

Court Ruling May Necessitate Overhaul of Paid Sick Time Policies and Practices

The Arizona Fair Wages and Healthy Families Act (the "Act"), requires all employers to provide employees a certain amount of paid sick time depending on the number of employees. An employer with at least 15 employees must provide at least 40 hours of paid sick time to employees each year. The Act requires employers to follow certain notice requirements, including posting the [Earned Paid Sick Time Poster](#) and providing employees with pay stubs that include the amount of paid sick time available, the amount taken to date in the year, and the amount of pay received as sick time. Even if the employee exhausts paid sick time, employers must take care in taking any adverse employment action within 90 days of the employee's last use of paid sick time. An Arizona Court of Appeals case has highlighted the importance of implementing and following a comprehensive policy for paid sick time.



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A little bit about the case.

Papias worked for a manufacturing company, which had implemented policies on paid sick time (PST), paid time off (PTO), and attendance. Its employment practices deviated from these policies in several respects.

For example, the policy stated that Papias could use PST for limited reasons, but he was permitted to use PST for reasons beyond permissible uses. He was also paid more than his allotted PST. In his second year, Papias continued to request time off without explicitly indicating it was for sick time, yet his employer classified the hours as PST.