
Policy:	103.280
Title:	Sick Leave Management
Effective Date:	10/2/18

PURPOSE: To provide supervisors and managers with guidelines for management of sick leave use by employees, including defining employee and management responsibilities. To improve productivity and decrease costs through better management of sick leave use.

APPLICABILITY: All employees

DEFINITIONS:

Appropriate use of sick leave – sick leave use allowable under the terms of the collective bargaining agreements or plans.

Child – includes a biological, adopted, foster, or step child.

Doctor's slip – documentation from a medical practitioner that denotes the employee or eligible family member was seen and/or treated by the medical practitioner. The doctor or physician statement must be signed by a medical/mental health practitioner, indicate the employee (or family member) was seen, the date and time of visit, the reason the employee is unable to work scheduled shift(s), the day(s) unable to work and date able to return to work with or without restrictions. Any statement that does not include this information is considered unacceptable.

Excessive use of sick leave – the use of sick leave for the employee's own illness or injury exceeding six separate non-FMLA-qualified instances in a fixed 12 month period corresponding to the employee's performance review period.

Family Medical Leave Act (FMLA)-qualified leave – leave that is taken for a reason that has been formally or provisionally approved by human resources (HR) as meeting FMLA requirements. Leave that is first provisionally approved for FMLA, but later determined not approved, is not FMLA-qualified leave.

Family member – the employee's child(ren), step-child(ren), spouse, brother, sister, parent, step-parent, grandparent, grandchild(ren), father-in-law, or mother-in-law.

Grandchild – includes a biological, adopted, foster, or step grandchild.

Instance of sick leave use – all non-FMLA-qualified sick leave use for the employee's own medical or dental appointments with less than one day notice, illness or injury, as well as other non-FMLA-qualified types of leave used in lieu of sick leave (e.g., vacation leave requested in lieu of sick leave as allowed per the statewide policy on sick leave, leave without pay taken for sick leave reasons). If an employee is out for multiple consecutive days for the same illness, it is counted as one instance. Instances must not include FMLA-qualifying time or time taken for prescheduled doctor's appointments, bereavement leave, safety leave by qualifying employees, sick leave for care of family members, worker's 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 is unable to work due to pregnancy.

Pre-approved sick leave – sick leave use approved by the supervisor or appointing authority at least one day prior to the leave being taken.

Safety leave – is leave for the purpose of providing or receiving assistance because of sexual assault (under M.S. 609.342-609.3453 or 609.352), domestic abuse (under M.S. 518B.01), or stalking (under M.S. 609.749) for reasonable periods for the employee or for such reasonable periods of time as the employee's assistance may be necessary for family members as defined in this policy.

Sick leave – paid leave granted for purposes defined in the collective bargaining agreements or plans as allowable for sick leave use.

Sick leave abuse – the use of sick leave when there is evidence or reason to believe sick leave has been used for purposes other than those allowed by the collective bargaining agreements or plans.

Sick leave tracking – documentation and monitoring of sick leave use.

Suspected sick leave abuse – the suspected use of sick leave for purposes other than those allowed by the collective bargaining agreements or plans. For example, sick calls in conjunction with days off, denied vacation, a particular day of the week or month, on a shift exchange, or other patterns of use that appear to be an inappropriate use of sick leave.

Unauthorized leave – non-FMLA-qualified time off work for sick leave reasons that cannot be compensated as the employee has no available sick leave balances and is ineligible or not approved for some other form of paid leave.

PROCEDURES:

- A. Sick leave request procedure
 1. Employees must use sick leave consistent with applicable employee collective bargaining agreements or plans and only for reasons specified in the collective bargaining agreements or plans.
 2. Employees may also use their sick leave for safety leave for such reasonable periods of time as may be necessary for the employee or for assistance to certain family members.
 3. Employees must accurately document sick leave use on their time sheets.
 4. Employees must notify their supervisor or designee when requesting the use of sick leave. This notice must be provided upon the employee's knowledge of need to use sick leave and/or prior to the start of the workday/shift.
 5. Facility designated positions (e.g., correctional officer)
 - a) Telephone the watch commander to request the use of sick leave if not previously approved by immediate supervisor. The watch commander must document the request for the use of sick leave.
 - b) When employees do not notify their supervisor/watch commander to request the use of sick leave prior to the start of a shift, Policy 103.035, "Tardiness and Failure to Report to Work" applies.
 - c) At the time of the request the watch commander must complete the DOC Daily Call-In Notification form (attached) and ask if the request is related to FMLA,

worker's compensation or "other" (e.g., related to a shift exchange, bereavement, etc.) and then document the reason for absence.

- d) The watch commander completes the upper portion of the DOC Daily Call-In Notification form and distributes it according to the facility's process. The employee's supervisor completes the bottom portion of the DOC Daily Call-in Notification form.

6. Non-facility designated positions

- a) Work units must establish procedures for employees to follow when requesting the use of sick leave which might include e-mail, telephone call, or text to the supervisor or designee.
- b) When employees do not notify the supervisor to request the use of sick leave prior to the start of a shift, Policy 103.035, "Tardiness and Failure to Report to Work" applies.
- c) Work units must have procedures for documenting sick leave requests.

7. Supervisors must monitor the sick leave use of employees they supervise in a fair, consistent, and confidential manner. This includes recognizing and responding appropriately to sick leave requests, use, excessive use, suspected abuse, and abuse of sick leave. Supervisors must convey to employees the importance of good attendance and how unsatisfactory attendance impacts business operations.

8. Responding to sick leave requests

- a) The employee's supervisor must determine if the use of sick leave is approved or denied, using the procedures outlined in this policy and the applicable provisions of the appropriate collective bargaining agreement or plan.
- b) If necessary, the supervisor must discuss the sick leave use with the employee to obtain sufficient information to determine if the sick leave use is consistent with the applicable provisions of the collective bargaining agreement or plan and/or if it is FMLA-qualified or worker's compensation.
- c) If the sick leave request is not approved, the supervisor must consult with human resources (HR) to determine the appropriate course of action.
- d) Supervisors must ensure approved sick leave is accurately recorded on the employee's time sheet.
- e) Supervisors must keep the reasons for an employee's use of sick leave confidential.

B. Tracking and monitoring sick leave use

1. Supervisors must use a sick leave tracking system (authorized by their division head) to track and monitor sick leave use no later than the end of the pay period in which the sick leave was taken.
2. The supervisor must determine if any patterns exist and if any further action is appropriate. FMLA-qualified absences, pre-approved medical/dental appointments, worker's compensation, and bereavement are not counted as instances of sick leave use. When the employee is requesting FMLA, the supervisor must verify that the employee has previously been approved for FMLA leave or if a provisional designation is needed through HR.
3. At the time of the employee's annual performance review, the supervisor must review the employee's sick leave usage with their immediate supervisor to determine whether or not

the supervisor has appropriately documented and addressed the employee's sick leave use in the performance appraisal. The sick leave report does not become a part of the performance appraisal.

4. The supervisor must review with the employee their use of sick leave during the review period and provide appropriate feedback to the employee.
5. Employers may limit the employee's use of his or her sick leave for safety leave or for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to 160 hours in a 12-month period
6. Employers may not limit the employee's use of his or her sick leave for absences due to the illness or injury of the employee's child under 18 years of age or under age 20 who is still attending secondary school.

C. Responding to sick leave use problems

1. When a supervisor has reason to believe an employee has abused sick leave, the supervisor must consult with HR. If it is determined there is sufficient reason to investigate, the supervisor must:
 - a) Inform the employee immediately that their sick leave request is denied pending an investigation. The supervisor must instruct the employee to record no pay by using the appropriate pay code on their time record for the sick leave hours in question. The supervisor must note in the comment section of the employee's time report "no-pay" for the date and hours in question.
 - b) Conduct an investigation and submit the completed investigative report as outlined in Policy 103.225, "Employee Investigation and Discipline Administration."
 - c) Administer the corrective action to be taken with the employee and place the employee on doctor's slips if the investigation substantiates sick leave abuse. Send a copy of the documentation to HR to be placed in the employee's personnel file and/or medical file if applicable, and place a copy in the employee's supervisory file. Ensure the employee's time record was coded appropriately as no pay.
 - d) Inform the employee and ensure an amended time report is completed, authorizing sick leave for the previously denied sick leave request, if the investigation does not substantiate sick leave abuse.
2. When a supervisor identifies an instance or pattern of suspected sick leave abuse, the supervisor must:
 - a) Approve the sick leave request.
 - b) Conduct a supervisory conference with the employee for the first instance, unless determined otherwise by the appointing authority/designee. Notify the employee that additional instances of sick leave use consistent with any established pattern or concern may result in a requirement for doctor's slips.
 - c) Provide the employee with documentation of the supervisory conference and place a copy of the supervisory conference memo in the employee's supervisory file.
3. If an employee has a subsequent instance of suspected sick leave abuse, the supervisor must:
 - a) Review the subsequent instance of suspected sick leave abuse to determine if an investigation is warranted.

- b) If warranted, conduct an investigation and submit the completed investigative report as outlined in Policy 103.225, "Employee Investigation and Discipline Administration."
 - c) Administer the corrective action to be taken with the employee and place the employee on doctor's slips if the investigation substantiates excessive sick leave abuse. Send a copy of the documentation to HR to be placed in the employee's personnel file and/or medical file if applicable, and place a copy in the employee's supervisory file.
 - d) If no investigation is warranted, meet with the employee and inform the employee that the employee is required to submit documentation from a medical provider when using sick leave during the next six months.
 - e) Provide the employee with documentation of the requirement to provide doctor's slips for future sick absences.
 - f) Send a copy of the documentation to HR to be placed in the employee's medical file and place a copy in the employee's supervisory file.
 - g) Review doctor's slips provided by the employee and store them in the supervisory file until the sick leave usage concerns are resolved.
4. When an employee has demonstrated excessive use of sick leave, the supervisor must consult with HR to determine if the employee will be required to provide medical documentation for subsequent sick leave use and follow Procedure C.2., and/or Procedure C.3., of this policy.
 - a) If the employee is nearing six instances of non-FMLA qualified sick leave use at the time of the employee's performance review, the instances from that review period may be used to determine if the employee is demonstrating excessive use of sick leave during the next evaluation period.
 - b) If the employer is in the course of progressive discipline with an employee, the six instances standard in a 12-month period is not renewed.
5. When an employee calls in sick for a scheduled work day and does not have available sick leave hours to cover the complete absence and the absence is non-FMLA-qualified, the employee is considered on unauthorized leave. The supervisor must:
 - a) Conduct a supervisory conference with the employee for the first instance, unless determined otherwise by the appointing authority/designee.
 - b) Consult with HR if there is prior discipline or on subsequent occurrences; conduct an investigation if so determined.
 - c) Administer discipline as determined in Policy 103.225 "Employee Investigation and Discipline Administration."
 - d) Ensure the time record is marked "no-pay" with "no available sick leave hours" documented in the comments.
6. Disciplinary action must not be taken for legitimate and reasonable use of accrued sick leave for: absences related to FMLA-qualifying time, prescheduled doctor's appointments, bereavement leave, sick leave for safety leave for defined family members, sick leave for care of family members, workers compensation leave, leave time given as a reasonable accommodation for a disability, 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, or other leaves of absence to which the employee is entitled under statute.

D. Employee option and referral

1. The employee may provide information to substantiate appropriate use of sick leave when their supervisor is responding to sick leave use problems. This information must be given consideration, but does not guarantee the sick leave will be authorized or that corrective action will not happen.
2. When sick leave use is identified as a problem, the supervisor may refer the employee to the Employee Assistance Program (EAP) or encourage the employee to see a medical professional.

E. Medical appointments/pre-approved sick leave

1. Employees are encouraged to schedule medical/dental appointments outside of work hours. When that is not possible, employees are encouraged to schedule appointments at a time that is least disruptive to the work unit, such as at the beginning or end of the work day.
2. In consultation with the employee, the supervisor must determine and approve a reasonable amount of time for medical appointments and travel time.
3. Employees are expected to request sick leave at least one day prior to the day the leave is to occur when use is for prescheduled doctor appointments.
 - a) Non-FMLA sick leave for the employee's own need with less than one day notice is not considered "prescheduled" and is counted as an "instance" of sick leave use. (See definition).
 - b) When sick leave use is for an extended period of time, employees must provide notice as soon as they are aware of an upcoming need for sick leave use (e.g. non-emergency surgeries, out-patient procedures for employee or family member). Employees may be expected to provide a complete report of workability statement prior to returning to work.
 - c) For pre-scheduled non-emergency FMLA-qualified absences, a 30-day notice may be required by the employer.

F. Addressing attendance in employee performance review

1. Supervisors must recognize good attendance in employee performance reviews.
2. Supervisors should indicate in the employee's performance review how the employee's attendance affected the employee's ability to complete assigned tasks and how attendance affected the operations of the work unit, if time away from work has not been FMLA-qualified, pre-approved leave, related to worker's compensation, or for bereavement purposes.
3. When an employee has received a supervisory conference for unauthorized leave or corrective action due to sick leave abuse, suspected abuse, excessive use, and/or placed on doctor's slips as a result of sick leave concerns, the employee may receive a performance rating of "minimally meets standards" or lower in the applicable job responsibility on the employee's next performance appraisal and this information should be considered when determining the employee's overall rating on the performance review.

G. Training

1. HR must create and maintain a standard training curriculum for supervisors on the management of employee sick leave use. This training is provided as part of the department's supervisor leadership development program (SLDP).
2. HR recommends that managers and supervisors complete refresher training on sick leave management once every two years.
3. Training is electronically recorded and retained in the training management system.

INTERNAL CONTROLS:

- A. As applicable, supervisors use a sick leave tracking system that is available for review by the employee and supervisor/manager.
- B. Documentation of supervisory conferences are retained in the supervisory file according to applicable retention schedules.
- C. Documentation of the requirement to provide doctor's slips for future sick absences is retained by HR the employee's medical file.
- D. Training is retained in the training management system.

ACA STANDARDS: None

REFERENCES: Minn. Stat [241.01](#), [43A.1815](#),
[29 USC § 2601](#) - Federal Family Medical Leave Act (FMLA)
[MMB HR/LR Policy #1337, "Sick Leave"](#)
[Collective Bargaining Agreements](#)
[Policy 104.450, "Payroll, Leave and Overtime Requests"](#)
[Policy 103.225, "Employee Investigation and Discipline Administration"](#)
[Policy 103.035, "Tardiness and Failure to Report for Work"](#)
[Policy 103.270, "Family and Medical Leave Act"](#)
[Policy 103.240, "Return to Work Process"](#)

REPLACES: Policy 103.280, "Sick Leave Management," 6/20/17.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [DOC Daily Call in Notification](#) (103.280A on HR iShare site)

APPROVED BY:

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