

7.4 CALL BACK PAY AND SHIFT EXTENSIONS

7.41 Call Back Time and Pay

A. A FLSA non-exempt employee who is called back to work in a non-scheduled or emergency situation outside of the employee's regularly scheduled shift shall be compensated at the rate of one and one-half (1.5) times the employee's regular hourly rate or compensatory time.

B. In no case shall a FLSA non-exempt employee who responds to such call back receive compensation for less than one (1) hour of time worked.

C. Time credited for callback shall include any such time the FLSA non-exempt employee is actively engaged in work activity, which includes reasonable commute time.

D. Call Back during the week of scheduled PTO: If a FLSA non-exempt employee has scheduled paid time off (PTO) that has been approved by the supervisor, and the employee is called back to work during the week of scheduled PTO, the employee may choose to either (a) apply both the scheduled PTO and the call back time toward the employee's work week, or (b) apply the call back time toward the scheduled work week and save the unused PTO for future use. To illustrate how this works, refer to the following example:

- a. Employee A is regularly scheduled to work forty (40) hours during the work week. Employee A would like to take paid time off (PTO). Employee A submits a request, and receives approval, to take forty (40) hours of PTO during a scheduled work week in the near future. During the week that Employee A is on approved PTO, employer calls Employee A back to work due to an emergency situation. Employee A works ten (10) hours of call back time during the week he was scheduled to take PTO.

At the conclusion of the week, Employee A may calculate his work time as follows:

- (i.) Submit forty (40) hours of scheduled PTO and ten (10) hours of call back time, for a total of fifty (50) hours (employee shall be compensated at the employee's regular hourly rate of pay for 40 hours, and at the rate of one and one-half (1.5) times the employee's regular rate of pay for the 10 hours of call back time), or
- (ii.) Submit thirty (30) hours of scheduled PTO and ten (10) hours of call back time, for a total of forty (40) hours worked (employee shall be compensated at the employee's regular hourly rate of pay for 30 hours, and at the rate of one and one-half (1.5) times the employee's regular rate of pay for the 10 hours of call back time).

E. Option of Using Unpaid Time Off or PTO after Call Back: At the conclusion of call back work, if the FLSA non-exempt employee is scheduled to begin working an upcoming shift within the next eight (8) hours, the employee's supervisor may allow the employee to have unpaid time off on a straight hour-for-hour basis in lieu of the scheduled shift (or a portion of the shift if the call back time does not cover the entire shift period). When making this decision, the supervisor shall consider the employee's safety and minimizing the risk of harm to others. To illustrate how this works, refer to the following example:

- a. A FLSA non-exempt employee is scheduled to work a daily eight (8) hour shift Monday through Friday from 8 am to 4 pm. Upon completing Tuesday's shift the Employee leaves work at 4pm but is called back to work on the same day at 7pm. The employee works from 7pm until 3am (Wednesday) for a total of eight (8) hours of call back time. The employee is scheduled to begin his next shift on Wednesday at 8am. The employee's supervisor may give the employee unpaid hour-for-hour time off of eight (8) hours in lieu of Wednesday's shift, or allow the employee to use straight hour-for-hour PTO time of eight (8) hours in lieu of working Wednesday's shift.

Under this section, the PTO or straight time off may only be used for the scheduled shift immediately following the call back work.

F. Under no circumstances shall PTO leave be used in advance of accrual. If the employee does not have sufficient PTO to cover the upcoming time, the supervisor shall not offer the employee the use of PTO.

2.42 Shift Extensions

- A. A Shift Extension occurs when a FLSA non-exempt employee arrives to work earlier than the regularly scheduled shift for a non-emergency event or continues to remain at work beyond the conclusion of the regularly scheduled end of the shift. Time worked as a Shift Extension is not call back time. Time worked as a Shift Extension is paid at the FLSA non-exempt employee's regular rate of pay, except in the event of working beyond forty (40) hours in the work week. Any hours worked beyond (40) hours within the scheduled work week shall be paid in accordance with Superior Court Personnel Policies and Procedures Rule 7.35.

8.1 PAID TIME OFF (PTO) LEAVE

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)
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.
3. PTO leave accrued during a paid leave of absence may not be used until the employee has returned to work from the absence and has worked at least one (1) full day. 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 excluding accrued holiday leave hours and compensatory time, which the employee shall not forfeit.

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 (December 31) only nine hundred (900) total PTO leave hours (including accrued holiday leave hours), will be carried forward to the new calendar year and accrued hours in excess of the aforementioned limit will be forfeited. PTO exceeding the maximum limit of hours must be used or lost at the end of a calendar year.

At the end of the calendar year, carryover of PTO for employees hired on or after January 23, 2016, shall not exceed 300 hours.

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. An 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.