

**CITY OF ROCHESTER
ORGANIZATIONAL POLICY**

This leave benefit has been expanded through March 31, 2022 to allow teammates to use sick leave in order to provide care for a child/ren as a result of closure of school or childcare due to COVID-19.

Policy expansion approved by City Administrator:



*Alison Zelms, City Administrator
September 16, 2021*

SICK LEAVE

A. Sick Leave

1. It shall be the policy of the City to provide sick leave time for employees in order to provide income protection during periods of absenteeism due to injury or illness.
2. Sick leave is a valuable privilege intended to prevent the loss of regular income during the time of personal illness or accident, or serious family crisis as defined in this section. It should be viewed as a form of insurance, not as an earned benefit which has been wasted, if not taken. Each employee and his/her department head shall be held accountable for the reasonable, prudent, and bona fide use of sick leave privileges.

B. Eligibility

1. All full-time employees scheduled to work forty (40) hours or more per week are eligible to earn sick leave.
2. All regular, part-time employees working twenty (20) or more, but less than forty (40) hours per week are eligible to earn pro-rated sick leave under this policy.
3. Employees who are not considered a public employee under Minnesota Statute, such as temporary and seasonal employees, or employees working less than 14 hours per week, are not eligible to earn sick leave under this policy.

C. Accrual Rate

1. Full-time eligible employees shall accrue sick leave at the rate of eight (8) hours per month, beginning with their date of hire. There shall be no maximum accumulation limit.
2. Sick leave shall continue to accrue during periods of absence in which the employee is in a paid status. Leaves without pay totaling more than eight (8) hours within a specific pay period will result in a prorated sick benefit accrual.

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D. Use of Sick Leave

1. Sick leave will be granted upon approval of the department head, appointing authority or person designated to act in their absence for the following reasons:
 - a. For absence due to personal illness or injury which prohibits an employee from performing his/her regular duties.
 - b. For absences due to an illness of or injury to the employee's child¹ for such reasonable periods as the employee's attendance with the child may be necessary.
 - c. For personal or child¹ medical and dental appointments.
 - d. Up to a combined total of 160 hours of accrued sick leave per twelve month period² may be used for absences due to the following:
 - (1) an illness of or injury to the employee's spouse, adult child, sibling, parent, mother-in-law, father-in-law, grandchild³, grandparent, or stepparent.
 - (2) for reasonable absences of the employee or his/her eligible relatives (spouse, adult child, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent) who are providing or receiving assistance because the employee, or an eligible relative, is a victim of sexual assault, domestic abuse, or stalking.

The 160 hour limit does not apply to personal sick leave use or use to care for the employee's child as provided above.
 - e. Employees are obligated to disclose use of sick leave (relative to section d above) to their supervisor to demonstrate compliance.
 - f. For absence due to a compensable injury arising out of and in the course of City employment (employees may request that their sick leave be used to make up the difference between their regular pay and Worker's Compensation).
2. Employees who are incapacitated and unable to work shall notify their immediate supervisor at or before the scheduled reporting time, giving reason for absence and expected length of absence. Sick leave will be charged as it is actually used, but in no case will the charge be less than fifteen (15) minutes.
3. Prior to returning to work, an employee may be required to provide a physician's statement indicating the nature of their illness or injury and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation. Sick

¹ For purposes of this policy, "child" is defined as an employee's stepchild, biological, adopted or foster child who is under 18 or who is under 20 if still attending secondary school.

² The amount of available leave time will be determined utilizing a rolling 12-month period based on the preceding 12-month period prior to the commencement of the leave.

³ For the purposes of this policy, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

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leave use may be denied and/or return to work may be delayed for any employee required to provide a physician's statement until such a statement, sufficiently addressing the information requested by the City, is provided.

4. The City has the right to obtain a second medical opinion to determine the validity of an employee's sick leave claim. The City will arrange and pay for a second medical evaluation when it is required by the City.
5. Sick leave taken immediately preceding termination of employment or retirement of an employee must be substantiated by written medical report.

E. Holidays During Sick Leave

Should a holiday occur during an employee's absence due to illness or an accident, the time off shall be charged as a holiday.

F. Advance Sick Leave

Sick leave shall not be granted in advance of being earned. If an employee does not have sufficient sick leave earned to cover a period of absence, either earned compensatory or vacation time may be used; otherwise, the sick leave will be without pay.

G. Transfers

Employees who are transferred from one department to another shall have their earned sick leave credits transferred with them.

H. Terminations

Unused sick leave is forfeited upon any termination from City employment prior to ten (10) years of service and the employee is not vested in a pension or does not go on a pension to which the City of Rochester has contributed.

I. Penalty

Claiming sick leave when physically able to perform normal duties except as provided elsewhere in this section, may be cause for disciplinary action, including cancellation of sick leave benefits, suspension, demotion or termination of employment.

J. Exclusions

No sick leave will be allowed for an illness or injury occurring as the result of employment outside of the City. Employment shall be considered as work performed for which remuneration was received or realized.