

Subject Essential Workers Emergency Leave Act

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Overview

This bill would provide emergency paid sick leave to essential workers unable to work or telecommute due to a COVID-19 related reason.

Summary

Section	Description
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1	Essential Workers Emergency Leave Act.
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Subd. 1. Definitions. Provides several definitions for the bill. Defines “essential worker” as someone who has worked for an employer one day or more, and is: an emergency responder; a health care provider; a licensed or unlicensed worker employed at a hospital, care home, outpatient surgical center, nursing home, assisted living, arranged home care provider, or an unlicensed health care clinic or practice; a public school employee; an airport service provider worker; or someone working for a private employer in the building maintenance or security services, child care, food service, hotel accommodations, manufacturing, or retail sectors.

Subd. 2. Emergency paid sick leave. Requires an employer to provide up to 80 hours of emergency paid sick leave to an essential worker who is unable to work or telework due to one of the qualifying COVID-19 related reasons and who is not being fully compensated by workers’ compensation, unemployment benefits, or other state or federal benefits:

- (1) quarantine or isolation order; (2) self-quarantine at advice of a health care provider; (3) seeking medical diagnosis for their COVID-19 symptoms; (4) seeking medical diagnosis or waiting for test results after exposure to COVID-19 or at the request of their employer; (5) receiving or recovering from a COVID-19 vaccine; (6) caring for an individual subject to clause (1) or (2); or (7) caring for their child whose school or child care provider is closed.

Subd. 3. Duration and use of leave. Requires employers to provide up to 80 hours of paid leave for a qualifying reason for a full-time essential worker

Section **Description**

through March 31, 2021, and an additional 80 hours from April 1, 2021, until September 30, 2021 (or the date the bill expires). Provides a percentage of hours for part-time and variable hour essential workers. Allows intermittent use of leave and reasonable notice for continued leave. Leave is available until 30 days after the end of the COVID-19 peacetime emergency.

Subd. 4. Amount of compensation. Provides full compensation for the leave at essential worker’s regular rate of pay or the applicable minimum wage rate, whichever is higher. Leave benefits cannot exceed \$511 per day, or \$10,220 total (\$5,110 total until March 31, 2021, and \$5,110 total from April 1, 2021, until the bill expires). Does not allow for carryover of unused leave and offers no benefit upon separation from employment.

Subd. 5. Relationship to other leave. Applies in addition to any existing paid time off or leave policy that an employer provides. Allows an essential worker to use emergency sick leave first before using accrued paid time off or unpaid leave. Except that, an employer who already provided additional paid leave that provides the same or better benefits for the listed COVID-19 reasons is not required to provide additional leave—unless the essential worker was paid less for the additional leave than the full amount of emergency paid sick leave required by this bill. Employers may offer the same or better leave than required and must provide notice of leave requirements to essential workers.

Subd. 6. Requirements and enforcement. Prohibits retaliation against essential workers who request or use this leave. Provides for enforcement and investigation by the Department of Labor and Industry, including authority to issue a compliance order. Allows for \$1,000 fine for willful violations.

Effective date. Effective the day following final enactment for eligible essential workers who are hired on or after that date. Effective retroactively from March 13, 2020, for qualified essential workers employed on or after that date who remain currently employed when this bill takes effect, or as of May 17, 2021, whichever is earlier. The emergency sick leave expires September 30, 2021, or 30 days after the end of the COVID-19 peacetime emergency, whichever is later, except the enforcement provision remains in place until June 30, 2023.



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