

Subdivision 1. Section 108 is effective the day following final enactment.

Subd. 2. Sections 33, 34, 88 to 93, 101 to 105, and 121 to 126 are effective October 1, 1987. Until the effective date of these sections, appropriations made to the board of water and soil resources must be allocated by the commissioner of finance to the separate agencies.

Approved June 2, 1987

CHAPTER 359—H.F.No. 234

An act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. [181.940] DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of sections 1 to 5, the following terms have the meanings given to them in this section.

Subd. 2. EMPLOYEE. "Employee" means a person who performs services for hire for an employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by an employer. Employee does not include an independent contractor.

Subd. 3. EMPLOYER. "Employer" means a person or entity that employs 21 or more employees at at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Sec. 2. [181.941] PARENTING LEAVE.

Subdivision 1. SIX-WEEK LEAVE; BIRTH OR ADOPTION. An employer must grant an unpaid leave of absence to an employee who has been employed by the employer for at least 12 months and who is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of the leave shall be determined by the employee, but may not exceed six weeks, unless agreed to by the employer.

Subd. 2. START OF LEAVE. The leave shall begin at a time requested by the employee. The employer may adopt reasonable policies governing the timing of requests for unpaid leave. The leave may begin not more than six weeks after the birth or adoption.

Subd. 3. NO EMPLOYER RETRIBUTION. An employer shall not retali-

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

ate against an employee for requesting or obtaining a leave of absence as provided by this section.

Subd. 4. CONTINUED INSURANCE. The employer shall continue to make coverage available to the employee, while on leave of absence, under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents. Nothing in this section requires the employer to pay the costs of the insurance or health care while the employee is on leave of absence.

Sec. 3. [181.942] REINSTATEMENT AFTER LEAVE.

Subdivision 1. COMPARABLE POSITION. An employee returning from a leave of absence shall be entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one month must notify a supervisor at least two weeks prior to return from leave.

If, during the leave, the employer experiences a layoff and the employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

Subd. 2. PAY; BENEFITS; ON RETURN. An employee returning from a leave of absence shall return to work at the same rate of pay the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during leave period. The employee returning from a leave shall retain all accrued preleave benefits of employment and seniority, as if there had been no interruption in service; provided that nothing in sections 1 to 4 prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.

Subd. 3. PART-TIME RETURN. An employee, by agreement with the employer, may return to work part time during the leave period without forfeiting the right to return to employment at the end of the leave period, as provided in sections 1 to 4.

Sec. 4. [181.943] RELATIONSHIP TO OTHER LEAVE.

The length of leave provided by this act may be reduced by any period of paid parental or disability leave provided by the employer, so that the total leave does not exceed six weeks, unless agreed to by the employer.

Nothing in sections 1 to 4 prevents any employer from providing parental leave benefits in addition to those provided in sections 1 to 4 or otherwise affects an employee's rights with respect to any other employment benefit.

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Sec. 5. [181.944] INDIVIDUAL REMEDIES.

In addition to any remedies otherwise provided by law, any person injured by a violation of sections 1 to 4 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive injunctive and other equitable relief as determined by a court.

Approved June 2, 1987

CHAPTER 360—H.F.No. 463

An act relating to occupations and professions; providing for the licensure of private detectives and protective agents; providing definitions; providing board powers and duties; specifying application and administrative procedure; authorizing rulemaking; requiring payment of fees; providing penalties; amending Minnesota Statutes 1986, sections 326.32, subdivisions 1, 5, 11, and by adding subdivisions; 326.33, subdivisions 1 and 2; 326.336; 326.338, subdivision 1, and by adding a subdivision; and 326.339; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1986, sections 326.32, subdivisions 6 and 7; 326.33, subdivisions 3, 4, and 5; 326.331; 326.332; 326.333; 326.334; 326.337; and 326.338, subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1986, section 326.32, subdivision 1, is amended to read:

Subdivision 1. As used in sections ~~326.334~~ 326.32 to 326.339, and ~~Laws 1974, chapter 310~~, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1986, section 326.32, subdivision 5, is amended to read:

Subd. 5. "Board review" means the ~~review, by the board, of a private detective or protective agent license application, in conjunction with other pertinent facts and information related to the application process by which the board reviews and evaluates private detective or protective agent license applications.~~

Sec. 3. Minnesota Statutes 1986, section 326.32, is amended by adding a subdivision to read:

Subd. 10a. "Minnesota manager" means the member of a partnership or corporation, who meets the qualifications for licensing as provided in sections 326.32 to 326.339. The Minnesota manager must be actively involved in the day to day management and supervision of the licensed activity in the Minnesota office.

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