

RULE 14

LEAVE OF ABSENCE WITHOUT PAY

14.01 Purpose

The purpose of Rule 14 is to allow employees in the classified service to request unpaid leave of absence and to establish the criteria under which they may be granted. (CSC 3/14/02) (CSC 12/15/15)

14.02 Definition

Leave of absence without pay means an absence by a permanent employee as authorized by State Statute, federal law or by their department pursuant to the provisions of this rule. Except for emergency situations, leaves must be approved prior to commencement. (CSC 8/27/92)(CSC 2/24/09)

14.03 Leaves Governed by State and Federal Law (CSC 2/24/09)

If a law referenced below is repealed, leaves under this section become discretionary. (CSC 12/15/15)

A. Military Leave

Employees in the classified service will be entitled to military leaves of absence without pay for duty in the regular armed forces or the National Guard or Reserve. At the expiration of such leave, they are entitled to their position or comparable position and receive other benefits according to Minnesota and federal law. (CSC 2/24/09)

B. Leave to Serve in an Appointive or Elected Position

Leaves of absence without pay to serve in an Appointive-Unclassified City position or as a Minnesota State Legislator or full time elective officer in a City or County of Minnesota are granted pursuant to applicable State Statute. (CSC 1/24/91)

C. Union Leave

Leave of absence without pay to serve in an elective or appointive position in a labor organization whose jurisdiction covers City or independent board employees are granted pursuant to applicable State Statute. Upon return to active employment, such employees shall be credited for time served on Union leave only for purposes of determining the amount of vacation to which they are entitled each year thereafter and for the further purpose of calculating longevity pay. (CSC 5/23/96)

D. School Conference and Activities Leave

Employees, upon reasonable notice, must be granted up to sixteen hours of leave during a twelve month period to attend conferences or activities to include child care, nursery schools, daycare and extended school day programs of their child(ren) that cannot be scheduled during non-work hours. The employee has the right to substitute vacation or compensatory time for this purpose. (CSC 6/25/92) (CSC 11/21/95)

E. Family and Medical Leaves (CSC 11/21/95) (CSC 2/24/09)

The City has adopted a policy regarding leaves under the Family and Medical Leave Act ("FMLA"). Eligible employees may request up to 12 weeks of unpaid leave for the birth of a child or placement of a child with the employee for adoption or foster care, to care for a family member with a serious health condition, for an employee's own serious health condition and when a family member is called up to or on active military service. Eligible employees may also request up to 26 weeks of unpaid leave to care for a family member recovering from an illness or injury suffered while on active military duty. (CSC 2/24/09)

FMLA leave is unpaid. Where an FMLA-eligible employee has accrued paid vacation and/or accrued sick leave, the eligible employee may elect to use accrued vacation and/or accrued sick leave concurrently with FMLA leave to remain in paid status. Salaried and hourly employees may substitute unpaid FMLA leave with accrued vacation or accrued sick leave in increments of one hour instead of full-day absences. (CSC 2/24/09) (CSC 12/15/15)

An employee with accrued compensatory time may request and be permitted to use compensatory time for a FMLA-qualifying leave provided the employee complies with City requirements for use of compensatory time. Any absence which is paid from the employee's compensatory-time balance will be counted against the employee's FMLA leave entitlement. (CSC 2/24/09)

F. Pregnancy and Parenting Leave (CSC 12/15/15)

The City has developed procedures regarding Pregnancy and Parenting Leave under Minnesota Statutes §181.941. The City will grant up to 12 weeks of unpaid leave to an eligible employee in accordance with the Pregnancy and Parenting Leave policy.

14.04 Leaves Not Governed by State or Federal Law (CSC 5/23/96) (CSC 2/24/09)

Employees may be granted leaves of absence for reasonable periods of time if the requests for leaves are approved by their departments and are consistent with these rules. Employees on leave in excess of six months will, at the expiration of the leave, be placed on the appropriate layoff list if no vacancies exist in their classifications. Employees on leaves of less than six months will, at the expiration of the leaves, return to their departments to positions in their classification.

Leaves under this provision are granted for the following purposes:

- A. Temporary illness or impairment properly verified by a medical authority; (CSC 2/24/09)
- B. To serve in an unclassified City position not covered by State Statute;
- C. To pursue education that benefits the employee in seeking advancement opportunities in the City or to perform their job duties more effectively;
- D. To serve temporarily in a position with another employer where such employment is in the best interests of the City. A leave shall not be granted for the purpose of trying out other employment except as provided in this paragraph. A leave under this provision is approved for one year, subject to renewal consideration by the department and the condition that the department may, with good and sufficient reason, cancel the leave at any time upon prior notice to the employee and specifying a reasonable date to return to work. The Human Resources Director has authority to oversee such leaves and to direct the department to discontinue leaves that violate this paragraph. (CSC 8/8/96) (CSC 2/24/09) (CSC 12/15/15)
- E. For personal convenience not to exceed one year.

14.05 Budgetary Leave

Upon request by an employee and when authorized by the funding authority, leaves of absence without pay for up to ninety calendar days may be granted by the employer each year for the purpose of reducing the employer's operating budget. Such employees will be credited with seniority, vacation, and other benefits as if they had actually worked those hours.