

**OSSEO CITY COUNCIL
WORK SESSION MINUTES
October 23, 2023**

1. CALL TO ORDER

Mayor Duane Poppe called the work session of the Osseo City Council to order at 6:01 p.m. on Monday, October 23, 2023.

2. ROLL CALL

Members present: Councilmembers Juliana Hultstrom, Mark Schulz and Mayor Duane Poppe.

Members absent: Councilmembers Ashlee Mueller and Alicia Vickerman.

Staff present: City Administrator Riley Grams and City Attorney Mary Tietjen.

3. AGENDA

Council agreed to discuss the work session items.

4. DISCUSSION ITEMS

A. DISCUSS EARNED SAFE AND SICK TIME POLICY AND PERSONNEL POLICY UPDATES

City Attorney Tietjen stated in 2023, the Minnesota Legislature passed several amendments to state employment laws impacting cities' personnel policies. Staff has reviewed Osseo's policy and proposed some changes to bring the City into compliance. The main updates are as follows:

1. No Discrimination – added language regarding characteristics of “race” that are now included in the Minnesota Human Rights Act. The “Crown Act” prohibits discrimination based on hair texture and hair style.
2. Juneteenth is an official holiday. (This change had been made previously.)
3. Pregnancy and Parenting Leave – employers are required to provide unpaid parenting leave to employees. This law now applies to any city with one or more employees and all employees are eligible. The amended law prohibits employers from disciplining or retaliating against employees for exercising parental leave rights.
4. School Conference and Activities Leave – all employees are now eligible for this type of leave.
5. Bone Marrow/Organ Donation Leave – added required anti-retaliation language.
6. Elections/Voting – employees are now allowed to use paid time to vote that includes voting in person before Election Day.
7. Nursing Mothers; Pregnancy Accommodations – added required anti-retaliation language; added language regarding the type of area that must be provided for nursing employees; time spent expressing milk is now considered paid time.

City Attorney Tietjen reported effective January 1, 2024, employers must provide paid earned sick and safe time (ESST) to eligible employees. The City must provide each employee with at least one hour of paid sick and safe time for every 30 hours worked, up to at least 48 hours of accrued ESST a year. (The City can be more generous if it chooses.) An eligible employee is anyone who works at least 80 hours a year for an employer in Minnesota and is not an independent contractor. This includes paid on call firefighters, seasonal, temporary, and part-time employees. The City must show on employees' paychecks how much ESST they have earned, used, and what is remaining. ESST can be used for traditional sick leave purposes, such as the employee's own illness and preventative care, but employees may also use it for additional reasons, such as caring for a family member, absences due to domestic abuse, sexual assault or stalking, and closure of the workplace or a family member's school or care facility due to weather or a public emergency. The City has some options regarding implementing this new law.

Option 1

Because the City may be more generous than the law requires, the City could decide to give employees a new bank of paid ESST leave, in addition to the PTO that employees already receive under City policy.

Option 2

The City may incorporate ESST requirements into its existing PTO program. Because the City's PTO program already meets the minimum ESST threshold, the City is not legally required to offer additional ESST hours. With this option, the ESST would essentially be a "subset" of PTO offered to employees and 48 hours each year would be tracked and allocated as ESST. If Option 2 is preferred, the following are the available methods to award ESST hours to employees:

Option 2A: Accrual method; no end-of-year payout required; carryover allowed. o One hour of ESST earned for every 30 hours worked. o Employees accrue up to 48 hours of ESST each year. o Employees can carry over unused ESST into the next year, but City can cap accrual at 80 hours.

Option 2B: "Front load" 48 hours; end-of-year payout required; no carryover. o City provides 48 hours (minimum) of ESST at the beginning of the year for immediate use. o Unused hours are paid out at the end of the year. o Employees do not carry over unused ESST into the next year.

Option 2C: "Front load" 80 hours; no end-of-year payout required; no carryover. o City provides 80 hours (minimum) of ESST at the beginning of the year for immediate use. o City is not required to pay employees for unused ESST at the end of the year. The HR Committee met with the City Attorney and the City Administrator to discuss the ESST law and potential changes to the City's policy.

City Attorney Tietjen reported the HR Committee prefers Option 2A for fulltime and regular part-time employees, and Option 2C for firefighters and seasonal employees for ease of implementation. Staff commented further on the options available to the City and requested feedback on how to proceed.

Schulz questioned if the ESST pay would apply to elected officials. City Attorney Tietjen stated it was her understanding the ESST time would apply to Councilmembers and if

they were to miss a meeting, this would be reflected on their pay stub. She explained she hoped to learn more about the ESST in the coming months before the law is implemented.

Schulz asked if employees could be paid out ESST or carryover PTO, periodically. City Attorney Tietjen commented this could be done.

Police Chief Mikkelson discussed how police officers currently accrue PTO. He reported as a supervisor, it makes sense to keep PTO and ESST separate for tracking purposes.

Further discussion ensued regarding rather or not to front load ESST hours for City employees.

Schulz stated Option 2C may be the best option for the City to pursue. City Attorney Tietjen reported the HR Committee was recommending Option 2A for full time and regular part-time employees and Option 2C for firefighters and seasonal employees.

Hultstrom stated if the City were to front load 80 hours at the beginning of the year, this would start fresh each year and there is no payout. Grams indicated this would be the easiest method to track and administer.

Schulz explained he was concerned with the fact employees would lose the ability to take vacation. Grams reported employees would still be able to take vacation time with their PTO time.

Hultstrom indicated PTO would remain the same and it would continue to accumulate for employees. She proposed the City be more generous than it has to be with the ESST, in order to not gamble with what would have to be paid out at the end of the year. City Attorney Tietjen agreed this would be the easiest system to implement, but the tradeoff would be this is another bank of time employees could use.

Grams commented on how hours are currently tracked for the fire department and how ESST could be logged for these employees. City Attorney Tietjen explained the tracking and implementation for fire department employees will be more difficult than other City employees. She indicated some type of system would have to be put in place to assist with tracking hours for fire department employees.

Schulz anticipated it would not be that difficult to track hours for the fire department and he believed the ESST hours would benefit these employees.

Hultstrom asked if the Council supported the 48 hour pay out or 80 hour bank option.

Schulz supported the City going with the 80 hour bank. He stated he did not want employees to feel like the City was taking something away from them.

Hultstrom indicated she did not want ESST tacked onto PTO, but rather wanted the ESST to be something completely separate with an 80 hour bank.

Poppe supported the 80-hour front load option as well because he did not want the City to upset employees PTO.

The consensus of the Council was to proceed with Option 2C.

5. ADJOURNMENT

The Work Session adjourned at 7:00 p.m.

Respectfully submitted,

Heidi Guenther
Minute Maker Secretarial