

1.1 moves to amend H.F. No. 2536 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 WOMEN'S ECONOMIC SECURITY ACT

1.5 Section 1. CITATION; WOMEN'S ECONOMIC SECURITY ACT.

1.6 This act shall be known as the Women's Economic Security Act.

1.7 ARTICLE 2

1.8 ECONOMIC SECURITY

1.9 Section 1. Minnesota Statutes 2013 Supplement, section 116L.665, subdivision 2,
1.10 is amended to read:

1.11 Subd. 2. **Membership.** The governor's Workforce Development Council is
1.12 composed of 31 members appointed by the governor. The members may be removed
1.13 pursuant to section 15.059. In selecting the representatives of the council, the governor
1.14 shall ensure that 50 percent of the members come from nominations provided by local
1.15 workforce councils. Local education representatives shall come from nominations
1.16 provided by local education to employment partnerships. The 31 members shall represent
1.17 the following sectors:

1.18 (a) State agencies: the following individuals shall serve on the council:

1.19 (1) commissioner of the Minnesota Department of Employment and Economic
1.20 Development;

1.21 (2) commissioner of the Minnesota Department of Education; and

1.22 (3) commissioner of the Minnesota Department of Human Services.

1.23 (b) Business and industry: six individuals shall represent the business and industry
1.24 sectors of Minnesota.

1.25 (c) Organized labor: six individuals shall represent labor organizations of Minnesota.

2.1 (d) Community-based organizations: four individuals shall represent
2.2 community-based organizations of Minnesota. Community-based organizations are
2.3 defined by the Workforce Investment Act as private nonprofit organizations that are
2.4 representative of communities or significant segments of communities and that have
2.5 demonstrated expertise and effectiveness in the field of workforce investment and may
2.6 include entities that provide job training services, serve youth, serve individuals with
2.7 disabilities, serve displaced homemakers, union-related organizations, employer-related
2.8 nonprofit organizations, and organizations serving nonreservation Indians and tribal
2.9 governments.

2.10 (e) Education: six individuals shall represent the education sector of Minnesota
2.11 as follows:

2.12 (1) one individual shall represent local public secondary education;

2.13 (2) one individual shall have expertise in design and implementation of school-based
2.14 service-learning;

2.15 (3) one individual shall represent leadership of the University of Minnesota;

2.16 (4) one individual shall represent secondary/postsecondary vocational institutions;

2.17 (5) the chancellor of the Board of Trustees of the Minnesota State Colleges and
2.18 Universities; and

2.19 (6) one individual shall have expertise in agricultural education.

2.20 (f) Other: two individuals shall represent other constituencies including:

2.21 (1) units of local government; and

2.22 (2) applicable state or local programs.

2.23 The speaker and the minority leader of the house of representatives shall each
2.24 appoint a representative to serve as an ex officio member of the council. The majority
2.25 and minority leaders of the senate shall each appoint a senator to serve as an ex officio
2.26 member of the council.

2.27 The governor shall appoint one individual representing public libraries, one
2.28 individual with expertise in assisting women in obtaining employment in nontraditional
2.29 occupations, and one individual representing adult basic education programs to serve as a
2.30 nonvoting ~~advisor~~ advisors to the council.

2.31 (g) Appointment: each member shall be appointed for a term of three years from the
2.32 first day of January or July immediately following their appointment. Elected officials
2.33 shall forfeit their appointment if they cease to serve in elected office.

2.34 (h) Members of the council are compensated as provided in section 15.059,
2.35 subdivision 3.

3.1 Sec. 2. Minnesota Statutes 2012, section 116L.98, is amended to read:

3.2 **116L.98 WORKFORCE PROGRAM OUTCOMES.**

3.3 The commissioner shall develop and implement a set of standard approaches
3.4 for assessing the outcomes of workforce programs under this chapter. The outcomes
3.5 assessed must include, but are not limited to, periodic comparisons of workforce program
3.6 participants and nonparticipants. By January 1 of each year, the commissioner shall
3.7 report to the legislature on progress and outcomes of workforce programs, including the
3.8 requirements under section 116L.99. The report regarding outcomes of activities under
3.9 section 116L.99 must include data on:

3.10 (1) the gender, race, and age of participants, including cross tabulations;

3.11 (2) occupations;

3.12 (3) geography;

3.13 (4) advancement salaries; and

3.14 (5) the gender pay gap within occupations.

3.15 The commissioner shall also monitor the activities and outcomes of programs and
3.16 services funded by legislative appropriations and administered by the department on a
3.17 pass-through basis and develop a consistent and equitable method of assessing recipients
3.18 for the costs of its monitoring activities.

3.19 Sec. 3. **[116L.99] WOMEN AND NONTRADITIONAL JOBS GRANT**
3.20 **PROGRAM.**

3.21 Subdivision 1. Definitions. (a) For the purpose of this section, the following terms
3.22 have the meanings given.

3.23 (b) "Commissioner" means the commissioner of employment and economic
3.24 development.

3.25 (c) "Eligible organization" includes, but is not limited to:

3.26 (1) community-based organizations experienced in serving women;

3.27 (2) employers;

3.28 (3) business and trade associations;

3.29 (4) labor unions and employee organizations;

3.30 (5) registered apprenticeship programs;

3.31 (6) secondary and postsecondary education institutions located in Minnesota; and

3.32 (7) workforce and economic development agencies.

3.33 (d) "Nontraditional occupations" means those occupations in which women make
3.34 up less than 25 percent of the workforce as defined under United States Code, title 20,
3.35 section 2302.

4.1 (e) "Registered apprenticeship program" means a program registered under United
4.2 States Code, title 29, section 50.

4.3 Subd. 2. **Grant program.** The commissioner shall establish the women and
4.4 nontraditional jobs grant program to increase the number of women in high-wage,
4.5 nontraditional occupations. The commissioner shall make grants to eligible organizations
4.6 for programs that encourage and assist women to enter high-wage, high-demand,
4.7 nontraditional occupations including but not limited to those in the skilled trades, science,
4.8 technology, engineering, and math (STEM) occupations.

4.9 Subd. 3. **Use of funds.** (a) Grant funds awarded under this section may be used for:

4.10 (1) recruitment, preparation, placement, and retention of women, including
4.11 low-income women and women over 50 years old, in registered apprenticeships,
4.12 postsecondary education programs, on-the-job training, and permanent employment in
4.13 high-wage, high-demand, nontraditional occupations;

4.14 (2) secondary or postsecondary education or other training to prepare women to
4.15 succeed in nontraditional occupations. Activities under this clause may be conducted by
4.16 the grantee or in collaboration with another institution, including but not limited to a
4.17 public or private secondary or postsecondary school;

4.18 (3) innovative, hands-on, best practices that stimulate interest in nontraditional
4.19 occupations among girls, increase awareness among girls about opportunities in
4.20 nontraditional occupations, or increase access to secondary programming leading to jobs
4.21 in nontraditional occupations. Best practices include but are not limited to mentoring,
4.22 internships, or apprenticeships for girls in nontraditional occupations;

4.23 (4) training and other staff development for job seeker counselors and Minnesota
4.24 family investment program (MFIP) caseworkers on opportunities in nontraditional
4.25 occupations;

4.26 (5) incentives for employers and sponsors of registered apprenticeship programs to
4.27 retain women in nontraditional occupations for more than one year;

4.28 (6) training and technical assistance for employers to create a safe and healthy
4.29 workplace environment designed to retain and advance women, including best practices
4.30 for addressing sexual harassment, and to overcome gender inequity among employers
4.31 and registered apprenticeship programs;

4.32 (7) public education and outreach activities to overcome stereotypes about women
4.33 in nontraditional occupations, including the development of educational and marketing
4.34 materials; and

4.35 (8) support for women in nontraditional occupations including but not limited to
4.36 assistance with workplace issues resolution and access to advocacy assistance and services.

5.1 (b) Grant applications must include detailed information about how the applicant
5.2 plans to:

5.3 (1) increase women's participation in high-wage, high-demand occupations in which
5.4 women are currently underrepresented in the workforce;

5.5 (2) comply with the requirements under subdivision 3; and

5.6 (3) use grant funds in conjunction with funding from other public or private sources.

5.7 (c) In awarding grants under this subdivision, the commissioner shall give priority
5.8 to eligible organizations:

5.9 (1) with demonstrated success in recruiting and preparing women, especially
5.10 low-income women and women over 50 years old, for nontraditional occupations; and

5.11 (2) that leverage additional public and private resources.

5.12 (d) At least 50 percent of total grant funds must be awarded to programs providing
5.13 services and activities targeted to women with family incomes of less than 200 percent
5.14 of the federal poverty guidelines.

5.15 (e) The commissioner of employment and economic development in conjunction
5.16 with the commissioner of labor and industry shall monitor the use of funds under this
5.17 section, collect and compile information on the activities of other state agencies and public
5.18 or private entities that have purposes similar to those under this section, and identify other
5.19 public and private funding available for these purposes.

5.20 Sec. 4. Minnesota Statutes 2012, section 268.095, subdivision 1, is amended to read:

5.21 Subdivision 1. **Quit.** An applicant who quit employment is ineligible for all
5.22 unemployment benefits according to subdivision 10 except when:

5.23 (1) the applicant quit the employment because of a good reason caused by the
5.24 employer as defined in subdivision 3;

5.25 (2) the applicant quit the employment to accept other covered employment that
5.26 provided substantially better terms and conditions of employment, but the applicant did
5.27 not work long enough at the second employment to have sufficient subsequent earnings to
5.28 satisfy the period of ineligibility that would otherwise be imposed under subdivision 10
5.29 for quitting the first employment;

5.30 (3) the applicant quit the employment within 30 calendar days of beginning the
5.31 employment because the employment was unsuitable for the applicant;

5.32 (4) the employment was unsuitable for the applicant and the applicant quit to enter
5.33 reemployment assistance training;

5.34 (5) the employment was part time and the applicant also had full-time employment
5.35 in the base period, from which full-time employment the applicant separated because of

6.1 reasons for which the applicant was held not to be ineligible, and the wage credits from
6.2 the full-time employment are sufficient to meet the minimum requirements to establish a
6.3 benefit account under section 268.07;

6.4 (6) the applicant quit because the employer notified the applicant that the applicant
6.5 was going to be laid off because of lack of work within 30 calendar days. An applicant
6.6 who quit employment within 30 calendar days of a notified date of layoff because of lack
6.7 of work is ineligible for unemployment benefits through the end of the week that includes
6.8 the scheduled date of layoff;

6.9 (7) the applicant quit the employment (i) because the applicant's serious illness or
6.10 injury made it medically necessary that the applicant quit; or (ii) in order to provide
6.11 necessary care because of the illness, injury, or disability of an immediate family member
6.12 of the applicant. This exception only applies if the applicant informs the employer of
6.13 the medical problem and requests accommodation and no reasonable accommodation
6.14 is made available.

6.15 If the applicant's serious illness is chemical dependency, this exception does not
6.16 apply if the applicant was previously diagnosed as chemically dependent or had treatment
6.17 for chemical dependency, and since that diagnosis or treatment has failed to make
6.18 consistent efforts to control the chemical dependency.

6.19 This exception raises an issue of the applicant's being available for suitable
6.20 employment under section 268.085, subdivision 1, that the commissioner must determine;

6.21 (8) the applicant's loss of child care for the applicant's minor child caused the
6.22 applicant to quit the employment, provided the applicant made reasonable effort to obtain
6.23 other child care and requested time off or other accommodation from the employer and no
6.24 reasonable accommodation is available.

6.25 This exception raises an issue of the applicant's being available for suitable
6.26 employment under section 268.085, subdivision 1, that the commissioner must determine;

6.27 (9) the applicant quit because domestic abuse, sexual assault, or stalking of the
6.28 applicant or an immediate family member of the applicant, necessitated the applicant's
6.29 quitting the employment. ~~Domestic abuse must be shown by one or more of the following:~~

6.30 ~~(i) a district court order for protection or other documentation of equitable relief~~
6.31 ~~issued by a court;~~

6.32 ~~(ii) a police record documenting the domestic abuse;~~

6.33 ~~(iii) documentation that the perpetrator of the domestic abuse has been convicted~~
6.34 ~~of the offense of domestic abuse;~~

6.35 ~~(iv) medical documentation of domestic abuse; or~~

7.1 ~~(v) written statement that the applicant or an immediate family member of the~~
 7.2 ~~applicant is a victim of domestic abuse, provided by a social worker, member of the~~
 7.3 ~~clergy, shelter worker, attorney at law, or other professional who has assisted the applicant~~
 7.4 ~~in dealing with the domestic abuse.~~

7.5 ~~Domestic abuse for purposes of this clause is defined under section 518B.01; or~~

7.6 For purposes of this section:

7.7 (i) "domestic abuse" has the meaning given in section 518B.01;

7.8 (ii) "sexual assault" means an act that would constitute a violation of sections
 7.9 609.342 to 609.3453 or 609.352; and

7.10 (iii) "stalking" means an act that would constitute a violation of section 609.749; or

7.11 (10) the applicant quit in order to relocate to accompany a spouse whose job location
 7.12 changed making it impractical for the applicant to commute.

7.13 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all
 7.14 determinations and appeal decisions issued on or after that date.

7.15 Sec. 5. Minnesota Statutes 2012, section 268.095, subdivision 6, is amended to read:

7.16 Subd. 6. **Employment misconduct defined.** (a) Employment misconduct means any
 7.17 intentional, negligent, or indifferent conduct, on the job or off the job that displays clearly:

7.18 (1) a serious violation of the standards of behavior the employer has the right to
 7.19 reasonably expect of the employee; or

7.20 (2) a substantial lack of concern for the employment.

7.21 (b) Regardless of paragraph (a), the following is not employment misconduct:

7.22 (1) conduct that was a consequence of the applicant's mental illness or impairment;

7.23 (2) conduct that was a consequence of the applicant's inefficiency or inadvertence;

7.24 (3) simple unsatisfactory conduct;

7.25 (4) conduct an average reasonable employee would have engaged in under the
 7.26 circumstances;

7.27 (5) conduct that was a consequence of the applicant's inability or incapacity;

7.28 (6) good faith errors in judgment if judgment was required;

7.29 (7) absence because of illness or injury of the applicant, with proper notice to the
 7.30 employer;

7.31 (8) absence, with proper notice to the employer, in order to provide necessary care
 7.32 because of the illness, injury, or disability of an immediate family member of the applicant;

7.33 (9) conduct that was a consequence of the applicant's chemical dependency, unless
 7.34 the applicant was previously diagnosed chemically dependent or had treatment for

8.1 chemical dependency, and since that diagnosis or treatment has failed to make consistent
8.2 efforts to control the chemical dependency; or

8.3 (10) conduct that was a consequence of the applicant, or an immediate family
8.4 member of the applicant, being a victim of domestic abuse ~~as defined under section~~
8.5 ~~518B.01~~, sexual assault, or stalking. ~~Domestic abuse must be shown as provided for in~~
8.6 ~~subdivision 1, clause (9).~~

8.7 (c) Regardless of paragraph (b), clause (9), conduct in violation of sections 169A.20,
8.8 169A.31, or 169A.50 to 169A.53 that interferes with or adversely affects the employment
8.9 is employment misconduct.

8.10 (d) If the conduct for which the applicant was discharged involved only a single
8.11 incident, that is an important fact that must be considered in deciding whether the conduct
8.12 rises to the level of employment misconduct under paragraph (a). This paragraph does
8.13 not require that a determination under section 268.101 or decision under section 268.105
8.14 contain a specific acknowledgment or explanation that this paragraph was considered.

8.15 (e) The definition of employment misconduct provided by this subdivision is
8.16 exclusive and no other definition applies.

8.17 **EFFECTIVE DATE.** This section is effective October 5, 2014, and applies to all
8.18 determinations and appeal decisions issued on or after that date.

8.19 Sec. 6. **APPROPRIATION.**

8.20 \$500,000 is appropriated from the general fund in fiscal year 2015 to the
8.21 commissioner of employment and economic development to develop and implement
8.22 the women and nontraditional jobs grant program under Minnesota Statutes, section
8.23 116L.99. Funds available under this section must not supplant other funds available for
8.24 the same purposes.

8.25 Sec. 7. **WOMEN ENTREPRENEURS BUSINESS DEVELOPMENT**
8.26 **COMPETITIVE GRANT PROGRAM.**

8.27 Subdivision 1. **Appropriation.** \$500,000 is appropriated from the general fund
8.28 in fiscal year 2014 to the commissioner of employment and economic development
8.29 to establish a women entrepreneurs business development competitive grant program
8.30 to facilitate the creation and expansion of high-growth, high-revenue businesses by
8.31 entrepreneurs who are women. This is a onetime appropriation and is available until
8.32 expended.

9.1 Subd. 2. **Definitions.** For the purposes of this section, the following terms have
 9.2 the meanings given.

9.3 (a) "Women-owned business" means a business entity owned or controlled by
 9.4 women that is organized for profit including, but not limited to, an individual, partnership,
 9.5 corporation, joint venture, association, or cooperative. "Owned or controlled by women"
 9.6 means:

9.7 (1) that the business is at least 51 percent owned by one or more women or, in the
 9.8 case of any publicly traded business, at least 51 percent of the stock of which is owned by
 9.9 one or more women; and

9.10 (2) the business has management and daily business operations that are controlled
 9.11 by one or more women.

9.12 (b) "High economic impact firm" means a business that is projected to generate at
 9.13 least \$500,000 in annual revenue and create at least ten high-quality jobs.

9.14 (c) "Qualified business" means a women-owned business in the field of construction;
 9.15 transportation; warehousing; agriculture; mining; finance; insurance; professional,
 9.16 technical, or scientific services; technology; or other high economic impact industries.

9.17 (d) "High-quality job" means a job that pays an annual income equal to at least 150
 9.18 percent of the federal poverty guideline adjusted for a family size of four.

9.19 Subd. 3. **Use of funds.** Funds available under this section may be used for:

9.20 (1) entrepreneurial training, mentoring, and technical assistance for the startup or
 9.21 expansion of businesses owned by women;

9.22 (2) development of networks of potential investors; and

9.23 (3) development of a recruitment program for midcareer women with an interest
 9.24 in starting a qualified business.

9.25 Sec. 8. **WOMEN AND NONTRADITIONAL JOBS APPRENTICESHIPS;**
 9.26 **APPROPRIATION.**

9.27 \$250,000 is appropriated from the general fund in fiscal year 2015 to the
 9.28 commissioner of labor and industry for the labor education advancement program under
 9.29 Minnesota Statutes, section 178.11, to educate, promote, assist, and support women to
 9.30 enter apprenticeship programs in nontraditional occupations. Funds available under this
 9.31 section must not supplant other funds available for the same purposes.

9.32 **ARTICLE 3**

9.33 **LABOR STANDARDS AND WAGES**

9.34 Section 1. Minnesota Statutes 2012, section 181.940, subdivision 2, is amended to read:

10.1 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for
 10.2 an employer from whom a leave is requested under sections 181.940 to 181.944 for:

- 10.3 (1) at least 12 ~~consecutive~~ months ~~immediately~~ preceding the request; and
 10.4 (2) for an average number of hours per week equal to one-half the full-time
 10.5 equivalent position in the employee's job classification as defined by the employer's
 10.6 personnel policies or practices or pursuant to the provisions of a collective bargaining
 10.7 agreement, during ~~those 12 months~~ the 12-month period immediately preceding the leave.

10.8 Employee includes all individuals employed at any site owned or operated by the
 10.9 employer but does not include an independent contractor.

10.10 Sec. 2. Minnesota Statutes 2012, section 181.941, is amended to read:

10.11 **181.941 PREGNANCY AND PARENTING LEAVE.**

10.12 Subdivision 1. ~~Six~~ Twelve-week leave; pregnancy, birth, or adoption. (a) An
 10.13 employer must grant an unpaid leave of absence to an employee who is a ~~natural or~~
 10.14 ~~adoptive parent in conjunction with the birth or adoption of a child.~~ The length of the
 10.15 leave shall be determined by the employee, but may not exceed six weeks, unless agreed
 10.16 to by the employer.:

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

10.20 (b) The length of the leave shall be determined by the employee, but must not exceed
 10.21 12 weeks, unless agreed to by the employer.

10.22 Subd. 2. **Start of leave.** The leave shall begin at a time requested by the employee.
 10.23 The employer may adopt reasonable policies governing the timing of requests for unpaid
 10.24 leave: and may require an employee who plans to take a leave under this section to give
 10.25 the employer reasonable notice of the date the leave shall commence and the estimated
 10.26 duration of the leave. For leave taken under subdivision 1, paragraph (a), clause (1), the
 10.27 leave ~~may~~ must begin ~~not more than six weeks after~~ within 12 months of the birth or
 10.28 adoption; except that, in the case where the child must remain in the hospital longer than
 10.29 the mother, the leave ~~may not~~ must begin ~~more than six weeks~~ within 12 months after the
 10.30 child leaves the hospital.

10.31 Subd. 3. **No employer retribution.** An employer shall not retaliate against an
 10.32 employee for requesting or obtaining a leave of absence as provided by this section.

10.33 Subd. 4. **Continued insurance.** The employer must continue to make coverage
 10.34 available to the employee while on leave of absence under any group insurance policy,
 10.35 group subscriber contract, or health care plan for the employee and any dependents.

11.1 Nothing in this section requires the employer to pay the costs of the insurance or health
11.2 care while the employee is on leave of absence.

11.3 **Sec. 3. [181.9414] PREGNANCY ACCOMMODATIONS.**

11.4 Subdivision 1. **Accommodation.** An employer must provide reasonable
11.5 accommodation for an employee for conditions related to pregnancy, childbirth, or related
11.6 health conditions, if she so requests. The employer may provide the accommodation
11.7 requested by the employee or an equally effective alternative. "Reasonable
11.8 accommodation" includes, but is not limited to: seating, frequent restroom breaks, and
11.9 limits to heavy lifting.

11.10 Subd. 2. **Transfer.** An employer must temporarily transfer a pregnant female
11.11 employee to a less strenuous or hazardous position for the duration of her pregnancy if she
11.12 so requests where that transfer can be reasonably accommodated. An employee requesting
11.13 a temporary transfer shall be required to provide to the employer a certification of medical
11.14 necessity from her doctor. However, no employer shall be required by this subdivision to
11.15 create additional employment that the employer would not otherwise have created, nor
11.16 shall the employer be required to discharge any employee, transfer any employee with
11.17 more seniority, or promote any employee who is not qualified to perform the job.

11.18 Subd. 3. **Interaction with other laws.** Nothing in this section shall be construed to
11.19 affect any other provision of law relating to sex discrimination or pregnancy, or in any
11.20 way to diminish the coverage of pregnancy, childbirth, or health conditions related to
11.21 pregnancy or childbirth under any other provisions of any other law.

11.22 Subd. 4. **No employer retribution.** An employer shall not retaliate against an
11.23 employee for requesting or obtaining accommodation under this section.

11.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.25 Sec. 4. Minnesota Statutes 2012, section 181.943, is amended to read:

11.26 **181.943 RELATIONSHIP TO OTHER LEAVE.**

11.27 (a) The length of ~~parental~~ leave provided under section 181.941 may be reduced
11.28 by any period of ~~paid parental or disability leave, but not accrued sick leave, provided~~
11.29 ~~by the employer, so that the total leave does not exceed six weeks, unless agreed to by~~
11.30 ~~the employer.;~~

11.31 (1) paid parental, disability, personal, medical, or sick leave, or accrued vacation
11.32 provided by the employer so that the total leave does not exceed 12 weeks, unless agreed
11.33 to by the employer; or

12.1 (2) leave taken for the same purpose by the employee under United States Code,
 12.2 title 29, chapter 28.

12.3 (b) Nothing in sections 181.940 to 181.943 prevents any employer from providing
 12.4 leave benefits in addition to those provided in sections 181.940 to 181.944 or otherwise
 12.5 affects an employee's rights with respect to any other employment benefit.

12.6 **ARTICLE 4**

12.7 **EMPLOYMENT PROTECTIONS**

12.8 Section 1. Minnesota Statutes 2012, section 181.939, is amended to read:

12.9 **181.939 NURSING MOTHERS.**

12.10 (a) An employer must provide reasonable unpaid break time each day to an
 12.11 employee who needs to express breast milk for her infant child. The break time must,
 12.12 if possible, run concurrently with any break time already provided to the employee. An
 12.13 employer is not required to provide break time under this section if to do so would unduly
 12.14 disrupt the operations of the employer.

12.15 (b) The employer must make reasonable efforts to provide a room or other location,
 12.16 in close proximity to the work area, other than a toilet stall, that is shielded from view and
 12.17 free from intrusion and that includes access to an electrical outlet, where the employee
 12.18 can express her milk in privacy. The employer would be held harmless if reasonable
 12.19 effort has been made.

12.20 (c) For the purposes of this section, "employer" means a person or entity that
 12.21 employs one or more employees and includes the state and its political subdivisions.

12.22 (d) A violation of this section is an unfair employment practice as provided for under
 12.23 section 363A.08, subdivision 8.

12.24 Sec. 2. Minnesota Statutes 2012, section 363A.03, is amended by adding a subdivision
 12.25 to read:

12.26 Subd. 18a. **Family caregiver.** "Family caregiver" means a person who cares for
 12.27 another person:

12.28 (1) who is related by blood, marriage, or legal custody; or

12.29 (2) with whom the person lives in a familial relationship.

12.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.31 Sec. 3. Minnesota Statutes 2012, section 363A.08, subdivision 1, is amended to read:

12.32 Subdivision 1. **Labor organization.** Except when based on a bona fide occupational
 12.33 qualification, it is an unfair employment practice for a labor organization, because of race,

13.1 color, creed, religion, national origin, sex, marital status, status with regard to public
 13.2 assistance, familial status, status as a family caregiver, disability, sexual orientation, or age:

13.3 (1) to deny full and equal membership rights to a person seeking membership or
 13.4 to a member;

13.5 (2) to expel a member from membership;

13.6 (3) to discriminate against a person seeking membership or a member with respect
 13.7 to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities,
 13.8 or privileges of employment; or

13.9 (4) to fail to classify properly, or refer for employment or otherwise to discriminate
 13.10 against a person or member.

13.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.12 Sec. 4. Minnesota Statutes 2012, section 363A.08, subdivision 2, is amended to read:

13.13 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it
 13.14 is an unfair employment practice for an employer, because of race, color, creed, religion,
 13.15 national origin, sex, marital status, status with regard to public assistance, familial status,
 13.16 status as a family caregiver, membership or activity in a local commission, disability,
 13.17 sexual orientation, or age to:

13.18 (1) refuse to hire or to maintain a system of employment which unreasonably
 13.19 excludes a person seeking employment; or

13.20 (2) discharge an employee; or

13.21 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,
 13.22 upgrading, conditions, facilities, or privileges of employment.

13.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.24 Sec. 5. Minnesota Statutes 2012, section 363A.08, subdivision 3, is amended to read:

13.25 Subd. 3. **Employment agency.** Except when based on a bona fide occupational
 13.26 qualification, it is an unfair employment practice for an employment agency, because of
 13.27 race, color, creed, religion, national origin, sex, marital status, status with regard to public
 13.28 assistance, familial status, status as a family caregiver, disability, sexual orientation, or
 13.29 age to:

13.30 (1) refuse or fail to accept, register, classify properly, or refer for employment or
 13.31 otherwise to discriminate against a person; or

14.1 (2) comply with a request from an employer for referral of applicants for
14.2 employment if the request indicates directly or indirectly that the employer fails to comply
14.3 with the provisions of this chapter.

14.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.5 Sec. 6. Minnesota Statutes 2012, section 363A.08, subdivision 4, is amended to read:

14.6 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
14.7 based on a bona fide occupational qualification, it is an unfair employment practice for an
14.8 employer, employment agency, or labor organization, before a person is employed by an
14.9 employer or admitted to membership in a labor organization, to:

14.10 (1) require or request the person to furnish information that pertains to race, color,
14.11 creed, religion, national origin, sex, marital status, status with regard to public assistance,
14.12 familial status, status as a family caregiver, disability, sexual orientation, or age; or, subject
14.13 to section 363A.20, to require or request a person to undergo physical examination; unless
14.14 for the sole and exclusive purpose of national security, information pertaining to national
14.15 origin is required by the United States, this state or a political subdivision or agency of
14.16 the United States or this state, or for the sole and exclusive purpose of compliance with
14.17 the Public Contracts Act or any rule, regulation, or laws of the United States or of this
14.18 state requiring the information or examination. A law enforcement agency may, after
14.19 notifying an applicant for a peace officer or part-time peace officer position that the law
14.20 enforcement agency is commencing the background investigation on the applicant, request
14.21 the applicant's date of birth, gender, and race on a separate form for the sole and exclusive
14.22 purpose of conducting a criminal history check, a driver's license check, and fingerprint
14.23 criminal history inquiry. The form shall include a statement indicating why the data is
14.24 being collected and what its limited use will be. No document which has date of birth,
14.25 gender, or race information will be included in the information given to or available to
14.26 any person who is involved in selecting the person or persons employed other than the
14.27 background investigator. No person may act both as background investigator and be
14.28 involved in the selection of an employee except that the background investigator's report
14.29 about background may be used in that selection as long as no direct or indirect references
14.30 are made to the applicant's race, age, or gender; or

14.31 (2) seek and obtain for purposes of making a job decision, information from any
14.32 source that pertains to the person's race, color, creed, religion, national origin, sex,
14.33 marital status, status with regard to public assistance, familial status, status as a family
14.34 caregiver, disability, sexual orientation, or age, unless for the sole and exclusive purpose

15.1 of compliance with the Public Contracts Act or any rule, regulation, or laws of the United
15.2 States or of this state requiring the information; or

15.3 (3) cause to be printed or published a notice or advertisement that relates to
15.4 employment or membership and discloses a preference, limitation, specification, or
15.5 discrimination based on race, color, creed, religion, national origin, sex, marital status,
15.6 status with regard to public assistance, familial status, status as a family caregiver,
15.7 disability, sexual orientation, or age.

15.8 (b) Any individual who is required to provide information that is prohibited by this
15.9 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,
15.10 subdivisions 1 to 9.

15.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.12 Sec. 7. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision
15.13 to read:

15.14 **Subd. 8. Nursing mothers.** Except when based on a bona fide occupational
15.15 qualification, any violation of section 181.939 by an employer is an unfair employment
15.16 practice.

15.17 Sec. 8. Minnesota Statutes 2012, section 363A.08, is amended by adding a subdivision
15.18 to read:

15.19 **Subd. 9 Wage disclosure protection.** (a) An employer shall not:

15.20 (1) require nondisclosure by an employee of his or her wages as a condition of
15.21 employment;

15.22 (2) require an employee to sign a waiver or other document which purports to deny
15.23 an employee the right to disclose the employee's wages; or

15.24 (3) take any adverse employment action against an employee for disclosing the
15.25 employee's own wages or discussing another employee's wages which have been disclosed
15.26 voluntarily.

15.27 (b) Nothing in this section shall be construed to:

15.28 (1) create an obligation on any employer or employee to disclose wages;

15.29 (2) permit an employee without the written consent of the employer, to disclose
15.30 proprietary information, trade secret information, or information that is otherwise subject
15.31 to a legal privilege or protected by law;

15.32 (3) diminish any existing rights under the National Labor Relations Act under
15.33 United States Code, title 29; or

16.1 (4) permit the employee to disclose wage information to a competitor of their
16.2 employer.

16.3 **EFFECTIVE DATE.** This section is effective the day following enactment. "

16.4 Amend the title accordingly