

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF TOMBSTONE, COCHISE COUNTY, ARIZONA, AMENDING THE CITY CODE, TITLE 1, "ADMINISTRATION", CHAPTER 19, "PERSONNEL RULES AND REGULATIONS", SECTION 1-19-17, "ATTENDANCE, HOLIDAYS, VACATIONS AND OTHER LEAVES", AND ADD SUBSECTION O., "SICK AND VACATION LEAVE DONATION".

WHEREAS, Pursuant to the City of Tombstone Charter, Article IV, "Rights, Powers and the Duties of the Common Council" and A.R.S. §9-274, "Powers of Council", the Mayor and Common Council of the City of Tombstone are granted the authority to establish by ordinance or resolution, the rules, regulations, and employment policies regulating employees in the performance of official duties; and,

WHEREAS, the Mayor and Common Council of the City of Tombstone, wishing to add to the City Code Title 1, Chapter 19, Section 1-19-17, Subsection O., to provide a Sick and Vacation Leave Donation Policy for City employees.

BE IT NOW ORDAINED BY THE MAYOR AND COMMON COUNCIL:

SECTION 1: The City Code of Tombstone, Arizona, Title 1, "Administration", Chapter 19, "Personnel Rules and Regulations", Section 1-19-17, "Attendance, Holidays, Vacations and other Leaves", Subsection O. "Sick and Vacation Leave Donation", shall be add as follows:

- O. Sick & Vacation Leave Donation: The purpose of this policy is to allow employees to voluntarily donate accrued leave to assist a fellow employee experiencing a serious illness, injury, or medical hardship who has exhausted all of their own accrued leave. This program helps protect income during extended absences and fosters a spirit of camaraderie among employees.
 - 1. Eligibility: Full-time employees who have completed their probationary period may participate as both donors and recipients. Part-time employees are eligible to participate as donors and recipients; however, they are limited to donating sick leave only since vacation leave is not accrued by part-time staff. A recipient (full-time or part-time) must have exhausted all of their accrued leave (sick, vacation, compensatory time) before donated hours can be used. A medical certification from a licensed healthcare provider is required to verify the need for extended leave.
 - 2. Donation of Leave:
 - a. Donations are voluntary.
 - b. Full-time employees may donate either sick leave or vacation leave. If vacation leave is donated it must be used as sick leave by the recipient.

- c. Part-time employees may donate sick leave only.
 - d. Donors must maintain after donation, a minimum balance of 40 hours of sick leave and, if donating vacation leave, 40 hours of vacation leave.
 - e. Donations must be made in blocks of at least 8 hours.
 - f. All donations are irrevocable.
- 3. Amounts and Limits: Full-time employees may donate up to 40 hours of sick leave and 40 hours of vacation leave per calendar year. Part-time employees may donate up to 40 hours of sick leave per calendar year. Recipients may not receive more than 240 hours of donated leave in a 12-month period. Donated leave may be used as described in the City's sick leave policy.
 - 4. Request Process: Recipient must submit a written request submitted with supporting medical documentation to the City Clerk/HR Office. HR will notify eligible employees of the opportunity to donate, while maintaining confidentiality as appropriate. Donors shall complete a donation form specifying the type and number of hours to be donated. HR shall process donations and credit leave hours to the donor's and recipient's balance.
 - 5. Use of Donated Leave: Donated leave may only be used after the employee has exhausted all personal accrued leave. Donated leave will be applied consistent with the City's sick leave policy. Donated leave will run concurrently with FMLA where applicable.
 - 6. Administration: The City Clerk/HR Office shall maintain records of all donations and withdrawals. The Sick Leave Donation Program does not guarantee leave approval; all requests are subject to review and verification. Abuse of the program (false information, misuse of leave) will result in disciplinary action.
 - 7. General Provisions: Donated leave has no cash value and is not payable upon separation, retirement, or death. This program does not create a vested right. The City Council may amend or discontinue this policy at any time.

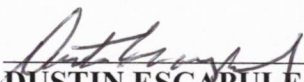
SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

SECTION 5: Pursuant to A.R.S. §§ 9-812, 9-813 and 39-204, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE
CITY OF TOMBSTONE, ARIZONA, this 14th day of October, 2025.**

CITY OF TOMBSTONE, ARIZONA


DUSTIN ESCAPULE, Mayor

ATTEST:


CHARISSA PRESTI, Interim City Clerk

APPROVED AS TO FORM:


ANN P. ROBERTS, City Attorney

CERTIFICATION

I HEREBY CERTIFY the foregoing Ordinance as duly passed and adopted by the City Council of the City of Tombstone, at a regular meeting on November 12, 2025, and that a quorum was present.



Charissa Presti, Interim City Clerk

Ordinance 2025-05

Passed and adopted by 5 Councilmembers on November 12, 2025.

Posted on website and posting locations on _____, 2025

Published in the Tombstone News on _____ and _____, 2025.

Clerk's Initials: _____