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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1670

02/25/2021 Authored by Ecklund

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

04/12/2021 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to labor and industry; appropriating money for labor and industry and the

1.3 Bureau of Mediation Services; making policy changes to labor and industry

1.4 programs; providing earned sick and safe time leave; providing emergency leave

1.5 for essential workers; establishing an emergency rehire and retention program;

1.6 establishing safe workplaces for meat and poultry processing workers; providing

1.7 penalties; authorizing rulemaking; classifying data; requiring reports; amending

1.8 Minnesota Statutes 2020, sections 13.7905, subdivision 6, by adding a subdivision;

1.9 177.24, by adding a subdivision; 177.27, subdivisions 2, 4, 7; 178.012, subdivision

1.10 1; 179A.10, subdivisions 2, 3; 181.53; 181.939; 181.940, subdivisions 2, 3; 181.942,

1.11 subdivision 1; 182.66, by adding a subdivision; 182.666, subdivisions 1, 2, 3, 4,

1.12 5, by adding a subdivision; 326B.07, subdivision 1; 326B.092, subdivision 7;

1.13 326B.0981, subdivision 4; 326B.106, subdivision 1; 326B.89, subdivisions 1, 5,

1.14 9; Laws 2019, First Special Session chapter 7, article 1, section 3, subdivision 4;

1.15 proposing coding for new law in Minnesota Statutes, chapters 177; 179; 181; 181A;

1.16 299F; repealing Minnesota Statutes 2020, sections 181.9413; 181.9414; Minnesota

1.17 Rules, part 5200.0080, subpart 7.

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

1.19 ARTICLE 1

1.20 APPROPRIATIONS

1.21 Section 1. LABOR AND INDUSTRY AND BUREAU OF MEDIATION SERVICES

1.22 APPROPRIATIONS.

1.23 (a) The sums shown in the columns marked "Appropriations" are appropriated to the

1.24 agencies and for the purposes specified in this article. The appropriations are from the

1.25 general fund, or another named fund, and are available for the fiscal years indicated for

1.26 each purpose. The figures "2022" and "2023" used in this article mean that the appropriations

1.27 listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023,

1.28 respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The

1.29 biennium" is fiscal years 2022 and 2023.

3.1 rates and mechanism specified in that
 3.2 agreement.

3.3 **Subd. 3. Labor Standards and Apprenticeship** 7,391,000 7,675,000

3.4 Appropriations by Fund

3.5 General 5,644,000 5,928,000

3.6 Workforce
 3.7 Development 1,747,000 1,747,000

3.8 (a) \$2,046,000 each year is for wage theft
 3.9 prevention.

3.10 (b) \$151,000 each year is from the workforce
 3.11 development fund for prevailing wage
 3.12 enforcement.

3.13 (c) \$1,271,000 each year is from the workforce
 3.14 development fund for the apprenticeship
 3.15 program under Minnesota Statutes, chapter
 3.16 178.

3.17 (d) \$100,000 each year is from the workforce
 3.18 development fund for labor education and
 3.19 advancement program grants under Minnesota
 3.20 Statutes, section 178.11, to expand and
 3.21 promote registered apprenticeship training for
 3.22 minorities and women.

3.23 (e) \$225,000 each year is from the workforce
 3.24 development fund for grants to the
 3.25 Construction Careers Foundation for the
 3.26 Helmets to Hard Hats Minnesota initiative.
 3.27 Grant funds must be used to recruit, retain,
 3.28 assist, and support National Guard, reserve,
 3.29 and active duty military members' and
 3.30 veterans' participation into apprenticeship
 3.31 programs registered with the Department of
 3.32 Labor and Industry and connect them with
 3.33 career training and employment in the building
 3.34 and construction industry. The recruitment,

4.1 selection, employment, and training must be
4.2 without discrimination due to race, color,
4.3 creed, religion, national origin, sex, sexual
4.4 orientation, marital status, physical or mental
4.5 disability, receipt of public assistance, or age.

4.6 This is a onetime appropriation.

4.7 (f) \$84,000 the first year and \$34,000 the
4.8 second year are for outreach and enforcement
4.9 efforts related to changes to the parenting
4.10 leave and accommodation law.

4.11 (g) \$84,000 the first year and \$34,000 the
4.12 second year are for outreach and enforcement
4.13 efforts related to changes to the Women's
4.14 Economic Security Act.

4.15 (h) \$1,306,000 the first year and \$1,941,000
4.16 the second year are for earned sick and safe
4.17 time compliance and enforcement efforts
4.18 under Minnesota Statutes, sections 181.9445
4.19 to 181.9448, and chapter 177. The base
4.20 amount in fiscal years 2024 and 2025 is
4.21 \$1,631,000.

4.22 (i) \$300,000 each year is for earned sick and
4.23 safe time grants to community organizations
4.24 under Minnesota Statutes, section 177.50,
4.25 subdivision 4.

4.26 (j) \$131,000 the first year and \$27,000 the
4.27 second year are for purposes of implementing
4.28 the Emergency Rehire and Retention Law.
4.29 The base amount in fiscal year 2024 and after
4.30 is zero.

4.31 (k) \$344,000 the first year and \$147,000 the
4.32 second year are for the purposes of the Safe
4.33 Workplaces for Meat and Poultry Processing

5.1 Workers Act under Minnesota Statutes,
 5.2 sections 179.87 to 179.8757.

5.3 **Subd. 4. Workers' Compensation** 11,882,000 11,882,000

5.4 This appropriation is from the workers'
 5.5 compensation fund.

5.6 **Subd. 5. Workplace Safety** 5,070,000 5,070,000

5.7 This appropriation is from the workers'
 5.8 compensation fund.

5.9 **Subd. 6. Workforce Development Initiatives** 1,700,000 1,600,000

5.10	<u>Appropriations by Fund</u>		
5.11	<u>General</u>	<u>200,000</u>	<u>200,000</u>
5.12	<u>Workforce</u>		
5.13	<u>Development</u>	<u>1,500,000</u>	<u>1,400,000</u>

5.14 (a) \$200,000 each year is for identification of
 5.15 competency standards under Minnesota
 5.16 Statutes, section 175.45.

5.17 (b) \$1,100,000 each year is from the
 5.18 workforce development fund for the youth
 5.19 skills training grants under Minnesota Statutes,
 5.20 section 175.46. Of this amount, \$100,000 each
 5.21 year is for administration of the program.

5.22 (c) \$300,000 each year is from the workforce
 5.23 development fund for the pipeline program.

5.24 (d) \$100,000 the first year is from the
 5.25 workforce development fund for the Career
 5.26 Pathway Demonstration Program under article
 5.27 2, section 30, for a grant to Independent
 5.28 School District No. 294, Houston, for the
 5.29 Minnesota Virtual Academy's career pathway
 5.30 program with Operating Engineers Local 49.
 5.31 The program may include up to five semesters
 5.32 of courses and must lead to eligibility into the
 5.33 Operating Engineers Local 49 apprenticeship

6.1 program. The grant may be used to encourage
 6.2 and support student participation in the career
 6.3 pathway program through additional academic,
 6.4 counseling, and other support services
 6.5 provided by the student's enrolling school
 6.6 district. The Minnesota Virtual Academy may
 6.7 contract with a student's enrolling school
 6.8 district to provide these services. The
 6.9 appropriation is available until June 30, 2023.

6.10 **Sec. 3. WORKERS' COMPENSATION COURT**
 6.11 **OF APPEALS** \$ 2,283,000 \$ 2,283,000

6.12 This appropriation is from the workers'
 6.13 compensation fund.

6.14 **Sec. 4. BUREAU OF MEDIATION SERVICES** \$ 2,805,000 \$ 2,850,000

6.15 (a) \$68,000 each year is for grants to area
 6.16 labor management committees. Grants may
 6.17 be awarded for a 12-month period beginning
 6.18 July 1 each year. Any unencumbered balance
 6.19 remaining at the end of the first year does not
 6.20 cancel but is available for the second year.

6.21 (b) \$560,000 each year is for purposes of the
 6.22 Public Employment Relations Board under
 6.23 Minnesota Statutes, section 179A.041.

6.24 (c) \$47,000 each year is for rulemaking,
 6.25 staffing, and other costs associated with peace
 6.26 officer grievance procedures.

6.27 **Sec. 5. MINNESOTA MANAGEMENT AND**
 6.28 **BUDGET** \$ 3,000 \$ -0-

6.29 \$3,000 the first year is for printing costs
 6.30 associated with earned sick and safe time. This
 6.31 is a onetime appropriation.

6.32 **Sec. 6. ATTORNEY GENERAL** \$ 222,000 \$ 222,000

6.33 \$222,000 each year is for enforcement of the
 6.34 Safe Workplaces for Meat and Poultry

7.1 Processing Workers Act under Minnesota

7.2 Statutes, sections 179.87 to 179.8757.

7.3 **Sec. 7. CANCELLATION; FISCAL YEAR 2021.**

7.4 (a) \$203,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
7.5 Special Session chapter 7, article 1, section 3, subdivision 2, is canceled.

7.6 (b) \$102,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
7.7 Special Session chapter 7, article 1, section 5, is canceled.

7.8 Sec. 8. Laws 2019, First Special Session chapter 7, article 1, section 3, subdivision 4, is
7.9 amended to read:

7.10 **Subd. 4. Workers' Compensation** 14,882,000 11,882,000

7.11 \$3,000,000 the first year is from the workers'
7.12 compensation fund for workers' compensation
7.13 system upgrades. This amount is available
7.14 until June 30, ~~2021~~ 2023. This is a onetime
7.15 appropriation.

7.16 **ARTICLE 2**

7.17 **LABOR AND INDUSTRY POLICY**

7.18 Section 1. Minnesota Statutes 2020, section 13.7905, subdivision 6, is amended to read:

7.19 **Subd. 6. Occupational safety and health.** (a) Certain data gathered or prepared by the
7.20 commissioner of labor and industry as part of occupational safety and health inspections or
7.21 reports are classified under sections 182.659, subdivision 8, 182.663, subdivision 4, and
7.22 182.668, subdivision 2.

7.23 (b) Certain data gathered or prepared by the commissioner of labor and industry as part
7.24 of occupational safety and health citations are classified under section 182.66, subdivision
7.25 4.

7.26 Sec. 2. Minnesota Statutes 2020, section 13.7905, is amended by adding a subdivision to
7.27 read:

7.28 **Subd. 8. Data on individuals who are minors.** Disclosure of data on minors is governed
7.29 by section 181A.112.

8.1 Sec. 3. Minnesota Statutes 2020, section 177.24, is amended by adding a subdivision to
8.2 read:

8.3 Subd. 3a. **Gratuities; credit cards or charges.** (a) Gratuities received by an employee
8.4 through a debit, charge, or credit card payment shall be credited to that pay period in which
8.5 they are received by the employee.

8.6 (b) Where a gratuity is received by an employee through a debit, charge, or credit card
8.7 payment, the full amount of gratuity indicated in the payment must be distributed to the
8.8 employee for the pay period in which it is received and no later than the next scheduled pay
8.9 period.

8.10 **EFFECTIVE DATE.** This section is effective August 1, 2021.

8.11 Sec. 4. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

8.12 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
8.13 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
8.14 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
8.15 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.987, or with any rule
8.16 promulgated under section 177.28. The commissioner shall issue an order requiring an
8.17 employer to comply with sections 177.41 to 177.435 or 181.987 if the violation is repeated.
8.18 For purposes of this subdivision only, a violation is repeated if at any time during the two
8.19 years that preceded the date of violation, the commissioner issued an order to the employer
8.20 for violation of sections 177.41 to 177.435 or 181.987 and the order is final or the
8.21 commissioner and the employer have entered into a settlement agreement that required the
8.22 employer to pay back wages that were required by sections 177.41 to 177.435. The
8.23 department shall serve the order upon the employer or the employer's authorized
8.24 representative in person or by certified mail at the employer's place of business. An employer
8.25 who wishes to contest the order must file written notice of objection to the order with the
8.26 commissioner within 15 calendar days after being served with the order. A contested case
8.27 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
8.28 calendar days after being served with the order, the employer fails to file a written notice
8.29 of objection with the commissioner, the order becomes a final order of the commissioner.

8.30 **EFFECTIVE DATE.** This section is effective October 15, 2021.

9.1 Sec. 5. Minnesota Statutes 2020, section 178.012, subdivision 1, is amended to read:

9.2 Subdivision 1. **Apprenticeship rules.** Federal regulations governing apprenticeship in
9.3 effect on ~~July 1, 2013~~ January 18, 2017, as provided by Code of Federal Regulations, title
9.4 29, ~~part~~ parts 29, sections 29.1 to 29.6 and 29.11, and 30, are the apprenticeship rules in
9.5 this state, subject to amendment by this chapter or by rule under section 178.041.

9.6 Sec. 6. Minnesota Statutes 2020, section 179A.10, subdivision 2, is amended to read:

9.7 Subd. 2. **State employees.** Unclassified employees, unless otherwise excluded, are
9.8 included within the units which include the classifications to which they are assigned for
9.9 purposes of compensation. Supervisory employees shall only be assigned to units 12 ~~and~~,
9.10 16, and 18. The following are the appropriate units of executive branch state employees:

9.11 (1) law enforcement unit;

9.12 (2) craft, maintenance, and labor unit;

9.13 (3) service unit;

9.14 (4) health care nonprofessional unit;

9.15 (5) health care professional unit;

9.16 (6) clerical and office unit;

9.17 (7) technical unit;

9.18 (8) correctional guards unit;

9.19 (9) state university instructional unit;

9.20 (10) state college instructional unit;

9.21 (11) state university administrative unit;

9.22 (12) professional engineering unit;

9.23 (13) health treatment unit;

9.24 (14) general professional unit;

9.25 (15) professional state residential instructional unit;

9.26 (16) supervisory employees unit; ~~and~~

9.27 (17) public safety radio communications operator unit; and

9.28 (18) law enforcement supervisors unit.

10.1 Each unit consists of the classifications or positions assigned to it in the schedule of
10.2 state employee job classification and positions maintained by the commissioner. The
10.3 commissioner may only make changes in the schedule in existence on the day prior to
10.4 August 1, 1984, as required by law or as provided in subdivision 4.

10.5 Sec. 7. Minnesota Statutes 2020, section 179A.10, subdivision 3, is amended to read:

10.6 Subd. 3. **State employee severance.** Each of the following groups of employees has the
10.7 right, as specified in this subdivision, to separate from the general professional, health
10.8 treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians,
10.9 and professional employees of the Minnesota Office of Higher Education who are
10.10 compensated under section 43A.18, subdivision 4, State Patrol supervisors, enforcement
10.11 supervisors employed by the Department of Natural Resources, and criminal apprehension
10.12 investigative supervisors. This right must be exercised by petition during the 60-day period
10.13 commencing 270 days prior to the termination of a contract covering the units. If one of
10.14 these groups of employees exercises the right to separate from the units they have no right
10.15 to meet and negotiate, but retain the right to meet and confer with the commissioner of
10.16 management and budget and with the appropriate appointing authority on any matter of
10.17 concern to them. The right to separate must be exercised as follows: An employee
10.18 organization or group of employees claiming that a majority of any one of these groups of
10.19 employees on a statewide basis wish to separate from their units may petition the
10.20 commissioner for an election during the petitioning period. If the petition is supported by
10.21 a showing of at least 30 percent support for the petitioner from the employees, the
10.22 commissioner shall hold an election to ascertain the wishes of the majority with respect to
10.23 the issue of remaining within or severing from the units provided in subdivision 2. This
10.24 election must be conducted within 30 days of the close of the petition period. If a majority
10.25 of votes cast endorse severance from the unit in favor of separate meet and confer status
10.26 for any one of these groups of employees, the commissioner shall certify that result. This
10.27 election, where not inconsistent with other provisions of this section, is governed by section
10.28 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following
10.29 the same procedures specified above for severance, but may only do so during the periods
10.30 provided for severance.

11.1 Sec. 8. Minnesota Statutes 2020, section 181.53, is amended to read:

11.2 **181.53 CONDITIONS PRECEDENT TO EMPLOYMENT NOT REQUIRED.**

11.3 (a) No person, whether acting directly or through an agent, or as the agent or employee
11.4 of another, shall require as a condition precedent to employment any written statement as
11.5 to the participation of the applicant in a strike, or as to a personal record, for more than one
11.6 year immediately preceding the date of application; nor shall any person, acting in any of
11.7 these capacities, use or require blanks or forms of application for employment in
11.8 contravention of this section. Nothing in this section precludes an employer from requesting
11.9 or considering an applicant's criminal history pursuant to section 364.021 or other applicable
11.10 law.

11.11 (b) Except as provided in paragraph (c), no person or employer, whether acting directly
11.12 or through an agent, shall seek to obtain; require consent to a request for; or use an employee
11.13 or prospective employee's credit information, including the employee or prospective
11.14 employee's credit score, credit history, credit account balances, payment history, savings
11.15 or checking account balances, or savings or checking account numbers:

11.16 (1) as a condition precedent to employment;

11.17 (2) as a basis for hiring, compensation, or any other term, privilege, or condition of
11.18 employment; or

11.19 (3) as a basis for discharge or any other adverse employment action.

11.20 (c) Paragraph (b) does not apply if:

11.21 (1) the information sought is required by a state or federal law or regulation;

11.22 (2) the employer or prospective employer is a financial institution or a credit union;

11.23 (3) the employer or prospective employer has a bona fide business purpose for requesting
11.24 the information that is substantially related to the employee or prospective employee's
11.25 position; or

11.26 (4) the employee or prospective employee's position:

11.27 (i) is a managerial position that involves setting the financial direction or control of the
11.28 employer or prospective employer;

11.29 (ii) involves routine access to confidential financial and personal information, other than
11.30 information customarily provided in a routine retail transaction;

12.1 (iii) involves regular access to cash totaling \$10,000 or more of the employer, the
 12.2 prospective employer, a customer, or a client;

12.3 (iv) is a peace officer; or

12.4 (v) requires a financial fiduciary responsibility to the employer, the prospective employer,
 12.5 a customer, or a client, including the authority to issue payments, collect debts, transfer
 12.6 money, or enter into contracts.

12.7 (d) In addition to any remedies otherwise provided by law, an employee or prospective
 12.8 employee injured by a violation of paragraph (b) may bring a civil action to recover any
 12.9 and all damages recoverable at law, together with costs and disbursements, including
 12.10 reasonable attorney fees, and may receive such injunctive and other equitable relief as
 12.11 determined by the court. If the district court determines that a violation of paragraph (b)
 12.12 occurred, the court may order any appropriate relief, including but not limited to
 12.13 reinstatement, back pay, restoration of lost service credit if appropriate, compensatory
 12.14 damages, and the expungement of any adverse records of an employee or prospective
 12.15 employee who was the subject of the alleged acts of misconduct.

12.16 Sec. 9. Minnesota Statutes 2020, section 181.939, is amended to read:

12.17 **181.939 NURSING MOTHERS, LACTATING EMPLOYEES, AND PREGNANCY**
 12.18 **ACCOMMODATIONS.**

12.19 Subdivision 1. **Nursing mothers.** (a) An employer must provide reasonable ~~unpaid~~
 12.20 break ~~time~~ times each day to an employee who needs to express breast milk for ~~her~~ infant
 12.21 ~~child~~. The break ~~time~~ must, if possible, times may run concurrently with any break ~~time~~
 12.22 ~~times~~ already provided to the employee. ~~An employer is not required to provide break time~~
 12.23 ~~under this section if to do so would unduly disrupt the operations of the employer. An~~
 12.24 employer shall not reduce an employee's compensation for time used for the purpose of
 12.25 expressing milk.

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

12.31 Subd. 2. **Pregnancy accommodations.** (a) An employer must provide reasonable
 12.32 accommodations to an employee for health conditions related to pregnancy or childbirth
 12.33 upon request, with the advice of a licensed health care provider or certified doula, unless

13.1 the employer demonstrates that the accommodation would impose an undue hardship on
13.2 the operation of the employer's business. A pregnant employee is not required to obtain the
13.3 advice of a licensed health care provider or certified doula, nor may an employer claim
13.4 undue hardship for the following accommodations: (1) more frequent restroom, food, and
13.5 water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and
13.6 employer shall engage in an interactive process with respect to an employee's request for a
13.7 reasonable accommodation. Reasonable accommodation may include but is not limited to
13.8 temporary transfer to a less strenuous or hazardous position, seating, frequent restroom
13.9 breaks, and limits to heavy lifting. Notwithstanding any other provision of this subdivision,
13.10 an employer is not required to create a new or additional position in order to accommodate
13.11 an employee pursuant to this subdivision and is not required to discharge an employee,
13.12 transfer another employee with greater seniority, or promote an employee.

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

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

13.19 Subd. 3. **Employer.** (e) For the purposes of this section, "employer" means a person or
13.20 entity that employs one or more employees and includes the state and its political
13.21 subdivisions.

13.22 Subd. 4. **No employer retribution.** (d) An employer ~~may~~ shall not retaliate against an
13.23 employee for asserting rights or remedies under this section.

13.24 Sec. 10. Minnesota Statutes 2020, section 181.940, subdivision 2, is amended to read:

13.25 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for an
13.26 employer from whom a leave is requested under sections 181.940 to 181.944 for:

13.27 (1) at least ~~12 months~~ 90 days preceding the request; and

13.28 (2) for an average number of hours per week equal to one-half the full-time equivalent
13.29 position in the employee's job classification as defined by the employer's personnel policies
13.30 or practices or pursuant to the provisions of a collective bargaining agreement, during the
13.31 ~~12-month~~ 90-day period immediately preceding the leave.

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

14.1 Sec. 11. Minnesota Statutes 2020, section 181.940, subdivision 3, is amended to read:

14.2 Subd. 3. **Employer.** "Employer" means a person or entity that employs ~~21~~ one or more
14.3 employees ~~at at least one site, except that, for purposes of the school leave allowed under~~
14.4 ~~section 181.9412, employer means a person or entity that employs one or more employees~~
14.5 ~~in Minnesota. The term~~ and includes an individual, corporation, partnership, association,
14.6 nonprofit organization, group of persons, state, county, town, city, school district, or other
14.7 governmental subdivision.

14.8 Sec. 12. **[181.987] USE OF SKILLED AND TRAINED CONTRACTOR**
14.9 **WORKFORCES AT OIL REFINERIES.**

14.10 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
14.11 the meanings given.

14.12 (b) "Contractor" means a vendor that enters into or seeks to enter into a contract with
14.13 an owner or operator of an oil refinery to perform construction, alteration, demolition,
14.14 installation, repair, maintenance, or hazardous material handling work at the site of the oil
14.15 refinery. Contractor includes all contractors or subcontractors of any tier performing work
14.16 as described in this paragraph at the site of the oil refinery. Contractor does not include
14.17 employees of the owner or operator of an oil refinery.

14.18 (c) "Registered apprenticeship program" means an apprenticeship program registered
14.19 with the Department of Labor and Industry under chapter 178 or with the United States
14.20 Department of Labor Office of Apprenticeship or a recognized state apprenticeship agency
14.21 under Code of Federal Regulations, title 29, parts 29 and 30.

14.22 (d) "Skilled and trained workforce" means a workforce in which a minimum of 85 percent
14.23 of the employees of the contractor or subcontractor of any tier working at the site of the oil
14.24 refinery meet one of the following criteria:

14.25 (1) are currently registered as apprentices in a registered apprenticeship program in the
14.26 applicable trade;

14.27 (2) have graduated from a registered apprenticeship program in the applicable trade; or

14.28 (3) have completed all of the classroom training and work hour requirements needed to
14.29 graduate from the registered apprenticeship program their employer participates in.

14.30 Subd. 2. Use of contractors by owner, operator; requirement. (a) An owner or operator
14.31 of an oil refinery shall, when contracting with contractors for the performance of construction,
14.32 alteration, demolition, installation, repair, maintenance, or hazardous material handling

15.1 work at the site of the oil refinery, require that the contractors performing that work, and
15.2 any subcontractors of any tier, use a skilled and trained workforce when performing all
15.3 work at the site of the oil refinery.

15.4 (b) The requirement under this subdivision applies only when each contractor and
15.5 subcontractor of any tier is performing work at the site of the oil refinery.

15.6 Subd. 3. **Penalties.** The Division of Labor Standards shall receive complaints of violations
15.7 of this section. The commissioner of labor and industry shall fine an owner, operator,
15.8 contractor, or subcontractor of any tier not less than \$5,000 nor more than \$10,000 for each
15.9 violation of the requirements in this section. Each shift on which a violation of this section
15.10 occurs shall be considered a separate violation. This penalty is in addition to any penalties
15.11 provided under section 177.27, subdivision 7. In determining the amount of a civil penalty
15.12 under this subdivision, the appropriateness of the penalty to the size of the violator's business
15.13 and the gravity of the violation shall be considered.

15.14 Subd. 4. **Civil actions.** A person injured by a violation of this section may bring a civil
15.15 action for damages against an owner or operator of an oil refinery. The court may award to
15.16 a prevailing plaintiff under this subdivision damages, attorney fees, costs, disbursements,
15.17 and any other appropriate relief as otherwise provided by law.

15.18 **EFFECTIVE DATE.** This section is effective October 15, 2021.

15.19 Sec. 13. **[181A.112] DATA ON INDIVIDUALS WHO ARE MINORS.**

15.20 (a) When the commissioner collects, creates, receives, maintains, or disseminates the
15.21 following data on individuals who the commissioner knows are minors, the data are
15.22 considered private data on individuals, as defined in section 13.02, subdivision 12, except
15.23 for data classified as public data according to section 13.43:

15.24 (1) name;

15.25 (2) date of birth;

15.26 (3) Social Security number;

15.27 (4) telephone number;

15.28 (5) e-mail address;

15.29 (6) physical or mailing address;

15.30 (7) location data;

15.31 (8) online account access information; and

16.1 (9) other data that would identify participants who have registered for events, programs,
16.2 or classes sponsored by the Department of Labor and Industry.

16.3 (b) Data about minors classified under this section maintain their classification as private
16.4 data on individuals after the individual is no longer a minor.

16.5 Sec. 14. Minnesota Statutes 2020, section 182.66, is amended by adding a subdivision to
16.6 read:

16.7 Subd. 4. **Classification of citation data.** Notwithstanding section 13.39, subdivision 2,
16.8 the data in a written citation is classified as public as soon as the commissioner has received
16.9 confirmation that the employer has received the citation. All data in the citation is public,
16.10 including but not limited to the employer's name; the employer's address; the address of the
16.11 worksite; the date or dates of inspection; the date the citation was issued; the provision of
16.12 the act, standard, rule, or order alleged to have been violated; the severity level of the citation;
16.13 the description of the nature of the violation; the proposed abatement date; the proposed
16.14 penalty; and any abatement guidelines.

16.15 Sec. 15. Minnesota Statutes 2020, section 182.666, subdivision 1, is amended to read:

16.16 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly
16.17 violates the requirements of section 182.653, or any standard, rule, or order adopted under
16.18 the authority of the commissioner as provided in this chapter, may be assessed a fine not to
16.19 exceed ~~\$70,000~~ \$136,532 for each violation. The minimum fine for a willful violation is
16.20 ~~\$5,000~~ \$9,753.

16.21 Sec. 16. Minnesota Statutes 2020, section 182.666, subdivision 2, is amended to read:

16.22 Subd. 2. **Serious violations.** Any employer who has received a citation for a serious
16.23 violation of its duties under section 182.653, or any standard, rule, or order adopted under
16.24 the authority of the commissioner as provided in this chapter, shall be assessed a fine not
16.25 to exceed ~~\$7,000~~ \$13,653 for each violation. If a serious violation under section 182.653,
16.26 subdivision 2, causes or contributes to the death of an employee, the employer shall be
16.27 assessed a fine of up to \$25,000 for each violation.

16.28 Sec. 17. Minnesota Statutes 2020, section 182.666, subdivision 3, is amended to read:

16.29 Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation
16.30 of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically

17.1 determined not to be of a serious nature as provided in section 182.651, subdivision 12,
17.2 may be assessed a fine of up to ~~\$7,000~~ \$13,653 for each violation.

17.3 Sec. 18. Minnesota Statutes 2020, section 182.666, subdivision 4, is amended to read:

17.4 Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation
17.5 for which a citation has been issued under section 182.66 within the period permitted for
17.6 its correction, which period shall not begin to run until the date of the final order of the
17.7 commissioner in the case of any review proceedings under this chapter initiated by the
17.8 employer in good faith and not solely for delay or avoidance of penalties, may be assessed
17.9 a fine of not more than ~~\$7,000~~ \$13,653 for each day during which the failure or violation
17.10 continues.

17.11 Sec. 19. Minnesota Statutes 2020, section 182.666, subdivision 5, is amended to read:

17.12 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,
17.13 as prescribed under this chapter, except those prescribed under section 182.661, subdivision
17.14 3a, shall be assessed a fine of up to ~~\$7,000~~ \$13,653 for each violation.

17.15 Sec. 20. Minnesota Statutes 2020, section 182.666, is amended by adding a subdivision
17.16 to read:

17.17 Subd. 6a. **Increases for inflation.** (a) Each year, beginning in 2022, the commissioner
17.18 shall determine the percentage change in the Minneapolis-St. Paul-Bloomington, MN-WI,
17.19 Consumer Price Index for All Urban Consumers (CPI-U) from the month of October in the
17.20 preceding calendar year to the month of October in the current calendar year.

17.21 (b) The commissioner shall increase the fines in subdivisions 1 to 5, except for the fine
17.22 for a serious violation under section 182.653, subdivision 2, that causes or contributes to
17.23 the death of an employee, by the percentage change determined by the commissioner under
17.24 paragraph (a), if the percentage change is greater than zero. The fines shall be increased to
17.25 the nearest dollar.

17.26 (c) If the percentage change determined by the commissioner under paragraph (a) is not
17.27 greater than zero, the commissioner shall not change any of the fines in subdivisions 1 to
17.28 5.

17.29 (d) A fine increase under this subdivision takes effect on the next January 1 after the
17.30 commissioner determines the percentage change under paragraph (a) and the increase applies
17.31 to all fines assessed on or after the next January 1.

18.1 (e) No later than December 1 of each year, the commissioner shall give notice in the
18.2 State Register of any increase to the fines in subdivisions 1, 2, 3, 4, and 5.

18.3 Sec. 21. [299F.48] AUTOMATIC SPRINKLER SYSTEMS IN EXISTING
18.4 HIGH-RISE BUILDINGS.

18.5 Subdivision 1. Requirements. This section applies to an existing building in which at
18.6 least one story used for human occupancy is 75 feet or more above the lowest level of fire
18.7 department vehicle access. An automatic sprinkler system must be installed in those portions
18.8 of the entire existing building in which an automatic sprinkler system would be required if
18.9 the building were constructed on the effective date of this section. The automatic sprinkler
18.10 system must comply with standards in the State Fire Code and the State Building Code and
18.11 must be fully operational by August 1, 2033.

18.12 Subd. 2. Exemptions. (a) Subdivision 1 does not apply to:

18.13 (1) a monument or war memorial that is included in the National Register of Historic
18.14 Places or the state register of historic places;

18.15 (2) an airport control tower or control room;

18.16 (3) an open parking structure;

18.17 (4) a building used for agricultural purposes;

18.18 (5) a residential building in which at least 70 percent of the dwelling units are owner
18.19 occupied;

18.20 (6) elevator equipment rooms and elevator shafts;

18.21 (7) electric generation and distribution facilities operated by a public utility, a municipal
18.22 utility, or a cooperative electric association;

18.23 (8) areas utilized for surgery, surgical recovery, emergency backup power systems, and
18.24 electrical closets within facilities licensed by the Department of Health; or

18.25 (9) a manufacturing facility that is required to meet the fire safety standards adopted by
18.26 the Occupational Safety and Health Administration in Code of Federal Regulations, title
18.27 29, part 1910, subpart L.

18.28 (b) Subdivision 1 does not apply to an area used exclusively for telecommunications
18.29 equipment and associated generator and power equipment and under exclusive control of
18.30 a telecommunications provider if:

19.1 (1) the area is separated from the remainder of the building by construction equivalent
19.2 to a one-hour fire resistant wall and two-hour floor and ceiling assemblies; and

19.3 (2) the area has an automatic fire detection and alarm system that complies with standards
19.4 in the State Fire Code and State Building Code.

19.5 Subd. 3. **Reporting.** By August 1, 2023, the owner of a building subject to subdivision
19.6 1 shall submit to the state fire marshal a letter stating the owner's intent to comply with this
19.7 section and a plan for achieving compliance by the deadline in subdivision 1.

19.8 Subd. 4. **Extensions.** The commissioner, or the state fire marshal as the commissioner's
19.9 designee, may grant extensions to the deadline for reporting under subdivision 3 or the
19.10 deadline for compliance under subdivision 1. Any extension must observe the spirit and
19.11 intent of this section and be tailored to ensure public welfare and safety. To be eligible for
19.12 an extension, the building owner must apply to the commissioner and demonstrate a genuine
19.13 inability to comply within the time prescribed despite appropriate effort to do so.

19.14 Subd. 5. **Rules.** The commissioner may adopt rules to implement this section.

19.15 Subd. 6. **Working group.** The commissioner may appoint a working group to advise
19.16 the commissioner on the implementation of this section, including the adoption of rules,
19.17 and to advise the commissioner on applications for extensions. If appointed, a working
19.18 group must include a representative from: the state fire marshal's office, the Department of
19.19 Administration, the Minnesota State Fire Chiefs Association, a chapter of the Minnesota
19.20 Building Owners and Managers Association, the Minneapolis Public Housing Authority,
19.21 the Minnesota Multi Housing Association, the Minnesota Hotel and Motel Association, the
19.22 Fire Marshals Association of Minnesota, professional engineers or licensed architects, a
19.23 municipal water authority of a city of the first class, a national association of fire sprinkler
19.24 contractors, and a resident of a building subject to subdivision 1.

19.25 Subd. 7. **Effect on other laws.** This section does not supersede the State Building Code
19.26 or State Fire Code.

19.27 Sec. 22. Minnesota Statutes 2020, section 326B.07, subdivision 1, is amended to read:

19.28 Subdivision 1. **Membership.** (a) The Construction Codes Advisory Council consists of
19.29 the following members:

19.30 (1) the commissioner or the commissioner's designee representing the department's
19.31 Construction Codes and Licensing Division;

20.1 (2) the commissioner of public safety or the commissioner of public safety's designee
20.2 representing the Department of Public Safety's State Fire Marshal Division;

20.3 (3) one member, appointed by the commissioner, engaged in each of the following
20.4 occupations or industries:

20.5 (i) certified building officials;

20.6 (ii) fire chiefs or fire marshals;

20.7 (iii) licensed architects;

20.8 (iv) licensed professional engineers;

20.9 (v) commercial building owners and managers;

20.10 (vi) the licensed residential building industry;

20.11 (vii) the commercial building industry;

20.12 (viii) the heating and ventilation industry;

20.13 (ix) a member of the Plumbing Board;

20.14 (x) a member of the Board of Electricity;

20.15 (xi) a member of the Board of High Pressure Piping Systems;

20.16 (xii) the boiler industry;

20.17 (xiii) the manufactured housing industry;

20.18 (xiv) public utility suppliers;

20.19 (xv) the Minnesota Building and Construction Trades Council; ~~and~~

20.20 (xvi) local units of government;

20.21 (xvii) the energy conservation industry; and

20.22 (xviii) a building accessibility advocate.

20.23 (b) The commissioner or the commissioner's designee representing the department's
20.24 Construction Codes and Licensing Division shall serve as chair of the advisory council. For
20.25 members who are not state officials or employees, compensation and removal of members
20.26 of the advisory council are governed by section 15.059. The terms of the members of the
20.27 advisory council shall be four years. The terms of eight of the appointed members shall be
20.28 coterminous with the governor and the terms of the remaining nine appointed members
20.29 shall end on the first Monday in January one year after the terms of the other appointed

21.1 members expire. An appointed member may be reappointed. Each council member shall
 21.2 appoint an alternate to serve in their absence.

21.3 Sec. 23. Minnesota Statutes 2020, section 326B.092, subdivision 7, is amended to read:

21.4 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license is
 21.5 the base license fee plus any applicable board fee, continuing education fee, and contractor
 21.6 recovery fund fee and additional assessment, as set forth in this subdivision.

21.7 (b) For purposes of this section, "license duration" means the number of years for which
 21.8 the license is issued except that if the initial license is not issued for a whole number of
 21.9 years, the license duration shall be rounded up to the next whole number.

21.10 (c) If there is a continuing education requirement for renewal of the license, then a
 21.11 continuing education fee must be included in the renewal license fee. The continuing
 21.12 education fee for all license classifications is \$5.

21.13 ~~(e)~~ (d) The base license fee shall depend on whether the license is classified as an entry
 21.14 level, master, journeyworker, or business license, and on the license duration. The base
 21.15 license fee shall be:

License Classification	License Duration	
	1 year	2 years
Entry level	\$10	\$20
Journeyworker	\$20	\$40
Master	\$40	\$80
Business		\$180

21.22 ~~(d) If there is a continuing education requirement for renewal of the license, then a~~
 21.23 ~~continuing education fee must be included in the renewal license fee. The continuing~~
 21.24 ~~education fee for all license classifications shall be: \$10 if the renewal license duration is~~
 21.25 ~~one year; and \$20 if the renewal license duration is two years.~~

21.26 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.925,
 21.27 then a board fee must be included in the license fee and the renewal license fee. The board
 21.28 fee for all license classifications shall be: \$4 if the license duration is one year; and \$8 if
 21.29 the license duration is two years.

21.30 (f) If the application is for the renewal of a license issued under sections 326B.802 to
 21.31 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision
 21.32 3, and any additional assessment required under section 326B.89, subdivision 16, must be
 21.33 included in the license renewal fee.

22.1 (g) Notwithstanding the fee amounts described in paragraphs ~~(e)~~ (d) to (f), for the period
 22.2 ~~July 1, 2017~~ October 1, 2021, through September 30, ~~2021~~ 2023, the following fees apply:

22.3	License Classification	License Duration	
22.4		1 year	2 years
22.5	Entry level	\$10	\$20
22.6	Journeyworker	\$15	\$30
22.7	Master	\$30	\$60
22.8	Business		\$120

22.9 ~~If there is a continuing education requirement for renewal of the license, then a continuing~~
 22.10 ~~education fee must be included in the renewal license fee. The continuing education fee for~~
 22.11 ~~all license classifications shall be \$5.~~

22.12 Sec. 24. Minnesota Statutes 2020, section 326B.0981, subdivision 4, is amended to read:

22.13 Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet
 22.14 continuing education course must be approved by the International Distance Education
 22.15 Certification Center (IDECC) or the International Association for Continuing Education
 22.16 and Training (IACET) before the course is submitted for the commissioner's approval. The
 22.17 approval must accompany the course submitted.

22.18 (b) Paragraphs (a) and (c) do not apply to approval of an Internet continuing education
 22.19 course for manufactured home installers. An Internet continuing education course for
 22.20 manufactured home installers must be approved by the United States Department of Housing
 22.21 and Urban Development or by the commissioner of labor and industry. The approval must
 22.22 accompany the course completion certificate issued to each student by the course sponsor.

22.23 (c) An Internet continuing education course must:

22.24 (1) specify the minimum computer system requirements;

22.25 (2) provide encryption that ensures that all personal information, including the student's
 22.26 name, address, and credit card number, cannot be read as it passes across the Internet;

22.27 (3) include technology to guarantee seat time;

22.28 (4) include a high level of interactivity;

22.29 (5) include graphics that reinforce the content;

22.30 (6) include the ability for the student to contact an instructor or course sponsor within
 22.31 a reasonable amount of time;

- 23.1 (7) include the ability for the student to get technical support within a reasonable amount
23.2 of time;
- 23.3 (8) include a statement that the student's information will not be sold or distributed to
23.4 any third party without prior written consent of the student. Taking the course does not
23.5 constitute consent;
- 23.6 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
23.7 updating and administration, except that this provision does not apply to live courses taught
23.8 by an actual instructor and delivered over the Internet;
- 23.9 (10) provide viewing access to the online course at all times to the commissioner,
23.10 excluding minimal downtime for updating and administration;
- 23.11 (11) include a process to authenticate the student's identity;
- 23.12 (12) inform the student and the commissioner how long after its purchase a course will
23.13 be accessible;
- 23.14 (13) inform the student that license education credit will not be awarded for taking the
23.15 course after it loses its status as an approved course;
- 23.16 (14) provide clear instructions on how to navigate through the course;
- 23.17 (15) provide automatic bookmarking at any point in the course;
- 23.18 (16) provide questions after each unit or chapter that must be answered before the student
23.19 can proceed to the next unit or chapter;
- 23.20 (17) include a reinforcement response when a quiz question is answered correctly;
- 23.21 (18) include a response when a quiz question is answered incorrectly;
- 23.22 (19) include a final examination in which the student must correctly answer 70 percent
23.23 of the questions;
- 23.24 (20) allow the student to go back and review any unit at any time, except during the final
23.25 examination;
- 23.26 (21) provide a course evaluation at the end of the course. At a minimum, the evaluation
23.27 must ask the student to report any difficulties caused by the online education delivery
23.28 method;
- 23.29 (22) provide a completion certificate when the course and exam have been completed
23.30 and the provider has verified the completion. Electronic certificates are sufficient and shall
23.31 include the name of the provider, date and location of the course, educational program

24.1 identification that was provided by the department, hours of instruction or continuing
24.2 education hours, and licensee's or attendee's name and license, certification, or registration
24.3 number or the last four digits of the licensee's or attendee's Social Security number; and

24.4 (23) allow the commissioner the ability to electronically review the class to determine
24.5 if credit can be approved.

24.6 ~~(e)~~ (d) The final examination must be either an encrypted online examination or a paper
24.7 examination that is monitored by a proctor who certifies that the student took the examination.

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

24.9 Sec. 25. Minnesota Statutes 2020, section 326B.106, subdivision 1, is amended to read:

24.10 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
24.11 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
24.12 Construction Codes Advisory Council establish a code of standards for the construction,
24.13 reconstruction, alteration, and repair of buildings, governing matters of structural materials,
24.14 design and construction, fire protection, health, sanitation, and safety, including design and
24.15 construction standards regarding heat loss control, illumination, and climate control. The
24.16 code must also include duties and responsibilities for code administration, including
24.17 procedures for administrative action, penalties, and suspension and revocation of certification.
24.18 The code must conform insofar as practicable to model building codes generally accepted
24.19 and in use throughout the United States, including a code for building conservation. In the
24.20 preparation of the code, consideration must be given to the existing statewide specialty
24.21 codes presently in use in the state. Model codes with necessary modifications and statewide
24.22 specialty codes may be adopted by reference. The code must be based on the application
24.23 of scientific principles, approved tests, and professional judgment. To the extent possible,
24.24 the code must be adopted in terms of desired results instead of the means of achieving those
24.25 results, avoiding wherever possible the incorporation of specifications of particular methods
24.26 or materials. To that end the code must encourage the use of new methods and new materials.
24.27 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall
24.28 administer and enforce the provisions of those sections.

24.29 (b) The commissioner shall develop rules addressing the plan review fee assessed to
24.30 similar buildings without significant modifications including provisions for use of building
24.31 systems as specified in the industrial/modular program specified in section 326B.194.
24.32 Additional plan review fees associated with similar plans must be based on costs
24.33 commensurate with the direct and indirect costs of the service.

25.1 (c) Beginning with the 2018 edition of the model building codes and every six years
25.2 thereafter, the commissioner shall review the new model building codes and adopt the model
25.3 codes as amended for use in Minnesota, within two years of the published edition date. The
25.4 commissioner may adopt amendments to the building codes prior to the adoption of the
25.5 new building codes to advance construction methods, technology, or materials, or, where
25.6 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
25.7 or the use of a building.

25.8 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model
25.9 residential energy code and the new model commercial energy code in accordance with
25.10 federal law for which the United States Department of Energy has issued an affirmative
25.11 determination in compliance with United States Code, title 42, section 6833. Beginning in
25.12 2022, the commissioner shall act on the new model commercial energy code by adopting
25.13 each new published edition of ASHRAE 90.1 or a more efficient standard, and amending
25.14 it as necessary to achieve a minimum of eight percent energy efficiency with each edition,
25.15 as measured against energy consumption by an average building in each applicable building
25.16 sector in 2003. These amendments must achieve a net zero energy standard for new
25.17 commercial buildings by 2036 and thereafter. The commissioner may adopt amendments
25.18 prior to adoption of the new energy codes, as amended for use in Minnesota, to advance
25.19 construction methods, technology, or materials, or, where necessary to protect the health,
25.20 safety, and welfare of the public, or to improve the efficiency or use of a building.

25.21 Sec. 26. Minnesota Statutes 2020, section 326B.89, subdivision 1, is amended to read:

25.22 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
25.23 the meanings given them.

25.24 (b) "Gross annual receipts" means the total amount derived from residential contracting
25.25 or residential remodeling activities, regardless of where the activities are performed, and
25.26 must not be reduced by costs of goods sold, expenses, losses, or any other amount.

25.27 (c) "Licensee" means a person licensed as a residential contractor or residential remodeler.

25.28 (d) "Residential real estate" means a new or existing building constructed for habitation
25.29 by one to four families, and includes detached garages intended for storage of vehicles
25.30 associated with the residential real estate.

25.31 (e) "Fund" means the contractor recovery fund.

25.32 (f) "Owner" when used in connection with real property, means a person who has any
25.33 legal or equitable interest in real property and includes a condominium or townhome

26.1 association that owns common property located in a condominium building or townhome
26.2 building or an associated detached garage. Owner does not include any real estate developer
26.3 or any owner using, or intending to use, the property for a business purpose and not as
26.4 owner-occupied residential real estate.

26.5 (g) "Cycle One" means the time period between July 1 and December 31.

26.6 (h) "Cycle Two" means the time period between January 1 and June 30.

26.7 Sec. 27. Minnesota Statutes 2020, section 326B.89, subdivision 5, is amended to read:

26.8 Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the
26.9 fund to an owner or a lessee in an amount greater than \$75,000 per licensee. The
26.10 commissioner shall not pay compensation from the fund to owners and lessees in an amount
26.11 that totals more than ~~\$300,000~~ \$800,000 per licensee. The commissioner shall only pay
26.12 compensation from the fund for a final judgment that is based on a contract directly between
26.13 the licensee and the homeowner or lessee that was entered into prior to the cause of action
26.14 and that requires licensure as a residential building contractor or residential remodeler.

26.15 Sec. 28. Minnesota Statutes 2020, section 326B.89, subdivision 9, is amended to read:

26.16 Subd. 9. **Satisfaction of applications for compensation.** The commissioner shall pay
26.17 compensation from the fund to an owner or a lessee pursuant to the terms of an agreement
26.18 that has been entered into under subdivision 7, clause (1), or pursuant to a final order that
26.19 has been issued under subdivision 7, clause (2), or subdivision 8 by December 1 of the fiscal
26.20 year following the fiscal year during which the agreement was entered into or during which
26.21 the order became final, subject to the limitations of this section. ~~At the end of each fiscal~~
26.22 ~~year the commissioner shall calculate the amount of compensation to be paid from the fund~~
26.23 ~~pursuant to agreements that have been entered into under subdivision 7, clause (1), and final~~
26.24 ~~orders that have been issued under subdivision 7, clause (2), or subdivision 8. If the calculated~~
26.25 ~~amount exceeds the amount available for payment, then the commissioner shall allocate the~~
26.26 ~~amount available among the owners and the lessees in the ratio that the amount agreed to~~
26.27 ~~or ordered to be paid to each owner or lessee bears to the amount calculated. The~~
26.28 ~~commissioner shall mail notice of the allocation to all owners and lessees not less than 45~~
26.29 ~~days following the end of the fiscal year. 31 for applications submitted by July 1 or June~~
26.30 30 for applications submitted by January 1 of the fiscal year. The commissioner shall not
26.31 pay compensation to owners or lessees that totals more than \$400,000 per licensee during
26.32 Cycle One of a fiscal year nor shall the commissioner pay out during Cycle One if the payout
26.33 will result in the exhaustion of a licensee's fund. If compensation paid to owners or lessees

27.1 in Cycle One would total more than \$400,000 or would result in exhaustion of a licensee's
27.2 fund in Cycle One, the commissioner shall not make a final determination of compensation
27.3 for claims against the licensee until the completion of Cycle Two. If the claims against a
27.4 licensee for the fiscal year result in the exhaustion of a licensee's fund or the fund as a whole,
27.5 the commissioner must prorate the amount available among the owners and lessees based
27.6 on the amount agreed to or ordered to be paid to each owner or lessee. The commissioner
27.7 shall mail notice of the proration to all owners and lessees no later than March 31 of the
27.8 current fiscal year. Any compensation paid by the commissioner in accordance with this
27.9 subdivision shall be deemed to satisfy and extinguish any right to compensation from the
27.10 fund based upon the verified application of the owner or lessee.

27.11 **Sec. 29. LAW ENFORCEMENT SUPERVISORS TRANSITION.**

27.12 (a) Until a negotiated collective bargaining agreement with an exclusive representative
27.13 of the law enforcement supervisors unit established under Minnesota Statutes, section
27.14 179A.10, subdivision 2, clause (18), is approved under Minnesota Statutes, section 3.855:

27.15 (1) state patrol supervisors and enforcement supervisors employed by the Department
27.16 of Natural Resources shall remain in the commissioner's plan;

27.17 (2) criminal apprehension investigative supervisors and other law enforcement supervisor
27.18 positions currently in the general supervisory employees unit shall remain in the general
27.19 supervisory employees unit represented by the Middle Management Association; and

27.20 (3) employees in positions to be included in the law enforcement supervisors unit shall
27.21 be authorized to participate in certification elections for the law enforcement supervisors
27.22 unit and any negotiation and collective bargaining activities of the law enforcement
27.23 supervisors unit.

27.24 (b) In assigning positions included in the law enforcement supervisors unit, employees
27.25 in positions under paragraph (a), clause (2), shall have the right to remain in the general
27.26 supervisory employees unit represented by the Middle Management Association. If a group
27.27 of employees exercises this right, the appropriate unit for such employees shall be the general
27.28 supervisory employees unit represented by the Middle Management Association, and the
27.29 commissioner shall assign them to such unit.

28.1 Sec. 30. **CAREER PATHWAY DEMONSTRATION PROGRAM.**

28.2 Subdivision 1. **Demonstration program.** A career pathway demonstration program is
28.3 created to encourage, support, and continue student participation in a structured career
28.4 pathway program.

28.5 Subd. 2. **Report.** On January 15, 2024, Independent School District No. 294, Houston,
28.6 must submit a written report to the legislative committees having jurisdiction over education
28.7 and workforce development describing students' experiences with the program. The report
28.8 must document the program's spending, list the number of students participating in the
28.9 program and entering the apprenticeship program, and make recommendations for improving
28.10 support of career pathway programs statewide.

28.11 Sec. 31. **REPEALER.**

28.12 (a) Minnesota Statutes 2020, section 181.9414, is repealed.

28.13 (b) Minnesota Rules, part 5200.0080, subpart 7, is repealed effective August 1, 2021.

28.14 **ARTICLE 3**

28.15 **EARNED SICK AND SAFE TIME**

28.16 Section 1. Minnesota Statutes 2020, section 181.942, subdivision 1, is amended to read:

28.17 Subdivision 1. **Comparable position.** (a) An employee returning from a leave of absence
28.18 under section 181.941 is entitled to return to employment in the employee's former position
28.19 or in a position of comparable duties, number of hours, and pay. An employee returning
28.20 from a leave of absence longer than one month must notify a supervisor at least two weeks
28.21 prior to return from leave. An employee returning from a leave under section 181.9412 or
28.22 ~~181.9413~~ sections 181.9445 to 181.9448 is entitled to return to employment in the employee's
28.23 former position.

28.24 (b) If, during a leave under sections 181.940 to 181.944, the employer experiences a
28.25 layoff and the employee would have lost a position had the employee not been on leave,
28.26 pursuant to the good faith operation of a bona fide layoff and recall system, including a
28.27 system under a collective bargaining agreement, the employee is not entitled to reinstatement
28.28 in the former or comparable position. In such circumstances, the employee retains all rights
28.29 under the layoff and recall system, including a system under a collective bargaining
28.30 agreement, as if the employee had not taken the leave.

29.1 Sec. 2. [181.9445] DEFINITIONS.

29.2 Subdivision 1. Definitions. For the purposes of section 177.50 and sections 181.9445
29.3 to 181.9447, the terms defined in this section have the meanings given them.

29.4 Subd. 2. Commissioner. "Commissioner" means the commissioner of labor and industry
29.5 or authorized designee or representative.

29.6 Subd. 3. Domestic abuse. "Domestic abuse" has the meaning given in section 518B.01.

29.7 Subd. 4. Earned sick and safe time. "Earned sick and safe time" means leave, including
29.8 paid time off and other paid leave systems, that is paid at the same hourly rate as an employee
29.9 earns from employment that may be used for the same purposes and under the same
29.10 conditions as provided under section 181.9447.

29.11 Subd. 5. Employee. "Employee" means any person who is employed by an employer,
29.12 including temporary and part-time employees, who performs work for at least 80 hours in
29.13 a year for that employer in Minnesota. Employee does not include:

29.14 (1) an independent contractor; or

29.15 (2) an individual employed by an air carrier as a flight deck or cabin crew member who
29.16 is subject to United States Code, title 45, sections 181 to 188, and who is provided with
29.17 paid leave equal to or exceeding the amounts in section 181.9446.

29.18 Subd. 6. Employer. "Employer" means a person who has one or more employees.
29.19 Employer includes an individual, a corporation, a partnership, an association, a business
29.20 trust, a nonprofit organization, a group of persons, a state, county, town, city, school district,
29.21 or other governmental subdivision. In the event that a temporary employee is supplied by
29.22 a staffing agency, absent a contractual agreement stating otherwise, that individual shall be
29.23 an employee of the staffing agency for all purposes of section 177.50 and sections 181.9445
29.24 to 181.9448.

29.25 Subd. 7. Family member. "Family member" means:

29.26 (1) an employee's:

29.27 (i) child, foster child, adult child, legal ward, or child for whom the employee is legal
29.28 guardian;

29.29 (ii) spouse or registered domestic partner;

29.30 (iii) sibling, stepsibling, or foster sibling;

29.31 (iv) parent or stepparent;

30.1 (v) grandchild, foster grandchild, or stepgrandchild; or

30.2 (vi) grandparent or stepgrandparent;

30.3 (2) any of the family members listed in clause (1) of a spouse or registered domestic
30.4 partner;

30.5 (3) any individual related by blood or affinity whose close association with the employee
30.6 is the equivalent of a family relationship; and

30.7 (4) up to one individual annually designated by the employee.

30.8 Subd. 8. **Health care professional.** "Health care professional" means any person licensed
30.9 under federal or state law to provide medical or emergency services, including doctors,
30.10 physician assistants, nurses, and emergency room personnel.

30.11 Subd. 9. **Prevailing wage rate.** "Prevailing wage rate" has the meaning given in section
30.12 177.42 and as calculated by the Department of Labor and Industry.

30.13 Subd. 10. **Retaliatory personnel action.** "Retaliatory personnel action" means:

30.14 (1) any form of intimidation, threat, reprisal, harassment, discrimination, or adverse
30.15 employment action, including discipline, discharge, suspension, transfer, or reassignment
30.16 to a lesser position in terms of job classification, job security, or other condition of
30.17 employment; reduction in pay or hours or denial of additional hours; the accumulation of
30.18 points under an attendance point system; informing another employer that the person has
30.19 engaged in activities protected by this chapter; or reporting or threatening to report the actual
30.20 or suspected citizenship or immigration status of an employee, former employee, or family
30.21 member of an employee to a federal, state, or local agency; and

30.22 (2) interference with or punishment for participating in any manner in an investigation,
30.23 proceeding, or hearing under this chapter.

30.24 Subd. 11. **Sexual assault.** "Sexual assault" means an act that constitutes a violation
30.25 under sections 609.342 to 609.3453 or 609.352.

30.26 Subd. 12. **Stalking.** "Stalking" has the meaning given in section 609.749.

30.27 Subd. 13. **Year.** "Year" means a regular and consecutive 12-month period, as determined
30.28 by an employer and clearly communicated to each employee of that employer.

30.29 Sec. 3. **[181.9446] ACCRUAL OF EARNED SICK AND SAFE TIME.**

30.30 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
30.31 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.

31.1 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
31.2 the employer agrees to a higher amount.

31.3 (b) Employers must permit an employee to carry over accrued but unused sick and safe
31.4 time into the following year. The total amount of accrued but unused earned sick and safe
31.5 time for an employee must not exceed 80 hours at any time, unless an employer agrees to
31.6 a higher amount.

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

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

31.14 (e) Employees may use accrued earned sick and safe time beginning 90 calendar days
31.15 after the day their employment commenced. After 90 days from the day employment
31.16 commenced, employees may use earned sick and safe time as it is accrued. The
31.17 90-calendar-day period under this paragraph includes both days worked and days not worked.

31.18 **Sec. 4. [181.9447] USE OF EARNED SICK AND SAFE TIME.**

31.19 Subdivision 1. **Eligible use.** An employee may use accrued earned sick and safe time
31.20 for:

31.21 (1) an employee's:

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

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

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

31.26 (2) care of a family member:

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

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

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

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

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

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

32.6 (iii) obtain psychological or other counseling;

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

32.8 (v) seek legal advice or take legal action, including preparing for or participating in any
32.9 civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault,
32.10 or stalking;

32.11 (4) closure of the employee's place of business due to weather or other public emergency
32.12 or an employee's need to care for a family member whose school or place of care has been
32.13 closed due to weather or other public emergency; and

32.14 (5) when it has been determined by the health authorities having jurisdiction or by a
32.15 health care professional that the presence of the employee or family member of the employee
32.16 in the community would jeopardize the health of others because of the exposure of the
32.17 employee or family member of the employee to a communicable disease, whether or not
32.18 the employee or family member has actually contracted the communicable disease.

32.19 Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and
32.20 safe time as provided in this paragraph. If the need for use is foreseeable, an employer may
32.21 require advance notice of the intention to use earned sick and safe time but must not require
32.22 more than seven days' advance notice. If the need is unforeseeable, an employer may require
32.23 an employee to give notice of the need for earned sick and safe time as soon as practicable.

32.24 Subd. 3. **Documentation.** When an employee uses earned sick and safe time for more
32.25 than three consecutive days, an employer may require reasonable documentation that the
32.26 earned sick and safe time is covered by subdivision 1. For earned sick and safe time under
32.27 subdivision 1, clauses (1) and (2), reasonable documentation may include a signed statement
32.28 by a health care professional indicating the need for use of earned sick and safe time. For
32.29 earned sick and safe time under subdivision 1, clause (3), an employer must accept a court
32.30 record or documentation signed by a volunteer or employee of a victims services organization,
32.31 an attorney, a police officer, or an antiviolence counselor as reasonable documentation. An
32.32 employer must not require disclosure of details relating to domestic abuse, sexual assault,
32.33 or stalking or the details of an employee's or an employee's family member's medical

33.1 condition as related to an employee's request to use earned sick and safe time under this
33.2 section.

33.3 Subd. 4. **Replacement worker.** An employer may not require, as a condition of an
33.4 employee using earned sick and safe time, that the employee seek or find a replacement
33.5 worker to cover the hours the employee uses as earned sick and safe time.

33.6 Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the smallest
33.7 increment of time tracked by the employer's payroll system, provided such increment is not
33.8 more than four hours.

33.9 Subd. 6. **Retaliation prohibited.** An employer shall not take retaliatory personnel action
33.10 against an employee because the employee has requested earned sick and safe time, used
33.11 earned sick and safe time, requested a statement of accrued sick and safe time, or made a
33.12 complaint or filed an action to enforce a right to earned sick and safe time under this section.

33.13 Subd. 7. **Reinstatement to comparable position after leave.** An employee returning
33.14 from a leave under this section is entitled to return to employment in a comparable position.
33.15 If, during a leave under this section, the employer experiences a layoff and the employee
33.16 would have lost a position had the employee not been on leave, pursuant to the good faith
33.17 operation of a bona fide layoff and recall system, including a system under a collective
33.18 bargaining agreement, the employee is not entitled to reinstatement in the former or
33.19 comparable position. In such circumstances, the employee retains all rights under the layoff
33.20 and recall system, including a system under a collective bargaining agreement, as if the
33.21 employee had not taken the leave.

33.22 Subd. 8. **Pay and benefits after leave.** An employee returning from a leave under this
33.23 section is entitled to return to employment at the same rate of pay the employee had been
33.24 receiving when the leave commenced, plus any automatic adjustments in the employee's
33.25 pay scale that occurred during the leave period. The employee returning from a leave is
33.26 entitled to retain all accrued preleave benefits of employment and seniority as if there had
33.27 been no interruption in service, provided that nothing under this section prevents the accrual
33.28 of benefits or seniority during the leave pursuant to a collective bargaining or other agreement
33.29 between the employer and employees.

33.30 Subd. 9. **Part-time return from leave.** An employee, by agreement with the employer,
33.31 may return to work part time during the leave period without forfeiting the right to return
33.32 to employment at the end of the leave, as provided under this section.

33.33 Subd. 10. **Notice and posting by employer.** (a) Employers must give notice to all
33.34 employees that they are entitled to earned sick and safe time, including the amount of earned

34.1 sick and safe time, the accrual year for the employee, and the terms of its use under this
34.2 section; that retaliation against employees who request or use earned sick and safe time is
34.3 prohibited; and that each employee has the right to file a complaint or bring a civil action
34.4 if earned sick and safe time is denied by the employer or the employee is retaliated against
34.5 for requesting or using earned sick and safe time.

34.6 (b) Employers must supply employees with a notice in English and other appropriate
34.7 languages that contains the information required in paragraph (a) at commencement of
34.8 employment or the effective date of this section, whichever is later.

34.9 (c) The means used by the employer must be at least as effective as the following options
34.10 for providing notice:

34.11 (1) posting a copy of the notice at each location where employees perform work and
34.12 where the notice must be readily observed and easily reviewed by all employees performing
34.13 work; or

34.14 (2) providing a paper or electronic copy of the notice to employees.

34.15 The notice must contain all information required under paragraph (a). The commissioner
34.16 shall create and make available to employers a poster and a model notice that contains the
34.17 information required under paragraph (a) for their use in complying with this section.

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

34.20 Subd. 11. **Required statement to employee.** (a) Upon request of the employee, the
34.21 employer must provide, in writing or electronically, current information stating the
34.22 employee's amount of:

34.23 (1) earned sick and safe time available to the employee; and

34.24 (2) used earned sick and safe time.

34.25 (b) Employers may choose a reasonable system for providing the information in paragraph
34.26 (a), including but not limited to listing information on each pay stub or developing an online
34.27 system where employees can access their own information.

34.28 Subd. 12. **Employer records.** (a) Employers shall retain accurate records documenting
34.29 hours worked by employees and earned sick and safe time taken and comply with all
34.30 requirements under section 177.30.

34.31 (b) An employer must allow an employee to inspect records required by this section and
34.32 relating to that employee at a reasonable time and place.

35.1 Subd. 13. Confidentiality and nondisclosure. (a) If, in conjunction with this section,
35.2 an employer possesses:

35.3 (1) health or medical information regarding an employee or an employee's family
35.4 member;

35.5 (2) information pertaining to domestic abuse, sexual assault, or stalking;

35.6 (3) information that the employee has requested or obtained leave under this section; or

35.7 (4) any written or oral statement, documentation, record, or corroborating evidence
35.8 provided by the employee or an employee's family member, the employer must treat such
35.9 information as confidential.

35.10 Information given by an employee may only be disclosed by an employer if the disclosure
35.11 is requested or consented to by the employee, when ordered by a court or administrative
35.12 agency, or when otherwise required by federal or state law.

35.13 (b) Records and documents relating to medical certifications, recertifications, or medical
35.14 histories of employees or family members of employees created for purposes of section
35.15 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
35.16 separate from the usual personnel files. At the request of the employee, the employer must
35.17 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
35.18 three years prior to the current calendar year.

35.19 (c) Employers must not discriminate against any employee based on records created for
35.20 the purposes of section 177.50 or sections 181.9445 to 181.9448.

35.21 **Sec. 5. [181.9448] EFFECT ON OTHER LAW OR POLICY.**

35.22 Subdivision 1. No effect on more generous sick and safe time policies. (a) Nothing
35.23 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting
35.24 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise
35.25 conflict with, the minimum standards and requirements provided in sections 181.9445 to
35.26 181.9447.

35.27 (b) Nothing in sections 181.9445 to 181.9447 shall be construed to limit the right of
35.28 parties to a collective bargaining agreement to bargain and agree with respect to earned sick
35.29 and safe time policies or to diminish the obligation of an employer to comply with any
35.30 contract, collective bargaining agreement, or any employment benefit program or plan that
35.31 meets or exceeds, and does not otherwise conflict with, the minimum standards and
35.32 requirements provided in this section.

36.1 (c) Employers who provide earned sick and safe time to their employees under a paid
36.2 time off policy or other paid leave policy that meets or exceeds, and does not otherwise
36.3 conflict with, the minimum standards and requirements provided in sections 181.9445 to
36.4 181.9448 are not required to provide additional earned sick and safe time.

36.5 (d) An employer may opt to satisfy the requirements of sections 181.9445 to 181.9448
36.6 for construction industry employees by:

36.7 (1) paying at least the prevailing wage rate as defined by section 177.42 and as calculated
36.8 by the Department of Labor and Industry; or

36.9 (2) paying at least the required rate established in a registered apprenticeship agreement
36.10 for apprentices registered with the Department of Labor and Industry.

36.11 An employer electing this option is deemed to be in compliance with sections 181.9445 to
36.12 181.9448 for construction industry employees who receive either at least the prevailing
36.13 wage rate or the rate required in the applicable apprenticeship agreement regardless of
36.14 whether the employees are working on private or public projects.

36.15 (e) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy
36.16 whereby employees may donate unused accrued sick and safe time to another employee.

36.17 (f) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and
36.18 safe time to an employee before accrual by the employee.

36.19 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
36.20 require financial or other reimbursement to an employee from an employer upon the
36.21 employee's termination, resignation, retirement, or other separation from employment for
36.22 accrued earned sick and safe time that has not been used. If an employee is transferred to
36.23 a separate division, entity, or location, but remains employed by the same employer, the
36.24 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
36.25 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
36.26 to 181.9448. When there is a separation from employment and the employee is rehired
36.27 within 180 days of separation by the same employer, previously accrued earned sick and
36.28 safe time that had not been used must be reinstated. An employee is entitled to use accrued
36.29 earned sick and safe time and accrue additional earned sick and safe time at the
36.30 commencement of reemployment.

36.31 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
36.32 place of an existing employer, all employees of the original employer who remain employed
36.33 by the successor employer are entitled to all earned sick and safe time accrued but not used

37.1 when employed by the original employer, and are entitled to use all earned sick and safe
37.2 time previously accrued but not used.

37.3 (b) If, at the time of transfer of the business, employees are terminated by the original
37.4 employer and hired within 30 days by the successor employer following the transfer, those
37.5 employees are entitled to all earned sick and safe time accrued but not used when employed
37.6 by the original employer, and are entitled to use all earned sick and safe time previously
37.7 accrued but not used.

37.8 Sec. 6. **REPEALER.**

37.9 Minnesota Statutes 2020, section 181.9413, is repealed.

37.10 Sec. 7. **EFFECTIVE DATE.**

37.11 This article is effective 180 days following final enactment.

37.12 **ARTICLE 4**

37.13 **EARNED SICK AND SAFE TIME ENFORCEMENT**

37.14 Section 1. Minnesota Statutes 2020, section 177.27, subdivision 2, is amended to read:

37.15 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
37.16 of employees working in the state to submit to the commissioner photocopies, certified
37.17 copies, or, if necessary, the originals of employment records which the commissioner deems
37.18 necessary or appropriate. The records which may be required include full and correct
37.19 statements in writing, including sworn statements by the employer, containing information
37.20 relating to wages, hours, names, addresses, and any other information pertaining to the
37.21 employer's employees and the conditions of their employment as the commissioner deems
37.22 necessary or appropriate.

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

37.26 The commissioner may fine the employer up to ~~\$1,000~~ \$10,000 for each failure to submit
37.27 or deliver records as required by this section, ~~and up to \$5,000 for each repeated failure.~~
37.28 This penalty is in addition to any penalties provided under section 177.32, subdivision 1.
37.29 In determining the amount of a civil penalty under this subdivision, the appropriateness of
37.30 such penalty to the size of the employer's business and the gravity of the violation shall be
37.31 considered.

38.1 Sec. 2. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

38.2 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
38.3 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
38.4 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
38.5 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.9445 to 181.9448, or
38.6 with any rule promulgated under section 177.28. The commissioner shall issue an order
38.7 requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated.
38.8 For purposes of this subdivision only, a violation is repeated if at any time during the two
38.9 years that preceded the date of violation, the commissioner issued an order to the employer
38.10 for violation of sections 177.41 to 177.435 and the order is final or the commissioner and
38.11 the employer have entered into a settlement agreement that required the employer to pay
38.12 back wages that were required by sections 177.41 to 177.435. The department shall serve
38.13 the order upon the employer or the employer's authorized representative in person or by
38.14 certified mail at the employer's place of business. An employer who wishes to contest the
38.15 order must file written notice of objection to the order with the commissioner within 15
38.16 calendar days after being served with the order. A contested case proceeding must then be
38.17 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
38.18 served with the order, the employer fails to file a written notice of objection with the
38.19 commissioner, the order becomes a final order of the commissioner.

38.20 Sec. 3. Minnesota Statutes 2020, section 177.27, subdivision 7, is amended to read:

38.21 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
38.22 violated a section identified in subdivision 4, or any rule adopted under section 177.28, and
38.23 the commissioner issues an order to comply, the commissioner shall order the employer to
38.24 cease and desist from engaging in the violative practice and to take such affirmative steps
38.25 that in the judgment of the commissioner will effectuate the purposes of the section or rule
38.26 violated. The commissioner shall order the employer to pay to the aggrieved parties back
38.27 pay, gratuities, and compensatory damages, less any amount actually paid to the employee
38.28 by the employer, and for an additional equal amount as liquidated damages. Any employer
38.29 who is found by the commissioner to have repeatedly or willfully violated a section or
38.30 sections identified in subdivision 4 shall be subject to a civil penalty of up to ~~\$1,000~~ \$10,000
38.31 for each violation for each employee. In determining the amount of a civil penalty under
38.32 this subdivision, the appropriateness of such penalty to the size of the employer's business
38.33 and the gravity of the violation shall be considered. In addition, the commissioner may order
38.34 the employer to reimburse the department and the attorney general for all appropriate
38.35 litigation and hearing costs expended in preparation for and in conducting the contested

39.1 case proceeding, unless payment of costs would impose extreme financial hardship on the
39.2 employer. If the employer is able to establish extreme financial hardship, then the
39.3 commissioner may order the employer to pay a percentage of the total costs that will not
39.4 cause extreme financial hardship. Costs include but are not limited to the costs of services
39.5 rendered by the attorney general, private attorneys if engaged by the department,
39.6 administrative law judges, court reporters, and expert witnesses as well as the cost of
39.7 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
39.8 order from the date the order is signed by the commissioner until it is paid, at an annual rate
39.9 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
39.10 escrow accounts for purposes of distributing damages.

39.11 **Sec. 4. [177.50] EARNED SICK AND SAFE TIME ENFORCEMENT.**

39.12 **Subdivision 1. Definitions.** The definitions in section 181.9445 apply to this section.

39.13 **Subd. 2. Rulemaking authority.** The commissioner may adopt rules to carry out the
39.14 purposes of this section and sections 181.9445 to 181.9448.

39.15 **Subd. 3. Individual remedies.** In addition to any other remedies provided by law, a
39.16 person injured by a violation of sections 181.9445 to 181.9448 may bring a civil action to
39.17 recover general and special damages, along with costs, fees, and reasonable attorney fees,
39.18 and may receive injunctive and other equitable relief as determined by a court. An action
39.19 to recover damages under this subdivision must be commenced within three years of the
39.20 violation of sections 181.9445 to 181.9448 that caused the injury to the employee.

39.21 **Subd. 4. Grants to community organizations.** The commissioner may make grants to
39.22 community organizations for the purpose of outreach to and education for employees
39.23 regarding their rights under sections 181.9445 to 181.9448. The community-based
39.24 organizations must be selected based on their experience, capacity, and relationships in
39.25 high-violation industries. The work under such a grant may include the creation and
39.26 administration of a statewide worker hotline.

39.27 **Subd. 5. Report to legislature.** (a) The commissioner must submit an annual report to
39.28 the legislature, including to the chairs and ranking minority members of any relevant
39.29 legislative committee. The report must include, but is not limited to:

39.30 **(1) a list of all violations of sections 181.9445 to 181.9448, including the employer**
39.31 **involved, and the nature of any violations; and**

39.32 **(2) an analysis of noncompliance with sections 181.9445 to 181.9448, including any**
39.33 **patterns by employer, industry, or county.**

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

40.5 Subd. 6. **Contract for labor or services.** It is the responsibility of all employers to not
40.6 enter into any contract or agreement for labor or services where the employer has any actual
40.7 knowledge or knowledge arising from familiarity with the normal facts and circumstances
40.8 of the business activity engaged in, or has any additional facts or information that, taken
40.9 together, would make a reasonably prudent person undertake to inquire whether, taken
40.10 together, the contractor is not complying or has failed to comply with this section. For
40.11 purposes of this subdivision, "actual knowledge" means information obtained by the employer
40.12 that the contractor has violated this section within the past two years and has failed to present
40.13 the employer with credible evidence that such noncompliance has been cured going forward.

40.14 **EFFECTIVE DATE.** This section is effective 180 days after final enactment.

40.15 **ARTICLE 5**

40.16 **EMERGENCY REHIRE AND RETENTION**

40.17 Section 1. **DEFINITIONS.**

40.18 Subdivision 1. **Applicability.** For the purposes of sections 1 to 4, the following terms
40.19 have the meanings given.

40.20 Subd. 2. **Air carrier.** "Air carrier" means a person undertaking by any means, directly
40.21 or indirectly, to provide air transportation of persons, property, or mail.

40.22 Subd. 3. **Aircraft.** "Aircraft" means any contrivance invented, used, or designed for
40.23 navigation of or flight in the air, but excluding parachutes.

40.24 Subd. 4. **Airport.** "Airport" means any area of land or water, except a restricted landing
40.25 area, which is designed for the landing and takeoff of aircraft, whether or not facilities are
40.26 provided for the shelter, surfacing, or repair of aircraft, or for receiving or discharging
40.27 passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other
40.28 airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter
40.29 established.

40.30 Subd. 5. **Airport authority.** "Airport authority" means an authority created pursuant to
40.31 Minnesota Statutes, section 360.0426.

41.1 Subd. 6. **Airport facility management.** "Airport facility management" means a person
41.2 directing or supervising airport management activities, including but not limited to:

41.3 (1) information management;

41.4 (2) building and property management;

41.5 (3) civil services;

41.6 (4) procurement and logistics management; and

41.7 (5) legal services.

41.8 Subd. 7. **Airport hospitality operation.** (a) "Airport hospitality operation" means a
41.9 business that:

41.10 (1) prepares, delivers, inspects, or provides any other service in connection with the
41.11 preparation of food or beverage for aircraft crew or passengers at an airport; or

41.12 (2) provides food and beverage, retail, or other consumer goods or services to the public
41.13 at an airport.

41.14 (b) Airport hospitality operation does not include an air carrier certificated by the Federal
41.15 Aviation Administration.

41.16 Subd. 8. **Airport service provider.** (a) "Airport service provider" means a business that
41.17 performs, under contract with a passenger air carrier, airport facility management, or airport
41.18 authority, functions on the property of the airport that are directly related to the air
41.19 transportation of persons, property, or mail, including but not limited to:

41.20 (1) the loading and unloading of property on aircraft;

41.21 (2) assistance to passengers under Code of Federal Regulations, title 14, part 382;

41.22 (3) security;

41.23 (4) airport ticketing and check-in functions;

41.24 (5) ground-handling of aircraft;

41.25 (6) aircraft cleaning and sanitization functions; or

41.26 (7) airport authority.

41.27 (b) Airport service provider does not include an air carrier certificated by the Federal
41.28 Aviation Administration.

41.29 Subd. 9. **Building service.** "Building service" means janitorial, building maintenance,
41.30 or security services.

42.1 Subd. 10. **Business day.** "Business day" means Monday through Friday, excluding any
42.2 holidays as defined in Minnesota Statutes, section 645.44.

42.3 Subd. 11. **Change in control.** "Change in control" means any sale, assignment, transfer,
42.4 contribution, or other disposition of all or substantially all of the assets used in the operation
42.5 of an enterprise or a discrete portion of the enterprise that continues in operation as an
42.6 enterprise, or a controlling interest, including by consolidation, merger, or reorganization,
42.7 of the incumbent employer or any person who controls the incumbent employer.

42.8 Subd. 12. **Declared emergency.** "Declared emergency" means a national security or
42.9 peacetime emergency declared by the governor under Minnesota Statutes, section 12.31, a
42.10 local emergency declared by the mayor of a municipality or the chair of a county board of
42.11 commissioners under Minnesota Statutes, section 12.29, a federal public health emergency
42.12 declared by the secretary of the federal Department of Health and Human Services, or a
42.13 major disaster or national emergency declared by the president.

42.14 Subd. 13. **Eligible employee.** (a) "Eligible employee" means an individual:

42.15 (1) whose primary place of employment is at an enterprise subject to a change in control;

42.16 (2) who is employed directly by the incumbent employer, or by an employer who has
42.17 contracted with the incumbent employer to provide services at the enterprise subject to a
42.18 change in control; and

42.19 (3) who has worked for the incumbent employer for at least one month prior to the
42.20 execution of the transfer document.

42.21 (b) Eligible employee does not include a managerial, supervisory, or confidential
42.22 employee.

42.23 Subd. 14. **Employee.** "Employee" means an individual who performs services for hire
42.24 for at least two hours in a particular week for an employer.

42.25 Subd. 15. **Employer.** "Employer" means any person who directly, indirectly, or through
42.26 an agent or any other person, including through the services of a temporary service or staffing
42.27 agency or similar entity, owns or operates an enterprise and employs one or more employees.

42.28 Subd. 16. **Enterprise.** "Enterprise" means a hotel, event center, airport hospitality
42.29 operation, airport service provider, or the provision of building service to office, retail, or
42.30 other commercial buildings.

42.31 Subd. 17. **Event center.** (a) "Event center" means a publicly or privately owned structure
42.32 of more than 50,000 square feet or 2,000 seats that is used for the purposes of public

43.1 performances, sporting events, business meetings, or similar events, and includes concert
43.2 halls, stadiums, sports arenas, racetracks, coliseums, and convention centers.

43.3 (b) Event center also includes any contracted, leased, or sublet premises connected to
43.4 or operated in conjunction with the event center's purpose, including food preparation
43.5 facilities, concessions, retail stores, restaurants, bars, and structured parking facilities.

43.6 Subd. 18. **Hotel.** (a) "Hotel" means a building, structure, enclosure, or any part thereof:

43.7 (1) used as, maintained as, advertised as, or held out to be a place where sleeping
43.8 accommodations, lodging, and other related services are furnished to the public; and

43.9 (2) containing 75 or more guest rooms, or suites of rooms, except adjoining rooms do
43.10 not constitute a suite of rooms. The number of guest rooms, or suites of rooms, shall be
43.11 calculated based on the room count on the opening of the hotel or on December 31, 2019,
43.12 whichever is greater.

43.13 (b) Hotel also includes any contracted, leased, or sublet premises connected to or operated
43.14 in conjunction with the hotel's purpose, or providing services thereat.

43.15 Subd. 19. **Incumbent employer.** "Incumbent employer" means a person who owns or
43.16 operates an enterprise subject to a change in control prior to the change in control.

43.17 Subd. 20. **Laid-off employee.** "Laid-off employee" means any employee who was
43.18 employed by the employer for six months or more in the 12 months preceding January 31,
43.19 2020, and whose most recent separation from actively performing services for hire occurred
43.20 after January 31, 2020, and was due to a public health directive, government shutdown
43.21 order, lack of business, a reduction in force, or other economic, nondisciplinary reason
43.22 related to the declared emergency.

43.23 Subd. 21. **Length of service.** "Length of service" means the total of all periods of time
43.24 during which an employee has actively been performing services for hire with the employer,
43.25 including periods of time when the employee was on leave or on vacation.

43.26 Subd. 22. **Person.** "Person" means an individual, corporation, partnership, limited
43.27 partnership, limited liability partnership, limited liability company, business trust, estate,
43.28 trust, association, joint venture, agency, instrumentality, or any other legal or commercial
43.29 entity, whether domestic or foreign.

43.30 Subd. 23. **Successor employer.** "Successor employer" means a person that owns or
43.31 operates an enterprise subject to a change in control after the change in control.

44.1 Subd. 24. **Transfer document.** "Transfer document" means the purchase agreement or
44.2 other documents creating a binding agreement to effect the change in control.

44.3 Sec. 2. **EMERGENCY REHIRE AND RETENTION OF LAID-OFF EMPLOYEES.**

44.4 Subdivision 1. **Rehire and recall requirements.** (a) An employer shall offer its laid-off
44.5 employees in writing, to their last known physical address, and by e-mail and text message
44.6 to the extent the employer possesses such information, all job positions that become available
44.7 after the effective date of this section for which the laid-off employees are qualified. A
44.8 laid-off employee is qualified for a position if the employee either:

44.9 (1) held the same or similar position at the enterprise at the time of the employee's most
44.10 recent separation from actively performing services for hire with the employer; or

44.11 (2) is or can be qualified for the position with the same training that would be provided
44.12 to a new employee hired into that position.

44.13 (b) The employer shall offer positions to laid-off employees in an order of preference
44.14 corresponding to paragraph (a), clauses (1) and (2). If more than one employee is entitled
44.15 to preference for a position, the employer shall offer the position to the laid-off employee
44.16 with the greatest length of service for the enterprise.

44.17 (c) A laid-off employee who is offered a position pursuant to this section shall be given
44.18 at least five business days in which to accept or decline the offer. An employer may make
44.19 simultaneous conditional offers of employment to laid-off employees, with a final offer of
44.20 employment conditioned on application of the priority system in paragraph (b).

44.21 (d) An employer that declines to recall a laid-off employee on the grounds of lack of
44.22 qualifications and instead hires someone other than a laid-off employee shall provide the
44.23 laid-off employee a written notice within 30 days identifying those hired in lieu of that
44.24 recall, along with all reasons for the decision.

44.25 (e) This section also applies in any of the following circumstances:

44.26 (1) the ownership of the employer changed after the separation from employment of a
44.27 laid-off employee but the enterprise is conducting the same or similar operations as before
44.28 the declared emergency;

44.29 (2) the form of organization of the employer changed after the declared emergency;

44.30 (3) substantially all of the assets of the employer were acquired by another entity which
44.31 conducts the same or similar operations using substantially the same assets; or

45.1 (4) the employer relocates the operations at which a laid-off employee was employed
45.2 before the declared emergency to a different location.

45.3 Subd. 2. **Successor employer and retention requirements.** (a)(1) The incumbent
45.4 employer shall, within 15 days after the execution of a transfer document, provide to the
45.5 successor employer the name, address, date of hire, and employment occupation classification
45.6 of each eligible employee.

45.7 (2) The successor employer shall maintain a preferential hiring list of eligible employees
45.8 identified by the incumbent employer under clause (1), and shall be required to hire from
45.9 that list for a period beginning upon the execution of the transfer document and continuing
45.10 for six months after the enterprise is open to the public under the successor employer.

45.11 (3) If the successor employer extends an offer of employment to an eligible employee,
45.12 the successor employer shall retain written verification of that offer for at least three years
45.13 from the date the offer was made. The verification shall include the name, address, date of
45.14 hire, and employment occupation classification of each eligible employee.

45.15 (b)(1) A successor employer shall retain each eligible employee hired pursuant to this
45.16 subdivision for no fewer than 90 days following the eligible employee's employment
45.17 commencement date. During this 90-day transition employment period, eligible employees
45.18 shall be employed under the terms and conditions established by the successor employer
45.19 or as required by law. The successor employer shall provide eligible employees with a
45.20 written offer of employment. This offer shall remain open for at least five business days
45.21 from the date of the offer. A successor employer may make simultaneous conditional offers
45.22 of employment to eligible employees, with a final offer of employment conditioned on
45.23 application of the priority system set forth in clause (2).

45.24 (2) If, within the period established in paragraph (a), clause (2), the successor employer
45.25 determines that it requires fewer eligible employees than were required by the incumbent
45.26 employer, the successor employer shall retain eligible employees by seniority within each
45.27 job classification to the extent that comparable job classifications exist.

45.28 (3) During the 90-day transition employment period, the successor employer shall not
45.29 discharge without cause an eligible employee retained pursuant to this subdivision.

45.30 (4) At the end of the 90-day transition employment period, the successor employer shall
45.31 perform a written performance evaluation for each eligible employee retained pursuant to
45.32 this section. If the eligible employee's performance during the 90-day transition employment
45.33 period is satisfactory, the successor employer shall consider offering the eligible employee
45.34 continued employment under the terms and conditions established by the successor employer

46.1 or as required by law. The successor employer shall retain a record of the written performance
46.2 evaluation for a period of no fewer than three years.

46.3 (c)(1) The incumbent employer shall post written notice of the change in control at the
46.4 location of the affected enterprise within five business days following the execution of the
46.5 transfer document. Notice shall remain posted during any closure of the enterprise and for
46.6 six months after the enterprise is open to the public under the successor employer.

46.7 (2) Notice shall include but not be limited to the name of the incumbent employer and
46.8 its contact information, the name of the successor employer and its contact information,
46.9 and the effective date of the change in control.

46.10 (3) Notice shall be posted in a conspicuous place at the enterprise so as to be readily
46.11 viewed by eligible employees, other employees, and applicants for employment.

46.12 Subd. 3. **Employment protections.** No employer shall refuse to employ, terminate,
46.13 reduce in compensation, or otherwise take any adverse action against any employee for
46.14 seeking to enforce their rights under sections 1 to 4, by any lawful means, for participating
46.15 in proceedings related to these sections, opposing any practice prescribed by these sections,
46.16 or otherwise asserting rights under these sections. This subdivision also applies to any
46.17 employee who mistakenly, but in good faith, alleges noncompliance with these sections.

46.18 Subd. 4. **Collective bargaining rights.** (a) All of the provisions in sections 1 to 4 may
46.19 be waived in a valid collective bargaining agreement, but only if the waiver is explicitly set
46.20 forth in that agreement in clear and unambiguous terms. Unilateral implementation of terms
46.21 and conditions of employment by either party to a collective bargaining relationship shall
46.22 not constitute or be permitted as a waiver of all or any part of the provisions of sections 1
46.23 to 4.

46.24 (b) Nothing in sections 1 to 4 limits the right of employees to bargain collectively with
46.25 their employers through representatives of their own choosing to establish retention or
46.26 rehiring conditions more favorable to the employees than those required by these sections.

46.27 Sec. 3. **ENFORCEMENT AND COMPLIANCE.**

46.28 Subdivision 1. **Enforcement.** (a) An employee, including any eligible employee, may
46.29 file an action in the Minnesota District Court, or may file a complaint with the Department
46.30 of Labor and Industry, Labor Standards and Apprenticeship Division, against the employer,
46.31 or in the case of a violation of section 2, subdivision 2, incumbent employer or the successor
46.32 employer, for violations of section 2, and may be awarded any or all of the following, as
46.33 appropriate:

47.1 (1) hiring and reinstatement rights pursuant to section 2, with the 90-day transition
47.2 employment period not commencing until the eligible employee's employment
47.3 commencement date with the successor employer;

47.4 (2) front pay or back pay for each day during which the violation continues, which shall
47.5 be calculated at a rate of compensation not less than the highest of any of the following
47.6 rates:

47.7 (i) the average regular rate of pay received by the employee or eligible employee during
47.8 the last three years of that employee's employment in the same occupation classification;

47.9 (ii) the most recent regular rate received by the employee or eligible employee while
47.10 employed by the employer, incumbent employer, or successor employer; or

47.11 (iii) the regular rate received by the individual in the position during the time that the
47.12 employee or eligible employee should have been employed;

47.13 (3) value of the benefits the employee or eligible employee would have received under
47.14 the employer or successor employer's benefit plan; or

47.15 (4) in an action brought in the district court, a prevailing employee shall be awarded
47.16 reasonable attorneys' fees and costs.

47.17 (b) The Labor Standards and Apprenticeship Division shall investigate complaints filed
47.18 under this section, and if an employer, incumbent employer, or successor employer is found
47.19 to have violated section 2, the division shall determine and issue an award to an employee
47.20 pursuant to paragraph (a).

47.21 (c) No criminal penalties shall be imposed for a violation of section 2.

47.22 (d) This subdivision shall not be construed to limit a discharged employee or eligible
47.23 employee's right to pursue any other remedies available to an employee in law or equity.

47.24 Subd. 2. **Compliance.** The commissioner of labor and industry may issue a compliance
47.25 order under Minnesota Statutes, section 177.27, subdivision 4, requiring an employer to
47.26 comply with section 2.

47.27 Subd. 3. **Interaction with local law.** Nothing in this section shall prohibit a local
47.28 government agency from enacting ordinances that impose greater standards than, or establish
47.29 additional enforcement provisions to, those prescribed by this section.

47.30 Sec. 4. **CITATION.**

47.31 Sections 1 to 4 may be cited as the "Emergency Rehire and Retention Law."

48.1 Sec. 5. **EFFECTIVE DATES.**

48.2 Sections 1 to 4 are effective the day following final enactment and expire December 31,
48.3 2022.

48.4 **ARTICLE 6**48.5 **ESSENTIAL WORKERS EMERGENCY LEAVE**48.6 Section 1. **ESSENTIAL WORKERS EMERGENCY LEAVE.**

48.7 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
48.8 the meanings given.

48.9 (b) "Airport service provider" means a business other than an air carrier certificated by
48.10 the Federal Aviation Administration, that performs, under contract with a passenger air
48.11 carrier, airport facility management, or airport authority, functions on the property of the
48.12 airport that are directly related to the air transportation of persons, property, or mail, including
48.13 but not limited to:

48.14 (1) the loading and unloading of property on aircraft;

48.15 (2) assistance to passengers under Code of Federal Regulations, title 14, part 382;

48.16 (3) security;

48.17 (4) airport ticketing and check-in functions;

48.18 (5) ground-handling of aircraft;

48.19 (6) aircraft cleaning and sanitization functions; or

48.20 (7) airport authority.

48.21 (c) "Child" means a biological, adopted, or foster child, stepchild, legal ward, or child
48.22 for whom the essential worker is a legal guardian.

48.23 (d) "Emergency paid sick leave" means paid leave time provided under this section for
48.24 a reason provided in subdivision 2 that is not:

48.25 (1) fully compensated through workers' compensation benefits or unemployment
48.26 insurance benefits; or

48.27 (2) guaranteed to essential workers through other paid sick leave benefits under state
48.28 law or federal law or an executive order related to COVID-19.

48.29 (e) "Essential worker" means a person who performs services for hire for an employer
48.30 for one day or more, and who:

49.1 (1) is an emergency responder or health care provider as defined in Code of Federal
49.2 Regulations, title 29, section 826.30(c), including but not limited to nurses, peace officers,
49.3 firefighters, correctional institution personnel, emergency medical services personnel, and
49.4 social workers;

49.5 (2) is a licensed or unlicensed employee employed by or under contract with:

49.6 (i) a hospital, boarding care home, or outpatient surgical center licensed under Minnesota
49.7 Statutes, sections 144.50 to 144.56;

49.8 (ii) a nursing home licensed under Minnesota Statutes, sections 144A.01 to 144A.162;

49.9 (iii) a housing with services establishment registered under Minnesota Statutes, section
49.10 144D.02, and operating under Minnesota Statutes, sections 144G.01 to 144G.07;

49.11 (iv) the arranged home care provider of an establishment specified in item (iii);

49.12 (v) an unlicensed health care clinic; or

49.13 (vi) an unlicensed office of a physician or advanced practice registered nurse;

49.14 (3) is a public school employee;

49.15 (4) works for an airport service provider; or

49.16 (5) works for a private employer performing work in the following sectors:

49.17 (i) building service, including janitorial, building maintenance, and security services;

49.18 (ii) child care;

49.19 (iii) food service, including food manufacture, production, processing, preparation, sale,
49.20 and delivery;

49.21 (iv) hotel accommodations;

49.22 (v) manufacturing; or

49.23 (vi) retail, including but not limited to sales, fulfillment, distribution, and delivery.

49.24 (f) "Employer" means a person who employs one or more essential workers, including
49.25 but not limited to a corporation, partnership, limited liability company, association, group
49.26 of persons, hospital, state, county, town, city, school district, or governmental subdivision,
49.27 excluding the federal government.

49.28 (g) "Retaliatory personnel action" means any form of intimidation, threat, reprisal,
49.29 harassment, discrimination, or adverse employment action, including discipline, discharge,
49.30 suspension, transfer, or reassignment to a lesser position in terms of job classification, job

50.1 security, or other condition of employment; reduction in pay or hours or denial of additional
50.2 hours; the accumulation of points under an attendance point system; informing another
50.3 employer that the person has engaged in activities protected by this section; or reporting or
50.4 threatening to report the actual or suspected citizenship or immigration status of an employee,
50.5 former employee, or family member of an employee to a federal, state, or local agency.

50.6 Subd. 2. **Emergency paid sick leave.** An employer shall provide emergency paid sick
50.7 leave to an essential worker who is unable to work or telework due to any of the following
50.8 reasons:

50.9 (1) the essential worker is subject to a federal, state, or local quarantine or isolation order
50.10 related to COVID-19;

50.11 (2) the essential worker has been advised by a health care provider to self-quarantine
50.12 due to concerns related to COVID-19;

50.13 (3) the essential worker is experiencing symptoms of COVID-19 and seeking a medical
50.14 diagnosis;

50.15 (4) the essential worker is seeking or awaiting the results of a diagnostic test for, or a
50.16 medical diagnosis of, COVID-19 and the essential worker has been exposed to COVID-19
50.17 or the essential worker's employer has requested a test or diagnosis;

50.18 (5) the essential worker is obtaining an immunization related to COVID-19 or recovering
50.19 from an injury, disability, illness, or condition related to the immunization;

50.20 (6) the essential worker is caring for an individual who is subject to an order as described
50.21 in clause (1) or has been advised as described in clause (2); or

50.22 (7) the essential worker is caring for a child of the essential worker if the school or place
50.23 of care of the child has been closed, or the child care provider of the child is unavailable
50.24 due to COVID-19 precautions.

50.25 Subd. 3. **Duration and use of leave.** (a) An essential worker is entitled to emergency
50.26 paid sick leave as provided under this section for the following number of hours through
50.27 March 31, 2021, and an equal number of hours for the period beginning April 1, 2021:

50.28 (1) up to 80 hours for an essential worker who:

50.29 (i) the employer considers to work full time;

50.30 (ii) works or was scheduled to work on average what are considered full-time hours by
50.31 the employer, including pursuant to any applicable collective bargaining agreement; or

51.1 (iii) works or was scheduled to work at least 40 hours per week for the employer on
51.2 average over a two-week period;

51.3 (2) a number of hours equal to the number of hours that an essential worker works for
51.4 the employer on average over a two-week period for any essential worker who:

51.5 (i) the employer considers to work part time;

51.6 (ii) works or was scheduled to work on average what are considered part-time hours by
51.7 the employer, including pursuant to any applicable collective bargaining agreement; or

51.8 (iii) works or was scheduled to work fewer than 40 hours per week for the employer on
51.9 average over a two-week period; or

51.10 (3) 14 times the average number of hours an essential worker worked per day for the
51.11 employer for the previous six months, or for the entire period the essential worker has
51.12 worked for the employer, whichever is shorter, for an essential worker who works variable
51.13 hours and who is not covered by clause (1) or (2).

51.14 (b) Leave under this section is available for use by an essential worker for a reason listed
51.15 in subdivision 2 beginning the day following final enactment and may be used intermittently,
51.16 provided that any amount of leave taken under this section ends with the essential worker's
51.17 next scheduled work shift immediately following the termination of the essential worker's
51.18 need for leave under a reason provided in subdivision 2.

51.19 (c) After the first workday or portion thereof that an essential worker receives leave
51.20 under this section, an employer may require the essential worker to follow reasonable notice
51.21 procedures to continue receiving leave.

51.22 (d) Leave under this section expires 30 days after a peacetime emergency declared by
51.23 the governor in an executive order that relates to the infectious disease known as COVID-19
51.24 is terminated or rescinded.

51.25 Subd. 4. **Amount of compensation.** (a) An essential worker shall receive compensation
51.26 for each hour of emergency paid sick leave received under this section in an amount that is
51.27 the greater of:

51.28 (1) the essential worker's regular rate of pay for the essential worker's last pay period,
51.29 including pursuant to any collective bargaining agreement that applies;

51.30 (2) the state minimum wage in effect under Minnesota Statutes, section 177.24; or

51.31 (3) the local minimum wage to which the essential worker is entitled.

52.1 (b) In no event shall emergency paid sick time provided under this section exceed \$511
52.2 per day, nor shall emergency paid sick time provided under this section exceed \$5,110 in
52.3 the aggregate for the period ending March 31, 2021, or \$5,110 in the aggregate for the period
52.4 beginning April 1, 2021.

52.5 (c) Unused or remaining leave under this section shall not carry over past the expiration
52.6 of this section.

52.7 (d) Nothing in this section shall be construed to require financial or other reimbursement
52.8 to an essential worker from an employer upon the essential worker's termination, resignation,
52.9 retirement, or other separation from employment for emergency paid sick time under this
52.10 section that has not been used by the essential worker.

52.11 Subd. 5. **Relationship to other leave.** (a) Except as provided in paragraph (c), emergency
52.12 paid sick leave under this section is in addition to any paid or unpaid leave provided to an
52.13 essential worker by an employer under a collective bargaining agreement, negotiated
52.14 agreement, contract, or any other employment policy.

52.15 (b) An essential worker may use leave provided under this section first, and except as
52.16 provided in paragraph (c), an employer shall not require an essential worker to use other
52.17 paid or unpaid leave provided by the employer before the essential worker uses the leave
52.18 provided under this section or in lieu of the leave provided under this section.

52.19 (c) Notwithstanding paragraphs (a) and (b), if an employer has already provided an
52.20 essential worker with additional paid leave for any reason provided in subdivision 2, and
52.21 the leave was in addition to the regular amount of paid leave provided by the employer and
52.22 compensated the essential worker in an amount equal to or greater than the amount of
52.23 compensation provided under this section, the employer may credit the other additional
52.24 paid leave toward the total number of hours of emergency paid sick leave required under
52.25 this section; provided, however, that if the other paid leave compensated the essential worker
52.26 at an amount less than the amount of compensation provided under this section, the employer
52.27 is required to comply with this section to the extent of the deficiency to receive the credit
52.28 under this paragraph.

52.29 (d) An employer shall provide notice to essential workers of the requirements for
52.30 emergency paid sick leave provided under this section.

52.31 (e) Nothing in this section is deemed:

52.32 (1) to limit the rights of an essential worker or employer under any law, rule, regulation,
52.33 or collectively negotiated agreement, or the rights and benefits that accrue to essential

53.1 workers through collective bargaining agreements, or the rights of essential workers with
53.2 respect to any other employment benefits; or

53.3 (2) to prohibit any personnel action that otherwise would have been taken regardless of
53.4 a request to use, or use of, any leave provided by this section.

53.5 (f) Nothing in this section shall prevent an employer from providing, or the parties to a
53.6 collective bargaining agreement from agreeing to, leave benefits that meet or exceed and
53.7 do not otherwise conflict with the requirements for emergency paid sick leave under this
53.8 section.

53.9 Subd. 6. **Nursing home reimbursement for emergency paid sick leave**
53.10 **benefits.** Nursing homes reimbursed under Minnesota Statutes, chapter 256R, may apply
53.11 for reimbursement for emergency paid sick leave costs described in this section from the
53.12 commissioner of human services under Minnesota Statutes, section 12A.10, subdivision 1,
53.13 for expenses incurred. The emergency paid sick leave expenses under this section are not
53.14 allowable costs under Minnesota Statutes, chapter 256R.

53.15 Subd. 7. **Requirements and enforcement.** (a) An employer shall not take any retaliatory
53.16 personnel action against an essential worker for requesting or obtaining emergency paid
53.17 sick leave under this section or for bringing a complaint related to this section, including a
53.18 proceeding that seeks enforcement of this section.

53.19 (b) The Department of Labor and Industry shall enforce this section. The commissioner
53.20 has the authority provided under Minnesota Statutes, section 177.27, subdivision 4, including
53.21 the authority to issue an order requiring an employer to comply with this section. The
53.22 commissioner may investigate complaints of violations of this section as necessary to
53.23 determine whether a violation has occurred. If the commissioner finds that an employer has
53.24 violated this section, the commissioner shall fine the employer up to \$1,000 for each willful
53.25 violation for each essential worker.

53.26 **EFFECTIVE DATE.** This section is effective:

53.27 (1) the day following final enactment for essential workers hired by an employer on or
53.28 after the day following final enactment of this section; and

53.29 (2) retroactively from March 13, 2020, for essential workers who were employed on or
53.30 after March 13, 2020, and are currently employed as of the day following final enactment
53.31 or May 17, 2021, whichever is earlier.

53.32 Subdivisions 1 to 6 sunset on September 30, 2021, or 30 days after a peacetime emergency
53.33 declared by the governor in an executive order that relates to the infectious disease known

54.1 as COVID-19 is terminated or rescinded, whichever is later. Subdivision 7 sunsets June 30,
54.2 2023.

54.3 **ARTICLE 7**

54.4 **SAFE WORKPLACES FOR MEAT AND POULTRY PROCESSING WORKERS**

54.5 Section 1. [179.87] TITLE.

54.6 Sections 179.87 to 179.8757 may be titled the Safe Workplaces for Meat and Poultry
54.7 Processing Workers Act.

54.8 Sec. 2. [179.871] DEFINITIONS.

54.9 Subdivision 1. **Definitions.** For purposes of sections 179.87 to 179.8757, the terms in
54.10 this section have the meanings given.

54.11 Subd. 2. **Authorized employee representative.** "Authorized employee representative"
54.12 has the meaning given in section 182.651, subdivision 22.

54.13 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of labor and industry
54.14 or the commissioner's designee.

54.15 Subd. 4. **Coordinator.** "Coordinator" means the meatpacking industry worker rights
54.16 coordinator or the coordinator's designee.

54.17 Subd. 5. **Meat-processing worker.** "Meat-processing worker" or "worker" means any
54.18 individual who a meat-processing employer suffers or permits to work directly in contact
54.19 with raw meatpacking products in a meatpacking operation, including independent contractors
54.20 and persons performing work for an employer through a temporary service or staffing
54.21 agency.

54.22 Subd. 6. **Meatpacking operation.** "Meatpacking operation" or "meat-processing
54.23 employer" means a business in which slaughtering, butchering, meat canning, meatpacking,
54.24 meat manufacturing, poultry canning, poultry packing, poultry manufacturing, pet food
54.25 manufacturing, egg production, processing of meatpacking products, or rendering occurs.
54.26 Meatpacking operation or meat-processing employer does not mean a grocery store, deli,
54.27 restaurant, or other business preparing meat or poultry products for immediate consumption.

54.28 Subd. 7. **Meatpacking products.** "Meatpacking products" means meat food products
54.29 and poultry food products as defined in section 31A.02, subdivision 10.

54.30 Subd. 8. **Public health emergency.** "Public health emergency" means a peacetime
54.31 emergency declared by the governor under section 12.31, a federal public health emergency

55.1 declared by the secretary of the Department of Health and Human Services, or a national
55.2 emergency declared by the president due to infectious disease or another significant threat
55.3 to public health.

55.4 **Sec. 3. [179.8715] WORKER RIGHTS COORDINATOR.**

55.5 (a) The commissioner must appoint a meatpacking industry worker rights coordinator
55.6 in the Department of Labor and Industry and provide the coordinator with necessary office
55.7 space, furniture, equipment, supplies, and assistance.

55.8 (b) The coordinator must enforce sections 179.87 to 179.8757, including inspecting,
55.9 reviewing, and recommending improvements to the practices and procedures of meatpacking
55.10 operations in Minnesota. A meat-processing employer must grant the coordinator full access
55.11 to all meatpacking operations in this state at any time that meatpacking products are being
55.12 processed or meat-processing workers are on the job.

55.13 (c) No later than December 1 each year, the coordinator must submit a report to the
55.14 governor and the chairs and ranking minority members of the legislative committees with
55.15 jurisdiction over labor. The report must include recommendations to promote better treatment
55.16 of meat-processing workers. The coordinator shall also post the report on the Department
55.17 of Labor and Industry's website.

55.18 **Sec. 4. [179.872] REFUSAL TO WORK UNDER DANGEROUS CONDITIONS.**

55.19 (a) A meat-processing worker has a right to refuse to work under conditions that the
55.20 worker reasonably believes would expose the worker, other workers, or the public to an
55.21 unreasonable risk of illness or injury, or exposure to illness or injury, including the infectious
55.22 disease known as COVID-19.

55.23 (b) A meat-processing employer must not discriminate or take adverse action against
55.24 any worker for a good faith refusal to work if the worker has requested that the employer
55.25 correct a hazardous condition and that condition remains uncorrected.

55.26 (c) A meat-processing worker who has refused in good faith to work under paragraph
55.27 (a) or (b) and who has not been reassigned to other work by the meat-processing employer
55.28 must, in addition to retaining a right to continued employment, continue to be paid by the
55.29 employer for the hours that would have been worked until such time as the meat-processing
55.30 employer can demonstrate that the condition has been remedied.

56.1 Sec. 5. [179.874] UNEMPLOYMENT INSURANCE; DANGEROUS MEAT
56.2 PACKING CONDITIONS.

56.3 (a) Notwithstanding any law to the contrary, the provisions of this section govern
56.4 unemployment insurance claims for meat-processing workers.

56.5 (b) An individual who left employment because a meat-processing employer failed to
56.6 cure a working condition that made the work environment unsuitable for health or safety
56.7 reasons has good cause for leaving employment.

56.8 (c) During a public health emergency, an individual must not be required to prove that
56.9 a working condition that made the environment unsuitable for health or safety reasons was
56.10 unique to the worker or that the risk was not customary to the worker's occupation.

56.11 (d) An individual must be deemed to have exhausted reasonable alternatives to leaving
56.12 if the individual, authorized employee representative, or another employee notified the
56.13 meat-processing employer of the unsafe or unhealthy working condition and the employer
56.14 did not cure it or if the employer knew or should have had reason to know that the condition
56.15 made the work environment unsuitable and did not cure it.

56.16 (e) During a public health emergency, an individual has good cause to leave employment
56.17 if the individual leaves to care for a seriously ill or quarantined family or household member.

56.18 (f) An individual has good cause to refuse an offer of employment or reemployment if
56.19 the meat-processing employer has not cured a working condition that makes the work
56.20 environment unsuitable for health or safety reasons, including any condition that required
56.21 the workplace to close or reduce operations pursuant to a state or federal executive order
56.22 issued during a public health emergency.

56.23 (g) An individual has good cause to refuse an offer of employment or reemployment
56.24 from a meat-processing employer if the conditions of work would require the individual to
56.25 violate government public health guidance or to assume an unreasonable health risk.

56.26 (h) An individual has good cause to refuse an offer of employment or reemployment
56.27 from a meat-processing employer if the individual is required to care for a child whose
56.28 school is closed due to a public health emergency or if the individual is required to otherwise
56.29 care for a family or household member during a public health emergency.

56.30 Sec. 6. [179.875] ENFORCEMENT AND COMPLIANCE.

56.31 Subdivision 1. Administrative enforcement. The coordinator, either on the coordinator's
56.32 initiative or in response to a complaint, may inspect a meatpacking operation and subpoena

57.1 records and witnesses. If a meat-processing employer does not comply with the coordinator's
57.2 inspection, the coordinator may seek relief as provided in this section.

57.3 Subd. 2. **Compliance authority.** The commissioner of labor and industry may issue a
57.4 compliance order under section 177.27, subdivision 4, requiring an employer to comply
57.5 with sections 179.87 to 179.8757.

57.6 Subd. 3. **Private civil action.** If a meat-processing employer does not comply with a
57.7 provision in sections 179.87 to 179.8757, an aggrieved worker, authorized employee
57.8 representative, or other person may bring a civil action in a court of competent jurisdiction
57.9 within three years of an alleged violation and, upon prevailing, must be awarded the relief
57.10 provided in this section. Pursuing administrative relief is not a prerequisite for bringing a
57.11 civil action.

57.12 Subd. 4. **Other government enforcement.** The attorney general may enforce sections
57.13 179.87 to 179.8757 under section 8.31. A city or county attorney may also enforce these
57.14 sections. Such law enforcement agencies may inspect meatpacking operations and subpoena
57.15 records and witnesses and, where such agencies determine that a violation has occurred,
57.16 may bring a civil action as provided in this section.

57.17 Subd. 5. **Relief.** (a) In a civil action or administrative proceeding brought to enforce
57.18 sections 179.87 to 179.8757, the court or coordinator must order relief as provided in this
57.19 subdivision.

57.20 (b) For any violation of sections 179.87 to 179.8757:

57.21 (1) an injunction to order compliance and restrain continued violations, including through
57.22 a stop work order or business closure;

57.23 (2) payment to a prevailing worker by a meat-processing employer of reasonable costs,
57.24 disbursements, and attorney fees; and

57.25 (3) a civil penalty payable to the state of not less than \$100 per day per worker affected
57.26 by the meat-processing employer's noncompliance with sections 179.87 to 179.8757.

57.27 (c) For any violation of section 179.872:

57.28 (1) reinstatement of the worker to the same position held before any adverse personnel
57.29 action or to an equivalent position, reinstatement of full fringe benefits and seniority rights,
57.30 and compensation for unpaid wages, benefits and other remuneration, or front pay in lieu
57.31 of reinstatement; and

58.1 (2) compensatory damages payable to the aggrieved worker equal to the greater of \$5,000
58.2 or twice the actual damages, including unpaid wages, benefits and other remuneration, and
58.3 punitive damages.

58.4 Subd. 6. **Whistleblower enforcement; penalty distribution.** (a) The relief provided in
58.5 this section may be recovered through a private civil action brought on behalf of the
58.6 commissioner in a court of competent jurisdiction by another individual, including an
58.7 authorized employee representative, pursuant to this subdivision.

58.8 (b) The individual must give written notice to the coordinator of the specific provision
58.9 or provisions of sections 179.87 to 179.8757 alleged to have been violated. The individual
58.10 or representative organization may commence a civil action under this subdivision if no
58.11 enforcement action is taken by the coordinator within 30 days.

58.12 (c) Civil penalties recovered pursuant to this subdivision must be distributed as follows:

58.13 (1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and

58.14 (2) 30 percent to the individual or authorized employee representative.

58.15 (d) The right to bring an action under this subdivision shall not be impaired by private
58.16 contract. A public enforcement action must be tried promptly, without regard to concurrent
58.17 adjudication of a private claim for the same alleged violation.

58.18 Sec. 7. **[179.8755] RETALIATION AGAINST EMPLOYEES AND**
58.19 **WHISTLEBLOWERS PROHIBITED.**

58.20 (a) No meat-processing employer or other person may discriminate or take adverse
58.21 action against any worker or other person who raises a concern about meatpacking operation
58.22 health and safety practices or hazards to the employer, the employer's agent, other workers,
58.23 a government agency, or to the public, including through print, online, social, or any other
58.24 media.

58.25 (b) If an employer or other person takes adverse action against a worker or other person
58.26 within 90 days of the worker's or person's engagement or attempt to engage in activities
58.27 protected by sections 179.87 to 179.8757, such conduct raises a presumption that the action
58.28 is retaliatory. The presumption may be rebutted by clear and convincing evidence that the
58.29 action was taken for other permissible reasons.

58.30 (c) No meat-processing employer or other person may attempt to require any worker to
58.31 sign a contract or other agreement that would limit or prevent the worker from disclosing
58.32 information about workplace health and safety practices or hazards, or to otherwise abide

59.1 by a workplace policy that would limit or prevent such disclosures. Any such agreements
59.2 or policies are hereby void and unenforceable as contrary to the public policy of this state.
59.3 An employer's attempt to impose such a contract, agreement, or policy shall constitute an
59.4 adverse action enforceable under sections 179.87 to 179.8757.

59.5 (d) Reporting or threatening to report a meat-processing worker's suspected citizenship
59.6 or immigration status, or the suspected citizenship or immigration status of a family member
59.7 of the worker, to a federal, state, or local agency because the worker exercises a right under
59.8 sections 179.87 to 179.8757 constitutes an adverse action for purposes of establishing a
59.9 violation of that worker's rights. For purposes of this paragraph, "family member" means a
59.10 spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild
59.11 related by blood, adoption, marriage, or domestic partnership.

59.12 (e) Any worker who brings a complaint under sections 179.87 to 179.8757 and suffers
59.13 retaliation is entitled to treble damages in addition to lost pay and recovery of attorney fees
59.14 and costs.

59.15 (f) Any company who is found to have retaliated against a food processing worker must
59.16 pay a fine of up to \$5,000 to the commissioner.

59.17 **Sec. 8. [179.8756] MEATPACKING WORKER CHRONIC INJURIES AND**
59.18 **WORKPLACE SAFETY.**

59.19 **Subdivision 1. Safe worker program required; facility committee.** (a) Meat-processing
59.20 employers must adopt a safe worker program as part of the employer's work accident and
59.21 injury reduction program to minimize and prevent musculoskeletal disorders. For purposes
59.22 of this section, "musculoskeletal disorders" includes carpal tunnel syndrome, tendinitis,
59.23 rotator cuff injuries, trigger finger, epicondylitis, muscle strains, and lower back injuries.

59.24 (b) The meat-processing employer's safe worker program must be developed and
59.25 implemented by a committee of individuals who are knowledgeable of the tasks and work
59.26 processes performed by workers at the employer's facility. The committee must include:

59.27 (1) a certified professional ergonomist;

59.28 (2) a licensed, board-certified physician, with preference given to a physician who has
59.29 specialized experience and training in occupational medicine, or if it is not practicable for
59.30 a physician to be a member of the committee, the employer must ensure that its safe worker
59.31 program is reviewed and approved by a licensed, board-certified physician, with preference
59.32 given to a physician who has specialized experience and training in occupational medicine;
59.33 and

60.1 (3) at least three workers employed in the employer's facility who have completed a
60.2 general industry outreach course approved by the commissioner, one of whom must be an
60.3 authorized employee representative if the employer is party to a collective bargaining
60.4 agreement.

60.5 Subd. 2. Program elements. (a) The committee must establish written procedures to
60.6 identify ergonomic hazards and contributing risk factors, which must include:

60.7 (1) the ergonomic assessment tools used to measure ergonomic hazards;

60.8 (2) all jobs where the committee has an indication or knowledge that ergonomic hazards
60.9 may exist; and

60.10 (3) workers who perform the same job or a sample of workers in that job who have the
60.11 greatest exposure to the ergonomic hazard.

60.12 (b) The committee must conduct ergonomic assessments to identify hazards and
60.13 contributing risk factors; review all surveillance data at least quarterly to identify ergonomic
60.14 hazards and contributing risk factors; and maintain records of the hazard identification
60.15 process, which, at a minimum, must include the completed ergonomic assessment tools,
60.16 the results of the ergonomic assessments including the jobs and workers evaluated, and the
60.17 assessment dates.

60.18 (c) The committee must implement a written ergonomic hazard prevention and control
60.19 plan to identify and select methods to eliminate, prevent, or control the ergonomic hazards
60.20 and contributing risk factors. The plan must:

60.21 (1) set goals, priorities, and a timeline to eliminate, prevent, or control the ergonomic
60.22 hazards and contributing risk factors identified;

60.23 (2) identify the person or persons responsible for ergonomic hazard assessments and
60.24 implementation of controls;

60.25 (3) rely upon the surveillance data and the ergonomic risk assessment results; and

60.26 (4) take into consideration the severity of the risk, the numbers of workers at risk, and
60.27 the likelihood that the intervention will reduce the risk.

60.28 (d) A meat-processing employer must control, reduce, or eliminate ergonomic hazards
60.29 which lead to musculoskeletal disorders to the extent feasible by using engineering, work
60.30 practice, and administrative controls.

60.31 (e) The committee must monitor at least annually the implementation of the plan including
60.32 the effectiveness of controls and evaluate progress in meeting program goals.

61.1 Subd. 3. **New employee training.** (a) A meat-processing employer must work with the
61.2 committee to provide each new employee with information regarding:

61.3 (1) the committee and its members;

61.4 (2) the facility's hazard prevention and control plan;

61.5 (3) early signs and symptoms of musculoskeletal injuries and the procedures for reporting
61.6 them;

61.7 (4) procedures for reporting other injuries and hazards;

61.8 (5) engineering and administrative hazard controls implemented in the workplace,
61.9 including ergonomic hazard controls; and

61.10 (6) the availability and use of personal protective equipment.

61.11 (b) A meat-processing employer must work with the committee and ensure that new
61.12 workers receive safety training prior to starting a job that the worker has not performed
61.13 before. The employer must provide the safety training during working hours and compensate
61.14 the new employee at the employee's standard rate of pay. The employer also must give a
61.15 new employee an opportunity within 30 days of the employee's hire date to receive a refresher
61.16 training on the topics covered in the new worker safety training. The employer must provide
61.17 new employee training in a language and with vocabulary that the employee can understand.

61.18 Subd. 4. **New task and annual safety training.** (a) Meat-processing employers must
61.19 provide every worker who is assigned a new task if the worker has no previous work
61.20 experience with training on how to safely perform the task, the ergonomic and other hazards
61.21 associated with the task, and training on the early signs and symptoms of musculoskeletal
61.22 injuries and the procedures for reporting them. The employer must give a worker an
61.23 opportunity within 30 days of receiving the new task training to receive refresher training
61.24 on the topics covered in the new task training. The employer must provide this training in
61.25 a language and with vocabulary that the employee can understand.

61.26 (b) Meat-processing employers must provide each worker with no less than eight hours
61.27 of safety training each year. This annual training must address health and safety topics that
61.28 are relevant to the establishment, such as cuts, lacerations, amputations, machine guarding,
61.29 biological hazards, lockout/tagout, hazard communication, ergonomic hazards, and personal
61.30 protective equipment. At least two of the eight hours of annual training must be on topics
61.31 related to the facility's ergonomic injury prevention program, including the assessment of
61.32 surveillance data, the ergonomic hazard prevention and control plan, and the early signs
61.33 and symptoms of musculoskeletal disorders and the procedures for reporting them. The

62.1 employer must provide this training in a language and with vocabulary that the employee
62.2 can understand.

62.3 Subd. 5. **Attestation and record keeping.** Meat-processing employers must maintain
62.4 a written attestation dated and signed by each person who provides training and each
62.5 employee who receives training pursuant to this section. This attestation must certify that
62.6 the employer has provided training consistent with the requirements of this section. The
62.7 employer must ensure that these records are up to date and available to the commissioner,
62.8 the coordinator, and the authorized employee representative upon request.

62.9 Subd. 6. **Medical services and qualifications.** (a) Meat-processing employers must
62.10 ensure that:

62.11 (1) all first-aid providers, medical assistants, nurses, and physicians engaged by the
62.12 employer are licensed and perform their duties within the scope of their licensed practice;

62.13 (2) medical management of musculoskeletal disorders is under direct supervision of a
62.14 licensed physician specializing in occupational medicine who will advise on best practices
62.15 for management and prevention of work-related musculoskeletal disorders; and

62.16 (3) medical management of musculoskeletal injuries follows the most current version
62.17 of the American College of Occupational and Environmental Medicine practice guidelines.

62.18 (b) Meat-processing employers must make a record of all worker visits to medical or
62.19 first aid personnel, regardless of severity or type of illness or injury, and make these records
62.20 available to the coordinator and the authorized employee representative.

62.21 (c) Meat-processing employers must maintain records of all ergonomic injuries suffered
62.22 by workers for at least five years.

62.23 (d) The coordinator may compile, analyze, and publish annually, either in summary or
62.24 detailed form, all reports or information obtained under sections 179.87 to 179.8757,
62.25 including information about safe worker programs, and may cooperate with the United
62.26 States Department of Labor in obtaining national summaries of occupational deaths, injuries,
62.27 and illnesses. The coordinator must preserve the anonymity of each employee with respect
62.28 to whom medical reports or information is obtained.

62.29 (e) Meat-processing employers must not institute or maintain any program, policy, or
62.30 practice that discourages employees from reporting injuries, hazards, or safety standard
62.31 violations.

62.32 Subd. 7. **Rulemaking required.** The commissioner must adopt rules requiring employers
62.33 to maintain accurate records of meat-processing worker exposure to ergonomic hazards.

63.1 Subd. 8. **Pandemic protections.** (a) This subdivision applies during a peacetime public
63.2 health emergency declared under section 12.31, subdivision 2.

63.3 (b) Meat-processing employers must maintain at least a six-foot radius of space around
63.4 and between each worker. An employer may accomplish such distancing by increasing
63.5 physical space between workstations, slowing production speeds, staggering shifts and
63.6 breaks, adjusting shift size, or a combination thereof. The employer must reconfigure
63.7 common or congregate spaces to allow for such distancing, including lunch rooms, break
63.8 rooms, and locker rooms. The coordinator must reinforce social distancing by allowing
63.9 workers to maintain six feet of distance along with the use of plastic barriers.

63.10 (c) Meat-processing employers must provide employees with face masks and must make
63.11 face shields available on request. Face masks, including replacement face masks, and face
63.12 shields must be provided at no cost to the employee. All persons present at the meatpacking
63.13 operation must wear face masks in the facility except in those parts of the facility where
63.14 infection risk is low because workers work in isolation.

63.15 (d) Meat-processing employers must provide all meat-processing workers with the ability
63.16 to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing
63.17 stations. The employer must ensure that restrooms have running hot and cold water and
63.18 paper towels and are in sanitary condition. The employer must provide gloves to those who
63.19 request them.

63.20 (e) Meat-processing employers must clean and regularly disinfect all frequently touched
63.21 surfaces in the workplace, such as workstations, training rooms, machinery controls, tools,
63.22 protective garments, eating surfaces, bathrooms, showers, and other similar areas. Employers
63.23 must install and maintain ventilation systems that ensure unidirectional air flow, outdoor
63.24 air, and filtration in both production areas and common areas such as cafeterias and locker
63.25 rooms.

63.26 (f) Meat-processing employers must disseminate all required communications, notices,
63.27 and any published materials regarding these protections in English, Spanish, and other
63.28 languages as required for employees to understand the communication.

63.29 (g) Meat-processing employers must provide adequate break time for workers to use
63.30 the bathroom, wash their hands, and don and doff protective equipment.

63.31 (h) Meat-processing employers must provide sufficient personal protective equipment
63.32 for each employee for each shift, plus replacements, at no cost to the employee.
63.33 Meat-processing employers must provide training in proper use of personal protective
63.34 equipment, safety procedures, and sanitation.

64.1 (i) As part of the meat-processing employer's accident, injury, and illness reduction
64.2 program, the employer must create a health and safety committee consisting of equal parts
64.3 company management, employees, and authorized employee representatives. The health
64.4 and safety committee must meet at least twice a year and present results to the commissioner.
64.5 If the meatpacking operation has no collective bargaining agreement, a local labor
64.6 representative must be appointed.

64.7 (j) Meat-processing employers must record all injuries and illnesses in the facility and
64.8 make these records available upon request to the health and safety committee. The employer
64.9 also must make its records available to the commissioner, and where there is a collective
64.10 bargaining agreement, to the authorized bargaining representative.

64.11 (k) Meat-processing employers must provide paid sick time for workers to recuperate
64.12 from illness or injury or to care for ill family members. For purposes of this paragraph,
64.13 "family member" includes:

64.14 (1) biological, adopted, or foster children, stepchildren, children of domestic partners
64.15 or spouses, and legal wards of workers;

64.16 (2) biological parents, stepparents, foster parents, adoptive parents, or legal guardians
64.17 of a worker or a worker's spouse or domestic partner;

64.18 (3) a worker's legally married spouse or domestic partner as registered under the laws
64.19 of any state or political subdivision;

64.20 (4) a worker's grandparent, whether from a biological, step-, foster, or adoptive
64.21 relationship;

64.22 (5) a worker's grandchild, whether from a biological, step-, foster, or adoptive
64.23 relationship;

64.24 (6) a worker's sibling, whether from a biological, step-, foster, or adoptive relationship;
64.25 and

64.26 (7) any other individual related by blood or affinity to the worker whose association
64.27 with the worker is the equal of a family relationship.

64.28 (l) All meat-processing workers must accrue at least one hour of paid sick time for every
64.29 30 hours worked. For purposes of this paragraph, paid sick time means time that is
64.30 compensated at the same hourly rate, including the same benefits, as is normally earned by
64.31 the worker.

65.1 (m) Meat-processing employers may provide all paid sick time a worker is expected to
65.2 accrue at the beginning of the year or at the start of the worker's employment.

65.3 (n) Meat-processing employers must carry an employee's earned paid sick time over
65.4 into the following calendar year. If a worker does not wish to carry over sick time, the
65.5 meat-processing employer must pay the worker for accrued sick time. If a worker chooses
65.6 to receive pay in lieu of carried-over sick time, the employer must provide the worker with
65.7 an amount of paid sick time that meets or exceeds the requirements of sections 179.87 to
65.8 179.8757, to be available for the worker's immediate use at the start of the following calendar
65.9 year.

65.10 (o) Meat-processing employers must maintain records for at least three years showing
65.11 hours worked and paid sick time accrued and used by workers. Employers must allow the
65.12 commissioner and coordinator access to these records in order to ensure compliance with
65.13 the requirements of sections 179.87 to 179.8757.

65.14 (p) If a meat-processing employer transfers a worker to another division or location of
65.15 the same meat-processing employer, the worker is entitled to all earned paid sick time
65.16 accrued in the worker's previous position. If a worker is separated from employment and
65.17 rehired within one year by the same meat-processing employer, the meat-processing employer
65.18 must reinstate the worker's earned sick time to the level accrued by the worker as of the
65.19 date of separation.

65.20 (q) If a meat-processing employer is succeeded by a different employer, all workers of
65.21 the original employer are entitled to all earned paid sick time they accrued when employed
65.22 by the original employer.

65.23 (r) Meat-processing employers must not require workers to find or search for a
65.24 replacement worker to take the place of the worker as a condition of the worker using paid
65.25 sick time.

65.26 (s) Meat-processing employers must not require workers to disclose details of private
65.27 matters as a condition of using paid sick time, including details of a worker or family
65.28 member's illness, domestic violence, sexual abuse or assault, or stalking and harassment.
65.29 If the employer does possess such information, it must be treated as confidential and not
65.30 disclosed without the express permission of the worker.

65.31 (t) Meat-processing employers must provide workers written notice of their rights and
65.32 the employer's requirements under this section at the time the worker begins employment.
65.33 This notice must be provided in English, Spanish, or the employee's language of fluency.
65.34 The amount of paid sick time a worker has accrued, the amount of paid sick time a worker

66.1 has used during the current year, and the amount of pay the worker has received as paid
66.2 sick time must be recorded on or attached to the worker's paycheck. Meat-processing
66.3 employers must display a poster in a conspicuous location in each facility where workers
66.4 are employed that displays the information required under this paragraph. The poster must
66.5 be displayed in English and any language of fluency that is read or spoken by at least five
66.6 percent of the employer's workers.

66.7 (u) Nothing in this subdivision shall be construed to:

66.8 (1) prohibit or discourage an employer from adopting or retaining a paid sick time policy
66.9 that is more generous than the one provided in this subdivision;

66.10 (2) diminish the obligation of an employer to comply with a collective bargaining
66.11 agreement, or any other contract that provides more generous paid sick time to a worker
66.12 than provided for in this subdivision; or

66.13 (3) override any provision of local law that provides greater rights for paid sick time
66.14 than is provided for in this subdivision.

66.15 Subd. 9. **Small processor exemption.** Meat-processing operations having 50 or fewer
66.16 employees are exempt from the requirements of this section.

66.17 **Sec. 9. [179.8757] NOTIFICATION REQUIRED.**

66.18 (a) Meat-processing employers must provide written information and notifications about
66.19 employee rights under section 179.86 and sections 179.87 to 179.8757 to workers in their
66.20 language of fluency at least annually. If a worker is unable to understand written information
66.21 and notifications, the employer must provide such information and notices orally in the
66.22 worker's language of fluency.

66.23 (b) The coordinator must notify covered employers of the provisions of sections 179.87
66.24 to 179.8757 and any recent updates at least annually.

66.25 (c) The coordinator must place information explaining sections 179.87 to 179.8757 on
66.26 the Department of Labor and Industry's website in at least English, Spanish, and any other
66.27 language that at least ten percent of meat-processing workers communicate in fluently. The
66.28 coordinator must also make the information accessible to persons with impaired visual
66.29 acuity.

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 harassment 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) "harass" and "stalking" have the meanings 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.

181.9414 PREGNANCY ACCOMMODATIONS.

Subdivision 1. **Accommodation.** An employer must provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth if she so requests, with the advice of her 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 her 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 section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

Subd. 2. **Interaction with other laws.** Nothing in this section shall be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish the coverage of pregnancy, childbirth, or health conditions related to pregnancy or childbirth under any other provisions of any other law.

APPENDIX
Repealed Minnesota Statutes: H1670-1

Subd. 3. **No employer retribution.** An employer shall not retaliate against an employee for requesting or obtaining accommodation under this section.

Subd. 4. **Employee not required to take leave.** An employer shall not require an employee to take a leave or accept an accommodation.

5200.0080 GRATUITIES/TIPS CREDITS.

Subp. 7. **Credit cards or charges.** Gratuities presented to a direct service employee via inclusion on a charge or credit card shall be credited to that pay period in which they are received by the direct service employee and for which they appear on the direct service employee's tip statement.

Where a tip is given by a customer through a credit or charge card, the full amount of tip must be allowed the direct service employee minus only the percentage deducted from the tip in the same ratio as the percentage deducted from the total bill by the service company.