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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4355

03/17/2022

Authored by Noor

The bill was read for the first time and referred to the Committee on Workforce and Business Development Finance and Policy

1.1 A bill for an act

1.2 relating to state government; making supplemental appropriations for the

1.3 Department of Employment and Economic Development, Workers' Compensation

1.4 Court of Appeals, and Bureau of Mediation Services; modifying Department of

1.5 Employment and Economic Development policy provisions; replenishing the

1.6 unemployment insurance trust fund; establishing paid family and medical benefits;

1.7 establishing grant programs; amending Minnesota Statutes 2020, sections 13.719,

1.8 by adding a subdivision; 116J.55, subdivision 6; 116J.552, subdivision 6;

1.9 116J.8747; 116J.8770; 116J.993, subdivision 3; 116L.04, subdivision 1a; 116L.17,

1.10 subdivision 1; 116L.98, subdivisions 2, 3; 177.27, subdivision 4; 181.032; 256J.561,

1.11 by adding a subdivision; 256J.95, subdivisions 3, 11; 268.19, subdivision 1;

1.12 Minnesota Statutes 2021 Supplement, section 256P.01, subdivision 3; Laws 2019,

1.13 First Special Session chapter 7, article 2, section 8, as amended; proposing coding

1.14 for new law in Minnesota Statutes, chapter 116J; proposing coding for new law

1.15 as Minnesota Statutes, chapter 268B.

1.16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.17 **ARTICLE 1**

1.18 **APPROPRIATIONS**

1.19 Section 1. **APPROPRIATIONS.**

1.20 The sums shown in the columns under "Appropriations" are added to the appropriations

1.21 in Laws 2021, First Special Session chapter 10, or other law to the specified agencies. The

1.22 appropriations are from the general fund, or another named fund, and are available for the

1.23 fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article

1.24 mean that the appropriations listed under them are available for the fiscal year ending June

1.25 30, 2022, or June 30, 2023, respectively. Appropriations for the fiscal year ending June 30,

1.26 2022, are effective the day following final enactment.

1.27 **APPROPRIATIONS**

1.28 **Available for the Year**

2.1	<u>Ending June 30</u>	
2.2	<u>2022</u>	<u>2023</u>
2.3 2.4	<b><u>Sec. 2. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT</u></b>	
2.5	<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$ -0- \$ 134,007,000</u></b>
2.6 2.7 2.8	<u>The amounts that may be spent for each purpose are specified in the following subdivisions.</u>	
2.9	<b><u>Subd. 2. Business and Community Development</u></b>	<b><u>-0- 87,537,000</u></b>
2.10 2.11 2.12 2.13 2.14 2.15	<u>(a) \$50,000,000 in fiscal year 2023 is for nonprofit relief grants. Of the total amount, half is for eligible nonprofits in the seven-county metropolitan area and half is for eligible nonprofits outside the seven-county metropolitan area.</u>	
2.16	<u>(b) Of this amount, up to:</u>	
2.17 2.18 2.19	<u>(1) \$100,000 is for the commissioner of employment and economic development to administer the program;</u>	
2.20 2.21 2.22 2.23 2.24	<u>(2) \$49,900,000 is to the Saint Paul &amp; Minnesota Foundation and the six Minnesota Initiative Foundations to support distribution of money as a result of the randomized selection process; and</u>	
2.25 2.26 2.27 2.28 2.29 2.30 2.31 2.32 2.33 2.34	<u>(3) up to five percent may be used by the organizations in clause (2) for administrative costs incurred to administer the program. Thirty percent of allowable administrative expenses must be made available to the organizations in clause (2) on July 1, 2022, to ensure those organizations have the infrastructure and staffing in place to efficiently administer this program. The schedule for payment of the remaining</u>	

3.1 allowable administrative expenses must be  
3.2 determined by the commissioner of  
3.3 employment and economic development in  
3.4 consultation with the organizations under  
3.5 clause (2).

3.6 (c) \$5,000,000 in fiscal year 2023 is for  
3.7 Launch Minnesota. This appropriation is  
3.8 available until June 30, 2025. Of this amount:

3.9 (1) \$1,500,000 is for innovation grants to  
3.10 eligible Minnesota entrepreneurs or start-up  
3.11 businesses to assist with their operating needs;

3.12 (2) \$500,000 is available for administration  
3.13 of Launch Minnesota; and

3.14 (3) \$3,000,000 is for the business acceleration  
3.15 program grantee activities under Laws 2019,  
3.16 First Special Session chapter 7, article 2,  
3.17 section 8, subdivision 7a.

3.18 (d) \$20,000,000 in fiscal year 2023 is for the  
3.19 electric vehicle and charging infrastructure  
3.20 grants in article 2, section 7. This  
3.21 appropriation is onetime and is available until  
3.22 June 30, 2024. Of this amount:

3.23 (1) \$17,500,000 is available for electric  
3.24 vehicle grants;

3.25 (2) \$2,000,000 is available for fast charging  
3.26 infrastructure, half of the awards must be made  
3.27 in greater Minnesota as defined in Minnesota  
3.28 Statutes, section 473.121, subdivision 2; and

3.29 (3) up to \$500,000 may be used by the  
3.30 commissioner for administration of the grant  
3.31 program.

3.32 (e) \$2,500,000 in fiscal year 2023 is for  
3.33 deposit in the community energy transition

4.1 account established in Minnesota Statutes,  
 4.2 section 116J.55, subdivision 3. This is a  
 4.3 onetime appropriation and is available until  
 4.4 June 30, 2024.

4.5 (f) \$470,000 in fiscal year 2023 is for activities  
 4.6 associated with the office for new Americans  
 4.7 in Minnesota Statutes, section 116J.4231.

4.8 (g) \$255,000 in fiscal year 2023 is for the  
 4.9 ombudsperson for the safety, health, and  
 4.10 well-being of agricultural and food processing  
 4.11 workers under Minnesota Statutes, section  
 4.12 116J.4222.

4.13 (h) \$252,000 in fiscal year 2023 is for the  
 4.14 agricultural worker wellness committee under  
 4.15 Minnesota Statutes, section 116J.4224.

4.16 (i) \$250,000 in fiscal year 2023 is for staffing  
 4.17 and administrative costs for the Business  
 4.18 Vitality Council which assists state agencies  
 4.19 in the planning process to address large issues  
 4.20 facing Minnesota. This is a onetime  
 4.21 appropriation and money is available until  
 4.22 June 30, 2024.

4.23 (j) \$4,280,000 in fiscal year 2023 is for a  
 4.24 Minnesota Marketing Campaign to market the  
 4.25 state of Minnesota to businesses and potential  
 4.26 workers. This is a onetime appropriation and  
 4.27 money is available until June 30, 2024. Of this  
 4.28 amount, up to five percent is for administration  
 4.29 and monitoring of the program.

4.30 **Subd. 3. Employment and Training Programs** -0- 46,470,000

4.31 (a) \$8,000,000 in fiscal year 2023 is for a  
 4.32 competitive clean tech workforce training  
 4.33 grant program to train, retrain, and upskill  
 4.34 workers to meet the growing needs of the

5.1 clean technology industries. This is a onetime  
5.2 appropriation and money is available until  
5.3 June 30, 2024. Of this amount, up to five  
5.4 percent is for administration and monitoring  
5.5 of the program split proportionally between  
5.6 the Department of Employment and Economic  
5.7 Development and the Department of  
5.8 Commerce. Grant money for the clean tech  
5.9 workforce training grant program must be used  
5.10 to:  
5.11 (1) provide job training and wraparound  
5.12 support services for adults in careers in clean  
5.13 technology; and  
5.14 (2) support outreach activities to businesses  
5.15 to create pathways for employment for  
5.16 participants.  
5.17 Programs and services supported by grant  
5.18 money must give priority to individuals and  
5.19 groups that are economically disadvantaged  
5.20 or historically underrepresented in clean  
5.21 technology, including but not limited to  
5.22 women, veterans, and members of minority  
5.23 and immigrant groups.  
5.24 Of this amount, \$6,000,000 is for transfer to  
5.25 the Department of Commerce to expand the  
5.26 energy efficiency workforce pool.  
5.27 (b) \$15,000,000 in fiscal year 2023 is for a  
5.28 youth technology competitive training grant  
5.29 program to prepare Black, Indigenous, people  
5.30 of color, and women to meet the growing labor  
5.31 needs in Minnesota's technology industry. This  
5.32 is a onetime appropriation and money is  
5.33 available until June 30, 2024. Of this amount,  
5.34 up to five percent is for administration and

6.1 monitoring of the program. The base for this  
6.2 program is \$10,060,000 in fiscal year 2024,  
6.3 \$7,500,000 in fiscal year 2025, and \$0 in fiscal  
6.4 year 2026. Grant money must be used to:

6.5 (1) provide career education, wraparound  
6.6 support services, and job skills training for  
6.7 high school aged youth in the technology  
6.8 industry;

6.9 (2) increase the number of summer internship  
6.10 opportunities in the technology industry;

6.11 (3) support outreach activities to businesses  
6.12 and to create pathways for employment and  
6.13 internships for youth in the technology  
6.14 industry; and

6.15 (4) increase the number of young adults  
6.16 employed in the technology industry and  
6.17 ensure that they reflect Minnesota's diverse  
6.18 workforce.

6.19 Programs and services supported by grant  
6.20 money must give priority to individuals and  
6.21 groups that are economically disadvantaged  
6.22 or historically underrepresented in the  
6.23 technology industry; including but not limited  
6.24 to women, veterans, and members of minority  
6.25 and immigrant groups.

6.26 (c) \$13,000,000 in fiscal year 2023 is for an  
6.27 adult technology competitive training grant  
6.28 program to prepare Black, indigenous, people  
6.29 of color, and women to meet the growing labor  
6.30 needs in Minnesota's technology industry. The  
6.31 base for this program is \$10,000,000 in fiscal  
6.32 year 2024 and \$7,500,000 in fiscal year 2025.  
6.33 Fifty percent of grant money must go to  
6.34 communities located outside the seven-county

7.1 metropolitan area as defined in Minnesota  
7.2 Statutes, section 473.121, subdivision 2. This  
7.3 is a onetime appropriation and money is  
7.4 available until June 30, 2024. Of this amount,  
7.5 up to five percent is for administration and  
7.6 monitoring of the program. Grant money must  
7.7 be used to:

7.8 (1) provide jobs skills, wraparound support  
7.9 services, and training for adults in the  
7.10 technology industry;

7.11 (2) support outreach activities to business to  
7.12 create pathways for employment for  
7.13 participants in the technology industry; and

7.14 (3) increase the number of adults employed  
7.15 in the technology industry and ensure that the  
7.16 reflect Minnesota's diverse workforce.

7.17 Programs and services supported by grant  
7.18 money must give priority to individuals and  
7.19 groups that are economically disadvantaged  
7.20 or historically underrepresented in the  
7.21 technology industry, including but not limited  
7.22 to women, veterans, and members of minority  
7.23 and immigrant groups. This is a onetime  
7.24 appropriation and money is available until  
7.25 June 30, 2024.

7.26 (d) \$15,000,000 in fiscal year 2023 is for a  
7.27 workforce modernization project to improve  
7.28 the workforce development digital system to  
7.29 provide greater customer service to job seekers  
7.30 and employers looking to hire. Money must  
7.31 be used for predevelopment and development  
7.32 costs of software, digital infrastructure, and  
7.33 implementation as well as associated staffing  
7.34 costs to develop these systems. This is a

8.1 onetime appropriation and money is available  
8.2 until June 30, 2030.

8.3 **Sec. 3. WORKERS' COMPENSATION COURT**  
8.4 **OF APPEALS**

\$

\$

**300,000**

8.5 (a) This appropriation is from the workers'  
8.6 compensation fund.

8.7 (b) Of this amount, \$100,000 is for  
8.8 rulemaking. This appropriation is onetime.

8.9 (c) In fiscal years 2024 and 2025, \$200,000 is  
8.10 added to the agency's base.

8.11 **Sec. 4. BUREAU OF MEDIATION SERVICES**

\$

**400,000**

8.12 This appropriation is for purposes of the  
8.13 Public Employment Relations Board under  
8.14 Minnesota Statutes, section 179A.041. In  
8.15 fiscal years 2024 and 2025, the base is  
8.16 \$525,000.

8.17 Sec. 5. Laws 2019, First Special Session chapter 7, article 2, section 8, as amended by  
8.18 Laws 2021, First Special Session chapter 10, article 2, section 19, is amended by adding a  
8.19 subdivision to read:

8.20 Subd. 7a. **Business acceleration program.** Launch Minnesota shall establish a  
8.21 competitive grant program to accelerate high-growth innovative businesses in economic  
8.22 sectors including but not limited to health care, clean energy, food and agriculture, fintech,  
8.23 and software and information technology to create pathways for businesses to access industry  
8.24 expertise, technical assistance, and coordinated resources and funding in order to significantly  
8.25 scale their operations in Minnesota. The commissioner shall develop standards for grant  
8.26 applications and awards and shall develop procedures for administration of the program.  
8.27 These standards and procedures are exempt from rulemaking under chapter 14.

8.28 **Sec. 6. PUBLIC EMPLOYMENT RELATIONS BOARD.**

8.29 Notwithstanding any other law to the contrary, Laws 2014, chapter 211, sections 1 to 3  
8.30 and 6 to 11, as amended by Laws 2015, First Special Session chapter 1, article 7, section  
8.31 1; Laws 2016, chapter 189, article 7, section 42; Laws 2017, chapter 94, article 12, section  
8.32 1; and Laws 2021, First Special Session chapter 10, article 3, section 19, are effective the



9.1 day following final enactment and apply to any claims brought on or after that date. From  
9.2 July 1, 2021, until the day following final enactment, the district court of the county in  
9.3 which the practice is alleged to have occurred retains jurisdiction over any action by any  
9.4 employee, employer, employee or employer organization, exclusive representative, or any  
9.5 other person or organization aggrieved by an unfair labor practice as defined in Minnesota  
9.6 Statutes, section 179A.13.

9.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.8 **ARTICLE 2**  
9.9 **DEED POLICY**

9.10 Section 1. **[116J.015] EXPIRATION OF REPORT MANDATES.**

9.11 (a) If the submission of a report by the commissioner of employment and economic  
9.12 development to the legislature is mandated by statute and the enabling legislation does not  
9.13 include a date for the submission of a final report, the mandate to submit the report expires  
9.14 according to this section.

9.15 (b) If the mandate requires the submission of an annual report and the mandate was  
9.16 enacted before January 1, 2021, the mandate expires January 1, 2023. If the mandate requires  
9.17 the submission of a biennial or less frequent report and the mandate was enacted before  
9.18 January 1, 2021, the mandate expires January 1, 2024.

9.19 (c) Any reporting mandate enacted on or after January 1, 2021, expires three years after  
9.20 the date of enactment if the mandate requires the submission of an annual report and expires  
9.21 five years after the date of enactment if the mandate requires the submission of a biennial  
9.22 or less frequent report unless the enacting legislation provides for a different expiration  
9.23 date.

9.24 (d) The commissioner shall submit to the chairs and ranking minority members of the  
9.25 legislative committees with jurisdiction over employment and economic development by  
9.26 February 15 of each year, beginning February 15, 2022, a list of all reports set to expire  
9.27 during the following calendar year according to this section.

9.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.1 Sec. 2. [116J.4222] OMBUDSPERSON FOR THE SAFETY, HEALTH, AND  
10.2 WELL-BEING OF AGRICULTURAL AND FOOD PROCESSING WORKERS.

10.3 Subdivision 1. Definitions. (a) "Food processing" has the meaning given in section  
10.4 181.635, subdivision 1, paragraph (d). Additionally, for the purpose of this section and  
10.5 section 116J.4223, the term food processing includes meatpacking and poultry processing.

10.6 (b) "Agricultural work" is defined broadly to include, but is not limited to, farming in  
10.7 all its branches including: dairy work; the field production, cultivation, growing, and  
10.8 harvesting of any agricultural or horticultural commodity; and the raising of livestock, bees,  
10.9 fur-bearing animals, and poultry.

10.10 Subd. 2. Appointment. The governor shall appoint an ombudsperson for the safety,  
10.11 health, and well-being of agricultural and food processing workers. The person shall serve  
10.12 in the unclassified service to assist agricultural and food processing workers with housing,  
10.13 workplace safety, fair labor standards, and other challenges. The ombudsperson must be  
10.14 selected without regard to the person's political affiliation. The ombudsperson shall serve  
10.15 a term of four years, which may be renewed, and may be removed prior to the end of the  
10.16 term for just cause.

10.17 Subd. 3. Qualifications. The ombudsperson must be highly competent and qualified to  
10.18 analyze questions of law, administration, and public policy regarding the safety, health, and  
10.19 well-being of agricultural and food processing workers. The ombudsperson must have  
10.20 knowledge and experience in the fields of workplace safety, housing, and fair labor standards.  
10.21 The ombudsperson must be familiar with governmental entities and their roles, interpretation  
10.22 of laws and regulations, record keeping, report writing, public speaking, and management.  
10.23 In addition, the ombudsperson must have experience working with agricultural and food  
10.24 processing workers, and must be knowledgeable about the needs and experiences of those  
10.25 communities. No individual may serve as the ombudsperson for the safety, health, and  
10.26 well-being of agricultural and food processing workers while running for or holding any  
10.27 other public office. The ombudsperson must speak fluently in a language in addition to  
10.28 English that is commonly used by agricultural and food processing workers.

10.29 Subd. 4. Duties. (a) The ombudsperson's duties shall include, but are not limited to, the  
10.30 following:

10.31 (1) creating and collecting educational materials in relevant languages to orient  
10.32 agricultural and food processing workers about their rights under Minnesota laws and rules  
10.33 and state services available to them;

11.1 (2) outreach to agricultural and food processing stakeholders, including workers and  
11.2 employers, to inform them of the services of the office in order to support workers in  
11.3 navigating their concerns;

11.4 (3) acting as a member of the Minnesota Migrant Services Consortium and having a  
11.5 formal relationship with any other relevant and appropriate state committees, work groups,  
11.6 or task forces engaged in work related to agricultural and food processing workers;

11.7 (4) coordinating across state agencies to develop strategies to better assist agricultural  
11.8 and food processing workers;

11.9 (5) providing recommendations to state agencies for coordinated communication strategies  
11.10 to promote workplace safety, adequate housing, fair labor standards, and other issues for  
11.11 agricultural and food processing workers;

11.12 (6) offering accessible methods of contact including telephone, text, and virtual  
11.13 communication platforms to answer questions, receive complaints, and discuss agency  
11.14 actions with agricultural stakeholders; and

11.15 (7) addressing complaints and requests for assistance related to workplace safety, housing,  
11.16 labor standards, and other concerns by supporting agricultural stakeholders in navigating  
11.17 regulatory authorities.

11.18 (b) The ombudsperson must report to the commissioner annually by December 31 on  
11.19 the services provided by the ombudsperson to agricultural and food processing workers,  
11.20 including the number of stakeholders served and the activities of the ombudsperson in  
11.21 carrying out the duties under this section. The commissioner shall determine the form of  
11.22 the report and may specify additional reporting requirements.

11.23 Subd. 5. **Complaints.** The ombudsperson may receive a complaint from any source  
11.24 concerning an action of an agency, facility, or program. After completing a review, the  
11.25 ombudsperson shall inform the complainant, agency, facility, or program.

11.26 Subd. 6. **Access to records.** (a) The ombudsperson or designee, excluding volunteers,  
11.27 has access to any data of a state agency necessary for the discharge of the ombudsperson's  
11.28 duties, including records classified as confidential data on individuals or private data on  
11.29 individuals under chapter 13 or any other law. The ombudsperson's data request must relate  
11.30 to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an  
11.31 individual, the ombudsperson or designee shall first obtain the individual's consent. If the  
11.32 individual is unable to consent and has no parent or legal guardian, then the ombudsperson's  
11.33 or designee's access to the data is authorized by this section.

12.1 (b) The ombudsperson and designee must adhere to chapter 13 and must not disseminate  
 12.2 any private or confidential data on individuals unless specifically authorized by state, local,  
 12.3 or federal law or pursuant to a court order.

12.4 Subd. 7. **Staff support.** The ombudsperson may appoint and compensate out of available  
 12.5 funds a confidential secretary in the unclassified service as authorized by law. The  
 12.6 ombudsperson and the ombudsperson's full-time staff are members of the Minnesota State  
 12.7 Retirement Association. The ombudsperson may delegate to staff members any authority  
 12.8 or duties of the office, except the duty to provide reports to the governor, commissioner, or  
 12.9 the legislature.

12.10 Subd. 8. **Independence of action.** In carrying out the duties under this section, the  
 12.11 ombudsperson may provide testimony to the legislature, make periodic reports to the  
 12.12 legislature, and address areas of concern to agricultural and food processing workers.

12.13 Subd. 9. **Civil actions.** The ombudsperson and designees are not civilly liable for any  
 12.14 action taken under this section if the action was taken in good faith, was within the scope  
 12.15 of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

12.16 Subd. 10. **Posting.** (a) The commissioners of employment and economic development,  
 12.17 labor and industry, health, administration, and human rights shall post on their departments'  
 12.18 websites, the mailing address, e-mail address, and telephone number for the ombudsperson's  
 12.19 office. The commissioners shall provide agricultural stakeholders with the mailing address,  
 12.20 e-mail address, and telephone number of the ombudsperson's office upon request.  
 12.21 Departmental programs or contractors providing services to agricultural stakeholders must  
 12.22 provide those stakeholders with the mailing address, e-mail address, and telephone number  
 12.23 of the ombudsperson's office upon request.

12.24 (b) The ombudsperson must approve all postings and notices required by the departments  
 12.25 and counties under this subdivision.

12.26 Sec. 3. **[116J.4224] AGRICULTURAL WORKER WELLNESS COMMITTEE.**

12.27 Subdivision 1. **Agricultural worker wellness committee established.** The Agricultural  
 12.28 Worker Wellness Committee is established to carry out the work of the committee established  
 12.29 by the governor's Executive Order No. 21-14. The commissioner of employment and  
 12.30 economic development shall hire two full-time equivalent staff to support the committee.

12.31 Subd. 2. **Definitions.** For the purposes of this section "food processing" and "agricultural  
 12.32 work" have the meanings under section 116J.4223, subdivision 1.

13.1 Subd. 3. **Membership.** (a) The committee shall consist of up to 21 voting members who  
 13.2 shall serve three-year terms including, at a minimum:

13.3 (1) the commissioners of: employment and economic development, labor and industry,  
 13.4 agriculture, health, and housing finance, or their designees; and

13.5 (2) the following members appointed by the governor:

13.6 (i) one representative from the Migrant Services Consortium;

13.7 (ii) three representatives of agricultural employers;

13.8 (iii) three at-large representatives from geographic regions of the state dependent on the  
 13.9 agricultural sector;

13.10 (iv) three representatives of community-based organizations with expertise in agricultural  
 13.11 workers and communities; and

13.12 (v) three union representatives.

13.13 (b) Other commissioners or their designees not named in paragraph (a), clause (1), may  
 13.14 serve on the board as nonvoting members.

13.15 Subd. 4. **Membership terms; compensation.** (a) The governor shall make initial  
 13.16 appointments to the board by October 1, 2022. Initial appointments shall serve staggered  
 13.17 terms of three years or as determined by the secretary of state.

13.18 (b) Members shall be compensated as provided in section 15.0575, subdivision 3.

13.19 Subd. 5. **Chairs; other officers.** The commissioners of agriculture and employment and  
 13.20 economic development or their designees shall serve as co-chairs of the committee. The  
 13.21 committee may elect other officers as necessary from its members.

13.22 Subd. 6. **Committee responsibilities.** The committee shall:

13.23 (1) analyze and recommend policies to address housing, workplace safety, and fair labor  
 13.24 issues faced by migrant, food processing, and meatpacking agricultural workers;

13.25 (2) serve as an ongoing forum for the stakeholder groups represented on the committee  
 13.26 and coordinate state, local, and private partners' collaborative work to maintain a healthy  
 13.27 and equitable agricultural and food processing industry which is foundational to Minnesota's  
 13.28 economy; and

13.29 (3) coordinate and support pandemic response and public health initiatives as they affect  
 13.30 agricultural and food processing workers in upcoming growing, harvesting, and processing  
 13.31 seasons.

14.1 Subd. 7. Central inventory of reports and analyses on agricultural and food  
 14.2 processing workers. Within available appropriations and in collaboration with stakeholders,  
 14.3 the committee shall work to establish a central inventory of data reports and analyses  
 14.4 regarding agricultural and food processing workers, including demographic information  
 14.5 and definitions of agricultural and food processing workers to help policymakers in state  
 14.6 and local government agencies, stakeholders, and the public to understand the population  
 14.7 needs and assets and to advance state and local initiatives.

14.8 Subd. 8. Reports to legislature and governor. The committee shall present to the  
 14.9 governor and chairs and ranking minority members of the legislative committees with  
 14.10 jurisdiction over economic development and agriculture an annual work plan and report  
 14.11 regarding its accomplishments. Measurements of success must include tracking:

14.12 (1) stakeholder engagement;

14.13 (2) efficient and effective response to pandemic or other disruptions of growing,  
 14.14 harvesting, and processing seasons;

14.15 (3) increased coordination among governmental, employer, and advocacy organizations  
 14.16 connected to the agricultural and food processing industry; and

14.17 (4) advancement of recommendations that strengthen the industry.

14.18 **Sec. 4. [116J.4231] OFFICE OF NEW AMERICANS.**

14.19 Subdivision 1. Office established; purpose. (a) The Office of New Americans is  
 14.20 established within the Department of Employment and Economic Development. The governor  
 14.21 must appoint an executive director who serves in the unclassified service. The executive  
 14.22 director must hire a program manager and an office assistant, as well as any staff necessary  
 14.23 to carry out the office's duties under subdivision 2.

14.24 (b) The purpose of the office is to serve immigrants and refugees in Minnesota by:

14.25 (1) addressing challenges that face immigrants and refugees in Minnesota, and creating  
 14.26 access in economic development and workforce programs and services;

14.27 (2) providing interstate agency coordination, policy reviews, and guidance that assist in  
 14.28 creating access to immigrants and refugees.

14.29 Subd. 2. Duties. (a) The office has the duty to:

14.30 (1) create and implement a statewide strategy to support immigrant and refugee integration  
 14.31 into Minnesota communities;

- 15.1 (2) address the state's workforce needs by connecting employers and job seekers within  
15.2 the immigrant and refugee community;
- 15.3 (3) identify strategies to reduce employment barriers for immigrants and refugees;
- 15.4 (4) ensure equitable opportunities and access to services within state government for  
15.5 immigrants and refugees;
- 15.6 (5) work with state agencies and community and foundation partners to undertake studies  
15.7 and research and analyze economic and demographic trends to better understand and serve  
15.8 the state's immigrant and refugee communities;
- 15.9 (6) coordinate and establish best practices for language access initiatives to all state  
15.10 agencies;
- 15.11 (7) convene stakeholders and make policy recommendations to the governor on issues  
15.12 impacting immigrants and refugees;
- 15.13 (8) promulgate rules necessary to implement and effectuate this section;
- 15.14 (9) provide an annual report, as required by subdivision 3;
- 15.15 (10) perform any other activities consistent with the office's purpose.
- 15.16 Subd. 3. **Reporting.** (a) Beginning January 15, 2024, and each year thereafter, the Office  
15.17 of New Americans shall report to the legislative committees with jurisdiction over the  
15.18 office's activities during the previous year.
- 15.19 (b) The report shall contain, at a minimum:
- 15.20 (1) a summary of the office's activities;
- 15.21 (2) suggested policies, incentives, and legislation designed to accelerate the achievement  
15.22 of the duties under subdivision 2;
- 15.23 (3) any proposed legislative and policy initiatives;
- 15.24 (4) the amount and types of grants awarded under subdivision 6; and
- 15.25 (5) any other information deemed necessary and requested by the legislative committees  
15.26 with jurisdiction over the office.
- 15.27 (c) The report may be submitted electronically and is subject to section 3.195, subdivision  
15.28 1.

16.1 Subd. 4. Interdepartmental Coordinating Council on Immigrant and Refugee  
16.2 Affairs. (a) An interdepartmental Coordinating Council on Immigrant and Refugee Affairs  
16.3 is established to advise the Office of New Americans.

16.4 (b) The purpose of the council is to identify and establish ways in which state departments  
16.5 and agencies can work together to deliver state programs and services effectively and  
16.6 efficiently to Minnesota's immigrant and refugee populations. The council shall implement  
16.7 policies, procedures, and programs requested by the governor through the state departments  
16.8 and offices.

16.9 (c) The council shall be chaired by the executive director of the Office of New Americans  
16.10 and shall be comprised of the commissioners, department directors, or designees, from the  
16.11 following state departments and offices:

16.12 (1) the governor's office;

16.13 (2) the Department of Administration;

16.14 (3) the Department of Employment and Economic Development;

16.15 (4) the Department of Human Services;

16.16 (5) the Department of Human Services Resettlement Program Office;

16.17 (6) the Department of Labor and Industry;

16.18 (7) the Department of Health;

16.19 (8) the Department of Education;

16.20 (9) the Office of Higher Education;

16.21 (10) the Department of Public Safety;

16.22 (11) the Department of Corrections; and

16.23 (12) the Office of New Americans.

16.24 (d) Each department or office serving as a member of the council shall designate one  
16.25 staff member as an immigrant and refugee services liaison. The liaisons' responsibilities  
16.26 shall include:

16.27 (1) preparation and dissemination of information and services available to immigrants  
16.28 and refugees;

16.29 (2) interfacing with the Office of New Americans on issues that impact immigrants and  
16.30 refugees and their communities; and



17.1 (3) where applicable, serving as the point of contact for immigrants and refugees accessing  
 17.2 resources both within the department and with boards charged with oversight of a profession.

17.3 Subd. 5. **No right of action.** Nothing in this section shall be construed to create any  
 17.4 right or benefit, substantive or procedural, enforceable at law or in equity by any party  
 17.5 against the state; its departments, agencies, or entities; its officers, employees, or agents;  
 17.6 or any other person.

17.7 Subd. 6. **Grants.** Within the limits of available appropriations, the office may apply for  
 17.8 grants for interested state agencies, community partners, and stakeholders under this section  
 17.9 to carry out the duties under subdivision 2. In awarding grants, the commissioner must  
 17.10 allocate grants as evenly as practicable among interested parties.

17.11 Sec. 5. Minnesota Statutes 2020, section 116J.55, subdivision 6, is amended to read:

17.12 **Subd. 6. Eligible expenditures.** (a) Money in the account established in subdivision 3  
 17.13 must be used only to:

17.14 (1) award grants to eligible communities under this section; and

17.15 (2) reimburse the department's reasonable costs to administer this section, up to a  
 17.16 maximum of five percent of the appropriation made to the commissioner under this section.  
 17.17 The commissioner may transfer the allowable administrative portion of this appropriation  
 17.18 to the Environmental Quality Board to assist communities with regulatory coordination,  
 17.19 the Alternative Urban Areawide Review process, and dedicated technical assistance on  
 17.20 conversion for these communities.

17.21 (b) An eligible community awarded a grant under this section may use the grant to plan  
 17.22 for or address the economic and social impacts on the eligible community of the electric  
 17.23 generating plant's cessation of operations, including but not limited to land use studies,  
 17.24 economic planning, researching, planning, and implementing activities and impact studies  
 17.25 and other planning activities enabling communities to become shovel-ready and support  
 17.26 the transition from fossil fuel power plants to other economic activities to minimize the  
 17.27 negative impacts of power plant closures on tax revenues and jobs designed to:

17.28 (1) assist workers at the plant find new employment, including worker retraining and  
 17.29 developing small business start-up skills;

17.30 (2) increase the eligible community's property tax base; and

17.31 (3) develop alternative economic development strategies to attract new employers to the  
 17.32 eligible community.

18.1 Sec. 6. Minnesota Statutes 2020, section 116J.552, subdivision 6, is amended to read:

18.2 Subd. 6. **Municipality.** "Municipality" means the statutory or home rule charter city,  
18.3 town, federally recognized Tribe, or, in the case of unorganized territory, the county in  
18.4 which the site is located.

18.5 Sec. 7. Minnesota Statutes 2020, section 116J.8747, is amended to read:

18.6 **116J.8747 JOB TRAINING PROGRAM GRANT.**

18.7 Subdivision 1. **Grant allowed.** The commissioner may provide a grant to a qualified  
18.8 job training program from money appropriated for the purposes of this section as follows:

18.9 ~~(1) an \$11,000 placement grant paid to a job training program upon placement in~~  
18.10 ~~employment of a qualified graduate of the program; and~~

18.11 ~~(2) an \$11,000 retention grant paid to a job training program upon retention in~~  
18.12 ~~employment of a qualified graduate of the program for at least one year.~~

18.13 (1) up to ten percent of the appropriation may be allocated for administrative expenses  
18.14 by the program;

18.15 (2) up to 20 percent of the appropriation may be allocated for direct service expenses  
18.16 by the program;

18.17 (3) a placement grant paid to a job training program upon placement in employment of  
18.18 a qualified graduate of the job training program as follows:

18.19 (i) \$2,500 for placement in part-time employment (20 hours a week or more) of at least  
18.20 150 percent of the state minimum wage hourly;

18.21 (ii) \$2,500 for placement in full-time employment (32 hours a week or more) at the state  
18.22 minimum wage but below 150 percent of the state minimum wage hourly; and

18.23 (iii) \$5,000 for placement in full-time employment (32 hours a week or more) of at least  
18.24 150 percent of the state minimum wage hourly; and

18.25 (4) a retention grant paid to a job training program upon retention in employment of a  
18.26 qualified graduate of the job training program for at least one year as follows:

18.27 (i) \$5,000 for one year of retained part-time employment (20 hours a week or more) of  
18.28 at least 150 percent of the state minimum wage;

18.29 (ii) \$5,000 for one year of retained full-time employment (32 hours a week or more) at  
18.30 the state minimum wage but below 150 percent of the state minimum wage; and

19.1 (iii) \$10,000 for one year of retained full-time employment (32 hours a week or more)  
 19.2 of at least 150 percent of the state minimum wage hourly.

19.3 Subd. 2. **Qualified job training program.** To qualify for grants under this section, a  
 19.4 job training program must satisfy the following requirements:

19.5 (1) the program must be operated by a nonprofit corporation that qualifies under section  
 19.6 501(c)(3) of the Internal Revenue Code;

19.7 (2) the program may spend up to \$5,500 in total training per participant;

19.8 (3) the program must provide education and training in:

19.9 (i) basic skills, such as reading, writing, financial literacy, digital literacy, mathematics,  
 19.10 and communications;

19.11 (ii) long-term plans for success including participant coaching for two years after  
 19.12 placement;

19.13 (iii) soft skills, including skills critical to success on the job; and

19.14 (iv) access to internships, technology training, personal and emotional intelligence skill  
 19.15 development, and other support services;

19.16 (4) the program may provide ~~income supplements not to exceed \$2,000 per participant~~  
 19.17 support services, when needed, to participants for housing, counseling, tuition, and other  
 19.18 basic needs;

19.19 (5) individuals served by the program must be 18 years of age or older as of the date of  
 19.20 enrollment, and have household income in the six months immediately before entering the  
 19.21 program that is 200 percent or less of the federal poverty guideline for Minnesota, based  
 19.22 on family size; and

19.23 (6) the program must be certified by the commissioner of employment and economic  
 19.24 development, or the commissioner's designee, as meeting the requirements of this subdivision.

19.25 Subd. 3. ~~Graduation and retention grant~~ Employment requirements. For purposes  
 19.26 ~~of a placement grant under this section, a qualified graduate is a graduate of a job training~~  
 19.27 ~~program qualifying under subdivision 2 who is placed in a job in Minnesota that pays at~~  
 19.28 ~~least the current state minimum wage. To qualify for a retention grant under this section for~~  
 19.29 ~~a retention fee, a job in which the graduate is retained must pay at least the current state~~  
 19.30 ~~minimum wage.~~ (a) For employment to qualify under subdivision 1, the employment must  
 19.31 be permanent, unsubsidized, private or public sector employment, eligible for unemployment

20.1 insurance under section 268.035, or otherwise eligible for unemployment insurance under  
 20.2 section 268.035 if hours were above 32 per week.

20.3 (b) Programs are limited to one placement and one retention payment for a qualified  
 20.4 graduate in a performance program within the two years following a placement or retention  
 20.5 payment made under this section.

20.6 Subd. 4. **Duties of program.** (a) A program certified by the commissioner under  
 20.7 subdivision 2 must comply with the requirements of this subdivision.

20.8 (b) A program must maintain and provide upon request records for each qualified  
 20.9 graduate. The records must include information sufficient to verify the graduate's eligibility  
 20.10 under this section, identify the employer, and describe the job including its compensation  
 20.11 rate ~~and~~, benefits, and average hours per week.

20.12 (c) A program is subject to the reporting requirements under section 116L.98.

20.13 Sec. 8. Minnesota Statutes 2020, section 116J.8770, is amended to read:

20.14 **116J.8770 EQUITY INVESTMENTS.**

20.15 The commissioner may invest funds from the ~~capital access~~ State Small Business Credit  
 20.16 Initiative account to make equity investments in ~~community development~~ early stage and  
 20.17 venture capital funds for the purpose of providing capital for small and emerging businesses.  
 20.18 The ~~community development~~ early stage and venture capital fund must have experience in  
 20.19 equity investments with small businesses and the ability to raise private capital.

20.20 Sec. 9. Minnesota Statutes 2020, section 116J.993, subdivision 3, is amended to read:

20.21 Subd. 3. **Business subsidy.** "Business subsidy" or "subsidy" means a state or local  
 20.22 government agency grant, contribution of personal property, real property, infrastructure,  
 20.23 the principal amount of a loan at rates below those commercially available to the recipient,  
 20.24 any reduction or deferral of any tax or any fee, any guarantee of any payment under any  
 20.25 loan, lease, or other obligation, or any preferential use of government facilities given to a  
 20.26 business.

20.27 The following forms of financial assistance are not a business subsidy:

20.28 (1) a business subsidy of less than \$150,000;

20.29 (2) assistance that is generally available to all businesses or to a general class of similar  
 20.30 businesses, such as a line of business, size, location, or similar general criteria;

- 21.1 (3) public improvements to buildings or lands owned by the state or local government  
21.2 that serve a public purpose and do not principally benefit a single business or defined group  
21.3 of businesses at the time the improvements are made;
- 21.4 (4) redevelopment property polluted by contaminants as defined in section 116J.552,  
21.5 subdivision 3;
- 21.6 (5) assistance provided for the sole purpose of renovating old or decaying building stock  
21.7 or bringing it up to code and assistance provided for designated historic preservation districts,  
21.8 provided that the assistance is equal to or less than 50 percent of the total cost;
- 21.9 (6) assistance to provide job readiness and training services if the sole purpose of the  
21.10 assistance is to provide those services;
- 21.11 (7) assistance for housing;
- 21.12 (8) assistance for pollution control or abatement, including assistance for a tax increment  
21.13 financing hazardous substance subdistrict as defined under section 469.174, subdivision  
21.14 23;
- 21.15 (9) assistance for energy conservation;
- 21.16 (10) tax reductions resulting from conformity with federal tax law;
- 21.17 (11) workers' compensation and unemployment insurance;
- 21.18 (12) benefits derived from regulation;
- 21.19 (13) indirect benefits derived from assistance to educational institutions;
- 21.20 (14) funds from bonds allocated under chapter 474A, bonds issued to refund outstanding  
21.21 bonds, and bonds issued for the benefit of an organization described in section 501(c)(3)  
21.22 of the Internal Revenue Code of 1986, as amended through December 31, 1999;
- 21.23 (15) assistance for a collaboration between a Minnesota higher education institution and  
21.24 a business;
- 21.25 (16) assistance for a tax increment financing soils condition district as defined under  
21.26 section 469.174, subdivision 19;
- 21.27 (17) redevelopment when the recipient's investment in the purchase of the site and in  
21.28 site preparation is 70 percent or more of the assessor's current year's estimated market value;
- 21.29 (18) general changes in tax increment financing law and other general tax law changes  
21.30 of a principally technical nature;

22.1 (19) federal assistance until the assistance has been repaid to, and reinvested by, the  
22.2 state or local government agency;

22.3 (20) funds from dock and wharf bonds issued by a seaway port authority;

22.4 (21) business loans and loan guarantees of \$150,000 or less;

22.5 (22) federal loan funds provided through the United States Department of Commerce,  
22.6 Economic Development Administration, Department of the Treasury; and

22.7 (23) property tax abatements granted under section 469.1813 to property that is subject  
22.8 to valuation under Minnesota Rules, chapter 8100.

22.9 Sec. 10. Minnesota Statutes 2020, section 116L.04, subdivision 1a, is amended to read:

22.10 Subd. 1a. **Pathways program.** The pathways program may provide grants-in-aid for  
22.11 developing programs which assist in the transition of persons from welfare to work and  
22.12 assist individuals at or below 200 percent of the federal poverty guidelines. The program  
22.13 is to be operated by the board. The board shall consult and coordinate with program  
22.14 administrators at the Department of Employment and Economic Development to design  
22.15 and provide services for temporary assistance for needy families recipients.

22.16 Pathways grants-in-aid may be awarded to educational or other nonprofit training  
22.17 institutions or to workforce development intermediaries for education and training programs  
22.18 and services supporting education and training programs that serve eligible recipients.

22.19 Preference shall be given to projects that:

22.20 (1) provide employment with benefits paid to employees;

22.21 (2) provide employment where there are defined career paths for trainees;

22.22 (3) pilot the development of an educational pathway that can be used on a continuing  
22.23 basis for transitioning persons from welfare to work; and

22.24 (4) demonstrate the active participation of Department of Employment and Economic  
22.25 Development workforce centers, Minnesota State College and University institutions and  
22.26 other educational institutions, and local welfare agencies.

22.27 Pathways projects must demonstrate the active involvement and financial commitment  
22.28 of ~~private~~ participating business. Pathways projects must be matched with cash or in-kind  
22.29 contributions on at least a one-half-to-one ratio by participating ~~private~~ business.

22.30 A single grant to any one institution shall not exceed \$400,000. A portion of a grant may  
22.31 be used for preemployment training.

23.1 Sec. 11. Minnesota Statutes 2020, section 116L.17, subdivision 1, is amended to read:

23.2 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
23.3 the meanings given them in this subdivision.

23.4 (b) "Commissioner" means the commissioner of employment and economic development.

23.5 (c) "Dislocated worker" means an individual who is a resident of Minnesota at the time  
23.6 employment ceased or was working in the state at the time employment ceased and:

23.7 (1) has been permanently separated or has received a notice of permanent separation  
23.8 from public or private sector employment and is eligible for or has exhausted entitlement  
23.9 to unemployment benefits, and is unlikely to return to the previous industry or occupation;

23.10 (2) has been long-term unemployed and has limited opportunities for employment or  
23.11 reemployment in the same or a similar occupation in the area in which the individual resides,  
23.12 including older individuals who may have substantial barriers to employment by reason of  
23.13 age;

23.14 (3) has been terminated or has received a notice of termination of employment as a result  
23.15 of a plant closing or a substantial layoff at a plant, facility, or enterprise;

23.16 (4) has been self-employed, including farmers and ranchers, and is unemployed as a  
23.17 result of general economic conditions in the community in which the individual resides or  
23.18 because of natural disasters;

23.19 (5) is a veteran as defined by section 197.447, has been discharged or released from  
23.20 active duty under honorable conditions within the last 36 months, and (i) is unemployed or  
23.21 (ii) is employed in a job verified to be below the skill level and earning capacity of the  
23.22 veteran;

23.23 (6) is an individual determined by the United States Department of Labor to be covered  
23.24 by trade adjustment assistance under United States Code, title 19, sections 2271 to 2331,  
23.25 as amended; or

23.26 (7) is a displaced homemaker. A "displaced homemaker" is an individual who has spent  
23.27 a substantial number of years in the home providing homemaking service and (i) has been  
23.28 dependent upon the financial support of another; and ~~now~~ due to divorce, separation, death,  
23.29 or disability of that person, must now find employment to self support; or (ii) derived the  
23.30 substantial share of support from public assistance on account of dependents in the home  
23.31 and no longer receives such support. To be eligible under this clause, the support must have  
23.32 ceased while the worker resided in Minnesota.

24.1 For the purposes of this section, "dislocated worker" does not include an individual who  
 24.2 was an employee, at the time employment ceased, of a political committee, political fund,  
 24.3 principal campaign committee, or party unit, as those terms are used in chapter 10A, or an  
 24.4 organization required to file with the federal elections commission.

24.5 (d) "Eligible organization" means a state or local government unit, nonprofit organization,  
 24.6 community action agency, business organization or association, or labor organization.

24.7 (e) "Plant closing" means the announced or actual permanent shutdown of a single site  
 24.8 of employment, or one or more facilities or operating units within a single site of  
 24.9 employment.

24.10 (f) "Substantial layoff" means a permanent reduction in the workforce, which is not a  
 24.11 result of a plant closing, and which results in an employment loss at a single site of  
 24.12 employment during any 30-day period for at least 50 employees excluding those employees  
 24.13 that work less than 20 hours per week.

24.14 Sec. 12. Minnesota Statutes 2020, section 116L.98, subdivision 2, is amended to read:

24.15 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this  
 24.16 subdivision have the meanings given.

24.17 (b) "Credential" means ~~postsecondary~~ degrees, diplomas, licenses, and certificates  
 24.18 awarded in recognition of an individual's attainment of measurable technical or occupational  
 24.19 skills necessary to obtain employment or advance with an occupation. This definition does  
 24.20 not include ~~certificates awarded by workforce investment boards or work-readiness~~  
 24.21 certificates.

24.22 (c) "Exit" means to have not received service under a workforce program for 90  
 24.23 consecutive calendar days. The exit date is the last date of service.

24.24 (d) "Net impact" means the use of matched control groups and regression analysis to  
 24.25 estimate the impacts attributable to program participation net of other factors, including  
 24.26 observable personal characteristics and economic conditions.

24.27 (e) "Pre-enrollment" means the period of time before an individual was enrolled in a  
 24.28 workforce program.

24.29 Sec. 13. Minnesota Statutes 2020, section 116L.98, subdivision 3, is amended to read:

24.30 Subd. 3. **Uniform outcome report card; reporting by commissioner.** (a) By December  
 24.31 31 of each even-numbered year, the commissioner must report to the chairs and ranking



25.1 minority members of the committees of the house of representatives and the senate having  
 25.2 jurisdiction over economic development and workforce policy and finance the following  
 25.3 information separately for each of the previous two fiscal or calendar years, for each program  
 25.4 subject to the requirements of subdivision 1:

25.5 (1) the total number of participants enrolled;

25.6 (2) the median pre-enrollment wages based on participant wages for the second through  
 25.7 the fifth calendar quarters immediately preceding the quarter of enrollment excluding those  
 25.8 with zero income;

25.9 (3) the total number of participants with zero income in the second through fifth calendar  
 25.10 quarters immediately preceding the quarter of enrollment;

25.11 (4) the total number of participants enrolled in training;

25.12 (5) the total number of participants enrolled in training by occupational group;

25.13 (6) the total number of participants that exited the program and the average enrollment  
 25.14 duration of participants that have exited the program during the year;

25.15 (7) the total number of exited participants who completed training;

25.16 (8) the total number of exited participants who attained a credential;

25.17 (9) the total number of participants employed during three consecutive quarters  
 25.18 immediately following the quarter of exit, by industry;

25.19 (10) the median wages of participants employed during three consecutive quarters  
 25.20 immediately following the quarter of exit;

25.21 (11) the total number of participants employed during eight consecutive quarters  
 25.22 immediately following the quarter of exit, by industry; and

25.23 (12) the median wages of participants employed during eight consecutive quarters  
 25.24 immediately following the quarter of exit;

25.25 ~~(13) the total cost of the program;~~

25.26 ~~(14) the total cost of the program per participant;~~

25.27 ~~(15) the cost per credential received by a participant; and~~

25.28 ~~(16) the administrative cost of the program.~~

26.1 (b) The report to the legislature must contain participant information by education level,  
 26.2 race and ethnicity, gender, and geography, and a comparison of exited participants who  
 26.3 completed training and those who did not.

26.4 (c) The requirements of this section apply to programs administered directly by the  
 26.5 commissioner or administered by other organizations under a grant made by the department.

26.6 **Sec. 14. LIGHT TO MEDIUM DUTY FULL ELECTRIC VEHICLE GRANTS.**

26.7 Subdivision 1. Definitions. (a) For purposes of this section, the terms in this subdivision  
 26.8 have the meanings given.

26.9 (b) "Commissioner" means the commissioner of employment and economic development.

26.10 (c) "Department" means the Department of Employment and Economic Development.

26.11 (d) "Eligible business" means a business registered in Minnesota with the secretary of  
 26.12 state or a business registered with a Minnesota Tribal government.

26.13 (e) "Community" means a local governmental unit such as a county, city, town, special  
 26.14 district, Tribal government, or other political subdivision or public corporation.

26.15 (f) "Fully electric vehicle" has the meaning given in section 30B(i) of the Internal Revenue  
 26.16 Code.

26.17 (g) "Light duty full electric vehicle" means a vehicle defined under paragraph (f) that is  
 26.18 a class 1 or 2 light duty vehicle between 4,000 and 6,000 pound gross vehicle weight reading  
 26.19 (GVWR).

26.20 (h) "Medium duty full electric vehicle" means a vehicle defined under paragraph (f) that  
 26.21 is a class 3 to 7 medium duty truck between 6,000 and 33,000 pounds GVWR.

26.22 (i) "Charging station" means electric vehicle supply equipment using alternating current  
 26.23 with a charging capability of at least 6.6 kW in a standard (80A/240V) system.

26.24 (j) "Fast charging station" means direct current fast charger, an electric vehicle charging  
 26.25 station that provides at least 25 kW.

26.26 Subd. 2. Electric vehicle grants. (a) Eligible businesses that purchase or lease a fully  
 26.27 electric vehicle are eligible for grants under this section if the business:

26.28 (1) primarily uses the vehicle for business purposes;

26.29 (2) has a valid business address;

26.30 (3) is registered with the secretary of state at the time of the grant; and

27.1 (4) registers the vehicle in Minnesota with the Department of Public Safety.

27.2 (b) Priority shall be given to eligible businesses:

27.3 (1) making medium duty electric vehicle purchases;

27.4 (2) owned and operated by minority business enterprises, as defined in Minnesota

27.5 Statutes, section 116M.14, subdivision 5; businesses that are majority owned and operated

27.6 by veterans as defined in Minnesota Statutes, section 197.447; or businesses that are majority

27.7 owned and operated by women; and

27.8 (3) located outside the metropolitan area, as defined in section 473.121, subdivision 2.

27.9 Subd. 3. **Grant amounts.** (a) The commissioner may make grants in an amount up to:

27.10 (1) \$10,000 per vehicle purchased;

27.11 (2) \$5,000 per vehicle leased; and

27.12 (3) 50 percent of the cost to a maximum of \$1,500 per charging station.

27.13 (b) The minimum grant allowable under paragraph (a), clause (1), is \$5,500 and the

27.14 maximum total grants allowable to an eligible business is \$107,500,000.

27.15 Subd. 4. **Grant limits.** Eligible businesses are allowed to apply for grants for the  
27.16 following purchases:

27.17 (1) an employer with fewer than 500 employees in the state may purchase up to ten  
27.18 vehicles and five charging stations;

27.19 (2) an employer with fewer than 250 employees in the state may purchase up to eight  
27.20 vehicles and four charging stations;

27.21 (3) an employer with fewer than 100 employees in the state may purchase up to six  
27.22 vehicles and three charging stations; and

27.23 (4) an employer with fewer than 50 employees in the state may purchase up to four  
27.24 vehicles and two charging stations.

27.25 Subd. 5. **Charging station grants.** (a) The commissioner may make grants to eligible  
27.26 businesses or communities for fast charging stations and related infrastructure. Grants must  
27.27 be up to 50 percent of the total cost of a project with the following maximum grants:

27.28 (1) \$20,000 for a 25 kW charger;

27.29 (2) \$40,000 for a 50 kW charger;

27.30 (3) \$80,000 for a 150 kW charger; and

28.1 (4) \$100,000 for 350 kW charger.

28.2 (b) A single eligible business must not receive more than \$149,000 from both electric  
 28.3 vehicle grants and a grant for a fast charging station. Grants may be combined with federal  
 28.4 tax credits, regional incentives, and utility rebates.

28.5 Subd. 6. **Program administration.** (a) Grant applications under this section must be  
 28.6 submitted on a form developed by the commissioner.

28.7 (b) Applications must be reviewed on a first-come, first-served basis.

28.8 (c) The commissioner must, in coordination with dealers and lessors as applicable,  
 28.9 develop a procedure to allow a rebate to be used by the eligible purchaser or lessee at the  
 28.10 point of sale so that the grant amount may be subtracted from the purchase price.

28.11 (d) The development of forms and procedures under this section is not subject to  
 28.12 Minnesota Statutes, chapter 14.

28.13 Sec. 15. **MINNESOTA NONPROFIT RELIEF GRANTS; APPROPRIATION.**

28.14 Subdivision 1. **Grants.** (a) The commissioner of employment and economic development  
 28.15 shall make grants to the Saint Paul & Minnesota Foundation and the six Minnesota Initiative  
 28.16 Foundations to make grants to eligible nonprofits under paragraph (d). Intermediaries shall  
 28.17 make grants to nonprofits using criteria, forms, applications, and reporting requirements  
 28.18 developed by the commissioner.

28.19 (b) To be eligible for a grant under this section, a nonprofit must:

28.20 (1) be located in the state of Minnesota;

28.21 (2) have a permanent physical location;

28.22 (3) provide the organization's federal taxpayer identification number (EIN);

28.23 (4) be a 501(c)(3) public charity; provide evidence of a submitted application for 501(c)(3)  
 28.24 status awaiting approval if dated before December 31, 2019; or provide a written fiscal  
 28.25 sponsor agreement signed by the 501(c)(3) fiscal sponsor and the sponsored organization;

28.26 (5) be currently registered with and have no current tax liens on record with the secretary  
 28.27 of state at the time of application for a grant;

28.28 (6) not be a hospital or clinic, sports facility, private school, credit union, religious  
 28.29 corporation, or institution of higher education; and

28.30 (7) be able to attest to financial hardship as a result of the COVID-19 pandemic. This  
 28.31 hardship can be due to loss of revenue or an increased demand for services.

29.1 (c) Nonprofits may use grant funds under this section for working capital to support  
 29.2 providing continued services, including payroll, rent, mortgage, utilities, and other similar  
 29.3 expenses that occur in the regular course of operations.

29.4 (d) The commissioner of employment and economic development shall develop criteria,  
 29.5 forms, and applications necessary to issue these grants. The commissioner shall work with  
 29.6 the intermediaries to ensure that all criteria, forms, applications, and reporting requirements  
 29.7 are appropriate for the nonprofit entities and are no more rigorous than the Small Business  
 29.8 Relief Grants program administered by the Department of Employment and Economic  
 29.9 Development under Laws 2020, First Special Session chapter 1, section 4. The commissioner  
 29.10 shall accept applications and complete a randomized selection process and shall provide  
 29.11 money to the named intermediaries who will determine eligibility and disperse grants.

29.12 Subd. 2. **Grant Amounts.** Grants under this section shall be for the following amounts:

29.13 (1) \$50,000 for organizations that have organizational revenue for fiscal year 2019  
 29.14 between \$50,000 and equal or less than \$1,500,000;

29.15 (2) \$100,000 for organizations that have organizational revenue for fiscal year 2019  
 29.16 greater than \$1,500,000, but less than \$5,000,000;

29.17 (3) \$150,000 for organizations that have organizational revenue for fiscal year 2019  
 29.18 greater than \$5,000,000, but less than \$35,000,000; and

29.19 (4) \$75,000 for organizations that qualify as a culturally specific organization and have  
 29.20 organization revenue between \$250,000 and equal to or less than \$1,500,000. For the  
 29.21 purposes of this section, "culturally specific organization" means primarily serving  
 29.22 historically underserved cultural communities and possessing two out of the three following  
 29.23 criteria:

29.24 (i) the organization's governing board has a majority representation of the base community  
 29.25 or communities the organization serves;

29.26 (ii) the majority of the people who interact with the organization as clients are from the  
 29.27 base cultural community or communities the organization serves; and

29.28 (iii) either a majority of the leadership staff or a majority of the entire staff are from the  
 29.29 base cultural community or communities the organization serves.

29.30 Subd. 3. **Distribution of awards.** (a) Of grant funds awarded under subdivision 2, a  
 29.31 minimum of:

29.32 (1) \$33,000,000 must be awarded to organizations that provide human services;

30.1 (2) \$6,500,000 must be awarded to culturally specific organization; and

30.2 (3) \$7,500,000 must be awarded to organizations in greater Minnesota that have  
 30.3 organizational revenue for fiscal year 2019 of between \$250,000 and equal to or less than  
 30.4 \$1,500,000.

30.5 (b) Nonprofits eligible for grants in the categories provided in subdivision 2, clauses (2)  
 30.6 to (4), that operate from more than one location may apply to the randomized selection  
 30.7 process for each location with a maximum of two awards to an individual nonprofit.

30.8 (c) Grants and the process of making grants under this section are exempt from the  
 30.9 following statutes and related policies: Minnesota Statutes, sections 16A.15, subdivision 3;  
 30.10 16B.97; and 16B.98, subdivisions 5, 7, and 8.

30.11 (d) If the legislature enacts both this program and the cultural community rescue restart  
 30.12 grants in Senate File ....., nonprofits eligible for the cultural community rescue restart grants  
 30.13 will be ineligible for the grants under this section.

30.14 (e) By December 31, 2023, the commissioner of employment and economic development  
 30.15 shall submit a report to the chairs and ranking minority members of the legislative committees  
 30.16 with jurisdiction over economic development detailing the use of money under this section.

30.17 (f) Any money not spent by intermediaries by June 30, 2023, must be returned to the  
 30.18 commissioner and canceled back to the general fund.

30.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

30.20 Sec. 16. **UNEMPLOYMENT BASE TAX RATE AND ASSESSMENT FOR**  
 30.21 **CALENDAR YEARS 2022 and 2023.**

30.22 Subdivision 1. **Tax rate.** Notwithstanding Minnesota Statutes, section 268.051,  
 30.23 subdivision 2, in calendar years 2022 and 2023, the base tax rate under Minnesota Statutes,  
 30.24 section 268.051, subdivision 2, paragraph (b), is one-tenth of one percent.

30.25 Subd. 2. **Additional assessment.** Notwithstanding Minnesota Statutes, section 268.051,  
 30.26 subdivision 2, in calendar years 2022 and 2023, the additional assessment under Minnesota  
 30.27 Statutes, section 268.051, subdivision 2, paragraph (c), is zero percent.

30.28 Subd. 3. **Special assessment.** Notwithstanding Minnesota Statutes, section 268.051,  
 30.29 subdivision 8, the commissioner of employment and economic development, in consultation  
 30.30 with the commissioner of management and budget, may redetermine the special assessment  
 30.31 rate in calendar year 2022 so long as the redetermination occurs before April 1, 2022.

30.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

31.1 Sec. 17. APPROPRIATION.

31.2 \$2,730,000,000 in fiscal year 2022 is appropriated from the general fund to the  
 31.3 commissioner of employment and economic development for transfer to Minnesota's account  
 31.4 in the Unemployment Trust Fund in the United States Treasury, for the purpose of  
 31.5 replenishing the Unemployment Trust Fund.

31.6 EFFECTIVE DATE. This section is effective the day following final enactment.

31.7 **ARTICLE 3**31.8 **FAMILY AND MEDICAL BENEFITS**

31.9 Section 1. Minnesota Statutes 2020, section 13.719, is amended by adding a subdivision  
 31.10 to read:

31.11 Subd. 7. Family and medical insurance data. (a) For the purposes of this subdivision,  
 31.12 the terms used have the meanings given them in section 268B.01.

31.13 (b) Data on applicants, family members, or employers under chapter 268B are private  
 31.14 or nonpublic data, provided that the department may share data collected from applicants  
 31.15 with employers or health care providers to the extent necessary to meet the requirements  
 31.16 of chapter 268B or other applicable law.

31.17 (c) The department and the Department of Labor and Industry may share data classified  
 31.18 under paragraph (b) to the extent necessary to meet the requirements of chapter 268B or  
 31.19 the Department of Labor and Industry's enforcement authority over chapter 268B, as provided  
 31.20 in section 177.27.

31.21 Sec. 2. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

31.22 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
 31.23 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,  
 31.24 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,  
 31.25 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, 268B.09, subdivisions 1 to 6, and  
 31.26 268B.14, subdivision 3, or with any rule promulgated under section 177.28. The  
 31.27 commissioner shall issue an order requiring an employer to comply with sections 177.41  
 31.28 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation is  
 31.29 repeated if at any time during the two years that preceded the date of violation, the  
 31.30 commissioner issued an order to the employer for violation of sections 177.41 to 177.435  
 31.31 and the order is final or the commissioner and the employer have entered into a settlement  
 31.32 agreement that required the employer to pay back wages that were required by sections

32.1 177.41 to 177.435. The department shall serve the order upon the employer or the employer's  
 32.2 authorized representative in person or by certified mail at the employer's place of business.  
 32.3 An employer who wishes to contest the order must file written notice of objection to the  
 32.4 order with the commissioner within 15 calendar days after being served with the order. A  
 32.5 contested case proceeding must then be held in accordance with sections 14.57 to 14.69.  
 32.6 If, within 15 calendar days after being served with the order, the employer fails to file a  
 32.7 written notice of objection with the commissioner, the order becomes a final order of the  
 32.8 commissioner.

32.9 Sec. 3. Minnesota Statutes 2020, section 181.032, is amended to read:

32.10 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**  
 32.11 **TO EMPLOYEE.**

32.12 (a) At the end of each pay period, the employer shall provide each employee an earnings  
 32.13 statement, either in writing or by electronic means, covering that pay period. An employer  
 32.14 who chooses to provide an earnings statement by electronic means must provide employee  
 32.15 access to an employer-owned computer during an employee's regular working hours to  
 32.16 review and print earnings statements, and must make statements available for review or  
 32.17 printing for a period of three years.

32.18 (b) The earnings statement may be in any form determined by the employer but must  
 32.19 include:

32.20 (1) the name of the employee;

32.21 (2) the rate or rates of pay and basis thereof, including whether the employee is paid by  
 32.22 hour, shift, day, week, salary, piece, commission, or other method;

32.23 (3) allowances, if any, claimed pursuant to permitted meals and lodging;

32.24 (4) the total number of hours worked by the employee unless exempt from chapter 177;

32.25 (5) the total amount of gross pay earned by the employee during that period;

32.26 (6) a list of deductions made from the employee's pay;

32.27 (7) any amount deducted by the employer under section 268B.14, subdivision 3, and  
 32.28 the amount paid by the employer based on the employee's wages under section 268B.14,  
 32.29 subdivision 1;

32.30 ~~(7)~~ (8) the net amount of pay after all deductions are made;

32.31 ~~(8)~~ (9) the date on which the pay period ends;



33.1 ~~(9)~~ (10) the legal name of the employer and the operating name of the employer if  
33.2 different from the legal name;

33.3 ~~(10)~~ (11) the physical address of the employer's main office or principal place of business,  
33.4 and a mailing address if different; and

33.5 ~~(11)~~ (12) the telephone number of the employer.

33.6 (c) An employer must provide earnings statements to an employee in writing, rather  
33.7 than by electronic means, if the employer has received at least 24 hours notice from an  
33.8 employee that the employee would like to receive earnings statements in written form. Once  
33.9 an employer has received notice from an employee that the employee would like to receive  
33.10 earnings statements in written form, the employer must comply with that request on an  
33.11 ongoing basis.

33.12 (d) At the start of employment, an employer shall provide each employee a written notice  
33.13 containing the following information:

33.14 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by  
33.15 the hour, shift, day, week, salary, piece, commission, or other method, and the specific  
33.16 application of any additional rates;

33.17 (2) allowances, if any, claimed pursuant to permitted meals and lodging;

33.18 (3) paid vacation, sick time, or other paid time-off accruals and terms of use;

33.19 (4) the employee's employment status and whether the employee is exempt from minimum  
33.20 wage, overtime, and other provisions of chapter 177, and on what basis;

33.21 (5) a list of deductions that may be made from the employee's pay;

33.22 (6) the number of days in the pay period, the regularly scheduled pay day, and the pay  
33.23 day on which the employee will receive the first payment of wages earned;

33.24 (7) the legal name of the employer and the operating name of the employer if different  
33.25 from the legal name;

33.26 (8) the physical address of the employer's main office or principal place of business, and  
33.27 a mailing address if different; and

33.28 (9) the telephone number of the employer.

33.29 (e) The employer must keep a copy of the notice under paragraph (d) signed by each  
33.30 employee acknowledging receipt of the notice. The notice must be provided to each employee  
33.31 in English. The English version of the notice must include text provided by the commissioner

34.1 that informs employees that they may request, by indicating on the form, the notice be  
34.2 provided in a particular language. If requested, the employer shall provide the notice in the  
34.3 language requested by the employee. The commissioner shall make available to employers  
34.4 the text to be included in the English version of the notice required by this section and assist  
34.5 employers with translation of the notice in the languages requested by their employees.

34.6 (f) An employer must provide the employee any written changes to the information  
34.7 contained in the notice under paragraph (d) prior to the date the changes take effect.

34.8 Sec. 4. Minnesota Statutes 2020, section 268.19, subdivision 1, is amended to read:

34.9 Subdivision 1. **Use of data.** (a) Except as provided by this section, data gathered from  
34.10 any person under the administration of the Minnesota Unemployment Insurance Law are  
34.11 private data on individuals or nonpublic data not on individuals as defined in section 13.02,  
34.12 subdivisions 9 and 12, and may not be disclosed except according to a district court order  
34.13 or section 13.05. A subpoena is not considered a district court order. These data may be  
34.14 disseminated to and used by the following agencies without the consent of the subject of  
34.15 the data:

34.16 (1) state and federal agencies specifically authorized access to the data by state or federal  
34.17 law;

34.18 (2) any agency of any other state or any federal agency charged with the administration  
34.19 of an unemployment insurance program;

34.20 (3) any agency responsible for the maintenance of a system of public employment offices  
34.21 for the purpose of assisting individuals in obtaining employment;

34.22 (4) the public authority responsible for child support in Minnesota or any other state in  
34.23 accordance with section 256.978;

34.24 (5) human rights agencies within Minnesota that have enforcement powers;

34.25 (6) the Department of Revenue to the extent necessary for its duties under Minnesota  
34.26 laws;

34.27 (7) public and private agencies responsible for administering publicly financed assistance  
34.28 programs for the purpose of monitoring the eligibility of the program's recipients;

34.29 (8) the Department of Labor and Industry and the Commerce Fraud Bureau in the  
34.30 Department of Commerce for uses consistent with the administration of their duties under  
34.31 Minnesota law;

35.1 (9) the Department of Human Services and the Office of Inspector General and its agents  
35.2 within the Department of Human Services, including county fraud investigators, for  
35.3 investigations related to recipient or provider fraud and employees of providers when the  
35.4 provider is suspected of committing public assistance fraud;

35.5 (10) local and state welfare agencies for monitoring the eligibility of the data subject  
35.6 for assistance programs, or for any employment or training program administered by those  
35.7 agencies, whether alone, in combination with another welfare agency, or in conjunction  
35.8 with the department or to monitor and evaluate the statewide Minnesota family investment  
35.9 program by providing data on recipients and former recipients of Supplemental Nutrition  
35.10 Assistance Program (SNAP) benefits, cash assistance under chapter 256, 256D, 256J, or  
35.11 256K, child care assistance under chapter 119B, or medical programs under chapter 256B  
35.12 or 256L or formerly codified under chapter 256D;

35.13 (11) local and state welfare agencies for the purpose of identifying employment, wages,  
35.14 and other information to assist in the collection of an overpayment debt in an assistance  
35.15 program;

35.16 (12) local, state, and federal law enforcement agencies for the purpose of ascertaining  
35.17 the last known address and employment location of an individual who is the subject of a  
35.18 criminal investigation;

35.19 (13) the United States Immigration and Customs Enforcement has access to data on  
35.20 specific individuals and specific employers provided the specific individual or specific  
35.21 employer is the subject of an investigation by that agency;

35.22 (14) the Department of Health for the purposes of epidemiologic investigations;

35.23 (15) the Department of Corrections for the purposes of case planning and internal research  
35.24 for preprobation, probation, and postprobation employment tracking of offenders sentenced  
35.25 to probation and preconfinement and postconfinement employment tracking of committed  
35.26 offenders;

35.27 (16) the state auditor to the extent necessary to conduct audits of job opportunity building  
35.28 zones as required under section 469.3201; ~~and~~

35.29 (17) the Office of Higher Education for purposes of supporting program improvement,  
35.30 system evaluation, and research initiatives including the Statewide Longitudinal Education  
35.31 Data System; and

35.32 (18) the Family and Medical Benefits Division of the Department of Employment and  
35.33 Economic Development to be used as necessary to administer chapter 268B.

36.1 (b) Data on individuals and employers that are collected, maintained, or used by the  
 36.2 department in an investigation under section 268.182 are confidential as to data on individuals  
 36.3 and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3  
 36.4 and 13, and must not be disclosed except under statute or district court order or to a party  
 36.5 named in a criminal proceeding, administrative or judicial, for preparation of a defense.

36.6 (c) Data gathered by the department in the administration of the Minnesota unemployment  
 36.7 insurance program must not be made the subject or the basis for any suit in any civil  
 36.8 proceedings, administrative or judicial, unless the action is initiated by the department.

36.9 **Sec. 5. [268B.01] DEFINITIONS.**

36.10 Subdivision 1. Scope. For the purposes of this chapter, the terms defined in this section  
 36.11 have the meanings given.

36.12 Subd. 2. Applicant. "Applicant" means an individual applying for leave with benefits  
 36.13 under this chapter.

36.14 Subd. 3. Applicant's average weekly wage. "Applicant's average weekly wage" means  
 36.15 an amount equal to the applicant's high quarter wage credits divided by 13.

36.16 Subd. 4. Base period. (a) "Base period," unless otherwise provided in this subdivision,  
 36.17 means the most recent four completed calendar quarters before the effective date of an  
 36.18 applicant's application for family or medical leave benefits if the application has an effective  
 36.19 date occurring after the month following the most recent completed calendar quarter. The  
 36.20 base period under this paragraph is as follows:

36.21 <u>If the application for family or medical leave</u>	
36.22 <u>benefits is effective on or between these</u>	
36.23 <u>dates:</u>	<u>The base period is the prior:</u>
36.24 <u>February 1 to March 31</u>	<u>January 1 to December 31</u>
36.25 <u>May 1 to June 30</u>	<u>April 1 to March 31</u>
36.26 <u>August 1 to September 30</u>	<u>July 1 to June 30</u>
36.27 <u>November 1 to December 31</u>	<u>October 1 to September 30</u>

36.28 (b) If an application for family or medical leave benefits has an effective date that is  
 36.29 during the month following the most recent completed calendar quarter, then the base period  
 36.30 is the first four of the most recent five completed calendar quarters before the effective date  
 36.31 of an applicant's application for family or medical leave benefits. The base period under  
 36.32 this paragraph is as follows:

37.1	<u>If the application for family or medical leave</u>	
37.2	<u>benefits is effective on or between these</u>	
37.3	<u>dates:</u>	<u>The base period is the prior:</u>
37.4	<u>January 1 to January 31</u>	<u>October 1 to September 30</u>
37.5	<u>April 1 to April 30</u>	<u>January 1 to December 31</u>
37.6	<u>July 1 to July 31</u>	<u>April 1 to March 31</u>
37.7	<u>October 1 to October 31</u>	<u>July 1 to June 30</u>

37.8 (c) Regardless of paragraph (a), a base period of the first four of the most recent five  
 37.9 completed calendar quarters must be used if the applicant would have more wage credits  
 37.10 under that base period than under a base period of the four most recent completed calendar  
 37.11 quarters.

37.12 (d) If the applicant has insufficient wage credits to establish a benefit account under a  
 37.13 base period of the four most recent completed calendar quarters, or a base period of the first  
 37.14 four of the most recent five completed calendar quarters, but during either base period the  
 37.15 applicant received workers' compensation for temporary disability under chapter 176 or a  
 37.16 similar federal law or similar law of another state, or if the applicant whose own serious  
 37.17 illness caused a loss of work for which the applicant received compensation for loss of  
 37.18 wages from some other source, the applicant may request a base period as follows:

37.19 (1) if an applicant was compensated for a loss of work of seven to 13 weeks during a  
 37.20 base period referred to in paragraph (a) or (b), then the base period is the first four of the  
 37.21 most recent six completed calendar quarters before the effective date of the application for  
 37.22 family or medical leave benefits;

37.23 (2) if an applicant was compensated for a loss of work of 14 to 26 weeks during a base  
 37.24 period referred to in paragraph (a) or (b), then the base period is the first four of the most  
 37.25 recent seven completed calendar quarters before the effective date of the application for  
 37.26 family or medical leave benefits;

37.27 (3) if an applicant was compensated for a loss of work of 27 to 39 weeks during a base  
 37.28 period referred to in paragraph (a) or (b), then the base period is the first four of the most  
 37.29 recent eight completed calendar quarters before the effective date of the application for  
 37.30 family or medical leave benefits; and

37.31 (4) if an applicant was compensated for a loss of work of 40 to 52 weeks during a base  
 37.32 period referred to in paragraph (a) or (b), then the base period is the first four of the most  
 37.33 recent nine completed calendar quarters before the effective date of the application for  
 37.34 family or medical leave benefits.

38.1 Subd. 5. **Benefit.** "Benefit" or "benefits" means monetary payments under this chapter  
38.2 associated with qualifying bonding, family care, pregnancy, serious health condition,  
38.3 qualifying exigency, or safety leave events, unless otherwise indicated by context.

38.4 Subd. 6. **Benefit account.** "Benefit account" means a benefit account established under  
38.5 section 268B.04.

38.6 Subd. 7. **Benefit year.** "Benefit year" means the period of 52 calendar weeks beginning  
38.7 the date a benefit account under section 268B.04 is effective. For a benefit account established  
38.8 effective any January 1, April 1, July 1, or October 1, the benefit year will be a period of  
38.9 53 calendar weeks.

38.10 Subd. 8. **Bonding.** "Bonding" means time spent by an applicant who is a biological,  
38.11 adoptive, or foster parent with a biological, adopted, or foster child in conjunction with the  
38.12 child's birth, adoption, or placement.

38.13 Subd. 9. **Calendar day.** "Calendar day" or "day" means a fixed 24-hour period  
38.14 corresponding to a single calendar date.

38.15 Subd. 10. **Calendar quarter.** "Calendar quarter" means the period of three consecutive  
38.16 calendar months ending on March 31, June 30, September 30, or December 31.

38.17 Subd. 11. **Calendar week.** "Calendar week" has the same meaning as "week" under  
38.18 subdivision 46.

38.19 Subd. 12. **Commissioner.** "Commissioner" means the commissioner of employment  
38.20 and economic development, unless otherwise indicated by context.

38.21 Subd. 13. **Covered employment.** (a) "Covered employment" means performing services  
38.22 of whatever nature, unlimited by the relationship of master and servant as known to the  
38.23 common law, or any other legal relationship performed for wages or under any contract  
38.24 calling for the performance of services, written or oral, express or implied.

38.25 (b) "Employment" includes an individual's entire service performed within or without  
38.26 or both within and without this state, if:

38.27 (1) the service is localized in this state; or

38.28 (2) the service is not localized in any state, but some of the service is performed in this  
38.29 state and:

38.30 (i) the base of operations of the employee is in the state, or if there is no base of  
38.31 operations, then the place from which such service is directed or controlled is in this state;  
38.32 or

39.1 (ii) the base of operations or place from which such service is directed or controlled is  
39.2 not in any state in which some part of the service is performed, but the individual's residence  
39.3 is in this state.

39.4 (c) "Covered employment" does not include:

39.5 (1) a self-employed individual; or

39.6 (2) an independent contractor.

39.7 Subd. 14. **Department.** "Department" means the Department of Employment and  
39.8 Economic Development, unless otherwise indicated by context.

39.9 Subd. 15. **Employee.** (a) "Employee" means an individual who is in the employment of  
39.10 an employer.

39.11 (b) Employee does not include employees of the United States of America.

39.12 Subd. 16. **Employer.** (a) "Employer" means:

39.13 (1) any person, type of organization, or entity, including any partnership, association,  
39.14 trust, estate, joint stock company, insurance company, limited liability company, or  
39.15 corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or  
39.16 the legal representative of a deceased person, having any individual in covered employment;

39.17 (2) the state, statewide system, and state agencies; and

39.18 (3) any local government entity, including but not limited to a county, city, town, school  
39.19 district, municipal corporation, quasimunicipal corporation, or other political subdivision.

39.20 An employer also includes charter schools.

39.21 (b) Employer does not include:

39.22 (1) the United States of America; or

39.23 (2) a self-employed individual who has elected and been approved for coverage under  
39.24 section 268B.11 with regard to the self-employed individual's own coverage and benefits.

39.25 Subd. 17. **Estimated self-employment income.** "Estimated self-employment income"  
39.26 means a self-employed individual's average net earnings from self-employment in the two  
39.27 most recent taxable years. For a self-employed individual who had net earnings from  
39.28 self-employment in only one of the years, the individual's estimated self-employment income  
39.29 equals the individual's net earnings from self-employment in the year in which the individual  
39.30 had net earnings from self-employment.

40.1 Subd. 18. **Family and medical benefit insurance account.** "Family and medical benefit  
40.2 insurance account" means the family and medical benefit insurance account in the special  
40.3 revenue fund in the state treasury under section 268B.02.

40.4 Subd. 19. **Family and medical benefit insurance enforcement account.** "Family and  
40.5 medical benefit insurance enforcement account" means the family and medical benefit  
40.6 insurance enforcement account in the state treasury under section 268B.185.

40.7 Subd. 20. **Family benefit program.** "Family benefit program" means the program  
40.8 administered under this chapter for the collection of premiums and payment of benefits  
40.9 related to family care, bonding, safety leave, and leave related to a qualifying exigency.

40.10 Subd. 21. **Family care.** "Family care" means an applicant caring for a family member  
40.11 with a serious health condition or caring for a family member who is a covered service  
40.12 member.

40.13 Subd. 22. **Family member.** (a) "Family member" means an employee's child, adult  
40.14 child, spouse, sibling, parent, parent-in-law, grandchild, grandparent, stepparent, member  
40.15 of the employee's household, or domestic partner.

40.16 (b) For the purposes of this chapter, a child includes a stepchild, biological, adopted, or  
40.17 foster child of the employee, or a child for whom the employee is standing in loco parentis.

40.18 (c) For the purposes of this chapter, a grandchild includes a step-grandchild, biological,  
40.19 adopted, or foster grandchild of the employee.

40.20 (d) For the purposes of this chapter, an individual is a member of the employee's  
40.21 household if the individual has resided at the same address as the employee for at least one  
40.22 year as of the first day of leave under this chapter.

40.23 Subd. 23. **Health care provider.** "Health care provider" means:

40.24 (1) an individual who is licensed, certified, or otherwise authorized under law to practice  
40.25 in the individual's scope of practice as a physician, osteopath, surgeon, or advanced practice  
40.26 registered nurse; or

40.27 (2) any other individual determined by the commissioner by rule, in accordance with  
40.28 the rulemaking procedures in the Administrative Procedure Act, to be capable of providing  
40.29 health care services.

40.30 Subd. 24. **High quarter.** "High quarter" means the calendar quarter in an applicant's  
40.31 base period with the highest amount of wage credits.



41.1 Subd. 25. **Incapacity.** "Incapacity" means inability to perform regular work, attend  
41.2 school, or perform other regular daily activities due to a serious health condition, treatment  
41.3 therefore, or recovery therefrom.

41.4 Subd. 26. **Independent contractor.** (a) If there is an existing specific test or definition  
41.5 for independent contractor in Minnesota statute or rule applicable to an occupation or sector  
41.6 as of the date of enactment of this chapter, that test or definition shall apply to that occupation  
41.7 or sector for purposes of this chapter. If there is not an existing test or definition as described,  
41.8 the definition for independent contractor shall be as provided in this subdivision.

41.9 (b) An individual is an independent contractor and not an employee of the person for  
41.10 whom the individual is performing services in the course of the person's trade, business,  
41.11 profession, or occupation only if:

41.12 (1) the individual maintains a separate business with the individual's own office,  
41.13 equipment, materials, and other facilities;

41.14 (2) the individual:

41.15 (i) holds or has applied for a federal employer identification number; or

41.16 (ii) has filed business or self-employment income tax returns with the federal Internal  
41.17 Revenue Service if the individual has performed services in the previous year;

41.18 (3) the individual is operating under contract to perform the specific services for the  
41.19 person for specific amounts of money and under which the individual controls the means  
41.20 of performing the services;

41.21 (4) the individual is incurring the main expenses related to the services that the individual  
41.22 is performing for the person under the contract;

41.23 (5) the individual is responsible for the satisfactory completion of the services that the  
41.24 individual has contracted to perform for the person and is liable for a failure to complete  
41.25 the services;

41.26 (6) the individual receives compensation from the person for the services performed  
41.27 under the contract on a commission or per-job or competitive bid basis and not on any other  
41.28 basis;

41.29 (7) the individual may realize a profit or suffer a loss under the contract to perform  
41.30 services for the person;

41.31 (8) the individual has continuing or recurring business liabilities or obligations; and

42.1 (9) the success or failure of the individual's business depends on the relationship of  
42.2 business receipts to expenditures.

42.3 (c) For the purposes of this chapter, an insurance producer, as defined in section 60K.31,  
42.4 subdivision 6, is an independent contractor of an insurance company, as defined in section  
42.5 60A.02, subdivision 4, unless the insurance producer and insurance company agree otherwise.

42.6 Subd. 27. **Inpatient care.** "Inpatient care" means an overnight stay in a hospital, hospice,  
42.7 or residential medical care facility, including any period of incapacity, or any subsequent  
42.8 treatment in connection with such inpatient care.

42.9 Subd. 28. **Maximum weekly benefit amount.** "Maximum weekly benefit amount"  
42.10 means the state's average weekly wage as calculated under section 268.035, subdivision 23.

42.11 Subd. 29. **Medical benefit program.** "Medical benefit program" means the program  
42.12 administered under this chapter for the collection of premiums and payment of benefits  
42.13 related to an applicant's serious health condition or pregnancy.

42.14 Subd. 30. **Net earnings from self-employment.** "Net earnings from self-employment"  
42.15 has the meaning given in section 1402 of the Internal Revenue Code, as defined in section  
42.16 290.01, subdivision 31.

42.17 Subd. 31. **Pregnancy.** "Pregnancy" means prenatal care or incapacity due to pregnancy  
42.18 or recovery from childbirth, still birth, miscarriage, or related health conditions.

42.19 Subd. 32. **Qualifying exigency.** (a) "Qualifying exigency" means a need arising out of  
42.20 a military member's active duty service or notice of an impending call or order to active  
42.21 duty in the United States armed forces, including providing for the care or other needs of  
42.22 the family member's child or other dependent, making financial or legal arrangements for  
42.23 the family member, attending counseling, attending military events or ceremonies, spending  
42.24 time with the family member during a rest and recuperation leave or following return from  
42.25 deployment, or making arrangements following the death of the military member.

42.26 (b) For the purposes of this chapter, a "military member" means a current or former  
42.27 member of the United States armed forces, including a member of the National Guard or  
42.28 reserves, who, except for a deceased military member, is a resident of the state and is a  
42.29 family member of the employee taking leave related to the qualifying exigency.

42.30 Subd. 33. **Safety leave.** "Safety leave" means leave from work because of domestic  
42.31 abuse, sexual assault, or stalking of the employee or employee's family member, provided  
42.32 the leave is to:

43.1 (1) seek medical attention related to the physical or psychological injury or disability  
43.2 caused by domestic abuse, sexual assault, or stalking;

43.3 (2) obtain services from a victim services organization;

43.4 (3) obtain psychological or other counseling;

43.5 (4) seek relocation due to the domestic abuse, sexual assault, or stalking; or

43.6 (5) seek legal advice or take legal action, including preparing for or participating in any  
43.7 civil or criminal legal proceeding related to, or resulting from, the domestic abuse, sexual  
43.8 assault, or stalking.

43.9 Subd. 34. **Self-employed individual.** "Self-employed individual" means a resident of  
43.10 the state who, in one of the two taxable years preceding the current calendar year, derived  
43.11 at least \$10,000 in net earnings from self-employment from an entity other than an S  
43.12 corporation for the performance of services in this state.

43.13 Subd. 35. **Self-employment premium base.** "Self-employment premium base" means  
43.14 the lesser of:

43.15 (1) a self-employed individual's estimated self-employment income for the calendar year  
43.16 plus the individual's self-employment wages in the calendar year; or

43.17 (2) the maximum earnings subject to the FICA Old-Age, Survivors, and Disability  
43.18 Insurance tax in the taxable year.

43.19 Subd. 36. **Self-employment wages.** "Self-employment wages" means the amount of  
43.20 wages that a self-employed individual earned in the calendar year from an entity from which  
43.21 the individual also received net earnings from self-employment.

43.22 Subd. 37. **Serious health condition.** (a) "Serious health condition" means a physical or  
43.23 mental illness, injury, impairment, condition, or substance use disorder that involves:

43.24 (1) at-home care or inpatient care in a hospital, hospice, or residential medical care  
43.25 facility, including any period of incapacity; or

43.26 (2) continuing treatment or supervision by a health care provider which includes any  
43.27 one or more of the following:

43.28 (i) a period of incapacity of more than three consecutive, full calendar days, and any  
43.29 subsequent treatment or period of incapacity relating to the same condition, that also involves:

43.30 (A) treatment two or more times by a health care provider or by a provider of health  
43.31 care services under orders of, or on referral by, a health care provider; or

44.1 (B) treatment by a health care provider on at least one occasion that results in a regimen  
 44.2 of continuing treatment under the supervision of the health care provider;

44.3 (ii) a period of incapacity due to pregnancy, or for prenatal care;

44.4 (iii) a period of incapacity or treatment for a chronic health condition that:

44.5 (A) requires periodic visits, defined as at least twice a year, for treatment by a health  
 44.6 care provider or under orders of, or on referral by, a health care provider;

44.7 (B) continues over an extended period of time, including recurring episodes of a single  
 44.8 underlying condition; and

44.9 (C) may cause episodic rather than continuing periods of incapacity;

44.10 (iv) a period of incapacity which is permanent or long term due to a condition for which  
 44.11 treatment may not be effective. The employee or family member must be under the continuing  
 44.12 supervision of, but need not be receiving active treatment by, a health care provider; or

44.13 (v) a period of absence to receive multiple treatments, including any period of recovery  
 44.14 from the treatments, by a health care provider or by a provider of health care services under  
 44.15 orders of, or on referral by, a health care provider, for:

44.16 (A) restorative surgery after an accident or other injury; or

44.17 (B) a condition that would likely result in a period of incapacity of more than three  
 44.18 consecutive, full calendar days in the absence of medical intervention or treatment.

44.19 (b) For the purposes of paragraph (a), clauses (1) and (2), treatment by a health care  
 44.20 provider means an in-person visit or telemedicine visit with a health care provider, or by a  
 44.21 provider of health care services under orders of, or on referral by, a health care provider.

44.22 (c) For the purposes of paragraph (a), treatment includes but is not limited to examinations  
 44.23 to determine if a serious health condition exists and evaluations of the condition.

44.24 (d) Absences attributable to incapacity under paragraph (a), clause (2), item (ii) or (iii),  
 44.25 qualify for leave under this chapter even if the employee or the family member does not  
 44.26 receive treatment from a health care provider during the absence, and even if the absence  
 44.27 does not last more than three consecutive, full calendar days.

44.28 Subd. 38. **State's average weekly wage.** "State's average weekly wage" means the  
 44.29 weekly wage calculated under section 268.035, subdivision 23.

44.30 Subd. 39. **Supplemental benefit payment.** (a) "Supplemental benefit payment" means:

45.1 (1) a payment made by an employer to an employee as salary continuation or as paid  
45.2 time off. Such a payment must be in addition to any family or medical leave benefits the  
45.3 employee is receiving under this chapter; and

45.4 (2) a payment offered by an employer to an employee who is taking leave under this  
45.5 chapter to supplement the family or medical leave benefits the employee is receiving.

45.6 (b) Employers may, but are not required to, designate certain benefits including but not  
45.7 limited to salary continuation, vacation leave, sick leave, or other paid time off as a  
45.8 supplemental benefit payment.

45.9 (c) Nothing in this chapter requires an employee to receive supplemental benefit  
45.10 payments.

45.11 Subd. 40. **Taxable year.** "Taxable year" has the meaning given in section 290.01,  
45.12 subdivision 9.

45.13 Subd. 41. **Taxable wages.** "Taxable wages" means those wages paid to an employee in  
45.14 covered employment each calendar year up to an amount equal to the maximum wages  
45.15 subject to premium in a calendar year, which is equal to the maximum earnings in that year  
45.16 subject to the FICA Old-Age, Survivors, and Disability Insurance tax rounded to the nearest  
45.17 \$1,000.

45.18 Subd. 42. **Typical workweek hours.** "Typical workweek hours" means:

45.19 (1) for an hourly employee, the average number of hours worked per week by an  
45.20 employee within the high quarter during the base year; or

45.21 (2) 40 hours for a salaried employee, regardless of the number of hours the salaried  
45.22 employee typically works.

45.23 Subd. 43. **Wage credits.** "Wage credits" means the amount of wages paid within an  
45.24 applicant's base period for covered employment, as defined in subdivision 13.

45.25 Subd. 44. **Wage detail report.** "Wage detail report" means the report on each employee  
45.26 in covered employment required from an employer on a calendar quarter basis under section  
45.27 268B.12.

45.28 Subd. 45. **Wages.** (a) "Wages" means all compensation for employment, including  
45.29 commissions; bonuses, awards, and prizes; severance payments; standby pay; vacation and  
45.30 holiday pay; back pay as of the date of payment; tips and gratuities paid to an employee by  
45.31 a customer of an employer and accounted for by the employee to the employer; sickness  
45.32 and accident disability payments, except as otherwise provided in this subdivision; and the

46.1 cash value of housing, utilities, meals, exchanges of services, and any other goods and  
46.2 services provided to compensate an employee, except:

46.3 (1) the amount of any payment made to, or on behalf of, an employee under a plan  
46.4 established by an employer that makes provision for employees generally or for a class or  
46.5 classes of employees, including any amount paid by an employer for insurance or annuities,  
46.6 or into a plan, to provide for a payment, on account of (i) retirement, (ii) medical and  
46.7 hospitalization expenses in connection with sickness or accident disability, or (iii) death;

46.8 (2) the payment by an employer of the tax imposed upon an employee under United  
46.9 States Code, title 26, section 3101 of the Federal Insurance Contribution Act, with respect  
46.10 to compensation paid to an employee for domestic employment in a private household of  
46.11 the employer or for agricultural employment;

46.12 (3) any payment made to, or on behalf of, an employee or beneficiary (i) from or to a  
46.13 trust described in United States Code, title 26, section 401(a) of the federal Internal Revenue  
46.14 Code, that is exempt from tax under section 501(a) at the time of the payment unless the  
46.15 payment is made to an employee of the trust as compensation for services as an employee  
46.16 and not as a beneficiary of the trust, or (ii) under or to an annuity plan that, at the time of  
46.17 the payment, is a plan described in section 403(a);

46.18 (4) the value of any special discount or markdown allowed to an employee on goods  
46.19 purchased from or services supplied by the employer where the purchases are optional and  
46.20 do not constitute regular or systematic payment for services;

46.21 (5) customary and reasonable directors' fees paid to individuals who are not otherwise  
46.22 employed by the corporation of which they are directors;

46.23 (6) the payment to employees for reimbursement of meal expenses when employees are  
46.24 required to perform work after their regular hours;

46.25 (7) the payment into a trust or plan for purposes of providing legal or dental services if  
46.26 provided for all employees generally or for a class or classes of employees;

46.27 (8) the value of parking facilities provided or paid for by an employer, in whole or in  
46.28 part, if provided for all employees generally or for a class or classes of employees;

46.29 (9) royalties to an owner of a franchise, license, copyright, patent, oil, mineral, or other  
46.30 right;

46.31 (10) advances or reimbursements for traveling or other ordinary and necessary expenses  
46.32 incurred or reasonably expected to be incurred in the business of the employer. Traveling  
46.33 and other reimbursed expenses must be identified either by making separate payments or

47.1 by specifically indicating the separate amounts where both wages and expense allowances  
47.2 are combined in a single payment;

47.3 (11) residual payments to radio, television, and similar artists that accrue after the  
47.4 production of television commercials, musical jingles, spot announcements, radio  
47.5 transcriptions, film soundtracks, and similar activities;

47.6 (12) the income to a former employee resulting from the exercise of a nonqualified stock  
47.7 option;

47.8 (13) supplemental unemployment benefit payments under a plan established by an  
47.9 employer, if the payment is not wages under the Federal Unemployment Tax Act. The  
47.10 payments are wages unless made solely for the supplementing of weekly state or federal  
47.11 unemployment benefits. Supplemental unemployment benefit payments may not be assigned,  
47.12 nor may any consideration be required from the applicant, other than a release of claims in  
47.13 order to be excluded from wages;

47.14 (14) sickness or accident disability payments made by the employer after the expiration  
47.15 of six calendar months following the last calendar month that the individual worked for the  
47.16 employer;

47.17 (15) disability payments made under the provisions of any workers' compensation law;

47.18 (16) sickness or accident disability payments made by a third-party payer such as an  
47.19 insurance company; or

47.20 (17) payments made into a trust fund, or for the purchase of insurance or an annuity, to  
47.21 provide for sickness or accident disability payments to employees under a plan or system  
47.22 established by the employer that provides for the employer's employees generally or for a  
47.23 class or classes of employees.

47.24 (b) Nothing in this subdivision excludes from the term "wages" any payment made under  
47.25 any type of salary reduction agreement, including payments made under a cash or deferred  
47.26 arrangement and cafeteria plan, as defined in United States Code, title 26, sections 401(k)  
47.27 and 125 of the federal Internal Revenue Code, to the extent that the employee has the option  
47.28 to receive the payment in cash.

47.29 (c) Wages includes the total payment to the operator and supplier of a vehicle or other  
47.30 equipment where the payment combines compensation for personal services as well as  
47.31 compensation for the cost of operating and hiring the equipment in a single payment. This  
47.32 paragraph does not apply if:

48.1 (1) there is a preexisting written agreement providing for allocation of specific amounts;  
 48.2 or

48.3 (2) at the time of each payment there is a written acknowledgment indicating the separate  
 48.4 allocated amounts.

48.5 (d) Wages includes payments made for services as a caretaker. Unless there is a contract  
 48.6 or other proof to the contrary, compensation is considered as being equally received by a  
 48.7 married couple where the employer makes payment to only one spouse, or by all tenants of  
 48.8 a household who perform services where two or more individuals share the same dwelling  
 48.9 and the employer makes payment to only one individual.

48.10 (e) Wages includes payments made for services by a migrant family. Where services  
 48.11 are performed by a married couple or a family and an employer makes payment to only one  
 48.12 individual, each worker is considered as having received an equal share of the compensation  
 48.13 unless there is a contract or other proof to the contrary.

48.14 (f) Wages includes advances or draws against future earnings, when paid, unless the  
 48.15 payments are designated as a loan or return of capital on the books and records of the  
 48.16 employer at the time of payment.

48.17 (g) Wages includes payments made by a subchapter "S" corporation, as organized under  
 48.18 the Internal Revenue Code, to or on behalf of officers and shareholders that are reasonable  
 48.19 compensation for services performed for the corporation.

48.20 For a subchapter "S" corporation, wages does not include:

48.21 (1) a loan for business purposes to an officer or shareholder evidenced by a promissory  
 48.22 note signed by an officer before the payment of the loan proceeds and recorded on the books  
 48.23 and records of the corporation as a loan to an officer or shareholder;

48.24 (2) a repayment of a loan or payment of interest on a loan made by an officer to the  
 48.25 corporation and recorded on the books and records of the corporation as a liability;

48.26 (3) a reimbursement of reasonable corporation expenses incurred by an officer and  
 48.27 documented by a written expense voucher and recorded on the books and records of the  
 48.28 corporation as corporate expenses; and

48.29 (4) a reasonable lease or rental payment to an officer who owns property that is leased  
 48.30 or rented to the corporation.

48.31 Subd. 46. **Wages paid.** (a) "Wages paid" means the amount of wages:

48.32 (1) that have been actually paid; or



49.1 (2) that have been credited to or set apart so that payment and disposition is under the  
 49.2 control of the employee.

49.3 (b) Wage payments delayed beyond the regularly scheduled pay date are wages paid on  
 49.4 the missed pay date. Back pay is wages paid on the date of actual payment. Any wages  
 49.5 earned but not paid with no scheduled date of payment are wages paid on the last day of  
 49.6 employment.

49.7 (c) Wages paid does not include wages earned but not paid except as provided for in  
 49.8 this subdivision.

49.9 Subd. 47. **Week.** "Week" means calendar week ending at midnight Saturday.

49.10 Subd. 48. **Weekly benefit amount.** "Weekly benefit amount" means the amount of  
 49.11 family and medical leave benefits computed under section 268B.04.

49.12 **Sec. 6. [268B.02] FAMILY AND MEDICAL BENEFIT INSURANCE PROGRAM**  
 49.13 **CREATION.**

49.14 Subdivision 1. **Creation.** A family and medical benefit insurance program is created to  
 49.15 be administered by the commissioner according to the terms of this chapter.

49.16 Subd. 2. **Creation of division.** A Family and Medical Benefit Insurance Division is  
 49.17 created within the department under the authority of the commissioner. The commissioner  
 49.18 shall appoint a director of the division. The division shall administer and operate the benefit  
 49.19 program under this chapter.

49.20 Subd. 3. **Rulemaking.** The commissioner may adopt rules to implement the provisions  
 49.21 of this chapter.

49.22 Subd. 4. **Account creation; appropriation.** The family and medical benefit insurance  
 49.23 account is created in the special revenue fund in the state treasury. Money in this account  
 49.24 is appropriated to the commissioner to pay benefits under and to administer this chapter,  
 49.25 including outreach required under section 268B.18.

49.26 Subd. 5. **Information technology services and equipment.** The department is exempt  
 49.27 from the provisions of section 16E.016 for the purposes of this chapter.

49.28 **Sec. 7. [268B.03] PAYMENT OF BENEFITS.**

49.29 Subdivision 1. **Requirements.** The commissioner must pay benefits from the family  
 49.30 and medical benefit insurance account as provided under this chapter to an applicant who  
 49.31 has met each of the following requirements:

50.1 (1) the applicant has filed an application for benefits and established a benefit account  
 50.2 in accordance with section 268B.04;

50.3 (2) the applicant has met all of the ongoing eligibility requirements under section  
 50.4 268B.06;

50.5 (3) the applicant does not have an outstanding overpayment of family or medical leave  
 50.6 benefits, including any penalties or interest;

50.7 (4) the applicant has not been held ineligible for benefits under section 268.07, subdivision  
 50.8 2; and

50.9 (5) the applicant is not employed exclusively by a private plan employer and has wage  
 50.10 credits during the base year attributable to employers covered under the state family and  
 50.11 medical leave program.

50.12 Subd. 2. **Benefits paid from state funds.** Benefits are paid from state funds and are not  
 50.13 considered paid from any special insurance plan, nor as paid by an employer. An application  
 50.14 for family or medical leave benefits is not considered a claim against an employer but is  
 50.15 considered a request for benefits from the family and medical benefit insurance account.  
 50.16 The commissioner has the responsibility for the proper payment of benefits regardless of  
 50.17 the level of interest or participation by an applicant or an employer in any determination or  
 50.18 appeal. An applicant's entitlement to benefits must be determined based upon that information  
 50.19 available without regard to a burden of proof. Any agreement between an applicant and an  
 50.20 employer is not binding on the commissioner in determining an applicant's entitlement.  
 50.21 There is no presumption of entitlement or nonentitlement to benefits.

50.22 Sec. 8. **[268B.04] BENEFIT ACCOUNT; BENEFITS.**

50.23 Subdivision 1. **Application for benefits; determination of benefit account.** (a) An  
 50.24 application for benefits may be filed in person, by mail, or by electronic transmission as the  
 50.25 commissioner may require. The applicant must include certification supporting a request  
 50.26 for leave under this chapter. The applicant must meet eligibility requirements at the time  
 50.27 the application is filed and must provide all requested information in the manner required.  
 50.28 If the applicant does not meet eligibility at the time of the application or fails to provide all  
 50.29 requested information, the communication is not an application for family and medical leave  
 50.30 benefits.

50.31 (b) The commissioner must examine each application for benefits to determine the base  
 50.32 period and the benefit year, and based upon all the covered employment in the base period  
 50.33 the commissioner must determine the weekly benefit amount available, if any, and the

51.1 maximum amount of benefits available, if any. The determination, which is a document  
51.2 separate and distinct from a document titled a determination of eligibility or determination  
51.3 of ineligibility, must be titled determination of benefit account. A determination of benefit  
51.4 account must be sent to the applicant and all base period employers, by mail or electronic  
51.5 transmission.

51.6 (c) If a base period employer did not provide wage detail information for the applicant  
51.7 as required under section 268B.12, the commissioner may accept an applicant certification  
51.8 of wage credits, based upon the applicant's records, and issue a determination of benefit  
51.9 account.

51.10 (d) The commissioner may, at any time within 24 months from the establishment of a  
51.11 benefit account, reconsider any determination of benefit account and make an amended  
51.12 determination if the commissioner finds that the wage credits listed in the determination  
51.13 were incorrect for any reason. An amended determination of benefit account must be  
51.14 promptly sent to the applicant and all base period employers, by mail or electronic  
51.15 transmission. This paragraph does not apply to documents titled determinations of eligibility  
51.16 or determinations of ineligibility issued.

51.17 (e) If an amended determination of benefit account reduces the weekly benefit amount  
51.18 or maximum amount of benefits available, any benefits that have been paid greater than the  
51.19 applicant was entitled is an overpayment of benefits. A determination or amended  
51.20 determination issued under this section that results in an overpayment of benefits must set  
51.21 out the amount of the overpayment and the requirement that the overpaid benefits must be  
51.22 repaid according to section 268B.185.

51.23 Subd. 2. **Benefit account requirements.** (a) Unless paragraph (b) applies, to establish  
51.24 a benefit account, an applicant must have wage credits of at least 5.3 percent of the state's  
51.25 average annual wage rounded down to the next lower \$100.

51.26 (b) To establish a new benefit account following the expiration of the benefit year on a  
51.27 prior benefit account, an applicant must have performed actual work in subsequent covered  
51.28 employment and have been paid wages in one or more completed calendar quarters that  
51.29 started after the effective date of the prior benefit account. The wages paid for that  
51.30 employment must be at least enough to meet the requirements of paragraph (a). A benefit  
51.31 account under this paragraph must not be established effective earlier than the Sunday  
51.32 following the end of the most recent completed calendar quarter in which the requirements  
51.33 of paragraph (a) were met. An applicant must not establish a second benefit account as a  
51.34 result of one loss of employment.

52.1 Subd. 3. **Weekly benefit amount; maximum amount of benefits available; prorated**  
 52.2 **amount.** (a) Subject to the maximum weekly benefit amount, an applicant's weekly benefit  
 52.3 is calculated by adding the amounts obtained by applying the following percentage to an  
 52.4 applicant's average typical workweek and weekly wage during the high quarter of the base  
 52.5 period:

52.6 (1) 90 percent of wages that do not exceed 50 percent of the state's average weekly wage;  
 52.7 plus

52.8 (2) 66 percent of wages that exceed 50 percent of the state's average weekly wage but  
 52.9 not 100 percent; plus

52.10 (3) 55 percent of wages that exceed 100 percent of the state's average weekly wage.

52.11 (b) The state's average weekly wage is the average wage as calculated under section  
 52.12 268.035, subdivision 23, at the time a benefit amount is first determined.

52.13 (c) The maximum weekly benefit amount is the state's average weekly wage as calculated  
 52.14 under section 268.035, subdivision 23.

52.15 (d) The state's maximum weekly benefit amount, computed in accordance with section  
 52.16 268.035, subdivision 23, applies to a benefit account established effective on or after the  
 52.17 last Sunday in October. Once established, an applicant's weekly benefit amount is not  
 52.18 affected by the last Sunday in October change in the state's maximum weekly benefit amount.

52.19 (e) For an employee receiving family or medical leave, a weekly benefit amount is  
 52.20 prorated when:

52.21 (1) the employee works hours for wages; or

52.22 (2) the employee uses paid sick leave, paid vacation leave, or other paid time off that is  
 52.23 not considered a supplemental benefit payment as defined in section 268B.01, subdivision  
 52.24 37.

52.25 Subd. 4. **Timing of payment.** Except as otherwise provided for in this chapter, benefits  
 52.26 must be paid weekly.

52.27 Subd. 5. **Maximum length of benefits.** (a) Except as provided in paragraph (b), in a  
 52.28 single benefit year, an applicant may receive up to 12 weeks of benefits under this chapter  
 52.29 related to the applicant's serious health condition or pregnancy and up to 12 weeks of benefits  
 52.30 under this chapter for bonding, safety leave, or family care.

52.31 (b) An applicant may receive up to 12 weeks of benefits in a single benefit year for leave  
 52.32 related to one or more qualifying exigencies.

53.1 Subd. 6. **Minimum period for which benefits payable.** Except for a claim for benefits  
53.2 for bonding leave, any claim for benefits must be based on a single qualifying event of at  
53.3 least seven calendar days. Benefits may be paid for a minimum duration of eight consecutive  
53.4 hours in a week. If an employee on leave claims eight hours at any point during a week, the  
53.5 minimum duration is satisfied.

53.6 Subd. 7. **Right of appeal.** (a) A determination or amended determination of benefit  
53.7 account is final unless an applicant files an appeal within 20 calendar days after the sending  
53.8 of the determination or amended determination. Every determination or amended  
53.9 determination of benefit account must contain a prominent statement indicating in clear  
53.10 language the consequences of not appealing. Proceedings on the appeal are conducted in  
53.11 accordance with section 268B.08.

53.12 (b) Any applicant may appeal from a determination or amended determination of benefit  
53.13 account on the issue of whether services performed constitute employment, whether the  
53.14 employment is covered employment, and whether money paid constitutes wages.

53.15 Subd. 8. **Limitations on applications and benefit accounts.** (a) An application for  
53.16 family or medical leave benefits is effective the Sunday of the calendar week that the  
53.17 application was filed. An application for benefits may be backdated one calendar week  
53.18 before the Sunday of the week the application was actually filed if the applicant requests  
53.19 the backdating within seven calendar days of the date the application is filed. An application  
53.20 may be backdated only if the applicant was eligible for the benefit during the period of the  
53.21 backdating. If an individual attempted to file an application for benefits, but was prevented  
53.22 from filing an application by the department, the application is effective the Sunday of the  
53.23 calendar week the individual first attempted to file an application.

53.24 (b) A benefit account established under subdivision 2 is effective the date the application  
53.25 for benefits was effective.

53.26 (c) A benefit account, once established, may later be withdrawn if:

53.27 (1) the applicant has not been paid any benefits on that benefit account; and

53.28 (2) a new application for benefits is filed and a new benefit account is established at the  
53.29 time of the withdrawal.

53.30 A benefit account may be withdrawn after the expiration of the benefit year, and the  
53.31 new work requirements of subdivision 2, paragraph (b), do not apply if the applicant was  
53.32 not paid any benefits on the benefit account that is being withdrawn.

54.1 A determination or amended determination of eligibility or ineligibility issued under  
 54.2 section 268B.07 that was sent before the withdrawal of the benefit account, remains in effect  
 54.3 and is not voided by the withdrawal of the benefit account.

54.4 Sec. 9. **[268B.05] CONTINUED REQUEST FOR BENEFITS.**

54.5 A continued request for family or medical leave benefits is a certification by an applicant,  
 54.6 done on a weekly basis, that the applicant is unable to perform usual work due to a qualifying  
 54.7 event and meets the ongoing eligibility requirements for benefits under section 268B.06. A  
 54.8 continued request must include information on possible issues of ineligibility.

54.9 Sec. 10. **[268B.06] ELIGIBILITY REQUIREMENTS; PAYMENTS THAT AFFECT**  
 54.10 **BENEFITS.**

54.11 Subdivision 1. Eligibility conditions. (a) An applicant may be eligible to receive family  
 54.12 or medical leave benefits for any week if:

54.13 (1) the applicant has filed a continued request for benefits for that week under section  
 54.14 268B.05;

54.15 (2) the week for which benefits are requested is in the applicant's benefit year;

54.16 (3) the applicant was unable to perform regular work due to a serious health condition,  
 54.17 a qualifying exigency, safety leave, family care, bonding, pregnancy, or recovery from  
 54.18 pregnancy for the period required under subdivision 2;

54.19 (4) the applicant has sufficient wage credits from an employer or employers as defined  
 54.20 in section 268B.01, subdivision 41, to establish a benefit account under section 268B.04;  
 54.21 and

54.22 (5) an applicant requesting benefits under this chapter must fulfill certification  
 54.23 requirements under subdivision 3.

54.24 (b) A self-employed individual or independent contractor who has elected and been  
 54.25 approved for coverage under section 268B.11 need not fulfill the requirement of paragraph  
 54.26 (a), clause (4).

54.27 Subd. 2. Seven-day qualifying event. (a) The period for which an applicant is seeking  
 54.28 benefits must be or have been based on a single event of at least seven calendar days' duration  
 54.29 related to pregnancy, recovery from pregnancy, family care, a qualifying exigency, safety  
 54.30 leave, or the applicant's serious health condition. The days need not be consecutive.

54.31 (b) Benefits related to bonding need not meet the seven-day qualifying event requirement.

55.1 (c) The commissioner must use the rulemaking authority under section 268B.02,  
55.2 subdivision 3, to adopt rules regarding what serious health conditions and other events are  
55.3 prospectively presumed to constitute seven-day qualifying events under this chapter.

55.4 Subd. 3. **Certification.** (a) Certification for an applicant taking leave related to the  
55.5 applicant's serious health condition shall be sufficient if the certification states the date on  
55.6 which the serious health condition began, the probable duration of the condition, and the  
55.7 appropriate medical facts within the knowledge of the health care provider as required by  
55.8 the commissioner.

55.9 (b) Certification for an applicant taking leave to care for a family member with a serious  
55.10 health condition shall be sufficient if the certification states the date on which the serious  
55.11 health condition commenced, the probable duration of the condition, the appropriate medical  
55.12 facts within the knowledge of the health care provider as required by the commissioner, a  
55.13 statement that the family member requires care, and an estimate of the amount of time that  
55.14 the family member will require care.

55.15 (c) Certification for an applicant taking leave related to pregnancy shall be sufficient if  
55.16 the certification states the expected due date and recovery period based on appropriate  
55.17 medical facts within the knowledge of the health care provider.

55.18 (d) Certification for an applicant taking bonding leave because of the birth of the  
55.19 applicant's child shall be sufficient if the certification includes either the child's birth  
55.20 certificate or a document issued by the health care provider of the child or the health care  
55.21 provider of the person who gave birth, stating the child's birth date.

55.22 (e) Certification for an applicant taking bonding leave because of the placement of a  
55.23 child with the applicant for adoption or foster care shall be sufficient if the applicant provides  
55.24 a document issued by the health care provider of the child, an adoption or foster care agency  
55.25 involved in the placement, or by other individuals as determined by the commissioner that  
55.26 confirms the placement and the date of placement. To the extent that the status of an applicant  
55.27 as an adoptive or foster parent changes while an application for benefits is pending, or while  
55.28 the covered individual is receiving benefits, the applicant must notify the department of  
55.29 such change in status in writing.

55.30 (f) Certification for an applicant taking leave because of a qualifying exigency shall be  
55.31 sufficient if the certification includes:

55.32 (1) a copy of the family member's active-duty orders;

55.33 (2) other documentation issued by the United States armed forces; or

56.1 (3) other documentation permitted by the commissioner.

56.2 (g) Certification for an applicant taking safety leave is sufficient if the certification  
56.3 includes a court record or documentation signed by a volunteer or employee of a victim's  
56.4 services organization, an attorney, a police officer, or an antiviolence counselor. The  
56.5 commissioner must not require disclosure of details relating to an applicant's or applicant's  
56.6 family member's domestic abuse, sexual assault, or stalking.

56.7 (h) Certifications under paragraphs (a) to (e) must be reviewed and signed by a health  
56.8 care provider with knowledge of the qualifying event associated with the leave.

56.9 (i) For a leave taken on an intermittent or reduced-schedule basis, based on a serious  
56.10 health condition of an applicant or applicant's family member, the certification under this  
56.11 subdivision must include an explanation of how such leave would be medically beneficial  
56.12 to the individual with the serious health condition.

56.13 Subd. 4. **Not eligible.** An applicant is ineligible for family or medical leave benefits for  
56.14 any portion of a typical workweek:

56.15 (1) that occurs before the effective date of a benefit account;

56.16 (2) that the applicant has an outstanding misrepresentation overpayment balance under  
56.17 section 268B.185, subdivision 5, including any penalties and interest;

56.18 (3) that the applicant fails or refuses to provide information on an issue of ineligibility  
56.19 required under section 268B.07, subdivision 2; or

56.20 (4) for which the applicant worked for pay.

56.21 Subd. 5. **Vacation, sick leave, and supplemental benefit payments.** (a) An applicant  
56.22 is not eligible to receive benefits for any portion of a typical workweek the applicant is  
56.23 receiving, has received, or will receive vacation pay, sick pay, or personal time off pay, also  
56.24 known as "PTO."

56.25 (b) Paragraph (a) does not apply:

56.26 (1) upon a permanent separation from employment;

56.27 (2) to payments from a vacation fund administered by a union or a third party not under  
56.28 the control of the employer; or

56.29 (3) to supplemental benefit payments, as defined in section 268B.01, subdivision 37.

56.30 (c) Payments under this subdivision are applied to the period immediately following the  
56.31 later of the date of separation from employment or the date the applicant first becomes



57.1 aware that the employer will be making a payment. The date the payment is actually made  
57.2 or received, or that an applicant must agree to a release of claims, does not affect the  
57.3 application of this subdivision.

57.4 Subd. 6. **Workers' compensation and disability insurance offset.** (a) An applicant is  
57.5 not eligible to receive benefits for any portion of a week in which the applicant is receiving  
57.6 or has received compensation for loss of wages equal to or in excess of the applicant's  
57.7 weekly family or medical leave benefit amount under:

57.8 (1) the workers' compensation law of this state;

57.9 (2) the workers' compensation law of any other state or similar federal law; or

57.10 (3) any insurance or trust fund paid in whole or in part by an employer.

57.11 (b) This subdivision does not apply to an applicant who has a claim pending for loss of  
57.12 wages under paragraph (a). If the applicant later receives compensation as a result of the  
57.13 pending claim, the applicant is subject to paragraph (a) and the family or medical leave  
57.14 benefits paid are overpaid benefits under section 268B.185.

57.15 (c) If the amount of compensation described under paragraph (a) for any week is less  
57.16 than the applicant's weekly family or medical leave benefit amount, benefits requested for  
57.17 that week are reduced by the amount of that compensation payment.

57.18 Subd. 7. **Separation, severance, or bonus payments.** (a) An applicant is not eligible  
57.19 to receive benefits for any week the applicant is receiving, has received, or will receive  
57.20 separation pay, severance pay, bonus pay, or any other payments paid by an employer  
57.21 because of, upon, or after separation from employment. This subdivision applies if the  
57.22 payment is:

57.23 (1) considered wages under section 268B.01, subdivision 43; or

57.24 (2) subject to the Federal Insurance Contributions Act (FICA) tax imposed to fund Social  
57.25 Security and Medicare.

57.26 (b) Payments under this subdivision are applied to the period immediately following the  
57.27 later of the date of separation from employment or the date the applicant first becomes  
57.28 aware that the employer will be making a payment. The date the payment is actually made  
57.29 or received, or that an applicant must agree to a release of claims, does not affect the  
57.30 application of this paragraph.

57.31 (c) This subdivision does not apply to vacation pay, sick pay, personal time off pay, or  
57.32 supplemental benefit payment under subdivision 4.

58.1 (d) This subdivision applies to all the weeks of payment.

58.2 (e) Under this subdivision, if the payment with respect to a week is equal to or more  
58.3 than the applicant's weekly benefit amount, the applicant is ineligible for benefits for that  
58.4 week. If the payment with respect to a week is less than the applicant's weekly benefit  
58.5 amount, benefits are reduced by the amount of the payment.

58.6 Subd. 8. **Social Security disability benefits.** (a) An applicant who is receiving, has  
58.7 received, or has filed for primary Social Security disability benefits for any week is ineligible  
58.8 for benefits for that week, unless:

58.9 (1) the Social Security Administration approved the collecting of primary Social Security  
58.10 disability benefits each month the applicant was employed during the base period; or

58.11 (2) the applicant provides a statement from an appropriate health care professional who  
58.12 is aware of the applicant's Social Security disability claim and the basis for that claim,  
58.13 certifying that the applicant is available for suitable employment.

58.14 (b) If an applicant meets the requirements of paragraph (a), clause (1) or (2), there is no  
58.15 deduction from the applicant's weekly benefit amount for any Social Security disability  
58.16 benefits.

58.17 (c) Information from the Social Security Administration is conclusive, absent specific  
58.18 evidence showing that the information was erroneous.

58.19 **Sec. 11. [268B.07] DETERMINATION ON ISSUES OF ELIGIBILITY.**

58.20 Subdivision 1. **Employer notification.** (a) Upon a determination that an applicant is  
58.21 entitled to benefits, the commissioner must promptly send a notification to each current  
58.22 employer of the applicant, if any, in accordance with paragraph (b).

58.23 (b) The notification under paragraph (a) must include, at a minimum:

58.24 (1) the name of the applicant;

58.25 (2) that the applicant has applied for and received benefits;

58.26 (3) the week the benefits commence;

58.27 (4) the weekly benefit amount payable; and

58.28 (5) the maximum duration of benefits.

58.29 Subd. 2. **Determination.** (a) The commissioner must determine any issue of ineligibility  
58.30 raised by information required from an applicant and send to the applicant and any current

59.1 base period employer, by mail or electronic transmission, a document titled a determination  
59.2 of eligibility or a determination of ineligibility, as is appropriate, within two weeks.

59.3 (b) If an applicant obtained benefits through misrepresentation, the department is  
59.4 authorized to issue a determination of ineligibility within 48 months of the establishment  
59.5 of the benefit account.

59.6 (c) If the department has filed an intervention in a worker's compensation matter under  
59.7 section 176.361, the department is authorized to issue a determination of ineligibility within  
59.8 48 months of the establishment of the benefit account.

59.9 (d) A determination of eligibility or determination of ineligibility is final unless an appeal  
59.10 is filed by the applicant within 20 calendar days after sending. The determination must  
59.11 contain a prominent statement indicating the consequences of not appealing. Proceedings  
59.12 on the appeal are conducted in accordance with section 268B.08.

59.13 (e) An issue of ineligibility required to be determined under this section includes any  
59.14 question regarding the denial or allowing of benefits under this chapter.

59.15 Subd. 3. **Amended determination.** Unless an appeal has been filed, the commissioner,  
59.16 on the commissioner's own motion, may reconsider a determination of eligibility or  
59.17 determination of ineligibility that has not become final and issue an amended determination.  
59.18 Any amended determination must be sent to the applicant and any employer in the current  
59.19 base period by mail or electronic transmission. Any amended determination is final unless  
59.20 an appeal is filed by the applicant within 20 calendar days after sending. Proceedings on  
59.21 the appeal are conducted in accordance with section 268B.08.

59.22 Subd. 4. **Benefit payment.** If a determination or amended determination allows benefits  
59.23 to an applicant, the family or medical leave benefits must be paid regardless of any appeal  
59.24 period or any appeal having been filed.

59.25 Subd. 5. **Overpayment.** A determination or amended determination that holds an  
59.26 applicant ineligible for benefits for periods an applicant has been paid benefits is an  
59.27 overpayment of those family or medical leave benefits. A determination or amended  
59.28 determination issued under this section that results in an overpayment of benefits must set  
59.29 out the amount of the overpayment and the requirement that the overpaid benefits must be  
59.30 repaid according to section 268B.185.

59.31 Sec. 12. **[268B.08] APPEAL PROCESS.**

59.32 Subdivision 1. **Hearing.** (a) The commissioner shall designate a chief benefit judge.

60.1 (b) Upon a timely appeal to a determination having been filed or upon a referral for  
60.2 direct hearing, the chief benefit judge must set a time and date for a de novo due-process  
60.3 hearing and send notice to an applicant and an employer, by mail or electronic transmission,  
60.4 not less than ten calendar days before the date of the hearing.

60.5 (c) The commissioner may adopt rules on procedures for hearings. The rules need not  
60.6 conform to common law or statutory rules of evidence and other technical rules of procedure.

60.7 (d) The chief benefit judge has discretion regarding the method by which the hearing is  
60.8 conducted.

60.9 Subd. 2. **Decision.** (a) After the conclusion of the hearing, upon the evidence obtained,  
60.10 the benefit judge must serve by mail or electronic transmission to all parties the decision,  
60.11 reasons for the decision, and written findings of fact.

60.12 (b) Decisions of a benefit judge are not precedential.

60.13 Subd. 3. **Request for reconsideration.** Any party, or the commissioner, may, within  
60.14 30 calendar days after service of the benefit judge's decision, file a request for reconsideration  
60.15 asking the judge to reconsider that decision.

60.16 Subd. 4. **Appeal to court of appeals.** Any final determination on a request for  
60.17 reconsideration may be appealed by any party directly to the Minnesota Court of Appeals.

60.18 Subd. 5. **Benefit judges.** (a) Only employees of the department who are attorneys licensed  
60.19 to practice law in Minnesota may serve as a chief benefit judge, senior benefit judges who  
60.20 are supervisors, or benefit judges.

60.21 (b) The chief benefit judge must assign a benefit judge to conduct a hearing and may  
60.22 transfer to another benefit judge any proceedings pending before another benefit judge.

60.23 Sec. 13. **[268B.085] LEAVE.**

60.24 Subdivision 1. **Right to leave.** Ninety calendar days from the date of hire, an employee  
60.25 has a right to leave from employment for any day, or portion of a day, for which the employee  
60.26 would be eligible for benefits under this chapter, regardless of whether the employee actually  
60.27 applied for benefits and regardless of whether the employee is covered under a private plan  
60.28 or the public program under this chapter.

60.29 Subd. 2. **Notice to employer.** (a) If the need for leave is foreseeable, an employee must  
60.30 provide the employer at least 30 days' advance notice before leave under this chapter is to  
60.31 begin. If 30 days' notice is not practicable because of a lack of knowledge of approximately  
60.32 when leave will be required to begin, a change in circumstances, or a medical emergency,

61.1 notice must be given as soon as practicable. Whether leave is to be continuous or is to be  
61.2 taken intermittently or on a reduced-schedule basis, notice need only be given one time, but  
61.3 the employee must advise the employer as soon as practicable if dates of scheduled leave  
61.4 change or are extended, or were initially unknown. In those cases where the employee is  
61.5 required to provide at least 30 days' notice of foreseeable leave and does not do so, the  
61.6 employee must explain the reasons why notice was not practicable upon request from the  
61.7 employer.

61.8 (b) "As soon as practicable" means as soon as both possible and practical, taking into  
61.9 account all of the facts and circumstances in the individual case. When an employee becomes  
61.10 aware of a need for leave under this chapter less than 30 days in advance, it should be  
61.11 practicable for the employee to provide notice of the need for leave either the same day or  
61.12 the next day, unless the need for leave is based on a medical emergency. In all cases,  
61.13 however, the determination of when an employee could practicably provide notice must  
61.14 take into account the individual facts and circumstances.

61.15 (c) An employee shall provide at least verbal notice sufficient to make the employer  
61.16 aware that the employee needs leave allowed under this chapter and the anticipated timing  
61.17 and duration of the leave. An employer may require an employee giving notice of leave to  
61.18 include a certification for the leave as described in section 268B.06, subdivision 3. Such  
61.19 certification, if required by an employer, is timely when the employee delivers it as soon  
61.20 as practicable given the circumstances requiring the need for leave, and the required contents  
61.21 of the certification.

61.22 (d) An employer may require an employee to comply with the employer's usual and  
61.23 customary notice and procedural requirements for requesting leave, absent unusual  
61.24 circumstances or other circumstances caused by the reason for the employee's need for  
61.25 leave. Leave under this chapter must not be delayed or denied where an employer's usual  
61.26 and customary notice or procedural requirements require notice to be given sooner than set  
61.27 forth in this subdivision.

61.28 (e) If an employer has failed to provide notice to the employee as required under section  
61.29 268B.26, paragraph (a), (b), or (c), the employee is not required to comply with the notice  
61.30 requirements of this subdivision.

61.31 Subd. 3. **Bonding leave.** Bonding leave taken under this chapter begins at a time requested  
61.32 by the employee. Bonding leave must begin within 12 months of the birth, adoption, or  
61.33 placement of a foster child, except that, in the case where the child must remain in the

62.1 hospital longer than the mother, the leave must begin within 12 months after the child leaves  
 62.2 the hospital.

62.3 Subd. 4. **Intermittent or reduced-leave schedule.** (a) Leave under this chapter, based  
 62.4 on a serious health condition, may be taken intermittently or on a reduced-leave schedule  
 62.5 if such leave would be medically beneficial to the individual with the serious health condition.  
 62.6 For all other leaves under this chapter, leave may be taken intermittently or on a  
 62.7 reduced-leave schedule. Intermittent leave is leave taken in separate blocks of time due to  
 62.8 a single, seven-day qualifying event. A reduced-leave schedule is a leave schedule that  
 62.9 reduces an employee's usual number of working hours per workweek or hours per workday.

62.10 (b) Leave taken intermittently or on a reduced-schedule basis counts toward the  
 62.11 maximums described in section 268B.04, subdivision 5.

62.12 **Sec. 14. [268B.09] EMPLOYMENT PROTECTIONS.**

62.13 Subdivision 1. **Retaliation prohibited.** An employer must not retaliate against an  
 62.14 employee for requesting or obtaining benefits, or for exercising any other right under this  
 62.15 chapter.

62.16 Subd. 2. **Interference prohibited.** An employer must not obstruct or impede an  
 62.17 application for leave or benefits or the exercise of any other right under this chapter.

62.18 Subd. 3. **Waiver of rights void.** Any agreement to waive, release, or commute rights  
 62.19 to benefits or any other right under this chapter is void.

62.20 Subd. 4. **No assignment of benefits.** Any assignment, pledge, or encumbrance of benefits  
 62.21 is void. Benefits are exempt from levy, execution, attachment, or any other remedy provided  
 62.22 for the collection of debt. Any waiver of this subdivision is void.

62.23 Subd. 5. **Continued insurance.** During any leave for which an employee is entitled to  
 62.24 benefits under this chapter, the employer must maintain coverage under any group insurance  
 62.25 policy, group subscriber contract, or health care plan for the employee and any dependents  
 62.26 as if the employee was not on leave, provided, however, that the employee must continue  
 62.27 to pay any employee share of the cost of such benefits.

62.28 Subd. 6. **Employee right to reinstatement.** (a) On return from leave under this chapter,  
 62.29 an employee is entitled to be returned to the same position the employee held when leave  
 62.30 commenced or to an equivalent position with equivalent benefits, pay, and other terms and  
 62.31 conditions of employment. An employee is entitled to reinstatement even if the employee  
 62.32 has been replaced or the employee's position has been restructured to accommodate the  
 62.33 employee's absence.

63.1 (b)(1) An equivalent position is one that is virtually identical to the employee's former  
63.2 position in terms of pay, benefits, and working conditions, including privileges, prerequisites,  
63.3 and status. It must involve the same or substantially similar duties and responsibilities,  
63.4 which must entail substantially equivalent skill, effort, responsibility, and authority.

63.5 (2) If an employee is no longer qualified for the position because of the employee's  
63.6 inability to attend a necessary course, renew a license, fly a minimum number of hours, or  
63.7 similar condition, as a result of the leave, the employee must be given a reasonable  
63.8 opportunity to fulfill those conditions upon return from leave.

63.9 (c)(1) An employee is entitled to any unconditional pay increases which may have  
63.10 occurred during the leave period, such as cost of living increases. Pay increases conditioned  
63.11 upon seniority, length of service, or work performed must be granted in accordance with  
63.12 the employer's policy or practice with respect to other employees on an equivalent leave  
63.13 status for a reason that does not qualify for leave under this chapter. An employee is entitled  
63.14 to be restored to a position with the same or equivalent pay premiums, such as a shift  
63.15 differential. If an employee departed from a position averaging ten hours of overtime, and  
63.16 corresponding overtime pay, each week an employee is ordinarily entitled to such a position  
63.17 on return from leave under this chapter.

63.18 (2) Equivalent pay includes any bonus or payment, whether it is discretionary or  
63.19 nondiscretionary, made to employees consistent with clause (1). If a bonus or other payment  
63.20 is based on the achievement of a specified goal such as hours worked, products sold, or  
63.21 perfect attendance, and the employee has not met the goal due to leave under this chapter,  
63.22 the payment may be denied, unless otherwise paid to employees on an equivalent leave  
63.23 status for a reason that does not qualify for leave under this chapter.

63.24 (d) Benefits under this section include all benefits provided or made available to  
63.25 employees by an employer, including group life insurance, health insurance, disability  
63.26 insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether  
63.27 benefits are provided by a practice or written policy of an employer through an employee  
63.28 benefit plan as defined in section 3(3) of United States Code, title 29, section 1002(3).

63.29 (1) At the end of an employee's leave under this chapter, benefits must be resumed in  
63.30 the same manner and at the same levels as provided when the leave began, and subject to  
63.31 any changes in benefit levels that may have taken place during the period of leave affecting  
63.32 the entire workforce, unless otherwise elected by the employee. Upon return from a leave  
63.33 under this chapter, an employee must not be required to requalify for any benefits the  
63.34 employee enjoyed before leave began, including family or dependent coverages.

64.1 (2) An employee may, but is not entitled to, accrue any additional benefits or seniority  
64.2 during a leave under this chapter. Benefits accrued at the time leave began must be available  
64.3 to an employee upon return from leave.

64.4 (3) With respect to pension and other retirement plans, leave under this chapter must  
64.5 not be treated as or counted toward a break in service for purposes of vesting and eligibility  
64.6 to participate. If the plan requires an employee to be employed on a specific date in order  
64.7 to be credited with a year of service for vesting, contributions, or participation purposes,  
64.8 an employee on leave under this chapter must be treated as employed on that date. Periods  
64.9 of leave under this chapter need not be treated as credited service for purposes of benefit  
64.10 accrual, vesting, and eligibility to participate.

64.11 (4) Employees on leave under this chapter must be treated as if they continued to work  
64.12 for purposes of changes to benefit plans. Employees on leave under this chapter are entitled  
64.13 to changes in benefit plans, except those which may be dependent upon seniority or accrual  
64.14 during the leave period, immediately upon return from leave or to the same extent they  
64.15 would have qualified if no leave had been taken.

64.16 (e) An equivalent position must have substantially similar duties, conditions,  
64.17 responsibilities, privileges, and status as the employee's original position.

64.18 (1) The employee must be reinstated to the same or a geographically proximate worksite  
64.19 from where the employee had previously been employed. If the employee's original worksite  
64.20 has been closed, the employee is entitled to the same rights as if the employee had not been  
64.21 on leave when the worksite closed.

64.22 (2) The employee is ordinarily entitled to return to the same shift or the same or an  
64.23 equivalent work schedule.

64.24 (3) The employee must have the same or an equivalent opportunity for bonuses,  
64.25 profit-sharing, and other similar discretionary and nondiscretionary payments.

64.26 (4) This chapter does not prohibit an employer from accommodating an employee's  
64.27 request to be restored to a different shift, schedule, or position which better suits the  
64.28 employee's personal needs on return from leave, or to offer a promotion to a better position.  
64.29 However, an employee must not be induced by the employer to accept a different position  
64.30 against the employee's wishes.

64.31 (f) The requirement that an employee be restored to the same or equivalent job with the  
64.32 same or equivalent pay, benefits, and terms and conditions of employment does not extend  
64.33 to de minimis, intangible, or unmeasurable aspects of the job.



65.1 Subd. 7. Limitations on an employee's right to reinstatement. An employee has no  
65.2 greater right to reinstatement or to other benefits and conditions of employment than if the  
65.3 employee had been continuously employed during the period of leave under this chapter.  
65.4 An employer must be able to show that an employee would not otherwise have been  
65.5 employed at the time reinstatement is requested in order to deny restoration to employment.

65.6 (1) If an employee is laid off during the course of taking a leave under this chapter and  
65.7 employment is terminated, the employer's responsibility to continue the leave, maintain  
65.8 group health plan benefits, and restore the employee cease at the time the employee is laid  
65.9 off, provided the employer has no continuing obligations under a collective bargaining  
65.10 agreement or otherwise. An employer would have the burden of proving that an employee  
65.11 would have been laid off during the period of leave under this chapter and, therefore, would  
65.12 not be entitled to restoration. Restoration to a job slated for layoff when the employee's  
65.13 original position would not meet the requirements of an equivalent position.

65.14 (2) If a shift has been eliminated or overtime has been decreased, an employee would  
65.15 not be entitled to return to work that shift or the original overtime hours upon restoration.  
65.16 However, if a position on, for example, a night shift has been filled by another employee,  
65.17 the employee is entitled to return to the same shift on which employed before taking leave  
65.18 under this chapter.

65.19 (3) If an employee was hired for a specific term or only to perform work on a discrete  
65.20 project, the employer has no obligation to restore the employee if the employment term or  
65.21 project is over and the employer would not otherwise have continued to employ the employee.

65.22 Subd. 8. Remedies. (a) In addition to any other remedies available to an employee in  
65.23 law or equity, an employer who violates the provisions of this section is liable to any  
65.24 employee affected for:

65.25 (1) damages equal to the amount of:

65.26 (i) any wages, salary, employment benefits, or other compensation denied or lost to such  
65.27 employee by reason of the violation, or, in cases in which wages, salary, employment  
65.28 benefits, or other compensation have not been denied or lost to the employee, any actual  
65.29 monetary losses sustained by the employee as a direct result of the violation; and

65.30 (ii) reasonable interest on the amount described in item (i); and

65.31 (2) such equitable relief as may be appropriate, including employment, reinstatement,  
65.32 and promotion.

66.1 (b) An action to recover damages or equitable relief prescribed in paragraph (a) may be  
66.2 maintained against any employer in any federal or state court of competent jurisdiction by  
66.3 any one or more employees for and on behalf of:

66.4 (1) the employees; or

66.5 (2) the employees and other employees similarly situated.

66.6 (c) The court in an action under this section must, in addition to any judgment awarded  
66.7 to the plaintiff or plaintiffs, allow reasonable attorney fees, reasonable expert witness fees,  
66.8 and other costs of the action to be paid by the defendant.

66.9 (d) Nothing in this section shall be construed to allow an employee to recover damages  
66.10 from an employer for the denial of benefits under this chapter by the department, unless the  
66.11 employer unlawfully interfered with the application for benefits under subdivision 2.

66.12 **Sec. 15. [268B.10] SUBSTITUTION OF A PRIVATE PLAN.**

66.13 Subdivision 1. **Application for substitution.** Employers may apply to the commissioner  
66.14 for approval to meet their obligations under this chapter through the substitution of a private  
66.15 plan that provides paid family, paid medical, or paid family and medical benefits. In order  
66.16 to be approved as meeting an employer's obligations under this chapter, a private plan must  
66.17 confer all of the same rights, protections, and benefits provided to employees under this  
66.18 chapter, including but not limited to benefits under section 268B.04 and employment  
66.19 protections under section 268B.09. An employee covered by a private plan under this section  
66.20 retains all applicable rights and remedies under section 268B.09.

66.21 Subd. 2. **Private plan requirements; medical benefit program.** (a) The commissioner  
66.22 must approve an application for private provision of the medical benefit program if the  
66.23 commissioner determines:

66.24 (1) all of the employees of the employer are to be covered under the provisions of the  
66.25 employer plan;

66.26 (2) eligibility requirements for benefits and leave are no more restrictive than as provided  
66.27 under this chapter;

66.28 (3) the weekly benefits payable under the private plan for any week are at least equal to  
66.29 the weekly benefit amount payable under this chapter, taking into consideration any coverage  
66.30 with respect to concurrent employment by another employer;

67.1 (4) the total number of weeks for which benefits are payable under the private plan is  
67.2 at least equal to the total number of weeks for which benefits would have been payable  
67.3 under this chapter;

67.4 (5) no greater amount is required to be paid by employees toward the cost of benefits  
67.5 under the employer plan than by this chapter;

67.6 (6) wage replacement benefits are stated in the plan separately and distinctly from other  
67.7 benefits;

67.8 (7) the private plan will provide benefits and leave for any serious health condition or  
67.9 pregnancy for which benefits are payable, and leave provided, under this chapter;

67.10 (8) the private plan will impose no additional condition or restriction on the use of  
67.11 medical benefits beyond those explicitly authorized by this chapter or regulations  
67.12 promulgated pursuant to this chapter;

67.13 (9) the private plan will allow any employee covered under the private plan who is  
67.14 eligible to receive medical benefits under this chapter to receive medical benefits under the  
67.15 employer plan; and

67.16 (10) coverage will continue under the private plan while an employee remains employed  
67.17 by the employer.

67.18 (b) Notwithstanding paragraph (a), a private plan may provide shorter durations of leave  
67.19 and benefit eligibility if the total dollar value of wage replacement benefits under the private  
67.20 plan for an employee for any particular qualifying event meets or exceeds what the total  
67.21 dollar value would be under the public family and medical benefit program.

67.22 Subd. 3. **Private plan requirements; family benefit program.** (a) The commissioner  
67.23 must approve an application for private provision of the family benefit program if the  
67.24 commissioner determines:

67.25 (1) all of the employees of the employer are to be covered under the provisions of the  
67.26 employer plan;

67.27 (2) eligibility requirements for benefits and leave are no more restrictive than as provided  
67.28 under this chapter;

67.29 (3) the weekly benefits payable under the private plan for any week are at least equal to  
67.30 the weekly benefit amount payable under this chapter, taking into consideration any coverage  
67.31 with respect to concurrent employment by another employer;

68.1 (4) the total number of weeks for which benefits are payable under the private plan is  
68.2 at least equal to the total number of weeks for which benefits would have been payable  
68.3 under this chapter;

68.4 (5) no greater amount is required to be paid by employees toward the cost of benefits  
68.5 under the employer plan than by this chapter;

68.6 (6) wage replacement benefits are stated in the plan separately and distinctly from other  
68.7 benefits;

68.8 (7) the private plan will provide benefits and leave for any care for a family member  
68.9 with a serious health condition, bonding with a child, qualifying exigency, or safety leave  
68.10 event for which benefits are payable, and leave provided, under this chapter;

68.11 (8) the private plan will impose no additional condition or restriction on the use of family  
68.12 benefits beyond those explicitly authorized by this chapter or regulations promulgated  
68.13 pursuant to this chapter;

68.14 (9) the private plan will allow any employee covered under the private plan who is  
68.15 eligible to receive medical benefits under this chapter to receive medical benefits under the  
68.16 employer plan; and

68.17 (10) coverage will continue under the private plan while an employee remains employed  
68.18 by the employer.

68.19 (b) Notwithstanding paragraph (a), a private plan may provide shorter durations of leave  
68.20 and benefit eligibility if the total dollar value of wage replacement benefits under the private  
68.21 plan for an employee for any particular qualifying event meets or exceeds what the total  
68.22 dollar value would be under the public family and medical benefit program.

68.23 Subd. 4. **Use of private insurance products.** Nothing in this section prohibits an  
68.24 employer from meeting the requirements of a private plan through a private insurance  
68.25 product. If the employer plan involves a private insurance product, that insurance product  
68.26 must conform to any applicable law or rule.

68.27 Subd. 5. **Private plan approval and oversight fee.** An employer with an approved  
68.28 private plan is not required to pay premiums established under section 268B.14. An employer  
68.29 with an approved private plan is responsible for a private plan approval and oversight fee  
68.30 equal to \$250 for employers with fewer than 50 employees, \$500 for employers with 50 to  
68.31 499 employees, and \$1,000 for employers with 500 or more employees. The employer must  
68.32 pay this fee (1) upon initial application for private plan approval, and (2) any time the  
68.33 employer applies to amend the private plan. The commissioner must review and report on

69.1 the adequacy of this fee to cover private plan administrative costs annually beginning October  
69.2 1, 2022, as part of the annual report established in section 268B.21.

69.3 Subd. 6. **Plan duration.** A private plan under this section must be in effect for a period  
69.4 of at least one year and, thereafter, continuously unless the commissioner finds that the  
69.5 employer has given notice of withdrawal from the plan in a manner specified by the  
69.6 commissioner in this section or rule. The plan may be withdrawn by the employer within  
69.7 30 days of the effective date of any law increasing the benefit amounts or within 30 days  
69.8 of the date of any change in the rate of premiums. If the plan is not withdrawn, it must be  
69.9 amended to conform to provide the increased benefit amount or change in the rate of the  
69.10 employee's premium on the date of the increase or change.

69.11 Subd. 7. **Appeals.** An employer may appeal any adverse action regarding that employer's  
69.12 private plan to the commissioner, in a manner specified by the commissioner.

69.13 Subd. 8. **Employees no longer covered.** (a) An employee is no longer covered by an  
69.14 approved private plan if a leave under this chapter occurs after the employment relationship  
69.15 with the private plan employer ends, or if the commissioner revokes the approval of the  
69.16 private plan.

69.17 (b) An employee no longer covered by an approved private plan is, if otherwise eligible,  
69.18 immediately entitled to benefits under this chapter to the same extent as though there had  
69.19 been no approval of the private plan.

69.20 Subd. 9. **Posting of notice regarding private plan.** An employer with a private plan  
69.21 must provide a notice prepared by or approved by the commissioner regarding the private  
69.22 plan consistent with section 268B.26.

69.23 Subd. 10. **Amendment.** (a) The commissioner must approve any amendment to a private  
69.24 plan adjusting the provisions thereof, if the commissioner determines:

69.25 (1) that the plan, as amended, will conform to the standards set forth in this chapter; and

69.26 (2) that notice of the amendment has been delivered to all affected employees at least  
69.27 ten days before the submission of the amendment.

69.28 (b) Any amendments approved under this subdivision are effective on the date of the  
69.29 commissioner's approval, unless the commissioner and the employer agree on a later date.

69.30 Subd. 11. **Successor employer.** A private plan in effect at the time a successor acquires  
69.31 the employer organization, trade, or business, or substantially all the assets thereof, or a  
69.32 distinct and severable portion of the organization, trade, or business, and continues its  
69.33 operation without substantial reduction of personnel resulting from the acquisition, must

70.1 continue the approved private plan and must not withdraw the plan without a specific request  
 70.2 for withdrawal in a manner and at a time specified by the commissioner. A successor may  
 70.3 terminate a private plan with notice to the commissioner and within 90 days from the date  
 70.4 of the acquisition.

70.5 Subd. 12. **Revocation of approval by commissioner.** (a) The commissioner may  
 70.6 terminate any private plan if the commissioner determines the employer:

70.7 (1) failed to pay benefits;

70.8 (2) failed to pay benefits in a timely manner, consistent with the requirements of this  
 70.9 chapter;

70.10 (3) failed to submit reports as required by this chapter or rule adopted under this chapter;  
 70.11 or

70.12 (4) otherwise failed to comply with this chapter or rule adopted under this chapter.

70.13 (b) The commissioner must give notice of the intention to terminate a plan to the employer  
 70.14 at least ten days before taking any final action. The notice must state the effective date and  
 70.15 the reason for the termination.

70.16 (c) The employer may, within ten days from mailing or personal service of the notice,  
 70.17 file an appeal to the commissioner in the time, manner, method, and procedure provided by  
 70.18 the commissioner under subdivision 7.

70.19 (d) The payment of benefits must not be delayed during an employer's appeal of the  
 70.20 revocation of approval of a private plan.

70.21 (e) If the commissioner revokes approval of an employer's private plan, that employer  
 70.22 is ineligible to apply for approval of another private plan for a period of three years, beginning  
 70.23 on the date of revocation.

70.24 Subd. 13. **Employer penalties.** (a) The commissioner may assess the following monetary  
 70.25 penalties against an employer with an approved private plan found to have violated this  
 70.26 chapter:

70.27 (1) \$1,000 for the first violation; and

70.28 (2) \$2,000 for the second, and each successive violation.

70.29 (b) The commissioner must waive collection of any penalty if the employer corrects the  
 70.30 violation within 30 days of receiving a notice of the violation and the notice is for a first  
 70.31 violation.

71.1 (c) The commissioner may waive collection of any penalty if the commissioner determines  
 71.2 the violation to be an inadvertent error by the employer.

71.3 (d) Monetary penalties collected under this section shall be deposited in the family and  
 71.4 medical benefit insurance account.

71.5 (e) Assessment of penalties under this subdivision may be appealed as provided by the  
 71.6 commissioner under subdivision 7.

71.7 Subd. 14. **Reports, information, and records.** Employers with an approved private  
 71.8 plan must maintain all reports, information, and records as relating to the private plan and  
 71.9 claims for a period of six years from creation and provide to the commissioner upon request.

71.10 Subd. 15. **Audit and investigation.** The commissioner may investigate and audit plans  
 71.11 approved under this section both before and after the plans are approved.

71.12 Sec. 16. **[268B.11] SELF-EMPLOYED AND INDEPENDENT CONTRACTOR**  
 71.13 **ELECTION OF COVERAGE.**

71.14 Subdivision 1. **Election of coverage.** (a) A self-employed individual or independent  
 71.15 contractor may file with the commissioner by electronic transmission in a format prescribed  
 71.16 by the commissioner an application to be entitled to benefits under this chapter for a period  
 71.17 not less than 104 consecutive calendar weeks. Upon the approval of the commissioner, sent  
 71.18 by United States mail or electronic transmission, the individual is entitled to benefits under  
 71.19 this chapter beginning the calendar quarter after the date of approval or beginning in a later  
 71.20 calendar quarter if requested by the self-employed individual or independent contractor.  
 71.21 The individual ceases to be entitled to benefits as of the first day of January of any calendar  
 71.22 year only if, at least 30 calendar days before the first day of January, the individual has filed  
 71.23 with the commissioner by electronic transmission in a format prescribed by the commissioner  
 71.24 a notice to that effect.

71.25 (b) The commissioner may terminate any application approved under this section with  
 71.26 30 calendar days' notice sent by United States mail or electronic transmission if the  
 71.27 self-employed individual is delinquent on any premiums due under this chapter. If an  
 71.28 approved application is terminated in this manner during the first 104 consecutive calendar  
 71.29 weeks of election, the self-employed individual remains obligated to pay the premium under  
 71.30 subdivision 3 for the remainder of that 104-week period.

71.31 Subd. 2. **Application.** A self-employed individual who applies for coverage under this  
 71.32 section must provide the commissioner with (1) the amount of the individual's net earnings  
 71.33 from self-employment, if any, from the two most recent taxable years and all tax documents

72.1 necessary to prove the accuracy of the amounts reported, and (2) any other documentation  
 72.2 the commissioner requires. A self-employed individual who is covered under this chapter  
 72.3 must annually provide the commissioner with the amount of the individual's net earnings  
 72.4 from self-employment within 30 days of filing a federal income tax return.

72.5 Subd. 3. **Premium.** A self-employed individual who elects to receive coverage under  
 72.6 this chapter must annually pay a premium equal to one-half the percentage in section  
 72.7 268B.14, subdivision 5, clause (1), times the lesser of:

72.8 (1) the individual's self-employment premium base; or

72.9 (2) the maximum earnings subject to the FICA Old-Age, Survivors, and Disability  
 72.10 Insurance tax.

72.11 Subd. 4. **Benefits.** Notwithstanding anything to the contrary, a self-employed individual  
 72.12 who has applied to and been approved for coverage by the commissioner under this section  
 72.13 is entitled to benefits on the same basis as an employee under this chapter, except that a  
 72.14 self-employed individual's weekly benefit amount under section 268B.04, subdivision 1,  
 72.15 must be calculated as a percentage of the self-employed individual's self-employment  
 72.16 premium base, rather than wages.

72.17 Sec. 17. **[268B.12] WAGE REPORTING.**

72.18 Subdivision 1. **Wage detail report.** (a) Each employer must submit, under the employer  
 72.19 premium account described in section 268B.13, a quarterly wage detail report by electronic  
 72.20 transmission, in a format prescribed by the commissioner. The report must include for each  
 72.21 employee in covered employment during the calendar quarter, the employee's name, Social  
 72.22 Security number, the total wages paid to the employee, and total number of paid hours  
 72.23 worked. For employees exempt from the definition of employee in section 177.23,  
 72.24 subdivision 7, clause (6), the employer must report 40 hours worked for each week any  
 72.25 duties were performed by a full-time employee and must report a reasonable estimate of  
 72.26 the hours worked for each week duties were performed by a part-time employee. In addition,  
 72.27 the wage detail report must include the number of employees employed during the payroll  
 72.28 period that includes the 12th day of each calendar month and, if required by the  
 72.29 commissioner, the report must be broken down by business location and separate business  
 72.30 unit. The report is due and must be received by the commissioner on or before the last day  
 72.31 of the month following the end of the calendar quarter. The commissioner may delay the  
 72.32 due date on a specific calendar quarter in the event the department is unable to accept wage  
 72.33 detail reports electronically.



73.1 (b) The employer may report the wages paid to the next lower whole dollar amount.

73.2 (c) An employer need not include the name of the employee or other required information  
73.3 on the wage detail report if disclosure is specifically exempted from being reported by  
73.4 federal law.

73.5 (d) A wage detail report must be submitted for each calendar quarter even though no  
73.6 wages were paid, unless the business has been terminated.

73.7 Subd. 2. **Electronic transmission of report required.** Each employer must submit the  
73.8 quarterly wage detail report by electronic transmission in a format prescribed by the  
73.9 commissioner. The commissioner has the discretion to accept wage detail reports that are  
73.10 submitted by any other means or the commissioner may return the report submitted by other  
73.11 than electronic transmission to the employer, and reports returned are considered as not  
73.12 submitted and the late fees under subdivision 3 may be imposed.

73.13 Subd. 3. **Failure to timely file report; late fees.** (a) Any employer that fails to submit  
73.14 the quarterly wage detail report when due must pay a late fee of \$10 per employee, computed  
73.15 based upon the highest of:

73.16 (1) the number of employees reported on the last wage detail report submitted;

73.17 (2) the number of employees reported in the corresponding quarter of the prior calendar  
73.18 year; or

73.19 (3) if no wage detail report has ever been submitted, the number of employees listed at  
73.20 the time of employer registration.

73.21 The late fee is canceled if the wage detail report is received within 30 calendar days after  
73.22 a demand for the report is sent to the employer by mail or electronic transmission. A late  
73.23 fee assessed an employer may not be canceled more than twice each 12 months. The amount  
73.24 of the late fee assessed may not be less than \$250.

73.25 (b) If the wage detail report is not received in a manner and format prescribed by the  
73.26 commissioner within 30 calendar days after demand is sent under paragraph (a), the late  
73.27 fee assessed under paragraph (a) doubles and a renewed demand notice and notice of the  
73.28 increased late fee will be sent to the employer by mail or electronic transmission.

73.29 (c) Late fees due under this subdivision may be canceled, in whole or in part, under  
73.30 section 268B.16.

73.31 Subd. 4. **Missing or erroneous information.** (a) Any employer that submits the wage  
73.32 detail report, but fails to include all required employee information or enters erroneous

74.1 information, is subject to an administrative service fee of \$25 for each employee for whom  
74.2 the information is partially missing or erroneous.

74.3 (b) Any employer that submits the wage detail report, but fails to include an employee,  
74.4 is subject to an administrative service fee equal to two percent of the total wages for each  
74.5 employee for whom the information is completely missing.

74.6 Subd. 5. Fees. The fees provided for in subdivisions 3 and 4 are in addition to interest  
74.7 and other penalties imposed by this chapter and are collected in the same manner as  
74.8 delinquent taxes and credited to the family and medical benefit insurance account.

74.9 **Sec. 18. [268B.13] EMPLOYER PREMIUM ACCOUNTS.**

74.10 The commissioner must maintain a premium account for each employer. The  
74.11 commissioner must assess the premium account for all the premiums due under section  
74.12 268B.14, and credit the family and medical benefit insurance account with all premiums  
74.13 paid.

74.14 **Sec. 19. [268B.14] PREMIUMS.**

74.15 Subdivision 1. Payments. (a) Family and medical leave premiums accrue and become  
74.16 payable by each employer for each calendar year on the taxable wages that the employer  
74.17 paid to employees in covered employment.

74.18 Each employer must pay premiums quarterly, at the premium rate defined under this  
74.19 section, on the taxable wages paid to each employee. The commissioner must compute the  
74.20 premium due from the wage detail report required under section 268B.12 and notify the  
74.21 employer of the premium due. The premiums must be paid to the family and medical benefit  
74.22 insurance account and must be received by the department on or before the last day of the  
74.23 month following the end of the calendar quarter.

74.24 (b) If for any reason the wages on the wage detail report under section 268B.12 are  
74.25 adjusted for any quarter, the commissioner must recompute the premiums due for that quarter  
74.26 and assess the employer for any amount due or credit the employer as appropriate.

74.27 Subd. 2. Payments by electronic payment required. (a) Every employer must make  
74.28 any payments due under this chapter by electronic payment.

74.29 (b) All third-party processors, paying on behalf of a client company, must make any  
74.30 payments due under this chapter by electronic payment.

75.1 (c) Regardless of paragraph (a) or (b), the commissioner has the discretion to accept  
75.2 payment by other means.

75.3 Subd. 3. **Employee charge back.** Notwithstanding section 177.24, subdivision 4, or  
75.4 181.06, subdivision 1, employers and covered business entities may deduct up to 50 percent  
75.5 of annual premiums paid under this section from employee wages. Such deductions for any  
75.6 given employee must be in equal proportion to the premiums paid based on the wages of  
75.7 that employee, and all employees of an employer must be subject to the same percentage  
75.8 deduction. Deductions under this section must not cause an employee's wage, after the  
75.9 deduction, to fall below the rate required to be paid to the worker by law, including any  
75.10 applicable statute, regulation, rule, ordinance, government resolution or policy, contract, or  
75.11 other legal authority, whichever rate of pay is greater.

75.12 Subd. 4. **Wages and payments subject to premium.** The maximum wages subject to  
75.13 premium in a calendar year is equal to the maximum earnings in that year subject to the  
75.14 FICA Old-Age, Survivors, and Disability Insurance tax.

75.15 Subd. 5. **Annual premium rates.** The employer premium rates for the calendar year  
75.16 beginning January 1, 2023, shall be as follows:

75.17 (1) for employers participating in both family and medical benefit programs, 0.6 percent;

75.18 (2) for an employer participating in only the medical benefit program and with an  
75.19 approved private plan for the family benefit program, 0.486 percent; and

75.20 (3) for an employer participating in only the family benefit program and with an approved  
75.21 private plan for the medical benefit program, 0.114 percent.

75.22 Subd. 6. **Premium rate adjustments.** (a) Beginning January 1, 2026, and each calendar  
75.23 year thereafter, the commissioner must adjust the annual premium rates using the formula  
75.24 in paragraph (b).

75.25 (b) To calculate the employer rates for a calendar year, the commissioner must:

75.26 (1) multiply 1.45 times the amount disbursed from the family and medical benefit  
75.27 insurance account for the 52-week period ending September 30 of the prior year;

75.28 (2) subtract the amount in the family and medical benefit insurance account on that  
75.29 September 30 from the resulting figure;

75.30 (3) divide the resulting figure by twice the total wages in covered employment of  
75.31 employees of employers without approved private plans under section 268B.10 for either  
75.32 the family or medical benefit program. For employers with an approved private plan for

76.1 either the medical benefit program or the family benefit program, but not both, count only  
 76.2 the proportion of wages in covered employment associated with the program for which the  
 76.3 employer does not have an approved private plan; and

76.4 (4) round the resulting figure down to the nearest one-hundredth of one percent.

76.5 (c) The commissioner must apportion the premium rate between the family and medical  
 76.6 benefit programs based on the relative proportion of expenditures for each program during  
 76.7 the preceding year.

76.8 Subd. 7. **Deposit of premiums.** All premiums collected under this section must be  
 76.9 deposited into the family and medical benefit insurance account.

76.10 Subd. 8. **Nonpayment of premiums by employer.** The failure of an employer to pay  
 76.11 premiums does not impact the right of an employee to benefits, or any other right, under  
 76.12 this chapter.

76.13 Sec. 20. **[268B.145] INCOME TAX WITHHOLDING.**

76.14 If the Internal Revenue Service determines that benefits are subject to federal income  
 76.15 tax, and an applicant elects to have federal income tax deducted and withheld from the  
 76.16 applicant's benefits, the commissioner must deduct and withhold the amount specified in  
 76.17 the Internal Revenue Code in a manner consistent with state law.

76.18 Sec. 21. **[268B.15] COLLECTION OF PREMIUMS.**

76.19 Subdivision 1. **Amount computed presumed correct.** Any amount due from an  
 76.20 employer, as computed by the commissioner, is presumed to be correctly determined and  
 76.21 assessed, and the burden is upon the employer to show its incorrectness. A statement by the  
 76.22 commissioner of the amount due is admissible in evidence in any court or administrative  
 76.23 proceeding and is prima facie evidence of the facts in the statement.

76.24 Subd. 2. **Priority of payments.** (a) Any payment received from an employer must be  
 76.25 applied in the following order:

76.26 (1) family and medical leave premiums under this chapter; then

76.27 (2) interest on past due premiums; then

76.28 (3) penalties, late fees, administrative service fees, and costs.

76.29 (b) Paragraph (a) is the priority used for all payments received from an employer,  
 76.30 regardless of how the employer may designate the payment to be applied, except when:

77.1 (1) there is an outstanding lien and the employer designates that the payment made  
 77.2 should be applied to satisfy the lien;

77.3 (2) the payment is specifically designated by the employer to be applied to an outstanding  
 77.4 overpayment of benefits of an applicant;

77.5 (3) a court or administrative order directs that the payment be applied to a specific  
 77.6 obligation;

77.7 (4) a preexisting payment plan provides for the application of payment; or

77.8 (5) the commissioner, under the compromise authority of section 268B.16, agrees to  
 77.9 apply the payment to a different priority.

77.10 Subd. 3. **Estimating the premium due.** Only if an employer fails to make all necessary  
 77.11 records available for an audit under section 268B.21 and the commissioner has reason to  
 77.12 believe the employer has not reported all the required wages on the quarterly wage detail  
 77.13 reports, may the commissioner then estimate the amount of premium due and assess the  
 77.14 employer the estimated amount due.

77.15 Subd. 4. **Costs.** (a) Any employer and any applicant subject to section 268B.185,  
 77.16 subdivision 2, that fails to pay any amount when due under this chapter is liable for any  
 77.17 filing fees, recording fees, sheriff fees, costs incurred by referral to any public or private  
 77.18 collection agency, or litigation costs, including attorney fees, incurred in the collection of  
 77.19 the amounts due.

77.20 (b) If any tendered payment of any amount due is not honored when presented to a  
 77.21 financial institution for payment, any costs assessed the department by the financial institution  
 77.22 and a fee of \$25 must be assessed to the person.

77.23 (c) Costs and fees collected under this subdivision are credited to the enforcement account  
 77.24 under section 268B.185, subdivision 3.

77.25 Subd. 5. **Interest on amounts past due.** If any amounts due from an employer under  
 77.26 this chapter are not received on the date due, the commissioner must assess interest on any  
 77.27 amount that remains unpaid. Interest is assessed at the rate of one percent per month or any  
 77.28 part of a month. Interest is not assessed on unpaid interest. Interest collected under this  
 77.29 subdivision is credited to the enforcement account under section 268B.185, subdivision 3.

77.30 Subd. 6. **Interest on judgments.** Regardless of section 549.09, if a judgment is entered  
 77.31 upon any past due amounts from an employer under this chapter, the unpaid judgment bears  
 77.32 interest at the rate specified in subdivision 5 until the date of payment.

78.1 Subd. 7. Credit adjustments; refunds. (a) If an employer makes an application for a  
78.2 credit adjustment of any amount paid under this chapter within four years of the date that  
78.3 the payment was due, in a manner and format prescribed by the commissioner, and the  
78.4 commissioner determines that the payment or any portion thereof was erroneous, the  
78.5 commissioner must make an adjustment and issue a credit without interest. If a credit cannot  
78.6 be used, the commissioner must refund, without interest, the amount erroneously paid. The  
78.7 commissioner, on the commissioner's own motion, may make a credit adjustment or refund  
78.8 under this subdivision.

78.9 (b) Any refund returned to the commissioner is considered unclaimed property under  
78.10 chapter 345.

78.11 (c) If a credit adjustment or refund is denied in whole or in part, a determination of denial  
78.12 must be sent to the employer by mail or electronic transmission. The determination of denial  
78.13 is final unless an employer files an appeal within 20 calendar days after sending. Proceedings  
78.14 on the appeal are conducted in accordance with section 268B.08.

78.15 (d) If an employer receives a credit adjustment or refund under this section, the employer  
78.16 must determine the amount of any overpayment attributable to a deduction from employee  
78.17 wages under section 268B.14, subdivision 3, and return any amount erroneously deducted  
78.18 to each affected employee.

78.19 Subd. 8. Priorities under legal dissolutions or distributions. In the event of any  
78.20 distribution of an employer's assets according to an order of any court, including any  
78.21 receivership, assignment for benefit of creditors, adjudicated insolvency, or similar  
78.22 proceeding, premiums then or thereafter due must be paid in full before all other claims  
78.23 except claims for wages of not more than \$1,000 per former employee, earned within six  
78.24 months of the commencement of the proceedings. In the event of an employer's adjudication  
78.25 in bankruptcy under federal law, premiums then or thereafter due are entitled to the priority  
78.26 provided in that law for taxes due in any state.

78.27 Sec. 22. [268B.155] CHILD SUPPORT DEDUCTION FROM BENEFITS.

78.28 Subdivision 1. Definitions. As used in this section:

78.29 (1) "child support agency" means the public agency responsible for child support  
78.30 enforcement, including federally approved comprehensive Tribal IV-D programs; and

78.31 (2) "child support obligations" means obligations that are being enforced by a child  
78.32 support agency in accordance with a plan described in United States Code, title 42, sections  
78.33 454 and 455 of the Social Security Act that has been approved by the secretary of health

79.1 and human services under part D of title IV of the Social Security Act. This does not include  
79.2 any type of spousal maintenance or foster care payments.

79.3 Subd. 2. **Notice upon application.** In an application for family or medical leave benefits,  
79.4 the applicant must disclose if child support obligations are owed and, if so, in what state  
79.5 and county. If child support obligations are owed, the commissioner must, if the applicant  
79.6 establishes a benefit account, notify the child support agency.

79.7 Subd. 3. **Withholding of benefit.** The commissioner must deduct and withhold from  
79.8 any family or medical leave benefits payable to an applicant who owes child support  
79.9 obligations:

79.10 (1) the amount required under a proper order of a court or administrative agency; or

79.11 (2) if clause (1) is not applicable, the amount determined under an agreement under  
79.12 United States Code, title 42, section 454 (20)(B)(i), of the Social Security Act; or

79.13 (3) if clause (1) or (2) is not applicable, the amount specified by the applicant.

79.14 Subd. 4. **Payment.** Any amount deducted and withheld must be paid to the child support  
79.15 agency, must for all purposes be treated as if it were paid to the applicant as family or  
79.16 medical leave benefits and paid by the applicant to the child support agency in satisfaction  
79.17 of the applicant's child support obligations.

79.18 Subd. 5. **Payment of costs.** The child support agency must pay the costs incurred by  
79.19 the commissioner in the implementation and administration of this section and sections  
79.20 518A.50 and 518A.53.

79.21 Sec. 23. **[268B.16] COMPROMISE.**

79.22 (a) The commissioner may compromise in whole or in part any action, determination,  
79.23 or decision that affects only an employer and not an applicant. This paragraph applies if it  
79.24 is determined by a court of law, or a confession of judgment, that an applicant, while  
79.25 employed, wrongfully took from the employer \$500 or more in money or property.

79.26 (b) The commissioner may at any time compromise any premium or reimbursement due  
79.27 from an employer under this chapter.

79.28 (c) Any compromise involving an amount over \$10,000 must be authorized by an attorney  
79.29 licensed to practice law in Minnesota who is an employee of the department designated by  
79.30 the commissioner for that purpose.

79.31 (d) Any compromise must be in the best interest of the state of Minnesota.

80.1 Sec. 24. **[268B.17] ADMINISTRATIVE COSTS.**

80.2 From July 1, 2023, through December 31, 2023, the commissioner may spend up to  
80.3 seven percent of premiums collected under section 268B.15 for administration of this chapter.  
80.4 Beginning January 1, 2024, and each calendar year thereafter, the commissioner may spend  
80.5 up to seven percent of projected benefit payments for that calendar year for the administration  
80.6 of this chapter. The department may enter into interagency agreements with the Department  
80.7 of Labor and Industry, including agreements to transfer funds, subject to the limit in this  
80.8 section, for the Department of Labor and Industry to fulfill its enforcement authority of this  
80.9 chapter.

80.10 Sec. 25. **[268B.18] PUBLIC OUTREACH.**

80.11 Beginning in fiscal year 2023, the commissioner must use at least 0.5 percent of revenue  
80.12 collected under this chapter for the purpose of outreach, education, and technical assistance  
80.13 for employees, employers, and self-employed individuals eligible to elect coverage under  
80.14 section 268B.11. The department may enter into interagency agreements with the Department  
80.15 of Labor and Industry, including agreements to transfer funds, subject to the limit in section  
80.16 268B.17, to accomplish the requirements of this section. At least one-half of the amount  
80.17 spent under this section must be used for grants to community-based groups.

80.18 Sec. 26. **[268B.185] BENEFIT OVERPAYMENTS.**

80.19 Subdivision 1. **Repaying an overpayment.** (a) Any applicant who (1) because of a  
80.20 determination or amended determination issued under this chapter, or (2) because of a  
80.21 benefit law judge's decision under section 268B.08, has received any family or medical  
80.22 leave benefits that the applicant was held not entitled to, is overpaid the benefits and must  
80.23 promptly repay the benefits to the family and medical benefit insurance account.

80.24 (b) If the applicant fails to repay the benefits overpaid, including any penalty and interest  
80.25 assessed under subdivisions 2 and 4, the total due may be collected by the methods allowed  
80.26 under state and federal law.

80.27 Subd. 2. **Overpayment because of misrepresentation.** (a) An applicant has committed  
80.28 misrepresentation if the applicant is overpaid benefits by making a false statement or  
80.29 representation without a good faith belief as to the correctness of the statement or  
80.30 representation.



81.1 (b) After the discovery of facts indicating misrepresentation, the commissioner must  
81.2 issue a determination of overpayment penalty assessing a penalty equal to 20 percent of the  
81.3 amount overpaid. This penalty is in addition to penalties under section 268B.19.

81.4 (c) Unless the applicant files an appeal within 20 calendar days after the sending of a  
81.5 determination of overpayment penalty to the applicant by mail or electronic transmission,  
81.6 the determination is final. Proceedings on the appeal are conducted in accordance with  
81.7 section 268B.08.

81.8 (d) A determination of overpayment penalty must state the methods of collection the  
81.9 commissioner may use to recover the overpayment, penalty, and interest assessed. Money  
81.10 received in repayment of overpaid benefits, penalties, and interest is first applied to the  
81.11 benefits overpaid, second to the penalty amount due, and third to any interest due.

81.12 (e) The department is authorized to issue a determination of overpayment penalty under  
81.13 this subdivision within 48 months of the establishment of the benefit account upon which  
81.14 the benefits were obtained through misrepresentation.

81.15 Subd. 3. **Family and medical benefit insurance enforcement account created.** The  
81.16 family and medical benefit insurance enforcement account is created in the state treasury.  
81.17 Any penalties and interest collected under this section shall be deposited into the account  
81.18 under this subdivision and shall be used only for the purposes of administering and enforcing  
81.19 this chapter. Only the commissioner may authorize expenditures from the account under  
81.20 this subdivision.

81.21 Subd. 4. **Interest.** For any family and medical leave benefits obtained by  
81.22 misrepresentation, and any penalty amounts assessed under subdivision 2, the commissioner  
81.23 must assess interest on any amount that remains unpaid beginning 30 calendar days after  
81.24 the date of a determination of overpayment penalty. Interest is assessed at the rate of one  
81.25 percent per month or any part of a month. A determination of overpayment penalty must  
81.26 state that interest will be assessed. Interest is not assessed on unpaid interest. Interest collected  
81.27 under this subdivision is credited to the family and medical benefit insurance enforcement  
81.28 account.

81.29 Subd. 5. **Offset of benefits.** The commissioner may offset from any future family and  
81.30 medical leave benefits otherwise payable the amount of a nonmisrepresentation overpayment.  
81.31 Except when the nonmisrepresentation overpayment resulted because the applicant failed  
81.32 to report deductible earnings or deductible or benefit delaying payments, no single offset  
81.33 may exceed 50 percent of the amount of the payment from which the offset is made.

82.1 Subd. 6. Cancellation of overpayments. (a) If family and medical leave benefits overpaid  
82.2 for reasons other than misrepresentation are not repaid or offset from subsequent benefits  
82.3 within six years after the date of the determination or decision holding the applicant overpaid,  
82.4 the commissioner must cancel the overpayment balance, and no administrative or legal  
82.5 proceedings may be used to enforce collection of those amounts.

82.6 (b) If family and medical leave benefits overpaid because of misrepresentation including  
82.7 penalties and interest are not repaid within ten years after the date of the determination of  
82.8 overpayment penalty, the commissioner must cancel the overpayment balance and any  
82.9 penalties and interest due, and no administrative or legal proceeding may be used to enforce  
82.10 collection of those amounts.

82.11 (c) The commissioner may cancel at any time any overpayment, including penalties and  
82.12 interest that the commissioner determines is uncollectible because of death or bankruptcy.

82.13 Subd. 7. Court fees; collection fees. (a) If the department is required to pay any court  
82.14 fees in an attempt to enforce collection of overpaid family and medical leave benefits,  
82.15 penalties, or interest, the amount of the court fees may be added to the total amount due.

82.16 (b) If an applicant who has been overpaid family and medical leave benefits because of  
82.17 misrepresentation seeks to have any portion of the debt discharged under the federal  
82.18 bankruptcy code, and the department files an objection in bankruptcy court to the discharge,  
82.19 the cost of any court fees may be added to the debt if the bankruptcy court does not discharge  
82.20 the debt.

82.21 (c) If the Internal Revenue Service assesses the department a fee for offsetting from a  
82.22 federal tax refund the amount of any overpayment, including penalties and interest, the  
82.23 amount of the fee may be added to the total amount due. The offset amount must be put in  
82.24 the family and medical benefit insurance enforcement account and that amount credited to  
82.25 the total amount due from the applicant.

82.26 Subd. 8. Collection of overpayments. (a) The commissioner has discretion regarding  
82.27 the recovery of any overpayment for reasons other than misrepresentation. Regardless of  
82.28 any law to the contrary, the commissioner is not required to refer any overpayment for  
82.29 reasons other than misrepresentation to a public or private collection agency, including  
82.30 agencies of this state.

82.31 (b) Amounts overpaid for reasons other than misrepresentation are not considered a  
82.32 "debt" to the state of Minnesota for purposes of any reporting requirements to the  
82.33 commissioner of management and budget.

83.1 (c) A pending appeal under section 268B.08 does not suspend the assessment of interest,  
 83.2 penalties, or collection of an overpayment.

83.3 (d) Section 16A.626 applies to the repayment by an applicant of any overpayment,  
 83.4 penalty, or interest.

83.5 **Sec. 27. [268B.19] APPLICANT ADMINISTRATIVE PENALTIES.**

83.6 (a) Any applicant who makes a false statement or representation without a good faith  
 83.7 belief as to the correctness of the statement or representation in order to obtain or in an  
 83.8 attempt to obtain benefits may be assessed, in addition to any other penalties, an  
 83.9 administrative penalty of being ineligible for benefits for 13 to 104 weeks.

83.10 (b) A determination of ineligibility setting out the weeks the applicant is ineligible must  
 83.11 be sent to the applicant by mail or electronic transmission. The department is authorized to  
 83.12 issue a determination of ineligibility under this subdivision within 48 months of the  
 83.13 establishment of the benefit account upon which the benefits were obtained, or attempted  
 83.14 to be obtained. Unless an appeal is filed within 20 calendar days of sending, the determination  
 83.15 is final. Proceedings on the appeal are conducted in accordance with section 268B.08.

83.16 **Sec. 28. [268B.20] EMPLOYER MISCONDUCT; PENALTY.**

83.17 (a) The commissioner must penalize an employer if that employer or any employee,  
 83.18 officer, or agent of that employer is in collusion with any applicant for the purpose of  
 83.19 assisting the applicant in receiving benefits fraudulently. The penalty is \$500 or the amount  
 83.20 of benefits determined to be overpaid, whichever is greater.

83.21 (b) The commissioner must penalize an employer if that employer or any employee,  
 83.22 officer, or agent of that employer:

83.23 (1) made a false statement or representation knowing it to be false;

83.24 (2) made a false statement or representation without a good-faith belief as to the  
 83.25 correctness of the statement or representation; or

83.26 (3) knowingly failed to disclose a material fact.

83.27 (c) The penalty is the greater of \$500 or 50 percent of the following resulting from the  
 83.28 employer's action:

83.29 (1) the amount of any overpaid benefits to an applicant;

83.30 (2) the amount of benefits not paid to an applicant that would otherwise have been paid;

83.31 or

84.1 (3) the amount of any payment required from the employer under this chapter that was  
84.2 not paid.

84.3 (d) Penalties must be paid within 30 calendar days of issuance of the determination of  
84.4 penalty and credited to the family and medical benefit insurance account.

84.5 (e) The determination of penalty is final unless the employer files an appeal within 30  
84.6 calendar days after the sending of the determination of penalty to the employer by United  
84.7 States mail or electronic transmission.

84.8 **Sec. 29. [268B.21] RECORDS; AUDITS.**

84.9 Subdivision 1. **Employer records; audits.** (a) Each employer must keep true and accurate  
84.10 records on individuals performing services for the employer, containing the information  
84.11 the commissioner may require under this chapter. The records must be kept for a period of  
84.12 not less than four years in addition to the current calendar year.

84.13 (b) For the purpose of administering this chapter, the commissioner has the power to  
84.14 audit, examine, or cause to be supplied or copied, any books, correspondence, papers,  
84.15 records, or memoranda that are the property of, or in the possession of, an employer or any  
84.16 other person at any reasonable time and as often as may be necessary. Subpoenas may be  
84.17 issued under section 268B.22 as necessary, for an audit.

84.18 (c) An employer or other person that refuses to allow an audit of its records by the  
84.19 department or that fails to make all necessary records available for audit in the state upon  
84.20 request of the commissioner may be assessed an administrative penalty of \$500. The penalty  
84.21 collected is credited to the family and medical benefit insurance account.

84.22 (d) An employer, or other person, that fails to provide a weekly breakdown of money  
84.23 earned by an applicant upon request of the commissioner, information necessary for the  
84.24 detection of applicant misrepresentation under section 268B.185, subdivision 2, may be  
84.25 assessed an administrative penalty of \$100. Any notice requesting a weekly breakdown  
84.26 must clearly state that a \$100 penalty may be assessed for failure to provide the information.  
84.27 The penalty collected is credited to the family and medical benefit insurance account.

84.28 Subd. 2. **Department records; destruction.** (a) The commissioner may make summaries,  
84.29 compilations, duplications, or reproductions of any records pertaining to this chapter that  
84.30 the commissioner considers advisable for the preservation of the information.

84.31 (b) Regardless of any law to the contrary, the commissioner may destroy any records  
84.32 that are no longer necessary for the administration of this chapter. In addition, the

85.1 commissioner may destroy any record from which the information has been electronically  
85.2 captured and stored.

85.3 **Sec. 30. [268B.22] SUBPOENAS; OATHS.**

85.4 (a) The commissioner or benefit judge has authority to administer oaths and affirmations,  
85.5 take depositions, certify to official acts, and issue subpoenas to compel the attendance of  
85.6 individuals and the production of documents and other personal property necessary in  
85.7 connection with the administration of this chapter.

85.8 (b) Individuals subpoenaed, other than applicants or officers and employees of an  
85.9 employer that is the subject of the inquiry, are paid witness fees the same as witness fees  
85.10 in civil actions in district court. The fees need not be paid in advance.

85.11 (c) The subpoena is enforceable through the district court in Ramsey County.

85.12 **Sec. 31. [268B.23] LIEN; LEVY; SETOFF; AND CIVIL ACTION.**

85.13 Subdivision 1. Lien. (a) Any amount due under this chapter, from an applicant or an  
85.14 employer, becomes a lien upon all the property, within this state, both real and personal, of  
85.15 the person liable, from the date of assessment. For the purposes of this section, "date of  
85.16 assessment" means the date the obligation was due.

85.17 (b) The lien is not enforceable against any purchaser, mortgagee, pledgee, holder of a  
85.18 Uniform Commercial Code security interest, mechanic's lien, or judgment lien creditor,  
85.19 until a notice of lien has been filed with the county recorder of the county where the property  
85.20 is situated, or in the case of personal property belonging to a nonresident person in the Office  
85.21 of the Secretary of State. When the notice of lien is filed with the county recorder, the fee  
85.22 for filing and indexing is as provided in sections 272.483 and 272.484.

85.23 (c) Notices of liens, lien renewals, and lien releases, in a form prescribed by the  
85.24 commissioner, may be filed with the county recorder or the secretary of state by mail,  
85.25 personal delivery, or electronic transmission into the computerized filing system of the  
85.26 secretary of state. The secretary of state must, on any notice filed with that office, transmit  
85.27 the notice electronically to the appropriate county recorder. The filing officer, whether the  
85.28 county recorder or the secretary of state, must endorse and index a printout of the notice as  
85.29 if the notice had been mailed or delivered.

85.30 (d) County recorders and the secretary of state must enter information on lien notices,  
85.31 renewals, and releases into the central database of the secretary of state. For notices filed  
85.32 electronically with the county recorders, the date and time of receipt of the notice and county

86.1 recorder's file number, and for notices filed electronically with the secretary of state, the  
86.2 secretary of state's recording information, must be entered into the central database before  
86.3 the close of the working day following the day of the original data entry by the commissioner.

86.4 (e) The lien imposed on personal property, even though properly filed, is not enforceable  
86.5 against a purchaser of tangible personal property purchased at retail or personal property  
86.6 listed as exempt in sections 550.37, 550.38, and 550.39.

86.7 (f) A notice of lien filed has priority over any security interest arising under chapter 336,  
86.8 article 9, that is perfected prior in time to the lien imposed by this subdivision, but only if:

86.9 (1) the perfected security interest secures property not in existence at the time the notice  
86.10 of lien is filed; and

86.11 (2) the property comes into existence after the 45th calendar day following the day the  
86.12 notice of lien is filed, or after the secured party has actual notice or knowledge of the lien  
86.13 filing, whichever is earlier.

86.14 (g) The lien is enforceable from the time the lien arises and for ten years from the date  
86.15 of filing the notice of lien. A notice of lien may be renewed before expiration for an additional  
86.16 ten years.

86.17 (h) The lien is enforceable by levy under subdivision 2 or by judgment lien foreclosure  
86.18 under chapter 550.

86.19 (i) The lien may be imposed upon property defined as homestead property in chapter  
86.20 510 but may be enforced only upon the sale, transfer, or conveyance of the homestead  
86.21 property.

86.22 (j) The commissioner may sell and assign to a third party the commissioner's right of  
86.23 redemption in specific real property for liens filed under this subdivision. The assignee is  
86.24 limited to the same rights of redemption as the commissioner, except that in a bankruptcy  
86.25 proceeding, the assignee does not obtain the commissioner's priority. Any proceeds from  
86.26 the sale of the right of redemption are credited to the family and medical benefit insurance  
86.27 account.

86.28 Subd. 2. Levy. (a) If any amount due under this chapter, from an applicant or an employer,  
86.29 is not paid when due, the amount may be collected by the commissioner by direct levy upon  
86.30 all property and rights of property of the person liable for the amount due except property  
86.31 exempt from execution under section 550.37. For the purposes of this section, "levy" includes  
86.32 the power of distraint and seizure by any means.

87.1 (b) In addition to a direct levy, the commissioner may issue a warrant to the sheriff of  
87.2 any county who must proceed within 60 calendar days to levy upon the property or rights  
87.3 to property of the delinquent person within the county, except property exempt under section  
87.4 550.37. The sheriff must sell that property necessary to satisfy the total amount due, together  
87.5 with the commissioner's and sheriff's costs. The sales are governed by the law applicable  
87.6 to sales of like property on execution of a judgment.

87.7 (c) Notice and demand for payment of the total amount due must be mailed to the  
87.8 delinquent person at least ten calendar days before action being taken under paragraphs (a)  
87.9 and (b).

87.10 (d) If the commissioner has reason to believe that collection of the amount due is in  
87.11 jeopardy, notice and demand for immediate payment may be made. If the total amount due  
87.12 is not paid, the commissioner may proceed to collect by direct levy or issue a warrant without  
87.13 regard to the ten calendar day period.

87.14 (e) In executing the levy, the commissioner must have all of the powers provided in  
87.15 chapter 550 or any other law that provides for execution against property in this state. The  
87.16 sale of property levied upon and the time and manner of redemption is as provided in chapter  
87.17 550. The seal of the court is not required. The levy may be made whether or not the  
87.18 commissioner has commenced a legal action for collection.

87.19 (f) Where any assessment has been made by the commissioner, the property seized for  
87.20 collection of the total amount due must not be sold until any determination of liability has  
87.21 become final. No sale may be made unless a portion of the amount due remains unpaid for  
87.22 a period of more than 30 calendar days after the determination of liability becomes final.  
87.23 Seized property may be sold at any time if:

87.24 (1) the delinquent person consents in writing to the sale; or

87.25 (2) the commissioner determines that the property is perishable or may become greatly  
87.26 reduced in price or value by keeping, or that the property cannot be kept without great  
87.27 expense.

87.28 (g) Where a levy has been made to collect the amount due and the property seized is  
87.29 properly included in a formal proceeding commenced under sections 524.3-401 to 524.3-505  
87.30 and maintained under full supervision of the court, the property may not be sold until the  
87.31 probate proceedings are completed or until the court orders.

87.32 (h) The property seized must be returned if the owner:

88.1 (1) gives a surety bond equal to the appraised value of the owner's interest in the property,  
88.2 as determined by the commissioner; or

88.3 (2) deposits with the commissioner security in a form and amount the commissioner  
88.4 considers necessary to insure payment of the liability.

88.5 (i) If a levy or sale would irreparably injure rights in property that the court determines  
88.6 superior to rights of the state, the court may grant an injunction to prohibit the enforcement  
88.7 of the levy or to prohibit the sale.

88.8 (j) Any person who fails or refuses to surrender without reasonable cause any property  
88.9 or rights to property subject to levy is personally liable in an amount equal to the value of  
88.10 the property or rights not so surrendered, but not exceeding the amount due.

88.11 (k) If the commissioner has seized the property of any individual, that individual may,  
88.12 upon giving 48 hours notice to the commissioner and to the court, bring a claim for equitable  
88.13 relief before the district court for the release of the property upon terms and conditions the  
88.14 court considers equitable.

88.15 (l) Any person in control or possession of property or rights to property upon which a  
88.16 levy has been made who surrenders the property or rights to property, or who pays the  
88.17 amount due is discharged from any obligation or liability to the person liable for the amount  
88.18 due with respect to the property or rights to property.

88.19 (m) The notice of any levy may be served personally or by mail.

88.20 (n) The commissioner may release the levy upon all or part of the property or rights to  
88.21 property levied upon if the commissioner determines that the release will facilitate the  
88.22 collection of the liability, but the release does not prevent any subsequent levy. If the  
88.23 commissioner determines that property has been wrongfully levied upon, the commissioner  
88.24 must return:

88.25 (1) the specific property levied upon, at any time; or

88.26 (2) an amount of money equal to the amount of money levied upon, at any time before  
88.27 the expiration of nine months from the date of levy.

88.28 (o) Regardless of section 52.12, a levy upon a person's funds on deposit in a financial  
88.29 institution located in this state, has priority over any unexercised right of setoff of the  
88.30 financial institution to apply the levied funds toward the balance of an outstanding loan or  
88.31 loans owed by the person to the financial institution. A claim by the financial institution  
88.32 that it exercised its right to setoff before the levy must be substantiated by evidence of the  
88.33 date of the setoff, and verified by an affidavit from a corporate officer of the financial



89.1 institution. For purposes of determining the priority of any levy under this subdivision, the  
89.2 levy is treated as if it were an execution under chapter 550.

89.3 Subd. 3. **Right of setoff.** (a) Upon certification by the commissioner to the commissioner  
89.4 of management and budget, or to any state agency that disburses its own funds, that a person,  
89.5 applicant, or employer has a liability under this chapter, and that the state has purchased  
89.6 personal services, supplies, contract services, or property from that person, the commissioner  
89.7 of management and budget or the state agency must set off and pay to the commissioner an  
89.8 amount sufficient to satisfy the unpaid liability from funds appropriated for payment of the  
89.9 obligation of the state otherwise due the person. No amount may be set off from any funds  
89.10 exempt under section 550.37 or funds due an individual who receives assistance under  
89.11 chapter 256.

89.12 (b) All funds, whether general or dedicated, are subject to setoff.

89.13 (c) Regardless of any law to the contrary, the commissioner has first priority to setoff  
89.14 from any funds otherwise due from the department to a delinquent person.

89.15 Subd. 4. **Collection by civil action.** (a) Any amount due under this chapter, from an  
89.16 applicant or employer, may be collected by civil action in the name of the state of Minnesota.  
89.17 Civil actions brought under this subdivision must be heard as provided under section 16D.14.  
89.18 In any action, judgment must be entered in default for the relief demanded in the complaint  
89.19 without proof, together with costs and disbursements, upon the filing of an affidavit of  
89.20 default.

89.21 (b) Any person that is not a resident of this state and any resident person removed from  
89.22 this state, is considered to appoint the secretary of state as its agent for the acceptance of  
89.23 process in any civil action. The commissioner must file process with the secretary of state,  
89.24 together with a payment of a fee of \$15 and that service is considered sufficient service and  
89.25 has the same force and validity as if served personally within this state. Notice of the service  
89.26 of process, together with a copy of the process, must be sent by certified mail to the person's  
89.27 last known address. An affidavit of compliance with this subdivision, and a copy of the  
89.28 notice of service must be appended to the original of the process and filed in the court.

89.29 (c) No court filing fees, docketing fees, or release of judgment fees may be assessed  
89.30 against the state for actions under this subdivision.

89.31 Subd. 5. **Injunction forbidden.** No injunction or other legal action to prevent the  
89.32 determination, assessment, or collection of any amounts due under this chapter, from an  
89.33 applicant or employer, are allowed.

90.1 Sec. 32. [268B.24] CONCILIATION SERVICES.

90.2 The Department of Labor and Industry may offer conciliation services to employers and  
 90.3 employees to resolve disputes concerning alleged violations of employment protections  
 90.4 identified in section 268B.09.

90.5 Sec. 33. [268B.25] ANNUAL REPORTS.

90.6 (a) Beginning on or before December 1, 2023, the commissioner must annually report  
 90.7 to the Department of Management and Budget and the house of representatives and senate  
 90.8 committee chairs with jurisdiction over this chapter on program administrative expenditures  
 90.9 and revenue collection for the prior fiscal year, including but not limited to:

90.10 (1) total revenue raised through premium collection;

90.11 (2) the number of self-employed individuals or independent contractors electing coverage  
 90.12 under section 268B.11 and amount of associated revenue;

90.13 (3) the number of covered business entities paying premiums under this chapter and  
 90.14 associated revenue;

90.15 (4) administrative expenditures including transfers to other state agencies expended in  
 90.16 the administration of the chapter;

90.17 (5) summary of contracted services expended in the administration of this chapter;

90.18 (6) grant amounts and recipients under sections 268B.29 and 268B.18;

90.19 (7) an accounting of required outreach expenditures;

90.20 (8) summary of private plan approvals including the number of employers and employees  
 90.21 covered under private plans; and

90.22 (9) adequacy and use of the private plan approval and oversight fee.

90.23 (b) Beginning on or before December 1, 2023, the commissioner must annually publish  
 90.24 a publicly available report providing the following information for the previous fiscal year:

90.25 (1) total eligible claims;

90.26 (2) the number and percentage of claims attributable to each category of benefit;

90.27 (3) claimant demographics by age, gender, average weekly wage, occupation, and the  
 90.28 type of leave taken;

90.29 (4) the percentage of claims denied and the reasons therefor, including but not limited  
 90.30 to insufficient information and ineligibility and the reason therefor;

91.1 (5) average weekly benefit amount paid for all claims and by category of benefit;

91.2 (6) changes in the benefits paid compared to previous fiscal years;

91.3 (7) processing times for initial claims processing, initial determinations, and final  
91.4 decisions;

91.5 (8) average duration for cases completed; and

91.6 (9) the number of cases remaining open at the close of such year.

91.7 **Sec. 34. [268B.26] NOTICE REQUIREMENTS.**

91.8 (a) Each employer must post in a conspicuous place on each of its premises a workplace  
91.9 notice prepared or approved by the commissioner providing notice of benefits available  
91.10 under this chapter. The required workplace notice must be in English and each language  
91.11 other than English which is the primary language of five or more employees or independent  
91.12 contractors of that workplace, if such notice is available from the department.

91.13 (b) Each employer must issue to each employee not more than 30 days from the beginning  
91.14 date of the employee's employment, or 30 days before premium collection begins, whichever  
91.15 is later, the following written information provided or approved by the department in the  
91.16 primary language of the employee:

91.17 (1) an explanation of the availability of family and medical leave benefits provided under  
91.18 this chapter, including rights to reinstatement and continuation of health insurance;

91.19 (2) the amount of premium deductions made by the employer under this chapter;

91.20 (3) the employer's premium amount and obligations under this chapter;

91.21 (4) the name and mailing address of the employer;

91.22 (5) the identification number assigned to the employer by the department;

91.23 (6) instructions on how to file a claim for family and medical leave benefits;

91.24 (7) the mailing address, e-mail address, and telephone number of the department; and

91.25 (8) any other information required by the department.

91.26 Delivery is made when an employee provides written acknowledgment of receipt of the  
91.27 information, or signs a statement indicating the employee's refusal to sign such  
91.28 acknowledgment.

91.29 (c) Each employer shall provide to each independent contractor with whom it contracts,  
91.30 at the time such contract is made or, for existing contracts, within 30 days of the effective

92.1 date of this section, the following written information provided or approved by the department  
 92.2 in the self-employed individual's primary language:

92.3 (1) the address and telephone number of the department; and

92.4 (2) any other information required by the department.

92.5 (d) An employer that fails to comply with this subdivision may be issued, for a first  
 92.6 violation, a civil penalty of \$50 per employee and per independent contractor with whom  
 92.7 it has contracted, and for each subsequent violation, a civil penalty of \$300 per employee  
 92.8 or self-employed individual with whom it has contracted. The employer shall have the  
 92.9 burden of demonstrating compliance with this section.

92.10 (e) Employer notice to an employee under this section may be provided in paper or  
 92.11 electronic format. For notice provided in electronic format only, the employer must provide  
 92.12 employee access to an employer-owned computer during an employee's regular working  
 92.13 hours to review and print required notices.

92.14 **Sec. 35. [268B.27] RELATIONSHIP TO OTHER LEAVE; CONSTRUCTION.**

92.15 Subdivision 1. **Concurrent leave.** An employer may require leave taken under this  
 92.16 chapter to run concurrently with leave taken for the same purpose under section 181.941  
 92.17 or the Family and Medical Leave Act, United States Code, title 29, sections 2601 to 2654,  
 92.18 as amended.

92.19 Subd. 2. **Construction.** Nothing in this chapter shall be construed to:

92.20 (1) allow an employer to compel an employee to exhaust accumulated sick, vacation,  
 92.21 or personal time before or while taking leave under this chapter;

92.22 (2) except as provided under section 268B.01, subdivision 37, prohibit an employer  
 92.23 from providing additional benefits, including but not limited to covering the portion of  
 92.24 earnings not provided under this chapter during periods of leave covered under this chapter;  
 92.25 or

92.26 (3) limit the parties to a collective bargaining agreement from bargaining and agreeing  
 92.27 with respect to leave benefits and related procedures and employee protections that meet  
 92.28 or exceed, and do not otherwise conflict with, the minimum standards and requirements in  
 92.29 this chapter.

93.1 Sec. 36. **[268B.28] SEVERABLE.**

93.2 If the United States Department of Labor or a court of competent jurisdiction determines  
93.3 that any provision of the family and medical benefit insurance program under this chapter  
93.4 is not in conformity with, or is inconsistent with, the requirements of federal law, the  
93.5 provision has no force or effect. If only a portion of the provision, or the application to any  
93.6 person or circumstances, is determined not in conformity, or determined inconsistent, the  
93.7 remainder of the provision and the application of the provision to other persons or  
93.8 circumstances are not affected.

93.9 Sec. 37. **[268B.29] SMALL BUSINESS ASSISTANCE GRANTS.**

93.10 (a) Employers with 50 or fewer employees may apply to the department for grants under  
93.11 this section.

93.12 (b) The commissioner may approve a grant of up to \$3,000 if the employer hires a  
93.13 temporary worker to replace an employee on family or medical leave for a period of seven  
93.14 days or more.

93.15 (c) For an employee's family or medical leave, the commissioner may approve a grant  
93.16 of up to \$1,000 as reimbursement for significant additional wage-related costs due to the  
93.17 employee's leave.

93.18 (d) To be eligible for consideration for a grant under this section, the employer must  
93.19 provide the department written documentation showing the temporary worker hired or  
93.20 significant wage-related costs incurred are due to an employee's use of leave under this  
93.21 chapter.

93.22 (e) The grants under this section may be funded from the family and medical benefit  
93.23 insurance account.

93.24 (f) For the purposes of this section, the commissioner shall average the number of  
93.25 employees reported by an employer over the last four completed calendar quarters to  
93.26 determine the size of the employer.

93.27 (g) An employer who has an approved private plan is not eligible to receive a grant under  
93.28 this section.

93.29 (h) The commissioner may award grants under this section only up to a maximum of  
93.30 \$5,000,000 per calendar year.

94.1 Sec. 38. **EFFECTIVE DATES.**

94.2 (a) Benefits under Minnesota Statutes, chapter 268B, shall not be applied for or paid  
 94.3 until January 1, 2025, and thereafter.

94.4 (b) Sections 1, 2, 4, 5, 6, 36, and 38 are effective July 1, 2022.

94.5 (c) Section 15 is effective July 1, 2022.

94.6 (d) Sections 3, 17, 18, 19, 21, 23, 24, 25, 29, 30, 31, and 33 are effective January 1,  
 94.7 2024.

94.8 (e) Sections 7, 8, 9, 10, 11, 12, 13, 14, 16, 20, 22, 26, 27, 28, 32, 34, 35, and 37 are  
 94.9 effective January 1, 2025.

94.10 **ARTICLE 4**94.11 **FAMILY AND MEDICAL LEAVE BENEFIT AS EARNINGS**

94.12 Section 1. Minnesota Statutes 2020, section 256J.561, is amended by adding a subdivision  
 94.13 to read:

94.14 Subd. 4. Parents receiving family and medical leave benefits. A parent who meets  
 94.15 the criteria under subdivision 2 and who receives benefits under chapter 268B is not required  
 94.16 to participate in employment services.

94.17 Sec. 2. Minnesota Statutes 2020, section 256J.95, subdivision 3, is amended to read:

94.18 **Subd. 3. Eligibility for diversionary work program.** (a) Except for the categories of  
 94.19 family units listed in clauses (1) to (8), all family units who apply for cash benefits and who  
 94.20 meet MFIP eligibility as required in sections 256J.11 to 256J.15 are eligible and must  
 94.21 participate in the diversionary work program. Family units or individuals that are not eligible  
 94.22 for the diversionary work program include:

94.23 (1) child only cases;

94.24 (2) single-parent family units that include a child under 12 months of age. A parent is  
 94.25 eligible for this exception once in a parent's lifetime;

94.26 (3) family units with a minor parent without a high school diploma or its equivalent;

94.27 (4) family units with an 18- or 19-year-old caregiver without a high school diploma or  
 94.28 its equivalent who chooses to have an employment plan with an education option;

94.29 (5) family units with a caregiver who received DWP benefits within the 12 months prior  
 94.30 to the month the family applied for DWP, except as provided in paragraph (c);

95.1 (6) family units with a caregiver who received MFIP within the 12 months prior to the  
95.2 month the family applied for DWP;

95.3 (7) family units with a caregiver who received 60 or more months of TANF assistance;  
95.4 ~~and~~

95.5 (8) family units with a caregiver who is disqualified from the work participation cash  
95.6 benefit program, DWP, or MFIP due to fraud; and

95.7 (9) single-parent family units where a parent is receiving family and medical leave  
95.8 benefits under chapter 268B.

95.9 (b) A two-parent family must participate in DWP unless both caregivers meet the criteria  
95.10 for an exception under paragraph (a), clauses (1) through (5), or the family unit includes a  
95.11 parent who meets the criteria in paragraph (a), clause (6), (7), or (8).

95.12 (c) Once DWP eligibility is determined, the four months run consecutively. If a participant  
95.13 leaves the program for any reason and reapplies during the four-month period, the county  
95.14 must redetermine eligibility for DWP.

95.15 Sec. 3. Minnesota Statutes 2020, section 256J.95, subdivision 11, is amended to read:

95.16 Subd. 11. **Universal participation required.** (a) All DWP caregivers, except caregivers  
95.17 who meet the criteria in paragraph (d), are required to participate in DWP employment  
95.18 services. Except as specified in paragraphs (b) and (c), employment plans under DWP must,  
95.19 at a minimum, meet the requirements in section 256J.55, subdivision 1.

95.20 (b) A caregiver who is a member of a two-parent family that is required to participate  
95.21 in DWP who would otherwise be ineligible for DWP under subdivision 3 may be allowed  
95.22 to develop an employment plan under section 256J.521, subdivision 2, that may contain  
95.23 alternate activities and reduced hours.

95.24 (c) A participant who is a victim of family violence shall be allowed to develop an  
95.25 employment plan under section 256J.521, subdivision 3. A claim of family violence must  
95.26 be documented by the applicant or participant by providing a sworn statement which is  
95.27 supported by collateral documentation in section 256J.545, paragraph (b).

95.28 (d) One parent in a two-parent family unit ~~that has a natural born child under 12 months~~  
95.29 ~~of age~~ is not required to have an employment plan ~~until the child reaches 12 months of age~~  
95.30 ~~unless the family unit has already used the exclusion under section 256J.561, subdivision~~  
95.31 ~~3, or the previously allowed child under age one exemption under section 256J.56, paragraph~~  
95.32 ~~(a), clause (5).~~ if that parent:

96.1 (1) receives family and medical leave benefits under chapter 268B; or

96.2 (2) has a natural born child under 12 months of age until the child reaches 12 months  
 96.3 of age unless the family unit has already used the exclusion under section 256J.561,  
 96.4 subdivision 3, or the previously allowed child under age one exemption under section  
 96.5 256J.56, paragraph (a), clause (5).

96.6 (e) The provision in paragraph (d) ends the first full month after the child reaches 12  
 96.7 months of age. This provision is allowable only once in a caregiver's lifetime. In a two-parent  
 96.8 household, only one parent shall be allowed to use this category.

96.9 (f) The participant and job counselor must meet in the month after the month the child  
 96.10 reaches 12 months of age to revise the participant's employment plan. The employment plan  
 96.11 for a family unit that has a child under 12 months of age that has already used the exclusion  
 96.12 in section 256J.561 must be tailored to recognize the caregiving needs of the parent.

96.13 Sec. 4. Minnesota Statutes 2021 Supplement, section 256P.01, subdivision 3, is amended  
 96.14 to read:

96.15 Subd. 3. **Earned income.** "Earned income" means income earned through the receipt  
 96.16 of wages, salary, commissions, bonuses, tips, gratuities, profit from employment activities,  
 96.17 net profit from self-employment activities, payments made by an employer for regularly  
 96.18 accrued vacation or sick leave, severance pay based on accrued leave time, benefits paid  
 96.19 under chapter 268B, royalties, honoraria, or other profit from activity that results from the  
 96.20 client's work, effort, or labor for purposes other than student financial assistance,  
 96.21 rehabilitation programs, student training programs, or service programs such as AmeriCorps.  
 96.22 The income must be in return for, or as a result of, legal activity.

96.23 Sec. 5. **EFFECTIVE DATE.**

96.24 Sections 1 to 4 are effective January 1, 2025.

96.25 **ARTICLE 5**  
 96.26 **APPROPRIATIONS**

96.27 Section 1. **FAMILY AND MEDICAL BENEFITS; APPROPRIATIONS.**

96.28 (a) \$11,153,000 in fiscal year 2023 is appropriated from the general fund to the  
 96.29 commissioner of employment and economic development for the purposes of Minnesota  
 96.30 Statutes, chapter 268B. The base for this purpose in fiscal year 2024 is \$23,966,000 from



97.1 the family and medical benefit insurance account, \$52,591,000 in fiscal year 2025,  
97.2 \$51,648,000 in fiscal year 2026, and \$47,965,000 in fiscal year 2027.

97.3 (b) \$630,000 in fiscal year 2023 is appropriated from the general fund to the commissioner  
97.4 of employment and economic development for the purpose of outreach, education, and  
97.5 technical assistance for employees and employers regarding Minnesota Statutes, chapter  
97.6 268B. The base for this purpose in 2024 is \$630,000 from the family and medical benefit  
97.7 insurance account.

97.8 Of the amount appropriated, at least half must be used for grants to community-based  
97.9 groups providing outreach, education, and technical assistance for employees, employers,  
97.10 and self-employed individuals regarding Minnesota Statutes, chapter 268B. Outreach must  
97.11 include efforts to notify self-employed individuals of their ability to elect coverage under  
97.12 Minnesota Statutes, section 268B.11, and provide them with technical assistance in doing  
97.13 so.

97.14 (c) \$536,000 in fiscal year 2023 is appropriated from the general fund to the commissioner  
97.15 of labor and industry for the purposes of Minnesota Statutes, chapter 268B. The base for  
97.16 this purpose is \$436,000 in fiscal year 2024, \$559,000 in fiscal year 2025, and \$618,000 in  
97.17 fiscal year 2026.

97.18 (d) \$1,065,000 in fiscal year 2023 is appropriated from the family and medical benefit  
97.19 insurance account to the commissioner of human services for information technology system  
97.20 costs associated with Minnesota Statutes, chapter 268B. This is a onetime appropriation  
97.21 and is available until June 30, 2023. The base for this purpose in fiscal year 2026 is \$213,000.

97.22 (e) \$28,000 in fiscal year 2023 is appropriated from the general fund to the commissioner  
97.23 of management and budget for information technology systems upgrades necessary to  
97.24 comply with Minnesota Statutes, chapter 268B. The base for ongoing maintenance of these  
97.25 systems from the family and medical benefit insurance account is \$23,000 in fiscal year  
97.26 2024 and \$13,000 in fiscal year 2025.

97.27 (f) \$1,930,000 in fiscal year 2023 is appropriated from the general fund to the  
97.28 commissioner of management and budget for the premiums and notice acknowledgment  
97.29 required of employers under Minnesota Statutes, chapter 268B. The base for this purpose  
97.30 is \$3,727,000 in fiscal year 2024.

97.31 (g) \$11,000 in fiscal year 2023 is appropriated from the general fund to the legislative  
97.32 coordinating commission for systems upgrades necessary to comply with Minnesota Statutes,  
97.33 chapter 268B. This appropriation is onetime.

98.1 (h) \$20,000 in fiscal year 2023 is appropriated from the general fund to the supreme  
98.2 court for judicial responsibilities associated with Minnesota Statutes, chapter 268B. This is  
98.3 a onetime appropriation.

98.4 (i) \$5,600,000 in fiscal year 2023 is appropriated from the family and medical benefit  
98.5 insurance account to the court of appeals for judicial responsibilities associated with  
98.6 Minnesota Statutes, chapter 268B. This is a onetime appropriation and is available until  
98.7 June 30, 2026.

98.8 **EFFECTIVE DATE.** This section is effective July 1, 2022.

98.9 Sec. 2. **FAMILY AND MEDICAL BENEFITS; TRANSFER.**

98.10 In fiscal year 2024 only, \$11,748,000 shall be transferred from the family and medical  
98.11 benefit insurance account to the general fund.

98.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.