

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

- Your employees who are anticipated to work in Minnesota for at least 80 hours in a year qualify for ESST, including part-time, seasonal, temporary and exempt employees. ESST begins to accrue when an employee begins employment, not after working 80 hours.
- An ESST notice has been provided to your employees in English and in their primary language, if not English.
- ESST leave is paid at the same base 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, the employer's program must indicate whether the employees will:
 - carry over their unused ESST balance (up to at least 80 hours);
 - receive a payout for their unused ESST balance and receive at least 48 hours front loaded for the next year; or
 - not receive a payout for their unused ESST balance but will receive at least 80 hours front loaded for the next year.
- 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, bereavement-related leave or to seek assistance if an employee or their family member has experienced domestic abuse, sexual assault or stalking.
- Your employees may use ESST for any covered family member.
- Your employees may use ESST in the same increment of time for which employees are paid. An employer is not required to allow ESST use in less than 15-minute increments and cannot require use in more than four-hour increments.
- You keep record of hours worked and ESST taken by your employees.
- At the end of each pay period, you provide written or electronic statements to your employees that include:
 - the total number of ESST hours available for use; and
 - the total number of ESST 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 three consecutive scheduled workdays.
- You do not require your employees to seek or find a replacement worker to use ESST.
- You continue to maintain insurance coverage for employees using ESST.
- You keep sensitive information related to an employee's ESST leave confidential (such as medical information).
- You do not retaliate in any way against employees for using or seeking to use ESST.

This checklist is a tool to help employers make sure 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 Minnesota Statutes §§ 181.032 and 181.9445-181.9448.