

# ARIZONA LABOR LAW POSTINGS



## WORK EXPOSURE TO MRSA, SPINAL MENINGITIS, TB

### WORK EXPOSURE TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA), SPINAL MENINGITIS, OR TUBERCULOSIS (TB)

#### Notice to Employees

Employees are notified that a claim may be made for a condition, infection, disease or disability involving or related to MRSA, spinal meningitis, or TB within the provisions of the Arizona Workers' Compensation Law. (A.R.S. § 23-1043.04) Such a claim shall include the occurrence of a significant exposure at work, which is defined to mean an exposure in the course of employment to aerosolized MRSA, spinal meningitis or TB bacteria. Significant exposure also includes exposure in the course of employment to MRSA through bodily fluids or skin.

Certain classes of employees (as defined below) may more easily establish a claim related to MRSA, spinal meningitis or TB by meeting the following requirements:

1. The employee's regular course of employment involves handling or exposure to MRSA, spinal meningitis or TB. For purposes of establishing a claim under this section, "employee" is limited to firefighters, law enforcement officers, correction officers, probation officers, emergency medical technicians and paramedics who are not employed by a health care institution;
2. No later than thirty (30) calendar days after a possible significant exposure, the employee reports in writing to the employer the details of the exposure;
3. A diagnosis is made within the following time-frames:
  - a. For a claim involving MRSA, the employee must be diagnosed with MRSA within fifteen (15) days after the employee reports pursuant to Item No. 2 above;
  - b. For a claim involving spinal meningitis, the employee must be diagnosed with spinal meningitis within two (2) to eighteen (18) days of the possible significant exposure; and
  - c. For a claim involving TB, the employee is diagnosed with TB within twelve (12) weeks of the possible significant exposure.

Expenses for post-exposure evaluation and follow-up, including reasonably required prophylactic treatment for MRSA, spinal meningitis, and TB is considered a medical benefit under the Arizona Workers' Compensation Act for any significant exposure that arises out of and in the course of employment if the employee files a claim for the significant exposure or the employee reports in writing the details of the exposure. Providing post-exposure evaluation and follow-up, including prophylactic treatment, does not, however, constitute acceptance of a claim for a condition, infection, disease or disability involving or related to a significant exposure.

Employers must post this notice in a conspicuous place next to the Workers' Compensation Notice to Employees.

## CONSTRUCTIVE DISCHARGE

### Important Information Concerning Constructive Discharge Claims Under Arizona State Law

If you believe that working conditions at your place of employment may become intolerable, causing you to resign, you are encouraged to communicate this to your employer.

Under Section 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the employer IN WRITING that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign. Under the law, an employee may be required to wait for fifteen (15) calendar days after providing written notice before the employee may resign if the employee desires to reserve the right to bring a constructive discharge claim against the employer. Employees may be entitled to a paid or unpaid leave of absence of up to fifteen (15) calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

Under this law, as a precondition to your right to bring a constructive discharge claim against your employer, you must take each of the following actions before deciding whether to resign:

FIRST - NOTIFY an appropriate representative of your employer, IN WRITING, that a working condition exists that the employee believes is objectively intolerable, will compel him to resign or constitutes grounds for a constructive discharge.

THEN - Allow your employer FIFTEEN (15) days to respond in writing to the matters presented in the written communication you have provided to your employer.

FINALLY - READ and CONSIDER your employer's response to your written communication.

Written notices are to be provided to the following company official who has been designated to receive such notices:

Name of Company Official \_\_\_\_\_ at \_\_\_\_\_ Department/Location/Telephone Number \_\_\_\_\_

NOTWITHSTANDING ANY OTHER REQUIREMENTS OF THIS LAW, AN EMPLOYEE MAY BRING A CONSTRUCTIVE DISCHARGE CLAIM WITHOUT PRIOR WRITTEN NOTICE IN THE EVENT OUTRAGEOUS CONDUCT BY THE EMPLOYER OR BY A MANAGING AGENT OF THE EMPLOYER, INCLUDING SEXUAL ASSAULT, THREATS OF VIOLENCE DIRECTED AT THE EMPLOYEE, A CONTINUOUS PATTERN OF DISCRIMINATORY HARASSMENT BY THE EMPLOYER OR BY A MANAGING AGENT OF THE EMPLOYER, OR OTHER CONDUCT IF THE CONDUCT WOULD CAUSE A REASONABLE EMPLOYEE TO FEEL COMPELLED TO RESIGN.

Employers: Please fill in the required information and display this poster in areas where other notices to employees are customarily displayed.

## PAID SICK TIME

### THE FAIR WAGES AND HEALTHY FAMILIES ACT

#### Earned Paid Sick Time

##### EXEMPTIONS:

The Fair Wages and Healthy Families Act (the "Act") does not apply to any person who is employed by a parent or a sibling; any person who is employed performing babysitting services in the employer's home on a casual basis; or any person employed by the State of Arizona or the United States government.

##### ENTITLEMENT AND AMOUNT:

Beginning July 1, 2017, employees are entitled to earned paid sick time and accrue a maximum of one hour of earned paid sick time for every 30 hours worked, subject to the following limitations:

- Employees whose employees have less than 15 employees may only accrue or use 24 hours of earned paid sick time per year.
- Employees whose employees have 15 or more employees may only accrue or use 40 hours of earned paid sick time per year.

Employers are permitted to select higher accrual and use limits.

##### TERMS OF USE:

Earned paid sick time may be used for the following purposes: (1) medical care or mental or physical illness, injury, or health condition; or (2) a public health emergency; and (3) absence due to domestic violence, sexual violence, abuse, or stalking. Employees may use earned paid sick time for themselves or for family members. See Arizona Revised Statutes § 23-373 for more information.

##### RETALIATION & DISCRIMINATION PROHIBITED:

Employers are prohibited from discriminating against or subjecting any person to retaliation for: (1) asserting any claim or right under the Act, including requesting or using earned paid sick time; (2) asserting any person in doing so; or (3) informing any person of their rights under the Act.

##### ENFORCEMENT:

Each employee has the right to file a complaint with the Industrial Commission's Labor Department alleging that an employer has violated the Act. Certain time limits apply. A civil action may also be filed as provided in the Act. Violations of the Act may result in penalties.

##### INFORMATION:

For additional information regarding the Act, you may refer to the Industrial Commission's website at [www.azica.gov](http://www.azica.gov) or contact the Industrial Commission's Labor Department: 800 W. Washington, Phoenix, Arizona 85007-2022; (602) 542-4515.

THIS POSTER MUST BE CONSPICUOUSLY POSTED IN A PLACE THAT IS ACCESSIBLE TO EMPLOYEES

## OSHA EMPLOYEE SAFETY AND HEALTH PROTECTION

The Arizona Occupational Safety and Health Act of 1972 (Act), provides safety and health protection for employees in Arizona. The Act requires each employer to furnish his employees with a place of employment free from recognized hazards that might cause serious injury or death. The Act further requires that employers and employees comply with all workplace safety and health standards, rules and regulations promulgated by the Industrial Commission. The Arizona Division of Occupational Safety and Health (ADOSH), a division of the Industrial Commission of Arizona, administers and enforces the requirements of the Act.

#### As an employee, you have the following rights:

You have the right to notify your employer or ADOSH about workplace hazards. You may ask ADOSH to keep your name confidential.

You have the right to request that ADOSH conduct an inspection if you believe there are unsafe and/or unhealthful conditions in your workplace. You or your representative may participate in the inspection.

If you believe you have been discriminated against for making safety and health complaints, or for exercising your rights under the Act, you have a right to file a complaint with ADOSH within 30 days of the discriminatory action. You are also afforded protection from discrimination under the Federal Occupational Safety and Health Act and may file a complaint with the U.S. Secretary of Labor within 30 days of the discriminatory action.

You have the right to see any citations that have been issued to your employer. Your employer must post the citations at or near the location of the alleged violation.

You have the right to protest the time frame given for correction of any violation.

You have the right to obtain copies of your medical records or records of your exposure to toxic and harmful substances or conditions.

Your employer must post this notice in your workplace.

The Industrial Commission and ADOSH do not cover employers of household domestic labor, those in maritime activities (covered by OSHA), those in atomic energy activities (covered by the Atomic Energy Commission) and those in mining activities (covered by the Arizona Mine Inspector's office). To file a complaint, report an emergency or seek advice and assistance from ADOSH, contact the nearest ADOSH office:

Phoenix:  
800 West Washington  
Phoenix AZ 85007  
602-542-5795  
Toll free: 855-268-5251



Tucson:  
2675 East Broadway  
Tucson, AZ 85716  
520-628-5478  
Toll free: 855-268-5251

Industrial Commission web site: [www.ica.state.az.us](http://www.ica.state.az.us)

Note: Persons wishing to register a complaint alleging inadequacy in the administration of the Arizona Occupational Safety and Health plan may do so at the following address:

U.S. Department of Labor - OSHA  
230 N. 1st Ave., Ste. 202  
Phoenix, AZ 85003  
Telephone: 602-514-7250

Industrial Commission web site: [www.ica.state.az.us](http://www.ica.state.az.us)

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U.S. Department of Labor - OSHA  
230 N. 1st Ave., Ste. 202  
Phoenix, AZ 850