



## The Corner

by Mike Wilde, Legal Counsel

Many new laws go into effect in 2024 and an unusually high number of them are in the workplace. The law that got the most attention in Minnesota’s employment landscape is Earned Sick and Safe Time (ESST). Under this law, employees in Minnesota now have paid leave available for sickness, to care for a family member or to seek assistance for domestic abuse or sexual assault. The paid time off has long been a luxury for PEA members and, indeed, most employees working with a union contract. But tens of thousands of workers were without paid leave before ESST passed. Here are a few highlights of this new law:

- Employees are eligible for paid sick leave if they work at least 80 hours in a year and are not independent contractors. Temporary and part-time employees are eligible.
- Unionized construction workers are exempt from the law if there is a valid waiver as part of their collective bargaining unit.
- An employee earns one hour of sick and safe time for every 30 hours worked up to a maximum of 48 hours each year unless the employer agrees to a higher amount.
- Sick time must be paid at the same hourly rate an employee earns while working.
- The reasons to use ESST are very broad, including mental and physical illness, or the related treatment and preventive care. This applies to the employee or a family member. An absence due to domestic abuse, sexual assault or stalking is a legitimate use of paid time off under ESST.
- Other protected reasons are closure of the employee’s workplace due to weather or public emergency or closure of a family member’s school or care facility. ESST is also available when a health care professional determines that an employee or a family member is at risk of infecting others with a communicable disease.
- Employees may use ESST in nearly every relationship imaginable, including a specific provision that identifies “any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.”

PEA is currently awaiting the modifications in the City of St. Paul’s ESST ordinance to align it with the state law. We met with labor relations officials and expressed disapproval of a few of the City’s early applications of ESST per the city’s ESST policy. We have since learned that City leaders took notice of various union complaints and are working to update the policy and deliver a solution.

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### Mission Statement

The Professional Employees Association is dedicated to bargain, administer, and enforce labor agreements in a responsible, prudent, and lawful manner for the overall improvement of members’ working conditions, with emphasis on general advocacy, education, and communication.

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A few of the other state laws that went into effect this January (or sooner) are in this table:

Law Name or Topic	Changes	Citation
Time Off to Vote	Allows employees time off to vote in primary or governmental elections on or before the actual election day.	M.S.A. §294C.04
Noncompete Agreements	Bans noncompete agreements between employees and employers that prohibit work for a competitor. Some exclusions apply.	M.S.A. §181.988
Minnesota Pregnancy & Parenting Leave (MNPPL)	Every MN employer must now provide unpaid 12 weeks of leave to every employee.	M.S.A. §181.90
Mandatory Employer Meetings	Prohibits adverse action against employees who refuse to attend mandatory meeting when purpose is to communicate employer's religious or political views.	M.S.A. §181.531
Pay History Inquiries	Prohibition against asking job applicants about their compensation level or pay history.	M.S.A. §363A.08
Paid Family and Medical Leave (PFML) Jan. 1 2026	MN version of FMLA with 20 weeks paid leave created from insurance premiums of 0.7% of wages. Benefits capped at MN avg. weekly wage.	M.S.A. §268B.01 §181.032

Other employment related laws include: law that redefines race in MN Human Rights Act, amendment that includes gender-identity as protected class, meat-packing industry safety.

## PEA Calendar of Events 2024

Add these dates to your calendar!

**April 17 (Wednesday)** ..... General Membership Meeting, TST Creative Catering

**July 10 (Wednesday)** ..... Board & Stewards Meeting, Shamrock's  
(stewards, special committee members, & executive board only)

**October 8 (Tuesday)** ..... General Membership Meeting, Mancini's

# Steward Realignment

*by Mary Henke-Haney, Personnel Chair*

Years ago, the PEA executive board started to think about how we can encourage folks to become more active in our union through our steward positions.

To state a very tired truth: the COVID-19 pandemic put the plans on hold, but we're back on track!

Our stewards are vital to our ability to serve our members; we need to have knowledgeable and passionate members in these positions. When we have steward vacancies, we sometimes get multiple folks interested and vying for the position, and sometimes folks are very reluctant to make the commitment. In an effort to make it easier for folks to step up in both of those situations, we're making some changes to our steward process.

There are no changes to our bylaws, which includes:

- Members are eligible to become a steward if they have joined as regular members in good standing at least one year before their election, and have attended at least one general membership meeting in the preceding 12 months.
- Stewards are nominated to run in the election by themselves, a member of the group they represent, or the Executive Committee.
- Stewards are elected by a simple majority of the members of the group(s) they represent.
- If a steward fails to perform their duties the Executive Committee or a member of the group which the steward represents may recommend the replacement of the steward.

Moving forward:

- Stewards will be elected to their positions by the members they represent for three year terms. There is no limit to the number of terms a steward can serve.
- We'll be splitting our current steward cohort into three groups to stagger terms over the next three years.
- Steward elections will be concurrent with our spring General Membership Meeting.
- Elections will still be online: members who are not able to attend the meeting are still able to vote.
- If a steward has to step down before the end of their term, the Personnel Chair will conduct an election to replace them for the remainder of the term in accordance with our bylaws.

Before the election each spring, we'll host an information session to help members better understand the role and responsibilities of the steward position so you can decide if you're interested and able to fill the role. Start thinking about it now!

We haven't determined which stewards will be up for re-election this spring, but we'll keep you updated on this whole process as we move forward.

# Spring General Membership Meeting

**Wednesday April 17, 2024**

**TST Creative Catering / Ideal Hall,  
1494 Dale St N, Saint Paul**

5:30pm – Check-in and social time

6:00pm – Dinner – Fajita buffet

Cost: **FREE** for Members,  
**\$30** for Nonmembers  
(payable at the door)

Dinner will be a fajita buffet, including: chicken, beef, vegetarian black beans, fajita veggies, rice, refried beans, tortillas, all the fixings, dessert bars, and lemonade.

In your RSVP, please note if you are vegetarian or gluten-free so that we can plan accordingly.

PEA's General Membership Meetings are a time to connect with other members, talk to union leadership, hear about the current state of PEA, and learn more about opportunities available to our members.

Don't know anyone who will attending? Don't worry, we'll help you get connected and meet new people!



**RSVP by Friday April 5, 2024 to [sara.nurmela@ci.stpaul.mn.us](mailto:sara.nurmela@ci.stpaul.mn.us)**

**\*\* please note in your RSVP if you are vegetarian and/or gluten-free \*\***

To request accommodations or ask questions about accessibility, please include a note with your RSVP email to [sara.nurmela@ci.stpaul.mn.us](mailto:sara.nurmela@ci.stpaul.mn.us) to allow time to make arrangements if necessary.

Everyone represented by PEA can attend the dinner/meeting, but only members may vote and participate fully in PEA. If you are not a member, please consider becoming a member today so you can be an active participant in your Association. Attendance at a general membership in the previous year is a requirement to run for an elected position in PEA.

# Deferred Compensation Benefits

by Therese Matthias Scherbel, steward - Libraries & Kathleen Conger, City LMCHI rep  
edited by Sara Nurmela, Newsletter Editor & Vice President



## City Deferred Comp Info Session *(photo above)*

We had a very productive deferred compensation drop-in session at Rice Street Library on January 25 where we had 12 City staff stop in to get signed up and/or learn more about deferred compensation options from both MSRS and VOYA. Most staff were from PEA.

VOYA and MSRS are both very interested in offering another drop-in deferred comp info session again. If you missed this session and would like to have another chance, please let us know. And keep in mind, you do not need to wait for an in-person event to sign up – you can visit the retirement savings page on the City’s website to register or learn more on your own.

The new year is a great time to review your deferred compensation plan contributions, to make sure you are taking advantage of this benefit, and making adjustments if needed.

## What is a deferred compensation plan? (often referred to as ‘deferred comp’)

Deferred comp are funds taken out pre-tax that are withheld and paid at a future date – usually retirement.

Both the City and School District contracts have a dollar-for-dollar match for funds contributed to an eligible deferred comp plan. While you are making decisions about your other benefits, don’t forget to factor in deferred comp so you can maximize the match. This benefit is separate from and in addition to your pension, and you must opt in if you have not.

Keep in mind your deferred comp funds are taken out pre-tax. If you have not taken advantage of this benefit in the past, PEA encourages you to get signed up and maximize your benefits in 2024.

Note that the ceiling on deferred comp contributions is high: [\(\\$22,500 in 2023](#) for people under 50, & \$30,000 in 2023 for people over 50. This is much higher than IRA contributions which max out at \$6500/7500 a year.

[Retirement Topics 457b Contribution Limits | Internal Revenue Service \(irs.gov\)](#)

[Retirement Plans FAQs Regarding IRAs | Internal Revenue Service \(irs.gov\)](#)

How deferred comp works: If you elect to have \$10 taken from your earnings every paycheck to set aside for retirement, the City will contribute \$10 also, so that instead of having \$260 at the end of the year, you will have \$520 saved. Of course, if you take out more than \$10, the City will match it up to \$800 a year.

Deferred comp match is a negotiated benefit in both the SPPS and city contracts. For additional information about specific annual match amounts, and contact info for deferred comp plans, see the next page.

*Deferred Comp info continued on page 6*

## City

Can enroll at any time, employer dollar-for-dollar match kicks in after 1 year of service with the city.

### Deferred comp employer match amounts in current contract:

- Effective January 1, 2023: \$700/year
- Effective January 1, 2024: \$800/year (approx. \$31/paycheck)
- Effective January 1, 2025: \$900/year (approx. \$35/paycheck)

If you enroll at \$35/paycheck now, would not have to adjust again until next contract in 2026 to receive full match.

### Contacts for City deferred comp plans:

#### VOYA

Phone: 612-492-0209 or 612-8492-0213 or 800-525-4225

[VOYA website](#)

#### Minnesota Deferred Compensation Plan (MNDCP)

Phone: 877-457-6466

[Website](#)

Check the 2024 benefits book on Saint Paul Connect for additional information.

## School District - deferred comp info

### Deferred comp employer match amounts in current contract:

- \$1,250/year for employees hired before 2014 (approx. \$48/paycheck)
- \$1,450/year for employees hired during or after 2014 (approx. \$56/paycheck)

The district provides more info at <https://www.spps.org/Page/3506>.

### Contacts for School District deferred comp plans:

**Fidelity** offers a 403(b) plan. (Plan #51224) You can work directly with Fidelity or contact EFS Advisors to assist you with setting up a Fidelity account. EFS Advisors can be reached at: (952) 466-1665 Email: mattm@efsadvisors.com or you can connect with Fidelity directly at: 1 (800) 343-0860 [www.mysavingsatwork.com](http://www.mysavingsatwork.com)

**VOYA** (formerly ING) also offers a 403(b) plan. (Plan #666212) VOYA Portal for SPPS Employees Capital Street Financial Services assists employees with setting up a VOYA account. They can be reached at: (651) 665-4300 Capital Street Website: [www.capitalstreet.biz](http://www.capitalstreet.biz)

**MN Deferred Comp** offers a 457 plan. They also offer the option for after-tax deductions into a Roth 457 account. Please note that while MNDCP's forms ask you to indicate a percentage of pay or dollar amount that you wish to contribute, the District can only accept dollar amounts. MNDCP can be reached at: 1-877-457-6466 or 651-284-7723 MNDCP General Information [www.mndcplan.com](http://www.mndcplan.com)

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## Check Your Check

*Reprint from June 2019, by Mike Wilde, Legal Counsel*

Mistakes happen. If there is one recurring document in your working life that should be reviewed and saved it is your paystub. Trust is a good thing, but mistakes do happen.

Negotiated wage increases, step advancements, vacation accrual, sick time usage, insurance contributions, overtime credits and other economic benefits are all subject to change. But all of these dynamic variables are your personal responsibility. We can only guess at how many PEA members have unknowingly lost flexible spending funds, "comp time" earnings or matching deferred compensation (403(b) plan) contributions because they do not review their paycheck voucher.

Payroll errors are not addressed in PEA's labor contract with the City. However, our School District contract specifically determines how compensation errors are addressed in article 9.4. That provision references both underpayment and overpayment with consideration as to whether "the employee took reasonable preventative action by routinely reviewing the accuracy of his/her biweekly compensation." If PEA had to arbitrate a case like this on behalf of a City employee over significant errors, that individual could be held responsible for this same level of personal review.

In any case, these mistakes are easily corrected if detected early. Don't sell yourself short – Check Your Check – and save all your documents. Protect your earnings; they're worth it.

## **A Negotiated Win for City PEA Members' Safety – But we need your participation!**

When the City Negotiations Committee began our work of listening to our members one of the top priorities that emerged among members was workplace safety. We heard from members across departments and locations there were a variety of safety concerns that needed to be discussed. When we entered negotiations, we knew that we had to keep this priority as a must for members. It may not bring members financial gain, but we knew that was affecting members quality of life and work. Some of the safety concerns we heard from members included:

- Safety coming to and from workspaces
- Not feeling safe while at work
- Having to deal with clients/patrons that can be dangerous or items that can be dangerous
- Pest infestations
- Unequal application of policies regarding emergencies (weather, bomb threats, etc)

We raised many of these concerns during our contract talks and let it be known we needed action on these issues. We came to agree that addressing these issues would need a longer-term strategy than just our negotiations, so we agreed to create our new PEA member Safety LMC (Labor Management Committee). This safety LMC is in effect for the duration of our contract. The memorandum of agreement states we have 180 days to create this new committee. However, the sooner we are ready on our end; the sooner we can push the city to begin. We heard from many that issues were urgent, so we need to step up immediately to make this happen.

### **So what are our next steps and how can you help make this a success?**

We need those members who raised concerns to be a part of the LMC. We want members of different backgrounds/skills, departments, and locations so we can ensure we are representing the various concerns raised. The first steps of the LMC will be to determine when it meets, create policy for the committee, and establish pay status for time required to participate. These steps will establish the foundation for how this committee will be driven and what it can accomplish. The committee will focus on facility safety, safety training, hazardous material exposure and crisis intervention, but will not be limited to just those items.

I have committed to seeing this through and am willing to be a part of this committee; **now who among PEA members would like to serve with me?** Please email me your interest in the Safety LMC.

Sincerely,  
Patty Lammers  
City Negotiations Chair  
[patricia.lammers@ci.stpaul.mn.us](mailto:patricia.lammers@ci.stpaul.mn.us)



# Professional Employees Association

CITY OF SAINT PAUL & INDEPENDENT SCHOOL DISTRICT NO. 625

[www.peaonline.org](http://www.peaonline.org)

## Executive Committee

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## Staff & Others

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## Stewards

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