

SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Lead Agency: **Labor and Industry Dept**
 Other Agencies:
 Administrative Hearings Legislature
 Minn Management and Minnesota State
 Budget
 Supreme Court University Of Minnesota

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings		-	-	-	-	-
Administrative Hearings		-	-	-	-	-
Labor and Industry Dept		-	-	-	-	-
General Fund		-	-	(310)	310	-
State Total						
Administrative Hearings		-	-	-	-	-
General Fund		-	-	(310)	310	-
	Total	-	-	(310)	310	-
	Biennial Total			(310)		310

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings		-	-	-	-	-
Administrative Hearings		-	-	-	-	-
Labor and Industry Dept		-	-	-	-	-
General Fund		-	-	-	-	-
	Total	-	-	-	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karl Palm **Date:** 3/13/2024 9:36:18 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	-	-	-
Labor and Industry Dept	-	-	-	-	-	-
General Fund	-	-	(310)	310	-	-
Total	-	-	(310)	310	-	-
Biennial Total			(310)	310		310
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	33	-	-
Labor and Industry Dept	-	-	-	-	-	-
General Fund	-	-	(310)	310	-	-
Total	-	-	(310)	343	-	-
Biennial Total			(310)	343		343
2 - Revenues, Transfers In*						
Administrative Hearings	-	-	-	-	-	-
Administrative Hearings	-	-	-	33	-	-
Labor and Industry Dept	-	-	-	-	-	-
General Fund	-	-	-	-	-	-
Total	-	-	-	33	-	-
Biennial Total			-	33		33

SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **Labor and Industry Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Dollars in Thousands					
General Fund	-	-	(310)	310	-
Total	-	-	(310)	310	-
Biennial Total			(310)		310

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karl Palm **Date:** 3/1/2024 3:43:21 PM
Phone: 651-296-6055 **Email:** karl.palm@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
General Fund	-	-	(310)	310	-	-
Total	-	-	(310)	310	-	-
Biennial Total			(310)			310
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund	-	-	(310)	310	-	-
Total	-	-	(310)	310	-	-
Biennial Total			(310)			310
2 - Revenues, Transfers In*						
General Fund	-	-	-	-	-	-
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Section 1 - Adds earned sick and safe time (ESST) enforcement to the commissioner of Labor & Industry (DLI) compliance order authority under MN statutes 177.27, subd. 4.

Section 2 - Provides the commissioner with rulemaking authority to carry out the purposes of the ESST law.

Section 3 - Provides the remedies for an employer's failure to provide or allow the use of ESST, which includes an amount equal to all ESST that should have been provided or could have been used plus an additional equal amount as liquidated damages.

Section 4 - Removes the current requirements regarding providing information about ESST on earnings statements.

Section 5 - Changes the required rate of pay for ESST purposes from "hourly rate" to "regular rate of pay."

Section 6 - Amends the definition of employee under the ESST law to clarify that an employee who is anticipated by the employer to work for at least 80 hours in a year qualifies as an employee under the ESST law.

Section 7 - Changes the required rate of pay for payout when an employer has frontloaded 48 hours of ESST, but the employee has unused hours at the end of the year from the "hourly rate" to the "regular rate of pay." These changes also clarify that the rate of pay for the payout of unused ESST hours cannot be less than the applicable state or local minimum wage.

Section 8 - Amends the list of eligible uses for which an employee may use ESST to include the need to make arrangements for or attend funeral services, or address other matters related to the death of a family member.

Section 9 - Clarifies that an employer may require reasonable documentation that ESST is used for an eligible reason when an employee uses ESST for more than three consecutive scheduled workdays. This section is also amended to ensure that employees using ESST for absences due to domestic abuse, sexual assault, or stalking of the employee or the employee's family member are not subject to more stringent documentation requirements than employees using ESST for other purposes.

Section 10 - Amends the increment of time in which ESST may be used. Currently employees are entitled to use ESST in the smallest increment of time tracked by the employer's payroll system; this change provides that an employer is not required to provide ESST in less than 15-minute increments.

Section 11 - Adds a new requirement that employers provide certain information about ESST to employees through a reasonable system, which could include on an earnings statement or through an electronic system in a way that is accessible to employees. This section also requires that employers maintain these records for three years and that the records be available to the commissioner upon demand. This section replaces the requirements removed in section 4.

Section 12 - Clarifies that employers are not obligated to destroy or return records if state or federal law, rule, or regulation requires the employer to retain the records.

Section 13 - Provides that ESST protections apply to all ESST, not just the minimum amount of ESST offered under the law. This section also allows family workers in home care budget programs to waive ESST.

Section 14 - Clarifies that only ESST that has not been otherwise disbursed to the benefit of the employee upon separation must be reinstated.

Assumptions

This bill clarifies the ESST law and DLI's authority to enforce the law but does not increase or expand DLI's current ESST-related work or impact potential revenue.

Section 2 of this bill provides the commissioner of DLI with rulemaking authority to carry out the purposes of the ESST law. DLI assumes and estimates one large rulemaking at \$310,248 starting in SFY2026.

Funding for one large rulemaking (\$310,248) was included as part of the broader SFY2025 appropriation to DLI for ESST in the 2023 legislative session chapter law. For the purposes of this fiscal note, the funds appropriated in SFY2025 are reflected as a savings. As such, this bill has a net zero fiscal impact.

Expenditure and/or Revenue Formula

NA

Long-Term Fiscal Considerations

NA

Local Fiscal Impact

NA

References/Sources

NA

Agency Contact: Jessica Grosz 651-284-5307

Agency Fiscal Note Coordinator Signature: Jacob Gaub

Phone: 651-284-5812

Date: 2/29/2024 4:29:39 PM

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SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **Administrative Hearings**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings	X	
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings	-	-	-	-	-
Total	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 3/1/2024 3:31:12 PM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Administrative Hearings		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Administrative Hearings		-	-	-	33	-
Total		-	-	-	33	-
Biennial Total				-		33
2 - Revenues, Transfers In*						
Administrative Hearings		-	-	-	33	-
Total		-	-	-	33	-
Biennial Total				-		33

Bill Description

SF3787 provides for the Department of Labor and Industry (DLI) to make modifications and clarifications to the existing statutes involving employee earned sick and safe time.

The legislation authorizes DLI to conduct rulemaking to implement the modifications.

Assumptions

The Office of Administrative Hearings (OAH) in consultation with Minnesota Management and Budget (MMB) assesses agencies the cost of services rendered to them. All agencies shall include in their budgets provisions for such assessments.

OAH has used DLI's assumption that a large rulemaking will be needed to meet the requirements of Section 2, Rulemaking authority. Based on past practices, OAH assumes that a large rulemaking under chapter 14 will require an estimated 135 hours of administrative law judge (ALJ) time for activity related to rulemaking procedures. Of the total rulemaking amount of \$310,248 estimated by DLI, \$33,075 is for the 135 hours of ALJ time for a large rulemaking.

OAH currently bills ALJ time for rulemaking at the MMB-approved billable rate of \$245 per hour (see Minn. Stat. § 16A.126, subd. 1 (2022)).

Expenditure and/or Revenue Formula

Estimated 135 hours of ALJ time for rulemaking activities related to implementing the requirements of Sec. 2: 135 hours x \$245/hr = \$33,075 charged to DLI in FY2026 pursuant to the requirements of Minn. Stat. § 14.53.

Long-Term Fiscal Considerations

Costs associated with rulemaking activities are a one-time occurrence.

Local Fiscal Impact**References/Sources**

Agency Contact: Denise Collins

Agency Fiscal Note Coordinator Signature: Denise Collins

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Date: 3/1/2024 8:32:22 AM

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SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **Legislature**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Chloe Burns **Date:** 3/1/2024 1:48:16 PM
Phone: 651-297-1423 **Email:** chloe.burns@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

The bill amends the Earned Sick and Safe Time law that was enacted into law during the 2023 session and effective on January 1, 2024. The amendment, in part, adds enforcement provisions, clarifies definitions and conditions of use of the leave, adds or clarifies employer requirements and clarifies that accrual leave that was distributed to the benefit of an employee does not need to be reinstated to employees that are rehired within 180 days of separation.

Assumptions

The amended changes do not have an impact on the legislature as an employer since it has implemented the law and provides benefits to employees that meet or exceed the modifications.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

N/A

References/Sources

Emily Adriaens, House of Representatives

Barb Juelich, House of Representatives

Patrick McCormack, House of Representatives

Tom Bottern, Minnesota Senate

Betty Myers, Minnesota Senate

Eric Nauman, Minnesota Senate

Alexis Stangl, Minnesota Senate

Judy Randall, Office of the Legislative Auditor

Michelle Yurich, Legislative Coordinating Commission

Agency Contact: Diane Henry-Wangenstein

Agency Fiscal Note Coordinator Signature: Diane Henry

Phone: 651-296-1121

Date: 2/29/2024 7:42:15 PM

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SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **Minn Management and Budget**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Susan Nelson **Date:** 3/11/2024 2:57:44 PM
Phone: 651-296-6054 **Email:** susan.nelson@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill amends the Earned Sick and Safe Time law that was enacted into law during the 2023 session and effective on January 1, 2024. Chapter 181 is amended to clarify employer responsibilities in the management of accruals and maintenance of program transparency for employees. Chapter 177 is amended to enhance enforcement provisions.

Chapter 181 also expands usage of accrued earned sick and safe to need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member. Minnesota Management and Budget (MMB) expects nominal costs related to this.

Assumptions

It is assumed that MMN will be in compliance with the requirements of all Earned Sick and Safe Time laws and that none of the changes proposed in this bill will increase costs associated with managing this program.

MMB expects nominal costs related to expansion of usage of leave that are immaterial to cost.

MMB has noted concerns with the use of regular rate of pay and note that this language has been revised. With the revision, there are no additional costs expected.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Ronika Rampadarat 651-201-8115

Agency Fiscal Note Coordinator Signature: Ronika Rampadarat

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SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **Minnesota State**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 3/5/2024 9:28:22 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This bill provides clarification and enhancement of provisions related to the Earned Sick and Safe Time laws enacted last session. Chapter 181 is amended to clarify employer responsibilities in the management of accruals and maintenance of program transparency for employees. Chapter 177 is amended to enhance enforcement provisions.

Assumptions

It is assumed that Minnesota State will be in compliance with the requirements of all Earned Sick and Safe Time laws and that none of the changes proposed in this bill will increase costs associated with managing this program.

Expenditure and/or Revenue Formula**Long-Term Fiscal Considerations****Local Fiscal Impact****References/Sources**

Agency Contact: Steve Ernest 651-201-1710

Agency Fiscal Note Coordinator Signature: Steve Ernest

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SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/29/2024 2:53:08 PM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Under current law, effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse, sexual assault, or stalking.

The bill at:

Section 1 [177.27, subd. 4] permits the commissioner to issue an order requiring an employer to comply with the enforcement provisions of Minn. Stat. § 177.50 ("Earned Sick and Safe Time Enforcement"). Employers may file written notice of objection after being served with the order and engage in a contested case proceeding through the Office of Administrative Hearings.

Section 3 [177.50] indicates an employer is liable to all employees who were not provided or not allowed to use earned sick and safe time for an amount equal to all earned sick and safe time that should have been provided or could have been used at the employee's regular rate of pay, plus an additional equal amount as liquidated damages. Additionally, employers may be held liable for damages if they do not possess sufficient records to determine the earned sick and safe time an employee should have been provided.

Section 6 [181.9445, subd. 5] modifies the definition of "employee" to include any person who is anticipated by the employer to perform work in Minnesota for at least 80 hours in a year.

Section 11 [181.9447, subd. 10] requires employers to include the total number of earned sick and safe time hours accrued and available for use and the total number of hours used during the pay period on an employee's statement of earnings. Employers may choose a reasonable system for providing this information, including listing information on or attached to each earnings statement or an electronic system where employees can access this information. These records must be retained for three years and must be ready for inspection within 72 hours of the commissioner's demand. An employee injured by a violation of this section may bring a civil action to recover any and all damages recoverable at law, and may receive injunctive and other equitable relief as determined by the court.

Assumptions

Section 1 [177.27, subd. 4] allows employers to file a written notice of objection to a commissioner order and engage in a contested case proceeding through the Office of Administrative Hearings. The earned sick and safe time statute went into effect on January 1, 2024, so there is currently no data regarding how many employees may claim qualifying leave was denied by their employer. For purposes of this fiscal note, the number of unemployment insurance appeals handled by the State Court Administrator's Office will be used to calculate impact. In 2023, there were 5 cases where the State Court

Administrator's Office formally responded to an unemployment determination. Based on this number, it is anticipated no additional administration staff will be needed to process or respond to commissioner orders and there would be a nominal fiscal impact.

Additionally, a majority of employee information that may be required to respond a commissioner order is readily accessible and stored in a digital format, so it is assumed the Minnesota Judicial Branch will not require any additional administrative staff or resources to adequately document the earned sick and safe time an employee should have been provided.

This bill clarifies the type of conduct and damages for which an employer may be found liable, but it does not create a new cause of action. See Minn. Stat. § 181.9947, subd. 9 (“[E]ach employee has the right to file a complaint or bring a civil action if earned sick and safe time is denied by the employer or the employee is retaliated against for requesting or using earned sick and safe time.”) It is assumed that the inclusion of Section 3 [177.50], which states employers are liable to all employees who were not provided or not allowed to use earned sick and safe time “for an amount equal to all earned sick and safe time that should have been provided,” plus an additional equal amount as liquidated damages, will not increase case filing rates. There is currently no data available regarding the number of case filings under Minn. Stat. § 181.9947, subd. 9, but it is assumed an aggrieved employee will file only one cause of action relating to alleged earned sick and safe time violations.

It is assumed that because the bill does not address filing fees, the civil filing fee of \$285 will apply to cases filed under the provisions of this bill. See Minn. Stat. § 357.021, subd. 2. All filing fees collected are transmitted to the General Fund. It is assumed that some parties may file an application to proceed *in forma pauperis* and the court may order filing fees waived in some cases. Because it is not possible to estimate any increase in case filings, it is not possible to estimate the impact on filing fees that will be collected and transmitted to the General Fund.

Expenditure and/or Revenue Formula

Although the judicial branch cannot calculate or estimate any potential increase in case filings, it is anticipated that this bill will have minimal impact on the judicial branch. It is not possible to estimate any potential increase in filing fees collected and transmitted to the General Fund.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Callie Lehman

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Date: 2/28/2024 4:28:05 PM

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SF3787 - 0 - Earned Sick and Safe Time Modified

Chief Author: **Sandra Pappas**
 Committee: **Labor**
 Date Completed: **3/13/2024 9:36:18 AM**
 Agency: **University Of Minnesota**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 3/1/2024 3:42:27 PM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This bill proposes a modification to the Minnesota Employee Sick and Safe Time legislation in Minnesota Statutes 2023 Supplement, sections 177.27, subdivision 4; 177.50, by adding subdivisions; 181.032; 181.9445, subdivisions 4, 5; 181.9446; 181.9447, subdivisions 1, 3, 5, 10, 11; 181.9448, subdivisions 1, 2.

Assumptions

The University does not anticipate this legislation, including allowing the use of MN Employee Sick and Safe Time for funeral planning or settling matters post funeral, will have a fiscal impact.

Expenditure and/or Revenue Formula**Long-Term Fiscal Considerations****Local Fiscal Impact****References/Sources**

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