

► New Minneapolis Sick and Safe Time Leave Became Effective July 1

On Friday May 27, 2016, the Minneapolis City Council unanimously approved a new Ordinance requiring paid sick and safe time for workers within the geographic boundaries of Minneapolis who work at least 80 hours in a year for that employer. The new law becomes effective July 1, 2017.

Employers with six or more workers will be required to offer up to 48 hours of paid leave per year for employees to use if they or a family member are sick or otherwise need safety assistance (for providing or receiving assistance because of sexual assault, domestic abuse or stalking). New businesses will be allowed to offer unpaid leave instead of paid leave for their first year in operation.

The Director of the Minneapolis Department of Civil Rights is empowered to promulgate rules to implement, administer and enforce the new ordinance.

Employees will accrue a minimum of one hour of sick and safe time for every 30 hours worked per year, up to 48 hours of leave in a calendar year, unless the employer agrees to more. Exempt employees are deemed to work 40 hours each work week for purposes of accrual except if such employee's workweek is less than 40 hours, such employee will accrue sick and safe time upon the employee's normal workweek. Employees will be able to carry over up to 80 accrued hours to the following

calendar year.

Employees may use accrued sick and safe time after 90 calendar days of employment for the employee's own health condition, for the care of a family member, or for safety leave purposes. If the need is foreseeable, an employer may require advance notice but cannot require more than seven days' advance notice. If not foreseeable, an employer may require an employee give notice of the need for the leave as soon as practicable. Employers may require reasonable documentation for absences of three or more consecutive days. Such leave may be used in the smallest amount of time tracked by the employer's payroll system. The new law does not require an employer to pay out accrued but unused sick and safe time upon termination of employment.

Employers are required to treat as confidential information concerning the health or medical status of an employee, or employee's family member or information concerning domestic abuse, sexual assault, or stalking of an employee or employee's family member

except with the employee's permission, Court order or as otherwise provided by law.

Employers are required to provide employees with a written statement of the amount of accrued as well as used sick and safe time each time wages are paid. Such notification can be on each pay stub or by online system where employees can access the employee's own information. Employers are expressly forbidden from retaliating against an employee exercising rights under the ordinance. A notice will be made available for posting by employers and such notice of rights must be included in any employment handbook.

The goal of the law is to improve public health and safety and address racial and ethnic inequalities in employment benefits. According to the City, 41 percent of Minneapolis residents who work don't have earned sick time and such employees are most likely to work with the public in food service, long-term care and health care.

*Article courtesy of Stacey A. DeKalb, Lommen Abdo. **TM***

