

Working Families Agenda Draft Policy Proposals

August 20, 2015
Minneapolis Chamber of Commerce



People in Minneapolis often go to work when they're sick, lack predictable work schedules, and don't always get fully paid for the time they worked.

People go to work when they're sick because they don't feel like they have a choice:

- ① fear of losing income
- ② fear of losing employment entirely

This is a public health issue: it causes more people to become sick, both employees and customers.

These issues disproportionately affect people of color and women, who are often employed in jobs that lack predictable schedules and earned safe and sick time.

Some employers have already taken the lead on these issues, recognizing that offering fair scheduling and earned sick time helps with recruiting and retaining great employees.

But even more can be done by other employers to make changes that will improve people's lives in our city while continuing to support a strong economy.

The City of Minneapolis has a long history of supporting a strong economy for all at the local, state, and federal levels and adopting policies that create fair, safe, and healthy standards for working people.

Supported State Legislative Policy

Increase the minimum wage

Increase earned earned sick time

Adopted City Policy

Prevailing and living wage

Smoke-free public and indoor spaces

Equal benefits for City contractors

Paid parental leave

Fair hiring practices

Established Community Health Board

This year, the City Council established a workplace policies workgroup to develop policy proposals and conduct public engagement on:

- ① Earned Sick Time
- ② Fair Scheduling
- ③ Policy Enforcement

Working Families Agenda Workgroup Timeline

DRAFT



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Resolution Adopted



Workgroup Meetings



Research



Stakeholder Engagement



Policy Proposal &
Ordinance Language
Development



Public Hearing &
Adoption Process



Earned Sick Time Policy Background and Draft Proposals



Since 2004 in Minnesota:

41%

**of employed
Minneapolis residents
(62,000) lack access to
earned sick time**

208

**outbreaks of food-
borne illness linked to
employees working
while sick**

579

**outbreaks of person-to-
person transmission in
public settings**

Part-time workers are far less likely than full-time workers to have access to earned sick time.

Employees without earned sick time disproportionately experience:

- ① Poverty
- ② Unstable Housing
- ③ Hunger

These employees often work in the service industry with a high degree of public contact. Lack of earned sick time forces them to choose between showing up for work while sick and caring for their health, their family, and public health.

Access to earned sick time is associated with:

- ① Lower rates of on-the-job injuries
- ② Increased use of preventive care
- ③ Less stress reported by employees
- ④ Decreased employer health care expenses
- ⑤ Decreased costs to publicly-funded health care programs

Scope of Law

Any business employing one (1) or more employees.
Exemption if a collective bargaining agreement waives the law in clear and unambiguous terms.

Impact of Earned Sick Time Systems

Employers using earned sick time and other paid leave systems should be exempt provided their systems meet the minimum standards and benefits of the ordinance and do not otherwise conflict with the ordinance.

Permitted Uses of Earned Sick Time

- ① The employee's (a) mental or physical illness, injury or health condition, (b) need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition, or (c) need for preventive medical or health care;
- ② Care of a family member with a mental or physical illness, injury or health condition who needs (a) medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, or (b) preventive medical or health care;

Permitted Uses of Earned Sick Time (cont.)

- ③ Closure of the employee's place of business due to weather or other emergency, or the employee's need to care for a child whose school or place of care has been closed due to weather or other public emergency; or
- ④ Certain absences due to domestic abuse, sexual assault or stalking of the employee or employee's family member.

Notification

Employers may require the employee to provide notice prior to using earned sick time (but not more than seven days' advance notice) when the use of the earned sick time is foreseeable.

If an employee is absent for more than three consecutive days, an employer may require documentation.

Shift Trading

If employers provide for shift trading and an appropriate shift is available, employees may trade shifts rather than use accrued time.

Covering Shifts

An employee is not required to seek a replacement to cover hours for which an employee uses earned sick time.

Accrual

Employees accrue one hour of earned sick time for every 30 hours worked. Accrual begins at commencement of employment.

Employees shall be entitled to use earned sick time beginning 90 calendar days following commencement of employment.

Maximum Accrual

Employees working for employers with 21 or more employees would not accrue more than 72 hours of earned sick time in a calendar year, unless the employer agreed to a higher amount.

Employees working for employers with fewer than 21 employees would not accrue more than 40 hours of earned sick time in a calendar year, unless the employer agreed to a higher amount.

Unused hours may be carried over year to year, but are not required to accumulate to over 72 hours or 40 hours.

Portability of Earned Time Benefits

Many employees work in industries with high rates of employee turnover. These employees should have access to pooled earned sick time that carries over from one employer to another.

Worker Protection

Employers will be prohibited from retaliating against an employee and required to notify employees of such prohibition, other rights, and benefits provided.

Fair Scheduling Policy Background and Draft Proposals



Many employees in low-wage jobs experience unstable and unpredictable schedules with hours that vary from week to week or month to month.

They have few opportunities for meaningful input into the timing of the hours that they work and are unable to make even minor adjustments to their work schedules without suffering a loss of income or their job.

50%
of employees have limited control over the timing of their work hours

38%
of early career employees (ages 26-32) overall know their work schedule 7 days or less in advance

Of these employees, 41% of regular hourly employees and 48% of part-time employees receive their schedules with less than a week's notice.

Unstable, Unpredictable Schedules:

- ① Negatively impact marriages and raising children
- ② Reduce time spent with children; children tend to score lower on cognitive tests, have more behavioral problems, and poorer mental health outcomes
- ③ Complicate transportation planning
- ④ Reduce access to quality, affordable child care
- ⑤ Make it more difficult to pay bills and save for emergencies
- ⑥ Are a barrier to pursuing education or training while holding down a job

Employees and employers both stand to gain by improving the predictability and stability of hours and wages for low-wage employees, which in turn can improve work productivity, recruitment and retention, and customer satisfaction.

Scope of Law

All employees would be covered unless a collective bargaining agreement waives the law in clear and unambiguous terms.

Notice of Initial Schedule and Changes

Employers must post all employees' schedules, including on-call shifts, 28 days in advance and contact employees to notify them of changes (and update posted schedule) within 24 hours of making the change. Requires employer to provide a new employee with schedule for first 28 days of employment.

Mutual Consent for Hours Added After the Schedule is Posted

Employees can decline any hours not included in their original posted schedule without retaliation. Employers must obtain written consent to add shifts/hours. Employees can volunteer for additional hours by consenting in writing.

Compensation for Schedule Changes

Employees receive one hour of predictability pay for all employer-initiated changes made to the schedule after it is posted.

Protection from Last-Minute Schedule Changes

Employees receive predictability pay of four (4) hours or the duration of the shift, whichever is less, when their employer cancels or shortens a shift with less than 24 hours' notice.

Right to Adequate Rest

Guarantees employees adequate daily rest by requiring employee consent to work with less than 11 hours between work shifts, more than 55 hours in a week, or more than six (6) days in a row and compensation at time-and-a-half if the employee agrees to work such hours.

Earn overtime pay for shifts that exceed eight (8) hours a day.

No Discrimination Based on Hours of Work

Employers must offer the same hourly wages (at time of hire and after), access to time off, and promotions to workers of similar skills and responsibilities, regardless of the hours the employees are scheduled to work.

Employers may pay different hourly wages based on other reasons such as seniority, merit, responsibilities, or production.

Right to Request Scheduling Accommodation

Employees have the right to request a flexible working arrangement at any time, and the employer must promptly evaluate and respond to the request. If the request is based on an employee's serious health condition, caregiving obligations, educational pursuits or second job, the employer must grant the request.

Access to Full Time Work

Employers must offer hours to existing employees before hiring new or temporary employees with a transparent process for distributing extra hours. Employers pay a retention premium to discourage “zero hours” schedules.

Protection From Retaliation

Employers are prohibited from firing, demoting, suspending or taking other adverse actions against employees for exercising their rights or assisting others to assert their rights. The employer bears the burden of proving that an adverse action within one (1) year of protected activity is not retaliatory in nature.

Exceptions

Requirements of predictability pay, flexible working arrangements, and advance notice of work schedules do not apply to an employer if operations are suspended at the government's recommendation or due to a natural disaster, utility failure, or threats to property or employees.

Minneapolis
City of Lakes

