

# KNOW YOUR RIGHTS: DULUTH + PAID SICK DAYS

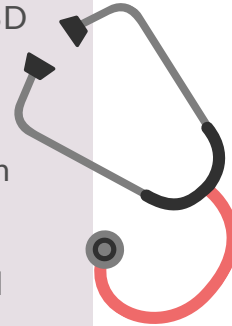
May 2019



Duluth, Minn., passed a new law guaranteeing private sector workers paid sick and safe days, and it goes into effect in January 2020. Read the law here: [bit.ly/DuluthPSD](http://bit.ly/DuluthPSD)

## What is paid sick time?

Paid sick and safe days are days workers accrue over a certain amount of time that can be used to deal with personal and family health or safety needs, without losing pay or one's job. It is legally protected, earned time away from work that cannot be taken away and that can be used specifically for the needs described above.



## Duluth City Clerk/Council Secretary

City Hall, Room 330  
411 West First Street  
Duluth, MN 55802  
Hours: 8 a.m. to 4 p.m.  
Monday - Friday  
Phone: 218-730-5500

## ✓ AM I ELIGIBLE FOR PAID SICK DAYS?

Private sector workers whose employer has 5 or more employees are eligible to accrue and use paid sick and safe time.

## ✓ HOW DO I GET PAID SICK DAYS?

**Work 50 hours = Earn 1 sick hour**

Workers who are covered by the law earn one hour of paid sick and safe time from their employer for every 50 hours they work.

## ✓ WHEN CAN I START TO USE PAID SICK TIME?

You can use paid sick time as soon as it is accrued. An employer may require new employees to complete a waiting period of up to 90 days before using accrued sick time.

## ✓ DO I STILL GET PAID WHEN I USE A SICK DAY?

When you use sick time, your employer pays you at the same hourly rate that you would earn if you were working. You receive that pay as part of your regular paycheck.



## ⊖ THE LAW DOES NOT APPLY TO:

- Independent contractors (someone may be an independent contractor when the person who hires them does not have the right to direct or control their work, for example, a consultant, some IT professionals);
- Workers entitled to benefits under the federal Railroad Unemployment Insurance Act;
- Student interns;
- Seasonal employees; and
- People who work for the state or federal government.

## ✓ HOW MUCH PAID SICK TIME DO I GET?

Covered workers can earn up to 64 hours (approximately eight days) of paid sick and safe time in a year and can use up to 40 hours of accrued sick time in a year.



*If an employer already offers paid time off, and employees can accrue it at the same rate and use it for the same reasons, the employer does not have to provide additional time under the law.*

## ✓ FOR WHAT FAMILY MEMBERS CAN I USE PAID SICK TIME?

In addition to taking paid sick time for your own needs, sick time can be used to care for family members. **Under Duluth's law, "family member" includes your:**

- Spouse or domestic partner;
- Child (adopted, adult, step or foster);
- Legal ward, or child for whom you act as legal guardian;
- Parent, stepparent, parent-in-law;
- Sibling or stepsibling;
- Grandchild, foster grandchild, grandparent, stepgrandparent;
- Any other person related by blood; and
- Any individual whose close association with you is the equivalent of a family relationship.



## ✓ FOR WHAT REASONS CAN I USE PAID SICK TIME?



Paid sick time can be taken in hourly increments or as partial or full workdays. You can use sick time for your own **mental or physical health matters**, including to recover from an illness like the flu, or to go to a **doctor's appointment**, whether for a regular checkup or for particular health care services or procedures. You can also use paid sick time for a **family member's care** or to attend a doctor's appointment with a family member.

Additionally, you can use paid sick and safe days if you or your family member is the victim of **domestic abuse, stalking or sexual assault**. Sick time can be used to seek relocation, obtain help from a victim services organization, access medical care, or to participate in legal or court-ordered action.

## ✓ CAN I USE PAID SICK TIME FOR ABORTION CARE?

**Accrued time can be used for abortion and reproductive health care.**

Yes, if you are eligible for paid sick time, you can use paid sick time for abortion care. You can take paid sick time in hours or in full workdays. Clinic staff can help you determine how much time you may need to **rest and recover** after your procedure or during or after a medication abortion.

Paid sick time can also be used to cover the time you spend **traveling** to get care.

If you are getting an abortion at a clinic in Minnesota, note that the state has a **24-hour mandatory waiting period** before any abortion procedure.

## DO I HAVE TO TELL MY BOSS I AM GETTING AN ABORTION?

**—** No, you do not have to tell your boss the specific medical reason for missing work. However, they may still ask for verification, like a doctor's note, if you request to use sick time *for more than three consecutive days*. **Make sure you ask clinic staff to help ensure your confidentiality if you do need employer verification.**

## CAN MY EMPLOYER DENY MY REQUEST FOR SICK DAYS?

**—** No, your employer cannot deny your request for sick time for an unforeseeable absence (such as coming down with the flu or needing more time off than anticipated to recover from a procedure).

**Your employer can require you to make a "timely" request for planned absences** (such as a planned doctor's appointment or appointment for abortion care) prior to the start of your scheduled work time.

## WHAT ELSE DO I NEED TO KNOW?

**—** No, your employer cannot retaliate against you for using your sick days. A reduction of hours, a transfer, discharge, suspension or threat of these actions is prohibited by the law.

**—** No, your employer cannot condition the use of your earned sick time on you finding a replacement or someone to cover your shift.

**If you feel you have been wrongly denied the use of your earned sick time or feel your employer has violated the law, you can file a complaint with the Duluth City Clerk's Office within one year of the suspected violation.**