

## MINNEAPOLIS SICK AND SAFE TIME ORDINANCE

Earned paid sick leave will accrue at a rate of **one hour for every 30 hours worked in the City of Minneapolis up to a maximum of 48 hours** of sick and safe time per calendar year. A calendar year will be from January 1st to December 31<sup>st</sup> each year.

**Covered Employee:** An employee **who performs work for an employer for more than 80 hours in a calendar year** while the employee is physically located in Minneapolis. Hours worked by an employee while physically located outside of Minneapolis do NOT count toward coverage under the ordinance.

The total amount of accrued but unused sick and safe time for an employee **may not exceed eighty (80) hours at any time.**

An employee can carry over accrued but unused sick and safe time into the following year but can only have 80 hours of accrued but unused sick and safe time at any time.



**EFFECTIVE: 7/1/2017 (Postponed)** – Injunction prohibited Minneapolis from enforcing against employers that did not have facilities within the City

**April 29, 2019 (Must Comply and Calculate from 7/1/2017)** – The Minnesota Court of Appeals overturned a state district court ruling and found that the Minneapolis Sick and Safe Time Ordinance applies to employer *outside* the City limits.

**Note:** Any paid leave policy, such as a paid time off policy, which meets or exceeds, and does not otherwise conflict, with the minimum standards and requirements provided in the ordinance are not required to provide additional sick and safe time.

Use of Earned Paid Sick Time	
<p>Sick leave is defined to include:</p> <p>(1) An employee's:</p> <ul style="list-style-type: none"> <li>(a) Mental or physical illness, injury, or health condition;</li> <li>(b) Need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or</li> <li>(c) Need for preventive medical or health care;</li> </ul> <p>(2) The care of a family member:</p> <ul style="list-style-type: none"> <li>(a) With a mental or physical illness, injury, or health condition;</li> <li>(b) Who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or</li> <li>(c) Who needs preventive medical or health care;</li> </ul> <p>(3) An absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:</p> <ul style="list-style-type: none"> <li>(a) Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;</li> <li>(b) Obtain services from a victim services organization;</li> <li>(c) Obtain psychological or other counseling;</li> <li>(d) Seek relocation due to domestic abuse, sexual assault, or stalking; or</li> <li>(e) Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.</li> </ul>	<p><b>Family member</b> means an employee's:</p> <ul style="list-style-type: none"> <li>• Child, step-child, adopted child, foster child;</li> <li>• Spouse;</li> <li>• Sibling;</li> <li>• Parent, step-parent;</li> <li>• Mother-in-law, father-in-law;</li> <li>• Grandchild;</li> <li>• Grandparent;</li> <li>• Guardian;</li> <li>• Ward;</li> <li>• Members of the employee's household, or</li> <li>• Registered domestic partner as defined in Minneapolis Code of Ordinances Chapter 142.</li> </ul>
Use of Earned Paid Sick Time (Cont.)	
<p>(4) The closure of the employee's place of business in order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency;</p> <p>(5) To accommodate the employee's needs to care for a family member whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency;</p> <p>(6) To accommodate the employee's need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of hearing, loss of water, or other unexpected closure.</p>	<p>An employee may <b>use accrued paid sick time in hourly increments.</b></p> <p>An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.</p> <p>An employee has a right to use banked sick and safe time hours for covered purposes only when he or she is scheduled to perform work within the city limits of Minneapolis.</p>

**Paid Sick Time Accrual**

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
1 hour for every 30 hours worked	7/1/2017 (Existing employee)	90 <sup>th</sup> calendar day after commencing employment (can be before 7/1/2017) before using accrued earned paid sick leave.
	Employees hired after 7/1/2017, first day of employment (New employee)	

- Paid sick time must be paid at no less than the rate the employee would have earned had he or she actually worked the paid sick time.
- For an employee is who not exempt from earning overtime compensation under federal and Minnesota wage-hour laws, sick and safe time accrues on all hours worked, including overtime.
- Sick and safe time does not accrue when an employee is not working (i.e., when they take PTO, sick, or vacation time).
- Employees who are exempt from the federal Fair Labor Standards Act’s (FLSA) overtime requirements will be assumed to work 40 hours per week for accrual purposes unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.
- **Accrual Cap:** There is a “cap” or “limit” on each employee’s accrual. Employees can accrue at least 48 hours per calendar year, carried over from year to year, until an 80 hour maximum accrual cap is reached.

Sick and safe time accrues in increments of whole hours, not fractions of an hour.

**Explanation on how the “Caps” Work**

Once an employee reaches the yearly cap of 48 hours, he or she no longer accrues sick and safe time hours for that calendar year. Once an employee reaches 80 hours through carry-over and accrual, he or she no longer accrues additional hours (even if the yearly cap is not triggered) until they use some of the hours they have “in the bank.”

**Example:**

Employee Anthony reached his overall accrual cap of 80 hours. Later, Anthony uses eight hours, reducing his bank to 72 (80 – 8). Upon his return to work, he begins accruing again. Following an additional 240 hours worked (240/30 = 8), he replenished his bank back up to 80 hours (72 + 8).

**Employee Notice Requirements**

- If the reason for the sick and safe time is a foreseeable absence, such as a pre-scheduled medical appointment, please provide seven days’ advance notice or as much advance notice as possible of your intention to use sick time (to the customer and your company branch representative), or as soon as practicable. The request shall include the expected duration of the absence.
- When an employee uses sick time for a foreseeable absence, the employee shall make a reasonable effort to schedule the sick time in a manner that does not unduly disrupt the operations of the customer or employer. For example, the employee should make a reasonable attempt not to schedule medical appointments during peak business hours, when work is time-sensitive or when mandatory meetings are scheduled.
- The employee shall inform the employer (and customer) of any change in the expected duration of the sick time as soon as practicable.
- **If the reason for sick time is unforeseeable**, such as an emergency, accident, or sudden illness, the employee shall provide notice to the customer and their branch representative at company before the start of the employee’s shift or, when circumstances prevent the employee from providing notice before the start of the employee’s shift, as soon as is practicable.
- An employer may discipline an employee for violating workplace policies and procedures if the employee fails to provide notice as required by these rules or if the employee fails to make a reasonable effort to schedule leave in a manner that does not unduly disrupt the operations of the employer. The employer may not discipline the employee for use of sick time.

The request for leave can be made orally, in writing, or electronic means or by any means acceptable by the employer.

**For earned paid sick time of three or more consecutive work days, an employer may require reasonable documentation** that the earned paid sick time has been used for a purpose covered by this ordinance.

Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this act. In cases of domestic violence, sexual violence, abuse or stalking, one of the following types of documentation selected by the employee shall be considered reasonable documentation:

1. A police report;
2. A protective order;
3. A signed statement from a domestic violence or sexual violence program or victim services organization;
4. A signed statement from a witness advocate;
5. A signed statement from an attorney, member of the clergy, or a medical or other professional; or
6. An employee’s written statement affirming that the employee or the employee’s family member is a victim of domestic violence, sexual violence, abuse, or stalking, and that the leave was taken for one of the purposes listed in the act.

**Note:** The documentation does not need to explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.

**No Pay Out Upon Termination**

There will be **no pay out** of accrued but unused sick and safe time upon termination, resignation, retirement, or other separation from employment.

**Transfers Out of Minneapolis**

If the employee is transferred to a location out of the city, but remains employed by the same employer, the employer will maintain the employee’s accrued sick and safe time on the books for a three years from the time of the transfer. If, within the three years of the time of the employee’s transfer to location out of the city, the employee is transferred back to a location within the city, but remains employed by the same employer, the employee is entitled to all previously accrued sick and safe time accrued but not used at the prior location within the city and is entitled to use all accrued sick and safe time as provided in the ordinance.

**Rehires**

When there is a separation from employment and the employee is rehired **within ninety (90) days** of separation by the same employer, previously accrued sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of employment.

**Employer Succession**

When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all accrued sick and safe time accrued but not used when employed by the original employer, and are entitled to use all accrued sick and safe time previously accrued but not used.

**Exercise of Rights Protected; Retaliation Prohibited**

It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article.

It shall be unlawful for an employer's absence control policy to count earned paid sick and safe time taken under this ordinance as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

**Minneapolis, Minnesota** – In SmartSearch, if the employee is *working* in Minneapolis, Minnesota, mark Personnel subarea as “Minneapolis MN.” If they work in Minnesota but do not work in Minneapolis, mark Personnel subarea as “Other Locations.”

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# CITY OF MINNEAPOLIS NOTICE TO EMPLOYEES

## Sick and Safe Time Ordinance

Effective July 1, 2017

**WHAT** The City of Minneapolis Sick and Safe Time Ordinance ensures that all eligible persons working in the City receive paid leave to use when they or a family member are sick, injured, need preventative health care, or need to seek help for domestic violence, sexual assault, stalking, or other related issues listed in the ordinance.

The Ordinance is intended to allow employees to care for themselves and family members, making Minneapolis a healthier, more secure, and more productive community.

**WHO** The Sick and Safe Time Ordinance applies to all employees who work within Minneapolis city limits. All types of employees qualify, including full-time, part-time, seasonal, paid interns and temporary staff. Employees collect a minimum rate of 1 hour of paid (at customary rates and benefits) of sick and safe time off for every 30 hours worked.

However, if there are 5 or fewer employees in an organization, the time off may be unpaid. Employers must front-load time or allow each employee to accrue at least 48 hours per year, which must carry over from year to year, until reaching 80 accrued and unused sick and safe time hours during subsequent years.

**USAGE** Employees can use their leave for all of the reasons outlined by the Ordinance:

- Treatment, recuperation, or preventative care for a medical or mental health condition, illness, or injury.
- To seek law enforcement, counseling, or other services for domestic abuse, sexual assault, or stalking.
- Closure of an employee's place of business for public health reasons.
- Needs related to the medical health, mental health, or physical safety of a family member (child, spouse, domestic partner, parent, grandparent, or member of household); or unexpected closure of a family member's school or place of care, including inclement weather.



### Requirements

Upon request by an employee, an employer must provide, in writing or electronically, information stating the employee's then-current amount of:

- ✓ Accrued sick and safe time available to the employee.
- ✓ Used sick and safe time.

For use of Sick and Safe time off, employers may require advance notice as soon as practicable -- not more than 7 days -- and reasonable explanation of need.



### Complaints

If an employee believes that they have been subject to a violation of the Sick and Safe Time Ordinance, please file a report with the City of Minneapolis Labor Standards Enforcement Division located at:

350 S. Fifth St. Rm. 239,  
Minneapolis, MN 55415,  
by calling 311, or online:  
[www.minneapolismn.gov/sicktimeinfo](http://www.minneapolismn.gov/sicktimeinfo).



### Retaliation Prohibited

It is unlawful for an employer to restrain, or deny the exercise of, or the attempt to exercise, any right protected under the Minneapolis Sick and Safe Time Ordinance.

**THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT**

(Poster may be printed on 8 1/2" x 11" letter size paper)

More questions? We're here to help: [sicktimeinfo@minneapolismn.gov](mailto:sicktimeinfo@minneapolismn.gov) or call 311.

For reasonable accommodations or alternative formats please contact the Minneapolis Civil Rights Department at 612-673-2091. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users can call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700, Yog xav tau kev pab, hu 612-673-2800, Hadii aad Caawimaad u baahantahay 612-673-3500.