

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](#) and the [Families First Coronavirus Response 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: It depends. Employees are entitled to use accrued sick and safe time following a workplace closure only if the workplace was ordered closed by a public official (e.g. Governor or other public authority), *and* the employee remains employed by the business. If a business lays off or furloughs its workers, those workers are no longer employed by the business (within the meaning of the ordinance) and are not entitled to use accrued sick and safe time during the layoff or furlough.

If a public official orders the closure of a business due to Coronavirus, workers who otherwise would have reported to work (but cannot do so because the business has been ordered closed) are entitled to use accrued Sick and Safe Time for hours that they were already scheduled to work (at the time of the closure), if they remain employed at the time of the scheduled work (e.g., *not* furloughed or laid off).

An employee is not entitled to use Sick and Safe Time after the employee's termination or other separation from employment. 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.) If an employer's operation has been ordered closed by a public official, can it still have employees?

A: Yes, an employer that has been ordered to temporarily close due to coronavirus may still have employees. Workers who are only *temporarily* unable to work may still be employees. However, if a worker has been laid off or furloughed, the worker is no longer employed by the business (within the meaning of the ordinance) and is not entitled to use Sick and Safe Time during the layoff or furlough. An employer may choose to allow the use of sick and safe time for laid off or furloughed workers, but it is not required to do so.

4.) Q: Are employers required to pay out unused sick and safe time at the end of an employment relationship?

A: No. Nothing in the Sick and Safe Time Ordinance requires employers to pay out unused sick and safe time hours at the time the employment relationship is terminated. However, employers may choose to do so.

5.) Q: May employees use accrued Sick and Safe time if the employee's work hours have been reduced due to Coronavirus?

A: If the order of a public official due to Coronavirus forces an operation to close, that order triggers coverage of the ordinance for workers at that business who remain employed, including those who continue to perform work in some reduced capacity. Employees who were already scheduled to work when the business was ordered closed, but who are then instructed to work fewer hours, may use accrued Sick and Safe Time for the previously scheduled hours.

If the business has been closed or is operating in a reduced capacity, *but the closure was not ordered by a public official*, those employees are *not* entitled to use accrued Sick and Safe Time. 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 apply for unemployment insurance benefits](#).

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

A: If an employee is infected or symptomatic, they may use any accrued sick and safe time hours and their employers are required to allow access. Furthermore, ordinance protection is triggered if an employee 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.

7.) 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 employee has contracted an illness) is not covered by the Sick and Safe Time ordinance.

8.) Q. What happens when a worker's accrued sick and safe hours are exhausted?

A: The Sick and Safe Time ordinance does not apply once an employee's 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 [Families First Coronavirus Response Act](#) and/or other state or federal laws may also apply.

9.) Q. How does the federal Families First Coronavirus Response Act affect Sick and Safe Time requirements?

A: Federal law entitles certain employees to additional leave. For details, consult [information published by the United States Department of Labor](#).

The new Federal law does not change or diminish the requirements of the Sick and Safe Time Ordinance. Furthermore, nothing in the local ordinance prevents employers from adopting other

leave policies that provide more generous benefits, including any more generous benefits required by federal law.

The Sick and Safe Time Ordinance creates a minimum floor, not a ceiling. Compliance with the local ordinance does not require employers to explicitly refer to any employee programs or leave as “sick and safe time.” The name used by employers does not matter. The amounts and conditions of use for time off work determine whether or not any policy complies with the Sick and Safe Time Ordinance.