



DATE: July 27, 2009 PERSL #1337 (Replaces
(PERSL dated July 31, 1997)

TO: Personnel Directors/Designees
Labor Relations Directors/Designees
Exclusive Representatives

FROM: Carolyn Trevis, Assistant State Negotiator
Labor Relations Division

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RE: Revised Statewide Policy on Sick Leave – Replaces policy distributed 7/97

Enclosed is the most recent revision of the Statewide Sick Leave Policy. This revision replaces the policy distributed in July of 1997. Please distribute this revision to your staff and other relevant employees in your agency.

The change in the policy is the addition of a section titled “Use of Vacation Leave in Lieu of Sick Leave.” This section outlines parameters for use of vacation leave when the employee’s sick leave bank has been exhausted and also states that agencies **may** authorize use of vacation leave in lieu of sick leave when the employee is subject to losing vacation accrual while absent due to vacation cap restrictions.

If there are any questions, please contact your labor relations representative or me.

cc: MMB Labor Relations Staff
Laurie Hansen, MMB/HRM Director

Revised Statewide Policy on Sick Leave

7/09

Statewide Policy on Sick Leave

Purpose

To provide guidelines to agencies on managing sick leave use by employees.

Objectives

1. To improve productivity through better attendance.
2. To minimize costs associated with employee absences due to sick leave.
3. To maintain overall agency morale by ensuring each employee meets his/her own work requirements.
4. To ensure that sick leave use is consistent with the provisions of the collective bargaining agreements or plans.
5. To standardize sick leave procedures.
6. To communicate to supervisors expectations regarding sick leave.

Supervisory Responsibilities

1. **Analyze Attendance Records:** Supervisors should regularly review employee attendance records for evidence of abuse or excessive use.
2. **Ensure Appropriate Use:** Supervisors should ensure that the reason for the use of sick leave is allowable under the terms of the collective bargaining agreement or plan.
3. **Ensure Confidentiality:** Supervisors should maintain the confidentiality of the reasons for employees' use of sick leave.
4. **Recognize Good Attendance:** Supervisors should recognize good attendance through appropriate methods.
5. **Manage Sick Leave:** Supervisors should regularly monitor and manage all of the sick leave used by employees in accordance with the following guidelines.

A Use of Sick Leave Where No Abuse Has Occurred

1. Monitoring Use of Sick Leave

Supervisors should monitor the amount of sick leave used by employees and should review sick leave usage for individual employees when use exceeds six (6) separate instances in a fixed twelve (12) month period.

Instances shall include: All actual sick leave used as well as other types of leave used in lieu of sick leave (e.g. same-day vacation leave requested in lieu of sick leave, leave without pay taken for sick leave reasons).

Instances shall not include: Any FMLA qualifying time or time taken for prescheduled doctor's appointments, bereavement leave, workers compensation, or sick leave used in conjunction with the birth or adoption of a child or for the period of time that a doctor certifies a female employee unable to work because of pregnancy.

This standard does not define excessive use, but rather the point at which the supervisor should begin to consider #2 below.

2. Recognizing Sick Leave Use Problems

If an employee meets the standard set out in #1 above, the supervisor needs to consider the following to factors identify sick leave use problems:

- a. The frequency of and the reasons for sick leave use. (Absences necessitated by chronic long-term illnesses/disabilities may require different considerations than casual, intermittent absences.)
- b. The employee's unused sick leave balance.
- c. The impact of the employee's absences on the workplace (e.g., disruptions in work schedules, overtime costs, incomplete projects).

3. Responding To Sick Leave Problems

If the supervisor determines a problem exists then the supervisor shall:

- a. Counsel the employee on his/her use of sick leave.
- b. Refer the employee to the Employee Assistance Program, if appropriate.
- c. Check with the Personnel Office about possible alternative arrangements for the employee (e.g., part-time work schedules, disability leaves of absence), if appropriate.

- d. Document all of these actions.

If the above methods are unsuccessful, a supervisor should consider the effect that the sick leave use has on the employee's performance and the operations of the employer. Discipline may be taken on the basis of the absences affecting the employee's performance, or the operations of the employer, and may be taken even when the reasons for sick leave use have been legitimate.

If the employer is in the course of progressive discipline with an employee, the six instance standard in a twelve month period is not renewed.

4. Performance Reviews

Supervisors should also reflect how the employee's attendance has affected his/her ability to complete the tasks on the employee's performance review.

B. Sick Leave Abuse

Abuse of sick leave is defined as the use of sick leave for purposes other than those in the collective bargaining agreements or plans.

1. Supervisors should periodically analyze attendance records for evidence of possible abuse (e.g., patterns of absences on Fridays/Mondays, seasonal absences, absences when a vacation request has been denied).
2. Sick leave should be denied when there is evidence or reason to believe abuse has occurred until or unless the employee provides satisfactory evidence of legitimate use of sick leave. Where a supervisor has reason to suspect that an employee is abusing sick leave, the supervisor may require the employee to provide doctor's statements for a fixed duration to verify legitimate use of sick leave.
3. Discipline employees for the abuse of sick leave.

Use of Vacation Leave In Lieu of Sick Leave

Employee must use their sick leave accruals for absence requests allowing for use of sick leave accruals pursuant to labor contract provisions. Vacation leave will not be granted in lieu of sick leave except in the following instances.

1. Employees who have exhausted their sick leave accruals may request to use vacation leave in lieu of sick leave in accordance with labor contract provisions. Such vacation requests shall be for the total hours of the employee's work schedule and for consecutive scheduled days of work for the total hours of vacation requested by the employee up to the extent of the employee's vacation accruals. Vacation leave will not be granted on a stop and start basis with leave without pay time in between vacation time.

2. Employees may be allowed to substitute vacation leave for sick leave when they are subject to losing vacation accruals while absent due to vacation cap restrictions. Such use shall be only to the extent necessary to prevent loss of the employee's vacation benefits.

All labor contract provisions, policies, and work rules governing sick leave requests will continue to apply to requests for vacation in lieu of sick leave.

Employee Assistance Program

The State has in place a formal Employee Assistance Program to assist employees in addressing problems which may affect an employee's performance, including absenteeism. Employees are encouraged to seek assistance for these and other problems before they negatively impact attendance and other aspects of job performance. Participation in this program is voluntary and confidential.

Training

All supervisors are encouraged to attend the Managing Employee Sick Leave training course presented by their Appointing Authority or Minnesota Management & Budget as part of the Supervisory CORE Training Program.