

2021 1ST SPECIAL SESSION LAW CHAPTER 10

SECTION 3 OF ARTICLE 3

LABOR AND INDUSTRY

181.939 NURSING MOTHERS, LACTATING EMPLOYEES, AND PREGNANCY ACCOMMODATIONS.

Subdivision 1.

Nursing mothers.

(a) An employer must provide reasonable ~~unpaid~~ break ~~time~~ times each day to an employee who needs to express breast milk for her infant child during the twelve months following the birth of the child. The break ~~time~~ times must, if possible, run concurrently with any break ~~time~~ times already provided to the employee. An employer is not required to provide break ~~time~~ times under this section if to do so would unduly disrupt the operations of the employer. An employer shall not reduce an employee's compensation for time used for the purpose of expressing milk.

(b) The employer must make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from view and free from intrusion from coworkers and the public and that includes access to an electrical outlet, where the employee can express ~~her~~ milk in privacy. The employer would be held harmless if reasonable effort has been made.

(c) For the purposes of this ~~section~~ subdivision, "employer" means a person or entity that employs one or more employees and includes the state and its political subdivisions.

(d) An employer ~~may~~ shall not retaliate against an employee for asserting rights or remedies under this ~~section~~ subdivision.

Subd. 2.

Pregnancy accommodations.

(a) An employer must provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth upon request, with the advice of a licensed health care provider or certified doula, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. A pregnant employee shall not be required to obtain the advice of a licensed health care provider or certified doula, nor may an employer claim undue hardship for the following accommodations: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. "Reasonable accommodation" may include but is not limited to temporary transfer to a less strenuous or hazardous position, seating, frequent restroom breaks, and

limits to heavy lifting. Notwithstanding any other provision of this subdivision, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this subdivision and shall not be required to discharge an employee, transfer another employee with greater seniority, or promote an employee.

(b) Nothing in this subdivision shall be construed to affect any other provision of law relating to sex discrimination or pregnancy or in any way diminish the coverage of pregnancy, childbirth, or health conditions related to pregnancy or childbirth under any other provisions of any other law.

(c) An employer shall not require an employee to take a leave or accept an accommodation.

(d) An employer shall not retaliate against an employee for asserting rights or remedies under this subdivision.

(e) For the purposes of this subdivision, "employer" means a person or entity that employs fifteen or more employees and includes the state and its political subdivisions.

EFFECTIVE DATE.

This section is effective January 1, 2022.