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In accordance with the requirements of Minnesota Statutes 1965, Section 15.0412, Subd. 4, the Civil Service Board conducted a public hearing on April 25, 1968, pursuant to due notice, to consider a proposed addition to Civil Service Rule 13.8; and, based on a showing of need, the following additions (underlined> were adopted:

13.8 Sick Leave

Sick leave shall be earned by each person employed on a regular full time basis in a continuing position in the classified service at the rate of four working hours for each full payroll period. Sick leave shall not be earned by employees on temporary or emergency appointments. Service shall begin on the date of state employment and time on layoff, suspension or leave without pay, except as otherwise provided by law or these rules, shall not be counted in determining the date of completion of a full payroll period of service. If an employee is being paid for less than the full payroll period of 80 hours, his sick leave accruals will be prorated for that period. This proration will be in accordance with a schedule established by the director. Unused sick leave may be accumulated to a total of eight hundred working hours. When the maximum limitation has been accumulated, employees may use two hours a payroll period of sick leave that would have been earned as additional vacation. The other two hours shall lapse, but shall be recorded by the appointing authority. Any employee who has such lapsed sick leave recorded to his credit may apply to a committee composed of the governor, the commissioner of administration, and the director to have the lapsed sick leave restored in the event of an extended illness. The committee in its discretion may authorize use of all or any part of the lapsed sick leave after thorough investigation including complete medical reports of the illness requiring the continued absence of the employee.

An employee may utilize his allowance of sick leave on the basis of application therefor approved by his appointing authority and reported to the director, for absences necessitated by inability to perform the duties of his position by reason of illness or injury, by necessity for acute medical or dental care, by exposure to contagious disease under the circumstances in which the health of employees with whom he is associated or members of the public with whom he deals would be endangered by his attendance on duty, or by illness in his immediate family for such periods as his attendance shall be necessary. The term "immediate family" shall be limited to the spouse, minor children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee. Either the appointing authority or the director may require a medical examination or medical certificate as he deems necessary before approving the utilization of sick leave. A written statement from a Christian Science practitioner that the employee is a Christian Scientist and is undergoing treatment may be accepted in lieu of a medical statement. Within the discretion of the appointing authority, use of sick leave also may be authorized in cases of death of the spouse and the parents of the spouse and the parents, guardian, children, brothers, sisters or wards of the employee.

All sick leave shall expire on the date of separation from the state service and no employee shall be reimbursed for sick leave outstanding at the time of termination of his state employment.

A former state employee who is reappointed within three years of his separation from the state service under the provisions of the act and these rules except as a provisional, temporary or emergency appointee, may have his previously accumulated and unused balance of sick leave revived and placed to his credit upon approval of the new appointing authority.

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An employee who is transferred to the jurisdiction of another appointing authority or who accepts employment under the jurisdiction of a new appointing authority without interruption of his services to the state shall be entitled to credit in his new employment for the accumulated unused sick leave earned in his former employment. Accumulated sick leave unused at the time of grant of leave of absence to an employee to accept employment in the unclassified service shall be restored at the time of reinstatement of the employee to his classified service position.

An employee of a Minnesota merit system jurisdiction or the federal competitive service with probationary or permanent status may transfer or be appointed to a position in the state service and may be credited with not more than twelve days of sick leave depending upon the amount accumulated and unused upon transfer or appointment. Such credit shall be reduced proportionately as sick leave credit is accumulated while in state service. Such leave may be utilized under the provisions enumerated above.

The director may authorize an appointing authority to place an employee on involuntary sick leave with or without pay pursuant to the following:

Upon learning that an employee may have a physical or mental incapacity that interferes materially with the proper functioning of his duties, or disrupts the activities of the department, and if he concludes that disciplinary action is not the proper remedy, the appointing authority should report to the director stating all of the facts. The employee shall be advised of such report and its contents. If the director has determined that the appointing authority is unable to settle the problem by conference with the employee, reassignment or transfer, the director shall appoint a committee to consider the matter. The committee shall be composed of three persons, one of whom is a physician, one of whom is a psychiatrist, and one of whom is a rehabilitation counselor. Before making its determination, the committee will give the employee the opportunity to be heard in person and, if he desires, to be accompanied by a representative of his choosing.

If the committee advises that the employee has a physical or mental problem that interferes materially with the proper functioning of his assigned duties or disrupts the activities of the department and that the employee should submit to evaluation and treatment, the employee may with his department head's approval use accumulated sick leave, vacation or leave without pay. Should the employee decline to take treatment using accumulated sick leave or annual leave, or leave without pay, the appointing authority may be authorized by the director to place the employee on involuntary sick leave. Involuntary sick leave will be chargeable to the accumulated sick leave of the employee, or if the employee has no sick leave accumulated, the involuntary sick leave shall be without pay. Treatment as used herein shall include Christian Science treatment if the employee is a Christian Scientist.

The committee shall review regularly the progress of the individual and report thereon to the director and the appointing authority. If, after thirty days, the employee has not submitted to recommended evaluation or treatment, or if the committee determines that the employee will be incapacitated for a prolonged period of time, the appointing authority may take such action as provided under sections of these rules. The appointing authority shall at any time return the employee to duty status upon satisfactory proof of physical and mental competence to perform his assigned duties.

CIVIL SERVICE BOARD

Sidney S. Feinberg, Chairman
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John W. Jackson, Secretary

Approved as to form and legality

Date: May 16, 1968

Douglas M. Head, Attorney General

By: James A. Anderson
Special Assistant
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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 20 1968 - 4:00 p.m.

James A. Anderson
Secretary of State