



# COMMISSION POLICY

## Earned Sick and Safe Time

Category: <b>Administration</b>	Subcategory: <b>Benefits</b>	Policy Number: <b>2.1.005.</b>
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GRPU will provide Earned Sick and Safe Time (“ESST”) to employees, which is paid leave that can be used for certain reasons, including but not limited to, when an employee is sick, to care for a family member who is sick, or to seek assistance if an employee or their family member has experienced domestic abuse.

GRPU’s PTO benefit exceeds the requirements set forth in the Minnesota ESST statute, effective January 1, 2024. Bargaining unit and non-bargaining unit employees who are eligible for PTO can use their PTO for ESST as summarized below.

However, not all employees are eligible for PTO. Part-time, seasonal, and temporary employees who perform work for at least 80 hours per year are not eligible for PTO but are eligible for ESST. For those employees, ESST will begin to accrue immediately upon hire. An employee will accrue one hour of ESST for every 30 hours worked, up to a maximum of 48 hours in a calendar year. If an employee holds different positions or works different shifts with different rates of pay, ESST will be paid based upon the rate that the employee would have been paid for the shift or hours that were missed. An employee may carry over accrued but unused ESST into the following calendar year. The total amount of accrued but unused ESST must not exceed 80 hours at any time.

### USE OF ESST

Employees can use ESST for the following reasons:

- The employee’s mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- A family member’s mental or physical illness, injury, or health condition; need for diagnosis, care, or treatment; or need for preventative care;
- Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member;
- Closure of the employee’s workplace due to weather or public emergency or an employee’s need to care for a family member due to closure of the family member’s school or place of care due to weather or public emergency;
- The employee’s inability to work or telework because the employee is:
  - Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
  - Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been

exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and

- When determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

For these purposes, an employee's "family member" includes:

- Child, 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;
- Spouse or registered domestic partner;
- Sibling, stepsibling, or foster sibling;
- Biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child;
- Grandchild, foster grandchild, or stepgrandchild;
- Grandparent or stepgrandparent;
- A child of a sibling of the employee;
- A sibling of the parents of the employee; or
- A child-in-law or sibling-in-law;
- Any of the family members listed above of a spouse or registered domestic partner;
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
- Up to one individual annually designated by the employee.

An employee may use ESST in increments of 30 minutes.

## **NOTICE**

If the need for ESST is foreseeable (for example, for a scheduled medical appointment), an employee must give their supervisor at least 7 days' advance written notice. If the need is not foreseeable, an employee must give their supervisor notice as soon as practicable (usually before the start of their shift).

## **DOCUMENTATION**

When an employee uses ESST for more than 3 consecutive days, GRPU may require the employee to provide reasonable documentation demonstrating the use is covered by one of the qualifying reasons, such as a signed statement by a health care professional, a court record, a signed document from a victim services organization, or a written statement from the employee indicating the employee is using or used ESST for a qualifying reason.

GRPU will not require an employee to disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition. GRPU will maintain the confidentiality of all ESST records and related documentation.

## **CASH OUT**

Upon voluntary or involuntary termination of employment (resignation, retirement, death, discharge), an employee's accrued unused ESST will be forfeited, and not cashed out. Cash out of PTO will be governed by the Collective Bargaining Agreement for bargaining unit employees and by the PTO/EIB Policy for other employees.

## **EMPLOYEE RIGHTS AND REMEDIES**

GRPU will not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a person because the person has exercised or attempted to exercise rights protected under the ESST statute, including but not limited to because the person requested ESST, used ESST, requested a statement of accrued ESST, informed any person of their potential rights under the ESST statute, made a complaint or filed an action to enforce a right to ESST, or is or was participating in any manner in an investigation, proceeding, or hearing related to ESST.

Employees have the right to file a complaint with the Minnesota Department of Labor and Industry or bring a civil action if GRPU has improperly denied ESST or if they have been retaliated against for requesting or using ESST.

It is unlawful for an employer's absence control policy or attendance point system to count ESST as an absence that may lead to or result in retaliation or any other adverse action.

It is unlawful for an employer or any other person to report or threaten to report the actual or suspected citizenship or immigration status of a person or their family member to a federal, state, or local agency for exercising or attempting to exercise any right protected under the ESST statute.

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GRPUC President

Date

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GRPUC Member

Date

Adopted Date:

Revised Date: