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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2536

- 02/27/2014 Authored by Melin; Mahoney; Murphy, E.; Savick; Morgan and others  
The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy
- 03/24/2014 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/03/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time

1.1 A bill for an act  
 1.2 relating to state government; providing for the Women's Economic Security  
 1.3 Act; requiring equal pay certificates of compliance; modifying workforce  
 1.4 development provisions; creating women and high-wage, high-demand,  
 1.5 nontraditional jobs grant program; modifying eligibility for unemployment  
 1.6 insurance benefits; offering women entrepreneurs business development  
 1.7 competitive grants; requiring a report on a potential state-administered  
 1.8 retirement savings plan; modifying parenting leave, sick leave, and pregnancy  
 1.9 accommodations; providing employment protections for women and family  
 1.10 caregivers; providing wage disclosure protection; modifying the award of early  
 1.11 childhood scholarships; appropriating money; amending Minnesota Statutes  
 1.12 2012, sections 13.552, by adding a subdivision; 181.939; 181.940, subdivision 2;  
 1.13 181.941; 181.943; 268.095, subdivisions 1, 6; 363A.03, by adding a subdivision;  
 1.14 363A.08, subdivisions 1, 2, 3, 4, by adding subdivisions; Minnesota Statutes  
 1.15 2013 Supplement, sections 116L.665, subdivision 2; 124D.165, subdivision 3;  
 1.16 181.9413; proposing coding for new law in Minnesota Statutes, chapters 116L;  
 1.17 181; 363A.

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

1.19 ARTICLE 1

1.20 WOMEN'S ECONOMIC SECURITY ACT

1.21 Section 1. CITATION; WOMEN'S ECONOMIC SECURITY ACT.

1.22 This act shall be known as the Women's Economic Security Act.

1.23 ARTICLE 2

1.24 ECONOMIC SECURITY

1.25 Section 1. Minnesota Statutes 2012, section 13.552, is amended by adding a  
 1.26 subdivision to read:

2.1            Subd. 7. **Equal pay certificate of compliance.** Access to data relating to equal pay  
2.2            certificates of compliance is governed by section 363A.44.

2.3            Sec. 2. Minnesota Statutes 2013 Supplement, section 116L.665, subdivision 2, is  
2.4            amended to read:

2.5            Subd. 2. **Membership.** The governor's Workforce Development Council is  
2.6            composed of 31 members appointed by the governor. The members may be removed  
2.7            pursuant to section 15.059. In selecting the representatives of the council, the governor  
2.8            shall ensure that 50 percent of the members come from nominations provided by local  
2.9            workforce councils. Local education representatives shall come from nominations  
2.10           provided by local education to employment partnerships. The 31 members shall represent  
2.11           the following sectors:

2.12           (a) State agencies: the following individuals shall serve on the council:

2.13           (1) commissioner of the Minnesota Department of Employment and Economic  
2.14           Development;

2.15           (2) commissioner of the Minnesota Department of Education; and

2.16           (3) commissioner of the Minnesota Department of Human Services.

2.17           (b) Business and industry: six individuals shall represent the business and industry  
2.18           sectors of Minnesota.

2.19           (c) Organized labor: six individuals shall represent labor organizations of Minnesota.

2.20           (d) Community-based organizations: four individuals shall represent  
2.21           community-based organizations of Minnesota. Community-based organizations are  
2.22           defined by the Workforce Investment Act as private nonprofit organizations that are  
2.23           representative of communities or significant segments of communities and that have  
2.24           demonstrated expertise and effectiveness in the field of workforce investment and may  
2.25           include entities that provide job training services, serve youth, serve individuals with  
2.26           disabilities, serve displaced homemakers, union-related organizations, employer-related  
2.27           nonprofit organizations, and organizations serving nonreservation Indians and tribal  
2.28           governments.

2.29           (e) Education: six individuals shall represent the education sector of Minnesota  
2.30           as follows:

2.31           (1) one individual shall represent local public secondary education;

2.32           (2) one individual shall have expertise in design and implementation of school-based  
2.33           service-learning;

2.34           (3) one individual shall represent leadership of the University of Minnesota;

2.35           (4) one individual shall represent secondary/postsecondary vocational institutions;

3.1 (5) the chancellor of the Board of Trustees of the Minnesota State Colleges and  
3.2 Universities; and

3.3 (6) one individual shall have expertise in agricultural education.

3.4 (f) Other: two individuals shall represent other constituencies including:

3.5 (1) units of local government; and

3.6 (2) applicable state or local programs.

3.7 The speaker and the minority leader of the house of representatives shall each  
3.8 appoint a representative to serve as an ex officio member of the council. The majority  
3.9 and minority leaders of the senate shall each appoint a senator to serve as an ex officio  
3.10 member of the council.

3.11 The governor shall appoint one individual representing public libraries, one  
3.12 individual with expertise in assisting women in obtaining employment in high-wage,  
3.13 high-demand, nontraditional occupations, and one individual representing adult basic  
3.14 education programs to serve as a nonvoting ~~advisor~~ advisors to the council.

3.15 (g) Appointment: each member shall be appointed for a term of three years from the  
3.16 first day of January or July immediately following their appointment. Elected officials  
3.17 shall forfeit their appointment if they cease to serve in elected office.

3.18 (h) Members of the council are compensated as provided in section 15.059,  
3.19 subdivision 3.

3.20 Sec. 3. **[116L.99] WOMEN AND HIGH-WAGE, HIGH-DEMAND,**  
3.21 **NONTRADITIONAL JOBS GRANT PROGRAM.**

3.22 Subdivision 1. Definitions. (a) For the purpose of this section, the following terms  
3.23 have the meanings given.

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

3.26 (c) "Eligible organization" includes, but is not limited to:

3.27 (1) community-based organizations experienced in serving women;

3.28 (2) employers;

3.29 (3) business and trade associations;

3.30 (4) labor unions and employee organizations;

3.31 (5) registered apprenticeship programs;

3.32 (6) secondary and postsecondary education institutions located in Minnesota; and

3.33 (7) workforce and economic development agencies.

3.34 (d) "High-wage, high-demand" means occupations that represent at least 0.1 percent  
3.35 of total employment in the base year, have an annual median salary which is higher than

4.1 the average for the current year, and are projected to have more total openings as a share  
4.2 of employment than the average.

4.3 (e) "Low-income" means income less than 200 percent of the federal poverty  
4.4 guideline adjusted for a family size of four.

4.5 (f) "Nontraditional occupations" means those occupations in which women make  
4.6 up less than 25 percent of the workforce as defined under United States Code, title 20,  
4.7 section 2302.

4.8 (g) "Registered apprenticeship program" means a program registered under United  
4.9 States Code, title 29, section 50.

4.10 Subd. 2. **Grant program.** The commissioner shall establish the women and  
4.11 high-wage, high-demand, nontraditional jobs grant program to increase the number of  
4.12 women in high-wage, high-demand, nontraditional occupations. The commissioner shall  
4.13 make grants to eligible organizations for programs that encourage and assist women to enter  
4.14 high-wage, high-demand, nontraditional occupations including but not limited to those in  
4.15 the skilled trades, science, technology, engineering, and math (STEM) occupations.

4.16 Subd. 3. **Use of funds.** (a) Grant funds awarded under this section may be used for:

4.17 (1) recruitment, preparation, placement, and retention of women, including  
4.18 low-income women and women over 50 years old, in registered apprenticeships,  
4.19 postsecondary education programs, on-the-job training, and permanent employment in  
4.20 high-wage, high-demand, nontraditional occupations;

4.21 (2) secondary or postsecondary education or other training to prepare women  
4.22 to succeed in high-wage, high-demand, nontraditional occupations. Activities under  
4.23 this clause may be conducted by the grantee or in collaboration with another institution,  
4.24 including but not limited to a public or private secondary or postsecondary school;

4.25 (3) innovative, hands-on, best practices that stimulate interest in high-wage,  
4.26 high-demand, nontraditional occupations among girls, increase awareness among  
4.27 girls about opportunities in high-wage, high-demand, nontraditional occupations, or  
4.28 increase access to secondary programming leading to jobs in high-wage, high-demand,  
4.29 nontraditional occupations. Best practices include but are not limited to mentoring,  
4.30 internships, or apprenticeships for girls in high-wage, high-demand, nontraditional  
4.31 occupations;

4.32 (4) training and other staff development for job seeker counselors and Minnesota  
4.33 family investment program (MFIP) caseworkers on opportunities in high-wage,  
4.34 high-demand, nontraditional occupations;

5.1 (5) incentives for employers and sponsors of registered apprenticeship programs  
5.2 to retain women in high-wage, high-demand, nontraditional occupations for more than  
5.3 one year;

5.4 (6) training and technical assistance for employers to create a safe and healthy  
5.5 workplace environment designed to retain and advance women, including best practices  
5.6 for addressing sexual harassment, and to overcome gender inequity among employers  
5.7 and registered apprenticeship programs;

5.8 (7) public education and outreach activities to overcome stereotypes about women  
5.9 in high-wage, high-demand, nontraditional occupations, including the development of  
5.10 educational and marketing materials; and

5.11 (8) support for women in high-wage, high-demand, nontraditional occupations  
5.12 including but not limited to assistance with workplace issues resolution and access to  
5.13 advocacy assistance and services.

5.14 (b) Grant applications must include detailed information about how the applicant  
5.15 plans to:

5.16 (1) increase women's participation in high-wage, high-demand occupations in which  
5.17 women are currently underrepresented in the workforce;

5.18 (2) comply with the requirements under subdivision 3; and

5.19 (3) use grant funds in conjunction with funding from other public or private sources.

5.20 (c) In awarding grants under this subdivision, the commissioner shall give priority  
5.21 to eligible organizations:

5.22 (1) with demonstrated success in recruiting and preparing women, especially  
5.23 low-income women and women over 50 years old, for high-wage, high-demand,  
5.24 nontraditional occupations; and

5.25 (2) that leverage additional public and private resources.

5.26 (d) At least 50 percent of total grant funds must be awarded to programs providing  
5.27 services and activities targeted to low-income women.

5.28 (e) The commissioner of employment and economic development in conjunction  
5.29 with the commissioner of labor and industry shall monitor the use of funds under this  
5.30 section, collect and compile information on the activities of other state agencies and public  
5.31 or private entities that have purposes similar to those under this section, and identify other  
5.32 public and private funding available for these purposes.

5.33 Sec. 4. Minnesota Statutes 2012, section 268.095, subdivision 1, is amended to read:

5.34 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all  
5.35 unemployment benefits according to subdivision 10 except when:

6.1 (1) the applicant quit the employment because of a good reason caused by the  
6.2 employer as defined in subdivision 3;

6.3 (2) the applicant quit the employment to accept other covered employment that  
6.4 provided substantially better terms and conditions of employment, but the applicant did  
6.5 not work long enough at the second employment to have sufficient subsequent earnings to  
6.6 satisfy the period of ineligibility that would otherwise be imposed under subdivision 10  
6.7 for quitting the first employment;

6.8 (3) the applicant quit the employment within 30 calendar days of beginning the  
6.9 employment because the employment was unsuitable for the applicant;

6.10 (4) the employment was unsuitable for the applicant and the applicant quit to enter  
6.11 reemployment assistance training;

6.12 (5) the employment was part time and the applicant also had full-time employment  
6.13 in the base period, from which full-time employment the applicant separated because of  
6.14 reasons for which the applicant was held not to be ineligible, and the wage credits from  
6.15 the full-time employment are sufficient to meet the minimum requirements to establish a  
6.16 benefit account under section 268.07;

6.17 (6) the applicant quit because the employer notified the applicant that the applicant  
6.18 was going to be laid off because of lack of work within 30 calendar days. An applicant  
6.19 who quit employment within 30 calendar days of a notified date of layoff because of lack  
6.20 of work is ineligible for unemployment benefits through the end of the week that includes  
6.21 the scheduled date of layoff;

6.22 (7) the applicant quit the employment (i) because the applicant's serious illness or  
6.23 injury made it medically necessary that the applicant quit; or (ii) in order to provide  
6.24 necessary care because of the illness, injury, or disability of an immediate family member  
6.25 of the applicant. This exception only applies if the applicant informs the employer of  
6.26 the medical problem and requests accommodation and no reasonable accommodation  
6.27 is made available.

6.28 If the applicant's serious illness is chemical dependency, this exception does not  
6.29 apply if the applicant was previously diagnosed as chemically dependent or had treatment  
6.30 for chemical dependency, and since that diagnosis or treatment has failed to make  
6.31 consistent efforts to control the chemical dependency.

6.32 This exception raises an issue of the applicant's being available for suitable  
6.33 employment under section 268.085, subdivision 1, that the commissioner must determine;

6.34 (8) the applicant's loss of child care for the applicant's minor child caused the  
6.35 applicant to quit the employment, provided the applicant made reasonable effort to obtain

7.1 other child care and requested time off or other accommodation from the employer and no  
7.2 reasonable accommodation is available.

7.3 This exception raises an issue of the applicant's being available for suitable  
7.4 employment under section 268.085, subdivision 1, that the commissioner must determine;

7.5 (9) the applicant quit because domestic abuse, sexual assault, or stalking of the  
7.6 applicant or an immediate family member of the applicant, necessitated the applicant's  
7.7 quitting the employment. ~~Domestic abuse must be shown by one or more of the following:~~

7.8 ~~(i) a district court order for protection or other documentation of equitable relief~~  
7.9 ~~issued by a court;~~

7.10 ~~(ii) a police record documenting the domestic abuse;~~

7.11 ~~(iii) documentation that the perpetrator of the domestic abuse has been convicted~~  
7.12 ~~of the offense of domestic abuse;~~

7.13 ~~(iv) medical documentation of domestic abuse; or~~

7.14 ~~(v) written statement that the applicant or an immediate family member of the~~  
7.15 ~~applicant is a victim of domestic abuse, provided by a social worker, member of the~~  
7.16 ~~clergy, shelter worker, attorney at law, or other professional who has assisted the applicant~~  
7.17 ~~in dealing with the domestic abuse.~~

7.18 ~~Domestic abuse for purposes of this clause is defined under section 518B.01; or~~

7.19 For purposes of this section:

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

7.21 (ii) "sexual assault" means an act that would constitute a violation of sections  
7.22 609.342 to 609.3453 or 609.352; and

7.23 (iii) "stalking" means an act that would constitute a violation of section 609.749; or

7.24 (10) the applicant quit in order to relocate to accompany a spouse whose job location  
7.25 changed making it impractical for the applicant to commute.

7.26 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all  
7.27 determinations and appeal decisions issued on or after that date.

7.28 Sec. 5. Minnesota Statutes 2012, section 268.095, subdivision 6, is amended to read:

7.29 Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any  
7.30 intentional, negligent, or indifferent conduct, on the job or off the job that displays clearly:

7.31 (1) a serious violation of the standards of behavior the employer has the right to  
7.32 reasonably expect of the employee; or

7.33 (2) a substantial lack of concern for the employment.

7.34 (b) Regardless of paragraph (a), the following is not employment misconduct:

7.35 (1) conduct that was a consequence of the applicant's mental illness or impairment;

- 8.1 (2) conduct that was a consequence of the applicant's inefficiency or inadvertence;
- 8.2 (3) simple unsatisfactory conduct;
- 8.3 (4) conduct an average reasonable employee would have engaged in under the
- 8.4 circumstances;
- 8.5 (5) conduct that was a consequence of the applicant's inability or incapacity;
- 8.6 (6) good faith errors in judgment if judgment was required;
- 8.7 (7) absence because of illness or injury of the applicant, with proper notice to the
- 8.8 employer;
- 8.9 (8) absence, with proper notice to the employer, in order to provide necessary care
- 8.10 because of the illness, injury, or disability of an immediate family member of the applicant;
- 8.11 (9) conduct that was a consequence of the applicant's chemical dependency, unless
- 8.12 the applicant was previously diagnosed chemically dependent or had treatment for
- 8.13 chemical dependency, and since that diagnosis or treatment has failed to make consistent
- 8.14 efforts to control the chemical dependency; or
- 8.15 (10) conduct that was a consequence of the applicant, or an immediate family
- 8.16 member of the applicant, being a victim of domestic abuse ~~as defined under section~~
- 8.17 ~~518B.01, sexual assault, or stalking. Domestic abuse must be shown as provided for in~~
- 8.18 ~~subdivision 1, clause (9).~~

8.19 (c) Regardless of paragraph (b), clause (9), conduct in violation of sections 169A.20,

8.20 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment

8.21 is employment misconduct.

8.22 (d) If the conduct for which the applicant was discharged involved only a single

8.23 incident, that is an important fact that must be considered in deciding whether the conduct

8.24 rises to the level of employment misconduct under paragraph (a). This paragraph does

8.25 not require that a determination under section 268.101 or decision under section 268.105

8.26 contain a specific acknowledgment or explanation that this paragraph was considered.

8.27 (e) The definition of employment misconduct provided by this subdivision is

8.28 exclusive and no other definition applies.

8.29 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all

8.30 determinations and appeal decisions issued on or after that date.

8.31 **Sec. 6. [363A.44] EQUAL PAY CERTIFICATE OF COMPLIANCE.**

8.32 **Subdivision 1. Scope.** No department or agency of the state may execute a contract

8.33 in excess of \$500,000 with a business that has 50 or more full-time employees in this

8.34 state or a state where the business has its primary place of business on a single working

8.35 day during the previous 12 months unless the business has an equal pay certificate of



9.1 compliance. For purposes of this section, a business does not include an entity or a parent  
9.2 or subsidiary of the entity with a contract with a department or agency of the state if the  
9.3 entity has a license, certification, registration, provider agreement, or provider enrollment  
9.4 contract which are a prerequisite to receive reimbursement for providing goods and  
9.5 services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I, and 256L.  
9.6 The commissioner shall issue an equal pay certificate of compliance to a business that  
9.7 submits to the commissioner a statement that:

9.8 (1) its compensation policies or practices are based on the principle of equal pay  
9.9 for equal work, and are in compliance with title VII of the Civil Rights Act of 1964, the  
9.10 Equal Pay Act of 1963, the Minnesota Human Rights Act, and the Minnesota Equal  
9.11 Pay for Equal Work Law;

9.12 (2) its wage schedules and other compensation formulas are not related to, or based  
9.13 on, the sex of its employees;

9.14 (3) it does not restrict employees of one sex to certain job classifications and makes  
9.15 retention and promotion of qualified employees without regard to sex;

9.16 (4) its contributions to insurance, pensions, and other benefit plans are not related to,  
9.17 or based on, the sex of its employees; and

9.18 (5) the average compensation for its female employees is not consistently below the  
9.19 average compensation for its male employees within each of the major job categories in  
9.20 the EEO-1 employee information report for which an employee is expected to perform  
9.21 work under the contract, taking into account factors such as length of service, requirements  
9.22 of specific jobs, experience, skill, effort, responsibility, working conditions of the job, or  
9.23 other mitigating factors.

9.24 Subd. 2. **Application; issuance; duration.** A business applying for a certificate  
9.25 of compliance must pay a \$150 fee to the commissioner. The commissioner must issue  
9.26 a business an equal pay certificate of compliance, or a statement of why the application  
9.27 was rejected, within 15 days of receipt of the application and the filing fee. An equal pay  
9.28 certificate of compliance is valid for four years. Proceeds of the filing fee are appropriated  
9.29 to the commissioner for purposes of this section.

9.30 Subd. 3. **Conditions; audit.** (a) As a condition of receiving an equal pay certificate  
9.31 of compliance, and as a condition of the contract that is subject to this section, a business  
9.32 must agree that:

9.33 (1) the commissioner may audit the business's compliance with this section; and

9.34 (2) the commissioner or the agency entering into the contract may void a contract if  
9.35 the commissioner determines that the business is not in compliance with items specified in  
9.36 subdivision 1, clauses (1) to (5).

10.1 (b) As a condition of receiving an equal pay certificate of compliance, and as a  
10.2 condition of the contract that is subject to this section, a business must agree that as part  
10.3 of an audit, the business will provide the commissioner the following information with  
10.4 respect to employees expected to perform work under the contract in each of the major  
10.5 job categories in the EEO-1 employee information report:

10.6 (1) number of male employees;

10.7 (2) number of female employees;

10.8 (3) average annualized salaries paid to male employees and to female employees,  
10.9 in the manner most consistent with the employer's compensation system, within each  
10.10 major job category;

10.11 (4) information on performance payments, benefits, or other elements of  
10.12 compensation, in the manner most consistent with the employer's compensation system, if  
10.13 requested by the commissioner as part of a determination as to whether these elements of  
10.14 compensation are different for male and female employees;

10.15 (5) average length of service for male and female employees in each major job  
10.16 category; and

10.17 (6) other information identified by the business or by the commissioner, as needed,  
10.18 to determine compliance with items specified in subdivision 1, clauses (1) to (5).

10.19 Subd. 4. **Compliance plan; revocation of certificate.** If the commissioner  
10.20 determines that a business that has an equal pay certificate of compliance is not in  
10.21 compliance with subdivision 1, clauses (1) to (5), the commissioner may require the  
10.22 business to implement a plan to remedy the noncompliance with subdivision 1, clauses (1)  
10.23 to (5), as a condition of retaining its certificate of compliance. The commissioner may  
10.24 suspend or revoke a certificate if the commissioner determines that the business is not in  
10.25 compliance with items specified in subdivision 1, clauses (1) to (5), and is failing to  
10.26 implement its plan to remedy noncompliance.

10.27 Subd. 5. **Voiding of contract.** Prior to taking action to void a contract, the  
10.28 commissioner must first demonstrate that no undue hardship would occur to the state and  
10.29 that obtaining wages and benefits due to employees of the business is an insufficient  
10.30 remedy. Multiple violations of the laws set forth in subdivision 1, clause (1), or a  
10.31 determination of deliberate intent to violate these laws by the certificate holder may be  
10.32 sufficient justification for the commissioner to void a contract.

10.33 Subd. 6. **Administrative review.** A business may obtain a hearing when the  
10.34 commissioner issues an order directing a contract voided or an equal pay certificate of  
10.35 compliance revoked by filing a written request for a hearing with the department within

11.1 20 days after service of the notice of sanction. The hearing shall be a contested case  
11.2 proceeding pursuant to sections 14.57 to 14.69.

11.3 Subd. 7. **Technical assistance.** The commissioner must provide technical assistance  
11.4 to any business that requests assistance.

11.5 Subd. 8. **Access to data.** Data submitted to the commissioner by a business for  
11.6 purposes of obtaining a certificate of compliance under this section, or in response to an  
11.7 audit under this section, are private data on individuals or nonpublic data with respect to  
11.8 persons other than Department of Human Rights employees. The commissioner's decision  
11.9 to grant, not grant, revoke, or suspend a certificate of compliance is public data.

11.10 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to a  
11.11 contract for which a state department or agency issues a solicitation on or after that date.

11.12 Sec. 7. **HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS**  
11.13 **PROGRAM APPROPRIATION.**

11.14 \$500,000 is appropriated from the general fund in fiscal year 2015 to the  
11.15 commissioner of employment and economic development to develop and implement the  
11.16 women and high-wage, high-demand, nontraditional jobs grant program under Minnesota  
11.17 Statutes, section 116L.99. Funds available under this section must not supplant other  
11.18 funds available for the same purposes. This is a onetime appropriation.

11.19 Sec. 8. **WOMEN ENTREPRENEURS BUSINESS DEVELOPMENT;**  
11.20 **APPROPRIATION.**

11.21 (a) \$500,000 in fiscal year 2015 is appropriated from the general fund to the  
11.22 commissioner of employment and economic development for grants to Women  
11.23 Venture and the Women's Business Center of Northeastern Minnesota at the Northeast  
11.24 Entrepreneurial Fund to facilitate and promote the creation and expansion of  
11.25 women-owned businesses in Minnesota. Funds available under this section must be  
11.26 divided equally among grant recipients. This is a onetime appropriation. Grant funds may  
11.27 be used only for the purposes under paragraph (b) except that up to ten percent of each  
11.28 grant award may be used by grant recipients for administrative costs.

11.29 (b) Grants awarded under this section must be used for:

11.30 (1) entrepreneurial training, mentoring, and technical assistance for the startup or  
11.31 expansion of eligible women-owned businesses;

11.32 (2) development of networks of potential investors for eligible women-owned  
11.33 businesses; and

12.1 (3) development of recruitment programs for mid-career women with an interest in  
12.2 starting eligible women-owned businesses.

12.3 (c) For the purposes of this section "eligible women-owned business" means a  
12.4 business entity:

12.5 (1) that is at least 51 percent female owned or, in the case of a publicly traded  
12.6 business, at least 51 percent of the stock is female owned;

12.7 (2) whose management and daily operations are controlled by women;

12.8 (3) that is organized for profit;

12.9 (4) that is projected to generate at least \$500,000 in annual revenue and create at  
12.10 least ten jobs, each of which pay an annual income equal to at least 200 percent of the  
12.11 federal poverty guideline adjusted for a family size of four; and

12.12 (5) in the field of construction; transportation; warehousing; agriculture; mining;  
12.13 finance; insurance; professional, technical, or scientific services; technology; or other  
12.14 industries with businesses meeting the revenue and job creation requirements of clause (4).

12.15 (d) A grant award under this section does not affect any other grant award or  
12.16 appropriation made to a grant recipient.

12.17 (e) The Women's Business Center of Northeastern Minnesota shall partner with  
12.18 the Arrowhead Economic Opportunity Agency to provide entrepreneurial development  
12.19 training and resources to women with incomes less than 200 percent of the federal poverty  
12.20 guideline, adjusted for a family size of four, to assist with the start-up or expansion of  
12.21 eligible women-owned businesses.

12.22 **Sec. 9. WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL**  
12.23 **JOBS APPRENTICESHIPS; APPROPRIATION.**

12.24 \$250,000 is appropriated from the general fund in fiscal year 2015 to the  
12.25 commissioner of labor and industry for the labor education advancement program under  
12.26 Minnesota Statutes, section 178.11, to educate, promote, assist, and support women to  
12.27 enter apprenticeship programs in high-wage, high-demand, nontraditional occupations.  
12.28 Funds available under this section must not supplant other funds available for the same  
12.29 purposes. This is a onetime appropriation.

12.30 **Sec. 10. REPORT; RETIREMENT SAVINGS PLAN.**

12.31 (a) The commissioner of management and budget must report to the legislature  
12.32 by January 15, 2015, on the potential for a state-administered retirement savings plan  
12.33 to serve employees without access to either an automatic enrollment payroll deduction  
12.34 IRA maintained or offered by their employer, or a multiemployer retirement plan or

13.1 qualifying retirement plan or arrangement described in sections 414(f) and 219(g)(5),  
13.2 respectively, of the Internal Revenue Code of 1986, as amended through April 14, 2011.  
13.3 The potential state-administered plan would provide for individuals to make contributions  
13.4 to their own accounts to be pooled and invested by the State Board of Investment, with the  
13.5 benefit consisting of the balance in each individual's account, and with the state having no  
13.6 liability for investment earnings and losses, while discouraging employers from dropping  
13.7 existing retirement plan options.

13.8 (b) The report must include:

13.9 (1) estimates of the number of Minnesota workers who could be served by the  
13.10 potential state-administered plan, and the participation rate that would make the plan  
13.11 self-sustaining;

13.12 (2) the effect of federal tax laws and the federal Employee Retirement Income  
13.13 Security Act on a potential state-administered plan and on participating employers and  
13.14 employees, including coverage and potential gaps in consumer protections;

13.15 (3) the potential use and availability of investment strategies, private insurance,  
13.16 underwriting, or reinsurance against loss to limit or eliminate potential state liability  
13.17 and manage risk to the principal;

13.18 (4) options for the process by which individuals would enroll in and contribute to  
13.19 the plan;

13.20 (5) projected costs of administration, record keeping, and investment management,  
13.21 including staffing, legal, compliance, licensing, procurement, communications with  
13.22 employers and employees, oversight, marketing, technology and infrastructure, and the fee  
13.23 needed to cover these costs as a percentage of the average daily net assets of the potential  
13.24 state-administered plan, relative to asset size, with estimates of investment-related fees  
13.25 determined in consultation with the State Board of Investment; and

13.26 (6) a comparison of a potential state-administered plan to private sector and federal  
13.27 government retirement savings options with regard to participation rates, contribution  
13.28 rates, risk-adjusted return expectations, fees, and any other factors determined by  
13.29 the commissioner, which may include suitability in meeting the investment needs of  
13.30 participants.

13.31 (c) Subject to available appropriation, the report may include:

13.32 (1) estimates of the average amount of savings and other financial resources residents  
13.33 of Minnesota have upon retirement and those that are recommended for a financially  
13.34 secure retirement in Minnesota;

13.35 (2) estimates of the relative progress toward achieving the savings recommended for  
13.36 a financially secure retirement by gender, race, and ethnicity;

14.1 (3) barriers to savings and reasons individuals and employers may not be  
14.2 participating in existing private sector retirement plans;

14.3 (4) the estimated impact on publicly funded social safety net programs attributable  
14.4 to insufficient retirement savings, and the aggregate effect of potential state-administered  
14.5 plan options on publicly funded social safety net programs and the state economy;

14.6 (5) the effect of federal tax laws and the federal Employee Retirement Income  
14.7 Security Act on a potential state-administered plan that allows for voluntary employer  
14.8 contributions, either commingled with or segregated from employee contributions;

14.9 (6) options for a potential state-administered plan to use group annuities to ensure a  
14.10 stable stream of retirement income throughout beneficiaries' retirement years;

14.11 (7) alternative ways and costs for the state to encourage similar outcomes to a  
14.12 state-administered plan; and

14.13 (8) other topics that the commissioner determines are relevant to legislative  
14.14 consideration of possible establishment of a state-administered plan.

14.15 (d) The commissioner may meet any of the topics in paragraph (c) by reporting the  
14.16 results of a request for public comment.

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

14.18 Sec. 11. **RETIREMENT SAVINGS PLAN REPORT; APPROPRIATION.**

14.19 \$300,000 in fiscal year 2014 is appropriated from the general fund to the  
14.20 commissioner of management and budget for the retirement savings plan report under  
14.21 section 10. This is a onetime appropriation and is available until expended.

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

14.23 Sec. 12. **REPORT; PAY EQUITY.**

14.24 The commissioner of human rights shall report to the governor and the chairs and  
14.25 ranking minority members of the committees in the senate and the house of representatives  
14.26 with primary jurisdiction over the department by January 31, 2016. The report shall  
14.27 indicate the number of equal pay certificates issued under Minnesota Statutes, section  
14.28 363A.44, the number of audits conducted, and a summary of results of its auditing efforts.  
14.29 The commissioner shall consult with the Office on the Economic Status of Women  
14.30 in preparing the report.

14.31 Sec. 13. **APPROPRIATION; PAY EQUITY.**

15.1 \$674,000 in fiscal year 2015 is appropriated from the general fund to the  
 15.2 commissioner of human rights for implementation of Minnesota Statutes, section  
 15.3 363A.44. The agency base budget for this purpose is \$426,000 each year in fiscal years  
 15.4 2016 and 2017.

### 15.5 **ARTICLE 3**

#### 15.6 **LABOR STANDARDS AND WAGES**

15.7 Section 1. Minnesota Statutes 2012, section 181.940, subdivision 2, is amended to read:

15.8 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for  
 15.9 an employer from whom a leave is requested under sections 181.940 to 181.944 for:

15.10 (1) at least 12 consecutive months immediately preceding the request; and

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

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

15.17 Sec. 2. Minnesota Statutes 2012, section 181.941, is amended to read:

#### 15.18 **181.941 PREGNANCY AND PARENTING LEAVE.**

15.19 Subdivision 1. ~~Six~~ **Twelve-week leave; pregnancy, birth, or adoption.** (a) An  
 15.20 employer must grant an unpaid leave of absence to an employee who is a natural or  
 15.21 adoptive parent in conjunction with the birth or adoption of a child. ~~The length of the~~  
 15.22 ~~leave shall be determined by the employee, but may not exceed six weeks, unless agreed~~  
 15.23 ~~to by the employer.;~~

15.24 (1) a natural or adoptive parent in conjunction with the birth or adoption of a child; or

15.25 (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth,  
 15.26 or related health conditions.

15.27 (b) The length of the leave shall be determined by the employee, but must not exceed  
 15.28 12 weeks, unless agreed to by the employer.

15.29 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.  
 15.30 The employer may adopt reasonable policies governing the timing of requests for unpaid  
 15.31 leave: and may require an employee who plans to take a leave under this section to give  
 15.32 the employer reasonable notice of the date the leave shall commence and the estimated  
 15.33 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the

16.1 leave ~~may~~ must begin ~~not more than six weeks after~~ within 12 months of the birth or  
16.2 adoption; except that, in the case where the child must remain in the hospital longer than  
16.3 the mother, the leave ~~may not~~ must begin ~~more than six weeks~~ within 12 months after the  
16.4 child leaves the hospital.

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

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

16.12 Sec. 3. Minnesota Statutes 2013 Supplement, section 181.9413, is amended to read:

16.13 **181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.**

16.14 (a) An employee may use personal sick leave benefits provided by the employer  
16.15 for absences due to an illness of or injury to the employee's child, as defined in section  
16.16 181.940, subdivision 4, adult child, spouse, sibling, parent, grandchild, grandparent, or  
16.17 stepparent, for reasonable periods of time as the employee's attendance may be necessary,  
16.18 on the same terms upon which the employee is able to use sick leave benefits for the  
16.19 employee's own illness or injury. This section applies only to personal sick leave benefits  
16.20 payable to the employee from the employer's general assets.

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

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

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

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

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



17.1 apply to absences due to the illness or injury of a child, as defined in section 181.940,  
17.2 subdivision 4.

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

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

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

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

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

17.15 Sec. 4. **[181.9414] PREGNANCY ACCOMMODATIONS.**

17.16 Subdivision 1. **Accommodation.** An employer must provide reasonable  
17.17 accommodation for an employee for conditions related to pregnancy, childbirth, or related  
17.18 health conditions, if she so requests. The employer may provide the accommodation  
17.19 requested by the employee or an equally effective alternative. "Reasonable  
17.20 accommodation" includes, but is not limited to: seating, frequent restroom breaks, and  
17.21 limits to heavy lifting. The employee and employer shall engage in an interactive process  
17.22 with respect to an employee's request for a reasonable accommodation. Notwithstanding  
17.23 any other provision of this section, an employer shall not be required to create a new or  
17.24 additional position in order to accommodate an employee pursuant to this subdivision,  
17.25 and shall not be required to discharge any employee, transfer any other employee with  
17.26 greater seniority, or promote any employee.

17.27 Subd. 2. **Transfer.** An employer must temporarily transfer a pregnant female  
17.28 employee to a less strenuous or hazardous position for the duration of her pregnancy  
17.29 if she so requests provided the transfer does not impose an undue hardship on the  
17.30 employer. An employee requesting a temporary transfer shall be required to provide to the  
17.31 employer written documentation of medical necessity by a licensed health care provider.  
17.32 The employee and employer shall engage in an interactive process with respect to an  
17.33 employee's request for a temporary transfer. Notwithstanding any other provision of this  
17.34 section, an employer shall not be required to create a new or additional position in order  
17.35 to accommodate an employee pursuant to this subdivision and shall not be required to

18.1 discharge any employee, transfer any other employee with greater seniority, or promote  
18.2 any employee.

18.3 Subd. 3. **Interaction with other laws.** Nothing in this section shall be construed to  
18.4 affect any other provision of law relating to sex discrimination or pregnancy, or in any  
18.5 way to diminish the coverage of pregnancy, childbirth, or health conditions related to  
18.6 pregnancy or childbirth under any other provisions of any other law.

18.7 Subd. 4. **No employer retribution.** An employer shall not retaliate against an  
18.8 employee for requesting or obtaining accommodation under this section.

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

18.10 Sec. 5. Minnesota Statutes 2012, section 181.943, is amended to read:

18.11 **181.943 RELATIONSHIP TO OTHER LEAVE.**

18.12 (a) The length of ~~parental~~ leave provided under section 181.941 may be reduced  
18.13 by any period of ~~paid parental or disability leave, but not accrued sick leave, provided~~  
18.14 ~~by the employer, so that the total leave does not exceed six weeks, unless agreed to by~~  
18.15 ~~the employer.;~~

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

18.19 (2) leave taken for the same purpose by the employee under United States Code,  
18.20 title 29, chapter 28.

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

18.24 **ARTICLE 4**

18.25 **EMPLOYMENT PROTECTIONS**

18.26 Section 1. Minnesota Statutes 2012, section 181.939, is amended to read:

18.27 **181.939 NURSING MOTHERS.**

18.28 (a) An employer must provide reasonable unpaid break time each day to an  
18.29 employee who needs to express breast milk for her infant child. The break time must,  
18.30 if possible, run concurrently with any break time already provided to the employee. An  
18.31 employer is not required to provide break time under this section if to do so would unduly  
18.32 disrupt the operations of the employer.

19.1           **(b)** The employer must make reasonable efforts to provide a room or other location,  
19.2 in close proximity to the work area, other than a toilet stall, that is shielded from view and  
19.3 free from intrusion and that includes access to an electrical outlet, where the employee  
19.4 can express her milk in privacy. The employer would be held harmless if reasonable  
19.5 effort has been made.

19.6           **(c)** For the purposes of this section, "employer" means a person or entity that  
19.7 employs one or more employees and includes the state and its political subdivisions.

19.8           **(d)** A violation of this section is an unfair employment practice as provided for under  
19.9 section 363A.08, subdivision 8.

19.10          Sec. 2. Minnesota Statutes 2012, section 363A.03, is amended by adding a subdivision  
19.11 to read:

19.12            Subd. 18a. **Family caregiver.** "Family caregiver" means a person who cares for  
19.13 another person:

19.14            (1) who is related by blood, marriage, or legal custody; or

19.15            (2) with whom the person lives in a familial relationship.

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

19.17          Sec. 3. Minnesota Statutes 2012, section 363A.08, subdivision 1, is amended to read:

19.18            Subdivision 1. **Labor organization.** Except when based on a bona fide occupational  
19.19 qualification, it is an unfair employment practice for a labor organization, because of race,  
19.20 color, creed, religion, national origin, sex, marital status, status with regard to public  
19.21 assistance, familial status, status as a family caregiver, disability, sexual orientation, or age:

19.22            (1) to deny full and equal membership rights to a person seeking membership or  
19.23 to a member;

19.24            (2) to expel a member from membership;

19.25            (3) to discriminate against a person seeking membership or a member with respect  
19.26 to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities,  
19.27 or privileges of employment; or

19.28            (4) to fail to classify properly, or refer for employment or otherwise to discriminate  
19.29 against a person or member.

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

19.31          Sec. 4. Minnesota Statutes 2012, section 363A.08, subdivision 2, is amended to read:

20.1 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it  
 20.2 is an unfair employment practice for an employer, because of race, color, creed, religion,  
 20.3 national origin, sex, marital status, status with regard to public assistance, familial status,  
 20.4 status as a family caregiver, membership or activity in a local commission, disability,  
 20.5 sexual orientation, or age to:

20.6 (1) refuse to hire or to maintain a system of employment which unreasonably  
 20.7 excludes a person seeking employment; or

20.8 (2) discharge an employee; or

20.9 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,  
 20.10 upgrading, conditions, facilities, or privileges of employment.

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

20.12 Sec. 5. Minnesota Statutes 2012, section 363A.08, subdivision 3, is amended to read:

20.13 Subd. 3. **Employment agency.** Except when based on a bona fide occupational  
 20.14 qualification, it is an unfair employment practice for an employment agency, because of  
 20.15 race, color, creed, religion, national origin, sex, marital status, status with regard to public  
 20.16 assistance, familial status, status as a family caregiver, disability, sexual orientation, or  
 20.17 age to:

20.18 (1) refuse or fail to accept, register, classify properly, or refer for employment or  
 20.19 otherwise to discriminate against a person; or

20.20 (2) comply with a request from an employer for referral of applicants for  
 20.21 employment if the request indicates directly or indirectly that the employer fails to comply  
 20.22 with the provisions of this chapter.

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

20.24 Sec. 6. Minnesota Statutes 2012, section 363A.08, subdivision 4, is amended to read:

20.25 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when  
 20.26 based on a bona fide occupational qualification, it is an unfair employment practice for an  
 20.27 employer, employment agency, or labor organization, before a person is employed by an  
 20.28 employer or admitted to membership in a labor organization, to:

20.29 (1) require or request the person to furnish information that pertains to race, color,  
 20.30 creed, religion, national origin, sex, marital status, status with regard to public assistance,  
 20.31 familial status, status as a family caregiver, disability, sexual orientation, or age; or, subject  
 20.32 to section 363A.20, to require or request a person to undergo physical examination; unless  
 20.33 for the sole and exclusive purpose of national security, information pertaining to national

21.1 origin is required by the United States, this state or a political subdivision or agency of  
21.2 the United States or this state, or for the sole and exclusive purpose of compliance with  
21.3 the Public Contracts Act or any rule, regulation, or laws of the United States or of this  
21.4 state requiring the information or examination. A law enforcement agency may, after  
21.5 notifying an applicant for a peace officer or part-time peace officer position that the law  
21.6 enforcement agency is commencing the background investigation on the applicant, request  
21.7 the applicant's date of birth, gender, and race on a separate form for the sole and exclusive  
21.8 purpose of conducting a criminal history check, a driver's license check, and fingerprint  
21.9 criminal history inquiry. The form shall include a statement indicating why the data is  
21.10 being collected and what its limited use will be. No document which has date of birth,  
21.11 gender, or race information will be included in the information given to or available to  
21.12 any person who is involved in selecting the person or persons employed other than the  
21.13 background investigator. No person may act both as background investigator and be  
21.14 involved in the selection of an employee except that the background investigator's report  
21.15 about background may be used in that selection as long as no direct or indirect references  
21.16 are made to the applicant's race, age, or gender; or

21.17 (2) seek and obtain for purposes of making a job decision, information from any  
21.18 source that pertains to the person's race, color, creed, religion, national origin, sex,  
21.19 marital status, status with regard to public assistance, familial status, status as a family  
21.20 caregiver, disability, sexual orientation, or age, unless for the sole and exclusive purpose  
21.21 of compliance with the Public Contracts Act or any rule, regulation, or laws of the United  
21.22 States or of this state requiring the information; or

21.23 (3) cause to be printed or published a notice or advertisement that relates to  
21.24 employment or membership and discloses a preference, limitation, specification, or  
21.25 discrimination based on race, color, creed, religion, national origin, sex, marital status,  
21.26 status with regard to public assistance, familial status, status as a family caregiver,  
21.27 disability, sexual orientation, or age.

21.28 (b) Any individual who is required to provide information that is prohibited by this  
21.29 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,  
21.30 subdivisions 1 to 9.

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

21.32 Sec. 7. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision  
21.33 to read:

22.1 Subd. 8. **Nursing mothers.** Except when based on a bona fide occupational  
22.2 qualification, any violation of section 181.939 by an employer is an unfair employment  
22.3 practice.

22.4 Sec. 8. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision  
22.5 to read:

22.6 Subd. 9. **Wage disclosure protection.** (a) An employer shall not:

22.7 (1) require nondisclosure by an employee of the employee's wages as a condition of  
22.8 employment;

22.9 (2) require an employee to sign a waiver or other document which purports to deny  
22.10 an employee the right to disclose the employee's wages; or

22.11 (3) take any adverse employment action against an employee for disclosing the  
22.12 employee's own wages or discussing another employee's wages which have been disclosed  
22.13 voluntarily.

22.14 (b) Nothing in this section shall be construed to:

22.15 (1) create an obligation on any employer or employee to disclose wages;

22.16 (2) permit an employee, without the written consent of the employer, to disclose  
22.17 proprietary information, trade secret information, or information that is otherwise subject  
22.18 to a legal privilege or protected by law;

22.19 (3) diminish any existing rights under the National Labor Relations Act under  
22.20 United States Code, title 29; or

22.21 (4) permit the employee to disclose wage information to a competitor of their  
22.22 employer.

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

## 22.24 **ARTICLE 5**

### 22.25 **EARLY CHILDHOOD**

22.26 Section 1. Minnesota Statutes 2013 Supplement, section 124D.165, subdivision 3,  
22.27 is amended to read:

22.28 Subd. 3. **Administration.** (a) The commissioner shall establish application  
22.29 timelines and determine the schedule for awarding scholarships that meets operational  
22.30 needs of eligible families and programs. The commissioner may prioritize applications on  
22.31 factors including family income, geographic location, and whether the child's family is on a  
22.32 waiting list for a publicly funded program providing early education or child care services.

23.1 (b) Scholarships may be awarded up to ~~\$5,000~~ for each eligible child. The  
23.2 commissioner shall establish a target for the average scholarship amount per child  
23.3 based on the results of the rate survey conducted under section 119B.13, subdivision 1,  
23.4 paragraph (b), per year.

23.5 (c) A four-star rated program that has children eligible for a scholarship enrolled  
23.6 in or on a waiting list for a program beginning in July, August, or September may notify  
23.7 the commissioner, in the form and manner prescribed by the commissioner, each year  
23.8 of the program's desire to enhance program services or to serve more children than  
23.9 current funding provides. The commissioner may designate a predetermined number of  
23.10 scholarship slots for that program and notify the program of that number.

23.11 (d) A scholarship is awarded for a 12-month period. If the scholarship recipient has  
23.12 not been accepted and subsequently enrolled in a rated program within ten months of the  
23.13 awarding of the scholarship, the scholarship cancels and the recipient must reapply in  
23.14 order to be eligible for another scholarship. A child may not be awarded more than one  
23.15 scholarship in a 12-month period.

23.16 (e) A child who receives a scholarship who has not completed development  
23.17 screening under sections 121A.16 to 121A.19 must complete that screening within 90  
23.18 days of first attending an eligible program.

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

APPENDIX  
Article locations in H2536-2

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