

SF1018 - 0 - Employer retaliation; Pregnancy Accommodations

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 Committee: **Labor**
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 Agency: **Labor and Industry Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2 Dollars in Thousands	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-
Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Total	-	-	-	-	-
Biennial Total			-		-
2 - Revenues, Transfers In*					
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

Section 1. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under 181.03 (Certain Acts Relating to Payment of Wages Unlawful), 177.21 177.44 (Minnesota Fair Labor Standards Act and Prevailing Wage Act), 181.01 181.723 (Payment of Wages Act and other employment-related laws), and 181.79 (Wage Deductions).

Section 2. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under 181.172 (Wage Disclosure Protection).

Section 3. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under 181.932 (Minnesota Whistleblower Act).

Section 4. Amends 181.939, the nursing mothers, lactating employees, and pregnancy accommodations laws.

Subd. 1 Strikes language limiting the right to reasonable break times to express milk to the twelve months following the birth of the employee’s child; clarifies break times may run concurrently with break times already provided; removes the ability of the employer to not provide break times if it would unduly disrupt the operations of the employer; clarifies the space provided to employees to express milk needs to be clean, private, and secure; and modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under 181.939, subd. 1 (Nursing mothers).

Subd. 2 Modifies the pregnancy accommodations law to indicate other types of eligible reasonable accommodation; modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under 181.939, subd. 2 (Pregnancy accommodations); and amends the definition of employer to include a person or entity that employs one or more employees, down from fifteen or more employees.

Subd. 3 Requires an employer to inform an employee in writing of their rights to express milk and pregnancy accommodation at the time of hire and when an employee requests parental leave and requires that the notice be included in an employee handbook if one is provided. The commissioner is required to provide the text to be included in the notice.

Section 5. Amends the definition of employee to remove the requirement that an employee be employed for at least 12 months at least half time preceding a request for an unpaid pregnancy or parental leave, school conference and activities leave, or sick and safety leave and includes all individuals employed by the employer.

Section 6. Amends the definition of employer to a person or entity that employs one or more employees, down from 21 or more employees, for purposes of an unpaid pregnancy or parental leave, school conference and activities leave, or sick and safety leave.

Section 7. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for requesting or obtaining an unpaid pregnancy or parental leave of absence.

Section 8. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for requesting or using personal sick leave benefits.

Section 9. Provides an employee the right to return to the employee's former or comparable position at the same rate of pay and benefits after a leave obtained as a reasonable pregnancy accommodation under 181.939.

Section 10. Requires the Division of Labor Standards to develop an educational poster on employee rights to nursing and pregnancy accommodations for employers to post on the employer's premises.

Section 11. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for requesting or obtaining a leave of absence for bone marrow donations under 181.945 (Leave for Bone Marrow Donations).

Section 12. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for requesting or obtaining a leave of absence to donate an organ under 181.9456 (Leave for Organ Donation).

Section 13. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights and remedies under 181.950 to 181.954 (Drug and Alcohol Testing in the Workplace Act).

Section 14. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for accessing and reviewing their personnel record under 181.960 to 181.965 (Personnel Record Review and Access).

Assumptions

Under this bill, employers with one or more employees would be required to comply with the parenting leave and accommodations laws (Minn. Stat. 181.940 181.944). Currently, these laws apply to employers with 21 or more employees. Last year, Labor Standards received two complaints in relation to violations of these laws. DLI estimates it would receive 0 1 additional complaints (see below) per year by this change in the law. Additional investigative work would be immaterial and considered other duties as assigned.

Approx. 2.8M employees statewide 581,700 MN employees work for an employer with fewer than 21 employees = approx. 2.2M MN employees work for an employer with 21 or more employees

$2.2M/2 = \text{approx. } 1 \text{ complaint}/1.1M \text{ employees}$

$581,700/1.1M = .53 \text{ complaints}$

Under this bill, employers with one or more employees would be required to comply with the pregnancy accommodation law (Minn. Stat. 181.939). Currently, this law applies to employers with 15 or more employees. Last year, Labor Standards received three complaints in relation to violations of this law. DLI estimates it would receive 0 1 additional complaints (see below) per year by this change in the law. Additional investigative work would be immaterial and considered other duties as assigned.

Approx. 2.8M employees statewide 461,000 MN employees work for an employer with fewer than 15 employees = approx. 2.3M MN employees work for an employer with 15 or more employees

$2.3M/3 = 1 \text{ complaint}/767,000 \text{ employees}$

$461,000/767,000 = .6 \text{ complaints}$

Total new complaints are estimated to be 1.13 (0.53 + 0.60)

Expenditure and/or Revenue Formula

NA

Long-Term Fiscal Considerations

NA

Local Fiscal Impact

NA

References/Sources

NA

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