

## S.F. No. 1018 – Employer retaliation; pregnancy accommodations

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**S.F. 1018** modifies retaliation language contained in sections of law within Chapters 177 and 181 to clarify types of prohibited retaliatory actions. The bill also modifies the nursing mothers, lactating employees, and pregnancy accommodations laws.

Section 1. **Retaliation.** [§ 181.03, subd. 6] 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. **Wage disclosure protection.** [§ 181.172] Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under the Wage Disclosure Protection statute.

Section 3. **Prohibited action.** [§ 181.932, subd. 1] Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under the Minnesota Whistleblower Act.

Section 4. **Nursing mothers, lactating employees, and pregnancy accommodations.** [§ 181.939]

Subdivision 1. **Nursing mothers and lactating employees.** Removes language limiting the right to reasonable break times to express milk to the twelve months following the birth of the employee's child. Clarifies that 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 that the location provided to employees to express milk needs to be clean, private, and secure. Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights under the subdivision governing nursing mothers.

Subdivision 2. **Pregnancy accommodations.** Specifies 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 the pregnancy accommodations subdivision. Amends the definition of employer to include a person or entity that employs one or more employees instead of fifteen or more employees as is in current law.

Subdivision 3. **Notice to employees.** Requires an employer to inform employees 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 the notice be included in any employee handbook. Requires the commissioner to provide the text to be included in the notice.

Section 5. **Employee.** [§ 181.940, subd. 2] 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. **Employer.** [§ 181.940, subd 3.] Amends the definition of employer to a person or entity that employs one or more employees, decreased 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. **No employer retribution.** [§ 181.941, subd. 3] 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. **Sick leave benefits; care of relatives.** [§ 181.9413] 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. **Pay; benefits; on return.** [§ 181.942] 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.

Section 10. **Posting of law.** [§ 181.0436] 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. **No employer sanctions.** [§ 181.945, subd. 3] 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 the Leave for Bone Marrow Donations law.

Section 12. **No employer sanctions.** [§ 181.9456, subd. 3] 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 the Leave for Organ Donation law.

Section 13. **Retaliation prohibited.** [§ 181.956, subd. 5] Modifies retaliation language to clarify types of prohibited retaliatory action an employer shall not take against an employee for asserting rights and remedies under the Drug and Alcohol Testing in the Workplace Act statutes.

Section 14. **Retaliation prohibited.** [§ 181.964] 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.

Provides an effective date of July 1, 2023, for **sections 1 to 14.**