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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 260

01/22/2019 Authored by Stephenson, Becker-Finn, Long, Wazlawik, Howard and others
The bill was read for the first time and referred to the Committee on Labor

1.1 A bill for an act
1.2 relating to employment; providing paid leave for employees who are affected by
1.3 domestic abuse or sexual assault; proposing coding for new law in Minnesota
1.4 Statutes, chapter 181.

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

1.6 Section 1. [181.9457] LEAVE; DOMESTIC ABUSE OR SEXUAL ASSAULT.

1.7 Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this
1.8 subdivision have the meanings given to them.

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

1.12 (c) "Employer" means a person or entity that employs ten or more employees at at least
1.13 one site and includes an individual, corporation, partnership, association, nonprofit
1.14 organization, group of persons, state, county, town, city, school district, or other governmental
1.15 subdivision.

1.16 (d) "Domestic abuse" has the meaning given in section 518B.01.

1.17 (e) "Sexual assault" means an act that constitutes a violation under sections 609.342 to
1.18 609.3453 or section 609.352.

1.19 Subd. 2. Leave. An employer must grant a paid leave of absence of up to 40 work hours
1.20 in a calendar year to an employee who is a victim of or a parent or guardian of a minor child
1.21 who is a victim of sexual assault or domestic abuse. The use and timing of the available 40
1.22 hours of paid leave shall be determined by the employee. An employer may require an

2.1 employee requesting leave under this section to provide documentation verifying that the  
2.2 employee is a person affected by domestic abuse or sexual assault.

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

2.5 Subd. 4. **Admission of evidence.** In a criminal trial or hearing, evidence that an employee  
2.6 who is a victim of sexual assault or domestic abuse exercised the employee's rights under  
2.7 this section is not admissible unless the probative value of the evidence substantially  
2.8 outweighs its prejudicial nature.

2.9 Subd. 5. **Relationship to other leave.** This section does not prevent an employer from  
2.10 providing leave in addition to leave allowed under this chapter, including but not limited  
2.11 to safety leave allowed under section 181.9413. This section does not affect an employee's  
2.12 rights with respect to any other employment benefit.