

**ARIZONA EARNED PAID SICK TIME  
(The Fair Wages and Healthy Families Act)**

Earned paid sick leave will **accrue** at a rate of one hour for every 30 hours worked up to a maximum of 40 hours of earned paid sick time per calendar year. A calendar year will be from January 1st to December 31<sup>st</sup> each year.

**Note:** Any paid leave policy, such as a paid time off policy, which makes available an amount of paid leave sufficient to meet the accrual requirements and may be used for the same purposes and under the same conditions as the Arizona earned paid sick time article is not required to provide additional paid sick time.



**EFFECTIVE: 7/1/2017**

**Use of Earned Paid Sick Time**

Sick leave is defined to include:

- The employee’s mental or physical illness, injury or health condition; the employee’s need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; and an employee’s need for preventive medical care;
- Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; and care of a family member who needs preventive care;
- Closure of the employer’s place of business by order of a public official due to a public health emergency or an employee’s need to care for a child whose school or place of care has been closed by order of a public health official due to a public health emergency, or care of oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee’s or family member’s presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease, or
- Absence necessary due to domestic violence, sexual violence, abuse or stalking, provided the leave is to allow the employee or the employee’s family member to obtain medical care, victim services, counseling, relocation, or legal services.

**Family member** means an employee’s:

- Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee’s spouse or domestic partner or a person who stood in loco parentis when the employee or employee’s spouse or domestic partner was a minor child;
- A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- A grandparent, grandchild or sibling (whether of a biological, foster, adoptive, or step relationship) of the employee or the employee’s spouse or domestic partner; or
- Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

## Paid Sick Time Accrual

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use	
1 hour for every 30 hours worked	7/1/2017 (Existing employee)	May use the accrued sick leave as it is earned (Existing employee)	<p>An employee may <b>use accrued paid sick time in hourly increments.</b></p> <p>An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.</p>
	Employees hired after 7/1/2017, first day of employment (New employee)	90 <sup>th</sup> calendar day after commencing employment before using accrued earned paid sick leave (New employee)	
<ul style="list-style-type: none"> <li>• Employees may <b>carry over up to 40 hours of unused accrued sick time from one calendar year to the next.</b></li> <li>• Paid sick time must be paid at no less than the rate the employee would have earned had he or she actually worked the paid sick time.</li> <li>• Employees who are exempt from the federal Fair Labor Standards Act's (FLSA) overtime requirements will be assumed to work 40 hours per week for accrual purposes unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.</li> </ul>			

## Employee Notice Requirements

<ul style="list-style-type: none"> <li>• If the reason for the sick time is a foreseeable absence, such as a pre-scheduled medical appointment, please provide as much advance notice as possible of your intention to use sick time (to the customer <u>and</u> your Superior Group or SDI branch representative), or as soon as practicable. The request shall include the expected duration of the absence.</li> <li>• When an employee uses sick time for a foreseeable absence, the employee shall make a reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the customer or employer. For example, the employee should make a reasonable attempt not to schedule medical appointments during peak business hours, when work is time-sensitive or when mandatory meetings are scheduled.</li> <li>• The employee shall inform the employer (and customer) of any change in the expected duration of the sick time as soon as practicable.</li> </ul>	<p>Earned paid sick time shall be provided upon the request of an employee.</p> <p>The request for leave can be made orally, in writing, or electronic means or by any means acceptable by the employer.</p> <p><b>For earned paid sick time of three or more consecutive work days, an employer may require reasonable documentation</b> that the earned paid sick time has been used for a purpose covered by this article.</p> <p>Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this act. In cases of domestic violence, sexual violence, abuse or stalking, one of the following types of documentation selected by the employee shall be considered reasonable documentation:</p> <ol style="list-style-type: none"> <li>1. A police report;</li> <li>2. A protective order;</li> <li>3. A signed statement from a domestic violence or sexual violence program or victim services organization;</li> </ol>
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## Employee Notice Requirements (Cont.)

- **If the reason for sick time is unforeseeable**, such as an emergency, accident, or sudden illness, the employee shall provide notice to the customer and their branch representative at Superior Group or SDI before the start of the employee's shift or, when circumstances prevent the employee from providing notice before the start of the employee's shift, as soon as is practicable.
- An employer may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required by these rules or if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the employer. The employer may not discipline the employee for use of sick time.

4. A signed statement from a witness advocate;
5. A signed statement from an attorney, member of the clergy, or a medical or other professional; or
6. An employee's written statement affirming that the employee or the employee's family member is a victim of domestic violence, sexual violence, abuse, or stalking, and that the leave was taken for one of the purposes listed in the act.

**Note:** The documentation does not need to explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.

## No Pay Out Upon Termination

There will be **no pay out** of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment.

## Rehires

- An employer shall restore previously accrued unused sick time to an employee who is reemployed by that employer **within 9 months of separation** from employment with the employer.
- The employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement of employment.

**When a different employer succeeds or takes the place of an existing employer**, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.

## Exercise of Rights Protected; Retaliation Prohibited

It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article.

It shall be unlawful for an employer's absence control policy to count earned paid sick time taken under this article as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.



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## THE FAIR WAGES AND HEALTHY FAMILIES ACT

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### Earned Paid Sick Time

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- EXEMPTIONS:** The Fair Wages and Healthy Families Act (the “Act”) does not apply to any person who is employed by a parent or a sibling; any person who is employed performing babysitting services in the employer’s home on a casual basis; or any person employed by the State of Arizona or the United States government.
- ENTITLEMENT AND AMOUNT:** Beginning July 1, 2017, employees are entitled to earned paid sick time and accrue a minimum of one hour of earned paid sick time for every 30 hours worked, subject to the following limitations:
- Employees whose employers have less than 15 employees may only accrue or use 24 hours of earned paid sick time per year.
  - Employees whose employers have 15 or more employees may only accrue or use 40 hours of earned paid sick time per year.
- Employers are permitted to select higher accrual and use limits.
- TERMS OF USE:** Earned paid sick time may be used for the following purposes: (1) medical care or mental or physical illness, injury, or health condition; or (2) a public health emergency; and (3) absence due to domestic violence, sexual violence, abuse, or stalking. Employees may use earned paid sick time for themselves or for family members. *See* Arizona Revised Statutes § 23-373 for more information.
- RETALIATION & DISCRIMINATION PROHIBITED:** Employers are prohibited from discriminating against or subjecting any person to retaliation for: (1) asserting any claim or right under the Act, including requesting or using earned paid sick time; (2) assisting any person in doing so; or (3) informing any person of their rights under the Act.
- ENFORCEMENT:** Each employee has the right to file a complaint with the Industrial Commission’s Labor Department alleging that an employer has violated the Act. Certain time limits apply. A civil action may also be filed as provided in the Act. Violations of the Act may result in penalties.
- INFORMATION:** For additional information regarding the Act, you may refer to the Industrial Commission’s website at [www.azica.gov](http://www.azica.gov) or contact the Industrial Commission’s Labor Department: 800 W. Washington, Phoenix, Arizona 85007-2022; (602) 542-4515.

**THIS POSTER MUST BE CONSPICUOUSLY POSTED IN A PLACE  
THAT IS ACCESSIBLE TO EMPLOYEES**