

Labor and Employment Alert: Minneapolis Proposes Extensive Paid Sick Leave

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Following a growing trend among cities nationwide, Minneapolis is weighing a plan to require employers operating within the city to provide employees with extensive paid sick leave. In April 2015, the Minneapolis City Council passed a resolution creating a workgroup, known as the Working Families Agenda, to develop policy proposals on issues affecting low-income workers. In subsequent months, city staff researched the efforts of “peer” cities including Los Angeles, San Francisco, and Seattle, and drafted proposals on issues including earned sick time and fair scheduling.

The earned sick time proposal would apply to any employer with at least one employee, unless a collective bargaining agreement is in effect. The proposal would require sick time accrual at a rate of one hour for every 30 hours worked. Accrual could be capped at 72 hours per year, and accrued, unused hours would be carried over year to year, up to the 72-hour cap. Employees could use earned sick time for the employee’s mental or physical illness, injury, or health condition; the employee’s need to seek medical or preventative care; domestic abuse, sexual assault, or stalking; care for the employee’s family member for any of those reasons; and weather or other emergency closure of the employee’s place of employment, or child’s school or care center.

Employers would be permitted to require employees to provide notice prior to using earned sick time when the use is foreseeable and could require documentation if an employee is absent for more than three consecutive days. Employees would be permitted to trade shifts rather than use accrued time. However, employees cannot be required to seek a replacement when using earned sick time.

The proposal does provide that employers with existing earned sick time or PTO policies would be exempt from the earned sick time proposal so long as their current policies meet the minimum standards of the proposal and do not otherwise conflict with it.

Finally, the proposal includes an anti-retaliation provision, prohibiting employers from taking adverse action against employees for exercising their rights under the proposal or assisting others in exercising their rights.

A public hearing is currently scheduled for November 4, 2015 to discuss the proposal.

A second proposal would have made Minneapolis the second jurisdiction in the nation (after San Francisco) with predictable scheduling laws. But Minneapolis' proposal would affect even more employers and require greater notice than those passed in San Francisco. Following extensive business opposition, Mayor Betsy Hodges withdrew predictable scheduling from her current agenda – for now. She indicated the issue will not be ignored: “Let me be clear: the inability of too many low-income, hourly, and part-time workers to plan their lives predictably in order to get ahead is still a problem in our city. We should not stop looking for a solution until it stops being a problem.”

While no states have yet to pass predictable scheduling laws, employers should take notice of cities like Minneapolis and San Francisco as a signal that predictable scheduling may become a new hot-button issue across the country in coming years. Employers operating in Minneapolis should pay attention to the pending proposals. Contact your Vorys lawyer to discuss how your business practices may be affected by these proposals.