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Minnesota Earned Sick and Safe Time Final Rules Cheat Sheet

Following a multi-year process, the Minnesota Department of Labor and Industry (MNDOLI) adopted final rules clarifying Earned Sick and Safe Time (ESST) compliance:

Accrual year: Employers may define the ESST accrual year as any consecutive 12-month period, but if not clearly designated and communicated, it defaults to the calendar year. Any change must be communicated to employees in advance and cannot negatively affect accrual.

Changing accrual methods: Switching between accrual and frontloading requires advance written notice, and the change can't take effect until the first day of the next accrual year.

Employee eligibility: Covers employees anticipated to work at least 80 hours/year in Minnesota. Employers must make a "good faith" determination of this threshold, evaluating anticipated schedule and work location in a manner not knowingly false or recklessly indifferent to the truth.

Indeterminate-length shifts: When an employee needs ESST for a shift without a fixed end time, employers may calculate usage based on the replacement worker's hours, the employee's most recent similar shift, or the greatest hours worked by a similarly situated employee on that shift.

Accrual/crediting mechanics: ESST must be made available no later than the regular payday following the pay period earned, employers need not credit in increments smaller than one hour. Employers may advance ESST at a rate of at least 1 hour per 30 hours anticipated to be worked, are not required to advance more than 48 hours (absent a policy/contract/ordinance requiring more), and must make up any shortfall within 15 calendar days if actual hours exceed the original estimate.

Documentation for misuse: Beyond the statutory right to request documentation after 2+ consecutive scheduled workdays of use, the rules let employers request documentation upon a pattern or clear instance of suspected misuse (e.g., repeated use immediately before/after a day off, vacation, or holiday, or use on a day previously denied for other paid time off). Employers still cannot deny future qualifying ESST use based on past (suspected) misuse. Employee statements can serve as reasonable documentation per Minn. Stat. § 181.9447, subd. 3, where health care documentation isn't reasonably obtainable.

Incentive programs: Employers may deny a goal-based incentive (e.g., perfect attendance, sales targets) if an employee misses the goal due to ESST use, but not if the incentive would still be given to employees on other types of leave.

Interaction with generous PTO policies: ESST protections apply only when leave is used for a qualifying ESST purpose, even under a combined PTO bank, protections don't automatically extend to non-qualifying uses like vacations. Minnesota Paid Leave is treated as a separate "other salary continuation benefit" excluded from certain ESST protections under the 2024 amendments.

These are fast-moving times, and the information provided is only current as of today's date (August 12, 2026). The information provided does not, and is not intended to, constitute legal advice; instead, all information is prepared and provided for general informational purposes only.