

Earned Sick and Safe Time

Eligible employees accrue job-protected, paid Earned Sick and Safe Time (ESST) under this policy to use for 1) their own medical needs and the medical needs of their family members, and 2) their own safety needs and those of their family members in connection with being victims of stalking, or domestic assault/violence.

Contact Human Resources with any questions you have about ESST that aren't addressed in this policy.

Eligibility and benefit year

Because Gustavus' PTO/Vacation policies incorporate ESST requirements, employees who are eligible for PTO/Vacation time away are not eligible to accrue additional leave under this policy. Non-Exempt staff will have PTO balances reported on each paycheck and Exempt staff and faculty will have 80 hours reported on their paychecks. 80 hours is the maximum ESST balance that employees may carry which will be front-loaded at the start of each benefit year as a part of the current leave policies in place for employees who earn PTO/Vacation.

All employees performing at least 80 hours of work in Minnesota during the benefit year who are not eligible for the College's PTO/Vacation policies are eligible to accrue and use ESST under this policy. Those employees accrue one hour of ESST time for every 30 hours they work, up to a total of 48 hours in the benefit year. Once 48 hours are accrued in the benefit year, further ESST accruals will stop until the start of the next benefit year.

The current benefit year is the 12-month period starting on January 1st and running through December 31st.

ESST may be used for the following reasons:

- Your own illness, injury, health condition, and preventive care
- A "family member's" illness, injury, health condition, and preventive care
- Leave related to your needs or family member's needs in connection with domestic violence, sexual assault, or stalking
- Closure of your work location or a family member's school/place of care due to weather or public emergency
- Your inability to work/telework as a result of employer-imposed quarantine due to health concerns related to the potential transmission of a communicable illness related to a public emergency, or while awaiting diagnostic test results
- When a health authority or health care professional determines that you or family member's presence in the community would jeopardize the health of others

Family members for whom ESST can be used include your:

- Child, foster child, adult child, legal ward, child for whom you are a legal guardian, or child to whom you stand or stood in loco parentis
- Spouse or registered domestic partner
- Sibling, stepsibling, or foster sibling

- Biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis to you when you were a minor child
- Grandchild, foster grandchild, or step-grandchild
- Grandparent or step-grandparent
- Child of your sibling (nieces/nephews)
- Sibling of your parents (aunts/uncles)
- Child-in-law or sibling-in-law
- Any of the family members listed above of your spouse or registered domestic partner
- Any other individual related by blood or whose close association with you is the equivalent of a family relationship
- Up to one individual per year not listed above whom you formally designate

Using ESST

There is no waiting period for ESST and it can be used as it accrues. However, you will not be allowed to use ESST prior to accruing it, which means that any time off taken in excess of your accrual balance will be considered unpaid time off.

For foreseeable absences, you are generally required to provide at least seven (7) days of notice of your need for leave or as soon as practicable. For unforeseeable absences, you should notify your direct supervisors before the scheduled start of your workday if possible and follow the absence reporting procedures set forth in attendance policies. Your direct supervisor must also be contacted on each additional day of absence. Delayed notification to supervisors, or failure to follow proper reporting procedures, may result in disciplinary action.

Exempt employees can use ESST in minimum increments of 4 hours, while non-exempt employees can use ESST in minimum increments of 1 hour. No employee will be required to find a replacement for the time you miss as a condition of using ESST.

ESST is paid at your base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, or bonuses.

If your need for leave is greater than 3 days, you may be required to provide the following documentation confirming your need for leave:

- A note from a medical provider when leave is taken for reasons related to your medical condition or a family member's medical condition
- A court record, or a document signed by victim services organization, police representative, attorney, or anti-violence counsellor when leave is taken for reasons related to your safety or a family member's safety
- A formal written statement signed by you confirming that your family member's school or daycare has been closed on the days in question (*emails or other communications from the school/daycare are also acceptable*)

ESST absences covered by both this policy and any of our other leave policies (e.g., Short-Term Disability, Parental Leave, etc.) will run concurrently under, and count against, both policies.

Termination/resignation of employment

Unused ESST will not be paid out upon the termination, resignation, or cessation of employment. However, employees rehired within 180 days from their last date of employment will have their unused ESST balances reinstated.

ESST rights and protections

You will not be penalized or retaliated against for using or requesting time off covered by the ESST laws. If you believe you have been retaliated against or improperly denied time off, you should immediately report your concerns to Human Resources. If your concerns are not fully resolved by the Human Resources Department, you have a right to contact the Minnesota Department of Labor and Industry and may also have the ability to pursue a claim in court.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.