

March 4, 2024

Senator Jennifer A. McEwen, Chair
Senate Labor Committee
3217 Minnesota Senate Building
St. Paul, MN 55155

Chair McEwen and Senate Labor Committee Members,

The Minnesota Inter-County Association (MICA) represents 15 of Minnesota's larger and faster growing counties, including four suburban and eleven Greater Minnesota counties.

Thank you, to Senator Pappas for authoring Earned Sick and Safe Time (ESST) and SF3787, a bill to streamline and clarify provisions of the law enacted in 2023. Since enactment, MICA member counties have worked to implement the ESST law, recognizing that existing county paid leave has long exceed the minimum ESST requirements.

We support the granting of rulemaking authority and streamlining how certain leave accrual and use status may be made available to employees. We also appreciate the bill author and Commissioner of Labor's willingness to engage with stakeholders to clarify the ESST pay rate. Under the federal Fair Labor Standards Act (FLSA), an employee's "regular rate of pay" has a meaning that differs from the intent of the 2023 legislation to exclude overtime, holiday pay, and other premiums. We support amending the bill to clarify the 2023 intent.

We also appreciate ongoing discussions toward:

- Modifying SF3787 to ensure that the prior law requirements of Minn. Stats. 181.9413, requiring that an employee may use sick leave for care of a relative, are maintained without applying sections 181.9445 to 181.9448 to all earned time provided to an employee by an employer.
- Ensuring public employers may enter into collective bargaining agreements or memorandum of understanding to be exempt from the eligible use requirements of 181.9447, subd. 1(4), relating to weather or other public emergency events, to ensure certain local functions can be delivered when they are most critically needed.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read 'Matt Massman', is written in a cursive style.

Matt Massman, Executive Director
Minnesota Inter-County Association