



THE LUTHERAN CHURCH—MISSOURI SYNOD

# Minnesota South District

...joyfully serving together in making disciples of Jesus Christ

## Earned sick and safe time (ESST) - required notice

Employee are entitled to Earned Sick and Safe Time (ESST), a form of paid leave, mandated under MN Statute § 181.9447, subdivision 9. **Employees accrue 1 hour of ESST for every 30 hours they work, up to 48 hours in a calendar year.** ESST begins accruing on the first day of work. Unused ESST rolls into the following year up to a maximum accrual of 80 hours.

The ESST hours the employee has available, as well as those that have been used in the most recent pay period, are indicated on the earnings statement you receive at the end of each pay period. ESST is paid at the same hourly rate you earn from employment. You are not required to seek or find a replacement for your shift in order to use ESST. You may use ESST for all or part of a shift, depending on your need.

ESST 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 your employer

You should provide 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. You may be required to provide certain documentation regarding the reason for your use of earned sick and safe time if it is for more than three consecutive days.

If you plan in advance to use ESST for an appointment, preventive care, or another permissible reason, inform *Joshua Wagner, MN South Business Manager* (612-433-1183 | [joshua.wagner@mnsdistrict.org](mailto:joshua.wagner@mnsdistrict.org)) 7 days in advance, where possible. You may be required to provide certain documentation regarding the reason for your use of ESST if it is for more than 3 consecutive days. In situations where you cannot provide advance notice, you should provide notice as soon as you know that you will be unable to work.

## Retaliation, and your right to file complaint

It is against the law, and the MN South District will not retaliate, or to take negative action, against an employee for using or requesting ESST or otherwise exercising their ESST rights under the law. If an employee believes they have been retaliated against or improperly denied ESST, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for ESST violations.

## For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards

Division at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or visit [dli.mn.gov/sick-leave](http://dli.mn.gov/sick-leave).

