

ESST Task Force
Meeting Minutes
Tuesday, March 29, 2016

Members Present

Autumn Amadou-Blegen
Alex Bajwa
David Burley
Eric Foster
Hilario Deleon Perez
JoAnn Hawkins
Joanne Mullen
Daniel Yang
Robert Kasper
Wintana Melekin
Tabitha Mitchell
Marfa Malcolm
Ted Natus
Rose Roach
Matt Kramer
Lisa Stratton
Maureen O'Connell
Stefan Pomrenke
Lenny Russo
Michelle Thom
Rick Varco
Ann Clowser
Erika Sanders
James McClean
Steve Cohen
Jim Frisco
JaPaul Harris

Members Absent

Farhio Khalif
Pat Mancini

City Staff Present

Dana Bailey
Jessi Kingston
Alex Dumke
Ethan Hansing
Libby Kantner
SuChann Yang

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- I. Welcome & Introductions**
 - A. Meeting called to order. Task Force member introductions.

- II. Meeting Recap of Previous Meeting**
 - A. Reminder to use name card to comment.
 - B. Chairs to keep task force on track; will ask member to hold comment if off track; reminder of the 5/17 resolution deadline.
 - C. Eligibility Recap
 - 1. Based on 3/22/16 meeting informal vote, consensus was to work off an employee eligibility requirement beginning at 1 hour worked in the City of Saint Paul.
 - 2. Discussion of informal vote results. Need a clear vote process and understanding on what is being considered.
 - D. City Attorney legal opinion not available.

- III. Discussed broad working definitions of Usage, Eligibility and Accrual**

- IV. Employee Exemptions**
 - A. Discussed various types of possible employee category exemptions, including: truck drivers; “casual” (i.e., on-call) employees; “occasional” employees; family members; employee owners; seasonal employees; employees with Paid-Time-Off; employees under Collective Bargaining Agreements; temporary employees; paid and unpaid interns; etc.
 - B. Discussed option for no employee exemptions.
 - C. Discussed option to use “Usage” as a means to an exemption.
 - 1. “Waiting period” may allow an employee to be eligible for ESST, but employee would not work in the city long enough to use ESST.
 - D. General consensus that independent contractors are not eligible for ESST due to legal considerations (Department of Labor, Internal Revenue Service regulations).
 - E. Discussed paid and unpaid earned sick and sick leave applications.

- V. Employer Exemptions**
 - A. Discussed various types of possible employer exemptions, including: small businesses; “micro” businesses; “start-up” businesses.
 - B. Discussed small business size standards to consider; set by a possible small business exemption by either the number of employees, gross revenue, or use an established small business size standard (e.g., Small Business Administration).
 - C. Discussed reasons for not including employer exemptions.
 - D. Discussed phased roll-out of compliance requirements; giving small and/or new business more time to comply.
 - E. Discussed Department of Labor requirements for overtime and minimum wage as a viable criteria since employers are already familiar with these standards.

- VI. Employee Employer Exemption Informal Vote**
 - A. Vote: “If you believe the task force should not try to cover people that we are not legally eligible to cover.” Unanimous consensus.

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1. ESST Task Force will not discuss employer and employee categories that are exempt under federal or state law.

VII. Usage and Accrual Informal Vote

- A. Minneapolis recommendation, 1 hour per 30 hours worked in Minneapolis; national average 32.
- B. Informal vote: “Should the City of Saint Paul set an ESST accrual rate of 1 hour per 30-32 hours worked in the City of Saint Paul?”
 1. Strongly Agree: 21
 2. Agree: 4
 3. Neutral: 1
 4. Disagree: 1
 5. Strongly Disagree: 0
- C. Discussion about setting accrual rate at 1:40 hours worked in the city.
- D. Discussion if a consensus, does topic discussion needs to continue.
- E. After discussion, informal re-vote: “Should the City of Saint Paul set an ESST accrual rate of 1 hour per 30-32 hours worked in the City of Saint Paul?”
 1. Strongly Agree: 16
 2. Agree: 5
 3. Neutral: 3
 4. Disagree: 1
 5. Strongly Disagree: 0

VIII. Action Items

- A. Ensure all task force members are receiving emails from city staff and chairs.

IX. Meeting was adjourned.