

Organizational Policy

SICK LEAVE

Purpose

The City of Rochester recognizes the importance of our employees' health and well-being. In order to support employees' ability to care for themselves and/or family members, the City offers a paid sick leave benefit. Sick leave provides employees with income protection during periods of absenteeism due to eligible reasons listed below.

This policy conforms to Minnesota's Earned Sick and Safe Time (ESST) requirements. For employees who earn Paid Time Off (PTO) instead of accruing Sick and Vacation, eligible uses under this policy constitutes eligible uses of Paid Time Off.

Nothing stated in this policy creates an employment contract between the City of Rochester and its employees.

Eligibility

All full-time employees scheduled to work 40 hours or more per week are eligible to earn 8 hours of sick leave per month, beginning with their date of hire.

All regular, part-time employees working 20 or more, but less than 40 hours per week are eligible to earn pro-rated sick leave under this policy.

There shall be no maximum accumulation limit.

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 8 hours within a specific pay period will result in a prorated sick benefit accrual.

All other employees working less than 20 hours per week, but at least 80 hours in a calendar year are eligible to earn 1 hour of sick leave for every 30 hours worked. A maximum of 48 hours can be earned in one year, with a maximum accumulation limit of 80 hours.

Independent contractors are excluded from earning sick leave.

Use of Sick Leave

Sick leave will be charged as it is actually used, but in no case will the charge be less than 15 minutes. Sick leave will be granted upon approval of the supervisor for the following reasons:

- A. Personal sickness which prohibits an employee from performing their regular duties:
 - a. An employee's:
 - i. Mental or physical illness, injury or other health condition
 - ii. Medical diagnosis, care, or treatment of a physical illness or injury

- iii. Preventive medical or health care
- b. Care of family member:
 - i. With mental or physical illness, injury, or health condition
 - ii. Who needs medical diagnosis care, or treatment
 - iii. Who needs preventive medical health care
- B. Safety: Absence due to domestic abuse, sexual assault, stalking of the employee or the employee's family member if the absence is to:
 - a. Seek medical attention
 - b. Obtain services from a victim services organization
 - c. Obtain psychological or other counseling
 - d. Seek relocation or take steps to secure housing
 - e. Seek legal advice or take legal action
- C. Closure
 - a. Closure of employee's place of business due to weather or other public emergency
 - b. To care for a family member whose school or place of business has been closed for same reasons
- D. Public Emergency
 - a. Employee's inability to work or telework because employee is:
 - i. prohibited from working by employer due to health concerns related to transmission of a communicable illness related to a public emergency
 - ii. seeking or awaiting the results of diagnostic test for medical diagnosis of communicable disease related to public health emergency
 - b. Absence when it has been determined by health authorities with jurisdiction that presence of employee, or family member of employee, in the community would jeopardize health of others because of exposure of employee or their family member to a communicable disease
- E. Parental Leave
 - a. Up to 12 weeks of accrued sick leave¹ per twelve-month period² for parental bonding leave due to the following:
 - i. Birth of an employee's child/ren;
 - ii. Placement within an employee's home of an adopted child/ren; or
 - iii. Placement of a child/ren in the employee's home in cases of surrogacy when the employee is the intended parent
- F. Compensable injury arising out of and in the course of City employment:
 - a. Employees may request that their sick leave be used to make up the difference between their regular pay and Worker's Compensation.

¹ The use of sick leave will run concurrently with Family Medical Leave (FMLA) usage and will not extend the overall leave time for these reasons.

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.

Definition of Family Member

Employees may use earned sick leave for the following family members:

- their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
- their spouse or registered domestic partner;
- their sibling, stepsibling or foster sibling;
- their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
- their grandchild, foster grandchild or step-grandchild;
- their grandparent or step-grandparent;
- a child of a sibling of the employee;
- a sibling of the parents of the employee;
- a child-in-law or sibling-in-law;
- any of the family members (1 through 9 above) of an employee's spouse or registered domestic partner;
- any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
- up to one individual annually designated by the employee.

Notice Requirements

If leave time is foreseeable, employees must provide their immediate supervisor 7 days advance notice, giving reason for absence and expected length of absence.

If leave time is unforeseeable, employees must provide notice to their immediate supervisor as soon as practicable.

Reasonable documentation may be required for absences of more than 3 consecutive days.

Prior to returning to work for their own injury or illness, 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 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.

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.

Separation of Employment

Unused sick leave is forfeited upon any termination from City employment prior to 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. Sick leave paid to a pension plan or pursuant to the terms of any collective bargaining agreement is considered to be paid out for ESST purposes. If an employee returns to service, no ESST hours will be reinstated. For all other employees, unused sick leave, up to 48 hours for the first year of employment, and up to 80 hours in subsequent years, will be reinstated if a former employee is rehired within 180 days of their separation date.

Provisions

If eligible for holiday pay, holidays occurring during an employee's absence shall be charged as a holiday.

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.

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

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.

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.

Retaliation for requesting or using sick leave is prohibited; employees have a right to file a complaint or to bring a civil action if sick leave is denied or if employees are retaliated against for requesting or using sick leave.

Policy revisions approved by City Administrator:



Alison Zelms

12/22/2023

Date

Policy History

Current Revision: (date) 12/20/2023

Previous Revision(s): (date/s) 8/19/13; 8/4/14; 8/10/22

Associated Form(s)

N/A

Legal/Statutory Authority

MN Statute 181.9446