

**APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER**

Secretary of State  
1700 W. Washington Street, 7th Floor  
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The Fair Wages and Healthy Families Initiative increases minimum wage to \$10 in 2017 then gradually to \$12 by 2020; provides 40 hours annual "earned paid sick time" for employees of large employers (24 hours for those of small employers); time accrues at one hour earned for every 30 hours worked; time may be used to address circumstances caused by illness of employee or employee's family, public health emergencies, or domestic violence; prohibits retaliating against employees using the benefit; allows for more generous paid time-off policies; and exempts employees who expressly waive the benefit under collective bargaining agreements.

  
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|----------------------|-----------|
| Date of Application  | 3/30/10   |
| Signatures Required  | 150,642   |
| Deadline for Filing  | 7/7/10    |
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| FOR OFFICE USE ONLY  |           |

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SECRETARY OF STATE

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OFFICIAL TITLE  
AN INITIATIVE MEASURE

AMENDING TITLE 23, CHAPTER 2, ARTICLE 8, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 23-363 and 23-364; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.1; RELATING TO ARIZONA'S MINIMUM WAGE AND EARNED PAID SICK TIME BENEFITS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Short Title

This act may be cited as the "The Fair Wages and Healthy Families Act"

Sec. 2. Heading change

The article heading of title 23, chapter 2, article 8, Arizona Revised Statutes, is changed from "MINIMUM WAGE" to "MINIMUM WAGE AND EMPLOYEE BENEFITS".

Sec 3. Section 23-363, Arizona Revised Statutes, is amended to read:

23-363. Minimum wage

A. Employers shall pay employees no less than the minimum wage, which shall be ~~six dollars and seventy-five cents (\$6.75) an hour beginning on January 1, 2007~~. NOT LESS THAN:

1. \$10 ON AND AFTER JANUARY 1, 2017.
2. \$10.50 ON AND AFTER JANUARY 1, 2018.
3. \$11 ON AND AFTER JANUARY 1, 2019.
4. \$12 ON AND AFTER JANUARY 1, 2020.

B. The minimum wage shall be increased on January 1, 2008~~21~~ and on January 1 of successive years, by the increase in the cost of living. The increase in the cost of living shall be measured by the percentage increase as of August of the immediately preceding year over the level as of August of the previous year of the consumer price index (all urban consumers, U.S. city average for all items) or its successor index as published by the U.S. department of labor or its successor agency, with the amount of the minimum wage increase rounded to the nearest multiple of five cents.

C. For any employee who customarily and regularly receives tips or gratuities from patrons or others, the employer may pay a wage up to \$3.00 per hour less than the minimum wage if the employer can establish by its records of charged tips or by the employee's declaration for federal insurance contributions act (FICA) purposes that for each week, when adding tips received to wages paid, the employee received not less than the minimum wage for all hours worked. Compliance with this provision will be determined by averaging tips received by the employee over the course of the employer's payroll period or any other period selected by the employer that complies with regulations adopted by the commission.

Sec. 4. Section 23-364, Arizona Revised Statutes, is amended to read:

23-364. Enforcement

A. The commission is authorized to enforce and implement this article and may promulgate regulations consistent with this article to do so. FOR PURPOSES OF THIS SECTION: (1) "ARTICLE" SHALL MEAN BOTH ARTICLE 8 AND ARTICLE 8.1 OF THIS CHAPTER; (2) "EARNED PAID SICK TIME" IS AS DEFINED IN SECTION 23-371, ARIZONA REVISED STATUTES; (3) "EMPLOYER" SHALL REFER TO THE DEFINITION OF EMPLOYER IN SECTION 23-362, ARIZONA REVISED STATUTES, FOR PURPOSES OF MINIMUM WAGE ENFORCEMENT AND SHALL REFER TO THE DEFINITION OF EMPLOYER IN SECTION 23-371, ARIZONA REVISED STATUTES, FOR PURPOSES OF EARNED PAID SICK TIME ENFORCEMENT; AND (4) "RETALIATION" SHALL MEAN DENIAL OF ANY RIGHT GUARANTEED UNDER ARTICLE 8 AND ARTICLE 8.1 OF THIS CHAPTER AND ANY THREAT, DISCHARGE, SUSPENSION, DEMOTION, REDUCTION OF HOURS, OR ANY OTHER ADVERSE ACTION AGAINST AN EMPLOYEE FOR THE EXERCISE OF ANY RIGHT GUARANTEED HEREIN INCLUDING ANY SANCTIONS AGAINST AN EMPLOYEE WHO IS THE RECIPIENT OF PUBLIC BENEFITS FOR RIGHTS GUARANTEED HEREIN. RETALIATION SHALL ALSO INCLUDE INTERFERENCE WITH OR PUNISHMENT FOR IN ANY MANNER PARTICIPATING IN OR ASSISTING AN INVESTIGATION, PROCEEDING OR HEARING UNDER THIS ARTICLE.

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B. No employer or other person shall DISCRIMINATE OR SUBJECT ANY PERSON TO RETALIATION ~~discharge or take any other adverse action against any person in retaliation~~ for asserting any claim or right under this article, for assisting any other person in doing so, or for informing any person about their rights. Taking adverse action against a person within ninety days of a person's engaging in the foregoing activities shall raise a presumption that such action was retaliation, which may be rebutted by clear and convincing evidence that such action was taken for other permissible reasons.

C. Any person or organization may file an administrative complaint with the commission charging that an employer has violated this article as to any employee or other person. When the commission receives a complaint, the commission may review records regarding all employees at the employer's worksite in order to protect the identity of any employee identified in the complaint and to determine whether a pattern of violations has occurred. The name of any employee identified in a complaint to the commission shall be kept confidential as long as possible. Where the commission determines that an employee's name must be disclosed in order to investigate a complaint further, it may so do only with the employee's consent.

D. Employers shall post notices in the workplace, in such format specified by the commission, notifying employees of their rights under this article. Employers shall provide their business name, address, and telephone number in writing to employees upon hire. Employers shall maintain payroll records showing the hours worked for each day worked, and the wages AND EARNED PAID SICK TIME paid to all employees for a period of four years. Failure to do so shall raise a rebuttable presumption that the employer did not pay the required minimum wage rate OR EARNED PAID SICK TIME. The commission may by regulation reduce or waive the recordkeeping and posting requirements herein for any categories of small employers whom it finds would be unreasonably burdened by such requirements. Employers shall permit the commission or a law enforcement officer to inspect and copy payroll or other business records, shall permit them to interview employees away from the worksite, and shall not hinder any investigation. Such information provided shall keep confidential except as is required to prosecute violations of this article. Employers shall permit an employee or his or her designated representative to inspect and copy payroll records pertaining to that employee.

E. A civil action to enforce this article may be maintained in a court of competent jurisdiction by a law enforcement officer or by any private party injured by a violation of this article.

F. Any employer who violates recordkeeping, posting, or other requirements that the commission may establish under this article shall be subject to a civil penalty of at least \$250 dollars for a first violation, and at least \$1000 dollars for each subsequent or willful violation and may, if the commission or court determines appropriate, be subject to special monitoring and inspections.

G. Any employer who fails to pay the wages OR EARNED PAID SICK TIME required under this article shall be required to pay the employee the balance of the wages OR EARNED PAID SICK TIME owed, including interest thereon, and an additional amount equal to twice the underpaid wages OR EARNED PAID SICK TIME. Any employer who retaliates against an employee or other person in violation of this article shall be required to pay the employee an amount set by the commission or a court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued or until legal judgment is final. The commission and the courts shall have the authority to order payment of such unpaid wages, UNPAID EARNED SICK TIME, other amounts, and civil penalties and to order any other appropriate legal or equitable relief for violations of this article. Civil penalties shall be retained by the agency that recovered them and used to finance activities to enforce this article. A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs of suit.

H. A civil action to enforce this article may be commenced no later than two years after a violation last occurs, or three years in the case of a willful violation, and may encompass all violations that occurred as part of a continuing course of employer conduct regardless of their date. The statute of limitations shall be tolled during any investigation of an employer by the commission or other law enforcement officer, but such investigation shall not bar a person from bringing a civil action under this article. No verbal or written agreement or employment contract may waive any rights under this article.

I. The legislature may by statute raise the minimum wage established under this article, extend coverage, or increase penalties. A county, city, or town may by ordinance regulate minimum wages and benefits within its geographic boundaries but may not provide for a minimum wage lower than that prescribed in this article. State agencies, counties, cities, towns and other political subdivisions of the state may consider violations of this article in determining whether employers may receive or renew public contracts, financial assistance or licenses. This article shall be liberally construed in favor of its purposes and shall not limit the authority of the legislature or any other body to adopt any law or policy that requires payment of higher or supplemental wages or benefits, or that extends such protections to employers or employees not covered by this article.

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Sec. 5. Title 23, chapter 2, Arizona Revised Statutes, is amended by adding article 8.1, to read:

ARTICLE 8.1. EARNED PAID SICK TIME

23-371. Definitions

FOR PURPOSES OF THIS ARTICLE:

A. "ABUSE" MEANS AN OFFENSE PRESCRIBED IN SECTION 13-3623, ARIZONA REVISED STATUTES.

B. "COMMISSION" IS AS DEFINED IN SECTION 23-362, ARIZONA REVISED STATUTES.

C. "DOMESTIC VIOLENCE" IS AS DEFINED IN SECTION 13-3601, ARIZONA REVISED STATUTES.

D. "EARNED PAID SICK TIME" MEANS TIME THAT IS COMPENSATED AT THE SAME HOURLY RATE AND WITH THE SAME BENEFITS, INCLUDING HEALTH CARE BENEFITS, AS THE EMPLOYEE NORMALLY EARNS DURING HOURS WORKED AND IS PROVIDED BY AN EMPLOYER TO AN EMPLOYEE FOR THE PURPOSES DESCRIBED IN SECTION 23-373 OF THIS ARTICLE, BUT IN NO CASE SHALL THIS HOURLY AMOUNT BE LESS THAN THAT PROVIDED UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE SECTION 206(A)(1)) OR SECTION 23-363, ARIZONA REVISED STATUTES.

E. "EMPLOY" IS AS DEFINED IN SECTION 23-362, ARIZONA REVISED STATUTES.

F. "EMPLOYEE" IS AS DEFINED IN SECTION 23-362, ARIZONA REVISED STATUTES. EMPLOYEE INCLUDES RECIPIENTS OF PUBLIC BENEFITS WHO ARE ENGAGED IN WORK ACTIVITY AS A CONDITION OF RECEIVING PUBLIC ASSISTANCE.

G. "EMPLOYER" INCLUDES ANY CORPORATION, PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, LIMITED LIABILITY COMPANY, TRUST, ASSOCIATION, POLITICAL SUBDIVISION OF THE STATE, INDIVIDUAL OR OTHER ENTITY ACTING DIRECTLY OR INDIRECTLY IN THE INTEREST OF AN EMPLOYER IN RELATION TO AN EMPLOYEE, BUT DOES NOT INCLUDE THE STATE OF ARIZONA OR THE UNITED STATES.

H. "FAMILY MEMBER" MEANS:

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; OR

5. ANY OTHER INDIVIDUAL RELATED BY BLOOD OR AFFINITY WHOSE CLOSE ASSOCIATION WITH THE EMPLOYEE IS THE EQUIVALENT OF A FAMILY RELATIONSHIP.

I. "RETALIATION" IS AS DEFINED IN SECTION 23-364, ARIZONA REVISED STATUTES.

J. "SEXUAL VIOLENCE" MEANS AN OFFENSE PRESCRIBED IN: (A) TITLE 13, CHAPTER 14, ARIZONA REVISED STATUTES, EXCEPT FOR SECTIONS 13-1408 AND 13-1422; OR (B) SECTIONS 13-1304(A)(3), 13-1307, 13-3019, 13-3206, 13-3212, 13-3552, 13-3553, 13-3554, OR 13-3560, ARIZONA REVISED STATUTES.

K. "STALKING" MEANS AN OFFENSE PRESCRIBED IN SECTION 13-2923, ARIZONA REVISED STATUTES.

L. "YEAR" MEANS A REGULAR AND CONSECUTIVE 12-MONTH PERIOD AS DETERMINED BY THE EMPLOYER.

23-372. Accrual of Earned Paid Sick Time

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A. EMPLOYEES OF AN EMPLOYER WITH 15 OR MORE EMPLOYEES SHALL ACCRUE A MINIMUM OF ONE HOUR OF EARNED PAID SICK TIME FOR EVERY 30 HOURS WORKED, BUT EMPLOYEES SHALL NOT BE ENTITLED TO ACCRUE OR USE MORE THAN 40 HOURS OF EARNED PAID SICK TIME PER YEAR, UNLESS THE EMPLOYER SELECTS A HIGHER LIMIT.

B. EMPLOYEES OF AN EMPLOYER WITH FEWER THAN 15 EMPLOYEES SHALL ACCRUE A MINIMUM OF ONE HOUR OF EARNED PAID SICK TIME FOR EVERY 30 HOURS WORKED, BUT EMPLOYEES SHALL NOT BE ENTITLED TO ACCRUE OR USE MORE THAN 24 HOURS OF EARNED PAID SICK TIME PER YEAR, UNLESS THE EMPLOYER SELECTS A HIGHER LIMIT.

C. IN DETERMINING THE NUMBER OF EMPLOYEES PERFORMING WORK FOR AN EMPLOYER FOR COMPENSATION DURING A GIVEN WEEK, ALL EMPLOYEES PERFORMING WORK FOR COMPENSATION ON A FULL-TIME, PART-TIME OR TEMPORARY BASIS SHALL BE COUNTED. IN SITUATIONS IN WHICH THE NUMBER OF EMPLOYEES WHO WORK FOR AN EMPLOYER FOR COMPENSATION PER WEEK FLUCTUATES ABOVE AND BELOW 15 EMPLOYEES PER WEEK OVER THE COURSE OF THE YEAR, AN EMPLOYER IS REQUIRED TO PROVIDE EARNED PAID SICK TIME PURSUANT TO SUBSECTION A OF THIS SECTION IF IT MAINTAINED 15 OR MORE EMPLOYEES ON THE PAYROLL FOR SOME PORTION OF A DAY IN EACH OF 20 DIFFERENT CALENDAR WEEKS, WHETHER OR NOT THE WEEKS WERE CONSECUTIVE, IN EITHER THE CURRENT OR THE PRECEDING YEAR (IRRESPECTIVE OF WHETHER THE SAME INDIVIDUALS WERE IN EMPLOYMENT IN EACH DAY).

D. ALL EMPLOYEES SHALL ACCRUE EARNED PAID SICK TIME AS FOLLOWS:

1. EARNED PAID SICK TIME AS PROVIDED IN THIS SECTION SHALL BEGIN TO ACCRUE AT THE COMMENCEMENT OF EMPLOYMENT OR ON JULY 1, 2017, WHICHEVER IS LATER. AN EMPLOYER MAY PROVIDE ALL EARNED PAID SICK TIME THAT AN EMPLOYEE IS EXPECTED TO ACCRUE IN A YEAR AT THE BEGINNING OF THE YEAR.

2. AN EMPLOYEE MAY USE EARNED PAID SICK TIME AS IT IS ACCRUED, EXCEPT THAT AN EMPLOYER MAY REQUIRE AN EMPLOYEE HIRED AFTER JULY 1, 2017, TO WAIT UNTIL THE NINETIETH CALENDAR DAY AFTER COMMENCING EMPLOYMENT BEFORE USING ACCRUED EARNED PAID SICK TIME, UNLESS OTHERWISE PERMITTED BY THE EMPLOYER.

3. EMPLOYEES WHO ARE EXEMPT FROM OVERTIME REQUIREMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE SECTION 213(A)(1)) WILL BE ASSUMED TO WORK 40 HOURS IN EACH WORK WEEK FOR PURPOSES OF EARNED PAID SICK TIME ACCRUAL UNLESS THEIR NORMAL WORK WEEK IS LESS THAN 40 HOURS, IN WHICH CASE EARNED PAID SICK TIME ACCRUES BASED UPON THAT NORMAL WORK WEEK.

4. EARNED PAID SICK TIME SHALL BE CARRIED OVER TO THE FOLLOWING YEAR, SUBJECT TO THE LIMITATIONS ON USAGE IN SUBSECTIONS A AND B. ALTERNATIVELY, IN LIEU OF CARRYOVER OF UNUSED EARNED PAID SICK TIME FROM ONE YEAR TO THE NEXT, AN EMPLOYER MAY PAY AN EMPLOYEE FOR UNUSED EARNED PAID SICK TIME AT THE END OF A YEAR AND PROVIDE THE EMPLOYEE WITH AN AMOUNT OF EARNED PAID SICK TIME THAT MEETS OR EXCEEDS THE REQUIREMENTS OF THIS ARTICLE THAT IS AVAILABLE FOR THE EMPLOYEE'S IMMEDIATE USE AT THE BEGINNING OF THE SUBSEQUENT YEAR.

5. IF AN EMPLOYEE IS TRANSFERRED TO A SEPARATE DIVISION, ENTITY OR LOCATION, BUT REMAINS EMPLOYED BY THE SAME EMPLOYER, THE EMPLOYEE IS ENTITLED TO ALL EARNED PAID SICK TIME ACCRUED AT THE PRIOR DIVISION, ENTITY OR LOCATION AND IS ENTITLED TO USE ALL EARNED PAID SICK TIME AS PROVIDED IN THIS SECTION. WHEN THERE IS A SEPARATION FROM EMPLOYMENT AND THE EMPLOYEE IS REHIRED WITHIN NINE MONTHS OF SEPARATION BY THE SAME EMPLOYER, PREVIOUSLY ACCRUED EARNED PAID SICK TIME THAT HAD NOT BEEN USED SHALL BE REINSTATED. FURTHER, 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.

6. 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.

7. AT ITS DISCRETION, AN EMPLOYER MAY LOAN EARNED PAID SICK TIME TO AN EMPLOYEE IN ADVANCE OF ACCRUAL BY SUCH EMPLOYEE.

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E. ANY EMPLOYER WITH A PAID LEAVE POLICY, SUCH AS A PAID TIME OFF POLICY, WHO MAKES AVAILABLE AN AMOUNT OF PAID LEAVE SUFFICIENT TO MEET THE ACCRUAL REQUIREMENTS OF THIS SECTION THAT MAY BE USED FOR THE SAME PURPOSES AND UNDER THE SAME CONDITIONS AS EARNED PAID SICK TIME UNDER THIS ARTICLE IS NOT REQUIRED TO PROVIDE ADDITIONAL PAID SICK TIME.

F. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS REQUIRING FINANCIAL OR OTHER REIMBURSEMENT TO AN EMPLOYEE FROM AN EMPLOYER UPON THE EMPLOYEE'S TERMINATION, RESIGNATION, RETIREMENT OR OTHER SEPARATION FROM EMPLOYMENT FOR ACCRUED EARNED PAID SICK TIME THAT HAS NOT BEEN USED.

23-373. Use of Earned Paid Sick Time

A. EARNED PAID SICK TIME SHALL BE PROVIDED TO AN EMPLOYEE BY AN EMPLOYER FOR:

1. AN EMPLOYEE'S MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; AN EMPLOYEE'S NEED FOR MEDICAL DIAGNOSIS, CARE, OR TREATMENT OF A MENTAL OR PHYSICAL ILLNESS, INJURY OR HEALTH CONDITION; AN EMPLOYEE'S NEED FOR PREVENTIVE MEDICAL CARE;

2. 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; CARE OF A FAMILY MEMBER WHO NEEDS PREVENTIVE MEDICAL CARE;

3. CLOSURE OF THE EMPLOYEE'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 OFFICIAL DUE TO A PUBLIC HEALTH EMERGENCY, OR CARE FOR 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

4. NOTWITHSTANDING SECTION 13-4439, ARIZONA REVISED STATUTES, ABSENCE NECESSARY DUE TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING, PROVIDED THE LEAVE IS TO ALLOW THE EMPLOYEE TO OBTAIN FOR THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER:

(a) MEDICAL ATTENTION NEEDED TO RECOVER FROM PHYSICAL OR PSYCHOLOGICAL INJURY OR DISABILITY CAUSED BY DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING;

(b) SERVICES FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR VICTIM SERVICES ORGANIZATION;

(c) PSYCHOLOGICAL OR OTHER COUNSELING;

(d) RELOCATION OR TAKING STEPS TO SECURE AN EXISTING HOME DUE TO THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING; OR

(e) LEGAL SERVICES, INCLUDING BUT NOT LIMITED TO PREPARING FOR OR PARTICIPATING IN ANY CIVIL OR CRIMINAL LEGAL PROCEEDING RELATED TO OR RESULTING FROM THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.

B. EARNED PAID SICK TIME SHALL BE PROVIDED UPON THE REQUEST OF AN EMPLOYEE. SUCH REQUEST MAY BE MADE ORALLY, IN WRITING, BY ELECTRONIC MEANS OR BY ANY OTHER MEANS ACCEPTABLE TO THE EMPLOYER. WHEN POSSIBLE, THE REQUEST SHALL INCLUDE THE EXPECTED DURATION OF THE ABSENCE.

C. WHEN THE USE OF EARNED PAID SICK TIME IS FORESEEABLE, THE EMPLOYEE SHALL MAKE A GOOD FAITH EFFORT TO PROVIDE NOTICE OF THE NEED FOR SUCH TIME TO THE EMPLOYER IN ADVANCE OF THE USE OF THE EARNED PAID SICK TIME AND SHALL MAKE A REASONABLE EFFORT TO SCHEDULE THE USE OF EARNED PAID SICK TIME IN A MANNER THAT DOES NOT UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.

D. AN EMPLOYER THAT REQUIRES NOTICE OF THE NEED TO USE EARNED PAID SICK TIME WHERE THE NEED IS NOT FORESEEABLE SHALL PROVIDE A WRITTEN POLICY THAT CONTAINS PROCEDURES FOR THE EMPLOYEE TO PROVIDE NOTICE. AN EMPLOYER THAT HAS NOT PROVIDED TO THE EMPLOYEE A

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COPY OF ITS WRITTEN POLICY FOR PROVIDING SUCH NOTICE SHALL NOT DENY EARNED PAID SICK TIME TO THE EMPLOYEE BASED ON NON-COMPLIANCE WITH SUCH A POLICY.

E. 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.

F. EARNED PAID SICK TIME MAY BE USED IN THE SMALLER OF HOURLY INCREMENTS OR THE SMALLEST INCREMENT THAT THE EMPLOYER'S PAYROLL SYSTEM USES TO ACCOUNT FOR ABSENCES OR USE OF OTHER TIME.

G. FOR EARNED PAID SICK TIME OF THREE OR MORE CONSECUTIVE WORK DAYS, AN EMPLOYER MAY REQUIRE REASONABLE DOCUMENTATION THAT THE EARNED PAID SICK TIME HAS BEEN USED FOR A PURPOSE COVERED BY SUBSECTION A. DOCUMENTATION SIGNED BY A HEALTH CARE PROFESSIONAL INDICATING THAT EARNED PAID SICK TIME IS NECESSARY SHALL BE CONSIDERED REASONABLE DOCUMENTATION FOR PURPOSES OF THIS SECTION. 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:

1. A POLICE REPORT INDICATING THAT THE EMPLOYEE OR THE EMPLOYEE'S FAMILY MEMBER WAS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING;

2. A PROTECTIVE ORDER; INJUNCTION AGAINST HARASSMENT; A GENERAL COURT ORDER; OR OTHER EVIDENCE FROM A COURT OR PROSECUTING ATTORNEY THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER APPEARED, OR IS SCHEDULED TO APPEAR, IN COURT IN CONNECTION WITH AN INCIDENT OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING;

3. A SIGNED STATEMENT FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR VICTIM SERVICES ORGANIZATION AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS RECEIVING SERVICES RELATED TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING;

4. A SIGNED STATEMENT FROM A WITNESS ADVOCATE AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS RECEIVING SERVICES FROM A VICTIM SERVICES ORGANIZATION;

5. A SIGNED STATEMENT FROM AN ATTORNEY, MEMBER OF THE CLERGY, OR A MEDICAL OR OTHER PROFESSIONAL AFFIRMING THAT THE EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING; 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 OF SUBSECTION A, PARAGRAPH 4 OF THIS SECTION. THE EMPLOYEE'S WRITTEN STATEMENT, BY ITSELF, IS REASONABLE DOCUMENTATION FOR ABSENCES UNDER THIS PARAGRAPH. THE WRITTEN STATEMENT DOES NOT NEED TO BE IN AN AFFIDAVIT FORMAT OR NOTARIZED, BUT SHALL BE LEGIBLE IF HANDWRITTEN AND SHALL REASONABLY MAKE CLEAR THE EMPLOYEE'S IDENTITY, AND IF APPLICABLE, THE EMPLOYEE'S RELATIONSHIP TO THE FAMILY MEMBER.

H. THE PROVISION OF DOCUMENTATION UNDER SUBSECTION G DOES NOT WAIVE OR DIMINISH ANY CONFIDENTIAL OR PRIVILEGED COMMUNICATIONS BETWEEN A VICTIM OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE, OR STALKING WITH ONE OR MORE OF THE INDIVIDUALS NAMED IN SUBSECTION G.

I. AN EMPLOYER MAY NOT REQUIRE THAT DOCUMENTATION UNDER SUBSECTION G EXPLAIN THE NATURE OF THE HEALTH CONDITION OR THE DETAILS OF THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.

23-374. Exercise of Rights Protected; Retaliation Prohibited

A. 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.

B. AN EMPLOYER SHALL NOT ENGAGE IN RETALIATION OR DISCRIMINATE AGAINST AN EMPLOYEE OR FORMER EMPLOYEE BECAUSE THE PERSON HAS EXERCISED RIGHTS PROTECTED UNDER THIS ARTICLE. SUCH RIGHTS INCLUDE BUT ARE NOT LIMITED TO THE RIGHT TO REQUEST OR USE EARNED PAID SICK TIME PURSUANT TO THIS ARTICLE; THE RIGHT TO FILE A COMPLAINT WITH THE

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COMMISSION OR COURTS OR INFORM ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED VIOLATION OF THIS ARTICLE; THE RIGHT TO PARTICIPATE IN AN INVESTIGATION, HEARING OR PROCEEDING OR COOPERATE WITH OR ASSIST THE COMMISSION IN ITS INVESTIGATIONS OF ALLEGED VIOLATIONS OF THIS ARTICLE; AND THE RIGHT TO INFORM ANY PERSON OF HIS OR HER POTENTIAL RIGHTS UNDER THIS ARTICLE.

C. 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.

D. PROTECTIONS OF THIS SECTION SHALL APPLY TO ANY PERSON WHO MISTAKENLY BUT IN GOOD FAITH ALLEGES VIOLATIONS OF THIS ARTICLE.

23-375. Notice

A. EMPLOYERS SHALL GIVE EMPLOYEES WRITTEN NOTICE OF THE FOLLOWING AT THE COMMENCEMENT OF EMPLOYMENT OR BY JULY 1, 2017, WHICHEVER IS LATER: EMPLOYEES ARE ENTITLED TO EARNED PAID SICK TIME AND THE AMOUNT OF EARNED PAID SICK TIME, THE TERMS OF ITS USE GUARANTEED UNDER THIS ARTICLE, THAT RETALIATION AGAINST EMPLOYEES WHO REQUEST OR USE EARNED PAID SICK TIME IS PROHIBITED, THAT EACH EMPLOYEE HAS THE RIGHT TO FILE A COMPLAINT IF EARNED PAID SICK TIME AS REQUIRED BY THIS ARTICLE IS DENIED BY THE EMPLOYER OR THE EMPLOYEE IS SUBJECT TO RETALIATION FOR REQUESTING OR TAKING EARNED PAID SICK TIME, AND THE CONTACT INFORMATION FOR THE COMMISSION WHERE QUESTIONS ABOUT RIGHTS AND RESPONSIBILITIES UNDER THIS ARTICLE CAN BE ANSWERED.

B. THE NOTICE REQUIRED IN SUBSECTION A SHALL BE IN ENGLISH, SPANISH, AND ANY LANGUAGE THAT IS DEEMED APPROPRIATE BY THE COMMISSION.

C. THE AMOUNT OF EARNED PAID SICK TIME AVAILABLE TO THE EMPLOYEE, THE AMOUNT OF EARNED PAID SICK TIME TAKEN BY THE EMPLOYEE TO DATE IN THE YEAR AND THE AMOUNT OF PAY THE EMPLOYEE HAS RECEIVED AS EARNED PAID SICK TIME SHALL BE RECORDED IN, OR ON AN ATTACHMENT TO, THE EMPLOYEE'S REGULAR PAYCHECK.

D. THE COMMISSION SHALL CREATE AND MAKE AVAILABLE TO EMPLOYERS, IN ENGLISH, SPANISH, AND ANY LANGUAGE DEEMED APPROPRIATE BY THE COMMISSION, MODEL NOTICES THAT CONTAIN THE INFORMATION REQUIRED UNDER SUBSECTION A FOR EMPLOYERS' USE IN COMPLYING WITH SUBSECTION A.

E. AN EMPLOYER WHO VIOLATES THE NOTICE REQUIREMENTS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY ACCORDING TO SECTION 23-364(F), ARIZONA REVISED STATUTES.

23-376. Regulations

THE COMMISSION SHALL BE AUTHORIZED TO COORDINATE IMPLEMENTATION AND ENFORCEMENT OF THIS ARTICLE AND SHALL PROMULGATE APPROPRIATE GUIDELINES OR REGULATIONS FOR SUCH PURPOSES.

23-377. Confidentiality and Nondisclosure

AN EMPLOYER MAY NOT REQUIRE DISCLOSURE OF DETAILS RELATING TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING OR THE DETAILS OF AN EMPLOYEE'S OR AN EMPLOYEE'S FAMILY MEMBER'S HEALTH INFORMATION AS A CONDITION OF PROVIDING EARNED PAID SICK TIME UNDER THIS ARTICLE. IF AN EMPLOYER POSSESSES HEALTH INFORMATION OR INFORMATION PERTAINING TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING ABOUT AN EMPLOYEE OR EMPLOYEE'S FAMILY MEMBER, SUCH INFORMATION SHALL BE TREATED AS CONFIDENTIAL AND NOT DISCLOSED EXCEPT TO THE AFFECTED EMPLOYEE OR WITH THE PERMISSION OF THE AFFECTED EMPLOYEE.

23-378. Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws

A. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO DISCOURAGE OR PROHIBIT AN EMPLOYER FROM THE ADOPTION OR RETENTION OF AN EARNED PAID SICK TIME POLICY MORE GENEROUS THAN THE ONE REQUIRED HEREIN.



B. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS DIMINISHING THE OBLIGATION OF AN EMPLOYER TO COMPLY WITH ANY CONTRACT, COLLECTIVE BARGAINING AGREEMENT, EMPLOYMENT BENEFIT PLAN OR OTHER AGREEMENT PROVIDING MORE GENEROUS PAID SICK TIME TO AN EMPLOYEE THAN REQUIRED HEREIN. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS DIMINISHING THE RIGHTS OF PUBLIC EMPLOYEES REGARDING PAID SICK TIME OR USE OF PAID SICK TIME.

C. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO SUPERSEDE ANY PROVISION OF ANY LOCAL LAW THAT PROVIDES GREATER RIGHTS TO PAID SICK TIME THAN THE RIGHTS ESTABLISHED UNDER THIS ARTICLE.

23-379. Other Legal Requirements

A. NOTHING IN THIS ARTICLE SHALL BE INTERPRETED OR APPLIED SO AS TO CREATE A CONFLICT WITH FEDERAL LAW.

B. THIS ARTICLE PROVIDES MINIMUM REQUIREMENTS PERTAINING TO EARNED PAID SICK TIME AND SHALL NOT BE CONSTRUED TO PREEMPT, LIMIT, OR OTHERWISE AFFECT THE APPLICABILITY OF ANY OTHER LAW, REGULATION, REQUIREMENT, POLICY, OR STANDARD THAT PROVIDES FOR GREATER ACCRUAL OR USE BY EMPLOYEES OF EARNED PAID SICK TIME OR THAT EXTENDS OTHER PROTECTIONS TO EMPLOYEES.

23-380. Public Education and Outreach

THE COMMISSION MAY DEVELOP AND IMPLEMENT A MULTILINGUAL OUTREACH PROGRAM TO INFORM EMPLOYEES, PARENTS AND PERSONS WHO ARE UNDER THE CARE OF A HEALTH CARE PROVIDER ABOUT THE AVAILABILITY OF EARNED PAID SICK TIME UNDER THIS ARTICLE. THIS PROGRAM MAY INCLUDE THE DISTRIBUTION OF NOTICES AND OTHER WRITTEN MATERIALS IN ENGLISH, SPANISH, AND ANY LANGUAGE DEEMED APPROPRIATE BY THE COMMISSION TO ALL CHILD CARE AND ELDER CARE PROVIDERS, DOMESTIC VIOLENCE SHELTERS, SCHOOLS, HOSPITALS, COMMUNITY HEALTH CENTERS AND OTHER HEALTH CARE PROVIDERS.

23-381. Collective Bargaining Agreements

ALL OR ANY PORTION OF THE EARNED PAID SICK TIME REQUIREMENTS OF THIS ARTICLE SHALL NOT APPLY TO EMPLOYEES COVERED BY A VALID COLLECTIVE BARGAINING AGREEMENT, TO THE EXTENT THAT SUCH REQUIREMENTS ARE EXPRESSLY WAIVED IN THE COLLECTIVE BARGAINING AGREEMENT IN CLEAR AND UNAMBIGUOUS TERMS. NO PROVISIONS OF ARTICLE 8.1 SHALL APPLY TO EMPLOYEES COVERED BY A COLLECTIVE BARGAINING AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT UNTIL THE STATED EXPIRATION DATE IN THE COLLECTIVE BARGAINING AGREEMENT.

Sec. 6. Saving Clause

This act does not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of this act.

Sec. 7. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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