



# Earned sick and safe time: What Minnesota workers and employers need to know

Labor Standards Division  
Wednesday, Feb. 11, 2026

# Labor and Industry business areas

- Apprenticeship Minnesota
- Construction Codes and Licensing Division
- Labor Standards
- Minnesota OSHA (MNOSHA) Compliance
- MNOSHA Workplace Safety Consultation
- Projects and planning
- Workers' Compensation Division



# Labor standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Other laws related to employment, wages, conditions, hours.



# Labor standards, wage and hour agencies in Minnesota

## Minnesota Department of Labor and Industry, Labor Standards

- [dli.mn.gov](http://dli.mn.gov)
- 651-284-5075

## U.S. Department of Labor, Wage and Hour Division

- [dol.gov/whd](http://dol.gov/whd)
- 612-370-3341

## Minnesota Attorney General's Office

- [ag.state.mn.us](http://ag.state.mn.us)
- 651-296-3353

## St. Paul, Labor Standards Enforcement and Education Division

- [St. Paul Labor Standards page](#)
- 651-266-8900

## Minneapolis, Labor Standards Enforcement Division

- [Minneapolis Labor Standards page](#)
- 612-673-3012

# Think about it (1 of 5)

Test question: Is today Wednesday?



# Agenda

- Earned sick and safe time(ESST) presentation
  - Pete Nikolai, ESST program administrator
  - Melissa Parra-Huizar, education and engagement specialist
- Q&A





# ESST overview

Effective Jan. 1, 2024,  
Minnesota's ESST law requires  
employers to provide paid  
leave to employees.



# What is sick and safe time?

Sick and safe time is paid time off from work that eligible employees in Minnesota can use for certain reasons, including:

- 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;
- Bereavement leave;
- 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 a family member is at risk of infecting others with a communicable disease.

Articles 12-14 of SF3035



# Think about it (2 of 5)

- Would an employee be allowed to use earned sick and safe time to care for their spouse's great aunt who is ill?

# Which family members are included?

- 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);
- their spouse or registered domestic partner;
- their sibling, stepsibling or foster sibling;
- 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;
- their grandchild, foster grandchild or step-grandchild;
- their grandparent or step-grandparent;
- a 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 listed in 1 through 9 above of an employee's spouse or registered domestic partner;
- any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
- up to one individual annually designated by the employee.

# Who is eligible for ESST?

An employee is eligible for sick and safe time if they:

- are anticipated to work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

# Who is not covered by Minnesota's ESST law?

- Federal employees.
- Volunteer and paid-on-call firefighters.
- Volunteer ambulance attendants and ambulance service personnel who serve in a paid on-call position.
- Elected officials or a person appointed to fill a vacancy to elected office.
- An individual employed by a farmer, family farm or family farm corporation to do physical labor or manage the farm, if they are hired to work for 28 days or less each year.
- Building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.
- Certain family caregivers who have waived their rights to ESST.

# Think about it (3 of 5)

- Do both full and part time employees get 48 hours of ESST every year?

# How much sick and safe time can employees earn?

An employee earns **one hour of sick and safe time for every 30 hours** worked and can earn **up to at least 48 hours each year** unless the employer agrees to a higher amount.

Employees can carry over unused ESST into the next year **up to 80 hours**.



**How does carryover work?**

# Example

Week #	hours available from 2024	# of hours worked per week	hours accrued in 2025	TOTAL available hours (available from 2024 + accrual from 2025)
Week 23	48	40	30.67	78.67
Week 24	48	40	<b>32.00</b>	<b>80.00</b>
Week 25	48	40	32.00	80.00
Week 26	48	40	32.00	80.00
Week 27	48	40	32.00	80.00
Week 28	28	<b>20</b>	32.67	60.67
Week 29	28	40	34.00	62.00
Week 30	28	40	35.33	63.33
Week 31	28	40	36.67	64.67
Week 32	28	40	38.00	66.00
Week 33	28	40	39.33	67.33
Week 34	28	40	40.67	68.67
Week 35	28	40	42.00	70.00
Week 36	28	40	43.33	71.33
Week 37	28	40	44.67	72.67
Week 38	28	40	46.00	74.00
Week 39	28	40	47.33	75.33
Week 40	28	40	<b>48.00</b>	<b>76.00</b>
Week 41	28	40	48.00	76.00

# Front loading in lieu of ongoing accruals with carryover

## **Option 2. Front loading with pay out and no carryover:**

- A minimum of **48 hours** of ESST is provided to an employee and made available for immediate use at the start of each year; and
- Unused ESST hours are paid out at the end of the accrual year at the employee's hourly rate.

## **Option 3. Front loading with no pay out and no carryover:**

- A minimum of **80 hours** of ESST is provided to an employee and made available for immediate use at the start of each year; and
- the ESST hours the employee did not use are not paid out at the end of the accrual year.

# Rate of pay

- Employers must provide employees who use ESST with pay equal to the base rate the employee earns from employment.
- Employees must be paid at least the highest applicable minimum wage (local, state or federal).

The base rate does not include:

- commissions;
- shift differentials;
- overtime;
- extra pay for working weekends, holidays or scheduled days off;
- bonuses; and
- tips or gratuities.

# Think about it (4 of 5)

Can an employer require advance notice before an employee uses earned sick and safe time?

# Other key details

- Notice of use:
  - Foreseeable: Up to seven-day notice
  - Unforeseeable: Notify as soon as reasonably required by the employer
- Documentation:
  - Employers can require reasonable documentation when the employee has used ESST for **more than** two consecutive scheduled days
- Replacement workers:
  - Employers are prohibited from making employees find replacement workers as a condition of using ESST.





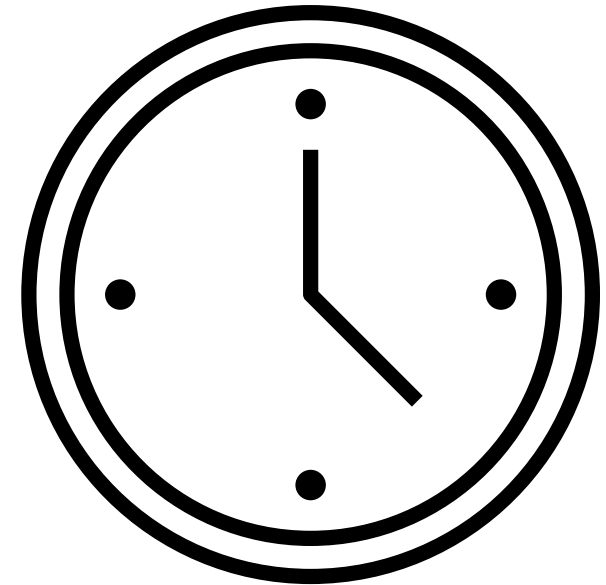
# Think about it (5 of 5)

Can an employee who is paid by the day take a half day of earned sick and safe time?

# Increment of ESST use

Employees may use ESST in the same increments of time as they are paid, except employers:

- Are not required to allow leave in increments smaller than 15 minutes.
  - For example, if an employee would like to use 3:07 of ESST, the employer may require 3:15 of ESST be used.
- Cannot require employees to use more than four hours of ESST at once.



# Employer responsibilities: Notice to employees

By date of hire, employers must provide the ESST notice to employees in a manner that is at least as effective as one of these options:

- posting a copy of the notice at each location where employees perform work;
- providing a paper or electronic copy of the notice to all employees; or
- posting the notice on a web-based or app-based platform that employees use to perform work.

This notice needs to be provided to employees in English and the primary language of the employee. DLI currently has the sample ESST notice available in 22 languages and employers can request translation in additional languages as needed at no cost.

# Employer responsibilities: Documenting ESST hours

At the end of each pay period employers must provide employees with:

1. the total number of ESST hours available for the employee to use; and
2. the total number of ESST hours that the employee used during that pay period.

Employers can choose how to provide this information, such as on an earnings statement or through an electronic system, including their company's online portal, timekeeping software or other accessible systems. If the information is provided electronically, employers must ensure that employees have access to a computer during their regular working hours to review and print their sick and safe time details.

In addition, employers are required to keep record of hours worked as well as other information and must retain these records for three years.

# Retaliation prohibited

- **Generally:** An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce or otherwise retaliate or discriminate against a person because the person has exercised/attempted use of ESST or made a complaint/filed an action related to enforcement of ESST.
- **Absence control policies/attendance points:** It shall be unlawful for an employer's absence control policy or attendance point system to count ESST taken under this act as an absence that may lead to or result in retaliation or any other adverse action.
- **Citizenship/immigration status:** It shall be unlawful for an employer or any other person to report or threaten to report the actual or suspected citizenship or immigration status of a person or their family member to a federal, state or local agency for exercising or attempting to exercise any right protected under this act.

# ESST application to other paid time off (Jan. 1, 2025)

- If an employer provides employees with paid time off (PTO) that is more than the amount required under the ESST law for absences due to personal illness or injury, the additional PTO must meet the same requirements as the ESST hours, other than the ESST accrual requirements.
  - For example, if an employee receives 50 hours of PTO in addition to the minimum requirement of 48 ESST hours per year, the employer must follow the ESST requirements about notice, documentation, anti-retaliation, replacement workers and more for the PTO hours in addition to the ESST hours.
- Employers can still apply their notice and documentation requirements that were in effect as of Dec. 31, 2023, when employees use PTO accrued on or before that date. However, employers cannot require employees to use PTO accrued on or after Jan. 1, 2024, before using PTO accrued before that date.



# Remedies for ESST violations

- Employers may be liable for the amount of ESST that should have been provided or could have used, plus an equal amount as liquidated damages.
- If the exact ESST hours owed is unclear, employers are liable for 48 hours each year ESST was not provided, plus an equal amount as liquidated damages.

# Learn more

- Stay up to date with the Labor Standards by signing up for the “Wage and Hour Bulletin.”
- To sign up, visit [dli.mn.gov/bulletin](https://dli.mn.gov/bulletin) or scan the QR code.



Wage and Hour Bulletin



# Resources

- DLI's ESST page: [sickleave.mn.gov](https://sickleave.mn.gov)
  - FAQs, sample employee notice, fact sheet, workplace poster, informational videos
- Call Labor Standards at 651-284-5075 or email [esst.dli@state.mn.us](mailto:esst.dli@state.mn.us)

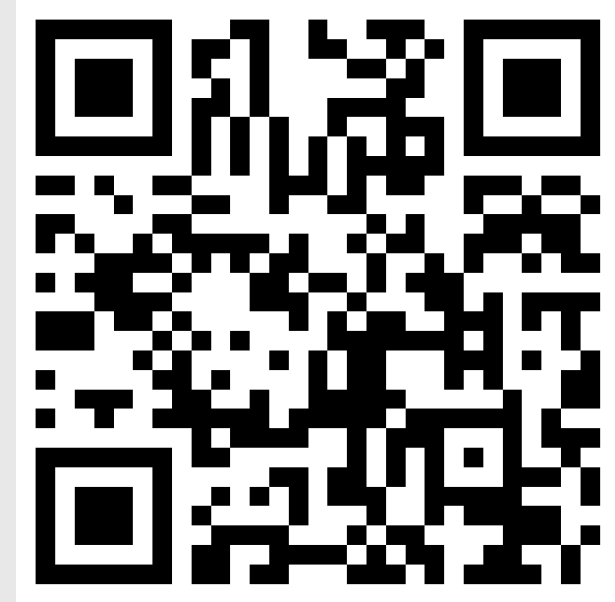


# Additional resources

- FAQs on job protections under Paid Leave law: [dli.mn.gov/paid-leave-protections](https://dli.mn.gov/paid-leave-protections)
- FAQs on ESST: [dli.mn.gov/sick-leave-FAQs](https://dli.mn.gov/sick-leave-FAQs)
- Unpaid pregnancy and parental leave information: [dli.mn.gov/parental-leave](https://dli.mn.gov/parental-leave)
- This [chart](#) compares the following programs and laws:
  - Minnesota Paid Leave (paid)
  - Minnesota Pregnancy and Parental Leave (unpaid)
  - Family and Medical Leave Act (unpaid)
  - ESST (paid)

# Thank you for your participation

Scan the QR code or [visit the form online.](#)



# Next webinar

Wednesday, Mar. 11, at 11 a.m. — Supporting women in the workplace: Understanding Minnesota's economic security protections.

To register, visit [dli.mn.gov/events](https://dli.mn.gov/events).



# Thank you

Contact Labor Standards at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us).