



## Members-Only Digest of Paid Leave Bills 2019 Session

Updated 2/7/2019

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### HF 5; HF 256 (No Senate Companion)

Paid family, pregnancy, bonding and applicant's serious medical condition benefits provided; employment leaves regulated and required; data classified; rulemaking authorized; and money appropriated.

*HF 5 Authors:* **Halverson** ; Richardson ; Sauke ; Olson ; Moran ; Persell ; Lillie ; Morrison ; Elkins ; Lippert ; Gomez ; Carlson, A. ; Vang ; Howard ; Schultz ; Noor ; Her ; Cantrell ; Claflin ; Hansen ; Bahner ; Wolgamott ; Mann ; Long ; Wagenius ; Hortman ; Kunesh-Podein ; Carlson, L. ; Hornstein ; Lee ; Hassan ; Pinto ; Pryor ; Winkler ; Loeffler

*HF 256 Authors:* **Koegel**

*Summary:* This bill provides up to 12 weeks of paid family (pregnancy/parental/bonding) leave and a separate 12 weeks of paid medical leave.

*Notes:*

- creates a "family and medical benefits insurance program" and "bonding leave"
- funded via undetermined "premium" on employer and employee
- includes independent contractors for employer premium
- eligibility to include familial equivalent relationships
- wage replacement 55-90 percent

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### HF 6; HF 746 (No Senate Companion)

Wage theft prohibited, wage payment modified, civil and criminal penalties increased, administrative review allowed, and money appropriated.

*HF 11 Authors:* **Mahoney** ; Garofalo ; Halverson ; Nelson ; Gunther ; Huot ; Mariani ; Sundin ; Claflin ; Ecklund ; Freiberg ; Sandell ; Wazlawik ; Noor ; Cantrell ; Hortman ; Winkler ; Lee ; Pinto ; Schultz ; Wolgamott ; Lislegard ; Lesch ; Olson ; Lillie ; Persell ; Hausman ; Fischer ; Elkins ; Gomez ; Morrison ; Lippert ; Mann ; Howard ; Youakim

*HF 746 Authors:* **Sauke** ; Carlson, L. ; Bernardy ; Bierman ; Long ; Edelson

*Summary:* This bill highlights the penalties and enforcement the commissioner will take if an employer may be taking place in wage theft.

*Notes:*

- employer must keep records of employee's hours worked, pay rate, and amount paid each pay period
- at the end of each pay period an employer shall provide their employee with an earnings statement

- commissioner may require employer to submit photocopies of employment records containing information such as: wages, hours worked, etc.
- commissioner may fine an employer up to \$10,000 for each failure to submit records and/or keep records
- any employer to deny the commissioner and/or not submit records would be guilty of a misdemeanor
- commissioner can issue a citation to pay back any wages, gratuities, or compensatory damages owed to the employee within 15 days
- within those 15 days the employer may request an expedited hearing to review the citation
- commissioner may also issue a subpoena to compel persons to produce records or appear before the commissioner

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## HF 11; HF 29; SF 528 Companion

Earned sick and safe time provided, rulemaking authorized, civil penalties imposed, and reports required.

*HF 11 Authors:* **Lesch** ; Olson ; Winkler ; Becker-Finn ; Moran ; Lillie ; Schultz ; Loeffler ; Lippert ; Hornstein ; Cantrell ; Bahner ; Christensen ; Gomez ; Howard ; Long ; Persell ; Richardson ; Davnie ; Liebling ; Halverson ; Kunesh-Podein ; Mariani ; Freiberg ; Sandell ; Noor ; Hortman ; Lee ; Pinto ; Wolgamott ; Sundin ; Ecklund ; Moran ; Fischer ; Nelson ; Youakim

*HF 29 Authors:* **Her** ; Carlson, A. ; Morrison ; Kunesh-Podein ; Vang ; Howard ; Xiong, T. ; Brand ; Bahner ; Claflin ; Sauke ; Koegel

*SF 528 Authors:* **Pappas** ; Champion ; Bakk ; Simonson ; Little

*Summary:* This bill provides requirements on accrued sick/safe time, outlines how that time can be used, and fines for employers that do not the minimum standards of this plan.

*Notes:*

- employee accrues minimum of one hour earned sick/safe time for every 30 hours worked up to a maximum of 48 hours in a year (unless higher permitted by employer)
- employer must permit employee to carry over accrued unused sick/safe time into following year but may not exceed 80 hours at any time (unless higher permitted by employer)
- employers can require a notice of intent to use sick/safe time but cannot require more than 7 days notice
- includes part-time and temporary workers, not independent contractors
- eligibility to include familial equivalent relationships
- no effect on more generous sick/safe time policies
- employer can be fined up to \$1,000 per violation or up to \$10,000 per repeated violation

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## HF 260; SF 803 Companion

Domestic abuse or sexual assault employee paid leave provided.

*HF 260 Authors:* **Stephenson** ; Becker-Finn ; Long ; Wazlawik ; Howard

*SF 803 Authors:* **Little** ; Pappas ; Kent ; Franzen

*Summary:* Employers must provide up to 40 work hours in a year to a person affected by domestic abuse or sexual assault.

*Notes:*

- available for employees working an average of 20 hours a week or more, independent contractors not included
- employers must give paid leave up to 40 work hours in a calendar year for this safe leave
- employee eligible if they are victim of or a parent/guardian of a minor child who is a victim of sexual assault or domestic violence
- employer may require an employee requesting this leave to verify that they are affected by domestic abuse or sexual assault

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## **SF 90 (No House Companion)**

Parental leave costs individual income and corporate franchise employer tax credits.

*Authors:* **Nelson** ; Housely ; Ruud ; Rest ; Dziedzic

*Summary:* Tax credits of 25% for qualifying employers and employees for parental leave costs.

*Notes:*

- qualified employers allowed tax credit of \$3,000 or 25% of wages normally paid to qualifying employee per hour for which they are on parental leave
- employee parental leave cannot exceed 6 weeks in a taxable year
- qualifying employee (not employed under qualifying employer claiming a credit under this) allowed tax credit of 25% of their wages for the period of unpaid parental leave
- employee must take at least one week of unpaid parental leave to get tax credit

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## **SF 622 (No House Companion)**

Minimum wage phased-in increase; federal social security tax loophole closure; child care assistance expansion; Minnesota family investment program (MFIP) cash grant increase; working family tax credit program increase; basic sliding fee child care assistance program forecasting.

*Authors:* **Marty** ; Torres Ray ; Eaton ; Laine

*Summary:* This bill outlines a new minimum wage inflation rate and child care assistance for eligible families.

*Notes:*

- large employer: annual gross volume of sales made is not less than \$500,000; small employer: annual gross volume of sales is less than \$500,000
- every large employer must pay each employee wages at a rate of at least \$9.86 per hour eventually rising up to \$16 per hour in 2023
- every small employer must pay each employee wages at a rate of at least \$9.50 per hour eventually rising up to \$14 per hour in 2023
- an employer may pay an employee under the age of 20 who is claimed as a dependent \$9.50 per hour eventually rising to \$14 per hour in 2023
- a large employer must pay an employee under 18 who is claimed as a dependent \$9.50 per hour eventually rising up to \$14 per hour in 2023
- minimum wage rates are increased by the lesser of 2.5% rounded to the nearest cent
- after 2023, the commissioner will determine the percent of inflation by August 31 each year
  - before enactment they will give everyone notice 10 days prior and will hold a public hearing
- there would be a 6.2% tax on high income individuals with income not subject to federal social security tax

- commissioner will distribute money to counties to reduce child care costs for eligible families
- a Minnesota resident is allowed a credit against tax imposed in this chapter equal to 75% of the credit for which the individual is eligible

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## **SF 626 (No House Companion)**

Minimum wage phased-in increase.

*Authors:* **Marty** ; Torres Ray ; Eaton ; Laine

*Summary:* This bill outlines a new minimum wage inflation rate and increase.

*Notes:*

- large employer: annual gross volume of sales made is not less than \$500,000; small employer: annual gross volume of sales is less than \$500,000
- every large employer must pay each employee wages at a rate of at least \$9.86 per hour eventually rising up to \$16 per hour in 2023
- every small employer must pay each employee wages at a rate of at least \$9.50 per hour eventually rising up to \$14 per hour in 2023
- an employer may pay an employee under the age of 20 who is claimed as a dependent \$9.50 per hour eventually rising to \$14 per hour in 2023
- a large employer must pay an employee under 18 who is claimed as a dependent \$9.50 per hour eventually rising up to \$14 per hour in 2023
- minimum wage rates are increased by the lesser of 2.5% rounded to the nearest cent
- after 2023, the commissioner will determine the percent of inflation no later than September 30 every year
  - before enactment they will give everyone notice 10 days prior and will hold a public hearing

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## **SF 661; HF606 Companion**

Student and employee absence from school or work for religious holidays and modifications.

*SF 661 Authors:* **Carlson**

*HF 606 Authors:* **Hassan** ; Hornstein ; Hausman ; Kunes-Podein ; Mariani ; Huot ; Xiong, J. ; Vantg ; Lee ; Gomez ; Wolgamott

*Summary:* This bill outlines a policy that allows employees and students to take a leave for religious observance.

*Notes:*

- an employer must grant at least two days of unpaid leave per calendar year for a reason of faith or conscience or an organized activity conducted under a religious denomination, church, or religious organization
- employee must provide notice to employer requesting the leave
- if the employee taking leave creates an undue hardship on the employer, the employer may turn the leave down
- a student may also be excused from school for religious observance (must provide notice requesting the leave)

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## **SF 736 (No House Companion)**

Fair Scheduling Act; predictability pay requirement; civil penalties imposition.

*Authors:* **Latz** ; Pappas ; Eaton ; Tomassoni ; Hoffman

*Summary:* This bill outlines fair scheduling requirements and predictability pay.

*Notes:*

- if employer violates any section of this bill the commissioner can require employer to pay back employee plus penalties
- repeated violations are a civil penalty and employer will be fined at least \$5,000 but no more than \$10,000
- employer must provide each employee an earnings statement covering the last pay period
- employer must provide newly hired employee with terms and conditions of employment
- employer must give each employee an individual initial work schedule in writing at least 21 days before the first shift of the work schedule
  - must contact each employee with any change and provide revised schedule within 24 hours of the change
- new employees hired must be provided with schedule of the first 21 days of employment
- employer cannot require employee to work hours not on the schedule without consent in writing
- employer must provide a written schedule including all shifts of current employees on worksite at least 21 days before start of each work week
- employee has right to request change on their work schedule
- employee has the right to request a flexible working arrangement
- employee has right to decline work hours that occur less than 11 hours after end of previous shift or during the 11 hours following the end of shift spanned two days
  - employer must pay an employee 1-1/2 times employee's regular pay for any such hours worked

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## **SF 880; HF 906**

Wage disclosure requirements by employer prohibition and civil penalties imposition.

*SF 880 Authors:* **Champion**

*HF 906 Authors:* **Moran** ; Xiong, J. ; Lee

*Summary:* This bill outlines the penalties against the employer who asks employees about previous wages or salary history.

*Notes:*

- an employer cannot seek the wage history or information of past wages of a current employee or prospective employee
- an employer cannot require that a prospective employee's past wages meet a certain criteria
- if an employer is in violation of this, they can be fined up to \$1,000 per violation
- the victim of the violation can file a collective or class action
- the victim is entitled to damages, costs, compensatory damages, or lost wages