

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 393

(SENATE AUTHORS: RARICK)

DATE
01/28/2021

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Introduction and first reading
Referred to Labor and Industry Policy

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to employment; modifying shared work plan eligibility; amending

1.3 Minnesota Statutes 2020, section 268.136, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2020, section 268.136, subdivision 1, is amended to read:

1.6 Subdivision 1. **Shared work plan requirements.** An employer may submit a proposed

1.7 shared work plan for an employee group to the commissioner for approval in a manner and

1.8 format set by the commissioner. The proposed shared work plan must include:

1.9 (1) a certified statement that the normal weekly hours of work of all of the proposed

1.10 participating employees were full time or regular part time but are now reduced, or will be

1.11 reduced, with a corresponding reduction in pay, in order to prevent layoffs;

1.12 (2) the name and Social Security number of each participating employee;

1.13 (3) the number of layoffs that would have occurred absent the employer's ability to

1.14 participate in a shared work plan;

1.15 (4) a certified statement that each participating employee was first hired by the employer

1.16 at least ~~one year~~ three months before the proposed shared work plan is submitted and is not

1.17 a seasonal, temporary, or intermittent worker;

1.18 (5) the hours of work each participating employee will work each week for the duration

1.19 of the shared work plan, which must be at least 50 percent of the normal weekly hours but

1.20 no more than 80 percent of the normal weekly hours, except that the plan may provide for

1.21 a uniform vacation shutdown of up to two weeks;

2.1 (6) a certified statement that any health benefits and pension benefits provided by the
2.2 employer to participating employees will continue to be provided under the same terms and
2.3 conditions as though the participating employees' hours of work each week had not been
2.4 reduced;

2.5 (7) a certified statement that the terms and implementation of the shared work plan is
2.6 consistent with the employer's obligations under state and federal law;

2.7 (8) an acknowledgment that the employer understands that unemployment benefits paid
2.8 under a shared work plan will be used in computing the future tax rate of a taxpaying
2.9 employer or charged to the reimbursable account of a nonprofit or government employer;

2.10 (9) the proposed duration of the shared work plan, which must be at least two months
2.11 and not more than one year, although a plan may be extended for up to an additional year
2.12 upon approval of the commissioner;

2.13 (10) a starting date beginning on a Sunday at least 15 calendar days after the date the
2.14 proposed shared work plan is submitted; and

2.15 (11) a signature of an owner or officer of the employer who is listed as an owner or
2.16 officer on the employer's account under section 268.045.

2.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.