



# Legislative Changes Impacting Employment:

## Practical Implications and Challenges

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# Agenda



Briefly explore three impactful legislative changes

25 Minutes



Small group discussion

10 Minutes



Large group debrief

10 Minutes

# Objectives



## CHANGES

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Briefly explore three significant legislative changes impacting employment



## CHALLENGES

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Identify practical implications, challenges and potential unintended consequences of each



## IDEAS

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Generate conversation and share ideas to help inform our collective thinking



## QUESTIONS

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Identify unknowns and questions

# Major Legislative Changes Impacting Employment

**Earned Safe and Sick Time**

**Paid Family & Medical Leave**

**PELRA**

Cannabis

CROWN Act

Pay History Prohibition

Pregnancy Accommodations

Juneteenth

Public Safety Duty Disability

# Earned Safe and Sick Time

(Effective January 1, 2024)

The Earned Safe and Sick Time Act requires employers to provide employees who perform services for at least 80 hours per year with up to 48 hours of paid time off

Existing leave policy, such as paid time off (PTO), may already meet Minnesota's earned sick and safe time requirements

Part-time, seasonal and temporary workers now receive sick time

- ❖ One hour for every 30 hours worked
- ❖ Maximum of 48 hours per year



# Earned Safe and Sick Time

## Eligible Uses



Illness

- ❖ Employee's mental or physical illness, treatment or preventive care
- ❖ A family member's mental or physical illness, treatment or preventive care
- ❖ The employee or a family member is at risk of infecting others with a communicable disease



Safety

- ❖ Domestic abuse, sexual assault or stalking of the employee or a family member



Workplace  
Closure

- ❖ Closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency

# Earned Safe and Sick Time

## Communication

Total number of earned sick and safe time hours must be on earnings statements provided to employees at the end of each pay period

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Must provide employees with a notice by Jan. 1, 2024 – or at the start of employment, whichever is later

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Must include a sick and safe time notice in the employee handbook, if the employer has an employee handbook



# Earned Safe and Sick Time

## Practical Implications

- ❖ How much additional administration?
  - Payroll update
  - Obtaining, tracking and securing documentation
  - Reporting requirements
- ❖ Policy revision/Communication
- ❖ Possible increased pressure on staffing resources
  - 24 hour facilities, first responders, etc.
- ❖ Additional cost
- ❖ Bargaining implications (if a separate type of paid leave is created)



# Paid Family & Medical Leave

(Effective January 1, 2026)

- ❖ Provides up to 12 weeks of partially paid time off for medical leave or 12 weeks to care for another, 20 weeks if taken together
- ❖ Funded through 0.7% payroll tax
  - Beginning July 1, 2026, and thereafter by July 31 annually, DEED will adjust the premiums annually
- ❖ Administered by the state (DEED)



# Paid Family & Medical Leave

01

Bonding after birth, adoption or foster parenting

02

A serious health condition

03

Safety leave

04

Qualifying exigency (military member active duty)

# Paid Family & Medical Leave

Eligible family member broader than under federal law

- Siblings
- Grandchild
- Grandparent (or spouse's grandparent)
- Son or daughter in-law
- Individual who has a relationship with the applicant that creates an expectation and reliance that the applicant care for the individual, whether or not the applicant and individual reside together





# Paid Family & Medical Leave

## Practical Implications

- ❖ Must evaluate current policies for paid time off
  - Paid parental leave
  - Vacation, sick, PTO, etc.
  - Sick/PTO donation
- ❖ Additional administration
- ❖ Additional cost
- ❖ More pressure on workforce and resources (staff may be gone more)
- ❖ Bargaining impact (tax share, existing paid time off provisions, etc.)

# Public Employment Labor Relations Act

(Effective July 1, 2023)

- ❖ Staff ratios added to terms and conditions of employment
- ❖ Bargaining unit information
- ❖ Meetings with new hires
- ❖ Email and building access







# Staff Ratios Added as Term and Condition of Employment

“Number of personnel” was removed from list of items that are inherent managerial rights

- Minnesota statutes, section 179A.07, subdivision 1

Added “staffing ratios” to list of terms and conditions of employment

- Minnesota statutes, section 179A.03, subdivision 9

A decorative graphic on the left side of the slide, featuring a network of interconnected person icons. The icons are light brown and are arranged in a cluster, with lines connecting them to form a web-like structure. The background of the graphic is dark grey.

# Staff Ratios Added to Employment

- ❖ Unions will likely seek to include staffing ratios in CBAs
- ❖ Required to meet and negotiate in good faith
- ❖ Not required to agree or make concessions
- ❖ If CBAs list “number of personnel” as management right, may be able to argue that it remains management right because the terms were collectively bargained



# Bargaining Unit Information

❖ Must provide every 120 days

❖ Bargaining Unit Information

- Name
- Job title
- Worksite location
- Home address
- Work telephone number
- Home and personal cell phone numbers on file
- Date of hire
- Work and personal email address

❖ Information on newly hired employees covered by a Collective Bargaining Agreement (CBA) or employees leaving a bargaining unit within 20 days

❖ Some data now available is not considered public data (home address, personal phone and email)



# Bargaining Unit Information

Employees may be concerned about data shared with the union, particularly non-dues paying members

Will the Union's be required to safeguard private data?

Revise existing process/reports but not significant change in requirement for the employer



welcome  
Aboard

# Meeting With New Hires

Must allow the exclusive representative to meet in person with new hires for 30 minutes within first 30 days

Must be paid time for employees

Take place during regular orientation if one exists

“Exclusive representative” is a business agent or field rep; not an employee (union steward, union president, etc.)





# Email and Building Access

01

Must allow exclusive representative to communicate with bargaining unit members using employer-issued email

- ❖ Collective bargaining
- ❖ Investigation of grievances
- ❖ Work-related complaints and issue
- ❖ Internal matters involving union business

02

All communication must comply with any general technology use policies

# Email and Building Access

- ❖ Must allow exclusive representative to meet with union members in facilities owned or leased by the employer
- ❖ Cannot interfere with operations or security protocols
- ❖ Meetings may be conducted regarding
  - Collective bargaining
  - Investigation of grievances
  - Work-related complaints and issue
  - Internal matters involving union business
- ❖ Meetings cannot involve information or support related to partisan elections
- ❖ May charge for maintenance, security or other costs related to the use of buildings that would not otherwise be incurred

# Public Employment Labor Relations Act

## Practical Implications



Issues will be raised in bargaining



Changes to reporting and data sharing



Concerns from employees about private data



Revisions to new employee orientation

# Group Discussion

01

Which of the legislative changes you believe will be most impactful?

02

Which of the new legislative changes are you most concerned about?  
Why?

03

What things have you done, or are planning to do, to address these changes?



# Thank you to...



Susan Hansen, Madden, Galanter, Hansen, PLLC

League of Minnesota Cities

Association of Minnesota Counties

MICA/County Human Resource Directors