



April 10, 2024

Chair Jennifer A. McEwen
3217 Minnesota Senate Bldg.
St. Paul, MN 55155

Ranking Minority Member, Gene Dornink
3411 Minnesota Senate Bldg.
St. Paul, MN 55155

RE: Earned Safe and Sick Time

Senators McEwen and Dornink and committee members,

As the Senate Labor Committee works to finalize its Labor Supplemental Budget Bill, the education organizations listed above, representing 331 school boards, superintendents, school business officials, and principals are writing to express continued concerns with the Earned Safe and Sick Time provisions in SF 5266.

It is important to note Article 5 not only provides clarifications to mitigate confusion arising from the interpretation of the new law during its rollout and execution, but it also introduces additional measures for compliance, rule establishment, and remedies, while broadening the mandate's scope.

As school board members, superintendents and school business officials have previously shared with Sen. Pappas, school districts across the State of Minnesota are still negotiating in good faith their collective bargaining agreements, including agreements with their teachers, effective July 1, 2023. The implementation of Earned Sick and Safe Time in the middle of the 2-year term of the collective bargaining agreement presents challenges; however, many school districts and exclusive representatives have completed the process.

In many cases, labor and management have negotiated and agreed to splitting existing sick leave provisions into two separate banks ---- one for Earned Sick and Safe Time, as outlined in statute, and one for the excess time provided by often “generous sick and safe time policies” referenced in MS 181.9448, Subd. 1. By splitting the time into two banks, employers balanced implementation of the more generous Earned Safe and Sick Time uses outlined in MS 181.9447, with existing accrual rates and existing leave banks, many with hundreds of hours, accumulated over an employee’s years of employment.

In SF 5266, under Sec. 15, Subdivision 1, school districts, as employers, will be required to combine the banks of time, allowing teachers and staff, employees, to use *personal illness or injury*, commonly referred to as “sick time”, that was provided (and in many cases negotiated) under the old statutory language.

We are concerned with the following impacts on school districts:

- Potential increased employee absences will subsequently increase substitute costs in all employee classifications, but most importantly, it will increase absences of the staff members best able, best trained, and most effective in their positions.
- The collective bargaining process is undermined through this language. Employers are required to engage in “good faith bargaining” for salary and benefits.
- This pending statutory change will impact ongoing negotiations processes, making ratification more difficult.

We respectfully request that any time provided to an employee by an employer for absences from work due to personal illness or injury prior to July 1, 2024, be excluded from the new requirements of the language in SF 5266.

In addition, we would also respectfully request Collective Bargaining Agreements (CBA) for teachers which are in place for the term of July 1, 2023 – June 30, 2025, the effective date would be July 1, 2025.

Our organizations would appreciate the opportunity to further discuss our concerns with you as this bill moves.

Respectfully,
Minnesota School Boards Association
Association of Metropolitan School Districts
Minnesota Association of School Administrators
Minnesota Association of School Business Officials
Minnesota Rural Education Association
Minnesota Elementary Schools Principals Association
Minnesota Association Secondary School Principals

Copy: Representative Liz Olson