

April 27, 2021



Conference Committee Members on SF 1098/ HF 1342:

The Minnesota School Boards Association represents 333 locally elected school boards across Minnesota. Our school boards are responsible for school governance and work together with our superintendents and school business officials to ensure our districts operate within budget and our students receive a high-quality education.

Today we are reaching out regarding SF 1098/HF 1342 and want to share both our support and concerns of the provisions with the above bills.

## **Support**

### **[Wage Theft - S1098-3 Article 2, Sec. 3](#)**

We support the Senate language in regard to wage theft and hope they can be adopted into the final bill. The language includes much needed flexibility to school districts while addressing notification to employees at the beginning for employment, including:

- allowing the notice to be provided on or before the date an employer provides an employee with the employee's first earnings statement.
- allowing the notice to be either in writing or delivered electronically, instead of only in writing as is required under current law.
- requiring the notice to include any pay schedule or range of pay for an employee who is reasonably expected to move between job duties, classifications, and pay or benefit structures in their day-to-day duties.

In addition, we appreciate allowing an employee's signature (written or electronic) on the notice to constitute acknowledgment of receipt of the notice and does not create a contract. And the flexibility to provide employees any changes to the information contained in the notice (in writing or electronically) by the date of the employee's next earnings statement following the date the changes take effect. The notice of changes does not require a signature by the employee and is satisfied if the changes to information are contained on the employee's next earnings statement.

And we strongly support that the notice requirement is satisfied if the employee receives the required information through a collective bargaining agreement, employee handbook, offer letter, or a combination of those documents.

Though our districts strive to comply with all laws, should an error occur, we appreciate a written warning upon the first finding of a violation or violations of the notice requirements, so we can review our processes without a significant fine.

We continue to believe our collective bargaining agreements (CBA) provide an employee with all information required. For those employees who are not covered by a CBA, our districts will continue to comply with all rules.

## **Concerns**

### **[Unemployment Benefits – UES 1098 Article 6, Sec. 4, Subd 7](#)**

School district contractors, such as bus drivers and nutrition workers, have for years worked under the presumption that the job position was during the school year and unemployment benefits were not available. If this provision were implemented, contractors would pass on any increased costs relating to unemployment to our districts. In school districts, unemployment is a reimbursable expense that is recovered from taxpayers in the unemployment levy.

Especially during the last year, unemployment costs in our districts have significantly increased. MSBA is concerned that the addition of these part-time employees, property taxes would be increased for our already stretched homeowners.

***Earned Safe and Sick Time – [UES 1098 Article 9](#)***

The merits of this bill are not our primary concern; however, the cost is a significant concern for our districts. Without funding from the state, the cost of implementing this program within districts will divert revenue from the general fund, in other words, our classrooms. As an example, for a medium sized district, with 400 part-time employees, this benefit could conservatively reach approximately \$172,800. Those dollars could be used for teachers, counselors, social workers, etc. Districts should be able to negotiate this benefit on a district-by-district basis.

***Paid Family and Medical Leave – [UES 1098 Article 4](#)***

Once again, our primary concern is cost to schools. School boards do not have the authority to levy for the funds that would be needed to cover the employer portion of this proposal. The funds would need to come out of the general fund, in other words, the classroom. There is also the soft cost of administration and reporting of the program at the district level. At a time when most schools in Minnesota are experiencing budget deficits and making cuts, especially in the midst of a pandemic, how are schools to pay the cost?

Another question is how collective bargaining would be impacted? If passed, would this statewide benefit be a part of the local bargaining negotiations, would it supersede negotiations or both?

Finally, due to the nature of the workforce within schools, there may be a potential for a greater need for the number of substitutes. Employees could potentially be out of a classroom 24 weeks of the school year, or longer if they were to use accrued sick/vacation time. If this were the case, our HR representatives who struggle now to place subs, wonder how would an adequate number of highly qualified, substitute teachers be secured when they are already in such short supply? It is our responsibility to keep continuity in the classroom with a highly qualified teacher in front of our students.

We respectfully ask for an understanding of taxpayer interactions and consideration be given to funding this legislation. Many of these provisions will result in some sort of direct or indirect increase to our taxpayers as there are no allocations.

We appreciate your time and consideration and are available for any questions.

Respectfully,



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Director of Government Relations



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