

# ESST Task Force Agenda

Tuesday May 3, 2016

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The Wellstone Community Center  
179 Robie St. E., St. Paul, MN 55107  
Room 212

## Present

JoAnn Hawkins  
Robert Kasper  
Pat Mancini  
James McClean  
Wintana Melekin  
Tabitha Mitchell  
Maureen O'Connell  
Stefan Pomrenke  
Erica Sanders  
Lisa Stratton  
Michelle Thom  
Rick Varco  
Daniel Yang  
JaPaul Harris Co-Chair  
Rose Roach Co-Chair  
Matt Kramer Co Chair  
Ann Clowser  
Steve Cohen  
Jim Frisco  
Autumn Amadou-Blegen  
Alex Bajwa

## Absent

Lenny Russo  
Ted Natus  
Marfa Malcolm  
Farhio Khalif  
Hilario Deleon Perez  
David Burley  
Joanne Mullen  
Eric Foster

## Staff

Jessica Kingston  
Dana Bailey  
Libby Kantner  
SuChann Yang

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I. Welcome

A. Call to order 6:07pm

II. Review and approval of minutes from previous meeting (vote)

A. Change the following to:

1. Page 3 – C. Total Accrual and/or usage Cap
2. Usage: The city attorney’s office informed the chairs that WESA does not allow for an annual usage cap. The city attorney’s interpretation of WESA was challenged. The chairs and staff will ask the city attorney’s office to provide the specific statute citation and rationale for this interpretation for the next meeting
3. Page 3 – C. Discussion on why or why not small firms should be exempt
4. REVOTE \*Delete the current sentence next to the asterisk and state “No small employer exemption”
5. Page 4 – F. Employers/Employees for whom their company is not located within the City of Saint Paul The city attorney’s office informed the chairs that there must be a nexus for the city ordinance to have governing authority. This topic will be discussed further during the exemptions debate.

III. Address any questions received by chairs from task force members

A. No questions

IV. Review consensus items:

- A. Employees may begin using ESST 90 calendar days after employment
- B. The maximum number of ESST hours an employee can earn in each year (calendar or fiscal, whatever time period the employer uses) is capped at 48 hours
- C. ESST accrual begins at hour one and is accrued at 1 hour earned for every 30 hours worked
- D. Sick time may be used for an employee’s or an employee’s family member’s mental or physical illness, need for medical diagnosis or preventative care
- E. Safe time may be used when an employee or an employee’s family member is a victim of domestic abuse, sexual assault, or stalking
- F. Employers are not required to pay out unused ESST upon separation from employment

- G. Employers/employees already covered by existing State or Federal law relating to employment and the employer/employee relationship are not covered by any proposed Saint Paul ordinance
  - 1. Discussion on changing the wording for better understanding of who is covered and who is not covered.
- H. There is no exemption based on the size of the employer in terms of numbers of employees.
- I. Family businesses are treated no different than any other business.
- J. Employers of less than 24 employees are afforded an additional six months after the effective date of any ESST ordinance to achieve compliance.
- K. New start-ups (at any point in the future) are to be provided a “ramp-up” period to achieve compliance.
- L. Definition of Family

V. Continued discussion of Exemptions:

A. “Ramp up” period for startup businesses

- 1. Came into consensus from last meeting that we do want “ramp-up” period. The Chairs proposed 3 ramp up periods of 3,6,12 months.
  - a. Vote in agreement of 3 months ramp up: 9
  - b. Vote in agreement of 6 month ramp up: 9
  - c. Vote in agreement of 12 months ramp up: 2
- 2. Discussion on Ramp up periods - REVOTE:
  - 1. In agreement of 3 months ramp up: 10
  - 2. In agreement of 6 months ramp up: 10

*\*Chairs decided to have a ramp up, however the Task Force is not set on 3 or 6 months ramp up period.*

B. Discussion on having a “sunset” period for the ramp up period to end.

- 1. Vote:
  - a. Strongly Agree: 9
  - b. Agree: 3
  - c. Neutral: 3
  - d. Disagree: 4
  - e. Strongly Disagree: 1
- 2. Discussions on having and not having a sunset period.
- 3. Yes/ No Revote:
  - a. Yes, there should be a sunset period: 12
  - b. No, there should not be a sunset period: 8

*\*Task Force is in favor of having a sunset period on the ramp up period*

C. Employers/employees who have established a Collective Bargaining Agreement (CBA)

- 1. Vote: Should the Saint Paul ordinance provide for an exemption for employers and employees covered by a CBA at their place of employment?
  - a. Strongly Agree: 7
  - b. Agree: 4

- c. Neutral: 1
- d. Disagree: 1
- e. Strongly Disagree: 6
- 2. Discussion on why some were in favor or against the exemption
- 3. REVOTE: Should the Saint Paul ordinance provide for an exemption for employers and employees covered by a CBA at their place of employment?
  - a. Yes: 7
  - b. No: 13
  - c. Abstain: 1

*\*CBA will not be exempt from a requirement from the ordinance*

D. Casual Employees: Should a Saint Paul ordinance require the accrual of sick leave for employees that are not regularly scheduled and have no obligation to work specific hours?

- 1. VOTE:
  - a. Strongly Agree: 12
  - b. Agree: 1
  - c. Neutral: 2
  - d. Disagree: 0
  - e. Strongly Disagree: 5
- 2. Discussions on casual employees

E. Yes/No Re-Vote Should a Saint Paul ordinance require the accrual of sick leave for employees that are not regularly scheduled and have no obligation to work specific hours:

- 1. VOTE:
  - a. Yes: casual employees accrue: 16
  - b. No: 5

*\*Consensus Casual Employees will accrue ESST*

F. Exempting certain businesses with 21 or less employees

- 1. VOTE:
  - a. Yes: 7
  - b. No: 12
  - c. abstain: 1

G. Employers / Employees for who their company is not located within the city of Saint Paul

- 1. VOTE: An employer with a physical presence in the city of Saint Paul and employees who work in the city of Saint Paul.
  - a. Strongly Agree: 17
  - b. Agree: 0
  - c. Neutral: 2
  - d. Disagree: 0
  - e. Strongly Disagree: 0

*\*Consensus that employers with a physical presence in the City of Saint Paul and Employees who work in the City of Saint Paul are not exempt from ESST.*

H. An employer with a physical presence in the city of Saint Paul, but with employees (some or all) who work outside the city of Saint Paul.

*\*Tabled for next meeting*

I. Employers / Employees already covered by an existing Paid Time Off (PTO) Policy

*\*Table for next meeting*

VI. Enforcement

*\*Table for next meeting*

VII. Wrap-up

Adjourned at 8:33