



February 21, 2024

Dear Chair Nelson and members of the Labor and Industry Finance and Policy Committee,

We are writing on behalf of the League of Minnesota Cities (LMC), Minnesota Association of Small Cities (MAOSC), Coalition of Greater Minnesota Cities (CGMC), and Minnesota Fire Association Coalition (MnFAC, Minnesota State Fire Chiefs Association/Minnesota Fire Department Association) to provide feedback on the proposed changes to the Earned Sick and Safe Time law contained in HF 3882.

Since the passage of the law, our associations have been working with members to provide them resources and information to assist with compliance. Our associations are consistently hearing from cities that operate paid on-call and volunteer fire departments that applying this program to these departments is extremely difficult due to the unique circumstances surrounding paid on-call fire and emergency positions. Without state guidance or legislative clarity, the law leaves many fire departments at risk of large fines if they cannot meet the requirements of the law due to how these positions are structured.

Paid on-call and volunteer positions are often compensated on a per-call basis or limit compensation to a defined maximum number of hours, with the primary benefit being credits for relief association/PERA SVF pension. This makes the pay and earnings requirements in the law very difficult to administer. While HF 3882 changes language around hourly rate of pay, it still leaves questions on how to apply the law to scheduled training hours and other types of stipends and reimbursements that many departments utilize.

Further, guidance from the Department of Labor and Industry indicates that ESST does not apply to non-scheduled work opportunities. Fires and emergencies are not scheduled work, thus paid on-call firefighters would not use ESST for the primary function of their role. In some departments, training hours and compensation may be structured in a way that could be tracked by hours and pay, but many have compensation and reimbursement programs that do not neatly fit the parameters of the existing law or this bill.

Many of the benefits prescribed under ESST are already included in practice for these positions. If a volunteer cannot make a specific training due to an illness or conflict, many fire departments will work to find alternative times to make up those training hours as it is mandatory to ensure safety during calls, ultimately leaving no time lost for the volunteer/paid on-call firefighter. Because these programs are voluntary in nature, departments generally require that members respond to, on average, 25 percent of calls to qualify for relief association/PERA SVF pension credit. This structure is to account for the reality that there will be reasons why a firefighter may not be able to respond to a given call, whether that be an illness, taking care of a family member, or other conflicts. These programs are created with the expectation that volunteer and paid on-call firefighters can't always respond. Further, volunteer and paid on-call firefighters usually have part-time or full-time jobs where they receive employment benefits and/or ESST, and do not use the compensation received from their roles as firefighters as a primary source of income.

The annual training hours that volunteer and paid on-call firefighters are required to attend are based on certification requirements outlined by the Emergency Medical Services Regulatory Board (EMSRB), Minnesota Fire Service Certification Board (MFSCB), and the Minnesota Board of Firefighter Training and Education (MBFTE). Allowing ESST use for these scheduled events would not preclude the firefighters from needing these required hours, and the member would still need to take the required training at a different fire department on a different date.

Paid on-call and volunteer fire departments and emergency medical responders are vital to ensuring that smaller communities across Minnesota have public safety responders. These departments are designed to allow flexibility to ensure that residents can serve their community in these critical positions. Because the framework of this law does not function for these positions and these positions already offer paid on-call and volunteer personnel full discretion in which calls they respond to, we ask that HF 3882 be amended to clarify how this program works for paid on-call and volunteer fire and emergency medical personnel or exempt them from the program as part of the changes contained in the bill.

Sincerely,



Cap O'Rourke  
Executive Director  
Minnesota Association of Small Cities



Alex Hassel  
Intergovernmental Relations Representative  
League of Minnesota Cities



Bradley Peterson  
Executive Director  
Coalition of Greater Minnesota Cities



Eric Bullen  
Fire Chief, Albertville Fire Department  
President, Minnesota State Fire Chiefs Association / MnFAC Representative