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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2

01/04/2023 Authored by Richardson, Hortman, Frazier, Noor, Hassan and others
The bill was read for the first time and referred to the Committee on Workforce Development Finance and Policy
01/26/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
02/01/2023 Adoption of Report: Amended and re-referred to the Committee on Children and Families Finance and Policy
2/06/2023 Adoption of Report: Amended and re-referred to the Committee on Labor and Industry Finance and Policy
2/08/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy
02/13/2023 Adoption of Report: Re-referred to the Committee on Human Services Finance
02/20/2023 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy
04/12/2023 Adoption of Report: Amended and re-referred to the Committee on Workforce Development Finance and Policy
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
Adoption of Report: Re-referred to the Committee on Workforce Development Finance and Policy
Joint Rule 2.03 has been waived for any subsequent committee action on this bill
04/17/2023 Adoption of Report: Re-referred to the Committee on Taxes

1.1 A bill for an act
1.2 relating to employment; creating a family and medical benefit insurance program;
1.3 requiring leave from employment under certain circumstances; allowing substitution
1.4 of a private plan; prohibiting retaliation; classifying data; authorizing expedited
1.5 rulemaking; appropriating money; amending Minnesota Statutes 2022, sections
1.6 13.719, by adding a subdivision; 62A.01, subdivision 1; 177.27, subdivision 4;
1.7 181.032; 256B.0659, subdivision 18; 256B.85, subdivisions 13, 13a; 256J.561,
1.8 by adding a subdivision; 256J.95, subdivisions 3, 11; 256P.01, subdivision 3;
1.9 268.19, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter
1.10 268B.

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

1.12 ARTICLE 1

1.13 FAMILY AND MEDICAL BENEFITS

1.14 Section 1. Minnesota Statutes 2022, section 13.719, is amended by adding a subdivision
1.15 to read:

1.16 Subd. 7. Family and medical insurance data. (a) For the purposes of this subdivision,
1.17 the terms used have the meanings given them in section 268B.01.

1.18 (b) Data on applicants, family members, or employers under chapter 268B are private
1.19 or nonpublic data, provided that the department may share data collected from applicants
1.20 with employers or health care providers to the extent necessary to meet the requirements
1.21 of chapter 268B or other applicable law.

1.22 (c) The department and the Department of Labor and Industry may share data classified
1.23 under paragraph (b) to the extent necessary to meet the requirements of chapter 268B or
1.24 the Department of Labor and Industry's enforcement authority over chapter 268B, as provided
1.25 in section 177.27.

2.1 **EFFECTIVE DATE.** This section is effective July 1, 2023.

2.2 Sec. 2. Minnesota Statutes 2022, section 62A.01, subdivision 1, is amended to read:

2.3 Subdivision 1. **Definition.** The term "policy of accident and sickness insurance" as used
2.4 herein includes any policy covering the kind of insurance described in section 60A.06,
2.5 subdivision 1, clause (5)(a), or the paid family and medical leave benefits as described in
2.6 section 268B.10.

2.7 Sec. 3. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

2.8 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
2.9 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
2.10 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
2.11 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, 268B.09, subdivisions 1 to 6, and
2.12 268B.14, subdivision 3, or with any rule promulgated under section 177.28. The
2.13 commissioner shall issue an order requiring an employer to comply with sections 177.41
2.14 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation is
2.15 repeated if at any time during the two years that preceded the date of violation, the
2.16 commissioner issued an order to the employer for violation of sections 177.41 to 177.435
2.17 and the order is final or the commissioner and the employer have entered into a settlement
2.18 agreement that required the employer to pay back wages that were required by sections
2.19 177.41 to 177.435. The department shall serve the order upon the employer or the employer's
2.20 authorized representative in person or by certified mail at the employer's place of business.
2.21 An employer who wishes to contest the order must file written notice of objection to the
2.22 order with the commissioner within 15 calendar days after being served with the order. A
2.23 contested case proceeding must then be held in accordance with sections 14.57 to 14.69.
2.24 If, within 15 calendar days after being served with the order, the employer fails to file a
2.25 written notice of objection with the commissioner, the order becomes a final order of the
2.26 commissioner.

2.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

2.28 Sec. 4. Minnesota Statutes 2022, section 181.032, is amended to read:

2.29 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**
2.30 **TO EMPLOYEE.**

2.31 (a) At the end of each pay period, the employer shall provide each employee an earnings
2.32 statement, either in writing or by electronic means, covering that pay period. An employer