

St. Louis County Earned Sick and Safe Time Policy

Policy

It is the policy of St. Louis County to comply with the Minnesota Earned Sick and Safe Time (ESST) law §§181.9445 et seq. effective January 1, 2024, and subsequent updates to that law. The law requires that eligible employees accrue one hour of ESST for every 30 hours worked up to a maximum of 48 hours of ESST in a year. The law further provides the total amount of accrued, but unused ESST for an employee must not exceed 80 hours at any time.

For purposes of satisfying ESST, the County has previously negotiated (or provided to unrepresented employees via a compensation plan) paid sick leave, vacation leave and personal leave benefits which meet or exceed ESST minimum requirements under the law. Eligible temporary employees who are not covered under collective bargaining agreements or compensation plans are eligible for ESST pursuant to this policy.

This policy is not intended to expand or enhance any rights under the ESST law and/or St. Louis County collective bargaining agreements.

Scope

This policy applies to all County employees who meet the eligibility requirements as defined below. Elected officials are not considered employees under the ESST law.

Definitions

Terms used in this policy are intended to have the meaning set forth in the ESST law. In the event of any conflict between provisions of this policy and state law, the state law prevails.

“ESST” means leave, including paid time off and other paid leave systems, that is paid at the same hourly rate as an employee earns from employment that may be used for the same purposes and under the same conditions as provided under section §§181.9447.

“Family member” means an employee’s spouse or registered domestic partner, child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands in loco parentis; sibling, step sibling, or foster sibling; biological, adoptive, or foster parent, step parent, or a person who stood in loco parentis when the employee was a minor child; grandchild, foster grandchild, or step grandchild; grandparent or step grandparent; a child of a sibling of the employee; a child-in-law or sibling-in-law; any of the above family members of a spouse or registered domestic partner; any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; up to one individual annually designated by the employee.

Eligibility

Permanent and temporary full-time and part-time employees are eligible for ESST once they perform work for at least 80 hours in a year for the County.

Accrual

Permanent employees accrue paid leave pursuant to their collective bargaining agreement or compensation plan, which meet or exceed the minimum ESST accrual requirements. Eligible temporary employees will accrue under this policy, one hour of ESST for every 30 hours of hours worked, up to a maximum of 48 hours of ESST accrued per year. For the purposes of the ESST policy, a year is defined as a St. Louis County payroll year.

Further, permanent employees carry over accrued and unused paid leave, pursuant to their collective bargaining agreement or compensation plan, into the following payroll year, which meet or exceed ESST requirements. Eligible temporary employees may carry over ESST into the following payroll year not to exceed 80 hours.

Use

Employees begin accruing ESST immediately upon employment and may use ESST as it is accrued in 15-minute increments up to a maximum of 48 hours of ESST per year, or up to a maximum of 80 hours of ESST in a year, if an employee has any ESST carry over from prior years. ESST is paid at the employee's regular hourly wage rate.

ESST may be used for the following circumstances:

For the employee:

- An employee's own:
 - Mental or physical illness, injury, or other health condition
 - Need for medical diagnosis, care or treatment, of a mental or physical illness, injury or health condition
- Closure of the employee's workplace due to weather or other public emergency.
- The employee's inability to work or mobile work because the employee is: (1) prohibited from working by the County due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or (2) seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and the employee has been exposed to a communicable disease or the County has requested a test or diagnosis.
- Absence due to domestic abuse, sexual assault, or stalking of the employee provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.
 - Obtain services from a victim services organization.
 - Obtain psychological or other counseling.
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking.
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.

For the employee's family member(s):

- Care of a family member:
 - Who has a mental or physical illness, injury, or other health condition who:

- Needs a medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition.
 - Needs preventative medical or health care.
 - Whose school or place of care has been closed due to a weather or other public emergency.
 - When it has been determined by a health authority or a health care professional that the presence of the family member of the employee in the community would jeopardize the health of others because of the exposure of the family member of the employee to a communicable disease, whether or not the family member has actually contracted the communicable disease.
- Absence due to domestic abuse, sexual assault, or stalking of the employee's family member provided the absence is to:
 - Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking.
 - Obtain services from a victim services organization.
 - Obtain psychological or other counseling.
 - Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking.
 - Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.

Designation of ESST

An eligible employee's first 48 hours of paid leave taken in any combination of sick leave, vacation or personal leave (or up to a maximum of 80 hours if an employee has any ESST carry over from prior years) will be designated as ESST. Once an employee has used their yearly ESST entitlement, none of their remaining paid leave or any paid leave they subsequently accrue in that year will be designated as ESST. Accordingly, the provisions of §§181.9445 – 181.9448 or this policy do not apply to paid leave taken after an employee has used their yearly ESST entitlement.

Rights and Responsibilities

If the need for leave is foreseeable, the County requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for ESST as soon as practicable.

While on ESST, an employee will continue to receive the County's employer insurance contributions as if they were working, and the employee will be responsible for any remaining share of their insurance premiums.

When an employee uses ESST for more than three consecutive days, the County may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records, or related documentation to support safety leave) and may designate the paid leave time as Family Medical Leave Act (FMLA) time if taken for FMLA qualifying reasons. However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using, or used, ESST for a qualifying purpose. The County will not require an employee to

disclose details related to domestic abuse, sexual assault, or stalking or the details of the employee's or the employee's family member's medical condition.

The County will not require an employee using ESST to find a replacement worker to cover the hours the employee will be absent.

When there is a separation from employment with the County and the employee is reemployed again within 180 days of separation, previously accrued and unused ESST will be reinstated, unless previously paid out pursuant to a collective bargaining agreement. If an employee has their ESST balance reinstated, they can use that ESST immediately upon reemployment.

The County will not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting ESST rights, requesting an ESST absence, or pursuing remedies.

St. Louis County will provide all employees a copy of this policy upon County Board approval or at the start of an employee's employment, whichever is later.

Complaint Procedure

ESST disputes are not subject to collectively bargained grievance procedures. An employee injured by a violation of this policy pursuant to sections §§181.9445 - 181.9448 may bring a civil action to recover any and all damages recoverable by law, together with costs and disbursements, including reasonable attorney's fees, and may receive injunctive and other relief as determined by a district court in St. Louis County.

Questions regarding ESST or this County policy should be directed to the Human Resources Department.

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RESOLUTION NO. 23-670

December 19, 2023