

COVID-19 (CORONAVIRUS) AND THE SICK AND SAFE TIME ORDINANCE FREQUENTLY ASKED QUESTIONS

This document explains how the Sick and Safe Time ordinance is interpreted by the City's Labor Standards Enforcement Division during the COVID-19 (Coronavirus) pandemic.

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Scope: This document provides general information about enforcement of the Sick and Safe Time Ordinance (Minneapolis Code of Ordinances, [Title 2, Chapter 40, Article III](#)). Employees may have additional rights under other local, state or federal laws, including the [Family Medical Leave Act](#).

A [State of Minnesota DEED website also guides businesses and workers](#) during this difficult time, as additional resources and legislation are being rolled out, including those affecting the State's *Unemployment Insurance (UI) Program*. Where applicable, Sick and Safe Time helps workers stay afloat financially until they begin receiving unemployment insurance benefit checks.

Guidance:

An employee's accrued sick and safe time hours are legally protected for their use due to Coronavirus symptoms, testing or infection. Protection extends to the employee and the employee's care of a covered family member. Ordinance protection includes, but is not limited to:

- **Coronavirus screening;**
- **Care or quarantine due to Coronavirus symptoms or infection;**
- **Testing or quarantine following close personal contact with a Coronavirus infected or symptomatic person;**
- **Covered family members' school or place-of-care closure due to Coronavirus; and**
- **Workplace closure by order of a public official due to Coronavirus.**

1.) Q. May an employee use accrued sick and safe time due to closures?

A: Many schools and places-of-care have now been closed due to Coronavirus, which triggers ordinance protection for the use of *accrued* sick and safe time hours in the city for workers who need to care for their children because of those closures. Similarly, when any public official (e.g. Mayor or Governor) orders business closures due to Coronavirus, that order triggers coverage of

the ordinance for workers at *those* businesses. *Otherwise, generally, preemptive closure (i.e. absent an order by a public official) or preemptive self-quarantine (i.e. without reason to believe the worker has probably contracted an illness) is not covered by the Sick and Safe Time ordinance.*

2.) Q. Which workers are covered because of their Coronavirus symptoms or exposure?

A. If a worker is infected or symptomatic, they may use any *accrued* sick and safe time hours. Furthermore, ordinance protection is triggered if a worker has *reason to believe they are probably infected*. Under those circumstances, as noted in the third bullet (above), self-quarantine ("preventive care" during a global pandemic) would constitute a protected use of *accrued* sick and safe time. *Otherwise, generally, preemptive closure (i.e. absent an order by a public official) or preemptive self-quarantine (i.e. without reason to believe the worker has probably contracted an illness) is not covered by the Sick and Safe Time ordinance.*

3.) Q. How many accrued sick and safe time hours may an employee use due to closures?

If ordered by a public official (e.g. Mayor or Governor) to curtail operations, an employer may determine, in good faith, a reasonable number of accrued sick and safe time hours to be *used* by employees per pay period, during the closure, based on the employee's typical schedule, expected schedule, or recent earnings history.

4.) Q. What happens when a workers' accrued sick and safe hours are exhausted?

The Sick and Safe Time ordinance does not apply once a workers' accrued hours have been exhausted. However, employers and employees are encouraged to be understanding and flexible with each other where possible during this emergency. Nothing in the ordinance prevents an employer from providing workers more generous coverage or benefits. The [Family Medical Leave Act](#) or other state or federal law may also apply. For more information, see links below or visit the [State of Minnesota DEED website](#).