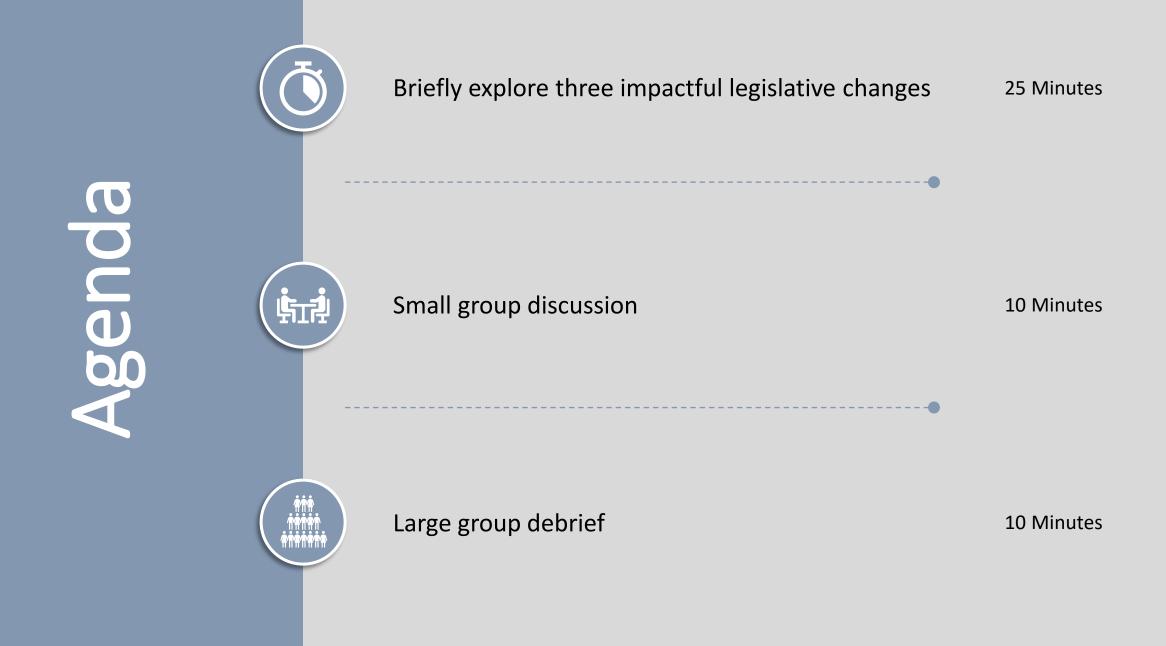
Legislative Changes Impacting Employment:

Practical Implications and Challenges

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Objectives

CHANGES

Briefly explore three significant legislative changes impacting employment CHALLENGES

Identify practical implications, challenges and potential unintended consequences of each Generate conversation and share ideas to help inform our collective thinking

IDEAS

QUESTIONS

Identify unknows and questions

Major Legislative Changes Impacting Employment

Earned Safe and Sick Time

Paid Family & Medical Leave

<mark>PELRA</mark>

Cannabis

CROWN Act

Pay History Prohibition

Pregnancy Accommodations

Juneteenth

Public Safety Duty Disability

(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



Eligible Uses



- 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

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

Safety

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

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

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

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

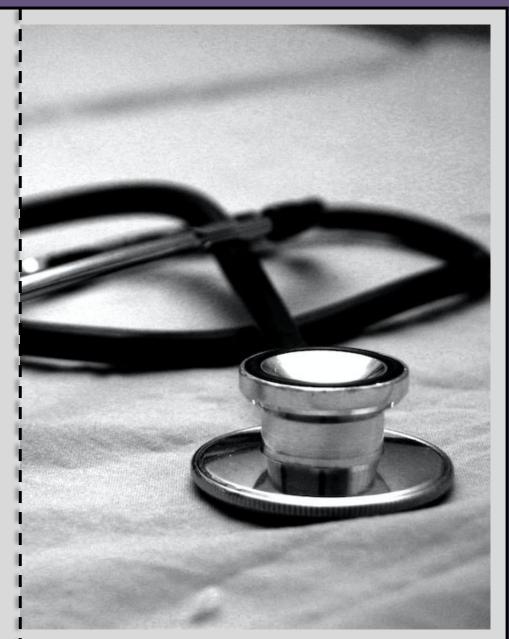


Practical Implications

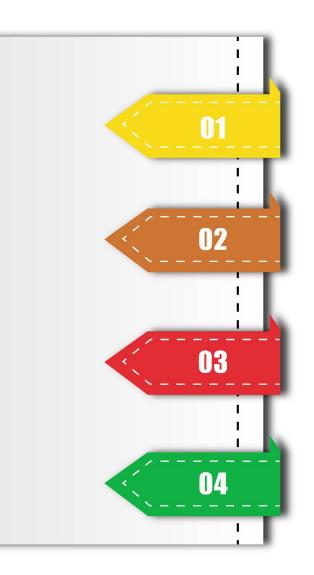
- How much additional administration?
 - Payroll update
 - Obtaining, tracking and securing documentation
 - Reporting requirements
- Policy revision/Communication
- Possible increased pressure on staffing resources
 - > 24 hour facilities, first responders, etc.
- Additional cost
- Bargaining implications (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



Bonding after birth, adoption or foster parenting

A serious health condition

Safety leave

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 polices 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 statues, section
179A.07, subdivision 1

Added "staffing ratios" to list of terms and conditions of employment

Minnesota statues, section 179A.03, subdivision 9



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

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

Melcome

todara

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

02

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

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

02



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