

Chapter 7: Leave Policies

~~The following leave policies are intended to be general summaries and may have state or federal statute applicability. Each leave request will be evaluated on a case-by-case basis and administered in accordance with applicable federal and state laws. Depending upon an employee's situation, more than one form of leave may apply during the same period of time. An employee will need to meet the requirements of each form of leave separately.~~

~~Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes if there are requirements for such time off that are not described in the personnel policies.~~

~~All leave benefits will accrue during the probationary period. If paid leave is granted during the probationary period and employment is voluntarily or involuntarily terminated prior to completion of the probationary period, any pro-rated paid leave must be reimbursed to the City or withheld from the employee's last paycheck.~~

~~¾-time employees are also entitled to 75% of vacation, sick, funeral, and personal leave benefits.~~

~~Employee leave benefits are pro-rated based an employee's date of hire and again upon an employee's termination.~~

~~If any specific provisions of these leave policies conflict with any current union agreement, the union agreement will prevail for that respective bargaining unit.~~

Introduction *(this paragraph will be placed at the beginning of Chapter 7)*

The following leave policies are intended to be general summaries and may have state or federal statute applicability. Employees are entitled to leaves of absence for various reasons, including reasons protected by law. Depending upon an employee's situation, more than one form of leave may apply during the same period. There are many laws that address and/or otherwise relate to leave, and these laws are continually changing and being addressed by state and/or federal courts, agencies, and other decision makers. These laws include the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Pregnant Workers Fairness Act (PWFA), Minnesota Human Rights Act (MHRA), Minnesota Paid Leave law (MNPL, also referred to as Minnesota Paid Family and Medical Leave Law), Earned Sick and Safe Time (ESST), Minnesota Pregnancy and Parental Leave Law, workers' compensation, public safety duty disability law, and other laws. An employee will need to meet the requirements of each form of leave separately. Leave requests will be evaluated on a case-by-case basis. In addition, collective bargaining agreements and other employment contracts may have additional provisions related to leaves. If there is any inconsistency between city policy and the law, the city will follow the law.

Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken concurrently (avoiding stacking of leave if possible) as well as to avoid any intervening unpaid leave between periods of paid leave. The City will provide employees with time away

from work as required by state or federal statutes or contracts, if there are requirements for such time off that are not described in and/or inconsistent with the City's personnel policies.

¾-time employees are entitled to 75% of vacation, sick, funeral, and personal leave benefits.

Employee leave benefits are pro-rated based on an employee's date of hire and again upon an employee's termination.

7.14 Minnesota Paid Family and Medical Leave Policy

Effective January 1, 2026, the City of Marshall (City) will provide time off to eligible employees who qualify for Minnesota Paid Leave benefits under Minnesota law. The City will provide Minnesota paid family and medical leave coverage (hereinafter referred to as MN PFML) through an approved equivalent/private plan administered by MetLife, the City's designated insurance carrier. The private plan is substantially similar to the State's Plan in all relevant ways, including eligibility, benefits, etc. MN PFML benefits are funded through premium contributions payable to the City's designated MN PFML insurance carrier, MetLife. The premium cost will be split between the City and employees as follows: the City will pay 50% of the required premium and employees will pay 50% of the premium cost through payroll deductions starting January 1, 2026.

Eligibility

Eligibility determinations for MN PFML benefits are made by MetLife, and in accordance with State law. Generally, to be eligible for MN PFML, you must meet both of the following requirements:

1. Work 50% or more during the calendar year at a location in Minnesota**; and
2. Meet the financial eligibility requirements by having earned over a specific amount of wages as defined by Minnesota law at the time of your requested leave.

** (If you work less than 50% of the time in a calendar year in Minnesota, another state, or U.S. territory or foreign nation, but you live in Minnesota during 50% or more of the calendar year, your employment is also covered by paid leave.)

Benefit Amount

An employee's weekly MN PFML benefits are calculated and determined by MetLife.

Definitions

These definitions are or may be different than definitions used in other leave-related laws, and therefore, eligibility and other provisions may differ.

- **“Benefit year” or “12-month period”** means a rolling 12-month period measured backward from an employee's first day of leave taken.
- **“Family member”** means:
 - Spouse or partner
 - Child (including biological, adopted, step, or foster children, or a child you raise even if you are not legally related)

- Parent or person who raised you
 - Sibling
 - Grandchild or grandparent
 - In-laws (including son, daughter, father, or mother)
 - Any individual who has a personal relationship with you that creates an expectation and reliance that you will care for, regardless if you reside together.
- A “**serious health condition**” means a physical or mental illness, injury, impairment, condition, or substance use disorder. Taking care of yourself for this serious condition may involve evaluation, treatment, inpatient care, recovery, or not being able to perform regular work, attend school, or do regular daily activities. This includes childbirth, conditions related to pregnancy, or surgery.

Additional definitions are provided in the MetLife MN PFML Insurance policy document available on the [HRConnection](#) employee portal, or by contacting Human Resources.

Leave Entitlement and Usage

MetLife may approve MN PFML leave based on state law criteria for the following conditions in a benefit year:

- Up to 12 weeks of medical leave (for yourself) to take care of yourself for a serious health condition, including pregnancy, childbirth, recovery, or surgery.
- Up to 12 weeks of family leave to:
 - Bond with a child through birth, adoption, or foster placement,
 - Care for a family member with a serious health condition,
 - Support a military family member called to active duty,
 - Receive covered types of care for yourself or a family member because of domestic abuse, sexual assault, or stalking.

You can take both types of leave in the same year, but you cannot exceed 20 weeks total within a single benefit year. Your benefit year starts the first day you take MN PFML leave, which may be different than the benefit year for leave taken under other laws. There is no waiting period for MN PFML if you are granted the benefit, but there is a seven-day qualifying event requirement for some types of leave.

MN PFML Intermittent Leave

Employees may apply for intermittent leave in most cases, provided the leave is reasonable and appropriate to the needs of the individual requiring care.

A) Eligibility

In addition to the other eligibility requirements under the MN Paid Leave law, employees seeking intermittent leave must have at least eight (8) hours of accumulated leave (unless more than 30 days have lapsed since taking the initial leave).

B) Notice

In situations where employees seek MN PFML on an intermittent basis, employees must make a reasonable effort to provide written notice to the City’s Human Resources department of the need for intermittent leave *before* applying for MN PFML benefits through MetLife. As part of

the notice, employees must provide the City with the following: 1) proposed intermittent leave schedule, 2) a completed certification from a health care provider identifying the leave as necessary, and 3) a reasonable estimate of the frequency and duration and treatment schedule for the leave.

Increments of Leave

Consistent with other forms of leave provided by the City, employees may take intermittent leave in 15-minute increments or greater.

Concurrent Leaves

Employees taking MN PFML, whether intermittently or continuously, that are concurrently eligible for leave under the Family and Medical Leave Act (“FMLA”) and/or Minnesota Pregnancy and Parenting Leave law (MN Stat. 181.941) will automatically be placed on such leaves to run concurrently with MN PFML.

Employee Notification Required

Prior to starting a claim with MetLife, employees must notify the City’s Human Resource department of the intention to take leave. If the need is foreseeable, you must provide Human Resources at least thirty (30) days’ advance notice before the leave is to begin. If the leave is not foreseeable, you must provide as much notice as possible.

If the employee does not provide the City of Marshall Human Resources with at least thirty (30) days’ notice when the need for leave is foreseeable, the employee must explain why it was not possible or practicable upon request from the City of Marshall.

In addition, employees are required to comply with any and all City and department-specific policies and procedures for requesting leave, including but not limited to the following: Attendance and Absence policy, Sick Leave policies, Vacation Leave policy, Family and Medical Leave Act (FMLA) policy, Pregnancy and Parenting Leave Policy, etc. Employees that fail to comply with relevant City policies and procedures are subject to discipline, up to and including termination from employment.

How to Apply for Minnesota Paid Family and Medical Leave

After your leave has been discussed with Human Resources, employees seeking MN PFML must apply through MetLife. Employee eligibility based on such application is determined solely by MetLife. The City’s Human Resource staff are available to assist employees with contacting MetLife.

A step-by-step claim process and applicable forms are available on the [HRConnection](#) employee portal, under the MN PFML tab, or by contacting Human Resources. You may file your claim 60 days prior to your leave begin date.

- To start a MN PFML claim via phone, call MetLife at (833) 622-0135.
- To start a MN PFML claim online, go to mybenefits.metlife.com.

Certification and Documentation Requirements

Employees seeking MN PFML benefits must provide copies of any certification of eligibility or other relevant medical documents to the City’s Human Resource department on the same day

that they are submitted to MetLife for benefit consideration.

Supplemental Benefits (Supplementing MN PFML Benefits with Accrued Paid Leave)

If you are receiving MN PFML benefits, the City allows you to supplement, or "top off," your MN PFML benefits with any accrued but unused paid leave (e.g., vacation leave, sick leave) in accordance with City policies. If you choose to supplement your MN PFML benefits in this way, the combined weekly sum of MN PFML benefits paid by MetLife and City-provided paid leave benefits cannot exceed your Individual Average Weekly Wage (IAWW). In other words, you cannot receive more income (from all sources including paid leave) while on leave than you would if you were working. Employees who use this supplemental benefit (e.g., vacation, sick, etc.) must complete a timesheet noting the unused paid leave accrual to be used.

Employees will not accrue vacation or sick leave benefits while on an unpaid leave of absence (i.e., receiving MN PFML benefits only).

Interaction with Other Laws and Benefits

MN PFML will run concurrently with any leave and/or wage supplement for which you may be eligible for under local, state, or federal law which may include: Family and Medical Leave Act (FMLA), Minnesota Pregnancy and Parenting Leave, etc.

The City offers a short-term disability (STD) policy that may run concurrently and require its own filing requirement pursuant to the terms of the STD policy. STD payments may be offset, pursuant to the terms of the STD policy, by MN PFML benefits paid to the employee.

PERA

The MN PFML benefit is paid by MetLife directly to employees and is therefore not PERA-eligible salary. Use of a supplemental benefit per this policy and paid to an employee through payroll is considered PERA-eligible salary. Employees who qualify to purchase salary and service credits lost during a period of authorized unpaid leave will automatically receive leave purchase information and a benefit estimate from PERA. Employees who desire to purchase leave credits must contact Human Resources. Employees may contact a PERA Service Representative at benefits@mnpera.org for more information.

Maintaining Health Coverage During Leave

Unless the employee revokes coverage while on MN PFML, the City will continue to provide group health insurance coverage for an employee on MN PFML under the same conditions as the coverage was provided before the employee took leave. You must continue to make timely payments of your share of the premiums for such coverage. If you are not using paid time off accruals to cover part or all of the leave, you will be responsible for remitting your portion of health premiums to the City to ensure continuation of benefits.

Group health insurance may be cancelled if an employee's premium payment is 30 days late. Before terminating coverage, the City will provide written notice to the employee at least 15 days before the coverage is terminated listing the final date payment is due (30 days past the due date) to avoid cancellation and the date coverage will end if payment is not received.

An employee's share of premium payments for their group health insurance coverage may, at the employee's option, be:

1. deducted through normal payroll procedures, utilizing accrued but unused paid leave (e.g., vacation, sick, etc.) as a supplement to your MN PFML benefit; and/or
2. employee premiums must be paid to Human Resources by the first of the month that the premium would have otherwise been deducted. Checks should be made out to the City of Marshall.

For any payments requiring deductions other than through normal payroll procedures, the City will obtain a written authorization for such deduction(s). There may be tax advantages and/or consequences for these various options, and it is the employee's obligation to understand these and decide accordingly. Coverage that lapses due to nonpayment of premiums will be reinstated immediately upon return to work without a waiting period.

Reinstatement

Upon return from covered MN PFML, you will be reinstated to your previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit, and seniority credit as of the date of leave as long as you have worked for the City for a minimum of 90 calendar days.

Upon return to work, if it becomes evident that the employee is unable to perform the key essential functions of their position (with or without reasonable accommodation), the City may engage in an interactive process, consistent with the American with Disability Act (ADA) and/or Minnesota Human Rights Act (MHRA) and other applicable laws and workplace policies, including workplace safety protocols, to determine appropriate next steps.

Retaliation

The City will not interfere with or retaliate against employees who request or take leave in accordance with the Minnesota Paid Leave law.

Appeals

If MetLife denies an employee's request for MN PFML benefits or if an employee disagrees with the amount of benefits, an employee has the right to appeal the decision in writing to MetLife within 30 calendar days of the decision.

If MetLife continues to deny the employee's request, including the amount of benefits, the employee may appeal to the State of Minnesota within 30 calendar days of MetLife's decision. In addition, an employee may contact the City with complaints and/or concerns about MetLife.

The City's right to appeal an employee's eligibility or determination of benefits will be governed by MetLife's terms or contract between the City and MetLife. A copy of the Minnesota Paid Family and Medical Leave Insurance policy between the City and MetLife is available on the [HRConnection](#) employee portal, or by contacting Human Resources.

Fraud

An employee is guilty of theft if they obtain or attempt to obtain benefits to which the employee is not entitled. Reporting false information to the City and/or to the City's designated insurance carrier will be cause for discipline, up to and including termination.