

Legislative Commission on the Economic Status of Women

Newsletter #150

85 State Office Building, St. Paul, MN 55155

May 1990

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HISTORICAL NOTE

This newsletter marks the 150th printing of this monthly publication. The first publication appeared in November 1976, the same year the Commission (then called the Council) on the Economic Status of Women was formed. At that time the council had eight public members and 10 legislative members. Representative (now Senator) Linda Berglin was its chair. Of the 10 original legislative members, five remain in the legislature. They are Senators Berglin, Jerome Hughes and Nancy Brataas and Reps. Phyllis Kahn and Mary Forsythe. In 1983, the Council was changed to a Commission and discontinued having public members.

The first newsletter was dedicated to explaining the history of the creation of the Council, (which dates back to 1964 under Governor Karl Rolvaag), a list of the members, reports of the organizational meetings in June and September of 1976, hiring the director, comments from the first public hearing on women in state employment and outlining the Council's mission.

That mission has remained relatively unchanged since 1976. It is:

""[To] study all matters relating to the economic status of women in Minnesota, including economic security of homemakers and women in the labor force, opportunities for educational and vocational training, employment opportunities, the contributions of women in the economy, their access to benefits and services provided to citizens of this state, and laws and business practices constituting barriers to full participation of women in the economy. In addition, the commission shall study adequacy of programs and services relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family."

SESSION '90: LEGISLATIVE SUMMARY

The following summary features enacted legislation related to the Commission's 1990 legislative proposals. The session ended April 25. Chapter numbers after the headings refer to the section of Minnesota law where the new legislation will appear.

CHILD CARE

The Child Care Fund

(CHAP. 568) Appropriates \$5.6 million to the Child Care Fund to be used to pay child care costs of AFDC-STRIDE program participants, to re-instate some low-income, non-AFDC recipients to the basic sliding fee subsidy program, to prevent current sliding fee recipients from having their benefits discontinued unless they become ineligible, to maintain the current level of rate reimbursement to child care providers serving subsidized clients and to add one staff member.

Excludes AFDC recipients from receiving subsidies through the basic sliding fee program. Counties may limit applications to the basic sliding fee program if they believe over 95 percent of their state allocation will be spent before the end of fiscal year 1991.

Child care in higher education

(CHAP. 591) Requires the Higher Education Coordinating Board (HECB) to study the feasibility of a loan program for students whose child care subsidy has run out. The HECB will also study ways to redefine the cost of living

allowance used to determine eligibility for state grants, to more accurately reflect living costs for students with varying living arrangements and family responsibilities, including child care costs. HECB must conduct a review and recommend changes in the amount schools and HECB can deduct from the \$4 million student child care fund for administrative costs. HECB must work with the MN Association of Financial Aid Officers to simplify the procedures to calculate eligibility for the child care grants. All reports must be made to the legislature before the 1991 session begins.

STRIDE-welfare reform

(CHAP. 569) Changes STRIDE program eligibility guidelines. After May 1, 1990 those who can volunteer for STRIDE enrollment are limited to:

1. Caretakers under age 20 who have not completed a high school education or a high school equivalency program;
2. AFDC-Unemployed Parent principal wage earners;
3. Caretakers who have been receiving AFDC for 48 or more months out of the last 60 months;
4. Caretakers who began participating in STRIDE prior to May 1, 1990, and have not completed their Employment Development Plan (EDP);
5. Caretakers whose youngest child is age 16 or older;
6. Participants in two special programs, the Self Employment Demonstration and New Chance;
7. After September 1, 1990, custodial parents ages 20 and 21 with no diploma or little or no work experience will also be eligible.

Allows the Department of Human Services to expand entrance into STRIDE beyond the above categories if there are not enough participants to use the allocations or to meet federal requirements.

AFDC study

(CHAP. 568) Orders a study of items that should be included in calculating the AFDC standard of need and appropriates \$50,000--part of which shall be used for this study.

PAY EQUITY

Local government pay equity

(CHAP. 512) Clarifies that "equitable compensation relationships" means that "compensation for female-dominated classes is not consistently below compensation for male-dominated classes of comparable work value." Also makes clear that the purpose of the pay equity statute is to eliminate sex-based wage disparities in public employment.

Provides for a negotiation process between the Commissioner of Employee Relations and local units of government when there is a disagreement over compliance.

Requires that job studies be updated and maintained and that local governments file an implementation report after the compliance deadline of Dec. 31, 1991 (or other date approved by the commissioner). Requires the commissioner, in determining compliance with the pay equity law, to consider additional factors which are unrelated to gender, but may cause a local government to be out of compliance. The commissioner must report to the legislature before a non-compliance penalty will actually be assessed.

GENDER FAIRNESS IN THE COURTS

Legal services for low-income clients

(CHAP. 568) Appropriates \$890,000 to improve access of low income persons to legal representation in family law matters.

Battered women

Appropriates \$175,000 for battered women's services.

Domestic abuse

(CHAP. 583) Expands temporary Orders for Protection (OFPs) to allow exclusion of the offender from the petitioner's place of employment.

Allows the court to require an abuser who violates the terms of the OFP to acknowledge an obligation to obey the OFP on the court record or to post a bond that is forfeited if the OFP is violated. If the abuser

fails to comply the court may commit the abuser to jail.

Expands the definition of first degree murder to include a death caused by someone while committing domestic abuse, if that person has engaged in a past pattern of domestic abuse and the death occurs under circumstances manifesting an extreme indifference to human life.

Domestic abuse prosecution plans

(CHAP. 583) Creates a five-county and five-city pilot program for prosecutors to develop prosecution plans and procedures for increased efficiency in prosecuting domestic abuse cases. Counties eligible to participate must have a record of dismissing 50 percent or more of the domestic abuse cases in that county. Advocates must be allowed to help develop these plans.

The plans must include provisions relating to early assignment of trial prosecutors, early contact with the victim, enhanced methods of gathering evidence and use of subpoenas. The plans must be reviewed annually.

Requires a prosecutor who dismisses criminal charges against someone accused of domestic assault to make a record of the specific reasons for the dismissal. If the dismissal is caused by the unavailability of the witness, the prosecutor shall indicate the specific reasons that the witness is unavailable.

The commissioner of public safety shall, by Feb. 1, 1991, evaluate the feasibility of establishing a statewide computerized data system containing information on domestic assault crimes and domestic abuse orders for protection. The data base should include perpetrators' information and the names of their victims; prior arrests for serious crimes; pretrial release conditions; probation and supervised release conditions; identifying information on those named in OFPs; and terms and conditions of the OFPs.

Family law

(CHAP. 574) Requires the court to award attorneys fees to help parties pay the costs of court proceedings if they are unable to carry on or contest a proceeding due to

financial considerations. The court can do this after considering the financial resources of both parties. Also allows fees to be awarded to one party if the other party unreasonably contributes to the length or expense of court proceedings.

Requires the court to make specific findings when it awards joint legal or physical custody over the objection of one of the parties. Creates a rebuttable presumption that joint legal custody is not in the best interests of the child when there has been domestic abuse.

Clarifies what constitutes mediation and does not allow a mediation agreement to be enforced until reviewed by attorneys and accepted by the court.

Gives persons convicted of certain violent crimes and who have either custody or visitation rights the burden of proving that continued custody or visitation rights will be in the best interests of the child.

Child support

(CHAP. 574) Amends the child support guidelines to exclude income from a second job in determining the net income available for child support and modifications of the original support order. Second income is excluded only if: the job began after the dissolution action began; the job is in addition to a 40-hour work week; the support ordered is at least at guideline level; the additional employment is voluntary; the compensation is by the hour or fraction of an hour; the obligor's pay structure is not different from what it is had been for the two years prior to the dissolution action.

(CHAP. 568) Amends the definition of net income when determining child support amounts to include "in-kind" payments received by the obligor from an employer if the payments reduce the obligor's living expenses. (For example, an apartment caretaker who receives a reduction in rent would have to include the value of that reduction in his or her income.)

Allows the court to order a child support obligor to identify or establish a child support deposit account at a bank when that person's child support payment cannot be made through income withholding. (For

example, an obligor who is self-employed or receives fee payments as income, rather than receiving a regular paycheck through an employer.) Child support payments can then be automatically transferred from the account to the Child Support Enforcement Office, which will forward it to the recipient. If the bank fails to transfer available funds the bank is liable to the obligee.

Requires employers who are withholding income for an employee who owes child support to notify the child support enforcement agency if the employee is to receive a lump sum payment of more than \$500 from the employer. The employer must hold the payment until the court determines how much must go toward the child support obligation. Allows the state to pay a bonus to county child support enforcement offices for identifying and enforcing any dependent health care coverage that a child support obligor might have available, when that obligor is under court order to pay for health care and the dependents are currently on medical assistance.

ECONOMIC DEVELOPMENT

Small-business procurements

(CHAP. 541) Establishes a program for state purchasing from small, targeted businesses and businesses in economically disadvantaged areas of the state. Targeted businesses include those owned and operated by women, persons with disabilities and specific minority groups. Targeted businesses shall be given a six percent preference when submitting bids. The purpose of this legislation is to remedy the effects of past discrimination. State purchasing from these groups is to be reviewed every two years.

MINIMUM WAGE

(CHAP. 418) Raises Minnesota's minimum wage from \$3.95 to \$4.25 per hour beginning January 1, 1991, for those working for larger employers. For smaller employers, the wage rises to \$4 per hour. Eliminates the sub-minimum wage for minors and sets their minimum wage at \$4 an hour.

PRE-NATAL CARE FOR LOW-INCOME WOMEN

Prenatal care, preventative care for children

(CHAP. 568) Requires the Commissioner of Health, along with other state agencies, to prepare a state plan to increase the usage of prenatal care and preventive health care services for children and make a report to the legislature by Dec. 15, 1990.

Obstetrical and pediatric services

(CHAP 568) Increases the reimbursement rate paid to medical providers under Medical Assistance for obstetrical and pediatric services by 15 percent.

Includes a provision for more outreach under the Children's Health Plan to improve access to prenatal and infant medical care.

Maternal child health

(CHAPS 542 and 568) Appropriates \$900,000 to fund maternal child health block grants and social service programs designed to reduce incidences of medical complications of children born to alcohol or drug-using mothers.

OTHER

The following legislation is of interest to women but was not part of the Commission's 1990 legislative proposals.

Family and medical leave

(Chapter 577) Requires all employers to allow their employees up to 16 hours of leave during any school year to attend school conferences or classroom activities if they cannot be scheduled during non-work hours. The leave can be unpaid, unless an employee chooses to use vacation or other paid leave as appropriate.

For employers with 21 or more employees at least one site, employees must be allowed to use any of their own accrued sick time to care for their sick children.

Nursing grants

(CHAP. 591) Creates a grant program, administered by HECB, for students entering or enrolling in registered nurse or licensed

practical nurse programs with no previous nursing training or education, and who agree to practice in a designated rural area. To be eligible they must serve at least three of the first five years following licensure in a designated rural area and have financial need.

Establishes a grant program for already licensed practical nurses who are enrolled in a program leading to licensure as a registered nurse. Registered nurses may seek grants for a B.A., M.A. or other advanced nursing program.

Early Childhood Family Education

(CHAP. 562) Creates a grant program for local school districts that want to expand Early Childhood Family Education programs beyond kindergarten to third grade. Services must integrate the roles of families, regular classroom teachers, and community-based social service agencies.

Criminal sexual conduct

(CHAP. 492) Expands the definition of fifth-degree criminal sexual contact to include the intentional removal or attempted removal of clothing covering a person's intimate parts or undergarments.

Auto insurance for child care providers

(CHAP. 496) Prohibits insurance companies which provide no-fault automobile coverage from excluding vehicles used to transport children as part of a family or group family day care program.

Women offenders

(CHAP. 568) Appropriates \$1.8 million for services to adult women offenders. Adds prison facilities for women in Moose Lake.

Human rights

(CHAP. 567) Requires an employer to make "a reasonable accommodation" for an employee's pregnancy or childbirth related disability, just as with other types of disabilities. To fail to do so would constitute an unfair labor practice.

States that it is an unfair discriminatory practice for a person engaged in trade, business or providing a service to refuse to do business with, to refuse to contract with, or to change the terms of a contract because of a person's race, color, sex or disability unless it can be shown that there is a legitimate business purpose for this discrimination.

"Drop in" child care

(CHAP. 568) Changes the definition of "drop in" child care programs to include only non-residential programs in which a child participates a maximum of 45 hours per month. Eliminates the five-hour daily limit.

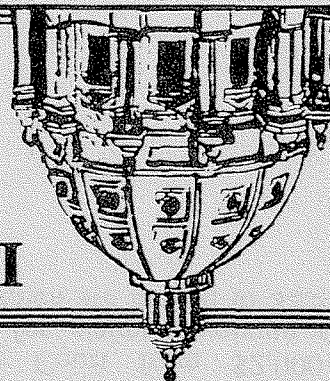
Affirmative action in state agencies

(CHAP. 571) Requires that the Governor, when reviewing the performance of state agency department director, to review their department's attainment of its affirmative action goals. Requires the boards of the higher education systems (community colleges, technical colleges, state universities), to do the same with system directors.

Conciliation court limit

(CHAP. 575) Increases amounts for claims in Conciliation Court from \$2,000 to \$4,000, except for claims involving consumer credit, which are limited to \$2,500.

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ADDRESS CORRECTION REQUESTED

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May 1990

**SESSION '90: LEGISLATIVE
SUMMARY**

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