

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**  
1.2 **re-referred**

1.3 **S.F. No. 2:** A bill for an act relating to employment; providing for paid family, pregnancy,  
1.4 bonding, and applicant's serious medical condition benefits; regulating and requiring certain  
1.5 employment leaves; classifying certain data; authorizing rulemaking; appropriating money;  
1.6 amending Minnesota Statutes 2022, sections 13.719, by adding a subdivision; 177.27,  
1.7 subdivision 4; 181.032; 256J.561, by adding a subdivision; 256J.95, subdivisions 3, 11;  
1.8 256P.01, subdivision 3; 268.19, subdivision 1; proposing coding for new law as Minnesota  
1.9 Statutes, chapter 268B.

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

1.11 Page 1, line 20, delete everything before "data" and insert "The"

1.12 Page 1, line 21, after "(b)" insert "may be exchanged between the department and the  
1.13 Department of Labor and Industry"

1.14 Page 6, line 15, delete the first period

1.15 Page 29, after line 10, insert:

1.16 "(d) The commissioner must provide an opportunity for the employer to submit relevant  
1.17 information."

1.18 Page 29, line 11, delete "(d)" and insert "(e)"

1.19 Page 29, line 12, after "applicant" insert "or employer"

1.20 Page 29, line 15, delete "(e)" and insert "(f)"

1.21 Page 29, line 22, after "applicant" insert "or employer"

1.22 Page 30, delete line 30 and insert "has been deemed eligible for benefits under this  
1.23 chapter."

1.24 Page 31, delete lines 1 and 2

1.25 Page 33, delete subdivision 3 and insert:

1.26 "Subd. 3. **Waiver of rights as condition of employment prohibited.** No employer may  
1.27 require any employee or applicant to waive or limit any right or benefit under this chapter  
1.28 as a condition of employment."

1.29 Page 36, delete subdivision 8 and insert:

1.30 "Subd. 8. **Remedies.** (a) In addition to any other remedies available to an employee in  
1.31 law or equity, an employee injured by a violation of this section may bring a civil action to  
1.32 recover:

1.33 (1) any and all damages recoverable at law;

2.1 (2) reasonable interest on the amount of damages awarded;

2.2 (3) an additional amount as liquidated damages equal to the sum of the amount described  
2.3 in clause (1), except that if an employer who has violated the provisions of this section  
2.4 proves by a preponderance of the evidence that the act or omission which violated the  
2.5 provisions of this section was in good faith or that the employer had reasonable grounds  
2.6 for believing that the act or omission was not a violation of the provisions of this section,  
2.7 the court may, in the discretion of the court, reduce the amount of the liability to the amount  
2.8 determined under clause (1); and

2.9 (4) such injunctive and other equitable relief as determined by a court or jury, including  
2.10 employment, reinstatement, and promotion.

2.11 (b) An action to recover damages or equitable relief prescribed in paragraph (a) may be  
2.12 maintained against any employer in any federal or state court of competent jurisdiction by  
2.13 any one or more employees. Rule 23 of the Rules of Civil Procedure applies to this section.

2.14 (c) The court in an action under this section may, in addition to any judgment awarded  
2.15 to the plaintiff or plaintiffs, allow a prevailing plaintiff reasonable attorney fees, reasonable  
2.16 expert witness fees, and other costs of the action incurred by the plaintiff to be paid by the  
2.17 defendant.

2.18 (d) Nothing in this section shall be construed to allow an employee to recover damages  
2.19 from an employer for the denial of benefits under this chapter by the department, unless the  
2.20 employer unlawfully interfered with the application for benefits under subdivision 2.

2.21 (e) An employee bringing a civil action under this section is entitled to a jury trial. An  
2.22 employee cannot waive their right to a jury trial under this section including, but not limited  
2.23 to, by signing an agreement to submit claims to arbitration."

2.24 Page 44, lines 23 and 26, delete "is" and insert "may be"

2.25 Page 44, after line 27, insert:


2.26 "(c) An employer shall not be subject to any penalty under this section upon a reasonable  
2.27 showing that the employer's act or omission which violated the provisions of this chapter  
2.28 was in good faith or that the employer had reasonable grounds for believing that the act or  
2.29 omission was not a violation of the provisions of this section."

2.30 Page 53, line 17, delete "No employer having terminated an" and insert "It is not a  
2.31 violation of this section to terminate an employee for obtaining benefits through intentional  
2.32 misrepresentation."

3.1 Page 53, delete lines 18 and 19

3.2 Page 62, line 23, delete "subdivision" and insert "section"

3.3 And when so amended the bill do pass and be re-referred to the Committee on Human  
3.4 Services. Amendments adopted. Report adopted.

3.5   
3.6 .....  
(Committee Chair)

3.7 February 6, 2023.....  
3.8 (Date of Committee recommendation)