

## 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.