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Minneapolis Sick Leave Ordinance Survives Appeal, but Extraterritorial Injunction Remains

This past Monday, September 18th, the Minnesota Court of Appeals upheld a lower courts refusal to enjoin the City of Minneapolis from enforcing its Sick and Safe leave ordinance as to Minneapolis employers while litigation challenging the ordinance proceeds. The Court of Appeals did, however, affirm the lower courts order prohibiting enforcement of the ordinance as to employers located outside Minneapolis.

The Minneapolis ordinance was passed in May 2016 and became effective on July 1, 2017. The ordinance has been challenged in Hennepin County District Court by the Minnesota Chamber of Commerce. In the litigation, the Minnesota Chamber of Commerce is arguing that only the Minnesota legislature can regulate sick pay and that, even if the City could regulate sick pay within its borders, the City cannot extend its reach to employers outside the City. In January 2017, the district court issued a temporary injunction prohibiting the City from enforcing its ordinance against any employer based outside the geographic boundaries of the City, but allowing the ordinance to go into effect as to Minneapolis employers. The Chamber asked the Minneapolis Court of Appeals to review the District Courts decision, leading to Mondays appellate ruling. The Chamber of Commerce has indicated that it will continue its efforts to enjoin enforcement of the ordinance by asking the Minnesota Supreme Court to review the lower courts decisions.

Meanwhile, the City of St. Paul, which is not a part of the Minneapolis case, has also enacted a sick and safe time ordinance. Consistent with the injunction issued in the Minneapolis case, the City of St. Paul is – at least for now – enforcing its ordinance as to employers in St. Paul, but not outside the City.

We will keep you informed as the Minneapolis case proceeds. While the litigation proceeds, employers within the City of Minneapolis must continue to provide sick and safe time as required by the ordinance. For guidance from the City of Minneapolis on the ordinances requirements, you can visit the City's sick and safe time webpage at:

<http://sicktimeinfo.minneapolismn.gov/>