

Minnesota Expands Sick Leave

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Minnesota employers that offer employees sick leave benefits have long been required to allow their employees to use such benefits to care for not only themselves, but also for their sick or injured children.

Starting August 1, 2013, amendments to the Minnesota Parenting Leave Act (Minn. Stat. §§ 181.941-181.944) will require employers offering sick leave benefits to allow their employees to use them to care for many other family members as well. "Covered" family members will include not only minor children and those attending school, up to age 20, but also the employee's own spouse, siblings, adult children, parents, grandparents and stepparents.

The amount of sick time an employee may use for the expanded group is at least 160 hours in a 12-month period. If, however, the employee has more sick time available, the employee still may use more than the 160 hours for himself or herself, as well as for the underage, non-adult, child or children as originally contained in the statute.

The new law is hardly a model of clarity. Conversations with Minnesota Department of Labor and Industry officials indicate problems likely will play out in administrative and court enforcement actions over the coming years.

Employers with sick leave policies should review them and consider adjusting "accrued" and "carry-forward" hours to better manage their workforce. Employers with paid time off ("PTO") policies also should understand that if an employee is allowed to use PTO time for the employee's own sickness or injury, he or she will be able to use that time to care for a child or others on the new expanded list of family members. Consequently, employers with PTO policies may wish to redefine how PTO may be used.

For questions on this or other employment law matters, contact David J. Duddleston, at (612) 341-8131 or DuddlestonD@jacksonlewis.com, of the Minneapolis office, or the Jackson Lewis attorney with whom you regularly work.

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