



BASSFORD REMELE

Earned Sick and Safe Time Employee Notice

Employees who work at least 80 hours in any given year in Minnesota are entitled to earned sick and safe time (“ESST”), a form of paid leave. Employees must accrue at least one hour of ESST for every 30 hours they work, up to at least 48 hours in a year.¹

The ESST hours the employee has available, as well as those that have been used in the most recent pay period, must be noted on the employee’s earnings statement that they receive at the end of each pay period. ESST must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use ESST. They may use ESST for all or part of a shift, depending on their need.

ESST can be used for:

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

Employees may use ESST for the following family members:

1. their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;

¹ If you are using a more generous accrual system or a front-loading system, edit this sentence and insert the applicable system for the employee who will receive this notice.

10. any of the family members listed in 1 through 9 above of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

Employees must be allowed to carry over accrued but unused ESST to subsequent years. However, total accruals, including carry over amounts, will be capped at 80 hours.²

Notifying employer, documentation

If an employee plans to use ESST for an appointment, preventive care, or another permissible reason they know of in advance, the employee should inform [name or position] by [phone, email or other communication] as far in advance as possible, but at least [number between one and seven] days in advance. In situations where an employee cannot provide advance notice, the employee should contact [name or position] at [phone, email or other communication] as soon as they know they will be unable to work. Employees may also be required to provide certain documentation regarding the reason for their use of ESST if they use it for more than three consecutive days.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned ESST or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, the employee can file a complaint with the Minnesota Department of Labor and Industry. The employee can also file a civil action in court for ESST violations.

**DISCLAIMER: THIS ARTICLE IS NOT INTENDED TO BE RELIED UPON AS LEGAL ADVICE.
THERE IS NO ATTORNEY-CLIENT RELATIONSHIP BETWEEN BASSFORD REMELE, P.A.
AND ANY READER OF THIS ARTICLE.**

For additional information

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² In lieu of allowing employees to carry over accrued but unused ESST, employers may frontload ESST in one of two ways: (1) frontloading 48 hours, if the employer will pay out all accrued but unused ESST at the end of the year; or (2) frontloading 80 hours. If the employer elects either of these options, insert the selected option instead of this sentence.