

CITY OF SAINT PAUL, MINNESOTA, EARNED SICK AND SAFE TIME (ESST) ORDINANCE

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 Saint Paul. Hours worked by an employee while physically located outside of Saint Paul do NOT count toward coverage under the ordinance.

Earned paid sick leave will accrue at a rate of **one hour for every 30 hours worked** within the geographic boundaries of the City (amendment 2-24-2023).

Employers are not required to allow **accrual of more than forty-eight (48) hours in a single calendar year.**

A calendar year will be from January 1st to December 31st each year. Earned sick and safe time shall accrue only in hour-unit increments; there shall be no accrual of a fraction of an hour of earned sick and safe time.

An employee who has worked within the geographic boundaries of the city for more than one year (amendment 2/24/2023) can carry over accrued but unused sick time into the following calendar year. Time **carried over is limited to, and employers must allow employees to accrue up to eighty (80) hours** of earned sick and safe time.

Carryover for Newly Hired Employees (Amendment 2/24/2023) – Employers must permit an employee who has worked within the geographic boundaries of the city **for more than one year** to carry over accrued but unused sick and safe time into the following year. **If the employee has not worked one year, the unused time would be forfeited and the employee would start the new year with a zero balance.**

Employees shall be entitled to **use earned sick and safe time ninety (90) calendar days following the commencement of their employment.** After ninety (90) calendar days of employment, employees may use earned sick and safe time as it is accrued.

Businesses and individuals can use the [map of Saint Paul City Council Wards](#) to verify whether an employee is working in the City of Saint Paul.



EFFECTIVE: 7/1/2017 (needed a physical location; **1/1/2018 regulation no physical location needed**)

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.

Amendment: 2/24/2023 – By regulation (1/1/2018), St. Paul has been applying standard that the employer no longer has to have a physical site in St. Paul, MN, to comply. The amendments clarify that this is the law in St. Paul.

Use of Earned Paid Sick and Safe Time

Earned sick and safe time shall be provided to an employee by an employer for the following reasons:

- (1) An absence resulting from an employee's own mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- (2) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.
- (3) An absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:
 - a. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - b. Obtain services from a victim-services organization;
 - c. Obtain psychological or other counseling;
 - d. Seek relocation due to domestic abuse, sexual assault, or stalking; or
 - e. Seek legal advice or 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.
- (4) The closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.
- (5) To accommodate the employee's need 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.
- (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 heating, loss of water, or other unexpected closure.

Family member means an employee's:

Family member means the employee's child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, or registered domestic partners as defined by Saint Paul Code of Ordinances section 186.02 and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

An employee may use accrued paid sick time in the smallest increment their timecard allows.

Paid Sick Time Accrual

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
1 hour for every 30 hours worked	1/1/2018 (Existing employee)	90 th calendar day after commencing employment (can be before 1/1/2018) before using accrued earned paid sick leave.
	Employees hired after 1/1/2018, first day of employment (New employee)	

- An employer must compensate an employee for used sick and safe time at the employee's standard hourly rate, for hourly employees, or an equivalent rate, for salaried employees.
- Employees are not entitled to compensation for lost tips or commissions and compensation is required only for hours that an employee is scheduled to have worked.
- **Amendment 2/24/2023** – An employer is only required to allow an employee to use sick and safe time that is accrued when the employee is scheduled to perform work within the geographic boundaries of the City of Saint Paul.

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

Sick time must be paid on the date the employee would have been paid for work, had the employee not used ESST.

To calculate the hourly rate of ESST for salaried employees: a. Take the employee's total annual salary

b. Divide the annual salary by the number of weeks worked per year. This is the employee's weekly salary.

c. Divide the weekly salary by the number of hours of the employee's normal work week.

d. Example: John earns \$80,000 salary and is not paid by the hour, but on average works 40 hours per week. John's annual salary is \$80,000. His weekly salary is \$1,538.46 ($\$80,000 / 52 = \$1,538.46$). If John's normal work week is 40 hours, John's hourly salary is \$38.46 ($\$1,538.46 / 40 = \38.46). His hourly ESST rate would be \$38.46.

Employee Notice Requirements

- Earned sick and safe time shall be provided upon the request of an employee.
- If the reason for the sick and safe time is a foreseeable absence, such as a pre-scheduled medical appointment, please provide 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 not require, as a condition of an employee's using sick and safe time, that the employee find a replacement worker to cover the hours during which the employee uses sick and safe time.
- 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.

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.

An employee is not required to disclose the specific nature of the illness or specific reason for seeking safe time, beyond informing the employer of their need for it.

If an employer requires an employee to provide a doctor's note for using ESST, the employee must be allowed **at least 14 days from the date his or her return date to obtain such documentation**. The employee is responsible for the cost of such documentation not covered by insurance or any other benefit plan.

If an employee works between using ESST absences, the employer may only request additional documentation for the second absence if at least two weeks have passed.

Notice Regarding Safe Time

Reasonable documentation for paid safe time must communicate that the employee or the employee's family member is experiencing domestic violence, sexual assault, or stalking and that the leave was taken for a purpose covered by the Ordinance. Reasonable documentation may include a police report, court order, or an employee's written statement.

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 Saint Paul

If an employee is transferred to a separate division, entity, or location outside of the city, but remains employed by the same employer, and the employer does not allow the use of earned sick and safe time outside of the city, the employer must maintain the employee's earned sick and safe time on the books for a period of three (3) years from the time of the transfer. If, within three (3) years of the time of the employee's transfer to a separate division, entity, or location outside of the city, the employee is transferred back to a division, entity, or location within the city but remains employed by the same employer, the employee is entitled to all previously earned sick and safe time accrued but not used at the prior division, entity, or location within the city and is entitled to use all earned sick and safe time as provided in this chapter.

If an employee is transferred to a separate division, entity, or location within the city but remains employed by the same employer, the employee is entitled to all earned sick and safe time accrued but not used at the prior division, entity, or location and is entitled to use all earned sick and safe time as provided in this chapter.

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 reemployment.

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.

If at the time of transfer of the business, employees are terminated by the original employer, and hired within thirty (30) days by the successor employer following the transfer, those employees are entitled to all earned sick and safe time accrued but not used when employed by the original employer and are entitled to use all earned 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.

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

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CITY OF SAINT PAUL

NOTICE TO EMPLOYEES

The Minimum Wage and ESST ordinances apply to employees performing work within the geographical boundaries of Saint Paul

Earned Sick and Safe Time

What can you use ESST for?



For yourself or a family member's mental or physical illness, including preventative medical care



Reasons related to domestic violence, sexual assault, or stalking



School or work closure because of exposure to an infectious agent



Care for a family member whose daycare closed unexpectedly

How do you accrue and use ESST?

- Employees accrue 1 hour of ESST for every 30 hours worked
- ESST begins accruing on the 1st day of work and employees are allowed to use earned ESST after their first 90 days of work (unless their Employer has a more generous ESST policy).
- Employers must allow an employee to accrue at least forty-eight (48) hours of earned sick and safe time every year and roll over unused sick and safe time up to 80 hours after the employee's first year.
- Documentation may be requested for absences of longer than 3 days

Retaliation is Illegal

Minimum Wage Increases

The Saint Paul Minimum Wage is updated annually

Business Size	2022 Minimum Wage	2023 Minimum Wage
Macro 10,001 + employees	\$15.00	\$15.19 Effective January 1
Large 101-10,000 employees	\$13.50	\$15.00 Effective July 1
Small 6-100 employees	\$12.00	\$13.00 Effective July 1
Micro 5 or fewer employees	\$10.75	\$11.50 Effective July 1

Report a Violation

If you believe your right to ESST or Minimum Wage has been violated, you can file a complaint with HREEO using any of these methods:



CALL : 651-266-8966



EMAIL:
LaborStandards@stpaul.gov



VISIT our website:
www.stpaul.gov/laborstandards

Employees also have a right to bring a civil action if they believe their right to ESST or Minimum Wage has been violated

Language interpretation, translation, and accommodations are available upon request



SAINT PAUL
HUMAN RIGHTS & EQUAL
ECONOMIC OPPORTUNITY

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Division of Labor Standards Enforcement and Education
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