

REFERENCE TITLE: employees; school conferences; leave

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1344

Introduced by
Senators Mendez; Miranda; Representative Salman

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8.2; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, Arizona Revised Statutes, is
3 amended by adding article 8.2, to read:

4 ARTICLE 8.2. PARENTAL LEAVE

5 23-385. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "CHILD" MEANS A BIOLOGICAL, ADOPTED OR FOSTER CHILD, A STEPCHILD
8 OR A LEGAL WARD OF AN EMPLOYEE WHO IS ENROLLED IN A SCHOOL IN THIS STATE.

9 2. "EMPLOYEE":

10 (a) MEANS AN INDIVIDUAL WHO PERFORMS SERVICES FOR HIRE FOR AN
11 EMPLOYER.

12 (b) DOES NOT INCLUDE AN INDEPENDENT CONTRACTOR.

13 3. "EMPLOYER" MEANS AN INDIVIDUAL OR PERSON OR ANY TYPE OF
14 ORGANIZATION, INCLUDING THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS
15 STATE, THAT EMPLOYS AT LEAST FIFTY EMPLOYEES IN THIS STATE.

16 4. "SCHOOL" MEANS ANY PUBLIC OR PRIVATE PRIMARY OR SECONDARY
17 SCHOOL.

18 23-385.01. School conference or activity leave; written
19 request; exception; hours of conferences or
20 activities; verification

21 A. AN EMPLOYER SHALL GRANT AN EMPLOYEE SCHOOL CONFERENCE OR
22 ACTIVITY LEAVE OF UP TO A TOTAL OF SIXTEEN HOURS DURING ANY SCHOOL YEAR,
23 NOT MORE THAN FOUR HOURS OF WHICH MAY BE TAKEN DURING ONE DAY, TO ATTEND
24 SCHOOL CONFERENCES OR ACTIVITIES RELATED TO THE EMPLOYEE'S CHILD IF ALL OF
25 THE FOLLOWING APPLY:

26 1. THE CONFERENCE OR ACTIVITY IS NOT SCHEDULED DURING NONWORK
27 HOURS.

28 2. THE EMPLOYEE HAS EXHAUSTED ALL ACCRUED VACATION LEAVE, PERSONAL
29 LEAVE AND COMPENSATORY LEAVE AND ANY OTHER LEAVE THAT MAY BE GRANTED TO
30 THE EMPLOYEE EXCEPT SICK LEAVE AND DISABILITY LEAVE.

31 3. THE EMPLOYEE HAS BEEN EMPLOYED BY THE EMPLOYER FOR AT LEAST THE
32 SIX CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE REQUEST FOR SCHOOL
33 CONFERENCE OR ACTIVITY LEAVE.

34 4. THE AVERAGE NUMBER OF HOURS PER WEEK THAT THE EMPLOYEE WORKS IS
35 EQUAL TO AT LEAST ONE-HALF OF THE FULL-TIME EQUIVALENT POSITIONS IN THE
36 EMPLOYER'S JOB CLASSIFICATION, AS DEFINED BY THE EMPLOYER'S PERSONNEL
37 POLICIES OR PRACTICES OR PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT,
38 DURING THE SIX MONTHS IMMEDIATELY PRECEDING THE REQUEST FOR SCHOOL
39 CONFERENCE OR ACTIVITY LEAVE.

40 B. THE EMPLOYEE SHALL PROVIDE THE EMPLOYER WITH A WRITTEN REQUEST
41 FOR SCHOOL CONFERENCE OR ACTIVITY LEAVE AT LEAST SEVEN DAYS BEFORE THE
42 DATE OF THE REQUESTED SCHOOL CONFERENCE OR ACTIVITY LEAVE. IF THE
43 SITUATION IS AN EMERGENCY, THE EMPLOYEE SHALL PROVIDE AT LEAST TWENTY-FOUR
44 HOURS' WRITTEN NOTICE BEFORE THE DATE OF THE SCHOOL CONFERENCE OR ACTIVITY
45 LEAVE.

1 C. BEFORE SCHEDULING A SCHOOL CONFERENCE OR ACTIVITY, THE EMPLOYEE
2 SHALL CONSULT WITH THE EMPLOYER TO SCHEDULE THE LEAVE SO THAT OPERATIONS
3 OF THE EMPLOYER ARE NOT UNDULY DISRUPTED.

4 D. AN EMPLOYER THAT IS SUBJECT TO THIS ARTICLE IS NOT REQUIRED TO:

5 1. GRANT SCHOOL CONFERENCE OR ACTIVITY LEAVE TO AN EMPLOYEE IF
6 GRANTING THE LEAVE WOULD RESULT IN MORE THAN FIVE PERCENT OF THE
7 EMPLOYER'S WORKFORCE TAKING SCHOOL CONFERENCE OR ACTIVITY LEAVE AT THE
8 SAME TIME.

9 2. COMPENSATE AN EMPLOYEE FOR THE DURATION OF THE SCHOOL CONFERENCE
10 OR ACTIVITY LEAVE.

11 E. FOR REGULARLY SCHEDULED, NONEMERGENCY CONFERENCES OR ACTIVITIES,
12 SCHOOLS SHALL MAKE TIME AVAILABLE FOR SUCH CONFERENCES OR ACTIVITIES
13 DURING BOTH REGULAR SCHOOL HOURS AND EVENING HOURS.

14 F. IF REQUESTED BY THE PARENT OR GUARDIAN OF A CHILD AT THE SCHOOL,
15 A SCHOOL SHALL PROVIDE DOCUMENTATION VERIFYING THAT THE PARENT OR GUARDIAN
16 ATTENDED THE SCHOOL CONFERENCE OR ACTIVITY. AN EMPLOYER MAY REQUEST THIS
17 VERIFICATION AND, IF REQUESTED, THE EMPLOYEE SHALL SUBMIT THE VERIFICATION
18 TO THE EMPLOYER.

19 23-385.02. Notification to schools; notification of school
20 visitation policy; notification to employers

21 A. THE DEPARTMENT OF EDUCATION SHALL NOTIFY EACH SCHOOL REGARDING
22 THE PROVISIONS OF THIS ARTICLE, AND EACH SCHOOL SHALL NOTIFY PARENTS OR
23 GUARDIANS OF THE SCHOOL'S STUDENTS OF THE SCHOOL'S VISITATION POLICY.

24 B. THE INDUSTRIAL COMMISSION OF ARIZONA SHALL NOTIFY EMPLOYERS
25 REGARDING THE PROVISIONS OF THIS ARTICLE.

26 23-385.03. Employee rights

27 THIS ARTICLE DOES NOT:

28 1. AFFECT AN EMPLOYER'S OBLIGATION TO COMPLY WITH ANY COLLECTIVE
29 BARGAINING AGREEMENT OR EMPLOYEE BENEFIT PLAN.

30 2. PREVENT AN EMPLOYER FROM APPROVING SCHOOL CONFERENCE AND
31 ACTIVITY LEAVE IN EXCESS OF THE REQUIREMENTS OF THIS ARTICLE.

32 Sec. 2. Short title

33 Title 23, chapter 2, article 8.2, Arizona Revised Statutes, as added
34 by this act, may be cited as the "Parental Involvement Leave Act".