



## Cochise County Judicial System

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Policy Title: Special Leave Circumstances

Policy Number: 4007

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### **I. Civic Duty Leave**

#### **A. Jury Duty**

1. The Department Director is responsible for ensuring employees are permitted leave for jury service as provided for in A.R.S. §21-236.
2. Employees who are summoned to serve as jurors in federal, state or local courts are eligible for paid jury leave providing the employee:
  - a. Schedules leave in advance by providing a copy of the jury summons to his or her immediate supervisor;
  - b. Drives a personal vehicle to jury service;
  - c. Reports for jury duty as scheduled; and,
  - d. Remits any supplemental jury service payment (excluding mileage reimbursement) to the finance department.

#### **B. Leave for an Employee Subpoenaed to Appear as a Witness**

1. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive or legislative tribunal when it relates to court business shall be entitled to civic duty leave with pay. The Department Director may require such employee to submit substantiating evidence and may disapprove the request if the evidence is not adequate. An employee who is reimbursed for an appearance as a witness testifying on court-related business shall:
  - a. Remit reimbursement (excluding mileage and meal reimbursement) to the County; or
  - b. Use personal leave for the court appearance and retain reimbursement.

2. An employee who has been subpoenaed to appear as a witness before any court or administrative, executive or legislative tribunal due to a personal, commercial or business transaction or due to the employee's own unlawful conduct or misconduct shall not be entitled to civic duty leave with pay.

### **C. Voting**

The Department Director is responsible for ensuring employees are permitted paid leave of no more than three hours to vote pursuant to the limitations set forth in A.R.S. §16-402. Request for time off for voting shall be made prior to the day of election and the employer may specify the hour during which the employee may be absent.

## **II. Bereavement Leave**

The Department Director may approve up to five (5) days paid bereavement leave upon the death of an employee's immediate family member as outlined in A.R.S. §23-371(H), as follows:

1. 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;
2. 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;
3. 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;
4. 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.

Any additional leave required shall be charged to the employee's sick leave or, in the absence of sick leave, to the employee's personal leave.

## **III. Administrative Leave**

An employee may be placed on paid administrative leave when:

1. It is necessary to suspend work following a declared State of Emergency,
2. The Presiding Judge and/or Department Director determine it is unsafe for employees to report to or remain at their work location (provided alternate work or workstation has not been designated); or,
3. A Department Director or designee determines it is in the best interest of the Cochise County Judicial System (CCJS) pursuant to the conditions and requirements of Judicial Merit Rule 8.6.

#### **IV. Living Donor Leave**

An employee may be absent with pay for living donor leave provided the employee submits written verification that they are to serve as a donor. The maximum amount of leave is up to 40 working hours to serve as a bone marrow donor and up to 240 hours to serve as an organ donor.

#### **V. Military Leave for Active Service**

Department Directors and their designees are required to provide military leave for active service in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 and as provided in A.R.S. §26-168, § 38-298, and § 38-610.

##### **A. Leave for Short Term Military Service.**

1. An employee who is a member of the National Guard or military reserve and who is ordered to field training pursuant to Arizona Revised Statutes shall be granted civic duty leave with pay up to two hundred forty (240) hours in any two (2) consecutive calendar years. An employee ordered to military duty shall supply the department with written notification in advance of the absence and the request shall be accompanied by a copy of the employee's military orders.
2. An employee shall be granted military leave without pay or may take accrued annual or compensatory leave for required attendance at activities of the National Guard or military reserve exceeding the two hundred forty (240) hours with pay in any two (2) consecutive calendar years.

##### **B. Leave for Long Term Military Service.**

1. A regular status employee inducted, ordered or enlisted into active service of the Armed Forces of the United States shall be given the option to resign from CCJS employment and retain all restoration rights or be placed on a leave of absence without pay, whichever is in the best interest of the CCJS.
2. A regular status employee inducted, ordered or enlisted into active service of the Armed Forces of the United States shall be restored to a position of like seniority, status and pay upon completion of active service if the employee requests such restoration in writing within sixty (60) calendar days of separation from the armed forces, possesses a certificate of satisfactory completion of service (honorable discharge, general discharge or discharge under honorable conditions) and is still qualified to perform the duties of the position.
3. An employee's restoration rights expire after five (5) years of continuous service in the Armed Forces unless service extension beyond five (5) years is at the request and convenience of the Federal Government (Military Selective Services Act, as amended).