

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1085

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| DATE | D-PG | OFFICIAL STATUS |
|------------|------|---|
| 02/23/2015 | 401 | Introduction and first reading Referred to Jobs, Agriculture and Rural Development |

A bill for an act

1.1 relating to employment; establishing a Working Parents Act; providing wage
 1.2 theft protection; providing paid family leave; providing earned sick and safe
 1.3 time; requiring fair scheduling; imposing penalties; requiring reports; authorizing
 1.4 rulemaking; appropriating money; amending Minnesota Statutes 2014, sections
 1.5 13.7905, by adding a subdivision; 177.24, by adding a subdivision; 177.253,
 1.6 subdivision 1; 177.254, subdivision 1; 177.27, subdivisions 2, 4, 7, 8, 9, by
 1.7 adding subdivisions; 177.28, subdivision 1; 177.32; 181.032; 181.940; 181.941;
 1.8 181.942; 181.943; 181.9436; 181.944; 290.01, subdivision 19b; 541.05,
 1.9 subdivision 1; 541.07; proposing coding for new law in Minnesota Statutes,
 1.10 chapters 177; 181; repealing Minnesota Statutes 2014, section 181.9413;
 1.11 Minnesota Rules, part 5200.0080, subpart 7.
 1.12

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

ARTICLE 1

1.14

WORKING PARENTS ACT

1.15

1.16 Section 1. **CITATION; WORKING PARENTS ACT.**

1.17

This act shall be known as the "Working Parents Act."

1.18

ARTICLE 2

1.19

WAGE THEFT PROTECTION

1.20

1.20 Section 1. Minnesota Statutes 2014, section 13.7905, is amended by adding a
 1.21 subdivision to read:

1.22

1.22 Subd. 7. **Complaints to the Department of Labor and Industry.** Certain data
 1.23 regarding employee complaints to the commissioner of labor and industry are classified
 1.24 under section 177.27, subdivision 11.

1.23

1.24

2.1 Sec. 2. Minnesota Statutes 2014, section 177.24, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 3a. **Gratuities; credit cards or charges.** (a) Gratuities presented to an
2.4 employee via inclusion on a debit, charge, or credit card shall be credited to that pay
2.5 period in which they are received by the employee and for which they appear on the
2.6 employee's tip statement.

2.7 (b) Where a gratuity is given by a customer through a debit, charge, or credit card,
2.8 the full amount of gratuity must be allowed the employee.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2015.

2.10 Sec. 3. Minnesota Statutes 2014, section 177.253, subdivision 1, is amended to read:

2.11 Subdivision 1. **Rest breaks.** ~~An employer must allow each employee adequate time~~
2.12 ~~from work within each four consecutive hours of work to utilize the nearest convenient~~
2.13 ~~restroom~~ a rest break of at least ten minutes per four consecutive hours of work. Time
2.14 spent by employees on rest breaks must be counted as hours worked.

2.15 Sec. 4. Minnesota Statutes 2014, section 177.254, subdivision 1, is amended to read:

2.16 Subdivision 1. **Meal break.** ~~An employer must permit each employee who is~~
2.17 ~~working for eight or more consecutive hours sufficient time to eat a meal. An employer~~
2.18 must permit each employee who works for five or more consecutive hours a meal break of
2.19 at least 30 minutes, except that if the work period for the day is six consecutive hours or
2.20 less, the employee and employer may waive the meal break by mutual consent.

2.21 Sec. 5. Minnesota Statutes 2014, section 177.27, subdivision 7, is amended to read:

2.22 Subd. 7. **Employer liability.** (a) If an employer is found by the commissioner to
2.23 have violated a section identified in subdivision 4, or any rule adopted under section
2.24 177.28, and the commissioner issues an order to comply, the commissioner shall order
2.25 the employer to cease and desist from engaging in the violative practice and to take such
2.26 affirmative steps that in the judgment of the commissioner will effectuate the purposes
2.27 of the section or rule violated. The commissioner shall order the employer to pay to the
2.28 aggrieved parties back pay, gratuities, ~~and~~ compensatory damages, and predictability pay
2.29 under section 181.99, less any amount actually paid to the employee by the employer, and
2.30 for an additional equal amount as liquidated damages. equal to twice the unpaid wages,
2.31 overtime pay, gratuities, and predictability pay under section 181.99. In addition, the
2.32 commissioner may order the employer to pay civil penalties of up to \$1,000 per violation.

3.1 The commissioner must consider the factors described in section 14.045, subdivision 3,
3.2 paragraph (a), when assessing these civil penalties.

3.3 (b) Any employer who is found by the commissioner to have repeatedly or willfully
3.4 violated a section or sections identified in subdivision 4 shall be subject to a civil penalty
3.5 of ~~up to \$1,000~~ at least \$5,000, but no more than \$10,000 for each violation for each
3.6 employee. The commissioner must consider the factors described in section 14.045,
3.7 including those contained in section 14.045, subdivision 3, paragraph (b), when assessing
3.8 these civil penalties.

3.9 (c) In determining the amount of a civil penalty under this subdivision, the
3.10 appropriateness of such penalty to the size of the employer's business and the gravity of
3.11 the violation shall be considered. In addition, the commissioner may order the employer
3.12 to reimburse the department and the attorney general for all appropriate litigation and
3.13 hearing costs expended in preparation for and in conducting the contested case proceeding,
3.14 unless payment of costs would impose extreme financial hardship on the employer. If the
3.15 employer is able to establish extreme financial hardship, then the commissioner may
3.16 order the employer to pay a percentage of the total costs that will not cause extreme
3.17 financial hardship. Costs include but are not limited to the costs of services rendered by
3.18 the attorney general, private attorneys if engaged by the department, administrative law
3.19 judges, court reporters, and expert witnesses as well as the cost of transcripts. Interest
3.20 shall accrue on, and be added to, the unpaid balance of a commissioner's order from the
3.21 date the order is signed by the commissioner until it is paid, at an annual rate provided in
3.22 section 549.09, subdivision 1, paragraph (c). The commissioner may establish escrow
3.23 accounts for purposes of distributing damages.

3.24 (d) In addition to paragraph (c), when the commissioner finds that an employer
3.25 has repeatedly or willfully violated a section or sections identified in subdivision 4, the
3.26 commissioner shall take the following actions:

3.27 (1) the commissioner shall identify any state, county, or municipal agency, or
3.28 municipality as defined in section 466.01, subdivision 1, that has issued licenses or permits
3.29 necessary for the employer to conduct its business;

3.30 (2) the commissioner shall order any identified state, county, or municipal agency,
3.31 or municipality as defined in section 466.01, subdivision 1, to immediately revoke or
3.32 suspend any such licenses or permits until the commissioner determines that the employer
3.33 has remedied all violations.

3.34 (e) The commissioner has the power to take the actions described in paragraph (d),
3.35 notwithstanding any conflicting statute, rule, ordinance, or other regulation. A state,
3.36 county, or municipal agency, or municipality as defined in section 466.01, subdivision

4.1 1, has the power to comply with an order of the commissioner under paragraph (d),
4.2 notwithstanding any conflicting statute, rule, ordinance, or other regulation.

4.3 Sec. 6. Minnesota Statutes 2014, section 177.27, subdivision 8, is amended to read:

4.4 Subd. 8. **Court actions; suits brought by private parties.** An employee may
4.5 bring a civil action seeking redress for a violation or violations of sections 177.21 to
4.6 177.44 directly to district court. An employer who pays an employee less than the wages
4.7 and overtime compensation to which the employee is entitled under sections 177.21 to
4.8 177.44 is liable to the employee for the full amount of the wages, gratuities, and overtime
4.9 compensation, less any amount the employer is able to establish was actually paid to the
4.10 employee and for an additional ~~equal~~ amount as ~~liquidated damages~~ equal to twice the
4.11 unpaid wages, overtime pay, and gratuities. In addition, in an action under this subdivision
4.12 the employee may seek damages and other appropriate relief provided by subdivision 7
4.13 and otherwise provided by law. An agreement between the employee and the employer to
4.14 work for less than the applicable wage is not a defense to the action.

4.15 Sec. 7. Minnesota Statutes 2014, section 177.27, subdivision 9, is amended to read:

4.16 Subd. 9. **District court jurisdiction.** Any action brought under subdivision 8 may
4.17 be filed in the district court of the county wherein a violation or violations ~~of sections~~
4.18 ~~177.21 to 177.44~~ are alleged to have been committed, where the respondent resides or
4.19 has a principal place of business, or any other court of competent jurisdiction. The action
4.20 may be brought by one or more employees. An employee may choose to have a person
4.21 or organization bring an action on the employee's behalf. In such a case, the person or
4.22 organization has the power to settle or adjust the claim.

4.23 Sec. 8. Minnesota Statutes 2014, section 177.27, is amended by adding a subdivision
4.24 to read:

4.25 Subd. 11. **Employee complaints.** (a) Any person or organization may file an
4.26 administrative complaint or an informal complaint with the department claiming an
4.27 employer has violated sections 177.21 to 177.44 as to any employee or person.

4.28 (b) The commissioner shall allow for anonymous informal and administrative
4.29 complaints. The commissioner shall take steps to keep the identity of a complaining
4.30 employee or other individual confidential if that employee or individual so chooses.

4.31 (c) If the commissioner investigates a complaint against an employer and the
4.32 commissioner chooses to review employer records related to the complaint, the
4.33 commissioner shall review the relevant records of all employees at that work site in order to:

- 5.1 (1) maintain the employee's anonymity; and
5.2 (2) determine whether a pattern of violations has occurred.
5.3 (d) Any information regarding a complaint under this subdivision is excluded from
5.4 any requirements for disclosure under the Minnesota Government Data Practices Act.

5.5 Sec. 9. Minnesota Statutes 2014, section 177.27, is amended by adding a subdivision
5.6 to read:

5.7 Subd. 12. **Wage bonds.** (a) If, upon investigation by the commissioner of any
5.8 complaint under sections 177.21 to 177.44, the commissioner finds that an employer is
5.9 not paying wages due its employees, the commissioner may require the employer to
5.10 give the department a bond, with sufficient surety, in an amount that the commissioner
5.11 deems reasonable and adequate under the circumstances. Forfeiture of the bond may be
5.12 conditioned on the employer continuing to conduct its business and paying its employees
5.13 in accordance with all laws for a definite period not to exceed six months.

5.14 (b) If, within ten days after the commissioner demands such a bond, the employer
5.15 fails to provide it, the commissioner may bring an action against the employer, in any
5.16 court of competent jurisdiction, to compel the employer to provide the bond or to cease
5.17 conducting business until the employer has done so. The employer shall have the burden
5.18 of proving the amount of the bond to be excessive.

5.19 Sec. 10. **[177.311] GRANTS TO COMMUNITY ORGANIZATIONS.**

5.20 The commissioner must make grants to community organizations for the purpose of
5.21 outreach to and education for employees affected by sections 177.21 to 177.44 regarding
5.22 employee rights under those sections. The community-based organizations must be
5.23 selected based on their experience, capacity, and relationships in high-violation industries.
5.24 The work under any such grant may include the creation and administration of a statewide
5.25 worker hotline.

5.26 Sec. 11. **[177.315] EMPLOYER RETALIATION.**

5.27 No employer shall discharge or take any other adverse action against any person in
5.28 retaliation for asserting any claim or right under sections 177.21 to 177.44, for assisting
5.29 any other person in doing so, or for informing any person about the person's rights under
5.30 sections 177.21 to 177.44. An employer taking any adverse action against a person within
5.31 one year of a person's engaging in the foregoing activities shall raise a presumption that
5.32 such action was retaliation, which may be rebutted by clear and convincing evidence that
5.33 the action was taken for other permissible reasons.

6.1 Sec. 12. Minnesota Statutes 2014, section 177.32, is amended to read:

6.2 **177.32 PENALTIES.**

6.3 Subdivision 1. **Misdemeanors Crimes.** (a) An employer who does any of the
6.4 following is guilty of a misdemeanor:

6.5 (1) hinders or delays the commissioner in the performance of duties required under
6.6 sections 177.21 to 177.435;

6.7 (2) refuses to admit the commissioner to the place of business or employment of the
6.8 employer, as required by section 177.27, subdivision 1;

6.9 (3) repeatedly fails to make, keep, and preserve records as required by section 177.30;

6.10 (4) falsifies any record;

6.11 (5) refuses to make any record available, or to furnish a sworn statement of the
6.12 record or any other information as required by section 177.27;

6.13 (6) repeatedly fails to post a summary of sections 177.21 to 177.44 or a copy or
6.14 summary of the applicable rules as required by section 177.31;

6.15 (7) pays or agrees to pay wages at a rate less than the rate required under sections
6.16 177.21 to 177.44, and the total of any such wages in relation to all affected employees
6.17 is less than \$5,000;

6.18 (8) refuses to allow adequate time from work as required by section 177.253; or

6.19 (9) otherwise violates any provision of sections 177.21 to 177.44.

6.20 (b) An employer is guilty of a gross misdemeanor if the employer fails to pay any
6.21 wages due to an employee or employees under sections 177.21 to 177.44, and the total of
6.22 any such wages in relation to all affected employees is \$5,000 or more.

6.23 (c) An employer who is convicted of a crime under paragraph (a) or (b) and is
6.24 subsequently convicted of a second crime under paragraph (a) or (b) within two years of
6.25 the first conviction is guilty of a felony.

6.26 Subd. 2. **Fine Fines.** An employer shall be fined not less than ~~\$700~~ \$5,000 nor
6.27 more than ~~\$3,000~~ \$10,000 if convicted of discharging or otherwise discriminating against
6.28 any employee because:

6.29 (1) the employee has complained to the employer or to the department that wages
6.30 have not been paid in accordance with sections 177.21 to 177.435;

6.31 (2) the employee has instituted or will institute a proceeding under or related to
6.32 sections 177.21 to 177.435; or

6.33 (3) the employee has testified or will testify in any proceeding.

6.34 Sec. 13. **[177.321] PENALTIES; SPECIAL ACCOUNT.**

7.1 All civil penalties collected under sections 177.21 to 177.44, must be deposited in
7.2 the state treasury and credited to a special account. Money in the account is annually
7.3 appropriated to the commissioner of labor and industry to administer sections 177.311
7.4 and 181.9436.

7.5 Sec. 14. **[181.724] CONTRACTS FOR LABOR OR SERVICES.**

7.6 Subdivision 1. **Contract; insufficient funds.** A person or entity shall not enter
7.7 into a contract or agreement for labor or services where the person or entity knows or
7.8 should know that the contract or agreement does not include funds sufficient to allow
7.9 the contractor to comply with all applicable local, state, and federal laws or regulations
7.10 governing the labor or services to be provided.

7.11 Subd. 2. **Rebuttable presumption.** There is a rebuttable presumption affecting the
7.12 burden of proof that there has been no violation of subdivision 1 where the contract or
7.13 agreement with a contractor meets all of the requirements in subdivision 4.

7.14 Subd. 3. **Exclusions.** Subdivision 1 does not apply to a person or entity who
7.15 executes a collective bargaining agreement covering the workers employed under the
7.16 contract or agreement, or to a person who enters into a contract or agreement for labor or
7.17 services to be performed on the person's home residence, provided that a family member
7.18 resides in the residence or residences for which the labor or services are to be performed
7.19 for at least part of the year.

7.20 Subd. 4. **Written contract; provisions.** To meet the requirements of subdivision
7.21 2, a contract or agreement with a contractor for labor or services shall be in writing, in
7.22 a single document, and contain all of the following provisions, in addition to any other
7.23 provisions that may be required by the commissioner:

7.24 (1) the name, address, and telephone number of the person or entity and the
7.25 contractor through whom the labor or services are to be provided;

7.26 (2) a description of the labor or services to be provided and a statement of when
7.27 those services are to be commenced and completed;

7.28 (3) the employer identification number for state tax purposes of the contractor;

7.29 (4) the workers' compensation insurance policy number and the name, address,
7.30 and telephone number of the contractor;

7.31 (5) the vehicle identification number of any vehicle that is owned by the contractor
7.32 and used for transportation in connection with any service provided pursuant to the
7.33 contract or agreement, the number of the vehicle liability insurance policy that covers the
7.34 vehicle, and the name, address, and telephone number of the insurance carrier;

8.1 (6) the address of any real property to be used to house workers in connection with
8.2 the contract or agreement;

8.3 (7) the total number of workers to be employed under the contract or agreement, the
8.4 total amount of all wages to be paid, and the date or dates when those wages are to be paid;

8.5 (8) the amount of the commission or other payment made to the contractor for
8.6 services under the contract or agreement;

8.7 (9) the total number of persons who will be utilized under the contract or agreement
8.8 as independent contractors, along with a list of the current local, state, and federal
8.9 contractor license identification numbers that the independent contractors are required to
8.10 have under local, state, or federal laws or regulations; and

8.11 (10) the signatures of all parties, and the date the contract or agreement was signed.

8.12 Subd. 5. **Material changes.** (a) To qualify for the rebuttable presumption in
8.13 subdivision 2, a material change to the terms and conditions of a contract or agreement
8.14 between a person or entity and a contractor must be in writing, in a single document, and
8.15 contain all of the provisions listed in subdivision 4 that are affected by the change.

8.16 (b) If a provision required to be contained in a contract or agreement under
8.17 subdivision 4, clause (7) or (9), is unknown at the time the contract or agreement is
8.18 executed, the best estimate available at that time is sufficient to satisfy the requirements of
8.19 subdivision 4. If an estimate is used in place of actual figures, the parties to the contract or
8.20 agreement have a continuing duty to ascertain the information required under subdivision
8.21 4, clause (7) or (9), and to reduce that information to writing according to the requirements
8.22 of paragraph (a) once that information becomes known.

8.23 Subd. 6. **Written contract; commissioner review.** A person or entity who enters
8.24 into a contract or agreement referred to in subdivision 4 or 5 shall keep a copy of the written
8.25 contract or agreement for a period of not less than four years following the termination of
8.26 the contract or agreement. Upon the request of the commissioner of labor and industry, any
8.27 person or entity who enters into the contract or agreement shall provide to the commissioner
8.28 a copy of the provisions of the contract or agreement, and any other documentation,
8.29 related to subdivision 4, clauses (1) to (10). Documents obtained under this section are
8.30 exempt from disclosure under the Minnesota Government Data Practices Act, chapter 13.

8.31 Subd. 7. **Penalties.** (a) An employee aggrieved by a violation of subdivision 1 may
8.32 file an action for damages to recover the greater of all actual damages or \$250 per employee
8.33 per violation for an initial violation and \$1,000 per employee for each subsequent
8.34 violation, and, upon prevailing in an action brought under this section, may recover costs
8.35 and reasonable attorney fees. An action under this section shall not be maintained unless it

9.1 is pleaded and proved that an employee was injured as a result of a violation of a labor law
 9.2 or regulation in connection with the performance of the contract or agreement.

9.3 (b) An employee aggrieved by a violation of subdivision 1 may also bring an action
 9.4 for injunctive relief and, upon prevailing, may recover costs and reasonable attorney fees.

9.5 Subd. 8. **Know or should know; definition.** (a) The term "know" as used in
 9.6 this section includes the knowledge, arising from familiarity with the normal facts and
 9.7 circumstances of the business activity engaged in, that the contract or agreement does not
 9.8 include funds sufficient to allow the contractor to comply with applicable laws.

9.9 (b) The phrase "should know" as used in this section includes the knowledge of any
 9.10 additional facts or information that would make a reasonably prudent person undertake
 9.11 to inquire whether, taken together, the contract or agreement contains sufficient funds to
 9.12 allow the contractor to comply with applicable laws.

9.13 (c) A failure by a person or entity to request or obtain any information from the
 9.14 contractor that is required by any applicable statute, or by the contract or agreement
 9.15 between them, constitutes knowledge of that information for purposes of this section.

9.16 **Sec. 15. [181.915] EMPLOYER STATEMENT TO EMPLOYEES.**

9.17 An employer must provide each newly hired employee, before the employee begins
 9.18 the employee's duties, and each current employee annually, a written statement, in English
 9.19 and in the principal language of the employee, describing the terms and conditions of the
 9.20 employee's employment. The statement must include, but is not limited to, the following:

9.21 (1) the full name, mailing address, and phone number of the employer;

9.22 (2) the federal and state tax identification numbers of each employer, but not
 9.23 including Social Security numbers of employers who are individuals;

9.24 (3) the place or places of employment;

9.25 (4) the hours of work per day and number of days per week that the employee
 9.26 will be required to work;

9.27 (5) the wages the employer will pay the employee per hour, day, week, or other
 9.28 measure and the frequency and nature of payment of those wages;

9.29 (6) the anticipated period of employment;

9.30 (7) the circumstances and rate for which an employee will be paid a premium for
 9.31 working in excess of a set number of hours per day, week, or month; or for working on
 9.32 designated nights, weekends, or holidays;

9.33 (8) a description of any provision to the employee by the employer, how long such
 9.34 provision will be provided by the employer, and any costs for such provision the employer
 9.35 will require the employee to pay, including, but not limited to:

- 10.1 (i) transportation to and from work;
 10.2 (ii) housing;
 10.3 (iii) health insurance or health care;
 10.4 (iv) any paid or unpaid leave or holidays;
 10.5 (v) pension or retirement benefits;
 10.6 (vi) personal protective equipment required for the work;
 10.7 (vii) workers' compensation policies, including information about the employer
 10.8 insurance policy or policies, and rules regarding the reporting of accidents or injuries; and
 10.9 (viii) unemployment compensation;
 10.10 (9) the nature of the work to be performed by the employee;
 10.11 (10) information regarding any existing strike, lockout, or concerted work stoppage,
 10.12 slowdown, or interruption of operations at the place of employment; and
 10.13 (11) information regarding any known local, state, or federal investigations into the
 10.14 employer's health or safety practices over the prior five years, and the outcome of such
 10.15 investigations, if known.

10.16 Sec. 16. Minnesota Statutes 2014, section 541.05, subdivision 1, is amended to read:

10.17 Subdivision 1. **Six-year limitation.** Except where the Uniform Commercial Code
 10.18 otherwise prescribes, the following actions shall be commenced within six years:

10.19 (1) upon a contract or other obligation, express or implied, as to which no other
 10.20 limitation is expressly prescribed;

10.21 (2) upon a liability created by statute, other than those arising upon a penalty or
 10.22 forfeiture or where a shorter period is provided by section 541.07;

10.23 (3) for a trespass upon real estate;

10.24 (4) for taking, detaining, or injuring personal property, including actions for the
 10.25 specific recovery thereof;

10.26 (5) for criminal conversation, or for any other injury to the person or rights of
 10.27 another, not arising on contract, and not hereinafter enumerated;

10.28 (6) for relief on the ground of fraud, in which case the cause of action shall not be
 10.29 deemed to have accrued until the discovery by the aggrieved party of the facts constituting
 10.30 the fraud;

10.31 (7) to enforce a trust or compel a trustee to account, where the trustee has neglected to
 10.32 discharge the trust, or claims to have fully performed it, or has repudiated the trust relation;

10.33 (8) against sureties upon the official bond of any public officer, whether of the
 10.34 state or of any county, town, school district, or a municipality therein; in which case the

11.1 limitation shall not begin to run until the term of such officer for which the bond was
 11.2 given shall have expired;

11.3 (9) for damages caused by a dam, used for commercial purposes; or

11.4 (10) for assault, battery, false imprisonment, or other tort resulting in personal
 11.5 injury, if the conduct that gives rise to the cause of action also constitutes domestic abuse
 11.6 as defined in section 518B.01;

11.7 (11) for the recovery of wages, overtime or damages, fees, or penalties accruing
 11.8 under any federal or state law respecting the payment of wages, overtime or damages,
 11.9 fees, or penalties. The term "wages" means all remuneration for services or employment,
 11.10 including commissions, gratuities, and bonuses and the cash value of all remuneration in
 11.11 any medium other than cash, where the relationship of master and servant exists and the
 11.12 term "damages" means single, double, or treble damages, accorded by any statutory cause
 11.13 of action whatsoever and whether or not the relationship of master and servant exists.

11.14 Sec. 17. Minnesota Statutes 2014, section 541.07, is amended to read:

11.15 **541.07 TWO- OR THREE-YEAR LIMITATIONS.**

11.16 Except where the Uniform Commercial Code, this section, section 541.05, 541.073,
 11.17 541.076, or 604.205 otherwise prescribes, the following actions shall be commenced
 11.18 within two years:

11.19 (1) for libel, slander, assault, battery, false imprisonment, or other tort resulting
 11.20 in personal injury, and all actions against veterinarians as defined in chapter 156, for
 11.21 malpractice, error, mistake, or failure to cure, whether based on contract or tort; provided
 11.22 a counterclaim may be pleaded as a defense to any action for services brought by a
 11.23 veterinarian after the limitations period if it was the property of the party pleading it at the
 11.24 time it became barred and was not barred at the time the claim sued on originated, but no
 11.25 judgment thereof except for costs can be rendered in favor of the party so pleading it;

11.26 (2) upon a statute for a penalty or forfeiture, except as provided in sections 541.074
 11.27 and 541.075;

11.28 (3) for damages caused by a dam, other than a dam used for commercial purposes;
 11.29 but as against one holding under the preemption or homestead laws, the limitations shall
 11.30 not begin to run until a patent has been issued for the land so damaged;

11.31 (4) against a master for breach of an indenture of apprenticeship; the limitation runs
 11.32 from the expiration of the term of service;

11.33 ~~(5) for the recovery of wages or overtime or damages, fees, or penalties accruing~~
 11.34 ~~under any federal or state law respecting the payment of wages or overtime or damages,~~
 11.35 ~~fees, or penalties except, that if the employer fails to submit payroll records by a specified~~

12.1 ~~date upon request of the Department of Labor and Industry or if the nonpayment is willful~~
 12.2 ~~and not the result of mistake or inadvertence, the limitation is three years. (The term~~
 12.3 ~~"wages" means all remuneration for services or employment, including commissions and~~
 12.4 ~~bonuses and the cash value of all remuneration in any medium other than cash, where the~~
 12.5 ~~relationship of master and servant exists and the term "damages" means single, double, or~~
 12.6 ~~treble damages, accorded by any statutory cause of action whatsoever and whether or not~~
 12.7 ~~the relationship of master and servant exists);~~

12.8 ~~(6)~~ (5) for damages caused by the establishment of a street or highway grade or a
 12.9 change in the originally established grade; and

12.10 ~~(7)~~ (6) against the person who applies the pesticide for injury or damage to property
 12.11 resulting from the application, but not the manufacture or sale, of a pesticide.

12.12 Sec. 18. **REVISOR'S INSTRUCTION.**

12.13 The revisor of statutes shall make any necessary cross-reference changes arising from
 12.14 renumbering in this act, including any grammatical changes to preserve sentence structure.

12.15 Sec. 19. **REPEALER.**

12.16 Minnesota Rules, part 5200.0080, subpart 7, is repealed.

12.17 **ARTICLE 3**

12.18 **PAID FAMILY LEAVE**

12.19 Section 1. Minnesota Statutes 2014, section 181.941, is amended to read:

12.20 **181.941 PREGNANCY AND, PARENTING, AND CAREGIVER LEAVE.**

12.21 Subdivision 1. **Twelve-week leave; pregnancy, ~~birth, or adoption~~ parenting,**
 12.22 **and caregiver leave.** (a) An employer must grant an unpaid leave of absence to an
 12.23 employee who is:

12.24 (1) a biological ~~or~~, adoptive, or foster parent in conjunction with the birth ~~or~~,
 12.25 adoption, or placement through foster care of a child; ~~or~~

12.26 (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth,
 12.27 or related health conditions; or

12.28 (3) caring for a family member who has a serious health condition.

12.29 (b) The length of the leave shall be determined by the employee, but must not exceed
 12.30 12 weeks, unless agreed to by the employer.

12.31 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.
 12.32 The employer may adopt reasonable policies governing the timing of requests for unpaid

13.1 leave and may require an employee who plans to take a leave under this section to give
 13.2 the employer reasonable notice of the date the leave shall commence and the estimated
 13.3 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the
 13.4 leave must begin within 12 months of the birth or adoption; except that, in the case where
 13.5 the child must remain in the hospital longer than the mother, the leave must begin within
 13.6 12 months after the child leaves the hospital.

13.7 Subd. 3. **No employer retribution.** An employer shall not retaliate against an
 13.8 employee for requesting or obtaining a leave of absence as provided by this section.

13.9 Subd. 4. **Continued insurance.** The employer must continue to make coverage
 13.10 available to the employee while on leave of absence under any group insurance policy,
 13.11 group subscriber contract, or health care plan for the employee and any dependents.
 13.12 Nothing in this section requires the employer to pay the costs of the insurance or health
 13.13 care while the employee is on leave of absence.

13.14 Subd. 5. **Confidentiality and nondisclosure.** If, in conjunction with a leave under
 13.15 this section, an employer possesses health or medical information regarding an employee
 13.16 or an employee's family member, the employer must treat such information as confidential
 13.17 and not disclose the information except with the permission of the employee.

13.18 Sec. 2. **[181.9411] PREGNANCY, PARENTING, AND CAREGIVER LEAVE**
 13.19 **INSURANCE.**

13.20 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in
 13.21 this subdivision have the meanings given them.

13.22 (b) "Health care provider" has the same meaning as set forth in the FMLA.

13.23 (c) "Serious health condition" has the same meaning as set forth in the FMLA.

13.24 (d) "Median county family income" means the median family income under the
 13.25 American Community Survey 5-Year Estimates for the most recent year available in
 13.26 the county where the employee resides.

13.27 Subd. 2. **Benefits; application and eligibility.** (a) Beginning one year after the date
 13.28 on which the commissioner starts collecting premiums pursuant to subdivision 6, benefits
 13.29 under this section must be paid to an employee who:

13.30 (1) is eligible for leave under section 181.941; and

13.31 (2) files an application for benefits in the manner required by the commissioner.

13.32 (b) In addition to the requirements of paragraph (a), the commissioner may require:

13.33 (1) an employee who files a claim for benefits to attest that the employee has

13.34 requested leave from his or her employer under section 181.941; or

14.1 (2) submit a certification from the health care provider providing care to the
14.2 employee's family member supporting the claim that the employee's family member has a
14.3 serious health condition, provided the employee is filing an application for benefits related
14.4 to leave under section 181.941, subdivision 1, paragraph (a), clause (3), or the FMLA.

14.5 Subd. 3. **Duration of benefits; payment intervals.** (a) The maximum amount of
14.6 time an employee may receive benefits under this section is six weeks.

14.7 (b) Failure to submit an application for benefits in the manner and form required by
14.8 the commissioner does not automatically invalidate an employee's eligibility for benefits,
14.9 but the commissioner is not required to pay benefits for a period of more than two weeks
14.10 before the date on which an employee files an application for benefits conforming with
14.11 the commissioner's requirements.

14.12 (c) The commissioner must make the first payment of benefits to an eligible employee
14.13 within two weeks after the employee files an application of benefits conforming to the
14.14 commissioner's requirements. The commissioner must make later payments biweekly.

14.15 Subd. 4. **Amount of benefits; maximum weekly benefit.** (a) The commissioner
14.16 must calculate an employee's weekly benefit amount as follows:

14.17 (1) for an employee whose yearly earnings are not more than 27 percent of the
14.18 median county family income, the commissioner must pay weekly benefits in an amount
14.19 equal to 95 percent of the employee's weekly wage;

14.20 (2) for an employee whose yearly earnings are more than 27 percent, but not more
14.21 than 45 percent, of the median county family income, the commissioner must pay weekly
14.22 benefits in an amount equal to 90 percent of the employee's weekly wage;

14.23 (3) for an employee whose yearly earnings are more than 45 percent, but not more
14.24 than 65 percent, of the median county family income, the commissioner must pay weekly
14.25 benefits in an amount equal to 85 percent of the employee's weekly wage;

14.26 (4) for an employee whose yearly earnings are equal to or more than 65 percent of
14.27 the median county family income, the commissioner must pay weekly benefits in an
14.28 amount equal to 66 percent of the eligible individual's weekly wage.

14.29 (b) Notwithstanding paragraph (a), an employee's weekly benefit must not exceed
14.30 \$1,000 per week.

14.31 (c) Beginning two years after the date on which the commissioner starts collecting
14.32 premiums pursuant to subdivision 6, the commissioner must annually adjust the maximum
14.33 weekly benefit amount to reflect changes in the United States Bureau of Labor Statistics
14.34 consumer price index for the Minneapolis-St. Paul consolidated metropolitan statistical
14.35 area for all urban consumers, all goods, or its successor index.

14.36 (d) Benefits are not payable for less than one day of leave taken in one work week.

15.1 Subd. 5. **Pregnancy, parenting, and caregiver leave insurance account.** A
15.2 pregnancy, parenting, and caregiver leave insurance account is created in the special
15.3 revenue fund. Money in the account is annually appropriated to the Department of Labor
15.4 and Industry and does not lapse. The commissioner shall manage and administer the
15.5 account in accordance with this section.

15.6 Subd. 6. **Employee and employer premiums.** (a) Starting on a date determined
15.7 by the commissioner but no later than one year after the effective date of this section,
15.8 every employee employed by an employer must pay a premium equal to 0.1 percent of
15.9 the employee's yearly wages to fund the program, but the maximum annual premium
15.10 charged to an employee must not exceed \$78 per year. The premium is assessed on the
15.11 first \$78,000 of wages earned in a calendar year.

15.12 (b) Starting on a date determined by the commissioner but no later than one year
15.13 after the effective date of this section, every employer must pay a premium equal to the
15.14 total of premiums paid by the employer's employees.

15.15 (c) Each employer must collect the premium amount from each employee as a
15.16 payroll deduction from the employee's wages each payroll period and shall remit the
15.17 premium amount, along with the matching employer premium, to the commissioner, who
15.18 must send the premiums to the Department of Management and Budget for deposit in the
15.19 pregnancy, parenting, and caregiver leave insurance account in the special revenue fund.

15.20 (d) Starting two years after the date on which the commissioner begins collecting
15.21 premiums pursuant to this subdivision, the commissioner must annually adjust the
15.22 maximum annual premium amount and the amount of annual income on which the
15.23 premium is assessed to reflect changes in the United States Bureau of Labor Statistics
15.24 consumer price index for the Minneapolis-St. Paul consolidated metropolitan statistical
15.25 area for all urban consumers, all goods, or its successor index.

15.26 Subd. 7. **Disqualification from benefits; erroneous payments.** (a) An employee
15.27 must not receive benefits under this section for one year if the individual willfully makes a
15.28 false statement or misrepresentation regarding a material fact, or willfully fails to report a
15.29 material fact, to obtain benefits under this section.

15.30 (b) If benefits under this section are paid erroneously or as a result of a willful
15.31 misrepresentation or omission, or if a claim for benefits under this section is rejected after
15.32 benefits are paid, the commissioner may seek repayment of benefits from the recipient.

15.33 Subd. 8. **Federal taxation of benefits.** (a) If the Internal Revenue Service
15.34 determines that benefits under this section are subject to federal income tax, the
15.35 commissioner must advise an individual filing a claim for benefits, at the time of filing, that:

16.1 (1) the Internal Revenue Service has determined that benefits are subject to federal
 16.2 income tax;

16.3 (2) requirements exist pertaining to estimated tax payments;

16.4 (3) the employee may elect to have federal income tax deducted and withheld
 16.5 from the individual's payment of benefits in the amount specified in the federal Internal
 16.6 Revenue Code; and

16.7 (4) the employee may change a previously elected withholding status.

16.8 (b) Amounts deducted and withheld from benefits under this subdivision must
 16.9 remain in the pregnancy, parenting, and caregiver leave insurance account in the special
 16.10 revenue fund until transferred to the federal taxing authority as payment of income tax.

16.11 The commissioner must follow all procedures specified by the Internal Revenue
 16.12 Service relating to deducting and withholding income tax.

16.13 Subd. 9. Confidentiality and nondisclosure. If, in conjunction with a leave under
 16.14 this section, an employer possesses health or medical information regarding an employee
 16.15 or an employee's family member, the employer must treat such information as confidential
 16.16 and not disclose the information except with the permission of the employee.

16.17 Sec. 3. Minnesota Statutes 2014, section 181.943, is amended to read:

16.18 **181.943 RELATIONSHIP TO OTHER LEAVE.**

16.19 (a) The length of leave provided under section 181.941 may be reduced by any
 16.20 period of:

16.21 (1) paid parental, disability, personal, medical, or sick leave, or accrued vacation
 16.22 provided by the employer so that the total leave does not exceed 12 weeks, unless agreed
 16.23 to by the employer; or

16.24 (2) leave taken for the same purpose by the employee under ~~United States Code,~~
 16.25 ~~title 29, chapter 28~~ the FMLA.

16.26 (b) Nothing in sections 181.940 to 181.943 prevents any employer from providing
 16.27 leave benefits in addition to those provided in sections 181.940 to 181.944 or otherwise
 16.28 affects an employee's rights with respect to any other employment benefit.

16.29 (c) Nothing in this section shall be construed to diminish an employee's entitlement
 16.30 to benefits under section 181.9411.

16.31 (d) Nothing in sections 181.940 to 181.944 shall be construed to limit the right
 16.32 of parties to a collective bargaining agreement to bargain and agree with respect to
 16.33 leave policies or to diminish the obligation of an employer to comply with any contract,
 16.34 collective bargaining agreement, or any employment benefit program or plan that meets or

17.1 exceeds, and does not otherwise conflict with, the minimum standards and requirements
 17.2 provided in sections 181.940 to 181.944.

17.3 Sec. 4. Minnesota Statutes 2014, section 181.9436, is amended to read:

17.4 **181.9436 POSTING OF LAW NOTICE TO AFFECTED EMPLOYEES.**

17.5 Subdivision 1. **Poster.** The Division of Labor Standards and Apprenticeship shall
 17.6 develop, with the assistance of interested business and community organizations, an
 17.7 educational poster stating employees' rights under sections 181.940 to ~~181.9436~~ 181.9441.
 17.8 The department shall make the poster available, upon request, to employers for posting on
 17.9 the employer's premises.

17.10 Subd. 2. **Grants to community organizations.** The commissioner may make grants
 17.11 to community organizations for the purpose of outreach to and education for employees
 17.12 affected by sections 181.939 and 181.9441 regarding those employees' rights under those
 17.13 sections. The community-based organizations must be selected based on their experience,
 17.14 capacity, and relationships in high-violation industries. The work under such a grant may
 17.15 include the creation and administration of a statewide worker hotline.

17.16 Sec. 5. Minnesota Statutes 2014, section 290.01, subdivision 19b, is amended to read:

17.17 Subd. 19b. **Subtractions from federal taxable income.** For individuals, estates,
 17.18 and trusts, there shall be subtracted from federal taxable income:

17.19 (1) net interest income on obligations of any authority, commission, or
 17.20 instrumentality of the United States to the extent includable in taxable income for federal
 17.21 income tax purposes but exempt from state income tax under the laws of the United States;

17.22 (2) if included in federal taxable income, the amount of any overpayment of income
 17.23 tax to Minnesota or to any other state, for any previous taxable year, whether the amount
 17.24 is received as a refund or as a credit to another taxable year's income tax liability;

17.25 (3) the amount paid to others, less the amount used to claim the credit allowed under
 17.26 section 290.0674, not to exceed \$1,625 for each qualifying child in grades kindergarten
 17.27 to 6 and \$2,500 for each qualifying child in grades 7 to 12, for tuition, textbooks, and
 17.28 transportation of each qualifying child in attending an elementary or secondary school
 17.29 situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a
 17.30 resident of this state may legally fulfill the state's compulsory attendance laws, which
 17.31 is not operated for profit, and which adheres to the provisions of the Civil Rights Act
 17.32 of 1964 and chapter 363A. For the purposes of this clause, "tuition" includes fees or
 17.33 tuition as defined in section 290.0674, subdivision 1, clause (1). As used in this clause,
 17.34 "textbooks" includes books and other instructional materials and equipment purchased

18.1 or leased for use in elementary and secondary schools in teaching only those subjects
18.2 legally and commonly taught in public elementary and secondary schools in this state.
18.3 Equipment expenses qualifying for deduction includes expenses as defined and limited in
18.4 section 290.0674, subdivision 1, clause (3). "Textbooks" does not include instructional
18.5 books and materials used in the teaching of religious tenets, doctrines, or worship, the
18.6 purpose of which is to instill such tenets, doctrines, or worship, nor does it include books
18.7 or materials for, or transportation to, extracurricular activities including sporting events,
18.8 musical or dramatic events, speech activities, driver's education, or similar programs. No
18.9 deduction is permitted for any expense the taxpayer incurred in using the taxpayer's or
18.10 the qualifying child's vehicle to provide such transportation for a qualifying child. For
18.11 purposes of the subtraction provided by this clause, "qualifying child" has the meaning
18.12 given in section 32(c)(3) of the Internal Revenue Code;

18.13 (4) income as provided under section 290.0802;

18.14 (5) to the extent included in federal adjusted gross income, income realized on
18.15 disposition of property exempt from tax under section 290.491;

18.16 (6) to the extent not deducted or not deductible pursuant to section 408(d)(8)(E)
18.17 of the Internal Revenue Code in determining federal taxable income by an individual
18.18 who does not itemize deductions for federal income tax purposes for the taxable year, an
18.19 amount equal to 50 percent of the excess of charitable contributions over \$500 allowable
18.20 as a deduction for the taxable year under section 170(a) of the Internal Revenue Code,
18.21 under the provisions of Public Law 109-1 and Public Law 111-126;

18.22 (7) for individuals who are allowed a federal foreign tax credit for taxes that do not
18.23 qualify for a credit under section 290.06, subdivision 22, an amount equal to the carryover
18.24 of subnational foreign taxes for the taxable year, but not to exceed the total subnational
18.25 foreign taxes reported in claiming the foreign tax credit. For purposes of this clause,
18.26 "federal foreign tax credit" means the credit allowed under section 27 of the Internal
18.27 Revenue Code, and "carryover of subnational foreign taxes" equals the carryover allowed
18.28 under section 904(c) of the Internal Revenue Code minus national level foreign taxes to
18.29 the extent they exceed the federal foreign tax credit;

18.30 (8) in each of the five tax years immediately following the tax year in which an
18.31 addition is required under subdivision 19a, clause (7), or 19c, clause (12), in the case of a
18.32 shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the
18.33 delayed depreciation. For purposes of this clause, "delayed depreciation" means the amount
18.34 of the addition made by the taxpayer under subdivision 19a, clause (7), or subdivision 19c,
18.35 clause (12), in the case of a shareholder of an S corporation, minus the positive value of

19.1 any net operating loss under section 172 of the Internal Revenue Code generated for the
19.2 tax year of the addition. The resulting delayed depreciation cannot be less than zero;

19.3 (9) job opportunity building zone income as provided under section 469.316;

19.4 (10) to the extent included in federal taxable income, the amount of compensation
19.5 paid to members of the Minnesota National Guard or other reserve components of the
19.6 United States military for active service, including compensation for services performed
19.7 under the Active Guard Reserve (AGR) program. For purposes of this clause, "active
19.8 service" means (i) state active service as defined in section 190.05, subdivision 5a, clause
19.9 (1); or (ii) federally funded state active service as defined in section 190.05, subdivision
19.10 5b, and "active service" includes service performed in accordance with section 190.08,
19.11 subdivision 3;

19.12 (11) to the extent included in federal taxable income, the amount of compensation
19.13 paid to Minnesota residents who are members of the armed forces of the United States
19.14 or United Nations for active duty performed under United States Code, title 10; or the
19.15 authority of the United Nations;

19.16 (12) an amount, not to exceed \$10,000, equal to qualified expenses related to a
19.17 qualified donor's donation, while living, of one or more of the qualified donor's organs
19.18 to another person for human organ transplantation. For purposes of this clause, "organ"
19.19 means all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow;
19.20 "human organ transplantation" means the medical procedure by which transfer of a human
19.21 organ is made from the body of one person to the body of another person; "qualified
19.22 expenses" means unreimbursed expenses for both the individual and the qualified donor
19.23 for (i) travel, (ii) lodging, and (iii) lost wages net of sick pay, except that such expenses
19.24 may be subtracted under this clause only once; and "qualified donor" means the individual
19.25 or the individual's dependent, as defined in section 152 of the Internal Revenue Code. An
19.26 individual may claim the subtraction in this clause for each instance of organ donation for
19.27 transplantation during the taxable year in which the qualified expenses occur;

19.28 (13) in each of the five tax years immediately following the tax year in which an
19.29 addition is required under subdivision 19a, clause (8), or 19c, clause (13), in the case of a
19.30 shareholder of a corporation that is an S corporation, an amount equal to one-fifth of the
19.31 addition made by the taxpayer under subdivision 19a, clause (8), or 19c, clause (13), in the
19.32 case of a shareholder of a corporation that is an S corporation, minus the positive value of
19.33 any net operating loss under section 172 of the Internal Revenue Code generated for the
19.34 tax year of the addition. If the net operating loss exceeds the addition for the tax year, a
19.35 subtraction is not allowed under this clause;

20.1 (14) to the extent included in the federal taxable income of a nonresident of
20.2 Minnesota, compensation paid to a service member as defined in United States Code, title
20.3 10, section 101(a)(5), for military service as defined in the Servicemembers Civil Relief
20.4 Act, Public Law 108-189, section 101(2);

20.5 (15) to the extent included in federal taxable income, the amount of national service
20.6 educational awards received from the National Service Trust under United States Code,
20.7 title 42, sections 12601 to 12604, for service in an approved Americorps National Service
20.8 program;

20.9 (16) to the extent included in federal taxable income, discharge of indebtedness
20.10 income resulting from reacquisition of business indebtedness included in federal taxable
20.11 income under section 108(i) of the Internal Revenue Code. This subtraction applies only
20.12 to the extent that the income was included in net income in a prior year as a result of the
20.13 addition under subdivision 19a, clause (13);

20.14 (17) the amount of the net operating loss allowed under section 290.095, subdivision
20.15 11, paragraph (c);

20.16 (18) the amount of expenses not allowed for federal income tax purposes due
20.17 to claiming the railroad track maintenance credit under section 45G(a) of the Internal
20.18 Revenue Code;

20.19 (19) the amount of the limitation on itemized deductions under section 68(b) of the
20.20 Internal Revenue Code;

20.21 (20) the amount of the phaseout of personal exemptions under section 151(d) of
20.22 the Internal Revenue Code; ~~and~~

20.23 (21) to the extent included in federal taxable income, the amount of qualified
20.24 transportation fringe benefits described in section 132(f)(1)(A) and (B) of the Internal
20.25 Revenue Code. The subtraction is limited to the lesser of the amount of qualified
20.26 transportation fringe benefits received in excess of the limitations under section
20.27 132(f)(2)(A) of the Internal Revenue Code for the year or the difference between the
20.28 maximum qualified parking benefits excludable under section 132(f)(2)(B) of the Internal
20.29 Revenue Code minus the amount of transit benefits excludable under section 132(f)(2)(A)
20.30 of the Internal Revenue Code; and

20.31 (22) the amount received in benefits under section 181.9411.

20.32 ARTICLE 4

20.33 EARNED SICK AND SAFE TIME

20.34 Section 1. Minnesota Statutes 2014, section 177.27, subdivision 2, is amended to read:

21.1 Subd. 2. **Submission of records; penalty.** The commissioner may require the
21.2 employer of employees working in the state to submit to the commissioner photocopies,
21.3 certified copies, or, if necessary, the originals of employment records which the
21.4 commissioner deems necessary or appropriate. The records which may be required
21.5 include full and correct statements in writing, including sworn statements by the
21.6 employer, containing information relating to wages, hours, names, addresses, and any
21.7 other information pertaining to the employer's employees and the conditions of their
21.8 employment as the commissioner deems necessary or appropriate.

21.9 The commissioner may require the records to be submitted by certified mail delivery
21.10 or, if necessary, by personal delivery by the employer or a representative of the employer,
21.11 as authorized by the employer in writing.

21.12 The commissioner may ~~fine~~ order the employer to pay a civil penalty of up to \$1,000
21.13 \$2,000 for each failure to submit or deliver records as required by this section. This penalty
21.14 is in addition to any penalties provided under section 177.32, subdivision 1. In determining
21.15 the amount of a civil penalty under this subdivision, the appropriateness of such penalty to
21.16 the size of the employer's business and the gravity of the violation shall be considered.

21.17 Sec. 2. Minnesota Statutes 2014, section 177.27, subdivision 4, is amended to read:

21.18 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
21.19 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
21.20 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),
21.21 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to ~~181.943~~ 181.9441, or with any
21.22 rule promulgated under section 177.28. The commissioner shall issue an order requiring
21.23 an employer to comply with sections 177.41 to 177.435 if the violation is repeated. For
21.24 purposes of this subdivision only, a violation is repeated if at any time during the two years
21.25 that preceded the date of violation, the commissioner issued an order to the employer for
21.26 violation of sections 177.41 to 177.435 and the order is final or the commissioner and the
21.27 employer have entered into a settlement agreement that required the employer to pay back
21.28 wages that were required by sections 177.41 to 177.435. The department shall serve the
21.29 order upon the employer or the employer's authorized representative in person or by
21.30 certified mail at the employer's place of business. An employer who wishes to contest the
21.31 order must file written notice of objection to the order with the commissioner within 15
21.32 calendar days after being served with the order. A contested case proceeding must then be
21.33 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
21.34 served with the order, the employer fails to file a written notice of objection with the
21.35 commissioner, the order becomes a final order of the commissioner.

22.1 Sec. 3. Minnesota Statutes 2014, section 177.28, subdivision 1, is amended to read:

22.2 Subdivision 1. **General authority.** (a) The commissioner may adopt rules, including
 22.3 definitions of terms, to carry out the purposes of sections 177.21 to 177.44, to prevent
 22.4 the circumvention or evasion of those sections, and to safeguard the minimum wage and
 22.5 overtime rates established by sections 177.24 and 177.25.

22.6 (b) The commissioner may adopt rules to carry out the purposes of sections 181.939
 22.7 to 181.9441.

22.8 Sec. 4. **[177.36] REPORT TO LEGISLATURE.**

22.9 (a) The commissioner must submit an annual report to the legislature, including to
 22.10 the chair and ranking minority member of any relevant legislative committee. The report
 22.11 must include, but is not limited to:

22.12 (1) a list of all violations of statutory sections listed in section 177.27, subdivision 4,
 22.13 including the employer involved, and the nature of any violations; and

22.14 (2) an analysis of noncompliance with the statutory sections listed in section 177.27,
 22.15 subdivision 4, including any patterns by employer, industry, or county.

22.16 (b) A report under this section must not include an employee's name or other
 22.17 identifying information, any health or medical information regarding an employee or an
 22.18 employee's family member, or any information pertaining to domestic abuse, sexual
 22.19 assault, or stalking of an employee or an employee's family member.

22.20 Sec. 5. Minnesota Statutes 2014, section 181.032, is amended to read:

22.21 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER.**

22.22 (a) At the end of each pay period, the employer shall provide each employee an
 22.23 earnings statement, either in writing or by electronic means, covering that pay period. An
 22.24 employer who chooses to provide an earnings statement by electronic means must provide
 22.25 employee access to an employer-owned computer during an employee's regular working
 22.26 hours to review and print earnings statements.

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

22.29 (1) the name of the employee;

22.30 (2) the hourly rate of pay (if applicable);

22.31 (3) the total number of hours worked by the employee unless exempt from chapter
 22.32 177;

22.33 (4) the total amount of gross pay earned by the employee during that period;

22.34 (5) the total amount of overtime pay earned by the employee during that period;

- 23.1 (6) the total amount of gratuities earned by the employee during that period;
 23.2 (7) the total amount of any additional compensation paid to the employee during that
 23.3 period, including any predictability pay under section 181.99;
 23.4 (8) the total amount of expense reimbursements paid to the employee during that
 23.5 period;
 23.6 ~~(5)~~ (9) a list of deductions made from the employee's pay;
 23.7 ~~(6)~~ (10) the net amount of pay after all deductions are made;
 23.8 ~~(7)~~ (11) the date on which the pay period ends; and
 23.9 ~~(8)~~ (12) the legal name of the employer and the operating name of the employer
 23.10 if different from the legal name;
 23.11 (13) the total amount of employer-provided leave used by the employee during
 23.12 that pay period; and
 23.13 (14) the total amount of employer-provided leave available for the employee to use.
 23.14 (c) An employer must provide earnings statements to an employee in writing, rather
 23.15 than by electronic means, if the employer has received at least 24 hours notice from an
 23.16 employee that the employee would like to receive earnings statements in written form.
 23.17 Once an employer has received notice from an employee that the employee would like to
 23.18 receive earnings statements in written form, the employer must comply with that request
 23.19 on an ongoing basis.

23.20 Sec. 6. Minnesota Statutes 2014, section 181.940, is amended to read:

23.21 **181.940 DEFINITIONS.**

23.22 Subdivision 1. **Scope.** For the purposes of sections 181.940 to ~~181.944~~ 181.9441,
 23.23 the terms defined in this section have the meanings given them.

23.24 Subd. 2. **Employee.** "Employee" means ~~a person who performs services for hire~~
 23.25 ~~for an~~ an individual employed by an employer from whom a leave is requested under
 23.26 ~~sections 181.940 to 181.944 for:~~ who has performed at least 680 hours of work for that
 23.27 employer or who has worked for that employer for at least 17 weeks. Employee does not
 23.28 mean an independent contractor.

23.29 ~~(1) at least 12 months preceding the request; and~~

23.30 ~~(2) for an average number of hours per week equal to one-half the full-time~~
 23.31 ~~equivalent position in the employee's job classification as defined by the employer's~~
 23.32 ~~personnel policies or practices or pursuant to the provisions of a collective bargaining~~
 23.33 ~~agreement, during the 12-month period immediately preceding the leave.~~

23.34 ~~Employee includes all individuals employed at any site owned or operated by the~~
 23.35 ~~employer but does not include an independent contractor.~~

24.1 Subd. 3. **Employer.** "Employer" means a person or entity that employs ~~21~~ one or
 24.2 more employees at ~~at least one site, except that, for purposes of the school leave allowed~~
 24.3 ~~under section 181.9412, employer means a person or entity that employs one or more~~
 24.4 ~~employees in Minnesota.~~ The term includes an individual, corporation, partnership,
 24.5 association, nonprofit organization, group of persons, state, county, town, city, school
 24.6 district, or other governmental subdivision.

24.7 Subd. 4. **Child.** "Child" means an individual under 18 years of age or an individual
 24.8 under age 20 who is still attending secondary school.

24.9 Subd. 5. **Family member.** "Family member" means an employee's spouse, child,
 24.10 adult child, stepchild, foster child, ward, child for whom the employee is legal guardian,
 24.11 regular member of the employee's household, parent, stepparent, sibling, grandchild,
 24.12 stepgrandchild, adopted grandchild, foster grandchild, mother-in-law, father-in-law, or
 24.13 grandparent.

24.14 Subd. 6. **FMLA.** "FMLA" means the Family and Medical Leave Act of 1993,
 24.15 United States Code, title 29, section 2601, et seq., as amended through the effective date
 24.16 of this section.

24.17 Subd. 7. **Commissioner.** "Commissioner" means the commissioner of labor and
 24.18 industry or authorized designee or representative.

24.19 Sec. 7. Minnesota Statutes 2014, section 181.942, is amended to read:

24.20 **181.942 REINSTATEMENT AFTER LEAVE.**

24.21 Subdivision 1. **Comparable position.** (a) An employee returning from a leave of
 24.22 absence under section 181.941 is entitled to return to employment in the employee's
 24.23 former position or in a position of comparable duties, number of hours, and pay. An
 24.24 employee returning from a leave of absence longer than one month must notify a
 24.25 supervisor at least two weeks prior to return from leave. An employee returning from a
 24.26 leave under section 181.9412 or ~~181.9413~~ 181.9441 is entitled to return to employment in
 24.27 the employee's former position.

24.28 (b) If, during a leave under sections 181.940 to ~~181.944~~ 181.9441, the employer
 24.29 experiences a layoff and the employee would have lost a position had the employee not
 24.30 been on leave, pursuant to the good faith operation of a bona fide layoff and recall system,
 24.31 including a system under a collective bargaining agreement, the employee is not entitled to
 24.32 reinstatement in the former or comparable position. In such circumstances, the employee
 24.33 retains all rights under the layoff and recall system, including a system under a collective
 24.34 bargaining agreement, as if the employee had not taken the leave.

25.1 Subd. 2. **Pay; benefits; on return.** An employee returning from a leave of absence
 25.2 under sections 181.940 to ~~181.944~~ 181.9441 is entitled to return to employment at the
 25.3 same rate of pay the employee had been receiving when the leave commenced, plus any
 25.4 automatic adjustments in the employee's pay scale that occurred during leave period.
 25.5 The employee returning from a leave is entitled to retain all accrued preleave benefits
 25.6 of employment and seniority, as if there had been no interruption in service; provided
 25.7 that nothing in sections 181.940 to ~~181.944~~ 181.9441 prevents the accrual of benefits or
 25.8 seniority during the leave pursuant to a collective bargaining or other agreement between
 25.9 the employer and employees.

25.10 Subd. 3. **Part-time return.** An employee, by agreement with the employer, may
 25.11 return to work part time during the leave period without forfeiting the right to return to
 25.12 employment at the end of the leave period, as provided in sections 181.940 to ~~181.944~~
 25.13 181.9441.

25.14 Sec. 8. Minnesota Statutes 2014, section 181.944, is amended to read:

25.15 **181.944 INDIVIDUAL REMEDIES.**

25.16 In addition to any other remedies provided by law, a person injured by a violation
 25.17 of sections 181.172, paragraph (a) or (d), and 181.939 to ~~181.943~~ 181.9441 may bring a
 25.18 civil action to recover any and all damages recoverable at law, together with costs and
 25.19 disbursements, including reasonable attorney's fees, and may receive injunctive and other
 25.20 equitable relief as determined by a court.

25.21 Sec. 9. **[181.9441] EARNED SICK AND SAFE TIME.**

25.22 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in
 25.23 this subdivision have the meanings given them.

25.24 (b) "Domestic abuse" has the same meaning as given in section 518B.01.

25.25 (c) "Earned sick and safe time" means leave, including paid time off and other paid
 25.26 leave systems, that are paid at the same hourly rate as an employee earns from employment.

25.27 (d) "Sexual assault" means an act that constitutes a violation under sections 609.342
 25.28 to 609.3453, or 609.352.

25.29 (e) "Stalking" has the same meaning as given in section 609.749.

25.30 Subd. 2. **Accrual of earned sick and safe time.** (a) An employee accrues a
 25.31 minimum of one hour of earned sick and safe time for every 30 hours worked. Except as
 25.32 provided in paragraph (b), an employee may not accrue more than 72 hours of earned sick
 25.33 and safe time in a calendar year unless the employer agrees to a higher amount.

26.1 (b) Employees of an employer that employs fewer than 21 employees may not
26.2 accrue more than 40 hours of earned sick and safe time in a calendar year unless the
26.3 employer agrees to a higher amount.

26.4 (c) Employees who are exempt from overtime requirements under United States
26.5 Code, title 29, section 213(a)(1), as amended through the effective date of this section, are
26.6 deemed to work 40 hours in each work week for purposes of accruing earned sick and safe
26.7 time, except that an employee whose normal work week is less than 40 hours will accrue
26.8 earned sick and safe time based upon the normal work week.

26.9 (d) Earned sick and safe time under this section begins to accrue at the
26.10 commencement of employment of the employee.

26.11 (e) Employees shall be entitled to use accrued earned sick and safe time beginning
26.12 90 calendar days following commencement of their employment. After 90 calendar days
26.13 of employment, employees may use earned sick and safe time as it is accrued.

26.14 Subd. 3. Use of earned sick and safe time. (a) An employee may use accrued
26.15 earned sick and safe time for:

26.16 (1) an employee's:

26.17 (i) mental or physical illness, injury, or health condition;

26.18 (ii) need for medical diagnosis, care, or treatment of a mental or physical illness,
26.19 injury, or health condition; or

26.20 (iii) need for preventive medical or health care;

26.21 (2) care of a family member:

26.22 (i) with a mental or physical illness, injury, or health condition;

26.23 (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness,
26.24 injury, or health condition; or

26.25 (iii) who needs preventive medical or health care;

26.26 (3) absence due to domestic abuse, sexual assault, or stalking of the employee or
26.27 employee's family member, provided the absence is to:

26.28 (i) seek medical attention related to physical or psychological injury or disability
26.29 caused by domestic abuse, sexual assault, or stalking;

26.30 (ii) obtain services from a victim services organization;

26.31 (iii) obtain psychological or other counseling;

26.32 (iv) seek relocation due to domestic abuse, sexual assault, or stalking; or

26.33 (v) take legal action, including preparing for or participating in any civil or criminal
26.34 legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking; and

27.1 (4) closure of the employee's place of business due to weather or other emergency,
27.2 or an employee's need to care for a child whose school or place of care has been closed
27.3 due to weather or other public emergency.

27.4 (b) An employer may require notice of the need for use of earned sick and safe time
27.5 as follows. If the need for use is foreseeable, an employer may require advance notice of
27.6 the intention to use earned sick and safe time, but in no case shall require more than seven
27.7 days' advance notice. If the need is not foreseeable, an employer may require an employee
27.8 to give notice of the need for earned sick and safe time as soon as practicable.

27.9 (c) When an employee uses earned sick and safe time for more than three consecutive
27.10 days, an employer may require reasonable documentation that the earned sick and safe
27.11 time is covered by paragraph (a). For earned sick and safe time under paragraph (a),
27.12 clauses (1) and (2), reasonable documentation may include a signed statement by a health
27.13 care professional indicating the need for use of earned sick and safe time. For earned sick
27.14 and safe time under paragraph (a), clause (3), an employer must accept a court record or
27.15 documentation signed by a volunteer for or employee of a victims services organization,
27.16 an attorney, a police officer, or antiviolence counselor as reasonable documentation.

27.17 (d) An employer may not require, as a condition of an employee's using earned sick
27.18 and safe time, that the employee seek or find a replacement worker to cover the hours
27.19 during which the employee uses earned sick and safe time.

27.20 (e) Earned sick and safe time may be used in hourly increments or, at the discretion
27.21 of the employer, increments of less than one hour.

27.22 Subd. 4. **Retaliation prohibited.** An employer shall not retaliate against an
27.23 employee because the employee has requested earned sick and safe time, used earned sick
27.24 and safe time, or made a complaint or filed an action to enforce a right to earned sick
27.25 and safe time under this section.

27.26 Subd. 5. **Notice and posting.** (a) Employers shall give notice that employees are
27.27 entitled to earned sick and safe time, the amount of earned sick and safe time, and the
27.28 terms of its use under this section; that retaliation against employees who request or use
27.29 earned sick and safe time is prohibited; and that each employee has the right to file a
27.30 complaint or bring a civil action if earned sick and safe time is denied by the employer or
27.31 the employee is retaliated against for requesting or using earned sick and safe time.

27.32 (b) Employers may comply with this section by supplying employees with a notice
27.33 in English and other appropriate languages that contains the information required in
27.34 paragraph (a).

28.1 (c) Employers may comply with this section by displaying a poster in a conspicuous
28.2 and accessible place in each establishment where employees are employed which contains
28.3 all information required under paragraph (a).

28.4 (d) An employer that provides an employee handbook to its employees must include
28.5 in the handbook notice of employee rights and remedies under this section.

28.6 Subd. 6. **Confidentiality and nondisclosure.** If, in conjunction with this section, an
28.7 employer possesses health or medical information regarding an employee or an employee's
28.8 family member or information pertaining to domestic abuse, sexual assault, or stalking of
28.9 an employee or an employee's family member, the employer must treat such information
28.10 as confidential and not disclose the information except with permission of the employee.

28.11 Subd. 7. **No effect on more generous policies.** (a) Nothing in this section shall be
28.12 construed to discourage employers from adopting or retaining earned sick and safe time
28.13 policies that meet or exceed, and do not otherwise conflict with, the minimum standards
28.14 and requirements provided in this section.

28.15 (b) Nothing in this section shall be construed to limit the right of parties to a
28.16 collective bargaining agreement to bargain and agree with respect to earned sick and safe
28.17 time policies or to diminish the obligation of an employer to comply with any contract,
28.18 collective bargaining agreement, or any employment benefit program or plan that meets or
28.19 exceeds, and does not otherwise conflict with, the minimum standards and requirements
28.20 provided in this section.

28.21 (c) Employers who provide their employees earned sick and safe time under a paid
28.22 time off policy or other paid leave policy that meets or exceeds, and does not otherwise
28.23 conflict with, the minimum standards and requirements provided in this section are not
28.24 required to provide additional earned sick and safe time.

28.25 Subd. 8. **Termination, separation, transfer.** Nothing in this section may be
28.26 construed as requiring financial or other reimbursement to an employee from an employer
28.27 upon the employee's termination, resignation, retirement, or other separation from
28.28 employment for accrued earned sick and safe time that has not been used. If an employee
28.29 is transferred to a separate division, entity, or location, but remains employed by the same
28.30 employer, the employee is entitled to all earned sick and safe time accrued at the prior
28.31 division, entity, or location and is entitled to use all earned sick and safe time as provided
28.32 in this section. When there is a separation from employment and the employee is rehired
28.33 within 12 months of separation by the same employer, previously accrued earned sick
28.34 and safe time that had not been used must be reinstated. An employee is entitled to use
28.35 accrued earned sick and safe time and accrue additional earned sick and safe time at the
28.36 commencement of reemployment.

29.1 Sec. 10. **REPEALER.**29.2 Minnesota Statutes 2014, section 181.9413, is repealed.29.3 Sec. 11. **EFFECTIVE DATE.**29.4 This article is effective 180 days following final enactment.29.5 **ARTICLE 5**29.6 **FAIR SCHEDULING**

29.7 Section 1. Minnesota Statutes 2014, section 177.27, subdivision 4, is amended to read:

29.8 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 29.9 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
 29.10 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),
 29.11 181.275, subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, ~~or~~ and 181.99, and
 29.12 with any rule promulgated under section 177.28. The commissioner shall issue an order
 29.13 requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated.
 29.14 For purposes of this subdivision only, a violation is repeated if at any time during the two
 29.15 years that preceded the date of violation, the commissioner issued an order to the employer
 29.16 for violation of sections 177.41 to 177.435 and the order is final or the commissioner and
 29.17 the employer have entered into a settlement agreement that required the employer to pay
 29.18 back wages that were required by sections 177.41 to 177.435. The department shall serve
 29.19 the order upon the employer or the employer's authorized representative in person or by
 29.20 certified mail at the employer's place of business. An employer who wishes to contest the
 29.21 order must file written notice of objection to the order with the commissioner within 15
 29.22 calendar days after being served with the order. A contested case proceeding must then be
 29.23 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
 29.24 served with the order, the employer fails to file a written notice of objection with the
 29.25 commissioner, the order becomes a final order of the commissioner.

29.26 Sec. 2. **[181.99] NOTICE OF EMPLOYEE SCHEDULES.**29.27 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in
 29.28 this subdivision have the meanings given them.29.29 (b) "Commissioner" means the commissioner of labor and industry or authorized
 29.30 designee or representative.29.31 (c) "Employee" means an individual employed by an employer.29.32 (d) "Employer" means a person or entity that employs one or more employees. The
 29.33 term includes an individual, corporation, partnership, association, nonprofit organization,

30.1 group of persons, state, county, town, city, school district, or other governmental
30.2 subdivision.

30.3 (e) "Flexible working arrangement" means a change in an employee's terms and
30.4 conditions of employment with respect to work schedule, including, but not limited to, a
30.5 modified work schedule, changes in start or end times in a work schedule or work shift,
30.6 a predictable, stable work schedule, part-time employment, job sharing arrangements,
30.7 working from home, telecommuting, limitations on the employee's availability to work,
30.8 the location of the employee's worksite, reduction or change in work duties, or part-year
30.9 employment.

30.10 (f) "On-call shift" or "on-call hours" mean time that an employer requires an
30.11 employee to be available to work, and to contact the employer or its designee or wait to
30.12 be contacted by the employer or its designee to determine whether the employee must
30.13 report to work at that time.

30.14 (g) "Predictability pay" means payments to an employee, calculated on an hourly
30.15 basis at the employee's regular rate of pay, for applicable schedule changes pursuant to
30.16 subdivision 4. An employer must pay an employee predictability pay, when required by
30.17 this section, in addition to any wages earned for work performed by the employee. An
30.18 employer must pay predictability pay to an employee in the same pay period in which
30.19 it was incurred by the employer.

30.20 (h) "Shift" means the consecutive hours an employer requires an employee to work
30.21 or to be on call to work. Breaks totalling two hours or less shall not be considered an
30.22 interruption of consecutive hours.

30.23 (i) "Work week" means a fixed, consecutive seven-day period.

30.24 (j) "Work schedule" means all of an employee's regular and on-call shifts during
30.25 a work week.

30.26 Subd. 2. **Advance notice of work schedules.** (a) An employer must give each
30.27 employee the employee's individual initial work schedule, in writing, at least 21 days
30.28 before the first day of that work schedule. An employer must contact each employee to
30.29 notify the employee of any change in the employee's work schedule before the change
30.30 takes effect and must provide the employee with a revised written work schedule reflecting
30.31 any changes within 24 hours of making the change.

30.32 (b) On or before the beginning of an employee's employment, the employer must
30.33 provide the employee with a written work schedule for the employee's first 21 days of
30.34 employment.

30.35 (c) An employer may not require an employee to work hours not included in the
30.36 employee's initial written work schedule without consent in writing by the employee.

31.1 (d) An employer must post a written schedule that includes the shifts of all current
31.2 employees at a worksite at least 21 days before the start of each work week, whether or
31.3 not they are scheduled to work or be on call that week. The employer must update that
31.4 posted schedule within 24 hours of any change. The written schedule must be posted in a
31.5 place that is readily accessible and visible to all employees at a worksite.

31.6 (e) An employee's work week must begin on the same day of the week each week,
31.7 unless the employer provides 21 days advance written notice of a change in the start day
31.8 of the work week.

31.9 (f) An employee has the right to request a change in work schedule, request to
31.10 limit his or her availability to work particular hours, or otherwise provide input into the
31.11 employee's work schedule.

31.12 (g) An employer must not require an employee to seek or find a replacement
31.13 employee for any shifts or hours an employee is unable to work.

31.14 Subd. 3. **Flexible working arrangements.** (a) An employee has a right to request a
31.15 flexible working arrangement at any time. Such a request must be in writing.

31.16 (b) An employer must consider an employee's request for a flexible working
31.17 arrangement in good faith and engage in an interactive process with the employee to
31.18 consider the request and determine whether the request can be granted in a manner
31.19 consistent with the employer's business operations or legal or contractual obligations.
31.20 The employer must begin this interactive process within two days of receiving the
31.21 request. If information provided by the employee making a request for a flexible working
31.22 arrangement requires clarification, the employer must explain what further information is
31.23 needed and give the employee reasonable time to produce the information.

31.24 (c) After engaging in the interactive process, an employer must notify the employee
31.25 of its decision regarding a flexible working arrangement, in writing, within two days of its
31.26 last communication with the employee during the interactive process.

31.27 (d) If an employee requests a flexible working arrangement because of a serious health
31.28 condition of the employee, the employee's responsibilities as a caregiver, or the employee's
31.29 enrollment in a career-related educational or training program, or if a part-time employee
31.30 makes the request for a reason related to a second job, the employer must grant the request.

31.31 Subd. 4. **Predictability pay required.** (a) Within 21 days of, but not less than 24
31.32 hours from, the start of an employee's shift, an employer may do any of the following
31.33 provided the employer pays the affected employee one hour of predictability pay in
31.34 addition to wages earned for each changed shift, if any:

31.35 (1) subtract hours from a shift;

31.36 (2) add hours to a shift or add a shift;

32.1 (3) cancel a shift; or

32.2 (4) change the start or end time of a shift.

32.3 (b) Within 24 hours of the start of an employee's shift, an employer may do either of
 32.4 the following provided the employer pays the affected employee one hour of predictability
 32.5 pay in addition to wages earned for each changed shift:

32.6 (1) change the start or end time of a shift without changing the total number of
 32.7 hours in the shift; or

32.8 (2) add hours to a shift.

32.9 (c) Whenever an employee is scheduled to work a shift, and the employer cancels
 32.10 the shift or reduces the hours in the shift with less than 24 hours notice, the employer must
 32.11 pay the employee the lesser of four hours of predictability pay or predictability pay equal
 32.12 to the number of hours originally scheduled for the shift.

32.13 (d) An employer is not required to pay an employee any predictability pay under this
 32.14 subdivision when a schedule change is the result of the employee's request, including,
 32.15 but not limited to, a request to trade shifts with another employee, to use sick leave,
 32.16 vacation time, or any other type of leave.

32.17 (e) An employer is not required to pay an employee any predictability pay under
 32.18 this subdivision when a schedule change is the result of mutually agreed upon shift trade
 32.19 among employees.

32.20 Subd. 5. **Exception for suspended operations.** The requirements of subdivisions 2
 32.21 to 4 do not apply to an employer when that employer's operations are suspended:

32.22 (1) due to threats to employees or property;

32.23 (2) when civil authorities have recommended that work not begin or continue;

32.24 (3) due to failure of public utilities or sewer systems or because public utilities
 32.25 fail to supply electricity, water, or gas; or

32.26 (4) due to a natural disaster or weather event.

32.27 Subd. 6. **Right to rest.** An employee has the right to decline work hours that occur
 32.28 (1) less than 11 hours after the end of the previous shift, or (2) during the 11 hours
 32.29 following the end of a shift that spanned two days. An employer must pay an employee
 32.30 1-1/2 times the employee's regular rate of pay for any such hours worked.

32.31 Subd. 7. **No discrimination based on hours of work.** (a) An employer must not
 32.32 pay a different regular rate of pay based on the number of hours an employee is scheduled
 32.33 to work to employees whose jobs require equal skill, effort, and duties, and that are
 32.34 performed under similar working conditions. An employer may pay different hourly
 32.35 wages based on other reasons, such as seniority systems, merit, employee responsibilities,
 32.36 or systems that measure earnings by quantity or quality of production.

33.1 (b) An employer must not condition eligibility for leave or time off based on the
33.2 number of hours an employee is scheduled to work for employees whose jobs require
33.3 equal skill, effort, and duties, and that are performed under similar working conditions.
33.4 An employer may prorate employee leave or time off based on the number of hours the
33.5 employee works.

33.6 (c) An employer must not condition eligibility for raises or promotions based on
33.7 the number of hours an employee is scheduled to work for employees whose jobs require
33.8 equal skill, effort, and duties, and that are performed under similar working conditions.
33.9 Employers may condition eligibility for raises on other reasons, such as seniority systems,
33.10 merit, employee responsibilities, or the nature and amount of an employee's work
33.11 experience.

33.12 Subd. 8. **Access to hours.** If an employer has additional hours of work available
33.13 in positions held by current employees, the employer must offer those hours to current
33.14 qualified employees before hiring new employees or contractors, including the use of
33.15 temporary services or staffing agencies.

33.16 Subd. 9. **Record keeping requirements.** (a) An employer must keep an accurate
33.17 record of:

33.18 (1) the name, address, and occupation of each employee;

33.19 (2) the amount paid each pay period to each employee;

33.20 (3) the hours worked each day and each week by each employee; and

33.21 (4) each employee's initial work schedule and all subsequent revisions to that work
33.22 schedule.

33.23 (b) An employer must keep the records required by this subdivision for at least two
33.24 years after the entry date of the record. The records must be maintained at the place of
33.25 employment, at an office of the employer, or with a bank, accountant, or other central
33.26 location, and must be open to inspection and available upon request by the commissioner.

33.27 (c) An employer must allow an employee to inspect records required by this
33.28 subdivision and relating to that employee at a reasonable time and place.

33.29 (d) The commissioner may impose a civil penalty of up to \$1,000 on an employer
33.30 for each failure to keep, furnish, or allow inspection of records under this subdivision.

33.31 Subd. 10. **Employer retaliation.** No employer shall discharge or take any other
33.32 adverse action against any person in retaliation for asserting any claim or right under this
33.33 section, for assisting any other person in doing so, or for informing any person about their
33.34 rights under this section. An employer taking any adverse action against a person within
33.35 one year of a person's engaging in the foregoing activities shall raise a presumption that

34.1 such action was retaliation, which may be rebutted by clear and convincing evidence that
34.2 such action was taken for other permissible reasons.

34.3 Subd. 11. **Individual remedies.** In addition to any other remedies available in law
34.4 or equity, an employee may bring a civil action seeking redress for a violation or violations
34.5 of this section directly to any court of competent jurisdiction. An employee may recover
34.6 any and all damages recoverable at law plus an additional amount equal to twice those
34.7 damages, together with costs and disbursements including reasonable attorney fees, and
34.8 may receive injunctive and other equitable relief as determined by a court.

34.9 Subd. 12. **Encouragement of more generous policies.** (a) Nothing in this section
34.10 shall be construed to discourage employers from adopting or retaining policies that meet
34.11 or exceed, and do not otherwise conflict with, the minimum standards and requirements
34.12 provided in this section.

34.13 (b) This section does not apply to employees covered under a collective bargaining
34.14 agreement with an employer.

APPENDIX
Article locations in 15-2846

| | | |
|-----------|---------------------------------|---------------|
| ARTICLE 1 | WORKING PARENTS ACT | Page.Ln 1.14 |
| ARTICLE 2 | WAGE THEFT PROTECTION | Page.Ln 1.18 |
| ARTICLE 3 | PAID FAMILY LEAVE | Page.Ln 12.17 |
| ARTICLE 4 | EARNED SICK AND SAFE TIME | Page.Ln 20.32 |
| ARTICLE 5 | FAIR SCHEDULING | Page.Ln 29.5 |

181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, as defined in section 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) An employee may use sick leave as allowed under this section for safety leave, whether or not the employee's employer allows use of sick leave for that purpose for such reasonable periods of time as may be necessary. Safety leave may be used for assistance to the employee or assistance to the relatives described in paragraph (a). For the purpose of this section, "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. For the purpose of this paragraph:

(1) "domestic abuse" has the meaning given in section 518B.01;

(2) "sexual assault" means an act that constitutes a violation under sections 609.342 to 609.3453 or 609.352; and

(3) "stalking" has the meaning given in section 609.749.

(c) An employer may limit the use of safety leave as described in paragraph (b) or personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child, as defined in section 181.940, subdivision 4.

(d) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(e) For the purpose of this section, "child" includes a stepchild and a biological, adopted, and foster child.

(f) For the purpose of this section, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

(g) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section.

(h) An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section.

APPENDIX
Repealed Minnesota Rule: 15-2846

5200.0080 GRATUITIES/TIPS CREDITS.

Subp. 7. **Credit cards or charges.** Gratuities presented to a direct service employee via inclusion on a charge or credit card shall be credited to that pay period in which they are received by the direct service employee and for which they appear on the direct service employee's tip statement.

Where a tip is given by a customer through a credit or charge card, the full amount of tip must be allowed the direct service employee minus only the percentage deducted from the tip in the same ratio as the percentage deducted from the total bill by the service company.