Name	Comment
Eric Newgard	Will employees receive back dated sick/safe time from their employer's starting from 7/1/2017 that they would have accrued during the appeal process?
Christina Botts	It is our understanding at Rebound, Inc. that the safe and sick time ordinance prohibits employers from holding staff accountable to find their own subs if they are sick/their family is sick/they are unsafe due to DV/or if their children's school/daycare closes. Our organization has two group homes for juveniles. Prior to the Safe and Sick Time Ordinance, our organization provided sick time for all employees, however, we did require staff to find their own subs if they did not have an emergency and we would require them to show proof that they went to the doctor/emergency room/hospital. It is our understanding that our policy (prior to the ordinance) is now prohibited under this ordinance. Given the nature of our business, we think it is important to be allowed to continue having staff be accountable for finding replacements except for emergencies. Please consider NOT prohibiting employers from asking for proof of documentation to use safe/sick time.
Jacob Weismaqn	Hello, Will this take affect or apply for those employees who work at the MSP airport? Best, Jake Weisman HRcompliance@alaskaair.com
Greg Boje	This system needs to go away or be regulated better because it is widely abused at my place of employment. Just last weekend we had approximately 40 gone on Saturday. Most people abuse this by taking Friday Saturday and Monday's off for a long weekend. No repercussions for patterns. We are unable to fully staff our machines and are falling behind with increasing late orders. Something desperately needs to be changed to stop the abuse of this system. Thanks, Greg
Debbie Bierwerth	I am in favor of the ordinance. It allows us to take time off work and not be worried that my employer gives me an occurance and penalize me for being sick.
Jane Stuntebeck	Absolutely not a smart move. A nightmare to enforce and audit and discourages firms from increasing their jobs within city limits.
John VanKrevelen	This is absolutely the worst ordinance put onto business and employees! I work for a company in minneapolis that had to implement

	this ordinance and it has affected both customer satisfaction and employment. It is abused almost everyday during the summer months especially when the weather is nice out. In the month of May 2018 there were over 140 call ins due to sick and safe. Very odd that many employees get sick out of 235 total employees in one month. This company has seen over 30 employees use sick and safe in the first month of May 2019. Tell me how this helps the employee if the company ends up closing down or moving to a location that doesn't have to deal with this ordinance? Especially when the company has a policy that worked well for both employees and company for over 30 years.
Susan Frenzel	I am very grateful that as a temporary worker for 3 years you improved my life by making sick leave mandatory in Minneapolis. I know the legislature plans to remove any protections or improvements you've made to Minneapolis workers' lives such as $15/hr. and sick leave, but please do your best to retain sick leave for Minneapolis employees and extend it to Minneapolis employees of firms that are headquartered outside Minneapolis as well. It is within the legislature's powers to move the entire state to $15/hr. minimum and allow all employees in the state to earn sick leave, but they choose not to. Thank you for your decency. It matters to Minneapolis workers.
Mary Moore	All employees who work 80 HOURS A YEAR?????? WOW! That is beyond generous!!! I do not agree that employers who have a small business should have to be included! Unfortunately, many employers who have employees who often call in "sick" are not truly sick should have the right to demand the employees to provide a valid medical note from their doctor; and the employer should have the right to call and verify the note. And that also goes for parents who call in sick because of their child being sick. Unfortunately in today's society, ethics and honesty are no longer used. Younger Americans are the worst to employee. Their track record for showing up is terrible!
Sue El-Hakeem	Provide the option for employees to receive the time off either paid or not paid; always provide it as protected time. Reason to provide the option, is because employees can make up time and then do not need to use their PTO. And, employees do not want to always use their PTO; they just want it protected. The time for the reasons would still be protected.

David Hasse	My employer, Entegee, has told me the PTO time being tracked on my pay stub is just an accounting mistake and will be taken off at some point. As a contract engineering designer who is currently on my sixth time working at the company that used to be Conwed LLC but is now SWM International, located 3/4 mile SW of 280 & Como, I researched the Minneapolis PTO legislation and found they were lying, hoping the law would be modified to exclude them. After working seven months for them last year and since the beginning of 2019 I'm wondering if there any projection when it will actually start being enforced?
Annie Glotzbach	Ideas are easy, implementation hard. This would be an administrative nightmare of epic proportions that haven't been taken into serious consideration. Please. Start a business and experience all those challenges. When you have, you will remove. People can choose where to work. If they don't agree with the company, culture or policies, then can work elsewhere.
Justin Cummins	Dear Ms. Naef: I want to follow up briefly on my submission below to underscore the seriousness of the current problem with employers' "interpretation" of the Ordinance. The employer subject to the arbitration award I forwarded to you below is – even after issuance of the award – evidently refusing to provide any paid sick leave to employees if those employees do not have any remaining vacation time that Local 970 won at the bargaining table and that the employees subsequently earned under the CBA. This is mixing the proverbial apples and oranges, as I outlined in my email below, because the employer is taking employee vacation time guaranteed under the CBA to "pay" for the employer paid sick leave guaranteed under the Ordinance. In sum, the employer is essentially proceeding as if the Ordinance does not apply to the employer whenever an employee uses up vacation time guaranteed by the CBA. That approach contravenes both the letter of the law, the compelling purpose of the Ordinance, and the manifest intent of the City when enacting the legal regime – as reaffirmed by the recent Minnesota Court of Appeals decision. Sincerely, Justin Cummins
Blake Stewart	Please do not allow this ordinance to let employers combine employees vacation time that they "earned" from the previous years hours worked with the hours they "accumulate" from sick and safe time. Employees can't plan anything using vacation if they use all vacation time when sick. Thank you and hopefully the city of minnepolis takes this into consideration seriously!

Rich Hirstein	I am the General Manager of MRI (Minneapolis Refuse, Inc). We are contracted with the City of Minneapolis to provide waste and recycling services. We are respectfully submitting our thoughts regarding the Safe and Sick Ordinance.
Brigitte Nesser	May 29, 2019 Dear City of Minneapolis, We are the Minnesota Chapter of TechServe Alliance, an industry association of IT and engineering staffing and solutions firms who are dedicated to advancing excellence and ethics within our industry. We have 18 member companies in Minnesota, some of which are based within the Minneapolis city limits and some that are not, but a majority of our firms do have employees who work in Minneapolis. Due to the nature of our industry, most of our employees work at our clients' worksites. Many of our firms are small businesses, with less than 200 employees, who do not have in-house legal and HR expertise to assist with state and federal compliance requirements. We rely on our industry association and outsourced help to understand our employer obligations. The Minneapolis Sick and Safe Time Ordinance (and other city level employee mandates) provide undue burden and complexity for our industry in particular because we have employees who work all over the state; therefore, within many different city limits. We compete in a highly competitive global market with very thin margins, and the administration burden and cost required to track and comply with various city level employee mandates is not only onerous, but creates considerable obstacles for growth when competing against international firms and offshoring of our services. Most of our Minnesota Chapter TechServe Alliance firms are headquartered and founded in Minnesota and we take great pride in creating jobs and opportunities for Minnesotans. We offer rich and full sets of benefits to our employees, but not all of us offer PTO or sick time. There are many reasons for this. First, our employee relationships are for the most part finite and project based. They are hired to offer our clients the expertise they need for their IT or strategic projects. Our clients do not want our employees to take time off during their critical project timeframes. Our employees understand this expectation before they are hired and typically schedule their time off to accommodate the project needs. Second, our employees are compensated at an above market pay rate (compared to regular full-time talent) to compensate for not offering PTO or sick time and for the temporary nature of our contracts, so if they do have to take unscheduled time off, they can pay for it themselves from their excess earnings. We maximize our employees' pay to empower them to make a personal choice about whether or not they want or need time off and in turn, don't penalize those that don't. Lastly, our employees are highly skilled professionals who have many choices about which firms to work for. Many of us regularly survey potential and current employees to ensure

	they are satisfied with our benefit offerings. It is in our firms' best interest to offer highly competitive pay and benefits to attract top talent; therefore, government mandated benefits are unnecessary in our industry. In conclusion, the patchwork of city level benefit mandates is particularly burdensome for our industry due to the remote workforce nature of our industry (employees working in many different local jurisdictions). In addition, mandates are unnecessary for our employees because they are highly educated and trained professionals who have many choices for who they would like to work for, thus requiring our firms to offer highly competitive benefit packages. Finally, city level mandates create growth barriers for our industry's smaller firms, many of whom are woman or minority-owned, due to the costly administrative burden associated with a patchwork of city level mandates. Because of these reasons, we advise Minneapolis to reconsider your enforcement of the Sick and Safe Time Ordinance to employers in the Information and Engineering Technology Consulting Industry. If you do enforce it, we will be left with no choice but to adjust the compensation offered to Minneapolis based employees to offset the add
Rachel Berg	Please see the attached document for University of Minnesota Physicians' statement. Thank you for your consideration!
John Nesse	Please see attached comments.
James McConnell	The city of minneapolis did a poor job when considering companies with a CBA, This has caused nothing but headaches for Union companies. Do not raise the number of hours that can be used as SST. 80 horus is too high as is. The information on the website and in the policy are gray in some areas. It does not seem fare that private companies need to follow .the SST rules but the CIty of Minneapolis does not. Let the market determine what is appropriate and keep the cities hand out of running business I think the rule of people stopping in Minneapolis for business, even if their business is not located are covered by Minneapolis SST is outrageous. Is the city of Minneapolis trying to drive manufacturings companies out of the city of Minneapolis.
Anonymous	No comment. I just hope to see the finalized rules asap so employers know how to move forward. Please try and post them before the end of June 2019. Thank you.
Josh Kohman	Dear Councilmembers, I believe enforcing sick and leave time for all who work in Minneapolis is imperative, regardless of where the company is headquartered. When I moved to the Twin Cities area in 2009, I had to work a

	wide variety of jobs to make ends meet. It would have been a boon to me if the jobs I worked in Minneapolis had allowed me to take a paid sick day every couple months. The allowance for paid sick days would have improved my health and benefited public health. I now have a position where paid sick days are provided, however I am in complete solidarity with workers who do not have that privilige. Allowing companies that are headquartered outside of the Minneapolis to skirt on their responsibility to help maintain the health and welfare of their workers seems categorically unfair; especially considering how many large corporations based in other states have outlets in the Minneapolis area. Health is a basic need and allowing time for health care is a human right. Companies interfering with basic needs of workers in Minneapolis should not be permitted, regardless of where the company is located. For this reason, I am in favor of enforcing the paid and sick leave for all work done in Minneapolis. Sincerely, Josh Kohman of 115 2nd Ave S APT 715, MPLS 55401

MANAGEMENT GUIDANCE, LLP
A PROFESSIONAL LIMITED LIABILITY PARTNERSHIP - ATTORNEYS AT LAW

John Nesse
(651) 253-4818
jnesse@mguidance.com

June 7, 2019

City of Minneapolis
Department of Civil Rights
350 Couth 5th St.
Room 239
Minneapolis, MN 55415

Submitted Electronically via the City of Minneapolis Web Site

RE: Comments on the May 7, 2019 Proposed Changes to Rules Implementing the Minneapolis Sick and Safe Time Ordinance

Dear Sir or Madam:

I am writing to provide comment on behalf of the Minneapolis-St. Paul Contract Cleaners Association (MSPCCA) regarding the proposed changes to the rules implementing the Minneapolis Sick and Safe Time Ordinance. The MSPCCA is a local association of janitorial contractors that perform commercial cleaning services for owners, property managers, and tenants of commercial office buildings in the Minneapolis-St. Paul market. The MSPCCA consists exclusively of unionized employers whose janitorial employees are represented by Service Employees International Union (SEIU) Local 26. Thank you for the opportunity to provide formal comment on the proposed changes to the rules implementing the Minneapolis Sick and Safe Time Ordinance.

Background

MSPCCA employers provide industry leading pay and benefits to their employees under a collective bargaining agreement (CBA) with SEIU Local 26 that became effective on March 14, 2016 and expires December 31, 2019. That CBA includes paid time off provisions for paid vacation time (ranging from up to 40 hours per year for a full-time employee with less than one year seniority to 200 hours per year for a full-time employee with 20 or more years of seniority), paid sick time, and a paid personal holiday. All paid time off benefits are awarded as a lump sum on January 1st of each year.

MSPCCA employers have been acutely aware of the Minneapolis Sick and Safe Time Ordinance since its passage in 2016. Soon thereafter, the employers met numerous times privately and with SEIU Local 26 to try and reconcile the January 1st lump sum system from the CBA with the ongoing accrual system described in the SST Ordinance. Despite best efforts, the MSPCCA and SEIU Local 26 have been unable to reach a broad agreement to reconcile the complex differences between the two benefit structures. After

much consideration, MSPCCA employers located outside the City of Minneapolis elected to rely in good faith on the Rules published by the City of Minneapolis in 2017 which reference the Order issued by the Hennepin District Court enjoining the City from enforcing the Sick and Safe Time Ordinance against employers resident outside the City. While relying on the 2017 rules, the MSPCCA employers obviously continued to provide the lump sum paid time off benefits that were negotiated with SEIU Local 26.

The April 29, 2019 decision from the Minnesota Court of Appeals has a significant impact on the MSPCCA employers located outside the City of Minneapolis because those employers must once again consider how to reconcile the lump sum award from the CBA with the accrual award from the SST Ordinance. This process is made considerably more difficult by the notice issued by the City of Minneapolis on May 29, 2019 which instructs non-resident employers that, following the April 29, 2019 decision from the Minnesota Court of Appeals, employees are entitled to a retroactive accrual of sick and safe time based upon hours worked in the City of Minneapolis since July 1, 2017.

Comments on Proposed Changes to Rules

A majority of the employers participating in the MSPCCA are resident outside the City of Minneapolis. A primary challenge presented to MSPCCA employers is reconciling the January 1st lump sum paid time off structure in the CBA, with the ongoing accrual structure provided for in the SST Ordinance. The MSPCCA employers expect to address this issue in a comprehensive way when the current CBA expires on December 31, 2019; a comprehensive change to the CBA's paid time off structure prior to December 31, 2019 is implausible.

The MSPCCA respectfully requests that the City consider the following modifications to its proposed revision to the rules implementing the SST Ordinance:

1. **The City of Minneapolis should not require non-resident employers to accrue sick and safe time on hours worked prior to the effective date of the revised Rules.**

The City of Minneapolis should not require non-resident employers to accrue sick and safe time on hours worked prior to the effective date of the revised rules.

Section 40.100 of the SST Ordinance provides that the Minneapolis Civil Rights Director has broad authority to implement, administer and enforce the ordinance and shall publish rules to that effect. The Director exercised that authority by publishing rules implementing the SST Ordinance in 2017. Those 2017 Rules expressly referenced the Minnesota Chamber of Commerce et al v. City of Minneapolis litigation matter and the injunction issued by the Hennepin County District Court. Moreover, the 2017 Rules stated that the section providing for Covered Employees and Hours Worked "will not be enforced against any employer resident outside the geographic boundaries of the City until a final resolution is received from the courts."

The employers participating in the MSPCCA relied in good faith on the 2017 Rules published by the Department of Civil Rights. The basis for this good faith reliance exists in the SST Ordinance itself. Under Section 40.100(b)(1), rules published by the Director may be relied on by employers to determine their rights and responsibilities under the SST Ordinance.

On May 29, 2019 the City of Minneapolis issued a notice that instructs non-resident employers to to accrue sick and safe time based upon hours worked in the City of Minneapolis since July 1, 2017. The City's position in its May 29, 2019 notice conflicts with the 2017 Rules, which remain in place as of the date of these comments. Requiring employers to accrue Sick and Safe Time on hours worked prior to the effective date of the revised rules is a modification of the 2017 Rules and would constitute a retroactive modification for the time period covered by the 2017 Rules. To remain in compliance with the 2017 Rules and the notice requirements of Section 40.100(b)(3) of the SST Ordinance, which require revised rules to be made available at least 30 days prior to their effective date, the City should only enforce the SST Ordinance against non-resident employers prospectively for sick and safe time accrued on hours worked on or after the effective date of any revised rules.

2. **The revised rules should expressly state that employers resident outside the City are required to accrue sick and safe time *only* on hours worked on or after the effective date of the revised Rules.**

The revised rules should expressly state that, as a result of the District Court injunction and the previous Rules, employers resident outside the City are required to accrue sick and safe time only on hours worked on or after the effective date of the revised rules. This statement is requested to provide clarity of application of revised rules that do not conflict with the 2017 Rules or the revised rule notice requirements of the SST Ordinance.

3. **If the City insists on a retroactive accrual, employers should be permitted to deduct previously awarded paid time off from the calculation of the accrual.**

It is the MSPCCA's position that the City of Minneapolis should only require sick and safe time accruals by non-resident employers for hours worked on or after the effective date of the revised rules. However, if the City is not persuaded that non-resident employers should only accrue sick and safe time prospectively, the City should expressly permit non-resident employers to deduct *any* previously awarded paid time off from the calculation of the retroactive accrual.

Rule 2.5 as published in the City's 2017 Rules provides that, "Employers who provide their employees SST under a paid time off policy or other paid leave policy meeting the accrual requirements for SST and available for use by the employee for the same purposes and under the same conditions as SST are not required to provide additional

SST." It can be assumed that many non-resident employers, and all MSPCCA employers, do provide paid time off to their employees working in Minneapolis.

The SST Ordinance requires that sick and safe time be available for numerous specific causes described in Section 44.220(b). Under a retroactive accrual, a significant challenge arises in determining whether paid time off provided during the prior period was made available or used for the reasons provided in Section 44.220(b).

There can be little doubt that employees who were provided with paid time off would have used it for personal illness, medical appointments, a child's school cancellation due to weather, and other causes covered by the SST Ordinance. However, it is highly unlikely that a non-resident employer would specify that paid time off is available for all of the exact causes provided for in the SST Ordinance.

All MSPCCA employers provide industry leading paid time off benefits for their employees under the terms of a CBA, including paid vacation time, paid sick time, and a paid personal holiday. MSPCCA employers frequently make paid vacation time available for use as paid sick time to employees who have used all their paid sick time under the CBA. While these paid leave provisions have unquestionably been used for causes provided for in the SST Ordinance, the causes for which paid leave is available are not described in the CBA and it would be impractical if not impossible to determine the causes for which employees used paid time off over the past two years.

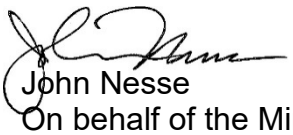
As a matter of fairness and in recognition of non-resident employers' good faith reliance on the statements made in the 2017 Rules, the City should revise its notice and/or proposed revised rules to state that any paid leave actually used by employees since July 1, 2017 is counted toward any retroactive sick and safe time accrual under the SST Ordinance.

Conclusion

For the foregoing reasons, the MSPCCA respectfully requests that the City of Minneapolis apply revised rules implementing the SST Ordinance only prospectively, and only to hours worked on or after the effective date of the revised rules. If the City does attempt to require a retroactive accrual on hours worked prior to the effective date of the revised rules, the City should expressly permit employers to count any paid leave actually used by employees during that prior period toward the retroactive accrual.

Thank you for the opportunity to comment on the City's proposed revised rules.

Sincerely,



John Nesse
On behalf of the Minneapolis St. Paul Contract Cleaners Association

Minneapolis Refuse, Inc., (MRI) thanks you for the opportunity to provide comments to the Safe and SickTime Ordinance. MRI appreciates the fact that the City Council wants to protect employees working in the City, however, the ordinance has had some negative, and probably unanticipated, consequences on the operations of MRI and its ability to provide quality, same-day service to the residents of Minneapolis.

MRI is a consortium of 10 private haulers providing "day certain" service for waste hauling services to the residents of Minneapolis. MRI performs this in a contractual relationship with the City of Minneapolis whereby MRI is contracted to pick up waste in ½ of the city. MRI also provides recycling services to Minneapolis. MRI recycling employees are covered by a contact negotiated with Local 120.

Over the last three calendar years, MRI has had approximately 20 total full-time employees in the recycling part of its operation. Since taking effect, the Ordinance has impacted MRI recycling operations by increasing the number of sick days being taken by its employees:

- In 2017 MRI had 49 total sick days taken by its employees
- In 2018 MRI had a total of 85 sick days taken by its employees
- Thru April 29, 2019, MRI has had a total of 65 sick days taken by its employees. We are on pace to have over 130 sick days used during 2019.

If we consider that only 30 days were used before the Ordinance took effect in 2017, this is an increase of 100 additional working days a year taken as sick days, with a net effect of nearly $22,000/year additional cost. In addition, these employees are currently covered by a contact with Local 120. This contract allowed for an incentive program which gave bonuses for sick days not used. Under the current Ordinance we are unable to offer this incentive and are effectively taking away income from our employees.

In addition to recycling, the MRI consortium of haulers have a contract with the City of Minneapolis to provide "day certain" service for ½ of the City of Minneapolis. It is difficult to provide day-certain services due to the inability to predict the additional sick calls being received. It is our experience that one additional employee is needed to be hired for every 20 current employees we currently have in order to meet our contractual obligations for "day certain" service. Given that we currently employ 100 people in all of MRI, this will require hiring five additional employees. This is directly related to the Safe and Sick Leave Ordinance. This will cost MRI $313,500 per year.

The financial impact is only one negative effect of the Ordinance. In addition:

- MRI has had to employ additional staff to ensure proper coverage of the daily routes
- MRI relies on its employees to work longer hours
- MRI had additional challenges in responding in a timely manner to resident complaints due to shortage of workers

- In inclement weather, MRI often finds more employees call in sick, coupled with the fact that the routes take longer to complete safely, putting enormous pressure on staff to provide quality "day-certain" service.

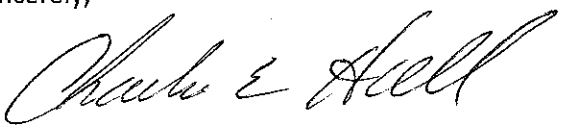
- MRI has always provided a competitive benefits package for its employees including vacation and sick time. The Ordinance has interfered with MRIs ability to implement and adjust a benefits package for its employees.

POTENTIAL REMEDIES:

In making changes to the Ordinance, MRI would suggest that the Council make the following changes:

- Exempt businesses where a collective bargaining agreement is in effect
- Exempt businesses who are required to provide day-certain services to the city under a contractual relationship.

Sincerely,



Charlie Hall
Minneapolis Refuse, Inc
Board Chairman

TechServe ALLIANCE
Advancing Excellence in the IT Services Industry

May 29, 2019

Dear City of Minneapolis,

We are the Minnesota Chapter of TechServe Alliance, an industry association of IT and engineering staffing and solutions firms who are dedicated to advancing excellence and ethics within our industry. We have 18 member companies in Minnesota, some of which are based within the Minneapolis city limits and some that are not, but a majority of our firms do have employees who work in Minneapolis. Due to the nature of our industry, most of our employees work at our clients' worksites.

Many of our firms are small businesses, with less than 200 employees, who do not have in-house legal and HR expertise to assist with state and federal compliance requirements. We rely on our industry association and outsourced help to understand our employer obligations. The Minneapolis Sick and Safe Time Ordinance (and other city level employee mandates) provide undue burden and complexity for our industry in particular because we have employees who work all over the state; therefore, within many different city limits.

We compete in a highly competitive global market with very thin margins, and the administration burden and cost required to track and comply with various city level employee mandates is not only onerous, but creates considerable obstacles for growth when competing against international firms and offshoring of our services.

Most of our Minnesota Chapter TechServe Alliance firms are headquartered and founded in Minnesota and we take great pride in creating jobs and opportunities for Minnesotans. We offer rich and full sets of benefits to our employees, but not all of us offer PTO or sick time. There are many reasons for this.

First, our employee relationships are for the most part finite and project based. They are hired to offer our clients the expertise they need for their IT or strategic projects. Our clients do not want our employees to take time off during their critical project timeframes. Our employees understand this expectation before they are hired and typically schedule their time off to accommodate the project needs.

Second, our employees are compensated at an above market pay rate (compared to regular full-time talent) to compensate for not offering PTO or sick time and for the temporary nature of our contracts, so if they do have to take unscheduled time off, they can pay for it themselves from their excess earnings. We maximize our employees' pay to empower them to make a personal choice about whether or not they want or need time off and in turn, don't penalize those that don't.

Lastly, our employees are highly skilled professionals who have many choices about which firms to work for. Many of us regularly survey potential and current employees to ensure they are satisfied with our benefit offerings. It is in our firms' best interest to offer highly competitive pay and benefits to attract top talent; therefore, government mandated benefits are unnecessary in our industry.

In conclusion, the patchwork of city level benefit mandates is particularly burdensome for our industry due to the remote workforce nature of our industry (employees working in many different local jurisdictions). In addition, mandates are unnecessary for our employees because they are highly educated and trained professionals who have many choices for who they would like to work for, thus requiring our firms to offer highly competitive benefit packages. Finally, city level mandates create growth barriers for our industry's smaller firms, many of whom are woman or minority-owned, due to the costly administrative burden associated with a patchwork of city level mandates.

Because of these reasons, we advise Minneapolis to reconsider your enforcement of the Sick and Safe Time Ordinance to employers in the Information and Engineering Technology Consulting Industry. If you do enforce it, we will be left with no choice but to adjust the compensation offered to Minneapolis based employees to offset the additional cost of leave.

Respectfully,

Brigitte Nesser, President
Minnesota Chapter of TechServe Alliance
612-412-3086
Brigitte@MANIFESTTechnology.net

UNIVERSITY OF MINNESOTA
PHYSICIANS

Executive Offices

720 Washington Ave SE
Suite 200
Minneapolis, MN 55414

June 7, 2019

City of Minneapolis Civil Rights Department
350 South Fifth Street, Room 239
Minneapolis, MN 55415

To Whom It May Concern:

On Behalf of University of Minnesota Physicians, I am writing to share our experience and comments on the Minneapolis Sick and Safe Time (SST) ordinance. University of Minnesota Physicians (UMPhysicians) provides primary and specialty healthcare in over 100 specialty areas. We see thousands of patients each year and depend on our teams operating smoothly to deliver the highest quality care to often critically ill patients. Knowing our people are what make our business successful, we have offered a generous benefits package, including paid time off that exceeds our competitors.

UMPhysicians, along with many employers, supports employees who need to take time off to care for themselves and their families. Included in our compensation package is a paid time off accrual which more than satisfies SST requirements. We are happy to provide SST accruals for employees not otherwise eligible for paid time off benefits. We understand when employees care for themselves, they can return to work more engaged and productive. We support the intent of the SST ordinance and apply it to all employees, regardless of their work location.

There is a clause of the ordinance, however, that has impacted our business negatively. The requirement that employers may not enact any "adverse employment action" for an employee's use of SST has become burdensome in practice. We request that this language be made more specific and prohibit the following in response to an employee's use of SST: demotion, termination, reduction of pay, and withholding of pay increases.

Scheduled absences using SST or another form of leave is not our concern. We encourage staff to schedule, as much as possible, their absences from work. However, we understand illnesses and safety concerns are not always foreseeable. When an employee is out unexpectedly it makes it increasingly difficult to operate and often our patients experience the impact of this through delayed care and our staff must bear the additional workload. When this becomes an extended pattern of behavior, not being able to take *any* action has other consequences to our staff and business.

This is also administratively burdensome. We must track the reasons for absences rather than simply "scheduled" or "unscheduled." Employees must tell their leader, although not in specific detail, whether or not their absence is covered by the ordinance. Often, employees do not fully understand under which circumstances they may use SST either. We must also track if the employee has sufficient paid time off or SST to cover the absence. The ordinance requirements have created significant confusion and administrative burdens to ensure we are in compliance with the ordinance, as it is written today. By allowing us to look at the whole of the employee's attendance and behavior, speak openly with them

about the impacts, and work through solutions, it will reduce confusion for both the employee and their leader.

Our people are what make our business a world-class institution. UMPhysicians supports their needs to care for themselves and their families. We ask that in cases where the employee has excessive unscheduled absences, employers be given the right to coach, counsel and administer corrective action warnings as deemed appropriate and necessary.

We kindly ask that you consider our revision to the Minneapolis Sick and Safe Time ordinance and balance the needs and rights of employees with the needs of the employer and our patients.

Regards,

Nick Nyhus
Vice President, Human Resources
University of Minnesota Physicians

From: Justin Cummins
To: Naef, Andrea K.
Subject: RE: Minneapolis SST Ordinance related Rules and other guidance
Date: Sunday, May 19, 2019 9:41:00 AM
Attachments: image001.png

Dear Ms. Naef:

I want to follow up briefly on my submission below to underscore the seriousness of the current problem with employers' "interpretation" of the Ordinance. The employer subject to the arbitration award I forwarded to you below is – even after issuance of the award – evidently refusing to provide any paid sick leave to employees if those employees do not have any remaining vacation time that Local 970 won at the bargaining table and that the employees subsequently earned under the CBA. This is mixing the proverbial apples and oranges, as I outlined in my email below, because the employer is taking ***employee*** vacation time guaranteed under the CBA to "pay" for the ***employer*** paid sick leave guaranteed under the Ordinance.

In sum, the employer is essentially proceeding as if the Ordinance does not apply to the employer whenever an employee uses up vacation time guaranteed by the CBA. That approach contravenes both the letter of the law, the compelling purpose of the Ordinance, and the manifest intent of the City when enacting the legal regime – as reaffirmed by the recent Minnesota Court of Appeals decision.

Sincerely,

Justin Cummins
MSBA Board Certified Labor & Employment Law Specialist
Description: Capture
Cummins & Cummins, LLP
1245 International Centre | 920 Second Avenue South
Minneapolis, MN 55402 | 612.465.0108 (t) | 612.465.0109 (f)
www.cummins-law.com

From: Justin Cummins
Sent: Friday, May 17, 2019 5:29 PM
To: Naef, Andrea K. <Andrea.Naef@minneapolismn.gov>
Subject: Minneapolis SST Ordinance related Rules and other guidance

Dear Ms. Naef:

Thank you for talking with me briefly about what many consider to be a contrived ambiguity in the Minneapolis Sick and Safe Time Ordinance, Rules, and FAQs that employers are attempting to exploit in an effort to avoid complying fully with the Ordinance. As you requested, I am stating in writing the nature of the problem to provide commentary on behalf of Teamsters Local 970 regarding the proposed Rules and other guidance the City will be issuing in light of the recent Minnesota Court of Appeals decision in the Chamber of Commerce case.

In short, employers are alleging that reference in the Ordinance (Section 40.310), Rules (Section 2.5), and FAQs (Nos. 37-39) to an employer's paid time off ("PTO") policy or plan somehow refers to, for example, vacation time that unions have won at the bargaining table and union members have earned under the governing collective bargaining agreement ("CBA"). As a matter of settled law, an employer PTO policy or plan – which can be adopted and modified unilaterally by an employer at any time and for any reason – is separate and distinct from a CBA – which can only be adopted and modified mutually by both an employer and a union. In addition, while an employer PTO policy or plan is generally not legally enforceable, a CBA – including, for example, the rights to specific vacation time won at the bargaining table by a union and earned by union members under the CBA – is legally enforceable through court, administrative, and arbitral proceedings.

Please find attached the arbitration award recently obtained by Teamsters Local 970, which reflects the arbitrator's determination that the employer cannot lawfully use vacation time won by Local 970 at the bargaining table and earned by Local 970 members under the CBA to satisfy the employer's obligation to provide paid sick leave under the Ordinance. As Local 970's experience illustrates, employers are attempting to flout their obligations under the Ordinance so long as the City's Rules and other guidance fail to state explicitly that an employer's PTO policy or plan does not refer to rights established under a CBA.

If the City does not take the requested action here, the City will likely face complaints from unions and their members pursuant to Ordinance Section 40.120 because employers will continue disingenuously mixing proverbial apples (employer PTO policies and plans) with proverbial oranges (CBA-

guaranteed vacation time). Indeed, the employer subject to the attached arbitration award is still doing precisely that even after the arbitrator specifically ruled on pages 20-21 that the employer cannot convert vacation time under the CBA to paid sick leave under the Ordinance. If you would like me to provide proposed language for Rule Section 2.5 or FAQs Nos. 37-39, or if you would like more information, please so advise. Thank you for your careful consideration of the above.

Sincerely,

Justin Cummins
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From: Jane Stuntebeck
To: Sick Time Info
Subject: comment
Date: Wednesday, May 08, 2019 4:07:58 PM
Attachments: image001.png

Absolutely not a smart move. A nightmare to enforce and audit and discourages firms from increasing their jobs within city limits.

Jane Stuntebeck
Grant-Shannon Staffing
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310 South 4th Avenue, #8100 Minneapolis, MN 55415

From: Debbie Bierwerth
To: Sick Time Info
Date: Wednesday, May 08, 2019 5:43:28 PM

I am in favor of the ordinance. It allows us to take time off work and not be worried that my employer gives me an occurance and penalize me for being sick.

From: Greg Boje
To: Sick Time Info
Subject: SST Abuse
Date: Wednesday, May 08, 2019 7:05:45 PM

This system needs to go away or be regulated better because it is widely abused at my place of employment. Just last weekend we had approximately 40 gone on Saturday. Most people abuse this by taking Friday Saturday and Monday's off for a long weekend. No repercussions for patterns. We are unable to fully staff our machines and are falling behind with increasing late orders. Something desperately needs to be changed to stop the abuse of this system.

Thanks, Greg

Sent from my iPhone