



## Comparison of Earned Sick and Safe Time and Paid Leave

	Earned Sick and Safe Time	Paid Leave
<b>Purpose</b>	Allow for accrual and use of paid time off and provide job protections for employees who are unable to work due to a qualifying reason.	Provide job protections and partial wage replacement for individuals unable to work due to a qualifying condition lasting at least seven days.
<b>Program start date</b>	Jan. 1, 2024 (in effect).	Jan. 1, 2026.
<b>Qualifying reasons</b>	<p><b>Medical:</b> employee’s mental or physical illness, treatment or preventive care</p> <p><b>Caring:</b> family member’s mental or physical illness, treatment or preventive care</p> <p><b>Safety:</b> domestic assault, sexual abuse or stalking</p> <p><b>Closings:</b> employee’s workplace or their family member’s school or place of care closes due to weather or a public emergency</p> <p><b>Communicable disease:</b> when an employee or a family member is at risk of infecting others with a communicable disease</p> <p><b>Bereavement:</b> arrange or attend a funeral or memorial or address financial or legal matters that arise after the death of a family.</p>	<p><b>Medical:</b> employee’s mental or physical illness, treatment</p> <p><b>Caring:</b> family member’s mental or physical illness, treatment</p> <p><b>Safety:</b> domestic assault, sexual abuse or stalking</p> <p><b>Parental leave:</b> bond with a new child after birth, foster or adoption</p> <p><b>Active duty:</b> family member on active duty or notified of impending order</p> <p>A health care provider or designated professional must certify the need for leave</p>
<b>Covered employers</b>	Nearly all Minnesota employers, regardless of business size or number of employees.	Nearly all Minnesota employers, regardless of business size or number of employees.
<b>Covered employees</b>	Employees who have worked at least 80 hours in a year for an employer in Minnesota.	Employees who have earned at least 5.3% of the statewide average annual wage (about \$3,600 in 2023) in the past year.
<b>Who is not required to participate?</b>	The law has limited exceptions. Visit <a href="https://sickleave.mn.gov">sickleave.mn.gov</a> for details.	Independent contractors, federal employees, self-employed individuals, and designated seasonal hospitality employees who work fewer than 150 days.
<b>Amount of leave each year</b>	An employee earns one hour for every 30 hours worked and can earn up to 48 hours each year. Employers can choose to provide a more generous sick and safe time policy.	In a benefit year, an employee is eligible for a maximum of 12 weeks of family leave, 12 weeks of medical leave, or a combination of the two not exceeding 20 weeks.
<b>Payment during a leave</b>	An employee is paid by their employer at their base rate when they take earned sick and safe time; these funds come directly from the employer.	An employee is paid a benefit by the state following an application and verification of eligibility. The Paid Leave program will be funded through employer and employee premiums starting in 2026.
<b>Where to go for more information</b>	<a href="https://sickleave.mn.gov">sickleave.mn.gov</a>	<a href="https://paidleave.mn.gov">paidleave.mn.gov</a>



To receive updates about the Minnesota Paid Leave program, visit our website and sign up to receive email notifications.

# Earned sick and safe time (ESST)

**Effective: Jan. 1, 2024**

## What is ESST?

ESST is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse, sexual assault or stalking.

ESST must be paid at the same hourly rate an employee earns when they are working.

## Who is eligible for ESST?

An employee is eligible for ESST if they:

- work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Temporary and part-time employees are eligible for ESST.

## Retaliation is against the law.

An employer may not retaliate, or take negative action, against an employee for asserting their legal rights under the ESST law.

## How do you accrue and use ESST?

- Employees accrue at least one hour of ESST for every 30 hours worked, unless an employer front loads ESST hours as allowed by law.
- ESST begins accruing on the first day of work and employees are allowed to use ESST as it accrues.
- Employers must allow an employee to accrue at least 48 hours of ESST every year and to roll over unused ESST to the next year up to a maximum accrual of at least 80 ESST hours.
- Employers can require documentation from employees when ESST is used for more than three consecutive days.

## What can you use ESST for?

ESST can be used for reasons that include:

- the mental or physical illness, treatment or preventive care of an employee or their family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member; and
- 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.



### Sick time

For mental or physical illness, treatment or preventive care



### Safe time

To address domestic abuse, sexual assault or stalking

# Earned sick and safe time

## WHAT IS EARNED SICK AND SAFE TIME?

Earned sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.



## WHO IS ELIGIBLE?

An employee is eligible for sick and safe time if they:

- are anticipated to work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.

Part-time, seasonal and temporary employees are eligible for sick and safe time. Sick and safe time requirements will not apply to building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.

## HOW MUCH LEAVE CAN EMPLOYEES EARN?

An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

## AT WHAT RATE MUST THE LEAVE BE PAID?

Sick and safe time must be paid at the same base rate an employee earns when they are working.

## WHAT CAN THE LEAVE BE USED FOR?

Employees can use their sick and safe time for reasons such as:

- the employee's mental or physical illness, treatment or preventive care;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
- closure of the employee's workplace due to weather or public emergency or closure of a 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 the employee or family member is at risk of infecting others with a communicable disease.
- making funeral arrangements, attending a funeral service or memorial or addressing financial or legal matters that arise after the death of a family member.

## WHICH FAMILY MEMBERS ARE INCLUDED?

Employees may use sick and safe time for their following family members:

1. their child, including 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 (in place of a parent);
2. their spouse or registered domestic partner;
3. their sibling, stepsibling or foster sibling;
4. their biological, adoptive or foster parent, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
5. their grandchild, foster grandchild or step-grandchild;
6. their grandparent or step-grandparent;
7. a child of a sibling of the employee;
8. a sibling of the parents of the employee;
9. a child-in-law or sibling-in-law;
10. any of the family members listed in 1 through 9 above of an employee's spouse or registered domestic partner;
11. any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. up to one individual annually designated by the employee.

# Earned sick and safe time

## WHO DOESN'T QUALIFY FOR EARNED SICK AND SAFE TIME?

Sick and safe time does not apply to the following employees:

- Federal employees.
- Independent contractors.
- Volunteer and paid-on-call firefighters.
- Volunteer ambulance attendants and ambulance service personnel.
- Elected officials or a persons appointed to fill a vacancy to elected office.
- An individual employed by a farmer, family farm, or family farm corporation to do physical labor or manage the farm, if they are hired to work for 28 days or less each year.
- Building and construction industry employees who are represented by a building and construction trades labor organization if a valid waiver of these requirements is provided in a collective bargaining agreement.
- Certain family caregivers who have waived their rights to sick and safe time.

## WHAT ADDITIONAL SICK AND SAFE TIME RESPONSIBILITIES DO EMPLOYERS HAVE?

In addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:

- at the end of each pay period, provide to every employee the total number of earned sick and safe time hours available for use, as well as the total number of earned sick and safe time hours used during the pay period;
- provide employees with a notice by Jan. 1, 2024 — or at the start of employment, whichever is later — in English and in an employee's primary language if that is not English, informing them about earned sick and safe time; and
- include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

The Minnesota Department of Labor and Industry has prepared a uniform employee notice that employers can use and has made it available in English and many additional languages spoken in Minnesota.



### Sick time

For physical or mental health conditions, illness or injury



### Safe time

To address domestic abuse, sexual assault or stalking



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# MINNESOTA PAID LEAVE

Effective January 1, 2026

**Minnesota Paid Leave provides payments and job protections when you need time off to care for yourself or your family.**

## What can I use Paid Leave for?

### Medical Leave:

- To care for your own serious health condition, including care related to pregnancy, childbirth, and recovery

### Family Leave:

- **Bonding Leave** – to care for and bond with a new child welcomed through birth, adoption, or foster placement
- **Caring Leave** – to care for a family member with a serious health condition
- **Military Family Leave** – to support a family member called to active duty
- **Safety Leave** – to respond to issues related to domestic violence, sexual assault, or stalking for yourself or a family member

Generally, conditions must last more than seven days and be certified by a healthcare provider or other professional.

## Am I covered by Paid Leave?

Most workers in Minnesota are covered by Paid Leave. You are covered no matter the size of your employer, or the hours or days you work. Independent contractors and self-employed individuals are not automatically covered but may opt in. You may qualify for payments if you've been paid a minimum amount for work in Minnesota in the last year (\$3,900 for the start of Paid Leave in 2026).

## How long can I take leave?

You may qualify to take up to 12 weeks of family or medical leave per benefit year. If you need both family and medical leave in the same benefit year, you may qualify for up to 20 weeks in total.

## How much will I get paid?

When you use Paid Leave, the state makes payments to you. Paid Leave will pay up to 90% of your wages, based on your income level, with a maximum weekly amount set at the state's average weekly wage. This amount changes each year, and is \$1,423 for the start of Paid Leave in 2026.

## Who pays for Paid Leave?

Paid Leave is funded by premiums paid by employees and employers. The initial premium rate is 0.88% of covered wages. Your employer may deduct up to 0.44% of your wages to fund your portion of the premium.

## What are my employment protections?

- **Job protections:** Generally, you must be restored to your job or an equivalent position when returning from leave. Job protections take effect 90 days after your date of hire.
- **Health insurance continuation:** Generally, employers must continue to fund their portion of healthcare insurance premiums while you are on leave.
- **No retaliation or interference:** Employers must not interfere with or retaliate against you if you apply for or use Paid Leave. Employers cannot take your Paid Leave payments.

For inquiries related to Paid Leave, please contact Minnesota Paid Leave at 651-556-7777 or visit our website.

If you think your employer is violating employment protections, contact the Labor Standards Division at the Minnesota Department of Labor and Industry.

**LEARN MORE:** [paidleave.mn.gov](https://paidleave.mn.gov)



This information can be provided in alternative formats to people with disabilities or people needing language assistance by calling the Paid Leave Contact Center at 651-556-7777 or 844-556-0444 (toll-free).

**mn** MINNESOTA  
PAID LEAVE

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