



# HRxaminer

*Examining practical HR issues business owners  
and managers encounter every day*

## MAY 2014 – NEW HR LAWS FOR MN EMPLOYERS



If you've not received a legal update recently, the State of Minnesota has been very busy creating and passing new laws designed to help working women. Under the new **Women's Economic Security Act**, there have been changes to: parenting leave, nursing, pregnancy accommodations, sick leave, compensation confidentiality, and comparable pay [for employers with State contracts over \$500k].

Here's a link to Dorsey Whitney's article on the topic. [Dorsey Whitney WESA](#)

The most important part of this news is that most of these laws are effective immediately and the State has even clarified in some cases that if an employer has an employee handbook, they must include the law and the remedies in case an employer fails to comply.

So here are highlights of what you'll need to change in your handbook and in your everyday practices. There's much more detail, as you can imagine.

- **Pregnancy and Parental Leave** - If you have 21 or more employees, the requirement of granting 6 unpaid weeks of parental leave has increased to 12 unpaid weeks within 12 months of the birth/adoption. This means that if a pregnant employee is disabled prior to the birth (and meets eligibility requirements) she is eligible for 12 weeks of leave. This would run concurrent with vacation, sick and FMLA, as applicable. This becomes effective August 1, 2014.
- **Pregnancy Accommodation** – Employers with 21 or more employees must accommodate a pregnant employee's need for pregnancy-related accommodations, similar to ADA. However, requests for (a) additional break time, (b) lifting over 20 pounds and (c) seating upon their request do not require medical certification.
- **Using Sick Time** - Recently the State expanded how employees can use their sick time beyond use for the employee and dependent children (for employers with 21+ employees).. They have now added to the list of reasons sick benefits may be used to include in-laws and grandchildren who need care. Additionally, employees are permitted to use their sick time for "safety" leave in cases of stalking, abuse, etc.
- **Employee Pay** - The NLRB has already declared that we cannot prohibit employees from discussing their wages with coworkers for unionization reasons. MN now prohibits this for comparable worth reasons. Make sure your confidentiality or rules of conduct policies do not prohibit employees discussing their pay with each other. Notice of this right must be in

your handbook.

- **Nursing Mothers - MN** now requires all employers to provide an unpaid break and private space for nursing mothers, to include an electrical outlet. Employers aren't required to dedicate a space for this purpose, but one should be available upon request and it may not be a bathroom or toilet stall.
- **EEO** – It's time to update our ever-growing EEO list and add “**Familial Status**” to the long list of MN protected classifications. Additionally, familial care status is protected, so that people who are providing care to aging parents and other close family members are not discriminated against.

While we can all see how these changes make sense, for many small employers with 21-49 employees the 12 weeks of leave may be difficult. These employers may want to start discussing how they might handle and prepare for such extended leaves by developing cross training and other strategies.

Also, I want to emphasize that the laws expressly prohibit retaliation against employees for pursuing any of these new rights.

**NEED HELP** with your update? I'm reading through all the new regulations in detail to make sure I have all the nuances down. Let me know if you want me to update your handbook with all these exciting new items.

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## About Arlene Vernon

Arlene has provided HR consulting and management training services to over 300 organizations since starting HRx, Inc. in 1992.

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HRx, Inc., Eden Prairie, MN 55344, 952.996.0975

[www.HRxcellence.com](http://www.HRxcellence.com). [Arlene@ArleneVernon.com](mailto:Arlene@ArleneVernon.com)

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