

Earned Sick and Safe Time Employee Notice

Employees in Minnesota are entitled to earn sick and safe time, a form of paid leave. Under law, employees must accrue at least one hour of earned sick and safe time for every 30 hours they work, up to at least 48 hours in a year. A year, for purposes of the employee's earned sick and safe time accrual, is the state's fiscal year, July 1 through June 30. Most state agency employees accrue more than the minimum required by law. Refer to the applicable [collective bargaining agreement or compensation plan](#) for more information.

The earned sick and safe time hours an employee has available, as well as those that have been used in the most recent pay period, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- an employee's mental or physical illness, treatment, or preventive care.
- the mental or physical illness, treatment, or preventive care of an employee's family member.
- absence due to domestic abuse, sexual assault, or stalking of an employee or their family member.
- closure of an employee's workplace due to weather or public emergency, or closure of their family member's school or care facility due to weather or public emergency, and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.

Notifying the employer, documentation

Under law, an employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive days.

Employees must provide notice of the intention to use sick leave as directed by the employee's collective bargaining agreement or compensation plan and agency policies and procedures, but in all circumstances shall not be required to provide more than seven days' advance notice.

All Employees - If an employee plans to use sick leave for an appointment, preventative care, or another permissible reason they know of in advance, they should inform their supervisor or designee up to seven days or as far advance as practical by phone, email, or text message.

Facility-designated positions (e.g., Correctional Officers) – Telephone the watch commander to request the use of sick leave prior to the start of a shift if use of sick leave is not previously approved by immediate supervisor. When employees do not notify their supervisor/watch commander prior to the start of a shift, Policy 103.035, Tardiness and Failure to Report to Work" applies.

Non-facility designated positions - In situations where an employee cannot provide advance notice, the employee should contact their supervisor prior to the start of the workday/shift by phone, email, or other communication as soon as they know they will be unable to work. When employees do not notify their supervisor prior to the start of a shift, Policy 103.035, Tardiness and Failure to Report to Work” applies.

Refer to [HR/LR Policy #1337](#) and DOC Policy 103.280.

Retaliation, right to file a complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

For more information

Refer to [HR/LR Policy #1337](#) Sick Leave, the applicable [collective bargaining agreement or compensation plan](#), and agency policies and procedures.

Contact the Minnesota Department of Labor and Industry’s Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us or visit the department’s earned sick and safe time webpage at dli.mn.gov/sick-leave.

This document contains important information about your employment. You can use this document to request this information in an alternate language by checking a box below and returning this page to your supervisor, agency human resources office, or as otherwise directed by your agency.

