

## HREEO ESST Case Timeline



Summary of main points:

- Total of 314 employees over 4 years
- Average hourly wage of employees is \$20.33.
- Respondent and their attorneys asked for 3 official extensions and HREEO has approved each request since the Notice of Investigation (NOI) was sent on 10/31/22.
- HREEO has asked for information from the Respondent 18 times and still have not received ALL information to date.
- Attorneys have sent a total of 15 emails refusing to provide all the information requested in the NOIs for the investigation.

Date	Action Taken
8/5/22	Inquiry from Complainant, ESST complaint submitted.
10/4/22	Investigator mailed complaint form to Complainant per their request.
10/31/22	NOI sent certified mail to Respondent, 11/30/22 deadline.
11/21/22	Respondent received NOI and asked for a 30-day extension.
11/28/24	Supervisor approved 30 days extension. Investigator emailed approval for 30 days to 12/30/22.
1/20/23	Attorney representing Respondent (R) requested to respond by 2/3/23.
1/23/23	Investigator scheduled a meeting with R's Attorney for 2/1/23.
2/3/23	<b>R's Attorney provided records to HREEO but left out contact information for employees.</b>
2/21/23	Investigator spoke with 2 <sup>nd</sup> complainant who did not have the ability to use PTO.
3/21/23	Investigator amended NOI and attached letter from CAO's office. Deadline 4/19/23.
4/19/23	<b>R's Attorney asked for complainant's information.</b>
4/25/23	Investigator responded about why we are unable to release complainant's information.
4/28/23	R's Attorney asked for another week to get the information we requested in the NOI.
4/28/23	Supervisor approved 1 week extension. Final extension to 5/5/23.
5/5/23	<b>R's Attorney provides some data but leaves out contact information for employees.</b>
11/1/23	New investigator takes over case and requests missing information: 1.) total number of hours an employee worked in the year, 2.) their hourly rate of pay, 3.) their PTO and ESST balances, and 4.) their PTO and ESST paid amounts in 2021, 2022, and early 2023. Asks for employee contact information again. Gives 11/13/23 deadline.
12/14/23	Investigator follows up after no response from R's Attorney.
12/15/23	<b>R's Attorney responded with same information to 1<sup>st</sup> investigator. Said "I understand that you are requesting that the spreadsheet format be modified in order to assist you, but we respectfully decline to do so... We decline to provide phone numbers ..."</b>
1/18/24	Investigator emailed R's Attorney requesting meeting with Respondent.

## Caremate Case

The MN Court of Appeals record shows that a petition was submitted on 3/17/2023 that asked the Court to overturn HREEO's determination in the case that the Respondent failed to allow their employees access to ESST.

On 01/29/2024, the MN Court of Appeals upheld HREEO's determination in the Caremate case.

Upholding the determination confirmed the backpay due and affirmed the Department's capacity to investigate and enforce the City's own ordinances.

Complaint filed in July 2020, 114 employees, average hourly rate \$11.56. Total backpay owed \$32,942.15. Finally paid to employees Fall 2024.

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1/19/24	R's Attorney agreed to meeting. Asked for agenda, questions, and objectives.
1/23/24	Investigator emailed and explained reason for the meeting and provided meeting dates.
1/24/24	R's Attorney questioned the reason for meeting and stated we are in violation of ordinance for keeping allegations a secret. "Employer will not agree to be questioned about allegations that you are keeping a secret... we are not inclined to grant a request for a meeting that you are not asserting is required under your ordinance."
1/29/24	Supervisor responded to provide ordinance reasons as to why they need to participate in the meeting.
1/29/24	R's Attorney responded to stated that they are willing to meet and stated that Respondent is not doing anything wrong. "Although Summit does not believe it has wrongfully withheld ESST from any of its employees."
2/2/24	Investigator sent list of dates for meeting with Respondent.
2/2/24	Attorney asked for HREEO to layout questions for meeting.
2/23/24	Investigator sent list of questions for Respondent, 3/8/24 deadline.
2/29/24	R's Attorney stated most of the questions appear to extend beyond the scope of the complaint and asked for Investigator to send statutory authority.
3/5/24	Investigator emailed R's Attorney with ordinance authority regarding for the list of questions.
3/13/24	R's Attorney asked to refer this matter to the CAO and requested a copy of the ESST Administrative Rules.
3/21/24	New investigator takes over case and provided ESST rules.
3/27/24	Investigator calculates potential backpay for Respondent.
6/24/24	Department notified of new attorney representing the Respondent.
7/11/24	Supervisor responded to R's 2 <sup>nd</sup> Attorney with missing information that was not given to us from 1 <sup>st</sup> Attorney, 7/25/24 deadline
7/29/24	Supervisor followed up since it had been 2 weeks and missed deadline.
7/30/24	R's 2 <sup>nd</sup> Attorney responded they will email the next day.
7/31/24	R's 2 <sup>nd</sup> Attorney said they will respond by 8/9/24.
8/9/24	R's 2 <sup>nd</sup> Attorney provided some records and said they will send more the following week. Department still missing employee contact information.
8/16/24	Deputy Director emailed R's 2 <sup>nd</sup> Attorney about missing information, established 8/23/24 deadline.
8/23/24	R's 2 <sup>nd</sup> Attorney emailed more records to review but still did not send the requested employee contact information.
9/16/24	Investigator emailed R's 2 <sup>nd</sup> Attorney to ask for employee interviews with a list of 10 employees.
9/20/24	R's 2 <sup>nd</sup> Attorney emailed that they don't understand why we need employee interviews.
10/1/24	Deputy Director responds about why employee interviews are important in investigations.
10/14/24	R's 2 <sup>nd</sup> Attorney Firm Partner emailed and said they want to work towards a solution and will respond in a week.
10/18/24	R's 2 <sup>nd</sup> Attorney had schedule conflicts and emailed, saying they will respond next week.
10/23/24	R's 2 <sup>nd</sup> Attorney asked for available interview dates and times.
10/23/24	Investigator responded with dates and times for employee interviews.
10/31/24	R's 2 <sup>nd</sup> Attorney provided 2 employees for interviews.
11/4/24	2 Employee interviews are conducted by investigator with R's Attorney present.
12/4/24	R's 2 <sup>nd</sup> Attorney requests blocked time for more employee interviews and notified investigator that 3 of the employees no longer work for Respondent.
12/5/24	Investigator asked for the contact information for the 3 individuals no longer working with the Respondent.
12/5/24	R's 2 <sup>nd</sup> Attorney asked to schedule interviews on 12/20/24.
12/22/24	Investigator asked of R's Attorney still wanted time held on 12/20/24.