SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2021

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DATE	D-PG	OFFICIAL STATUS
02/23/2012	3930	Introduction and first reading Referred to Jobs and Economic Growth

A bill for an act

relating to employment; requiring pregnancy leave; requiring employment accommodations for pregnant women; amending Minnesota Statutes 2010, section 181.942, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. **[181.9414] PREGNANCY ACCOMMODATIONS AND LEAVE.**

Subdivision 1. **12-week leave; pregnancy.** An employer must grant an unpaid leave of absence to a female employee disabled by pregnancy, childbirth, or related medical conditions for a reasonable period of time not to exceed 12 weeks. The length of the leave shall be determined by the employee, but may not exceed 12 weeks, unless agreed to by the employer. The employee shall be entitled to utilize any accrued vacation or sick leave during this period of time. "Reasonable period of time" means that period during which the female employee is disabled on account of pregnancy, childbirth, or related medical conditions. An employer may require an employee who plans to take a leave pursuant to this subdivision to give the employer reasonable notice of the date the leave shall commence and the estimated duration of the leave.

Subd. 2. **Accommodation.** An employer must provide reasonable accommodation for an employee for conditions related to pregnancy, childbirth, or related medical conditions, if she so requests, with the advice of her health care provider. "Reasonable accommodation" includes, but is not limited to: seating, frequent restroom breaks, and limits to heavy lifting.

Subd. 3. **Transfer.** An employer must temporarily transfer a pregnant female employee to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably

accommodated. However, no employer shall be required by this subdivision to create additional employment that the employer would not otherwise have created, nor shall the employer be required to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job.

Subd. 4. **Interaction with other laws.** Nothing in this section shall be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish the coverage of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth under any other provisions of any other law.

Sec. 2. Minnesota Statutes 2010, section 181.942, subdivision 1, is amended to read:

Subdivision 1. **Comparable position.** (a) An employee returning from a leave of absence under ~~section~~ sections 181.941 and 181.9414, 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, or 181.9414 is entitled to return to employment in the employee's former position.

(b) If, during 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.