

WORKPLACE PARTNERSHIP GROUP DETAILED POLICY DECISION OUTLINE at 2/1/16

Yellow highlight indicates choices confirmed by Workplace Partnership Group

I. SCOPE	<i>We recommend a policy that covers:</i>	NOTES	Consensus check	Complete!
A) Covered employers	1. Employers based in Minneapolis		1/25/16	
	2. Employers with employees who work within Minneapolis, regardless of employer location	May consider employer size threshold	1/25/16	2/1/16
	3. Only employers in sectors with significant public health exposure	Define at employer or employee level?	1/25/16	
B) Covered employees – FT/PT	1. Only full-time employees are covered		2/1/16	
	2. Both part-time and full-time employees are covered			
C) Covered employees – hours threshold	1. All employees who work within Minneapolis			
	2. All employees who conduct at least 80 hours of work a year in Minneapolis	<p>If you work in the City of Minneapolis (regardless of where your employer is located) at least 80 hours in a year for one employer, you will have access to earned/paid sick time.</p> <p>Exempt employees are considered to work 40 hrs a week for purposes of accrual, unless there is evidence that they work less than that.</p>		

II. USAGE	<i>We recommend a policy that allows usage of sick time for:</i>			
A) Employee vs employee + family	1. Employee health needs only			
	2. Health needs of employee as well as family members, broadly defined	Build on state code 181.943 and consider other municipal ordinances		
B) Inclusion of mental health for usage	1. Mental and physical illness, injuries, health conditions, diagnostic and preventive care, school closures due to public health or other emergencies.	State law requires paid sick leave policies to also cover safe leave usage. Text could make note of this law, and reflect feedback from listening sessions on this issue.		
	2. Usage restricted to physical illness.			
C) Increments of usage	1. Full shift/day is the smallest increment of time that can be taken off as “sick time”			
	2. Partial shift/day can be taken off as “sick time”	This issue here is the “doctor’s appointment” or the child who is sick for only part of the school day. Smallest increment allowable in employer payroll system?		
D) Documentation	1. Doctor’s note or other employee proof of illness for time taken (perhaps after a specified number of consecutive days).	Potential for inappropriate use, balanced with cost and difficulty of getting a doctor’s note, and employee privacy considerations.		
	2. No documentation required.	Group may consider if there is a third option on this issue		
E) Provisional period at start of employment	1. Employee begins to accrue time immediately, but the use of sick time is at the employer’s discretion in the initial 2-3 months of employment	Employee gains by accruing immediately, but employer is also protected by not having to grant		

		time for summer employees, for example.		
	2. Employee is eligible to use accrued sick time from the commencement of employment.			
F) Relationship to existing PTO policies	1. Sick days are accrued/used separately than other forms of PTO, vacation and other types of leave.			
	2. Sick days are accrued/used separately for employee individual use v. use for extended family or household.			
	3. Paid leave policies – such as employer PTO policies, other types of leave policies or existing agreements – are in compliance with the ordinance if they meet the minimum standards.			
	4. Sick days program is administered by the city through a payroll tax into a fund that pays for sick days for all workers in Minneapolis.	This would require state legislation.		
III. ACCRUAL MECHANISM	<i>We recommend a policy that contains the following provisions:</i>			
A) Accrual vs other mechanism	1. Employee receives full allotment of sick time at commencement of employment, and receives the same allotment at the beginning of each year of employment thereafter.			
	2. Employees accrue sick time according to a specified accrual rate (e.g. 1 hour for every 30 hours worked)			
B) Amount of time received/earned	1. If an accrual system, an employee should earn sick time at the rate of 1 hour for every 30 hours worked. If using an allotment system, an employee should receive amount equivalent to accruing at that rate for one year.	Recommendation language on this item depends on outcome for preceding topic (accrual vs other mechanism)		

	2. If an accrual system, employee accrues at a rate other than 1 for 30.			
C) Carryover	1. Sick time that is accrued and unused may carry over in full into the following year.	Related considerations: (1) Availability of accrued sick time for employees who change jobs within a business; or who return after a leave of absence; (2) Honoring accrued sick time in the event of a business sale or merger; (3) Ability to cash out accrued leave at year end, or donate time		
	2. Sick time that is accrued and unused may be carried over with a cap on the total amount of time that may be carried over year to year.			
	3. Sick time that is accrued and unused may not be carried over from year to year.			
D) Caps	1. A cap is placed on the total number of days an individual may use in the course of a year	This issue takes into consideration individuals working more than 40 hours a week		
	2. No cap is placed on the total number of days an individual may use in the course of a year			
E) Distinctions by size of employer	1. Employees working for employers with less than 5 employees may earn no more than ___ days/hours of sick time in a year.	Consider micro-employers? Consider start-ups /length of time business has been in operation?		
	2. Employees working in Minneapolis accrue/earn paid sick time at the same rate and with the same caps, regardless of size of employer.			

IV. MONITORING, ENFORCEMENT & IMPLEMENTATION	<i>We recommend that the City of Minneapolis:</i>	
A) Education and outreach	Undertake proactive, culturally appropriate outreach and education efforts to ensure that both employees and employers are aware of the new policy and understand it. On an ongoing basis, employers and employees should receive timely, accurate and easy-to-understand information about rights and responsibilities. Small-business and community-based organizations should be enlisted as partners to expand the reach of education and outreach efforts.	
B) Enforcement system	Design a robust enforcement system that maximizes employer compliance and provides efficient and fully accessible avenues for bringing and resolving complaints. Components of enforcement system should include:	May include both complaint-based and more proactive methods of enforcement
	1. Survey or other regular evaluation methods to identify patterns related to compliance and usage.	
	2. Incentives related to recognition or other benefits to businesses that meet or exceed standards put forth by this policy.	
	3. Financial penalties for noncompliance that are sufficient to maximize compliance with policy (and level the playing field for compliant employers).	A delay in implementation of penalties for small employers may be considered to ensure sufficient time to implement new policy.
	4. Identify an ombudsperson that employers and employees may contact with issues/problems related to the policy in content or implementation	

C) Protections	<ol style="list-style-type: none"> 1. Ensure that workers are protected from retaliation in any form 2. Clarify that an employer maintains its right to take disciplinary action when clear evidence exists of a pattern of an employee using leave for purposes other than those provided under the law. 	Text could note some of the forms of retaliation mentioned in listening sessions (e.g. reduction in hours)
D) Notice and Recordkeeping	<ol style="list-style-type: none"> 1. Create notice provisions that provide information on rights and responsibilities to employees in a fully accessible manner (including linguistic accessibility). 2. Ensure recordkeeping rules will provide timely and sufficient information to the city and employees, as needed, without undue administrative burdens on the employer. 	
E) Ongoing reporting, monitoring and policy improvements	Ensure that employers and employees (and employer/employee representatives) have opportunity to monitor implementation, review relevant data on the ordinance in practice, and consider potential policy changes.	