

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1956

(SENATE AUTHORS: SIEBEN, Pappas and Marty)

| 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| 03/12/2014 | 6174 | Withdrawn and re-referred to Judiciary |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 | 6476a | 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),
 2.11 the leave ~~may must~~ begin ~~not more than six weeks after~~ within six months of the birth
 2.12 or adoption; except that, in the case where the child must remain in the hospital longer
 2.13 than the mother, the leave ~~may not must~~ begin ~~more than six weeks~~ within six months
 2.14 after the 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 accommodations to an employee for the employee's medical or physical conditions
 2.25 related to pregnancy or childbirth, if the employee provides a written documentation
 2.26 of a medical necessity by a licensed health care provider or certified doula for an
 2.27 accommodation. A pregnant employee shall not be required to provide documentation of
 2.28 medical necessity for the following accommodations: (1) more frequent restroom, food,
 2.29 and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and
 2.30 employer shall engage in an interactive process with respect to an employee's request for
 2.31 a reasonable accommodation. "Reasonable accommodation" may include, but is not
 2.32 limited to, temporary transfer to a less strenuous or hazardous position, seating, frequent
 2.33 restroom breaks, and limits to heavy lifting. Notwithstanding any other provision of
 2.34 this section, an employer shall not be required to create a new or additional position in
 2.35 order to accommodate an employee pursuant to this section, and shall not be required to

3.1 discharge any employee, transfer any other employee with greater seniority, or promote
 3.2 any employee.

3.3 Subd. 2. **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. 3. **No employer retribution.** An employer shall not retaliate against an
 3.8 employee for requesting or obtaining accommodation under this section.

3.9 Subd. 4. **Employee not required to take leave.** An employer shall not require an
 3.10 employee to take a leave or accept an accommodation.

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

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

3.13 **181.943 RELATIONSHIP TO OTHER LEAVE.**

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

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

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

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