

POLICY TITLE:	Earned Sick and Safe Time (ESST)
COMPANY:	Episcopal Homes
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PURPOSE

The Earned Sick and Safe Time (ESST) Policy is intended to comply with the Minnesota Earned Sick and Safe Time law, Minn. Stat. §§ 181.9445 to 181.9448, effective January 1, 2024. If any federal, state, or local law provides for greater leave rights than this policy, the federal, state, or local law in question will control over this policy. Effective January 1, 2024, the ESST Policy applies to full-time, part-time and casual employees who work in the State of Minnesota for at least 80 hours in a year.

DEFINITIONS

Covered Family Member means any of the following:

- The employee’s: (i) 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; (ii) spouse or registered domestic partner; (iii) sibling, stepsibling, or foster sibling; (iv) biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child; (v) grandchild, foster grandchild, or step-grandchild; (vi) grandparent or step-grandparent; (vii) a child of a sibling of the employee; (viii) a sibling of the parents of the employee; or (ix) a child-in-law or sibling-in-law; and
- Any family member listed above of a spouse or registered domestic partner; and
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
- Up to one individual annually designated by the employee.

Leave Year: Under this Policy, the Leave Year is defined as January 1 to December 31.

Regular Rate of Pay: The employee’s regular hourly rate (including shift differentials where applicable).

Earned Sick and Safe Time or ESST:

In accordance with applicable law, employees may take ESST for any of the following purposes:

- (1) The employee’s (i) mental or physical illness, injury, or other health condition; (ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or (iii) need for preventive medical or health care; and
- (2) The employee’s need to care for a family member (i) with a mental or physical illness, injury, or other health condition; (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or (iii) who needs preventive medical or health care; and
- (3) An absence due to domestic abuse, sexual assault, or stalking of the employee or employee’s family member, provided the absence is to: (i) seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking; (ii) obtain services from a victim services organization; (iii) obtain psychological or other counseling; (iv) seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or (v) 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; and
- (4) The 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; and

- (5) The employee's inability to work or telework because the employee is: (i) 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 (ii) 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
- (6) 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; and
- (7) For any other purpose required by state or local law.

POLICY

Accrual

Beginning on January 1, 2024 or the employee's date of hire, whichever is later, eligible employees accrue ESST at a rate of 1 hour for every 30 hours worked in the State of Minnesota, up to a maximum of 48 hours each Leave Year.

Employees accrue ESST only for hours actually worked and not while on vacation, leave, while using ESST, or any other non-working time.

Carryover and Cap on Accrual

At the end of each Leave Year, eligible employees are permitted to carry forward up to 80 hours of accrued and unused ESST from one Leave Year to the next Leave Year.

While the employee may carry forward up to 80 hours of ESST from one Leave Year to the next, the employee will not accrue any additional hours after reaching an ESST balance of 80 hours and the total ESST balance drops below 80 hours.

Usage

After working 80 hours, an employee may use earned ESST as it is accrued. Eligible employees may use ESST in 15 minute increments.

Eligible employees may use ESST only if the employee is scheduled to work.

Notice by Employee

To the greatest extent possible, employees must provide written notice of the need to use ESST.

If the need for ESST is foreseeable, the employee must provide reasonable advance notification to his or her manager or supervisor. Employees must make a reasonable effort to schedule a foreseeable need for ESST in a manner that does not unduly disrupt operations.

If the need for ESST is not foreseeable, the employee must provide notice to his or her manager as soon as practicable and must generally comply with the Episcopal Homes' notice (2 hours prior to shift) and leave

request procedures to the extent that such notice does not interfere with the ability of the employee to use the ESST when needed.

For more information about Episcopal Homes' notice and leave procedures, see the Employee Handbook.

Documentation

If an employee uses ESST for more than three consecutive days, Episcopal Homes may require reasonable documentation substantiating the employee's need for ESST. Documentation will be accepted in accordance with applicable law.

Records and documents relating to medical certifications, recertifications, or medical histories of employees or family members of employees are confidential medical records and will be maintained separate from the employee's personnel records.

Episcopal Homes also reserves the right to require documentation verifying an employee's need to use ESST if there are clear indications of abuse, such as (a) using ESST hours on days when an employee's request for vacation has been denied, (b) a contemporaneous social media photo or post of the employee that conflicts with their stated reason for using ESST, or (c) a consistent pattern of circumstantial evidence.

Interaction with Other Leaves

Depending on the reason, an employee's use of ESST may also qualify for leave under federal, state, or other local laws. Any leaves will run concurrently to the greatest extent possible. An employee will be required to exhaust any accrued and unused ESST before being able to use any current Extended Illness Bank balance or taking unpaid time off.

Compensation

ESST will be paid at the employee's Regular Rate of Pay. Episcopal Homes will not pay overtime when an employee uses ESST, even for hours that would have been overtime hours if worked.

No Payout at Separation

Upon an employee's separation of employment for any reason, all unused ESST is forfeited, and there is no obligation to pay the employee for the unused ESST.

Employees who have a break in employment and are rehired within 180 days will be credited with any previously accrued, unused ESST.

ESST Notice

The rights of covered employees under the Minnesota ESST Statute include the following: (1) the right to accrue at least one hour of ESST for every 30 hours worked in Minnesota, up to a maximum of 48 hours per year; (2) the right to carry over up to 80 hours of accrued but unused ESST each year; (3) the right to use ESST for the purposes set forth in the Minnesota ESST Statute; and (4) the right to file a complaint with the Minnesota Department of Labor and Industry or a civil action if the employee believes the employee has been retaliated against or improperly denied ESST. The employee notice procedures are outlined above.

No Discrimination or Retaliation

The Company strictly prohibits retaliation or discrimination against employees who request or use ESST. Any employee who believes that he or she has been wrongfully denied ESST, retaliated, or discriminated against for requesting or using ESST must immediately notify Human Resources.

Disclaimer

This policy is not a contract for employment. The Company periodically may update this policy and reserves the right to interpret the policy as well as replace, modify, or revoke it at any time, upon reasonable notice.