

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2149

(SENATE AUTHORS: MCEWEN, Boldon and Maye Quade)		
DATE	D-PG	OFFICIAL STATUS
03/03/2025	625	Introduction and first reading Referred to Labor
03/13/2025	737	Comm report: No recommendation, re-referred to Human Services
03/20/2025	885a	Comm report: Amended, No recommendation, re-referred to Labor
04/10/2025	1978a	Comm report: To pass as amended Pursuant to Senate Concurrent Resolution No. 4, referred to Rules and Administration
	6285	Joint rule 3.02, returned to Labor See First Special Session, SF17

1.1

A bill for an act

1.2

relating to labor and industry; making policy and technical changes; modifying

1.3

earned sick and safe time provisions; amending Minnesota Statutes 2024, sections

1.4

177.27, subdivision 5; 181.9445, subdivision 6; 181.9446; 181.9447, subdivisions

1.5

2, 3, 4; 181.9448, subdivision 1; 326B.0981, subdivision 4; 326B.31, subdivision

1.6

29; 326B.33, subdivision 21; 326B.36, subdivision 7.

1.7

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

1.8

Section 1. Minnesota Statutes 2024, section 177.27, subdivision 5, is amended to read:

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Subd. 5. **Civil actions.** The commissioner may bring an action in the district court where

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an employer resides or where the commissioner maintains an office to enforce or require

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compliance with orders issued under subdivision 4. In addition to any other remedy provided

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by law, the commissioner may also apply in the district court where an employer resides or

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where the commissioner maintains an office for an order enjoining and restraining violations

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of any statute or rule listed in subdivision 4.

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Sec. 2. Minnesota Statutes 2024, section 181.9445, subdivision 6, is amended to read:

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Subd. 6. **Employer.** "Employer" means a person who has ~~one~~ ten or more employees.

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Employer includes an individual, a corporation, a partnership, an association, a business

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trust, a nonprofit organization, a group of persons, the state of Minnesota, a county, town,

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city, school district, or other governmental subdivision. In the case of an employee leasing

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company or professional employer organization, the taxpaying employer, as described in

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section 268.046, subdivision 1, remains the employer. In the case of an individual provider

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within the meaning of section 256B.0711, subdivision 1, paragraph (d), the employer includes

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any participant within the meaning of section 256B.0711, subdivision 1, paragraph (e), or

participant's representative within the meaning of section 256B.0711, subdivision 1, paragraph (f). In the event that a temporary employee is supplied by a staffing agency, absent a contractual agreement stating otherwise, that individual shall be an employee of the staffing agency for all purposes of section 177.50 and sections 181.9445 to 181.9448. Employer does not include the United States government.

Sec. 3. Minnesota Statutes 2024, section 181.9446, is amended to read:

181.9446 ACCRUAL OF EARNED SICK AND SAFE TIME.

(a) An employee accrues a minimum of one hour of earned sick and safe time for every 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year. Employees may not accrue more than 48 hours of earned sick and safe time in a year unless the employer agrees to a higher amount.

(b)(1) Except as provided in clause (2), employers must permit an employee to carry over accrued but unused sick and safe time into the following year. The total amount of accrued but unused earned sick and safe time for an employee must not exceed 80 hours at any time, unless an employer agrees to a higher amount.

(2) In lieu of permitting the carryover of accrued but unused sick and safe time into the following year as provided under clause (1), an employer may provide an employee with earned sick and safe time for the year that meets or exceeds the requirements of this section that is available for the employee's immediate use at the beginning of the subsequent year as follows: (i) 48 hours, if an employer pays an employee for accrued but unused sick and safe time at the end of a year at the same base rate as an employee earns from employment and in no case at a rate less than that provided under section 177.24 or an applicable local minimum wage; ~~or~~ (ii) 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of a year; or (iii) upon initial employment, an employer providing sick and safe time under item (i) or (ii) may prorate sick and safe time amounts for an employee based on full- or part-time work for the remainder of that year.

(c) Employees who are exempt from overtime requirements under United States Code, title 29, section 213(a)(1), as amended through January 1, 2024, are deemed to work 40 hours in each workweek for purposes of accruing earned sick and safe time, except that an employee whose normal workweek is less than 40 hours will accrue earned sick and safe time based on the normal workweek.

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

3.1 (e) Employees may use earned sick and safe time as it is accrued.

3.2 Sec. 4. Minnesota Statutes 2024, section 181.9447, subdivision 2, is amended to read:

3.3 Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and
3.4 safe time as provided in this paragraph. If the need for use is foreseeable, an employer may
3.5 require advance notice of the intention to use earned sick and safe time but must not require
3.6 more than seven days' advance notice. If the need is unforeseeable, an employer may require
3.7 an employee to give notice of the need for earned sick and safe time as ~~soon as practicable~~
3.8 reasonably required by the employer. An employer that requires notice of the need to use
3.9 earned sick and safe time in accordance with this subdivision shall have a written policy
3.10 containing reasonable procedures for employees to provide notice of the need to use earned
3.11 sick and safe time, and shall provide a written copy of such policy to employees. If a copy
3.12 of the written policy has not been provided to an employee, an employer shall not deny the
3.13 use of earned sick and safe time to the employee on that basis.

3.14 Sec. 5. Minnesota Statutes 2024, section 181.9447, subdivision 3, is amended to read:

3.15 Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for
3.16 more than ~~three~~ two consecutive scheduled work days, an employer may require reasonable
3.17 documentation that the earned sick and safe time is covered by subdivision 1.

3.18 (b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6),
3.19 reasonable documentation may include a signed statement by a health care professional
3.20 indicating the need for use of earned sick and safe time. However, if the employee or
3.21 employee's family member did not receive services from a health care professional, or if
3.22 documentation cannot be obtained from a health care professional in a reasonable time or
3.23 without added expense, then reasonable documentation for the purposes of this paragraph
3.24 may include a written statement from the employee indicating that the employee is using
3.25 or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause
3.26 (1), (2), (5), or (6). The employer may require documentation at such time that reasonable
3.27 documentation is available if it is not available in a reasonable amount of time initially.

3.28 (c) For earned sick and safe time under subdivision 1, clause (3), an employer must
3.29 accept a court record or documentation signed by a volunteer or employee of a victims
3.30 services organization, an attorney, a police officer, or an antiviolence counselor as reasonable
3.31 documentation. If documentation cannot be obtained in a reasonable time or without added
3.32 expense, then reasonable documentation for the purposes of this paragraph may include a

written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

(d) For earned sick and safe time to care for a family member under subdivision 1, clause (4), an employer must accept as reasonable documentation a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose as reasonable documentation.

(e) An employer must not require disclosure of details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use earned sick and safe time under this section.

(f) Written statements by an employee may be written in the employee's first language and need not be notarized or in any particular format.

Sec. 6. Minnesota Statutes 2024, section 181.9447, subdivision 4, is amended to read:

Subd. 4. **Replacement worker.** For earned sick and safe time use that is unforeseeable, an employer may not require, as a condition of an employee using earned sick and safe time, that the employee seek or find a replacement worker to cover the hours the employee uses as earned sick and safe time. This subdivision does not prohibit an employee from voluntarily seeking or trading shifts with a replacement worker to cover the hours the employee uses as earned sick and safe time.

Sec. 7. Minnesota Statutes 2024, section 181.9448, subdivision 1, is amended to read:

Subdivision 1. **Effect on more generous sick and safe time policies.** (a) Nothing in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting or retaining earned sick and safe time policies that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448. ~~All paid time off and other paid leave made available to an employee by an employer in excess of the minimum amount required in section 181.9446 for absences from work due to personal illness or injury, but not including short-term or long-term disability or other salary continuation benefits, must meet or exceed the minimum standards and requirements provided in sections 181.9445 to 181.9448, except for section 181.9446. For paid leave accrued prior to January 1, 2024, for absences from work due to personal illness or injury, an employer may require an employee who uses such leave to follow the written notice and documentation requirements in the employer's applicable policy or applicable collective bargaining agreement as of December 31, 2023, in lieu of the requirements of~~

~~section 181.9447, subdivisions 2 and 3, provided that an employer does not require an employee to use leave accrued on or after January 1, 2024, before using leave accrued prior to that date.~~

(b) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of parties to a collective bargaining agreement to bargain and agree with respect to earned sick and safe time policies or to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in this section.

(c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for a greater amount, accrual, or use by employees of paid sick and safe time or that extends other protections to employees.

(d) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to create any power or duty in conflict with federal law.

(e) Employers who provide earned sick and safe time to their employees under a paid time off policy or other paid leave policy that may be used for the same purposes and under the same conditions as earned sick and safe time, and that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

(f) The provisions of sections 181.9445 to 181.9448 may be waived by a collective bargaining agreement with a bona fide building and construction trades labor organization that has established itself as the collective bargaining representative for the affected building and construction industry employees, provided that for such waiver to be valid, it shall explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive application of those sections to such employees.

(g) The requirements of section 181.9447, subdivision 3, may be waived for paid leave made available to an employee by an employer for absences from work in excess of the minimum amount required in section 181.9446 through a collective bargaining agreement with a labor organization that has established itself as the collective bargaining representative for the employees, provided that for such waiver to be valid, it shall explicitly reference section 181.9447, subdivision 3, and clearly and unambiguously waive application of that subdivision to such employees.

(h) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph (d), who provides services through a consumer support grant under section 256.476, consumer-directed community supports under section 256B.4911, or community first services and supports under section 256B.85, to a family member who is a participant, as defined in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year, provided that the funds are returned to the participant's budget. Once an individual provider has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned sick and safe time until the start of the participant's next service plan year.

(i) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.

(j) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and safe time to an employee before accrual by the employee.

Sec. 8. Minnesota Statutes 2024, section 326B.0981, subdivision 4, is amended to read:

Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet continuing education course must be approved by the International Distance Education Certification Center (IDECC) or the International ~~Association~~ Accreditors for Continuing Education and Training (IACET) before the course is submitted for the commissioner's approval. The approval must accompany the course submitted.

(b) Paragraphs (a) and (d) do not apply to approval of an Internet continuing education course for manufactured home installers. An Internet continuing education course for manufactured home installers must be approved by the United States Department of Housing and Urban Development or by the commissioner of labor and industry. The approval must accompany the course completion certificate issued to each student by the course sponsor.

(c) Paragraph (a) does not apply to approval of an Internet continuing education course for elevator constructors. An Internet continuing education course for elevator constructors must be approved by the commissioner of labor and industry. The approval must accompany the course completion certificate issued to each student by the course sponsor.

(d) An Internet continuing education course must:

(1) specify the minimum computer system requirements;

(2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;

- 7.1 (3) include technology to guarantee seat time;
- 7.2 (4) include a high level of interactivity;
- 7.3 (5) include graphics that reinforce the content;
- 7.4 (6) include the ability for the student to contact an instructor or course sponsor within
- 7.5 a reasonable amount of time;
- 7.6 (7) include the ability for the student to get technical support within a reasonable amount
- 7.7 of time;
- 7.8 (8) include a statement that the student's information will not be sold or distributed to
- 7.9 any third party without prior written consent of the student. Taking the course does not
- 7.10 constitute consent;
- 7.11 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
- 7.12 updating and administration, except that this provision does not apply to live courses taught
- 7.13 by an actual instructor and delivered over the Internet;
- 7.14 (10) provide viewing access to the online course at all times to the commissioner,
- 7.15 excluding minimal downtime for updating and administration;
- 7.16 (11) include a process to authenticate the student's identity;
- 7.17 (12) inform the student and the commissioner how long after its purchase a course will
- 7.18 be accessible;
- 7.19 (13) inform the student that license education credit will not be awarded for taking the
- 7.20 course after it loses its status as an approved course;
- 7.21 (14) provide clear instructions on how to navigate through the course;
- 7.22 (15) provide automatic bookmarking at any point in the course;
- 7.23 (16) provide questions after each unit or chapter that must be answered before the student
- 7.24 can proceed to the next unit or chapter;
- 7.25 (17) include a reinforcement response when a quiz question is answered correctly;
- 7.26 (18) include a response when a quiz question is answered incorrectly;
- 7.27 (19) include a final examination in which the student must correctly answer 70 percent
- 7.28 of the questions;
- 7.29 (20) allow the student to go back and review any unit at any time, except during the final
- 7.30 examination;

(21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;

(22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

(23) allow the commissioner the ability to electronically review the class to determine if credit can be approved.

(e) The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination.

Sec. 9. Minnesota Statutes 2024, section 326B.31, subdivision 29, is amended to read:

Subd. 29. **Technology circuits or systems.** "Technology circuits or systems" means class 2 or class 3 circuits or systems for, but not limited to, remote control, signaling, control, alarm, and audio signal, including associated components as covered by the National Electrical Code, ~~articles 640, 645, 650, 725, 760, 770, and 780~~, and which are isolated from circuits or systems other than class 2 or class 3 by a demarcation and are not process control circuits or systems; antenna and communication circuits or systems as covered by ~~chapter 8 of the National Electrical Code~~; and circuitry and equipment for ~~indoor lighting and outdoor landscape lighting systems that are supplied by the secondary circuit of an isolating power supply operating at 30 volts or less~~ low voltage lighting, limited to a class 2 or class 3 power supply as covered by the National Electrical Code, ~~article 411~~. The planning, laying out, installing, altering, and repairing of technology circuits or systems must be performed in accordance with the applicable requirements of the National Electrical Code pursuant to section 326B.35.

Sec. 10. Minnesota Statutes 2024, section 326B.33, subdivision 21, is amended to read:

Subd. 21. **Exemptions from licensing.** (a) An individual who is a maintenance electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

(1) the individual is engaged in the maintenance and repair of electrical equipment, apparatus, and facilities that are owned or leased by the individual's employer and that are

located within the limits of property operated, maintained, and either owned or leased by the individual's employer;

(2) the individual is supervised by:

(i) the responsible master electrician for a contractor who has contracted with the individual's employer to provide services for which a contractor's license is required; or

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has on file with the commissioner a current certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the licensed power limited technician, and stating that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with the Minnesota Electrical Act and the rules adopted under that act. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal.

(b) Employees of a licensed electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 7, paragraph (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

(1) in other than residential dwellings, class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems through communication, alarm, and security systems are exempted from this paragraph;

(2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or

(3) technology circuits or systems in hazardous classified locations as covered by the National Electrical Code.

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326B.31 to 326B.399.

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326B.31 to 326B.399 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326B.38.

(e) Employees of ~~any~~ an electrical utility that sells electric service to or for the public at retail, communications utility, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or ~~of any~~ an independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, ~~shall~~ are not be required to hold a license under sections 326B.31 to 326B.399:

(1) while performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility, cable communications company, or telephone company in the exercise of its utility, antenna, or telephone function, and which:

(i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current or provided service by or for the benefit of any person other than such utility, cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(2) while performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

(3) while installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction.

(f) An individual who physically performs electrical work on a residential dwelling that is located on a property the individual owns and actually occupies as a residence or owns and will occupy as a residence upon completion of its construction is not required to hold or obtain a license under sections 326B.31 to 326B.399 if the residential dwelling has a separate electrical utility service not shared with any other residential dwelling.

(g) Companies and their employees licensed under section 326B.164 ~~shall~~ are not be required to hold or obtain a license under sections 326B.31 to 326B.399 while performing elevator work.

Sec. 11. Minnesota Statutes 2024, section 326B.36, subdivision 7, is amended to read:

Subd. 7. **Exemptions from inspections.** Installations, materials, or equipment ~~shall~~ are not be subject to inspection under sections 326B.31 to 326B.399:

(1) when owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing electrical maintenance work only as defined by rule;

(2) when owned or leased, and operated and maintained by any electrical utility that sells electric service to or for the public at retail, communications, or railway utility, cable communications company as defined in section 238.02, or telephone company as defined under section 237.01, in the exercise of its utility, antenna, or telephone function; and

(i) are used exclusively for the generations, transformation, distribution, transmission, load control, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility, cable communications company, or telephone company; and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(3) when used in the street lighting operations of an electrical utility;

(4) when used as outdoor area lights which are owned and operated by an electrical utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction;

12.1 (5) when the installation, material, and equipment are in facilities subject to the
12.2 jurisdiction of the federal Mine Safety and Health Act; or

12.3 (6) when the installation, material, and equipment is part of an elevator installation for
12.4 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit
12.5 from the authority having jurisdiction as provided by section 326B.184, and the inspection
12.6 has been or will be performed by an elevator inspector certified and licensed by the
12.7 department. This exemption shall apply only to installations, material, and equipment
12.8 permitted or required to be connected on the load side of the disconnecting means required
12.9 for elevator equipment under the National Electrical Code, and elevator communications
12.10 and alarm systems within the machine room, car, hoistway, or elevator lobby.