

Duluth, Minnesota Adds Permitted Uses, Notice, Enforcement to Sick and Safe Time Ordinance

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Employers covered by the Duluth, Minnesota Sick and Safe Time ordinance will need to revisit relevant policies in light of amendments that will become effective August 19, 2021.

The mayor signed [File # 21-023-O](#) (which the Duluth City Council unanimously passed on July 19, 2021), amending the Earned Sick and Safe Time (ESST) ordinance to expand the list of permitted uses and impose new notice and enforcement provisions.

Expanded Covered Use

In addition to using ESST for an employee or employee's family member's mental or physical illness/injury, preventive care, or absences due to domestic abuse or sexual assault, employees may use ESST for lost work hours due to closure of an employee's place of employment for public health reasons.

New Notice Requirements

Under the ordinance, employers can satisfy the notice requirement by displaying in a conspicuous place a notice informing employees of their (1) entitlement to ESST, (2) the amount of the ESST, (3) terms of its use, (4) prohibition of retaliation, and (5) employees' rights to file a written complaint under the ordinance.

The new law requires employers to provide every new employee an individual copy of the employer's ESST policy (or equivalent paid time off or PTO policy). Further, employers that maintain employee handbooks must include a copy of the ESST policy (or equivalent PTO policy) in the employee handbook.

Broader Remedies

The new law also clarifies that written notice to employees of a violation and corrective action is among the various relief the city clerk may order upon a finding of a violation of the ESST ordinance. The list of available relief is non-exhaustive and includes reinstatement and backpay, crediting ESST accrued but not credited, and payment of unlawfully withheld ESST.

For more information on the Duluth ESST ordinance, see our articles, [Preparing for Duluth, Minnesota's Sick and Safe Time Ordinance Taking Effect January 1, 2020](#) and [How to Prepare for Duluth, Minnesota's Earned Sick and Safe Time Ordinance](#).

Jackson Lewis attorneys are available to answer questions about this and other workplace laws and assist employers in their compliance efforts.

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