

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1956

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DATE	D-PG	OFFICIAL STATUS
02/27/2014	5872	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
03/04/2014	5964	Author added Marty
03/12/2014	6174	Withdrawn and re-referred to Judiciary
03/17/2014	6257a	Comm report: To pass as amended and re-refer to Jobs, Agriculture and Rural Development
03/20/2014		Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act
 1.2 relating to employment; providing for pregnancy and parenting leave; requiring
 1.3 pregnancy accommodations; amending Minnesota Statutes 2012, sections
 1.4 181.940, subdivision 2; 181.941; 181.943; proposing coding for new law in
 1.5 Minnesota Statutes, chapter 181.

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

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

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

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

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

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

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

1.18 **181.941 PREGNANCY AND PARENTING LEAVE.**

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

2.1 (1) a natural or adoptive parent in conjunction with the birth or adoption of a child; or
 2.2 (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth,
 2.3 or related health conditions.

2.4 (b) The length of the leave shall be determined by the employee, but must not exceed
 2.5 12 weeks, unless agreed to by the employer.

2.6 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.
 2.7 The employer may adopt reasonable policies governing the timing of requests for unpaid
 2.8 leave: and may require an employee who plans to take a leave under this section to give
 2.9 the employer reasonable notice of the date the leave shall commence and the estimated
 2.10 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the
 2.11 leave may must begin not more than six weeks after within 12 months of the birth or
 2.12 adoption; except that, in the case where the child must remain in the hospital longer than
 2.13 the mother, the leave may not must begin more than six weeks within 12 months after the
 2.14 child leaves the hospital.

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

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

2.22 Sec. 3. **[181.9414] PREGNANCY ACCOMMODATIONS.**

2.23 Subdivision 1. **Accommodation.** An employer must provide reasonable
 2.24 accommodation for an employee for conditions related to pregnancy, childbirth, or related
 2.25 health conditions, if she so requests. The employer may provide the accommodation
 2.26 requested by the employee or an equally effective alternative. "Reasonable
 2.27 accommodation" includes, but is not limited to: seating, additional restroom breaks, more
 2.28 frequent access to drinking water and food, and limits on physical movements such as
 2.29 heavy lifting, pushing, pulling, or standing.

2.30 Subd. 2. **Transfer.** An employer must temporarily transfer a pregnant female
 2.31 employee to a less strenuous or hazardous position for the duration of her pregnancy if she
 2.32 so requests where that transfer can be reasonably accommodated. An employee requesting
 2.33 a temporary transfer shall be required to provide to the employer a certification of medical
 2.34 necessity from her doctor. However, no employer shall be required by this subdivision to
 2.35 create additional employment that the employer would not otherwise have created, nor

3.1 shall the employer be required to discharge any employee, transfer any employee with
3.2 more seniority, or promote any employee who is not qualified to perform the job.

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

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

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

3.10 Sec. 4. Minnesota Statutes 2012, section 181.943, is amended to read:

3.11 **181.943 RELATIONSHIP TO OTHER LEAVE.**

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

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

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

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