



Earned sick and safe time and the Women's Economic Security Act

Dave Skovholt | Labor Standards

Department of Labor and Industry operating areas

*DLI's **mission** is to ensure Minnesota's work and living environments are equitable, healthy and safe.*

*DLI's **vision** is to be a trusted resource and an impartial regulator for employers, employees, property owners and other stakeholders.*

DLI operating areas

- Workers' Compensation Division
- Occupational Safety and Health Administration (OSHA)
- Labor Standards Division
- Apprenticeship Division
- Construction Codes and Licensing Division
- Minnesota Dual-Training Pipeline
- Youth Skills Training
- Office of Combative Sports
- General Support Division



Labor standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Other laws related to employment, wages, conditions and hours



Labor Standards services and process

- Investigations
 - Wage claim
 - Inform and educate
 - Investigation
- Education and outreach
 - Technical assistance
 - Training
 - Videos
 - Website and materials



Why earned sick and safe time?

- Allows workers to prioritize care over job loss concerns
- Promotes preventive care, benefiting public health statewide, by reducing customer, coworker, school personnel and student risk of also falling ill
- Ensures paid leave access, regardless of income level
- Improves employee recruitment and retention through improved employee morale, fewer workplace injuries and a healthier workplace
- Paid sick time laws and ordinances are in place in 14 states and in Bloomington, Minneapolis and St. Paul, Minnesota



Earned sick and safe time overview

- Minnesota's earned sick and safe time law, which became effective Jan. 1, 2024, requires employers to provide paid leave to employees who work in the state.



Who is eligible for sick and safe time?

An employee is eligible for sick and safe time if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for sick and safe time.



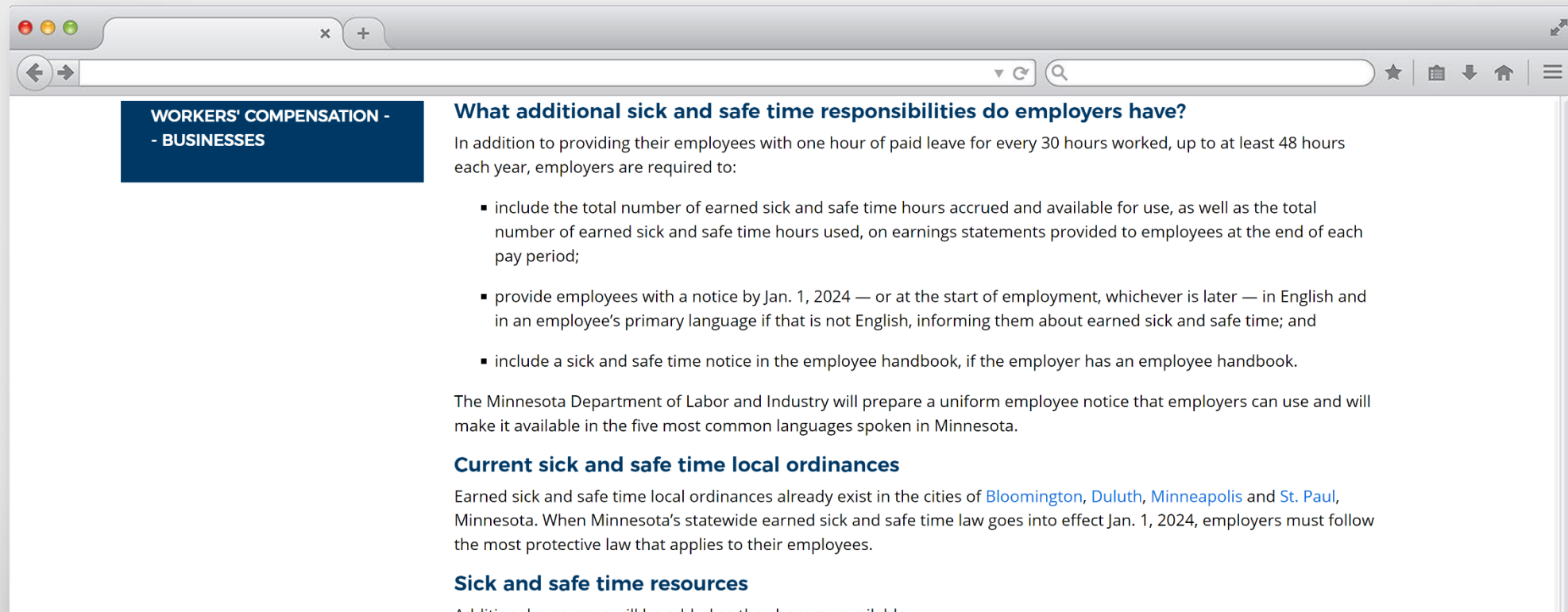
What can sick and safe time be used for?

Employees can use their earned sick and safe time for any of the following:

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
- closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

Sick and safe time responsibilities for employers

- Earnings statement
- Employee notice



Front-loading and carryover

Option 1. Accrual and carryover

- Employees begin accruing earned sick and safe time (ESST) from their first day of employment.
- ESST accrues at a rate of at least one hour for every 30 hours worked.
- Employees are permitted to accrue a minimum of up to 48 hours of ESST in a year (more if the employer agrees to a higher amount).
- Employees can carry over unused ESST into the next year. However, at no time can an employee's accrued ESST exceed 80 hours (unless the employer agrees to a higher amount).



Front-loading and carryover, continued

Option 2. Front loading with pay out and no carryover

- A minimum of 48 hours of ESST is provided to an employee and made available for immediate use at the start of each year.
- Unused ESST hours are paid out at the end of the accrual year at the employee's hourly rate.

Option 3. Front loading with no pay out and no carryover

- A minimum of 80 hours of ESST is provided to an employee and made available for immediate use at the start of each year.
- The ESST hours the employee did not use are not paid out at the end of the accrual year.

Resources

- DLI's "Earned sick and safe time" webpage: dli.mn.gov/sick-leave
 - FAQs, employee notice, fact sheet, workplace poster, video
- Contact DLI's Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us
- Stay up to date with *The Wage and Hour Bulletin*: dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin



Nursing mothers – Minnesota Statutes § 181.939

- Employers who employ **at least one person** must:
 - provide reasonable break time for nursing mothers to express milk; and
 - make reasonable efforts to provide space other than a bathroom that is shielded from view and free from intrusion **that includes access to an electrical outlet.**
- Anti-retaliation
 - Employers are prohibited from retaliating against an employee for asserting rights under this law.



Nursing mothers protections

Updated nursing mothers protections (2021 and 2023 sessions)

- No reduction to compensation for time used for expressing milk
- Break times to express milk regardless of the child's age
- Requiring lactation spaces be “clean, private and secure”
- Employee break times to express milk regardless of whether the break time would unduly disrupt the employer's operations

Nursing mothers protections, continued

- Ensuring employees can choose when to take break time to express milk, regardless of if the break time aligns with already provided breaks
- Requiring employers provide a written notice to employees of their right to express milk and receive pregnancy accommodations at the time of hire and publish these rights in the employee handbook (sample notice is available on the Department of Labor and Industry website)
- *Example case – technician scheduled back-to-back-to-back appointments*

Pregnancy and parental leave

Up to 12 weeks of unpaid leave during or following pregnancy for prenatal care, pregnancy or related health conditions, childbirth or adoption, or bonding time by a birthing or non-birthing parent

2023 session update

- All employees, regardless of employer size or how long they have been employed, have a right to unpaid leave during or following a pregnancy.



Pregnancy and parental leave, continued

Pregnancy and parental leave may be taken for:

- prenatal care, pregnancy or related health conditions, childbirth or adoption, or bonding time by a birthing or non-birthing parent after the birth or adoption of the child.

Many of these leave provisions overlap with the [federal Family and Medical Leave Act](#).



Pregnancy accommodations

- Employers must provide “reasonable accommodation” to employees with health conditions related to pregnancy or childbirth.
- The following are required employer accommodations:
 - more frequent restroom, food and water breaks;
 - seating; and
 - limits on lifting more than 20 pounds.
- Additional accommodations may be reasonable depending on the situation, including temporary transfer to a less strenuous position.



Pregnancy accommodations, continued

- Employer cannot require an employee to take or accept pregnancy accommodations
- Employers are prohibited from retaliating against an employee for asserting rights under this law
- **2023 session update**
 - All employees, regardless of employer size or how long they have been employed, have a right to unpaid leave during or following a pregnancy.
- *Example case – assembly worker not allowed seating*

Resources

- Employee-focused brochures in four languages: email David Skovholt at david.skovholt@state.mn.us
- Informational videos in four languages: visit www.dli.mn.gov/newparents, the Women's Economic Security Act webpage
- *The Wage and Hour Bulletin*: subscribe on the Department of Labor and Industry website
- DLI Labor Standards contacts: 651-284-5075 or dli.laborstandards@state.mn.us

Are you pregnant or
a new parent?



Learn about your rights
in the workplace.

Thank you

Dave Skovholt | Labor Standards



Paid Family and Medical Leave

Greg Norfleet | Paid Leave Director

May 3, 2024

Minnesota Paid Leave

- The legislature passed a new law that paid family and medical leave coverage will be available for Minnesota employees beginning Jan 1, 2026.
- The law provides job protections and a partial wage replacement paid by the state for individuals who are unable to work due to a qualifying condition.
- The Paid Leave program is being implemented by a new division at the Department of Employment and Economic Development.

Why Paid Leave

- Minnesota will be the 13th state to implement Paid Leave.
 - The U.S. is one of only seven countries worldwide without some sort of paid family leave.
- States that have implemented paid leave programs have seen:
 - Stronger employee retention
 - Better health and development outcomes for children
 - Higher labor market attachment for women and labor force participation generally
 - Greater economic security for families.



What is Covered

Qualifying conditions must last more than seven days, and a health care provider or designated professional must certify the need for leave and the amount of time.

Medical Leave

Up to 12 weeks

Medical



Leave to care for an individual's own serious medical condition.

Family Leave

Up to 12 weeks

Bonding



Leave to bond with an individual's child during the first 12 months after the child's birth or after the placement of the child through adoption or foster care.

Caring



Leave to care for a family member with a serious health condition.

Safety



Leave because of domestic abuse, sexual assault, or stalking of the individual or individual's family member.

Active Duty



Leave because a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces.

Maximum of 20 weeks total leave in a benefit year.

Who is Covered

Covered employers	Nearly all Minnesota employers, regardless of business size or number of employees.
Covered employees	Employees who have earned at least 5.3% of the statewide average annual wage (\$3,684 in 2023) in the past year.
Who is not required to participate?	<p>Independent contractors and self-employed individuals, though they may opt in.</p> <p>Designated seasonal hospitality employees that work fewer than 150 days are not covered for that work.</p>

Benefits and Job Protections



Partial Wage Replacement

- Eligible individuals can receive up to 90% wage replacement while taking leave.
- Maximum value: \$1,337 per week (equal to the statewide average weekly wage).
- The structure is designed to replace wages at a higher percentage for lower income claimants.

Job Protections

- Expand upon FMLA protections.
- An employee who has taken family or medical leave must be restored to the same position or an equivalent position with the same pay, status, benefits, length of service, and seniority as prior to the date of leave.

The Employer Perspective

Employers' Role in Paid Leave

Employers play a major part in Paid Leave – and we want your partnership to build the best program possible.

Informing your workforce

- ☐ Workforce Posters
- ☐ Individual Notifications

Funding the Program

- ☐ Payroll Deductions
- ☐ Wage Reporting
- ☐ Premium Payment

Supporting Benefits and Leave Administration

- ☐ Coordination of other leaves
- ☐ Coordinating payments to employees on leave
- ☐ Supporting return to work

Strengthening the Program

- ☐ Collaborating on how to operationalize the law
- ☐ Providing input on how to improve over time

Key Milestones for Employers

2024

- **1st quarterly wage report** due by Oct. 31, 2024

2025

- **Private Plan** Guidance and Applications for Exemptions
- Employers need to **notify their employees** about Paid Leave benefits by Dec. 1, 2025

2026

- **Payroll Deductions** start January 1, 2026
- **Benefits and Leaves available** Jan. 1, 2026
- **Small Business Assistance Grants** available Jan. 1, 2026
- **1st quarterly premiums** due by April 30, 2026

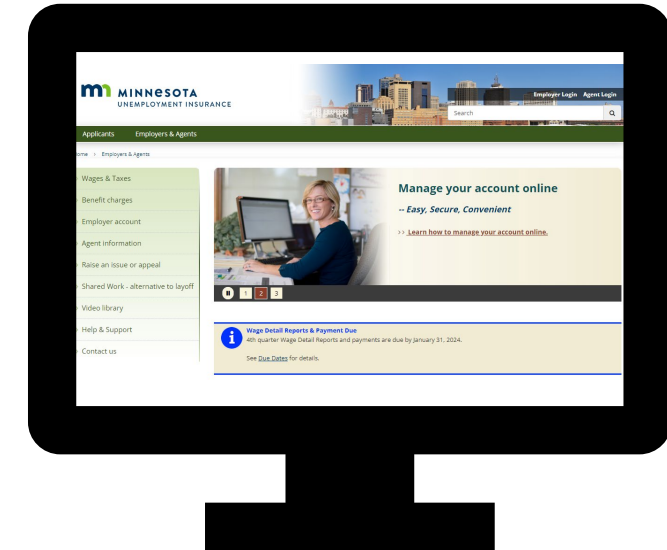
Reporting Wages

The first wage reports for employers will be due on October 31, 2024.

To reduce administrative burden for employers, we've worked with the Unemployment Insurance division to design a process that leverages the existing unemployment insurance solution, UI Online.

Benefits:

- **Employers that already participate in the UI system will not need to create a new account for Paid Leave.**
- Employers and their agents will only have to report employees' wages once per quarter using the current UI Wage Detail reporting process.



Informing Your Workforce

BY DECEMBER 2025

Employers are required to...

- **Hang a workforce poster** in a conspicuous place in English and any language spoken by more than 5 employees.
- **Notify individual employees** directly in their native language within 30 days of hire or 30 days before premium collection begins.
- **Notify any employee in the hospitality industry determined to be a *seasonal employee*** and therefore excluded from coverage.

DEED will help by...

- Creating the poster and making it available in multiple languages on our website.
- Creating a model notification letter in multiple languages for download on our website.
- Creating a model notification letter in multiple languages that will be provided following a determination decision by the Department.

mn.gov/deed

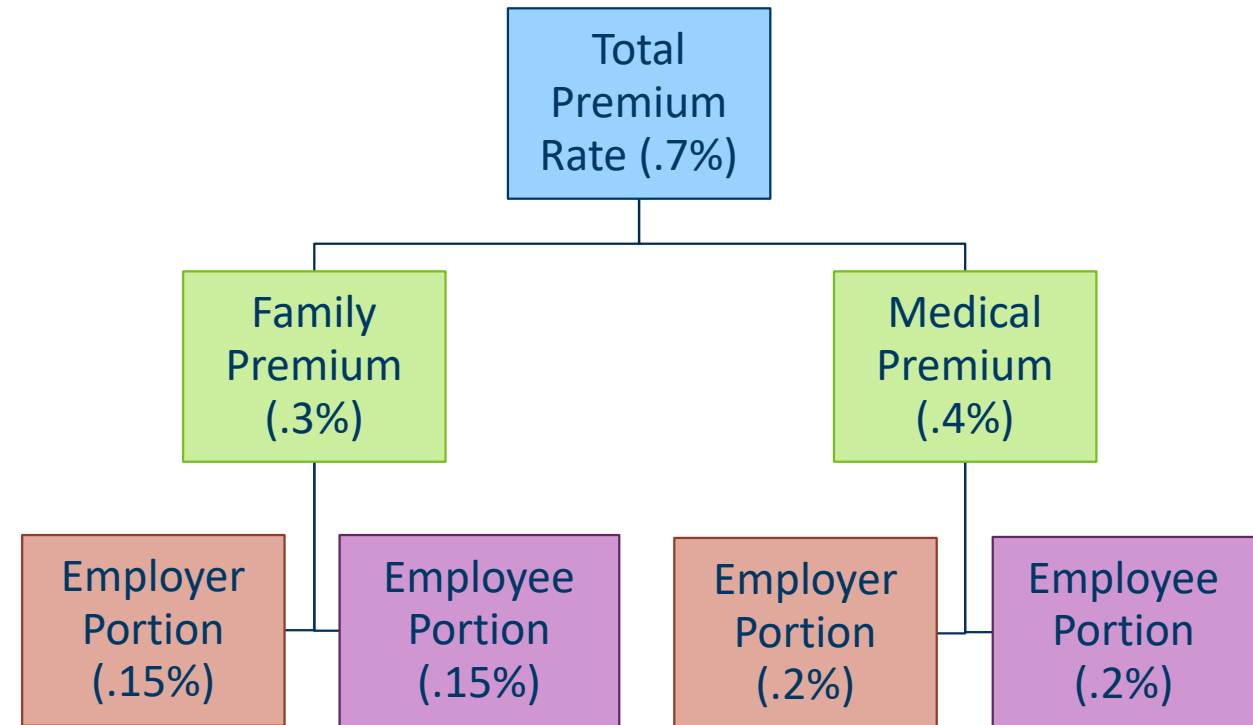


Funding the Program

STARTING JANUARY 2026

Benefits will be financed through payroll deductions on employee wages.

- The Total Premium Rate is comprised of a Family Premium and a Medical Premium.
- Employers can deduct **up to 50%** of both the Family Premium and Medical Premium from employee paychecks.
- Employers may choose to pay more than their required portion for some or all of their employees.
- Employers with fewer than 30 employees are entitled to a reduced premium.



Small Business Assistance Grants

Starting in January 2026

The division will administer small business assistance grants to support small businesses during an employee's absence.

Qualifications:

- Minnesota employer with:
 - 30 or fewer employees
 - Less than \$3 million in gross annual revenue

Benefits:

- Grants of up to \$3,000 to
 - Hire temporary workers
 - Increase an existing workers' wages to substitute for an employee



Benefits and Leave Administration

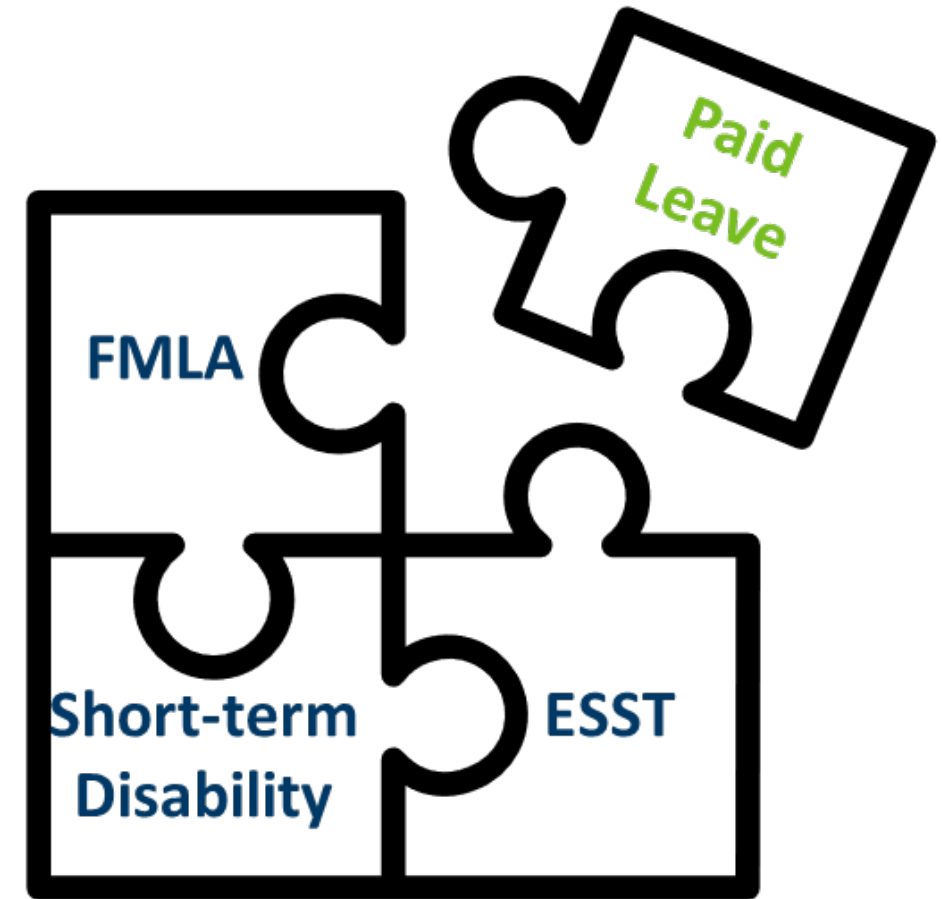
STARTING TODAY

Paid Leave fits into a bigger picture for employers, and coordinating multiple benefits is an operational challenge.

DEED is committed to partnering with employers to understand their needs and deliver solutions that reduce administrative complexity.

The Paid Leave law represents a big change for Minnesota employers, but there's also great opportunity. Paid Leave represents an affordable benefit for workers across the state, and can also provide employers with a competitive advantage in recruiting and retaining staff.

We need your partnership to make this program an effective workforce development tool for the state.



We are listening and your experience matters.

- Comment on Rulemaking: [Office of Administrative Hearings Comments On Rules \(granicusideas.com\)](https://www.granicusideas.com/office-of-administrative-hearings-comments-on-rules/)
- Sign up for the Paid Leave newsletter: [Stay Informed / Minnesota Department of Employment and Economic Development \(mn.gov\)](https://mn.gov/deed/stay-informed/)
- Send us questions: [Paid Family and Medical Leave - Formstack](https://mn.gov/deed/paid-family-and-medical-leave-formstack/)
- Watch for upcoming opportunities to inform program and product design