

A decorative graphic on the left side of the slide, consisting of a network of thin, light-colored lines and small circles, resembling a circuit board or a stylized tree structure.

# **EARNED SAFE AND SICK TIME (ESST)**

**EFFECTIVE JANUARY 1, 2024**

# WHAT IS EARNED SAFE AND SICK TIME (ESST)?

- **Minnesota's new ESST law requires employers to provide paid leave (ESST) to employees who work at least 80 hours in a year within the state. This includes temporary and part-time employees.**
- **ESST is effective January 1, 2024, per Minnesota legislation.**
- **Employers must provide each eligible employee with one hour of ESST for every 30 hours worked, with the ability to accumulate at least 48 hours of ESST each year up to max accrual of 80 hours.**
- **An employer's existing leave policy may already meet Minnesota's ESST requirements.**
- **Due to the GSL current leave policies meeting ESST requirements, employees who receive paid time off will not receive any additional earned time from what is already provided per master agreement/contract language. ESST accrual will be earned from current sick accrual.**
- **Staff that were previously not offered paid time off will be eligible for ESST if they work more than 80 hours per year.**

# WHAT CAN EARNED SAFE AND SICK TIME BE USED FOR?

- **Employees mental or physical illness, treatment or preventive care.**
- **A family members mental or physical illness, treatment or preventive care.**
- **Absence due to domestic abuse, sexual assault or stalking of the employee or 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.**
- **When a health authority or health care professional determines that the employee or a family member is at risk of infecting others with a communicable disease.**



# **FOR WHICH FAMILY MEMBERS CAN AN EMPLOYEE USE ESST?**

- **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)**
- **Spouse or registered domestic partner**
- **Siblings, 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 step-grandchild**
- **Grandparent, step-grandparent**

## **CONTINUED.....**

- **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 (all of the above) of an employee's spouse or registered domestic partner**
- **Any other individual related by blood or whose close associations with the employee is the equivalent of the a family relationship**
- **Up to one individual annually designated by the employee *who is outside relative or close association.***

# WHO IS NOT COVERED BY MINNESOTA ESST LAW?

- **Employees working less than 80 hours per year.**
- **Employees conducting piece work (activity workers, coaches, etc.)**
- **Federal employees and independent contractors**
- **Individuals employed by an air carrier as a flight deck or cabin crew**
- **Building and construction industry employees who are represented by trades labor if a valid waiver is provided in a collective bargaining agreement**

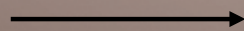
# WHAT IS A “YEAR”?

- **A year means any consecutive 12 months of time as determined by the employer.**
- **Public schools use a fiscal year. So, the accrual will be based on July 1 – June 30<sup>th</sup>.**
- **The law is effective January 1, 2024 and therefore GSL will be setting up a prorated 6 month window to meet the law requirements until the new fiscal year begins and full accrual per year can take place.**

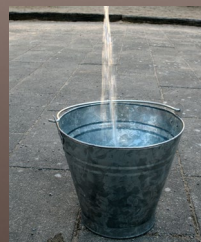


# WHAT WILL CHANGE?

- The biggest change will be for non-contracted employees that were previously ineligible for paid sick time who will now qualify if they work at least 80 hours per year. Previously ineligible employees include Substitute Teachers, Substitute Paraprofessionals and Community Ed or Field House workers.
- GSL's existing leave policies for contracted staff currently meets MN ESST requirements however it is recommended that ESST and current leave balances be tracked in separate plans starting January 1, 2024.
- This means there will not be much change for teachers, para's and those that have already received sick time benefits in their contracts, other than a new time off "bucket" for ESST to be used and tracked. Current master agreement language of leave of absence continues. This includes FMLA.



**BUCKET ONE – ESSTMNHS Time Off Plan.**



**BUCKET TWO – SICK TIME**



# **PAYROLL NIGHTMARE.....**

## **WORK IN PROGRESS - PATIENCE APPRECIATED**



- **This has created a bit of a nightmare for payroll and it will take some time to create and figure out a good workflow.**

**It is expected that manual adjustments may need to take place for items such as:**

- **Accruals that need to be frontloaded.**
- **Accruals that need to be adjusted for staff that have been on leave, worked part-time hours**
- **Accruals that are maxed out for ESST or Sick plan balance**
- **Accruals that need to be adjusted due to staff having different accrual/max balance rules**

**Current Sick Day Accrual Rates and Limits**

**12 month staff = 1.25 days per month up to 120 days (July-June) = 15 days per FY**

**10 month staff = 1.20 days per month up to 95 days (August-May) = 12 days per FY**

**9 month staff = 1.23 days per month up to 90 days (September-May) = 11 days per FY**

- **Contract language review is taking place. New ESST law may require the addition of MOU's or Agreements to be updated.**

# HOW WILL ESST ACCRUE AND THE USE BE TRACKED?

- **ESST accrual begins January 1, 2024 or on employees 1<sup>st</sup> day of employment after January 1, 2024.**
- **Contracted employees that earn 15 days of sick time on July 1<sup>st</sup> will have ESST hours applied to new ESSTMNHRs Time Off Plan with SICK DAY balance being reduced to reflect the accrual to ESSTMNHRs Time Off Plan. FY25 contracted employees will have 48 hours of ESST front loaded from FY25 Sick accrual or to a max of 80 hours in ESSTMNHRs Time Off Plan.**
- **Hourly Staff will accrue 1 hour of ESST for every 30 hours worked. Accrual will be calculated and applied to new ESSTMNHRs Time Off Plan as each pay period is processed along with SICK DAY balance being reduced to reflect the accrual to ESSTMNHRs Time Off Plan each pay period.**
- **ESST does not accrue when the employee is not working. No ESST time is accrued on use of ESST, vacation days, sick days, personal days, paid holidays, etc.**
- **ESST balance available will be shown on your paystub and in SMARTeR/ESS.**
- **All leave requests will continue to be entered in AESOP or via manual timecard for staff that do not use TimeClock+.**
- **It is up to the employee to indicate which time off plan balance to be used for their absences.**

# EXAMPLES FOR USE.....

- *Closure of workplace due to weather if the day will not be made up.*
  - *Hourly staff can request ESST to be used for the day.*
- *Nephew/Niece needs assistance at home after being discharged from hospital.*
  - *Staff may use ESST for this absence. If no ESST balance, Personal Time could be used.*





**TO VIEW ESST LAW PLEASE VISIT MN DEPT OF LABOR & INDUSTRY**  
**[HTTPS://WWW.DLI.MN.GOV/SICK-LEAVE](https://www.dli.mn.gov/sick-leave)**