

New law from Department of Labor and Industry coming January 1, 2024

This notice goes into effect on January 1, 2024 for all workers within the State of Minnesota.

The 2023 Minnesota State legislature passed the Sick and Safe law, [Minnesota Statutes § 181.9447, subdivision 9](#). MRCI is required to send notice to all employers and workers as well as provide resources on how to implement the new law. Please visit the [Department of Labor and Industry](#) for further information on the earned Sick and Safe Leave.

Please Note: Workers under the programs of Consumer Directed Community Support (CDCS), Consumer Support Grant (CSG) and PCA Choice currently receive the Paid Time Off benefit through the collective bargaining agreement. The PTO benefit meets the requirements under the law and therefore all workers under these programs will accumulate the PTO benefit. The accumulation rate is the same, one hour of vacation for every 30 hours worked. For these workers, there should be no change in accumulation rates.

Earned sick and safe time employee notice

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Employees must accrue at least one hour of earned sick and safe time for every 30 hours they work, up to at least 48 hours in a year. A year for purposes of the employee's earned sick and safe time accrual is: 12-month period running from January through December.

The earned sick and safe time hours the employee has available, as well as those that have been used in the most recent pay period, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- An employee's mental or physical illness, treatment or preventive care;
- The mental or physical illness, treatment or preventive care of an employee's family member;
- Absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- Closure of an employee's workplace due to weather or public emergency or closure of their 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 an employee or their family member is at risk of infecting others with a communicable disease.

Notifying employer, documentation

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time.

An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive days.

If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, inform the Participant/Participant's Representative by phone, email or other communication as far in advance as possible, but at least two days in advance. In situations where an employee cannot provide advance notice, the employee should contact the Participant/Participant's Representative as soon as they know they will be unable to work.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards Division for alternative languages at 651-284-5075 or dli.laborstandards@state.mn.us or visit the department's earned sick and safe time webpage at dli.mn.gov/sick-leave.