

First Minneapolis, Now St. Paul – Another Earned Sick And Safe Time Mandate

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As explained in an [earlier blog](#), the Minneapolis City Council passed the controversial ordinance that will require employers with at least one employee working in the city of Minneapolis to provide paid sick time. Now, the St. Paul City Council is considering passing a similar measure. In early August, the city council will receive the proposed ordinance from a city-led task force that was appointed in February 2016 to examine the possibility of extending Earned Sick and Safe Time (ESST) to all employees working in St. Paul. The [recommendations](#) include the following:

- The proposed ordinance would cover all employees who work in St. Paul. Further, it will cover all employers with a “sufficient nexus” to the city as solely determined by the St. Paul City Attorney.
- The proposed ordinance would apply to all employers in St. Paul regardless of size.
- Employers with policies or agreements (e.g. paid time off or collective bargaining agreements) that meet the minimum requirements of the ordinance will be deemed compliant.
- After working 80 hours for a company, an employee will begin to accrue ESST. The employee will accrue one hour of ESST for every 30 hours worked.
- The maximum number of ESST hours an employee can use in a calendar year is 48 hours.
- An employee can bank up to 80 hours of ESST each year.
- The eligible employee can begin using ESST after 90 days of employment.
- ESST can be used for the following reasons:
 - An employee’s or employee’s family member’s mental or physical illness need for medical diagnosis or preventative care.
 - An employee or an employee’s family member is a victim of domestic abuse, sexual abuse or stalking.
- The proposed ordinance defines “family member” as a child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, foster child or adopted child, and any individual related by blood or affinity whose close association with the family is the equivalent of a family relationship.
- Employers are not required to payout unused ESST upon separation of employment.

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- Employers would be required to provide notice to all employees.

The recommendations also outline the enforcement of this proposed ordinance. According to the recommendations, employers with **less than 24 employees** will be given an additional six months to comply after the effective date of the ordinance. New startup businesses will be given a “ramp-up” period of three to six months to achieve compliance. Finally, the recommendations include a private right of action for enforcement. Given the fact that Minneapolis enacted a similar ordinance, it is anticipated that the St. Paul City Council will follow suit. The timing for the ordinance, if passed, is unknown. However, it would be wise for employers to consider examining their current leave policies to determine if they would comply with this proposed ordinance.