



December 21, 2023

Minnesota's New Earned Sick and Safe Time Law

Student Employee

MINNESOTA STATE

Earned Sick and Safe Time (ESST)

- What is Sick and Safe Time?
- Who is Eligible and How Much Leave Can They Earn?
- What Can the Leave Be Used For?
- Which Family Members Are Included?
- What Additional Sick and Safe Time Responsibilities Do Employers Have?
- At What Rate Must The Leave Be Paid?
- Additional information
- Q & A

What is Sick and Safe Time?

- [Minnesota Session Laws 2023, Chapter 53, Article 12](#)
- Effective January 1, 2024
- Paid Leave
- Employers must provide notice to all employees including student employees by January 1, 2024 and, if applicable, update student employee handbook
- Earnings statement to student employees must disclose earned and sick hours accrued and available for use and total numbers of hours used during pay period

Who is Eligible and How Much Leave Can They Earn?

- Student employees who work at least 80 hours in a year
- Earns one hour for every 30 hours worked and can earn a maximum of 48 hours in a year
- A year is measured as fiscal year for Minnesota State employees including student employees
- Can carry over accrued hours to following year for a maximum of 80 hours

What Can Leave Be Used For?

- Student employee's mental or physical illness, treatment or preventive care
- A family member's mental or physical illness, treatment or preventive care
- Absence related to domestic abuse, sexual assault, or stalking of employee or a family member
- Closure of employee's workplace due to weather or public emergency
- Inability to work due to communicable disease

Which Family Members Are Included?

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

- Child (*including stepchild*), 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
- Spouse or registered domestic partner
- Sibling, 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 or step-grandparent
- A child of a sibling of the employee (e.g. *niece*)
- A sibling of the parents of the employee, or (e.g. *uncle*)
- A child-in-law or sibling-in-law (e.g. *daughter-in-law*)



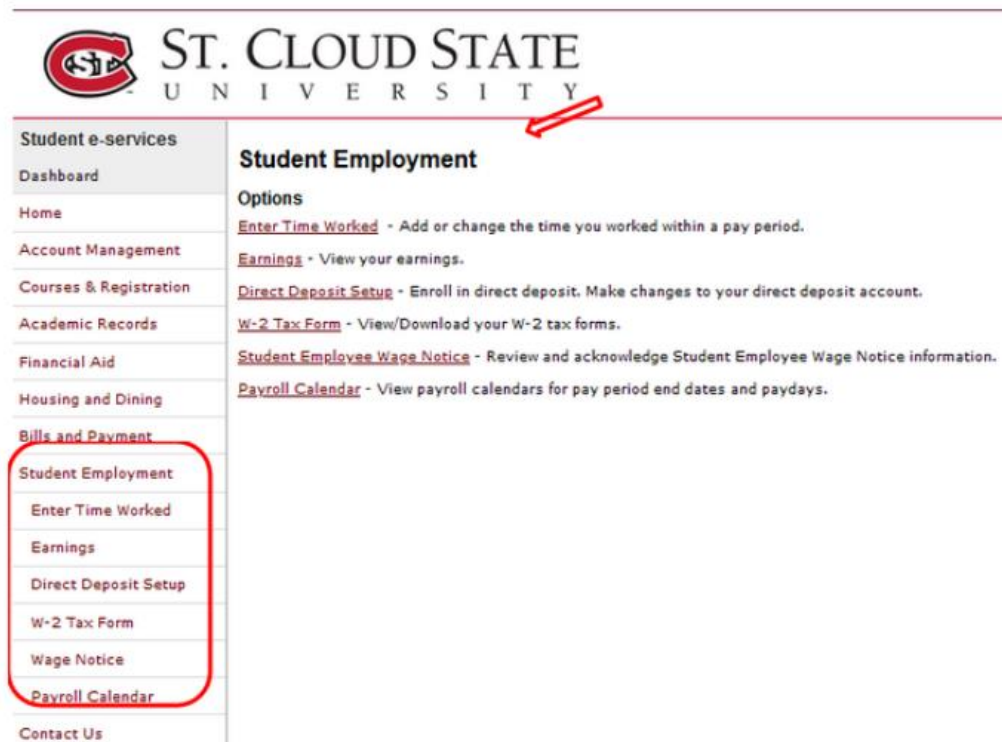
What Additional Sick and Safe Time Responsibilities Do Employers Have?

- Provide student employees with a notice by January 1, 2024, and a notice to new hire upon hiring date
 - Broadcast to student employees by email
 - Train supervisors to share information with current and new student employees
- Notice must be in English and the primary language upon request by a student employee
- Employers are encouraged to display posters regarding ESST. The Department of Labor and Industry (DOLI) has posters available. <https://www.dli.mn.gov/posters>
- Notice will post on Student Employment website



Earned Sick and Safe Time Notice Requirements

- The required notice for Minnesota State student employees will be available on the landing page for Student Employment. For example:



At What Rate Must the Leave Be Paid and From What Source?

- Same hourly rate a student employee earns when they are working
- Contracted student employees will be determined by campus on the amount paid divided by hour, and the hourly rate must exceed minimum wage
- State and Federal work study funds cannot be used to pay for sick leave
- Paid leave is charged to institutional funds and the expense coded to object code 0911 (Student Salary – ESST)

Additional Information

- Student employees who transfer within Minnesota State colleges and Universities retain all accrued sick leave time
- Reinstate accrued sick and safe time if return to employer within 180 days of separation
- Unused paid leave is not required to be paid out

Student Employee Notice to Use Sick Leave

- Foreseeable leave - employees must provide advance notice of need for leave
- Unforeseeable leave: employees must provide notice of need for leave as soon as practicable
- Notice can be by phone or email or written statement

What is Reasonable Sick Leave Documentation?

- When an employee uses accrued sick leave hours for more than 3 consecutive days, employer may require reasonable documentation
 - **Up to one individual annually designated by the employee**
 - To be documented at the time of the initial sick leave request and will remain in effect until the end of the FY
 - A form and/or correspondence is considered confidential and should be treated, recorded and stored as private documentation in the HR office for employees and the equivalent office designation for student employees.
 - NOTE: Employees/student employees are NOT required to disclose such information to their supervisor.
- **Do not require** disclosure of details relating to domestic abuse, sexual assault, or stalking
- **Do not require** the details of an employee's or an employee's family member's medical condition
- Written statements by an employee may be written in the employee's first language and need not be notarized or in any particular format



Reasonable Sick Leave Documentation

Sick leave used for -

- The employee's illness, injury, or medical appointment,
- Care of a family member with an illness, injury, or medical appointment,
- The employee's communicable disease, or
- Care of a family member because of a communicable disease

Reasonable documentation may include -

Signed statement by a health care professional, ***or*** ***written statement from the employee*** indicating the employee is using sick leave for a qualifying purpose

Reasonable Sick Leave Documentation

Sick leave used for -

- Safety leave due to domestic abuse, sexual assault, or stalking of the employee or employee's family member

Reasonable documentation includes -

An employer must accept a court record or documentation signed by a volunteer or employee of a victims' services organization, an attorney, a police officer, or an anti-violence counselor

Reasonable Sick Leave Documentation

Sick leave used for -

- An employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency

Reasonable documentation includes -

An employer must accept as reasonable documentation a ***written statement from the employee*** indicating that the employee is using or used sick leave for a qualifying purpose

Sick Leave Requests and Use - Retaliation is Prohibited

Retaliation is prohibited because an employee has -

- Requested sick leave
- Used sick leave
- Requested a statement of accrued sick leave
- Informed another person of their rights
- Made a complaint/filed an action
- Participated in any manner in an investigation, proceeding, or hearing

It shall be unlawful to count earned sick and safe time taken under this act as an absence that may lead to or result in retaliation or any other adverse action



Abuse Use of Sick Leave

- Abuse of sick leave is the use of sick leave by a student employee for a reason *other than* those authorized by the law
- Abuse of sick leave may be subject to discipline, up to and including discharge
 - Student Employee Handbook
 - Student Code of Conduct

ESST Resources

Minnesota Department of Labor and Industry (DOLI)

<https://dli.mn.gov/sick-leave>

Minnesota Management and Budget - #1337 Sick Leave Policy

<https://mn.gov/mmb/employee-relations/laws-policies-and-rules/statewide-hr-policies/>

Leave Policies

- [HR/LR Policy and Procedure #1385 Medical Leaves of Absence \(LOA\) - unpaid; paid leave balances and separation](#)
- [HR/LR Policy #1337 Sick Leave](#)
- [HR/LR Policy and Procedure #1424 Time Off to Attend Criminal Court Proceedings](#)
- [General Memo 2015-6 Leave to Seek a Harassment Restraining Order of an Order for Protection](#)
- [HR/LR Policy #1435 Paid Parental Leave](#)
- [General Memo 2016-1 Paid Parental Leave: Frequently Asked Questions](#)
- [General Memo 2015-1 Vacation Leave at Separation](#)
- [General Memo 2022-1 Well at Work](#)



Questions?

