

# Earned Sick and Safe Time – COVID - 19 Frequently Asked Questions and Answers

## 1. What is COVID-19?

COVID-19 (coronavirus-D, 2019) is a viral respiratory illness caused by a coronavirus that has not been found in people before. Symptoms include mild to severe respiratory illness with symptoms of:

- Fever
- Cough
- Shortness of breath.

Some have reported other symptoms including muscle aches, headache, sore throat, or diarrhea. Symptoms have occurred 2 – 14 days after exposure.

[View more information about COVID-19.](#)

## 2. What is Earned Sick and Safe Time (ESST)?

The Saint Paul ESST ordinance requires that employers provide earned sick and safe time to employees that work in Saint Paul. There are two components: sick time and safe time.

- **Sick time** refers to paid time off for medical reasons, such as physical illness or mental injury or other health condition, or for medical appointments to diagnose, care for, or treat such an illness, injury or health condition, or for preventive medical care.
- **Safe time** refers to paid time off for an absence related to domestic abuse, sexual assault, or stalking.

Employees may use both sick time and safe time for their own reasons or for reasons of a family member.

[View more information about ESST in Saint Paul.](#)

## 3. Can I use ESST if my place of work, my child's school, or my child's daycare is closed because of COVID-19?

Yes, if it has been closed due to an official order. COVID-19 has been classified as a pandemic. Recently, Minnesota Governor Tim Walz has ordered the closure of schools and certain businesses in Minnesota to prevent the spread of COVID-19. Employees affected by these closures may use ESST if they are unable to work due to the closure. Employees who are unable to go to work due to the following reasons are entitled to use ESST:

- 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.<sup>1</sup>
- To accommodate the employee's need to care for a 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.<sup>2</sup>

#### 4. Can an employer require a doctor's note for an absence related to COVID-19?

Only if the request is reasonable. OSHA COVID-19 guidance<sup>3</sup> advises employers not to require a doctor's note for employees who are sick due to upper respiratory illness in order to validate their absence. This is because healthcare providers are overwhelmed and have limited capacity to diagnose and treat people suffering mild symptoms of COVID-19. Still, those individuals are being advised to stay home and self-quarantine. Employers may not require a doctor's note when it is not a reasonable request.

*Example:* Jordan is experiencing mild flu-like symptoms that they believe may be COVID-19. Jordan is scheduled to work for the next week. Jordan calls their doctor, who says that Jordan may have COVID-19 and should rest and self-quarantine for two weeks. However, Jordan's doctor advises Jordan not to come to the doctor's office unless Jordan's symptoms get worse. Jordan has no reasonable way to get a doctor's note. Jordan tells their employer that they will not be in to work for two weeks because they may have COVID-19 and have been told to self-quarantine. Jordan's employer tells Jordan to get a doctor's note before being paid ESST. Jordan's employer's request is not reasonable because Jordan is unable to obtain a doctor's note.

#### 5. Who is at risk of contracting COVID-19?

COVID-19 is highly contagious. Everyone is at risk of contracting the disease, and many who contract the disease experience only mild symptoms. **However**, the United States Center for Disease Control (CDC) has identified the following populations as being at advanced risk of becoming very sick from COVID-19:

- Older adults
- People who are immunocompromised, such as individuals who:
  - Receive cancer treatment
  - Smoke
  - Have immune deficiencies
  - Undergo bone/marrow transplantation

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<sup>1</sup> [Saint Paul Legislative Ordinance Ch. 233.04\(b\)\(4\).](#)

<sup>2</sup> [Saint Paul Legislative Ordinance Ch. 233.04\(b\)\(5\).](#)

<sup>3</sup> ["Guidance on Preparing Workplaces for COVID-19," OSHA 3990-03 2020.](#)

- Have poorly controlled HIV or AIDS
- Have a prolonged use of corticosteroids and other immune weakening medications
- People who have serious chronic medical conditions like
  - Chronic lung disease
  - Moderate-to-severe asthma
  - Serious heart conditions
  - Diabetes
  - Chronic kidney disease undergoing dialysis
  - Liver disease

[View more information about populations at risk of contracting COVID-19.](#)

**6. What if I have a health condition that puts me at greater risk of severe complications from contracting COVID-19? Do I get ESST for missing work?**

Yes, if your absence is for preventive care for an underlying medical condition. Under the ESST ordinance, employees may use ESST for the following reasons (among others):

- An absence resulting from an employee's own mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; **or an employee's need for preventive medical care;**<sup>4</sup>
- To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; **or care for a family member who needs preventive medical care.**<sup>5</sup>

**7. Does the ESST ordinance require me to share medical information with my employer?**

No, the ordinance does not require you to share medical information with your employer.

**8. Who does the ESST ordinance apply to?**

The ordinance applies to full-time, part-time, temporary, or paid on-call employees that work in the City of Saint Paul, for an employer that has a physical location in Saint Paul.

**9. How much ESST do employees get?**

Employees begin accruing ESST on their first day of employment and hours are earned over time. The amount depends on how many hours an employee works. For details visit our [Agency Rules](#) or [FAQs](#).

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<sup>4</sup> [Saint Paul Legislative Ordinance Ch. 233.04\(b\)\(1\).](#)

<sup>5</sup> [Saint Paul Legislative Ordinance Ch. 233.04\(b\)\(2\).](#)

**10. How much ESST can an employee take at once?**

An employee can use as many hours as they have accrued. There is no cap on the maximum number of ESST hours an employee can use.

**11. How can employees find their ESST Balance?**

Some employers post employee balances on the paystub and some employers provide balance upon an employee's request. If an employee requests information about how much ESST they have earned, including total balance, amount accrued, and amount used, the employer must provide an answer in writing or electronically within 24 hours. If the employee wants to use ESST immediately, the employer must provide an answer as soon as possible.

**12. If my employer believes I am sick, can my employer force me to leave work and use ESST for my absence?**

It is up to the employer whether they want to require an employee to leave work if sick. But it is up to the employee whether they want to use ESST for the absence.

**13. What do I do if my ESST balance is all used up and I still need time?**

Your employer is required to allow you to use accrued hours of ESST. In their discretion, employers can provide more paid leave to allow for use of vacation or other leave. For more resources see MN Department of Labor and Industry – [worker protections](#). Employees who have had hours reduced or are unemployed should consider filing for Unemployment Insurance with the State of Minnesota. [Visit the State of Minnesota's Unemployment Insurance website](#).

**14. How does the ordinance treat employees that work from home?**

Employees who work from home or otherwise telecommute are covered by the ordinance for the hours they telecommute and if the employer maintains a physical location in Saint Paul, and the employee works in Saint Paul. For more details, read our [FAQs](#).

**15. Can my employer require me to telecommute or work from home instead of taking ESST?**

No, they cannot require it, but your employer can offer you the choice of working from home instead of taking ESST.