

1.1 moves to amend H.F. No. 11 as follows:

1.2 Page 9, after line 6, insert:

1.3 "Section 1. Minnesota Statutes 2018, section 177.27, subdivision 2, is amended to read:

1.4 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
1.5 of employees working in the state to submit to the commissioner photocopies, certified
1.6 copies, or, if necessary, the originals of employment records which the commissioner deems
1.7 necessary or appropriate. The records which may be required include full and correct
1.8 statements in writing, including sworn statements by the employer, containing information
1.9 relating to wages, hours, names, addresses, and any other information pertaining to the
1.10 employer's employees and the conditions of their employment as the commissioner deems
1.11 necessary or appropriate.

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

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

1.20 Sec. 2. Minnesota Statutes 2018, section 177.27, subdivision 4, is amended to read:

1.21 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
1.22 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
1.23 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
1.24 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.9445 or with any rule

2.1 promulgated under section 177.28. The commissioner shall issue an order requiring an
2.2 employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes
2.3 of this subdivision only, a violation is repeated if at any time during the two years that
2.4 preceded the date of violation, the commissioner issued an order to the employer for violation
2.5 of sections 177.41 to 177.435 and the order is final or the commissioner and the employer
2.6 have entered into a settlement agreement that required the employer to pay back wages that
2.7 were required by sections 177.41 to 177.435. The department shall serve the order upon the
2.8 employer or the employer's authorized representative in person or by certified mail at the
2.9 employer's place of business. An employer who wishes to contest the order must file written
2.10 notice of objection to the order with the commissioner within 15 calendar days after being
2.11 served with the order. A contested case proceeding must then be held in accordance with
2.12 sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the
2.13 employer fails to file a written notice of objection with the commissioner, the order becomes
2.14 a final order of the commissioner.

2.15 Sec. 3. Minnesota Statutes 2018, section 177.27, subdivision 7, is amended to read:

2.16 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
2.17 violated a section identified in subdivision 4, or any rule adopted under section 177.28, and
2.18 the commissioner issues an order to comply, the commissioner shall order the employer to
2.19 cease and desist from engaging in the violative practice and to take such affirmative steps
2.20 that in the judgment of the commissioner will effectuate the purposes of the section or rule
2.21 violated. The commissioner shall order the employer to pay to the aggrieved parties back
2.22 pay, gratuities, and compensatory damages, less any amount actually paid to the employee
2.23 by the employer, and for an additional equal amount as liquidated damages. Any employer
2.24 who is found by the commissioner to have repeatedly or willfully violated a section or
2.25 sections identified in subdivision 4 shall be subject to a civil penalty of up to ~~\$1,000~~ \$10,000
2.26 for each violation for each employee. In determining the amount of a civil penalty under
2.27 this subdivision, the appropriateness of such penalty to the size of the employer's business
2.28 and the gravity of the violation shall be considered. In addition, the commissioner may order
2.29 the employer to reimburse the department and the attorney general for all appropriate
2.30 litigation and hearing costs expended in preparation for and in conducting the contested
2.31 case proceeding, unless payment of costs would impose extreme financial hardship on the
2.32 employer. If the employer is able to establish extreme financial hardship, then the
2.33 commissioner may order the employer to pay a percentage of the total costs that will not
2.34 cause extreme financial hardship. Costs include but are not limited to the costs of services
2.35 rendered by the attorney general, private attorneys if engaged by the department,

3.1 administrative law judges, court reporters, and expert witnesses as well as the cost of
3.2 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
3.3 order from the date the order is signed by the commissioner until it is paid, at an annual rate
3.4 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
3.5 escrow accounts for purposes of distributing damages."

3.6 Page 9, delete subdivisions 3 and 4

3.7 Page 10, delete subdivisions 5 and 6

3.8 Renumber the subdivisions in sequence

3.9 Page 11, line 19, delete "this section" and insert "section 181.9445"

3.10 Page 11, line 23, delete "affected"

3.11 Page 11, line 24, delete everything before the period and insert "regarding their rights
3.12 under section 181.9445"

3.13 Page 11, line 31, delete "this section" and insert "section 181.9445"

3.14 Page 11, line 33, delete "this section" and insert "section 181.9445"

3.15 Amend the title accordingly