

The Work Week

Bassford Remele Employment Practice Group



May 11, 2026

Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

[Bassford Remele Labor & Employment Practice Group](#)

Minnesota's ESST Enforcement Efforts Continue to Intensify in 2026: What Employers Should Know

[Michael J. Pfau](#)

Minnesota employers should expect continued scrutiny and enforcement of the state's Earned Sick and Safe Time ("ESST") law in 2026. The recently released annual ESST [report](#) from the Minnesota Department of Labor and Industry indicates that the agency is continuing its education, outreach, and enforcement efforts following the law's implementation.

The report provides an important roadmap for employers because it highlights the specific compliance issues the Department continues to encounter across Minnesota workplaces. For employers, the message is clear: ESST compliance remains a major enforcement priority.

Minnesota's ESST law requires covered employers to provide paid leave that employees can use for qualifying medical, safety, and family-related reasons. Eligible employees accrue one hour of ESST for every 30 hours worked, up to at least 48 hours annually, with carryover obligations that may increase available balances to 80 hours.

According to the 2026 report, the Department devoted significant resources toward enforcement and compliance efforts throughout 2025. The agency reported:

- 219 outreach events attended by more than 40,000 individuals;
- 1,752 business visits for compliance assistance;
- 248 warning letters issued to employers;
- 197 "inform-and-educate" letters;
- recovery of more than \$432,000 in back wages; and
- restoration of approximately 49,000 hours of ESST benefits to employees statewide.

Warning letters are sent when it appears employees have access to ESST but there are potential minor compliance issues to address with education. In contrast, Inform-and-Educate (I&E) letters are sent when there are clear signs of a problem, such as no ESST program or an employer blocking its use.

Importantly, the report identifies several recurring compliance problems that employers should carefully review within their own policies and payroll practices. The Department specifically highlighted issues involving:

- improper accrual calculations;
- failures to allow proper carryover of unused ESST;
- unlawful limitations on when employees may use ESST;
- retaliation concerns; and
- handbook and policy language errors.

The report also signals that the Department is increasingly using investigatory tools that require employers to produce payroll records, accrual records, and written policies during formal investigations. While the Department continues emphasizing “education first,” the report highlights that enforcement actions are becoming more sophisticated and data-driven.

One notable takeaway for Minnesota employers is that ESST obligations extend beyond merely offering paid time off. Employers must also comply with notice, recordkeeping, and anti-retaliation requirements. Minnesota law requires employers to provide employees with information about accrued and used ESST balances at the end of each pay period and to provide written ESST notices to employees.

The Department has also continued pursuing enforcement actions against employers in industries with large hourly or seasonal workforces. In late 2025, for example, the Department announced a settlement recovering more than \$82,000 in ESST-related wages for agricultural workers following an audit that found employees were unable to properly use earned sick and safe time benefits.

For Minnesota employers, now is an appropriate time to review:

- PTO and ESST accrual practices;
- carryover procedures;
- employee handbooks and attendance policies;
- payroll reporting systems;
- supervisor training concerning ESST requests; and
- disciplinary policies that could inadvertently penalize protected ESST use.

Employers should also remember that local ordinances in cities such as Minneapolis, Saint Paul, and Bloomington may impose additional requirements, and employers generally must follow whichever law is more favorable to employees.

As the Department continues expanding its enforcement efforts, employers that proactively audit and update their ESST practices will be in the best position to minimize risk and avoid costly wage claims or investigations. The Bassford Remele Employment Law Group is here to support employers in complying with Minnesota's ESST law, from reviewing policies and practices, to guiding employers through ESST requests. Please reach out with any questions.

LEARN MORE ABOUT OUR EMPLOYMENT PRACTICE » »
