



Legislative Coordinating Commission

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House

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Representative Lyndon Carlson
Representative Kurt Daudt
Representative Joe Hoppe
Representative Erin Murphy
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Senate

Senator Sandy Pappas, Chair
Senator Tom Bakk
Senator Gary Dahms
Senator Chris Eaton
Senator David Hann
Senator James Metzen

DATE: September 5, 2014

TO: Members of the Commission

FROM: Greg Hubinger

RE: Background materials for the September 10 meeting

Financial audit

The LCC issued an RFP and subsequently awarded a contract to Abdo Eick and Meyers to conduct a financial audit of appropriations to joint legislative offices and commissions for FY 13. A link to the audit is at: <http://www.lcc.leg.mn/meetings/FY13LCCFinancialAuditMgmtLtrReport.pdf>. A representative of the audit firm will provide a brief overview of the audit and their findings at the hearing.

Benefit Book amendments

Two sets of amendments will be considered.

1. Women's Economic Security Act. Minnesota Session Laws 2014, Chapter 239 requires employers to provide additional accommodations to women for parenting leave, sick and safety leave, and pregnancy accommodations. Proposed amendments to the Legislative Plan for Employee Benefits and Policies to comply with these changes are attached.
2. Parenting Leave. At the December 18, 2013 LCC meeting, Senator Sieben discussed a proposal to expand parenting leave options for legislative staff. Since that meeting, Senate and House HR staff and others have worked to develop revisions to our policies that respond to that proposal. An amendment is attached that would:
 - Expand an employee's access to their emergency sick leave bank to enable newer employees the ability to use greater amounts of sick leave for pregnancy;
 - Increase the number of accrued sick leave hours an employee can use for parenting leave;
 - Enable the expanded sick leave to be taken not only for pregnancy/parenting purposes, but for any major medical issues.

Advisory Committee and Working Group

Two resolutions may be proposed to establish an advisory committee and a working group. One would re-establish an advisory committee to the LCC Office on the Economic Status of Women. The second would establish a working group to examine and report on issues related to J-1 visas.

Attachments: Benefit Book amendments

Legislative Policies (continued)

Statement of Zero Tolerance of Violence

Consistent with Minnesota Statutes § [15.86](#), the Legislature endorses a policy of zero tolerance of violence.

Equal Employment Opportunity

The Minnesota Legislature is an equal opportunity employer and is committed to conducting its personnel activities without regard to race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, [familial status, as defined in Minnesota Statutes section 363A.03, Subd. 18](#), or sexual orientation. Further information regarding equal employment opportunities and specific procedures governing incidents of sexual harassment may be obtained from the appropriate House, Senate, Revisor, or LCC administrative personnel office.

Americans with Disabilities Act (ADA)

The Minnesota Legislature is committed to complying with the provisions of the ADA and supports the goal that individuals with disabilities shall not be excluded from participating in or be denied the benefits of any program, service or activity offered by the Legislature. Background on the ADA is found on the Department of Minnesota Management and Budget Web site, at: http://www.beta.mmb.state.mn.us/hr_ada_policy
<http://www.mn.gov/mmb/employee-relations/equal-opportunity/ada/>

Discrimination on the basis of disability is also prohibited by the Minnesota Human Rights Act Minnesota Statutes § [363.01](#) & § [361.20](#). It is the responsibility of legislators and legislative employees to support the goals, objectives and concept of the ADA and the Minnesota Human Rights Act in their dealings with the public, prospective employees, and co-workers.

Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential counseling service designed to help state employees with problems, either in or out of the workplace. If you have a personal or work-related problem which you do not care to discuss with anyone associated with the Legislature, contact EAP at 651.259.3840 or 1.800.657.3719, or visit their Web site at: <http://www.mmb.state.mn.us/eap>
<http://www.mn.gov/mmb/segip/health-solutions/employees/eap/>

Pregnancy Accommodation

The Minnesota Legislature provides reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she so requests, unless the accommodation would impose an undue hardship on the operations of the Legislature. In some circumstances, accommodations may be provided for an employee with the advice of her licensed health care provider or certified doula. Consult with your Human Resources director about your needs.

For more detailed information on this state law, see Minnesota Statutes section 181.9414.

Lactation Room

Lactation rooms are located in ~~both~~ the Capitol, ~~and~~ the State Office Building, and the Centennial Office Building. The lactation room in the Capitol is on the second floor. See Senate Offices, in Room 231 Capitol to obtain a key. Note that during the restoration of the Capitol, a lactation room may not be available in the Capitol. The room in the State Office Building is located on the ground floor. See the House ~~Sergeant at Arms in Room 190~~ Human Resources Office in 185 State Office Building to obtain a key. The room in the Centennial Office Building is located on the ground floor. See the Capitol Security desk on the ground floor to obtain a key. An electrical outlet is provided in each room.

Wage Disclosure Protection

Salaries for all legislative employees are public information. In accordance with the wage disclosure protection law under Minnesota Statutes section 181.172, an employee is permitted to disclose his or her wages and may not be required to sign a waiver or other document denying the employee the right to disclose the employee's wages. The Legislature will not take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.

An employee may bring a civil action for a wage disclosure protection violation. A court finding a violation of the wage disclosure protection law may order reinstatement, back pay, restoration of lost service credit, and the expungement of any related adverse records of the employee who was subject to the violation.

The Legislature will not retaliate against an employee for asserting the rights or remedies provided under the wage disclosure protection law.

SICK LEAVE

Sick Leave Accrual. All regular full-time employees accrue sick leave at the rate of 4 hours per payroll period for 26 pay periods, 4.335 hours per payroll period for 24 pay periods during continuous employment beginning with their date of hire. Temporary full-time employees begin to accrue sick leave after six months of continuous employment with no break in service. Sick leave accrual rates are prorated for employees working less than full time. Employees eligible to earn sick leave who work six or more continuous months, leave a legislative payroll, and then are re-employed within five years of their separation, are eligible to accrue sick leave immediately upon re-employment.

Emergency Sick Leave Upon Initial Employment. Upon initial employment (within ten months of start date) and with approval of the appointing authority, an employee is eligible for use of up to 80 hours (ten days) for emergency sick leave. An employee appointed to a part-time position is eligible for a prorated amount for use of emergency sick leave. The negative balance shall be reduced proportionately as sick leave is accumulated. If additional sick leave is used before the sick leave balance has been restored to a positive balance sufficient to cover the time off needed, the time will be charged to vacation or the appointing authority may grant leave without pay. If an employee has a negative sick leave balance upon termination of service, the negative balance must be eliminated by charging the time first to vacation leave and then, to the extent necessary, to reduce pay.

Emergency Sick Leave During Widespread Illness. An appointing authority may adopt temporary policies that permit negative sick leave balances, additional sick leave, or similar related measures, if the appointing authority determines that a widespread illness threatens or may threaten the appointing authority's ability to effectively conduct its usual business functions.

Employees on Military Leave. Employees reinstated from military leave must be credited with sick leave as though actually employed, as provided under Minnesota Statutes § [192.261](#).

Sick Leave Record. Each agency shall keep a current record of each employee's sick leave accruals which must be made available to the employee upon request.

Employees may not use sick leave for vacation purposes.

Sick Leave Use. An employee must be granted sick leave with pay to the extent of the employee's accumulation for absences:

- 1) By necessity for the employee's illness or disability;

- 2) By necessity for medical, chiropractic, or dental care for the employee;
- 3) By exposure to contagious disease which endangers the health of other employees, clients, or the public;
- 4) By illness, injury, or disability of the employee's spouse; children (including adult children), step-children, or foster children (including wards, and children for whom the employee is the legal guardian); regular member of the immediate household; or parent, step-parent, sibling, grandchild (including step-grand-child, biological, adopted and foster grandchildren), mother-in-law, father-in-law, or grandparent, for a reasonable period as the employee's attendance is necessary;
- 5) ~~By illness, injury or disability of the employee's, mother in law or father in law for a reasonable period as the employee's attendance is necessary, for a period of up to five days;~~
- 6) ~~By serious health condition of the employee's sibling, grandchild, grandparent or mother in law or father in law for a period of up to twelve weeks within a twelve month period commencing on the date leave is first taken. An employee must exhaust accumulated vacation and submit a completed Certification of Health Care Provider form prior to the leave. Please see your human resources or payroll representative for a form;~~
- 7) A pregnant employee must also be granted sick leave during the period of time that her medical practitioner advises that she is unable to work because of pregnancy. An employee who has given birth may use sick leave for a period of six weeks convalescence or as advised by her medical practitioner;
- 8) Up to five days to arrange for necessary nursing or home care for members of the family (This leave is in addition to sick leave to care for members of the family in paragraph 4);
- 9) Up to six weeks for a father or husband upon the birth of a dependent child. This leave is to be taken within one year after the child's birth or arrival in the home;
- 10) Up to six weeks for a parent upon receiving notice of adoptive referral or match, or both. The adoption-related leave may be taken at any time to facilitate the steps required to complete the processes of the adoption; to include travel to the child's country of origin as required to meet the child and complete the in-country placement or adoption process, or both; the process of adjustment of the child and family together after placement or adoption, or both; and the process for the U.S. finalization or re-adoption, or both. This leave is to be taken within the period

beginning with the adoptive referral or match, or both, or arrival in the home, whichever comes first, and ending one year after the last of those events to occur;

- 11) A reasonable period of sick leave must be granted because of death of the spouse or parents or grandparents of the spouse, or the parents, step-parents, close relative, grandparents, guardian, children, grandchildren, brothers, sisters, step-siblings, wards, or stepchildren of the employee, or a regular member of the immediate household;
- 12) Such reasonable periods as an employee's attendance may be necessary to accompany a spouse, parent, minor or dependent children, stepchildren, foster children (including wards, children for whom the employee is the legal guardian), or a regular member of the immediate household, to dental or medical appointments.

13) An employee may use up to 160 hours for safety leave within any 12-month period. The employee may use sick leave as allowed under this section for safety leave for such reasonable periods of time as may be necessary. Safety leave may be used for assistance to the employee or assistance to the relatives described in paragraph 4. For the purpose of this paragraph "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking.

For more detailed information on this state law, see Minnesota Statutes 181.9413.

An Appointing Authority may not retaliate against an employee for using safety leave.

Accrual Before Use. Sick leave hours may not be used during the payroll period in which they accrue.

Medical Practitioner Statement. Upon the request of the supervisor, employees using sick leave may be required to furnish the human resources representative with a statement from a medical practitioner supporting the use of sick leave. The supervisor may require this statement to provide information on when the employee will be able to return to work. The supervisor may also request the employee to furnish the human resources representative with a statement from a medical practitioner if the supervisor has reason to believe the employee is not physically fit to return to work or has been exposed to a contagious disease which endangers the health of other employees, clients, or the public.

If the employee fails to furnish a statement requested under this provision within the timeframe specified in the request, the supervisor may require the employee to use vacation leave, compensatory time, or unpaid leave, at the appointing authority's discretion.

Sick Leave Use While on Paid Leave. Upon approval of the supervisor, employee sick leave accruals earned while on paid leave may be used by the employee without returning to work prior to the use of that accrued sick leave.

Using Vacation Leave Instead of Sick Leave. An employee on sick leave who uses all of his/her sick leave accumulation and who still meets the criteria for sick leave use shall have the right to use vacation leave to the extent of the employee's vacation accumulation (see also page 11).

Sick Leave Requests. Employees should submit requests for sick leave in advance of the period of absence. When advance notice is not possible, employees must notify their supervisor by telephone or other means at the earliest opportunity.

Sick Leave Charges. An employee using sick leave is charged only for the number of hours the employee was scheduled to work during the period of sick leave. However, sick leave may not be granted for periods of less than one-quarter hour except to permit use of lesser fractions that have accrued. Holidays occurring during sick leave periods are paid as a holiday and not charged as a sick leave day.

Any employee incurring an on-the-job injury is paid the employee's regular rate of pay for the remainder of the day. Any necessary sick leave charges for employees so injured commence on the first scheduled work day following the injury (see Workers' Compensation section on page 51).

Transfers and Reappointments. An employee's accumulated sick leave transfers to the new appointing authority if the employee transfers without a break in service: (1) to another appointing authority within the legislative branch; (2) to the legislative branch from another position in Minnesota state government, the University of Minnesota, or the Minnesota Historical Society; or (3) from the legislative branch to another position in Minnesota state government. In these cases, accumulated sick leave must not be paid out as severance pay. However, if the new position does not provide for sick leave, accumulated sick leave must be paid out as severance pay. The amount of sick leave that may be transferred is subject to limits imposed by the receiving entity's collective bargaining agreement or compensation plan.

A negative sick leave balance may not be transferred. Any negative sick leave balance remaining on the date of transfer must be canceled by deducting the amount of pay for its negative hours from any pay due to the employee.

An eligible employee reappointed to legislative service within ten years from the date of separation in good standing must have accumulated but unused sick leave balance and bank posted to the employee's credit. The employee must provide supporting documentation no later than six months after hire or rehire.

An employee who receives severance pay for accumulated sick leave and accumulated sick leave bank, but returns to legislative service, shall have his/her sick leave balance and bank restored at the previous level less the number of hours paid as severance.

Work-Related Disability and Employment. The appointing authority will attempt to place employees who have incurred a work-related disability in areas of work which would fit the employee's capabilities but will not create a job just to provide employment.

Sick Leave For Veterans With Service-Related Disabilities. An appointing authority will comply with Minnesota Statutes, section § [43A.184](#), which authorizes an appointing authority to approve an application for additional sick leave to an employee who is a military veteran with a service-related disability for treatment of that disability, if the employee's sick leave balance is insufficient for that purpose.

LEAVES OF ABSENCE

Application for Leave. All requests for leaves of absence or extensions thereof will be approved or denied by the appointing authority. Requests for leaves or extensions shall be submitted to the employee's immediate supervisor as soon as the need for the leave or extension is known. The request must state the reason for requesting leave and the anticipated duration of the leave of absence. Failure to return at the end of an approved leave of absence, without contacting the appointing authority to request an extension prior to the end of the approved leave, shall be deemed to be a voluntary resignation.

Authorization for Leave. All requests for a leave of absence must be answered promptly. A leave of absence request may not be unreasonably denied. An employee may not be required to exhaust vacation leave accruals prior to a leave of absence. Authorization or denial of a leave of absence by the appointing authority must be furnished to the employee by the supervisor.

When an unpaid leave of absence has been approved for an employee, the appointing authority shall advise the employee in writing of the steps the employee must take to continue insurance coverages.

Upon separation, an unpaid leave may not be used to extend employer paid insurance coverage.

Accrual Rates. Accrual of vacation and sick leave benefits and length of service shall continue during a leave of absence with pay. If an employee is granted leave without pay, the employee will not be credited with vacation, sick or length of service accruals for the period of leave without pay unless otherwise indicated.

Paid Leaves of Absence - Mandatory. Paid leaves of absence granted under this Plan may not exceed the employee's work schedule. An appointing authority **must grant** an advance request for a paid leave of absence for the following reasons:

- A. **Court Appearance Leave:** Leave, including travel time, for appearance before a court or other judicial or quasi-judicial body for job-related purposes.
- B. **Educational Leave:** Leave for educational purposes, if the education is required by the appointing authority.
- C. **Jury Duty Leave:** Leave for service upon a jury. "Service upon a jury" includes time when the employee is impaneled for actual service or is required by the Court to be present for selection for service. During any other time, the employee must report to work.
- D. **Military Leave:** 1) In accordance with Minnesota Statutes § [192.26](#), up to 15 working days leave per calendar year shall be granted to members of the National Guard or military or naval reserves of the United States or of the State of

Minnesota who take military leave. The employee, upon receiving written notification of duty, must notify his/her immediate supervisor within three calendar days of receiving that written notification. Employees must also provide their human resources representative with a copy of their orders.

- 1) In accordance with Minnesota Statutes section § [43A.183](#), a salary differential will be paid to certain members of the National Guard and other reserve components of the U.S. Armed Forces who are called up for active duty. These employees have certain rights to continue health, dental, and pre-tax accounts, as provided in that statute. The appointing authority will follow the procedures required under that statute in administering requests for the salary differential and benefit continuation required under that statute.
- E. **Voting Time Leave:** Leave for the time actually necessary to vote in elections as defined in Minnesota Statutes § [204C.04](#).
- F. **Election Judge Leave:** Leave for service as an election judge without penalty under procedures contained in Minnesota Statutes § [204B.195](#).
- G. **Blood Donation Leave:** Leave to donate blood at an onsite program endorsed by the appointing authority.
- H. **Bone Marrow Donation Leave:** Leave to undergo a medical procedure to donate bone marrow. This leave is subject to Minnesota Statutes § [181.945](#).
- I. **Athletic Leave:** Leave under the same terms as those granted to state employees in the executive branch under Minnesota Statutes § [15.62](#) to prepare for and engage in world, Olympic, or Pan American games competition.
- J. **Quarantine Leave:** Leave as required by Minnesota Statutes § [144.4196](#) to comply with isolation or quarantine restrictions.
- K. **Domestic Abuse Leave:** Leave, as required by Minnesota Statutes § [518B.01](#), subd. 23, to obtain relief from domestic abuse.
- L. **Harassment Leave:** Leave as required by Minnesota Statutes § [609.748](#), subd. 10, to obtain relief from harassment.
- M. **Victim Witness Leave:** Leave as required by Minnesota Statutes § [611A.036](#), subd. 3, to attend criminal proceedings as a victim or witness.
- N. **Organ Donation Leave:** Leave as required by Minnesota Statutes § [181.9456](#), for the purpose of donation of an organ or partial organ. The use of this leave does not preclude use of other leave.

Paid Leaves of Absence - Optional. The appointing authority **may grant** paid leaves of absence for the following reasons:

- A. **Emergency Leave:** An appointing authority may excuse employees from duty with full pay in the event of a natural or man-made emergency, if continued presence would involve a threat to the employee's health or safety. A "natural emergency" includes severe weather conditions that, in the appointing authority's opinion, make traveling hazardous. Employees who must work despite the emergency must be allowed to take leave on another day agreed to by the employee and the appointing authority.
- B. **Transition Leave:** Leave of up to 80 hours, at the appointing authority's discretion, for a regular employee on notice of termination. This leave must be taken in the final eight calendar weeks, ending at the date of termination.
- C. **Investigatory Leave:** An appointing authority may place an employee who is the subject of a disciplinary investigation on an investigatory leave with pay.
- D. **Administrative Leave:** At the appointing authority's discretion, an employee may be placed on paid administrative leave for up to 30 calendar days when the employee or a member of the employee's immediate family or a regular member of the immediate household has been a victim of a violent crime. The appointing authority may request the employee to provide documentation demonstrating the appropriateness of the leave. The appointing authority's policy shall be to return the employee to work as soon as it is practical and prudent. For the purpose of this provision, "violent crime" includes murder, manslaughter, criminal vehicular homicide or injury, assault, robbery, kidnapping, criminal sexual conduct, witness tampering, arson, burglary, drive-by shooting, domestic abuse, as defined in Minnesota Statutes § [518B.01](#), and harassment or stalking under Minnesota Statutes § [609.749](#).
- E. **Disaster Volunteer Leave:** Participation in specialized disaster relief services for the American Red Cross by a certified disaster volunteer, as provided in Minnesota Statutes § [43A.185](#).

Unpaid Leaves of Absence - Optional. The appointing authority **may grant** an advance request for an unpaid leave of absence for the following reasons:

- A. **Unclassified Service Leave:** Leave to any legislative employee to accept another position in the unclassified service of the state.
- B. **Educational Leave:** Leave for educational purposes not covered by provisions of this Plan governing paid leaves of absence.
- C. **Personal Leave:** Leave for personal reasons.

- D. **Leave for Related Work:** Leave not to exceed one year to accept a position of fixed duration outside of legislative service that is related to the employee's current work.

- E. **Salary Savings Leave:** (a) The appointing authority may allow each employee to take an unpaid leave of absence for up to 1,040 hours in each two-year period beginning July 1 of each odd-numbered year. Each appointing authority approving the leave must allow the employee to continue accruing vacation and sick leave, be eligible for paid holidays and insurance benefits, accrue seniority, and, if payments are made under paragraph (b), accrue service credit and credited salary in state retirement plans as if the employee had actually been employed during the time of the leave. An employee covered by the unclassified plan may voluntarily make the employee contributions to the unclassified plan during the leave of absence. If the employee makes these contributions, the appointing authority must make the employer contribution. If the leave of absence is for one full pay period or longer, any holiday pay must be included in the first payroll warrant after return from the leave of absence. The appointing authority must attempt to grant requests for unpaid leaves of absence consistent with the need to continue efficient operation of the agency. However, each appointing authority retains discretion to grant or refuse to grant requests for leaves of absence and to schedule and cancel leaves. (b) To receive eligible service credit and credited salary in a defined benefit plan, the employee must pay an amount equal to the applicable employee contribution rates. If an employee pays the employee contribution for the period of leave under this section, the appointing authority must pay the employer contribution. The appointing authority may, at its discretion, pay the employee contributions. Contributions must be made in a time manner prescribed by the executive director of the applicable pension plan.

- F. **Elder Care Leave:** The appointing authority may grant elder care leave to arrange care for parents of the employee or of the employee's spouse.

Unpaid Leaves of Absence – Mandatory. The appointing authority **must grant** unpaid leaves of absence for the following reasons:

- A. **Disability Leave:** Leave up to one year to any regular employee who, as a result of an extended illness or injury, has exhausted the employee's accumulation of sick leave balance and bank. (Upon the request of the employee, the leave may be extended.) A supervisor may require an employee to furnish the human resources representative with a statement from a medical practitioner that supports the need for the leave. The supervisor may require this statement to provide information on when the employee will be able to return to work, including any restrictions on the employee's return to work. An employee who becomes disabled while on another type of leave of absence may apply for and receive disability leave status so the employee becomes eligible for disability pension.

B. **Parental Leave (Maternity/Paternity/Adoption/Foster Care):** Leave up to six months to a ~~birth~~-biological parent, adoptive parent, or foster parent who requests leave in conjunction with the birth, adoption, or placement of a child. Leave may be extended up to one year by mutual consent between the employee and the appointing authority. (This leave may be used in addition to other leave provided in this plan.)

An eligible regular employee may take Caretaker, Pregnancy and Medical Leave as parenting leave for up to 12 weeks, which would permit the employee to continue to receive the employer contribution for insurance under Paragraph D.

C. **Military Service Member Leave:** 1. Leave up to 26 weeks with the employer contribution of health insurance paid for employees to care for a covered military service person with a serious injury or illness as a result of active duty or the call to active duty service and whom the military has placed on temporary disability status. Up to 26 weeks may be taken only once in a 12 month period. Employees may not combine Military Service Member Leave and Caretaker Medical Leave for the same occurrence. A covered military service person means the employee's spouse, son, daughter, (including employee's biological, adopted, or foster child, step child, legal ward or a child whom the employee was responsible to care for and financially supported), regular member of the household, or parent (including employee's biological, adoptive, step or foster father or mother, or any other person who was responsible for the employee's care and financial support). 2. Leave up to 12 weeks because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The military member must be part of the reserves or retired. Qualifying exigencies include: short notice deployments, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities and additional activities as agreed upon by both the employer and employee. A contingency operation means a military operation that: (a). Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force. (b). Results in the call or order to, or retention on, active duty of members of the uniformed services under designated sections of the United States Code or any other provision of law during a war or during a national emergency declared by the President or Congress.

D. **Caretaker, Pregnancy and Medical Leave:** Leave up to 12 weeks with the employer contribution of health insurance paid for eligible employees for:

1. the birth of a child and to care for that child,
2. the placement of a child for adoption or foster care and to care for that child,
3. for a serious health condition that makes the employee unable to perform the employee's job. ~~of~~

~~3.4.~~to care for those listed under sick leave use (4, 5) on page 15. or
~~4.5.~~for a female employee for prenatal care, or incapacity due to pregnancy, childbirth or related health condition.

Caretaker, Pregnancy and Medical Leave may be taken intermittently or on a reduced schedule if medically necessary. A supervisor may require an employee to furnish the human resources representative with a statement from a medical practitioner that supports the need for the leave. The supervisor may require this statement to provide information on when the employee will be able to return to work, including any restrictions on the employee's return to work. Up to 12 weeks may be taken only once in each calendar year. See also "Parental Leave" listed above. A covered military service member or person caring for a covered military service member may also take Military Service Member Leave provided that the leaves are not combined for the same occurrence.

Leave taken under paragraphs 1 or 2 must begin within twelve months of the birth or adoption, except that, in cases where the child must remain in the hospital longer than the mother, the leave must begin within twelve months after the child leaves the hospital.

An employee is not required to take leave or accommodation due to pregnancy.

Under Minnesota Statutes 181.941, Subd. 3, an Appointing Authority may not retaliate against an employee for using leave for a pregnancy.

- E. **Military Leave:** Leave to an employee who enters into active military service in the armed forces of the United States for a period of military service, not to exceed the period of time required under federal law (usually five years), as provided in 38 United States Code, section 4112. Benefits provided by the appointing authority will be administered for an employee on military leave under this paragraph in compliance with 38 United States Code, sections 4301 to 4333.
- F. **VISTA or Peace Corps Leave:** Leave for VISTA or Peace Corps service for a period not to exceed four years.
- G. **Precinct Caucus Leave:** Leave for the purpose of attending a precinct caucus.
- H. **School Conference and Activities Leave:** Leave up to 16 hours during any school year to attend school conferences or activities related to the employee's child or to observe child care services or a pre-kindergarten program in accordance with Minnesota Statutes § [181.9412](#).
- I. **Political Convention Leave:** Leave for the purpose of meeting and convention activities, as specified under Minnesota Statutes § [202A.135](#). This does not sanction conduct that is otherwise prohibited or restricted by law or the appointing authority.

J. **Civil Air Patrol Leave:** Leave, subject to Minnesota Statutes § [181.946](#), to serve as a member of the civil air patrol.

Reinstatement After Leave. Subject to a contrary term under which a leave was granted, or subject to reorganization by the appointing authority, an employee returning from an approved leave of absence shall be entitled to return to employment in the employee's former position or a position of comparable duties and pay.

Employees returning from leaves of absence in excess of one month must notify their appointing authority at least two weeks prior to their return from leave. Employees returning from an unpaid leave of absence return at the same rate of pay the employee had been receiving at the time the leave of absence commenced plus any automatic adjustments that would have been made had the employee been continuously employed during the period of absence.

Employees may return to work prior to the agreed upon termination date with the approval of the appointing authority.

Employee Interchange Program. An employee may participate in the government employee interchange program under Minnesota Statutes § [15.51](#) to § [15.59](#) subject to the approval of the appointing authority.

SICK LEAVE

Sick Leave Accrual. All regular full-time employees accrue sick leave at the rate of 4 hours per payroll period for 26 pay periods, 4.335 hours per payroll period for 24 pay periods during continuous employment beginning with their date of hire. Temporary full-time employees begin to accrue sick leave after six months of continuous employment with no break in service. Sick leave accrual rates are prorated for employees working less than full time. Employees eligible to earn sick leave who work six or more continuous months, leave a legislative payroll, and then are re-employed within five years of their separation, are eligible to accrue sick leave immediately upon re-employment.

Emergency Sick Leave Upon Initial Employment. Upon initial employment (within ~~ten~~ 30 months of start date) and with approval of the appointing authority, an employee is eligible for use of up to ~~80~~ 240 hours (~~ten days~~) for emergency sick leave. An employee appointed to a part-time position is eligible for a prorated amount for use of emergency sick leave. The negative balance shall be reduced proportionately as sick leave is accumulated. An employee may continue to use emergency sick leave until the emergency sick leave balance is depleted. If additional sick leave is used before the sick leave balance has been restored to a positive balance sufficient to cover the time off needed, the time will be charged to vacation or the appointing authority may grant leave without pay. If an employee has a negative sick leave balance upon termination of service, the negative balance must be eliminated by charging the time first to vacation leave and then, to the extent necessary, to reduce pay.

The Appointing Authority must provide prorated emergency sick leave to employees appointed up to 30 months prior to October 1, 2014.

Emergency Sick Leave During Widespread Illness. An appointing authority may adopt temporary policies that permit negative sick leave balances, additional sick leave, or similar related measures, if the appointing authority determines that a widespread illness threatens or may threaten the appointing authority's ability to effectively conduct its usual business functions.

Employees on Military Leave. Employees reinstated from military leave must be credited with sick leave as though actually employed, as provided under Minnesota Statutes § 192.261.

Sick Leave Record. Each agency shall keep a current record of each employee's sick leave accruals which must be made available to the employee upon request.

Employees may not use sick leave for vacation purposes.

Sick Leave Use. An employee must be granted sick leave with pay to the extent of the employee's accumulation for absences:

- 1) By necessity for the employee's illness or disability;
- 2) By necessity for medical, chiropractic, or dental care for the employee;
- 3) By exposure to contagious disease which endangers the health of other employees, clients, or the public;
- 4) By illness, injury, or disability of the employee's spouse; children (including adult children), step-children, or foster children (including wards, and children for whom the employee is the legal guardian); regular member of the immediate household; or parent, step-parent, sibling, grandchild, or grandparent, for a reasonable period as the employee's attendance is necessary;
- 5) By illness, injury or disability of the employee's, mother-in-law or father-in-law for a reasonable period as the employee's attendance is necessary, for a period of up to five days;
- 6) By serious health condition of the employee's ~~sibling, grandchild, grandparent or~~ mother-in-law or father-in-law for a period of up to twelve weeks within a twelve month period commencing on the date leave is first taken. An employee must exhaust accumulated vacation and submit a completed Certification of Health Care Provider form prior to the leave. Please see your human resources or payroll representative for a form;
- 7) A pregnant employee must also be granted sick leave during the period of time that her medical practitioner advises that she is unable to work because of pregnancy. An employee who has given birth may use sick leave for a period of sixteen weeks ~~convalescence~~ upon the birth of a dependent child or as advised by her medical practitioner. This leave is to be taken within one year after the child's birth or arrival in the home. Sick leave in excess of ten weeks following the birth of a dependent child may be granted with a written statement from a medical practitioner supporting the leave;
- 8) Up to five days to arrange for necessary nursing or home care for members of the family;
- 9) Up to sixteen weeks for a father or husband upon the birth of a dependent child. This leave is to be taken within one year after the child's birth or arrival in the home;
- 10) Up to sixteen weeks for a parent upon receiving notice of adoptive referral or match, or both. The adoption-related leave may be taken at any time to facilitate the steps required to complete the processes of the adoption; to include travel to the child's country of origin as required to meet the child and complete the in-country placement or adoption process, or both; the process of adjustment of the child and family together after placement or adoption, or both; and the process for the U.S.

finalization or re-adoption, or both. This leave is to be taken within the period beginning with the adoptive referral or match, or both, or arrival in the home, whichever comes first, and ending one year after the last of those events to occur;

- 11) A reasonable period of sick leave must be granted because of death of the spouse or parents or grandparents of the spouse, or the parents, step-parents, close relative, grandparents, guardian, children, grandchildren, brothers, sisters, step-siblings, wards, or stepchildren of the employee, or a regular member of the immediate household;
- 12) Such reasonable periods as an employee's attendance may be necessary to accompany a spouse, parent, minor or dependent children, stepchildren, foster children (including wards, children for whom the employee is the legal guardian), or a regular member of the immediate household, to dental or medical appointments.

Accrual Before Use. Sick leave hours may not be used during the payroll period in which they accrue.

Medical Practitioner Statement. Upon the request of the supervisor, employees using sick leave may be required to furnish the human resources representative with a statement from a medical practitioner supporting the use of sick leave. The supervisor may require this statement to provide information on when the employee will be able to return to work. The supervisor may also request the employee to furnish the human resources representative with a statement from a medical practitioner if the supervisor has reason to believe the employee is not physically fit to return to work or has been exposed to a contagious disease which endangers the health of other employees, clients, or the public.

If the employee fails to furnish a statement requested under this provision within the timeframe specified in the request, the supervisor may require the employee to use vacation leave, compensatory time, or unpaid leave, at the appointing authority's discretion.

Sick Leave Use While on Paid Leave. Upon approval of the supervisor, employee sick leave accruals earned while on paid leave may be used by the employee without returning to work prior to the use of that accrued sick leave.

Using Vacation Leave Instead of Sick Leave. An employee on sick leave who uses all of his/her sick leave accumulation and who still meets the criteria for sick leave use shall have the right to use vacation leave to the extent of the employee's vacation accumulation (see also page 11).

Sick Leave Requests. Employees should submit requests for sick leave in advance of the period of absence. When advance notice is not possible, employees must notify their supervisor by telephone or other means at the earliest opportunity.

Sick Leave Charges. An employee using sick leave is charged only for the number of hours the employee was scheduled to work during the period of sick leave. However, sick leave may not be granted for periods of less than one-quarter hour except to permit use of lesser fractions that have accrued. Holidays occurring during sick leave periods are paid as a holiday and not charged as a sick leave day.

Any employee incurring an on-the-job injury is paid the employee's regular rate of pay for the remainder of the day. Any necessary sick leave charges for employees so injured commence on the first scheduled work day following the injury (see Workers' Compensation section on page 51).

Transfers and Reappointments. An employee's accumulated sick leave transfers to the new appointing authority if the employee transfers without a break in service: (1) to another appointing authority within the legislative branch; (2) to the legislative branch from another position in Minnesota state government, the University of Minnesota, or the Minnesota Historical Society; or (3) from the legislative branch to another position in Minnesota state government. In these cases, accumulated sick leave must not be paid out as severance pay. However, if the new position does not provide for sick leave, accumulated sick leave must be paid out as severance pay. The amount of sick leave that may be transferred is subject to limits imposed by the receiving entity's collective bargaining agreement or compensation plan.

A negative sick leave balance may not be transferred. Any negative sick leave balance remaining on the date of transfer must be canceled by deducting the amount of pay for its negative hours from any pay due to the employee.

An eligible employee reappointed to legislative service within ten years from the date of separation in good standing must have accumulated but unused sick leave balance and bank posted to the employee's credit. The employee must provide supporting documentation no later than six months after hire or rehire.

An employee who receives severance pay for accumulated sick leave and accumulated sick leave bank, but returns to legislative service, shall have his/her sick leave balance and bank restored at the previous level less the number of hours paid as severance.

Work-Related Disability and Employment. The appointing authority will attempt to place employees who have incurred a work-related disability in areas of work which would fit the employee's capabilities but will not create a job just to provide employment.

Sick Leave For Veterans With Service-Related Disabilities. An appointing authority will comply with Minnesota Statutes, section § [43A.184](#), which authorizes an appointing authority to approve an application for additional sick leave to an employee who is a military veteran with a service-related disability for treatment of that disability, if the employee's sick leave balance is insufficient for that purpose.