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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4414

03/11/2020 Authored by Noor, Cantrell, Wolgamott and Jordan
The bill was read for the first time and referred to the Committee on Labor

1.1 A bill for an act
1.2 relating to employment; modifying eligibility conditions for unemployment
1.3 insurance and the use of sick leave benefits during an outbreak of a communicable
1.4 disease; amending Minnesota Statutes 2018, section 268.085, subdivision 1;
Minnesota Statutes 2019 Supplement, section 181.9413.

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

1.7 Section 1. Minnesota Statutes 2019 Supplement, section 181.9413, is amended to read:

1.8 181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.

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

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

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

2.1 (2) "sexual assault" means an act that constitutes a violation under sections 609.342 to
2.2 609.3453 or 609.352; and

2.3 (3) "harass" and "stalking" have the meanings given in section 609.749.

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

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

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

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

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

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

2.22 (i) An employee may use sick leave as allowed under this section for absences due to
2.23 the following:

2.24 (1) when it has been determined by the health authorities having jurisdiction or by a
2.25 health care professional that the presence of the employee or family member of the employee
2.26 in the community would jeopardize the health of others because of the exposure of the
2.27 employee or family member of the employee to a communicable disease, or the employee
2.28 has been subject to isolation or quarantine, whether or not the employee or family member
2.29 has actually contracted the communicable disease;

2.30 (2) closure of the employee's place of business or instruction from the employer not to
2.31 come to the employee's place of business due to an outbreak of a communicable disease;
2.32 or

3.1 (3) quarantine or isolation pursuant to sections 144.419 to 144.4196.

3.2 Sec. 2. Minnesota Statutes 2018, section 268.085, subdivision 1, is amended to read:

3.3 Subdivision 1. **Eligibility conditions.** An applicant may be eligible to receive
3.4 unemployment benefits for any week if:

3.5 (1) the applicant has filed a continued request for unemployment benefits for that week
3.6 under section 268.0865;

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

3.9 (3) the applicant was unemployed as defined in section 268.035, subdivision 26;

3.10 (4) the applicant was available for suitable employment as defined in subdivision 15.
3.11 The applicant's weekly unemployment benefit amount is reduced one-fifth for each day the
3.12 applicant is unavailable for suitable employment. This clause does not apply to an applicant
3.13 who is in reemployment assistance training, or each day the applicant is on jury duty or
3.14 serving as an election judge;

3.15 (5) the applicant was actively seeking suitable employment as defined in subdivision
3.16 16. This clause does not apply to an applicant who is in reemployment assistance training
3.17 ~~or~~ who was on jury duty throughout the week, or who was subject to the following:

3.18 (i) determination by the health authorities having jurisdiction or by a health care
3.19 professional that the presence of the applicant or family member of the applicant in the
3.20 community would jeopardize the health of others because of the exposure of the applicant
3.21 or family member of the applicant to a communicable disease, or the applicant has been
3.22 subject to isolation or quarantine, whether or not the applicant or family member has actually
3.23 contracted the communicable disease;

3.24 (ii) places of business are closed or employees are instructed not come to work due to
3.25 an outbreak of a communicable disease; or

3.26 (iii) quarantine or isolation pursuant to sections 144.419 to 144.4196;

3.27 (6) the applicant has served a nonpayable period of one week that the applicant is
3.28 otherwise eligible for some amount of unemployment benefits. This clause does not apply
3.29 if the applicant would have been eligible for federal disaster unemployment assistance
3.30 because of a disaster in Minnesota, but for the applicant's establishment of a benefit account
3.31 under section 268.07; and

4.1 (7) the applicant has been participating in reemployment assistance services, such as
4.2 development of, and adherence to, a work search plan, if the applicant has been directed to
4.3 participate by the commissioner. This clause does not apply if the applicant has good cause
4.4 for failing to participate. "Good cause" is a reason that would have prevented a reasonable
4.5 person acting with due diligence from participating.