

The insurance company shall, in addition to the above information, report to the board any information it possesses which tends to substantiate a charge that a physician may have engaged in conduct violating sections 147.01 to 147.33.

Sec. 6. REPEALER.

Subdivision 1. Minnesota Statutes 1988, sections 147.171, 147.24, 147.25, 147.26, 147.27, 147.28, 147.29, 147.30, 147.31, 147.32, and 147.33 are repealed.

Subd. 2. Laws 1988, chapter 557, section 6, is repealed.

Sec. 7. EFFECTIVE DATE.

Sections 4 and 6, subdivision 2, are effective the day after final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:35 p.m.

CHAPTER 577—S.F.No. 409

An act relating to employment; providing for certain employee leaves of absences; amending Minnesota Statutes 1988, sections 181.940; 181.941; 181.942; 181.943; and 181.944; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. Minnesota Statutes 1988, section 181.940, is amended to read:

181.940 DEFINITIONS.

Subdivision 1. **SCOPE.** For the purposes of sections 181.940 to 181.944, the ~~following~~ terms defined in this section have the meanings given to them ~~in this section.~~

Subd. 2. **EMPLOYEE.** "Employee" means a person who performs services for hire for an employer from whom a leave is requested under sections 181.940 to 181.944, for at least 12 consecutive months preceding the request, and for an average of 20 or more hours per week during those 12 months, and includes all individuals employed at any site owned or operated by ~~an~~ the 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, except that, for purposes of the school leave allowed under section 3,~~ "employer" means a person or entity that employs one or more employees in Minnesota. The term includes an individual,

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corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Subd. 4. CHILD. "Child" means an individual under 18 years of age or an individual under age 20 who is still attending secondary school.

Sec. 2. Minnesota Statutes 1988, section 181.941, is amended to read:

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; except that, in the case where the child must remain in the hospital longer than the mother, the leave may not begin more than six weeks after the child leaves the hospital.

Subd. 3. **NO EMPLOYER RETRIBUTION.** An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section.

Subd. 4. **CONTINUED INSURANCE.** The employer ~~shall~~ must 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. [181.9412] SCHOOL CONFERENCE AND ACTIVITIES LEAVE.

(a) An employer must grant an employee leave of up to a total of 16 hours during any school year to attend school conferences or classroom activities related to the employee's child, provided the conferences or classroom activities cannot be scheduled during nonwork hours. When the leave cannot be scheduled during nonwork hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.

(b) Nothing in this section requires that the leave be paid; except that, an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave under this section.

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Sec. 4. [181.9413] SICK CHILD CARE LEAVE.

An employee may use personal sick leave benefits provided by the employer for absences due to an illness of the employee's child for such reasonable periods as the employee's attendance with the child may be necessary, on the same terms the employee is able to use sick leave benefits for the employee's own illness. This section applies only to sick leave benefits payable to the employee from the employer's general assets.

Sec. 5. Minnesota Statutes 1988, section 181.942, is amended to read:

181.942 REINSTATEMENT AFTER LEAVE.

Subdivision 1. **COMPARABLE POSITION.** (a) An employee returning from a leave of absence ~~shall be under section 181.941~~ is 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. An employee returning from a leave under section 181.9412 or 181.9413 is entitled to return to employment in the employee's former position.

(b) If, during ~~the a~~ a leave under sections 181.940 to 181.944, 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 under sections 181.940 to 181.944~~ is entitled to return to work employment 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 is entitled to retain all accrued preleave benefits of employment and seniority, as if there had been no interruption in service; provided that nothing in sections 181.940 to ~~181.943~~ 181.944 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 181.940 to ~~181.943~~ 181.944.

Sec. 6. Minnesota Statutes 1988, section 181.943, is amended to read:

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181.943 RELATIONSHIP TO OTHER LEAVE.

(a) The length of parental leave provided by ~~sections 181.940 to 181.944~~ under section 181.941 may be reduced by any period of paid parental or disability leave, but not accrued sick leave, provided by the employer, so that the total leave does not exceed six weeks, unless agreed to by the employer.

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

Sec. 7. Minnesota Statutes 1988, section 181.944, is amended to read:

181.944 INDIVIDUAL REMEDIES.

In addition to any other remedies ~~otherwise~~ provided by law, any a person injured by a violation of sections 181.940 to 181.943 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.

Presented to the governor April 28, 1990

Signed by the governor May 4, 1990, 11:20 p.m.

CHAPTER 578—S.F.No. 1400

An act relating to probate; providing right to counsel in certain guardianship and conservatorship proceedings; proposing coding for new law in Minnesota Statutes, chapter 525.

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

Section 1. [525.5501] RIGHT TO COUNSEL.

Subdivision 1. GENERAL. A proposed ward or conservatee has the right to be represented by counsel at any proceeding under this chapter. The court shall appoint counsel to represent the proposed ward or conservatee for the initial proceeding held pursuant to section 525.551 if neither the proposed ward or conservatee nor others provide counsel unless in a meeting with a visitor the proposed ward or conservatee specifically waives the right to counsel. Counsel must be appointed immediately after any petition under this chapter is served under section 525.55.

Counsel has the full right of subpoena. In all proceedings under this chapter, counsel shall:

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