

POLICY & PROCEDURE		
	Paid and Unpaid Leave	
	Supersedes:	Effective: February 1, 2004
Approved:		Page 1 of 4

The following procedures should be used when requesting or processing paid, unpaid, or family leave requests. Provisions for granting temporary disability leave, sick leave, and regular leaves of absence are contained in employee labor contracts. Additional information regarding family leave can be found in Minnesota Statutes, Section 181.940-181.944 and in the Family and Medical Leave Act of 1993, 29 USCS § 2601 et.seq.

Paid Leave (Vacation, Sick, Personal Leave)

- A. Employees must submit the department's form for requesting paid time off to their supervisor.
- B. If leave exceeds three days, supervisor, with assistance from Human Resources, will determine whether the request qualifies as parental/family leave. Refer to the corresponding [Parental Leave](#) or [Family Leave](#) section.
- C. If the request for sick leave is for the employee's own illness/injury, and is for more than three days, refer to the [Sick Leave and Returning to Work](#) policy and procedure.
- D. If the request does not qualify as family/parental leave, supervisor shall approve or deny request based on operational needs and applicable contract provisions.
- E. Vacation requests of over 30 calendar days must have prior approval from Department Director.
- F. Paid leave usage at the end of City employment, whether for retirement or resignation, is prohibited.

Unpaid Leave

Leave Requests for Three or Fewer Consecutive Days

- A. Employee should refer to the leave of absence section of the appropriate labor contract to determine leave eligibility and notice requirements.
- B. Employees requesting a leave of absence for three or fewer consecutive days must submit their request in writing to their supervisor.
- C. If employee is requesting reduced hours on a continuous basis, (s)he should make the request in writing indicating the start date of the leave and which day(s) of the week will be taken without pay on a recurring schedule. Supervisor will approve such requests only if the hours worked per week do not alter the employee's benefit level **AND** if there is a proven benefit to the City.

Leave Requests for More Than Three Consecutive Days

- A. Employee should refer to the leave of absence section of the appropriate labor contract to determine leave eligibility and notice requirements.
- B. Employee must complete a "[Request for Unpaid Leave of Absence](#)" form unless the reason for the request qualifies as family leave (See [Family Leave Section](#)).
- C. Requests for unpaid leaves of absence must be approved as follows:
 1. Supervisor approves/denies request based on operational needs.
 2. Department Director
 3. Manager, Human Resources (leave requests over 30 days only)
- D. If the leave request is for more than 30 days, the employee must schedule an appointment with the [Employee Benefits Administrator \(EBA\)](#) located in Human Resources (218) 730-5204, prior to beginning the leave, to arrange for continuation or cancellation of benefits during the leave.
- E. Approved leave requests shall be forwarded to Human Resources.

POLICY & PROCEDURE		
	Paid and Unpaid Leave	
	Supercedes:	Effective: February 1, 2004
Approved:		Page 2 of 4

Parental Leave

School Conference and Activities Leave

The City of Duluth understands employees' desires to attend their children's school conferences or other school-related activities. Please follow the procedure below.

- A. For unpaid leave, employee must submit his/her request in writing at least one week prior to the desired leave, when the event is foreseeable. The request should include the date, time and reason for the leave request.
- B. Employees may substitute paid leave for unpaid leave. For paid leave, employee should submit the department's form for requesting paid time off to their supervisor.
- C. Employees **must attempt** to schedule conferences and other school activities during non-work hours, but if unable to do so, must make a reasonable effort to schedule the leave so as not to disrupt the operations of the City.
- D. When the above conditions are met, requests for leave must be approved by the supervisor, to a maximum of 16 hours per year.

Sick Leave to Care for Sick Child

The City of Duluth strongly supports and understands the need to care for sick children. Eligible employees may use their sick leave to provide this care. A child is considered a person under the age of 18 or under the age of 20 and attending secondary school. Please follow the procedure below.

- A. Employee must follow sick leave reporting requirements in the applicable labor contract and complete the department's form for requesting paid time off. If leave exceeds three days, supervisor, with assistance from Human Resources, will determine whether the request qualifies as family leave; if it does, refer to the [Family Leave Section](#).
- B. Supervisor must approve sick leave requests to care for a sick child if the employee is eligible for sick leave **AND** would be allowed to use sick leave for the same reason.

Family Leave

The City of Duluth provides job-protected family leave to eligible employees. To be eligible for up to 12 weeks of family leave, employee must have worked for the City at least 12 months and at least 1250 hours in the previous 12 month period. To be eligible for up to 6 weeks of family leave, employee must have worked for the City at least half-time, but less than 1250 hours in the previous 12 month period. An employee must substitute any accrued paid leave for any unpaid leave, as permitted by FMLA regulations. If employee has accrued paid leave, (s)he must complete the department's form for requesting paid time off, and a "[Request for Unpaid Family Leave of Absence](#)" for the remaining leave, if applicable. In no case will the combination of paid and unpaid leave used for an FMLA purpose exceed 12 work weeks in any 12-month period counting forward from the first day of leave. Family leave can be used for any of the following qualifying events:

1. Birth of a child and to care for such child, or placement of child for adoption or foster care. Leave option expires one year after the event; leaves for adoptive parents may begin prior to placement.
2. To care for an immediate family member (child, parent, or spouse) with a [serious health condition](#)*
3. Employees own [serious health condition](#)* which results in the inability to perform his/her job.

POLICY & PROCEDURE		
	Paid and Unpaid Leave	
	Supercedes:	Effective: February 1, 2004
Approved:		Page 3 of 4

“Serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves a) inpatient care in a hospital, hospice, or residential medical care facility; or b) “continuing treatment” by a health care provider. **“Continuing treatment”** is defined as: a) treatment two or more times for the injury or illness by a health care provider or by a provider of health care services under direction of a health care provider; or b) treatment by a health care provider on at least one occasion and a regimen of continuing treatment under the supervision of the health care provider; or c) continuing supervision by a health care provider for a long-term or chronic condition or disability which cannot be cured.

A. **Employee** completes the department’s form for requesting paid time off and/or [“Request for Unpaid Family Leave of Absence”](#) form to request family leave.

1. If the need for family leave is foreseeable, the employee must adhere to the notice requirements in the leave of absence section of the applicable labor agreement. If the employee fails to give proper notice for a foreseeable leave without reasonable excuse for the delay, the supervisor will deny the leave until 15 days after the employee provides notice.
2. If the need for family leave is unforeseeable, the employee should provide as much notice as is possible, usually verbal notice within two business days of becoming aware of the need for leave.
3. If the family leave is to care for an immediate family member with a [“serious health condition”](#), the employee must submit a completed [“Physician or Practitioner Certification”](#) to Human Resources. The employee must provide this medical certification as soon as possible after making the leave request. The City may require additional medical opinions (at its expense) and periodic reports on the family member’s status. All documentation related to the family member’s medical condition will be kept confidential.
4. If an unpaid family leave is approved, the employee must schedule a meeting with the Employee Benefits Administrator in Human Resources to discuss benefits arrangements.

B. **Supervisor**, with assistance from Human Resources, determines whether leave request qualifies as family leave. If the request qualifies as family leave and the employee is eligible for such leave, the supervisor will send notification of this fact to the employee, using the [“Family Leave Notification Memo”](#) and [“Notice to Employee Requesting Leave”](#) within two days of making the determination.

1. Requests for family leave by an eligible employee for a qualifying reason must be approved; however, the supervisor is not obligated to approve leave that would extend beyond 12 weeks. If the combination of paid and/or unpaid family leave request exceeds 12 weeks, the supervisor must approve 12 weeks of family leave. Additional leave will be considered a regular leave of absence and should be granted only in those instances in which operations are not disrupted and there is a benefit to the City (unless the request is for employee sick leave, in which case, contract language applies. Refer to [Sick Leave and Returning to Work](#) policy).
2. If the family leave is due to the employee’s own [“serious health condition”](#), the supervisor should follow the [Sick Leave and Returning to Work](#) policy.
3. Supervisor must track each employee’s approved family leave to ensure that it does not exceed twelve weeks in a twelve-month period, counting forward from the first day of leave.

C. **Paid family leave** requests must be approved by the supervisor as follows:

1. Supervisor must approve requests by an eligible employee for a qualifying reason for leaves up to and including 12 weeks, to a maximum of 12 weeks per 12-month period.
2. If an eligible employee requests more than 12 weeks, the request may be approved as requested or modified to approve 12 weeks only. If a request for more than 12 weeks of paid family leave is approved, the leave beyond 12 weeks will be considered a regular leave of absence and should be granted only in those instances in which operations are not disrupted and there is a benefit to the City (unless the request is for employee sick leave, in which case contract language applies. Refer to [Sick Leave and Returning to Work](#) policy).

D. **Unpaid family leave** requests must be approved as follows:

1. Unpaid leave requests of less than 30 days must be approved by the supervisor and department director.
2. The supervisor, department director, and Manager, Human Resources must approve requests for unpaid leave of 30 days or more.
3. Requests by an eligible employee for a qualifying reason for leaves up to and including 12 weeks must be

POLICY & PROCEDURE		
	Paid and Unpaid Leave	
	Supercedes:	Effective: February 1, 2004
Approved:	Page 4 of 4	

approved, to a maximum of 12 weeks per year.

4. If a request is made for more than 12 weeks, the request may be approved as requested or modified to approve 12 weeks only. If the combination of paid and/or unpaid leave requested exceeds 12 weeks, additional leave, if approved, will be considered a regular leave of absence and should be granted only in those instances in which operations are not disrupted and there is a benefit to the City (unless the request is for employee sick leave, in which case contract language applies. Refer to [Sick Leave and Returning to Work](#) policy).
 5. If a request for more than 12 weeks is approved, the employee may lose the guaranteed right to return to his/her former or similar position.
 6. Entitlement to seniority and benefit accrual is regulated by the employee's current labor contract.
- E. Approved leave requests shall be forwarded to Human Resources.
- F. Intermittent/reduced leave will not be allowed for family leave due to the birth, adoption or foster care placement of a child. An employee eligible for family leave due to their own or a family member's "[serious health condition](#)" may opt to take leave intermittently or on a reduced leave schedule. Employees on intermittent or reduced leave schedules may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. For eligible part-time employees, the family leave entitlement is calculated on a pro rata basis. A weekly average for the hours worked over the 12 weeks prior to the beginning of the leave will be used for calculating the employee's normal workweek.
- G. Employee's 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, but would have his/her name placed on a re-employment list, if (s)he would otherwise have been entitled to such a re-employment right.
- H. Employees on family leave of 12 weeks or less will continue to be covered under the City's group health insurance, life insurance, and long-term disability plans under the same conditions as would have been provided if they had been continuously employed during the leave period. However, employees must continue to pay appropriate premiums, co-payments, deductibles, and other out-of-pocket expenses as specified in the applicable labor agreement. If the **unpaid leave** is more than 30 days, the employee must contact the [Employee Benefits Administrator](#) at (218) 730-5204 to arrange for payment of their premiums during the leave period. Employee contribution amounts are subject to rate changes that occur while on leave.
- I. An employee who does not return from unpaid leave is entitled to purchase continuing coverage under COBRA for the period allowed by law. If the employee fails to return from an unpaid family leave (or returns to work but fails to stay 30 calendar days) for reasons other than the continuation of a [serious health condition](#) or circumstances beyond the employee's control (as described in the FMLA regulations), the City is entitled to reimbursement from the employee for the portion of the premiums paid by the City on behalf of the employee during the leave period.

PPM paid and unpaid leave 01

20040203