



## Sick Leave Policy 7.15

Board Approval Date: 10-27-2020

Supersedes Policy Dated: 8-25-2009

### **Policy**

It is the policy of Winona County to assist eligible County employees who are unable to work because of sickness or injury, as defined in this policy. Sick leave runs concurrent with other County policies, as applicable.

### **Use of Sick Leave**

All eligible employees may use earned sick leave for absences from work necessitated by the following circumstances:

1. For sickness or injury to an employee which renders the employee unable to perform their duties of employment.
2. For the birth of a child to an employee or placement of a child with an employee for adoption or foster care (see Family and Medical Leave, Section 7.20).
3. For quarantine directed by a medical physician.
4. For dental or medical treatment or examination, where such treatment or examination cannot be scheduled outside of work hours.
5. For the illness or injury of a member of the employee's immediate family which requires the employee's attendance and care. Employees may use up to 160 hours of accrued sick leave in such instances, however a certificate from a health care provider must be submitted for periods exceeding three (3) days. Immediate family shall be as defined in MN Statutes 181.940 to 181.944 (See Appendix A).
6. Eight (8) hours of vacation will be added to an employees accumulated vacation balance if that employee utilizes zero (0) hours of sick leave during a payroll year.

### **Allowance and Accumulation**

Accruals apply only to eligible hours as defined in County policies.

Eligible employees earn four (4) hours of sick leave for each bi-weekly payroll period worked, prorated for part time.

Eligible employees earn sick leave from their date of hire and shall accumulate sick leave to a maximum of 2080 hours.



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Employees shall use accumulated sick leave in multiples of one-quarter (1/4) hour.

Sick leave accruals cannot be utilized on the last day of employment.

### **Abuse of Sick Leave**

Use of sick leave benefits for reasons other than those stated above, shall be just cause for disciplinary action.

### **Value at Separation**

Employees who leave in good standing with more than ten (10) years of service, who have a minimum accumulation of 100 days of unused sick leave, may convert it to paid-up health insurance for the employee only, according to the following schedule:

10 days unused sick leave = 1 month paid-up insurance for employee only.

Employees who leave in good standing with more than ten (10) years of service who have a minimum accumulation of 920 hours of unused sick leave may "sell back" their unused sick leave at the rate of 25% of their current wage at the time of termination of employment with Winona County. Employees cannot opt for both the sick leave conversion to health insurance and the "sell back" option for sick leave.

### **Notification**

Employees unable to report for their workday because of illness or injury shall notify their department head, supervisor, or designee prior to their scheduled start time, unless an emergency prevents them from doing so. Failure to give such notice may be cause for disciplinary action.

### **Workers' Compensation**

If an employee receives a compensable injury and has accrued sick leave, the County shall pay the difference between the compensation received by the employee through Workers' Compensation and the employee's regular hourly pay rate using sick leave benefits, unless otherwise specified in writing by the employee.

### **Medical Verification**

The County reserves the right to require written medical certification from an employee in the event of three (3) consecutive days of absence or in cases of the repeated and systematic absence of an employee.



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At its discretion, the County may require a second medical opinion and periodic re-certification at its own expense. If the first and second medical opinions differ, the County, at its own expense, may require the opinion of a third health care provider approved by both the County and employee. If an employee unreasonably, in the opinion of the County, refuses to agree on a third health care provider, the County may designate the provider. The third opinion is binding on the County and employee for purposes of this policy.

In the case of an extended illness or injury, the County may require written medical verification that an employee is able to perform the duties of employment before the employee is allowed to return to work.

### **Part-time Eligibility**

Part-time employees scheduled to work 17 ½ hours or more per week shall earn pro-rata sick leave.

Part-time employees scheduled to work less than 17 ½ hours per week shall not earn sick leave benefits established by this policy.

### **Part-time Sick Leave Compensation**

Part-time employees will be paid sick leave to a maximum of the hours the employees were scheduled to work. If the schedule is not posted, the maximum sick leave paid to part-time employees will be the weekly average hours worked by the employee during the previous six (6) months.

### **Temporary Employees**

Temporary employees shall not earn sick leave benefits established by this policy.

### **Labor Agreements**

Employees who are subject to collective bargaining agreements as negotiated in accordance with the Public Employment Labor Relations Act, M.S. 179A, as revised, shall be exempt from the provisions of these rules which are inconsistent with such agreements.

**181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.**

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, as defined in section 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) An employee may use sick leave as allowed under this section for safety leave, whether or not the employee's employer allows use of sick leave for that purpose 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 (a). For the purpose of this section, "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or harassment or stalking. For the purpose of this paragraph:

(1) "domestic abuse" has the meaning given in section 518B.01;

(2) "sexual assault" means an act that constitutes a violation under sections 609.342 to 609.3453 or 609.352; and

(3) "harass" and "stalking" have the meanings given in section 609.749.

(c) An employer may limit the use of safety leave as described in paragraph (b) or personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child, as defined in section 181.940, subdivision 4.

(d) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(e) For the purpose of this section, "child" includes a stepchild and a biological, adopted, and foster child.

(f) For the purpose of this section, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

(g) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section.

(h) An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section.

**History:** 1990 c 577 s 4; 1991 c 268 s 2; 2013 c 87 s 1; 2014 c 239 art 3 s 3; 1Sp2019 c 5 art 2 s 29