

Minneapolis Employers Brace For Paid Sick Leave

June 24, 2016 | [Employee Health Issues, Labor And Employment](#)

At the end of May, the Minneapolis City Council passed a controversial ordinance that will require all employers with at least one employee working in the city of Minneapolis to provide sick leave. The ordinance will become effective on **July 1, 2017**. Highlights of the ordinance include:

Eligibility: - Eligible employees include any employee who works within the geographical boundaries of the City and works at least 80 hours in a year. Eligible employees include full-time, part-time, and temporary employees so long as they work the requisite number of hours for the employer.

- If there are six or more employees, employers must compensate an employee at the same hourly rate with the same benefits as the employee was scheduled to earn during use of accrued sick leave.
- If there are five or less employees, employers must give employees unpaid use of accrued sick and safe time.

- Employers who already provide paid time off (PTO) or other paid leave policies that meet or exceed the requirements in this ordinance do not have to provide additional sick time. But, if the employer has an existing PTO policy, it does not mean it meets or exceeds the ordinance requirements. Instead, the PTO policy must (1) define “family member” as broadly as the ordinance defines it; and (2) allow for carryover of accrued but unused time.

Amount of Sick Time: - Employees can accrue one hour of sick time for every 30 hours worked. - Unless the employer chooses a higher amount, employees cannot accrue more than 48 hours of paid sick time in a calendar year. Employees must be permitted to carry over up to 80 hours of unused sick time.

- Accruals begin on July 1, 2017.
- For employees hired after that date, accruals begin on the date the employee commences work in Minneapolis.
- Employees can begin to use accrued sick leave beginning 90 calendar days after they start employment.

Use of Sick Time: - Employees can use the sick leave to care for themselves, for a sick family member (who includes a child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward, members of the employee’s household and registered domestic partners), or for an absence due to domestic abuse, sexual assault, or stalking. - If the sick leave is for three or more consecutive days, employers can require reasonable documentation supporting the need for leave. - If the need for sick leave is foreseeable, employers can require that the employee provide seven days’ prior notice. - Employers must allow employees to use sick time in the smallest amount of time tracked in the payroll system. -

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Although not required, employers can pay out any unused, accrued sick leave in the event of termination or resignation of employment. **Notices and Record Keeping:** - Employers must post notices informing employees of their rights under the ordinance. - This notice must be included in a handbook if the employer has a handbook. - Upon request by an employee, employers must provide information stating the current amount of accrued sick time available to the employee and used sick time. - For a period of three years, employers must keep records showing accrued sick time and used sick time for each day of the workweek. **Construction Industry Employers:** - For employers with construction industry employees, those employers have the option of satisfying the ordinance by paying at least the prevailing wage rate or the required rate established in an applicable apprenticeship agreement for apprentices, regardless of whether the employee is working on a public or private project. **Violation and Relief:** - Suspected violations can be reported to the Minneapolis Department of Civil Rights, which has the sole discretion to pursue an investigation. - Penalties can include:

- Reinstatement
- Back pay, crediting the employee accrued but uncredited or withheld time plus payment of the dollar value of the uncredited or withheld time multiplied by two
- Administrative penalty of up to \$1,500
- Additional administrative fines of up to \$50 per day for continued violations