

1.1 **Senator Hoffman from the Committee on Human Services, to which was referred**

1.2 **H.F. No. 19:** A bill for an act relating to employment; providing for earned sick and
1.3 safe time; adding a district court judge to the Ninth Judicial District; requiring a report;
1.4 authorizing rulemaking; appropriating money; amending Minnesota Statutes 2022, sections
1.5 2.722, subdivision 1; 177.27, subdivisions 2, 4, 7; 181.942, subdivision 1; 181.9436; 181.944;
1.6 proposing coding for new law in Minnesota Statutes, chapters 177; 181; repealing Minnesota
1.7 Statutes 2022, section 181.9413.

1.8 Reports the same back with the recommendation that the bill be amended as follows:

1.9 Page 1, after line 10, insert:

1.10 "Section 1. Minnesota Statutes 2022, section 181.032, is amended to read:

1.11 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**
1.12 **TO EMPLOYEE.**

1.13 (a) At the end of each pay period, the employer shall provide each employee an earnings
1.14 statement, either in writing or by electronic means, covering that pay period. An employer
1.15 who chooses to provide an earnings statement by electronic means must provide employee
1.16 access to an employer-owned computer during an employee's regular working hours to
1.17 review and print earnings statements.

1.18 (b) The earnings statement may be in any form determined by the employer but must
1.19 include:

1.20 (1) the name of the employee;

1.21 (2) the rate or rates of pay and basis thereof, including whether the employee is paid by
1.22 hour, shift, day, week, salary, piece, commission, or other method;

1.23 (3) allowances, if any, claimed pursuant to permitted meals and lodging;

1.24 (4) the total number of hours worked by the employee unless exempt from chapter 177;

1.25 (5) the total number of earned sick and safe time hours accrued and available for use
1.26 under section 181.9446;

1.27 (6) the total number of earned sick and safe time hours used during the pay period under
1.28 section 181.9447;

1.29 (7) the total amount of gross pay earned by the employee during that period;

1.30 ~~(6)~~ (8) a list of deductions made from the employee's pay;

1.31 ~~(7)~~ (9) the net amount of pay after all deductions are made;

1.32 ~~(8)~~ (10) the date on which the pay period ends;

- 2.1 ~~(9)~~ (11) the legal name of the employer and the operating name of the employer if
2.2 different from the legal name;
- 2.3 ~~(10)~~ (12) the physical address of the employer's main office or principal place of business,
2.4 and a mailing address if different; and
- 2.5 ~~(11)~~ (13) the telephone number of the employer.
- 2.6 (c) An employer must provide earnings statements to an employee in writing, rather
2.7 than by electronic means, if the employer has received at least 24 hours notice from an
2.8 employee that the employee would like to receive earnings statements in written form. Once
2.9 an employer has received notice from an employee that the employee would like to receive
2.10 earnings statements in written form, the employer must comply with that request on an
2.11 ongoing basis.
- 2.12 (d) At the start of employment, an employer shall provide each employee a written notice
2.13 containing the following information:
- 2.14 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by
2.15 the hour, shift, day, week, salary, piece, commission, or other method, and the specific
2.16 application of any additional rates;
- 2.17 (2) allowances, if any, claimed pursuant to permitted meals and lodging;
- 2.18 (3) paid vacation, sick time, or other paid time-off accruals and terms of use;
- 2.19 (4) the employee's employment status and whether the employee is exempt from minimum
2.20 wage, overtime, and other provisions of chapter 177, and on what basis;
- 2.21 (5) a list of deductions that may be made from the employee's pay;
- 2.22 (6) the number of days in the pay period, the regularly scheduled pay day, and the pay
2.23 day on which the employee will receive the first payment of wages earned;
- 2.24 (7) the legal name of the employer and the operating name of the employer if different
2.25 from the legal name;
- 2.26 (8) the physical address of the employer's main office or principal place of business, and
2.27 a mailing address if different; and
- 2.28 (9) the telephone number of the employer.
- 2.29 (e) The employer must keep a copy of the notice under paragraph (d) signed by each
2.30 employee acknowledging receipt of the notice. The notice must be provided to each employee
2.31 in English. The English version of the notice must include text provided by the commissioner

3.1 that informs employees that they may request, by indicating on the form, the notice be
 3.2 provided in a particular language. If requested, the employer shall provide the notice in the
 3.3 language requested by the employee. The commissioner shall make available to employers
 3.4 the text to be included in the English version of the notice required by this section and assist
 3.5 employers with translation of the notice in the languages requested by their employees.

3.6 (f) An employer must provide the employee any written changes to the information
 3.7 contained in the notice under paragraph (d) prior to the date the changes take effect."

3.8 Page 2, line 22, delete everything after "include" and insert a colon

3.9 Page 2, after line 22, insert:

3.10 "(1) an independent contractor; or

3.11 (2) an individual employed by an air carrier as a flight deck or cabin crew member who:

3.12 (i) is subject to United States Code, title 45, sections 181 to 188;

3.13 (ii) works less than a majority of their hours in Minnesota in a calendar year; and

3.14 (iii) is provided with paid leave equal to or exceeding the amounts in section 181.9446."

3.15 Page 9, line 15, delete everything after the period

3.16 Page 9, delete line 16

3.17 Page 16, delete section 1

3.18 Page 16, line 4, strike "; CONFORMING CHANGES"

3.19 Page 17, delete lines 31 and 32

3.20 Page 18, delete lines 1 to 3 and insert:

3.21 **"ARTICLE 4**

3.22 **MEDICAL ASSISTANCE RATES FOR EMPLOYERS OF DIRECT CARE**
 3.23 **WORKERS**

3.24 Section 1. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; RATES**
 3.25 **FOR EMPLOYERS OF DIRECT CARE WORKERS.**

3.26 Subdivision 1. **Definition.** For the purposes of this section, "direct care worker" means
 3.27 either: (1) an employee of a medical assistance enrolled provider who provides direct
 3.28 nonprofessional long-term care services and supports funded through medical assistance,
 3.29 including through a home and community-based waiver or alternative care, to a person with

4.1 a disability or an older adult; or (2) an individual provider as defined under Minnesota
4.2 Statutes, section 256B.0711.

4.3 Subd. 2. Rate increases for employers of direct care workers. Beginning January 1,
4.4 2024, the commissioner of human services must increase the medical assistance
4.5 reimbursement rates of any employer that employs a direct care worker by an amount
4.6 sufficient to offset the additional costs to employers for direct care workers' earned sick and
4.7 safe time leave required under Minnesota Statutes, sections 181.9445 to 181.9448.

4.8 Subd. 3. Draft legislation required. By January 1, 2024, for any medical assistance
4.9 rates established in Minnesota Statutes that reimburse employers of direct care workers, the
4.10 commissioner must develop draft legislation to incorporate the rate increase described in
4.11 subdivision 2 into the rate or rate framework and submit the draft legislation to the chairs
4.12 and ranking minority members of the legislative committees or divisions with jurisdiction
4.13 over human services finance. The commissioner must not construe failure of the legislature
4.14 to enact the draft legislation as relieving the commissioner of the commissioner's duty to
4.15 increase rates as required under subdivision 2. If the legislature enacts the draft legislation,
4.16 implementation of the statutory rate increases will satisfy the requirements of subdivision
4.17 2 with respect to employers reimbursed under those rates."

4.18 Renumber the sections in sequence

4.19 Amend the title as follows:

4.20 Page 1, line 2, delete "adding a district" and insert "requiring medical assistance
4.21 reimbursement rate increases for certain providers;"

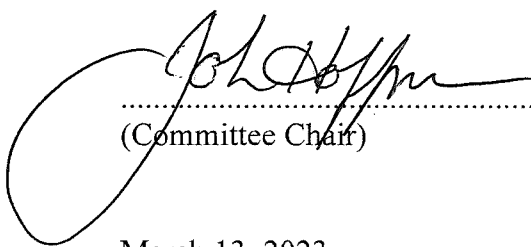
4.22 Page 1, line 3, delete "court judge to the Ninth Judicial District;"

4.23 Amend the title numbers accordingly

4.24 And when so amended the bill do pass and be re-referred to the Committee on Finance.

4.25 Amendments adopted. Report adopted.

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(Committee Chair)

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March 13, 2023.....
(Date of Committee recommendation)