

WORKPLACE PARTNERSHIP GROUP
—Sixth Business Meeting—
Monday, February 11, 2016; 2:00 p.m.
Minneapolis City Hall – Room 319

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1. Call to Order

The Chair called the meeting to order at 2:10 p.m. The following members were found to be in attendance:

Attending: Steve Cramer; Liz Doyle; Faisal A. Mohamud Deri; Brian K. Elliott; Molly Glasgow; Chelsie Glaubitz Gabiou; Ron Harris; Christopher Carl Pennock; Guillermo Alexander Lindsay; Tony Lacroix-Dalluhn; Wade Luneburg; Bruce Nustad; Jim Rowader; Danny Schwartzman; and Sarah Webster Norton [See attached attendance sheet]

The following staff members were also present: Nuria Rivera-Vandermyde; Luke Weisberg; Casey Carl; Gretchen Musicant; David Rubedor; Susan Trammell; and Sasha Bergman.

2. Acceptance of Minutes – Fifth Business Meeting: February 8, 2016

Mr. Elliott moved to amend the draft minutes to strike specific language, as follows—

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With respect to required documentation, members reached consensus that a provision must be included to enable employers to request documentation to verify illness, thereby justifying the use of earned/paid sick time, to avoid potential abuse by workers. Balancing that business need, however, was the need to avoid retaliation by employers which might prevent an employee from otherwise using earned sick time. Members indicated a preference for permissive policy language that enabled employers to request documentation from a physician when a clear pattern of abuse was observed; however, there was consensus that the default position should be not to mandate such documentation, since this itself could present unnecessary burdens to workers. Ms. Rivera-Vandermyde pointed to examples from comparable jurisdictions, as outlined in the spreadsheet she had distributed, indicating that the WPG could adapt some language from existing policies to craft a statement that worked best for Minneapolis. [See II.D.2, as a default, but adding permissive language that enabled an employer to request documentation in certain circumstances; for example, if a clear pattern of abuse is observed ~~or if an employee has missed a specific number of consecutive days from work.~~]

With respect to connections to Paid Time Off (PTO) policies, members agreed that any existing benefits plans or programs which satisfied the minimum threshold of a municipal policy should not be impacted. Therefore, if an employer offered PTO, but didn't separately account for sick leave accruals, that employer would be deemed to be in compliance, ~~and therefore potentially exempt,~~ provided the total accruals for PTO at least were comparable to what was required under the municipal policy. [See II.F.1. from the decision matrix.]

On motion by Elliott, the minutes of the Fifth Business Meeting conducted Monday, February 8, 2016, as amended (*see above*), were approved.

3. Report from the Chair

A. Scheduling Updates

Mr. Weisberg noted the regular meetings on February 11 and 17 had been extended by one hour each; thus, the regular meeting on February 11 was set from 2 to 5 p.m. and the regular meeting on February 17 was set for 7:30 to 10:30 a.m. Additionally, based on polling of all members and the responses received, a business meeting would be scheduled for Monday, February 22, from 2 to 4 p.m. Mr. Weisberg indicated the goal was to provide all members with a copy of the final draft report prior to the February 22d meeting, with the intent that a final, formal vote on the full report of policy recommendations would be taken at that final meeting before being submitted to the Mayor and City Council in time for presentation to the Committee of the Whole on Wednesday, February 24, 2016.

Members discussed the potential need to request an extension on the timeline for submission of a final report. The consensus was to defer consideration of requesting an extension until the latest date possible and to push forward with the goal of completing the work. The latest date at which point an extension could be requested would be February 17. The members agreed to check back on this point at the conclusion of that regular meeting.

B. Review concurrence on policy scope and usage recommendations

The Chair led a brief review of key decision points where consensus had already been reached on issues related to scope, usage, and accrual mechanism(s) recommendations. [See attached *Detailed Policy Decision Outline, dated February 18, 2016*].

4. Unfinished Business

A. Review of key decision points on policy elements related to accrual mechanism recommendations

Mr. Weisberg facilitated discussion centered on accrual mechanism(s). Following significant discussion, members had identified three models—

- MODEL 1: Accruals with both annual caps and total carryover caps
Accruals would be at a rate of 1 hour of paid sick time for ___*___ hours of work, with an annual cap of ___ hours of paid sick time, up to a total cap of not to exceed ___ hours eligible to be carried over year-to-year in paid sick leave.
[* = Option A - 30; Option B - 20 (accelerated); Option C - To Be Determined]
- MODEL 2: Accruals with only total carryover caps (ceiling)
Accrual at a rate of 1 hour of paid sick time for ___*___ hours worked with no annual cap on accruals, with a maximum accrual cap of a specific amount that carries over year-to-year and functions as a ceiling.
[* = Options, e.g., 84 hours or double the annual accrual amount]
- MODEL 3: Accruals based on business type
Accrual at a rate determined by business size with associated caps, determined by business size.

B. Review of key decision points on policy elements related to monitoring, enforcement, and implementation

With no further time remaining in the meeting, decisions around monitoring, enforcement, and implementation issues were deferred to the next regular business meeting.

5. Adjournment

With no further business to be presented, on motion by Nustad the meeting adjourned at 5:07 p.m.

Workplace Partnership Group

ATTENDANCE SIGN-IN SHEET Thursday, February 11, 2016



Susie Brown

Steve Cramer

Molly Glasgow

Christopher Carl Pennock

Guillermo Alexander Lindsay

Liz Doyle

Ron Harris

Faisal A. Mohamud Deri

Dayna Frank

Tony Lacroix-Dalluhn

Jim Rowader

Danny Schwartzman

Brian K. Elliott

Chelsie Glaubitz Gabfou

Wade Luneburg

Bruce Nustad (alternate)

Sarah Webster Norton (alternate)

Stephanie Gasca (alternate)

Abdirahman Kahin (alternate)

CITY OF MINNEAPOLIS

WORKPLACE REGULATIONS PARTNERSHIP GROUP

BUSINESS MEETING

MONDAY, FEBRUARY 12, 2016



OUR AGENDA

1. Call to Order
2. Acceptance of Minutes from 2/8/16 meeting
3. Report from the Chair: Meeting on Monday 2/22
4. Unfinished Business
 - A. Affirm Decision points on "usage"
 - B. Decision points on "accrual"
 - C. Decision points on "monitoring, etc."
5. New Business
6. Adjournment

WRP Calendar (at 2/8/16)

THU 2/11/16	WPG Business Meeting #6	2:00-5:00 pm
WED 2/17/16	WPG Business Meeting #7	7:30-10:00 am
MON 2/22/16	WPG Business Meeting #8	2:00-4:00 pm

Recommendations forwarded to COW for presentation on WED 2/24/16

GUIDING OBJECTIVES

- Improve Public Health**
Employees who are well are more productive and engaged.
- Improve Employee Health & Labor Conditions**
Employees who are healthy and safe are more productive and engaged.
- Improve Business Climate for Attracting and Retaining Employees**
Employees who are healthy, safe, and engaged are more productive and engaged.

DECISION PATHWAY TOWARD POLICY RECOMMENDATIONS - WORKING DRAFT

Approved 2/11/16

- What is the Scope of Policy?
- How is Sick/PTO Used?
- How is Sick/PTO Accrued?
- How is the Policy Monitored and Evaluated Over Time?

City of Minneapolis | WORKPLACE PARTNERSHIP GROUP

DECISIONMAKING PROCESS

- **Ground Rules for Group Decision Making**
- The facilitator will use the following scale to poll the group on whether consensus has been reached. Participants will express their level of comfort and commitment by indicating:
 1. Wholeheartedly agree
 2. Good idea
 3. Supportive
 4. Reservations – would like talk
 5. Serious concerns – must talk
 6. Cannot be part of the decision
- If all participants fall between 1 and 3, consensus on the item is assumed. When someone falls between 4 and 6, that person must state their concerns clearly and offer a constructive alternative. The group will attempt to meet the interests of those parties, without diminishing their own interests.

SCOPE

- Individuals working in the City of Minneapolis (regardless of where your employer is located) at least 80 hours in a year for a given employer, shall have access to paid sick time.
- Exempt employees are considered to work 40 hrs a week for purposes of accrual, unless there is evidence that they work less than that.

USAGE

- Employees may use paid sick time for mental and physical illness or incident, injuries, health conditions, diagnostic and preventive care, school closures due to public health or other emergencies for themselves or for members of their extended families and households (as defined in City of Minneapolis civil code and MN State Statute 181.9413).
- Employees may use paid sick time in increments consistent with current business practices, as defined by industry standards or existing employer policy.
- Employers may only request documentation of illness/absence from an employee if there is a clear pattern of abuse.

USAGE

- Employees will begin earning accrued sick time at the start of employment; and, will be able to access earned hours after a provisional period, consistent with employer practice, and no longer than 90 days.
- Employees may earn, accrue, and use paid sick time consistent with existing employer practice.
- Existing sick time and/or paid time off (PTO) will be considered in compliance with City policy if they meet minimum standards established by the City. (to clarify)

ACCRUAL

- Recommend an accrual-based system in which workers earn paid sick time based on hours worked.
- Recommend an accrual rate of 1 to 30 that caps at double the hours as long as employee remains, or time is used.
- Recommend an accrual rate of X to Y that has an annual accrual cap, and a maximum carryover of 2x the annual cap.
- Consider

WE WILL MEET AGAIN...

- Next WPG Business Meeting, Thursday, February 17, 7:30 to 10:30 am at Minneapolis City Hall

WORKPLACE PARTNERSHIP GROUP DETAILED POLICY DECISION OUTLINE at 2/11/16
 Yellow highlight indicates choices confirmed by Workplace Partnership Group

I. SCOPE	<i>We recommend a policy that covers:</i>	NOTES	LANGUAGE	Consensus check	Complete!
A) Covered employers	1. Employers based in Minneapolis		We recommend a policy that covers: Individuals working in the City of Minneapolis (regardless of where your employer is located) at least 80 hours in a year for a given employer, shall have access to paid sick time.	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	TBD by the accrual rate...	Exempt and non-exempt employees. Exempt employees are considered to work 40 hours a week for purposes of accrual, unless there is evidence that they work less than that.	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		We recommend a policy in which:		
	2. All employees who conduct at least 80 hours of work a year in Minneapolis	Double-check before complete.		2/8/16	
II. USAGE	<i>We recommend a policy that allows usage of sick time for:</i>		LANGUAGE	Consensus check	Complete!
A) Employee vs employee + family	1. Employee health needs only		Employees may use paid sick time for mental and physical illness or incident, injuries, health		
	2. Health needs of employee as well as family members, broadly defined				

		181.9413).	conditions, diagnostic and preventive care, school closures due to public health or other emergencies for themselves or for members of their extended families and households (as defined in City of Minneapolis civil code and MN State Statute 181.9413).		
B) Inclusion of mental health for usage	<p>1. Mental and physical illness, injuries, health conditions, diagnostic and preventive care, school closures due to public health or other emergencies.</p> <p>2. Usage restricted to physical illness.</p>	<p><i>Commentary:</i> Bereavement policy be explored to include and/or be adapted for culturally-appropriate practices and recognition of extended family and community relationships.</p>	<p>Employees may use paid sick time in increments consistent with current business practices, as defined by industry standards or existing employer policy.</p>	2/8/16	
				<p>1. Full shift/day is the smallest increment of time that can be taken off as "sick time"</p>	
C) Increments of usage	<p>2. Partial shift/day can be taken off as "sick time"</p>	<p>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?</p>	<p>Employers may only request documentation of illness/absence from an employee if there is a clear pattern of abuse.</p>	2/8/16	
D) Documentation	<p>1. Doctor's note or other employee proof of illness for time taken (perhaps after a specified number of consecutive days). (Modified)</p>	<p>Potential for inappropriate use, balanced with cost and difficulty of getting a doctor's note, and employee privacy considerations.</p>		2/8/16	

	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.	Employees will begin earning accrued sick time at the start of employment; and, will be able to access earned hours after a provisional period, consistent with employer practice, and no longer than 90 days.	2/8/16	
	2. Employee is eligible to use accrued sick time from the commencement of employment.				
	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.				
F) Relationship to existing PTO policies	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.		Any employer with a paid leave policy, such as a paid time off policy, that provides an amount of paid leave sufficient to meet the total annual accrual requirements of this policy that may be used for the same purposes as paid sick time in this law, is not required to provide additional paid sick time. Existing sick time and/or paid time off (PTO) policies may be reviewed on a case-by-case basis and will be considered in compliance with City policy if they meet minimum standards established by the City.	2/8/16	

		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.	Commentary: There is interest in the idea of a broader program to support paid sick time. The WPG recommends that explore this concept further and, if appropriate, pursue through its state legislative agenda.			
III. ACCRUAL MECHANISM	<i>We recommend a policy that contains the following provisions:</i>		NOTES	LANGUAGE	Consensus check	Complete!
A) Accrual vs other mechanism	<p>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.</p> <p>2. Employees accrue sick time according to a specified accrual rate (e.g. 1 hour for every 30 hours worked)</p>					
B) Amount of time received/earned	<p>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.</p> <p>2. If an accrual system, employee accrues at a rate other than 1 for 30.</p>	Recommendation language on this item depends on outcome for preceding topic (accrual vs other mechanism)				
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				

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

IV. MONITORING, ENFORCEMENT & IMPLEMENTATION	<i>We recommend that the City of Minneapolis:</i>	NOTES	LANGUAGE	Consensus check	Complete!
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: 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	May include both complaint-based and more proactive methods of enforcement			

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				

<p>C) Protections</p>	<p>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.</p>	<p>"Retaliatory personnel action" means any termination, suspension, constructive discharge, demotion, unfavorable reassignment, refusal to promote, disciplinary action or other adverse employment action taken by an employer against an employee or a service worker.</p>		
<p>D) Notice and Recordkeeping</p>	<p>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.</p>			
<p>E) Ongoing reporting, monitoring and policy improvements</p>	<p>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.</p>			