

## 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*.

### **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 school or place-of-care closures?**

**A:** Yes, 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 for workers who need to care for their covered family members because of those closures.

**2.) May employees use accrued Sick and Safe time if their workplace has been closed?**

**A:** If a public official (e.g., Mayor, Governor, or other public authority) orders business closures due to Coronavirus, that order triggers coverage of the ordinance for current employees at *those* businesses. *Otherwise, generally, preemptive closure (i.e. absent an order by a public official) is not covered by the Ordinance.*

An employee is not entitled to use Sick and Safe Time after the employee's termination or other separation from employment due to Coronavirus. However, if the employer rehires the employee within 90 days, the employer must reinstate the employee's accrued Sick and Safe Time.

Employees who have been terminated or separated from employment due to coronavirus are strongly encouraged to contact the State of Minnesota DEED as they may be eligible for unemployment benefits.

**3.) Q: May employees use accrued Sick and Safe time if the workplace has not been closed by a public official but the employee's work hours have been reduced?**

**A:** The Sick and Safe Time ordinance does not require employers to allow employees to use accrued Sick and Safe time in this situation. However, nothing in the Ordinance prevents employers from allowing employees to do so. Employers are encouraged to be flexible with employees whenever possible.

Employees who have had their hours reduced are strongly encouraged to contact the State of Minnesota DEED to determine if they may be eligible for unemployment benefits.

**4.) 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.

**5.) Q. May an employee use accrued Sick and Safe Time to preemptively self-quarantine?**

**A:** Preemptive self-quarantine (i.e. without reason to believe the worker has contracted an illness) is not covered by the Sick and Safe Time ordinance.

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

**A:** If the employee's place of business has been closed by order of a public official, the employer must allow current employees to use accrued Sick and Safe Time for hours in the future that the employee was scheduled to have worked. If work hours had not been scheduled prior to the

closure, 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.

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

**A:** 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](#).