

1.1 **Senator McEwen from the Committee on Labor, to which was re-referred**

1.2 **S.F. No. 2149:** A bill for an act relating to labor and industry; making policy and technical
1.3 changes; modifying earned sick and safe time provisions; amending Minnesota Statutes
1.4 2024, sections 177.27, subdivision 5; 181.9445, subdivision 6; 181.9446; 181.9447,
1.5 subdivisions 2, 3, 4; 181.9448, subdivision 1; 326B.0981, subdivision 4; 326B.31, subdivision
1.6 29; 326B.33, subdivision 21; 326B.36, subdivision 7.

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

1.8 Delete everything after the enacting clause and insert:

1.9 "Section 1. Minnesota Statutes 2024, section 181.173, subdivision 2, is amended to read:

1.10 Subd. 2. **Salary ranges in job postings required.** (a) An employer must disclose in
1.11 each posting for each job opening with the employer the starting salary range, and a general
1.12 description of all of the benefits and other compensation, including but not limited to any
1.13 health or retirement benefits, to be offered to a hired job applicant, as well as whether a
1.14 hired job applicant will be offered a health plan option that complies with the cost-sharing
1.15 limits under section 62Q.481, subdivision 1.

1.16 (b) An employer that does not plan to offer a salary range for a position must list a fixed
1.17 pay rate. A salary range may not be open ended.

1.18 Sec. 2. Minnesota Statutes 2024, section 181.211, subdivision 7, is amended to read:

1.19 Subd. 7. **Nursing home.** "Nursing home" means a nursing home licensed under chapter
1.20 144A and reimbursed under chapter 256R, or a boarding care home licensed under sections
1.21 144.50 to 144.56 and reimbursed under chapter 256R.

1.22 Sec. 3. Minnesota Statutes 2024, section 181.211, subdivision 8, is amended to read:

1.23 Subd. 8. **Nursing home employer.** "Nursing home employer" means an employer of
1.24 nursing home workers in a ~~licensed, Medicaid-certified facility that is reimbursed under~~
1.25 ~~chapter 256R~~ nursing home as defined under subdivision 7.

1.26 Sec. 4. Minnesota Statutes 2024, section 181.931, is amended by adding a subdivision to
1.27 read:

1.28 Subd. 1a. **Abuse.** "Abuse" means actions that may, directly or indirectly, result in
1.29 unnecessary costs to programs of a state agency or political subdivision. Abuse may involve
1.30 paying for items or services when there is no legal entitlement to that payment.

2.1 Sec. 5. Minnesota Statutes 2024, section 181.931, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 3a. **Fraud.** "Fraud" means an intentional or deliberate act to deprive another of
2.4 property or money or to acquire property or money by deception or other unfair means.
2.5 Fraud includes intentionally submitting false information to the department for the purpose
2.6 of obtaining a greater compensation or benefit than that to which the person is legally
2.7 entitled. Fraud also includes failure to correct errors in the maintenance of records in a
2.8 timely manner after a request by a state agency or political subdivision.

2.9 Sec. 6. Minnesota Statutes 2024, section 181.931, is amended by adding a subdivision to
2.10 read:

2.11 Subd. 7. **Waste.** "Waste" means practices that, directly or indirectly, result in unnecessary
2.12 costs to programs of a state agency or political subdivision, such as misusing resources.

2.13 Sec. 7. Minnesota Statutes 2024, section 181.932, subdivision 1, is amended to read:

2.14 Subdivision 1. **Prohibited action.** An employer shall not discharge, discipline, penalize,
2.15 interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an
2.16 employee regarding the employee's compensation, terms, conditions, location, or privileges
2.17 of employment because:

2.18 (1) the employee, or a person acting on behalf of an employee, in good faith, reports a
2.19 violation, suspected violation, or planned violation of any federal or state law or common
2.20 law or rule adopted pursuant to law to an employer or to any governmental body or law
2.21 enforcement official;

2.22 (2) the employee is requested by a public body or office to participate in an investigation,
2.23 hearing, inquiry;

2.24 (3) the employee refuses an employer's order to perform an action that the employee
2.25 has an objective basis in fact to believe violates any state or federal law or rule or regulation
2.26 adopted pursuant to law, and the employee informs the employer that the order is being
2.27 refused for that reason;

2.28 (4) the employee, in good faith, reports a situation in which the quality of health care
2.29 services provided by a health care facility, organization, or health care provider violates a
2.30 standard established by federal or state law or a professionally recognized national clinical
2.31 or ethical standard and potentially places the public at risk of harm;

(5) a public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official; ~~or~~

~~(6) an a public employee in the classified service of state government communicates information that the public employee, in good faith, believes to be truthful and accurate, and that relates to state public services, including the financing of state public services, to:~~

~~(i) a legislator or the legislative auditor; or~~

~~(ii) a constitutional officer; or~~

(7) a public employee, in good faith, reports fraud, waste, or abuse in programs of a state agency or political subdivision to the employer, any governmental body, a law enforcement official, the legislative auditor, a member of the legislature, or a constitutional officer.

The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.

Sec. 8. Minnesota Statutes 2024, section 181.9445, subdivision 5, is amended to read:

Subd. 5. **Employee.** "Employee" means any person who is employed by an employer, including temporary and part-time employees, who is anticipated by the employer to perform work for at least 80 hours in a year for that employer in Minnesota. Employee does not include:

(1) an independent contractor;

(2) an individual who is a volunteer firefighter or paid on-call firefighter, with a department charged with the prevention or suppression of fires within the boundaries of the state; is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15; or is an ambulance service personnel as defined in section 144E.001, subdivision 3a, who serves in a paid on-call position;

(3) an individual who is an elected official or a person who is appointed to fill a vacancy in an elected office as part of a legislative or governing body of Minnesota or a political subdivision; or

(4) an individual employed by a farmer, family farm, or a family farm corporation to provide physical labor on or management of a farm if: (i) the farmer, family farm, or family farm corporation employs five or fewer employees; or (ii) the individual is employed by the farmer, family farm, or family farm corporation to perform work for 28 days or less each year.

4.1 Sec. 9. Minnesota Statutes 2024, section 326B.0981, subdivision 4, is amended to read:

4.2 Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet
4.3 continuing education course must be approved by the International Distance Education
4.4 Certification Center (IDECC) or the International ~~Association~~ Accreditors for Continuing
4.5 Education and Training (IACET) before the course is submitted for the commissioner's
4.6 approval. The approval must accompany the course submitted.

4.7 (b) Paragraphs (a) and (d) do not apply to approval of an Internet continuing education
4.8 course for manufactured home installers. An Internet continuing education course for
4.9 manufactured home installers must be approved by the United States Department of Housing
4.10 and Urban Development or by the commissioner of labor and industry. The approval must
4.11 accompany the course completion certificate issued to each student by the course sponsor.

4.12 (c) Paragraph (a) does not apply to approval of an Internet continuing education course
4.13 for elevator constructors. An Internet continuing education course for elevator constructors
4.14 must be approved by the commissioner of labor and industry. The approval must accompany
4.15 the course completion certificate issued to each student by the course sponsor.

4.16 (d) An Internet continuing education course must:

4.17 (1) specify the minimum computer system requirements;

4.18 (2) provide encryption that ensures that all personal information, including the student's
4.19 name, address, and credit card number, cannot be read as it passes across the Internet;

4.20 (3) include technology to guarantee seat time;

4.21 (4) include a high level of interactivity;

4.22 (5) include graphics that reinforce the content;

4.23 (6) include the ability for the student to contact an instructor or course sponsor within
4.24 a reasonable amount of time;

4.25 (7) include the ability for the student to get technical support within a reasonable amount
4.26 of time;

4.27 (8) include a statement that the student's information will not be sold or distributed to
4.28 any third party without prior written consent of the student. Taking the course does not
4.29 constitute consent;

4.30 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
4.31 updating and administration, except that this provision does not apply to live courses taught
4.32 by an actual instructor and delivered over the Internet;

- 5.1 (10) provide viewing access to the online course at all times to the commissioner,
5.2 excluding minimal downtime for updating and administration;
- 5.3 (11) include a process to authenticate the student's identity;
- 5.4 (12) inform the student and the commissioner how long after its purchase a course will
5.5 be accessible;
- 5.6 (13) inform the student that license education credit will not be awarded for taking the
5.7 course after it loses its status as an approved course;
- 5.8 (14) provide clear instructions on how to navigate through the course;
- 5.9 (15) provide automatic bookmarking at any point in the course;
- 5.10 (16) provide questions after each unit or chapter that must be answered before the student
5.11 can proceed to the next unit or chapter;
- 5.12 (17) include a reinforcement response when a quiz question is answered correctly;
- 5.13 (18) include a response when a quiz question is answered incorrectly;
- 5.14 (19) include a final examination in which the student must correctly answer 70 percent
5.15 of the questions;
- 5.16 (20) allow the student to go back and review any unit at any time, except during the final
5.17 examination;
- 5.18 (21) provide a course evaluation at the end of the course. At a minimum, the evaluation
5.19 must ask the student to report any difficulties caused by the online education delivery
5.20 method;
- 5.21 (22) provide a completion certificate when the course and exam have been completed
5.22 and the provider has verified the completion. Electronic certificates are sufficient and shall
5.23 include the name of the provider, date and location of the course, educational program
5.24 identification that was provided by the department, hours of instruction or continuing
5.25 education hours, and licensee's or attendee's name and license, certification, or registration
5.26 number or the last four digits of the licensee's or attendee's Social Security number; and
- 5.27 (23) allow the commissioner the ability to electronically review the class to determine
5.28 if credit can be approved.
- 5.29 (e) The final examination must be either an encrypted online examination or a paper
5.30 examination that is monitored by a proctor who certifies that the student took the examination.

Sec. 10. Minnesota Statutes 2024, section 326B.31, subdivision 29, is amended to read:


Subd. 29. **Technology circuits or systems.** "Technology circuits or systems" means class 2 or class 3 circuits or systems for, but not limited to, remote control, signaling, control, alarm, and audio signal, including associated components as covered by the National Electrical Code, ~~articles 640, 645, 650, 725, 760, 770, and 780,~~ and which are isolated from circuits or systems other than class 2 or class 3 by a demarcation and are not process control circuits or systems; antenna and communication circuits or systems as covered by ~~chapter 8 of the National Electrical Code;~~ and circuitry and equipment for ~~indoor lighting and outdoor landscape lighting systems that are supplied by the secondary circuit of an isolating power supply operating at 30 volts or less~~ low voltage lighting, limited to a class 2 or class 3 power supply as covered by the National Electrical Code, ~~article 411.~~ The planning, laying out, installing, altering, and repairing of technology circuits or systems must be performed in accordance with the applicable requirements of the National Electrical Code pursuant to section 326B.35."

Delete the title and insert:

"A bill for an act

relating to labor and industry; making policy and technical changes; modifying whistleblower protections for public employees; modifying the definition of employee for purposes of earned sick and safe time; amending Minnesota Statutes 2024, sections 181.173, subdivision 2; 181.211, subdivisions 7, 8; 181.931, by adding subdivisions; 181.932, subdivision 1; 181.9445, subdivision 5; 326B.0981, subdivision 4; 326B.31, subdivision 29."

And when so amended the bill do pass. Amendments adopted. Report adopted.


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(Committee Chair)

April 10, 2025.....
(Date of Committee recommendation)