

## Section 5.2 Employee Benefits: Sick Pay (ESST) / Family Medical Leave Act



### ➤ **Earned Safe & Sick Time (ESST)**

Effective January 1, 2024

Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.

#### **WHO IS ELIGIBLE?**

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.

#### **HOW MUCH LEAVE CAN EMPLOYEES EARN?**

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount. This amount is carried over and capped at 80 hours.

#### **AT WHAT RATE MUST THE LEAVE BE PAID?**

Sick and safe time will be paid at the same hourly rate an employee earns when they are working. When an employee terminates, unused ESST pay will NOT be paid out.

#### **WHAT CAN THE LEAVE BE USED FOR?**

Employees can use their earned sick and safe time for reasons such as:

- 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.

#### **WHAT IF I'M ALREADY EARNING VACATION TIME OFF?**

A paid time off (PTO) plan or other type of paid leave (including sick or vacation time) can satisfy the ESST law if the plan meets Minnesota's ESST requirements.

- **IF YOUR ANNUAL VACATION ACCRUAL IS GREATER THAN 80 HOURS:**  
Since you are earning greater than 80 hours, we will be using the 'Front Load' method allowed under the ESST law.
  - You will see one accrual on your paystubs called PTO
  - It will be your Vacation accrual amount since it meets the minimum required under the ESST law

- No change to this: You are allowed to carryover one week and request one week payout (at your average # hrs/week) at the end of each year
- **IF YOUR ANNUAL VACATION ACCRUAL IS LESS THAN 80 HOURS:**
  - You will see two accruals on your paystubs
    - As you work, 1 hour for every 30 hours worked of ESST
    - Your normal vacation accrual as PTO

More information is available on the ESST poster listed under the EMPLOYMENT tab on our website.

### ➤ **Family Medical Leave Act:**

Parental leave consists of as much unpaid time off as needed within reason. TCT follows the Family Medical Leave Act. Below are the highlights, please see the FMLA Poster for more information.

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### ➤ **Maternity/Paternity Leave:**

An employee may bank up to four weeks of their average weekly hours to be used during a maternity or paternity leave.

### ➤ **Time off for extended illness:**

Family emergencies, etc., will be handled on an individual basis.