

CITY OF ST PAUL EARNED SICK AND SAFE TIME POLICY

Effective Date: January 1, 2017; Revised May 31, 2019

Revised January 1, 2024

Revised: February 5, 2024

Statement of Policy

It is the policy of the City of Saint Paul to ensure that all City employees can address their own health needs and the health needs of their family members. For employees currently covered by the Civil Service Rules, a collective bargaining agreement or the Non-Represented Agreement, the provisions of this policy will run concurrently with other earned leave benefits available through these rules or agreements. Employees not covered by the Civil Service Rules or a collective bargaining agreement will be covered solely by this policy or related sick and safe time policies as issued by Human Resources. This revised policy is effective January 1, 2024.

Reason for Policy

The purpose of this policy is to comply with Minn. Statute §§ 181.9445-181.9448 and Saint Paul Legislative Code Chapter 233, which provides for Earned Sick and Safe time for all workers in the City.

Eligibility

Earned Sick and Safe time is available to all employees employed by the City, including temporary and part-time employees who work a minimum of 80 hours per calendar year. Independent contractors are excluded from this policy.

“Earned Sick and Safe Time” or “ESST” is paid time off earned at one hour of ESST for every 30 hours worked by an employee, up to a maximum of 48 hours of sick and safe time earned per calendar year. “Hours worked” includes overtime hours. The hourly rate of ESST is the same hourly rate an employee earns from employment with the City.

Employees who have sick leave benefits in their collective bargaining agreement may elect to use either ESST or standard sick leave depending upon the circumstances of the need for leave. Employees may not change the type of leave elected once their timecard has been submitted. For paid leave pursuant to the City’s Non-Represented Agreement, six Personal Leave Days will be designated as ESST-eligible. If an employee chooses to use their available sick/personal leave hours for reasons other than those outlined in this policy as ESST-eligible hours, they will not be eligible for additional ESST hours within that calendar year.

(a) Earned Sick and Safe Time Use

The use of ESST is for previously scheduled hours. The paid time may be used as it is accrued and becomes available in the smallest increment of time tracked by the City’s payroll system (.25 hours) for the following circumstances:

- 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
 - Need for preventative care

- Closure of the employee's place of business due to weather or other public emergency
- The employee's inability to work or telework because the employee is prohibited from working by the City due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or 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 City 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
- Care of a family member with a mental or physical illness, injury or other health condition:
 - Who needs medical diagnosis, care or treatment
 - Who needs preventative medical or health care
 - Whose school or place of care has been closed due to weather or other public emergency
 - When it has been determined by 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 or 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

(b) For ESST purposes, family member includes 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 or stood in loco parentis
- Sibling, step sibling or foster sibling

- Biological, adoptive or foster parent, stepparent 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 sibling of the parent of the employee or
- 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

(c) Advance Notice for use of ESST

If the need for ESST is foreseeable, the City requires seven days' advance notice. However, if the need is unforeseeable, employees must provide notice of the need for ESST as soon as practicable. Employees utilizing ESST must normally report such absences within 30 minutes of their start time unless otherwise specified by the applicable collective bargaining agreement.

When an employee uses ESST for more than three consecutive days, the City may require appropriate supporting documentation (such as medical documentation supporting medical leave, court records or related documentation to support safety leave). 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 City 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. Fraudulent requests for use of earned sick and safe time is grounds for discipline, up to and including discharge.

In accordance with state law, the City will not require an employee using ESST to find a replacement worker to cover the hours the employee will be absent.

(d) Carry Over of ESST

Employees may carry over ESST hours into the following year, but the total number of ESST hours will not exceed 80 hours at any time. Employees who are separated from the City will not receive a pay-out of the accrued ESST balance. However, if an employee is rehired within 180 days of the separation, previous ESST accruals will be reinstated.

(e) Retaliation prohibited

The City will not discharge, discipline, penalize, interfere with, or otherwise retaliate or discriminate against an employee for asserting Earned Sick and Safe Time rights, requesting ESST for an absence, or pursuing available remedies. Additionally, the City will not report or threaten to report a person or a family member's immigration status for exercising a right under Earned Sick and Safe Time.

(f) Benefits and return to work protections.

During an employee's use of ESST, an employee will continue to receive the City's employer insurance contribution as if they were working, and the employee will be responsible for any share of their insurance premiums.

An employee returning from time off after using accrued ESST is entitled to return to their City employment at the same rate of pay received when their leave began, plus any automatic pay adjustments that may have occurred during the employee's time off. Seniority during such absences will continue to accrue as if the employee has been continually employed.

Questions

Please contact Human Resources: 651-266-6500