

Is your earned sick and safe time (ESST) policy compliant?

- Your employees who work in Minnesota for 80 hours in a year qualify for ESST, including part-time, seasonal, temporary and exempt staff.
- An ESST notice has been provided to your employees in English and in their primary language, if not English.
- ESST begins to accrue when an employee begins employment, not after working 80 hours.
- ESST is paid at the same hourly rate the employee earns from employment.
- Your employees accrue a minimum of one hour of ESST for every 30 hours worked, up to at least 48 hours annually and up to at least 80 hours of overall total accrued leave.
- At the end of the accrual year, your employees carry over or are paid out unused ESST hours, depending on how you have chosen to provide ESST hours (see Minnesota Statutes § 181.9446).
- Your employees can use ESST for all of the reasons outlined by the law, 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, sexual assault or stalking (see Minn. Stat. § 181.9447, subdivision 1).
- Your employees may use ESST for any covered family member (see Minn. Stat. § 181.9445, subd. 7).
- Your employees may use ESST in the smallest increment of time tracked by your payroll system and in no case in increments of more than four hours.
- You keep record of hours worked and ESST taken by your employees.
- Earnings statements you provide to your employees at the end of each pay period include:
 - the total number of earned sick and safe time hours available for use; and
 - the total number of earned sick and safe time hours used in that pay period.
- Your employees have been given a written policy explaining the procedures to provide notice to use ESST which reflects that no more than seven days of advance notice can be required for foreseeable ESST uses.
- You only require written documentation from your employees to use ESST if they have been absent more than two consecutive days.
- You do not require your employees to seek or find a replacement worker to use ESST.
- You continue to maintain health insurance coverage for employees using ESST.
- You keep sensitive information related to an employee's ESST leave confidential (e.g., medical information).
- You do not retaliate in any way against employees for using or seeking to use ESST.

Questions? Contact the Labor Standards Division at esst.dli@state.mn.us, 651-284-5075 or visit dli.mn.gov/sick-leave.

This checklist is a tool to help employers determine whether their policies meet the requirements of Minnesota's ESST law, which went into effect Jan. 1, 2024. To review the full text of the ESST law, see Minn. Stat. §§ 181.032 and 181.9445-181.9448.