

MOTION TO AMEND ORDINANCE 18-009-O

BY COUNCILOR ANDERSON AND COUNCILOR VAN NETT:

We move to amend Ordinance 18-009 as follows (proposed amendment in red):

Section 1. That the Duluth City Code is hereby amended by adding following Chapter 29E to read as follows:

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Sec. 29E-2 Definitions.

For the purposes of this Chapter, the following terms shall be defined as follows:

(a) Calendar year. Calendar year means a consecutive twelve-month period as determined by an employer and may be based on an employee's employment anniversary date.

(b) City. City means the city of Duluth.

(c) Child. Child means Employee's biological, adopted or foster child.

(d) Domestic abuse. Domestic abuse has the meaning given in Minnesota Statutes Sec. 518B.01.

(e) Earned sick and safe time. Earned sick and safe time means leave, including paid time off and other paid-leave systems, paid at the same hourly rate as an employee earns from employment that may be used for the same purpose as prescribed in Sec. 29E-3.

(f) Employee. Employee means any person employed by an employer who performs work within the geographic boundaries of the city for more than 50 percent of the employee's working time in a 12-month period or is based in the city of Duluth and spends a substantial part of his or her time working in the city and does not spend more

than 50 percent of their work-time in a 12-month period in any other particular place. For the purposes of this chapter, employee does not include the following:

- (1) Independent contractors;
- (2) Student interns;
- (3) Any person entitled to benefits under or otherwise covered by the federal Railroad Unemployment Insurance Act, 45 U.S.C. Sections 351 et.seq.; and
- (4) Workers covered by a collective bargaining agreement.

(g) Employer. Employer means an individual, corporation, partnership, association, nonprofit organization or a group of persons who has 5 or more employees whether or not the employees work in the city. The number of employees is determined based on the average number of employees per week during the previous calendar year. Absent a contractual agreement stating otherwise, a temporary employee supplied by a staffing agency or similar entity shall be considered an employee of the staffing agency for all purposes of this chapter. For purposes of this chapter, employer does not include:

- (1) The United States government;
- (2) The state, including any officer, department, agency, authority institution, association, society, or other body of the state including the legislature and the judiciary; or
- (3) Any county or local government except the city of Duluth.

(h) Family member. Family member means employee's:

- (1) Child, adopted child, adult child, foster child; legal ward, or child for whom the employee is a legal guardian;
- (2) Spouse or domestic partner;

- (3) Sibling, stepsibling or foster sibling;
- (4) Parent, stepparent, mother-in-law, father-in-law; ~~and~~
- (5) Grandchild, foster grandchild, grandparent, step-grandparent- ; and
- (6) Any other individual related by blood or whose close association with

the employee is the equivalent of a family relationship.

(i) Safe time. Safe time means the need for time off under the circumstances described in Minnesota Statutes Section 181.9413(b).

(j) Student Intern. Student intern means an unpaid or paid student who is acquiring hands on training, work experience, or clinical training in connection to a course of study or higher education program for a limited period of time.

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