



Earning and Learning: An Employment and Education Update

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Salaries and Pay, Part I

- » Employers cannot require applicants to disclose their pay history for purpose of determining salary/wages/benefits/other compensation
- » Applicant can voluntarily disclose pay history if chooses to do so to negotiate
- » Employers can ask applicants what their expectations for compensation are
- » [Minn. Stat. 363A.08](#)

Salaries and Pay, Part II

- » On January 1, 2025, employers must disclose salary range for positions in any posting
 - Minimum and maximum salary or hourly wage
 - General description of benefits, including health and retirement benefits
 - “Posting” means “any solicitation intended to recruit applicants for a specific available position” and includes recruitment done by third parties

- » [Minn. Stat. 181.173](#)

Salary and Pay, Part III

- » 2024 FLSA rule intended to increase minimum salaries for exempt employees

July 1, 2024: \$43,888

Jan. 1, 2025: \$58,656

- BUT *Texas v. Department of Labor* (June 2024): enjoined Texas only from being required to comply with 2024 salaries
- BUT BUT *Mayfield v. DOL*: 5th Cir. (Sept. 2024): Held 2019 salaries valid
- BUT BUT BUT *Texas v. Department of Labor* (Nov. 2024): vacated entire 2024 Rule

- » Will next administration do a smaller salary increase?

Salary and Pay, Part IV

- » There's always the State of Minnesota
- » Minnesota Minimum Wage increase on 1/1/2025 to \$11.13/hour
- » [Minn. Stat. 177.24](#)

State and Federal Law FAQs

- » FAQ: Student Data Privacy.
- » FAQ: Immigration and Custom Enforcement.

Paid Leave Program I (Minn. Stat. 268B)

- » New Program to provide paid leave for
 - medical leave for serious health condition
 - family leave for others' serious health condition or bonding with new baby or child; safety issues; military deployment
- » TBD: State plan or Minnesota State plan
- » If former, eligible workers paid by State funds, not Minnesota State

Paid Leave II

- » Covers workers who earn at least 5.3% of statewide average annual wage (currently, approx. \$5300) in base period
- » Can receive 12 weeks for medical leave or 12 weeks for family/safety/deployment leave in year
- » Can receive 20 weeks if use both in a year
- » Sliding scale determines how much paid; less than 100% salary, higher percentage of salary for lower wage earners
- » Employees must give 30 days' notice to ER if need for leave foreseeable; otherwise, as soon as practicable

Paid Leave III

- » Employers can supplement benefits but employee cannot collect more than 100% of salary
- » Employees can use vacation leave or sick leave or PTO in lieu of program
- » Employers must pay at least 50% of premiums; can make employee deductions for remaining portion
- » Goes into effect January 1, 2026
- » More to come

New Legislation – Minnesota RISE Act

- » “Minnesota Respond, Innovate, Succeed, and Empower (RISE) Act.”
 - Enacted this past legislative session.
 - Effective on January 1, 2025.
- » Accommodating students with disabilities.
 - Requires an accommodation policy;
 - Details how the institution must disseminate the policy;
 - Details documentation of disability that the institution must accept;
 - Requires a list of representative accommodations;
 - Requires a notice of a fundamental alteration.

Earned Sick and Safe Time Update

- » New uses
 - Funeral arrangement or attendance/legal matters re: death of family member
- » Weather/public emergency exception: CAN'T use ESST leave if
 - Job duties require to respond to public emergency/weather event; and
 - CBA or MOU waives application of ESST for position, or written policy given to employee, if not represented by union

United States Supreme Court

Students for Fair Admissions v. Harvard College.

Students for Fair Admissions v. University of North Carolina.

- » Opinions issued on June 29, 2023 (holding that the Harvard and UNC admissions programs that considered race as a “plus” factor in a holistic process violated the Equal Protection Clause (UNC) and Title VI (Harvard)).
- » Department of Education issued a FAQ document on August 14, 2023. [SFFA Resource FAQ DOJ Seal ED Seal](#).
- » Would also apply to programs with individual admission processes.

OCR Guidance

- » On January 14, 2021, the OCR issued “[Question and Answers Regarding OCR's Interpretation of Title IX and Single Sex Scholarships, Clubs, and other Programs \(PDF\)](#).”
 - Single Sex Scholarships;
 - Summer programs;
 - Clubs, groups, organizations.
- » On October 5, 2020, the OCR classified the document as “Archived AND NOT FOR RELIANCE.”
- » Will the new administration re-instate the Q&A?

Pregnancy-related matters

- » EEOC Rules re: Pregnant Workers Fairness Act
- » Reasonable accommodation and undue hardship mean the same as under ADA but PWFA covers more situations
- » Don't delay providing accommodations because temporary
- » Don't ask for documentation when need is "obvious"
- » May need to be temporarily relieved of essential job function(s)
- » Use interactive process when needed

Update on Responding to Sexual Violence

- » Department of Education published final Title IX regulations in April 2024.
 - Effective date = August 1, 2024.
- » But Litigation – Department enjoined from enforcing in 26 states and against schools in many other states, including several Minnesota State schools (litigation remains pending).
- » Will new administration rescind?
- » Continue using current 1B.3 Policy and 1B.3.1 Procedure while monitoring events.

PELRA Changes

- » Allow exclusive representative to meet with newly hired employees within 30 days of hire to meet for up to 30 minutes (Minn. Stat. 179A.07, subd. 9)
- » Exclusive rep can use employer-issued email address to communicate with members (*Id.*)
- » New unfair labor practice if fail to provide information relevant to enforcement or negotiation of a contract in a timely manner (Minn. Stat. 179A.13, subd. 2)

OCR Guidance #2

- » May 7, 2024 “Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics.”
- » [Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics \(PDF\)](#).
- » Title VI.

Job Postings: Qualifications

- » Executive Order 23-14 directed MMB to “update guidance on the hiring process that emphasizes skills and work experience” and reduce the reliance on college degree requirements
 - MMB has taken the position EO 23-14 applies to Minnesota State
 - MMB focused on classified positions and providing alternative pathways to qualification where degrees not required by law

Please Take Our Survey

A link to our survey is provided in the chat. We appreciate your feedback and are always looking for ideas for future webinars and ways to improve.

Questions & Answers

Please Chat in your questions to the host or the panelists.

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Thank you.



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