RAMSEY COUNTY

County Benefits Policies

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EMPLOYEE BENEFITS

Section 1: Scope of Governance

1.1 **Authority under the Act.** The following policies have been established by the Personnel Director and approved by the Ramsey County Board of Commissioners in accordance with Section 383A.295, Subdivision 1 of the Ramsey County Personnel Act, and shall govern the provision of holidays, vacation, sick leave, leaves of absence, and special allowances to employees of Ramsey County, State of Minnesota, except where superseded by state or federal statute. Insurance benefits and amounts of employer and employee contributions shall be set by County Board resolution and are not included in these policies.

1.2 **PELRA Supersedes.** Agreements reached under the Minnesota Public Employment Labor Relations Acts (Minnesota Statute 179.01, et seq., as amended) between Ramsey County and the exclusive representatives of its employees shall supersede these policies regarding employee benefits.

1.3 **Supervisors of Employees under Union Contract.** When the benefits provided to an employee covered under Section 1.2 exceed those provided to that employee's supervisor, the benefits provided to the supervisor shall be adjusted to make them equivalent. This policy will not apply to wages and it will not be applied in instances where the difference in the benefits provided is solely the result of seniority.

1.4 **Confidential Employees.** Any employee excluded from a bargaining unit solely due to a determination that they have confidential status, shall receive wages and benefits equal to or greater than those provided under the applicable union contract. This policy will only apply to compensation, insurance, vacation, paid sick leave, holidays, and other leaves of absence.

All other terms and conditions of employment for these employees shall be equal to those of other County employees who are not subject to collective bargaining agreements.

1.5 **Governance of the Classified Service.** Except as provided in Sections 1.2, 1.3, and 1.4 employees in the classified service shall be subject to the provisions of these policies regarding employee benefits.

1.6 **Governance of the Unclassified Service.** Unclassified employees in the County personnel system shall be subject to the provisions of these policies.

Section 2: Definitions

The terms defined in the Ramsey County Personnel Act shall have the meanings assigned to them in the Act whenever they are used in this description of employee benefits. In addition, the terms defined in the Personnel Rules shall have the meanings assigned to them in Rule 3 (Definitions) of that document.

Section 3: Normal Work Hours

3.1 **Normal Work Hours.** Normal hours of full-time employment for Ramsey County employees shall be from 8:00 a.m. to 4:30 p.m., Monday through Friday. A department head may adjust start and end times for individual employees.

3.2 **No Guarantee of Work Hours.** No language contained in the provisions of any section under this policy shall be construed as a guarantee of hours of work per day or per week.

3.3 **Alternative Schedules.** A department head shall consult with the Director prior to implementing an alternative, permanent full-time schedule for a work unit (to the one described in Section 3.1). Departments shall consider whether the revised schedule provides for the maintenance of adequate service levels in the affected department.

3.4 **Lunch and Rest Periods.** Employees shall be entitled to a forty-five (45) minute lunch period and two fifteen (15) minute rest periods – one each in the first and second half of an eight (8) hour shift. Lunch and rest periods shall be scheduled as necessary to facilitate departmental operations.

3.5 **Hours of Compensation.** Employees who: (a) work the scheduled hours set forth in Section 3.1, or the hours determined by an alternative schedule under the provisions of Section 3.3, and (b) take rest and lunch breaks in accordance with the provisions of Section 3.4, shall be compensated for forty (40) hours of work per week.

Section 4: Overtime

4.1 **Basis of Overtime Accrual.** Except as noted in Section 4.2 and 4.3, employees required to work in excess of forty (40) hours per week, shall earn overtime at the rate of time and one-half (1 and ½).

4.2 **Fair Labor Standards Act Exemptions.** Exemptions to Section 4.1 may be made based on the following exemptions provided for in the Fair Labor Standards Act:

(a) For law enforcement personnel and corrections personnel who have responsibility for controlling and maintaining custody of inmates and of safeguarding them from other inmates or for supervising such functions, a work period of 7 to 28 days may be established by the appointing authority subject to approval by the Director. During this work period, employees shall be paid at their straight rate of pay, until the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28; at which time, the additional hours shall be compensated at time and one-half (1 and ½) as prescribed in the Federal Fair Labor Standards Act (FLSA).

(b) For workers in residential care establishments, a fourteen (14) day work period may be established by the appointing authority subject to the approval of the Director. Workers employed in residential care establishments must receive time and one-half (1 and ½) for all hours worked over eight (8) in any workday and over 80 in the 14 day work period.

(c) Persons employed on a seasonal basis, as defined in Personnel Rule 3.25 (Seasonal Employment), shall earn overtime under the provisions of Section 4.1, except for seasonal employees of the Parks and

Recreation Department who will earn overtime for work in excess of forty-eight (48) hours in a week at the rate of time and one-half (1 and ½).

The above-noted exemptions are not intended to be an exhaustive list. If other exemptions are added to the Fair Labor Standards Act, such exemptions may be incorporated under this policy.

4.3 **Exempt Employees.** The Director shall identify those classes, which are exempt from the overtime provisions of the Federal Fair Labor Standards Act, and shall inform County departments of the exempt/non-exempt status of each class. Employees whose positions are allocated to classes which have been determined to be "exempt" shall be precluded from earning overtime under the provision of Section 4.1, but may earn overtime under the provisions of Section 4.4.

4.4 **Overtime Provisions: Exempt Employees.** Exempt employees shall not qualify to earn overtime payments except in unusual circumstances. Under such circumstances, the County Manager may approve overtime at a straight-time rate for exempt employees who have been assigned to work hours in excess of their regular schedule. With prior approval from the county manager exempt employees may also be allowed to earn overtime at the rate of time and one-half (1 and ½). Circumstances under which overtime may be earned at the time and one-half (1 and ½) rate include, but are not limited to:

(a) circumstances in which the proposed overtime compensation is necessary based on established community practices, or

(b) circumstances which constitute a state of emergency as determined by the County Manager. The County Manager's approval shall be contingent upon receipt of appropriate evidence from the department head, documenting the circumstances, which warrant overtime payment at the time and one-half (1 and ½) rate.

4.5 **Required Approval for Overtime Work.** All overtime work must be given prior approval by the employee's department head or the department

head's designee, except that overtime work required in order to respond to an emergency situation may be approved after the fact.

4.6 **Calculation.** All overtime earned shall be calculated based on the nearest fifteen (15) minutes worked.

4.7 **Accrual and Liquidation of Overtime.** Accumulated overtime shall be liquidated according to the following provisions:

(a) All overtime in excess of sixty (60) hours shall be liquidated in the form of time off or cash payment by December 31 of each year. Upon request, the Director may authorize the carry-over of overtime in excess of sixty (60) hours to the next half year accounting period; any overtime carried over in this fashion must be liquidated by June 30 of that year.

(b) The appointing authority may order the liquidation as either time off, or in cash, of accumulated overtime in excess of sixty (60) hours upon ten (10) working days notice to the employee.

4.8 **Liquidation of Overtime for Transferring Employees.** Except as noted in (a), an employee who transfers to, or is appointed by another County department, shall be compensated for all authorized overtime, which they have accrued prior to their transfer or appointment date. Such overtime shall be liquidated either as time off, or in cash, at the discretion of the appointing authority under which the overtime was earned.

(a) **Transfer of accrued overtime balances.** The appointing authority in the department to which an employee has been transferred or newly appointed has the discretion to let the employee transfer all or part of their overtime accrual to that department.

4.9 **Liquidation of Overtime for Employees Separating from County Service.** An employee who separates from County service by reason of retirement, resignation, dismissal or layoff shall be paid for all authorized overtime, which they have accrued. Compensation for any overtime accrual remaining at the time of separation from County employment shall be made in cash as prescribed in the FLSA.

Section 5: Dates for Determining Benefits Accrual

5.1 **Original Employment Date.** An employee's original employment date is their first day of work for Ramsey County, except as provided in Section 5.3.

5.2 **Benefit Date.** A full-time employee's benefit date is the date the payroll/personnel system will use to determine the amount of time in hours the employee has accumulated toward the accrual of benefits. This benefit date is determined by adjusting the original employment date for the number of pay periods in which all unpaid leave equals or exceeds forty (40) hours in a pay period, except as provided in Sections 5.3, 11.1 (Military Leaves) and 11.3 (d) (Leave for Political Office).

5.3 **Employees of Agencies Acquired by the County.** The original employment and benefit dates for those employees working for other agencies which are acquired by Ramsey County may vary from the descriptions in Sections 5.1 and 5.2 depending upon the terms of the acquisition agreement.

Section 6: Holidays

The following days are declared to be holidays:

New Year's Day ..... January 1st
Martin Luther King's Birthday..... ..... Third Monday in January
President's Day ..... Third Monday in February
Memorial Day.....Last Monday in May
Independence Day ..... July 4th
Labor Day ..... First Monday in September
Veteran's Day..... November 11th
Thanksgiving Day .....Fourth Thursday in November
Friday after Thanksgiving..... ..Friday after Thanksgiving Day
Christmas Day ..... December 25th
Floating Holiday .....16 hours each year
to be granted upon approval by the appointing officer

When New Year's Day, Independence Day, Veteran's Day or Christmas Day falls on Sunday, the following day shall be the holiday. When New Year's Day, Independence Day, Veteran's Day or Christmas Day falls on Saturday, the preceding day shall be the holiday.

6.1 **<u>Eligibility for Paid Holidays</u>.** Employees are eligible for paid holidays as follows:

(a) Every full-time permanent, probationary or unclassified employee except as indicated in 6.1 (d) shall be eligible for all of the above-listed holidays.

(b) Part-time permanent, probationary or unclassified employees shall be eligible to earn holiday pay on a pro rata basis, provided that they are assigned a regular work schedule (as opposed to being subject to call or to work when available) of not less than thirty-two (32) hours per pay period.

(c) Provisional employees shall be eligible for all of the above-listed holidays except floating holidays.

(d) Employees assigned to work the shift of six (6) days on and three (3) days off or four (4) days on and two (2) days off shall not be eligible for holidays.

(e) Seasonal, intermittent, and temporary employees shall not be eligible for holidays.

In order to receive holiday pay an eligible employee must have worked, or been on paid status, on their regularly scheduled work days immediately before and after the holiday.

6.2 **Floating Holidays for Full-Time Employees.** Effective 1/1/07 the Floating Holiday accrual method will be as described below:

1) Existing employee floating holiday bank will be updated with eligible hours.

2) Beginning with the first pay period that includes January 1, 2007, accrue floating holidays based on employment status.

3) Effective 1/1/2007, any floating holiday in excess of the maximum accumulation allowed shall be lost to the employee on May 1 and November 1 of each year (same dates as used for vacation max). Maximum accrual will remain at 16 hours.

4) Full-time and part-time employees shall earn pro-rated accrual based on actual hours on paid status in a pay period. Accruals for 16 hours of floating holiday would be .61536 per pay period.

5) Employees who have worked less than 6 months will not be paid for accrued floating holidays if terminating employment.

6) Floating holidays shall be taken at a time mutually agreeable to the employee and the department.

6.3 **Floating Holidays for Part-Time Employees.** Part-time permanent, probationary or unclassified employees receive floating holiday accrual in the same manner outlined above for full-time employees. The number of

hours they receive will be prorated based on their time on paid status in a pay period.

6.4 **Use of Floating Holiday Hours.** An employee wishing to use floating holiday hours must obtain advance permission from their appointing officer. Floating holiday hours must be used during the same calendar year in which they are received; they will not be carried over from one calendar year to the next.

6.5 **A Holiday Falling on a Regular Day Off.** If a holiday falls on an eligible employee's regular day off the employee may either receive pay for the holiday or be granted alternate time off at the discretion of the appointing officer. If an employee is required to work on a scheduled holiday the employee will be granted alternate time off with pay at a time approved by the appointing officer. The provision does not apply to employees subject to Section 6.6.

6.6 **Compensation for Work on Christmas Day or New Year's Day.** An employee assigned to work the shift of six (6) days on and three (3) days off or four (4) days on and two (2) days off who works at least five (5) hours of an eight (8) hour shift on Christmas Day or New Year's Day shall receive straight time of the actual hours worked, plus credit for the same number of hours as the actual hours worked which shall be compensated by pay or time off at the discretion of the appointing officer. Any other full-time or part-time permanent, probationary or unclassified employee who works at least five (5) hours of an eight (8) hour shift on Christmas Day or New Year's Day shall receive straight time for the actual hours worked, plus credit for twice that number of hours shall be compensated by pay of time off at the discretion of the appointing officer. Seasonal, intermittent, and temporary employees shall not be eligible for additional hours under this section.

6.7 **Religious Holidays.** When a religious holiday, observed by an employee but not observed as a holiday under this section, falls on the employee's regularly scheduled work day, the employee shall be entitled to that day off to observe the religious holiday, and may use vacation, compensatory time, floating holidays, accumulated holiday time or unpaid leave to observe the religious holiday. Employees shall notify the appointing officer at least five (5) working days prior to the leave.

6.8 **Authority to Declare a County Holiday.** If the Ramsey County Board of Commissioners, by appropriate resolution, declares any other day to be a holiday, it shall be granted without pay unless otherwise specified by the County Board.

Section 7: Vacation

7.1 **Rate of Accrual for Employees Covered by the Federal Fair Labor Standard Act.** Permanent, probationary or unclassified employees in job classes which are covered under the provisions of the Federal Fair Labor Standards Act (FLSA) shall earn vacation at the rates prescribed below. For full-time employees vacation accrual is based on the time that has passed since the employee's benefit date as described in Section 5.2 (Benefit Date). For part-time employees vacation accrual is based on their actual hours of paid service. Job classes covered by the Federal FLSA may be assigned to the vacation schedule described in Section 7.2 at the Director's discretion.

Length of Employment	Accrual in Hours/Pay Period	Yearly Accrual
Less than 4 years	3.6923	12 days
Between 4 and 9 years	4.6154	15 days
Between 9 and 15 years	5.2308	17 days
Between 15 and 23 years	6.4615	21 days
23 years or more	7.6923	25 days

7.2 **Rate of Accrual for Employees Exempt from the Federal FLSA.** Permanent, probationary or unclassified employees in job classes which are exempt from the provisions of the Federal FLSA shall earn vacation at the rates prescribed below. For full-time employees vacation accrual is based on the time that has passed since the employee's benefit date as define in Section 5.2 (Benefit Date). For part-time employees vacation accrual is based on their actual number of hours of paid service. Exempt job classes may be assigned to the vacation schedule described in Section 7.1 at the Director's discretion.

Length of Employment	Accrual in Hours/Pay Period	Yearly Accrual
Less than 4 years	4.6154	15 days
Between 4 and 15 years	6.1538	20 days
Between 15 and 23 years	6.4615	21 days
23 years or more	7.6923	25 days

7.3 **Adjustments to Initial Vacation Accrual-Credit for Previous Service**. The appointing officer may, at their discretion, recommend to the Director that a new hire be given credit for length of service for all or a portion of any employment experience directly related to the position to which the employee is being appointed or to match the current vacation accrual provided by the employee's most recent employer. The recommendation must be made in writing and be based on the appointing officer's assessment of the employee's qualifications beyond the minimum requirements, recruitment considerations, or service accrual provided by the employee's previous employer. The appointing officer must submit documentation of the qualifying service with the recommendation. At his/her discretion, the Director may authorize length of service credit for all, none, a portion of the related experience, or the practice of the previous employer. This length of service credit, plus the employee's subsequent actual length of service with the County will be the basis for future vacation accrual determinations. No additional length of service credit for qualifications obtained prior to County employment shall be granted after initial appointment to the County.

Current employees shall have 120 calendar days from the effective date of the adoption of this policy to request credit for up to five years of prior relevant employment experience. The employee must submit documentation of the qualifying service to their appointing officer for approval. The appointing officer shall then forward the request to the Director for consideration. At his/her discretion, the Director may adjust the length of service credit to reflect credit for all, none, a portion of the related employment experience, or the practice of the previous employer. Any change in length of service shall be effective the pay period in which the Director approves the request and shall only affect future leave accruals. Adjustments determined by the Director shall be final.

7.4 **Loss of Accrual.** Full-time permanent, probationary or unclassified employees shall not earn vacation credit for a pay period if unpaid leaves of absence in that pay period equal or exceed forty (40) hours in a pay period, except as provided in Sections 11.1 (Military Leaves), and 11.3 (d) (Leave for Political Office).

7.5 **Eligibility of Part-time Employee.** Part-time permanent, probationary or unclassified employees shall be eligible to earn vacation credit provided that they are assigned a regular work schedule (as opposed to being subject to call or to work when available) of not less than thirty-two (32) hours per pay period. Prorated vacation leave accruals per pay period are calculated as the number of hours of paid service (except overtime) divided by eight (80) hours and multiplied by the employee's rate of accrual (See Section 7.1 and 7.2)

7.6 **Eligibility of Provisional Employees.** Provisional employees shall not be eligible for paid vacation unless the provisional employee has permanent status in the County in another job title. However, if a provisional employee gains probationary or permanent status with no break in service, they shall receive credit for prior employment as a provisional in determining vacation accrual.

7.7 **Employees Not Eligible for Paid Vacation.** Seasonal, intermittent, and temporary employees shall not be eligible to earn paid vacation leave.

7.8 **Accumulation of Vacation.** Vacation may be accumulated to a maximum of twice the annual vacation earning rate of the employee. Any vacation in excess of the maximum accumulation allowed shall be lost to the employee on May 1 and November 1 of each year, effective 1/1/04.

7.9 **Use of Vacation.** Eligible employees wishing to use vacation must obtain advance permission from their appointing officer. Employees who have successfully completed their initial probationary period may be advanced up to forty (40) hours of vacation before it is accrued, subject to the approval of the appointing officer. Such hours must be repaid from the employee's future accrual. If an employee leaves County employment before repayment is complete, the remaining amount will be deducted from the employee's final check. If there are not sufficient funds, the employee will be required to repay the County the value of those hours.

7.10 **Reports of Vacation Usage.** Appointing officers shall maintain records of vacation used by each of their employees. Such records shall be maintained in the form and manner prescribed by the Human Resources Department.

7.11 **Earned Vacation Upon Separation.** Upon separation from County employment, a permanent or probationary employee shall be granted vacation pay earned up to the time of separation.

7.12 **Return from Unclassified Service.** Any employee holding an unclassified position excluded from the County personnel system under Section 383A.281, Subdivision 13 of the Act who later receives an appointment to a position in the County personnel system, shall receive credit for prior employment in the unclassified service outside the County personnel system in determining vacation leave, provided such service has been continuous and there has been no break in employment between the service outside and within the County Personnel system.

Section 8: Sick Leave – With Pay

8.1 **Eligibility for Sick Leave.** Employees are eligible to earn paid sick leave as follows:

(a) Full-time permanent, probationary, provisional and unclassified employees shall earn sick leave at the rate of 4.6154 hours each bi-weekly pay period.

(b) Part-time permanent, probationary, provisional or unclassified employees shall be eligible to earn sick leave credit provided they are assigned a regular work schedule (as opposed to being subject to call or to work when available) of not less than thirty-two (32) hours per pay period. Prorated sick leave accrual per pay period is calculated as the number of paid hours (except overtime) divided by eighty (80) hours multiplied by the accrual rate (4.6154 hours per pay period).

(c) Seasonal, intermittent, and temporary employees shall not be eligible to earn paid sick leave.

8.2 **Loss of Accrual.** Full-time permanent, probationary or unclassified employee shall not earn sick leave credit for a pay period if unpaid leaves of absence in that pay period exceed forty (40) hours, except as provided in Section 11.1 (Military Leaves), and 11.3 (d) (Leave for Political Office).

8.3 **Accumulation of Sick Leave.** Employees eligible for sick leave with pay may accumulate unused sick leave without any maximum restriction.

8.4 **Accumulation for Provisional Employees.** Provisional employees, who become probationary or permanent, provided there has been no break in service, shall receive credit for all unused sick leave earned during the provisional employment.

8.5 **Transfer of Sick Leave Accumulation.** Employees transferring from another merit system in accordance with the provisions of Rule 11.6 (Transfers from another Merit System) of the Personnel Rules may transfer their accumulated sick leave at the discretion of the appointing officer. Under no circumstances may the transferred sick leave exceed

what the employee would have accumulated during an equal time period with the County.

8.6 **Paid Sick Leave Must be Earned Prior to Use.** No sick leave with pay shall be granted in anticipation of future accumulation.

8.7 **Use of Sick Leave.** Sick leave may be authorized for the following reasons, with limitations as specified:

(a) For dental or medical treatment of the employee, or for illness or injury which precludes the employee from the performance of their duties.

(b) For dental or medical treatment for the employee's children, or for care of the employee's ill or injured children. For the purposes of this section and Section 11.3 (b) (Parental Leave for Child's School Functions) the word "child" is defined as "an individual under 18 years of age or an individual under age 20 who is still attending secondary school".

(c) Sick leave not to exceed forty (40) hours in any one instance may be used as a result of a serious illness of the employee's spouse, children, employee's parents, or a person regularly residing in the employee's immediate household, to attend to the needs of the ill injured person.

(d) Sick leave not to exceed forty (40) hours may be utilized by employees for the birth or adoption of the employee's child or a child regularly residing in the employee's immediate household. The leave must be consecutive and taken within six (6) months of the birth or adoption.

(e) Pregnant employees shall be eligible for sick leave due to pregnancy in the same manner as is provided for any other ill or injured employee until such time as the employee is able to perform the duties of her position. The appointing authority may require that the employee furnish evidence, as outlined in Section 8.12, that she is unable to perform the duties of her position.

(f) Sick leave not to exceed forty (40) hours may be utilized upon the occasion of death in the employee's immediate family. Immediate family for the purpose of this section shall be defined as the employee's spouse, children, parents, siblings, grandchildren, grandparents and shall include parents, siblings, children, grandchildren and grandparents of the employee's spouse or a person regularly residing in the employee's immediate household. This definition does not include aunts and uncles not regularly residing in the household.

(g) Should illness occur while an employee is on vacation, the period of illness may be charged to sick leave and the charge to vacation reduced accordingly. An employee requesting such a change may be required to submit a written statement from a physician attesting to the illness and the period of disability.

8.8 **Reports of Sick Leave Usage.** Appointing officers shall maintain records of sick leave used by each of their employees. Such records shall be maintained in the form and manner prescribed by Human Resources Department.

8.9 **Conversion of Sick Leave Credit to Vacation.** Employees may be eligible to convert accumulated sick leave to vacation in two different ways:

(a) Employees with an accumulation of sick leave credit in excess of 180 days (1440 hours) may convert the excess hours to vacation at the rate of sixteen (16) hours sick leave to eight (8) hours of vacation, not to exceed forty (40) hours in any calendar year. The vacation days must come under the maximum accumulation allowable under Section 7.8 (Accumulation of Vacation).

(b) Full-time employees, who do not utilize any sick leave hours in a three (3) month period shall have the option of converting four (4) hours of sick leave to vacation or pay at the option of the employee. The three (3) month periods are from January 1-March 31, April 1-June 30, July 1-September 30, October 1-December 31. Part-time employees who do not utilize any sick leave hours in a three (3) month period shall have the option of converting sick leave to vacation or pay at the option of the

employee on a pro-rated basis, based on hours worked for the three month period. The three (3) month periods are from January 1-March 31, April 1-June 30, July 1-September 30, October 1-December 31.

8.10 **Appointment to a County Position outside the Personnel System.** Any employee holding an unclassified position excluded from the County Personnel System under Section 383A.281, Subdivision 13 of the Act, who later receives an appointment to a position in the County Personnel System, may be granted an initial sick leave accumulation equivalent to the cumulative sick leave credit the employee has at the time of appointment. In no case will an employee be granted greater sick leave credits than they would have been entitled to as an employee under these benefit policies.

8.11 **Loss of Earned Sick Leave.** All sick leave credits shall expire on an employee's date of separation from County employment, except as described in Section 12.9 (Separation Pay). However, if the employee is reinstated or re-employed as a permanent or probationary employee under the provisions of Rule 12.3 (Reinstatement After Resignation) of the Personnel Rules, all previously accumulated and unused sick leave shall be reinstated unless the employee has received separation pay under Section 12.9 (Separation Pay) of these benefit policies.

8.12 **Evidence of Sickness.** The appointing officer or Director may require that an employee on sick leave with or without pay furnish a report from a recognized medical authority attesting to the necessity of the leave, the employee's ability to return to work, proof of death in the employee's immediate family, or other information deemed necessary. The appointing officer or the Director may cancel an employee's sick leave and require the employee to report for duty on or by a specific day: (a) in the event of failure or refusal to supply the requested documentation or if the documentation does not clearly establish the employee's use of sick leave for an authorized reason, as outline in Section 8.7, or (b) if the appointing officer or the Director questions the existence or severity of the employee's sickness or disability. An employee denied sick leave under this section may appeal to the Director.

8.13 **Engaging In Other Employment While on Sick Leave.** An employee on sick leave with or without pay who engages in other employment without written approval of the appointing officer shall be subject to discharge in accordance with Section 383A.294 of the Act and Rule 24 (Causes for Disciplinary Action) of the Personnel Rules.

Section 9: Sick Leave – Without Pay

9.1 **Eligibility for Sick Leave without Pay.** Employees unable to work because of illness or injury whose paid sick leave is exhausted are eligible for sick leave without pay, consistent with the provisions of FLSA, as follows:

(a) Permanent, probationary or unclassified employees shall be granted a leave of absence for a period not to exceed two (2) years. When there are fewer than three (3) months between periods of leave of absence under this section for the same illness or injury, the periods of absence will be added together to determine the length of leave that may not exceed two (2) years, except that this restriction will not apply to employee's receiving Workers' Compensation.

(b) Provisional employees who do not have permanent status with the County may be granted a leave of absence at the discretion of the appointing officer for a period not to exceed six (6) months.

(c) Intermittent or temporary employees shall not be eligible for a leave of absence under the provisions of this section.

Employees on sick leave without pay will return at the same seniority in their salary schedule, will retain promotion rights, and will earn vacation schedule seniority while on sick leave without pay.

9.2 **Reinstatement Rights.**

(a) A permanent or probationary employee who is granted a leave of absence without pay for illness or disability shall have the right to be reinstated to:

(i) The employee's former position in the department if the absence is for sixty (60) calendar days or less.

(ii) A position in the department in the classification held at the time the leave started, if the absence is no longer than sixty (60) days. If all positions in the classification in the

department are filled the employee with the least amount of class seniority in that department shall be reassigned or laid off in accordance with Rule 35.3 (Reassigned to another Department/Layoff and Rule 11 (Filling Vacancies through Transfer or Voluntary Reduction) of the Personnel Rules.

If all positions in the employee's class have been abolished, the provisions of Rule 35.4 (Seniority Rights to Previously Held Titles) and Rule 12 (Filling Vacancies through Reinstatement) of the Personnel Rules shall apply.

(b) Unclassified employees may be reinstated at the discretion, and under the terms set by, the appointing authority.

(c) Provisional employees who do not have permanent status may be reinstated at the discretion of the appointing authority, and under the conditions described in Section 11.9 (Provisional Employees Returning from Leave of Absence).

9.3 **Evidence of Ability to Return to Work.** When requested by the appointing officer or the Director an employee on sick leave without pay must present a physician's statement attesting to their fitness to return to work before being allowed to return to work.

9.4 **Inability to Return to Work Due to Medical Condition Affecting Fitness for Work.** For an employee unable to present evidence of ability to return to work due to a medical condition affecting their ability to continue to work in their current position, the provisions of Rule 33 (Employee and Management Rights/Responsibilities in Cases of Medical Condition Affecting Fitness for Work) shall apply.

Section 10: Sick Leave – Workers' Compensation

10.1 **Recovery Period.** Employees who are eligible to receive sick leave pay who are injured while performing work within the scope of their employment for Ramsey County and are rendered incapable of performing their duties may elect to receive pay by using earned sick leave in an amount equal to the difference between any Workers' Compensation payments and 80% the employee's normal daily salary. If the employee so elects to receive pay by using earned sick leave, the employee will have been deemed to have elected this option until sick leave accrual has been exhausted. If an employee has no earned sick leave, or exhausts their accrued sick leave, they may use earned vacation, compensatory time, floating holidays or accrued holiday time to pay the difference between Workers' Compensation 80% and their normal daily salary.

10.2 **Payment Limit.** Nothing in this section shall be construed to permit an employee to receive combined wage and Workers' Compensation benefits exceeding the employee's normal daily salary.

10.3 **Leave of Absence Due to Work-Related Injury.** Any employee injured while performing work within the scope of their employment for Ramsey County who is unable to resume the duties of their position after exhaustion of their accumulated normal sick leave, and who uses or elects not to use vacation, compensatory time, floating holidays or accrued holiday time, shall be granted an unpaid medical leave of absence for a maximum of two years.

Section 11: Leaves of Absence

11.1 **Military Leaves of Absence.** The procedural requirements specified by Minnesota Statute 192 and United State Code, Chapter 43 shall govern the granting and use of military leave and shall supersede the following policies regarding leave of absence. All permanent, probationary, unclassified, provisional, seasonal and intermittent employees are eligible for military leave. Temporary employees shall not be eligible for military leave.

11.2 **Mandated Leaves of Absence With Pay.** All employees are eligible for the following paid leaves as mandated by state statute. An employee's request for a leave of absence under (a) or (b) below shall be submitted in writing to the appointing officer. The request shall state the reason for the leave of absence and the length of time off the employee desires.

(a) **Jury Duty** – Employees shall be granted a leave of absence with pay any time they are required to report to jury duty. All fees for jury duty served during the employee's normal work hours, except those paid for meals and mileage, shall be returned to the employer. Any of the employee's normal work hours not spent on jury duty shall be worked.

(b) **Bone Marrow Donation** - Any employee who has agreed to undergo a medical procedure to donate bone marrow shall be granted a paid leave of absence of up to forty (40) hours. The leave may be extended at the discretion of the appointing officer. The appointing officer may require the employee to present a physician's verification. Once leave has been taken related to bone marrow donation it may not be rescinded even if the employee is later rejected as a donor for medical reasons.

(c) **Voting Time Leave** – Employees who are eligible to vote in any state primary or general election or at any election to fill a vacancy in the office of a representative in Congress or presidential primary, consistent with Minnesota Statutes 204C.04, Subd. 2, shall be entitled to paid leave from work to vote during the morning of such Election Day. The appointing officer may require that any request for time off to vote be made prior to

Election Day and they may specify the time when an employee may be absent for voting purposes.

11.3 **Mandated Leaves of Absence Without Pay.** Employees are eligible for the following unpaid leaves mandated by state statute as outlined in the paragraphs below. An employee's request for a leave of absence shall be submitted in writing to the appointing officer. The request shall state the reason for the leave of absence and the length of time off the employee desires.

(a) **Parental Leave for Birth or Adoption of a Child** – Parental leaves without pay shall be granted in addition to any authorized paid leave. At the discretion of the parent, the time off shall begin before or at the time of their child's birth or immediately following any authorized paid leave taken at the time of or after the child's birth; or at the time of a child's adoption for the purpose of arranging the child's placement or caring for the child after placement. Eligibility for parental leave is as follows:

1) Permanent, probationary or unclassified employees shall be granted up to six (6) months unpaid parental leave;

2) Provisional employees without permanent status, seasonal, intermittent or temporary employees shall be granted up to six (6) weeks unpaid parental leave if they have worked for the County for at least the preceding twelve (12) months and have worked an average of twenty (20) hours or more per week during that twelve (12) month period.

(b) **Leave for Child's School Functions** – Up to sixteen (16) hours of unpaid leave shall be granted for an employee to attend school conferences or classroom activities for their child, as defined in Section 8.7 (b) (Use of Sick Leave), if those events cannot be scheduled during non work hours. Eligibility for this type of leave is as follows:

1) Permanent, probationary or unclassified employees are eligible;

2) Provisional employees without permanent status, seasonal, intermittent or temporary employees are only eligible if they have worked for the County as specified in Section 11.3 (a) (2). The employee must obtain advance permission from their appointing officer if the need for the leave is foreseeable. An employee may choose to use accrued vacation or earned compensation time rather than unpaid leave.

(c) **Leave to Accept an Unclassified Position** – Leave to accept an appointment to the unclassified service shall be granted to all classified permanent or probationary employees. At the termination of the unclassified service the employee shall be reinstated to the classified service as provided in Section 383A.285, Subdivision 8 of the Act. An employee returned to their former class shall suffer no loss in class seniority. The time of employment in the unclassified service shall count toward length of service for determining salary and benefits if the employee returns to the classified service with no break in service.

(d) **Leave for Political Office** – Leaves without pay shall be granted employees serving as a legislator or who have been elected to full-time city or county office in Minnesota. Upon completion of the legislative year or completion of work related to legislative office or final day of office, the employee shall be reinstated pursuant to Minnesota Statutes Section 3.088 (2) and Section 308. Consistent with this statute, the provisions of Sections 11.6 through 11.9 shall not apply to persons who have been granted leaves for political office. The provisions of this section shall not apply if the elected office is constitutionally or legally incompatible with the public employment. Employees whose principal employment is in an activity which is financed in whole or in part with funds from the Federal government may be barred from candidacy for public office pursuant to the Hatch Act (5 U.S.C. Section 1501 et seq.) or other applicable federal law. Granting of a leave of absence does not protect an employee from the provisions of the Hatch Act. It is the responsibility of the

employee to determine if they are in compliance with the Hatch Act.

11.4 **Discretionary Leaves of Absence.** All employees are eligible for the following discretionary unpaid leaves. An employee's request for a leave of absence shall be submitted in writing to the appointing officer. The request shall state the reason for the leave of absence and the length of time off the employee desires. Written authorization for or denial of a leave of absence shall be furnished to the employee by the appointing officer.

(a) **Personal Leave** – Personal leaves of absence without pay of up to six (6) months may be granted at the discretion of the appointing officer. Such leave may be extended, with the appointing officer's approval, not to exceed a total leave of twelve (12) months.

(b) **Educational Leave** – Educational leaves of absence without pay of up to two (2) years may be granted at the discretion of the appointing officer.

(c) **Leave for Candidacy for Political Office** – Leaves of absence without pay to run for political office of up to six (6) months may be granted at the discretion of the appointing officer. Employees whose principal employment is in an activity which is financed in whole or in part with funds from the Federal government may be barred from candidacy for public office pursuant to the Hatch Act (5 U.S.C. Section 1501 et seq.) or other applicable federal law. Granting of a leave of absence does not protect an employee from the provisions of the Hatch Act. It is the responsibility of the employee to determine if they are in compliance with the Hatch Act.

11.5 **Cancellation of Discretionary Leaves of Absence.** Discretionary leaves of absence shall be subject to cancellation by the appointing officer, if the employee is using the leave for purposes other than those specified at the time of approval or, when in the appointing officer's judgement, the interests of the County require that the employee returns to their employment.

11.6 **Effect of Leave of Absence on Salary and Benefit Accrual.** Employees on leave of absence without pay shall not be paid benefits or salary. The time period for leave does not count towards accrual of benefits and salary, except as described in Section 9.1 (Eligibility for Sick Leave Without Pay), Section 11.1 (Military Leave), Section 11.3 (c) (Leave to Accept an Unclassified Position), Section 11.3 (d) (Leaves for Elective Office), and for full-time employees' leaves of forty (40) hours or less in a pay period. Employees returning to work after leave without pay will be paid at the same salary step held immediately before the leave began, except that employees on leaves as described in Section 11.1 (Military Leave), Section 11.3 (c) (Leave to Accept an Unclassified Position), Section 11.3 (d) (Leaves for Elective Office), and for full time employees' leaves of forty (40) hours or less in a pay period, the time period on leave shall count towards accrual of benefits and salary accrual.

11.7 **Effect of Leave of Absence on Probationary Period.** A probationary employee's time spent on leave of absence without pay shall not count toward completion of their probationary period except as described in 11.1 (Military Leaves) and 11.3 (d) (Leaves for Elective Office).

11.8 **Reinstatement Rights.** A permanent or probationary employee who is granted a leave of absence without pay shall be afforded the same reinstatement rights as those provided in Section 9.2 (Reinstatement Rights) to employees granted a leave of absence without pay for illness or disability.

11.9 **Provisional Employees Returning from Leave of Absence.** Provisional employees who do not have permanent status with the County, on leave of absence, may be reinstated to the position from which leave was taken only if the following conditions are met:

(a) The need for the employee still exists.

(b) The authority is still in force for the provisional appointment.

(c) The time limit set by the Director for the appointment has not been exceeded.

11.10 **Early Return from Leave of Absence.** An employee granted leave of absence under this section may be returned to the position from which leave was taken at any time prior to the expiration of the leave with the approval of the appointing officer.

Section 12: Special Allowances

12.1 **Equipment Allowance.** The Ramsey County Board of Commissioners may authorize special allowances to any employee for the purpose of upkeep, maintenance or furnishing of a vehicle, uniform, or other equipment necessarily used in the performance of the duties of the position. Any allowance granted shall be paid in addition to the regular salary payable to the employee under the County salary plan.

12.2 **Saturday-Sunday Differential.** Employees receiving pro rata benefits, required to work at least five (5) hours on Saturday or five (5) hours on Sunday shall be paid a differential in addition to their regular salary at rates determined by resolution of the Ramsey County Board of Commissioners. Compensation under this paragraph will be in addition to the employee's regular salary. Seasonal, intermittent, and temporary employees, and employees working overtime are excluded from the provisions of this paragraph.

12.3 **Non-Scheduled Weekend Shifts.** Full-time and regularly scheduled part-time employees as designated by the Ramsey County Board of Commissioners, shall be paid at a rate determined by Board resolution for each non-scheduled weekend shift worked. Compensation under this paragraph will be in addition to the employee's regular salary. The provisions of this section shall apply to all full shifts worked between 3 p.m. Friday and 7a.m. Monday. The weekend bonus payment shall not be paid if additional shifts are worked as a result of a voluntary exchange of hours.

12.4 **On-call Compensation.** An employee is on call when directed by the appointing officer to remain available to be called in for work during certain specified hours. The hourly rate of pay for each classification of employees required to be on call will be determined by resolution of the Ramsey County Board of Commissioners.

12.5 **Relief of Night Differential.** Any full-time employee or part-time employee receiving pro rata benefits, who works on a shift beginning earlier than 6 a.m., or ending later than 6 p.m., shall receive a relief or night shift differential as determined by the Ramsey County Board of Commissioners

for the entire shift, provided at least four (4) hours of the shift are worked between the hours of 6 p.m. and 6 a.m. Compensation under this paragraph will be in addition to the employee's regular salary. Full-time employees or part-time employees receiving pro rata benefits who receive the night differential as the result of a continuous shift assignment shall continue to receive differential pay for all periods of paid leave as provided under the sick leave, vacation and holiday provisions of these benefit policies. Seasonal, intermittent and temporary employees, and employees working overtime are excluded from the provisions of this paragraph.

12.6 **Call-Back.** The Director may authorize four (4) hours minimum call-back pay for employees who are called back for emergency work. The employee's time is first computed on the basis of time and one-half for overtime as described in Section 4 (Overtime). When this total is not equal to or does not exceed four hours, the employee shall be paid call back pay of four hours at the employee's regular rate of pay.

12.7 **No Overlapping Pay Differentials.** Under on circumstances shall an employee receive more than one type of pay differential as described in Sections 12.1-12.6, for one period of time worked.

12.8 **Tuition Reimbursement.** Any employee who takes courses which have a direct relationship to their occupation may, upon submission of evidence of successful completion of such courses, be refunded the amount of the tuition. An employee wishing to take advantage of this benefit must have the course work approved by the appointing officer prior to enrollment. If the employee leaves the County service, except in the case of layoff, within one (1) year after completion of a course taken under this section, they must refund the amount spent by the County. Tuition payments shall be limited to a maximum annual dollar amount per employee, determined by the Ramsey County Board of Commissioners. Employees shall not be eligible for tuition reimbursement when tuition has been paid or shall be paid by federal plan of "benefits for veterans and service personnel" or by other sources.

12.9 **Separation Pay.** Upon separation from County service by resignation, layoff, expiration of a leave of absence or death, a permanent employee shall be paid one half (1/2) of all unused sick leave based on their

accumulated sick leave based on their accumulated sick leave hours at the time of separation, up to the following maximums, provided that:

(1) That at the time of separation from County service, the employee must have been employed by the County in the classified service for at least five (5) years of full-time equivalent service prior to their separation, except that this section shall not apply to an employee whose cause of separation is death, layoff, whose position has been abolished, or who was required to retire from service under provisions of a compulsory retirement law.

(2) An employee who is laid off or whose position has been abolished shall have the option of waiting until their eligibility for reinstatement expires before applying for separation pay.

(3) That the rate of payment shall be based upon the regular hourly salary of the employee, in their permanent classification, at the time of separation. Separation as used in this rule means the last working day of the employee in the classified service.

(4) That in the event an employee has been separated and paid for such accumulated sick leave and subsequently is re-employed, their sick leave shall be calculated as though they were a new employee.

(5) No classified employee who is on a leave of absence to accept a position in the exempt service of the County shall be eligible for separation pay until their employment is finally terminated.

(7) Separation payment may be deferred to January of the next calendar year if requested in writing by the employee.

Option A - Accruals	**Maximum Pay**
Employees with at least 100 hours sick leave and less than 480 hours:	$5000.00
Employees with at least 480 hours sick leave	$10,000.00

and less than 850 hours:	
Employees with at least 850 hours sick leave and less than 1,000 hours:	$11,000.00
Employees with at least 1,000 hours sick leave and less than 1,150 hours:	$12,000.00
Employees with at least 1,150 hours sick leave and less than 1,300 hours:	$13,000.00
Employees with at least 1,300 hours sick leave and less than 1,450 hours	$14,000.00
Employees with at least 1,450 hours sick leave and less than 1,600 or more:	$15,000.00
Employees with at least 1,600 hours or more:	$16,000.00

Effective 1/1/07 employees with at least 1,600 hours and less than 1,750 hours sick leave will be eligible for $16,000.00; employees with 1,750 or more hours sick leave will be eligible for $17,000.00.

Effective 1/1/08 employees with at least 1,750 hours and less than 1,900 hours sick leave will be eligible for $17,000.00; employees with 1,900 or more hours sick leave will be eligible for $18,000.00

12.10 Emergency Closings. Emergency closings shall be declared in accordance with County Board resolution. During severe weather or an emergency situation which affects the safety of County employees, if the County Manager or their designee closes a facility or department and employees are told by the department head or appropriate media to leave early or not to report for work, such time shall be with pay. This additional time with pay shall be granted to employees scheduled to work and those that would have normally reported for work. This policy applies to all County employees who positions have not been designated essential by the County Manager. It does not apply to employees who primarily work outdoors and are sent home because of inclement weather. Under no circumstances shall an employee be paid more under this section than their normally scheduled pay.

12.11 Personal Effects. Employees may submit claims to the Risk Management Department to replace personal effects or other property of the

employee, which is destroyed or damaged in the course of their employment, provided that recovery cannot be made under the Workers' Compensation laws.