



EARNED SICK AND SAFE TIME (ESST) FAQ

1. What is Minnesota's earned sick and safe time law?
 - a. Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.

2. Who is eligible?
 - a. An employee is eligible for sick and safe time if they:
 - i. Work at least 80 hours in a year for an employer in Minnesota; and
 - ii. Are not an independent contractor
 - b. Temporary and part-time employees are eligible for sick and safe time.

3. How much leave do employees accrue?
 - a. 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.
 - b. 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).

4. What can ESST be used for?
 - a. An employee's mental or physical illness, treatment or preventive care;
 - b. the mental or physical illness, treatment or preventive care of an employee's family member;
 - c. absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
 - d. 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
 - e. 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.

5. Which family members are included?
 - a. 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);
 - b. their spouse or registered domestic partner;
 - c. their sibling, stepsibling, or foster sibling;
 - d. 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;
 - e. their grandchild, foster grandchild, or step-grandchild • their grandparent or step-grandparent;
 - f. a child of a sibling of the employee;
 - g. a sibling of the parents of the employee;
 - h. a child-in-law or sibling-in-law;
 - i. any of the family members listed above of an employee's spouse or registered domestic partner;
 - j. any individual related by blood or whose close association with the employee is the equivalent of a family relationship;
 - k. up to one individual annually designated by the employee

6. Can employees use ESST in increments?
 - a. They may use earned sick and safe time for all or part of a shift, depending on their need.

7. Do employees need to provide notice when they would like to use ESST time?
 - a. 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.
 - b. 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.

8. Can I request documentation from a staff member who is using ESST?
 - a. 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.

9. Can I require that an employee find coverage for the time they are using ESST?
 - a. Employees are not required to find a replacement for their shift to use earned sick and safe time.

10. Where can I find more information?
 - a. 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 or visit the department's earned sick and safe time webpage at dli.mn.gov/sick-leave.