

Minnesota Sick and Safe Leave (ESST)

Quick Reference Guide for Employers • Earned Sick and Safe Time Law

What is Minnesota Sick and Safe Leave?

Minnesota's Earned Sick and Safe Time (ESST) law requires employers to provide paid sick leave to employees working in Minnesota. This is SEPARATE from and IN ADDITION to Minnesota PFML. Employers must comply with both laws.

Key Requirements at a Glance

Requirement	Details
Effective Date	January 1, 2024
Employer Coverage	ALL employers with employees in MN
Employee Coverage	All employees (including part-time, temporary)
Accrual Rate	1 hour per 30 hours worked
Annual Cap	48 hours accrued per year
Carryover	Up to 80 hours can carry over
Usage Cap	48 hours per year (or employer can set higher)
Waiting Period	Can be used after 90 days of employment

Qualifying Uses for Sick and Safe Leave

Sick Time Uses:

- Employee's own mental or physical illness, injury, or health condition
- Medical diagnosis, care, treatment, or preventive care
- Care for family member with illness, injury, or health condition
- Closure of workplace or child's school/daycare due to weather or public emergency

Safety Leave Uses:

- Domestic abuse, sexual assault, or stalking of employee or family member
- Seeking medical attention, counseling, legal services, or relocation
- Obtaining services from victim services organization

How Sick and Safe Leave Differs from PFML

	MN Sick & Safe Leave (ESST)	Minnesota PFML
Purpose	Short-term illness, appointments, safety	Extended medical/family leave
Duration	Hours (up to 48/year)	Weeks (up to 20/year)
Pay Source	Employer pays directly	State-administered benefits
Employer Cost	Cost of wages when used	0.50% payroll premium
Job Protection	Limited (during leave only)	Full restoration rights
Effective	January 1, 2024	Benefits May 1, 2026

Employer Compliance Requirements

- **Track Accrual:** Monitor earned hours for each employee (1 hour per 30 worked)
- **Pay Stub Notice:** Show available sick/safe time balance on pay stubs
- **Written Notice:** Provide employees written notice of their rights at hire
- **Poster Display:** Post required workplace notice in conspicuous location
- **Record Keeping:** Maintain records for 3 years
- **No Retaliation:** Cannot discipline employees for using earned time

Frontloading Option

Instead of tracking accrual, employers may frontload 48 hours (or prorated amount) at the start of each year. This eliminates the need to track hours worked for accrual purposes.

Important Notes

- **Family member** includes: spouse, child, parent, sibling, grandchild, grandparent, and others living in household
- **No documentation required** for absences of 3 or fewer consecutive days
- **Minimum increment:** Employers can set minimum use increments up to 4 hours
- **Payout not required:** Unused time does not need to be paid at termination

Penalties for Non-Compliance

- Failure to provide earned sick and safe time: back pay owed plus damages
- Retaliation: Penalties up to \$10,000 plus back pay and reinstatement
- Record keeping violations: \$1,000 per violation

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