

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4344

(SENATE AUTHORS: PUTNAM)

DATE	D-PG	OFFICIAL STATUS
02/29/2024	11839	Introduction and first reading Referred to Jobs and Economic Development

1.1

A bill for an act

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relating to employment; establishing an ombudsperson for safety, health, and

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well-being of agricultural and food processing workers; requiring a report;

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proposing coding for new law in Minnesota Statutes, chapter 179.

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

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Section 1. [179.911] OMBUDSPERSON FOR SAFETY, HEALTH, AND

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WELL-BEING OF AGRICULTURAL AND FOOD PROCESSING WORKERS.

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

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the meanings given.

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(b) "Agricultural worker" has the meaning given in section 181.85, subdivision 2.

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(c) "Commissioner" means the commissioner of the Department of Employment and

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Economic Development.

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(d) "Food processing" has the meaning given in section 181.635, subdivision 1, paragraph

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(d), and also includes meatpacking and poultry processing.

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Subd. 2. Ombudsperson established; purpose. The ombudsperson for safety, health,

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and well-being of agricultural and food processing workers is established within the

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Department of Employment and Economic Development to assist agricultural and food

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processing workers with issues including but not limited to housing, workplace safety, and

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fair labor standards in Minnesota.

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Subd. 3. Appointment. The governor shall appoint an ombudsperson for safety, health,

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and well-being of agricultural and food processing workers. The ombudsperson shall serve

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in the unclassified service. No individual may serve as the ombudsperson for safety, health,

and well-being of agricultural and food processing workers while running for or holding any other public office or while employed by, consulting with, or in any way affiliated with a person or entity that employs agricultural or food processing workers. The ombudsperson shall serve a term of four years, which may be renewed. The ombudsperson may be removed prior to the end of the term for just cause.

Subd. 4. **Qualifications.** (a) The ombudsperson must:

(1) be highly competent and qualified to analyze questions of law, administration, and public policy regarding the safety, health, and well-being of agricultural and food processing workers;

(2) have knowledge and experience in the fields of workplace safety, housing, and fair labor standards;

(3) be familiar with governmental entities and their roles, interpretation of laws and regulations, record keeping, report writing, public speaking, and management;

(4) have experience working with agricultural and food processing workers; and

(5) be knowledgeable about the needs and experiences of agricultural and food processing worker communities.

(b) An individual must not serve as the ombudsperson for safety, health, and well-being of agricultural and food processing workers while running for or holding any other public office.

(c) The ombudsperson must speak fluently in a language in addition to English that is commonly used by agricultural and food processing workers.

Subd. 5. **Duties.** The duties of the ombudsperson shall include but are not limited to the following:

(1) offering accessible methods of contact, including telephone, text, and virtual communication platforms, to answer questions, receive complaints, and discuss agency actions with agricultural stakeholders;

(2) responding to requests for assistance, documenting complaints, and connecting workers to relevant agencies and service providers;

(3) analyzing complaints regarding agricultural and food processing workers' protections, identifying policies and practices in other states and countries, and making recommendations for legislative and other policy changes to improve the safety, health, and well-being of agricultural and food processing workers;

(4) conducting outreach to interested and affected stakeholders, including but not limited to workers, employers, service providers, community organizations, legal advocates, and other advocates for agricultural and food processing workers to inform them of the services of the ombudsperson and identify issues of concern;

(5) creating, collecting, and distributing educational materials in relevant languages to agricultural and food processing workers about their rights under Minnesota laws and rules, and to inform agricultural and food processing workers about state services available to them. Materials must be made available in both physical and digital formats;

(6) providing education about workers' rights and available resources to employers, workers, service providers, and advocates;

(7) providing intrastate agency coordination, policy reviews, and guidance that assist in supporting the safety, health, and well-being of agricultural and food processing workers;

(8) participating as a member of the Minnesota Migrant Services Consortium and participating in any work group or task force engaged in work related to agricultural and food processing workers;

(9) participating in any interagency committee focusing on the safety, health, and well-being of agricultural and food processing workers to develop strategies to better assist agricultural and food processing workers; and

(10) other activities the ombudsperson deems necessary.

Subd. 6. **Posting of complaints.** The ombudsperson must make any complaints visible and accessible to the public by, among other things, posting the complaints on the ombudsperson's website.

Subd. 7. **Reporting.** By December 31 of each year, the ombudsperson must report to the commissioner and chairs of the relevant committees in the house of representatives and senate with jurisdiction about the agricultural and food processing worker activities conducted by the ombudsperson during the previous year. The report must include, at a minimum:

(1) a summary of the ombudsperson's activities, detailing the services provided to agricultural and food processing workers, including the number of stakeholders served;

(2) the number, summary, and analysis of complaints received during the previous year;

(3) any recommendations for legislative or other policy changes; and

(4) any other information specified by the commissioner.

4.1 Subd. 8. **Access to records.** (a) The ombudsperson for safety, health, and well-being of
4.2 agricultural and food processing workers or their designee, excluding volunteers, may have
4.3 access to any data of a state agency necessary for the discharge of the ombudsperson's duties,
4.4 including records classified as confidential data on individuals or private data on individuals
4.5 under chapter 13 or any other law. The ombudsperson's data request must relate to a specific
4.6 case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the
4.7 ombudsperson or designee shall first obtain the individual's consent. If the individual is
4.8 unable to consent and has no parent or legal guardian, the ombudsperson's or designee's
4.9 access to the data is authorized by this section.

4.10 (b) The ombudsperson and designee must adhere to chapter 13 and must not disseminate
4.11 any private or confidential data on individuals unless specifically authorized by state, local,
4.12 or federal law or pursuant to a court order.

4.13 Subd. 9. **Staff support.** The ombudsperson may select, appoint, and compensate from
4.14 available funds a program manager, confidential secretary, and any other staff members
4.15 necessary to carry out the duties listed under subdivision 5. The ombudsperson may delegate
4.16 to staff members any authority or duties, except the duty to provide reports to the governor,
4.17 commissioner, or legislature.

4.18 Subd. 10. **Independence of action.** In carrying out the duties required under this section,
4.19 the ombudsperson may provide testimony to the legislature and make periodic reports to
4.20 the legislature on areas of concern to agricultural and food processing workers.

4.21 Subd. 11. **Civil actions.** The ombudsperson and designees are not civilly liable for any
4.22 action taken under this section if the action was taken in good faith, was within the scope
4.23 of the duties of the ombudsperson for safety, health, and well-being of agricultural and food
4.24 processing workers' authority, and did not constitute willful or reckless misconduct.

4.25 Sec. 2. **APPROPRIATION.**

4.26 \$..... in fiscal year 2025 is appropriated from the general fund to the commissioner of
4.27 employment and economic development for the establishment and operations of the
4.28 ombudsperson for safety, health, and well-being of agricultural and food processing workers.