



Earned Sick and Safe Time (ESST)

9/12/2023

What is it?

The **Earned Sick and Safe Time law (ESST)** requires all employers to provide paid leave to employees who work at least 80 hours throughout the year. This law is effective on January 1, 2024.

Important provisions in the law to note are:

- All employees who work at least 80 hours in a year, earn at least 1 hour of ESST paid leave for every 30 hours worked, up to 48 hours per year.
- Time can be used as it's accrued, there is no usage waiting period from date of hire.
- Time used cannot be counted against attendance
- No exceptions for no-fault attendance policies/point systems
- Employees can carry over up to 80 hours of ESST per plan year, unless all 48 hours are accrued at the beginning of each year (front loading).

Earned Sick and Safe Time has its own rules and requirements, so you will need to determine what that means for your district and how it should be implemented with existing TimeOff options.

What is available in SMART?

The regional centers will not provide legal advice on implementing this law, however, there will be a new TimeOff Plan, accrual process, and proofing reports in SmartHR to assist you.

1. **New TimeOff Plan/Reasons:** A new TimeOff Plan, *ESSTMNHR*, will be setup in each district by Smart Systems to be used on a per pay period accrual, but it can be changed to an annual accrual amount if preferred.
2. **New window coming in v23.3:** Accrue Earned Sick and Safe Time
This window will help you complete Earned Sick and Safe Time accruals each pay period based on hours worked and will be processed after the payroll has been created. This window will only work with the *ESSTMNHR* TimeOff Plan built by Smart Systems.
3. **New reports for proofing coming in v23.3:** Earned Sick and Safe Time-Detail, Earned Sick and Safe Time-Summary, and Earned Sick and Safe Time by Employee. These reports will only work if you are using the Accrue Earned Sick and Safe Time window to do accruals each pay period.
4. **Print Checks/Print Direct Deposit Notices/SMART eR Pay Stub:** The balance and usage of the *ESSTMNHR* TimeOff Plan will print on checks, direct deposit notices, and pay stubs in SMART eR. The *ESSTMNHR* plan will always sort to the top of the TimeOff Plan list on earnings statements to ensure it is never missed due to limited space.

Additional Resources:

MN Dept of Labor –

<https://www.dli.mn.gov/sick-leave>

- FAQs – <https://www.dli.mn.gov/business/employment-practices/faqs-earned-sick-and-safe-time-esst>
- Link to sign up for email updates – https://public.govdelivery.com/accounts/MNDLI/subscriber/new?topic_id=MNDLI_26

Employee Posters:

- Employee Notice – Check MN DOL website
- Workplace poster – Check MN DOL website