



## Members-Only Digest of Labor Bills 2019 Session

Updated 4/01/2019

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### HF 5; HF 256; SF 1060 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

-Referred to House Labor Committee ; re-referred to House Commerce Committee ; re-referred to House Government Operations Committee ; referred to House Judiciary Finance and Civil Law Division Committee ; re-referred to House Commerce Committee ; referred to House Jobs and Economic Development Finance Division ; referred to House State Government Finance Division Committee

*HF 256 Authors:* **Koegel** ; Hornstein ; Huot ; Xiong, J. ; Wazlawik ; Bierman ; Christensen ; Becker-Finn ; Bernardy ; Sandstede

-Referred to House Labor Committee

*SF 1060 Authors:* **Kent** ; Little ; Franzen ; Bakk ; Frentz

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*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; SF 1933 Companion

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

*HF 6 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

-Referred to House Labor Committee ; referred to House Judiciary Finance and Civil Law Division ; referred to House Jobs and Economic Development Finance Division Committee ; re-referred to House Ways and Means Committee

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

-Referred to House Labor Committee

SF 1933 Authors: **Champion** ; Dziedzic ; Marty

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*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; SF 1597 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

-Referred to House Labor Committee ; re-referred to House Government Operations Committee ; referred to House Judiciary Finance and Civil Law Division Committee ; referred to House Jobs and Economic Development Finance Division Committee ; re-referred to House Ways and Means Committee

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

-Referred to House Labor Committee

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

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee ; withdrawn and returned to author

SF 1597 Authors: **Pappas** ; Little ; Simonson ; Champion ; Bakk

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*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 ; Xiong, J. ; Lee

-Referred to House Labor Committee

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

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*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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## **HF 1147; SF 881 Companion**

Persons allowed to be absent from work to vote in person before election day.

*HF 1147 Authors:* **Dehn** ; Xiong, J.

-Referred to House Government Operations Committee ; referred to House Subcommittee on Elections

*SF 881 Authors:* **Champion**

-Referred to Senate Government Finance and Policy Elections

*Summary:* This bill requires an employer to give eligible employees an absence of work in order to vote.

*Notes:*

- every eligible employee to vote in an election has the right to be absent from work for the time necessary to vote
- employers cannot penalize or deduct from an employee's salary or wages for being absent to vote
- employer cannot refuse or interfere with the employee's absence for voting

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## **HF 1174; SF 2404 Companion**

Good reason to quit definition modified, and unemployment insurance equity working group established.

*HF 1174 Authors:* **Hassan** ; Xiong, J. ; Her

-Referred to House Labor Committee

*SF 2404 Authors:* **Isaacson** ; Simonson ; Laine

-Referred to Senate Jobs and Economic Growth Finance and Policy

*Summary:* What constitutes a good reason for an employment to quit and when they are eligible for unemployment insurance.

*Notes:*

- a good reason to quit would be caused by the employer (denied employee's request for reasonable time off, scheduled to work too much, etc.)
- the commissioner will get the information on why the employee quit and will then determine eligibility or ineligibility for unemployment benefits
- employer may submit a statement on why the employee should be determined ineligible with all the information on why the employee no longer works there
  - the determination of eligibility/ineligibility by the commissioner is final unless an appeal is filed within 20 days
- the unemployment insurance equity group helps eliminate the barriers that prevents low-wage workers from receiving unemployment insurance benefits
  - hotel/restaurant workers, home health care workers, retail workers, temporary workers
- all appointments to this working group shall be made by the commissioner by August 1, 2019
  - The group will expire on February 15, 2020

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## **HF 1298 (No Senate Companion)**

Personal care service providers minimum wage provided, and money appropriated.

*HF 1298 Authors:* **Considine** ; Lislegard ; Christensen ; Persell ; Brand ; Hausman ; Wolgamott ; Elkins ; Howard ; Huot ; Masin

-Referred to House Health and Human Services Finance Division Committee ; referred to House Long-Term Care Division Committee

*Summary:* Minimum wage requirement for personal care service providers.

*Notes:*

- personal care service providers must be paid, at a minimum, \$14 per hour
  - the commissioner will increase reimbursement rates, grants, or allocations to cover the minimum wage required
  - money will be appropriated from the general fund and go to the commissioner of human services
  - this will go into effect July 1, 2019
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## HF 2274 (No Senate Companion)

Weekly hours worked required for overtime compensation modified.

Authors: **Claflin** ; Nelson ; Ecklund ; Lillie ; Xiong, J.

-Referred to House Labor Committee ; referred to House Jobs and Economic Development Finance Division Committee

Summary: Overtime hours and overtime pay requirements.

Notes:

- no employer can employ an employee for longer than 40 hours unless the employee gets compensated in excess of 40 hours in a workweek
  - the compensation rate must be at least 1-1/2 times the regular rate of their pay
- the state of Minnesota may grant time off at the rate of 1-1/2 hours for each hour worked in excess of 40 hours instead of monetary compensation
- this does not apply to employees of air carriers

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## HF 2582; SF 2433 Companion

Short-term disability insurance availability outreach required.

HF 2582 Authors: **O'Driscoll** ; Theis ; O'Neill ; Swedzinski ; Haley

-Referred to House Labor Committee

SF 2433 Authors: **Housley** ; Pratt

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

Summary: Short-term disability communication must be provided by the commissioner.

Notes:

- commissioner of employment and economic development shall do outreach to Minnesota workers to communicate the availability of purchasing short-term disability insurance
- workers should purchase this in the private insurance market as a means to be paid a portion of a salary if worker cannot work because of an illness, injury, or pregnancy
- the commissioner must communicate that this insurance would pay a part of their salary if disabled and is not a government benefit but a private insurance coverage
- on the department's website it must include:
  - short-term disability providers offering policies to Minnesota workers
  - a list of agents licensed to sell short-term disability
  - a telephone number and contact for assistance

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## HF 2614; SF 2659 Companion

Tipped employee two-tiered minimum wage created.

HF 2614 Authors: **McDonald** ; Baker ; Erickson ; Theis ; Koznick ; Lucero ; Mekeland ; Albright ; Garofalo ; Daniels

-Referred to House Labor Committee

SF 2659 Authors: **Jensen** ; Draheim

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*Summary:* Tiered tip minimum wage.

*Notes:*

- established as a tiered tipped minimum wage

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## **HF 2776; SF 2321 Companion**

Private employer uniformity for employment mandates provided.

*HF 2776 Authors:* **Garofalo** ; Daniels ; Layman ; Albright ; Gruenhagen ; Erickson

-Referred to House Labor Committee

*SF 2321 Authors:* **Koran** ; Gazelka ; Hall ; Rosen ; Miller

-Referred to Senate Local Government Committee ; re-referred to Senate Jobs and Economic Growth Finance and Policy Committee

*Summary:* Uniformity for employment mandates on private employers.

*Notes:*

- Provides uniformity for employment mandates on private employers

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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

-Referred to Senate Family Care and Aging Committee

*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; HF 1836 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.

*SF 622 Authors:* **Marty** ; Torres Ray ; Eaton ; Laine

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

HF 1836 Authors: **Mariani** ; Hausman ; Xiong, J. ; Lee ; Noor ; Gomez

-Referred to House Labor Committee

*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; HF 1669 Companion

Minimum wage phased-in increase.

SF 626 Authors: **Marty** ; Torres Ray ; Eaton ; Laine

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

HF 1669 Authors: **Her** ; Kunesh-Podein ; Long ; Lee ; Xiong, J. ; Becker-Finn ; Mahoney ; Mann

-Referred to House Labor Committee

*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; HF 606 Companion**

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

*SF 661 Authors:* **Carlson** ; Marty ; Kent ; Wiklund ; Cohen

**-Referred to Senate E-12 Finance and Policy Committee**

*HF 606 Authors:* **Hassan** ; Hornstein ; Hausman ; Kunesh-Podein ; Mariani ; Huot ; Xiong, J. ; Vang ; Lee ; Gomez ; Wolgamott ; Noor ; Klevorn ; Pinto ; Her ; Scott ; Loeffler

**-Referred to House Education Policy**

*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

**-Referred to Senate Jobs and Economic Growth Finance and Policy Committee**

*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; SF 1924; HF 906; HF 947 Companion**

Wage disclosure requirements by employer prohibition and civil penalties imposition.

*SF 880 Authors:* **Champion**

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*SF 1924 Authors:* **Pappas** ; Bigham ; Kent ; Rarick ; Laine

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

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

-Referred to House Labor Committee

*HF 947 Authors:* **Mahoney** ; Huot

-Referred to House Labor Committee ; re-referred to House Ways and Means Committee ; referred to House Judiciary Finance and Civil Law Division Committee

*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

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## **SF 1134 (No House Companion)**

Parental leave work group establishment and appropriation.

*Authors:* **Housley**

-Referred to Senate Family Care and Aging Committee

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

*Notes:*

- commissioner of human services shall establish, appoint, and convene a parental leave work group of 15 members
- the group will meet on a regular basis
- the group will review current parental leave policies, the needs of parents, and recommend priorities for future parental leave programs to legislative committees
- the group will expire June 30, 2021
- money for the group will come from the general fund to the commissioner of human services

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## **SF 1146; HF 1741 Companion**

Organ donor discrimination by a health carrier prohibition; paid leave benefits for living organ donors extension requirements.

*SF 1146 Authors:* **Pappas** ; Kent ; Dibble ; Clausen

-Referred to Senate Health and Human Services Finance and Policy Committee

*HF 1741 Authors:* **Zerwas** ; Huot ; Schomaker ; Cantrell ; Edelson ; Fischer ; Becker-Finn ; Pryor ; Mann

-Referred to House Health and Human Services Policy Committee

*Summary:* This bill outlines requirements of both paid and unpaid leave for organ donors.

*Notes:*

- an employer must grant paid leaves of absence to an employee who seeks to donate bone marrow or donate an organ/partial organ to another person
- the paid leave may not exceed 40 work hours unless previously agreed to
- an employer must grant unpaid leaves of absence to an employee who seeks to donate an organ/partial organ to another person
- the unpaid leave must not exceed 12 weeks unless previously agreed to
- an employer must not retaliate against an employee for requesting this leave of absence

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## **SF 1526; HF 2543 Companion**

Minor league baseball players exemption from minimum wage and overtime requirements authorization.

*SF 1526 Authors:* **Goggin** ; Eichorn ; Housley ; Utke ; Cohen

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee ; laid over for possible inclusion

*HF 2543 Authors:* **Mahoney** ; Ecklund ; Sundin

-Referred to House Labor Committee ; re-referred to House Ways and Means Committee

*Summary:* States that minor league baseball players are added to the lists of employees exempt from minimum wage and overtime requirements.

*Notes:*

- any individual who is employed on a seasonal basis with a contract to play minor league baseball will be exempt from minimum wage and overtime requirements
- will go into effect following final enactment

- lists other employee exemptions from minimum wage and overtime requirements

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## **SF 1601; HF 295 Companion**

Wage deductions for credit card charges modification.

*SF 1601 Authors:* **Isaacson**

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*HF 295 Authors:* **Davnie** ; Moran ; Koegel ; Xiong, J. ; Hassan ; Mahoney ; Noor ; Claflin ; Dehn

-Referred to House Labor Committee ; re-referred to House Ways and Means Committee ; referred to House Jobs and Economic Development Finance Division Committee

*Summary:* No percent of a tip given to an employee shall be taken out; the full amount of the tip will be given to the employee including tips on credit, charge, or debit cards.

*Notes:*

- the employee will receive the full amount of gratuity given by the customer including on a debit, charge, or credit card
- gratuities given to an employee on a debit, charge, or credit card will be credited to that pay period in which they are received by the employee
- goes into effect August 1, 2019

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## **SF 2378; HF 2311 Companion**

Workers compensation advisory council recommendations adoption authorization.

*SF 2378 Authors:* **Utke** ; Sparks

-Referred to Senate Jobs and Economic Growth Finance and Policy Committee

*HF 2311 Authors:* **Sundin** ; Albright

-Referred to House Labor Committee

*Summary:* Workers compensation advisory council and workers compensation notification timelines.

*Notes:*

- a copy of the workers compensation agreement and what employees are covered under it must be filed with the commissioner within 21 days of the agreement
- after agreement is approved by the commissioner, a qualified employer can join or withdraw from a qualified group of employers (must notify commissioner)
- where death or serious injury occurs to an employee during employment, the employer shall report to the commissioner and insurer within 48 hours after its occurrence
- where any injury wholly or partially incapacitates the employee from performing labor for more than 3 days, the employer shall notify the commissioner within 10 days after its occurrence