



Minnesota Judicial Branch Policy

Policy Source:	Minnesota Judicial Council
Policy Number:	309
Category:	Human Resources
Title:	Judicial Leave and Flexibility Policy
Effective Date:	July 1, 1993; July 1, 2013; April 15, 202; February 20, 2025
Revision Date(s):	September 4, 2001; July 1, 2005; August 19, 2005; September 23, 2005; May 17, 2013; April 15, 2021; February 20, 2025
Supercedes:	

Judicial Leave and Flexibility Policy

I. PURPOSE

The purpose of this Judicial Leave and Flexibility Policy is threefold: a) To reflect that a judge's paramount responsibility is to assure that the public's business in the courts is conducted fairly and efficiently, and that a judge's adjudicative duties take precedence over a judge's other activities; b) To afford time for judges to continue their judicial education and to grow professionally, as well as to assist in the improvement of the justice system and advance the public's understanding thereof; and c) To provide judges with the necessary time away from the bench to assure continued good health and effectiveness.

II. REFERENCES

None.

III. DEFINITIONS

The term "chief judge" refers to the chief judge of the judicial district and, at the appellate level, to the chief judge of the court of appeals. The term "Chief Justice" refers to the Chief Justice of the Supreme Court. "Administrator" means the judicial district administrator for district court judges, the State Court Administrator for the Court of Appeals, and the Supreme Court.

IV. POLICY STATEMENT

A. Vacation Leave

1. Each judge shall be granted a maximum of 30 working days vacation each year, subject to the limitations of paragraph 2 below.
2. On July 1 of each year, 30 days vacation time shall be posted to a judge's leave account. If the balance of the account exceeds 60 days on June 30 in any given year, the balance shall be reduced to 60 days. The maximum vacation balance on

July 1 shall not exceed 90 days. During a judge's first year of service, the vacation time posted shall be pro-rated from the date of appointment to the following June 30. During the judge's final year of service, the vacation time to be posted shall be pro-rated from July 1 to the last day of the term of service.

3. For fiscal year 2021 (7/1/20-6/30/21) only, with approval of their Chief Judge, judges who exceed the vacation account limits outlined above as a result of the Pandemic/Public Health Crisis will be allowed two years from the date they first exceeded the cap to reduce their vacation accruals. By July 1, 2023, a judge's balance shall not exceed 90 days.
4. No more than 45 vacation days may be used in any one fiscal year. No more than 30 days vacation time may be used during the last 4 months of a judge's service.
5. Judges may not use vacation leave in excess of accrued posted days by "borrowing" days from the next year.

B. Professional Duty Leave

Each judge shall have, subject to the priorities of the judge's adjudicative duties, leave time for professional purposes. No judge shall have more than five (5) days of professional duty leave a year, except in special cases and with the approval of the chief judge or Chief Justice. Education programs sponsored by SCAO or MDJA/MDJF are not included in the (5) day allotment of professional duty leave. There shall be no accumulation of professional duty leave from year to year.

Professional duty leave shall include attendance at Judicial Education and Continuing Legal Education (CLE) seminars and other education programs related to the profession of law and the justice system, not sponsored by SCAO or MDJA/MDJF.

C. Community Outreach Activities:

The chief judge or Chief Justice may authorize the use of leave time or outreach activities during the year. Outreach activities may include, but are not limited to speaking, without pay, on matters related to the administration of justice, to non-legal organizations, schools, or civic groups; participation in mock trials; and media relations.

D. Official Judicial Business

There are some off-the-bench activities and assignments which are deemed to be part of a judge's official duties, for which the judge need not use leave time (whether professional duty leave or vacation leave). These activities and assignments include:

1. Attendance at meetings of boards, committees and functions to which the judge has been assigned by the Chief Justice, or, with respect to court of appeals and

judicial district matters, has been assigned by the chief judge, or has been assigned by the President of MDJA/MDJF.

2. Attendance as the designated judicial representative to bodies mandated by statute, including service on commitment panels pursuant to M.S. §253B.19.
3. Attendance at meetings of the Judicial Council, the Supreme Court, the Court of Appeals, the District Bench, the Minnesota District Judges Association (MDJA) and Minnesota District Judges Foundation (MDJF).
4. Attendance at the Annual Judicial Conference called by the Chief Justice, at the Annual MDJA/MDJF Conference and at education programs sponsored by SCAO or MDJA/MDJF, consistent with the Judicial Reimbursement Policy, subject to the approval of the Chief Justice or respective chief judge.
5. Faculty assignments at education programs sponsored by SCAO, MDJA/MDJF, or MACM.
6. Attendance at the annual district bar convention and the annual state bar convention or other bar association business meetings.
7. Teaching or speaking, without pay, at Judicial Education or CLE seminars, or at other programs related to the administration of justice; reimbursement of expenses by the sponsoring organization is not considered to be "pay."

E. Disability Leave

As constitutional officers elected to a certain term, judges are expected to perform their duties on a full-time basis unless disabled by illness or disability. Any judge who is incapacitated¹ from performing his or her judicial duties for more than 10 business days within 15 consecutive business days shall submit medical documentation to the chief judge or Chief Justice as soon as practicable but no later than 21 days from the date the incapacity commenced.

Medical Documentation

The judge shall provide a statement from the attending physician that describes the nature and extent of the judge's illness or disability, certifying that the illness or disability incapacitates the judge from performing his or her duties, and indicates the anticipated duration of the illness or disability. If the period of incapacity lasts beyond 1 month, the chief judge or Chief Justice may require the judge to provide an updated physician's statement every 60 days. The chief judge or Chief Justice may, at the branch's expense, require a second opinion. If the judge's physician's statement and second opinion differ, a third opinion may be requested at the branch's expense.

¹ Incapacity means unable to work or perform other regular daily activities due to the serious health condition, treatment therefore or recovery therefrom.

Return to Work

Upon return to work, the chief judge or Chief Justice may request that the judge provide a physician's statement certifying fitness to return to work and perform his/her constitutional duties. If the judge is authorized to return to work on a reduced schedule, the chief judge or Chief Justice may require that the judge provide an updated physician's statement every 60 days. The chief judge or Chief Justice may, at the branch's expense, require a second opinion. If the judge's physician's statement and second opinion differ, a third opinion may be requested at the branch's expense.

Chief Judge and Chief Justice Authority²

The absence of a proper physician's statement, as described in this policy, may result in denial of disability leave or in denial of a request to return to work. In situations where a judge has been on a prolonged disability leave and the medical prognosis indicates the judge will not be able to resume his/her constitutional duties due to the disability, the chief judge or Chief Justice may request an independent medical review of the judge's disability. Based on the results of the independent medical evaluation, the chief judge or Chief Justice may recommend that the judge apply for disability retirement or may refer the matter to the Board on Judicial Standards under Rule 16.

F. Special Cases

1. Judges who accept teaching or speaking engagements for pay during normal business hours shall use vacation time for these engagements.
2. Judges who perform weddings for pay must do so outside the normal business hours.
3. At times, special opportunities or unforeseen emergencies will arise. For good cause, the chief judge or the Chief Justice (as the case may be) may waive requirements of this leave policy to achieve a just result. Such circumstances shall be authorized in writing by the chief judge or Chief Justice.

G. Flexibility to Conduct Remote Proceedings Outside the State of Minnesota

1. The Chief Judge may approve a judge's request to conduct remote proceedings from outside the State of Minnesota in limited and exceptional circumstances, for up to 21 work days per fiscal year.
2. These circumstances include, but are not limited to, sudden, urgent health issues of the judge or their family or household member³ that make it impossible for the judge to be physically in the state of Minnesota.

² The authorities described in this section are consistent with the duties and responsibilities contained in the Chief Judge Authority and Responsibilities (2005) document pages 7-8.

³ "Family" is considered in a broad sense and means those related to the judicial officer by blood, adoptive, marital, or other equivalent ties. Family includes but is not limited to spouses, partners, children, stepchildren, grandchildren, parents, grandparents, siblings, nieces, nephews, and in-laws.

3. A judge conducting remote proceedings from outside the State of Minnesota must remain within the United States⁴ during the period of remote proceedings and inform all parties on the record about the remote proceedings.
4. A judge may also request to conduct remote proceedings from outside the State of Minnesota if there is an emergency/expedited matter filed with the court and no other judicial official is available. A judge must inform all parties on the record about the remote proceedings and obtain the agreement of all parties to proceed remotely under this paragraph. If any party objects to the remote proceedings, the judge must not hold the proceeding remotely and must make alternative arrangements.
5. Judges may apply for appropriate Judicial Leave at any time during the period for which remote proceedings are approved.

IV. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the respective chief judge or the Chief Justice.

V. EXECUTIVE LIMITATIONS

In carrying out this implementation authority:

1. Requests for vacation, professional, official, disability family leave, and remote proceedings outside the State of Minnesota must be submitted to the respective chief judge, Chief Justice, or designee. Each judicial district and each appellate court shall establish an appropriate procedure for leave requests, and advance notice required for a leave request.
2. Leave requests which do not comply with the advance notice requirements established by the judicial district or the appellate court shall be denied unless the chief judge or Chief Justice determines for good cause otherwise.
3. Judges are required to report their use of leave time to the administrator who shall keep a record of each judge's vacation and professional leave time.
4. The chief judge and Chief Justice shall be responsible for granting, denying or modifying requests for leave. In carrying out this responsibility, they shall be guided by the considerations set out in the preamble to this leave policy and the primary importance of assuring that the public's business is conducted efficiently and productively and that the workloads of the judges involved are equitably distributed.
5. The chief judge shall report promptly to the Chief Justice any judge who refuses to abide by a denial of his or her leave request or the requirements of this policy.

⁴ For purposes of Section G, the "United States" does not include U.S. territories.