



2023 legislative session overview

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Earned sick and safe time

- Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state.
- [Minnesota's current sick and safe leave law](#) remains in effect until Dec. 31, 2023.

What is sick and safe time?

- Sick and safe time is paid time off that employees in Minnesota can use for certain reasons, including when they are sick, to care for a sick family member or to seek assistance if they or a family member have experienced domestic abuse.

Earned sick and safe time, continued

Who is eligible for sick and safe time?

- An employee is eligible for sick and safe time if they:
 - work at least 80 hours in a year for an employer in Minnesota; and
 - are not an independent contractor.
- Temporary and part-time employees are eligible for sick and safe time.

Earned sick and safe time, continued

How much sick and safe time can employees earn?

- An employee earns one hour of sick and safe time for every 30 hours worked and can earn a maximum of 48 hours each year unless the employer agrees to a higher amount.

At what rate must sick and safe time be paid?

- Sick and safe time must be paid at the same hourly rate an employee earns when they are working.

Which family members are included?

- A broad set of family members is included. [See DLI's Earned sick and safe time webpage](#) for full details.

Earned sick and safe time, continued

What can sick and safe time be used for?

- Employees can use their earned sick and safe time for any of the following:
 - the employee's mental or physical illness, treatment or preventive care;
 - a family member's mental or physical illness, treatment or preventive care;
 - absence due to domestic abuse, sexual assault or stalking of the employee or a family member;
 - closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency; and
 - when determined by a health authority or health care professional that the employee or family member is at risk of infecting others with a communicable disease.

Earned sick and safe time, continued

What additional sick and safe time responsibilities do employers have?

- In addition to providing their employees with one hour of paid leave for every 30 hours worked, up to at least 48 hours each year, employers are required to:
 - include the total number of earned sick and safe time hours accrued and available for use, as well as the total number of earned sick and safe time hours used, on earnings statements provided to employees at the end of each pay period; and
 - provide employees with a notice by Jan. 1, 2024 – or at the start of employment, whichever is later – in English and in an employee’s primary language if that is not English, informing them about earned sick and safe time; and
 - include a sick and safe time notice in the employee handbook, if the employer has an employee handbook.

Earned sick and safe time, continued

Key details:

- Interaction with city ordinances
- Interaction with PTO programs
- Rate of pay
- Front loading option
- Replacement workers
- Carry over of unused time
- Notice of use: planned or >3 consecutive days
- Employer attendance policies
- Termination, reinstatement and employer succession
- Increments of time

Earned sick and safe time, continued

- The Minnesota Department of Labor and Industry will prepare a uniform employee notice employers can use and will make it available in English and the five most common languages spoken in Minnesota.

Paid family and medical leave

- Paid family and medical leave is a new program launching for Minnesotans in 2026. It provides paid leave when:
 - a serious health condition prevents an employee from working;
 - an employee needs time to care for a family member or a new child; and
 - an employee needs to tend to certain military-related events or personal safety issues.
- Additional information is available on [DEED's For employers webpage](#).

Paid family and medical leave, continued

- DLI will enforce the employment protections in the bill, including:
 - employee right to reinstatement after leave;
 - employers may not retaliate against an employee for requesting or obtaining benefits;
 - employee right to continued insurance during leave; and
 - agreements to waive paid family and medical leave rights are void.

WESA – nursing mothers & lactating employees

- Effective July 1, 2023, workplace protections for expectant and new parents will be expanded
- Requiring all nursing and lactating employees receive reasonable break times to express milk regardless of the child's age.
 - Requiring lactation spaces be “clean, private, and secure.”
 - Ensuring employees have break time to express milk regardless of whether the break time would unduly disrupt the employer's operations.
 - Ensuring employees can choose when to take break time to express milk, regardless of if the break time aligns with already provided breaks.
 - Requiring employers provide a written notice to employees of their right to express milk and receive pregnancy accommodations at the time of hire and publish these rights in the employee handbook (DLI will prepare and provide text).

Article 11, Sections 27, 32, 33 of SF3035

WESA - pregnancy accommodations

- Effective July 1, 2023, workplace protections for expectant and new parents will be expanded
 - Expanding the right to a pregnancy accommodation to employers of all size
 - Longer restroom, food, and water breaks, not just more frequent, must be provided if requested
 - Expanding legislatively named pregnancy accommodations to include temporary leave of absence, work schedule or job assignment modifications, and more frequent or longer breaks.
 - Requiring employers provide a written notice to employees of their right to express milk and receive pregnancy accommodations at the time of hire and publish these rights in the employee handbook (DLI will prepare and provide text).

Article 11, Sections 27, 32, 33 of SF3035

WESA – pregnancy and parenting leave

- Effective July 1, 2023, workplace protections for expectant and new parents will be expanded
 - Ensuring all employees, regardless of employer size or how long they have been employed, have a right to up to 12 weeks of unpaid leave during or following a pregnancy

181.941 PREGNANCY AND PARENTING LEAVE.

§ Subdivision 1. **Twelve-week leave; pregnancy, birth, or adoption.** (a) An employer must grant an unpaid leave of absence to an employee who is:

- (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or
- (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions.

(b) The length of the leave shall be determined by the employee, but must not exceed 12 weeks, unless agreed to by the employer.

Article 11, Sections 28-30 of SF3035

Restrictive franchise agreements prohibited

- Effective May 25, 2023.
- **To comply**, within one year of effective date, employers must:
 - amend existing franchise agreements to remove any violating language; or
 - sign a memorandum of understanding with each franchisee that contract provisions in violation are void and unenforceable; and
 - provide franchisees a notice of rights and obligations under this section.

Workplace veterans' poster

- Effective Jan. 1, 2024.
- Applies to employers with 50 or more full-time-equivalent employees.
- **New requirement:** poster containing information about benefits and services available to veterans.

Article 1, Section 12 of SF3035

Construction Worker Wage Protection Act

- Effective Aug. 1, 2023.
- The general contractor assumes liability for unpaid wages, fringe benefits and liquidated damages owed to a claimant by a subcontractor.
- Does not apply to prevailing-wage work or work performed by contractors signatory to certain collective bargaining agreements.

Packinghouse Workers Bill of Rights

- Changes effective July 1, 2023.
- Applies to employers in the meatpacking *or poultry processing* industry.
- **New requirements:** employee notice is to be provided at the start of employment and is to include workers' compensation insurance information.
- DLI must provide a standard form in English and Spanish, and in additional languages upon request.
- Enforceable by DLI or a civil action.

Article 2 of SF3035

Recruitment in food processing employment

- Effective July 1, 2023.
- Applies to employers recruiting a person or persons to relocate to work in the food processing industry.
- **New requirements:**
 - the definition of recruitment includes recruitment within Minnesota;
 - the employer must provide the employee notice in additional languages and maintain the notice for three years (DLI will continue to provide a standard employee notice form and will provide it in additional languages upon request); and
 - civil action damage award and DLI fines increased.

Article 2 of SF3035

Migrant Labor Law

- Changes effective July 1, 2023.
- Applies to any employer that employs one or more migrant workers in any calendar year.
- **New requirements:** wages to be paid within three days when an employee quits or resigns; broader set of employers covered (see above); and employee notice to be provided in additional languages and include workers' compensation information.
- DLI has authority to enforce the Migrant Labor Law.

Ergonomics program

- Effective Jan. 1, 2024.
- Applies to warehouse distribution center employers and meatpacking or poultry processing sites with 100 or more employees. It also applies to health care facilities.
- DLI will provide training materials about implementation.
- DLI will award ergonomics safety grants to employers.

Article 1, Section 21 of SF3035

Ergonomics program, continued

- **New requirements:**
 - ergonomics program to minimize risk of musculoskeletal disorders;
 - annual evaluation of ergonomics program;
 - employee training about early signs and symptoms, and ergonomic hazard controls; and
 - recordkeeping of all on-site medical visits and musculoskeletal disorders.

Safe workplaces for meat and poultry processing workers

- Applies to meat processing employers with 100 or more employees.
- **New requirement effective July 1, 2023:**
 - pandemic protections.
- **New requirements effective January 1, 2024:**
 - employee notice of rights under this law at least annually; and
 - workplace safety requirements.

Nursing Home Workforce Standards Board

- Establishes a nine member board with authority to establish minimum nursing home employment standards.
- The board must adopt rules by Aug. 1, 2024.
- Applies to nursing home employers.
- **New requirements:** complying with any rules adopted by the board; employers provide employees notice of their rights under this law; employer to certify to the board that training requirements are met.
 - **Note:** These requirements would not be in force until corresponding rules are adopted.

Warehouse worker safety

- Effective Aug. 1, 2023.
- Applies to employers with 250 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the state.
- **New requirements:** written description of quotas required upon hire or within 30 days of Aug. 1, 2023; provision of employee work-speed data upon request, discipline or dismissal; monthly safety committee meetings when incidence rate is at least 30% higher than that year's average.
- DLI must open an investigation when incident rates are 30% higher than average.

Minnesota OSHA policy and technical

- All effective July 1, 2023.
- OSHA citations public: all employers.
- Privacy of employee interviews: all employers.
- Safety committees
 - [List of small employers required to have a safety committee.](#)

Article 11, Sections 39-43 of SF3035

OSHA federal penalty conformity

- Effective July 1, 2023.
- Future penalty increases indexed to inflation.

Minnesota OSHA penalties beginning July 1, 2023		
Type of violation	Maximum	Minimum
Willful or repeat	\$156,259	\$11,162
Serious, nonserious, failure to correct, posting	\$15,625	N/A

Article 1, Sections 15-20 of SF3035

New requirements DLI does not enforce

- Prohibition of payment of sexual harassment settlements as severance or wages. Effective May 25, 2023 (HF1938).
- Non-compete covenants void and unenforceable. Effective July 1, 2023 (SF3035).
- Cannabis-related updates to the drug and alcohol testing in the workplace statutes in chapter 181 (HF100).
- Employer sponsored meetings or communications: retaliation prohibited (SF3035).
- Employer inquiry into an applicant's pay history is prohibited. Effective Jan. 1, 2024.

Thank you

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