

1.1 **Department of Labor and Industry**

1.2 **Adopted Permanent Rules Relating to Earned Sick and Safe Time**

1.3 The rules proposed and published at State Register, Volume 50, Number 17, pages 417-424,
1.4 October 27, 2025 (50 SR 417), are adopted with the following modifications:

1.5 **5200.1202 HOURS WORKED.**

1.6 Subpart 1. **Eligibility.** An employer must determine in good faith whether an employee
1.7 is anticipated to perform work for at least 80 hours in a year for that employer in Minnesota
1.8 pursuant to Minnesota Statutes, section 181.9445, subdivision 5. For the purposes of this
1.9 subpart, "good faith" means the employer, at a minimum, evaluated the employee's
1.10 anticipated work schedule and location of hours worked in a manner that is not knowingly
1.11 false or in reckless disregard of the truth. Employees anticipated to work or who actually
1.12 work at least 80 hours in a year for that employer in Minnesota must receive earned sick
1.13 and safe time in accordance with Minnesota Statutes, section 181.9446.

1.14 ~~Subpart 1. **Location of hours worked.** An employee accrues earned sick and safe~~
1.15 ~~time in accordance with Minnesota Statutes, section 181.9446, paragraph (a), as follows:~~

1.16 ~~A. if the employee will work more than 50 percent of their hours for the employer~~
1.17 ~~in Minnesota in an accrual year, then all the employee's hours worked count toward their~~
1.18 ~~accrual of earned sick and safe time regardless of location;~~

1.19 ~~B. if the employee will work 50 percent or more of their hours for the employer~~
1.20 ~~outside of Minnesota in an accrual year, then only the employee's hours worked in Minnesota~~
1.21 ~~count toward their accrual of earned sick and safe time. The employer must determine in~~
1.22 ~~good faith before the start of employment and the beginning of the accrual year whether~~
1.23 ~~the employee will accrue earned sick and safe time under this item, unless the employer~~
1.24 ~~will provide the employee with at least 48 hours of earned sick and safe time during the~~
1.25 ~~accrual year;~~

2.1 ~~C. if a significant change in circumstances will occur during an accrual year, such~~
2.2 ~~as a change in work location or duties, the employer must determine in good faith whether~~
2.3 ~~the employee will accrue earned sick and safe time under item A or B. Any significant~~
2.4 ~~change in circumstance that results in the employee accruing earned sick and safe time~~
2.5 ~~differently under this subpart is effective the date of the change in circumstances. The~~
2.6 ~~employer must give the employee written notice of such a change prior to the date the change~~
2.7 ~~takes effect under Minnesota Statutes, section 181.032, paragraph (f). Any accrued but~~
2.8 ~~unused earned sick and safe time remains available for the employee to use during the~~
2.9 ~~accrual year;~~

2.10 ~~D. for the purposes of this subpart, "good faith" means the employer, at a minimum,~~
2.11 ~~evaluated the employee's anticipated work schedule and locations of work in a manner that~~
2.12 ~~is not knowingly false or in reckless disregard of the truth. The employer's obligation to~~
2.13 ~~provide accrual of earned sick and safe time in accordance with items B and C is met if the~~
2.14 ~~employer acts in good faith when anticipating the employee's location of hours worked for~~
2.15 ~~an accrual year;~~

2.16 ~~E. for the purposes of this subpart, an employee who is teleworking is considered~~
2.17 ~~to be working in the state where they are physically located while performing telework;~~

2.18 ~~F. notwithstanding this subpart, an employer is permitted to provide earned sick~~
2.19 ~~and safe time in excess of the minimum amount required under Minnesota Statutes, section~~
2.20 ~~181.9446; and~~

2.21 ~~G. nothing in this subpart is to be construed as requiring compliance or imposing~~
2.22 ~~obligations for work performed in a state or locality outside of Minnesota where such benefits~~
2.23 ~~are expressly prohibited or preempted by law.~~

3.1 **5200.1204 ACCRUAL AND ADVANCING METHODS.**

3.2 Subp. 2. **Changing methods.** Any change to an employer's method of providing
3.3 earned sick and safe time to an employee under Minnesota Statutes, section 181.9446,
3.4 paragraph (a) or (b), must be communicated to the employee in writing and is not effective
3.5 until the first day of the next accrual year. An employer must provide notice of a change to
3.6 the accrual method as part of the written notice of changes to employment terms required
3.7 under Minnesota Statutes, section 181.032, paragraph (f). If an employer fails to provide
3.8 timely notice of a change to the accrual method as required by this subpart, the prior accrual
3.9 method remains in effect, unless the employee agrees otherwise. ~~Changes to accrual under~~
3.10 ~~part 5200.1202, subpart 1, item C, are not subject to this subpart.~~

3.11 **5200.1208 MISUSE OF EARNED SICK AND SAFE TIME.**

3.12 Subp. 2. **Pattern or clear instance of suspected misuse.** Notwithstanding the timeline
3.13 provided in Minnesota Statutes, section 181.9447, subdivision 3, paragraph (a), an employer
3.14 is permitted to require reasonable documentation from an employee when there is a pattern
3.15 or clear instance of suspected misuse by the employee. A pattern or clear instance of
3.16 suspected misuse includes, but is not limited to:

3.17 Subp. 3. **No restriction on use.** An employer must not deny an employee the use of
3.18 earned sick and safe time for a qualifying purpose based on previous misuse of earned sick
3.19 and safe time by the employee or the employer's suspicion that the employee may misuse
3.20 earned sick and safe time. However, misuse of earned sick and safe time is not subject to
3.21 protections provided to employees in Minnesota Statutes, sections 181.9445 to 181.9448,
3.22 and may be subject to discipline by the employer.