

Chapter 7: LEAVE POLICIES

The following leave policies are intended to be general summaries and may have state or federal statute applicability. Each leave request will be evaluated on a case-by-case basis and administered in accordance with applicable federal and state laws. Depending upon an employee's situation, more than one form of leave may apply during the same period of time. An employee will need to meet the requirements of each form of leave separately.

Except as otherwise stated, all paid time off, taken under any of the City's leave programs, must be taken consecutively, with no intervening unpaid leave. The City will provide employees with time away from work as required by state or federal statutes if there are requirements for such time off that are not described in the personnel policies.

All leave benefits will accrue during the probationary period. If paid leave is granted during the probationary period and employment is voluntarily or involuntarily terminated prior to completion of the probationary period, any pro-rated paid leave must be reimbursed to the City or withheld from the employee's last pay check.

¾-time employees are also entitled to 75% of vacation, sick, funeral, and personal leave benefits.

Employee leave benefits are pro-rated based on an employee's date of hire and again upon an employee's termination.

If any specific provisions of these leave policies conflict with any current union agreement, the union agreement will prevail for that respective bargaining unit.

7.1 SICK LEAVE

Sick leave is an authorized absence from work with pay, granted to eligible full-time and ¾-time employees. ~~Sick leave is a privilege, not a right.~~ Employees are to use this paid leave only when they are unable to work for medical reasons and/or under the conditions explained below. Employees are required to exhaust their sick leave balance prior to approval of an unpaid medical leave of absence except in the case of an absence due to a worker's compensation claim or a long-term disability (LTD) claim. Sick leave does not accrue during an unpaid leave of absence.

Full-time employees will earn sick leave at the rate of one (1) day or 8 hours for each month of service and can accumulate up to 120 days or 960 hours at this rate. Beyond 120 days or 960 hours, sick leave will continue to accumulate at a rate of 1/2 day or 4 hours for each month of service.

If at any time the accumulation drops below 120 days or 960 hours the employee will then accumulate one (1) day or 8 hours for each month of service up to 120 days or 960 hours and then continue accumulating 1/2 day or 4 hours for each month of service.

When an employee reaches 120 days or 960 hours or more of accumulated sick leave and the employee utilizes sick leave time, it shall first be withdrawn from the 960 hour portion and not from total accumulated sick leave.

Non-union full-time employees hired after January 1, 2003 will be limited to a maximum accumulation of 1,200 hours of sick leave. Employees covered under collective bargaining agreements should reference their individual agreements for eligibility and maximum accruals.

For the purpose of accruing sick leave only, employees with a date of hire that is on or before the 5th of the month shall be considered to have started employment on the first day of that month. Employees with a date of hire between the 6th and the 21st of the month will receive 4 hours sick leave for that month. Employees with a date of hire on or after the 22nd of the month shall be considered to have started employment on the first of the month following the date of hire.

Employees may use accrued sick leave benefits for an absence due to illness or injury. Sick leave may be granted when the employee is unable to perform work duties due to illness, injury, or disability, the necessity for medical, dental, chiropractic, or psychological care, for child birth or pregnancy disability, maternity or paternity leave, or exposure to contagious disease where such exposure may endanger the health of others.

Accrued sick leave benefits may also be used for absences due to an illness or injury to the employee's child, adult child, sibling, spouse, parent, mother-in-law, father-in-law, stepparent, grandchild, and grandparent ~~in accordance with Minnesota law (Section 181.9413). For the purposes of this policy (7.1 Sick Leave) "child" means a stepchild, biological, adopted, or foster child, either under 18 years of age, or under 20 and still attending secondary school.~~

An employee may utilize accrued sick leave for "safety leave" for reasonable absences for themselves or the following relatives, the employee's: child/adult child, spouse, sibling, parent, stepparent, mother/father-in-law, grandchild, and grandparent. Safety leave is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. ~~Safety leave will be granted in accordance with MN law.~~

An employee's use of accrued sick leave and/or safety leave benefits for an adult child, sibling, parent, stepparent, mother/father-in-law, grandchild, and grandparent are limited to 160 hours of combined time per calendar year (January to December).

Sick leave may also be used following the death of an employee's spouse/domestic partner, child, or step-child, up to a maximum of 40 hours. Sick leave for this purpose must be used consecutively with funeral leave, and must be pre-approved by the Supervisor.

When an employee finds it necessary to be absent from work for any reason, the employee must report the absence to the appropriate supervisor within one (1) hour after the employee's starting time, unless departmental policy requires prior notification. Sick leave may not be approved unless such report has been made.

After an absence, a physician's statement may be required on the employee's first day back to work, indicating the nature of the illness or medical condition and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

Any work restrictions must be stated clearly on a return-to-work form. Employees who have been asked to provide such a statement may not be allowed to return to work until they comply with this provision. Sick leave may be denied for any employee required to provide a doctor's statement until such a statement is provided.

The City has the right to obtain a second medical opinion to determine the validity of an employee's sick leave claim, or to obtain information related to restrictions or an employee's ability to work. The City will arrange and pay for an appropriate medical evaluation when it is required by the City.

~~Only the sick leave records kept by the Finance Department are considered official.~~ Each supervisor is responsible for accurately certifying the sick leave used and obtaining supporting documentation, as required. Supporting documentation will be maintained as a confidential record by Human Resources. Any employee who makes a false claim for sick leave will be subject to disciplinary action, up to and including termination.

Sick leave cannot be transferred from one employee to another.

Upon the death, retirement, resignation or disablement to the extent an employee can no longer work for the City, the employee or his/her estate shall be compensated for unused accumulated sick leave in accordance with the following schedule:

<i>Length of Service</i>	<i>Percent Paid of Unused Accumulated Sick Leave</i>
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< 5 years	0%
> 5 years up to 10 years	20%
> 10 years up to 15 years	30%
> 15 years up to 20 years	40%
> 20 years	50%

Employees that are terminated from the City due to disciplinary actions will not be compensated for any unused accumulated sick leave.

If more than one form of leave applies during the same period of time (e.g., Family and Medical Leave Act may apply during an employee's medical leave), the two leaves will run concurrently until eligibility for either leave expires.

Earned Sick and Safe Time (ESST) Leave Cross-Designation for Full-Time and ¾ Time Employees:
The first 48 hours of paid sick leave a full-time or ¾ time employee uses per calendar year will be cross-designated as earned safe and sick time (ESST) leave.

If you choose to use all of your available paid sick hours for reasons other than those outlined in this policy as ESST eligible hours, you will not be provided with additional ESST hours. While you may use any available sick hours you have for an ESST purpose until ESST has been exhausted, you will not be provided with additional ESST hours once your available ESST hours have been exhausted.

The following provisions apply to ESST-designated leave.

ESST Leave Use

ESST leave may be used as it is accrued. ESST leave may be used in increments of 15-minutes or greater for the following circumstances:

- 1) An employee's own:
 - a. mental or physical illness, injury, or other health condition.
 - b. need for medical diagnosis, care or treatment of a mental or physical illness injury, or health condition.
 - c. need for preventative medical or health care.
- 2) Care of a family member:
 - a. with a mental or physical illness, injury, or other health condition.
 - b. who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or other health condition; or
 - c. who needs preventative medical or health care.
- 3) Absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:
 - a. seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.
 - b. obtain services from a victim services organization.
 - c. obtain psychological or other counseling.
 - d. seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking.
 - e. seek legal advice or take legal action, including preparing for or participating in any civil or criminal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.
- 4) Closure of the employee's workplace due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency.
- 5) The employee's inability to work or telework because the employee is:
 - a. 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
 - b. 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 employer has requested a test or diagnosis; and

6) When it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

For sick and safe leave purposes, the term “family member” means an employee’s:

- spouse or registered domestic partner
- 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 (in the place of a parent)
- sibling, step sibling or foster sibling
- biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in the place of a parent) when the employee was a minor child
- grandchild, foster grandchild or step grandchild
- grandparent or step grandparent
- a child of a sibling of the employee
- a sibling of the parent of the employee or
- a child-in-law or sibling-in-law
- any of the above family members 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 (January 1-December 31) designated by the employee.

ESST leave is paid at the same hourly rate of pay for the shift for which the leave is being used.

ESST Leave--Advance Notice Requirements for Use

If the need for sick leave is foreseeable, the city requires seven (7) days’ advance notice. However, if the need is unforeseeable, employees must provide notice of the need for sick leave as soon as practicable. An employee must provide notice and keep the supervisor informed on a daily basis of the employee’s condition and expected return to work. An employee is expected to report the absence to the appropriate supervisor within one (1) hour after the employee’s starting time, unless departmental policy requires prior notification. If an employee is hospitalized and/or unable to communicate, a spouse or relative may call in on a daily basis and keep the supervisor advised of the employee’s status. Sick leave may not be approved unless such report has been made. An employee on an approved leave of absence (such as an approved FMLA leave) is not required to provide notice on a daily basis.

When an employee uses sick and safe leave for more than three (3) consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). However, if the employee or employee’s family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, sick leave for a qualifying purpose. The city 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.

In accordance with state law, the city will not require an employee using sick and safe leave to find a replacement worker to cover the hours the employee will be absent.

ESST Leave--Benefits and Return to Work Protections

During an employee’s use of ESST leave, an employee will continue to receive the city’s employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off using accrued ESST leave is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay

adjustments that may have occurred during the employee's time off. Seniority during ESST leave absences will continue to accrue as if the employee has been continually employed.

When there is a separation from employment with the city and the employee is rehired again within 180 days of separation, previously accrued ESST leave that had not been used or paid out will be reinstated. An employee is entitled to use and accrue ESST leave at the commencement of reemployment.

ESST Leave--Retaliation Prohibited

The city prohibits retaliation against an employee who requests or uses ESST leave. The city will not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for exercising their rights or remedies protected by law. If an employee has a concern about the application of this policy, the employee should first raise the concern with the immediate supervisor and in accordance with the city's policy titled *Right of Appeal*. An employee has the right to file a complaint or bring civil action if ESST leave is denied by the city or the employee experiences retaliation for requesting or using ESST leave. Further, use of ESST leave will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising rights protected under state law.

Employees will be provided with the notice in the form that follows:



Earned Sick and Safe Time Leave Employee Notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Full-time employees will earn sick leave at the rate of 8 hours for each month of service and can accumulate up to 960 hours at this rate. Beyond 960 hours, sick leave will continue to accumulate at a rate of 4 hours for each month of service. ¾-time employees are entitled to 75% of the sick leave benefits provided to full-time employees. Full-time and ¾-time employees should reference the Sick Leave policy for maximum accrual limits.

A year for purposes of the employee's earned sick and safe time accrual is: the calendar year (January 1 – December 31).

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, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time 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 earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

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.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An

employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three (3) consecutive days.

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, inform the supervisor by phone as far in advance as possible, but at least seven (7) days in advance. In situations where an employee cannot provide advance notice, the employee should contact the supervisor by phone as soon as they know they will be unable to work.

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 or visit the department’s earned sick and safe time webpage at dli.mn.gov/sick-leave.

This document contains important information about your employment. Check the box at the left and submit to Human Resources to receive this information in this language.

Spanish/Español	Este documento contiene información importante sobre su empleo. Marque la casilla a la izquierda para recibir esta información en este idioma.
Hmong/Hmoob	Daim ntawv no muaj cov xov tseem ceeb hais txog thaum koj ua hauj lwj. Khij lub npauv ntawm sab laug yog koj xav tau cov xov tseem ceeb no txhais ua lus Hmoob.
Vietnamese/Việt ngữ	Tài liệu này chứa thông tin quan trọng về việc làm của quý vị. Đánh dấu vào ô bên trái để nhận thông tin này bằng Việt ngữ.
Simp. Chinese/简体中文	本文件包含与您的雇用相关的重要信息。勾选左边的方框将接收以这种语言提供的信息。
Russian/русский	Данный документ содержит важную информацию о вашем трудоустройстве. Отметьте галочкой квадрат слева для получения этой информации на данном языке.
Somali/Soomaali	Dokumentigan waxaa ku qoran macluumaad muhiim ah oo ku saabsan shaqadaada. Calaamadi sanduuqan haddii aad rabto inaad macluumaadkan ku hesho luqaddan.
Laotian/ລາວ	ເອກະສານນີ້ມີຂໍ້ມູນທີ່ສໍາຄັນກ່ຽວກັບການຈ້າງງານຂອງທ່ານ. ກວດເບິ່ງກ່ອງທີ່ຊຸ່ງເບື້ອງຊ້າຍເພື່ອຮັບຂໍ້ມູນນີ້ໃນພາສານີ້.
Korean/한국어	이 문서에는 귀하의 고용 형태에 관련된 중요한 정보가 담겨있습니다. 이 언어로 이 정보를 받기를 원하시면 왼쪽 상자에 체크하여 주세요.
Tagalog/Tagalog	Ang dokumentong ito ay nagtataglay ng mahalagang impormasyon tungkol sa iyong pagtatrabaho. Lagyan ng tsek ang kahon sa kaliwa upang matanggap ang impormasyong ito sa wikang ito.
Oromo/Oromoo	Waraqaan kun waayee hojii keetii odeeffannoo barbaachisoo ta’an qabatee jira. Saaxinnii karaa bitaatti argamu kana irratti mallattoo godhi yoo afaan Kanaan barreeffama argachuu barbaadde.
Amharic/አማርኛ	ይህ ደብዳቤ ለአገልግሎት ለሚሰጡት ለሰፈላጊ መረጃ የያዘ ነው። ይህንን ደብዳቤ በስተግራ በኩል ባለው ቋንቋ ተተርጉሞ ለንዲሰጡት ከፈለጉ በዛው በስተግራ በኩል ባለው ሳጥን ውስጥ ምልክት ያድርጉ።
Karen / ကညီကျိပိ	လံာ်တံလံာ်စိတခါအံလံာ်ယုာ်တုာ်တုာ်ကျိအကါဒိဉ်လံာ်အတုာ်ယုာ်ဒီးနတုာ်မံးတုာ်မနုာ်လံာ်. တံာ်နိဉ်တုာ်ဒါလံာ်အတုာ်တကမလံာ်တုာ်ကဒီးနတုာ်တုာ်ကျိလံာ်ကျိတခါအံလံာ်တက့ာ်.
Arabic/ العربية	يحتوي هذا المستند على معلومات مهمة حول عملك. ضع علامة في المربع على اليمين للحصول على هذه المعلومات في هذه اللغة.

7.2 SICK AND SAFE TIME LEAVE FOR PART-TIME, PAID-ON-CALL, TEMPORARY, AND SEASONAL EMPLOYEES (effective 01/01/2024)

Sick and safe time leave under this policy is paid time off that may be used to care for your own illness, to care for a sick family member, or to seek assistance if you or your family member has experienced domestic abuse.

This policy will be administered in accordance with the Minnesota Earned Sick and Safe Time law.

A. Eligibility and Accrual of Earned Sick and Safe Time Leave

All part-time, paid-on-call, temporary, and seasonal employees are eligible for earned sick and safe time (ESST) leave when at least 80 hours of work are performed in a calendar year (January 1 – December 31). An employee who works at least 80 hours in a calendar year will earn one hour of ESST leave for every 30 hours worked, up to a maximum accrual of 48 hours per calendar year. **Employees begin accruing ESST on their first day of employment. Employees may roll over unused ESST to the next year up to a maximum accrual of 80 ESST hours.** For the purposes of this policy, ESST leave used by an employee does not count towards hours worked.

B. Use of Earned Sick and Safe Time Leave

ESST leave may be used as it is accrued in 15-minute or greater increments.

ESST leave may be used for the following circumstances:

- 1) An employee's:
 - a. mental or physical illness, injury, or other health condition.
 - b. need for medical diagnosis, care or treatment, of your own mental or physical illness.
 - c. need for preventative medical or health care.
- 2) Care of a family member when:
 - a. with a mental or physical illness, injury or other health condition.
 - b. who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or other health condition.
 - c. who needs preventative medical or health care.
- 3) Absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:
 - a. seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.
 - b. obtain services from a victim services organization.
 - c. obtain psychological or other counseling.
 - d. seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking.
- 4) Closure of the employee's workplace due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency.
- 5) The employee's inability to work or telework because the employee is:
 - a. prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency.
 - b. 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 employer has requested a test or diagnosis.
 - c. when it has been determined by the health authorities have jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

C. For Earned Sick and Safe Time Leave purposes, "family member" means an employee's:

- 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 (in the place of a parent).
- spouse or registered domestic partner.
- sibling, stepsibling, or foster sibling.
- biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis (in the place of a parent) when the employee was a minor child.
- grandchild, foster grandchild, or step-grandchild.
- 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 in 1 through 9 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 designed by the employee.

D. Advance Notice for Use of Earned Sick and Safe Time Leave

If the need for ESST is foreseeable, the city requires seven (7) days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for ESST leave as soon as practicable. When an employee uses ESST leave for more than three consecutive days, the city may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records, or related documentation to support safety leave). However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, ESST leave for a qualifying purpose. The city 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.

In accordance with state law, the city will not require an employee using ESST leave time to find a replacement worker to cover the hours the employee will be absent.

E. Carry-over of Earned Sick and Safe Time Leave

Employees are eligible for carry-over of accrued, unused ESST into the following calendar year. The total amount of accrued, unused ESST for an employee shall not exceed 80 hours at any time.

F. Return to Work Protections

An employee returning from time off using accrued ESST leave is entitled to return to their city employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during ESST absences will continue to accrue as if the employee had been continually employed.

When there is a separation from employment with the city and the employee is rehired again within 180 days of separation, previously accrued ESST that had not been used will be reinstated. An employee is entitled to use and accrue ESST at the commencement of reemployment.

G. Retaliation Prohibited

The city prohibits retaliation against an employee who requests or uses ESST leave. The city will not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for exercising their rights or remedies protected by law. If an employee has a concern about the application of this policy, the employee should first raise the concern with the immediate supervisor and in accordance with the city's policy titled *Right of Appeal*. An employee has the right to file a complaint or bring civil action if ESST leave is denied by the city or the employee experiences retaliation for requesting or using ESST leave. Further, use of ESST leave will not be factored into any attendance point system the city may use. Additionally, it is unlawful to report or threaten to report a person or a family member's immigration status for exercising rights protected under state law.

Employees will be provided with the notice in the form that follows:

Earned Sick and Safe Time Leave Employee Notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. All part-time, paid-on-call, temporary, and seasonal employees who work at least 80 hours in a calendar year will earn one hour of earned sick and safe time leave for every 30 hours worked, up to a maximum accrual of 48 hours per calendar year.

A year for purposes of the employee's earned sick and safe time accrual is: the calendar year (January 1 – December 31).

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, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time 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 earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

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.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three (3) consecutive days.

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, inform the supervisor by phone as far in advance as possible, but at least seven (7) days in advance. In situations where an employee cannot provide advance notice, the employee should contact the supervisor by phone as soon as they know they will be unable to work.

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 or visit the department's earned sick and safe time webpage at dli.mn.gov/sick-leave.

