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CITY OF SAINT PAUL

HUMAN RIGHTS & EQUAL ECONOMIC OPPORTUNITY

Serving Saint Paul residents and businesses by advancing justice and equity through education, advocacy, and enforcement.

- Contract Compliance & Business Development
- Procurement (Contract & Analysis Services)
- Human Rights, Including ADA, LEP, & PCIARC
- Labor Standards Enforcement & Education

Accommodations available upon request for ALL services



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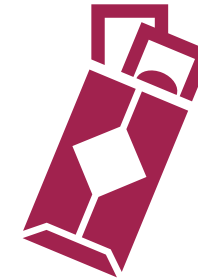


Saint Paul Labor Standards Ordinances



Earned Sick & Safe Time

Creates access to paid time off from work for employees who perform work in Saint Paul Chapter 233



Minimum Wage

Local hourly minimum wage standard for employees who perform work in the city of Saint Paul Chapter 224

Purposes of Earned Sick & Safe Time (ESST) Ordinance

§233.01



To ensure that all workers in the City of Saint Paul can address their own health needs and the health needs of their family members



To promote the economic security and stability of workers and their families, as well as businesses serving the City of Saint Paul and its residents



To allow victims of domestic abuse and their family members to receive treatment and take the necessary steps to ensure their protection



To protect the public's health in Saint Paul by reducing the risk and spread of contagion



To safeguard the public welfare, health, safety, and prosperity of the people in the City of Saint Paul



Summary of Amendments

- ✓ Updating recitals
- ✓ Adding definitions
- ✓ Clarifying various ordinance provisions
- ✓ Revising administrative items to create consistency between ESST & Minimum Wage ordinances



Specifics

- Section 233.03 – Clarifying: When Employees Accrue, Accrual, Carry Over, Frontloading, and method of compliance
- Section 233.04 – Clarifying when employers must allow/permit to use accrued ESST hours
- Section 233.06 – Aligning definitions and content between Minimum Wage and ESST ordinances
- Section 233.12 – Aligning provisions with Minimum Wage, and Removing annual report language because it is specified in Chapter 11 Labor Standards Division Ordinance
- Section 233.13 – Aligning Investigation procedures, Director Notice of violation/determination of no violation, Court Action, Contents of Notice of Violation, Hearing Examiner, Council Determination, Relief and Administrative Fines provisions with Minimum Wage Ordinance
- Section 233.14 – Aligning Civil Enforcement provision with Minimum Wage Ordinance
- Section 233.15 – 233.18 – Renumbering to bring into form
- Section 233.19 – Adding No Assumption of Liability provision from Minimum Wage Ordinance



Questions?

Stpaul.gov/LaborStandards
651-266-8966

Email Labor Standards:
LaborStandards@stpaul.gov

Beth Commers
Deputy Director, Human Rights & Labor Standards divisions, HREEO
Beth.Commers@stpaul.gov
651-266-8896



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Additional Slides



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Allowable Uses of ESST §233.04

Sick Time (Employee OR Family Member)

- Mental or physical illness, injury, or health condition
- Medical diagnosis, care, or treatment
- Need for preventive medical care

Safe Time (Employee OR Family Member)

- Absence due to domestic abuse, sexual assault, or stalking
- Seek medical attention, counseling
- Obtain victim-services, seek legal advice or action
- Seek relocation

Closure of Place of Business (Employee)

- Closure of employee's place of business by order of a public official to limit exposure to:
 - Infectious agent
 - Biological toxin
 - Hazardous material
- Other public health emergency

Closure of Place of Care (Family Member)

- Employee's need to care for family member whose place of care was closed due to:
 - Inclement weather
 - Loss of power, loss of heating, or loss of water,
 - Other unexpected closure

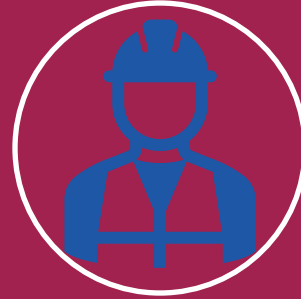
Definition of Employee §233.02



Anyone employed by an employer



Perform work within Saint Paul for at least 80 hours in a year



Includes temporary and part-time employees, but NOT independent contractors



Regardless of immigration status





ESST Option One: Accrual Method §233.03

Applies to employees who perform work within the City of Saint Paul

Accrue one hour of ESST for every 30 hours worked

Accrue up to 48 ESST hours each year

Carryover up to 80 hours from one year to the next

Begin accruing upon hire; use after first 90 days



ESST Option Two: Frontload Method §233.03

Applies to employees who perform work within the City of Saint Paul

Employee provided with at least 48 hours of ESST for use in first year

Employee provided with at least 80 hours of ESST in subsequent years

In first year, hours may be used after initial 90 days of employment

No carryover requirement, hours frontloaded at beginning of year

Vacation or Other Paid Leave Policy §233.03



A paid leave policy, such as vacation time or paid time off, may comply with the ESST ordinance if the paid leave:

- **May be used for same purposes as ESST**
- **Is available in the same or higher amount as ESST**
- **May be used under the same conditions as ESST**
- **Meets all requirements of ESST Ordinance**



Employees elect when to use their ESST §233.07

Employees may not be required to find a replacement to cover their shift

§233.04

ESST is compensated at standard hourly rate of pay (no entitlement to tips or commissions) §233.04

Reasonable documentation may be requested for absences longer than three days

§233.04

Employees may use ESST hours as they are accrued or frontloaded

Employers must keep confidential any information provided in support of a request for ESST §233.05

Information may **only** be disclosed if requested by employee or required by law §233.05



Employers must Notify Employees §233.07

That they are entitled to ESST

Of the acceptable uses of ESST under the ordinance

Of the amount of ESST (accrual or frontload policy)

That retaliation is prohibited

Of the right to file a complaint or bring civil action

In English and employees' primary language

If an employee handbook is provided, this information must be included



Notice to Employees Poster

§233.07

The City of Saint Paul has created a notice poster. Employers may comply with the ESST Ordinance's posting requirements by displaying the poster in a prominent location (physical or digital)

- Available in five languages at StPaul.gov/LaborStandards
- Contact HREEO if other languages needed



CITY OF SAINT PAUL

NOTICE TO EMPLOYEES

The Minimum Wage and ESST ordinances apply to employees performing work within the geographical boundaries of Saint Paul

Earned Sick and Safe Time	Minimum Wage Increases																
<p>What can you use ESST for?</p> <div style="display: flex; flex-direction: column; gap: 10px;"> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">For yourself or a family member's mental or physical illness, including preventative medical care</p> </div> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">Reasons related to domestic violence, sexual assault, or stalking</p> </div> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">School or work closure because of exposure to an infectious agent</p> </div> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">Care for a family member whose daycare closed unexpectedly</p> </div> </div> <p>How do you accrue and use ESST?</p> <ul style="list-style-type: none"> Employees accrue 1 hour of ESST for every 30 hours worked ESST begins accruing on the 1st day of work and employees are allowed to use earned ESST after their first 90 days of work (unless their Employer has a more generous ESST policy). Employers must allow an employee to accrue at least forty-eight (48) hours of earned sick and safe time every year and roll over unused sick and safe time up to 80 hours after the employee's first year. Documentation may be requested for absences of longer than 3 days 	<p style="font-size: x-small; text-align: center;">The Saint Paul Minimum Wage is updated annually</p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr style="background-color: #92d050;"> <th style="width: 25%;">Business Size</th> <th style="width: 25%;">2022 Minimum Wage</th> <th style="width: 50%;">2023 Minimum Wage</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Macro 10,001 + employees</td> <td style="text-align: center;">\$15.00</td> <td style="text-align: center;">\$15.19 <small>Effective January 1</small></td> </tr> <tr> <td style="text-align: center;">Large 101-10,000 employees</td> <td style="text-align: center;">\$13.50</td> <td style="text-align: center;">\$15.00 <small>Effective July 1</small></td> </tr> <tr> <td style="text-align: center;">Small 6-100 employees</td> <td style="text-align: center;">\$12.00</td> <td style="text-align: center;">\$13.00 <small>Effective July 1</small></td> </tr> <tr> <td style="text-align: center;">Micro 5 or fewer employees</td> <td style="text-align: center;">\$10.75</td> <td style="text-align: center;">\$11.50 <small>Effective July 1</small></td> </tr> </tbody> </table>		Business Size	2022 Minimum Wage	2023 Minimum Wage	Macro 10,001 + employees	\$15.00	\$15.19 <small>Effective January 1</small>	Large 101-10,000 employees	\$13.50	\$15.00 <small>Effective July 1</small>	Small 6-100 employees	\$12.00	\$13.00 <small>Effective July 1</small>	Micro 5 or fewer employees	\$10.75	\$11.50 <small>Effective July 1</small>
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<p>Report a Violation</p> <p style="font-size: x-small;">If you believe your right to ESST or Minimum Wage has been violated, you can file a complaint with HREEO using any of these methods:</p> <div style="display: flex; flex-direction: column; gap: 10px;"> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">CALL : 651-266-8966</p> </div> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">EMAIL: LaborStandards@stpaul.gov</p> </div> <div style="display: flex; align-items: center;"> <p style="font-size: x-small;">VISIT our website: www.stpaul.gov/laborstandards</p> </div> </div> <p style="font-size: x-small; text-align: center;">Employees also have a right to bring a civil action if they believe their right to ESST or Minimum Wage has been violated</p>																	
<p>Retaliation is Illegal</p>																	
<p>Language interpretation, translation, and accommodations are available upon request</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="display: flex; align-items: center;"> <p style="font-size: x-small; margin: 0;">SAINT PAUL HUMAN RIGHTS & EQUAL ECONOMIC OPPORTUNITY</p> </div> <div style="text-align: right; font-size: x-small; margin: 0;"> <p>City of Saint Paul Department of Human Rights & Equal Economic Opportunity Division of Labor Standards Enforcement and Education 15 W Kellogg Blvd, Suite 280, Saint Paul, MN 55102</p> </div> </div>																	

Required Statement to Employees §233.08

Upon an employee's request, the employer must provide, in writing or electronically:

- Earned Sick and Safe Time available to employee
- Used Earned Sick and Safe Time

Employers may choose a reasonable system for providing this notification, including but not limited to:

1. Listing information on each pay stub or
2. Developing an online system where employees can access their own information



Notice Best Practices

Employer may require employee to comply with customary notice and procedural requirements, if they don't interfere with purpose of ESST ordinance. §233.04

Employees able to use their ESST



Notify employer when able to do so



Text message, email, or voicemail



Allow friend or family to notify employer



ESST Record Keeping Requirements §233.09

Employers must retain records for three years & grant access to HREEO

- Hours worked by employees
- ESST Accrued
- ESST Used
- Records retained through employee transfer

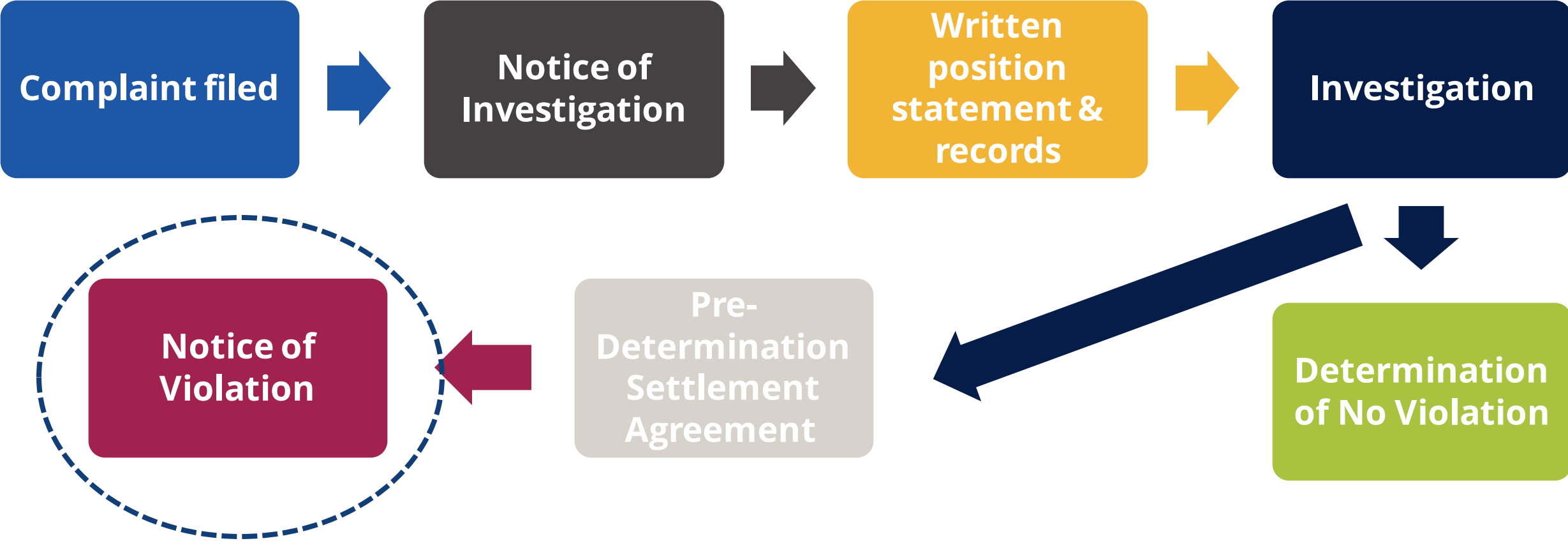
Actions leading to Presumptive Violation of ESST Ordinance:

- Failure to maintain adequate records
- Failure to grant HREEO access to records





ESST Complaint Investigation Process §233.13





Corrective Actions for ESST Violation

Retroactive
ESST Accrual

Policy
Correction

Employee
Notice

Compliance Monitoring

Training

Financial Penalties

Stpaul.gov/LaborStandards
651-266-8966

Email Labor Standards:
LaborStandards@stpaul.gov



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