

CITY OF MINNEAPOLIS

Amendments to Sick and Safe Time Ordinance

Committee of the Whole
September 21, 2016

Accrual of Sick and Safe Time

Accounting & Record Keeping

- Accrual in hour – unit increments; no fraction of an hour.
- Frequency of recording.
 - In a manner consistent with current payroll practices or existing policies.
 - No less than on a monthly basis.

Front Loading

Employer may satisfy the accrual provision by:

- Providing at least 48 hours of sick and safe time following the initial 90 days of employment for use by the employee during the first calendar year; and
- Providing at least 80 hours of sick and safe time beginning each subsequent calendar year.

Use of Sick and Safe Time

Clarifying Compensation

Employers must compensate the employee at the same hourly rate with the same benefits as employee's regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time.

Rate of Pay Defined

Hourly rate, for an hourly employee or an equivalent rate for an exempt employee

Rate of Pay Inclusions/Exclusions

INCLUSIONS

- Shift differentials.

EXCLUSIONS

- Tips, commissions., and bonuses.
- Expense reimbursements.
- Premium payments - at least 11/2 times the normal rate.
- Cash or other valuables in the nature of gifts on special occasions.
- Bona fide profit-sharing plan or trust or bona fide thrift or savings plan payments.
- Contributions pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.

Employer Records

Required Records

- For non-exempt employees, hours worked.
- Hours of leave available for sick and safe time purposes.
- Hours of leave used for sick and safe time purposes.

Records No Longer Required

Deletion of provision requiring 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.

Caveat: Presumption of violation if adequate records not maintained.

No Effect on More Generous Sick and Safe Policies

Other Leave Policies

Clarifying language to make clear :

- The City is not discouraging policies that provide for greater accrual or use by employees of sick and safe time or that extend other protections to employees.
- Not required to provide additional sick and safe time if other leave policies are:
 - Sufficient to meet the accrual requirements for sick and safe time under section 40.210; and
 - May be used by the employee for the same purposes and under the same conditions as sick and safe time under section 40.220.

Questions?