

Subject Earned Sick and Safe Time

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Overview

This bill makes several modifications and clarifications to the earned sick and safe time (ESST) law (Minn. Stat. §§ 181.9445 to 181.9448).

Summary

Section	Description
1	<p>Compliance orders.</p> <p>Adds ESST enforcement under section 177.50 to the sections of law that the commissioner of labor and industry can enforce through a compliance order.</p> <p>Effective the day following final enactment.</p>
2	<p>Rulemaking authority.</p> <p>Authorizes rulemaking by the Department of Labor and Industry for the purposes of carrying out the ESST provisions.</p> <p>Effective the day following final enactment.</p>
3	<p>Remedies.</p> <p>Adds a remedy to ESST enforcement under section 177.50, making an employer liable to each employee who does not receive or is not allowed to use ESST as required under the law. Sets damages as the full amount of ESST time that was not provided or allowed to be used at the employee's regular rate of pay, plus an amount equal to that amount as liquidated damages.</p> <p>Effective the day following final enactment.</p>
4	<p>Required statement of earnings by employer; notice to employee.</p> <p>Removes the ESST reporting requirements from the required earnings statement that an employer must provide at the end of a pay period under section 181.032. Reporting requirements are now covered under section 11.</p>

Section	Description
	Effective the day following final enactment.
5	Earned sick and safe time. Makes language clarification to refer to an “employee’s regular rate of pay” for the purposes of accruing ESST. Effective the day following final enactment.
6	Employee. Modifies the definition of “employee” for the purposes of earning ESST as a person anticipated by the employer to work 80 hours or more in a year, excluding an independent contractor. Effective the day following final enactment.
7	Accrual of earned sick and safe time. Makes language clarification to refer to an “employee’s regular rate of pay” for the purposes of accruing ESST.
8	Eligible use. Adds an eligible use of ESST time for arranging or attending a funeral of a family member or addressing a legal or financial matter related to the death of a family member. Effective the day following final enactment.
9	Documentation. Adds clarity about what constitutes “reasonable documentation” for the use of ESST for domestic abuse, sexual assault, or stalking if a court record or other more formal documentation cannot be obtained. Effective the day following final enactment.
10	Increment of time used. Allows ESST to be used in the same increment of time as an employee is paid. An employer is not required to allow leave increments of less than 15 minutes and cannot require an employee to use leave increments of more than 4 hours. Effective the day following final enactment.
11	Employer records and required statement to employees. Provides flexibility for employer’s reporting requirements to allow an employer to choose a reasonable system to report the use and availability of ESST hours to

Section	Description
	employees. This notice must be given at the end of each pay period in writing or electronically and may be included on a paystub or other earnings statement but is not required to. Requires readily available records and recordkeeping for three years.
12	Confidentiality and nondisclosure. Clarifies that an employer's ability to retain or destroy ESST medical records under this provision is subject to any applicable state or federal law, rule, or regulation. Effective the day following final enactment.
13	No effect on more generous sick and safe time policies. Clarifies how ESST interacts with short-term and long-term disability policies. Adds a waiver for an individual provider providing services to a family member under consumer support grants, consumer-directed community supports, or community first services and supports. A participant/service recipient under these programs has an annual budget that they manage to purchase their services and supports for the year. If the individual provider waives the requirements of ESST under this section, then the money that would have been used for ESST payments must be returned to the participant's budget. The individual provider cannot opt back into earning ESST again until the participant's next service plan year. Effective the day following final enactment.
14	Termination; separation; transfer. Clarifies reinstatement of ESST accruals if an employee is rehired within 180 days of separation. Provides that an employee can only receive reinstatement of ESST accruals that have not been used or otherwise disbursed to the employee's benefit. Effective the day following final enactment.



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