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S.F. No. 3787– Earned sick and safe time modifications – 1st engrossment

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S.F. 3787 modifies certain provisions relating to the earned sick and safe time (ESST) law.

Section 1 provides a cross-reference to the ESST enforcement law within the statute giving the commissioner of labor and industry enforcement authority over various statutes.

Section 2 provides rulemaking authority to the commissioner to carry out the purposes of the ESST law.

Section 3 provides remedies available as enforcement against an employer that does not follow the ESST law requirements. Sets damages as the full amount of ESST time that was not provided or allowed to be used, plus an amount equal to that amount as liquidated damages.

Section 4 removes certain requirements related to ESST from being provided on employee earnings statements (pay stubs). These requirements are addressed in **section 11**.

Section 5 clarifies that ESST will be paid at the employee's base rate.

Section 6 provides a definition of "base rate."

Section 7 clarifies that an employee, for purposes of accruing ESST, is an individual who is anticipated by an employer to work for at least 80 hours for that employer in a year. Eliminates the exemption for individuals employed by an air carrier as a flight deck or cabin crew member.

Section 8 makes a language clarification to refer to a "base rate" for the purposes of accruing ESST.

Section 9 allows an employee to use ESST for bereavement purposes to make arrangements for or attend a funeral or memorial, or address financial or legal matters following the death of a family member.

Section 10 clarifies the time period for requiring documentation from an employee for use of ESST three scheduled workdays. Allows an employee to provide a written statement as reasonable documentation for use of ESST.

Section 11 allows ESST to be used in the same increment of time as an employee is paid. An employer is not required to allow leave increments of less than 15 minutes and cannot require an employee to use leave increments of more than 4 hours.

Section 12 provides requirements for providing information to employees regarding their use and accumulation of ESST. Requires employers to retain ESST records for three years and specifies availability of inspection by the commissioner.

Section 13 clarifies that an employer's ability to retain or destroy ESST medical records is subject to any applicable state or federal law, rule, or regulation.

Section 14 clarifies how ESST interacts with short-term and long-term disability benefits. Adds a waiver for an individual provider providing services to a family member under consumer support grants, consumer-directed community supports, or community first services and supports. A participant/service recipient under these programs has an annual budget that they manage to purchase their services and supports for the year. If the individual provider waives the requirements of ESST under this section, then the money that would have been used for ESST payments must be returned to the participant's budget. The individual provider cannot opt back into earning ESST again until the participant's next service plan year.

Section 15 clarifies that if an employee is rehired within 180 days of a separation, ESST that has not otherwise been paid out to an employee upon that separation must be reinstated.

Section 16 adjusts the Laws 2023 ESST appropriation to account for rulemaking authorized under section 2.