



May 5, 2024

Re: Earned Safe and Sick Time provisions in HF 5242 and SF 5284

Dear Senators,

As the Earned Safe and Sick Time provisions have advanced, in either stand-alone bills or omnibus bills, the education organizations listed above, representing 331 school boards, superintendents, school business officials, and principals are writing to express concerns with the Earned Safe and Sick Time (ESST) provisions.

We want to stress that we support ESST and are not against expanding the allowable uses to include bereavement leave. Rather, we are opposed to the state overriding previous contracts that were negotiated in good faith.

As we have previously discussed with the authors, our concern is converting “**all time previously negotiated and provided**” to an employee by an employer for absences from work due to personal illness or injury, what would commonly be referred to as “sick time”, to time that would now be required to meet or exceed the allowable uses, as provided in the Earned Safe and Sick Time law passed in 2023. In other words, the hundreds, even thousands, of hours accrued by school district employees can now be utilized for any of the eligible uses of ESST at any time.

Since the ESST law passed in 2023, many labor and management negotiation teams have agreed to splitting existing sick leave or what is referred to in the bill as “personal injury and illness” provisions into two separate banks ---- one for ESST, as outlined in statute, and one for previously negotiated and earned personal illness and injury time, often referred to as “sick time”.

By splitting the time into two banks, employers balanced implementation of the new ESST benefit that is eligible for broader uses, with existing accrued “sick time” hours. This honors previous collective bargaining agreements as the ESST law is implemented.

Under the proposed language, school districts, as employers, will be required to **combine** the banks of time, allowing employees to use all previously accumulated earned sick time under the newly expanded uses of ESST. A recent survey of 67 school districts showed 90 percent of the respondents stated this will be a significant staffing and financial burden on districts.

We are concerned with the following impacts on school districts:

- Districts have many employees (teachers, nutrition workers, paras, bus drivers, custodians, etc.) who have hundreds of hours of accrued “sick time” or “sick leave” that could now be used with minimal notice and expanded eligible uses.
- Anticipated increased employee absences will subsequently increase substitute costs in all employee classifications.
- Increased absences of the staff members best able, best trained, and most effective in their positions to work with students.

We respectfully request that any leave that was earned and accumulated prior to the enactment of the 2023 Earned Safe and Sick Time law (effective 1-1-24) be governed by the collective bargaining agreement that was in place at that time. We fully agree that time accrued after January 1, 2024, is available for the allowable uses outlined in the ESST law.

Thank you for your consideration of our concerns and we are happy to further discuss our concerns with you.

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