



# WELCOME TO FLAGSTAFF!

Panel Discussion:  
Arizona's Paid Sick Time Law  
AZ SWANA GM & Training  
August 25, 2017



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# Home of the Cinderlake Landfill!



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# How has Flagstaff implemented the sick leave provisions of Prop 206?



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# City updated its employee policy

## Employee Handbook of Regulations

New sick leave policy adopted by Ordinance No. 2017-12/Resolution No. 2017-17

Effective July 1, 2017



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# Employee policy

## City expanded the scope of sick leave

Did not create separate new category of sick leave; all accrued sick leave is now called "Earned Paid Sick Time"

### Rationale:

Same rules for all sick leave uses

### Con:

New rules make it more difficult to prevent abuse of sick leave



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# Employee policy

City now provides sick leave to temporary employees (1 hour per 30 hours worked)

- City has 237 temporary/seasonal employees
- This is a major new benefit
- Not sure how much will be used (up to 40 hours/year permissible)
  - ~ On average, a City employee uses 36 hours of sick leave per year

All other City employees (549) continue to accrue more generous sick leave (8 hours/per month for full-time employee)



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# Employee policy

City separately tracks each kind of use of accrued leave which comes out of the EPST bank:

- Sick leave
- Family member sick leave
- Crime victim leave (juvenile offenses, plus domestic violence is new)
- Public health emergency leave (new)
- Personal leave (any reason, up to 2 days)
- FMLA leave

Rationale: Like to know.

Vacation leave accrues separately, and is not EPST.



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# Employee policy

**Challenge #1: The doctor's note problem/abuse of sick leave**

New law says no doctor's note may be required unless absent 3 working days in a row.

Under old policy, supervisor had ability to require doctor's note if suspected abuse of sick leave

Supervisor questions:

**Q1:** May I go check on him at his house?

Answer: No

**Q2:** May I ask him if he was actually sick?

Answer: Yes



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# Employee policy

Challenge #1: The doctor's note problem/abuse of sick leave

Supervisor questions:



**Q3:** If his Facebook page shows he was out golfing all day, may I discipline him?

Answer: Yes



**Q4:** My employee told me he is going to be out sick next Thursday and there's nothing I can do about it.

Answer: Sick leave may be used for injury, illness, or medical care. If you're not using it that way, that's not ok.



**Q5:** My employee told me he is taking a "mental health day."

Answer: If you are using the day to relax you need to use vacation leave or personal leave (up to 2 days of sick leave in Flagstaff).



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# Employee policy

## Challenge #2: What is preventive medical care?

New law allows use of sick leave for “preventive medical care”

City decided to not define this term.

Rationale:

- Do we really care?
- Too hard to define, we’re not doctors.
- Affordable Care Act defines (mostly screenings and immunizations), but not all people have ACA coverage.

Con:

- Does this include yoga? Maybe – if doctor prescribes.



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# Employee policy

## Challenge #3: Performance evaluations/no retaliation

New law prohibits retaliation against an employee for exercising sick leave rights

Under old policy, supervisor would describe workplace problems caused by frequent absences.

### Supervisor questions:

**Q1:** May I write that his frequent absences are causing a real hardship to coworkers and work is not getting done?

Answer: No.



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# Employee policy

## Challenge #3: Performance evaluations/no retaliation

**Q2:** May I set productivity standards for all employees, and evaluate performance based on those standards?

Answer: Probably. If an employee has an extended absence due to sick leave, the standard should be modified proportionately.

**Q3:** May I promote employees because they are never sick and get work done?

Answer: No, but promotions may be based on achievements.



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# Employee policy

## Challenge #4: What about snow days?

New law allows use of sick leave for “public health emergency”

Under City policy when there is a snow delay (late start), employee is expected to make up time or take vacation leave.

City decided to define “public health emergency” as:

“the occurrence or imminent threat of an illness or health condition caused by a highly contagious disease, pandemic flu, spill or release of hazardous material or gas, or other pollutant or toxin that jeopardizes public health or unsafe building occupancy conditions.”

Rationale:

- A snow delay is not a public health emergency.



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# Thank you, SWANA, for inviting us to share Flagstaff's experience!



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