

1. Are actively at work for at least twenty hours in at least one (1) week of the pay period, including hours actually worked plus approved P.T.O., E.I.B., and or comp time.
2. PTO leave shall accrue during any approved leave of absence with pay or suspension with pay (i.e. PTO, short-term military leave, bereavement leave, administrative leave). An employee on an approved leave of absence with pay who is using PTO, EIB, and/or comp time accruals to supplement income replacement through short-term disability is eligible to accrue PTO leave during such paid leave of absence.
3. Employees do not accrue PTO leave if they are on a leave of absence or suspension without pay for the duration of one or more pay periods. Employees who are solely on Workers' Compensation shall not accrue PTO leave, with the exception of Public Safety Officers according to A.R.S. §38-961.
4. PTO leave shall not be used in advance of accrual.

## B. Rate of Accrual. Eligible employees shall accrue PTO leave as follows:

1. Eligible part-time employees shall accrue PTO leave at 50 percent of a full time employee accrual per pay period based on their years of continuous service and their budget position.

Rate of accrual for employees hired prior to January 23, 2016

Years of Continuous Service	Full Time Employees	
	Hours Accrued per Pay Period	
	Hours Accrued Per Pay Period	Hours Accrued Per Year (totals rounded to nearest hour/day)



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Beginning on date of hire through end of 1 year	8.00	208 = 26 Days
Beginning year 2 through end of year 4	9.00	234 = 29 Days
Beginning year 5 through end of year 9	10.00	260 = 33 Days
Beginning year 10 through end of year 14	11.00	286 = 36 Days
Beginning year 15 and over	12.00	312 = 39 Days

Rate of accrual for employees hired on or after January 23, 2016

Years of Continuous Service	Full Time Employees	
	Hours Accrued per Pay Period	
	Hours Accrued Per Pay Period	Hours Accrued Per Year (totals rounded to nearest hour/day)
Beginning on date of hire through end of year 2	4.62	120 = 15 Days
Beginning year 3 through end of year 4	6.15	160 = 20 Days
Beginning year 5 through end of year 9	7.12	185 = 23 Days
Beginning year 10 through end of year 14	8.08	210 = 26 Days
Beginning year 15 +	9.23	240 = 30 Days

## C. Use of PTO leave.

1. The Department Head, or their designee, has the sole authority to approve or disapprove PTO or unpaid time requested by an employee. Failure to obtain approval for any PTO may be deemed by the Department Head as an unauthorized absence and may be subject to disciplinary action.
2. PTO leave shall not be charged against an employee's accrued leave balance for an authorized holiday that occurs while an employee is using PTO leave.



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3. Employees that do not return to work and separate for medical reasons shall be paid any accrued PTO.
4. Except as provided by Superior Court Personnel Policies and Procedures 7.41 (Call Back Time and Pay) PTO leave shall be allowed only to the extent that it will ensure payment for up to the employee's budgeted hours of their position.
5. PTO leave may be used to supplement Workers' Compensation (WC) payments up to 100% of an employee's regular bi-weekly base salary. Actual PTO hours required to supplement WC, shall be calculated to approach near approximation of the employee's regular net salary as WC payments are not subject to tax withholding.
6. PTO leave may be used to supplement Short Term Disability (STD) payments up to 100% of an employee's regular bi-weekly base salary. Actual PTO leave hours required to supplement STD shall be calculated to approach near approximation of the employee's regular net salary.
7. Compensatory time must be used prior to using PTO.

D. Verification of Need for Sick Related PTO Leave. The Department Head may require an employee requesting or having used sick related PTO leave to submit documentation substantiating the need for such leave in accordance with these procedures.

1. An employee who is absent for illness or injury more than three (3) consecutive days may be required to provide a medical release prior to returning to work. Such evidence may include, but is not limited to a certificate from a designated physician or practitioner, and/or an examination by a designated physician or practitioner.
2. The Department Head may disapprove the request for sick related PTO leave if such documentation is not adequate or if the designated physician determines that the request for sick related PTO leave is not a valid request.

E. Forfeiture of PTO Leave (Original Probationary Employees). Employees occupying classified positions who are on original probation and who do not complete their probationary period shall forfeit accrued PTO leave hours. Compensatory time shall not be forfeited.

F. Forfeiture of PTO Leave. For employees hired prior to January 23, 2016, at the end of the calendar year, total PTO leave accruals may not exceed nine hundred (900) hours. At the end of the calendar year (The pay period which includes December 31) only nine hundred (900) total PTO leave hours, will be carried forward to the new calendar year and accrued hours in excess of the nine hundred (900) hour limit will be forfeited.

At the end of the calendar year (The pay period which includes December 31), carryover of PTO for employees hired on or after January 23, 2016, shall not exceed 300 hours.



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G. Requesting PTO Leave. With the exception of emergencies, injuries, or illness, PTO leave shall be requested in writing at least two (2) weeks in advance. The Department Head or designee has the sole discretion to approve or disapprove any request for PTO.

H. Reporting and Recording Leave. The Employee and the Department Head or designee shall be responsible for ensuring that all leave used is properly recorded on employee's timesheet form.

I. Disposition of Accrued Leave. An employee who transfers between County departments or to or from the Superior Court shall retain any accumulated PTO leave. An employee who changes from one employment type to another employment type (i.e., full-time, benefits-eligible employee, to part-time, benefits-eligible employee) shall retain any accumulated PTO leave and shall be eligible to use and/or accrue PTO in accordance with their current employment type. A benefits-eligible employee, who transitions to a non-benefits-eligible employee or an elected position, shall receive payment of PTO upon separation in accordance with the separation provision below.

J. Separation. For employees hired prior to January 23, 2016, a classified employee who separates from Superior Court service shall be paid up to a maximum of four hundred (400) hours of unused PTO leave at the employee's current rate of pay. A PTO eligible unclassified employee who separates from Superior Court service shall be paid up to a maximum of six hundred (600) hours of unused PTO leave at the employee's current rate of pay. Within the last three (3) months of employment, any amount of PTO used in excess of half of a year's accrual as defined in section 8.1, will be deducted from the 400/600 hours at separation. This does not include employees on approved medical leave.

K. Rate of PTO payout for employees hired on or after January 23, 2016, shall not exceed 300 hours. Within the last three (3) months of employment, any amount of PTO used in excess of half of a year's accrual as defined in section 8.1, will be deducted from the 300 hours at separation. This does not include employees on approved medical leave.



## MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 8.7 CIVIC DUTY LEAVE

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Employees shall be given time off when performing any of the following:

- A. Jury Duty. Employees receiving time off with pay for jury duty shall be required to pay the Superior Court the stipend received for jury duty. Employees may keep per diem and mileage allowances.
1. Employees must provide a copy of the jury duty summons to their supervisor within two (2) working days of receipt so the supervisor can make arrangements to accommodate the employee's absence.
- B. Witness. Leave for an employee who has been subpoenaed to appear as a witness before any court or administrative, executive or legislative tribunal when it relates to Superior Court or County business, the employee shall be entitled to civic duty leave with pay. The Department Head may require such employee to submit substantiating evidence and may disapprove the request if the evidence is not adequate.
1. When it is due to a personal, commercial, or business transaction, or due to the employee's own actual or alleged unlawful conduct or misconduct, employee shall not be entitled to civic duty leave with pay.
  2. Employees shall provide a copy of the subpoena to their supervisor within two (2) business days of receipt so the supervisor can make arrangements to accommodate the employee's absence. An employee provided leave under this section is expected to report to work whenever the Court schedule permits.
  3. An employee who is paid a fee for an appearance as an expert witness while on civic duty leave shall remit such fee to Mohave County, unless PTO or unpaid leave is utilized.
- C. Voting. An employee shall be allowed necessary time off without loss of pay or leave time for the purpose of voting in a state, federal or a tribal election when the polls are not open at least three hours before or after the employee's normal scheduled hours of work. If approved, the Department Head may specify whether the time shall be taken at the start of or at the end of the workday.
1. Requests for time off for voting shall be made by the Friday prior to the day of election, and the Department Head may specify the hours during which an employee may be absent. An employee may be required to provide evidence of eligibility to vote prior to an approval for time off.
- D. Civic Duty Leave shall be allowed only to the extent that it will ensure payment for up to the employee's budgeted hours of their position.