



Earned Safe and Sick Time Memo – HF19/SF34

Earned Sick and Safe Time Provision

Bill Text: [HF19](#) | [SF 34](#)

Research Summaries: [House](#) | [Senate](#)

Fiscal Note: [Available](#)

Key Notes from SF34/HF19

WHAT DEFINES EMPLOYEE

- Employee - means any person who is employed by an employer, including temporary and part-time employees, who performs work for at least 80 hours in a year for that employer in Minnesota. Employee does not include an independent contractor. Employees who are exempt from overtime requirements under USC title 29, section 213(a)(1) are deemed to work 40 hours in each workweek for accrual purposes.

ACCRUAL

- An employee accrues a minimum of 1 hour earned sick and safe time for every 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.
 - Employers may agree to offer a higher amount should they choose.
- Employers must permit an employee to carry over accrued but unused sick and safe time into the following year. In lieu of carryover, an employer may pay an employee for unused earned sick and safe time.
- The total amount of accrued to unused earned sick and safe time must not exceed 80 hours at any time, unless the employer agrees to a higher amount.

NOTIFICATION TO EMPLOYEES

- Employers must supply employees with a notice in English and the primary language of the employee, as identified by the employee, contains the information required at commencement of employment or the effective date of the law.
- Employers must give notice to all employees that they are entitled to earned sick and safe time, including the amount of earned sick and safe time, the accrual year for the employee, the terms of its use under this section, and a copy of the written policy for providing notice; that retaliatory personnel actions against employees who request or use earned sick and safe time are prohibited; and that each employee has the right to file a complaint or bring a civil action if earned sick and safe time is denied by the employer or the employee is retaliated against for requesting or using earned sick and safe time.

REPLACEMENT WORKER

- An employer may not require, as a condition of an employee using earned sick and safe time, that the employee seek or find a replacement worker to cover the hours the employee uses as earned sick and safe time.

RETURN FROM LEAVE

- An employee returning from a leave is entitled to return to employment at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during the leave period. The employee returning from a leave is entitled to retain all accrued preleave benefits of employment and seniority as if there had been no interruption in service, provided that nothing under this section prevents the



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accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.

EMPLOYEE SEPERATION

- Does not require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued earned sick and safe time that has not been used.
- If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all earned sick and safe time accrued at the prior division, entity, or location and is entitled to use all earned sick and safe time.
- When there is a separation from employment and the employee is rehired within 180 days of separation by the same employer, previously accrued earned sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued earned sick and safe time and accrue additional earned sick and safe time at the

EFFECTIVE DATE

- Effective 180 days after final enactment (roughly 6 months).

FYI

- The commissioner may make grants to community organizations for the purpose of outreach to and education for employees regarding their rights. The community-based organizations must be selected based on their experience, capacity, and relationships in high-violation industries. The work under such a grant may include the creation and administration of a statewide worker hotline.

RESOURCES:

- **Duluth Policy Information:** <https://duluthmn.gov/city-clerk/earned-sick-safe-time/about-earned-sick-safe-time/>
 - 5 or more employers must have ESST
- **Minneapolis Policy Information:** <http://sicktimeinfo.minneapolismn.gov/>
 - 6+ employees – must provide paid sick and safe time.
 - 5 or fewer employees – must provide but may choose to provide unpaid
- **Saint Paul Policy Information:** <https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/labor-standards-enforcement-and-education-1>
 - All employers must have safe and sick leave
- **NCSL – Paid Sick Leave:** <https://www.ncsl.org/labor-and-employment/paid-sick-leave>