

<ul style="list-style-type: none"> • ESST excluded “extended employment program workers” (as defined in MN Rules part 3300.2005, subpart 18). • ESST could be used for: <ul style="list-style-type: none"> ○ Mental or physical illness, treatment, or preventative care; ○ A family member’s mental or physical illness, treatment, or preventative care; ○ Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member; ○ Closure of the workplace due to weather or public emergency, or closure of a family member’s school or care facility due to weather or public emergency. • Defined family member as: <ul style="list-style-type: none"> ○ 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, guardian, ward, members of the employee’s household, or registered domestic partner. 	<ul style="list-style-type: none"> • ESST now excludes: <ul style="list-style-type: none"> ○ Independent contractors ○ Volunteer or paid on-call firefighters ○ Volunteer ambulance attendants or personnel who serve in an on-call position ○ Elected city officials or person filling a vacancy in an elected office • ESST can now additionally be used for: <ul style="list-style-type: none"> ○ When employee must make arrangements for or attend funeral services or a memorial, or address financial or legal matter that arise after the death of a family member; ○ When prohibited from working by the employer due to concerns about communicable diseases. ○ Seeking or awaiting test results for communicable diseases. ○ When determined by a health authority or healthcare professional that the employee or family member is at risk of infecting others with a communicable disease. • Defines family member as: <ul style="list-style-type: none"> ○ The employee’s child, step-child, adopted child, foster child, adult child, child for whom the employee is legal guardian, child to whom the employee stands or stood in loco parentis, child of a sibling, child-in-law, spouse, sibling, step-sibling, foster sibling, sibling-in-law, biological parent, adoptive parent, foster parent, person who stood in loco parentis when the employee was a minor, step-parent, sibling of a parent, mother-in-law, father-in-law, grandchild, foster grandchild, step-
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<ul style="list-style-type: none"> • Employees had 365 days to report a suspected violation to the department. • Employers will be liable to employees for any ESST that is not credited at \$250 or twice the rate of pay whichever is greater. • Unlawfully withheld payments are subject to a penalty of 2 times the accrued ESST or \$20 whichever is greater. • Following a written notice of the violation, there is an administrative fine of \$50 each day for failure to comply with sections 40.250, 40.260, or 10.270 	<p>grandchild, grandparent, step-grandparent, ward, guardian, member of the employee's household, or registered domestic partner;</p> <ul style="list-style-type: none"> ○ Any family members listed in clause (2) of a spouse or domestic partner; ○ Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; ○ Up to one (1) individual annually designated by the employee. <ul style="list-style-type: none"> • Employees have 3 years to report a suspected violation to the department. • Employers will be liable for any ESST unlawfully withheld, denied, hidden, ignored, uncredited, not compensated or not communicated. Additionally, every year that an employer does not keep records of employees earned and used ESST it will be presumed that employees did not receive sufficient sick and safe time. • If an employer's policy does not provide adequate ESST, the employer is subject to an administrative penalty and the director may require the employer to attend one hour of training. • There is no longer a 5 day grace period after a written notice. Employers are subject to the following: <ul style="list-style-type: none"> ○ If an employer fails to post the ESST poster published by the department, they will be subject to a \$200 fine. ○ If an employer does not give notice to employees through their rights and accrued ESST amount,
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<ul style="list-style-type: none"> • Allowed for use of accrued ESST after ninety (90) calendar days of employment. • Year was not defined • Required employers to carry over accrued, unused ESST into the following year. • Required employers to display a workplace poster in English and any language spoken by at least five percent of the employees at the workplace or job site. 	<p>they will be subject to a \$250 fine for each violation</p> <ul style="list-style-type: none"> ○ If an employer does not retain records of accrued ESST, they are subject to \$1,000 for each failure to comply. <ul style="list-style-type: none"> • Allows for use of ESST as it is accrued, in the same increments of time for which employees are paid. Employers are not required to provide leave in less than fifteen (15) minute increments. Employers cannot require the use of ESST in more than four-hour increments. • Year is defined as a regular and consecutive twelve-month period, as determined by an employer and clearly communicated to each employee of that employer. • Additionally allows employers to provide employees with paid sick leave for the year that meets or exceeds the amended ordinance’s requirements. These amounts must be made available for use at the beginning of the year and are as follows: <ul style="list-style-type: none"> ○ 48 hours, if an employer pays an employee for accrued but unused paid sick leave at the employee’s base rate at the end of the year, or ○ 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of the year. • Requires an additional notice at the start of employment which contains the following information: <ul style="list-style-type: none"> ○ The amount of paid sick leave; ○ The accrual year for the employee; ○ The terms of use of paid sick leave under city law; ○ A copy of the written policy for providing notice;
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<ul style="list-style-type: none"> • Information on sick and safe time use and remaining hours was required to be provided to the employee upon request by the employer. • If an employee is rehired within 90 days of separation, their ESST must be reinstated. • Employers could require advance notice of 7 days for foreseeable leave. • It is not a violation for an employer to require reasonable documentation that the ESST is covered for an absence of 3 or more days • More generous policies 	<ul style="list-style-type: none"> ○ That retaliation against employees who request or use paid sick leave is prohibited; and ○ That each employee has the right to file a complaint or bring civil action if paid sick leave is denied or retaliated against by the employer. • At the end of each pay period, employers must now provide information stating the employees' current number of ESST hours available for use and the total number of hours used during the pay period. • If an employee is rehired within 180 days, their ESST must be reinstated unless it was previously paid out. • If an employer requires this advance notice, they must have a written policy that contains reasonable procedures for employees to give notice. • Employers may require reasonable documentation for ESST taken for 2 or more consecutive days. • An employer is permitted to advance ESST through the end of the accrual year based on the employee's anticipated work schedule. • All paid time off that is used for personal illness or injury (excluding disability or salary continuation) must meet or exceed ESST requirements.
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St. Paul – Full Amendment

Previous:	Current:
<ul style="list-style-type: none">• ESST covered all employees (including temporary and part-time) who perform work within the geographic boundaries of the city for at least 80 hours in a year. • Exemptions used to be:<ol style="list-style-type: none">1. Independent Contractor; or2. An individual employed by an air carrier as a flight deck or cabin crew member who<ol style="list-style-type: none">a. Is subject to USC 45.181b. Works less than a majority of their hours within the geographic boundaries of St. Paul in a calendar yearc. IS provided with Paid leave equivalent to or exceeding the amounts in section 233.03. • Harassment was undefined • Piece rate was undefined • ESST could be used for:<ul style="list-style-type: none">○ Mental or physical illness, treatment, or preventative care;○ A family member’s mental or physical illness, treatment, or preventative care;○ Absence due to domestic abuse, sexual assault, or stalking of the employee or a family member;	<ul style="list-style-type: none">• ESST now covers all employees (including temporary and part-time) that are anticipated by the employer to perform work within the geographic boundaries of the city for at least 80 hours in a year. • Exemptions now are:<ul style="list-style-type: none">○ Independent contractor○ An individual who is an elected official or a person who is appointed to fill a vacancy in an elected office as part of a legislative or governing body of Minnesota or a political subdivision; or○ An individual employed by a farmer, family farm, or a family farm corporation to provide physical labor on or management of the farm if the farmer, family farm, or family farm corporation employs the individual to perform work for 28 days or less each year. • Harassment is now defined to be the same as Minn. Stat. §609.748. • Piece rate means a form of compensation where employees are paid per unit of work completed • ESST can now additionally be used for:<ul style="list-style-type: none">○ When employee must make arrangements for or attend funeral services or a memorial, or address financial or legal matter that arise after the death of a family member;○ Absence due to Harassment;

<ul style="list-style-type: none"> ○ Closure of the workplace due to weather or public emergency, or closure of a family member's school or care facility due to weather or public emergency. ● There were no limitations to employee use of ESST during closures. ● Employees may use ESST in the smallest increment of time tracked by the employers payroll system. 	<ul style="list-style-type: none"> ○ When determined by a health authority or healthcare professional that the employee or family member is at risk of infecting others with a communicable disease. ● Employees are now prohibited from using ESST during closures if: <ul style="list-style-type: none"> ○ The employee's preassigned or foreseeable duties would require the employee to respond to a public emergency or weather event; ○ The employee is a firefighter, a peace officer, a 911 telecommunicator, a guard at a correctional facility, or a public employee holding a commercial driver's license; or ○ If one of the following two conditions is met: <ul style="list-style-type: none"> ▪ The employee is represented by an exclusive representative and the collective bargaining agreement or memorandum of understanding governing the employee's position meets certain conditions. ▪ The employee is represented by an exclusive representative, is needed for the employer to maintain minimum staffing requirements, and the employer has a written policy that meets certain requirements. ● Employees may use ESST in the same time increment of time the employee is paid. Employers are not required to provide leave in less than 15 minute increments or more than 4 hours.
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<ul style="list-style-type: none"> • Employers can require documentation after 3 days. • Required employers to compensate employees by their “standard hourly rate”. • Required employees to work in the city for a year to be entitled to carryover of ESST. • Required employers to carry over accrued, unused ESST into the following year. 	<ul style="list-style-type: none"> • Employers can require documentation after 2 days. If documentation cannot be obtained in a reasonable time without added expense, then a written statement is sufficient documentation. • Now requires employers to compensate employees by their “base rate”. Defines “base rate” as: <ul style="list-style-type: none"> ○ The same rate an hourly employee receives per hour of work ○ The hourly rate an employee would have been paid for the period in which leave was taken ○ The same rate a salaried employee would have been guaranteed if leave was not taken ○ For employees paid on commission, piecework, or any other basis, a rate no less than the applicable local, state or federal minimum wage (whichever is greater) ○ Does not include: <ul style="list-style-type: none"> ▪ Commissions; ▪ Shift differentials; ▪ Overtime premiums; ▪ Premiums for; weekends, holidays, or scheduled days off; ▪ Bonuses, or; ▪ Gratuities. • Removes the requirement to work in the city for more than a year to be entitled to carryover of ESST. Requires employers to permit employees to carry over at least 80 hours of accrued but unused ESST to the following year. • Additionally allows employers to provide all employees with paid sick leave for the year that meets or exceeds the amended ordinance’s requirements. These amounts must be made available
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<ul style="list-style-type: none"> • Employers could require an amount of reasonable documentation for the use of ESST. • Employers must display a workplace notice about paid sick leave in English and any other language spoken by employees. • Upon the request of the employee, the employer was required to provide information stating the employee’s current amount of paid sick leave hours available to use and the amount of paid sick leave hours used during the pay period. • Required that employers retain accurate documentation of compliance. 	<p>for use at the beginning of the year and are as follows:</p> <ul style="list-style-type: none"> ○ 48 hours, if an employer pays an employee for accrued but unused paid sick leave at the employee’s base rate at the end of the year, or ○ 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of the year. <ul style="list-style-type: none"> • Employers may require reasonable documentation that time off is covered when an employee uses paid sick leave for more than two consecutive scheduled workdays (see full amendment for details on reasonable documentation). • Employers must additionally provide a notice to employees on an annual basis describing employee rights under the ordinance. • Upon the request of the employee, the employer must provide information stating the employee’s current amount of paid sick leave hours available to use and the amount of paid sick leave hours used during the pay period. Additionally, if the information is provided to the employee electronically, the employer must offer the employee access to an employer-owned computer and printer to access their information. • Requires that employers must create and maintain (for at least three years after the termination of employment) the following records demonstrating compliance: <ul style="list-style-type: none"> ○ The names, address, phone number, email, and position of each employee; ○ The rate of pay, and the amount paid each week to each employee;
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	<ul style="list-style-type: none">○ The hours worked each day and each workweek for employees on an hourly basis;○ The number of pieces completed for employees paid at a piece rate;○ The method of calculating commissions for employees paid on a commission basis;○ The statements of earnings, and the employee wage notices, required by the city's wage theft ordinance;○ A copy of all personnel policies provided to the employee, including the date the policies were given to the employee and a brief description of the policies.
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