

CIVIL SERVICE COMMISSION RULE 16

SICK LEAVE

16.01 Purpose

The purpose of Rule 16 is to provide rules on Sick Leave including rules on how employees may use sick leave for their own use and for their Family Member as defined in Rule 18 – Definitions. Sick leave will be granted and administered in accordance with the provisions of this rule.

(CSC 3/14/02) (CSC 2/24/09) (CSC 12/15/15)

16.02 Sick Leave

Employees shall accrue sick leave at a rate of one day per month not to exceed 12 days per calendar year. (CSC 12/15/15)

Employees are entitled to use accrued sick leave for the employee's illness, the illness of a Family Member, or for safety leave. Other factors defining sick leave are as follows:

(CSC 2/24/09) (CSC 12/15/15)

A. Ocular and Dental

Necessary ocular and dental care of the employee is recognized as a proper cause for granting sick leave. (CSC 12/15/15)

B. Chemical Dependency

Treatment for alcoholism and drug addiction is recognized as proper cause for granting sick leave and is contingent on two conditions: (CSC 12/15/15)

1. The employee undergoes a prescribed period of hospitalization or institutionalization.
2. The employee, during or following the above care, participates in a planned program of treatment and rehabilitation approved by the Human Resources Director or designee in consultation with the City's health care provider. (CSC 2/24/09)

C. Safety Leave

An employee may use accrued sick leave for safety leave for such reasonable periods of time as may be necessary, in accordance with Minnesota Statute §181. 9413. (CSC 12/15/15)

D. Care and Treatment

Necessary care and treatment by a health care professional is recognized as proper cause for granting sick leave. (CSC 12/15/15)

E. Family Member

Accrued sick leave may be used to care for an employee's Family Member pursuant to the same provisions covering the employee's own sick leave usage. "Family Member" is defined in Rule 18, – Definitions. (CSC 1/24/91) (CSC 5/23/96) (CSC 12/15/15)

16.03 "Illness"

The words "illness" means a temporary physical impairment, bodily disease or injury or mental affliction, whether or not a precise diagnosis is possible, when such impairment, disease, injury or mental affliction is impairing or requires care and treatment. (CSC 12/15/15)

16.04 Use of Accrued Sick Leave

Employees who have accrued sick leave may use sick leave in accordance with this Rule and the absence will be charged against accrued sick leave. (CSC 12/15/15)

A. General Rules

1. Departments may not grant sick leave to an employee who does not have accrued sick leave and may not grant sick leave to an employee whose accrued sick leave balance is zero or negative. (CSC 12/15/15)
2. Sick leave may be denied if an employee does not follow their Department's notice and call-in procedures for requesting sick leave. (CSC 12/15/15)
3. No sick leave will be granted to an employee who is not scheduled to work or who, for reason other than illness, is not available for scheduled work. (CSC 12/15/15)
4. Employees separating from service will at the time of separation be required to refund the City for sick leave used in excess of their accrued sick leave in accordance with Minnesota Statutes §181.79. (CSC 12/15/15)

16.05 Interrupted Service and Sick Leave

The following provisions apply:

- A. A permanent employee with six months of continuous service who has been certified or re-certified to a permanent position will, after layoff or disability retirement,

be granted by the department sick leave with full pay consistent with the provisions of this rule. (CSC 12/15/15)

- B. A permanent employee with six or more months of continuous service who has been transferred from one department to another department will retain sick leave privileges acquired in the department from which transfer has been made. (CSC 12/15/15)
- C. Employees returning from military leave will be entitled to sick leave as provided in the applicable Minnesota Statute.
- D. An employee, following reinstatement or re-employment within two years after separation, will, upon request, receive credit for prior service in computing sick leave credits. These credits will only apply to severance pay benefits and only after such employee has accumulated sufficient sick leave credits following reinstatement or re-employment to qualify for minimum severance pay benefits. No such credit will be applied to an employee reinstated or re-employed for the second or subsequent time.

16.06 Sick Leave Termination

- A. Layoff of an employee on sick leave will terminate an employee's right to use sick leave. (CSC 12/15/15)

16.07 Medical Verification (CSC 12/15/15)

- A. An employee may be required to provide a written statement from a health care professional in attendance verifying that the employee's absence is due to illness and that the employee is unable to work. "In attendance" includes a telephonically prescribed course of treatment by the health care provider which must be confirmed by a prescription or a written statement by the provider.
- B. A written statement by a health care professional for sick leave may be required only in the following situations:
 - 1. An employee has been absent on sick leave for five or more consecutive scheduled work days; (CSC 3/14/02) (CSC 12/15/15)
 - 2. An employee has used more than twelve days of unverified sick leave within the last 12 months; (CSC 3/14/02)
 - 3. A Request for Leave of Absence for medical reasons has been submitted; or, (CSC 3/14/02)
 - 4. In cases of suspected fraudulent use of sick leave or where there are patterned absences. (CSC 3/14/02) (CSC 12/15/15)

- C. An employee who is required to provide medical verification for sick leave use shall provide the verification no later than two weeks from the request. (CSC 12/15/15)

16.08 Fitness for Duty

Prior to an employee returning to work from an illness or medical leave of absence, the Human Resources Director or department head may require a satisfactory medical report by the City's health care provider to determine the fitness of any employee to perform the duties of his or her job. (CSC 3/14/02) (CSC 12/15/15)

16.09 Suspensions and Sick Leave

Employees who have been suspended for disciplinary purposes during the calendar year shall not accrue sick leave during the period of suspension and will not be granted sick leave during the period of suspension. (CSC 12/15/15)