



New Minnesota Employment Laws

NOTE: This presentation provides an outline of the law existing as of the presentation date. It is not intended as, nor should it be considered, legal advice. To receive legal advice on a specific issue, you should consult with legal counsel.

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Agenda

- Earned Sick and Safe Time
- Pregnancy & Parenting Leave
- Nursing Accommodations
- Pregnancy Accommodations
- Hair Discrimination
- Recreational Marijuana
- Paid Family and Medical Leave



Earned Sick and Safe Time

- Takes effect January 1, 2024
- All covered employees must receive paid sick leave
- Up to 48 hours per year mandatory
- Can be used for sick, personal, and family reasons



Earned Sick and Safe Time

- Employees who work for an employer at least 80 hours in a year, in Minnesota
- Accrue at minimum 1 hour per 30 hours worked
 - Exempt employees = 40 hours/week
- Accumulate up to 48 hours in a year
- Must list amount accrued and available, and amounts used each pay period, on paystub



Earned Sick and Safe Time

Must either allow Carry Over, or Front Load

- Carry Over:
 - Unused ESST in one year, into next
 - Can be capped at 80 hours
- Front Load (lump sum of ESST at beginning of year or employment):
 - Unused ESST paid at end of year; provide 48 hours at beginning of year
 - Unused ESST lost at end of year; provide 80 hours at beginning of year



Earned Sick and Safe Time

Allowed Uses:

- Employee's or family member's mental or physical illness, treatment, or preventative care
- Absences related to domestic abuse, sexual assault, or stalking of employee or family member
- Workplace closure due to weather or public emergency (or need to care for family member with workplace or school closure)



Earned Sick and Safe Time

Allowed Uses (continued):

- Inability to work due to employer prohibition re: health concerns
- When health authority has determined employee or family member is at risk of infecting others



Earned Sick and Safe Time

Other requirements to know:

- Must provide notice to employees
- Can generally follow your sick leave requirements
- Cannot retaliate against employees
- Can meet the requirements with PTO policy
- If you haven't already, **REVIEW YOUR POLICIES**



Pregnancy & Parental Leave

- Effective July 1, 2023
- Unpaid leave, up to 12 weeks
- Now applies to *all* employers (previously only 21 or more employees)
- Now applies to *all* employees (previously had to work at least half-time for one year)
- Leave is available immediately upon hire
- Uses are unchanged (prenatal care, health re: pregnancy, birth/adoption, bonding time)



Nursing Accommodations

- MN Stat. 181.939 requires break times to express milk
- Previously for employers with 15 or more employees, now covers *all* employers
- No longer limited to 12 months after birth
- Removed exception that employers don't have to provide break if it would unduly disrupt operations



Pregnancy Accommodations

- MN Stat. 181.939 also requires pregnancy accommodations
- Previously for employers with 15 or more employees, now covers *all* employers
- Must provide more frequent or longer breaks
- Reasonable accommodations include temporary leave of absence, modification in work schedule or job assignments



Nursing & Pregnancy Accommodations

- Required to provide notice to employees of their rights under MN Stat. 181.939
 - Upon hire
 - Upon inquiry about or request for parental leave
 - In handbook



Hair Discrimination

- Effective August 1, 2023
- Prohibits racial discrimination based on hair
- Texture and style e.g. braids, locs, and twists
- Can't consider this “unprofessional”
- Does not apply to unnatural colors
- Does not supersede safety requirements



Recreational Marijuana

- Effective Aug. 1, 2023
- Makes recreational use, possession, sale of cannabis products (marijuana and hemp edibles) legal



Recreational Marijuana

Employers can not:

- Prohibit use of cannabis products outside of work
- Discipline, fire, or not hire someone because of cannabis use*
- Require or request pre-employment cannabis testing
- Perform cannabis testing as routine physical exam or on arbitrary or capricious basis



Recreational Marijuana

Employers can:

- Prohibit use, possession, sale, transfer during work or on premises
- Prohibit being impaired by marijuana while at work
- Conduct pre-employment testing and random tests for certain positions, including safety sensitive positions, positions requiring face-to-face care, training, education, etc. with children



Recreational Marijuana

Employers can:

- Discipline and discharge if employee uses, possesses, sells, transfers, or is impaired at work or on premises, if:
 - Employee does not have clearness of intellect or control of self due to cannabis consumption
 - Cannabis testing verifies presence of cannabis
 - Policies apply to conduct and the policy complies with state law
 - Otherwise authorized under state or federal law



Recreational Marijuana

Remember:

- DATWA requires rehabilitation in lieu of termination for first positive test of drugs or alcohol



Paid Family and Medical Leave

- Effective Jan. 1, 2026
- Covers all employers, no exceptions
- Covers nearly all employees, after 90 days of employment
- Provides partial wage replacement, up to 20 weeks/year
- Funded via .7% payroll tax



Paid Family and Medical Leave

Uses:

- Serious Health Condition
- Pregnancy
- Family Care
- Bonding
- Safety
- Qualifying Exigency



Paid Family and Medical Leave

- Maximum of 12 weeks of paid leave for serious health condition (including medical care related to pregnancy)
- Maximum of 12 weeks for other types of leave
- Together, total of 20 weeks
- Payment made by Family and Medical Benefits Division
- Currently capped at state's average weekly wage (\$1,287)



Paid Family and Medical Leave

- Many other details to be aware of
- Over next two years, stay aware and review/update policies and benefits



Questions?

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