

6.2 Traditional Sick Leave and Earned Sick and Safe Time (ESST)

Traditional sick leave shall include and may be authorized when the employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Traditional sick leave may also be authorized, when the employee's presence is necessary, for actual illness, injury, legal quarantine, or medical treatment for serious illness in the employee's immediate family. Immediate family, for the purposes of this policy, shall be defined as spouse, parent, step-parent, children, step-children, brother, sister, grandparents, grandchildren or a like member of employee's spouse's family. Traditional sick may be used as listed above and does not include the expanded ESST uses and expanded ESST family members as it may differ from ESST. It may benefit employees to first draw upon the traditional sick leave accrual so long as the reason for using sick leave meets the traditional sick leave criteria and save their ESST time for situations that require the expanded uses allowed under ESST.

To be eligible for traditional sick leave with pay, an employee shall:

- (1) report as soon as possible to the EMPLOYEE'S department head the need for sick leave and whether the sick leave is for the employee, employee's child, adult child, spouse, sibling, parent, grandparent or stepparent;
- (2) keep the employee's department head informed of the need for continued sick leave if the absence is of more than three (3) days duration;
- (3) submit a medical certificate for any absence if required by the City Administrator;
- (4) provide the employer with sufficient information needed in order to comply with the Family and Medical Leave Act.

Earned sick and safe time (ESST) eligible uses shall include: 1. the employees mental or physical illness, treatment or preventive care; 2. a family member's mental or physical illness, treatment or preventive care; 3. absence due to domestic abuse, sexual assault or stalking of the employee or a family member; 4. closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and 5. when determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

Earned sick and safe time eligible family members shall include: 1. Employee's 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); 2. their spouse or registered domestic partner; 3. their sibling, stepsibling or foster sibling; 4. 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; 5. their grandchild, foster grandchild or step-grandchild; 6. their grandparent or step-grandparent; 7. a child of a sibling of the employee; 8. a sibling of the parents of the employee; 9. a child-in-law or sibling-in-law; 10. any of the family members (1 through 9 above) of an employee's spouse or registered domestic partner; 11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and 12. up to one individual annually designated by the employee.

To be eligible for earned sick and safe time, an employee shall provide notice of ESST use and documentation as follows:

- 1) If the need for use of ESST is foreseeable, the employer requires employees' to provide seven (7) days' notice.
- 2) If the need for use of ESST is not foreseeable, employees' must provide notice as soon as practicable.

Employees shall provide notice of the intent to use ESST to their supervisor's via the supervisor's stated expectations, such as, notifying a supervisor via email, telephone, or text message.

If an employee uses ESST for more than three (3) consecutive days, the employer may require employees to provide reasonable documentation demonstrating the ESST use is covered by one of the qualifying reasons, such as:

- 1) a signed statement by a health care professional
- 2) a court record
- 3) a signed document from a victim services organization,
- 4) a written statement from the employee indicating the employee is using or used ESST for a qualifying purpose
- 5) The Employer will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

ESST shall be administered per Minnesota Law, §§181.9445–181.9448 by means of the Accrual and Carryover method.

Using or claiming traditional sick leave or ESST for a purpose not authorized by this policy may be cause for disciplinary action.

~~Sick leave may be authorized when an employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may also be authorized when the employee's presence is necessary, due to an illness of or injury to the employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent or for any purpose authorized by law, including, but not limited to, Minnesota Statutes, section 181.9413 (as amended). For additional information as to when sick leave may be utilized, employees should contact Human Resources~~

~~To be eligible for sick leave with pay, an employee shall:~~

- ~~a. Report as soon as possible to the employee's immediate supervisor the need to be absent and identify if the absence is due to the employee's illness or the employee's immediate family, as listed above;~~
- ~~b. Keep the employee's immediate supervisor informed of such employee's need for continued absence;~~

e. ~~For any absence that exceeds three days, upon request by the City Administrator, submit a medical certificate before the employee will be allowed to return to work.~~

~~Using or claiming sick leave for a purpose not authorized may be cause for disciplinary action. For the purpose of accumulating additional sick leave, an employee using earned vacation leave, sick leave, compensatory time off, or paid holidays is considered to be working. At the discretion of the Department Head, an employee may use accrued sick leave during the probationary period. After the end of the probationary period, an employee is entitled to use sick leave accrued from the start of the probationary period.~~

Sick Leave Accrual, Conversion and Carryover

Every probationary and regular employee is entitled to accrue a combined total of traditional sick leave and earned sick and safe time (ESST) with pay at a rate of eight (8) hours for each calendar month of full-time service or major fraction thereof. The employer may compute sick leave on an hourly basis equivalent to 96 hours per 2080 hours of compensated time, exclusive of overtime.

Traditional sick leave and ESST may be accrued to a maximum combined total of 960 hours at a rate of eight (8) hours for each calendar month of full-time service or major fraction thereof. Combined unused sick leave and unused ESST in excess of 960 hours at the end of a calendar year (January 1st) shall be converted to vacation at a rate of one-hour vacation for each two-hours of sick leave in excess of 960. Employees subject to the non-union post-employment healthcare savings plan under section 4.8 of this policy shall contribute all unused sick leave hours in excess of 960 hours, at a rate of one hour for every two hours of sick leave to the post-employment healthcare savings plan.

ESST shall be a subset of traditional sick time. It shall be accrued at a rate of one hour of paid leave for every 30 hours worked to a maximum of 48 hours per year. The remaining accrual, shall be applied to the traditional sick leave bank.

Employees are eligible for carry over of accrued unused ESST into the following year, but the total of ESST carry over hours shall not exceed 80 hours.

For the purpose of accumulating additional traditional sick leave and ESST, an employee using earned vacation leave, paid holidays or sick leave is considered to be working.

Regular part-time employees shall be entitled to combined traditional sick leave and earned sick and safe time computed by converting their part-time employment to equivalent adjusted full-time service.

~~Every probationary and regular employee is entitled to earn sick leave with pay at the rate of 1 day (based on an 8-hour day) for each calendar month of full-time service or major fraction thereof. Sick leave may be accrued to 120 days (960 hours); unused sick leave in excess of 120 days (960 hours) at the end of a calendar year (December 31st) shall be converted to vacation at a rate of one hour of vacation for each two hours of sick leave, subject to the maximum amount of accrued vacation leave provided in this policy. All hours in excess of 960, as defined in section 4.8 non-union post-employment healthcare savings plan, will be applied per the applicable agreement.~~

~~Regular part-time employees are eligible to earn sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Sick leave will count toward total budgeted work hours for the year.~~