**SAMPLE SICK AND SAFE TIME-COMPLIANT POLICY**

***NOTE TO EMPLOYERS****: The following sample leave policy contains only the minimum requirements under the Minneapolis Sick and Safe Time Ordinance. Employers are encouraged to adopt more generous policies or incorporate sick and safe time into existing policies (e.g. a PTO policy). Nothing in the Ordinance requires your plan to be explicitly referred to as “sick and safe time.” The amounts, access and conditions of use determine whether an employer’s policy complies with the Ordinance.*

**[Generally, an employer chooses one of the following two paragraphs, but not both:]**

Pursuant to Minneapolis ordinance, employees are entitled to earn sick and safe leave at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of forty-eight (48) hours accrued per year. Accrued and unused hours carry over into future years, up to a maximum of eighty (80) hours accrued overall. When the 80-hour overall limit is reached, accrual immediately stops until usage occurs, at which time accrual restarts (until either the yearly or overall limit is reached). When the 48-hour yearly limit is reached, accrual does not restart until the following year. The year starts on \_\_\_\_\_\_\_\_\_ and ends on \_\_\_\_\_\_\_\_\_. The terms under which employees are permitted to use this leave are set forth below.

Pursuant to Minneapolis ordinance, employees are entitled to earn sick and safe leave up to a maximum of 48 hours per year and 80 hours overall. To comply with the law, employees will be awarded 48 hoursof leave to use after 90 days of employment and 80 hours at the beginning of every year thereafter. Unused hours do not carry over from year to year. The year commences on \_\_\_\_\_\_\_\_\_\_ and ends on \_\_\_\_\_\_\_\_\_\_. The terms under which employees are permitted to use this leave are set forth below.

Employees will not be paid for any unused sick and safe leave upon termination of employment. If an employee separates from employment and is rehired within 90 days, any earned and unused sick and safe leave that the employee had at the time of separation will be reinstated.

Employees must use at least 4 hours of sick leave per occurrence.

All employees begin accruing hours on the first day of work, regardless of whether they are full-time, part-time or temporary workers.

Following 90 calendar days of employment, sick and safe leave may be used for the following authorized purposes:

* Diagnosis, treatment, recuperation, or preventative care for a medical or mental health condition, illness, or injury;
* Legal action, counseling or other services for domestic abuse, sexual assault, or stalking; or
* Care of a covered family member who is sick (or needs diagnosis, treatment, or preventative care), or during emergency closure of their school or place of care (including for inclement weather)
* Scheduled work shift cancelled due to public health emergency by order of a public official

Covered family members include immediate family and/or a member of the employee’s household.

Employees may only use sick and safe leave for one of the authorized reasons listed above. Employees using earned sick and safe leave for unauthorized purposes lose protection of the ordinance for that absence.

Retaliation by management against an employee’s legitimate use of sick and safe leave is strictly prohibited by law.

No medical or other documentation will be required from the employee unless more than three consecutive absences occur, or clear evidence of illegitimate use exists. Employees who use sick or safe time leave for more than 3 consecutive absences may be required to provide reasonable certification of the need for leave including, for example, evidence of service or medical treatment provided by a professional.

In the case of an unforeseen need to take leave, for example, the illness of an employee or his or her family member or in the case of an emergency, notice should be given as soon as practicable (and, generally, before the start of the work shift).

If the need to use sick and safe leave is *foreseeable* (for example a scheduled doctor’s appointment), employees must provide notice at least 7 days prior to the absence.

When an employee wishes to use sick and safe leave, notice must be given by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [**Employer Option to insert the desired method of notice**] and directed to \_\_\_\_\_\_\_\_\_\_\_. [**Employer Option**]

A request for sick and safe leave may be denied if the employee fails to provide proper notice.

Paid sick leave hours will be compensated at the employee’s hourly rate of pay (with benefits), excluding tips, service charges, commissions and overtime rates, where applicable.

Employees will be notified of their paid sick leave balances each month on their earnings statement including sick and safe time hours (or other qualifying leave) accrued and unused.

Paid sick leave hours will not count as hours worked for the purposes of any overtime calculation.