

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2242

(SENATE AUTHORS: FRANZEN)

DATE	D-PG	OFFICIAL STATUS
03/03/2014	5936	Introduction and first reading Referred to Jobs, Agriculture and Rural Development

1.1 A bill for an act
 1.2 relating to employers; regulating electronic employee earnings statements;
 1.3 amending Minnesota Statutes 2012, section 181.032.

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

1.5 Section 1. Minnesota Statutes 2012, section 181.032, is amended to read:

1.6 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER.**

1.7 (a) At the end of each pay period, the employer shall provide each employee an
 1.8 earnings statement, either in writing or by electronic means, covering that pay period. An
 1.9 employer who chooses to provide an earnings statement by electronic means must:

1.10 (1) provide employee access to an employer-owned computer during an employee's
 1.11 regular working hours to review and print earnings statements;

1.12 (2) address and transmit an electronic mail message to the electronic mail address as
 1.13 defined in paragraph (e), and as provided in writing to the employer by the employee, at
 1.14 which the employee has agreed to receive the earnings statement; or

1.15 (3) send to a mobile telephone number, designated in writing by the employee, a
 1.16 communication to provide an earnings statement by means of a covered messaging system
 1.17 as defined in paragraph (d). The employer may initiate the method set out in this clause
 1.18 only after the employee has voluntarily consented in writing to that method of providing
 1.19 an earnings statement.

1.20 (b) The earnings statement may be in any form determined by the employer but
 1.21 must include:

1.22 (1) the name of the employee;

1.23 (2) the hourly rate of pay (if applicable);

2.1 (3) the total number of hours worked by the employee unless exempt from chapter
2.2 177;

2.3 (4) the total amount of gross pay earned by the employee during that period;

2.4 (5) a list of deductions made from the employee's pay;

2.5 (6) the net amount of pay after all deductions are made;

2.6 (7) the date on which the pay period ends; and

2.7 (8) the legal name of the employer and the operating name of the employer if
2.8 different from the legal name.

2.9 (c) An employer must provide earnings statements to an employee in writing, rather
2.10 than by electronic means, if the employer has received at least 24 hours notice from an
2.11 employee that the employee would like to receive earnings statements in written form.
2.12 Once an employer has received notice from an employee that the employee would like to
2.13 receive earnings statements in written form, the employer must comply with that request
2.14 on an ongoing basis.

2.15 (d) For the purposes of this section, "covered messaging system" means a messaging
2.16 system capable of providing text, graphic, or image messages, including a short message
2.17 service and systems using the wireless application protocol, that:

2.18 (1) is provided as part of a commercial mobile service as the term is defined in
2.19 United States Code, title 47, section 332(d); and

2.20 (2) provides access to the text, graphic, or image messages on the same handset
2.21 used to access voice messages.

2.22 (e) For the purposes of this section, "electronic mail address" means a destination,
2.23 commonly expressed as a string of characters, to which electronic mail may be sent or
2.24 delivered.