

## Charter School Boards & Staff In-Service

Minnesota Employment Law

MN Statute 181

Module No. 7

# Other Types of Leaves

Medical & Armed Services Leaves

MN Statute 181 Sections 945, 9456, 9458, 946, 947 & 948



Minnesota charter schools are subject to MN Statute 181 - Employment Law. This law is the general employment law in the State of Minnesota that applies to all employers and employees.

One of the fiduciary duties of board members is to know the laws that apply to the school, and the charter school has a legal responsibility to notify employees of the terms and conditions of employment in the public charter school - especially since those terms and conditions are different than employment in traditional public schools.

These In-service Modules provide “bite size” lessons on Minnesota’s Employment Law for use as monthly in-services with public charter school boards and staffs. We hope that charter school boards and administrators will find these in-service modules a helpful tool.

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### OTHER TYPES OF LEAVES: MEDICAL & ARMED SERVICES LEAVES

*In the 2009 revision of Minnesota’s Charter School Law – MN Statute 124.D 10, the legislature lists MN Statute 181 as a law with which a charter school and a charter school board must comply. Within this law, leave of absence guidelines are outlined in sections 181.945-181.948.*

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#### **181.945 - Leave for Bone Marrow Donations**

##### Definitions

"Employee" means a person who performs services for hire for an employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by an employer. Employee does not include an independent contractor.

"Employer" means a person or entity that employs 20 or more employees at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

##### Leave

An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

##### No employer sanctions

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

##### Relationship to other leave

This section does not prevent an employer from providing leave for bone marrow donations in addition to leave allowed under this section. This section does not affect an employee's rights with respect to any other employment benefit.

### **181.9456 - Leave for Organ Donation**

#### Definitions

"Employee" means a person who performs services for hire for a public employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by a public employer. Employee does not include an independent contractor.

"Employer" means a state, county, city, town, school district, or other governmental subdivision that employs 20 or more employees.

#### Leave

An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to another person. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours for each donation, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee for organ donation. If there is a medical determination that the employee does not qualify as an organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.

#### No employer sanctions

An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

#### Relationship to other leave

This section does not prevent an employer from providing leave for organ donations in addition to leave allowed under this section. This section does not affect an employee's rights with respect to any other employment benefit.

### **181.9458 - Authorization for Blood Donation Leave**

An employer may grant paid leave from work to an employee to allow the employee to donate blood.

### **181.946 - Leave for Civil Air Patrol Service**

Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee for time spent rendering service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions.

### **181.947 - Leave for Immediate Family Members of Military Personnel Injured or Killed in Active Service**

#### Unpaid leave required

An employer must grant up to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service.

*Notice:* An employee must give as much notice to the employee's employer as practicable of the employee's intent to exercise the leave guaranteed by this section.

### Relationship to other leave

The length of leave provided under this section may be reduced by any period of paid leave provided by the employer. Nothing in this section prevents an employer from providing leave benefits in addition to those provided in this section or otherwise affects an employee's rights with respect to other employment benefits.

### **181.948 - Leave to Attend Military Ceremonies**

Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of a war or other national emergency. The employer may limit the amount of leave provided under this subdivision to the actual time necessary for the employee to attend a send-off or homecoming ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.

### **QUESTIONS FOR DISCUSSION WITH BOARDS AND SCHOOL STAFF**

1. What is the maximum number of work hours of paid leave required by law that an employer must grant to an employee who is donating bone marrow?
2. What is the difference between the definitions of “employees” and “employers” for a bone marrow and organ donors?
3. In terms of pay, what is the result if there is a medical determination that the employee does not qualify as an organ donor?
4. When could an employer deny a leave of absence to a member of the civil air patrol?
5. How many days of unpaid leave shall an employer grant to an employee whose immediate family member was injured or killed in active military service?
6. What is an example of a ‘military ceremony’ in which one day of unpaid leave could be granted?

### **ACTIONS**

- ✓ Board has adopted policies on the various types of leaves consistent with MN Statutes 181.
- ✓ Personnel Handbook contains the policies and procedures for the different types of leaves and references MN Statute 181 Sections 181.945-181.948.
- ✓ Administration has developed and notified all parties of the procedures for requesting leaves.
- ✓ Board has developed procedures to monitor compliance with the leave policies.