

1.1 Senator moves to amend S.F. No. 2149 as follows:

1.2 Page 2, after line 2, insert:

1.3 "Sec. 3. Minnesota Statutes 2024, section 181.9445, subdivision 6, is amended to read:

1.4 Subd. 6. **Employer.** "Employer" means a person who has ~~one~~ ten or more employees.

1.5 Employer includes an individual, a corporation, a partnership, an association, a business

1.6 trust, a nonprofit organization, a group of persons, the state of Minnesota, a county, town,

1.7 city, school district, or other governmental subdivision. In the case of an employee leasing

1.8 company or professional employer organization, the taxpaying employer, as described in

1.9 section 268.046, subdivision 1, remains the employer. In the case of an individual provider

1.10 within the meaning of section 256B.0711, subdivision 1, paragraph (d), the employer includes

1.11 any participant within the meaning of section 256B.0711, subdivision 1, paragraph (e), or

1.12 participant's representative within the meaning of section 256B.0711, subdivision 1,

1.13 paragraph (f). In the event that a temporary employee is supplied by a staffing agency,

1.14 absent a contractual agreement stating otherwise, that individual shall be an employee of

1.15 the staffing agency for all purposes of section 177.50 and sections 181.9445 to 181.9448.

1.16 Employer does not include the United States government.

1.17 Sec. 4. Minnesota Statutes 2024, section 181.9446, is amended to read:

1.18 **181.9446 ACCRUAL OF EARNED SICK AND SAFE TIME.**

1.19 (a) An employee accrues a minimum of one hour of earned sick and safe time for every

1.20 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.

1.21 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless

1.22 the employer agrees to a higher amount.

1.23 (b)(1) Except as provided in clause (2), employers must permit an employee to carry

1.24 over accrued but unused sick and safe time into the following year. The total amount of

1.25 accrued but unused earned sick and safe time for an employee must not exceed 80 hours at

1.26 any time, unless an employer agrees to a higher amount.

1.27 (2) In lieu of permitting the carryover of accrued but unused sick and safe time into the

1.28 following year as provided under clause (1), an employer may provide an employee with

1.29 earned sick and safe time for the year that meets or exceeds the requirements of this section

1.30 that is available for the employee's immediate use at the beginning of the subsequent year

1.31 as follows: (i) 48 hours, if an employer pays an employee for accrued but unused sick and

1.32 safe time at the end of a year at the same base rate as an employee earns from employment

and in no case at a rate less than that provided under section 177.24 or an applicable local minimum wage; ~~or~~ (ii) 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of a year; or (iii) upon initial employment, an employer providing sick and safe time under item (i) or (ii) may prorate sick and safe time amounts for an employee based on full- or part-time work for the remainder of that year.

(c) Employees who are exempt from overtime requirements under United States Code, title 29, section 213(a)(1), as amended through January 1, 2024, are deemed to work 40 hours in each workweek for purposes of accruing earned sick and safe time, except that an employee whose normal workweek is less than 40 hours will accrue earned sick and safe time based on the normal workweek.

(d) Earned sick and safe time under this section begins to accrue at the commencement of employment of the employee.

(e) Employees may use earned sick and safe time as it is accrued.

Sec. 5. Minnesota Statutes 2024, section 181.9447, subdivision 2, is amended to read:

Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and safe time as provided in this paragraph. If the need for use is foreseeable, an employer may require advance notice of the intention to use earned sick and safe time but must not require more than seven days' advance notice. If the need is unforeseeable, an employer may require an employee to give notice of the need for earned sick and safe time as ~~soon as practicable~~ reasonably required by the employer. An employer that requires notice of the need to use earned sick and safe time in accordance with this subdivision shall have a written policy containing reasonable procedures for employees to provide notice of the need to use earned sick and safe time, and shall provide a written copy of such policy to employees. If a copy of the written policy has not been provided to an employee, an employer shall not deny the use of earned sick and safe time to the employee on that basis.

Sec. 6. Minnesota Statutes 2024, section 181.9447, subdivision 3, is amended to read:

Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for more than ~~three~~ two consecutive scheduled work days, an employer may require reasonable documentation that the earned sick and safe time is covered by subdivision 1.

(b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6), reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. However, if the employee or

employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause (1), (2), (5), or (6). The employer may require documentation at such time that reasonable documentation is available if it is not available in a reasonable amount of time initially.

(c) For earned sick and safe time under subdivision 1, clause (3), an employer must accept a court record or documentation signed by a volunteer or employee of a victims services organization, an attorney, a police officer, or an antiviolence counselor as reasonable documentation. If documentation cannot be obtained in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

(d) For earned sick and safe time to care for a family member under subdivision 1, clause (4), an employer must accept as reasonable documentation a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose as reasonable documentation.

(e) An employer must not require disclosure of details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use earned sick and safe time under this section.

(f) Written statements by an employee may be written in the employee's first language and need not be notarized or in any particular format.

Sec. 7. Minnesota Statutes 2024, section 181.9447, subdivision 4, is amended to read:

Subd. 4. **Replacement worker.** For earned sick and safe time use that is unforeseeable, an employer may not require, as a condition of an employee using earned sick and safe time, that the employee seek or find a replacement worker to cover the hours the employee uses as earned sick and safe time. This subdivision does not prohibit an employee from voluntarily seeking or trading shifts with a replacement worker to cover the hours the employee uses as earned sick and safe time.

Sec. 8. Minnesota Statutes 2024, section 181.9448, subdivision 1, is amended to read:

Subdivision 1. **Effect on more generous sick and safe time policies.** (a) Nothing in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting or retaining earned sick and safe time policies that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448. ~~All paid time off and other paid leave made available to an employee by an employer in excess of the minimum amount required in section 181.9446 for absences from work due to personal illness or injury, but not including short-term or long-term disability or other salary continuation benefits, must meet or exceed the minimum standards and requirements provided in sections 181.9445 to 181.9448, except for section 181.9446. For paid leave accrued prior to January 1, 2024, for absences from work due to personal illness or injury, an employer may require an employee who uses such leave to follow the written notice and documentation requirements in the employer's applicable policy or applicable collective bargaining agreement as of December 31, 2023, in lieu of the requirements of section 181.9447, subdivisions 2 and 3, provided that an employer does not require an employee to use leave accrued on or after January 1, 2024, before using leave accrued prior to that date.~~

(b) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of parties to a collective bargaining agreement to bargain and agree with respect to earned sick and safe time policies or to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in this section.

(c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for a greater amount, accrual, or use by employees of paid sick and safe time or that extends other protections to employees.

(d) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to create any power or duty in conflict with federal law.

(e) Employers who provide earned sick and safe time to their employees under a paid time off policy or other paid leave policy that may be used for the same purposes and under the same conditions as earned sick and safe time, and that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

(f) The provisions of sections 181.9445 to 181.9448 may be waived by a collective bargaining agreement with a bona fide building and construction trades labor organization that has established itself as the collective bargaining representative for the affected building and construction industry employees, provided that for such waiver to be valid, it shall explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive application of those sections to such employees.

(g) The requirements of section 181.9447, subdivision 3, may be waived for paid leave made available to an employee by an employer for absences from work in excess of the minimum amount required in section 181.9446 through a collective bargaining agreement with a labor organization that has established itself as the collective bargaining representative for the employees, provided that for such waiver to be valid, it shall explicitly reference section 181.9447, subdivision 3, and clearly and unambiguously waive application of that subdivision to such employees.

(h) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph (d), who provides services through a consumer support grant under section 256.476, consumer-directed community supports under section 256B.4911, or community first services and supports under section 256B.85, to a family member who is a participant, as defined in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year, provided that the funds are returned to the participant's budget. Once an individual provider has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned sick and safe time until the start of the participant's next service plan year.

(i) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.

(j) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and safe time to an employee before accrual by the employee."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "modifying earned sick and safe time provisions;"

Correct the title numbers accordingly