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December 28, 2023

To the Byron Staff

I am writing to give you information that constitutes as the required Employee Earned Sick and Safe Time (ESST) Notice. Starting on January 1, 2024, all employees in Minnesota are entitled to earn sick and safe time, which is a form of paid leave. Employees must accrue at least one hour of ESST for every 30 hours they work, up to a maximum of 48 hours in a year and a year for Byron Public School employees is July 1 through June 30.

Some of the components of this new law include the ESST hours the employee has available must be indicated on the employee's earnings statement that they receive at the end of each pay period. 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. They may use ESST for all or part of a shift, depending on their need. Because ESST can only be given in hours, this time and all sick leave may now be taken in one hour increments.

Employees can use their ESST for the following purposes.

- 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.

Employees will be required to provide **three** days advance notice to use ESST that is planned. If ESST is used for more than three consecutive days, the employee may be required to provide documentation of the reason for the absence. ESST that is not planned must be reported as soon as possible. Employees will continue to use the processes for reporting absences on AESOP and will see the regular sick time categories to choose as well as a category named "Sick Leave - ESST", which will be added to the drop down menu.

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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 (MN Statute 181.9445, 181,9446, 181.9447, 181.9448). If an employee believes they have been retaliated against or improperly denied ESST, they can file a complaint with the MIN Department of Labor and Industry. They can also file a civil action in court for ESST violations. For more information, contact the MN Department of Labor and Industry's Labor Standards Division via phone at 651-284-5075 or dli.laborstandars@state.mn.us or visit the department's ESST webpage at dli.mn.gov/sick-leave.

HOW THIS PERTAINS TO BYRON EMPLOYEES:

For most employees in our district, sick time is already given which covers much of what ESST is meant to cover. However, ESST does provide slightly more flexibility in the reasons for using sick time. Because we do supply sick time, ESST is NOT additional sick time. Sick time will be placed into two categories: sick days and ESST. For our full time employees on the BEA, Principals, and Director/Manager's agreements, 48 hours of the 2023-24 school year's sick time will be moved to the ESST category unless you do not have 48 hours left due to previous absences. In which case, the remaining hours of your sick leave this year will be moved to the ESST category. On July 1, 2024 sick time will be loaded into the system for the 2024-25 school year. Depending on how many hours of ESST time has been used, up to 48 hours of sick time will be placed in the ESST category (due to an 80 hour max in the ESST category) and the remaining hours will be placed in the sick time category. This will be the same for each of the following years. ESST time can only be taken during the days that you are scheduled to work meaning that if you are not scheduled to work in July, you cannot put in for ESST hours.

For staff on the Paraprofessional, Support Staff, and Bus Driver contracts who presently accrue 1.5 days of sick time per month, you will continue to accrue time at the same rate. However, from January through May, your time accrued will be placed in the ESST category. On July 1, 2024 sick time will be loaded into the system for the 2024-25 school year. Depending on how many hours of ESST time has been used, up to 48 hours of sick time will be placed in the ESST category (due to an 80 hour max in the ESST category) and the remaining hours will be placed in the sick time category. Therefore, this will eliminate the monthly accrual of hours. This will be the same for each of the following years. Please note: ESST time can only be taken during the days that you are scheduled to work.

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For all other hourly employees that are less than full time, you will accrue 1 hour of ESST time for every 30 hours worked up to a max of 48 hours per year.

NOTE: All sick leave will be converted from days to hours in SMART and on paystubs. Employment agreements will be changed to reflect hours instead of days.

Here are some FAQ's for you:

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.

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.

WHICH FAMILY MEMBERS ARE INCLUDED?
Employees may use ESST 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 stepgrandchild;

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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.

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 ESST hours accrued and available for use, as well as the total number of ESST hours used, on earnings statements provided to employees at the end of each pay period. Byron Public Schools will be working with our payroll company to get this up and running ASAP.
● 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 ESST (this letter constitutes as this notice); and
● include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

Byron staff, I am sure there will be questions as we move forward that we will all have to work through. I thank you in advance for your patience and understanding ahead of time. Please note that ESST allows for more flexible reasons to use sick time but it does NOT add more sick time to the hours that are already given each year. Please note: we will only be posting subs for staff whose absence is 4 hours or more. Absences less than 4 hours will need to be covered internally.

Happy New Year!

Dr. Mike Neubeck
Superintendent

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