



# STATE OF MINNESOTA

## Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 15, 2008

The Honorable James Metzen  
President of the Senate  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
322 State Capitol Building  
Saint Paul, Minnesota 55155

Dear President Metzen:

I have vetoed and am returning Chapter 324, Senate File 1128, a bill that mandates expanded sick leave benefits.

The ability of working family members to assist in care-giving is increasingly important. Many private sector employers have largely acknowledged this position and have shifted away from the use of "sick leave" and moved toward granting "personal time" off, which is not limited to sickness and affords employees flexibility as to the reasons they take time off from work. This bill would not apply to such employers.

Most government employers, however, are not unilaterally free to move toward personal time policies. The terms and conditions of employment are established through collective bargaining between government employers and the employee unions. For public sector employers, sick leave and its usage should be left to the give and take of collective bargaining, not mandated by the state.

Local governments have opposed this bill because it is an unfunded mandate that expands sick leave benefits outside of the collective bargaining process. To the extent language in the bill sought to exempt employers, including the state or local governments, from full application of this bill's mandate, the language does not appear to achieve this result.

Sen. Metzen/SF1128

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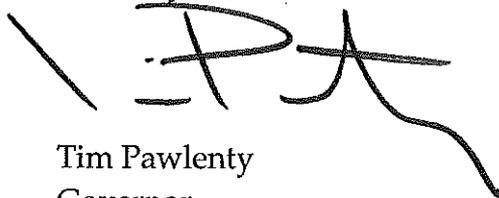
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State law generally trumps the provisions of policies or collective bargaining agreements. The attempt to preserve the terms of labor agreements from the requirements of this bill is limited to existing labor contracts. When the existing contracts expire, as they are required to under state law, the full mandates of this bill would apply. This would have a significant fiscal impact on the state and local governments. In addition, the existing contract terms are allowed to remain in effect only if they allow use of sick leave for each of the mandated categories set forth in the bill. Most existing contracts will not meet this narrow exemption and will be potentially subject to the full mandate of the bill. If this is not the intent of the bill, the language is poorly drafted.

The bill's application to the state would trigger additional costs at a time when our budget is already strained. The bill is also an unfunded mandate on local units of government, and it interferes with collective bargaining. Mandating increased costs on public entities such as school districts and local governments at this time is unwise.

For these reasons, I am vetoing this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Pawlenty', with a long, sweeping underline that extends to the right.

Tim Pawlenty  
Governor

Cc: Senator Lawrence J. Pogemiller, Majority Leader  
Senator David Senjem, Minority Leader  
Senator Sharon Erickson Ropes  
Representative Margaret Anderson Kelliher, Speaker of the House  
Representative Marty Seifert, Minority Leader  
Representative Neva Walker  
Mr. Patrick E. Flahaven, Secretary of the Senate  
Mr. Al Mathiowetz, Chief Clerk of the House of Representatives  
Mr. Mark Ritchie, Secretary of State