Strikethrough Draft Version

City of Woodbury
Washington County, Minnesota

Ordinance Number to be Determined

An Ordinance of the City of Woodbury, Washington County, Minnesota Providing that the City Code be Amended by Amending Chapter 2, Administration, Article V, Personnel; Division 3 Employee Benefits - Section 2-241 Sick Leave; Section 2-248 Leave Without Pay for Employees

Chapter Two Amendment: That Chapter 2 Administration, Article V Personnel Division 3 – Employee Benefits, Section 2-241 Sick Leave; Section 2-248 Leave Without Pay for Employees be amended as follows:

Article V. - Personnel

Division 3. - Employee Benefits

Sec. 2-241. - Sick leave.

(a) Authorized uses. Sick leave is not considered a privilege that an employee can use at will, but sick leave use is authorized for the following reasons:

(1) In case of the employee’s serious health condition covered by the Family and Medical Leave Act (FMLA), personal illness, injury, disability, legal quarantine, to receive medical or dental care, or for outpatient or inpatient treatment for mental illness, employee assistance program, alcoholism or drug addiction, or for participation in the employee assistance program;

(2) A family health matter related to an employee or the employee's spouse, dependent, child or parents related to any of the reasons identified in paragraph (1);

(3) Up to six weeks following the birth of a child for the female who has given birth. In the case of a female employee who has gone through childbirth, a longer period of time may be granted for sick leave use depending on the period of recovery. In this case, the employee must submit a doctor's statement indicating the length of time she will be unable to physically return to work;

(4) Up to two weeks following the birth of a child for the father or adoptive parents who have not given birth themselves. In the case where the father is needed to care for the spouse or child due to medical reasons of the spouse or child, or the adoptive parents are needed to care for the child due to medical reasons of the child, a longer period of time may be granted for sick leave use depending on the period of recovery. In this case, the employee must submit a doctor’s statement indicating the length of time he or she will be needed to care for the spouse or child due to medical reasons;

(6) (4) For the purpose of attending a funeral of immediate family as described in subsection (a)(2) and (a)(3) plus brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, grandparents, grandparents-in-law, and grandchildren/step-grandchildren of the employee. Up to three work days may be used for this purpose per occurrence (hours applied will be prorated based on the employees annual scheduled work hours). If attending the funeral requires out-of-state travel, additional sick leave may be used upon prior approval of the city administrator.

(b) **Accrual.** Sick leave shall accrue, but shall not be available until after one month of employment. Sick leave shall accrue for regular full-time employees at the rate of 3.70 hours per bi-weekly pay period or as provided for by resolution until 800 sick hours have been accumulated. An employee who accumulated 800 sick hours shall accrue additional sick leave at a rate of 1.85 hours per pay period. Regular part-time employees shall accrue sick leave on a prorated basis based on their budgeted full-time equivalency.

Effective December 25, 2005, regular full-time unrepresented firefighters shall accrue sick leave at .0462 hours per annual scheduled hours until 0.3846 per annual scheduled hours have been accumulated (i.e. 880 hours sick leave for 2,288 hours worked annually). A regular full-time unrepresented firefighter who has accumulated 0.3846 hours per annual scheduled hours shall accrue additional sick leave at .0231 per annual scheduled hours.

The city administrator may allow reinstated employees their unredeemed sick leave balance that was present upon their resignation.

Employees using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional sick leave. Workers' compensation benefits shall be credited against the compensation due employees during sick leave.

(c) **Eligibility.** In order to be eligible for sick leave with pay, employees must:

(1) Notify their superior prior to the time set for the beginning of their normal work day.

(2) Keep their superior informed of their condition if the absence is of more than two days' duration.

(3) Submit doctor's certificates for absences if required by the city administrator or his/her designee.

(d) **Use when not eligible.** Employees claiming sick leave when physically fit, except as otherwise permitted in this section, shall be cause for disciplinary action.

(e) **Unused sick leave pay.** Regular full-time employees who have been employed for at least ten consecutive years shall have paid out to them 50 percent of their accumulated and unused sick leave, up to a maximum of 600 hours (or 0.2885 hours per annual scheduled hours for regular full-time unrepresented firefighter), at the time of their resignation, retirement, or death (at which time such sick leave shall be paid to the employee's beneficiary). Regular part-time employees shall receive such unused sick leave benefit pay on a prorated basis on the
employee's budgeted full-time equivalency. If discharged for cause, unused sick leave pay shall not be allowed.

(f) *Earning additional vacation hours.* Nonexempt, unrepresented regular full-time employees employed by the city as of January 1 of the year in consideration who have used under 20 hours of sick leave annually are eligible to earn the following additional vacation hours:

<table>
<thead>
<tr>
<th>Hours of Sick Leave</th>
<th>Bonus Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 8 hours</td>
<td>0.00 to 8.00</td>
</tr>
<tr>
<td>Under 16 hours</td>
<td>8.01 to 16.00</td>
</tr>
<tr>
<td>Under 20 hours</td>
<td>16.01 to 20.00</td>
</tr>
</tbody>
</table>

Regular part-time employees are eligible to receive additional vacation based on low sick leave usage on a prorated basis to the above schedule based on the employee's budgeted full-time equivalency.

**Effective December 25, 2005,** regular full-time unrepresented firefighters as of January 1 of the year in consideration who have used under .0096 hours per annual scheduled hours of six leave annually are eligible to earn the following additional vacation hours.

<table>
<thead>
<tr>
<th>Hours of Sick Leave</th>
<th>Bonus Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>.0038 hours per annual scheduled hours</td>
<td>0.00 to .0038 hours per annual scheduled hours</td>
</tr>
<tr>
<td>.0077 hours per annual scheduled hours</td>
<td>.0038 to .0077 hours per annual scheduled hours</td>
</tr>
<tr>
<td>.0096 hours per annual scheduled hours</td>
<td>.0077 to .0096 hours per annual scheduled hours</td>
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</tbody>
</table>

**Sec. 2-248. - Leave without pay for employees.**

(a) *Special leaves without compensation include:*

(1) *Personal leave.* Upon the request of an employee, a special leave of absence without pay may be granted by the city administrator, who shall take into consideration good conduct, length of service, the efficiency of the employee, and the general good of the city service. Leaves of absence without pay may only be requested after all vacation leave (and sick leave if for medical purposes) have been exhausted. Such leave of absence shall not exceed a period of 90 days, provided that the same may be extended beyond such period if the leave of absence is for continued disability or other good and sufficient reasons, but in no case shall the personal leave without pay exceed one year except when the employee is disabled for disability incurred while in performance of the employee's duties as an employee of the city.

During the leave period, the employee will not accrue or be able to use accrued vacation, holidays, and sick leave. Employees on special leave without compensation shall have the option
of continuing to participate in the city’s health, dental, life and disability insurance by agreeing to pay the full premium of said coverage pursuant to procedures established by the finance director, but in no case shall this option exceed 18 months.

(2) Leaves established by Administrative Directive. Eligible employees may be entitled to family and medical leave, parental leave, military leave, or other leaves as established by Administrative Directive of the city.

(2) Family and Medical Leave Act (FMLA). All employees who have worked for the city for a cumulative period of 12 months and have worked at least 1,250 hours for the city during the 12-month period prior to requesting a leave are eligible for up to 12 weeks of family or medical leave per 12-month period for either a birth, adoption or foster care placement of a child; to care for a spouse, parent or child who has a serious health condition; for a serious health condition of the eligible employee, or for "any qualifying exigency" arising out of the fact that an employee’s spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty status in support of a contingency operation. Spouses employed by the city are entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition. Accrued vacation, personal, and sick leave (for the medical portion of the leave) may be used as a part of the 12-week FMLA leave. An eligible employee who is the spouse, son, daughter, parent or next of kin (closest blood relative) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty, is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This is a one-time 26 week leave provision that does not renew each FMLA year. A medical certification verifying the illness/injury will be required in order for this leave to be used.

A minimum 30-day notice must be given prior to the date on which the leave is to begin. If 30 days cannot be given for unforeseen leave needs, the employee will give as much notice as practicable. Requests for leaves must be in writing and approved by the city administrator.

a. Accrued sick leave may be used as defined in City Code section 2-241(a) sick leave-authorized uses.

b. The city will continue to provide the employee with full benefits when an employee uses sick leave, vacation, or floating holiday(s) during the approved FMLA leave.

c. An employee on FMLA leave who is not using sick leave, vacation, or floating holiday(s) shall not be eligible to accrue any leave benefits during the leave. The city will continue to pay the normal portion of health, dental, life, and disability insurance as if the employee were working. An employee who is on unpaid leave must pay his or her portion of the premium of the said coverage if coverage continuation is desired during the leave, pursuant to procedures established by the finance director.

(3) Parental leave. All regular full-time and part-time employees who do not qualify for FMLA leave, who work an average of 20 hours or more per week and have successfully completed 12 months of employment may be granted a leave of absence from work by the city administrator provided that the employee is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of leave shall be determined by the employee, but may not exceed 12 weeks.
Parental leave time shall begin at the time requested by the employee. The leave may not begin more than 12 months after the birth or adoption. The employee shall notify their supervisor in writing at least 45 days before the expected commencement date of parental leave. The leave shall be unpaid except as follows:

a. Accrued sick leave may be used as defined in City Code section 2-241(a) sick leave-authorized uses.

b. The city will continue to provide the employee with full benefits when an employee uses sick leave, vacation, or floating holiday(s) during the approved leave.

c. Leave without pay for parental purposes shall be considered medical leave only for that portion of the leave which the employee is medically unable to return to work, as certified by a licensed medical doctor.

d. An employee on parental leave who is not using sick leave, vacation, or floating holiday(s) shall not be eligible to receive any benefits during the leave but shall have the option of continuing to participate in the city's health, dental, life, and disability insurance by agreeing to pay the full premium of the said coverage pursuant to procedures established by the finance director, but in no case shall this option exceed 18 months.

(4) Military leave for families. The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States, or this state. Nor will the city discharge from employment or take adverse employment action against an employee because they attend the following kinds of events relating to the military service of an immediate family member. Employees should complete a "Request for Employee Leave" form as soon as practicable, marking the appropriate category, and submit it to their supervisor as soon as practicable. The unpaid leave may not exceed two consecutive calendar days or six days in a calendar year. Employees may substitute paid leave if they choose to do so.

a. Military ceremonies, family training, and reintegration for spouse, parent or child. This leave applies to immediate family members defined as a person's spouse, parent, or child. An employee shall be granted a leave without pay to:

i. Attend departure or return ceremonies for deploying or returning personnel;

ii. Family training or readiness events sponsored or conducted by the military;

iii. Event held as a part of official military reintegration programs.

b. Military ceremonies for extended family members. This leave applies to immediate family members defined as a person's grandparent, legal guardian, sibling, grandchild, fiancé or fiancée, spouse parent or child. An employee whose immediate family member has been ordered to active service in support of a war or other national emergency, shall be granted a leave without pay to attend a send-off or homecoming ceremony for the mobilized service member. Time off is for the actual time necessary for the employee to attend the ceremony, not to exceed one unpaid day in any calendar year. Employees may substitute paid leave if they so choose. The City may deny such leave if the leave would unduly disrupt the operations of the city.

c. Military member injured/killed in active service. This leave applies to immediate family members defined as a person's parent, child, grandparents, siblings, or spouse. An employee
shall be granted a leave without pay for up to ten working days for an immediate family member, who as a member of the U.S. Armed Forces, has been injured or killed while engaged in active service. An employee must give as much notice as practicable of their intent to exercise the leave guaranteed above. Employees may substitute paid leave if they choose to do so. This leave will run concurrently with any other applicable leave. For an unpaid absence of up to ten working days, an employee will accrue leave and the city will pay insurance contributions as if they were still at work.

(b) Conditions governing all leaves without pay.

(1) With the return from unpaid leaves, employees shall be entitled to all sick leave and vacation leave accrued prior to the leave which was not used during their absence.

(2) Failure of an employee to request an extension before the expiration of leave shall be considered a voluntary resignation.

(3) An employee granted unpaid leave of absence shall have the right to return to employment in the original job or position of like status and pay unless the employee's position has been discontinued or the employee would have been laid off if such employee had not been on leave. The city administrator shall have the right to place said employee in a position which most efficiently promotes the city welfare.

(4) If an employee had not yet completed his or her probationary period prior to beginning a leave of absence, his or her probationary period shall be extended by the amount of the leave of absence upon return.

(5) An employee returning from a leave is entitled to retain all unused accrued pre-leave benefits of employment and seniority as if there had been no interruption in service.

(6) An employee, by agreement with the city administrator, may return to work part-time during the leave period without forfeiting the right to return to employment at the end of the leave period.

Section Four. Effective date.

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 27th day of May, 2020.

Anne W. Burt, Mayor

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Clinton P. Gridley, City Administrator (SEAL)