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Moss & Barnett

"Sick and Safe Leave" Policies on the Rise at City and State Levels



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Megan is a member of our Litigation team. She assists businesses and individuals with commercial litigation disputes.

The City of Bloomington is the most recent Minnesota city to pass an ordinance requiring certain employers to offer paid sick leave to covered employees. While Bloomington's Earned Sick and Safe Leave ("ESSL") Ordinance was adopted almost one year ago, it took effect on July 1, 2023. Now, eligible workers in Bloomington can earn up to 48 hours of paid sick leave per year.

The cities of Minneapolis, St. Paul, and Duluth have adopted ESSL Ordinances, and the Minnesota legislature recently passed the Earned Sick and Safe Leave law, which takes effect on January 1, 2024. Details of Bloomington's ESSL Ordinance and what it means for employers and employees is discussed below.

Who Is Covered?

Bloomington's ESSL Ordinance applies to employers with six or more employees. The Ordinance covers employees who work more than 80 hours in a calendar year while physically located in Bloomington. The location of the employer does not affect an employee's eligibility for ESSL coverage.

For remote workers and those who work in multiple cities during a shift, such as delivery drivers and repairpersons, employers may make reasonable estimates regarding the amount of time an employee actually spends working in Bloomington for purposes of ESSL coverage, accrual, and use. However, employers have flexibility and may voluntarily allow accrual of ESSL regardless of the employee's geographic location.

How Is Sick and Safe Leave Accrued?

Covered employees are able to earn up to 48 hours of ESSL at a rate of one hour of leave for every 30 hours of work. Employees may roll over up to 80 hours of unused ESSL from one year to the next.

How Can Employees Use ESSL?

Covered employees are entitled to use accrued ESSL on the 91st day following the start date of their employment or on the effective date of the Ordinance, whichever comes later. Covered employees may use accrued ESSL for various reasons, including medical care and treatment, family caregiving, unexpected closure of a school or place of care, and for safety planning and related legal proceedings.

The City of Bloomington's initial rules describe how ESSL may be used as follows:

- **Medical Care and Treatment.** "An employee's mental or physical illness, injury, health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or an employee's need for preventive medical or health care, including pre-natal and post-natal care."
- **Family Caregiving.** "An employee's need to provide care for a family member with mental or physical illness, injury, health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or an employee's need for preventive medical or health care, including pre-natal or post-natal care or the death of a family member."
- **Closure of Business, School, or Place of Care.** "The closure of the employee's place of business by a public official's order, closure of school or place of care by a public official's order, closure of school or place of care due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected closure."
- **Safety Reasons.** "Seeking counseling services, seeking medical or psychological care, seeking services from victim services organizations including relocation, seeking legal advice, preparing for, or participating in legal proceedings due to sexual assault, domestic abuse, or stalking."

Estate Planning for the Cohabiting Couple



Kelsey M. Scanlan

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Kelsey is a member of our Estate Planning and Wealth Preservation team. She represents individuals and families in estate planning and the administration of estate and trust matters.

In 1950, approximately 80% of U.S. households consisted of married couples. That number steadily declined in the following decades, and in 2020, the marriage rate hit an all-time low of 49%.

More adults are choosing to delay marriage or forego it altogether. But without proper planning, in the eyes of the law, unmarried partners might as well be complete strangers. They will not inherit from one another upon death, have control over medical or financial decisions in the event of incapacity, or receive any tax benefits — during life or at death — as a result of their relationship.

For married couples, the law provides default protections regarding the disposition of property at death. These protections do not extend to unmarried partners, which can have devastating consequences without an estate plan. However, with foresight and a few basic estate planning tools, unmarried couples can create protections and mitigate uncertainty in the event of incapacity or death.

Beneficiary Designations and Strategically Titled Assets

Assets owned in joint tenancy or on which you name a beneficiary will automatically pass to the surviving joint owner or designated beneficiary at death. Unmarried couples can likely accomplish many of their planning goals simply by naming one another as beneficiaries on specific assets or taking title to property as joint tenants. Conversely, if the intention is to keep property separate, or to transfer the property to someone other than their partner, the parties can do so just as easily.

Wills and Trusts

When an individual passes away without a will, their estate will pass according to the laws of intestacy (i.e., to their closest living relatives). By having a will, unmarried individuals can ensure that their partners inherit some or all of their property.

A trust can also be utilized to accomplish the transfer of assets between unmarried partners. Unlike a will, which only disposes of assets at death, a trust can provide for a partner during one's lifetime, upon incapacity, and at death.

Durable Power of Attorney

A power of attorney authorizes an individual, called an "attorney-in-fact," to act on your behalf with respect to certain property and financial matters. This is a useful tool for unmarried couples if one partner becomes incapacitated or otherwise unable to access accounts, pay bills, and manage their financial affairs. Without a power of attorney in place, the same result can only be achieved with a conservatorship, which can be a lengthy and expensive court process.

Health Care Directive

Similar to a power of attorney, a health care directive appoints an agent to make or communicate health care decisions on your behalf when you are unable to do so and specifies the care you wish to receive. Absent a valid health care directive, unmarried partners will have no authority to make critical decisions or obtain basic health care information about each other without commencing a time-consuming and costly guardianship proceeding.

Cohabitation Agreement

A cohabitation agreement is a legal contract between two unmarried people who live together. Cohabitation agreements outline the parties' rights and obligations during their cohabitation, upon the death or incapacity of either party, and in the event the relationship ends. These agreements are useful to protect the parties' respective rights and clearly establish their intentions with respect to property — both during and after their cohabitation.

Conclusion

Unmarried couples face unique challenges when it comes to estate planning and significant consequences if there is no plan in place. Your estate planning attorneys at Moss & Barnett can help design a plan that is right for you and your partner.

Meet Our Team



Our nationally recognized legal professionals serve businesses, families, and individuals in Minnesota and beyond. We'd like to introduce you to:

Mary Frances Price

Elder Law Attorney

Practice Area:

Estate Planning and Wealth Preservation

Contact:

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Certifications

Accredited to practice before the Department of Veterans Affairs

Admissions

Minnesota

Professional Associations

Minnesota State Bar Association, Elder Law Section – Vice Chair, Treasurer, and Council Member (2012-present)

Minnesota State Bar Association, Probate and Trust Section – Faculty (2012-present)

Honors & Recognitions

The Best Lawyers in America (2024)

Minnesota Super Lawyers (2019-present)

Minnesota Rising Stars (2012-2015)

Board Memberships

Board Member, Mid-Minnesota Legal Aid

Clerkships

Honorable Diane M. Hanson, Minnesota District Court, First Judicial District Court

Education

William Mitchell College of Law, J.D.

Purdue University, B.S.

Community Involvement

Certified USA Swimming Official

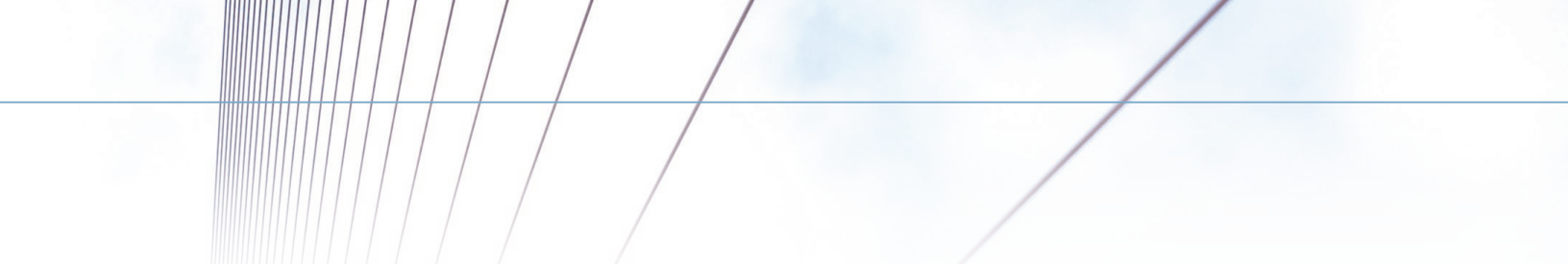
Board of Review, Minnesota Swimming

Mary Frances is an experienced VA Accredited Elder Law Attorney who focuses her practice on serving individuals and families who are establishing an estate plan, revising an existing estate plan, or dealing with the legal, medical, and financial impacts of aging, chronic illness, and disability. Her practice includes advising on Medicare, Medicaid, veterans benefits, long-term care insurance, estate and tax planning, as well as asset protection for families and individuals with disability and long-term care expenses. She has counseled and advised hundreds of clients on their estate, elder care, and disability plans and provides effective and ethical legal guidance, helping clients make difficult decisions and navigate the complicated issues that arise when dealing with chronic health challenges, disability, and aging.

Mary Frances is accredited to practice before the Department of Veterans Affairs (VA) and counsels and advises veterans and their families on accessing state and federal VA benefits. She drafted the chapter on veterans benefits for the Elder Law Handbook published by Minnesota Continuing Legal Education.

Mary Frances is a frequent speaker and community educator on a range of estate and elder law issues.

Moss & Barnett continues to offer a wide range of civil legal services. With Mary Frances as part of our team, we are proud to expand the scope of legal services offered with the inclusion of Elder Law.



Moss & Barnett legal professionals offer counsel that delivers results for our clients. Below are examples of how Mary Frances has achieved positive outcomes for families facing health challenges, disability, and aging. All names are fictitious, and the facts of each case study are not based on one particular client or case.

Protecting Assets and Providing for Children's Education vs. Long-Term Health Care Costs

Issue: Our clients, Jim and Heather, have been married for 28 years. They have two children ages 16 and 20. Jim works for a medical device company as an engineer, and Heather is a physical therapist. Heather was diagnosed with multiple sclerosis four years ago. She has recently been forced to retire and apply for disability coverage. Heather will soon require daily support at home or in assisted living.

Challenge: Jim needs to keep working to support the children and pay for college. The couple was referred to us to explore legal planning to develop a plan to find good care for Heather, access resources to help pay for necessary long-term care, and protect assets for Jim and the children.

Action: We were able to offer Jim and Heather several legal planning options to meet these goals. The couple decided to pursue a plan that allowed them to shift all of the marital assets to Jim, including Heather's employer sponsored 401(k) remaining tax-deferred, update their estate plan in light of the asset repositioning plan, and apply for a program to help pay for Heather's unreimbursed care expenses.

Result: Our planning resulted in savings to this family of over \$600,000.

Caring for an Aging Parent While Also Caring for a Family and Growing a Business

Issue: Brian, a busy entrepreneur, is married with two kids. Brian and his wife are consumed with a growing business opportunity. His mother was widowed last year and has been relying on Brian and his family for social opportunities and household maintenance. Recently, Brian has noticed his mother is showing signs of memory loss. He is also concerned about his mother's driving and need for support with financial management. His mother updated her estate plan following the loss of her spouse, and she named Brian as her attorney-in-fact under a power of attorney.

Challenge: Brian is extremely busy with the demands of his work and family. He cares deeply for his mother and wants to understand how to support his mom as her needs are changing. Brian wants to understand resources that can help him address his mother's needs.

Action: We worked with Brian to review his mother's estate plan to make sure her assets were correctly positioned to avoid probate. We developed a plan to get a good evaluation of his mother's current medical status and driving fitness, identified bookkeeper services to assist Brian with monthly management of his mother's finances, referred Brian to a professional geriatric care manager to be available to attend medical appointments with his mother, and developed a plan to pay for his mother's future expenses for assisted living.

Result: Brian has a comprehensive plan with professional support to help his mother so that he can focus on being her son and meeting the demands of his family and work.

Preserving Joint Assets When One Partner Can No Longer Live Independently

Issue: Lois and Ken, ages 84 and 87, respectively, have been married for 60 years and have three adult children. Ken recently suffered a stroke and was in transitional care/rehab for two months. The stroke left Ken unable to return home safely and he moved to a care facility that cost \$13,500 per month. The family is worried about how to pay for Ken's care but still make sure Lois has resources to live on.

Challenge: Ken's cost of care threatens to deplete significant assets. Lois is younger and has a family history of longevity. She is concerned the assets of the marriage will be depleted paying for Ken's care and will leave her without any resources for self-support.

Action: Our elder law team was able to put together a plan to reposition assets in Lois' name, execute a new estate plan for Lois to preserve assets in case she predeceases Ken, fund a Medicaid Qualifying Annuity to protect additional assets for Lois, execute an accurate and effective spend-down strategy to qualify Ken for Medical Assistance, and apply for and get approval for Ken for Medical Assistance.

Result: Our elder law plan resulted in protecting an additional \$250,000 in assets for Lois and qualifying Ken for Medical Assistance.

Alerts

1 **Moratzka Decides Century-Old Plat not Subject to Marketable Title Act**

The Minnesota Supreme Court recently held, *In the Matter of the Application of Timothy D. Moratzka, Trustee*, that public interests dedicated by plat are not subject to Minnesota’s Marketable Title Act, Minn. Stat. § 541.023 (“MTA”).

An owner of lake resort property initiated a Torrens proceeding to register title to a small strip of land platted in 1911 as a “public road” “dedicate[d] to the public use forever.” No road was ever constructed on such strip, and it had instead been left as a sandy beach. The resort owner argued that title could be claimed because the strip had been abandoned under the MTA, which requires any claimant of a real estate interest to record “notice” within 40 years. The Minnesota DNR and the county both counterargued that the owner must instead seek to vacate the public road under Minn. Stat. § 505.14.



The “strip” at issue in *Moratzka*. (Itasca County GIS Viewer.)

Interpreting the MTA anew, the Court concluded that the MTA’s express statutory purpose – that “ancient records shall not fetter the marketability of real estate” – does not apply to plats because plats are governed by Minn. Stat. §§ 505.01 to 505.1793 and have stringent review, approval, recording, and public inspection requirements, separate and apart from the MTA. The Court was also persuaded that the “public interest is ... particularly strong here” because the consequences of holding that the MTA can extinguish 40-year or older platted public interests would result in the loss of public access to many lakes across Minnesota.

Moratzka illustrates that private landowners subject to a plat, no matter how old or how public land is actually used, will not be able to unilaterally sidestep platted public roadways, public access, park land, or other public features, and should instead work in cooperation with governmental authorities instead of against them.

If you need assistance reviewing an old plat, or want to explore options to resolve public land use issues, contact the Moss & Barnett real estate team today.

2 Hennepin County Addressed at SCOTUS

The Supreme Court of the United States recently ruled on a case from Minnesota. Geraldine Tyler, a 92-year-old Hennepin County resident, accumulated approximately \$15,000 in unpaid real estate taxes on her condominium. The County seized her condo and sold it for \$40,000, keeping the excess \$25,000. Tyler argued that the County had unconstitutionally retained the excess value of her home in violation of the Takings Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment. The District Court dismissed for failure to state a claim, and the Eighth Circuit affirmed.



SCOTUS held Tyler did state an appropriate claim under the Takings Clause, which provides that “private property shall not be taken for public use, without just compensation.” Further, federal law has “long recognized the principle that a taxpayer is entitled to the surplus in excess of the debt owed,” and Minnesota law recognizes many “other contexts that a property owner is entitled to the surplus in excess of her debt.” Lastly, the Court rejected the argument that Tyler had no property interest in the surplus because she abandoned her home by failing to pay her taxes, noting “the County cannot frame that failure as abandonment to avoid the demands of the Takings Clause.” *Tyler v. Hennepin County, Minnesota, et al.*, 598 U.S. __ (2023).

3 The Uniform Electronic Wills Act

Today, many legal and financial documents are considered valid and enforceable when signed or notarized electronically. In Minnesota, wills have been an exception due to certain witness and signatory formalities which, until now, were required to occur physically, in writing.

On March 31, 2023, Governor Walz signed the Uniform Electronic Wills Act (the Act). The new law, which took effect on August 1, 2023, expands Minnesota’s existing statutes in such a way that permits wills to be created, witnessed, and notarized electronically. Specifically, the Act defines an Electronic Will as “a will or codicil that (i) is created, signed, or maintained in an electronic, digital, magnetic, wireless, optical, electromagnetic, or other similar medium, (ii) is retrievable in perceivable form, and (iii) is capable of verification that the writing of the electronic will has not been altered after its signing.”

In addition to modernizing the execution of wills and closing the disconnect between wills and other legal documents, the Act is intended to encourage more Minnesotans to create a will by making it more accessible and affordable to do so. While its provisions remain untested and largely undefined at this time, the Act is sure to provide new opportunities – and new challenges – in estate planning, administration, and litigation.

Alerts

4 **Noncompete Agreements Banned in Minnesota: Action Items for Employers**

Minnesota legislators made sweeping changes to Minnesota law regarding the enforceability of employee covenants not to compete with the passage of Minnesota Session Laws 2023 – Chapter 53 that Governor Walz signed into law on May 24, 2023. An employee covenant not to compete is broadly defined to include any agreement that restricts a Minnesota employee from working in a specified geographic area or for a similar employer after termination of employment.

This new law will make the following three major changes to Minnesota law that impact employers:

1. The law will prohibit post-employment employee covenants not to compete in any agreement entered into on or after July 1, 2023, other than in connection with the sale or shut-down of a business. This represents a major shift in Minnesota public policy, which had previously permitted the enforcement of an employee noncompete agreement provided the agreement reasonably protected a legitimate interest of the employer. Consistent with existing Minnesota law, the new law clarifies that employers are not prohibited from entering into agreements with employees that include provisions that prohibit the employee from soliciting the employer's customers or employees.
2. The prohibition against covenants not to compete also extends to non-employee independent contractors. Employers who have employees or independent contractors who live or work in Minnesota should update both their employment agreement and independent contractor forms for use on and after July 1, 2023. The new law indicates that other language in such an agreement that is not inconsistent with the new law may still be enforced.
3. Employers can no longer require Minnesota employees to litigate outside of Minnesota or apply the law of another state. Previously, "choice-of-law" and "choice-of-forum" provisions could have forced an employee to litigate in another state using the laws of another state. Any such contract provision put in place on or after July 1, 2023, is unenforceable against employees who primarily reside and work in Minnesota.

July 1, 2023, is the effective date of the new law that will apply to "agreements entered into on or after that date." An open question for the future may be how willing Minnesota courts will be to enforce pre-July 1, 2023, employee noncompete provisions after that date.

Action Items for Minnesota Employers:

Minnesota employers may want to consider the following action items to prepare for the new law:

1. Remove post-employment noncompetition provisions from new employment agreements and new independent contractor agreements. Update non-solicitation, confidentiality, and non-interference clauses to limit any gaps that may be left by the removal of the post-employment noncompetition provisions.
2. Reevaluate deferred compensation programs, including changes to language that may be required to programs and forms.
3. Revise forum selection clauses and "choice of law clauses" in contracts with employees that are inconsistent with the new law. Note that the drafting may require savings clause language because of multi-state conflicts of laws.
4. Confirm with employment managers that the employer intends to continue to enforce post-employment noncompetition agreements entered into prior to July 1, 2023. It could be important that managers avoid inadvertent waiver.

If you would like assistance assuring best practices in these areas, please contact your attorney at Moss & Barnett.

Cannabis Legalization Creates New Challenges for Minnesota Employers



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Craig is a Minnesota State Bar Association Certified Specialist in Labor and Employment Law and is a member of Moss & Barnett's Employment Law team. He advises businesses and individuals on employment and labor law matters.

Minnesota employers face additional workforce challenges with the legalization of recreational cannabis for adults on August 1, 2023. Like employers in the 23 other states that have now legalized recreational cannabis, Minnesota employers will need to reevaluate their employment practices, policies, and procedures based on Minnesota's law change.

Use of Cannabis Products

For more than 30 years, it has been unlawful for Minnesota employers to refuse to hire a job applicant or to discipline or discharge an employee because of the individual's off-duty use of "lawful products." The 2023 cannabis legislation expressly amended Minnesota's Lawful Consumable Products statute to add cannabis and related products to the definition of "lawful consumable products." Accordingly, cannabis users are now afforded these same protections.

Cannabis use, however, is only protected if it occurs:

- 1) during non-work hours; and
- 2) off the employer's premises.

Employers continue to retain the discretion to discipline or discharge employees who:

- 1) use, possess, transfer, or sell cannabis or related products while on the job, on work premises, or while operating a company vehicle or equipment; or
- 2) report to work while impaired by cannabis.

Now, the actual policing of cannabis impairment on the job may be more difficult. Notably, edible forms are more difficult to detect than alcohol or marijuana smoking and can have much longer release times.

Employee Drug Testing

Implementing and using employer drug testing programs has continued to be challenging for Minnesota employers since the

passage of Minnesota's Drug and Alcohol Testing in the Workplace Act ("DATWA") in 1987. DATWA has detailed requirements for testing and is considered employee friendly.

Under DATWA, an employee has always had protection after an initial positive drug test; the positive test could not be used as a basis for discharge unless the employee also subsequently tested positive a second time, refused the employer's offer to participate (at the individual's expense) in a drug or alcohol counseling or rehabilitation program, or failed to successfully complete a counseling or rehabilitation program once started. These employee protections continue to remain in place and have always extended to cannabis.

The 2023 cannabis legislation amended DATWA's definition of "drug" to remove cannabis and made related changes, including to describe "cannabis testing" and when it is allowed, and to specify the circumstances under which an employer may take disciplinary action based on cannabis test results.

Employers with Minnesota employees that decide to pursue testing under the new law are now subject to what is effectively a two-tier system for drug and cannabis testing. Employers are now prohibited from using tests to screen most job applicants for cannabis (similar to the prohibition to test for pre-employment alcohol use) and from randomly testing most employees for cannabis, other than for employees in safety-sensitive and certain other listed positions, including but not limited to teachers of children, health care employees involved in patient care, truck drivers, and other employees subject to federal drug testing standards.

All employees are, however, subject to testing for cannabis if the employer has reasonable suspicion that an employee:

- 1) is impaired on the job;
- 2) has sustained an injury or been involved in an accident; or
- 3) has violated the employer's work rules relating to drugs or cannabis, provided such rules are in writing and have been provided to the employee.

Team News

Peter J. Kaiser and Taylor D. Sztainer Appointed Adjunct Directors to Moss & Barnett Board of Directors

Moss & Barnett is pleased to announce that **Peter J. Kaiser** and **Taylor D. Sztainer** have been appointed Adjunct Directors to the firm's Board of Directors effective July 1, 2023. Adjunct directors are shareholders who serve as non-voting members of our Board of Directors for one year. The adjunct director program is intended to train future leaders of the firm.



Peter J. Kaiser is an experienced corporate lawyer who primarily works in the areas of emerging growth, alternative investing, and mergers and acquisitions (M&A). He acts as outside general counsel for his clients, with a focus on creative, practical solutions. His practice includes advising startups and emerging growth companies from inception to exit, often coordinating their many legal needs. Peter represents buyers and sellers in all stages of the M&A process, with a focus on cutting through the legalese and helping his clients decide what matters.



Taylor D. Sztainer

Taylor leads the firm's Professional Liability team where she focuses on litigation, loss prevention, risk management, and serves as outside general counsel for her clients. She has litigated cases in federal and state courts throughout Minnesota and the United States focusing on professional liability claims against accountants and attorneys; business and personal torts; shareholder and trust disputes; employment-related disputes; and commercial real estate litigation.

Peter and Taylor will each continue practicing law on a full-time basis in addition to handling their management responsibilities. They serve on the Board along with directors **John P. Boyle**, **Jana Aune Deach**, **Brian T. Grogan**, **Timothy L. Gustin**, **Christopher D. Stall**, and **James J. Vedder**.

James J. Vedder Elected President of the Minnesota Chapter of the American Academy of Matrimonial Lawyers (AAML-MN)

Moss & Barnett is pleased to announce that shareholder and family law attorney, **James J. Vedder**, was elected President of the Minnesota Chapter of the American Academy of Matrimonial Lawyers (AAML MN). Jim's term as President began on June 7, 2023, and will run for two years. Jim previously served as President Elect from 2021-2023. AAML-MN helps to educate Minnesota family lawyers, propose legislation on important family law initiatives, and discuss new trends in the law.

Jim has significant trial and settlement experience in complex marital dissolution matters, including the division of marital and nonmarital assets, the division of closely held businesses, spousal maintenance, child support, and custody issues. He regularly advises in the areas of antenuptial and postnuptial agreements; business valuation litigation; complex litigation and the settlement of marital and nonmarital assets; complex nonmarital tracing;



James J. Vedder

spousal maintenance and child support; custody settlement and litigation; settlement negotiations; and appeals.

Jim has been included in *The Best Lawyers in America* since 2015 and was named the *Best Lawyers Family Law "Lawyer of the Year"* in 2023 in Minneapolis. He has been listed in the *Minnesota Super Lawyers* "Top 100" list since 2015, and included in *Minnesota Super Lawyers* since 2012. Jim serves as a Director on Moss & Barnett's Board of Directors. In addition, he has served as an adjunct professor and has taught numerous classes and seminars on various family law topics. Jim received his J.D. from Hamline University School of Law and his B.A. from the University of Minnesota-Twin Cities.

Moss & Barnett in Our Community

Responsible Disposal, Positive Impact: Our Partnership with PCs for People

Moss & Barnett continually seeks to contribute to our community in meaningful ways. This year, we found a unique opportunity to give back while also maintaining our commitment to responsible asset management. We are in the process of upgrading our technology infrastructure, and rather than simply disposing of old servers, networking equipment, and other computer peripherals, we have chosen to donate these items to PCs for People, an organization that can put our old tech to excellent use.

PCs for People is a non-profit whose mission is to provide affordable technology access to individuals and non-profit organizations in need. They refurbish and recycle donated tech gear, providing a valuable second life to items that might otherwise end up as e-waste. By donating our old technology, we not only help reduce waste but also empower those in need with access to technology.

"Sick and Safe Leave" Continued From Page 2

Statewide Changes

On May 24, 2023, Governor Walz signed the Omnibus Jobs Act, which includes ESSL provisions that take effect on January 1, 2024. Notably, the new law does not preempt ESSL city ordinances. For employers subject to a city ESSL ordinance with more generous benefits than those provided by state law, the employer is required to provide the more generous benefits to employees.

"Cannabis Legalization" Continued From Page 9

Conclusion

In light of Minnesota's move to permit adult use of cannabis, employers are well-advised to review and update their work rules or policies relating to employee drug and cannabis use as well as their employee drug and cannabis testing policies. Any employee



Some of the equipment donated to PCs for People pictured with Office Services Specialist Erik M. Tonder.

We are thrilled to engage in this initiative that aligns so closely with our core values and are thankful for the continued support of our clients which allows us to contribute to such impactful efforts. Our old tech gear may no longer serve our firm, but it is sure to serve our community in its new life. To learn more about PCs for People, visit pcsforspeople.org.

Next Steps for Employers

All Minnesota employers should review their policies regarding paid sick leave and ensure compliance with any applicable city ordinances and Minnesota's new ESSL law. Please contact your employment law attorney at Moss & Barnett for guidance specific to your workplace.

drug and cannabis testing policies created before the recent law change may not be legally compliant. The employment law lawyers at Moss & Barnett are ready to assist employers in this area.

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IMPORTANT NOTICE

This publication is provided only as a general discussion of legal principles and ideas. Every situation is unique and must be reviewed by a licensed attorney to determine the appropriate application of the law to any particular fact scenario. If you have a legal question, consult with an attorney. The reader of this publication will not rely upon anything herein as legal advice and will not substitute anything contained herein for obtaining legal advice from an attorney. No attorney-client relationship is formed by the publication or reading of this publication. Moss & Barnett, A Professional Association, assumes no liability for typographical or other errors contained herein or for changes in the law affecting anything discussed herein.



Moss & Barnett

We Advise.  You Decide.

Moss & Barnett Congratulates Our Lawyers Listed in 2023 *Super Lawyers* and *Rising Stars**

With special congratulations to **Susan Rhode**, listed on the Top 10, Top 50 Women, and Top 100 Minnesota *Super Lawyers* lists for 2023; **Jana Aune Deach**, listed on the Top 50 Women and Top 100 Minnesota *Super Lawyers* lists for 2023; and **Jim Vedder**, listed on the Top 100 Minnesota *Super Lawyers* list for 2023.



Cindy J. Ackerman



Bradley R. Armstrong*



Kevin M. Busch



Lindsay L. Case*



Jana Aune Deach



Aaron A. Dean



Kelly C. Engebretson*



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John P. Kennedy*



Susan A. King



Mary Frances Price



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John M. Schmid*



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