

**BLOGS**

Archives; Leave; Workplace Policies

New Minnesota Law Should Prompt Employers To Review and Modify Employee Handbooks and Practices

This week, the Minnesota Governor signed the Women’s Economic Security Act (WESA) into law. The WESA makes a sweeping variety of changes and additions to Minnesota law aimed at protecting women’s economic security. These changes include, among others, modifications to the length of Minnesota parental leave, a new required handbook notice regarding employees freedom to discuss wages and benefits, and the addition of a new protected class under the Minnesota Human Rights Act. Some of WESAs provisions are effective immediately and others are effective later this year, necessitating changes to handbook policies and practices for most Minnesota employers.

Here’s a summary of the more significant aspects of WESA for Minnesota employers:

- **Increased Parental Leave.** Effective July 1, 2014, employers with 21 or more employees (which includes many employers not subject to the federal Family and Medical Leave Act) are required to grant up to twelve, instead of the former six, weeks of unpaid parental leave to eligible employees having or adopting a child. Pregnancy is also added as a qualifying reason for leave, as are prenatal care and health conditions related to pregnancy or childbirth. Employers may require reasonable notice of the date on which the leave will start and its estimated duration. Under the WESA, the leave may be taken at any time within the twelve months following the birth or adoption of a child; formerly the law required the leave to be granted and taken within six weeks of those events. During parental leave, an employer can require an employee to use any available paid time, such as sick or vacation time.
- **Additions to Sick Leave Requirements.** Employers with 21 or more employees are required to allow an employee to use any available sick time to care for a sick or injured child or certain other relatives on the same terms on which the employee could use the time for himself or herself. Effective July 1, 2014, the list of covered relatives will be expanded by the WESA to include a mother-in-law, father-in-law, and grandchild (which includes a step-grandchild and a biological, adopted or foster grandchild). In addition, as of July 1st, an employees sick time can also be used for a safety leave for covered relatives for the purpose of providing or receiving assistance due to sexual assault, domestic abuse or stalking.

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- Requirement of Reasonable Accommodation for Pregnancy-related Health Conditions. Effective immediately, Minnesota employers with 21 or more employees must now make reasonable accommodation for health conditions related to pregnancy when a pregnant employee requests an accommodation with the advice of her health care provider or a certified doula, unless doing so would create an undue hardship. The law requires an employer to engage in an interactive process with the employee requesting an accommodation. An employer is not required to displace another employee as an accommodation, but transfer to a different job may be a potential accommodation.
- Wage Disclosure Protection. Effective July 1, 2014, the WESA makes it unlawful for an employer to require an employee to (1) keep his or her wages confidential as a condition of employment; (2) prohibit employees from discussing their wages or require an employee to sign a waiver or other document denying the employee the right to disclose wages; or (3) to otherwise take any adverse employment action against an employee for disclosing wages. Unlike similar prohibitions under the federal labor law, WESA protects both management and non-management employees. In addition, an employee handbook *must now include notice of employee rights and remedies under this section of WESA*. An employee may bring a civil court action to enforce this statute and can receive attorneys fees and damages if successful.
- Nursing Mothers. Minnesota law currently requires that nursing mothers be given a private place at work to express breast milk. Effective July 1, 2014, the existing law has been amended by the WESA to provide that this private location cant be a bathroom and must be shielded from view and free from intrusion. The WESA also adds a non-retaliation provision to the nursing mothers statute.
- Familial Status Added to MHRA Protected Classes. Effective immediately, familial status, i.e. being a parent or guardian of a minor, has been added as a protected class under the Minnesota Human Rights Act (MHRA). As such, employers are prohibited from discriminating against an applicant or employee based on familial status.
- Unemployment Compensation and Sexual Assault & Stalking. Effective October 1, 2014, the WESA makes an individual who quits employment as a result of sexual assault or stalking eligible for unemployment benefits. Previously, this provision of unemployment law was limited to domestic abuse situations.
- Equal Pay; Job Development. Effective October 1, 2014, state government contractors with contracts of at least \$500,000 must obtain an equal pay certificate, the requirements for which are detailed in the WESA.