

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5266

(SENATE AUTHORS: MCEWEN)

DATE	D-PG	OFFICIAL STATUS
04/02/2024	13336	Introduction and first reading Referred to Labor
04/15/2024	13711a	Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act

1.2 relating to labor and industry; modifying combative sports regulations; modifying

1.3 supplemental appropriations and other provisions related to the Bureau of Mediation

1.4 Services; making technical and policy changes to certain public employee labor

1.5 relations provisions; modifying earned sick and safe time; authorizing rulemaking;

1.6 providing compensation for minors appearing in Internet content creation;

1.7 modifying previous appropriations; appropriating money; amending Minnesota

1.8 Statutes 2022, sections 179A.041, subdivision 2; 179A.09, by adding subdivisions;

1.9 179A.11, subdivisions 1, 2, by adding a subdivision; 179A.12, subdivision 5;

1.10 179A.13, subdivisions 1, 2; 179A.40, subdivision 1; 179A.54, subdivision 5;

1.11 181.960, subdivision 3; 181A.03, subdivision 1, by adding subdivisions; 326B.89,

1.12 subdivision 5; 341.28, by adding a subdivision; 341.29; 626.892, subdivision 10;

1.13 Minnesota Statutes 2023 Supplement, sections 13.43, subdivision 6; 177.27,

1.14 subdivision 4; 177.50, by adding subdivisions; 179A.03, subdivisions 14, 18;

1.15 179A.041, subdivision 10; 179A.06, subdivision 6; 179A.07, subdivisions 8, 9;

1.16 179A.10, subdivision 2; 179A.12, subdivisions 2a, 6, 11; 181.032; 181.9445,

1.17 subdivisions 4, 5, by adding a subdivision; 181.9446; 181.9447, subdivisions 1,

1.18 3, 5, 10, 11, by adding a subdivision; 181.9448, subdivisions 1, 2, 3; 341.25;

1.19 341.28, subdivision 5; 341.30, subdivision 4; 341.321; 341.33, by adding a

1.20 subdivision; 341.355; Laws 2023, chapter 53, article 14, section 1; article 19,

1.21 sections 2, subdivisions 1, 3, 5; 4; proposing coding for new law in Minnesota

1.22 Statutes, chapters 181; 181A; repealing Minnesota Statutes 2022, sections 179.81;

1.23 179.82; 179.83, subdivision 1; 179.84, subdivision 1; 179.85; Minnesota Rules,

1.24 parts 5520.0100; 5520.0110; 5520.0120; 5520.0200; 5520.0250; 5520.0300;

1.25 5520.0500; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620; 5520.0700;

1.26 5520.0710; 5520.0800.

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

1.28 **ARTICLE 1**

1.29 **APPROPRIATIONS**

1.30 Section 1. **APPROPRIATIONS.**

1.31 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.32 and for the purposes specified in sections 2 to 6. The appropriations are from the general

3.1 (a) \$...... the second year is for a grant to
3.2 Tending the Soil, a 501(c)(3) nonprofit
3.3 organization, to redevelop a building located
3.4 at 2808 Hennepin Avenue South in
3.5 Minneapolis, for use as the Rise Up Center to
3.6 house a workforce development and job
3.7 training center, office spaces for the
3.8 administration of workforce development
3.9 programs, and a public gathering space. The
3.10 center, when complete, shall be capable of
3.11 training up to 3,000 low-income workers
3.12 annually from diverse backgrounds in the
3.13 fields of green energy, construction, food
3.14 processing, and other stable careers through
3.15 preapprenticeships and job readiness training,
3.16 in partnership with labor and grassroots
3.17 organizations. This is a onetime appropriation
3.18 and is available until the project is completed
3.19 or abandoned, subject to Minnesota Statutes,
3.20 section 16A.642.

3.21 (b) Beginning January 15, 2025, the
3.22 commissioner of labor and industry must
3.23 annually report to the legislative committees
3.24 with jurisdiction over economic development,
3.25 workforce development, jobs, and labor
3.26 regarding the uses of funds in this grant. The
3.27 report must include how much of the grant
3.28 funds remain unspent. The report must also
3.29 detail the number of workers served by the
3.30 grant. A final report is due the January 15
3.31 immediately following the cancellation or
3.32 exhaustion of this grant. As a condition of
3.33 receiving the grant, Tending the Soil must
3.34 agree to provide the commissioner any
3.35 information needed to complete this report.

4.1 Sec. 7. Laws 2023, chapter 53, article 14, section 1, is amended to read:

4.2 Section 1. **EARNED SICK AND SAFE TIME APPROPRIATIONS.**

4.3 (a) \$1,445,000 in fiscal year 2024 and ~~\$2,209,000~~ \$1,899,000 in fiscal year 2025 are
4.4 appropriated from the general fund to the commissioner of labor and industry for enforcement
4.5 and other duties regarding earned sick and safe time under Minnesota Statutes, sections
4.6 181.9445 to 181.9448, and chapter 177. ~~The base for this appropriation is \$1,899,000 for~~
4.7 ~~fiscal year 2026 and each year thereafter.~~

4.8 (b) \$300,000 in fiscal year 2024 and \$300,000 in fiscal year 2025 are appropriated from
4.9 the general fund to the commissioner of labor and industry for grants to community
4.10 organizations under Minnesota Statutes, section 177.50, subdivision 4. This is a onetime
4.11 appropriation.

4.12 (c) \$310,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
4.13 of labor and industry for rulemaking related to earned sick and safe time under Minnesota
4.14 Statutes, sections 181.9445 to 181.9448, and chapter 177. This is a onetime appropriation
4.15 and is available until June 30, 2027.

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

4.17 Sec. 8. Laws 2023, chapter 53, article 19, section 2, subdivision 1, is amended to read:

4.18 Subdivision 1. **Total Appropriation** \$ **47,710,000** \$ **44,044,000**
4.19 \$ **47,710,000** \$ **44,464,000**

4.20 Appropriations by Fund

	2024	2025
		<u>4,889,000</u>
4.21 General	7,200,000	<u>5,030,000</u>
4.22 Workers'		<u>32,390,000</u>
4.23 Compensation	30,599,000	<u>32,669,000</u>
4.24 Workforce		
4.25 Development	9,911,000	6,765,000

4.28 The amounts that may be spent for each
4.29 purpose are specified in the following
4.30 subdivisions. The general fund base for this
4.31 appropriation is ~~\$4,936,000~~ \$5,077,000 in
4.32 fiscal year 2026 and ~~\$4,958,000~~ \$5,030,000
4.33 in fiscal year 2027 and each year thereafter.
4.34 The workers compensation fund base is

5.1 ~~\$32,749,000~~ \$32,892,000 in fiscal year 2026
 5.2 and \$32,458,000 in fiscal year 2027 and each
 5.3 year thereafter. The workforce development
 5.4 fund base is \$6,765,000 in fiscal year 2026
 5.5 and each year thereafter.

5.6 Sec. 9. Laws 2023, chapter 53, article 19, section 2, subdivision 3, is amended to read:

5.7			6,270,000
5.8	Subd. 3. Labor Standards	6,520,000	<u>6,411,000</u>

5.9 Appropriations by Fund

5.10			4,635,000
5.11	General	4,957,000	<u>4,776,000</u>
5.12	Workforce		
5.13	Development	1,563,000	1,635,000

5.14 The general fund base for this appropriation
 5.15 is ~~\$4,682,000~~ \$4,823,000 in fiscal year 2026
 5.16 and ~~\$4,704,000~~ \$4,776,000 in fiscal year 2027
 5.17 and each year thereafter.

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

5.20 (b) \$1,563,000 the first year and \$1,635,000
 5.21 the second year are from the workforce
 5.22 development fund for prevailing wage
 5.23 enforcement.

5.24 (c) \$134,000 the first year and \$134,000 the
 5.25 second year are for outreach and enforcement
 5.26 efforts related to changes to the nursing
 5.27 mothers, lactating employees, and pregnancy
 5.28 accommodations law.

5.29 (d) \$661,000 the first year and \$357,000 the
 5.30 second year are to perform work for the
 5.31 Nursing Home Workforce Standards Board.
 5.32 The base for this appropriation is \$404,000 in
 5.33 fiscal year 2026 and \$357,000 in fiscal year
 5.34 2027.

6.1 (e) \$225,000 the first year and \$169,000 the
 6.2 second year are for the purposes of the Safe
 6.3 Workplaces for Meat and Poultry Processing
 6.4 Workers Act.

6.5 (f) \$27,000 the first year is for the creation
 6.6 and distribution of a veterans' benefits and
 6.7 services poster under Minnesota Statutes,
 6.8 section 181.536.

6.9 (g) \$141,000 the second year is to inform and
 6.10 educate employers relating to Minnesota
 6.11 Statutes, section 181.960.

6.12 Sec. 10. Laws 2023, chapter 53, article 19, section 2, subdivision 5, is amended to read:

6.13			<u>7,559,000</u>
6.14	Subd. 5. Workplace Safety	8,644,000	<u>7,838,000</u>
6.15	Appropriations by Fund		
6.16	General	2,000,000	-0-
6.17	Workers'		<u>7,559,000</u>
6.18	Compensation	6,644,000	<u>7,838,000</u>

6.19 The workers compensation fund base for this
 6.20 appropriation is ~~\$7,918,000~~ \$8,061,000 in
 6.21 fiscal year 2026 and \$7,627,000 in fiscal year
 6.22 2027 and each year thereafter.

6.23 \$2,000,000 the first year is for the ergonomics
 6.24 safety grant program. This appropriation is
 6.25 available until June 30, 2026. This is a onetime
 6.26 appropriation.

6.27 Sec. 11. Laws 2023, chapter 53, article 19, section 4, is amended to read:

6.28	Sec. 4. BUREAU OF MEDIATION SERVICES \$	3,707,000 \$	3,789,000
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6.29 ~~(a)~~ \$750,000 each year is for purposes of the
 6.30 Public Employment Relations Board under
 6.31 Minnesota Statutes, section 179A.041.

7.1 ~~(b) \$68,000 each year is for grants to area~~
 7.2 ~~labor management committees. Grants may~~
 7.3 ~~be awarded for a 12-month period beginning~~
 7.4 ~~July 1 each year. Any unencumbered balance~~
 7.5 ~~remaining at the end of the first year does not~~
 7.6 ~~cancel but is available for the second year.~~

7.7 ~~(c) \$47,000 each year is for rulemaking,~~
 7.8 ~~staffing, and other costs associated with peace~~
 7.9 ~~officer grievance procedures.~~

7.10 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2023.

7.11 **ARTICLE 2**
 7.12 **COMBATIVE SPORTS - DEPARTMENT OF LABOR AND INDUSTRY**

7.13 Section 1. Minnesota Statutes 2023 Supplement, section 341.25, is amended to read:

7.14 **341.25 RULES.**

7.15 (a) The commissioner may adopt rules that include standards for the physical examination
 7.16 and condition of combatants and referees.

7.17 (b) The commissioner may adopt other rules necessary to carry out the purposes of this
 7.18 chapter, including, but not limited to, the conduct of all combative sport contests and their
 7.19 manner, supervision, time, and place.

7.20 (c) The most recent version of the Unified Rules of Mixed Martial Arts, as promulgated
 7.21 by the Association of Boxing Commissions, is incorporated by reference and made a part
 7.22 of this chapter except as qualified by this chapter and Minnesota Rules, chapter 2202. In
 7.23 the event of a conflict between this chapter and the Unified Rules, this chapter must govern.

7.24 (d) The most recent version of the Unified Rules of Boxing, as promulgated by the
 7.25 Association of Boxing Commissions, is incorporated by reference and made a part of this
 7.26 chapter except as qualified by this chapter and Minnesota Rules, chapter 2201. In the event
 7.27 of a conflict between this chapter and the Unified Rules, this chapter must govern.

7.28 (e) The most recent version of the Unified Rules of Kickboxing and Unified Rules of
 7.29 Muay Thai, as promulgated by the Association of Boxing Commissions, ~~is~~ are incorporated
 7.30 by reference and made a part of this chapter except as qualified by this chapter and any
 7.31 applicable Minnesota Rules. In the event of a conflict between this chapter and ~~the Unified~~
 7.32 Rules those rules, this chapter must govern. If a promoter seeks to hold a kickboxing event

8.1 governed by a different set of kickboxing rules, the promoter must send the commissioner
8.2 a copy of the rules under which the proposed bouts will be conducted at least 45 days before
8.3 the event. The commissioner may approve or deny the use of the alternative rules at the
8.4 commissioner's discretion. If the alternative rules are approved for an event, this chapter
8.5 and any applicable Minnesota Rules, except of those incorporating the Unified Rules of
8.6 Kickboxing and Unified Rules of Muay Thai, must govern if there is a conflict between the
8.7 rules and Minnesota law.

8.8 Sec. 2. Minnesota Statutes 2023 Supplement, section 341.28, subdivision 5, is amended
8.9 to read:

8.10 Subd. 5. **Regulatory authority; martial arts and amateur boxing.** (a) Unless this
8.11 chapter specifically states otherwise, contests or exhibitions for martial arts and amateur
8.12 boxing are exempt from the requirements of this chapter and officials at these events are
8.13 not required to be licensed under this chapter.

8.14 (b) Martial arts and amateur boxing contests, unless subject to the exceptions set forth
8.15 in subdivision 6 or 7, must be regulated by a nationally recognized organization approved
8.16 by the commissioner. The organization must have a set of written standards, procedures, or
8.17 rules used to sanction the combative sports it oversees.

8.18 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit
8.19 bout results to the commissioner within 72 hours after the event. If the regulatory body
8.20 issues suspensions, the regulatory body must submit to the commissioner a list of any
8.21 suspensions resulting from the event within 72 hours after the event. Regulatory bodies that
8.22 oversee combative sports or martial arts contests under subdivision 6 or 7 are not subject
8.23 to this paragraph.

8.24 Sec. 3. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to
8.25 read:

8.26 Subd. 7. **Regulatory authority; youth competition.** Combative sports or martial arts
8.27 contests between individuals under the age of 18 years are exempt from the requirements
8.28 of this chapter and officials at these events are not required to be licensed under this chapter.
8.29 A contest under this subdivision must be regulated by (1) a widely recognized organization
8.30 that regularly oversees youth competition, or (2) a local government.

9.1 Sec. 4. Minnesota Statutes 2022, section 341.29, is amended to read:

9.2 **341.29 JURISDICTION OF COMMISSIONER.**

9.3 The commissioner shall:

9.4 (1) have sole direction, supervision, regulation, control, and jurisdiction over all
9.5 combative sport contests that are held within this state unless a contest is exempt from the
9.6 application of this chapter under federal law;

9.7 (2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

9.8 (3) grant a license to an applicant if, in the judgment of the commissioner, the financial
9.9 responsibility, experience, character, and general fitness of the applicant are consistent with
9.10 the public interest, ~~convenience, or necessity~~ and in the best interests of combative sports
9.11 and conforms with this chapter and the commissioner's rules;

9.12 (4) deny, suspend, or revoke a license using the enforcement provisions of section
9.13 326B.082, except that the licensing reapplication time frames remain within the sole
9.14 discretion of the commissioner; and

9.15 (5) serve final nonlicensing orders in performing the duties of this chapter which are
9.16 subject to the contested case procedures provided in sections 14.57 to 14.69.

9.17 Sec. 5. Minnesota Statutes 2023 Supplement, section 341.30, subdivision 4, is amended
9.18 to read:

9.19 Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a promoter's
9.20 license to an individual, corporation, or other business entity, the applicant shall complete
9.21 a licensing application on the Office of Combative Sports website or on forms prescribed
9.22 by the commissioner and shall:

9.23 (1) show on the licensing application the owner or owners of the applicant entity and
9.24 the percentage of interest held by each owner holding a 25 percent or more interest in the
9.25 applicant;

9.26 (2) provide the commissioner with a copy of the latest financial statement of the applicant;

9.27 (3) provide proof, where applicable, of authorization to do business in the state of
9.28 Minnesota; and

9.29 (4) deposit with the commissioner a surety bond in an amount set by the commissioner,
9.30 which must not be less than \$10,000. The bond shall be executed in favor of this state and

10.1 shall be conditioned on the faithful performance by the promoter of the promoter's obligations
10.2 under this chapter and the rules adopted under it.

10.3 (b) Before the commissioner issues a license to a combatant, the applicant shall:

10.4 (1) submit to the commissioner the results of current medical examinations on forms
10.5 prescribed by the commissioner that state that the combatant is cleared to participate in a
10.6 combative sport contest. The applicant must undergo and submit the results of the following
10.7 medical examinations, which do not exempt a combatant from the requirements in section
10.8 341.33:

10.9 (i) a physical examination performed by a licensed medical doctor, doctor of osteopathic
10.10 medicine, advance practice nurse practitioner, or a physician assistant. Physical examinations
10.11 are valid for one year from the date of the exam;

10.12 (ii) an ophthalmological examination performed by an ophthalmologist or optometrist
10.13 that includes dilation designed to detect any retinal defects or other damage or a condition
10.14 of the eye that could be aggravated by combative sports. Ophthalmological examinations
10.15 are valid for one year from the date of the exam;

10.16 (iii) blood work results for HBsAg (Hepatitis B surface antigen), HCV (Hepatitis C
10.17 antibody), and HIV. Blood work results are good for one year from the date blood was
10.18 drawn. The commissioner shall not issue a license to an applicant submitting positive test
10.19 results for HBsAg, HCV, or HIV; and

10.20 (iv) other appropriate neurological or physical examinations before any contest, if the
10.21 commissioner determines that the examination is desirable to protect the health of the
10.22 combatant;

10.23 (2) complete a licensing application on the Office of Combative Sports website or on
10.24 forms prescribed by the commissioner; and

10.25 (3) provide proof that the applicant is 18 years of age. Acceptable proof is a photo driver's
10.26 license, state photo identification card, passport, or birth certificate combined with additional
10.27 photo identification.

10.28 (c) Before the commissioner issues an amateur combatant license to an individual, the
10.29 applicant must submit proof of qualifications that includes at a minimum: (1) an applicant's
10.30 prior bout history and evidence showing that the applicant has completed at least six months
10.31 of training in a combative sport; or (2) a letter of recommendation from a coach or trainer.

10.32 (d) Before the commissioner issues a professional combatant license to an individual,
10.33 the applicant must submit proof of qualifications that includes an applicant's prior bout

11.1 history showing the applicant has competed in at least four sanctioned combative sports
 11.2 contests. If the applicant has not competed in at least four sanctioned combative sports
 11.3 contests, the commissioner may still grant the applicant a license if the applicant provides
 11.4 evidence demonstrating that the applicant has sufficient skills and experience in combative
 11.5 sports or martial arts to compete as a professional combatant.

11.6 ~~(e)~~ (e) Before the commissioner issues a license to a referee, judge, or timekeeper, the
 11.7 applicant must submit proof of qualifications that may include certified training from the
 11.8 Association of Boxing Commissions, licensure with other regulatory bodies, professional
 11.9 references, or a log of bouts worked.

11.10 ~~(d)~~ (f) Before the commissioner issues a license to a ringside physician, the applicant
 11.11 must submit proof that they are licensed to practice medicine in the state of Minnesota and
 11.12 in good standing.

11.13 Sec. 6. Minnesota Statutes 2023 Supplement, section 341.321, is amended to read:

11.14 **341.321 FEE SCHEDULE.**

11.15 (a) The fee schedule for professional and amateur licenses issued by the commissioner
 11.16 is as follows:

11.17 (1) referees, \$25;

11.18 (2) promoters, \$700;

11.19 (3) judges and knockdown judges, \$25;

11.20 (4) trainers and seconds, \$40;

11.21 (5) timekeepers, \$25;

11.22 (6) professional combatants, \$70;

11.23 (7) amateur combatants, \$35; and

11.24 (8) ringside physicians, \$25.

11.25 All license fees shall be paid no later than the weigh-in prior to the contest. No license may
 11.26 be issued until all prelicensure requirements in section 341.30 are satisfied and fees are
 11.27 paid.

11.28 (b) A promoter or event organizer of an event regulated by the Department of Labor and
 11.29 Industry must pay, per event, a combative sport contest fee of ~~0~~ .

12.1 (c) If the promoter sells tickets for the event, the event fee is \$1,500 per event or four
 12.2 percent of the gross ticket sales, whichever is greater. The fee must be paid as follows:

12.3 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;

12.4 (2) \$1,000 at the weigh-in prior to the contest;

12.5 (3) if four percent of the gross ticket sales is greater than \$1,500, the balance is due to
 12.6 the commissioner within 14 days of the completed contest; and

12.7 (4) the value of all complimentary tickets distributed for an event, to the extent they
 12.8 exceed five percent of total event attendance, counts toward gross tickets sales for the
 12.9 purposes of determining a combative sports contest fee. For purposes of this clause, the
 12.10 lowest advertised ticket price shall be used to calculate the value of complimentary tickets.

12.11 (d) If the promoter does not sell tickets and receives only a flat payment from a venue
 12.12 to administer the event, the event fee is \$1,500 per event or four percent of the flat payment,
 12.13 whichever is greater. The fee must be paid as follows:

12.14 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;

12.15 (2) \$1,000 at the weigh-in prior to the contest; and

12.16 (3) if four percent of the flat payment is greater than \$1,500, the balance is due to the
 12.17 commissioner within 14 days of the completed contest.

12.18 ~~(e)~~ (e) All fees and penalties collected by the commissioner must be deposited in the
 12.19 commissioner account in the special revenue fund.

12.20 Sec. 7. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a
 12.21 subdivision to read:

12.22 Subd. 3. **Medical records.** The commissioner may, if the commissioner determines that
 12.23 doing so would be desirable to protect the health of a combatant, provide the combatant's
 12.24 medical information collected under this chapter to the physician conducting a prebout exam
 12.25 under this section or to the ringside physician or physicians assigned to the combatant's
 12.26 combative sports contest.

12.27 Sec. 8. Minnesota Statutes 2023 Supplement, section 341.355, is amended to read:

12.28 **341.355 CIVIL PENALTIES.**

12.29 When the commissioner finds that a person has violated one or more provisions of any
 12.30 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the

13.1 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each
 13.2 violation, or a civil penalty that deprives the person of any economic advantage gained by
 13.3 the violation, or both. The commissioner may also impose these penalties against a person
 13.4 who has violated section 341.28, subdivision 5, paragraph (b) or (c), or subdivision 7.

13.5 **ARTICLE 3**

13.6 **BUREAU OF MEDIATION SERVICES**

13.7 Section 1. Minnesota Statutes 2022, section 626.892, subdivision 10, is amended to read:

13.8 Subd. 10. **Training.** (a) A person appointed to the arbitrator roster under this section
 13.9 must complete training as required by the commissioner during the person's appointment.
 13.10 At a minimum, an initial training must include:

13.11 (1) at least six hours on the topics of cultural competency, racism, implicit bias, and
 13.12 recognizing and valuing community diversity and cultural differences; and

13.13 (2) at least six hours on topics related to the daily experience of peace officers, which
 13.14 may include ride-alongs with on-duty officers or other activities that provide exposure to
 13.15 the environments, choices, and judgments required of officers in the field.

13.16 (b) The commissioner may adopt rules establishing training requirements consistent
 13.17 with this subdivision.

13.18 ~~(b) An arbitrator appointed to the roster of arbitrators in 2020 must complete the required~~
 13.19 ~~initial training by July 1, 2021.~~ (c) An arbitrator appointed to the roster of arbitrators after
 13.20 2020 must complete the required initial training within six months of the arbitrator's
 13.21 appointment.

13.22 ~~(e)~~ (d) The Bureau of Mediation Services must pay for all costs associated with the
 13.23 required training ~~must be borne by the arbitrator.~~

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

13.25 Sec. 2. **REPEALER.**

13.26 (a) Minnesota Statutes 2022, sections 179.81; 179.82; 179.83, subdivision 1; 179.84,
 13.27 subdivision 1; and 179.85, are repealed.

13.28 (b) Minnesota Rules, parts 5520.0100; 5520.0110; 5520.0120; 5520.0200; 5520.0250;
 13.29 5520.0300; 5520.0500; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620;
 13.30 5520.0700; 5520.0710; and 5520.0800, are repealed.

14.1

ARTICLE 4

14.2

PUBLIC EMPLOYEE LABOR RELATIONS (PELRA)

14.3 Section 1. Minnesota Statutes 2023 Supplement, section 13.43, subdivision 6, is amended
14.4 to read:

14.5 Subd. 6. **Access by labor organizations, Bureau of Mediation Services, Public**
14.6 **Employment Relations Board.** (a) Notwithstanding classification by any other provision
14.7 of this chapter, personnel data must be disseminated to labor organizations and the Public
14.8 Employment Relations Board to the extent necessary to conduct elections, investigate and
14.9 process grievances, and implement the provisions of chapters 179 and 179A. Personnel data
14.10 shall be disseminated to labor organizations, the Public Employment Relations Board, and
14.11 the Bureau of Mediation Services to the extent the dissemination is ordered or authorized
14.12 by the commissioner of the Bureau of Mediation Services or the Public Employment
14.13 Relations Board or its employees or agents. Employee Social Security numbers are not
14.14 necessary to implement the provisions of chapters 179 and 179A.

14.15 (b) Personnel data described under section 179A.07, subdivision 8, must be disseminated
14.16 to an exclusive representative under the terms of that subdivision.

14.17 (c) An employer who disseminates personnel data to a labor organization pursuant to
14.18 this subdivision shall not be subject to liability under section 13.08. Nothing in this paragraph
14.19 shall impair or limit any remedies available under section 325E.61.

14.20 (d) The home addresses, nonemployer issued phone numbers and email addresses, dates
14.21 of birth, and emails or other communications between exclusive representatives and their
14.22 members, prospective members, and nonmembers are private data on individuals.

14.23 Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is amended
14.24 to read:

14.25 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
14.26 any person appointed or employed by a public employer except:

14.27 (1) elected public officials;

14.28 (2) election officers;

14.29 (3) commissioned or enlisted personnel of the Minnesota National Guard;

14.30 (4) emergency employees who are employed for emergency work caused by natural
14.31 disaster;

15.1 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
15.2 or 35 percent of the normal work week in the employee's appropriate unit;

15.3 (6) employees, other than employees working for a Minnesota school district or charter
15.4 school in a position for which no license is required by the Professional Educator Licensing
15.5 Standards Board, whose positions are basically temporary or seasonal in character and: (i)
15.6 are not for more than 67 working days in any calendar year; or (ii) ~~are not working for a~~
15.7 ~~Minnesota school district or charter school; or~~ (iii) are not for more than 100 working days
15.8 in any calendar year and the employees are under the age of 22, are full-time students
15.9 enrolled in a nonprofit or public educational institution prior to being hired by the employer,
15.10 and have indicated, either in an application for employment or by being enrolled at an
15.11 educational institution for the next academic year or term, an intention to continue as students
15.12 during or after their temporary employment;

15.13 (7) employees providing services for not more than two consecutive quarters to the
15.14 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
15.15 professional or technical services contract as defined in section 16C.08, subdivision 1;

15.16 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
15.17 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
15.18 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

15.19 (9) full-time undergraduate students employed by the school which they attend under a
15.20 work-study program or in connection with the receipt of financial aid, irrespective of number
15.21 of hours of service per week;

15.22 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
15.23 in an adult vocational education program;

15.24 (11) with respect to court employees:

15.25 (i) personal secretaries to judges;

15.26 (ii) law clerks;

15.27 (iii) managerial employees;

15.28 (iv) confidential employees; and

15.29 (v) supervisory employees; or

15.30 (12) with respect to employees of Hennepin Healthcare System, Inc., managerial,
15.31 supervisory, and confidential employees.

16.1 (b) The following individuals are public employees regardless of the exclusions of
 16.2 paragraph (a), clauses (5) to (7):

16.3 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
 16.4 State Colleges and Universities except at the university established in the Twin Cities
 16.5 metropolitan area under section 136F.10 or for community services or community education
 16.6 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
 16.7 who is a public employee, where the replacement employee is employed more than 30
 16.8 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
 16.9 position created due to increased enrollment, curriculum expansion, courses which are a
 16.10 part of the curriculum whether offered annually or not, or other appropriate reasons;

16.11 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
 16.12 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
 16.13 year and the cumulative number of days worked in that same position by all employees
 16.14 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
 16.15 includes a substantially equivalent position if it is not the same position solely due to a
 16.16 change in the classification or title of the position;

16.17 (3) an early childhood family education teacher employed by a school district; and

16.18 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
 16.19 Universities as the instructor of record to teach (i) one class for more than three credits in
 16.20 a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.

16.21 Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 18, is amended
 16.22 to read:

16.23 Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent
 16.24 or assistant superintendent, principal, assistant principal, or a supervisory or confidential
 16.25 employee, employed by a school district:

16.26 (1) in a position for which the person must be licensed by the Professional Educator
 16.27 Licensing and Standards Board or the commissioner of education;

16.28 (2) in a position as a physical therapist, occupational therapist, art therapist, music
 16.29 therapist, or audiologist; or

16.30 (3) in a position creating and delivering instruction to children in a preschool, school
 16.31 readiness, school readiness plus, or prekindergarten program or other school district or
 16.32 charter school-based early education program, except that ~~an employee~~ employees in a
 16.33 bargaining unit certified before January 1, 2023, may remain in a bargaining unit that does

17.1 not include teachers unless an exclusive representative files a petition for a unit clarification
 17.2 ~~or to transfer exclusive representative status.~~

17.3 Sec. 4. Minnesota Statutes 2022, section 179A.041, subdivision 2, is amended to read:

17.4 Subd. 2. **Alternate members.** (a) The appointing authorities shall appoint alternate
 17.5 members to serve ~~only~~ in the ~~ease~~ event of a member having a conflict of interest or being
 17.6 unavailable for a meeting under subdivision 9, as follows:

17.7 (1) one alternate, appointed by the governor, who is an officer or employee of an exclusive
 17.8 representative of public employees, to serve as an alternate to the member appointed by the
 17.9 governor who is an officer or employee of an exclusive representative of public employees.
 17.10 This alternate must not be an officer or employee of the same exclusive representative of
 17.11 public employees as the member for whom the alternate serves;

17.12 (2) one alternate, appointed by the governor, who is a representative of public employers,
 17.13 to serve as an alternate to the member appointed by the governor who is a representative of
 17.14 public employers. This alternate must not represent the same public employer as the member
 17.15 for whom the alternate serves; and

17.16 (3) one alternate, appointed by the member who is an officer or employee of an exclusive
 17.17 representative of public employees and the member who is a representative of public
 17.18 employers, who is not an officer or employee of an exclusive representative of public
 17.19 employees, or a representative of a public employer, to serve as an alternate for the member
 17.20 that represents the public at large.

17.21 (b) Each alternate member shall serve a term that is coterminous with the term of the
 17.22 member for whom the alternate member serves as an alternate.

17.23 Sec. 5. Minnesota Statutes 2023 Supplement, section 179A.041, subdivision 10, is amended
 17.24 to read:

17.25 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to ~~meetings of~~
 17.26 ~~the~~ a board meeting when ~~it~~ the board is:

17.27 (1) deliberating on the merits of an unfair labor practice ~~charges~~ charge under sections
 17.28 179.11, 179.12, and 179A.13;

17.29 (2) reviewing a hearing officer's recommended decision and order ~~of a hearing officer~~
 17.30 under section 179A.13; or

18.1 ~~(3) reviewing decisions of the a commissioner of the Bureau of Mediation Services~~
 18.2 ~~relating to decision on an unfair labor practices practice~~ under section 179A.12, subdivision
 18.3 11.

18.4 Sec. 6. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended
 18.5 to read:

18.6 Subd. 6. **Payroll deduction, authorization, and remittance.** ~~(a) Public employees have~~
 18.7 ~~the right to~~ A public employee may request and be allowed payroll deduction for the
 18.8 exclusive representative that represents the employee's position and the its associated political
 18.9 fund associated with the exclusive representative and registered pursuant to ~~under~~ section
 18.10 10A.12. If no exclusive representative represents an employee's position, the public employee
 18.11 may request payroll deduction for the organization of the employee's choice. A public
 18.12 employer must provide payroll deduction according to any public employee's request under
 18.13 this paragraph.

18.14 (b) A public employer must rely on a certification from any an exclusive representative
 18.15 requesting remittance of a deduction that the organization has and will maintain an
 18.16 authorization, signed, either by hand or electronically according to section 325L.02, paragraph
 18.17 (h), by the public employee from whose salary or wages the deduction is to be made, which
 18.18 may include an electronic signature by the public employee as defined in section 325L.02,
 18.19 paragraph (h). An exclusive representative making such a certification must not be is not
 18.20 required to provide the public employer a copy of the authorization unless a dispute arises
 18.21 about the authorization's existence or terms of the authorization. The exclusive representative
 18.22 must indemnify the public employer for any successful claims made by the employee for
 18.23 unauthorized deductions in reliance on the certification.

18.24 ~~(b) (c) A dues payroll deduction authorization remains in effect is effective~~ until the
 18.25 exclusive representative notifies the employer receives notice from the exclusive
 18.26 representative that a public employee has changed or canceled their the employee's
 18.27 authorization in writing in accordance with the terms of the original authorizing document,
 18.28 and authorization. When determining whether deductions have been properly changed or
 18.29 canceled, a public employer must rely on information from the exclusive representative
 18.30 receiving remittance of the deduction regarding whether the deductions have been properly
 18.31 changed or canceled. The exclusive representative must indemnify the public employer,
 18.32 including any reasonable attorney fees and litigation costs, for any successful claims made
 18.33 by the employee for unauthorized deductions made in reliance on such information.

18.34 ~~(e) (d)~~ Deduction authorization under this section is:

19.1 (1) independent from the public employee's membership status in the organization to
 19.2 which payment is remitted; and is

19.3 (2) effective regardless of whether a collective bargaining agreement authorizes the
 19.4 deduction.

19.5 ~~(d) Employers~~ (e) An employer must commence:

19.6 (1) begin deductions within 30 days of notice of authorization from the after an exclusive
 19.7 representative submits a certification under paragraph (b); and must

19.8 (2) remit the deductions to the exclusive representative within 30 days of the deduction.
 19.9 ~~The failure of an employer to comply with the provisions of this paragraph shall be an unfair~~
 19.10 ~~labor practice under section 179A.13, the relief for which shall be reimbursement by the~~
 19.11 ~~employer of deductions that should have been made or remitted based on a valid authorization~~
 19.12 ~~given by the employee or employees.~~

19.13 ~~(e) In the absence of an exclusive representative, public employees have the right to~~
 19.14 ~~request and be allowed payroll deduction for the organization of their choice.~~

19.15 (f) An exclusive representative must indemnify a public employer:

19.16 (1) for any successful employee claim for unauthorized employer deductions made by
 19.17 relying on an exclusive representative's certification under paragraph (b); and

19.18 (2) for any successful employee claim for unauthorized employer deductions made by
 19.19 relying on information for changing or canceling deductions under paragraph (c), with
 19.20 indemnification including any reasonable attorney fees and litigation costs.

19.21 ~~(f)~~ (g) Any dispute under this subdivision must be resolved through an unfair labor
 19.22 practice proceeding under section 179A.13. It is an unfair labor practice if an employer fails
 19.23 to comply with paragraph (e), and the employer must reimburse deductions that should have
 19.24 been made or remitted based on a valid authorization given by the employee or employees.

19.25 Sec. 7. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 8, is amended
 19.26 to read:

19.27 Subd. 8. **Bargaining unit information.** (a) Within 20 calendar days ~~from the date of~~
 19.28 ~~hire of~~ after a bargaining unit employee is hired, a public employer must provide the
 19.29 following ~~contact~~ information on the employee to an the unit's exclusive representative or
 19.30 its affiliate in an Excel file format or other format agreed to by the exclusive representative:

19.31 (1) name;

- 20.1 (2) job title;
- 20.2 (3) worksite location, including location ~~within~~ in a facility when appropriate;
- 20.3 (4) home address;
- 20.4 (5) work telephone number;
- 20.5 (6) home and personal cell phone numbers on file with the public employer;
- 20.6 (7) date of hire; and
- 20.7 (8) work email address and personal email address on file with the public employer.

20.8 (b) Every 120 calendar days ~~beginning on January 1, 2024~~, a public employer must
 20.9 provide to ~~an~~ a bargaining unit's exclusive representative in an Excel file or similar format
 20.10 agreed to by the exclusive representative the ~~following~~ information under paragraph (a) for
 20.11 all bargaining unit employees: ~~name; job title; worksite location, including location within~~
 20.12 ~~a facility when appropriate; home address; work telephone number; home and personal cell~~
 20.13 ~~phone numbers on file with the public employer; date of hire; and work email address and~~
 20.14 ~~personal email address on file with the public employer.~~

20.15 (c) ~~A public employer must notify an exclusive representative within 20 calendar days~~
 20.16 ~~of the separation of~~ If a bargaining unit employee separates from employment or transfer
 20.17 transfers out of the bargaining unit of a bargaining unit employee, the employee's public
 20.18 employer must notify the employee's exclusive representative within 20 calendar days after
 20.19 the separation or transfer, including whether the unit departure was due to a transfer,
 20.20 promotion, demotion, discharge, resignation, or retirement.

20.21 Sec. 8. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 9, is amended
 20.22 to read:

20.23 Subd. 9. **Access.** (a) A public employer must allow an exclusive representative or the
 20.24 representative's agent to meet in person with a newly hired employees, without charge to
 20.25 the pay or leave time of the employees, for 30 minutes, employee within 30 calendar days
 20.26 from the date of hire; during new employee orientations or, if the employer does not conduct
 20.27 new employee orientations, at individual or group meetings arranged by the employer in
 20.28 coordination with the exclusive representative or the representative's agent during the newly
 20.29 hired employees' regular working hours. For an orientation or meeting under this paragraph,
 20.30 an employer must allow the employee and exclusive representative up to 30 minutes to meet
 20.31 and must not charge the employee's pay or leave time during the orientation or meeting, or
 20.32 the pay or leave time of an employee of the public employer acting as an agent of the

21.1 exclusive representative using time off under subdivision 6. An orientation or meeting may
 21.2 be held virtually or for longer than 30 minutes only by mutual agreement of the employer
 21.3 and exclusive representative.

21.4 ~~(b)~~ (b) An exclusive representative ~~shall~~ must receive ~~no less than~~ at least ten days' notice
 21.5 ~~in advance~~ of an orientation, ~~except that~~ but a shorter notice may be provided ~~where~~ if there
 21.6 is an urgent need critical to the employer's operations ~~of the public employer~~ that was not
 21.7 reasonably foreseeable. Notice of and attendance at new employee orientations and other
 21.8 meetings under this paragraph ~~must be~~ and paragraph (a) are limited to ~~the public employer;~~

21.9 (1) the employees;

21.10 (2) the exclusive representative, and;

21.11 (3) any vendor contracted to provide a service for purposes of the meeting. Meetings
 21.12 ~~may be held virtually or for longer than 30 minutes; and~~

21.13 (4) the public employer or its designee, who may attend only by mutual agreement of
 21.14 the public employer and exclusive representative.

21.15 ~~(b)~~ (c) A public employer must allow an exclusive representative to communicate with
 21.16 bargaining unit members ~~using their employer-issued email addresses regarding~~ by email
 21.17 on:

21.18 (1) collective bargaining;

21.19 (2) the administration of collective bargaining agreements;

21.20 (3) the investigation of grievances; and other workplace-related complaints and issues;
 21.21 and

21.22 (4) internal matters involving the governance or business of the exclusive representative;
 21.23 consistent with the employer's generally applicable technology use policies.

21.24 (d) An exclusive representative may communicate with bargaining unit members under
 21.25 paragraph (c) via the members' employer-issued email addresses, but the communication
 21.26 must be consistent with the employer's generally applicable technology use policies.

21.27 ~~(e)~~ (e) A public employer must allow an exclusive representative to meet with bargaining
 21.28 unit members in facilities owned or leased by the public employer ~~regarding~~ to communicate
 21.29 on:

21.30 (1) collective bargaining;

21.31 (2) the administration of collective bargaining agreements;

22.1 (3) the investigation of grievances and other workplace-related complaints and issues;
 22.2 and

22.3 (4) internal matters involving the governance or business of the exclusive representative;
 22.4 ~~provided the use does not interfere with governmental operations and the exclusive~~
 22.5 ~~representative complies with worksite security protocols established by the public employer.~~
 22.6 ~~Meetings conducted.~~

22.7 (f) The following applies for a meeting under paragraph (e):

22.8 (1) a meeting cannot interfere with government operations;

22.9 (2) the exclusive representative must comply with employer-established worksite security
 22.10 protocols;

22.11 (3) a meeting in a government buildings pursuant to this paragraph must not building
 22.12 cannot be for the purpose of supporting or opposing any candidate for partisan political
 22.13 office or for the purpose of distributing literature or information regarding on partisan
 22.14 elections; and

22.15 (4) an exclusive representative conducting a meeting in a government building or other
 22.16 government facility pursuant to this subdivision may be charged for maintenance, security,
 22.17 and other costs related to the use of using the government building or facility that would
 22.18 not otherwise be incurred by the government entity.

22.19 Sec. 9. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision to
 22.20 read:

22.21 Subd. 4. **Unit mergers.** Upon the request of an exclusive representative for bargaining
 22.22 units other than those defined in section 179A.10, subdivision 2, the commissioner must
 22.23 designate as a single unit two bargaining units represented by the exclusive representative,
 22.24 subject to subdivision 2 of this section as well as any other statutory bargaining unit
 22.25 designation.

22.26 Sec. 10. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision
 22.27 to read:

22.28 Subd. 5. **Position classifications.** For the purpose of determining whether a new position
 22.29 should be included in an existing bargaining unit, the position shall be analyzed with respect
 22.30 to its assigned duties, without regard to title or telework status.

23.1 Sec. 11. Minnesota Statutes 2023 Supplement, section 179A.10, subdivision 2, is amended
 23.2 to read:

23.3 Subd. 2. **State employees.** (a) Unclassified employees, unless otherwise excluded, are
 23.4 included within the units ~~which~~ that include the classifications to which they are assigned
 23.5 for purposes of compensation. Supervisory employees ~~shall only~~ can be assigned only to
 23.6 ~~units~~ unit 12 and or 16. The following units are the appropriate units of executive branch
 23.7 state employees:

- 23.8 (1) law enforcement unit;
- 23.9 (2) craft, maintenance, and labor unit;
- 23.10 (3) service unit;
- 23.11 (4) health care nonprofessional unit;
- 23.12 (5) health care professional unit;
- 23.13 (6) clerical and office unit;
- 23.14 (7) technical unit;
- 23.15 (8) correctional guards unit;
- 23.16 (9) state university instructional unit;
- 23.17 (10) state college instructional unit;
- 23.18 (11) state university administrative unit;
- 23.19 (12) professional engineering unit;
- 23.20 (13) health treatment unit;
- 23.21 (14) general professional unit;
- 23.22 (15) professional state residential instructional unit;
- 23.23 (16) supervisory employees unit;
- 23.24 (17) public safety radio communications operator unit;
- 23.25 (18) licensed peace officer special unit; and
- 23.26 (19) licensed peace officer leader unit.

23.27 ~~Each unit consists of the classifications or positions assigned to it in the schedule of~~
 23.28 ~~state employee job classification and positions maintained by the commissioner. The~~

24.1 ~~commissioner may only make changes in the schedule in existence on the day prior to~~
 24.2 ~~August 1, 1984, as required by law or as provided in subdivision 4.~~

24.3 (b) The following positions are included in the licensed peace officer special unit:

24.4 (1) State Patrol lieutenant;

24.5 (2) NR district supervisor - enforcement;

24.6 (3) assistant special agent in charge;

24.7 (4) corrections investigation assistant director 2;

24.8 (5) corrections investigation supervisor; and

24.9 (6) commerce supervisor special agent.

24.10 (c) The following positions are included in the licensed peace officer leader unit:

24.11 (1) State Patrol captain;

24.12 (2) NR program manager 2 enforcement; and

24.13 (3) special agent in charge.

24.14 (d) Each unit consists of the classifications or positions assigned to it in the schedule of
 24.15 state employee job classification and positions maintained by the commissioner. The
 24.16 commissioner may make changes in the schedule in existence on the day before August 1,
 24.17 1984, only:

24.18 (1) as required by law; or

24.19 (2) as provided in subdivision 4.

24.20 Sec. 12. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 2a, is amended
 24.21 to read:

24.22 Subd. 2a. **Majority verification procedure.** (a) ~~Notwithstanding any other provision~~
 24.23 ~~of this section,~~ An employee organization may file a petition with the commissioner
 24.24 requesting certification as the exclusive representative of ~~an~~ a proposed appropriate unit
 24.25 ~~based on a verification that~~ for which there is no currently certified exclusive representative.
 24.26 The petition must verify that over 50 percent of the employees in the proposed appropriate
 24.27 unit wish to be represented by the petitioner organization. ~~The commissioner shall require~~
 24.28 ~~dated representation authorization signatures of affected employees as verification of the~~
 24.29 ~~employee organization's claim of majority status.~~

25.1 (b) ~~Upon receipt of an employee organization's petition, accompanied by employee~~
 25.2 ~~authorization signatures under this subdivision, the commissioner shall investigate the~~
 25.3 ~~petition.~~ If the commissioner determines that over 50 percent of the employees in an the
 25.4 appropriate unit have provided authorization signatures designating the petitioning employee
 25.5 organization ~~specified in the petition~~ as their exclusive representative, the commissioner
 25.6 ~~shall not order an election but shall~~ must certify the employee organization as the employees'
 25.7 exclusive representative without ordering an election under this section.

25.8 Sec. 13. Minnesota Statutes 2022, section 179A.12, subdivision 5, is amended to read:

25.9 Subd. 5. **Commissioner to investigate.** ~~The commissioner shall, Upon receipt of an~~
 25.10 ~~employee organization's receiving a petition to the commissioner~~ under subdivision ~~3~~ 1a
 25.11 or 2a, the commissioner must:

25.12 (1) investigate to determine if sufficient evidence of a question of representation exists;
 25.13 and

25.14 (2) hold hearings necessary to determine the appropriate unit and other matters necessary
 25.15 to determine the representation rights of the affected employees and employer.

25.16 Sec. 14. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 6, is amended
 25.17 to read:

25.18 Subd. 6. **Authorization signatures.** ~~In (a) When~~ determining the numerical status of
 25.19 an employee organization for purposes of this section, the commissioner ~~shall~~ must require
 25.20 a dated representation authorization signatures of affected employees signature of each
 25.21 affected employee as verification of the statements contained in the joint request or petitions
 25.22 petition. These

25.23 (b) An authorization signatures shall be signature is privileged and confidential
 25.24 information available to the commissioner only. An electronic signatures signature, as
 25.25 defined in section 325L.02, paragraph (h), ~~shall be~~ is valid as an authorization signatures
 25.26 signature.

25.27 (c) An authorization signatures shall be signature is valid for ~~a period of~~ one year
 25.28 following the signature date of signature.

26.1 Sec. 15. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 11, is amended
26.2 to read:

26.3 Subd. 11. **Unfair labor practices.** The commissioner may void the result of an election
26.4 or majority verification procedure and order a new election or procedure if the commissioner
26.5 finds ~~that~~ one of the following:

26.6 (1) there was an unfair labor practice that:

26.7 (i) was committed by an employer or, a representative candidate or, an employee, or a
26.8 group of employees; and ~~that the unfair labor practice~~

26.9 (ii) affected the result of an the election or the majority verification procedure pursuant
26.10 to subdivision 2a; or ~~that~~

26.11 (2) procedural or other irregularities in the conduct of the election or majority verification
26.12 procedure may have substantially affected its the results; ~~the commissioner may void the~~
26.13 ~~result and order a new election or majority verification procedure.~~

26.14 Sec. 16. Minnesota Statutes 2022, section 179A.13, subdivision 1, is amended to read:

26.15 Subdivision 1. **Actions.** (a) The practices specified in this section are unfair labor
26.16 practices. Any employee, employer, employee or employer organization, exclusive
26.17 representative, or any other person or organization aggrieved by an unfair labor practice as
26.18 defined in this section may file an unfair labor practice charge with the board.

26.19 (b) Whenever it is charged that any party has engaged in or is engaging in any unfair
26.20 labor practice, an investigator designated by the board shall promptly conduct an investigation
26.21 of the charge. Unless after the investigation the board finds that the charge has no reasonable
26.22 basis in law or fact, the board shall promptly issue a complaint and cause to be served upon
26.23 the party a complaint stating the charges, accompanied by a notice of hearing before a
26.24 qualified hearing officer designated by the board at the offices of the bureau or other location
26.25 as the board deems appropriate, ~~not less than five days nor more than 20 days~~ more than
26.26 30 days after serving the complaint absent mutual agreement of the parties, provided that
26.27 no complaint shall be issued based upon any unfair labor practice occurring more than six
26.28 months prior to the filing of a charge. A complaint issued under this subdivision may be
26.29 amended by the board at any time prior to the issuance of an order based thereon. The party
26.30 who is the subject of the complaint has the right to file an answer to the original or amended
26.31 complaint prior to hearing and to appear in person or by a representative and give testimony
26.32 at the place and time fixed in the complaint. In the discretion of the hearing officer conducting
26.33 the hearing or the board, any other party may be allowed to intervene in the proceeding and

27.1 to present testimony. The board or designated hearing officers shall not be bound by the
27.2 rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

27.3 (c) Designated investigators must conduct the investigation of charges.

27.4 (d) Hearing officers must ~~be licensed to practice law in the state of Minnesota~~ have a
27.5 juris doctor and must conduct the hearings and issue recommended decisions and orders.

27.6 (e) The board or its designees shall have the power to issue subpoenas and administer
27.7 oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers,
27.8 and records pursuant to the issuance of a subpoena, the board may apply to a court of
27.9 competent jurisdiction to request that the party be ordered to appear to testify or produce
27.10 the requested evidence.

27.11 (f) A full and complete record shall be kept of all proceedings before the board or
27.12 designated hearing officer and shall be transcribed by a reporter appointed by the board.

27.13 (g) The party on whom the burden of proof rests shall be required to sustain the burden
27.14 by a preponderance of the evidence.

27.15 (h) At any time prior to the close of a hearing, the parties may by mutual agreement
27.16 request referral to mediation, at which time the commissioner shall appoint a mediator, and
27.17 the hearing shall be suspended pending the results of the mediation.

27.18 (i) If, upon a preponderance of the evidence taken, the hearing officer determines that
27.19 any party named in the charge has engaged in or is engaging in an unfair labor practice,
27.20 then a recommended decision and order shall be issued stating findings of fact and
27.21 conclusions, and requiring the party to cease and desist from the unfair labor practice, to
27.22 post a cease-and-desist notice in the workplace, and ordering any appropriate relief to
27.23 effectuate the policies of this section, including but not limited to reinstatement, back pay,
27.24 and any other remedies that make a charging party whole. If back pay is awarded, the award
27.25 must include interest at the rate of seven percent per annum. The order further may require
27.26 the party to make reports from time to time, and demonstrate the extent to which the party
27.27 has complied with the order.

27.28 (j) If there is no preponderance of evidence that the party named in the charge has
27.29 engaged in or is engaging in the unfair labor practice, then the hearing officer shall issue a
27.30 recommended decision and order stating findings of fact and dismissing the complaint.

27.31 (k) Parties may file exceptions to the hearing officer's recommended decision and order
27.32 with the board no later than 30 days after service of the recommended decision and order.
27.33 The board shall review the recommended decision and order upon timely filing of exceptions

28.1 or upon its own motion. If no timely exceptions have been filed, the parties must be deemed
28.2 to have waived their exceptions. Unless the board reviews the recommended decision and
28.3 order upon its own motion, it must not be legal precedent and must be final and binding
28.4 only on the parties to the proceeding as issued in an order issued by the board. If the board
28.5 does review the recommended decision and order, the board may adopt all, part, or none of
28.6 the recommended decision and order, depending on the extent to which it is consistent with
28.7 the record and applicable laws. The board shall issue and serve on all parties its decision
28.8 and order. The board shall retain jurisdiction over the case to ensure the parties' compliance
28.9 with the board's order. Unless overturned by the board, the parties must comply with the
28.10 recommended decision and order.

28.11 (l) Until the record has been filed in the court of appeals or district court, the board at
28.12 any time, upon reasonable notice and in a manner it deems appropriate, may modify or set
28.13 aside, in whole or in part, any finding or order made or issued by it.

28.14 (m) Upon a final order that an unfair labor practice has been committed, the board or
28.15 the charging party may petition the district court for the enforcement of the order and for
28.16 appropriate temporary relief or a restraining order. When the board petitions the court, the
28.17 charging party may intervene as a matter of right.

28.18 (n) Whenever it appears that any party has violated a final order of the board issued
28.19 pursuant to this section, the board must petition the district court for an order directing the
28.20 party and its officers, agents, servants, successors, and assigns to comply with the order of
28.21 the board. The board shall be represented in this action by its general counsel, who has been
28.22 appointed by the board. The court may grant or refuse, in whole or in part, the relief sought,
28.23 provided that the court also may stay an order of the board pending disposition of the
28.24 proceedings. The court may punish a violation of its order as in civil contempt.

28.25 (o) The board shall have power, upon issuance of an unfair labor practice complaint
28.26 alleging that a party has engaged in or is engaging in an unfair labor practice, to petition
28.27 the district court for appropriate temporary relief or a restraining order. Upon the filing of
28.28 any such petition, the court shall cause notice thereof to be served upon such parties, and
28.29 thereupon shall have jurisdiction to grant to the board or commissioner temporary relief or
28.30 a restraining order as it deems appropriate. Nothing in this paragraph precludes a charging
28.31 party from seeking injunctive relief in district court after filing the unfair labor practice
28.32 charge.

28.33 (p) The proceedings in paragraphs (m), (n), and (o) shall be commenced in the district
28.34 court for the county in which the unfair labor practice which is the subject of the order or

29.1 administrative complaint was committed, or where a party alleged to have committed the
29.2 unfair labor practice resides or transacts business.

29.3 Sec. 17. Minnesota Statutes 2022, section 179A.13, subdivision 2, is amended to read:

29.4 Subd. 2. **Employers.** Public employers, their agents and representatives are prohibited
29.5 from:

29.6 (1) interfering, restraining, or coercing employees in the exercise of the rights guaranteed
29.7 in sections 179A.01 to 179A.25;

29.8 (2) dominating or interfering with the formation, existence, or administration of any
29.9 employee organization or contributing other support to it;

29.10 (3) discriminating in regard to hire or tenure to encourage or discourage membership in
29.11 an employee organization;

29.12 (4) discharging or otherwise discriminating against an employee because the employee
29.13 has signed or filed an affidavit, petition, or complaint or given information or testimony
29.14 under sections 179A.01 to 179A.25;

29.15 (5) refusing to meet and negotiate in good faith with the exclusive representative of its
29.16 employees in an appropriate unit;

29.17 (6) refusing to comply with grievance procedures contained in an agreement;

29.18 (7) distributing or circulating a blacklist of individuals exercising a legal right or of
29.19 members of a labor organization for the purpose of preventing blacklisted individuals from
29.20 obtaining or retaining employment;

29.21 (8) violating rules established by the commissioner regulating the conduct of
29.22 representation elections;

29.23 (9) refusing to comply with a valid decision of a binding arbitration panel or arbitrator;

29.24 (10) violating or refusing to comply with any lawful order or decision issued by the
29.25 commissioner or the board;

29.26 (11) refusing to provide, upon the request of the exclusive representative, all information
29.27 pertaining to the public employer's budget both present and proposed, revenues, and other
29.28 financing information provided that in the executive branch of state government this clause
29.29 may not be considered contrary to the budgetary requirements of sections 16A.10 and
29.30 16A.11; ~~or~~

30.1 (12) granting or offering to grant the status of permanent replacement employee to a
 30.2 person for performing bargaining unit work for the employer during a lockout of employees
 30.3 in an employee organization or during a strike authorized by an employee organization that
 30.4 is an exclusive representative;

30.5 (13) failing or refusing to provide information that is relevant to enforcement or
 30.6 negotiation of a contract within a reasonable time from receiving a request by an exclusive
 30.7 representative, not to exceed ten days for information relevant to contract enforcement or
 30.8 30 days for information relevant to contract negotiation;

30.9 (14) refusing to reassign a position after the commissioner has determined the position
 30.10 was not placed into the correct bargaining unit; or

30.11 (15) refusing to restore a position to classified service after determination that the position
 30.12 was incorrectly placed into unclassified service under section 43A.08.

30.13 Sec. 18. Minnesota Statutes 2022, section 179A.40, subdivision 1, is amended to read:

30.14 Subdivision 1. **Units.** The following are the appropriate employee units of the Hennepin
 30.15 Healthcare System, Inc. All units shall exclude supervisors, managerial employees, and
 30.16 confidential employees. No additional units of Hennepin Healthcare System, Inc., shall be
 30.17 eligible to be certified for the purpose of meeting and negotiating with an exclusive
 30.18 representative. The units include all:

30.19 (1) registered nurses;

30.20 (2) physicians except those employed as interns, residents, or fellows;

30.21 (3) professionals except for registered nurses and physicians;

30.22 (4) technical and paraprofessional employees;

30.23 (5) carpenters, electricians, painters, and plumbers;

30.24 (6) health general service employees;

30.25 (7) interpreters;

30.26 (8) emergency medical technicians/emergency medical dispatchers (EMT/EMD), and
 30.27 paramedics;

30.28 (9) bioelectronics specialists, bioelectronics technicians, and electronics technicians;

30.29 (10) skilled maintenance employees; ~~and~~

30.30 (11) clerical employees; and

31.1 (12) physicians employed as interns, residents, and fellows.

31.2 Sec. 19. Minnesota Statutes 2022, section 179A.54, subdivision 5, is amended to read:

31.3 Subd. 5. ~~Legislative action on~~ Collective bargaining agreements. ~~Any agreement~~
 31.4 ~~reached between the state and the exclusive representative of individual providers under~~
 31.5 ~~chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance~~
 31.6 ~~with sections 3.855 and 179A.22~~ The commissioner of management and budget is authorized
 31.7 to enter into and implement agreements, including interest arbitration decisions, with the
 31.8 exclusive representative of individual providers as provided in section 179A.22, subdivision
 31.9 4, except for terms and conditions requiring appropriations, changes to state law, or approval
 31.10 from the federal government which shall be contingent upon and executed following receipt
 31.11 of appropriations and state and federal approval.

31.12 Sec. 20. RULEMAKING.

31.13 The commissioner of the Bureau of Mediation Services must adopt rules on petitions
 31.14 for majority verification, including technical changes needed for consistency with Minnesota
 31.15 Statutes, section 179A.12, and the commissioner may use the expedited rulemaking process
 31.16 under Minnesota Statutes, section 14.389.

31.17 Sec. 21. REVISOR INSTRUCTION.

31.18 The revisor of statutes must renumber Minnesota Statutes, section 179A.12, subdivision
 31.19 3, as Minnesota Statutes, section 179A.12, subdivision 1a.

31.20 **ARTICLE 5**

31.21 **EARNED SICK AND SAFE TIME MODIFICATIONS**

31.22 Section 1. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
 31.23 to read:

31.24 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 31.25 employer to comply with sections 177.21 to 177.435, 177.50, 179.86, 181.02, 181.03,
 31.26 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172,
 31.27 paragraph (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.722, 181.79,
 31.28 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991, 268B.09,
 31.29 subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under section
 31.30 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an employer
 31.31 to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.

32.1 For purposes of this subdivision only, a violation is repeated if at any time during the two
 32.2 years that preceded the date of violation, the commissioner issued an order to the employer
 32.3 for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or
 32.4 the commissioner and the employer have entered into a settlement agreement that required
 32.5 the employer to pay back wages that were required by sections 177.41 to 177.435. The
 32.6 department shall serve the order upon the employer or the employer's authorized
 32.7 representative in person or by certified mail at the employer's place of business. An employer
 32.8 who wishes to contest the order must file written notice of objection to the order with the
 32.9 commissioner within 15 calendar days after being served with the order. A contested case
 32.10 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,
 32.11 within 15 calendar days after being served with the order, the employer fails to file a written
 32.12 notice of objection with the commissioner, the order becomes a final order of the
 32.13 commissioner. For the purposes of this subdivision, an employer includes a contractor that
 32.14 has assumed a subcontractor's liability within the meaning of section 181.165.

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

32.16 Sec. 2. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a
 32.17 subdivision to read:

32.18 **Subd. 6. Rulemaking authority.** The commissioner may adopt rules to carry out the
 32.19 purposes of this section and sections 181.9445 to 181.9448.

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

32.21 Sec. 3. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a
 32.22 subdivision to read:

32.23 **Subd. 7. Remedies.** (a) If an employer does not provide earned sick and safe time
 32.24 pursuant to section 181.9446, or does not allow the use of earned sick and safe time pursuant
 32.25 to section 181.9447, the employer is liable to all employees who were not provided or not
 32.26 allowed to use earned sick and safe time for an amount equal to all earned sick and safe
 32.27 time that should have been provided or could have been used, plus an additional equal
 32.28 amount as liquidated damages.

32.29 **(b) If the employer does not possess records sufficient to determine the earned sick and**
 32.30 **safe time an employee should have been provided pursuant to paragraph (a), the employer**
 32.31 **is liable to the employee for an amount equal to 48 hours of earned sick and safe time for**
 32.32 **each year earned sick and safe time was not provided, plus an additional equal amount as**
 32.33 **liquidated damages.**

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

33.2 Sec. 4. Minnesota Statutes 2023 Supplement, section 181.032, is amended to read:

33.3 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**
33.4 **TO EMPLOYEE.**

33.5 (a) At the end of each pay period, the employer shall provide each employee an earnings
33.6 statement, either in writing or by electronic means, covering that pay period. An employer
33.7 who chooses to provide an earnings statement by electronic means must provide employee
33.8 access to an employer-owned computer during an employee's regular working hours to
33.9 review and print earnings statements, and must make statements available for review or
33.10 printing for a period of three years.

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

33.13 (1) the name of the employee;

33.14 (2) the rate or rates of pay and basis thereof, including whether the employee is paid by
33.15 hour, shift, day, week, salary, piece, commission, or other method;

33.16 (3) allowances, if any, claimed pursuant to permitted meals and lodging;

33.17 (4) the total number of hours worked by the employee unless exempt from chapter 177;

33.18 ~~(5) the total number of earned sick and safe time hours accrued and available for use~~
33.19 ~~under section 181.9446;~~

33.20 ~~(6) the total number of earned sick and safe time hours used during the pay period under~~
33.21 ~~section 181.9447;~~

33.22 ~~(7)~~ (5) the total amount of gross pay earned by the employee during that period;

33.23 ~~(8)~~ (6) a list of deductions made from the employee's pay;

33.24 ~~(9)~~ (7) any amount deducted by the employer under section 268B.14, subdivision 3, and
33.25 the amount paid by the employer based on the employee's wages under section 268B.14,
33.26 subdivision 1;

33.27 ~~(10)~~ (8) the net amount of pay after all deductions are made;

33.28 ~~(11)~~ (9) the date on which the pay period ends;

33.29 ~~(12)~~ (10) the legal name of the employer and the operating name of the employer if
33.30 different from the legal name;

34.1 ~~(13)~~(11) the physical address of the employer's main office or principal place of business,
34.2 and a mailing address if different; and

34.3 ~~(14)~~(12) the telephone number of the employer.

34.4 (c) An employer must provide earnings statements to an employee in writing, rather
34.5 than by electronic means, if the employer has received at least 24 hours notice from an
34.6 employee that the employee would like to receive earnings statements in written form. Once
34.7 an employer has received notice from an employee that the employee would like to receive
34.8 earnings statements in written form, the employer must comply with that request on an
34.9 ongoing basis.

34.10 (d) At the start of employment, an employer shall provide each employee a written notice
34.11 containing the following information:

34.12 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by
34.13 the hour, shift, day, week, salary, piece, commission, or other method, and the specific
34.14 application of any additional rates;

34.15 (2) allowances, if any, claimed pursuant to permitted meals and lodging;

34.16 (3) paid vacation, sick time, or other paid time-off accruals and terms of use;

34.17 (4) the employee's employment status and whether the employee is exempt from minimum
34.18 wage, overtime, and other provisions of chapter 177, and on what basis;

34.19 (5) a list of deductions that may be made from the employee's pay;

34.20 (6) the number of days in the pay period, the regularly scheduled pay day, and the pay
34.21 day on which the employee will receive the first payment of wages earned;

34.22 (7) the legal name of the employer and the operating name of the employer if different
34.23 from the legal name;

34.24 (8) the physical address of the employer's main office or principal place of business, and
34.25 a mailing address if different; and

34.26 (9) the telephone number of the employer.

34.27 (e) The employer must keep a copy of the notice under paragraph (d) signed by each
34.28 employee acknowledging receipt of the notice. The notice must be provided to each employee
34.29 in English. The English version of the notice must include text provided by the commissioner
34.30 that informs employees that they may request, by indicating on the form, the notice be
34.31 provided in a particular language. If requested, the employer shall provide the notice in the
34.32 language requested by the employee. The commissioner shall make available to employers

35.1 the text to be included in the English version of the notice required by this section and assist
 35.2 employers with translation of the notice in the languages requested by their employees.

35.3 (f) An employer must provide the employee any written changes to the information
 35.4 contained in the notice under paragraph (d) prior to the date the changes take effect.

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

35.6 Sec. 5. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 4, is amended
 35.7 to read:

35.8 Subd. 4. **Earned sick and safe time.** "Earned sick and safe time" means leave, including
 35.9 paid time off and other paid leave systems, that is paid at the same ~~hourly~~ base rate as an
 35.10 employee earns from employment that may be used for the same purposes and under the
 35.11 same conditions as provided under section 181.9447, but in no case shall this ~~hourly~~ base
 35.12 rate be less than that provided under section 177.24 or an applicable local minimum wage.

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

35.14 Sec. 6. Minnesota Statutes 2023 Supplement, section 181.9445, is amended by adding a
 35.15 subdivision to read:

35.16 Subd. 4a. **Base rate.** "Base rate" means:

35.17 (1) for employees paid on an hourly basis, the same rate received per hour of work;

35.18 (2) for employees paid on an hourly basis who receive multiple hourly rates, the rate
 35.19 the employee would have been paid for the period of time in which leave was taken;

35.20 (3) for employees paid on a salary basis, the same rate guaranteed to the employee as if
 35.21 the employee had not taken the leave; and

35.22 (4) for employees paid solely on a commission, piecework, or any basis other than hourly
 35.23 or salary, a rate no less than the applicable local, state, or federal minimum wage, whichever
 35.24 is greater.

35.25 For purposes of this section and section 181.9446, base rate does not include commissions;
 35.26 shift differentials that are in addition to an hourly rate; premium payments for overtime
 35.27 work; premium payments for work on Saturdays, Sundays, holidays, or scheduled days off;
 35.28 bonuses; or gratuities as defined by section 177.23.

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

36.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 5, is amended
 36.2 to read:

36.3 Subd. 5. **Employee.** "Employee" means any person who is employed by an employer,
 36.4 including temporary and part-time employees, who ~~performs~~ is anticipated by the employer
 36.5 to perform work for at least 80 hours in a year for that employer in Minnesota. Employee
 36.6 does not include:

36.7 (1) an independent contractor; ~~or~~

36.8 (2) an individual who is a paid on-call member of a department charged with the
 36.9 prevention or suppression of fires within the boundaries of the state; or

36.10 (3) an individual employed by a farmer, family farm, or a family farm corporation to
 36.11 provide physical labor on or management of a farm if:

36.12 (i) the farmer, family farm, or family farm corporation employs five or fewer employees;

36.13 or

36.14 (ii) the farmer, family farm, or family farm corporation employs the individual to perform
 36.15 work for 28 days or less each year.

36.16 ~~(2) an individual employed by an air carrier as a flight deck or cabin crew member who:~~

36.17 ~~(i) is subject to United States Code, title 45, sections 181 to 188;~~

36.18 ~~(ii) works less than a majority of their hours in Minnesota in a calendar year; and~~

36.19 ~~(iii) is provided with paid leave equal to or exceeding the amounts in section 181.9446.~~

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

36.21 Sec. 8. Minnesota Statutes 2023 Supplement, section 181.9446, is amended to read:

36.22 **181.9446 ACCRUAL OF EARNED SICK AND SAFE TIME.**

36.23 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
 36.24 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.
 36.25 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
 36.26 the employer agrees to a higher amount.

36.27 (b)(1) Except as provided in clause (2), employers must permit an employee to carry
 36.28 over accrued but unused sick and safe time into the following year. The total amount of
 36.29 accrued but unused earned sick and safe time for an employee must not exceed 80 hours at
 36.30 any time, unless an employer agrees to a higher amount.

37.1 (2) In lieu of permitting the carryover of accrued but unused sick and safe time into the
 37.2 following year as provided under clause (1), an employer may provide an employee with
 37.3 earned sick and safe time for the year that meets or exceeds the requirements of this section
 37.4 that is available for the employee's immediate use at the beginning of the subsequent year
 37.5 as follows: (i) 48 hours, if an employer pays an employee for accrued but unused sick and
 37.6 safe time at the end of a year at the same ~~hourly~~ base rate as an employee earns from
 37.7 employment and in no case at a rate less than that provided under section 177.24 or an
 37.8 applicable local minimum wage; or (ii) 80 hours, if an employer does not pay an employee
 37.9 for accrued but unused sick and safe time at the end of a year ~~at the same or greater hourly~~
 37.10 ~~rate as an employee earns from employment. In no case shall this hourly rate be less than~~
 37.11 ~~that provided under section 177.24, or an applicable local minimum wage.~~

37.12 (c) Employees who are exempt from overtime requirements under United States Code,
 37.13 title 29, section 213(a)(1), as amended through January 1, 2024, are deemed to work 40
 37.14 hours in each workweek for purposes of accruing earned sick and safe time, except that an
 37.15 employee whose normal workweek is less than 40 hours will accrue earned sick and safe
 37.16 time based on the normal workweek.

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

37.19 (e) Employees may use earned sick and safe time as it is accrued.

37.20 Sec. 9. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 1, is amended
 37.21 to read:

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

37.24 (1) an employee's:

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

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

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

37.29 (iv) need to make arrangements for or attend funeral services or a memorial, or address
 37.30 financial or legal matters that arise after the death of a family member;

37.31 (2) care of a family member:

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

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

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

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

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

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

38.9 (iii) obtain psychological or other counseling;

38.10 (iv) seek relocation or take steps to secure an existing home due to domestic abuse,
38.11 sexual assault, or stalking; or

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

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

38.18 (5) the employee's inability to work or telework because the employee is: (i) prohibited
38.19 from working by the employer due to health concerns related to the potential transmission
38.20 of a communicable illness related to a public emergency; or (ii) seeking or awaiting the
38.21 results of a diagnostic test for, or a medical diagnosis of, a communicable disease related
38.22 to a public emergency and such employee has been exposed to a communicable disease or
38.23 the employee's employer has requested a test or diagnosis; and

38.24 (6) when it has been determined by the health authorities having jurisdiction or by a
38.25 health care professional that the presence of the employee or family member of the employee
38.26 in the community would jeopardize the health of others because of the exposure of the
38.27 employee or family member of the employee to a communicable disease, whether or not
38.28 the employee or family member has actually contracted the communicable disease.

38.29 For the purposes of this subdivision, a public emergency shall include a declared
38.30 emergency as defined in section 12.03 or a declared local emergency under section 12.29.

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

39.1 Sec. 10. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 3, is amended
39.2 to read:

39.3 Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for
39.4 more than three consecutive scheduled work days, an employer may require reasonable
39.5 documentation that the earned sick and safe time is covered by subdivision 1.

39.6 (b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6),
39.7 reasonable documentation may include a signed statement by a health care professional
39.8 indicating the need for use of earned sick and safe time. However, if the employee or
39.9 employee's family member did not receive services from a health care professional, or if
39.10 documentation cannot be obtained from a health care professional in a reasonable time or
39.11 without added expense, then reasonable documentation for the purposes of this paragraph
39.12 may include a written statement from the employee indicating that the employee is using
39.13 or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause
39.14 (1), (2), (5), or (6).

39.15 (c) For earned sick and safe time under subdivision 1, clause (3), an employer must
39.16 accept a court record or documentation signed by a volunteer or employee of a victims
39.17 services organization, an attorney, a police officer, or an antiviolence counselor as reasonable
39.18 documentation. If documentation cannot be obtained in a reasonable time or without added
39.19 expense, then reasonable documentation for the purposes of this paragraph may include a
39.20 written statement from the employee indicating that the employee is using or used earned
39.21 sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

39.22 (d) For earned sick and safe time to care for a family member under subdivision 1, clause
39.23 (4), an employer must accept as reasonable documentation a written statement from the
39.24 employee indicating that the employee is using or used earned sick and safe time for a
39.25 qualifying purpose as reasonable documentation.

39.26 (e) An employer must not require disclosure of details relating to domestic abuse, sexual
39.27 assault, or stalking or the details of an employee's or an employee's family member's medical
39.28 condition as related to an employee's request to use earned sick and safe time under this
39.29 section.

39.30 (f) Written statements by an employee may be written in the employee's first language
39.31 and need not be notarized or in any particular format.

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

40.1 Sec. 11. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 5, is amended
40.2 to read:

40.3 Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the ~~smallest~~
40.4 ~~increment of time tracked by the employer's payroll system, provided such increment is not~~
40.5 ~~more than four hours~~ same increment of time for which employees are paid, provided an
40.6 employer is not required to provide leave in less than 15-minute increments nor can the
40.7 employer require use of earned sick and safe time in more than four-hour increments.

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

40.9 Sec. 12. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 10, is amended
40.10 to read:

40.11 Subd. 10. **Employer records and required statement to employees.** (a) Employers
40.12 shall retain accurate records documenting hours worked by employees and earned sick and
40.13 safe time taken and comply with all requirements under section 177.30.

40.14 (b) At the end of each pay period, the employer shall provide, in writing or electronically,
40.15 information stating the employee's current amount of:

40.16 (1) the total number of earned sick and safe time hours available to the employee for
40.17 use under section 181.9446; and

40.18 (2) the total number of earned sick and safe time hours used during the pay period under
40.19 section 181.9447.

40.20 Employers may choose a reasonable system for providing this information, including
40.21 but not limited to listing information on or attached to each earnings statement or an
40.22 electronic system where employees can access this information. An employer who chooses
40.23 to provide this information by electronic means must provide employee access to an
40.24 employer-owned computer during an employee's regular working hours to review and print.

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

40.27 (d) The records required by this section must be kept for three years.

40.28 (e) All records required to be kept under this section must be readily available for
40.29 inspection by the commissioner upon demand. The records must be either kept at the place
40.30 where employees are working or kept in a manner that allows the employer to comply with
40.31 this paragraph within 72 hours.

41.1 Sec. 13. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 11, is amended
41.2 to read:

41.3 Subd. 11. **Confidentiality and nondisclosure.** (a) If, in conjunction with this section,
41.4 an employer possesses:

41.5 (1) health or medical information regarding an employee or an employee's family
41.6 member;

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

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

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

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

41.15 (b) Records and documents relating to medical certifications, recertifications, or medical
41.16 histories of employees or family members of employees created for purposes of section
41.17 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
41.18 separate from the usual personnel files. At the request of the employee, the employer must
41.19 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
41.20 three years prior to the current calendar year, unless state or federal law, rule, or regulation
41.21 requires the employer to retain such records.

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

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

41.25 Sec. 14. Minnesota Statutes 2023 Supplement, section 181.9447, is amended by adding
41.26 a subdivision to read:

41.27 Subd. 12. **Weather event exception.** Notwithstanding subdivision 1, an employee may
41.28 not use sick and safe time under the conditions in subdivision 1, clause (4), if:

41.29 (1) the employee's preassigned or foreseeable work duties during a public emergency
41.30 or weather event would require the employee to respond to the public emergency or weather
41.31 event;

42.1 (2) the employee is a firefighter; a peace officer subject to licensure under sections
 42.2 626.84 to 626.863; a 911 telecommunicator as defined in section 403.02, subdivision 17c;
 42.3 a guard at a correctional facility; or a public employee holding a commercial driver's license;
 42.4 and

42.5 (3) one of the following two conditions are met:

42.6 (i) the employee is represented by an exclusive representative under section 179A.03,
 42.7 subdivision 8, and the collective bargaining agreement or memorandum of understanding
 42.8 governing the employee's position explicitly references section 181.9447, subdivision 1,
 42.9 clause (4), and clearly and unambiguously waives application of that section for the
 42.10 employee's position; or

42.11 (ii) the employee is not represented by an exclusive representative, the employee is
 42.12 needed for the employer to maintain minimum staffing requirements, and the employer has
 42.13 a written policy explicitly referencing section 181.9447, subdivision 1, clause (4), that is
 42.14 provided to such employees in a manner that meets the requirements of other earned sick
 42.15 and safe time notices under section 181.9447, subdivision 9.

42.16 Sec. 15. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 1, is amended
 42.17 to read:

42.18 Subdivision 1. **No effect on more generous sick and safe time policies.** (a) Nothing
 42.19 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting
 42.20 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise
 42.21 conflict with, the minimum standards and requirements provided in sections 181.9445 to
 42.22 181.9448, provided that all time provided to an employee by an employer for absences from
 42.23 work due to personal illness or injury, but not including short-term or long-term disability
 42.24 or other salary continuation benefits, meet or exceed the minimum standards and requirements
 42.25 provided in sections 181.9445 to 181.9448.

42.26 (b) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of
 42.27 parties to a collective bargaining agreement to bargain and agree with respect to earned sick
 42.28 and safe time policies or to diminish the obligation of an employer to comply with any
 42.29 contract, collective bargaining agreement, or any employment benefit program or plan that
 42.30 meets or exceeds, and does not otherwise conflict with, the minimum standards and
 42.31 requirements provided in this section.

42.32 (c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or
 42.33 otherwise affect the applicability of any other law, regulation, requirement, policy, or

43.1 standard that provides for a greater amount, accrual, or use by employees of paid sick and
43.2 safe time or that extends other protections to employees.

43.3 (d) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to
43.4 create any power or duty in conflict with federal law.

43.5 (e) Employers who provide earned sick and safe time to their employees under a paid
43.6 time off policy or other paid leave policy that may be used for the same purposes and under
43.7 the same conditions as earned sick and safe time, and that meets or exceeds, and does not
43.8 otherwise conflict with, the minimum standards and requirements provided in sections
43.9 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

43.10 (f) The provisions of sections 181.9445 to 181.9448 may be waived by a collective
43.11 bargaining agreement with a bona fide building and construction trades labor organization
43.12 that has established itself as the collective bargaining representative for the affected building
43.13 and construction industry employees, provided that for such waiver to be valid, it shall
43.14 explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive
43.15 application of those sections to such employees.

43.16 (g) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph
43.17 (d), who provides services through a consumer support grant under section 256.476,
43.18 consumer-directed community supports under section 256B.4911, or community first services
43.19 and supports under section 256B.85, to a family member who is a participant, as defined
43.20 in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions
43.21 of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year,
43.22 provided that the funds are returned to the participant's budget. Once an individual provider
43.23 has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned
43.24 sick and safe time until the start of the participant's next service plan year.

43.25 ~~(g)~~ (h) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a
43.26 policy whereby employees may donate unused accrued sick and safe time to another
43.27 employee.

43.28 ~~(h)~~ (i) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick
43.29 and safe time to an employee before accrual by the employee.

43.30 **EFFECTIVE DATE.** This section is effective the day following final enactment, except
43.31 paragraph (a) is effective January 1, 2025.

44.1 Sec. 16. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 2, is amended
44.2 to read:

44.3 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
44.4 require financial or other reimbursement to an employee from an employer upon the
44.5 employee's termination, resignation, retirement, or other separation from employment for
44.6 accrued earned sick and safe time that has not been used. If an employee is transferred to
44.7 a separate division, entity, or location, but remains employed by the same employer, the
44.8 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
44.9 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
44.10 to 181.9448. When there is a separation from employment and the employee is rehired
44.11 within 180 days of separation by the same employer, previously accrued earned sick and
44.12 safe time that had not been used or otherwise disbursed to the benefit of the employee upon
44.13 separation must be reinstated. An employee is entitled to use accrued earned sick and safe
44.14 time and accrue additional earned sick and safe time at the commencement of reemployment.

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

44.16 Sec. 17. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 3, is amended
44.17 to read:

44.18 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
44.19 place of an existing employer, all employees of the original employer who remain employed
44.20 by the successor employer are entitled to all earned sick and safe time accrued but not used
44.21 when employed by the original employer, and are entitled to use all earned sick and safe
44.22 time previously accrued but not used.

44.23 (b) ~~If, at the time of transfer of the business,~~ employees are terminated by the original
44.24 employer and hired within 30 days by the successor employer following the transfer employer
44.25 succession, those employees are entitled to all earned sick and safe time accrued but not
44.26 used when employed by the original employer, and are entitled to use all earned sick and
44.27 safe time previously accrued but not used.

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

ARTICLE 6

MISCELLANEOUS LABOR PROVISIONS

Section 1. [181.912] UNDERGROUND TELECOMMUNICATIONS
INFRASTRUCTURE.

Subdivision 1. **Definitions.** For the purposes of this section:

(1) "directional drilling" means a drilling method that utilizes a steerable drill bit to cut a bore hole for installing underground utilities;

(2) "safety-qualified underground telecommunications installer" means a person who has completed underground utilities installation certification under subdivision 3;

(3) "underground telecommunications utilities" means buried broadband, telephone and other telecommunications transmission, distribution and service lines, and associated facilities; and

(4) "underground utilities" means buried electric transmission and distribution lines, gas and hazardous liquids pipelines and distribution lines, sewer and water pipelines, telephone or telecommunications lines, and associated facilities.

Subd. 2. **Installation requirements.** The installation of underground telecommunications infrastructure that is located within ten feet of existing underground utilities or that crosses said utilities must be performed by safety-qualified underground telecommunications installers as follows:

(1) the location of existing utilities by hand or hydro excavation or other accepted methods must be performed by a safety-qualified underground telecommunications installer;

(2) where telecommunications infrastructure is installed by means of directional drilling, the monitoring of the location and depth of the drill head must be performed by a safety-qualified underground telecommunications installer; and

(3) no less than two safety-qualified underground telecommunications installers must be present at all times at any location where telecommunications infrastructure is being installed by means of directional drilling.

Subd. 3. **Certification standards.** (a) The commissioner of labor and industry shall approve standards for a safety-qualified underground telecommunications installer certification program that requires a person to:

(1) complete a 40-hour initial course that includes classroom and hands-on instruction covering proper work procedures for safe installation of underground utilities, including:

- 46.1 (i) regulations applicable to excavation near existing utilities;
- 46.2 (ii) identification, location, and verification of utility lines using hand or hydro excavation
- 46.3 or other accepted methods;
- 46.4 (iii) response to line strike incidents;
- 46.5 (iv) traffic control procedures;
- 46.6 (v) use of a tracking device to safely guide directional drill equipment along a drill path;
- 46.7 and
- 46.8 (vi) avoidance and mitigation of safety hazards posed by underground utility installation
- 46.9 projects;
- 46.10 (2) demonstrate knowledge of the course material by successfully completing an
- 46.11 examination approved by the commissioner; and
- 46.12 (3) complete a four-hour refresher course within three years of completing the original
- 46.13 course and every three years thereafter in order to maintain certification.
- 46.14 (b) The commissioner must develop an approval process for training providers under
- 46.15 this subdivision, and may suspend or revoke the approval of any training provider that fails
- 46.16 to demonstrate consistent delivery of approved curriculum or success in preparing participants
- 46.17 to complete the examination.

46.18 Sec. 2. Minnesota Statutes 2022, section 181.960, subdivision 3, is amended to read:

46.19 Subd. 3. **Employer.** "Employer" means a person who has ~~20~~ one or more employees.

46.20 Employer does not include a state agency, statewide system, political subdivision, or advisory

46.21 board or commission that is subject to chapter 13.

46.22 Sec. 3. Minnesota Statutes 2022, section 181A.03, subdivision 1, is amended to read:

46.23 Subdivision 1. **General.** As used in sections 181A.01 to ~~181A.12~~ 181A.13, the terms

46.24 defined in this section shall have the following meanings.

46.25 Sec. 4. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to

46.26 read:

46.27 Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web

46.28 application, or digital application, including a mobile application. Online platform includes

46.29 a social network, advertising network, mobile operating system, search engine, email service,

47.1 monetization platform to sell digital services, streaming service, paid subscription, or Internet
47.2 access service.

47.3 Sec. 5. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
47.4 read:

47.5 Subd. 8. **Content creation.** "Content creation" means content shared on an online
47.6 platform that generates compensation.

47.7 Sec. 6. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
47.8 read:

47.9 Subd. 9. **Content creator.** "Content creator" means an individual or individuals 18 years
47.10 of age or older, including family members, who create content performed in Minnesota that
47.11 generates compensation, and includes any proprietorship, partnership, company, or other
47.12 corporate entity assuming the name or identity of a particular individual or individuals, or
47.13 family members, for the purposes of that content creator.

47.14 Sec. 7. **[181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.**

47.15 Subdivision 1. **Minors featured in content creation.** (a) Except as otherwise provided
47.16 in this section, a minor is considered engaged in the work of content creation when the
47.17 following criteria are met at any time during the previous 12-month period:

47.18 (1) at least 30 percent of the content creator's compensated content produced within a
47.19 30-day period included the likeness, name, or photograph of any minor. Content percentage
47.20 is measured by the percentage of time the likeness, name, or photograph of a minor or, if
47.21 more than one minor regularly appears in the creator's content, any of the minors, visually
47.22 appears or is the subject of an oral narrative in a segment as compared to the total length of
47.23 the segment; and

47.24 (2) the number of views received on any online platform met the online platform's
47.25 threshold for generating compensation or the content creator received actual compensation
47.26 for content equal to or greater than \$0.01 per view.

47.27 (b) A minor under the age of 14 is prohibited from engaging in the work of content
47.28 creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content
47.29 creator, the minor shall receive 100 percent of the proceeds of the creator's compensation
47.30 for the content the minor has appeared in, less any amount owed to another minor.

48.1 (c) A minor who is under the age of 18 and over the age of 13 may produce, create, and
48.2 publish their own content and are entitled to all compensation for their own content creation.
48.3 A minor engaged in the work of content creation as the producer, creator, and publisher of
48.4 content must also follow the requirements in paragraph (b).

48.5 (d) A minor who appears incidentally in a video that depicts a public event that a
48.6 reasonable person would know to be a broadcast, including a concert, competition, or
48.7 sporting event, and is published by a content creator is not considered a violation of this
48.8 section.

48.9 Subd. 2. **Records required.** (a) All content creators whose content features a minor
48.10 engaged in the work of content creation shall maintain the following records and retain the
48.11 records until the minor reaches the age of 21:

48.12 (1) the name and documentary proof of the age of the minor engaged in the work of
48.13 content creation;

48.14 (2) the amount of content creation that generated compensation as described in subdivision
48.15 1 during the reporting period;

48.16 (3) the total number of minutes of content creation for which the content creator received
48.17 compensation during the reporting period;

48.18 (4) the total number of minutes a minor was featured in content creation during the
48.19 reporting period;

48.20 (5) the total compensation generated from content creation featuring a minor during the
48.21 reporting period; and

48.22 (6) the amount deposited into the trust account for the benefit of the minor engaged in
48.23 the work of content creation as required by subdivision 3.

48.24 (b) The records required by this subdivision must be readily accessible to the minor for
48.25 review. The content creator shall provide notice to the minor of the existence of the records.

48.26 Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation
48.27 consistent with this section must be compensated by the content creator. The content creator
48.28 must set aside gross earnings on the content that includes the likeness, name, or photograph
48.29 of the minor in a trust account to be preserved for the benefit of the minor until the minor
48.30 reaches the age of majority, according to the following distribution:

48.31 (1) if only one minor meets the content threshold described in subdivision 1, the
48.32 percentage of total gross earnings on any segment, including the likeness, name, or

49.1 photograph of the minor that is equal to or greater than half of the content percentage that
49.2 includes the minor as described in subdivision 1; or

49.3 (2) if more than one minor meets the content threshold described in subdivision 1 and
49.4 a segment includes more than one of those minors, the percentage described in clause (1)
49.5 for all minors in any segment must be equally divided between the minors regardless of
49.6 differences in percentage of content provided by the individual minors.

49.7 (b) A trust account required under this section must, at a minimum, provide that:

49.8 (1) the money in the account is available only to the minor engaged in the work of content
49.9 creation;

49.10 (2) the account is held by a bank, corporate fiduciary, or trust company, as those terms
49.11 are defined in chapter 48A;

49.12 (3) the money in the account becomes available to the minor engaged in the work of
49.13 content creation upon the minor attaining the age of 18 years or upon a declaration that the
49.14 minor is emancipated; and

49.15 (4) that the account meets the requirements of chapter 527, the Uniform Transfers to
49.16 Minors Act.

49.17 Subd. 4. **Civil action; enforcement.** (a) If a content creator knowingly or recklessly
49.18 violates this section, a minor or a person who was a minor at the time of the alleged violation
49.19 may commence a civil action to enforce the provisions of this section regarding the trust
49.20 account. In any action brought in accordance with this paragraph, the court may award
49.21 actual damages, including any compensation owed under this section.

49.22 (b) Along with the civil action provided in paragraph (a), the minor may commence a
49.23 civil action against the content creator for damages, injunctive relief, and any other relief
49.24 the court finds just and equitable to enforce this section.

49.25 (c) The attorney general may enforce subdivision 1 of this section, pursuant to section
49.26 8.31, and may recover costs and fees.

49.27 (d) This section does not affect a right or remedy available under any other law of the
49.28 state.

49.29 (e) Nothing in this section shall be interpreted to have any effect on a party that is neither
49.30 the content creator nor the minor who engaged in the work of content creation.

49.31 Subd. 5. **Content deletion requests.** (a) A person 13 years of age or older who was
49.32 featured as a minor child in content of a content creator may request the permanent deletion

50.1 of the content from an online platform. An online platform must have an easily accessible
 50.2 form available online for submission of the deletion request.

50.3 (b) An online platform that receives a deletion request shall remove and permanently
 50.4 delete the content for which the request was made within seven days after the request was
 50.5 submitted.

50.6 (c) Any contract between a content creator and an online platform that would reasonably
 50.7 be anticipated to feature a minor child must include notification to the social media platform
 50.8 of the rights under this subdivision.

50.9 Subd. 6. **Minimum age exemption.** A minor 14 years of age or older who is compensated
 50.10 under this section is exempt from the minimum age provisions of section 181A.04,
 50.11 subdivision 1.

50.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

50.13 Sec. 8. **RULEMAKING; ACCEPTABLE BLOOD LEAD LEVELS FOR WORKERS.**

50.14 The commissioner of labor and industry, in consultation with the commissioner of health,
 50.15 shall adopt rules to:

50.16 (1) lower the acceptable blood lead levels above which require mandatory removal of
 50.17 workers from the lead exposure; and

50.18 (2) lower the blood lead levels required before a worker is allowed to return to work.
 50.19 The thresholds established must be based on the most recent public health information on
 50.20 the safety of lead exposure.

50.21 **ARTICLE 7**

50.22 **CONSTRUCTION CODES AND LICENSING**

50.23 Section 1. Minnesota Statutes 2022, section 326B.89, subdivision 5, is amended to read:

50.24 Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the
 50.25 fund to an owner or a lessee in an amount greater than ~~\$75,000~~ \$100,000 per licensee. The
 50.26 commissioner shall not pay compensation from the fund to owners and lessees in an amount
 50.27 that totals more than \$550,000 per licensee. The commissioner shall only pay compensation
 50.28 from the fund for a final judgment that is based on a contract directly between the licensee
 50.29 and the homeowner or lessee that was entered into prior to the cause of action and that
 50.30 requires licensure as a residential building contractor or residential remodeler.

50.31 **EFFECTIVE DATE.** This section is effective July 1, 2024.

51.1 **ARTICLE 8**

51.2 **UNIVERSITY OF MINNESOTA COLLECTIVE BARGAINING**

51.3 Section 1. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is
51.4 amended to read:

51.5 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
51.6 any person appointed or employed by a public employer except:

51.7 (1) elected public officials;

51.8 (2) election officers;

51.9 (3) commissioned or enlisted personnel of the Minnesota National Guard;

51.10 (4) emergency employees who are employed for emergency work caused by natural
51.11 disaster;

51.12 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
51.13 or 35 percent of the normal work week in the employee's appropriate unit;

51.14 (6) employees whose positions are basically temporary or seasonal in character and: (i)
51.15 are not for more than 67 working days in any calendar year; or (ii) are not working for a
51.16 Minnesota school district or charter school; ~~or (iii) are not for more than 100 working days~~
51.17 ~~in any calendar year and the employees are under the age of 22, are full-time students~~
51.18 ~~enrolled in a nonprofit or public educational institution prior to being hired by the employer,~~
51.19 ~~and have indicated, either in an application for employment or by being enrolled at an~~
51.20 ~~educational institution for the next academic year or term, an intention to continue as students~~
51.21 ~~during or after their temporary employment;~~

51.22 (7) employees providing services for not more than two consecutive quarters to the
51.23 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
51.24 professional or technical services contract as defined in section 16C.08, subdivision 1;

51.25 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
51.26 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
51.27 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

51.28 ~~(9) full-time undergraduate students employed by the school which they attend under a~~
51.29 ~~work-study program or in connection with the receipt of financial aid, irrespective of number~~
51.30 ~~of hours of service per week;~~

51.31 ~~(10)~~ (9) an individual who is employed for less than 300 hours in a fiscal year as an
51.32 instructor in an adult vocational education program;

52.1 ~~(11)~~ (10) with respect to court employees:

52.2 (i) personal secretaries to judges;

52.3 (ii) law clerks;

52.4 (iii) managerial employees;

52.5 (iv) confidential employees; and

52.6 (v) supervisory employees; or

52.7 ~~(12)~~ (11) with respect to employees of Hennepin Healthcare System, Inc., managerial,
52.8 supervisory, and confidential employees.

52.9 (b) The following individuals are public employees regardless of the exclusions of
52.10 paragraph (a), clauses (5) to (7):

52.11 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
52.12 State Colleges and Universities except at the university established in the Twin Cities
52.13 metropolitan area under section 136F.10 or for community services or community education
52.14 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
52.15 who is a public employee, where the replacement employee is employed more than 30
52.16 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
52.17 position created due to increased enrollment, curriculum expansion, courses which are a
52.18 part of the curriculum whether offered annually or not, or other appropriate reasons;

52.19 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
52.20 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
52.21 year and the cumulative number of days worked in that same position by all employees
52.22 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
52.23 includes a substantially equivalent position if it is not the same position solely due to a
52.24 change in the classification or title of the position;

52.25 (3) an early childhood family education teacher employed by a school district; ~~and~~

52.26 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
52.27 Universities or the University of Minnesota as the instructor of record to teach (i) one class
52.28 for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a
52.29 fiscal year; and

52.30 (5) an individual who: (i) is paid by the Board of Regents of the University of Minnesota
52.31 for work performed at the direction of the university or any of its employees or contractors;
52.32 and (ii) is enrolled in three or more university credit-bearing classes or one semester as a

53.1 full-time student or postdoctoral fellow during the fiscal year in which the work is performed.
 53.2 For purposes of this section, work paid by the university includes but is not limited to work
 53.3 that is required as a condition of receiving a stipend or tuition benefit, whether or not the
 53.4 individual also receives educational benefit from performing that work. Individuals who
 53.5 perform supervisory functions in regard to any of the aforementioned workers are not
 53.6 considered supervisory employees for the purpose of section 179A.06, subdivision 2.

53.7 Sec. 2. Minnesota Statutes 2022, section 179A.11, subdivision 1, is amended to read:

53.8 Subdivision 1. **Units.** (a) The following are ~~the~~ appropriate units of University of
 53.9 Minnesota employees. The listed units include, but are not limited to, the positions described.
 53.10 A position may be added to a unit if the commissioner makes a determination under section
 53.11 179A.09 that the unit is appropriate for the position. All units shall exclude managerial and
 53.12 confidential employees. ~~Supervisory employees shall only be assigned to unit 13. No~~
 53.13 ~~additional units of University of Minnesota employees shall be recognized for the purpose~~
 53.14 ~~of meeting and negotiating.~~

53.15 (1) The Law Enforcement Unit ~~consists of~~ includes the positions of all employees with
 53.16 the power of arrest.

53.17 (2) The Craft and Trades Unit ~~consists of~~ includes the positions of all employees whose
 53.18 work requires specialized manual skills and knowledge acquired through formal training
 53.19 or apprenticeship or equivalent on-the-job training or experience.

53.20 (3) The Service, Maintenance, and Labor Unit ~~consists of~~ includes the positions of all
 53.21 employees whose work is typically that of maintenance, service, or labor and which does
 53.22 not require extensive previous training or experience, except as provided in unit 4.

53.23 (4) The Health Care Nonprofessional and Service Unit ~~consists of~~ includes the positions
 53.24 of all nonprofessional employees of the University of Minnesota hospitals, dental school,
 53.25 and health service whose work is unique to those settings, excluding labor and maintenance
 53.26 employees as defined in unit 3.

53.27 (5) The Nursing Professional Unit ~~consists of~~ includes all positions which are required
 53.28 to be filled by registered nurses.

53.29 (6) The Clerical and Office Unit ~~consists of~~ includes the positions of all employees
 53.30 whose work is typically clerical or secretarial, including nontechnical data recording and
 53.31 retrieval and general office work, except as provided in unit 4.

53.32 (7) The Technical Unit ~~consists of~~ includes the positions of all employees whose work
 53.33 is not typically manual and which requires specialized knowledge or skills acquired through

54.1 two-year academic programs or equivalent experience or on-the-job training, except as
54.2 provided in unit 4.

54.3 ~~(8) The Twin Cities Instructional Unit consists of the positions of all instructional~~
54.4 ~~employees with the rank of professor, associate professor, assistant professor, including~~
54.5 ~~research associate or instructor, including research fellow, located on the Twin Cities~~
54.6 ~~campuses.~~

54.7 ~~(9)~~ (8) The Outstate Instructional Unit ~~consists of~~ includes the positions of all instructional
54.8 employees with the rank of professor, associate professor, assistant professor, including
54.9 research associate or instructor, including research fellow, located at the Duluth campus,
54.10 provided that the positions of instructional employees of the same ranks at the Morris,
54.11 Crookston, or ~~Waseca~~ Rochester campuses shall be included within this unit if a majority
54.12 of the eligible employees voting at a campus so vote during an election conducted by the
54.13 commissioner, provided that the election or majority verification procedure shall not be
54.14 held until the Duluth campus has voted in favor of representation. The election shall be held
54.15 or majority verification procedure shall take place when an employee organization or group
54.16 of employees petitions the commissioner stating that a majority of the eligible employees
54.17 at one of these campuses wishes to join the unit and this petition is supported by a showing
54.18 of at least 30 percent support from eligible employees at that campus and is filed between
54.19 September 1 and November 1.

54.20 ~~Should both units 8 and 9 elect exclusive bargaining representatives, those representatives~~
54.21 ~~may by mutual agreement jointly negotiate a contract with the regents, or may negotiate~~
54.22 ~~separate contracts with the regents. If the exclusive bargaining representatives jointly~~
54.23 ~~negotiate a contract with the regents, the contract shall be ratified by each unit. For the~~
54.24 purposes of this section, an "instructional employee" is an individual who spends 35 percent
54.25 or more of their work time creating, delivering, and assessing the mastery of credit-bearing
54.26 coursework.

54.27 (10) The Graduate Assistant Unit ~~consists of~~ includes the positions of all graduate
54.28 assistants who are enrolled in the graduate school and who hold the rank of research assistant,
54.29 teaching assistant, teaching associate I or II, project assistant, graduate school fellow,
54.30 graduate school trainee, professional school fellow, professional school trainee, or
54.31 administrative fellow I or II. The listed ranks do not coincide with the ranks that are
54.32 categorized by the University of Minnesota as professionals in training, even though in
54.33 some cases the job titles may be the same.

55.1 ~~(11) The Academic Professional and Administrative Staff Unit consists of all academic~~
 55.2 ~~professional and administrative staff positions that are not defined as included in an~~
 55.3 ~~instructional unit, the supervisory unit, the clerical unit, or the technical unit.~~

55.4 ~~(12) The Noninstructional Professional Unit consists of the positions of all employees~~
 55.5 ~~meeting the requirements of section 179A.03, subdivision 13, clause (1) or (2), which are~~
 55.6 ~~not defined as included within an instructional unit, the Academic Professional and~~
 55.7 ~~Administrative Staff Unit, or the supervisory unit.~~

55.8 ~~(13) The Supervisory Employees Unit consists of the positions of all supervisory~~
 55.9 ~~employees.~~

55.10 (b) An employee of the University of Minnesota whose position is not enumerated in
 55.11 paragraph (a) may petition the commissioner to determine an appropriate unit for the position.
 55.12 The commissioner must make a determination for an appropriate unit as provided in section
 55.13 179A.09 and the commissioner must give special weight to the desires of the petitioning
 55.14 employee or representatives of the petitioning employee.

55.15 Sec. 3. Minnesota Statutes 2022, section 179A.11, subdivision 2, is amended to read:

55.16 Subd. 2. **University of Minnesota employee severance.** (a) Each of the following
 55.17 groups of University of Minnesota employees has the right, as specified in this subdivision,
 55.18 to separate from the instructional and supervisory units: (1) health sciences instructional
 55.19 employees at all campuses with the rank of professor, associate professor, assistant professor,
 55.20 including research associate, or instructor, including research fellow, (2) instructional
 55.21 employees of the law school with the rank of professor, associate professor, assistant
 55.22 professor, including research associate, or instructor, including research fellow, (3)
 55.23 instructional supervisors, (4) noninstructional professional supervisors, and (5) academic
 55.24 professional and administrative staff supervisors.

55.25 ~~This~~ (b) The right to separate may be exercised:

55.26 (1) by petition between September 1 and November 1. If a group separates from its unit,
 55.27 it has no right to meet and negotiate, but retains the right to meet and confer with the
 55.28 appropriate officials on any matter of concern to the group. The right to separate must be
 55.29 exercised as follows: An employee organization or group of employees claiming that a
 55.30 majority of any one of these groups of employees on a statewide basis wish to separate from
 55.31 their unit may petition the commissioner for an election during the petitioning period. If the
 55.32 petition is supported by a showing of at least 30 percent support from the employees, the
 55.33 commissioner ~~shall~~ may hold an election on the separation issue or the petitioning group

56.1 may proceed under the process set forth in section 179A.12. This election must be conducted
56.2 within 30 days of the close of the petition period. If a majority of votes cast endorse severance
56.3 from their unit, the commissioner shall certify that result; or

56.4 (2) by the group's exclusion from a proposed unit in a representation petition.

56.5 (c) Where not inconsistent with other provisions of this section, the election is governed
56.6 by section 179A.12. If a group of employees severs, it may rejoin that unit by following the
56.7 procedures for severance during the periods for severance.

56.8 Sec. 4. Minnesota Statutes 2022, section 179A.11, is amended by adding a subdivision to
56.9 read:

56.10 Subd. 3. **Joint bargaining.** Units organized under this section that have elected exclusive
56.11 bargaining representatives may by mutual agreement of the exclusive representatives jointly
56.12 negotiate a contract with the regents or may negotiate separate contracts with the regents.
56.13 If the exclusive bargaining representatives jointly negotiate a contract with the regents, the
56.14 contract must be ratified by each unit.

179.81 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 179.81 to 179.85, the terms defined in this section have the meanings given them.

Subd. 2. **Area labor-management committee or committee.** "Area labor-management committee" or "committee" means a committee formed by and composed of multiple employers and multiple labor organizations within a geographic area or statewide employment sector, for the purpose of improving labor-management relations and enhancing economic development within a given geographic jurisdiction or sector through labor-management cooperation.

Subd. 3. **Bureau.** "Bureau" means the Bureau of Mediation Services.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the Bureau of Mediation Services.

179.82 GRANT PROGRAM CREATED; APPLICATIONS.

Subdivision 1. **Creation.** An area labor-management committee grant program is created within the bureau to be administered by the commissioner.

Subd. 2. **Rules.** Applications for area/statewide industry labor-management committee grants must be submitted to the bureau under rules adopted by the commissioner.

179.83 ACTION ON APPLICATION.

Subdivision 1. **Standard for approval.** Following an established calendar, the commissioner shall review the applications. Grants must be awarded on a competitive basis based on the appropriateness of the proposal, the attainability of the goals, the evidence of interest in the proposal among representatives of labor and management in the area within the committee's jurisdiction, and the thoroughness of the financial plan presented. Successful applicants shall be notified of the award no later than December 1 of each year.

179.84 GENERAL CONDITIONS AND TERMS OF GRANTS.

Subdivision 1. **Requirements.** For each grant awarded the commissioner shall:

(1) require an approved work plan that establishes measurable goals and objectives for the committee within the committee's area of responsibility and that prohibits the committee from becoming involved in contract disputes, labor negotiations, or grievance procedures; and

(2) annually review the operating performance of each area labor-management committee receiving state money under this program.

179.85 FUNDING LIMITATIONS.

A new or existing area labor-management committee may apply for a maximum grant of \$75,000 per year. A new or existing area labor-management committee may be awarded state grant money, and must provide money from other nonstate sources, in the following ratio of state and nonstate money: in the first year, 90 percent state and ten percent nonstate; in the second year, 80 percent state and 20 percent nonstate; in the third year and beyond, 50 percent state and 50 percent nonstate.

5520.0100 APPLICATION.

Parts 5520.0100 to 5520.0800 apply to the preparation, submission, and approval of applications for grants under the Minnesota Area Labor-Management Committee Grant Program.

5520.0110 POLICY.

Parts 5520.0100 to 5520.0800 shall be liberally construed to accomplish the provisions and purposes of the Minnesota Area Labor-Management Committee Grant Program.

5520.0120 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 5520.0100 to 5520.0800, the terms defined in this part have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for grant funds completed on a form developed by and available from the bureau.

Subp. 3. **Bureau.** "Bureau" means the Minnesota Bureau of Mediation Services.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the bureau or an authorized agent.

Subp. 5. **Area Labor-Management Committee or committee.** "Area Labor-Management Committee" or "committee" means an organization of representatives from multiple labor organizations and multiple employer enterprises within a geographic area or statewide employment sector which has as its principle purpose the strengthening of union-management relations within the area or sector.

Subp. 6. **Grant program.** "Grant program" means the Minnesota Area Labor-Management Committee Grant Program, as created in Minnesota Statutes, sections 179.81 to 179.85.

Subp. 7. **Office of Cooperative Labor-Management Programs.** "Office of Cooperative Labor-Management Programs" means the office within the bureau created to administer the grant program.

Subp. 8. [Repealed, 15 SR 2267]

5520.0200 GRANT APPLICATIONS.

Subpart 1. **Scope.** The procedures in this part will be used by the commissioner in receiving and considering grant program applications.

Subp. 2. **Notice and deadline.** On or before September 1 of each calendar year, the commissioner shall publish a notice of the availability of funds under the grant program in the State Register. An application for a grant must be submitted to the bureau by October 15 of the previous year.

Subp. 3. **Application form and purpose.** Each application must be on forms available from the bureau and must include a statement of purpose and a description of the Area Labor-Management Committee requesting grant funds. All current committee members and officers must be identified in the application and a brief description of the committee's existing or proposed operating procedures must be included. A copy of the committee bylaws, if adopted, must also accompany the application.

Subp. 4. **Statement of goals.** The application must include a descriptive statement of the labor-management climate and major issues or problems existing in the committee's area of jurisdiction, as well as the major purpose or goal of the committee in the context of the problems. The goal statement must describe specific changes or outcomes the committee seeks to accomplish through use of grant program funds. Quantifiable, specific goal and problem statements are encouraged. Applicants should avoid broad, generic, overly-generalized statements.

Subp. 5. **Methodology.** The application must include a description of the approach and methodology to be used by the committee in solving the problems and achieving the goals identified in subpart 4. The application must include an implementation plan setting forth specific and measurable goals and objectives to be accomplished during the grant period, the major action steps to be taken, a timetable indicating when those action steps will be taken, and when goals and objectives will be accomplished.

Subp. 6. **Financial plan.** The application must include a four-year financial plan detailing the revenues and expenditures anticipated over a four-year period, commencing with the year for which the grant is being requested. The plan must identify the total amount of state funding necessary to carry out the committee's goals and objectives and the money to be raised from other sources to meet the guidelines of the grant program. The plan must be accompanied by a proposed committee budget over the four-year period detailing how all money, including state grant money, is to be expended. Existing committees must also submit copies of actual financial statements for the four-year period preceding the proposed grant period.

5520.0250 GRANT RESTRICTIONS.

Subpart 1. **Labor negotiations, grievances, or disputes.** No committee funded, in whole or in part, through the grant program may engage in activities directly or indirectly related to labor negotiations, contract disputes, or grievance procedures. Violation of this subpart is grounds for termination of the grant.

Subp. 2. **Prior obligations.** No grant money may be used directly or indirectly to cover costs incurred before the effective date of the grant nor to cover costs that are not specifically related to the goals in the application. No finder's fee or other form of payment for successful application shall be permitted in conjunction with the grant program.

Subp. 3. [Repealed, 15 SR 2267]

Subp. 4. **Delegation or transfer.** A successful applicant may not, in whole or in part, delegate or transfer responsibility for the management of the grant or control and use of its funds to any other organization or entity.

5520.0300 GRANT PERIOD AND AMOUNT.

Subpart 1. **Grant period.** All grants are awarded for a 12-month period commencing January 1.

Subp. 2. **Amount.** The amount of each grant will be determined by the commissioner after considering the merits and reasonableness of each application, the total funds available in relationship to the total amounts requested, prior awards and experiences with individual applicants, the usual and customary costs of operating a committee, and the overall purposes and goals of the program.

Subp. 3. **Ratio of state and nonstate funds.** Regardless of the funds available, no grant will be awarded that would be inconsistent with the following ratio of state and nonstate revenues for the committee: (Year 1 is the first year state funds are received under this program, Year 2 is the second, etc.).

	Percent Nonstate Revenues	Percent State Revenues
Year 1	10	90
Year 2	20	80
Year 3 & Beyond	50	50

5520.0500 APPLICATION REVIEW PROCEDURES.

Subpart 1. **Competitive basis.** All timely and complete applications will be reviewed on a competitive basis. Grants will be awarded by the commissioner in amounts and to parties as deemed consistent with the overall purposes of the grant program. In evaluating applications and awarding grants, the factors described in this part will be considered.

Subp. 2. **Appropriateness.** The appropriateness of the proposal must be evaluated. Appropriateness includes:

- A. consistency of the proposal's purpose with the public policy objectives of the grant program;
- B. the extent and history of labor-management activity within the area to be served by the proposed grant;
- C. other past or present cooperative labor-management activities within the designated area;
- D. the need for public funding of the endeavor; and
- E. the reasonableness of proposed expenditures in relationship to benefits to be derived.

Subp. 3. **Attainability of goals.** The attainability of the goals in the proposal must be evaluated. Attainability includes:

- A. ability of the applicant to articulate quantifiable and meaningful goals and activities;
- B. evaluation of the applicant's ability and capacity to implement program activities necessary to achieve stated goals;
- C. prior success of the applicant in achieving previous program goals;
- D. other labor-management activities in the area; and
- E. the relationship of the proposed goals with the overall objectives of the grant program.

Subp. 4. **Support for the proposal.** Evidence of support for the proposal from multiple labor-management representatives within the area will be reviewed. The evidence may be submitted in the form of letters of endorsement, resolutions of support adopted by ad hoc groups, or other form that permits consultation and verification with individual representatives by the bureau. Established committees must attach a copy of the minutes of the meeting at which the proposal was approved and the minutes should reflect the names and organizations of all persons present for the meeting.

Subp. 5. **Financial plans.** The thoroughness of the four-year financial plan submitted as a part of the proposal, including an analysis of the overall reasonableness of revenue and expense projections; the detail and reasonableness of projected funding sources and amounts; and the detail and reasonableness of projected expenditures will be considered. Established committees must attach copies of actual financial operating statements that reflect annual revenue sources and amounts and expense categories and amounts for each year of the three-year period preceding the current year, as well as for the current year-to-date.

Subp. 6. **Work plans.** The thoroughness of detailed plans for achieving the major goals and objectives of the committee will be evaluated to determine the ability of the committee to identify key tasks and action steps necessary to the attainment of goals; the designation of appropriate time frames; relevance of work plans to objectives of the grant program; and the extent of planning undertaken by the applicant with regard to its goals.

Subp. 7. [Repealed, 15 SR 2267]

5520.0520 WORK PLAN.

Each grant application must include a work plan that describes the major work steps to be undertaken by the committee during the grant period in achieving its individual goals and objectives. Work plans should describe each area of substantial program activity contemplated by the committee, the key steps necessary to achieving each program activity, and a time frame for determining progress in each activity area. Grantees are responsible for compliance with their work plans and for advising the Office of Cooperative Labor-Management Programs of any significant alterations in the goals, objectives, or work plans of the committee. Written quarterly reports, describing the progress and problems in adhering to the work plan, must accompany financial reports in conformance to the provisions of part 5520.0560.

5520.0540 BUDGET ADJUSTMENTS.

Grant recipients must consult, in writing, with the Office of Cooperative Labor-Management Programs before making budget adjustments that:

- A. result in changes in the scope or objectives of the program in the approved application;
- B. result in more grant money available than is necessary to meet the needs of the program;
- C. result in a change in the percent of state funds available to the grantee that would be inconsistent with part 5520.0300, subpart 3, or Minnesota Statutes, section 179.85; or
- D. amount to ten percent or more of the total grant awarded.

5520.0560 QUARTERLY REPORTS.

Each grant recipient must file detailed financial and activity reports on a quarterly basis in accordance with the following schedule:

- A. Period covered: January 1 to March 31, date due: April 20;
- B. Period covered: April 1 to June 30, date due: July 20;
- C. Period covered: July 1 to September 30, date due: October 20; and
- D. Period covered: October 1 to December 31, date due: January 20.

5520.0600 ACCOUNTING SYSTEM.

Each grant recipient must establish and maintain a system of financial management of the grant that complies with accepted accounting practices. The system must provide accurate, current, and complete information on the financial status of each grant-supported activity and must include the generation of periodic reports indicating the allocation of funds by activity, the amount expended, and the amount obligated. Each dollar of Area Labor-Management Committee Grant Program money must be traceable through the accounting system.

All accounting documents must be supported by source documentation such as payroll records, invoices, and purchase vouchers. All employees paid in whole or in part from grant funds must prepare time sheets reflecting the number of hours worked on grant activities during the pay period and the payroll must be based on these time sheets. Any purchase of services agreement entered into by the committee must specify the amount and nature of services to be provided in a manner that facilitates determination of an hourly or per-unit rate for those services.

5520.0620 AUDITS.

Subpart 1. **Financial and compliance audits.** All grant recipients must arrange for and undergo a financial and compliance audit at least once every two years. The audits must be performed by qualified individuals who are independent of those persons who authorize, manage, and carry out the expenditure of funds to ensure unbiased opinions, conclusions, or judgments. Grant recipients are responsible for arranging and paying for these audits. The purpose of the audit is to report on whether:

- A. the financial operations have been conducted properly;
- B. financial and other reports submitted as a part of the program have been presented fairly and accurately;
- C. the grantee has complied with applicable laws, regulations, and policies;
- D. resources are used and managed in an economic and efficient manner; and
- E. program objectives and results are being effectively and economically achieved.

Normal accepted auditing methods and standards must be applied in the performance of this audit. Should an auditor become aware of irregularities in financial or programmatic performance, the auditor must promptly notify the commissioner of those irregularities and, if appropriate, higher grantee management officials than the level at which irregularities appear to lie.

Subp. 2. **Audit reports.** A written audit report shall be prepared and include:

- A. a statement of the standards used in the performance of the audit;
- B. financial statements and audit comments on the statements for the period;
- C. audit comments regarding compliance and internal control; and
- D. comments regarding the accuracy and completeness of financial and program reports filed by the grantee.

Three copies of the written audit report must be provided to the commissioner and a copy shall be made available to each member of the committee.

5520.0700 INITIAL PAYMENTS.

No grant payments will be issued until the grant application and required work plans have received final approval by the commissioner and a written grant contract has been executed and approved.

5520.0710 SUBSEQUENT PAYMENTS.

Subsequent grant payments will be made on a quarterly basis based on submission of a payment request form and other required reports. When computing requests for payment, the recipient should first apply any unused portions of a previous grant payment toward the next month's anticipated expenditures.

5520.0800 TERMINATION OF GRANTS.

Subpart 1. **General.** Grants shall be suspended, terminated, or withdrawn, in whole or in part, by the commissioner if funds provided are used in a manner inconsistent with the policies of parts 5520.0100 to 5520.0800, or if it appears that funds are being used in a manner inconsistent with the stated goals and purpose of the grant application or approved amendments. Grants shall also be suspended, terminated, or withdrawn if it appears that the applicant is unable or unwilling to fulfill responsibilities set forth in the application.

Subp. 2. **Notice.** In the event the commissioner believes that there is reason to suspend, terminate, or withdraw a grant, the commissioner shall provide written notice to the grant recipient stating the nature of the contemplated action, the anticipated effective date, and

APPENDIX
Repealed Minnesota Rules: S5266-1

the reasons for the action. The grant recipient may submit a written response to the notice within five working days of receipt of the notice from the commissioner. After investigating the situation, including any information provided by the committee in response to the commissioner's notice, the commissioner shall determine final action with regard to suspension, termination, or withdrawal of the grant. The commissioner shall provide written notice of the final determination to all interested parties.