



Earned sick and safe time

Dave Skovholt | Labor Standards

Department of Labor and Industry operating areas

*DLI's **mission** is to ensure Minnesota's work and living environments are equitable, healthy and safe.*

*DLI's **vision** is to be a trusted resource and an impartial regulator for employers, employees, property owners and other stakeholders.*

DLI operating areas:

- Workers' Compensation
- Occupational Safety and Health (OSHA)
- Labor Standards
- Apprenticeship Minnesota
- Construction Codes and Licensing
- Minnesota Dual-Training Pipeline
- Youth Skills Training
- Office of Combative Sports
- General Support



Labor standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Other laws related to employment, wages, conditions, hours.



2023 legislative labor law changes

- Earned sick and safe time
- Pregnancy and nursing accommodations
- Family leave: paid and unpaid
- Warehouse worker safety
- Ergonomics program
- Workplace veterans poster
- Construction worker wage protection
- Restrictive franchise agreements
- Nursing Home Workforce Standards Board
- Packinghouse and food processing workers
- Other new labor requirements DLI will not enforce

Why earned sick and safe time?

- Allows workers to prioritize care over job loss concerns.
- Promotes preventative care, benefiting public health statewide, by reducing customer, coworker, school personnel and student risk of also falling ill.
- Ensures paid leave access regardless of income level.
- Improves employee recruitment and retention, improved employee morale, fewer workplace injuries, and a healthier workplaces.
- Paid sick time laws and ordinances are in place in 14 states and Minneapolis, St. Paul, Duluth, and Bloomington, Minnesota.



Earned sick and safe time overview

- Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state.
- [Minnesota's current sick and safe leave law](#) remains in effect until Dec. 31, 2023.



What is sick and safe time?

Sick and safe time is paid time off that employees in Minnesota can use for certain reasons, including when they are sick, to care for a sick family member or to seek assistance if they or a family member have experienced domestic abuse.

Who is eligible for sick and safe time?

An employee is eligible for sick and safe time if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for sick and safe time.



How much sick and safe time can employees earn?

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

Which family members are included?

A broad set of family members is included. [See DLI's "Earned sick and safe time" page](#) for full details.

What can sick and safe time be used for?

Employees can use their earned sick and safe time for any of the following:

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
- closure of the employee's workplace due to weather or public emergency or closure of a 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 the employee or family member is at risk of infecting others with a communicable disease.

At what rate must sick and safe time be paid?

Sick and safe time must be paid at the same hourly rate an employee earns when they are working.



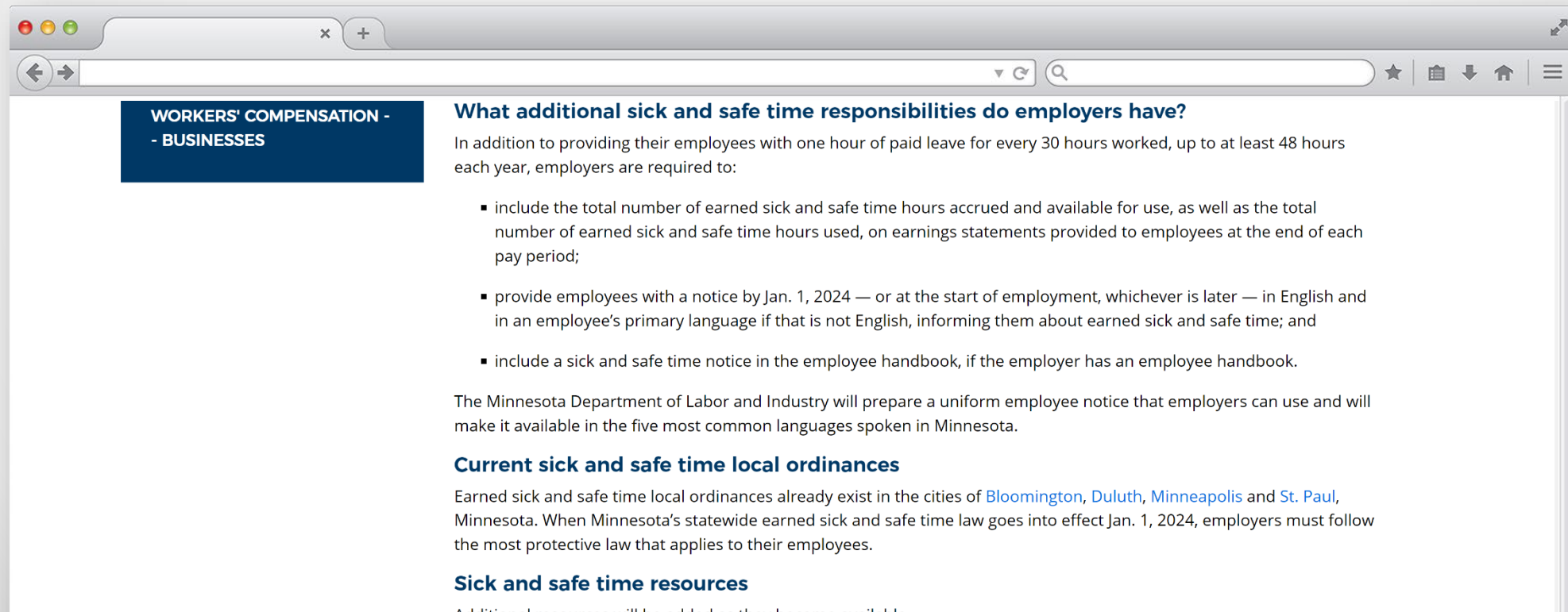
Current sick and safe time local ordinances

- Interaction with city ordinances
- Interaction with paid-time-off programs



Sick and safe time responsibilities for employers

- Earnings statement
- Employee notice



The screenshot shows a web browser window with a dark blue sidebar on the left containing the text "WORKERS' COMPENSATION - BUSINESSSES". The main content area has a heading "What additional sick and safe time responsibilities do employers have?". Below this heading, there is a paragraph stating that employers must provide one hour of paid leave for every 30 hours worked, up to at least 48 hours each year. A bulleted list follows, detailing requirements for earnings statements, employee notices, and employee handbooks. Below the list, a paragraph mentions that the Minnesota Department of Labor and Industry will provide a uniform employee notice. Further down, there is a section titled "Current sick and safe time local ordinances" which lists cities like Bloomington, Duluth, Minneapolis, and St. Paul. The final section is titled "Sick and safe time resources".

WORKERS' COMPENSATION - BUSINESSSES

What additional sick and safe time responsibilities do employers have?

In addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:

- include the total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used, on earnings statements provided to employees at the end of each pay period;
- provide employees with a notice by Jan. 1, 2024 — or at the start of employment, whichever is later — in English and in an employee's primary language if that is not English, informing them about earned sick and safe time; and
- include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

The Minnesota Department of Labor and Industry will prepare a uniform employee notice that employers can use and will make it available in the five most common languages spoken in Minnesota.

Current sick and safe time local ordinances

Earned sick and safe time local ordinances already exist in the cities of [Bloomington](#), [Duluth](#), [Minneapolis](#) and [St. Paul](#), Minnesota. When Minnesota's statewide earned sick and safe time law goes into effect Jan. 1, 2024, employers must follow the most protective law that applies to their employees.

Sick and safe time resources

Front-loading and carryover

Option 1. Accrual and carryover:

- employees begin accruing ESST from their first day of employment;
- ESST accrues at a rate of at least one hour for every 30 hours worked;
- employees are permitted to accrue a minimum of up to 48 hours of ESST in a year (more if the employer agrees to a higher amount); and
- employees can carry over unused ESST into the next year. However, at no time can an employee's accrued ESST exceed 80 hours (unless the employer agrees to a higher amount).



Front-loading and carryover continued

Option 2. Front loading with pay out and no carryover:

- A minimum of 48 hours of ESST is provided to an employee and made available for immediate use at the start of each year;
- and unused ESST hours are paid out at the end of the accrual year at the employee's hourly rate.

Option 3. Front loading with no pay out and no carryover:

- A minimum of 80 hours of ESST is provided to an employee and made available for immediate use at the start of each year; and
- the ESST hours the employee did not use are not paid out at the end of the accrual year.

Sick and safe time: Other key details

- Notice of use: foreseeable and unforeseeable
- Documentation: more than three consecutive days
- Replacement workers



Sick and safe time: Other key details, continued

- Increments of time
- Termination, reinstatement and employer succession
- Construction collective bargaining agreements
- Employer attendance policies



Resources

- DLI's "Earned sick and safe time" page: dli.mn.gov/sick-leave
 - FAQs, employee notice, fact sheet, workplace poster, video
- Contact DLI's Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us
- Stay up to date with *The Wage and Hour Bulletin*: dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin



The screenshot shows a web browser window displaying the DLI website page for "Earned Sick and Safe Time". The browser's address bar shows the URL <https://dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin>. The page features a dark blue sidebar with navigation links: APPRENTICESHIP AND DUAL TRAINING, CODES AND LAWS, CONSTRUCTION, CONTRACTOR REGISTRATION, ELECTRICAL CONTRACTORS, ELEVATOR CONTRACTORS, and EMPLOYMENT PRACTICES. The main content area has a white background with the heading "EARNED SICK AND SAFE TIME" and a breadcrumb trail: "For business > Employment practices > Earned sick and safe time". Below the heading is a collage of three images: a family of four outdoors, a woman wearing a blue surgical mask, and a healthcare worker in blue scrubs and a mask examining a baby. The text below the images states: "Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. Minnesota's current sick and safe leave law remains in effect until Dec. 31, 2023 and will be replaced by the new earned sick and safe time law on Jan. 1, 2024." Below this text is a section titled "What is sick and safe time?" and a red button with white text that says "MINNESOTA PAID FAMILY AND MEDICAL LEAVE ►".

Thank you

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