



**Employment Law  
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**August 10, 2016**

**Working Knowledge**

**Arthur Chapman Employment Law Update**

**Minneapolis Sick and Safe Time Ordinance - Effective July 1, 2017**

Most existing federal and state leave laws require employers to provide certain unpaid leaves [1]. In recent years, Congress, the Minnesota Legislature, and many cities around the country have considered proposals that would require employers to offer sick and safe time to employees. On May 27, 2016, the City of Minneapolis adopted an ordinance that requires employers to provide sick and safe time leave for employees. The ordinance will go into effect July 1, 2017. The City of St. Paul is considering a similar measure.

Employers must be aware of the provisions and update their policies and practices to ensure compliance with the new ordinance. Below are some of the key provisions:

**Coverage**

- The ordinance applies to all employers with one or more employees who perform a total of 80 hours of work per year within the geographic boundaries of the City of Minneapolis.
- An employer with five or fewer employees must allow employees unpaid use of accrued sick and safe time.
- An employer with six or more employees must provide paid use of accrued sick and safe time.
- An employer's business size for the current calendar year is based upon the average number of employees per week during the previous calendar year.
- All persons performing work for compensation on a full-time, part-time or temporary basis are counted toward the employer's business size, whether or not the persons work in the city.
- The ordinance does not apply to independent contractors.

**Accrual**

- Employees accrue a minimum of one hour of sick and safe time for every 30 hours worked up to a maximum of 48 hours in a calendar or fiscal year.
- Employees may not accrue more than 48 hours of accrued sick and safe time in a calendar or fiscal year unless the employer agrees to a higher amount.
- Employers must permit an employee to carry over accrued but unused sick and safe time into the following year.
- Employees may not accrue more than a total of 80 hours of sick and safe leave unless the employer agrees to a higher amount.
- Sick and safe time begins to accrue at the commencement of employment of the employee or as of the effective date of the

ordinance (07/01/17), whichever is later.

- Employees are entitled to use accrued sick and safe time beginning 90 calendar days following commencement of their employment. After 90 calendar days of employment, employees may use sick and safe time as it is accrued.

### **Use of Sick and Safe Leave**

Employees may use accrued sick and safe time for a variety of reasons, including:

- an employee's 1) mental or physical illness, injury, or health condition; 2) need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or 3) need for preventive medical or health care.
- the care of a family member 1) with a mental or physical illness, injury, or health condition; 2) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or 3) who needs preventive medical or health care.
- an absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member.
- the closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.
- to accommodate the employee's need to care for a child family member whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.
- to accommodate the employee's need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected closure.

### **Employee Notice**

- If the need for use of sick or safe leave is foreseeable, employers may require that the employee provide no more than 7 days advance notice of the intention to use sick and safe time.
- If the need is not foreseeable, employers may require an employee to give notice of the need for sick and safe time as soon as practicable.
- For employee absences more than 3 consecutive days, employers may require reasonable documentation from the employee that the sick and safe time is covered under the ordinance.

### **Employer Notice and Posting Requirements**

- Employers must post a notice of employee rights under the ordinance, which will be published and released by the Minneapolis Department of Civil Rights.
- If an employer maintains a handbook, the handbook must include a notice of the employee's rights and remedies under the ordinance.
- If an employee requests information about their accrued sick or safe leave time, employers must provide in writing or electronically, information stating the current amount of: (1) accrued sick and safe time available to the employee, and (2) used sick and safe time.
- Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.

## **Record Keeping**

- Employers must maintain accurate records for each employee showing the accrued sick and safe time and the used sick and safe time for each day of the work week.
- The records must be retained for a period of not less than three years in addition to the current calendar year.
- Employers must allow an employee to inspect records required by this section and relating to that employee at a reasonable time and place.
- Employers with employees who occasionally perform work in the city must track hours worked in the city by each employee performing work in the city.

## **No Retaliation**

- Employers are prohibited from retaliating against employees for exercising their rights to use sick and safe time under the ordinance.

## **Penalties**

- For the first 12 months the ordinance is in effect, or from July 1, 2017 to July 1, 2018, the Department of Civil Rights will address violations by mediating disputes and issuing warnings and notices to employers to correct the violations.
- After 12 months, the Department of Civil Rights may award various remedies for violations, including but not limited to, reinstatement, back pay, credit of accrued sick and safe time, and order payment of various fines and administrative penalties.

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[1] Please click [here](#) to access tables summarizing certain leaves required by Minnesota and federal law.

Please contact Arthur Chapman's [Employment Law Practice Group](#) with any questions about the requirements under the Minneapolis Sick and Safe Time Ordinance or if you would like assistance in developing policies and practices to ensure compliance with the ordinance. Please also feel free to share this email with others who might find it helpful (use the "share" button above).

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