



THE LUTHERAN CHURCH—MISSOURI SYNOD

# Minnesota South District

*...joyfully serving together in making disciples of Jesus Christ*

## Earned Sick and Safe Time for MN South church and school workers

By Joshua Wagner, MN South Business Manager



### Does Minnesota's new law regarding paid sick and safe time apply to us?

We have received a number of inquiries regarding the law that was recently passed, regarding the provision of Sick and Safe time for employees in Minnesota. In short, yes, this provision will in most cases apply to church and school workers in the Minnesota South District as there is no religious exemption.

### Earned Sick and Safe Time (ESST) summary

"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." ([source](#))

## Eligibility

"An employee is eligible for sick and safe time if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for sick and safe time." ([source](#))

## Noticing Requirements

1. Employers need to provide employees with notice in English and in an [employee's primary language](#) by 1/1/2024 and to new hires. It also needs to be included in the employee handbook if one exists.
2. Employers need to include information about ESST hours available for use and used in the pay period on earnings statements provided to employees.

An [editable template](#) has been provided by the MN DLI. Our customized version looks like [this](#).

## Next steps

You should read the [MN Department of Labor and Industry's ESST page](#) for more detail about rights and responsibilities. If you need more information, their excellent [FAQ](#) addresses many situational issues. Reference: [Minnesota Statute on ESST](#)

## Local ordinances

Local ESST ordinances already exist in the cities of Bloomington, Duluth, Minneapolis and St. Paul so make sure follow the most protective law that applies to your employees.



THE LUTHERAN CHURCH—MISSOURI SYNOD

# Minnesota South District

...joyfully serving together in making disciples of Jesus Christ

## Earned sick and safe time (ESST) - required notice

Employee are entitled to Earned Sick and Safe Time (ESST), a form of paid leave, mandated under MN Statute § 181.9447, subdivision 9. **Employees accrue 1 hour of ESST for every 30 hours they work, up to 48 hours in a calendar year.** ESST begins accruing on the first day of work. Unused ESST rolls into the following year up to a maximum accrual of 80 hours.

The ESST hours the employee has available, as well as those that have been used in the most recent pay period, are indicated on the earnings statement you receive at the end of each pay period. ESST is paid at the same hourly rate you earn from employment. You are not required to seek or find a replacement for your shift in order to use ESST. You may use ESST for all or part of a shift, depending on your need.

ESST 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 your employer

You should provide 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. You may be required to provide certain documentation regarding the reason for your use of earned sick and safe time if it is for more than three consecutive days.

If you plan in advance to use ESST for an appointment, preventive care, or another permissible reason, inform *Joshua Wagner, MN South Business Manager* (612-433-1183 | [joshua.wagner@mnsdistrict.org](mailto:joshua.wagner@mnsdistrict.org)) 7 days in advance, where possible. You may be required to provide certain documentation regarding the reason for your use of ESST if it is for more than 3 consecutive days. In situations where you cannot provide advance notice, you should provide notice as soon as you know that you will be unable to work.

## Retaliation, and your right to file complaint

It is against the law, and the MN South District will not retaliate, or to take negative action, against an employee for using or requesting ESST or otherwise exercising their ESST rights under the law. If an employee believes they have been retaliated against or improperly denied ESST, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for ESST 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 [dli.mn.gov/sick-leave](http://dli.mn.gov/sick-leave).



# Earned sick and safe time as of Jan. 1, 2024

## WHAT IS SICK AND SAFE TIME?

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.



## WHO IS ELIGIBLE?

An employee is eligible for sick and safe time if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for sick and safe time. Sick and safe time requirements will not apply to building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.

## HOW MUCH LEAVE CAN EMPLOYEES EARN?

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

## AT WHAT RATE MUST THE LEAVE BE PAID?

Sick and safe time must be paid at the same hourly rate an employee earns when they are working.

## WHAT CAN THE LEAVE BE USED FOR?

Employees can use their earned sick and safe time for reasons such as:

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive 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 closure of a 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 family member is at risk of infecting others with a communicable disease.

## WHICH FAMILY MEMBERS ARE INCLUDED?

Employees may use earned sick and safe time for their following family members:

1. their child, including 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 place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members listed in 1 through 9 above of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

# Earned sick and safe time as of Jan. 1, 2024

## WHAT ADDITIONAL SICK AND SAFE TIME RESPONSIBILITIES DO EMPLOYERS HAVE?

In addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:

- include the total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used, on earnings statements provided to employees at the end of each pay period;
- provide employees with a notice by Jan. 1, 2024 — or at the start of employment, whichever is later — in English and in an employee’s primary language if that is not English, informing them about earned sick and safe time; and
- include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

The Minnesota Department of Labor and Industry will prepare a uniform employee notice that employers can use and will make it available in the five most common languages spoken in Minnesota.

## CURRENT SICK AND SAFE TIME LOCAL ORDINANCES

Earned sick and safe time local ordinances already exist in the cities of Bloomington, Duluth, Minneapolis and St. Paul, Minnesota. When Minnesota’s statewide earned sick and safe time law goes into effect Jan. 1, 2024, employers must follow the most protective law that applies to their employees.



**Sick time**  
For physical or  
mental health  
conditions, illness  
or injury



**Safe time**  
To address domestic  
abuse, sexual assault  
or stalking



Labor Standards • 443 Lafayette Road N. • St. Paul, MN 55155  
651-284-5075 • 800-342-5354 • [dli.mn.gov](http://dli.mn.gov) • [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us)

Notice: This is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for Minnesota Statutes regarding earned sick and safe leave.