ORDINANCE

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Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration by adding a new Chapter 40 relating to Workplace Regulations.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 40 to read as follows:

CHAPTER 40 –WORKPLACE REGULATIONS.

ARTICLE I – IN GENERAL

40.10 - TITLE.

Articles I through III shall be known and cited as the Minneapolis Paid Sick and Safe Time Ordinance.

40.20 - FINDINGS.

The city council makes the following findings:

(a) Healthy individuals, families and communities are the foundation of well-functioning societies. Many factors contribute to health, including the policies and systems that shape the nature of everyday life. Among these policies, the availability of paid leave is a key contributor, as it creates the opportunity for family members both to earn a living and to provide care for their loved ones.

(b) Forty-one percent of employed Minneapolis residents lack access to earned sick time. The same employees least likely to have paid sick leave or the financial ability to forego wages are in occupations most likely to have contact with the public, especially food services, long term care and health care. Minneapolis workers who work in public-contact occupations, such as service occupations, are less likely to have paid sick time than workers in other occupations.

(c) Family economic security is at risk for workers who lack adequate paid sick leave because workers who lack paid sick leave lose earnings if they miss work to care for themselves, their children, or other family members who are ill or injured. Employees in the city working in low-wage occupations are least likely to have access to paid sick leave and are the least able to forgo wages to take time off to recover or care for others who may be sick. Employees without earned sick time disproportionately experience poverty, unstable housing and hunger.

(d) Access to paid leave and the ability to take paid leave are not available equally across populations of different incomes or race/ethnicity. Structural racism is a factor not only in health disparities but also in the conditions that create health, such as paid sick leave policies. The city continues to increase in

diversity of both residents and those who work in the City. People of color are more likely than white people in Minneapolis to be in low-paying, less secure jobs with few benefits or to work multiple jobs.

(e) The city became one of the first officially recognized community health boards following the passage of the original Minnesota Community Health Services Act in 1976. The city's community health board has the general responsibility for development and maintenance of a system of community health services, including promoting healthy communities and healthy behavior through activities that improve health in a population, such as investing in healthy families; engaging communities to change policies, systems, or environments to promote positive health or prevent adverse health; addressing issues of health equity, health disparities, and the social determinants to health; and preventing the transmission of infectious diseases.

(f) When workers have no paid sick leave or an inadequate amount available to them, they are more likely to come to work when they or their family members are sick. Absent the proper care needed for treatment or recovery, the ill worker's or ill family member's health problems may intensify or be prolonged.

(g) Employees who come to work when they are sick are likely to expose other employees, customers, and members of the public to infectious diseases, such as the flu. Workers with no paid sick leave, or an inadequate amount to take time off to care for a sick child, are likely to send sick children to school or a child care center, thereby potentially spreading contagious illnesses. The lack of access to paid sick leave has public health implications and has contributed to contagious disease outbreaks in Minnesota.

(h) Victims of domestic violence, sexual assault and stalking with no paid sick leave are less able to receive medical treatment, participate in legal proceedings and obtain other necessary services. In addition, without paid sick leave, domestic violence victims are less able to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.

(i) Paid sick and safe days will promote the safety, health and welfare of the people of the city by reducing the chances that worker's illnesses will intensify or be prolonged, by reducing the exposure of co-workers and members of the public to infectious diseases, and by reducing the exposure of children at schools and day cares to infectious diseases; resulting in a healthier and more productive workforce, better health for older family members and children, enhanced public health and improved family economic security.

(j) Paid sick and safe days will enable victims of domestic violence, sexual assault and stalking and their family members to participate in legal proceedings, receive medical treatment, or obtain other necessary services and, thus, to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.

(k) Through the collective bargaining process, employers and represented workers can develop alternative means of meeting the policy goals underlying the paid leave requirements established by this ordinance.

(l) Over the last few decades, the demographics of the nation's workforce and the structures of the nation's families have undergone significant changes. These changes include a marked increased number of women in the workforce; fewer households with children that have at least one parent staying at home full-time; and more single-parent households. As a result of these and other changes, the demands placed on workers with family responsibilities are greater and more complex today than they were in an earlier era. The city's workforce and families have experienced these changes.

(m) Another marked change from an earlier era is that now far fewer households have a parent who does not work outside the home. Nationally, more than eighty percent of children are raised in households that are headed by either a working single parent or two working parents.

(n) The number of single-parent households has increased substantially, more than doubling over the last fifty years. Today, one-third of families with children are headed by single parents, three-quarters of whom work.

(o) To safeguard the public welfare, health, safety, and prosperity of the city, all persons working in our community should have access to adequate paid sick and safe leave, because doing so will ensure a more stable workforce in our community, thereby benefiting workers, their families, employers, and the community as a whole.

40.30 – PURPOSE.

In enacting and implementing this chapter, the City is exercising its police power to preserve and protect safety, health, and general welfare. The purposes of this chapter are:

(a) To ensure that workers employed in the City can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of paid sick days including time for family care.

(b) To reduce public and private health care costs in the City by enabling workers to seek early and routine medical care for themselves and their family members.

(c) To protect workers employed in the City from losing their jobs while they use sick days to care for themselves or their families.

(d) To assist victims of domestic violence and their family members by providing them with job-protected paid time away from work to allow them to receive treatment and to take the necessary steps to ensure their protection.

(e) To safeguard the public welfare, health, safety and prosperity of the people of and visitors to the City.

(f) To accomplish the purposes described in subsections (a) – (e) in a manner that is feasible for employers and that does not require employers to provide any additional paid time to their employees if they already provide the same amount of paid time off that can be used for the same purposes and under the same conditions as required in this chapter.

40.40 – DEFINITIONS.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section:

"Accrued sick and safe time" means leave, including paid time off and other paid leave systems, paid at the same hourly rate as an employee earns from employment, that may be used for the same purposes as Minneapolis Code of Ordinances, section 40.220(b).

"Casual employee" means someone who works at uncertain or irregular times as needed by an employer. A casual employee fills in when a regularly scheduled employee is unable to complete a work shift or to supplement regular staffing due to an increased business need. The casual employee is not obligated to accept an available work shift and upon declination of an available work shift remains eligible to accept future available work shifts on the same terms and conditions as a casual employee who accepts an available work shift. An employer may require casual employees to make themselves available for a minimum number of work shifts, not to exceed 2 work shifts per month in order to remain an eligible casual employee.

"City" means the City of Minneapolis.

"Department" means the Minneapolis Department of Civil Rights.

"Director" means the Department of Civil Rights Director.

"Domestic violence" has the meaning given in Minnesota Statutes, section 518B.01.

"Employee" means any individual employed by an employer, including temporary employees and part-time employees, who perform work within the geographic boundaries of the City for at least 80 hours in a year for that employer. For purposes of this chapter, employee does not include any of the following:

(a) Independent contractors.

(b) Construction worker as defined in Minnesota Statutes section 179.254 who are paid a prevailing wage rate for all hours worked.

(c) Construction worker apprentices who are registered with the Department of Labor and Industry and who are paid the required wage rate established pursuant to Minnesota Statutes section 178.044 for all hours worked.

(d) Health care providers who are casual employees.

"Employer" means a person or entity that employs 6 or more employees. The term includes an individual, corporation, partnership, association, nonprofit organization, or group of persons. For purposes of this chapter, employer does not include any of the following:

(a) The United States government.

(b) The State of Minnesota, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary.

(c) Any county or local government, except the City.

“Exempt Employee” means an employee who is exempt from overtime payment requirements under federal or state law.

“Family Member” means the employee’s child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward or members of the employee’s household and registered domestic partner as defined in Minneapolis Code of Ordinances Chapter 142.

“Health care provider” means a person licensed in good standing in Minnesota to provide medical or emergency services and employed in that capacity at an hourly rate of at least four times the federal minimum wage, including but not limited to doctors, nurses and emergency room personnel.

“Prevailing wage” has the meaning given in Minnesota Statutes section 177.42 and as calculated by the Minnesota Department of Labor and Industry

“Safe time” means the need for time off under circumstances described in Minnesota Statutes, section 181.9413(b).

“Sexual assault” means an act that constitutes a violation under Minnesota Statutes, sections 609.342 to 609.3453 or 609.352.

“Stalking” has the meaning given in Minnesota Statutes, section 609.749.

40.50 – ANNUAL REPORT.

Beginning in 2018, and each year thereafter, the Director shall provide by March 31st, a written report to the appropriate committee of the city council regarding this chapter. The report shall include, but not be limited to, a discussion of the implementation and enforcement of this chapter, including the number of violations and the penalties assessed in the prior year. The report may also include recommendations for possible improvements to this chapter.

40.60 – PREEMPTION.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

40.70 – NO ASSUMPTION OF LIABILITY.

In undertaking the adoption and enforcement of this chapter, the city is undertaking only to preserve and protect safety, health and general welfare. The city is not assuming liability, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This chapter does not create a legally enforceable right against the city.

40.80 – SEVERABILITY.

If any of the parts or provisions of this chapter or the application thereof to any person or circumstance is held invalid or unconstitutional by a decision of a court of competent jurisdiction, the remainder of this chapter, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable.

40.90 – EFFECTIVE DATE.

(a) This chapter is effective July 1, 2017.

(b) For alleged first violations arising during the first twelve months following the effective date of this chapter, the Department must only mediate disputes and issue warnings and notices to correct. For subsequent violations arising during the first twelve months following the effective date of this chapter and for violations arising after that time period has passed, the Director may impose the relief and penalties provided in section 40.110.

ARTICLE II – IMPLEMENTATION AND ADMINISTRATIVE ENFORCEMENT

40.100 – AUTHORITY.

(a) The director has broad authority to implement, administer and enforce this chapter. The director shall have broad authority to investigate possible violations of this chapter whenever it has cause to believe that any violation of this chapter has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.

(b) The director shall promulgate appropriate rules to implement, administer and enforce this chapter. Such rules shall:

> (1) be consistent with this chapter and may be relied on by employers, employees, and other persons to determine their rights and responsibilities under this chapter.
>
> (2) establish procedures for fair, efficient, and cost-effective implementation and enforcement of this chapter, including rules governing procedure for any appeals to an administrative hearing officer under section 40.120.
>
> (3)establish procedures for informing employers of their duties and employees of their rights under this chapter and monitoring employer compliance.

The director shall publish, maintain, and make available to the public any such initial rules at least 90 days prior to their effective date. Any revisions to published rules shall be published, maintained, and made available to the public at least 30 days prior to their effective date.

40.110 – IMPLEMENTATION.

(a) The director shall work with all relevant city departments, state and federal agencies, divisions, departments, bureaus or institution of government to implement, promote and enforce this chapter. The director shall explore work-sharing agreements with the Minnesota Department of Labor and Industry to accomplish the goals of this chapter.

(b) The director shall develop and implement a multilingual and culturally specific outreach and community engagement program to educate employees and employers about their rights and obligations under this chapter. This outreach program shall include media, trainings and materials accessible to the diversity of employees and employers in the city.

40.110 – ENFORCEMENT.

(a) *Report of violations*. An employee or other person may report to the department any suspected violation of this chapter. A report of a suspected violation may be filed only if the matter complained of occurred after the effective date of this chapter and within 365 days prior to filing of the report. The filing of a report of a suspected violation does not create any right of appeal to the department by the employee or other person. The director has sole discretion to decide whether to investigate or to pursue a violation of this chapter. If the director decides not to investigate or otherwise pursue a report of suspected violation, the director must provide a written notification to any employee or other person who filed the report.

(b) *Investigation Process*

1. The department may initiate an investigation pursuant to a complaint or when the director has reason to believe that a violation has occurred. To pursue a violation of this chapter, the director must serve a notice of investigation setting forth the allegations and pertinent facts upon an employer by U.S. mail. The notice of investigation shall be accompanied by a request for a written position statement and may include a request for records or other information.

2. An employer's position and response to any request for records must be provided to the department as provided in the department's rules. An employer's failure to provide a position statement or to timely and fully respond to a request for records or any other reasonable request issued by the department pursuant to an investigation creates a rebuttable presumption of a violation of this chapter for the purposes of the investigation and determination of violation. An employer that fails to respond to a request for records may not use such records in any appeal pursuant to section 40.120 to challenge the correctness of any determination of violation by the director of damages owed or penalties assessed.

3. Investigations shall be conducted in an objective and impartial manner.

4. The department shall consider any statement of position or evidence with respect to the alleged violation which the employee or person who filed the report of suspected violation or employer wishes to submit.

5. The department may require a fact finding conference or participation in another process with the employer and any of employer's agents and witnesses and the employee or other person who filed the report of suspected violation during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues that can be resolved and afford an opportunity to discuss or negotiate settlement.

(c) *Director determination of violation*. Except when there is an agreed upon settlement, the director must issue a written determination of violation with findings of fact resulting from the investigation and a statement of whether a violation of this chapter has or has not occurred based upon a preponderance of the evidence before the department. The determination of violation must be issued to the employer and any employee or other person who filed the suspected violation report.

(d) *Relief and administrative fines.* The director may order any appropriate relief for a determination including, but not limited to:

1. Reinstatement and back pay.

2. The crediting to an employee of any accrued sick and safe time accrued but not credited plus payment to the employee of the dollar value of the accrued sick and safe time accrued but not credited multiplied by two, or $250.00, whichever amount is greater.

3. The payment of any accrued sick and safe time unlawfully withheld plus payment to the employee of the dollar amount of accrued sick and safe leave withheld multiplied by two, or $250.00, whichever amount is greater.

4. Up to a $1,500 administrative penalty payable to the employee for each violation of sections 40.230 or 40.240.

5. An administrative fine payable to the city of up to $50.00 for each day, or portion thereof, a violation of sections 40.250, 40.260 or 40.270 occurred or continued. Such funds shall be allocated to the department and used to offset the costs of implementing and enforcing this chapter.

(e) *Failure to exhaust administrative remedies.* If there is no appeal of the director's determination of a violation, that determination of violation shall constitute the city's final decision. An employer's failure to appeal the director's determination of a violation shall constitute a failure to exhaust administrative remedies, which shall serve as a complete defense to any petition or claim brought by the employer against the city regarding the director's determination of a violation.

40.120 – APPEAL.

(a) An employer may appeal from a determination of violation by filing an appeal in writing with the department within 15 days of the date of service of the determination of violation. Failure by the employer to file a timely, written appeal shall constitute admission to the violation, and the violation shall be deemed final upon expiration of the 15-day period.

(b) Upon an appeal of the director’s determination of a violation, the department shall refer the matter for a hearing before a Title 1, Chapter 2 administrative hearing officer, who for purposes of this chapter and pursuant to the department’s rules are authorized to hear such appeals.

(c) The appeal hearing before the hearing officer shall be conducted in a manner that satisfies the requirements of due process. In any such hearing, the department will have the burden of proof to demonstrate by a preponderance of the evidence that a violation occurred and that the required corrective action, if applicable, is reasonable. The hearing officer's decision of the appeal shall constitute the city's final decision.

(d) The decision of the hearing officer shall be final without any further right of administrative appeal. The sole means of review of the hearing officer’s decision shall be a petition for writ of certiorari to the Minnesota Court of Appeals pursuant to Minnesota Statutes, section 606.01. The department shall notify the employer of this right of review after issuance of the hearing officer’s decision.

40.130 – CIVIL ENFORCEMENT.

Where prompt compliance is not forthcoming with a final determination of violation, the department may refer the action to the city attorney to consider initiating a civil action in a court of competent jurisdiction against an employer, for violating any requirement of this chapter and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of lost wages, the payment of an additional sum as a civil penalty not to exceed the amount awarded for lost wages, and reinstatement in employment and/or injunctive relief and shall be awarded reasonable attorneys' fees and costs.

40.140 REMEDIES CUMULATIVE.

The remedies, penalties, and procedures provided under this chapter are cumulative.

ARTICLE III - PAID TIME OFF AND ACCRUED SICK TIME

40.200 – DETERMINATION OF BUSINESS SIZE.

(a)An employer's business size for the current calendar year is based upon the average number of employees per week during the previous calendar year.

(b) For a new business, the employer's business size for the current calendar year is based upon the average number of employees per week during the first 90 days after its first employee began work.

(c) In determining the number of employees, all persons performing work for compensation on a full-time, part-time or temporary basis shall be counted, whether or not the persons work in the city.

(d) Employees jointly employed by two employers must be counted by both employers, whether or not maintained on one of the employer's payroll in determining an employer's business size. In those cases in which a professional employer organization is determined to be a joint employer of a client employer's employees, the client employer would only be required to count employees of the professional employer organization, or employees of other clients of the professional employer organization, if the client employer jointly employed those employees.

40.210 – ACCRUAL OF SICK AND SAFE TIME.

(a) Employees accrue a minimum of one hour of sick and safe time for every 30 hours worked up to a maximum of 48 hours in a calendar year. Employees may not accrue more than 48 hours of accrued sick and safe time in a calendar year unless the employer agrees to a higher amount.

(b) Exempt employees are deemed to work 40 hours in each work week for purposes of accruing sick and safe time, except that such an employee whose normal work week is less than 40 hours will accrue sick and safe time based upon the employee's normal work week.

(c) Employers must permit an employee to carry-over up to 80 hours accrued but unused sick and safe time to the following calendar year.

(d) Sick and safe time under this chapter begins to accrue at the commencement of employment of the employee or this chapter's effective date, whichever is later.

40.220 - USE OF ACCRUED SICK AND SAFE TIME.

(a) Employees are entitled to use accrued sick and safe time beginning 90 calendar days following commencement of their employment. After 90 calendar days of employment, employees may use sick and safe time as it is accrued.

(b) An employee may use accrued sick and safe time for:

(1) an employee's:

a. mental or physical illness, injury, or health condition;

b. need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

c. need for preventive medical or health care;

(2) the care of a family member:

a. with a mental or physical illness, injury, or health condition;

b. who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

c. who needs preventive medical or health care;

(3) an absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:

a. seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;

b. obtain services from a victim services organization;

c. obtain psychological or other counseling;

d. seek relocation due to domestic abuse, sexual assault, or stalking; or

e. take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.

(4) the closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.

(5) to accommodate the employee’s need to care for a child whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin or hazardous material or other public health emergency.

(c) If the need for use is foreseeable, an employer may require advance notice of the intention to use sick and safe time, but in no case shall require more than seven days' advance notice. If the need is not foreseeable, an employer may require an employee to give notice of the need for sick and safe time as soon as practicable.

(d) It is not a violation of this ordinance for an employer to require reasonable documentation that the sick and safe time is covered by paragraph (b) for absences of three or more consecutive days.

(e) An employer may not require, as a condition of an employee's using sick and safe time, that the employee seek or find a replacement worker to cover the hours during which the employee uses sick and safe time.

(f)An employer must allow an employee to use sick and safe time in the smallest amount of time tracked by the employer's payroll system.

(g) An employer must compensate an employee at the same hourly rate with the same benefits, including health care benefits as the employee would have accrued during the time the accrued sick and safe time is used. Employees are not entitled to compensation for lost tips or commissions and compensation is only required for hours that an employee is scheduled to have worked.

40.230 – CONFIDENTIALITY AND NONDISCLOSURE.

If, in conjunction with this chapter, an employer possesses health or medical information regarding an employee or an employee's family member or information pertaining to domestic abuse, sexual assault, or stalking of an employee or an employee's family member, the employer must treat such information as confidential and not disclose the information except with permission of the employee, when ordered by a court or administrative agency, or when otherwise required by federal or state law.

40.240 – EXERCISE OF RIGHTS; RETALIATION PROHIBITED.

(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.

(b) An employer shall not take adverse employment action or discriminate against an employee because the employee has exercised rights under this chapter. Such rights include, but are not limited to, requesting accrued sick and safe time, using accrued sick and safe time, informing any person about any employer's alleged violation of this chapter, making a complaint or filing an action to enforce a right to accrued sick and safe time under this chapter.

40.250 – NOTICE AND POSTING.

(a) The department shall, by the effective date of this chapter, publish and make available to employers, in all languages spoken by more than 5% of the workforce in the city (as calculated by the Department), notices suitable for posting by employers in the workplace informing employees of their rights under this chapter. The Department shall update this notice on December 1 of any year in which there is a change in the languages spoken by more than 5% of the city workforce.

(b) Every employer shall post, in a conspicuous place at any workplace or job site where any employee works, the notices required by subsection (a). Every employer shall post this notice in English, and any language spoken by at least 5% of the employees at the workplace or job site.

(c) An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this chapter.

40.260 – REQUIRED STATEMENT TO EMPLOYEE.

Each time wages are paid, employers must provide, in writing, information stating an updated amount of (1) accrued sick and safe time available to employee and (2) used sick and safe time. Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.

40.270 – EMPLOYER RECORDS.

(a) In addition to the employment and payroll records required by Minnesota Rules, Chapter 3315, an employer must maintain accurate records for each employee showing the accrued sick and safe time and the used sick and safe time for each day of the work week.

(b) The records required by this section must be retained for a period of not less than three years in addition to the current calendar year.

(c) An employer must allow an employee to inspect records required by this section and relating to that employee at a reasonable time and place.

(d) An employer with employees who occasionally perform work in the city must track hours worked in the city by each employee performing work in the city.

(e) The Department shall have access to the records required by this section, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this chapter, including but not limited to, inspection of books and records, interviewing employees and investigating alleged violations of this chapter.

(f) If an employer fails to maintain or retain adequate records or does not allow the Department reasonable access to the records and an issue arises as to an alleged violation of an employee's rights under this chapter, it shall be presumed that the employer has violated this chapter, absent clear and convincing evidence otherwise.

40.280 – TERMINATION; TRANSFER; SEPARATION.

(a) Nothing in this chapter may be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick and safe time that has not been used.

(b) If an employee is transferred to a separate division, entity, or location out of the city, but remains employed by the same employer, and the employer does not allow the use of accrued paid sick and safe time outside the city, the employer must maintain the employee's accrued sick and safe time on the books for a period of three years from the time of the transfer. If, within three years of the time of the employee's transfer to separate division, entity, or location out of the city, the employee is transferred back to a division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all previously accrued sick and safe time accrued but not used at the prior division, entity, or location within the city and is entitled to use all accrued sick and safe time as provided in this chapter.

(c) If an employee is transferred to a separate division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all accrued sick and safe time accrued but not used at the prior division, entity, or location and is entitled to use all accrued sick and safe time as provided in this chapter.

(d) When there is a separation from employment and the employee is rehired within 26 weeks of separation by the same employer, previously accrued sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.

40.290 – EMPLOYER SUCCESSION.

When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all accrued sick and safe time accrued but not used when employed by the original employer, and are entitled to use all accrued sick and safe time previously accrued but not used.

40.300 – EMPLOYEE EXCHANGE OF HOURS.

Nothing in this chapter shall be construed to prohibit an employer from establishing a policy whereby employees may voluntarily exchange hours or trade shifts.

40.310 – NO EFFECT ON MORE GENEROUS SICK AND SAFE TIME POLICIES.

(a) Nothing in this chapter shall be construed to discourage employers from adopting or retaining other leave policies, including accrued sick and safe time policies, that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements provided in this chapter.

(b) Employers who provide their employees sick and safe time under a paid time off policy or other paid leave policy that meets or exceeds, and does not otherwise conflict, with the minimum standards and requirements provided in this chapter are not required to provide additional sick and safe time.

(c) Nothing in this chapter shall be construed to prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.

(d) Nothing in this chapter shall be construed to prohibit an employer from advancing sick and safe time to an employee prior to accrual by such employee.