



Webinar Series: Guidance on State and Local Paid Sick Leave and Paid Time Off Laws

Part 13: Major Midwest Developments Roll Out in Illinois and Minnesota

June 17, 2024

Seyfarth Shaw LLP

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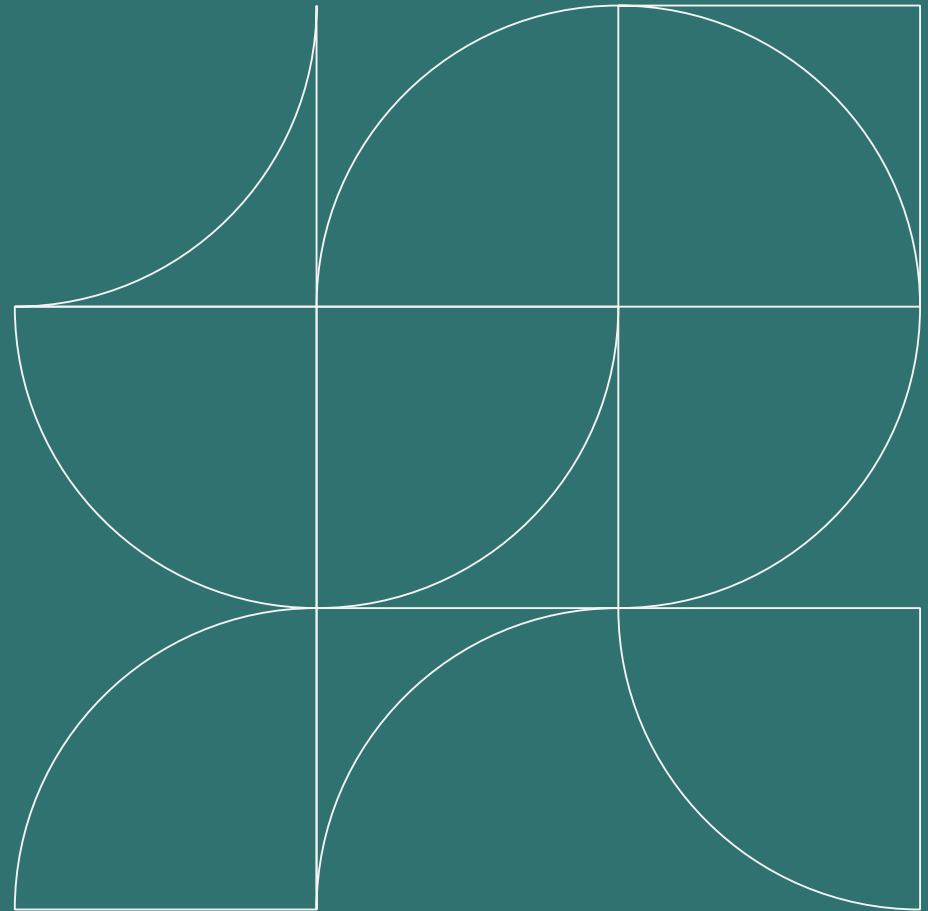


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Agenda

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Nationwide PSL and PTO Law Overview



Mandatory Paid Sick Leave (PSL) and PTO Laws

Total Mandates

As of June 15, 2024:
57 TOTAL PSL & PTO Mandates in the U.S.

- **Why?** Several jurisdictions have enacted multiple mandates.

Ex: General PSL Law + COVID-19 Temporary PSL Law

But number constantly changing due to COVID PSL laws + Sunset of Standard Laws.

As of Dec. 2020:
Approx. 69 TOTAL Mandates in U.S.

Federal

- **Executive Order 13706**
PSL for many EEs of certain federal contractors
- **Families First Coronavirus Response Act**
Emergency PSL for EEs of certain sized ERs (sunset as of 12/31/2020; reimbursement for voluntary leave option for select ERs ended 9/30/2021)

19 States + DC

PSL:

- Arizona
- California
- Colorado
- Connecticut
- DC
- Maryland
- Massachusetts
- Michigan
- **Minnesota**
- New Jersey
- New Mexico
- New York
- Oregon
- Rhode Island
- Vermont
- Virginia
- Washington

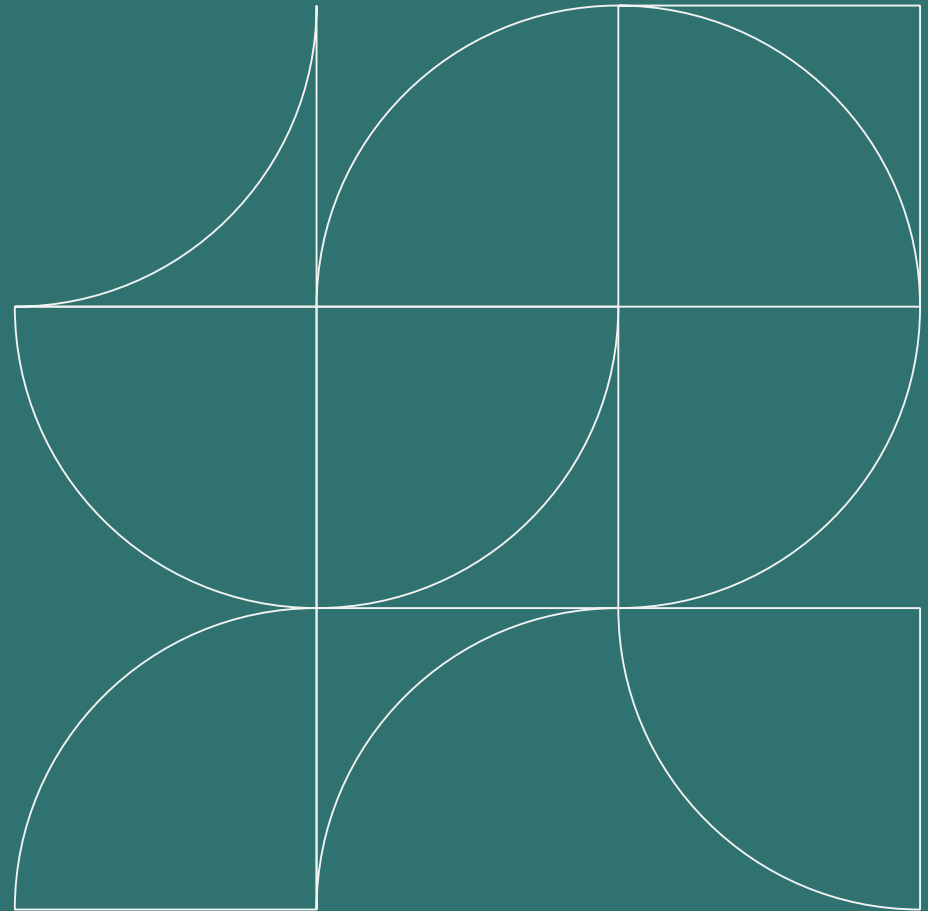
PTO:

- **Illinois**
- Maine
- Nevada

25 Municipalities

(1) San Francisco, CA; **(2)** Seattle, WA; **(3)** Long Beach, CA; **(4)** SeaTac, WA; **(5)** New York City, NY; **(6)** Los Angeles City, CA; **(7)** Oakland, CA; **(8)** Philadelphia, PA; **(9)** Tacoma, WA; **(10)** Emeryville, CA; **(11)** Montgomery County, MD; **(12)** Pittsburgh, PA; **(13)** Santa Monica, CA; **(14)** Minneapolis, MN; **(15)** San Diego, CA; **(16) Chicago, IL (PTO/PSL)**; **(17)** Berkeley, CA; **(18)** Saint Paul, MN; **(19) Cook County, IL (PTO)**; **(20)** Westchester County, NY; **(21)** Bernalillo County, NM (PTO); **(22)** Allegheny County, PA; **(23)** West Hollywood, CA (PTO); **(24)** Bloomington, MN; **(25) Orland Park, IL (PTO)**

Chicago Paid Sick Leave & Paid Leave



Overview

	Illinois – PLAWA	Chicago (PSL/PTO)	Cook County –PTO
Effective Date	1/1/24 Time available for use 3/31/24	7/1/24	12/31/23 Time available for use 3/30/24
Accrual Rate	1 hour per 40 hours worked	1 hour per 35 hours worked	1 hour per 40 hours worked
Accrual Cap	40 hours of Paid Leave per year	PSL: 40 hours PL: 40 hours (Total = 80 hours)	40 hours of Paid Leave per year
Carry Over	Employers can limit carryover to 40 hours by policy	PSL: 80 hours PL: 16 hours (Total = 96 hours)	Employers can limit carryover to 40 hours by policy
Frontloading / No Carry Over?	Yes (40)	PSL: Can frontload (40, but still must carryover) PL: Yes (40)	Yes (40)
Use Cap	40 hours	None	40 hours
Waiting Period for Use	90 days	PSL: 30 days PL: 90 days	90 days

Overview

	Illinois – PLAWA	Chicago (PSL/PTO)	Cook County –PTO
Rate of Pay	Same rate during regular work (Hourly rate of pay)	Same rate of pay during regular work Non-Exempt: 90-day lookback (Total Wages/ Hours Worked)	Same hourly rate would have earned at the time Paid Leave is taken
Reasons for Use	Any reason	PSL: Same as existing Chicago PSL PL: Any reason	Any reason
Increments of Use	2 hours	PSL: 2 hours PL: 4 hours	2 hours
Certification	No	PSL: Yes (>3d) PL: No	No
Payout at Separation	No (unless credited to existing PTO/vacation bank)	PSL: No PL: Yes (incl. unlimited PTO; exceptions for Small/Medium employers)	No (unless credited to existing PTO/vacation bank)
Reinstatement Upon Rehire	Yes – 12 months	N/A	Yes – 12 months

What's New? What's Not New?

- **New**

- Obligation to provide **Paid Leave**, in addition to **Paid Sick Leave**
- No more “FMLA Exception” for Chicago Sick Leave
- Frontloading PSL – still must carryover
- Accrual Rate – 1 hour per 35 hours
- Waiting period for new hires (PSL) – 30 days
- Increments of use (PSL) – 2 hours
- No use cap

- **Unchanged**

- Reasons for Paid Sick Leave
- Covered family members
- Advance Notice (7 days foreseeable / ASAP unforeseeable)
- Accrual of 40 hours of PSL per year
- Documentation after > 3 days

- **Benefit Year:**

- Any consecutive 12-month period of employer's choosing (need not be the same for all) (anniversary, calendar, fiscal, etc.)

- **Rate of Pay:**

- Base wage / highest minimum wage
- Divide total Wages by total hours worked in prior 90 days
 - *Does not include* overtime, premium pay, gratuities, commissions
 - No less than base hourly wage, minimum wage

- **Accrual:**

- Only hours physically worked within Chicago need to count
- Remote workers count
- No accrual required during use of paid or unpaid leave

- **Frontloading**

- 40 hours of Paid Leave = No accrual; no carryover required
 - Can frontload Paid Leave no later than 90 days of employment
 - Obviate payout obligations?
- 40 hours of Paid Sick Leave = No accrual; must (still) carryover (80 hours)
 - Can frontload PSL no later than 30 days after employment
 - (If PTO (combined) – must frontload by 30 days)

Highlights From Chicago Final PSL/PL Rules

Highlights From Chicago Final PSL/PL Rules

- **Written Policy**

- Must establish a reasonable PL/PSL Policy
 - Must include any reasons for denying Paid Leave
 - Languages other than English?
 - Notification requirements

- **Use of Leave**

- Denial of Paid Leave must be in writing; cite reason (preestablished) for denial
- Policy may require reasonable preapproval for use of Paid Leave, for the purposes of maintaining continuity of operations.
 - Relevant factors:
 - Whether PL would significantly impact business operations
 - Whether employer provides need or service critical for health, safety, or welfare of Chicagoans
 - Whether similarly situated employees are treated the same for approving/denying PL
 - Whether employee has meaningful access to use Paid Leave at other times
 - E.g., can have a blackout date on busiest day of the year; but, cannot restrict using PL on Tues/Wed/Thurs...

- **Payout Upon Separation**

- No payout for Sick Leave – *just Paid Leave*
- Upon separation OR when no longer a Covered Employee
 - Transfer to another state / outside Chicago?
- Payout Depends on Employer Size
 - ”Covered Employee”*
 - Large employers (101+) – total payout as of 7/1/24
 - City FAQ: up to 56 hours
 - Medium employers (51-100) – payout of 16 hours until 7/1/25
 - Small employers (50 and under) – no payout
- Unlimited PTO
 - Payout monetary equivalent of 40 hours of PTO, minus PTO used in the last 12-month period before separation
 - If employee has used more than 40 hours of PTO in last 12 months, no payout required.
 - Must track hours worked



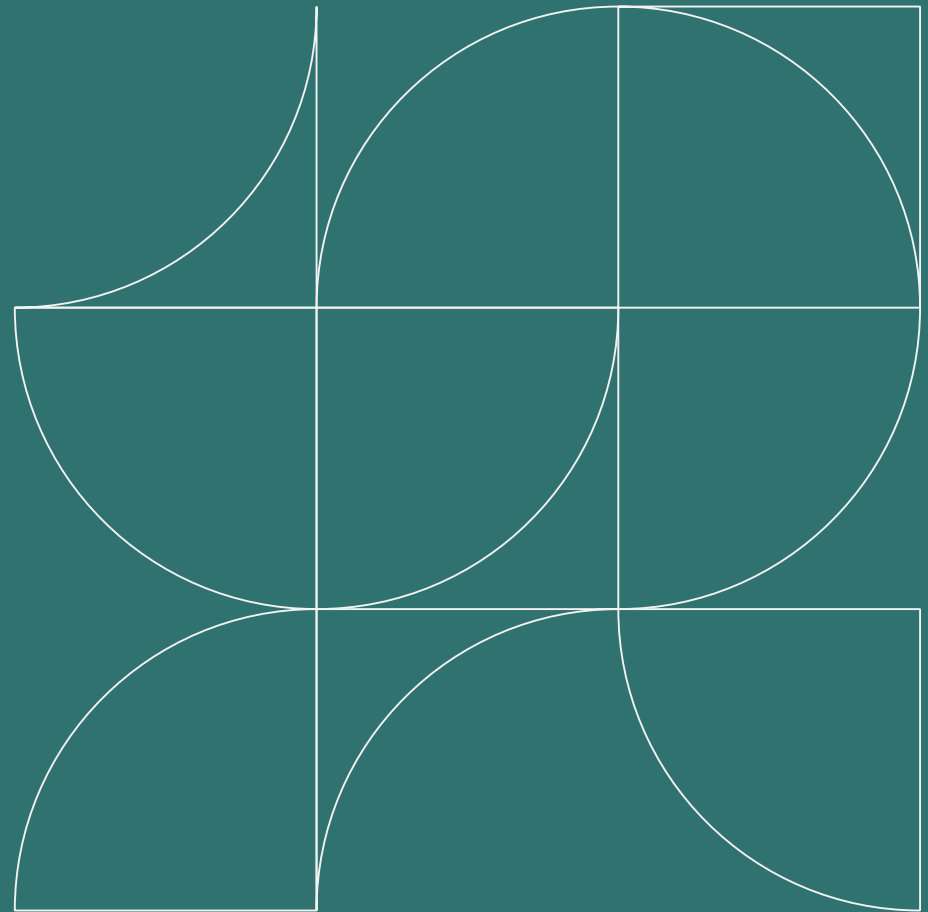
What's Next?

- Written Policy
- Balance Notification
 - Pay Stubs
 - Online System
- Poster
- Written Notice to Employees
- Review Rules:
 - <https://www.chicago.gov/content/dam/city/depts/bacp/OSL/bacpolspaidleaveandpaid sickleaverules07012024.pdf>
- Review FAQs:
 - https://www.chicago.gov/content/dam/city/depts/bacp/OSL/FAQ%20Paid%20Leave%20and%20Paid%20Sick%20and%20Safe%20Leave_v2.pdf

PAID LEAVE		
REQUIRES PAID LEAVE TO BE USED FOR ANY REASON (MCC 6-130)		
Employers must provide Employees who work at least 80 hours within any 120-day period the ability to use Paid Leave (PL) for any reason for an Employee's choosing		
Earning Leave	Using Leave	Carrying Over
PL accrues at a rate of 1 hour of PL for every 35 hours worked (up to 40 hours in a 12-month period)	Employees must be allowed to use accrued PL no later than on the 90 th day following the commencement of employment	Up to 16 PL hours can be carried over between 12-month periods (if PL is not frontloaded)

PAID SICK AND SAFE LEAVE		
REQUIRES PAID LEAVE FOR MEDICAL OR SAFETY REASONS (MCC 6-130)		
Employers must provide Employees who work at least 80 hours within any 120-day period the ability to use Paid Sick Leave (PSL) for medical and safety reasons for both the Employees and their family members		
Earning Leave	Using Leave	Carrying Over
PSL accrues at a rate of 1 hour of PSL for every 35 hours worked (up to 40 hours in a 12-month period)	Employees must be allowed to use accrued PSL no later than on the 30 th day following the commencement of employment	Up to 80 PSL hours can be carried over between 12-month period

Illinois Paid Leave for All Workers Act



Pre-Existing Policies

“An employer who has a qualifying pre-existing paid leave policy in effect on January 1, 2024, is not required to modify the pre-existing paid leave policy. If, after January 1, 2024, the employer modifies a pre-existing paid leave policy in such a way that it no longer provides a minimum of 40 hours of paid leave to be used for any reason in accordance with Section 15(a) of the Act, that policy will no longer be considered a qualifying pre-existing paid leave policy.”

- **EXAMPLE A:** *Employer A has provided all employees with at least **two weeks' vacation** every year since 2010. The vacation policy requires at least two weeks' advance notice and manager approval, but the leave can be taken for any reason. Per the employer's policy, unused vacation time is paid out to the employee at the end of employment. Employer A **does not need to modify anything** about this policy after January 1, 2024, because it complies with the definition of "qualifying pre-existing paid leave policy".*
- **EXAMPLE B:** *Employer B has provided all employees with **15 sick days** every year since 2015, but no other form of paid leave such as vacation or paid time off. . . . the sick time is only to be used for illness, injury, and medical appointments of the employee or a family member of the employee. Employer B's policy is **not a "qualifying pre-existing paid leave policy"** because it does not allow employees to take leave for any reason. Therefore, on or before January 1, 2024, Employer B must modify their policy to allow at least five days of that leave to be used for any reason, or add five days that can be used for any reason in accordance with the Act.*

Pre-Existing Policies

- **EXAMPLE C:** Employer C has provided full time employees with five days' (40 hours) vacation since 2018. Employer C does not provide any paid time off to **part time employees**. On or before January 1, 2024, Employer C must develop a policy to provide paid leave to part time employees at the rate of at least one hour of paid leave for every 40 hours worked, but does not need to modify its policy for full time employees.
- **EXAMPLE D:** Employer D did not provide any paid leave to its employees prior to January 1, 2024. On January 1, 2024, Employer D adopts a paid leave policy that provides all employees 40 hours of paid leave, and the terms of that policy comply with all provisions in the Act. The following year, Employer D decides to offer an **additional five days** of paid leave to its employees who have been employed by them for five years or more. The employer would like to require advanced written notice in order to take that additional leave. The provisions of this Act **do not apply to the additional paid leave time** the employer has chosen to provide for longer-tenured employees and the employer can set different terms and conditions for use of this leave.

Highlights from Illinois Final Regulations

- **Frontloading**

- Can prorate for new hires that begin in the middle of a 12-month period
- Specific provisions on how to change frontloading model (at least 30 days before end of 12-month period + accounting)
- Can prorate for part-time employees, with notice
 - If employee works more, must receive at least 1 per 40 hours worked

- **Use of Leave**

- “An employer who offers more than one type of leave should confirm and document what category of leave the employee wishes to draw from for any use of leave.”
- Can deny leave where:
 - The policy for considering leave requests, including any basis for denial under this Section is disclosed to the employee, in writing, consistent with this Section; and
 - The paid leave policy establishes certain limited circumstances in which paid leave may be denied **in order to meet the employer's operational needs** for the requested time period; and
 - The policy is consistently applied to similarly situated employees and does not effectively deny an employee adequate opportunity to use all paid leave time they are entitled to over a 12-month period.

Highlights from Illinois Final Regulations

- **Carryover**

- Can have mutual agreement to pay out PTO in lieu of carryover, confirmed in writing.
- Employer policy may limit carryover to 40 hours (*must be in policy*)
- No carryover if PTO is frontloaded

- **Existing Banks / Payout**

- “An employee's existing time off allowance bank or time off account shall be kept separate from the accounting of the employee's earned paid leave under the Act unless the employer's written policy or practice is to combine such leave.”
- “If an employer chooses to credit the leave provided for under the Act to an existing paid leave allowance provided by the employer, any unused paid leave time shall be paid to the employee upon an employee's termination, resignation, retirement, or other separation to the same extent that vacation time is paid under the Illinois Wage Payment and Collection Act [820 ILCS 115/5]. [820 ILCS 192/15]”

Highlights from Illinois Final Regulations

Employees shall have the discretion to determine how many paid leave hours they need to use in a 12-month period except:

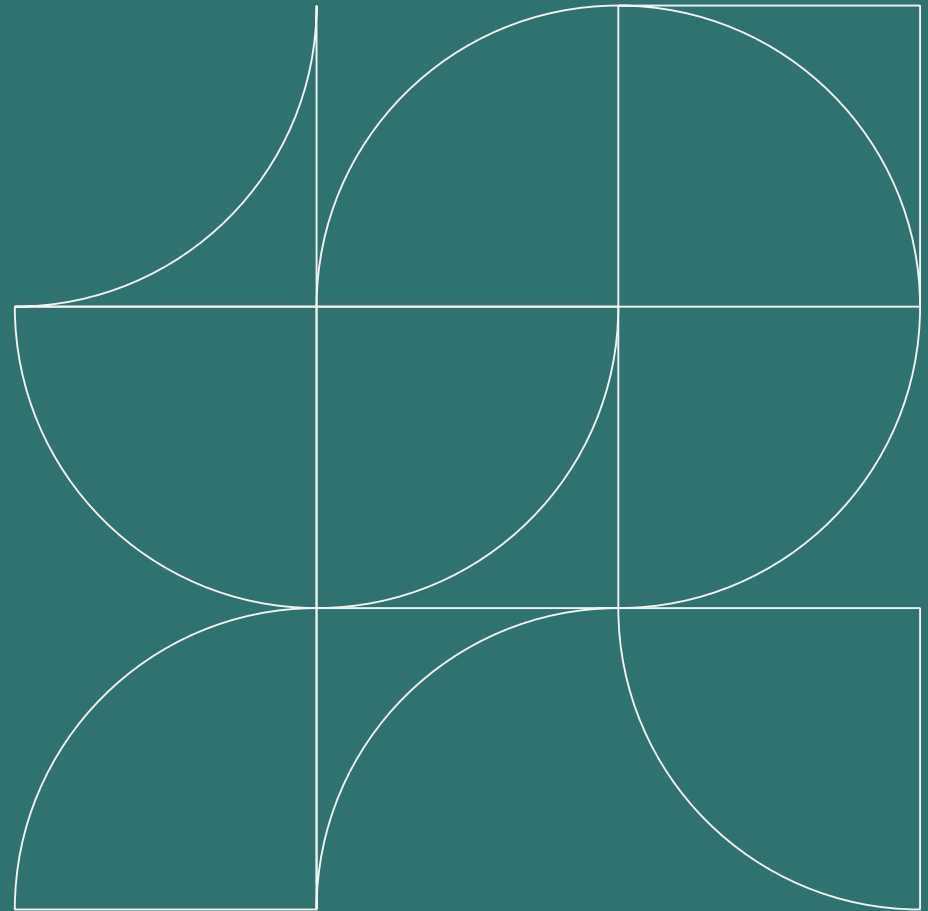
- **(1) If an employee's scheduled workday is more than two hours, then the employer may restrict the use of paid leave to increments of no less than 2 hours per day.**
- **(2) If an employee's scheduled workday is less than two hours, then the employer may restrict the amount of paid leave used per day to the equivalent of the scheduled workday.**

- **EXAMPLE A:** Employee A wants to use **45 minutes** of paid leave to run an errand. Their employer may have a policy requiring employees to **use 2 hours**.

- **EXAMPLE B:** Employee B wants to use **3 hours** of paid leave. Their employer **may not require employees to use a higher number of hours** instead.

- **EXAMPLE C:** Employee C's children's before and after school care is canceled. Employee C's employer requires a **minimum usage of two hours of paid leave per day**. Employee C may take **one hour of paid leave in the morning and one hour of paid leave in the afternoon** to do drop-off and pick-up.

Cook County Paid Leave Ordinance ("CCPLO")



Highlights from Cook County Final Rules

- **Local Ordinances/Opt-Outs**

- Commission will defer to municipality re: enforcement if municipality has enacted paid leave ordinance applicable to the employee at issue that **(a)** provides paid leave in an amount & manner that is as or more generous than the CCPLO and **(b)** provides remedies against an employer that fails to provide such benefits
- Prior municipality opt-outs under Cook County Earned Sick Leave Ordinance do not apply to CCPLO (FAQs)

- **Accrual**

- Paid Leave accrues only in hourly increments—no fractional accruals required if employee works less than 40 hours
- But employers can use smaller, proportional accrual rates, e.g., 0.025 hours of Paid Leave per hour worked (FAQs)

- **Balance Notification**

- If frontloading, must provide written notice of number of Paid Leave hours employee will receive on or before start of employment/first day of benefit year

Highlights from Cook County Final Rules

- **Notice of Need for Leave – Foreseeable Absences**
 - policy must be in writing
 - policy must be communicated to employees in advance
 - cannot require employees to give notice when unconscious or otherwise incapacitated
 - cannot require employees to provide more than 7 days' notice
 - cannot limit the means by which employees can provide the required notice in a manner that makes compliance so unreasonably difficult that Paid Leave cannot, as a practical matter, be used
- **Notice of Need for Leave – Unforeseeable Absences**
 - policy must be in writing
 - cannot require employees to give notice when unconscious or otherwise incapacitated
 - must allow third person to provide notice for employee
 - cannot require notice prior to day of absence
 - must allow notice via phone, e-mail, and text message

Highlights from Cook County Final Rules

- **Notice of Rights**
 - Must be provided by the later of each employee's Date of Coverage or Date of Eligibility
 - Must be provided at least once per calendar year thereafter
- **Recordkeeping**
 - Clarifies types of records that must be kept (e.g., hours worked, paid leave earned & used, remaining balance, & requests to use paid leave that were denied)
- **Frontloading**
 - Can prorate for part-time employees and new hires, but must allow employees to accrue more paid leave if they work more hours than anticipated

Highlights from Cook County Final Rules

- **Pre-Existing Employer Policies**

- More generous policies are OK, e.g., faster accrual, higher accrual cap/carryover cap/usage cap
- Employers may:
 1. adopt/retain PSL/PTO/vacation/holiday policies that are in addition to the minimum Paid Leave hours required under the CCPLO & Rules; or
 2. provide a Paid Leave policy that is more generous than the minimum rate of accrual required under the CCPLO & Rules.
 - *“An Employer that exercises one or more of the foregoing options does not create a cause of action for an Employee under the Ordinance if the Employer later reverts to the minimum requirements of these Rules or some other practice that exceeds the minimum requirements of these Rules but is less generous. For example, if an Employer had allowed Employees to accrue one hour of Paid Leave for every 10 hours of work, the Commission would not entertain the complaint of an Employee if the Employer, on a later occasion, requires an Employee, for any nondiscriminatory reason, to instead work 30 hours before accruing an hour of Paid Leave.”*
- Employers are not required to convert existing Earned Sick Leave balances to Paid Leave (FAQs)

What's Next?

- Written Policy Requirements

- Written Policy

“If an Employer imposes terms and conditions on an Employee’s use of Paid Leave, the Employer must adopt a reasonable, written Paid Leave policy, made available in English and in any additional language commonly spoken by the Employer’s workforce, that, at a minimum, includes the protections of the Ordinance and the rules contain herein, and is consistent with the provisions of the Ordinance and rules contained herein. The Paid Leave policy may be a part of an existing employer manual, existing employer handbook, or a separate document. ”

- Must notify employees of accrual/frontload amounts and which apply to various groups of employees
- Must provide notice requirements in writing

- Poster

- Review Rules:

- https://www.cookcountyil.gov/sites/g/files/ywwepo161/files/documents/2024-03/ProceduralRules_PaidLeaveOrdinance_031424_1.pdf

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Cook County Commission on Human Rights

Cook County Paid Leave Ordinance NOTICE TO EMPLOYEES

You are covered by the Cook County Paid Leave Ordinance (PLO) if:

1. You work for an employer in Cook County; and/or
2. Your employer has a place of business in Cook County.

You are entitled to:

- Earn at least one (1) hour of paid leave for every 40 hours worked;
- Use paid leave for any reason; and
- Be paid for leave at your usual rate of pay.

If you believe your employer has not issued the paid leave you are entitled to, or, has violated the Ordinance in another way, you can file a complaint with the Cook County Commission on Human Rights:

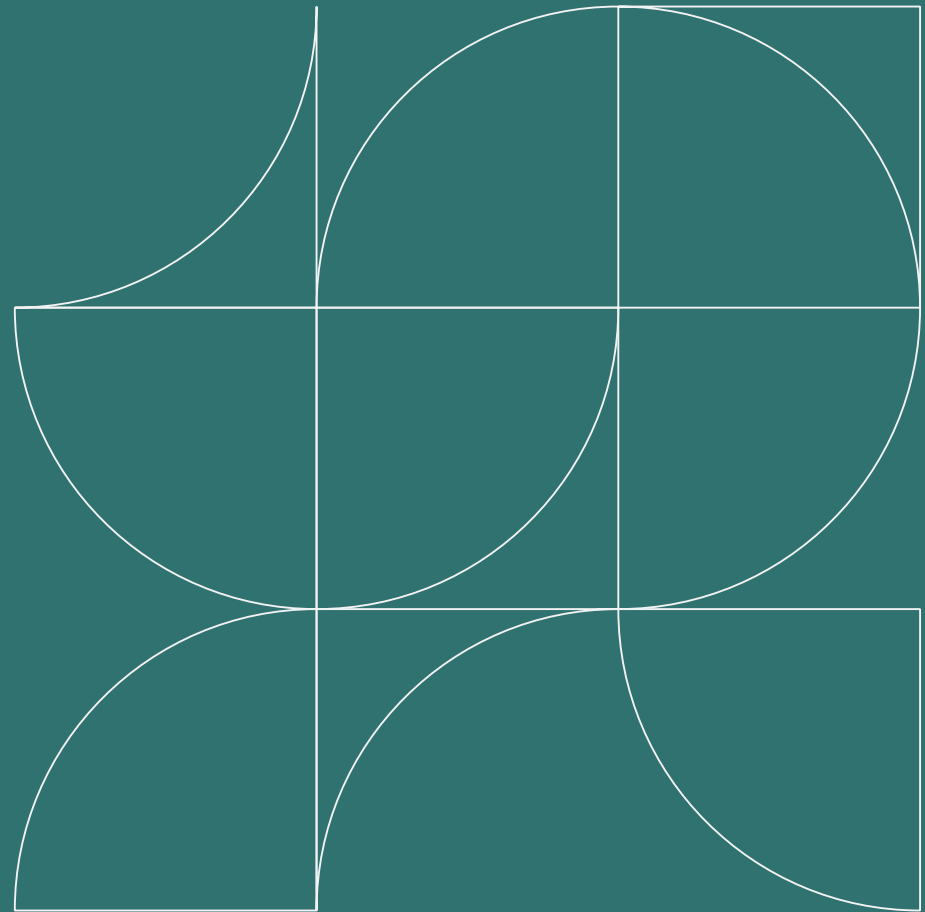
- You may begin the complaint process by contacting a Human Rights Investigator for an intake interview.
- Investigators can be reached Monday through Friday, 9 a.m. to 4 p.m., by telephone or email.
- More information and forms for filing a Paid Leave complaint are available at www.cookcountyil.gov/PaidLeave



Effective Date 12/31/2023

Visit www.cookcountyil.gov/PaidLeave for more information.

Village of Orland Park Paid Leave Ordinance

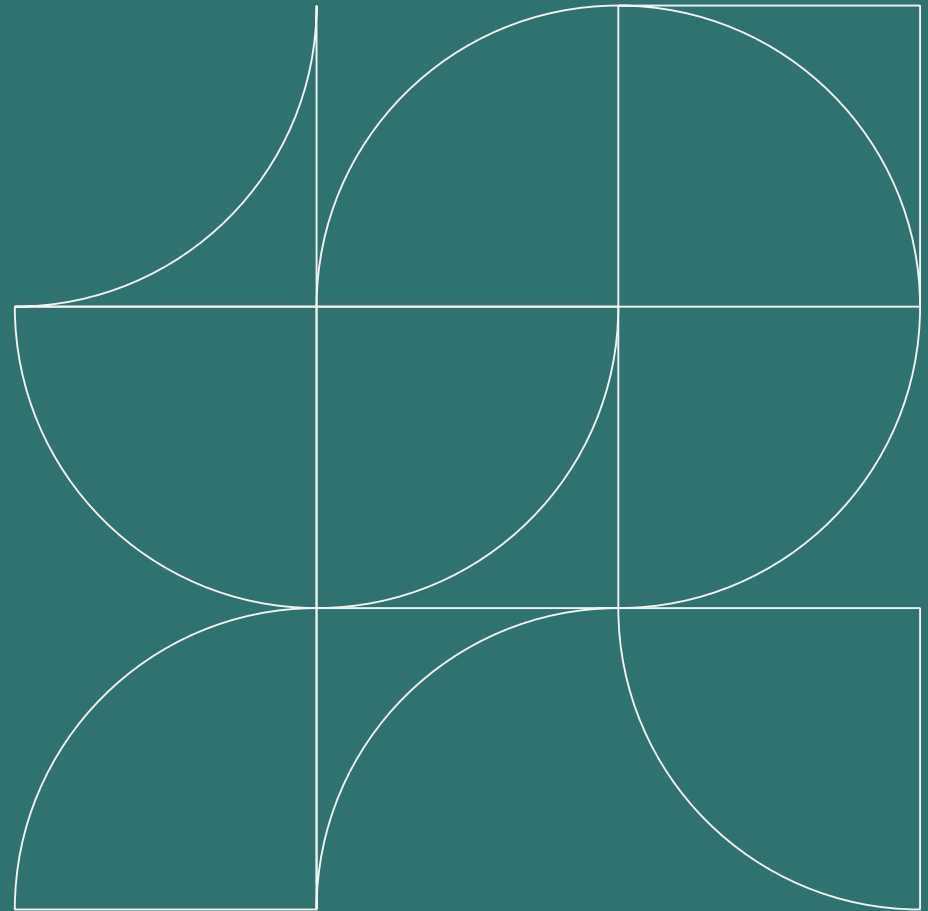


Overview – Village of Orland Park Paid Leave Ordinance

(12/18/2023)

- **Employer Coverage**
 - One or more employees and principal place of business or doing business in Orland Park
- **Employee Eligibility**
 - Full-time employees only
 - One year of employment
 - Regularly scheduled to work 1600+ hours per year
- **Amount of Leave**
 - 5 days or paid leave for any reason per 12-month period
- **CBA Exemption**
 - “Nothing in this Ordinance shall be deemed to affect the validity or change the terms of any collective bargaining agreements in effect on January 1, 2024.”
- **Enforcement**
 - File complaints of violation with Director of Human Resources, who will investigate and decide whether prosecution is warranted
 - Employers subject to fines/penalties if convicted
- **Interplay with CCPLO**
 - Village purports to opt out of CCPLO

Minnesota Earned Sick and Safe Time Law Amendments



Paid Sick and Safe Leave in Minnesota – 4 Laws

- **Statewide Minnesota Earned Sick and Safe Time (ESST) Law**
 - Effective January 1, 2024
 - **Amended May 24, 2024**
- **Bloomington, MN**
 - Effective July 1, 2023
 - Amended effective January 1, 2024
- **Duluth, MN**
 - Effective January 1, 2020
 - **Repealed January 2024**
- **Minneapolis, MN**
 - Effective July 1, 2017
- **Saint Paul, MN**
 - Saint Paul (effective 2017 – 2018, depending on employer size)
 - Amended effective January 1, 2024

Minnesota ESST – May 2024 Amendments

- **H.F. 5247, Art. 11**

- Approved by Gov. Walz on May 24, 2024
- ESST changes rolled out across three effective dates
 - May 25, 2024 (i.e., the next day) → **Majority of changes**
 - July 1, 2024
 - January 1, 2025
- Changes are broad, mix of pro-employee, pro-employer, and clarifications and impact a variety of substantive topics



- **Employee Eligibility**

- **Original:** "Employee" = individual employed by employer who **performs** work for the employer for **at least 80 hours in a year** in Minnesota.
- **Amended:** "Employee" = individual employed by employer who **is anticipated by the employer to perform** work for the employer for at least 80 hours in a year in Minnesota.
- ALSO changes to who is **not included in definition of "employee"**

- **Covered Reasons for Use**

- **Original:** Already broad – Employee own illness, injury, preventive care; Care of a family member with illness, injury, preventive care; Safe time absences for employee or family member; closures due to weather or other public emergency; certain absences related to "communicable disease"
- **Amended:** Same **PLUS bereavement leave** → "An employee's...need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member."

Reminder: MN ESST has a **broad** family member definition – **(1)** child, spouse, domestic partner, sibling, parent, grandchild, grandparent, nieces and nephews, aunts and uncles, child-in-law, sibling-in-law; **(2)** any of the above of a spouse or domestic partner; **(3)** equivalent of family relationship; **and (4)** up to one person **annually designated by the employee**

Highlights From MN ESST Amendments (May 25, 2024)

Highlights From MN ESST Amendments (May 25, 2024)

- **Rate of Pay**

- **Original:** Same **hourly** rate as employee normally earns, not less than minimum wage.
- **Amended:** Same **base** rate as employee normally earns, not less than minimum wage
- **Amended:** Added a new definition of “base rate” with several components, as follows:
 - Hourly Employees: Same rate received per hour of work
 - Hourly Employees with Multiple Hourly Rates: Rate employee would have been paid for period of time in which leave was taken
 - Salaried Employees: Same rate guaranteed to the employee as if the employee had not taken the leave
 - Employees paid solely on commission, piecework, or any basis other than hourly or salary: No less than applicable minimum wage
 - Base Rate does NOT include: Commissions; shift differentials that are in addition to an hourly rate; premium payments for overtime work; premium payments for work on Saturdays, Sundays, holidays, or scheduled days off; bonuses; or gratuities

- **Balance Notification**

- **Original:** Must provide **on earnings statement** each pay period: **(a)** total number of ESST hours accrued & available for use, and **(b)** total number of ESST hours used during pay period
- **Amended (5/25/24):** Removed (a) and (b) above from MN Statutes 2023 Supplement, section 181.032 (i.e., ER earnings statement requirement)
- **Amended (7/1/24):** Must provide (a) and (b) **(BUT removed from (a) “ESST hours accrued”)** to EEs each pay period **via reasonable system**

- **Increments of Use**

- **Original:** Smaller of **(a)** 4-hour increments or **(b)** the smallest increment of time tracked by the employer's payroll system
- **Amended (5/25/24):** **Same increment that EEs are paid (no < than 15 min – no > than 4 hr)**

- **Documentation**

- **Original:** “More than 3 consecutive days” standard
- **Amended (5/25/24):**
 - “More than 3 consecutive **scheduled work** days” standard
 - For safe time absences, if EE cannot obtain documentation in reasonable time or without added expense, **then written statement from EE OK**

Highlights From MN ESST Amendments (May 25, 2024 and July 1, 2024)

Highlights From MN ESST Amendments (July 1, 2024)

- **Recordkeeping**

- **Original:** Employers must retain records documenting hours worked by employees and earned sick and safe time taken
- **Amended:** Same as above **PLUS** records must be kept for a period of three years
- **Amended:** Records must be readily available for inspection by the commissioner upon demand, AND be either kept at the place where employees are working or kept in a manner that allows employer to comply within 72 hours.

- **Weather Event Exceptions**

- **Scope:** ONLY for covered absences related to closure of EE's place of business due to weather or other public emergency or an EE's need to care for a family member whose school or place of care has been closed due to weather or other public emergency
- **Amended:** EE cannot use ESST IF certain conditions are met, including preassigned or foreseeable work duties would require EE to respond to public emergency or weather event
 - **Limited to certain positions or roles**

Minnesota ESST Amendments – January 1, 2025

• Effect on More Generous Policies

– **Original:** Nothing in MN ESST law shall be construed to discourage employers from adopting or retaining earned sick and safe time policies that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements of the MN ESST law

– **Amended:** Same **PLUS**

*“**All paid time off and other paid leave** made available to an employee by an employer in excess of the minimum amount required in section 181.9446 [i.e., accrual of ESST section] **for absences from work due to personal illness or injury**, but not including short-term or long-term disability or other salary continuation benefits, **must meet or exceed the minimum standards and requirements**” of the MN ESST law, exception 181.9446”*

– **Potential broad application; Open questions remain**

What's Next?

- Written Policy, including possible updates to model notice
- Balance Notification
 - Pay Stubs
 - Online System
 - Other
- Effect on More Generous Policies – Clarifications by January 1, 2025?
- Awaiting Rulemaking





SCAN ME

CLE: NEW PROCESS

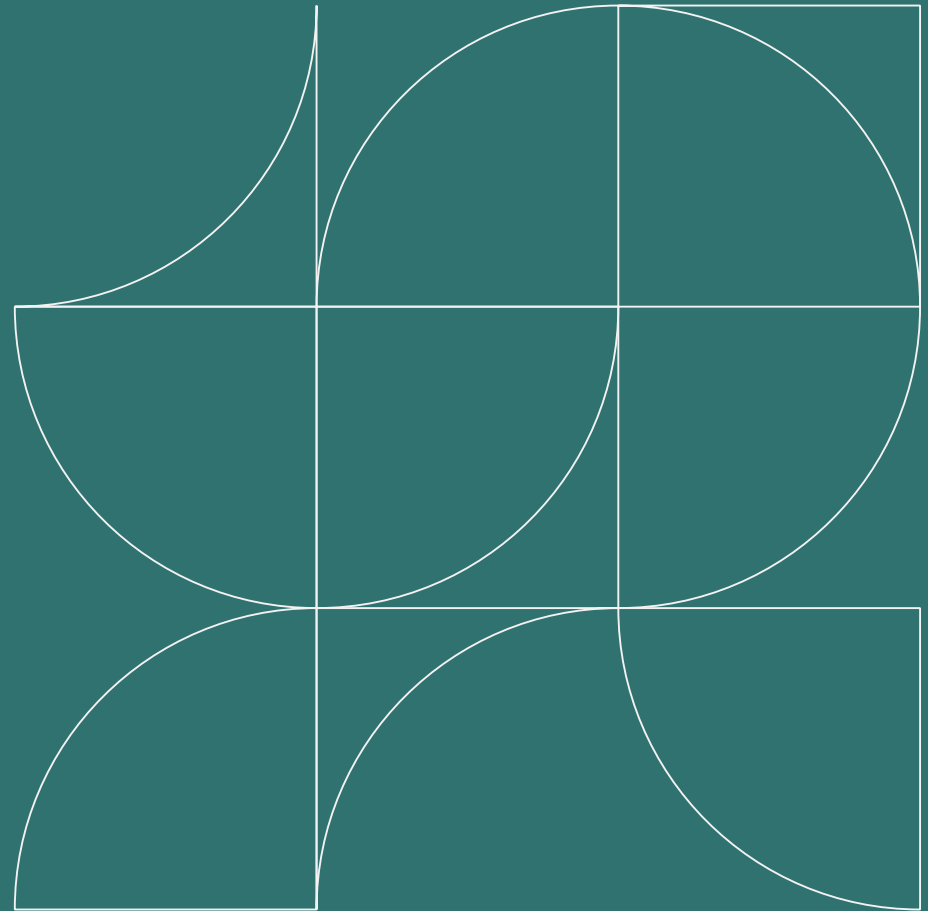
Please scan the QR code and complete the digital attendance verification form to receive CLE credit for this program.

You will need:

1. **Title: Guidance on State and Local Paid Sick Leave Laws – Part 13: Major Midwest Developments Roll Out In Illinois and Minnesota**
2. **Date Viewed:** June 17, 2024
3. **Attendance Verification Code:** SS_____

State-specific CLE credit information can be found in the form.

Paid Sick Leave and PTO Law Outlook





Paid Sick Leave and PTO Outlook – 2024 and On

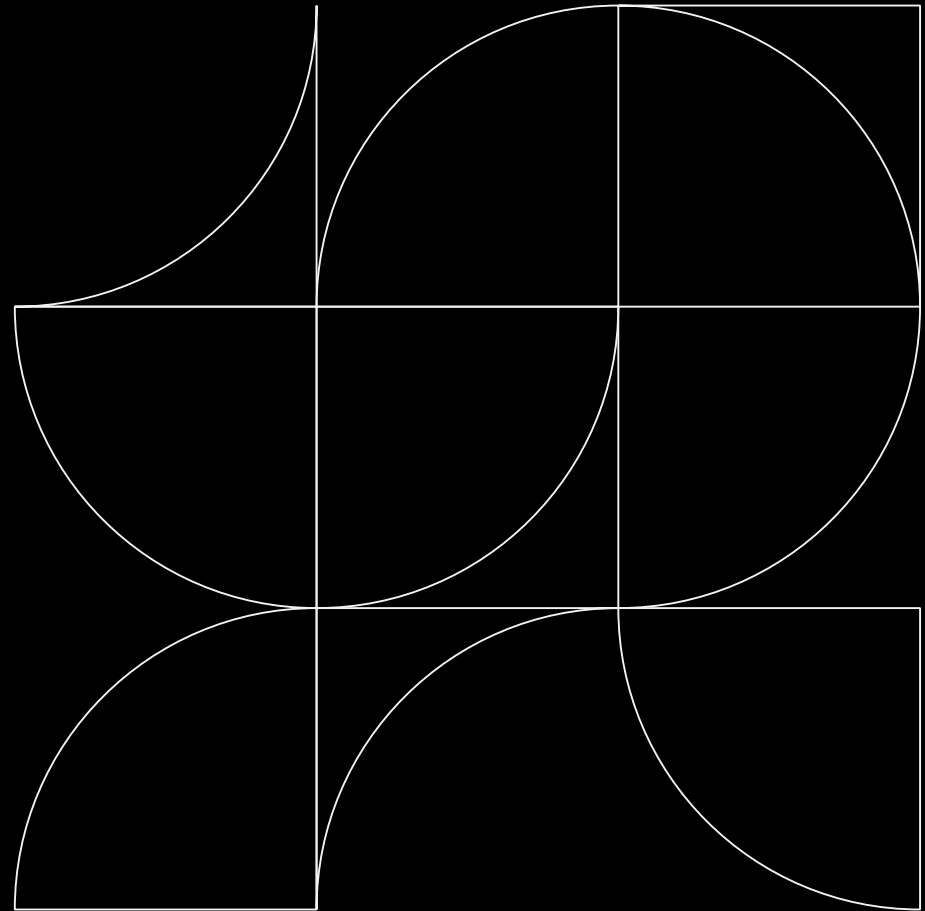
Laws scheduled to go into effect or that recently became effective:

- Connecticut (PSL Amendments – 1/1/2025)
- New York (Paid Prenatal Leave – 1/1/2025)
- Chicago, IL (PTO / PSL Law – 12/31/2023, but really 7/1/2024)
- Minnesota (General PSL Amendments – 5/25/2024)

Next locations likely to adopt:

- **Federal:** Potential for nationwide PSL mandate. Key 2023 legislation – The Healthy Families Act (S.1664)
- **State:** **(1)** Delaware; **(2)** Nebraska; **(3)** Missouri; **(4)** Virginia (for all private ERs); **(5)** Hawaii; **(6)** Pennsylvania;
- **Municipal:** **(1)** New York City, NY (PTO law?); **(2)** CA localities with prior COVID-19 PSL laws that may seek to adopt general non-COVID PSL laws

Seyfarth Paid Leave Resources



Seyfarth Paid Leave Resources



If you have questions about or would like assistance with the country's **Paid Sick Leave “Patchwork”** here are some ways Seyfarth can help:

(A) Premium PSL Survey: Seyfarth maintains a *comprehensive PSL survey* breaking down the specific requirements of *each* existing state and local PSL law.

For more information contact: paidleave@seyfarth.com

(B) Paid Leave Mailing List: Seyfarth regularly publishes Legal Updates and Blog Posts on PSL and other paid leave law developments.

You can sign up here:

<https://connect.seyfarth.com/9/7/landing-pages/subscription.asp>

Seyfarth Paid Leave Resources



(C) Webinar Series - Guidance on PSL: This webinar series is a great tool for you!

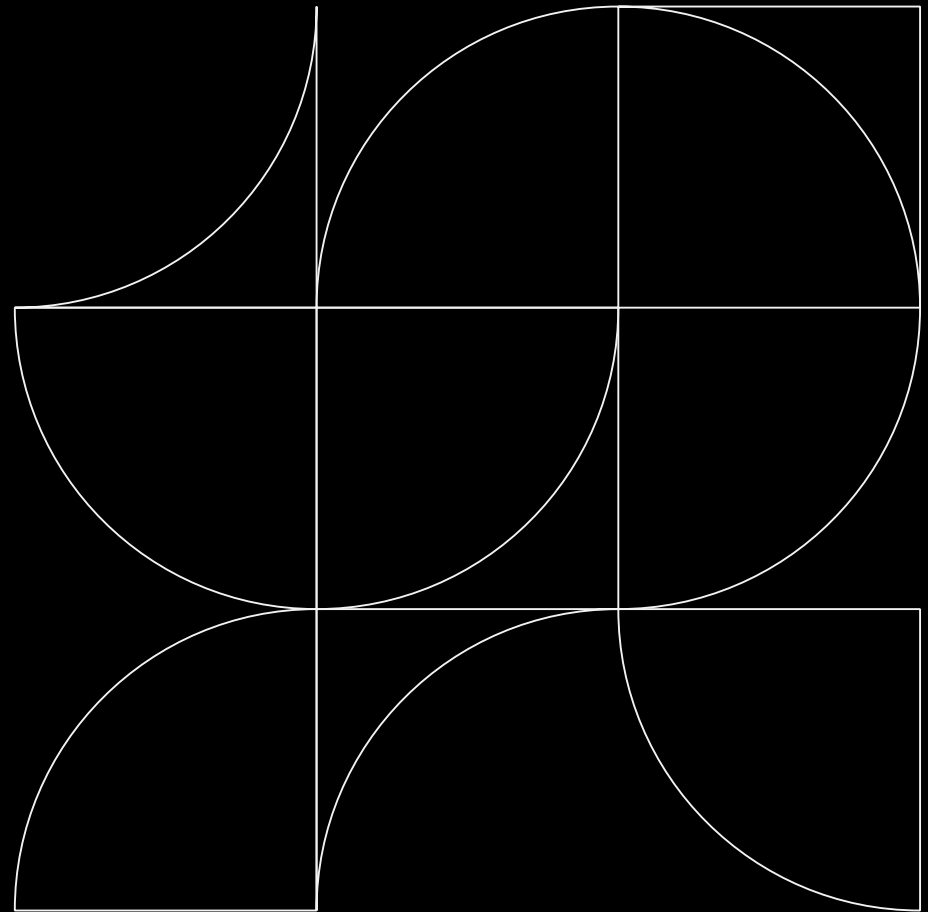
- Part 1 – NY State and Local PSL at the end of 2020
- Part 2 – CO, ME and NY PSL updates
- Part 3 – COVID-19 Supplemental PSL mandates
- Part 4 – Prospects for Federal Paid Leave
- Part 5 – Practical tips on navigating the PSL “patchwork”
- Part 6 – NY COVID and General PSL in 2022
- Part 7 – Two Years of COVID-19 Paid Leave Laws, Plus Recent Developments
- Part 8 – NM and West Hollywood, CA
- Part 9 – PSL Law Impact on CBAs Under RLA and NLRA
- Part 10 – What’s New with Paid Sick Leave in 2023
- Part 11 – 10 Year of PSL
- Part 12 – CA, IL, Chicago, and MN 2023 Year-End Activity
- Part 13 – TODAY!

Note: We have a separate Webinar Series on Paid Family Leave guidance.

(D) “Take It or Leave It” Podcast: In late 2021, Seyfarth launched a podcast focused exclusively on workplace leaves, absence management, and accommodations. Episodes streaming on Spotify, SoundCloud, and Apple Podcasts, and available on Seyfarth’s website.

More info at: <https://www.seyfarth.com/trends/take-it-or-leave-it-podcast.html>

Questions?



**thank
you**

contact information

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