

ESST Discussion/Action Items:

- In employee agreements add verbiage explaining PTO/Vacation time off plans currently meet the ESST requirements- per MN Department of Labor requirements.
 - *“The earning statement requirement remains as there is not exemption listed in law. It does not matter what employers call it, so long as it is clear within the employment policies that PTO is ESST.”*
- In employee agreements add verbiage indication day to hour conversions for time off.
 - See table B
- In employee agreements add verbiage that all time off must be taken in full or ½ day increments.
- Set sub teacher hour increments: full day vs ½ day
- Set sub bus driver increment: 1 route = ____ hours (AM/PM only contract drivers are contracted for 2.5 hours per AM or PM route)
- Determine formula to establish hours worked for outside employee coaching staff (joint sports agreement?), outside employee advisors, etc.
- How do subs, coaches and other hourly (non-contracted) employees utilize their ESST time?

Currently our contracted employees (all regular employees) are contracted for a certain number of days (duty days) with a certain number of hours per day. The first table (TABLE A) shows these contract employees calculated out to determine how many ESST hours they SHOULD receive based on hours worked. The minimum ESST that can be earned, according to the statue, is 48 hours. As long as our time off plans meet or exceed (up to 48 hours) the hours shown in 'Earned ESST Hours based on Contract' then we meet the minimum required ESST hours per 30 hours worked calculations in our current PTO plans.

*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 ESST in a year.

Contract Employees	ESST Hours per Contract						
	Duty Days	x	Daily Contract Hours	=	Total Contract Hours	/ 30 hours worked	= Earned ESST Hours based on Contract
Teachers	180	x	8	=	1440	/ 30	= 48
12 Month	260	x	8	=	2080	/ 30	= 69
11 Month	225	x	8	=	1800	/ 30	= 60
10 Month	215	x	8	=	1720	/ 30	= 57
9 Month	175.5	x	7.25	=	1272.375	/ 30	= 42
9 Month FT Food Service	174	x	8	=	1392	/ 30	= 46
9 Month PT Food Service	172	x	6.25	=	1075	/ 30	= 36
9 Month PT Custodian	173	x	6	=	1038	/ 30	= 35
9 Month PT Para	172	x	4.5	=	774	/ 30	= 26
Admin- Ricke	260	x	8	=	2080	/ 30	= 69
Admin- Warne	200	x	8	=	1600	/ 30	= 53
Bus Driver AM/PM	172	x	4.75	=	817	/ 30	= 27
Bus Driver AM or PM	172	x	2.5	=	430	/ 30	= 14

*anything over 48 hours is waived. This number shows how much each employee SHOULD earn based on contract hours.

(TABLE A)

The first item we need to address is our current PTO plans being in day increments versus hours. I would recommend adding a conversion table/explanation within the staff agreements. This would explain how our PTO days convert to hours. The table (TABLE B) below shows the conversion.

	Daily Contracted Hours			
	Full Day		1/2 Day	
Teachers	8	8 H 0 M	4	4 H 0 M
12 Month	8	8 H 0 M	4	4 H 0 M
11 Month	8	8 H 0 M	4	4 H 0 M
10 Month	8	8 H 0 M	4	4 H 0 M
9 Month	7.25	7 H 15 M	3.625	3 H 38 M
9 Month FT Food Service	8	8 H 0 M	4	4 H 0 M
9 Month PT Food Service	6.25	6 H 15 M	3.125	3 H 8 M
9 Month PT Custodian	6	6 H 0 M	3	3 H 0 M
9 Month PT Para	4.5	4 h 30 M	2.25	2 H 15 M
Admin- Ricke	8	8 H 0 M	4	4 H 0 M
Admin- Warne	8	8 H 0 M	4	4 H 0 M
Bus Driver AM/PM	4.75	4 H 45M	2.375	2 H 23 M
Bus Driver AM or PM	2.5	2 H 30 M		

(TABLE B)

Next is to utilize the day to hour conversions to determine how many hours our contract employees are getting with our current PTO plans. The table (TABLE C) show the calculations. All of our PTO plans, when converted to hours, meet/exceed the ESST hours earned requirement based on hours worked (TABLE A, yellow column). The employee groups highlighted in blue are receiving more paid time off then required by the ESST statue. This is good, no changes need to be made. These employees cannot earn more ESST hours as they have received over the maximum required hours of 48 ESST hours. The employees highlighted in green are receiving more paid time off then required by their contracted hours to work. However, if these employees work additional hours outside of their contract they could accrue additional ESST hours, up to 48. They employees will need a second time off plan to add additional ESST hours if earned. None contracted employees will also have a time off plan to count earned ESST hours.

Contract Employees	Current Time Off Plans				
	Minim um PTO & Vacati on Days		Hours Per Work Day		Total Paid Time Off Hours
Teachers	16	x	8	=	128
12 Month	21	x	8	=	168
11 Month	14	x	8	=	112
10 Month	12	x	8	=	96
9 Month	10	x	7.25	=	72.5
9 Month FT Food Service	10	x	8	=	80
9 Month PT Food Service	10	x	6.25	=	62.5
9 Month PT Custodian	10	x	6	=	60
9 Month PT Para	10	x	4.5	=	45
Admin- Ricke	25	x	8	=	200
Admin- Warne	18	x	8	=	144
Bus Driver AM/PM	10	x	4.75	=	47.5
Bus Driver AM or PM	10	x	2.5	=	25
These employees receive over the maximum 48 hours of ESST. No additional ESST hours can be earned	*These employees could earn more ESST hours (up to 48) if they work additional hours outside of their contracted time.				

(TABLE C)

Carryover vs payout for ESST time. There are different situations per the MN Department of Labor regarding when an employee's ESST hours can carry over versus being paid out at the end of each year. Based on their recommendations these employee groups, teachers, 12 months, 11 months, 10 month and admin would not be paid out at the end of each year and up to 80 hours carried over to the next year. For the rest of the employee groups the recommendation is to payout at the end of the year due to not front loading the max 80 hours for carryover. However, if the districts time off policy is 'better' then what the ESST statute states, we may proceed with the better of the two options. Currently the starting PTO payout for non-certified employees is \$50 per day, which is higher than the highest paid non-certified hourly rate. To payout ESST hours it would be at the employee's hourly rate. In this case it is better for non- certified to carry forward PTO and be paid out if/when they leave the district. The same scenario is true for certified staff- their payout for PTO when leaving the district is higher vs what their hourly rate ESST payout would be. It is better for all employees to carry forward PTO/ESST hours and to be paid out when leaving the district.