

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
UFCW LOCAL 1189
AND
DAMIANO OF DULUTH, INC.
(Earned Sick and Safe Time)

This Memorandum of Understanding (“MOU”) is made and entered into between Damiano of Duluth, Inc. (“Employer”) and UFCW Local 1189 (“Union”).

WHEREAS, Employer and Union are parties to a collective bargaining agreement effective July 1, 2023 to June 30, 2026 (“CBA”) governing certain employees of Employer;

WHEREAS, Minnesota Statute § 181.9445, *et. seq.*, effective January 1, 2024, establishes the right to Earned Sick and Safe Time; and

WHEREAS, the parties seek to recognize that right by amending the CBA.

NOW, THEREFORE, the parties agree to amend Article 6 of the CBA as follows:

**ARTICLE 6
SICK TIME**

6.1 Rate of Accumulation:

Employees who perform work for at least eighty (80) hours per year shall accrue one (1) hour of sick time for every thirty (30) hours worked.

6.2 Total Accumulation:

Sick time may be accumulated year to year up to a maximum of two hundred and forty (240) hours per employee.

6.3 Use:

Employees may use sick time as allowed under the Employer’s Earned Sick and Safe Time policy, to attend the funeral of an immediate family member, co-worker, or close friend, and for parental leave following the birth or adoption of a child.

6.4 Notification:


If the need for sick time is foreseeable (such as for a scheduled medical appointment), an employee must give their supervisor at least seven days’ advance written notice. If the need is not foreseeable, an employee must give their supervisor notice as soon as practicable, usually by calling in before the start of their shift. During the week (Monday through Friday), the employee shall give the notice to the supervisor’s office voice mail

phone number. Each supervisor shall advise their employees of the phone number to use for notices on weekends. When an employee uses sick leave for more than three (3) consecutive days, the Employer may require the employee to provide proof supporting the use of sick time.

6.5 Sharing:


Employees may share sick time with each other by utilizing a donated sick leave pool. The recipient must have exhausted their paid leave and must be experiencing a "medical emergency," which is defined as a medical condition of the employee, spouse, child (includes step-children), parent, grandparent, or spouse's parent or grandparent that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all available vacation and sick leave, apart from the leave sharing program. The loss of a spouse, child, or parent also falls under this definition. Sick leave must be donated in four (4) hour increments, subject to a maximum of **eight (8) hours per week per donor, with an annual limit of sixty-four (64) hours per donor.**

DAMIANO OF DULUTH, INC.
Duluth, Minnesota

By 
Seth Currier

Date 12/6/2023

UNITED FOOD & COMMERCIAL
WORKERS UNION, LOCAL 1189
Duluth, Minnesota

By 

Date 12-6-2023