

Arizonans for Fair Wages and Healthy Families Act

The Arizonans for Fair Wages and Healthy Families Act sets out the minimum wage for Arizona workers beginning in 2017 as well as the regulations for the Earned Paid Sick Leave which is effective beginning 01 July 2017. The entirety of the measure can be found online at <https://apps.azsos.gov/election/2016/general/ballotmeasuretext/1-24-2016.pdf> . This handbook serves as the notice required under paragraph D to notify employees of their rights. 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. As prescribed, names, addresses, and telephone numbers are provided herein.

Local Flavor, LLC. dba El Charro Restaurant
601 West Main Street
Safford, Arizona 85546
(928) 428-4134

Capital Management Group, Inc.
7255 East Hampton Avenue
Suite 127
Mesa, Arizona 85209
(480) 654-0709

Local Flavor, LLC. will, as prescribed, maintain payroll records showing hours worked, wages, and the earned paid sick time paid to all employees for a period of four years. These records will be made viewable to the commission and/or law enforcement. Employees or his or her designated representative will be allowed to view payroll records only pertaining to that employee.

Minimum Wage

1. \$10.00 on and after 01 Jan 2017
2. \$10.50 on and after 01 Jan 2018
3. \$11.00 on and after 01 Jan 2019
4. \$12.00 on and after 01 Jan 2020
5. The minimum wage shall be increased on 01 Jan 2021 and on 01 Jan of successive years by the increase in the cost of living as figured by the consumer price index.
6. 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 that the employee received not less than the minimum wage for all hours worked during the employer's payroll period.

Earned Paid Sick Leave

Employees shall accrue a minimum of one hour of earned paid sick leave 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. Accrual begins on 01 Jul 2017 or at the commencement of employment, whichever is later. For employees hired after 01 Jul 2017, usage of accrued earned paid sick leave is not permitted until after 90 calendar days after commencing employment. Earned paid sick leave time shall be carried over to the following year, subject to the aforementioned usage regulations. If an employee transfers within this same organization, the employee is entitled to all the previous earned paid sick leave time accrued. When there is a separation from employment, and the employee is rehired within 9 months, the previously accrued earned paid sick time shall be reinstated. Additionally, the employee will be allowed to use and accrue additional earned paid sick time within the 90 day period. Upon separation whether it be termination, resignation, retirement, or any other separation from employment, Local Flavor, LLC. is not required to pay any accrued earned paid sick leave time that remains unused.

Use of Earned Paid Sick Time

Earned Paid Sick time shall be provided to an employee by Local Flavor, LLC. for:

1. An employees 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 preventative 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 preventative 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 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, ARS, 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:
 1. Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual violence, abuse or stalking;
 2. service from a domestic violence or sexual violence program or victim services organization;
 3. psychological or other counseling;
 4. relocation or taking steps to secure an existing home due to the domestic violence, sexual violence, abuse or stalking; or
 5. 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.

Requests for usage of earned paid sick time shall be made to the General Manager or the Assistant General Manager. Requests may be made orally, in writing, or by electronic means. When possible, the request should include the expected duration of the absence. 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. If the use of earned paid sick time is not foreseeable, the employee shall provide in writing or electronic means the duration of time needed and the reason for which earned paid sick time will be used. If the earned paid sick time will be for three or more consecutive work days, a doctor's note, or other reasonable documentation will be required. Acceptable documents can be found at the aforementioned web address. Due to health concerns and the safety of the employee and others in the workplace, a doctor's note may be required before the employee may return to work, even if the employee misses less than three consecutive days. An employee's use of earned paid sick leave and subsequent absence will not lead to or result in discipline, discharge, demotion, suspension, or any other adverse action. 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 the pay the employee has received as earned paid sick time shall be recorded in, or on an attachment to, the employee's regular paycheck.

Employees are entitled to earned paid sick time and the amount of earned paid sick time, the terms of its use guaranteed under the 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 the article is denied by the employer or the employee is subjected to retaliation for requesting or taking earned paid sick time. Any questions about rights and responsibilities under the article can be answered by the commission. They are reachable at:

Industrial Commission of Arizona
Phoenix Office
800 W. Washington St.
Phoenix, AZ 85007
(602) 542-4661

Tucson Office
2675 E. Broadway Blvd
Tucson, AZ 85716
(520) 628-5188

Ten Year Anniversary Program

As stated in the Fair wages and Healthy Families Act, “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 same conditions as earned paid sick time under this article is not required to provide additional paid sick time.” For employees with an employment duration of 10 years or longer will be automatically enrolled in the Paid Time Off policy. This policy will include will include a 40 hour paid time off at the beginning of each calendar year. Hours may be rolled over into following years, and there is no limit to the number of hours that can be used or accumulated. The usage of these hours is not limited to sick leave, but may be used at the employee’s discretion. When possible, the request should include the expected duration of the absence. When the use of paid time off is foreseeable, the employee shall make a good faith effort to provide the need for such time to the employer in advance of the use of the paid time off and shall make a reasonable effort to schedule the use of paid time off in a manner that does not unduly disrupt the operations of the employer.