



# Earned Sick and Safe Time (ESST)

Effective January 1, 2024, temporary employees who are paid by St Paul Public Schools on an hourly or daily basis earn ESST sick leave hours at a rate of 1 hour for every 30 hours worked up to an annual (calendar year) maximum of 48 hours. Unused hours can be rolled over for a maximum balance of 80 hours. (Employees working at a St Paul Public Schools site, but paid by an outside temp agency are eligible for ESST through their temp agency).

Regular employees receive sick time according to their union contract. A year for the purposes of employees' earned sick and safe time accrual is the calendar year. Because the time off accrual in the union contracts is more generous than the ESST accrual, regular employees do not earn additional/separate ESST hours on their regular or additional temporary assignments. Employees can however use the first 48 hours of sick time earned each calendar year according to the ESST usage rules. Sick leave usage after the first 48 hours used in a calendar year follow the union contract language.

## **Earned sick and safe time 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 sick leave for the following family members:**

- their child, including foster child, adult child, legal ward, child for whom the employee is legal guardian, or child who whom the employee stands or stood in loco parentis (in place of parent);
- their spouse or registered domestic partner
- their sibling, stepsibling, or foster sibling
- their biological, adoptive, or foster parent, stepparent or person who stood in loco parentis (in place of a parent) when the employee was a minor child
- their grandchild, foster grandchild, or step-grandchild
- their grandparent or step-grandparent
- a child of a sibling of the employee
- a sibling of the parents of the employee
- a child-in-law or sibling-in-law
- any of the family members listed above of an employee's spouse or registered domestic partner
- any individual related by blood or whose close association with the employee is the equivalent of a family relationship
- up to one individual annually designated by the employee

## **Earned sick and safe time balance and usage visibility:**

The earned sick and safe time hours the employee has available, as well as those that have been used in the most recent pay period, are reflected on employees' paycheck earnings statement which is available in Employee Self Service. Earned sick and safe time is paid at the same hourly rate the employee earns when they are working.

**Using ESST sick leave:**

If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, they must notify their immediate supervisor as far in advance as possible, but at least seven days in advance. In situations where an employee cannot provide advance notice, the employee should contact their immediate supervisor as soon as they know they will be unable to work. St. Paul Public Schools may also require their employees to provide documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive days.

Employees are not required to find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

**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 sick and safe time 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, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

**For more information:**

Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or visit the department's earned sick and safe time webpage at [dli.mn.gov/sick-leave](https://dli.mn.gov/sick-leave).