



## Minneapolis Sick and Safe Time Ordinance Compliance Guide

On May 27, 2016, the Minneapolis City Council passed its long awaited Sick and Safe Time Ordinance, requiring most employers with employees working in the City of Minneapolis to provide paid sick/safe time to those employees commencing July 1, 2017. Although the City may make additional amendments – potentially including a safe harbor for employer PTO plans that satisfy the minimum hours requirements and permit available paid time off to be used for purposes consistent with the ordinance – employers should prepare to take the following steps to comply with the new ordinance:

### 1. *Determine if your business is required to provide paid sick/safe time.*

- ✓ All employers who employ six (6) or more employees – including full-time, part-time and temporary employees – are required to provide paid sick/safe time. Employers must count all employees, whether or not working in the City of Minneapolis. Smaller businesses and some new businesses are required to provide *unpaid* sick/safe time.

### 2. *Determine which employees are entitled to paid sick/safe time.*

- ✓ All employees who perform work in the City of Minneapolis for at least 80 hours per year are entitled to earn paid sick/safe time. This includes employees who are based and/or primarily work in other cities, if they work at least 80 hours per year in Minneapolis.

### 3. *Notify employees of their rights to paid sick/safe leave.*

- ✓ Employers must post notice of employee rights under the ordinance at any workplace or job site where any employee works.
- ✓ Employers must include notice of employee rights and remedies under the ordinance in their employee handbook.

### 4. *Establish a compliant accrual plan.*

- ✓ Employees are entitled to earn at least 1 hour of paid sick/safe time for every 30 hours worked, commencing on their first day of employment.
- ✓ Employees must be permitted to accrue up to 48 hours of paid sick/safe time per year. Employees must be permitted to bank up to 80 hours of paid sick/safe time, which carries over year to year. If an employee uses previously banked time, he/she immediately begins to accrue paid sick/safe time again. Therefore, employees may be able to use up to 128 hours of paid sick/safe time per year.
- ✓ Accrual requirements apply equally to full time, part time and temporary employees.

## 5. *Establish a compliant use plan.*

- ✓ Employees must be permitted to use available paid sick/safe time after the 90<sup>th</sup> day of employment.
- ✓ Employees must be permitted to use available paid sick/safe time for any of the following reasons:
  - The employee's own illness, injury or health condition, or appointments for diagnosis, care, treatment or preventive care
  - An illness, injury or health condition of, or appointments for diagnosis, care, treatment or preventive care for, a family member or "member of the employee's household"
  - Time off occasioned by domestic abuse, sexual assault or stalking (e.g., absences required for medical attention, obtaining victim services or counseling, relocation, or legal process) for the employee, a member of the employee's family, or a "member of the employee's household"
  - Provide childcare in the event of a school closing (e.g., snow day)
- ✓ Employers may request advance notice of an employee's intention to use paid sick/safe time if the need for use is foreseeable, but may not request more than 7 days advance notice. Employees must be permitted to use paid sick/safe time with no notice if the need is not foreseeable.
- ✓ Employers may not require the employee to find a replacement worker.

## 6. *Establish a compliant payment plan.*

- ✓ Employees must be paid for sick/safe time used at the rate they would have been paid had they worked scheduled hours. Therefore, if an employee was scheduled to work overtime or premium pay hours, the employee must be paid for sick/safe time hours used at a premium rate.

## 7. *Establish a compliant record keeping plan.*

- ✓ Employers must track all time worked in the City of Minneapolis for employees who perform occasional work in the City, to ensure compliance with the entitlements under the ordinance.
- ✓ Employers must maintain records of available sick/safe time and used sick/safe time for each employee. Employers must provide notice to employees of available sick/safe time and used sick/safe time, upon request.
- ✓ Employers may not require employees to provide documentation of the need to use sick/safe time for absences of 3 or fewer days.

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