CITY OF ST PAUL EARNED SICK AND SAFE TIME POLICY
Effective Date: January 1, 2017;
Revised: August 1, 2024
Revised: October 1, 2026

Statement of Policy

It is the policy of the City of Saint Paul to ensure that all City employees can address health and safety needs for themselves and their family members. The City provides Earned Sick and Safe Time (ESST) to eligible employees in accordance with Minnesota law and requirements. This policy implements the Minnesota Earned Sick and Safe Time Law (Minn. Stat. 181.9445 to 181.9448). The effective date of this policy is August 1, 2024.

Eligibility

All employees who work for a wage or salary, including temporary employees, are eligible for ESST if it is anticipated by the City that they will work at least 80 hours in a calendar year. Independent contractors are excluded from this policy. An employee's eligibility for ESST is independent of their eligibility for any other form of paid leave provided by the City, whether such leave is provided under a City policy, the Civil Service Rules, or collective bargaining agreements.

Earning, Accruing, and Carrying Over Earned Sick and Safe Time

- **For employees covered under collective bargaining agreements with provisions for paid sick leave:** Employees are entitled to earn, accrue, and carry over ESST from year to year at the rate provided under the respective collective bargaining agreement pursuant to the sick leave provisions. All sick leave under the collective bargaining agreement may be used for ESST-qualifying reasons.
- **For paid leave pursuant to the City's Non-Represented Agreement**: Six (6) Personal Leave Days (48 hours for full-time employees) will be designated as ESST-eligible. If an employee chooses to use their available personal leave hours for reasons other than those outlined in this policy as ESST-eligible, they will not be eligible for additional ESST hours within that calendar year.
- **For temporary, seasonal or employees not covered under a collective bargaining agreement with provisions for paid sick leave:** Eligible employees are entitled to earn and accrue 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. Up to 80 hours of accrued but unused ESST will be carried over to the next calendar year. Whenever a balance of 80 hours is reached, accruals of ESST will stop until the balance drops below 80 hours. At that time, the employee will be eligible for additional accruals up to the maximum of 48 hours in a calendar year and 80 hours total.

The total number of ESST hours will not exceed 80 hours at any time unless a greater sick leave carryover is allowed in the applicable collective bargaining agreement. 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.

Use of Earned Sick and Safe Time

When ESST and another type of paid time off is available under collective bargaining agreements, rules or policies for the same reason, ESST Time will run concurrently with the other available paid leave.

When an employee uses ESST for a reason also covered under the Family and Medical Leave (FMLA), ESST will run concurrently with FMLA.

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.

Employees are eligible to use ESST only to cover time when they would otherwise be expected to perform work. In determining whether an employee is expected to perform work at a specific time, supervisors may not take into consideration an employee's eligibility to use ESST.

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 (0.25 hours).

ESST may be used for the following circumstances:

- An employee's own:
    a. Mental or physical illness, injury or other health condition
    b. Need for medical diagnosis, care or treatment, of a mental or physical illness injury or health condition
    c. Need for preventative care
    d. Need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member;
- An employee's care of a family member with a mental or physical illness, injury, or other health condition;
    a. who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or
    b. who needs preventive medical or health care.
- For employee's absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:
    a. seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
    b. obtain services from a victim services organization;
    c. obtain psychological or other counseling;
    d. seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or
    e. 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;
- Closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed

due to weather or other public emergency pursuant to Minnesota Statute 181.9447 subd. 1,(4) unless excepted per Minnesota Statute 181.9447 subd. 12.

- The employee's inability to work or telework because the employee is:
    a. prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
    b. seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and
- When it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

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

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 two consecutive scheduled 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, court, or other relevant person or entity 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.

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.

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.

Questions
Please contact Human Resources: 651-266-6500