

## Is your earned sick and safe time (ESST) policy compliant?

- Your employees who work in Minnesota for 80 hours in a year qualify for ESST, including part-time, seasonal, temporary and exempt staff.
- You have distributed a required ESST notice (<https://www.dli.mn.gov/posters>) to your employees in English and in their primary language, if not English.
- ESST begins to accrue when an employee begins employment, not after working 80 hours.
- ESST leave is paid at the same hourly rate the employee earns from employment.
- Your employees accrue a minimum of one hour of ESST for every 30 hours worked, up to at least 48 hours annually and up to at least 80 hours of overall total accrued leave.
- At the end of the accrual year, your employees:
  - carry over their unused ESST balance (up to at least 80 hours);
  - receive a payout for their unused ESST balance and receive at least 48 hours front loaded for the next year; or
  - do not receive a payout for their unused ESST balance and receive at least 80 hours front loaded for the next year.
- Your employees can use ESST for all of the reasons outlined by the law, which include:
  - the employee's mental or physical illness, treatment or preventive care;
  - their family member's mental or physical illness, treatment or preventive care;
  - absence due to domestic abuse, sexual assault or stalking of the employee or their family member;
  - closure of the 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 the employee or their family member is at risk of infecting others with a communicable disease.
- Your employees may use ESST for any covered family member (Minn. Stat. 181.9447, Subd. 1).
- Your employees may use ESST in the smallest increment of time tracked by your payroll system and in no case in increments of more than four hours.
- You are keeping record of hours worked and ESST taken by your employees.
- Earnings statements you provide to your employees at the end of each pay period include:
  - the total number of earned sick and safe time hours available for use; and
  - the total number of earned sick and safe time hours used in that pay period.
- You do not require your employees to provide more than seven days of advance notice to use ESST when ESST is used for a foreseeable reason. If you require advance notice to use ESST, you have given your employees a written policy explaining the procedures to provide notice.
- If you require documentation of ESST use, you only require it if your employees have been absent for more than three consecutive days.
- You do not require your employees to seek or find a replacement worker to use ESST.
- You continue to maintain insurance coverage for employees using ESST.

- You keep sensitive information related to an employee's ESST leave confidential (e.g., medical information).
- You do not retaliate in any way against employees for using or seeking to use ESST.

**Questions?** Contact the Labor Standards Division at [esst.dli@state.mn.us](mailto:esst.dli@state.mn.us), 651-284-5075 or visit [dli.mn.gov/sick-leave](http://dli.mn.gov/sick-leave).

This checklist is a tool to help employers make sure their policies meet the requirements of Minnesota's ESST law, which went into effect Jan. 1, 2024. To review the full text of the ESST law, see Minnesota Statutes 181.032 and 181.9445-181.9448.