

Earned sick and safe time (ESST) employee notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Employees must accrue at least one hour of earned sick and safe time for every 30 hours they work, up to at least 48 hours in a year. For the purpose of this law, an employee is anyone who works at least 80 hours in a year and is not an independent contractor. A year for purposes of the employee's earned sick and safe time accrual is our fiscal year: July 1 through June 30. For the first year the ESST law goes into effect January 1, the year will run January 1 through June 30. Beginning July 1 we will operate by the full fiscal year.

- All of our employees who receive an annual certification have contractual leave that is equal or more than required by the ESST law. These employees will not receive a change in their annual accrual of leave or a change in frequency (when leave is accrued/available).
- Coaches who receive an annual stipend for their assignment and do not receive deductions for missed practices/games are not required to accrue ESST since they are not being reduced pay when sick.
- All other staff (guest staff, substitutes, casual employees, students, activity workers that are not paid by an annual stipend, community ed employees, etc.) will receive ESST hours based on the minimum requirements in the law. We will track hours at the end of each pay period beginning with pay periods that have worked time in January. Once an employee reaches 80 hours they are eligible for one hour of leave for each 30 hours worked up to a maximum of 48 hours accrued per fiscal year. Hours will be credited by the full hour (i.e. 1 hour is available for every 30 worked, partial hours will not be given until each 30 hours are worked). Employees may carryover a maximum of 80 hours from year to year.

The earned sick and safe time hours the employee has available, as well as those that have been used in the most recent pay period, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- an employee's mental or physical illness, treatment or preventive care; • the mental or physical illness, treatment or preventive care of an employee's family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick

and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive days.

If a certified employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, they must inform their supervisor by submitting an absence as far in advance as possible, but at least three days in advance. If a non-certified employee plans to use earned sick and safe time for an appointment, preventative care or another permissible reason they know of in advance, they must inform their supervisor by phone or email as far in advance as possible, but at least three days in advance. In situations where an employee cannot provide advance notice, the employee should contact their supervisor via phone as soon as they know they will be unable to work. We do not need details about medical conditions.

By requesting earned sick and safe time, the employee is attesting that the absence reason meets the requirements for utilizing sick and safe time. The employee is also attesting the absence meets one of the relationships covered by earned sick and safe time.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us or visit the department's earned sick and safe time webpage at dli.mn.gov/sick-leave. This document contains important information about your employment. Check the box at the left to receive this information in this language.