



Minneapolis Mandated Sick & Safe Time FAQs

based on the draft ordinance presented to the Minneapolis City Council May 5, 2016

Will I have to change my Paid Time Off (PTO) plan that wraps sick leave and vacation together?

Perhaps. The proposed ordinance states that an employer who provides an existing plan which “meets or exceeds, and does not otherwise conflict, with the minimum standards and requirements” is not obligated to provide additional sick and safe time. How this language will be interpreted and therefore the *actual* impact on existing plans is deferred to a future rulemaking process by the Minneapolis Department of Civil Rights.

If I have 6 (or more) employees working for any amount of time in Minneapolis, would the proposed ordinance apply to my organization?

Yes. In its current form the proposed ordinance applies to employers with 6 or more employees who step foot in the City for work. It doesn't matter if they attend a meeting or drop off a package, and it makes no difference if they work part-time, for a family member, or for a non-profit.

My organization is physically located outside of Minneapolis, certainly this wouldn't apply to us, correct?

No. The proposed ordinance would apply to you for any employee who works at least 80 hours per calendar year within the City of Minneapolis. It also requires you track all employee time worked in the City of Minneapolis and retain those records for 3 years. From Hibbing to Hong Kong, all employers who send six or more employees to Minneapolis will be impacted. That includes convention-goers, business lunches, and employer-sponsored sporting events.

Can City elected officials really mandate costs on my organization?

They say yes. The City Council and Mayor have been advised that they have the legal authority to pass the proposed ordinance as presented in the interest of public health, although when the shoe is on the other foot, local governments (including Minneapolis) often object to costs being imposed on them via “unfunded mandates” from state and federal sources. This is a similar situation. It's possible the City's action may be subject to legal challenge for going beyond its authority.

Under the proposed ordinance, could someone have over three weeks of paid sick and safe time available to them to cover an average of 3 to 5 days of illness a year?

Yes. The ordinance as drafted sets a maximum carry-over of 80 hours, and when coupled with the 48 hours that can be earned in a year, a full-time employee could eventually have over three weeks of time available to them. Employees earn one hour of sick and safe time for every 30 hours worked under the proposal.

Could this impact other employee benefits?

Likely. Many employers have figured out either flexible arrangements or paid time off to help sick employees or ill family members. Employers that don't meet the yet-to-be-drafted regulations to implement the 13-page ordinance will need to carefully review and potentially adjust their practices to make sure they fit in the mandated framework established by Minneapolis' elected officials.

If my organization has a collective bargaining agreement with our employees, would the proposed ordinance apply?

Yes. The proposed ordinance would require employers to provide the mandated sick time benefits even if they exceed the sick leave benefits voluntarily negotiated with represented workers through collective bargaining.

Isn't this complicated and expensive for the City and its employers?

For sure. The City has not yet estimated the cost of regulation and enforcement, but during a time when the City has financial concerns, it's safe to assume that a lot of new funding will be needed to create, administer, and enforce the proposed ordinance. And while the current version of the ordinance doesn't allow for private attorneys to sue employers for alleged violations, at the May 5 Council meeting there was mention of being added to the ordinance.

Will the City Council really vote on this May 27, just three weeks after releasing the language?

Yes. The public first saw the proposed ordinance on May 5 and the City Council has announced it will vote on it at a 9:30 a.m. meeting on May 27.

Who can I share my opinion with or direct my questions to?

The City Council will host a public hearing (the only opportunity to share your thoughts with the full Council at a meeting) on Wednesday, May 18, 3:00 p.m. at City Hall. Also, you can call (612) 673-2244 and ask to speak to your City Councilmember directly. Alternately you can find and e-mail your Councilmember at <http://www.minneapolismn.gov/council/>.