

**BEMIDJI CITY COUNCIL**  
**SPECIAL COUNCIL AGENDA**  
Friday, December 22, 2023

City Hall  
317 4<sup>th</sup> Street NW  
3:00 P.M.



1. CALL TO ORDER / ROLL CALL
2. CONSIDER 2023 SANFORD CENTER BUDGET ALLOCATIONS
3. CONSIDER POLICY REGARDING EARNED SICK AND SAFE TIME
4. ADJOURNMENT

MEETING OF CITY COUNCIL BY TELEPHONE OR OTHER ELECTRONIC MEANS  
LINK AVAILABLE ON CITY WEBSITE  
[www.ci.bemidji.mn.us/government/councilmeetinginformation](http://www.ci.bemidji.mn.us/government/councilmeetinginformation)



# MEMORANDUM

TO: City Council  
FROM: Rich Spiczka, City Manager  
DATE: December 22<sup>nd</sup>, 2023  
RE: 2023 Sanford Center Budget Adjustment/Reallocation

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## Background

The recent news regarding the 2023 Sanford Center budget requires City Council to take some action to cover the recently discovered deficit. The Sanford Center budget needs approximately \$150,000 in cash to cover its operations through the end of the year.

ASM will be refunding \$50,000 of their 2023 Management fee to cover a portion.

## Action Requested

Authorize \$50,000 be spent from the Sanford Center marketing fund as it is over the \$30,000 threshold that ASM can spend without authorization.

Authorize \$50,000 from the 2023 Sanford Center CIP allocation and reappropriate it to the 2023 Sanford Center operations budget.



# MEMORANDUM

TO: City Council  
FROM: Rich Spiczka, City Manager  
DATE: December 22<sup>nd</sup>, 2023  
RE: Earned Sick and Safe Time

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## Background

The State of Minnesota has passed legislation requiring employers to provide “Earned Sick and Safe Time” (ESST) as of January 1<sup>st</sup>, 2024. The information regarding it in full, can be found in Minnesota Statutes 181.032 and 181.9445-181.8448

A brief summary of facts regarding the policy is below:

- Minnesota’s earned sick and safe time (ESST) law goes into effect on Jan. 1, 2024.
- Employers must provide each employee in Minnesota 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. An employee is anyone who works at least 80 hours in a year for an employer in Minnesota and is not an independent contractor.
- An employer’s existing leave policy, such as paid time off (PTO), may already fully or partially meet Minnesota’s earned sick and safe time requirements.
- ESST local ordinances are in effect in the cities of Bloomington, Duluth, Minneapolis and St. Paul and may differ from the state’s ESST requirements. Employers are responsible for following the ESST requirements most favorable to their employees.
- The Minnesota Department of Labor and Industry is responsible for enforcing ESST requirements. In addition, affected employees may bring a civil lawsuit to address ESST violations.

## Action Requested

Adopt the attached City of Bemidji Personnel Policies, Sec. 201.409 to reflect the addition of language required by statute regarding Earned Sick and Safe Time (ESST).

**201.409 – Paid Time Off**

- (A) It is the policy of the City of Bemidji to provide employees necessary time away from work. This policy is implemented by means of the Paid Time Off (PTO) Policy, which covers all paid leave previously available under the City’s vacation, sick leave, and medical appointment leave policies.
- (B) PTO can be utilized for any purpose, subject only to necessary request/approval procedures consistent with policy and labor contracts.
- (C) Accrual Rates - PTO will accrue at the following rates:

<b>Years of Service</b>	<b>Approximate Accrual Rate (hours/year) *</b>	<b>Accrual Rate (hours/paycheck)</b>
0-1	160	6.15
2 - 4	176	6.77
5	208	8.00
6 - 10	216	8.31
11 - 14	232	8.92
15	248	9.54
16 & over	264	10.15

\* Accrual rate in hours/year approximate due to rounding error

(D) Use of PTO

- PTO is accrued on a per check basis and may be used subsequent to the month in which it was earned.
- Non-scheduled use must be requested prior to the beginning of a shift or per departmental practices. Non-scheduled PTO requests may be denied depending on staffing needs.
- Probationary employees may use PTO as it is earned.
- Maximum PTO accrual is 100 days / 800 hours.
  - Any hours over 800 after year end will be capped and removed from the employee’s balance.
  - The 800 hour cap will be applied on the 1<sup>st</sup> paycheck in January, which includes December 31<sup>st</sup> in the pay period and any amounts accrued for that pay period.
  - Example: First pay date in January -

Beginning PTO Balance	810.00
Accrual for pay period	+10.15
PTO used	- 16.00
<b>New Balance</b>	<b>804.15</b>
Hours lost	- 4.15

Capped Balance on pay stub 800.00

- PTO must be used in increments of 15 minutes (1/4 hour).
- Employees receiving Worker's Compensation, short-term disability, or long-term disability may use accrued PTO hours to return to 100% of their net salary.
- Previously accrued extended sick leave hours must be used prior to beginning an unpaid leave of absence for medical reasons.
- An employee taking an unpaid leave of absence for other than medical reasons must use all accrued PTO hours before beginning the unpaid leave.

(E) Conversion Option

Employees may convert their PTO hours from the end of the previous year to cash as follows:

<u>Years of Service *</u>	<u>Hours of Conversion Allowed **</u>
Years 0 – 5	60 hours per year
Years 6 – 10	80 hours per year
Years 11 – 14	100 hours per year
Years 15 and over	120 hours per year

An employee may request the conversion option a maximum of 3 times a year during the months of April, July and December. Notification must be in writing and turned into Payroll two weeks prior to the start date of the pay period in which payment is to be received. (Note: the Conversion Option will be included in the regular payroll check and taxes will be deducted from the money requested).

Non-exempt (hourly) employees may cash out any or all accumulated compensatory (comp) time balances in conjunction with PTO cash out dates. Exempt (salaried) employees may cash out a combination of compensatory time and PTO hours as long as the total hours cashed in are within the Hours of Conversion Allowed listed above.

\* Years of Service includes all years worked for the City (including full-time, part-time and seasonal positions).

\*\* Hours of Conversion Allowed will be based on an employee's Actual Years of Service or the Years of Service associated with their Accrual Rate.

(F) Eligibility

All regular full-time City of Bemidji employees who are eligible for benefits are eligible to participate in the PTO program. Part-time employees working 30 or more hours per week on an annual basis shall accrue PTO on a pro-rata basis.

(G) **Earned Sick and Safe Time**

**(1) For the purposes of this section only, the following definitions apply:**

(a) *Employee* means any person who is employed by the City, including temporary, part-time employees, or paid-on-call firefighters, who perform work on behalf of the City for at least eighty (80) hours in a year for the City. For the purposes of this section, an employee does not include elected officials, independent contractors, or employees who are provided with paid leave equal to or exceeding the amounts in Minn. Stat. §181.9446.

(b) *Family Member* means as defined in Minn. Stat. §181.9445.

(c) *Safe Time* means the need for time off under the circumstances described in Minn. Stat. §181.9413(b).

(d) *Earned Safe and Sick Time* means leave, including paid time off and other paid leave systems, that is paid at the same hourly rate as an employee earns from employee that may be used for the same purposes and under the conditions as provided under sections §181.9447.

(e) *Domestic Abuse* has the meaning as given in Minn. Stat. §518B.01.

(f) *Stalking* has the meaning as given in Minn. Stat. §609.749.

## (2) Accrual of Earned Sick and Safe Time

(a) An employee accrues a minimum of one hour of earned sick and safe time for every 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year. Employees may not accrue more than 48 hours of earned sick and safe time in a year.

(b) Employees are permitted to carry over accrued but unused sick and safe time into the following year. The total amount of accrued but unused earned sick and safe time for an employee must not exceed eighty (80) hours at any time.

(c) Employees begin to accrue safe and sick time at the commencement of employment of the employee or January 1, 2024, whichever is later.

(d) Employees may use earned sick and safe time as it is accrued.

## (3) Use of Earned Sick and Safe Time

(a) An employee may use accrued earned sick and safe time for:

i. An employee's:

1. Mental or physical illness, injury, or other health condition;

2. Need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

3. Need for preventative medical or health care;

ii. Care of a family member;

1. With a mental or physical illness, injury, or other health condition;

2. Who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or

3. Who needs preventative medical or health care;

iii. Absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:

1. Seek medical attention related to physical or psychological injury or disability cause by domestic abuse, sexual assault or stalking;
  2. Obtain services from a victim services organization;
  3. Obtain psychological or other counseling;
  4. Seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking, or
  5. Seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault or stalking;
- iv. Closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency;
- v. The employee's inability to work or telework because the employee is:
1. prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
  2. seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public health emergency and such employee has been exposed to a communicable disease or the City has requested a test or diagnosis; and
  3. When it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

(b) An employee shall give reasonable notice of the need for use of earned sick and safe time to their supervisor, in writing, if the need for use is foreseeable. If the need is unforeseeable, the employee shall give notice of the need to use earned sick and safe time to their supervisor, in writing, as soon as practicable.

Notice may be provided as follows:

1. A court record or documentation signed by a volunteer or employee of a victims services organization, an attorney, a police officer, or an antiviolence counselor;
2. For time to care for a family member, a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose;

Within one business day of receiving the notice, the supervisor shall provide the documentation to the City's human resources department.

#### (4) Termination, Separation, or Transfer

Upon an employee's termination, resignation, retirement, or other separation from employment with the City and has been rehired within 180 days of separation from the City the previously accrued unused earned sick and safe time will be reinstated.

Upon transferring to another department or position within the City, an employee will retain any unused earned sick and safe time that has been accrued.