

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 481

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DATE	D-PG	OFFICIAL STATUS
02/02/2015	188	Introduction and first reading Referred to State and Local Government
02/09/2015	247	Withdrawn and re-referred to Jobs, Agriculture and Rural Development

A bill for an act

1.1 relating to employment; providing for earned sick and safe time; changing
 1.2 Department of Labor and Industry enforcement powers; increasing fines and
 1.3 penalties; requiring a report; authorizing rulemaking; amending Minnesota
 1.4 Statutes 2014, sections 177.27, subdivisions 2, 4, 7; 177.28, subdivision 1;
 1.5 181.032; 181.940; 181.942; 181.9436; 181.944; proposing coding for new law
 1.6 in Minnesota Statutes, chapters 177; 181; repealing Minnesota Statutes 2014,
 1.7 section 181.9413.
 1.8

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2014, section 177.27, subdivision 2, is amended to read:

1.11 Subd. 2. **Submission of records; penalty.** The commissioner may require the
 1.12 employer of employees working in the state to submit to the commissioner photocopies,
 1.13 certified copies, or, if necessary, the originals of employment records which the
 1.14 commissioner deems necessary or appropriate. The records which may be required
 1.15 include full and correct statements in writing, including sworn statements by the
 1.16 employer, containing information relating to wages, hours, names, addresses, and any
 1.17 other information pertaining to the employer's employees and the conditions of their
 1.18 employment as the commissioner deems necessary or appropriate.

1.19 The commissioner may require the records to be submitted by certified mail delivery
 1.20 or, if necessary, by personal delivery by the employer or a representative of the employer,
 1.21 as authorized by the employer in writing.

1.22 The commissioner may fine the employer up to ~~\$1,000~~ \$2,000 for each failure to
 1.23 submit or deliver records as required by this section. This penalty is in addition to any
 1.24 penalties provided under section 177.32, subdivision 1. In determining the amount of a
 1.25 civil penalty under this subdivision, the appropriateness of such penalty to the size of the
 1.26 employer's business and the gravity of the violation shall be considered.

2.1 Sec. 2. Minnesota Statutes 2014, section 177.27, subdivision 4, is amended to read:

2.2 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 2.3 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
 2.4 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),
 2.5 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to ~~181.943~~ 181.9441, or with any
 2.6 rule promulgated under section 177.28. The commissioner shall issue an order requiring
 2.7 an employer to comply with sections 177.41 to 177.435 if the violation is repeated. For
 2.8 purposes of this subdivision only, a violation is repeated if at any time during the two years
 2.9 that preceded the date of violation, the commissioner issued an order to the employer for
 2.10 violation of sections 177.41 to 177.435 and the order is final or the commissioner and the
 2.11 employer have entered into a settlement agreement that required the employer to pay back
 2.12 wages that were required by sections 177.41 to 177.435. The department shall serve the
 2.13 order upon the employer or the employer's authorized representative in person or by
 2.14 certified mail at the employer's place of business. An employer who wishes to contest the
 2.15 order must file written notice of objection to the order with the commissioner within 15
 2.16 calendar days after being served with the order. A contested case proceeding must then be
 2.17 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
 2.18 served with the order, the employer fails to file a written notice of objection with the
 2.19 commissioner, the order becomes a final order of the commissioner.

2.20 Sec. 3. Minnesota Statutes 2014, section 177.27, subdivision 7, is amended to read:

2.21 Subd. 7. **Employer liability.** (a) If the commissioner finds that an employer is found
 2.22 by the commissioner to have ~~has~~ violated a section identified in subdivision 4, or any
 2.23 rule adopted under section 177.28, and the commissioner issues an order to comply, the
 2.24 commissioner shall order the employer to cease and desist from engaging in the violative
 2.25 practice and to take such affirmative steps that in the judgment of the commissioner will
 2.26 effectuate the purposes of the section or rule violated. The commissioner shall order the
 2.27 employer to pay to the aggrieved parties back pay, gratuities, and compensatory damages,
 2.28 less any amount actually paid to the employee by the employer, and for an additional
 2.29 equal amount as liquidated damages. ~~Any employer who is found by the commissioner to~~
 2.30 have In addition, the commissioner may order the employer to pay civil penalties of up to
 2.31 \$1,000 per violation. The commissioner must consider the factors described in section
 2.32 14.045, subdivision 3, paragraph (a), when assessing these civil penalties.

2.33 (b) If the commissioner determines that an employer has repeatedly or willfully
 2.34 violated a section or sections identified in subdivision 4 ~~shall be subject to a civil penalty~~
 2.35 ~~of up to \$1,000 for each violation for each employee. In determining the amount of a civil~~

3.1 ~~penalty under this subdivision, the appropriateness of such penalty to the size of the~~
 3.2 ~~employer's business and the gravity of the violation shall be considered, the commissioner~~
 3.3 ~~must order the employer to pay a civil penalty of up to \$10,000 per violation. The~~
 3.4 ~~commissioner must consider the factors described in section 14.045, including those~~
 3.5 ~~contained in subdivision 3, paragraph (b), when assessing these civil penalties.~~

3.6 (c) In addition, the commissioner may order the employer to reimburse the
 3.7 department and the attorney general for all appropriate litigation and hearing costs
 3.8 expended in preparation for and in conducting the contested case proceeding, unless
 3.9 payment of costs would impose extreme financial hardship on the employer. If the
 3.10 employer is able to establish extreme financial hardship, then the commissioner may
 3.11 order the employer to pay a percentage of the total costs that will not cause extreme
 3.12 financial hardship. Costs include but are not limited to the costs of services rendered by
 3.13 the attorney general, private attorneys if engaged by the department, administrative law
 3.14 judges, court reporters, and expert witnesses as well as the cost of transcripts. Interest
 3.15 shall accrue on, and be added to, the unpaid balance of a commissioner's order from the
 3.16 date the order is signed by the commissioner until it is paid, at an annual rate provided in
 3.17 section 549.09, subdivision 1, paragraph (c). The commissioner may establish escrow
 3.18 accounts for purposes of distributing damages.

3.19 Sec. 4. Minnesota Statutes 2014, section 177.28, subdivision 1, is amended to read:

3.20 Subdivision 1. **General authority.** (a) The commissioner may adopt rules, including
 3.21 definitions of terms, to carry out the purposes of sections 177.21 to 177.44, to prevent
 3.22 the circumvention or evasion of those sections, and to safeguard the minimum wage and
 3.23 overtime rates established by sections 177.24 and 177.25.

3.24 (b) The commissioner may adopt rules to carry out the purposes of sections 181.939
 3.25 to 181.9441.

3.26 Sec. 5. **[177.36] REPORT TO LEGISLATURE.**

3.27 (a) The commissioner must submit an annual report to the legislature, including to
 3.28 the committee chair and minority lead of any relevant legislative committee. The report
 3.29 must include, but is not limited to:

3.30 (1) a list of all violations of the statutory sections listed in section 177.27, subdivision
 3.31 4, including the employer involved, and the nature of any violations; and

3.32 (2) an analysis of noncompliance with the statutory sections listed in section 177.27,
 3.33 subdivision 4, including any patterns by employer, industry, or county.

4.1 (b) A report under this section must not include an employee's name or other
4.2 identifying information, any health or medical information regarding an employee or an
4.3 employee's family member, or any information pertaining to domestic abuse, sexual
4.4 assault, or stalking of an employee or an employee's family member.

4.5 Sec. 6. Minnesota Statutes 2014, section 181.032, is amended to read:

4.6 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER.**

4.7 (a) At the end of each pay period, the employer shall provide each employee an
4.8 earnings statement, either in writing or by electronic means, covering that pay period. An
4.9 employer who chooses to provide an earnings statement by electronic means must provide
4.10 employee access to an employer-owned computer during an employee's regular working
4.11 hours to review and print earnings statements.

4.12 (b) The earnings statement may be in any form determined by the employer but
4.13 must include:

4.14 (1) the name of the employee;

4.15 (2) the hourly rate of pay (if applicable);

4.16 (3) the total number of hours worked by the employee unless exempt from chapter
4.17 177;

4.18 (4) the total amount of gross pay earned by the employee during that period;

4.19 (5) a list of deductions made from the employee's pay;

4.20 (6) the net amount of pay after all deductions are made;

4.21 (7) the date on which the pay period ends; ~~and~~

4.22 (8) the legal name of the employer and the operating name of the employer if
4.23 different from the legal name; and

4.24 (9) the amount of earned sick and safe time, within the meaning of section 181.9441,
4.25 available for use by the employee.

4.26 (c) An employer must provide earnings statements to an employee in writing, rather
4.27 than by electronic means, if the employer has received at least 24 hours notice from an
4.28 employee that the employee would like to receive earnings statements in written form.
4.29 Once an employer has received notice from an employee that the employee would like to
4.30 receive earnings statements in written form, the employer must comply with that request
4.31 on an ongoing basis.

4.32 Sec. 7. Minnesota Statutes 2014, section 181.940, is amended to read:

4.33 **181.940 DEFINITIONS.**

5.1 Subdivision 1. **Scope.** For the purposes of sections 181.940 to ~~181.944~~ 181.9441,
 5.2 the terms defined in this section have the meanings given them.

5.3 Subd. 2. **Employee.** "Employee" means ~~a person who performs services for hire~~
 5.4 ~~for an~~ an individual employed by an employer from whom a leave is requested under
 5.5 ~~sections 181.940 to 181.944 for:~~ who has performed at least 680 hours of work for that
 5.6 employer or who has worked for that employer for at least 17 weeks. Employee does not
 5.7 mean an independent contractor.

5.8 (1) ~~at least 12 months preceding the request; and~~

5.9 (2) ~~for an average number of hours per week equal to one-half the full-time~~
 5.10 ~~equivalent position in the employee's job classification as defined by the employer's~~
 5.11 ~~personnel policies or practices or pursuant to the provisions of a collective bargaining~~
 5.12 ~~agreement, during the 12-month period immediately preceding the leave.~~

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

5.15 Subd. 3. **Employer.** "Employer" means a person or entity that employs ~~2+~~ one or
 5.16 more employees ~~at at least one site, except that, for purposes of the school leave allowed~~
 5.17 ~~under section 181.9412, employer means a person or entity that employs one or more~~
 5.18 ~~employees in Minnesota.~~ The term includes an individual, corporation, partnership,
 5.19 association, nonprofit organization, group of persons, state, county, town, city, school
 5.20 district, or other governmental subdivision.

5.21 Subd. 4. **Child.** "Child" means an individual under 18 years of age or an individual
 5.22 under age 20 who is still attending secondary school.

5.23 Subd. 5. **Family member.** "Family member" means an employee's spouse, child,
 5.24 adult child, step-child, foster child, ward, child for whom the employee is legal guardian,
 5.25 regular member of the employee's household, parent, step-parent, sibling, grandchild,
 5.26 step-grandchild, adopted grandchild, foster grandchild, mother-in-law, father-in-law,
 5.27 or grandparent.

5.28 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of labor and
 5.29 industry or authorized designee or representative.

5.30 Sec. 8. Minnesota Statutes 2014, section 181.942, is amended to read:

5.31 **181.942 REINSTATEMENT AFTER LEAVE.**

5.32 Subdivision 1. **Comparable position.** (a) An employee returning from a leave of
 5.33 absence under section 181.941 is entitled to return to employment in the employee's
 5.34 former position or in a position of comparable duties, number of hours, and pay. An
 5.35 employee returning from a leave of absence longer than one month must notify a

6.1 supervisor at least two weeks prior to return from leave. An employee returning from a
 6.2 leave under section 181.9412 or ~~181.9413~~ 181.9441 is entitled to return to employment in
 6.3 the employee's former position.

6.4 (b) If, during a leave under sections 181.940 to ~~181.944~~ 181.9441, the employer
 6.5 experiences a layoff and the employee would have lost a position had the employee not
 6.6 been on leave, pursuant to the good faith operation of a bona fide layoff and recall system,
 6.7 including a system under a collective bargaining agreement, the employee is not entitled to
 6.8 reinstatement in the former or comparable position. In such circumstances, the employee
 6.9 retains all rights under the layoff and recall system, including a system under a collective
 6.10 bargaining agreement, as if the employee had not taken the leave.

6.11 Subd. 2. **Pay; benefits; on return.** An employee returning from a leave of absence
 6.12 under sections 181.940 to ~~181.944~~ 181.9441 is entitled to return to employment at the
 6.13 same rate of pay the employee had been receiving when the leave commenced, plus any
 6.14 automatic adjustments in the employee's pay scale that occurred during leave period.
 6.15 The employee returning from a leave is entitled to retain all accrued preleave benefits
 6.16 of employment and seniority, as if there had been no interruption in service; provided
 6.17 that nothing in sections 181.940 to ~~181.944~~ 181.9441 prevents the accrual of benefits or
 6.18 seniority during the leave pursuant to a collective bargaining or other agreement between
 6.19 the employer and employees.

6.20 Subd. 3. **Part-time return.** An employee, by agreement with the employer, may
 6.21 return to work part time during the leave period without forfeiting the right to return to
 6.22 employment at the end of the leave period, as provided in sections 181.940 to ~~181.944~~
 6.23 181.9441.

6.24 Sec. 9. Minnesota Statutes 2014, section 181.9436, is amended to read:

6.25 **181.9436 POSTING OF LAW NOTICE TO AFFECTED EMPLOYEES.**

6.26 Subdivision 1. **Poster.** The Division of Labor Standards and Apprenticeship shall
 6.27 develop, with the assistance of interested business and community organizations, an
 6.28 educational poster stating employees' rights under sections 181.940 to ~~181.9436~~ 181.9441.
 6.29 The department shall make the poster available, upon request, to employers for posting on
 6.30 the employer's premises.

6.31 Subd. 2. **Grants to community organizations.** The commissioner may make grants
 6.32 to community organizations for the purpose of outreach to and education for employees
 6.33 affected by sections 181.939 and 181.9441 regarding those employees' rights under those
 6.34 sections. The community-based organizations must be selected based on their experience,

7.1 capacity, and relationships in high-violation industries. The work under such a grant may
 7.2 include the creation and administration of a statewide worker hotline.

7.3 Sec. 10. Minnesota Statutes 2014, section 181.944, is amended to read:

7.4 **181.944 INDIVIDUAL REMEDIES.**

7.5 In addition to any other remedies provided by law, a person injured by a violation
 7.6 of sections 181.172, paragraph (a) or (d), and 181.939 to ~~181.943~~ 181.9441 may bring a
 7.7 civil action to recover any and all damages recoverable at law, together with costs and
 7.8 disbursements, including reasonable attorney's fees, and may receive injunctive and other
 7.9 equitable relief as determined by a court.

7.10 Sec. 11. **[181.9441] EARNED SICK AND SAFE TIME.**

7.11 Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in
 7.12 this subdivision have the meanings given them.

7.13 (b) "Domestic abuse" has the meaning given in section 518B.01.

7.14 (c) "Earned sick and safe time" means leave, including paid time off and other paid
 7.15 leave systems, that are paid at the same hourly rate as an employee earns from employment.

7.16 (d) "Sexual assault" means an act that constitutes a violation under sections 609.342
 7.17 to 609.3453, or 609.352.

7.18 (e) "Stalking" has the meaning given in section 609.749.

7.19 Subd. 2. Accrual of earned sick and safe time. (a) An employee accrues a
 7.20 minimum of one hour of earned sick and safe time for every 30 hours worked. Except as
 7.21 provided in paragraph (b), an employee may not accrue more than 72 hours of earned sick
 7.22 and safe time in a calendar year unless the employer agrees to a higher amount.

7.23 (b) Employees of an employer that employs fewer than 21 employees may not
 7.24 accrue more than 40 hours of earned sick and safe time in a calendar year unless the
 7.25 employer agrees to a higher amount.

7.26 (c) Employees who are exempt from overtime requirements under United States
 7.27 Code, title 29, section 213(a)(1), as amended through the effective date of this section, are
 7.28 deemed to work 40 hours in each work week for purposes of accruing earned sick and safe
 7.29 time, except that an employee whose normal work week is less than 40 hours will accrue
 7.30 earned sick and safe time based upon the normal work week.

7.31 (d) Earned sick and safe time under this section begins to accrue at the
 7.32 commencement of employment of the employee.

8.1 (e) Employees shall be entitled to use accrued earned sick and safe time beginning
8.2 90 calendar days following commencement of their employment. After 90 calendar days
8.3 of employment, employees may use earned sick and safe time as it is accrued.

8.4 Subd. 3. Use of earned sick and safe time. (a) An employee may use accrued
8.5 earned sick and safe time for:

8.6 (1) an employee's:

8.7 (i) mental or physical illness, injury, or health condition;

8.8 (ii) need for medical diagnosis, care, or treatment of a mental or physical illness,
8.9 injury, or health condition; or

8.10 (iii) need for preventive medical or health care;

8.11 (2) care of a family member:

8.12 (i) with a mental or physical illness, injury, or health condition;

8.13 (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness,
8.14 injury, or health condition; or

8.15 (iii) who needs preventive medical or health care;

8.16 (3) absence due to domestic abuse, sexual assault, or stalking of the employee or
8.17 employee's family member, provided the absence is to:

8.18 (i) seek medical attention related to physical or psychological injury or disability
8.19 caused by domestic abuse, sexual assault, or stalking;

8.20 (ii) obtain services from a victim services organization;

8.21 (iii) obtain psychological or other counseling;

8.22 (iv) seek relocation due to domestic abuse, sexual assault, or stalking; or

8.23 (v) take legal action, including preparing for or participating in any civil or criminal
8.24 legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking; and

8.25 (4) closure of the employee's place of business due to weather or other emergency,
8.26 or an employee's need to care for a child whose school or place of care has been closed
8.27 due to weather or other public emergency.

8.28 (b) An employer may require notice of the need for use of earned sick and safe time
8.29 as follows. If the need for use is foreseeable, an employer may require advance notice of
8.30 the intention to use earned sick and safe time, but in no case shall require more than seven
8.31 days' advance notice. If the need is not foreseeable, an employer may require an employee
8.32 to give notice of the need for earned sick and safe time as soon as practicable.

8.33 (c) When an employee uses earned sick and safe time for more than three consecutive
8.34 days, an employer may require reasonable documentation that the earned sick and safe
8.35 time is covered by paragraph (a). For earned sick and safe time under paragraph (a),
8.36 clauses (1) and (2), reasonable documentation may include a signed statement by a health

9.1 care professional indicating the need for use of earned sick and safe time. For earned sick
9.2 and safe time under paragraph (a), clause (3), an employer must accept a court record or
9.3 documentation signed by a volunteer for or employee of a victims services organization,
9.4 an attorney, a police officer, or an antiviolence counselor as reasonable documentation.

9.5 (d) An employer may not require, as a condition of an employee's using earned sick
9.6 and safe time, that the employee seek or find a replacement worker to cover the hours
9.7 during which the employee uses earned sick and safe time.

9.8 (e) Earned sick and safe time may be used in hourly increments or, at the discretion
9.9 of the employer, increments of less than one hour.

9.10 Subd. 4. **Retaliation prohibited.** An employer shall not retaliate against an
9.11 employee because the employee has requested earned sick and safe time, used earned sick
9.12 and safe time, or made a complaint or filed an action to enforce a right to earned sick
9.13 and safe time under this section.

9.14 Subd. 5. **Notice and posting.** (a) Employers shall give notice that employees are
9.15 entitled to earned sick and safe time, the amount of earned sick and safe time, and the
9.16 terms of its use under this section; that retaliation against employees who request or use
9.17 earned sick and safe time is prohibited; and that each employee has the right to file a
9.18 complaint or bring a civil action if earned sick and safe time is denied by the employer or
9.19 the employee is retaliated against for requesting or using earned sick and safe time.

9.20 (b) Employers may comply with this section by supplying employees with a notice
9.21 in English and other appropriate languages that contains the information required in
9.22 paragraph (a).

9.23 (c) Employers may comply with this section by displaying a poster in a conspicuous
9.24 and accessible place in each establishment where employees are employed that contains
9.25 all information required under paragraph (a).

9.26 (d) An employer that provides an employee handbook to its employees must include
9.27 in the handbook notice of employee rights and remedies under this section.

9.28 Subd. 6. **Confidentiality and nondisclosure.** If, in conjunction with this section, an
9.29 employer possesses health or medical information regarding an employee or an employee's
9.30 family member or information pertaining to domestic abuse, sexual assault, or stalking of
9.31 an employee or an employee's family member, the employer must treat such information
9.32 as confidential and not disclose the information except with permission of the employee.

9.33 Subd. 7. **No effect on more generous sick and safe time policies.** (a) Nothing in
9.34 this section shall be construed to discourage employers from adopting or retaining earned
9.35 sick and safe time policies that meet or exceed, and do not otherwise conflict with, the
9.36 minimum standards and requirements provided in this section.

10.1 (b) Nothing in this section shall be construed to limit the right of parties to a
10.2 collective bargaining agreement to bargain and agree with respect to earned sick and safe
10.3 time policies or to diminish the obligation of an employer to comply with any contract,
10.4 collective bargaining agreement, or any employment benefit program or plan that meets or
10.5 exceeds, and does not otherwise conflict with, the minimum standards and requirements
10.6 provided in this section.

10.7 (c) Employers who provide their employees earned sick and safe time under a paid
10.8 time off policy or other paid leave policy that meets or exceeds, and does not otherwise
10.9 conflict with, the minimum standards and requirements provided in this section are not
10.10 required to provide additional earned sick and safe time.

10.11 Subd. 8. **Termination; separation; transfer.** Nothing in this section may be
10.12 construed as requiring financial or other reimbursement to an employee from an employer
10.13 upon the employee's termination, resignation, retirement, or other separation from
10.14 employment for accrued earned sick and safe time that has not been used. If an employee
10.15 is transferred to a separate division, entity, or location, but remains employed by the same
10.16 employer, the employee is entitled to all earned sick and safe time accrued at the prior
10.17 division, entity, or location and is entitled to use all earned sick and safe time as provided
10.18 in this section. When there is a separation from employment and the employee is rehired
10.19 within 12 months of separation by the same employer, previously accrued earned sick
10.20 and safe time that had not been used must be reinstated. An employee is entitled to use
10.21 accrued earned sick and safe time and accrue additional earned sick and safe time at the
10.22 commencement of reemployment.

10.23 Sec. 12. **REPEALER.**

10.24 Minnesota Statutes 2014, section 181.9413, is repealed.

10.25 Sec. 13. **EFFECTIVE DATE.**

10.26 Sections 1 to 12 are effective 180 days following final enactment.

181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, as defined in section 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) An employee may use sick leave as allowed under this section for safety leave, whether or not the employee's employer allows use of sick leave for that purpose for such reasonable periods of time as may be necessary. Safety leave may be used for assistance to the employee or assistance to the relatives described in paragraph (a). For the purpose of this section, "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking. For the purpose of this paragraph:

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

(2) "sexual assault" means an act that constitutes a violation under sections 609.342 to 609.3453 or 609.352; and

(3) "stalking" has the meaning given in section 609.749.

(c) An employer may limit the use of safety leave as described in paragraph (b) or personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child, as defined in section 181.940, subdivision 4.

(d) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(e) For the purpose of this section, "child" includes a stepchild and a biological, adopted, and foster child.

(f) For the purpose of this section, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

(g) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section.

(h) An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section.