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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2536

02/27/2014 Authored by Melin; Mahoney; Murphy, E.; Savick; Morgan and others
The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy
03/24/2014 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to economic development; providing for the Women's Economic Security
1.3 Act; modifying workforce development provisions; modifying eligibility
1.4 for unemployment benefits; creating women in high-wage, high-demand,
1.5 nontraditional jobs grant program; offering women entrepreneurs business
1.6 development competitive grants; modifying pregnancy and parenting leave
1.7 and accommodations; providing employment protections for women and
1.8 family caregivers; protecting wage disclosure; appropriating money; amending
1.9 Minnesota Statutes 2012, sections 181.939; 181.940, subdivision 2; 181.941;
1.10 181.943; 268.095, subdivisions 1, 6; 363A.03, by adding a subdivision; 363A.08,
1.11 subdivisions 1, 2, 3, 4, by adding subdivisions; Minnesota Statutes 2013
1.12 Supplement, section 116L.665, subdivision 2; proposing coding for new law in
1.13 Minnesota Statutes, chapters 116L; 181.

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

1.15 ARTICLE 1

1.16 WOMEN'S ECONOMIC SECURITY ACT

1.17 Section 1. CITATION; WOMEN'S ECONOMIC SECURITY ACT.

1.18 This act shall be known as the Women's Economic Security Act.

1.19 ARTICLE 2

1.20 ECONOMIC SECURITY

1.21 Section 1. Minnesota Statutes 2013 Supplement, section 116L.665, subdivision 2,
1.22 is amended to read:

1.23 Subd. 2. Membership. The governor's Workforce Development Council is
1.24 composed of 31 members appointed by the governor. The members may be removed
1.25 pursuant to section 15.059. In selecting the representatives of the council, the governor

2.1 shall ensure that 50 percent of the members come from nominations provided by local  
2.2 workforce councils. Local education representatives shall come from nominations  
2.3 provided by local education to employment partnerships. The 31 members shall represent  
2.4 the following sectors:

2.5 (a) State agencies: the following individuals shall serve on the council:

2.6 (1) commissioner of the Minnesota Department of Employment and Economic  
2.7 Development;

2.8 (2) commissioner of the Minnesota Department of Education; and

2.9 (3) commissioner of the Minnesota Department of Human Services.

2.10 (b) Business and industry: six individuals shall represent the business and industry  
2.11 sectors of Minnesota.

2.12 (c) Organized labor: six individuals shall represent labor organizations of Minnesota.

2.13 (d) Community-based organizations: four individuals shall represent  
2.14 community-based organizations of Minnesota. Community-based organizations are  
2.15 defined by the Workforce Investment Act as private nonprofit organizations that are  
2.16 representative of communities or significant segments of communities and that have  
2.17 demonstrated expertise and effectiveness in the field of workforce investment and may  
2.18 include entities that provide job training services, serve youth, serve individuals with  
2.19 disabilities, serve displaced homemakers, union-related organizations, employer-related  
2.20 nonprofit organizations, and organizations serving nonreservation Indians and tribal  
2.21 governments.

2.22 (e) Education: six individuals shall represent the education sector of Minnesota  
2.23 as follows:

2.24 (1) one individual shall represent local public secondary education;

2.25 (2) one individual shall have expertise in design and implementation of school-based  
2.26 service-learning;

2.27 (3) one individual shall represent leadership of the University of Minnesota;

2.28 (4) one individual shall represent secondary/postsecondary vocational institutions;

2.29 (5) the chancellor of the Board of Trustees of the Minnesota State Colleges and  
2.30 Universities; and

2.31 (6) one individual shall have expertise in agricultural education.

2.32 (f) Other: two individuals shall represent other constituencies including:

2.33 (1) units of local government; and

2.34 (2) applicable state or local programs.

2.35 The speaker and the minority leader of the house of representatives shall each  
2.36 appoint a representative to serve as an ex officio member of the council. The majority

3.1 and minority leaders of the senate shall each appoint a senator to serve as an ex officio  
3.2 member of the council.

3.3 The governor shall appoint one individual representing public libraries, one  
3.4 individual with expertise in assisting women in obtaining employment in high-wage,  
3.5 high-demand, nontraditional occupations, and one individual representing adult basic  
3.6 education programs to serve as a nonvoting ~~advisor~~ advisors to the council.

3.7 (g) Appointment: each member shall be appointed for a term of three years from the  
3.8 first day of January or July immediately following their appointment. Elected officials  
3.9 shall forfeit their appointment if they cease to serve in elected office.

3.10 (h) Members of the council are compensated as provided in section 15.059,  
3.11 subdivision 3.

3.12 Sec. 2. **[116L.99] WOMEN AND HIGH-WAGE, HIGH-DEMAND,**  
3.13 **NONTRADITIONAL JOBS GRANT PROGRAM.**

3.14 Subdivision 1. Definitions. (a) For the purpose of this section, the following terms  
3.15 have the meanings given.

3.16 (b) "Commissioner" means the commissioner of employment and economic  
3.17 development.

3.18 (c) "Eligible organization" includes, but is not limited to:

3.19 (1) community-based organizations experienced in serving women;

3.20 (2) employers;

3.21 (3) business and trade associations;

3.22 (4) labor unions and employee organizations;

3.23 (5) registered apprenticeship programs;

3.24 (6) secondary and postsecondary education institutions located in Minnesota; and

3.25 (7) workforce and economic development agencies.

3.26 (d) "High-wage, high-demand" means occupations that represent at least 0.1 percent  
3.27 of total employment in the base year, have an annual median salary which is higher than  
3.28 the average for the current year, and are projected to have more total openings as a share  
3.29 of employment than the average.

3.30 (e) "Low-income" means income less than 200 percent of the federal poverty  
3.31 guideline adjusted for a family size of four.

3.32 (f) "Nontraditional occupations" means those occupations in which women make  
3.33 up less than 25 percent of the workforce as defined under United States Code, title 20,  
3.34 section 2302.

4.1 (g) "Registered apprenticeship program" means a program registered under United  
4.2 States Code, title 29, section 50.

4.3 Subd. 2. **Grant program.** The commissioner shall establish the women and  
4.4 high-wage, high-demand, nontraditional jobs grant program to increase the number of  
4.5 women in high-wage, high-demand, nontraditional occupations. The commissioner shall  
4.6 make grants to eligible organizations for programs that encourage and assist women to enter  
4.7 high-wage, high-demand, nontraditional occupations including but not limited to those in  
4.8 the skilled trades, science, technology, engineering, and math (STEM) occupations.

4.9 Subd. 3. **Use of funds.** (a) Grant funds awarded under this section may be used for:

4.10 (1) recruitment, preparation, placement, and retention of women, including  
4.11 low-income women and women over 50 years old, in registered apprenticeships,  
4.12 postsecondary education programs, on-the-job training, and permanent employment in  
4.13 high-wage, high-demand, nontraditional occupations;

4.14 (2) secondary or postsecondary education or other training to prepare women  
4.15 to succeed in high-wage, high-demand, nontraditional occupations. Activities under  
4.16 this clause may be conducted by the grantee or in collaboration with another institution,  
4.17 including but not limited to a public or private secondary or postsecondary school;

4.18 (3) innovative, hands-on, best practices that stimulate interest in high-wage,  
4.19 high-demand, nontraditional occupations among girls, increase awareness among  
4.20 girls about opportunities in high-wage, high-demand, nontraditional occupations, or  
4.21 increase access to secondary programming leading to jobs in high-wage, high-demand,  
4.22 nontraditional occupations. Best practices include but are not limited to mentoring,  
4.23 internships, or apprenticeships for girls in high-wage, high-demand, nontraditional  
4.24 occupations;

4.25 (4) training and other staff development for job seeker counselors and Minnesota  
4.26 family investment program (MFIP) caseworkers on opportunities in high-wage,  
4.27 high-demand, nontraditional occupations;

4.28 (5) incentives for employers and sponsors of registered apprenticeship programs  
4.29 to retain women in high-wage, high-demand, nontraditional occupations for more than  
4.30 one year;

4.31 (6) training and technical assistance for employers to create a safe and healthy  
4.32 workplace environment designed to retain and advance women, including best practices  
4.33 for addressing sexual harassment, and to overcome gender inequity among employers  
4.34 and registered apprenticeship programs;

5.1 (7) public education and outreach activities to overcome stereotypes about women  
 5.2 in high-wage, high-demand, nontraditional occupations, including the development of  
 5.3 educational and marketing materials; and

5.4 (8) support for women in high-wage, high-demand, nontraditional occupations  
 5.5 including but not limited to assistance with workplace issues resolution and access to  
 5.6 advocacy assistance and services.

5.7 (b) Grant applications must include detailed information about how the applicant  
 5.8 plans to:

5.9 (1) increase women's participation in high-wage, high-demand occupations in which  
 5.10 women are currently underrepresented in the workforce;

5.11 (2) comply with the requirements under subdivision 3; and

5.12 (3) use grant funds in conjunction with funding from other public or private sources.

5.13 (c) In awarding grants under this subdivision, the commissioner shall give priority  
 5.14 to eligible organizations:

5.15 (1) with demonstrated success in recruiting and preparing women, especially  
 5.16 low-income women and women over 50 years old, for high-wage, high-demand,  
 5.17 nontraditional occupations; and

5.18 (2) that leverage additional public and private resources.

5.19 (d) At least 50 percent of total grant funds must be awarded to programs providing  
 5.20 services and activities targeted to low-income women.

5.21 (e) The commissioner of employment and economic development in conjunction  
 5.22 with the commissioner of labor and industry shall monitor the use of funds under this  
 5.23 section, collect and compile information on the activities of other state agencies and public  
 5.24 or private entities that have purposes similar to those under this section, and identify other  
 5.25 public and private funding available for these purposes.

5.26 Sec. 3. Minnesota Statutes 2012, section 268.095, subdivision 1, is amended to read:

5.27 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all  
 5.28 unemployment benefits according to subdivision 10 except when:

5.29 (1) the applicant quit the employment because of a good reason caused by the  
 5.30 employer as defined in subdivision 3;

5.31 (2) the applicant quit the employment to accept other covered employment that  
 5.32 provided substantially better terms and conditions of employment, but the applicant did  
 5.33 not work long enough at the second employment to have sufficient subsequent earnings to  
 5.34 satisfy the period of ineligibility that would otherwise be imposed under subdivision 10  
 5.35 for quitting the first employment;

6.1 (3) the applicant quit the employment within 30 calendar days of beginning the  
6.2 employment because the employment was unsuitable for the applicant;

6.3 (4) the employment was unsuitable for the applicant and the applicant quit to enter  
6.4 reemployment assistance training;

6.5 (5) the employment was part time and the applicant also had full-time employment  
6.6 in the base period, from which full-time employment the applicant separated because of  
6.7 reasons for which the applicant was held not to be ineligible, and the wage credits from  
6.8 the full-time employment are sufficient to meet the minimum requirements to establish a  
6.9 benefit account under section 268.07;

6.10 (6) the applicant quit because the employer notified the applicant that the applicant  
6.11 was going to be laid off because of lack of work within 30 calendar days. An applicant  
6.12 who quit employment within 30 calendar days of a notified date of layoff because of lack  
6.13 of work is ineligible for unemployment benefits through the end of the week that includes  
6.14 the scheduled date of layoff;

6.15 (7) the applicant quit the employment (i) because the applicant's serious illness or  
6.16 injury made it medically necessary that the applicant quit; or (ii) in order to provide  
6.17 necessary care because of the illness, injury, or disability of an immediate family member  
6.18 of the applicant. This exception only applies if the applicant informs the employer of  
6.19 the medical problem and requests accommodation and no reasonable accommodation  
6.20 is made available.

6.21 If the applicant's serious illness is chemical dependency, this exception does not  
6.22 apply if the applicant was previously diagnosed as chemically dependent or had treatment  
6.23 for chemical dependency, and since that diagnosis or treatment has failed to make  
6.24 consistent efforts to control the chemical dependency.

6.25 This exception raises an issue of the applicant's being available for suitable  
6.26 employment under section 268.085, subdivision 1, that the commissioner must determine;

6.27 (8) the applicant's loss of child care for the applicant's minor child caused the  
6.28 applicant to quit the employment, provided the applicant made reasonable effort to obtain  
6.29 other child care and requested time off or other accommodation from the employer and no  
6.30 reasonable accommodation is available.

6.31 This exception raises an issue of the applicant's being available for suitable  
6.32 employment under section 268.085, subdivision 1, that the commissioner must determine;

6.33 (9) the applicant quit because domestic abuse, sexual assault, or stalking of the  
6.34 applicant or an immediate family member of the applicant, necessitated the applicant's  
6.35 quitting the employment. ~~Domestic abuse must be shown by one or more of the following:~~

- 7.1 ~~(i) a district court order for protection or other documentation of equitable relief~~  
 7.2 ~~issued by a court;~~  
 7.3 ~~(ii) a police record documenting the domestic abuse;~~  
 7.4 ~~(iii) documentation that the perpetrator of the domestic abuse has been convicted~~  
 7.5 ~~of the offense of domestic abuse;~~  
 7.6 ~~(iv) medical documentation of domestic abuse; or~~  
 7.7 ~~(v) written statement that the applicant or an immediate family member of the~~  
 7.8 ~~applicant is a victim of domestic abuse, provided by a social worker, member of the~~  
 7.9 ~~clergy, shelter worker, attorney at law, or other professional who has assisted the applicant~~  
 7.10 ~~in dealing with the domestic abuse.~~  
 7.11 ~~Domestic abuse for purposes of this clause is defined under section 518B.01; or~~  
 7.12 ~~For purposes of this section:~~  
 7.13 ~~(i) "domestic abuse" has the meaning given in section 518B.01;~~  
 7.14 ~~(ii) "sexual assault" means an act that would constitute a violation of sections~~  
 7.15 ~~609.342 to 609.3453 or 609.352; and~~  
 7.16 ~~(iii) "stalking" means an act that would constitute a violation of section 609.749; or~~  
 7.17 (10) the applicant quit in order to relocate to accompany a spouse whose job location  
 7.18 changed making it impractical for the applicant to commute.

7.19 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all  
 7.20 determinations and appeal decisions issued on or after that date.

7.21 Sec. 4. Minnesota Statutes 2012, section 268.095, subdivision 6, is amended to read:

7.22 Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any  
 7.23 intentional, negligent, or indifferent conduct, on the job or off the job that displays clearly:

7.24 (1) a serious violation of the standards of behavior the employer has the right to  
 7.25 reasonably expect of the employee; or

7.26 (2) a substantial lack of concern for the employment.

7.27 (b) Regardless of paragraph (a), the following is not employment misconduct:

7.28 (1) conduct that was a consequence of the applicant's mental illness or impairment;

7.29 (2) conduct that was a consequence of the applicant's inefficiency or inadvertence;

7.30 (3) simple unsatisfactory conduct;

7.31 (4) conduct an average reasonable employee would have engaged in under the  
 7.32 circumstances;

7.33 (5) conduct that was a consequence of the applicant's inability or incapacity;

7.34 (6) good faith errors in judgment if judgment was required;

8.1 (7) absence because of illness or injury of the applicant, with proper notice to the  
8.2 employer;

8.3 (8) absence, with proper notice to the employer, in order to provide necessary care  
8.4 because of the illness, injury, or disability of an immediate family member of the applicant;

8.5 (9) conduct that was a consequence of the applicant's chemical dependency, unless  
8.6 the applicant was previously diagnosed chemically dependent or had treatment for  
8.7 chemical dependency, and since that diagnosis or treatment has failed to make consistent  
8.8 efforts to control the chemical dependency; or

8.9 (10) conduct that was a consequence of the applicant, or an immediate family  
8.10 member of the applicant, being a victim of domestic abuse as defined under section  
8.11 ~~518B.01~~, sexual assault, or stalking. Domestic abuse must be shown as provided for in  
8.12 subdivision 1, clause (9).

8.13 (c) Regardless of paragraph (b), clause (9), conduct in violation of sections 169A.20,  
8.14 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment  
8.15 is employment misconduct.

8.16 (d) If the conduct for which the applicant was discharged involved only a single  
8.17 incident, that is an important fact that must be considered in deciding whether the conduct  
8.18 rises to the level of employment misconduct under paragraph (a). This paragraph does  
8.19 not require that a determination under section 268.101 or decision under section 268.105  
8.20 contain a specific acknowledgment or explanation that this paragraph was considered.

8.21 (e) The definition of employment misconduct provided by this subdivision is  
8.22 exclusive and no other definition applies.

8.23 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all  
8.24 determinations and appeal decisions issued on or after that date.

8.25 Sec. 5. **HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL JOBS**  
8.26 **PROGRAM APPROPRIATION.**

8.27 \$500,000 is appropriated from the general fund in fiscal year 2015 to the  
8.28 commissioner of employment and economic development to develop and implement the  
8.29 women and high-wage, high-demand, nontraditional jobs grant program under Minnesota  
8.30 Statutes, section 116L.99. Funds available under this section must not supplant other  
8.31 funds available for the same purposes.

8.32 Sec. 6. **WOMEN ENTREPRENEURS BUSINESS DEVELOPMENT;**  
8.33 **APPROPRIATION.**

9.1 (a) \$500,000 in fiscal year 2015 is appropriated from the general fund to the  
9.2 commissioner of employment and economic development for grants to Women Venture  
9.3 and the Arrowhead Economic Opportunity Agency to facilitate and promote the creation  
9.4 and expansion of women-owned businesses. Funds available under this section must be  
9.5 divided equally among grant recipients. This is a onetime appropriation. Grant funds may  
9.6 be used only for the purposes under paragraph (b) except that up to ten percent of each  
9.7 grant award may be used by grant recipients for administrative costs.

9.8 (b) Grants awarded under this section must be used for:

9.9 (1) entrepreneurial training, mentoring, and technical assistance for the startup or  
9.10 expansion of eligible women-owned businesses;

9.11 (2) development of networks of potential investors for eligible women-owned  
9.12 businesses; and

9.13 (3) development of recruitment programs for mid-career women with an interest in  
9.14 starting eligible women-owned businesses.

9.15 (c) For the purposes of this section "eligible women-owned business" means a  
9.16 business entity:

9.17 (1) that is at least 51 percent female owned or, in the case of a publicly traded  
9.18 business, at least 51 percent of the stock is female owned;

9.19 (2) whose management and daily operations are controlled by women;

9.20 (3) that is organized for profit;

9.21 (4) that is projected to generate at least \$500,000 in annual revenue and create at  
9.22 least ten jobs, each of which pay an annual income equal to at least 200 percent of the  
9.23 federal poverty guideline adjusted for a family size of four; and

9.24 (5) in the field of construction; transportation; warehousing; agriculture; mining;  
9.25 finance; insurance; professional, technical, or scientific services; technology; or other  
9.26 industries with businesses meeting the revenue and job creation requirements of clause (4).

9.27 (d) A grant award under this section does not affect any other grant award or  
9.28 appropriation made to a grant recipient.

9.29 **Sec. 7. WOMEN AND HIGH-WAGE, HIGH-DEMAND, NONTRADITIONAL**  
9.30 **JOBS APPRENTICESHIPS; APPROPRIATION.**

9.31 \$250,000 is appropriated from the general fund in fiscal year 2015 to the  
9.32 commissioner of labor and industry for the labor education advancement program under  
9.33 Minnesota Statutes, section 178.11, to educate, promote, assist, and support women to enter  
9.34 apprenticeship programs in high-wage, high-demand, nontraditional occupations. Funds  
9.35 available under this section must not supplant other funds available for the same purposes.

10.1 **ARTICLE 3**

10.2 **LABOR STANDARDS AND WAGES**

10.3 Section 1. Minnesota Statutes 2012, section 181.940, subdivision 2, is amended to read:

10.4 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for  
10.5 an employer from whom a leave is requested under sections 181.940 to 181.944 for:

10.6 (1) at least 12 ~~consecutive~~ months ~~immediately~~ preceding the request; and

10.7 (2) for an average number of hours per week equal to one-half the full-time  
10.8 equivalent position in the employee's job classification as defined by the employer's  
10.9 personnel policies or practices or pursuant to the provisions of a collective bargaining  
10.10 agreement, during ~~those 12 months~~ the 12-month period immediately preceding the leave.

10.11 Employee includes all individuals employed at any site owned or operated by the  
10.12 employer but does not include an independent contractor.

10.13 Sec. 2. Minnesota Statutes 2012, section 181.941, is amended to read:

10.14 **181.941 PREGNANCY AND PARENTING LEAVE.**

10.15 Subdivision 1. ~~Six~~ Twelve-week leave; pregnancy, birth, or adoption. (a) An  
10.16 employer must grant an unpaid leave of absence to an employee who is a ~~natural or~~  
10.17 ~~adoptive parent in conjunction with the birth or adoption of a child.~~ The length of the  
10.18 leave shall be determined by the employee, but may not exceed six weeks, unless agreed  
10.19 to by the employer.:

10.20 (1) a natural or adoptive parent in conjunction with the birth or adoption of a child; or

10.21 (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth,  
10.22 or related health conditions.

10.23 (b) The length of the leave shall be determined by the employee, but must not exceed  
10.24 12 weeks, unless agreed to by the employer.

10.25 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.  
10.26 The employer may adopt reasonable policies governing the timing of requests for unpaid  
10.27 leave: and may require an employee who plans to take a leave under this section to give  
10.28 the employer reasonable notice of the date the leave shall commence and the estimated  
10.29 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the  
10.30 leave may ~~must~~ begin not more than six weeks after within 12 months of the birth or  
10.31 adoption; except that, in the case where the child must remain in the hospital longer than  
10.32 the mother, the leave may not ~~must~~ begin more than six weeks within 12 months after the  
10.33 child leaves the hospital.

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

11.3 Subd. 4. **Continued insurance.** The employer must continue to make coverage  
 11.4 available to the employee while on leave of absence under any group insurance policy,  
 11.5 group subscriber contract, or health care plan for the employee and any dependents.  
 11.6 Nothing in this section requires the employer to pay the costs of the insurance or health  
 11.7 care while the employee is on leave of absence.

11.8 Sec. 3. **[181.9414] PREGNANCY ACCOMMODATIONS.**

11.9 Subdivision 1. **Accommodation.** An employer must provide reasonable  
 11.10 accommodation for an employee for conditions related to pregnancy, childbirth, or related  
 11.11 health conditions, if she so requests. The employer may provide the accommodation  
 11.12 requested by the employee or an equally effective alternative. "Reasonable  
 11.13 accommodation" includes, but is not limited to: seating, frequent restroom breaks, and  
 11.14 limits to heavy lifting.

11.15 Subd. 2. **Transfer.** An employer must temporarily transfer a pregnant female  
 11.16 employee to a less strenuous or hazardous position for the duration of her pregnancy if she  
 11.17 so requests where that transfer can be reasonably accommodated. An employee requesting  
 11.18 a temporary transfer shall be required to provide to the employer a certification of medical  
 11.19 necessity from her doctor. However, no employer shall be required by this subdivision to  
 11.20 create additional employment that the employer would not otherwise have created, nor  
 11.21 shall the employer be required to discharge any employee, transfer any employee with  
 11.22 more seniority, or promote any employee who is not qualified to perform the job.

11.23 Subd. 3. **Interaction with other laws.** Nothing in this section shall be construed to  
 11.24 affect any other provision of law relating to sex discrimination or pregnancy, or in any  
 11.25 way to diminish the coverage of pregnancy, childbirth, or health conditions related to  
 11.26 pregnancy or childbirth under any other provisions of any other law.

11.27 Subd. 4. **No employer retribution.** An employer shall not retaliate against an  
 11.28 employee for requesting or obtaining accommodation under this section.

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

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

11.31 **181.943 RELATIONSHIP TO OTHER LEAVE.**

11.32 (a) The length of ~~parental~~ leave provided under section 181.941 may be reduced  
 11.33 by any period of ~~paid parental or disability leave, but not accrued sick leave, provided~~

12.1 ~~by the employer, so that the total leave does not exceed six weeks, unless agreed to by~~  
 12.2 ~~the employer.:~~

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

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

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

## 12.11 ARTICLE 4

### 12.12 EMPLOYMENT PROTECTIONS

12.13 Section 1. Minnesota Statutes 2012, section 181.939, is amended to read:

#### 12.14 **181.939 NURSING MOTHERS.**

12.15 (a) An employer must provide reasonable unpaid break time each day to an  
 12.16 employee who needs to express breast milk for her infant child. The break time must,  
 12.17 if possible, run concurrently with any break time already provided to the employee. An  
 12.18 employer is not required to provide break time under this section if to do so would unduly  
 12.19 disrupt the operations of the employer.

12.20 (b) The employer must make reasonable efforts to provide a room or other location,  
 12.21 in close proximity to the work area, other than a toilet stall, that is shielded from view and  
 12.22 free from intrusion and that includes access to an electrical outlet, where the employee  
 12.23 can express her milk in privacy. The employer would be held harmless if reasonable  
 12.24 effort has been made.

12.25 (c) For the purposes of this section, "employer" means a person or entity that  
 12.26 employs one or more employees and includes the state and its political subdivisions.

12.27 (d) A violation of this section is an unfair employment practice as provided for under  
 12.28 section 363A.08, subdivision 8.

12.29 Sec. 2. Minnesota Statutes 2012, section 363A.03, is amended by adding a subdivision  
 12.30 to read:

12.31 Subd. 18a. **Family caregiver.** "Family caregiver" means a person who cares for  
 12.32 another person:

12.33 (1) who is related by blood, marriage, or legal custody; or

13.1 (2) with whom the person lives in a familial relationship.

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

13.3 Sec. 3. Minnesota Statutes 2012, section 363A.08, subdivision 1, is amended to read:

13.4 Subdivision 1. **Labor organization.** Except when based on a bona fide occupational  
13.5 qualification, it is an unfair employment practice for a labor organization, because of race,  
13.6 color, creed, religion, national origin, sex, marital status, status with regard to public  
13.7 assistance, familial status, status as a family caregiver, disability, sexual orientation, or age:

13.8 (1) to deny full and equal membership rights to a person seeking membership or  
13.9 to a member;

13.10 (2) to expel a member from membership;

13.11 (3) to discriminate against a person seeking membership or a member with respect  
13.12 to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities,  
13.13 or privileges of employment; or

13.14 (4) to fail to classify properly, or refer for employment or otherwise to discriminate  
13.15 against a person or member.

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

13.17 Sec. 4. Minnesota Statutes 2012, section 363A.08, subdivision 2, is amended to read:

13.18 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it  
13.19 is an unfair employment practice for an employer, because of race, color, creed, religion,  
13.20 national origin, sex, marital status, status with regard to public assistance, familial status,  
13.21 status as a family caregiver, membership or activity in a local commission, disability,  
13.22 sexual orientation, or age to:

13.23 (1) refuse to hire or to maintain a system of employment which unreasonably  
13.24 excludes a person seeking employment; or

13.25 (2) discharge an employee; or

13.26 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,  
13.27 upgrading, conditions, facilities, or privileges of employment.

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

13.29 Sec. 5. Minnesota Statutes 2012, section 363A.08, subdivision 3, is amended to read:

13.30 Subd. 3. **Employment agency.** Except when based on a bona fide occupational  
13.31 qualification, it is an unfair employment practice for an employment agency, because of  
13.32 race, color, creed, religion, national origin, sex, marital status, status with regard to public

14.1 assistance, familial status, status as a family caregiver, disability, sexual orientation, or  
14.2 age to:

14.3 (1) refuse or fail to accept, register, classify properly, or refer for employment or  
14.4 otherwise to discriminate against a person; or

14.5 (2) comply with a request from an employer for referral of applicants for  
14.6 employment if the request indicates directly or indirectly that the employer fails to comply  
14.7 with the provisions of this chapter.

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

14.9 Sec. 6. Minnesota Statutes 2012, section 363A.08, subdivision 4, is amended to read:

14.10 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when  
14.11 based on a bona fide occupational qualification, it is an unfair employment practice for an  
14.12 employer, employment agency, or labor organization, before a person is employed by an  
14.13 employer or admitted to membership in a labor organization, to:

14.14 (1) require or request the person to furnish information that pertains to race, color,  
14.15 creed, religion, national origin, sex, marital status, status with regard to public assistance,  
14.16 familial status, status as a family caregiver, disability, sexual orientation, or age; or, subject  
14.17 to section 363A.20, to require or request a person to undergo physical examination; unless  
14.18 for the sole and exclusive purpose of national security, information pertaining to national  
14.19 origin is required by the United States, this state or a political subdivision or agency of  
14.20 the United States or this state, or for the sole and exclusive purpose of compliance with  
14.21 the Public Contracts Act or any rule, regulation, or laws of the United States or of this  
14.22 state requiring the information or examination. A law enforcement agency may, after  
14.23 notifying an applicant for a peace officer or part-time peace officer position that the law  
14.24 enforcement agency is commencing the background investigation on the applicant, request  
14.25 the applicant's date of birth, gender, and race on a separate form for the sole and exclusive  
14.26 purpose of conducting a criminal history check, a driver's license check, and fingerprint  
14.27 criminal history inquiry. The form shall include a statement indicating why the data is  
14.28 being collected and what its limited use will be. No document which has date of birth,  
14.29 gender, or race information will be included in the information given to or available to  
14.30 any person who is involved in selecting the person or persons employed other than the  
14.31 background investigator. No person may act both as background investigator and be  
14.32 involved in the selection of an employee except that the background investigator's report  
14.33 about background may be used in that selection as long as no direct or indirect references  
14.34 are made to the applicant's race, age, or gender; or

15.1 (2) seek and obtain for purposes of making a job decision, information from any  
15.2 source that pertains to the person's race, color, creed, religion, national origin, sex,  
15.3 marital status, status with regard to public assistance, familial status, status as a family  
15.4 caregiver, disability, sexual orientation, or age, unless for the sole and exclusive purpose  
15.5 of compliance with the Public Contracts Act or any rule, regulation, or laws of the United  
15.6 States or of this state requiring the information; or

15.7 (3) cause to be printed or published a notice or advertisement that relates to  
15.8 employment or membership and discloses a preference, limitation, specification, or  
15.9 discrimination based on race, color, creed, religion, national origin, sex, marital status,  
15.10 status with regard to public assistance, familial status, status as a family caregiver,  
15.11 disability, sexual orientation, or age.

15.12 (b) Any individual who is required to provide information that is prohibited by this  
15.13 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,  
15.14 subdivisions 1 to 9.

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

15.16 Sec. 7. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision  
15.17 to read:

15.18 **Subd. 8. Nursing mothers.** Except when based on a bona fide occupational  
15.19 qualification, any violation of section 181.939 by an employer is an unfair employment  
15.20 practice.

15.21 Sec. 8. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision  
15.22 to read:

15.23 **Subd. 9. Wage disclosure protection.** (a) An employer shall not:

15.24 (1) require nondisclosure by an employee of the employee's wages as a condition of  
15.25 employment;

15.26 (2) require an employee to sign a waiver or other document which purports to deny  
15.27 an employee the right to disclose the employee's wages; or

15.28 (3) take any adverse employment action against an employee for disclosing the  
15.29 employee's own wages or discussing another employee's wages which have been disclosed  
15.30 voluntarily.

15.31 (b) Nothing in this section shall be construed to:

15.32 (1) create an obligation on any employer or employee to disclose wages;

16.1           (2) permit an employee, without the written consent of the employer, to disclose  
16.2 proprietary information, trade secret information, or information that is otherwise subject  
16.3 to a legal privilege or protected by law;

16.4           (3) diminish any existing rights under the National Labor Relations Act under  
16.5 United States Code, title 29; or

16.6           (4) permit the employee to disclose wage information to a competitor of their  
16.7 employer.

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

APPENDIX  
Article locations in H2536-1

|           |                                     |               |
|-----------|-------------------------------------|---------------|
| ARTICLE 1 | WOMEN'S ECONOMIC SECURITY ACT ..... | Page.Ln 1.15  |
| ARTICLE 2 | ECONOMIC SECURITY .....             | Page.Ln 1.19  |
| ARTICLE 3 | LABOR STANDARDS AND WAGES .....     | Page.Ln 10.1  |
| ARTICLE 4 | EMPLOYMENT PROTECTIONS .....        | Page.Ln 12.11 |