

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) caring for an individual subject to clause (1) or (2); or (5) 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. Provides a percentage of hours for part-time and variable hour employees. Allows intermittent use of leave and reasonable notice for continued leave.

Section **Description**

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 employee's regular rate of pay or the applicable minimum wage rate, whichever is higher. Leave benefits cannot exceed \$5,110 total. 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 employee to use emergency sick leave first before using accrued paid time off or unpaid leave. Except that, an employer who already provides additional paid leave that provides the same or better benefits for COVID-19 reasons is not required to provide additional leave. Allows employers to offer better leave than required. Requires employers to provide notice of leave requirements to employees.

Subd. 6. Requirements and enforcement. Prohibits retaliation against employees 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 qualified 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 employed when this bill takes effect or as of May 17, 2021, whichever is earlier. The provisions expire 30 days after the end of the COVID-19 peacetime emergency, except for the enforcement provision which remains in place for two years after.



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