

Sick and Safety Leave Policy

Initial Board Approved: 12.21.23

Board Amended: 12.21.23

Policy Number: 316

Background: The 2023 MN Legislature passed a law requiring businesses to provide employees a minimum of one hour of sick and safety time for every 30 hours worked. This time can be included within other leave time. Spectrum's current flex time policy meets the requirements for the majority of full-time employees. However, Spectrum does not currently offer leave for employees less than full-time (less than 30 hours a week). In addition, the new law requires employers to offer employees the opportunity to carry over up to 48 hours of sick and safety time up to a maximum of 80 hours.

The following proposed information will become Spectrum's practice of implementing Sick and Safety Time for the remainder of FY24. If approved by the School Board, it will be shared with employees as required by the new law and implemented starting on January 1, 2024. This language will then be incorporated into the 2024-2025 Employee Handbook for approval by the Board in the summer of 2024.

In addition to this implementation, the (revised) Flexible Leave Payout and Sick (and Safety) Leave Carryover Policy (approved in the spring of 2023), has been modified to accommodate the new law.

The following policy language will take effect on January 1, 2024. If there is a conflict with any language in the 2023-2024 Spectrum Employee Handbook, this policy language will take precedent.

I. **Earned Sick and Safety Time**

A. Definitions

- Earned sick and safe time – “Earned sick and safe time” means leave that is paid at the employee's current hourly rate.
- Family member – “Family member” means:
 - (1) an employee's:
 - child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis;
 - spouse or registered domestic partner;
 - sibling, stepsibling, or foster sibling;
 - biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child;
 - grandchild, foster grandchild, or stepgrandchild;
 - grandparent or stepgrandparent;
 - a child of a sibling of the employee;
 - a sibling of the parents of the employee; or
 - a child-in-law or sibling-in-law;
 - (2) any of the family members of a spouse or registered domestic partner;
 - (3) any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
 - (4) up to one individual annually designated by the employee.

Note: This definition differs slightly from Bereavement Leave.

B. Spectrum combines all leave types (personal, sick and safety, etc.) into “flex time” for full-time employees. All full-time employees will earn no less than one hour of sick and safety time for each 30 hours worked or scheduled to work. All part-time employees working or scheduled to work at least 80 hours per year will earn one hour of sick and safety leave for each 30 hours worked (which will be incorporated into their flex time).

Note:

(1) *Since hours often fluctuate from week to week, when possible, sick and safety time will be anticipated, frontloaded, and communicated to the employee. Spectrum reserves the right to modify the method of allocation to an “earn as you go” option in the future.*

(2) *Employees who already earn flex time that meets or exceeds the 1 hour for every 30 hours worked (or scheduled to work) already receive the required sick and safety time allocations.*

C. Spectrum requests as much notice as possible for all leave types. Documentation may be required when using leave for the purpose of sickness and safety for consecutive days.

II. Benefits Overview

Employees are informed of allocated flex time (which includes sick and safety time) when they are hired (or as early as possible in 2024 for part-time newly eligible employees earning sick and safety time). Newly allocated time will be available to employees during the current fiscal year. Employees can view their available and remaining flex time (sick and safety time for part-time employees) through Frontline, Spectrum’s leave management system. Employees not utilizing Frontline may access their available leave through the Human Resource Department. *Note: Spectrum is working with its current payroll provider to ensure sick and safety time is included on each paycheck as soon as possible.*

Spectrum employees may carry over up to 48 hours of unused flex time (sick and safety time only for part-time employees) into the following fiscal year, not to exceed 80 hours of carryover time. Carried over time may only be used for the purpose of sick and safety. It must be requested to be used for one of the purposes defined in this policy. See revised “*Flexible Leave Payout and Sick and Safety Carryover Policy*”.

Exempt employees are deemed to work 40 hours in each workweek for purposes of accruing flex time unless their normal workweek is scheduled for less than 40 hours – in which case they will accrue sick and safety time at a rate of 1 hour for every 30 worked or scheduled to work.

Flex time (including Earned Sick and Safety Time) will not be paid upon termination of employment.

III. Allowable Uses

An employee may use accrued earned sick and safe time for the following purposes

A. an employee’s

- mental or physical illness, injury, or other health condition;
- need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
- need for preventive medical or health care

B. care of a family member

- with a mental or physical illness, injury, or other health condition;
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- who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or
 - who needs preventive medical or health care
- C. absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to
- seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - obtain services from a victim services organization;
 - obtain psychological or other counseling;
 - seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or
 - seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking
- D. closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency
- E. the employee's inability to work or telework because the employee is:
- prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
 - seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis
- F. when it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others.

IV. **Documentation** – When an employee uses earned sick and safe time for consecutive days, Spectrum may require reasonable documentation that the earned sick and safe time is covered. Reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. Documentation may also include a court record or documentation signed by a volunteer or employee of a victims' services organization, an attorney, a police officer, or an antiviolence counselor as reasonable documentation.

Spectrum will not require disclosure of details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use earned sick and safe time.

V. **Pay and Benefits** – During any use of earned sick and safety time, the employee's coverage under group insurance will continue as long as the employee continues to pay any employee share of the cost of such benefits.

An employee returning from a leave is entitled to return to employment at the same rate of pay the employee had been receiving when the leave commenced. The employee returning from a

leave is entitled to retain all accrued pre-leave benefits of employment as if there had been no interruption in service.

Part-time return from leave – An employee, by agreement of and with the employer, may return to work part-time during the leave period without forfeiting the right to return to employment at the end of the leave.

- VI. **Employer records** – Spectrum will retain accurate records documenting hours worked by employees and earned sick and safety time taken. Spectrum allows employees to inspect records relating to their employment at a reasonable time and place.
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