

EARNED SICK AND SAFE TIME (ESST) EMPLOYEE NOTICE

Employees in Minnesota are entitled to earned sick and safe time (ESST), a form of paid leave.

Employees who work 80 or more hours during the course of the fiscal year are eligible to accrue at least one hour of ESST for every 30 hours they work. Currently, most employees who work more than 20 hours per week earn sufficient sick leave through their collective bargaining or independent agreements to meet the language of this revised law. Employees who currently work 20 hours or less per week during the school year will begin to accrue ESST at a rate of 1 hour for every 30 hours worked. A year, for purposes of the employee's earned sick and safe time accrual, is: July 1 through June 30, the district's fiscal year. ESST accrual and usage is limited to the maximum accruals permitted by law.

The ESST 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 they receive at the end of each pay period. The district is currently working with Skyward, our employee payroll software vendor, to make the necessary changes to the software. These changes will provide the necessary information on employee checks viewed through the Employee Access application. ESST 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 ESST.

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

The district requires 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 ESST. The district also requires employees to provide certain documentation regarding the reason for their use of ESST if they use it for more than three consecutive days.

If an employee plans to use ESST for an appointment, preventive care or another permissible reason they know of in advance, employees must inform their immediate supervisor by email. They must also follow current absenteeism protocols by recording the absence in the appropriate systems (Absence Management and/or Skyward) as far in advance as possible, but at least seven days in advance. In situations where an employee cannot provide advance notice, the employee should contact their immediate supervisor and building/program administrative assistant by email, and follow current absenteeism protocols by recording the absence in the appropriate systems (Absence Management and/or Skyward), as soon as they know they will be unable to work. Employees must use the ESST reason code in Absence Management and Skyward when recording the absence in these systems.

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 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 their union representative, district administration (human resources), or 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 or visit the department's ESST webpage at dli.mn.gov/sick-leave.

If you need this document translated in a language other than those provided, please contact lbrandecker@sspps.org.