



Section 11: Leaves of Absence

11.1. MEDICAL ALLOWANCE AND USE

Each benefit eligible employee shall be entitled to his/her accumulated sick leave bank. Upon use, sick leave shall be paid out at employee's current salary.

Employees shall have charged against their sick leave accumulation the actual number of working hours during which they are absent on medical leave.

- 11.1.1. **Causes for granting leave:** Leave shall be granted only for benefit eligible employees for absence from duty because of personal illness, legal quarantine, injury, or death or illness in the immediate family. Immediate family for death shall be defined as the employee's spouse, children, parents, grandparents, siblings, or any member of the employee's household. It shall also include the employee's spouse's children, parents, grandparents, or siblings. Immediate family for illness shall be defined as the employee's spouse, children, parents, or any members of the employee's household, related by blood or marriage. Absences of more than three (3) consecutive working days due to injury must be accompanied by a physician certification of restrictions or limitations that may allow an employee to perform modified duty.
- 11.1.2. **Notification of need for medical leave:** When an employee needs to use PTO, his/her sick leave bank due to illness or other medical leave and has not completed a "Request for Paid Time Off" form, the employee shall notify the person designated as department head at least one-half hour prior to the time the employee should report to work, except in case of emergency. Failure of an employee to notify the designated person within the time prescribed may cause the employee to lose the right to have the time off designated as PTO or sick leave.
- 11.1.3. **Physician's certificate:** After three consecutive days of PTO, due to a medical illness, the Human Resources Department or the Department Head may require a certificate from the employee's physician verifying the need for sick leave to be taken. The Human Resources Office or Department Head may also request the employee to furnish a physician's certificate regarding the employee's ability to perform the essential functions of the employee's position and providing any work restrictions if there appears to be a chronic case of absences, either consecutive or non-consecutive, attributable to a medical condition as reported by the employee.

11.2. PAYMENT FOR UNUSED SICK LEAVE

There is no sick leave payout for retirement, resignation, or termination of Pine County employment.



11.3. INJURY ON THE JOB

Where an employee is entitled to the benefits of the workers' compensation law, and has accumulated PTO hours or banked sick leave credits, the employee shall be required to use the accumulated PTO hours, or his/her sick leave bank credits to the extent that payment of the workers' compensation benefits and accumulated PTO hours or banked sick leave credits does not exceed the weekly wage of the employee.

11.4. FUNERAL LEAVE

A maximum of three (3) days may be taken with compensation in the event of a death of an employee's brother, sister, brother-in-law, sister-in-law, spouse, children, parents (step and biological), grandchildren, grandparents, father-in-law, mother-in-law, or ward of the employee's household. An employee may use PTO time for time off after the three (3) days with the approval of the supervisor.

11.5. MILITARY DUTY LEAVE

11.5.1 Every employee shall be entitled to military leave as provided by state and federal law including Minnesota Statute § 192.26, Minnesota Statute §192.261 and USERRA, 38 U.S.C. § 4301, et seq. The employee shall immediately inform their respective Department Head and Human Resources regarding military duty and need for military leave as soon as known by the employee.

11.5.2. An employee will be granted to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service. This leave is granted pursuant to Minn. Stat. § 181.947. For the purposes of this leave, "immediate family member" is defined as a person's parent, child, grandparents, siblings, or spouse. An employee must give as much notice as practicable of the employee's intent to exercise the leave guaranteed by Minn. Stat. § 181.947. The length of leave provided under this section may be reduced by any period of paid leave provided by the County. Nothing in this section prevents a County from providing leave benefits in addition to those provided in this section or otherwise affects an employee's rights with respect to other employment benefits.

11.5.3. Unless the leave would unduly disrupt the operations of the County, an employee will be granted a leave of absence without pay, pursuant to Minn. Stat. § 181.947, to an employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of a war or other national emergency. For the purposes of this leave, "immediate family member" is defined as a person's grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé, or fiancée. The amount of leave provided under this section is limited to the actual time necessary for the employee to attend a send-off or homecoming ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.



11.6. OTHER TYPES OF LEAVES OF ABSENCE

- 11.6.1. **Court duty:** Any employee shall be granted a leave of absence with pay for service upon jury, appearance before a court, legislative committee, or other body as a witness in a proceeding involving the federal government, the State of Minnesota, or a political subdivision thereof in response to a subpoena or other direction by proper authority; or attendance in court in connection with the employee's official duties. In the case of jury duty, the employee's compensation from the County during his/her leave shall equal the difference between the employee's regular compensation and compensation paid for jury duty. The employee should cash the check received from the State of Minnesota for jury duty compensation (copy of this check must be given to payroll) and then reimburse the County for the amount of the check less any mileage/daycare reimbursement. Employees shall return to their regular work duties if released from court duty during their scheduled hours of work if time permits. The employee shall immediately inform the Department Head regarding the court duty as soon as known by the employee.
- 11.6.2. **Election judge:** An individual who is selected to serve as an election judge pursuant to Minnesota Statute §204B.21, subdivision 2 may, after providing the employee's Department Head with at least 20 days written notice, be absent for the purpose of serving as an election judge. The written request to be absent from work must be accompanied by a certification from the appointing authority stating the hourly compensation to be paid by the employee for service as an election judge and the hours during which the employee will serve.
- 11.6.3. **School conference and activities leave:** In accordance with Minnesota Statute 181.9412 as may be amended, an employee may use up to a total of sixteen (16) hours without pay during any school year to attend school related activities for an employee's child, provided the activities cannot be scheduled during non-work hours. When leave cannot be scheduled during non-work hours and the need for leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave. An employee may substitute any accrued PTO time for any part of the leave under this section.
- 11.6.4. **Bone marrow or organ donations:** Leave for bone marrow or organ donations will be granted in accordance with Minn. Stat. § 181.945 and Minn. Stat. § 181.9456.

11.7. PARENTAL LEAVE

Every employee that works an average of 20 hours or more per week and has been an employee of the County for at least one year is eligible for parental leave upon the birth or adoption of a child consistent with Minnesota Statute §181.941. Unpaid parental leave shall be granted for twelve weeks to eligible employees and shall run concurrent with any family medical leave. An employee must use accrued PTO time before utilizing hours from his/her sick leave bank (See Section 7). When an employee has exhausted all hours of accrued PTO/sick leave for a portion of



parental leave, the employee may request an additional period of unpaid parental leave to be granted so that the total of paid and unpaid leave provided does not exceed twelve weeks, unless agreed to by the Employer (See MN State Statute 181.941)

An employee is required to give at least thirty days' notice to Human Resources in the event of foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable.

11.8. FAMILY / MEDICAL LEAVE

11.8.1. **Coverage:** The Family and Medical Leave act entitles eligible employees to take up to 12-weeks of unpaid leave during any 12-month period as a result of the birth or placement for adoption or foster care of a child, to care for an immediate family member with a serious health condition, or when an employee is unable to work due to a serious health condition. The 12-month period shall be calculated, using a rolling period measured backward from the date the employee uses FMLA leave, and may be taken at one time, intermittently, or on a reduced leave schedule depending on the circumstances.

11.8.2. **Eligibility / entitlement:** FMLA applies to all County employees who have been employed by Pine County for at least twelve (12) months and who have worked at least 1,250 hours for Pine County during the twelve (12) months preceding the leave request. Hours worked will be determined under the terms of the Fair Labor Standards Act. Employees who are considered exempt under that Act and who have worked for Pine County for twelve (12) months will be presumed to have met the 1,250 hours of service requirements.

11.8.2.1. **Family leave.** The birth of the employee's child or the placement of a child with the employee for adoption or foster-care.

11.8.2.2. **Medical leave.** To provide care for a family member (child, spouse, or parent) experiencing a serious health condition.

11.8.2.3. **Medical leave.** For the employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.

11.8.3. **Other leave must be used first:** The County requires an employee to use accrued PTO and sick leave (as appropriate) until the employee has exhausted all hours and any other paid leave before any unpaid portion of FMLA leave is granted. (See Section 7) Pine County requires an employee to exhaust all PTO hours, then his/her banked sick leave hours before going into an unpaid status. When an employee has used all hours for a portion of family medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided does not exceed twelve (12) weeks.

Any other type of leave, whether paid or unpaid, taken for a reason covered by the FMLA will be considered part of the twelve (12) weeks granted.



- 11.8.4. **Medical certification:** For leaves taken because of the employee's or a covered family member's serious health condition, employees must provide medical certification before the leave begins, or if the leave is unforeseeable, the County must allow 15 calendar days for the employee to comply with the medical certification. If no medical certification is returned within 20 calendar days and the employee has not returned to duty, the employee will be considered to have voluntarily resigned.

The County has the right to question the validity of any certification and may require the employee, at the County's expense, to be seen by a County-designated physician. The County may require periodic reports on the employee's status and intent to return to work and a fitness for duty report prior to return to work.

An employee that cannot return to work upon the expiration of the 12-week FMLA leave may request a leave of absence in accordance with Section 11.8 of this policy.

- 11.8.5. **Benefits:** Pine County will maintain health care, dental insurance, and life insurance coverage for an eligible employee for the duration of the FMLA leave and during the period of any paid leave as if the employee continued in employment. Employee contributions will be required either through payroll deduction or by direct payment. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. All payments for the employee's share of any benefits must be made to the County Auditor's department by the first (1st) of each month. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, the employee's coverage will lapse.

Any employee on unpaid leave will not accrue benefits including PTO.

Pine County will seek to recover its share of health coverage premiums paid for an employee on FMLA leave if the employee fails to return to work after FMLA leave unless the failure to return to work is due to the continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the control of the employee. Not returning from certified leave is a qualifying event for COBRA purposes.

If the employee is no longer in paid status at the expiration of the FMLA leave, the County will not pay any portion of the employee's health care, dental insurance, and life insurance coverage.

- 11.8.6. **Job protection:** If the employee returns to work following the approved family medical leave period, the employee will be reinstated to the employee's former position or an equivalent position with the equivalent pay, benefits, status and authority.

The employees' restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated



or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

11.8.7. Definitions:

- 11.8.7.1. A *serious health condition* is defined by the Act as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or a residential medical care facility, or continuing treatment by a qualified health care provider, and/or treatment for substance abuse.
- 11.8.7.2. A *serious health condition* would generally last for more than three (3) days, require the intervention of a qualified health care provider, result in subsequent care for the same condition, and must involve treatment of two or more times by a qualified health care provider; a nurse or physician's assistant under the direct supervision of a qualified health care provider; or a provider of health care services (physical therapy) under orders, or referral by a qualified health care provider.
- 11.8.7.3. A *parent* is defined as the biological parent of an employee or as an individual who was responsible for the day-to-day care of the employee when the employee was a child.
- 11.8.7.4. A *spouse* is defined as a husband or wife. A spouse does not include unmarried domestic partners.
- 11.8.7.5. A *son or daughter* is defined as a biological, adopted or foster child, a stepchild, legal ward, or a child of a person having the day-to-day responsibility for the child. Includes a child over 18 years of age who is "incapable of self-care because of a mental or physical disability."

- 11.8.8. **Notice:** An employee is required to give at least thirty (30) days' notice in the event of a foreseeable leave. A Request for Family Medical Leave form should be completed by the employee and returned to Human Resources. In unexpected or unforeseeable situations, an employee should provide as much notice as is possible.

11.9. REQUEST FOR OTHER LEAVE OF ABSENCE WITHOUT PAY

The County Administrator may authorize leave without pay for up to thirty (30) days. Leave without pay for greater than thirty (30) days may be granted by the county board and shall in no circumstances be granted in excess of one (1) year. Leaves of absence without pay are at the sole discretion of the county and are granted when in the best interest of the county.



11.9.1. **Procedures for requesting other leaves of absences:** All requests shall be made through the employee's department head and with as much advanced notice as is reasonable possible.

11.9.2. **Employee must pay total cost of benefits while on leave of absence:** Seniority will not accrue while the employee is on an approved leave of absence. Other benefits, including holidays and Paid Time Off (PTO), shall not be earned or paid during an approved leave of absence without pay.

11.9.3. **Insurance:** The employee is responsible for the entire cost of the health insurance, dental insurance and life insurance premiums.

Employees on unpaid leave other than that provided under Family and Medical Leave Act of 1993 are eligible to participate in the county's group health insurance and life insurance programs provided:

- The employee is a participant in the program prior to the leave.
- The employee pays the full cost of the premium.

Once an employee returns to employment, the County's payment of premiums shall resume as provided by the current county policy or labor agreement.

11.10. RE-EMPLOYMENT AFTER LEAVE OF ABSENCE

Employees receiving leave without pay in excess of thirty (30) calendar days, for reasons other than qualified Parenting Leave or FMLA, are not guaranteed return to their original position. If their original position or a position of similar or lesser status is available, it may be offered at the discretion of the County Administrator subject to approval of the County Board.