

1.1 moves to amend H.F. No. 5, the first engrossment, as follows:

1.2 Page 1, after line 20, insert:

1.3 "(c) The department and the Department of Labor and Industry may share data classified
1.4 under paragraph (b) to the extent necessary to meet the requirements of chapter 268B or
1.5 the Department of Labor and Industry's enforcement authority over chapter 268B, as provided
1.6 in section 177.27."

1.7 Page 2, line 1, strike "and" and reinstate the stricken comma and delete "chapter 268B;"
1.8 and insert "268B.09, and 268B.12, subdivision 2,"

1.9 Page 2, line 22, before the period, insert ", and must make statements available for review
1.10 or printing for a period of at least 12 months"

1.11 Page 2, delete lines 30 and 31, and insert:

1.12 "(6) any amount deducted by the employer under section 268B.12, subdivision 2, and
1.13 the amount paid by the employer based on the employee's wages under section 268B.12,
1.14 subdivision 1;"

1.15 Page 5, line 19, after "for" insert "leave with"

1.16 Page 6, line 4, before the period, insert ", unless otherwise indicated by context"

1.17 Page 6, delete subdivision 11

1.18 Page 6, line 28, before the period, insert ", unless otherwise indicated by context"

1.19 Page 6, line 30, delete everything after the period and insert """Employee" does not
1.20 include an independent contractor except when a self-employed individual has elected
1.21 coverage under section 268B.11."

1.22 Page 6, delete lines 31 and 32

1.23 Page 7, after line 20, insert:

2.1 "Subd. 23. **Independent contractor.** An individual is an independent contractor and
2.2 not an employee of the person for whom the individual is performing services in the course
2.3 of the person's trade, business, profession, or occupation only if the individual:

2.4 (1) maintains a separate business with the individual's own office, equipment, materials,
2.5 and other facilities;

2.6 (2)(i) holds or has applied for a federal employer identification number; or

2.7 (ii) has filed business or self-employment income tax returns with the federal Internal
2.8 Revenue Service if the individual has performed services in the previous year;

2.9 (3) is operating under contract to perform the specific services for the person for specific
2.10 amounts of money and under which the individual controls the means of performing the
2.11 services;

2.12 (4) is incurring the main expenses related to the services that the individual is performing
2.13 for the person under the contract;

2.14 (5) is responsible for the satisfactory completion of the services that the individual has
2.15 contracted to perform for the person and is liable for a failure to complete the services;

2.16 (6) receives compensation from the person for the services performed under the contract
2.17 on a commission or per-job or competitive bid basis and not on any other basis;

2.18 (7) may realize a profit or suffer a loss under the contract to perform services for the
2.19 person;

2.20 (8) has continuing or recurring business liabilities or obligations; and

2.21 (9) the success or failure of the individual's business depends on the relationship of
2.22 business receipts to expenditures."

2.23 Renumber the subdivisions in sequence

2.24 Page 9, line 19, after "pregnant" insert "or recovering from pregnancy"

2.25 Page 9, delete lines 9 and 10 and insert:

2.26 "Subd. 3. **Seven-day qualifying event.** (a) The period for which an applicant is seeking
2.27 benefits must be or have been based on a single event of at least seven calendar days duration
2.28 related to pregnancy, recovery from pregnancy, family care, a qualifying exigency, safety
2.29 leave, or the applicant's serious health condition. The days need not be consecutive.

2.30 (b) Benefits related to bonding need not meet the seven-day qualifying event
2.31 requirement."

3.1 Page 9, line 29, delete "in" and insert "for"

3.2 Page 10, delete subdivisions 5 and 6 and insert:

3.3 "Subd. 5. **Certification.** An applicant for benefits under this chapter must fulfill the
3.4 certification requirements under section 268B.04, subdivision 2.

3.5 Subd. 6. **Records release.** An individual whose medical records are necessary to
3.6 determine eligibility for benefits under this chapter must sign and date a legally effective
3.7 waiver authorizing release of medical or other records, to the limited extent necessary to
3.8 administer or enforce this chapter, to the department and the Department of Labor and
3.9 Industry."

3.10 Page 10, line 32, delete "that the applicant is needed to care for the" and after "member"
3.11 insert "requires care"

3.12 Page 10, line 33, delete "the applicant is needed to care for" and after "member" insert
3.13 "will require care"

3.14 Page 14, line 20, before "An" insert "(a)"

3.15 Page 14, after line 21, insert:

3.16 "(b) An employee must give at least 30 days notice to the employer of the anticipated
3.17 starting date of any leave under this chapter, the anticipated length of the leave, and the
3.18 expected date of return or must provide notice as soon as practicable if the delay is for
3.19 reasons beyond the employee's control. If an employer fails to provide notice of this chapter
3.20 as required under section 268B.22, the employee's notice requirement shall be waived.

3.21 (c) An employer may require an employee giving notice of leave to include a certification
3.22 for the leave as described in section 268B.04, subdivision 2. Such certification, if required
3.23 by an employer, is timely when the employee delivers it as soon as is practicable given the
3.24 circumstances requiring the need for leave.

3.25 (d) The commissioner must use the rulemaking power under section 268B.02, subdivision
3.26 3, to make rules regarding what serious health conditions and other events are prospectively
3.27 presumed to constitute seven-day qualifying events under this chapter."

3.28 Page 14, line 28, after "for" insert "leave or"

3.29 Page 15, line 15, delete "Any" and insert "In addition to any other remedies available
3.30 to an employee in law or equity, an" and delete "or covered business entity"

3.31 Page 15, line 16, delete "chapter" and insert "section"

- 4.1 Page 15, line 26, delete "or covered business entity"
- 4.2 Page 20, line 12, delete "of labor and industry"
- 4.3 Page 21, line 14, delete "both" and delete "and employee"
- 4.4 Page 21, line 15, delete "premiums" and insert "premium"
- 4.5 Page 21, delete lines 27 to 29
- 4.6 Page 21, line 33, before the period, insert ", and all employees of an employer must be
- 4.7 subject to the same percentage deduction" and after the period, insert "Deductions under
- 4.8 this section must not cause an employee's wage, after the deduction, to fall below the
- 4.9 minimum wage in section 177.24."
- 4.10 Page 22, line 22, delete everything after "employers" and insert "without approved
- 4.11 private plans under section 268B.10 for either the family or medical benefit"
- 4.12 Page 22, line 23, delete everything after the period, and insert "For employers with an
- 4.13 approved private plan for either the medical benefits program or the family benefits program,
- 4.14 but not both, count only the proportion of wages in covered employment associated with
- 4.15 the program for which the employer does not have an approved private plan; and"
- 4.16 Page 22, delete lines 24 and 25
- 4.17 Page 24, after line 25, insert:
- 4.18 "(d) If an employer receives a credit adjustment or refund under this section, the employer
- 4.19 must determine the amount of any overpayment attributable to a deduction from employee
- 4.20 wages under section 268B.12, subdivision 2, and return any amount erroneously deducted
- 4.21 to each affected employee."
- 4.22 Page 25, line 4, after the period, insert "The department may enter into interagency
- 4.23 agreements with the Department of Labor and Industry, including agreements to transfer
- 4.24 funds, subject to the limit in this section, for the Department of Labor and Industry to fulfill
- 4.25 its enforcement authority of this chapter."
- 4.26 Page 25, line 8, delete "and employers" and insert ", employers, and self-employed
- 4.27 individuals eligible to elect coverage under section 268B.11" and after the period, insert
- 4.28 "The department may enter into interagency agreements with the Department of Labor and
- 4.29 Industry, including agreements to transfer funds, subject to the limit in section 268B.14, to
- 4.30 accomplish the requirements of this section."
- 4.31 Page 28, line 13, delete "and covered business entity"

5.1 Page 29, line 5, delete "covered business entity" and insert "employer"

5.2 Page 29, delete lines 9 to 16

5.3 Page 29, line 17, delete "(7)" and insert "(1)"

5.4 Page 29, line 18, delete "(8)" and insert "(2)"

5.5 Page 29, delete lines 19 to 21

5.6 Page 29, line 22, delete "or covered business entity"

5.7 Page 29, line 26, delete "or covered business entity"

5.8 Page 29, delete lines 28 to 32, and insert:

5.9 "(e) Employer notice to an employee under this section may be provided in paper or
5.10 electronic format. For notice provided in electronic format only, the employer must provide
5.11 employee access to an employer-owned computer during an employee's regular working
5.12 hours to review and print required notices."

5.13 Page 30, after line 11, insert:

5.14 "Sec. 29. [268B.24] SMALL BUSINESS ASSISTANCE GRANTS.

5.15 (a) Employers with 50 or fewer employees may apply to the department for grants under
5.16 this section.

5.17 (b) The commissioner may approve a grant of up to \$3,000 if the employer hires a
5.18 temporary worker to replace an employee on family or medical leave for a period of seven
5.19 days or more.

5.20 (c) For an employee's family or medical leave, the commissioner may approve a grant
5.21 of up to \$1,000 as reimbursement for significant additional wage-related costs due to the
5.22 employee's leave.

5.23 (d) To be eligible for consideration for a grant under this section, the employer must
5.24 provide the department written documentation showing the temporary worker hired or
5.25 significant wage-related costs incurred are due to an employee's use of leave under this
5.26 chapter.

5.27 (e) The grants under this section may be funded from the account.

5.28 (f) For the purposes of this section, the commissioner shall average the number of
5.29 employees reported by an employer over the last four completed calendar quarters to
5.30 determine the size of the employer.

6.1 (g) An employer who has an approved private plan is not eligible to receive a grant under
6.2 this section."

6.3 Page 31, line 9, after the period, insert "This outreach must include efforts to notify
6.4 self-employed individuals of their ability to elect coverage under Minnesota Statutes, section
6.5 268B.11 and provide them with educational and technical assistance in doing so."

6.6 Page 31, line 12, after the period, insert "This outreach must include efforts to notify
6.7 self-employed individuals of their ability to elect coverage under Minnesota Statutes, section
6.8 268B.11 and provide them with educational and technical assistance in doing so."

6.9 Renumber the sections in sequence and correct the internal references

6.10 Amend the title accordingly