

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2300

(SENATE AUTHORS: SEEBERGER, Rasmusson, Frentz and Dornink)		
DATE	D-PG	OFFICIAL STATUS
03/10/2025	702	Introduction and first reading Referred to Labor
04/02/2025	1280	Withdrawn and re-referred to Rules and Administration
04/30/2025	4272a	Comm report: To pass as amended
	4277	Second reading
05/01/2025	4333	Author stricken Rest
05/06/2025	4508a	Special Order: Amended
	4510	Third reading Passed as amended See First Special Session, SF17

1.1

A bill for an act

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relating to employment; modifying earned sick and safe time provisions; amending

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Minnesota Statutes 2024, sections 181.9445, subdivisions 5, 6; 181.9447,

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subdivisions 2, 3, 4; 181.9448, subdivision 1.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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Section 1. Minnesota Statutes 2024, section 181.9445, subdivision 5, is amended to read:

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Subd. 5. **Employee.** "Employee" means any person who is employed by an employer,

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including temporary and part-time employees, who is anticipated by the employer to perform

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work for at least 80 hours in a year for that employer in Minnesota. Employee does not

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include:

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(1) an independent contractor;

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(2) an individual who is a volunteer firefighter or paid on-call firefighter, with a

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department charged with the prevention or suppression of fires within the boundaries of the

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state; is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15;

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or is an ambulance service personnel as defined in section 144E.001, subdivision 3a, who

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serves in a paid on-call position;

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(3) an individual who is an elected official or a person who is appointed to fill a vacancy

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in an elected office as part of a legislative or governing body of Minnesota or a political

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subdivision; or

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(4) an individual employed by a farmer, family farm, or a family farm corporation to

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provide physical labor on or management of a farm if: (i) the farmer, family farm, or family

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farm corporation employs five or fewer employees; or (ii) the individual is employed by

2.1 the farmer, family farm, or family farm corporation to perform work for 28 days or less
2.2 each year.

2.3 Sec. 2. Minnesota Statutes 2024, section 181.9445, subdivision 6, is amended to read:

2.4 Subd. 6. **Employer.** "Employer" means a person who has ~~one~~ four or more employees.
2.5 Employer includes an individual, a corporation, a partnership, an association, a business
2.6 trust, a nonprofit organization, a group of persons, the state of Minnesota, a county, town,
2.7 city, school district, or other governmental subdivision. In the case of an employee leasing
2.8 company or professional employer organization, the taxpaying employer, as described in
2.9 section 268.046, subdivision 1, remains the employer. In the case of an individual provider
2.10 within the meaning of section 256B.0711, subdivision 1, paragraph (d), the employer includes
2.11 any participant within the meaning of section 256B.0711, subdivision 1, paragraph (e), or
2.12 participant's representative within the meaning of section 256B.0711, subdivision 1,
2.13 paragraph (f). In the event that a temporary employee is supplied by a staffing agency,
2.14 absent a contractual agreement stating otherwise, that individual shall be an employee of
2.15 the staffing agency for all purposes of section 177.50 and sections 181.9445 to 181.9448.
2.16 Employer does not include the United States government.

2.17 Sec. 3. Minnesota Statutes 2024, section 181.9447, subdivision 2, is amended to read:

2.18 Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and
2.19 safe time as provided in this paragraph. If the need for use is foreseeable, an employer may
2.20 require advance notice of the intention to use earned sick and safe time but must not require
2.21 more than seven days' advance notice. If the need is unforeseeable, an employer may require
2.22 an employee to give notice of the need for earned sick and safe time as ~~soon as practicable~~
2.23 reasonably required by the employer. An employer that requires notice of the need to use
2.24 earned sick and safe time in accordance with this subdivision shall have a written policy
2.25 containing reasonable procedures for employees to provide notice of the need to use earned
2.26 sick and safe time, and shall provide a written copy of such policy to employees. If a copy
2.27 of the written policy has not been provided to an employee, an employer shall not deny the
2.28 use of earned sick and safe time to the employee on that basis.

2.29 Sec. 4. Minnesota Statutes 2024, section 181.9447, subdivision 3, is amended to read:

2.30 Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for
2.31 more than ~~three~~ two consecutive scheduled work days, an employer may require reasonable
2.32 documentation that the earned sick and safe time is covered by subdivision 1.

(b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6), reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause (1), (2), (5), or (6).

(c) For earned sick and safe time under subdivision 1, clause (3), an employer must accept a court record or documentation signed by a volunteer or employee of a victims services organization, an attorney, a police officer, or an antiviolence counselor as reasonable documentation. If documentation cannot be obtained in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

(d) For earned sick and safe time to care for a family member under subdivision 1, clause (4), an employer must accept as reasonable documentation a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose as reasonable documentation.

(e) An employer must not require disclosure of details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use earned sick and safe time under this section.

(f) Written statements by an employee may be written in the employee's first language and need not be notarized or in any particular format.

Sec. 5. Minnesota Statutes 2024, section 181.9447, subdivision 4, is amended to read:

Subd. 4. **Replacement worker.** An employer may not require, as a condition of an employee using earned sick and safe time, that the employee seek or find a replacement worker to cover the hours the employee uses as earned sick and safe time. This subdivision does not prohibit an employee from voluntarily seeking or trading shifts with a replacement worker to cover the hours the employee uses as earned sick and safe time.

Sec. 6. Minnesota Statutes 2024, section 181.9448, subdivision 1, is amended to read:

Subdivision 1. **Effect on more generous sick and safe time policies.** (a) Nothing in sections 181.9445 to 181.9448 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 provided in sections 181.9445 to 181.9448. ~~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 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 provided in sections 181.9445 to 181.9448, except for section 181.9446. For paid leave accrued prior to January 1, 2024, for absences from work due to personal illness or injury, an employer may require an employee who uses such leave to follow the written notice and documentation requirements in the employer's applicable policy or applicable collective bargaining agreement as of December 31, 2023, in lieu of the requirements of section 181.9447, subdivisions 2 and 3, provided that an employer does not require an employee to use leave accrued on or after January 1, 2024, before using leave accrued prior to that date.~~

(b) If an employer makes available paid time off or other paid leave in excess of the minimum amount required in section 181.9446 for absences from work due to personal illness or injury, an employer may limit the application of the minimum standards and requirements provided in sections 181.9445, 181.9447, and 181.9448 to no less than the available leave or 160 hours in a 12-month period, whichever is less. An employer may not require an employee to use leave covered by the minimum standards and requirements pursuant to this section prior to other available paid time off or other paid leave. The requirements of this paragraph do not apply to short-term or long-term disability benefits administered under chapter 268B, or other salary continuation benefits.

~~(b)~~ (c) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of parties to a collective bargaining agreement to bargain and agree with respect to earned sick and safe time policies or to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in this section.

~~(e)~~ (d) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or

standard that provides for a greater amount, accrual, or use by employees of paid sick and safe time or that extends other protections to employees.

~~(d)~~ (e) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to create any power or duty in conflict with federal law.

~~(e)~~ (f) Employers who provide earned sick and safe time to their employees under a paid time off policy or other paid leave policy that may be used for the same purposes and under the same conditions as earned sick and safe time, and that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

~~(f)~~ (g) The provisions of sections 181.9445 to 181.9448 may be waived by a collective bargaining agreement with a bona fide building and construction trades labor organization that has established itself as the collective bargaining representative for the affected building and construction industry employees, provided that for such waiver to be valid, it shall explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive application of those sections to such employees.

~~(g)~~ (h) The requirements of section 181.9447, subdivision 3, may be waived for paid leave made available to an employee by an employer for absences from work in excess of the minimum amount required in section 181.9446 through a collective bargaining agreement with a labor organization that has established itself as the collective bargaining representative for the employees, provided that for such waiver to be valid, it shall explicitly reference section 181.9447, subdivision 3, and clearly and unambiguously waive application of that subdivision to such employees.

~~(h)~~ (i) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph (d), who provides services through a consumer support grant under section 256.476, consumer-directed community supports under section 256B.4911, or community first services and supports under section 256B.85, to a family member who is a participant, as defined in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year, provided that the funds are returned to the participant's budget. Once an individual provider has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned sick and safe time until the start of the participant's next service plan year.

~~(i)~~ (j) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.

6.1 ~~(j)~~ (k) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick
6.2 and safe time to an employee before accrual by the employee. An employer is permitted to
6.3 advance earned sick and safe time to an employee based on the number of hours the employee
6.4 is anticipated to work for the remaining portion of an accrual year. If the advanced amount
6.5 is less than the amount the employee would have accrued based on the actual hours worked,
6.6 the employer must provide additional earned sick and safe time to make up the difference.

6.7 **EFFECTIVE DATE.** This section is effective January 1, 2026.