

CITY OF GRAND RAPIDS

EARNED SICK AND SAFE LEAVE POLICY

January 1, 2024

Earned Sick and Safe Leave

“Earned Sick and Safe Leave” (ESST) is paid time off available to all employees, including paid on-call firefighters, temporary, seasonal, and part-time employees, performing work for at least 80 hours in a year for the City of Grand Rapids.

For the purposes of this policy, a year is defined as the City’s fiscal year, or the 12-month period beginning in January and ending in December. The hourly rate of Earned Sick and Safe Leave is the same hourly rate an employee earns from employment with the City of Grand Rapids. Paid Sick and Safe Leave hours will not be counted as hours worked for the purposes of any overtime calculation. In no circumstance shall Earned Sick and Safe Leave hours exceed 80 hours in any fiscal year. Unused Earned Sick and Safe Leave is not transferrable, nor may an employee donate it to another employee.

Employees may have additional rights under other local, state, or federal laws, such as family and medical leave, disability, labor relations, workers compensation, and other laws.

FULL-TIME EMPLOYEES

For full-time and probationary employees, the City of Grand Rapids provides flexible time off (FTO) that meets or exceeds the requirements of the law. Therefore, full-time and probationary employees, please be advised that the first 48 hours of flexible time off (FTO) leave a full-time and/or probationary employee uses in a fiscal year will be cross-designated as ESST.

If the full-time and/or probationary employee chooses to use FTO hours for reasons other than those outlined in this policy as ESST eligible hours, the full-time and/or probationary employee will not be provided with additional ESST hours. While full-time and/or probationary employees may use FTO hours for an ESST purpose, the employee will not be provided with additional ESST hours once available FTO hours have been exhausted.

Full-time and/or probationary employees with secondary positions with the City of Grand Rapids, such as paid on-call firefighters, shall not receive additional FTO or ESST hours beyond the FTO hours received as a full-time employee.

PAID ON-CALL FIREFIGHTERS, TEMPORARY, SEASONAL, AND PART-TIME EMPLOYEES

At the beginning of each fiscal year, beginning January 1, 2024, 80 hours of Earned Sick and Safe Leave hours will be available for ~~paid on-call firefighters,~~ temporary, seasonal, and part-time employees’ immediate use. ~~Paid on-call firefighters,~~ Temporary, seasonal, and part-time employees are not eligible to carryover unused Earned Sick and Safe Leave into the following year.

CITY OF GRAND RAPIDS

EARNED SICK AND SAFE LEAVE POLICY

Paid on-call firefighters, working at least 80 hours in a year for the City of Grand Rapids, will accrue one hour of Earned Sick and Safe Leave time for every 30 hours worked. For the purposes of this policy, hours worked shall consist of assigned shifts, scheduled trainings, required meetings, and other scheduled events that may fall under the umbrella of scheduled ESST eligible use, as determined by Human Resources, City Administration, and this policy. Paid on-call firefighters may accrue up to 80-hours of Earned Sick and Safe Leave hours each calendar year (January 1 through December 31). Accrued Earned Sick and Safe Leave hours may be carried over from year to year, until an 80-hour maximum accrual is reached.

Earned Sick and Safe Leave Use

The Earned Sick and Safe Leave hours may be used in the smallest increment of time tracked by the City's payroll system (1/4 hour or quarter hour) for the following circumstances:

- The employee's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- A family member's mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- Absence due to domestic abuse, sexual assault, or stalking of the employee or a 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;
- Closure of the employee's workplace due to weather or public emergency or an employee's need to care for a family member due to closure of the family member's school or place of care due to weather or public emergency;
- 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; and

CITY OF GRAND RAPIDS

EARNED SICK AND SAFE LEAVE POLICY

- When determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease, whether or not they have actually contracted a communicable disease.

For Earned Sick and Safe Leave purposes, “family member” includes an employee’s:

- Spouse or registered domestic partner
- 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
- Sibling, step sibling 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 step grandchild
- Grandparent or step grandparent
- A child of a sibling of the employee
- A sibling of the parent of the employee or
- A child-in-law or sibling-in-law
- Any of the above family members of a spouse or registered domestic partner
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
- Up to one non-family individual annually designated by the employee

Advance Notice for use of Earned Sick and Safe Leave

If the need for sick and safe leave is foreseeable (such as for a scheduled medical appointment), the City of Grand Rapids requires seven days’ advance notice. However, if the need is unforeseeable, employees must provide notice of the need for Earned Sick and Safe Leave, as soon as practicable, by providing a written notice to the immediate supervisor, department head, and human resources.

When an employee uses Earned Sick and Safe Leave for more than three consecutive days, the City of Grand Rapids may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee’s family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, Earned Sick and Safe Leave for a qualifying purpose. The City of Grand Rapids will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee’s or the employee’s family member’s medical condition.

CITY OF GRAND RAPIDS

EARNED SICK AND SAFE LEAVE POLICY

In accordance with state law, the City of Grand Rapids will not require an employee using Earned Sick and Safe Leave to find a replacement worker to cover the hours the employee will be absent.

Retaliation prohibited

The City of Grand Rapids shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee because they have exercised or attempted to exercise their rights under the Earned Sick and Safe Leave law, including, but not limited to, requesting, or using Earned Sick and Safe Leave. Employees have the right to file a complaint with the Minnesota Department of Labor and Industry or bring a civil action if the City of Grand Rapids has denied Earned Sick and Safe Leave or if they have been retaliated against for requesting or using Earned Sick and Safe Leave.

Further, use of Earned Sick and Safe Leave will not be factored into any attendance point system the City of Grand Rapids may use. Additionally, it is unlawful to report or threaten to report a person or a family member's actual or suspected citizenship or immigration status for exercising or attempting to exercise any right under the Earned Sick and Safe Leave law.

Benefits and return to work protections

During an employee's use of Earned Sick and Safe Leave, an employee will continue to receive the City's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using accrued Earned Sick and Safe Leave is entitled to return to their City employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during Earned Sick and Safe Leave absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the City of Grand Rapids and the employee is rehired within 180 days of separation, Earned Sick and Safe Leave that had not been used will be reinstated. An employee is entitled to use Earned Sick and Safe Leave at the commencement of reemployment.

This policy may be revised or updated at any time. In the effect this policy is updated or revised, employees shall receive an updated copy of the policy. Employees will be provided with the notice of ESST rights, in the form attached hereto, on or before January 1, 2024. Employees hired after January 1, 2024 will receive said notice upon hire.

The Earned Sick and Safe Leave Policy shall supersede any conflicting provisions in the City of Grand Rapids Personnel Policies.

**CITY OF GRAND RAPIDS
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Approved by City of Grand Rapids City Council on December 18, 2023; **Amended by the City of Grand Rapids City Council on _____ with any and all language retro-active to January 1, 2024.**