

**5200.1208 MISUSE OF EARNED SICK AND SAFE TIME.**

Subpart 1. **Misuse.** Misuse occurs when an employee uses earned sick and safe time for a purpose not covered by Minnesota Statutes, section 181.9447, subdivision 1. Misuse is not subject to the protections provided to employees in Minnesota Statutes, sections 181.9445 to 181.9448.

Subp. 2. **Pattern or clear instance of suspected misuse.** Notwithstanding the timeline provided in Minnesota Statutes, section 181.9447, subdivision 3, paragraph (a), an employer is permitted to require reasonable documentation from an employee when there is a pattern or clear instance of suspected misuse by the employee. A pattern or clear instance of suspected misuse includes, but is not limited to:

A. an employee repeatedly used earned sick and safe time on their scheduled work day immediately before or after a scheduled day off, vacation, or holiday;

B. an employee repeatedly used increments of earned sick and safe time of less than 30 minutes at the start or end of a scheduled shift;

C. an employee used earned sick and safe time on a day for which the employer previously denied the employee's request to take other paid leave; or

D. documentation or other evidence that conflicts with the employee's claimed use of earned sick and safe time.

An employer that requires reasonable documentation under this subpart must do so in accordance with Minnesota Statutes, section 181.9447, subdivision 3, paragraphs (b) to (f). An employer that requires reasonable documentation in accordance with this subpart is not retaliating against an employee under Minnesota Statutes, section 181.9447, subdivision 6.

Subp. 3. **No restriction on use.** An employer must not deny an employee the use of earned sick and safe time for a qualifying purpose based on previous misuse of earned sick and safe time by the employee or the employer's suspicion that the employee may misuse earned sick and safe time. However, misuse of earned sick and safe time is not subject to protections provided to employees in Minnesota Statutes, sections 181.9445 to 181.9448, and may be subject to discipline by the employer.

**Statutory Authority:** *MS s 177.50*

**History:** *50 SR 1515*

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