

Frequently Asked Questions - Sick Leave Expansion

1. May an employee use sick leave for a child or other family members?

The Minnesota legislature recently passed Minn. Stat. §181.9413 which expands how an employee may use accrued sick leave benefits. The new law allows an employee to use accrued sick leave benefits for absences due to an illness or injury to an employee's child and for other family members. The law is effective August 1, 2013, and applies to sick leave used on or after that date.

2. Specifically, which family members are covered by the new law?

The new law allows an employee to use accrued sick leave benefits for absences due to an illness or injury to an employee's child, adult child, spouse, sibling, parent, grandparent and stepparent.

3. What is the definition of a child?

The new law clarifies that "child" means stepchild, biological, adopted or foster child, either under 18, or under 20 if still attending secondary school.

4. Are there any limits as to how much sick leave an employee can use to care for a child or family member?

The City does not impose hour limits on how much accrued sick leave an employee may use to care for a child, adult child, spouse, sibling, parent, grandparent and stepparent. If the employee does not have accrued sick leave or it is otherwise not available then the use of sick leave will be denied.

5. May the City ask an employee to provide proof that their covered family member is ill or injured?

Sick leave must be given "on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury." (Minn. Stat. §181.9413) Therefore, an employee should check the applicable [labor agreement](#) or [Civil Services Rules](#) regarding when an employee may be required to provide a medical certificate or doctor's note. Where permitted, the supervisor can require medical documentation for a covered family member.

6. May the City deny a request to use this leave for a covered family member?

Yes, an employee may only use sick leave that is accrued and available to the employee to care for a covered family member. If the employee does not have accrued sick leave or it is otherwise not available then the use of sick leave will be denied. Also, the use of sick leave benefits for a covered family member may be denied if the denial is based on the same rules and provisions as would be applied to the employee's own personal use of sick leave.

7. How does this impact language in existing labor agreements?

If the existing [labor agreement](#) language is more generous than the new law, the City will continue to apply the terms of the labor agreement. If the labor agreement language is less generous, the City must apply the language in the new law, beginning August 1, 2013.

8. With the recent legislation authorizing same-sex marriage in Minnesota, are we required to provide sick leave benefits to same-sex spouses?

Yes, sick leave benefits are available to the spouse of an employee who is legally married, including same-sex couples, because a "spouse" is a covered family member.

9. Does sick leave taken under the new law need to be entered (coded) into HRIS differently?

No. Sick Leave taken will be tracked by using existing codes in HRIS (e.g. Sick Leave (SCK) and FMLA Leave/Sick (FMS)).