

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1384

(SENATE AUTHORS: MCEWEN)

DATE	D-PG	OFFICIAL STATUS
02/08/2023	735	Introduction and first reading Referred to Labor
02/20/2023	894	Comm report: To pass and re-referred to Judiciary and Public Safety
03/23/2023	2225	Comm report: To pass and re-referred to Labor
03/27/2023		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to labor and industry; classifying Occupational Safety and Health Act

1.3 citation data; amending Minnesota Statutes 2022, sections 182.659, subdivisions

1.4 1, 8; 182.66, by adding a subdivision; 182.661, by adding a subdivision; 182.676.

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

1.6 Section 1. Minnesota Statutes 2022, section 182.659, subdivision 1, is amended to read:

1.7 Subdivision 1. **Authority to inspect.** In order to carry out the purposes of this chapter,

1.8 the commissioner, upon presenting appropriate credentials to the owner, operator, or agent

1.9 in charge, is authorized to enter without delay and at reasonable times any place of

1.10 employment; and to inspect and investigate during regular working hours and at other

1.11 reasonable times, and within reasonable limits and in a reasonable manner, any such place

1.12 of employment and all pertinent conditions, structures, machines, apparatus, devices,

1.13 equipment, and materials therein, and to question privately any such employer, owner,

1.14 operator, agent or employee. An employer or its representatives, including but not limited

1.15 to its management, attorneys, or consultants, may not be present for any employee interview.

1.16 Sec. 2. Minnesota Statutes 2022, section 182.659, subdivision 8, is amended to read:

1.17 Subd. 8. **Protection from subpoena; data.** Neither the commissioner nor any current

1.18 or former employee of the department, ~~including those employees of the Department of~~

1.19 ~~Health providing services to the Department of Labor and Industry, pursuant to section~~

1.20 ~~182.67, subdivision 1,~~ is subject to subpoena for purposes of inquiry into any occupational

1.21 safety and health inspection except in enforcement proceedings brought under this chapter.

1.22 Data that identify individuals who provide data to the department as part of an investigation

1.23 conducted under this chapter shall be private.

2.1 Sec. 3. Minnesota Statutes 2022, section 182.66, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 4. **Classification of citation data.** Notwithstanding section 13.39, subdivision 2,
2.4 the data in a written citation is classified as public data 20 days after the employer has
2.5 received the citation. All data in the citation is public, including but not limited to the
2.6 employer's name, the employer's address, and the address of the worksite; the date or dates
2.7 of inspection; the date the citation was issued; the provision of the act, standard, rule, or
2.8 order alleged to have been violated; the severity level of the citation; the description of the
2.9 nature of the violation; the proposed abatement date; the proposed penalty; and any abatement
2.10 guidelines. If a notice of contest is filed contesting any part of a citation pursuant to section
2.11 182.661, subdivision 3, the date that the notice was filed shall also be classified as public
2.12 data 20 days after the employer has received the citation.

2.13 Sec. 4. Minnesota Statutes 2022, section 182.661, is amended by adding a subdivision to
2.14 read:

2.15 Subd. 3c. **Contestation of time for correction of a violation.** (a) Where an employer
2.16 contests the period of time fixed for correction of a violation that is not a serious, willful,
2.17 or repeat violation, the period of time shall not run until the order of the commissioner
2.18 becomes final.

2.19 (b) Where an employer or employee contests the period of time fixed for correction of
2.20 a violation that is a serious, willful, or repeat violation, the commissioner may refer the
2.21 matter to the office of administrative hearings for an expedited contested case hearing solely
2.22 on the reasonableness of the time fixed for correction. The administrative law judge may
2.23 order the employer to correct the violation pending final resolution of the cited violations
2.24 on the merits.

2.25 Sec. 5. Minnesota Statutes 2022, section 182.676, is amended to read:

2.26 **182.676 SAFETY COMMITTEES.**

2.27 (a) Every public or private employer of more than 25 employees shall establish and
2.28 administer a joint labor-management safety committee.

2.29 (b) Every public or private employer of 25 or fewer employees shall establish and
2.30 administer a safety committee if: it is subject to the requirements of section 182.653,
2.31 subdivision 8.

3.1 ~~(1) the employer has a lost workday cases incidence rate in the top ten percent of all~~
3.2 ~~rates for employers in the same industry; or~~

3.3 ~~(2) the workers' compensation premium classification assigned to the greatest portion~~
3.4 ~~of the payroll for the employer has a pure premium rate as reported by the Workers'~~
3.5 ~~Compensation Rating Association in the top 25 percent of premium rates for all classes.~~

3.6 (c) A safety committee must hold regularly scheduled meetings unless otherwise provided
3.7 in a collective bargaining agreement.

3.8 (d) Employee safety committee members must be selected by employees. An employer
3.9 that fails to establish or administer a safety committee as required by this section may be
3.10 cited by the commissioner. A citation is punishable as a serious violation under section
3.11 182.666.

3.12 The commissioner may adopt rules necessary to implement this section.