

May 11, 2023

Senator Alice Mann  
Minnesota Senate Bldg., Room 3225  
St. Paul, MN 55155

Representative Ruth Richardson  
403 State Office Building  
St. Paul, MN 55155



VIA ELECTRONIC DELIVERY

RE: Federal Preemption of Paid Family Leave for Railway Workers

Dear Chairs Mann and Richardson:

I am writing about HF 2, Paid Family and Medical Leave and federal preemption for railroads. The Minnesota Regional Railroads Association requests the current language in Senate File 2, line 9.31 of the 8th engrossment, be incorporated into the final version of a Minnesota Paid Family Leave bill:

*(3) employment covered under the federal Railroad Unemployment Insurance Act.*


Railroads are explicitly preempted from any state leave law under the Railroad Unemployment Insurance Act ("RUIA"). The RUIA states that "[b]y enactment of this chapter the Congress makes exclusive provision . . . for the payment of sickness benefits for sickness periods." 45 U.S.C. § 363(b). It further states that "no employee shall have or assert any right to . . . sickness benefits under a sickness law of any State with respect to sickness periods occurring after June 30, 1947, based upon employment (as defined in this chapter)." *Id.* Several states have expressly recognized federal preemption applies and explicitly exempted railroad workers covered under RUIA. In instances where the legislature did not exempt railroad employees and the issue was in dispute, the courts have unanimously agreed that federal preemption applies and state leave provisions do not apply to railroad employees.

We take the health and well-being of our employees very seriously. We are committed to supporting our people with competitive compensation and benefits as well as a work environment that will help attract and retain people. Union employees participate in a carrier-funded federal sickness benefit program that kicks in after four days with up to 26 weeks of coverage. Some, but not all unions, have negotiated a supplemental sickness benefit program that will cover up to a year.

For these reasons, we respectfully request the language included in SF2, Line 9.31 of the 8th engrossment be included in the final bill.

We have additional information and analysis if that would be helpful, and we are happy to answer any questions. Thank you for your time.

Sincerely,



Mark Wegner  
President, Minnesota Regional Railroads Association