

1.1 A bill for an act  
1.2 relating to employment; regulating the use of electronic monitoring tools in  
1.3 employment settings; proposing coding for new law in Minnesota Statutes, chapter  
1.4 181.

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

1.6 Section 1. [181.9931] DEFINITIONS.

1.7 (a) For the purposes of sections 181.9931 to 181.9938, the following terms have the  
1.8 meanings given.

1.9 (b) "Artificial intelligence" means an engineered or machine-based system that varies  
1.10 in its level of autonomy and that can, for explicit or implicit objectives, infer from the input  
1.11 it receives how to generate outputs that can influence physical or virtual environments.

1.12 (c) "Authorized representative" means any person or organization appointed by the  
1.13 worker to serve as an agent of the worker. Authorized representative does not include a  
1.14 worker's employer.

1.15 (d) "Automated decision system" means any computational process derived from machine  
1.16 learning, statistical modeling, data analytics, or artificial intelligence that issues simplified  
1.17 output, including a score, classification, or recommendation, that is used to assist or replace  
1.18 human discretionary decision-making and materially impacts natural persons. An automated  
1.19 decision system does not include a spam email filter, firewall, antivirus software, identity  
1.20 and access management tools, calculator, database, dataset, or other compilation of data.

2.1 (e) "Automated decision system output" means any information, data, assumptions,  
2.2 predictions, scoring, recommendations, decisions, or conclusions generated by an automated  
2.3 decision system.

2.4 (f) "Electronic monitoring tool" means any system, application, or instrument that  
2.5 facilitates the collection of data concerning worker activities, communications, actions,  
2.6 biometrics, or behaviors, by means other than direct observation by a person, including, but  
2.7 not limited to, video or audio surveillance, continuous incremental time-tracking tools,  
2.8 geolocation, electromagnetic tracking, or photoelectronic tracking, or that utilizes a  
2.9 photo-optical system or other means.

2.10 (g) "Employer" means any person who directly or indirectly, or through an agent, vendor,  
2.11 or any other person, employs or exercises control over the wages, benefits, other  
2.12 compensation, hours, working conditions, access to work or job opportunities, or other  
2.13 terms or conditions of employment, of any worker. This includes all units of state and local  
2.14 government, but does not include the federal government. Employer includes a labor  
2.15 contractor or vendor of a person defined as an employer under this paragraph.

2.16 (h) "Employment-related decision" means any decision by an employer that impacts  
2.17 wages, wage setting, benefits, compensation, work hours, work schedule, performance  
2.18 evaluation, hiring, recruitment, discipline, promotion, termination, job tasks, skill  
2.19 requirements, work responsibilities, assignment of work, access to work and training  
2.20 opportunities, productivity requirements, workplace health and safety, and any other terms  
2.21 or conditions of employment. For persons classified as independent contractors or for  
2.22 candidates for employment, this means the equivalent of these decisions based on their  
2.23 contract with or relationship to the employer.

2.24 (i) "Essential job functions" means the fundamental duties of a position, as revealed by  
2.25 objective evidence such as the amount of time workers spend performing each function,  
2.26 the consequences of not requiring individuals to perform the function, the terms of any  
2.27 applicable collective bargaining agreement, workers' past and present work experiences and  
2.28 performance in the position in question, and the employer's reasonable, nondiscriminatory  
2.29 judgment as to which functions are essential. Past and current written job descriptions and  
2.30 the employer's reasonable, nondiscriminatory judgment as to which functions are essential  
2.31 may be evidence as to which functions are essential for achieving the purpose of the job,  
2.32 but may not be the sole basis for this determination absent the objective evidence described  
2.33 above.

3.1 (j) "Vendor" means a third party, subcontractor, or entity engaged by an employer or an  
3.2 employer's labor contractors to provide software, technology, or a related service that is  
3.3 used to collect, store, analyze, or interpret worker data or worker information.

3.4 (k) "Worker" means any natural person who is a job applicant to, an employee of, or an  
3.5 independent contractor providing service to, or through, an employer.

3.6 (l) "Worker data" means any information that identifies, relates to, describes, is reasonably  
3.7 capable of being associated with, or could reasonably be linked, directly or indirectly, with  
3.8 a worker, regardless of how the information is collected, inferred, or obtained. It includes,  
3.9 but is not limited to:

3.10 (1) personal identity information, including the individual's name, contact information,  
3.11 government-issued identification numbers, financial information, criminal background, or  
3.12 employment history;

3.13 (2) biometric information, including data generated by automatic measurements of an  
3.14 individual's biological characteristics, such as a fingerprint, a faceprint, a voiceprint, eye  
3.15 retinas, irises, gait, or other unique biological patterns or characteristics that can be used,  
3.16 singly or in combination with other data, to identify a specific individual or to collect  
3.17 information about an individual;

3.18 (3) health, medical, lifestyle, and wellness information, including the individual's medical  
3.19 history, physical or mental condition, diet or physical activity patterns, heart rate, medical  
3.20 treatment or diagnosis by a health care professional, health insurance policy number,  
3.21 subscriber identification number, or other unique identifier used to identify the individual;  
3.22 and

3.23 (4) any data related to workplace activities, including the following:

3.24 (i) human resources information, including the contents of an individual's personnel file  
3.25 or performance evaluations;

3.26 (ii) work process information, such as data relating to an individual worker's performance  
3.27 or productivity, including but not limited to the quality and quantities of tasks performed,  
3.28 quality and quantities of items or materials handled or produced, rates or speeds of tasks  
3.29 performed, measurements or metrics of worker performance in relation to a quota, and time  
3.30 categorized as performing tasks or not performing tasks;

3.31 (iii) data that captures workplace communications and interactions, including emails,  
3.32 texts, internal message boards, screenshots, and customer interaction and ratings;

4.1 (iv) device usage and data, including, but not limited to, keystroke recording, website,  
4.2 software, and application utilization, calls placed, or geolocation information;

4.3 (v) audio, photo, or video data or other information collected from sensors, including  
4.4 movement tracking, thermal sensors, voiceprints, or facial recognition, emotion, and gait  
4.5 recognition;

4.6 (vi) inputs to or outputs generated by an automated decision system that are linked to  
4.7 the individual;

4.8 (vii) data collected through electronic monitoring or continuous incremental time-tracking  
4.9 tools; and

4.10 (viii) data collected or generated on workers to mitigate the spread of infectious diseases,  
4.11 including COVID-19, or to comply with public health measures.

4.12 **Sec. 2. [181.9932] PRE-USE NOTICE.**

4.13 Subdivision 1. **Pre-use notice; provision.** (a) An employer must provide a written notice  
4.14 that an electronic monitoring tool is in use at the workplace to a worker who will be directly  
4.15 or indirectly affected by the electronic monitoring tool, or their authorized representative,  
4.16 and to any union representing workers who could be directly or indirectly affected by the  
4.17 electronic monitoring tool.

4.18 (b) The notice in paragraph (a) must be provided:

4.19 (1) at least 30 days before the introduction of the electronic monitoring tool, if the  
4.20 electronic monitoring tool is introduced after the effective date of this section;

4.21 (2) no later than September 1, 2026, if the employer is using an existing electronic  
4.22 monitoring tool as of the effective date of this section;

4.23 (3) to a job applicant or new worker, before the employer collects the applicant's or  
4.24 worker's personal information that the employer plans to process using the electronic  
4.25 monitoring tool, and the notice must be prominent;

4.26 (4) at least 30 days before the implementation of any significant change to the electronic  
4.27 monitoring tool or how the employer is using the electronic monitoring tool; and

4.28 (5) to a union representing workers who will be subject to the electronic monitoring  
4.29 tool, on a timeline that provides a meaningful opportunity to bargain over the use, scope,  
4.30 and impact of the electronic monitoring tool prior to its deployment or modification.

5.1 (c) Every time an employer provides a notice under paragraph (a), a copy of that notice  
5.2 must be submitted to the commissioner of labor and industry within ten days of when it was  
5.3 provided to the worker. Copies of notices under paragraph (a) must also be made available  
5.4 to authorized representatives upon request.

5.5 (d) Notices under paragraph (a) must be:

5.6 (1) written in plain language as a separate, standalone communication;

5.7 (2) in the language in which routine communications and other information are provided  
5.8 to workers; and

5.9 (3) provided via a simple and easy-to-use method, including an email, hyperlink, or  
5.10 other written format.

5.11 (e) A job applicant or worker must receive the notice required under this section and  
5.12 respond with affirmative written consent before an electronic monitoring tool may be used  
5.13 on that worker.

5.14 (f) If reasonable alternatives to the use of the electronic monitoring tool exist, the worker  
5.15 must be allowed to opt out of being subject to the electronic monitoring tool.

5.16 Subd. 2. **Pre-use notice; contents.** The notice required under subdivision 1 must contain  
5.17 the following information:

5.18 (1) a detailed description of the worker data to be collected by the electronic monitoring  
5.19 tool;

5.20 (2) the specific purpose of the electronic monitoring tool, how this form of monitoring  
5.21 is necessary to meet that purpose, and an explanation of why this form is the least invasive  
5.22 means of accomplishing this purpose;

5.23 (3) a description of the specific activities, locations, communications, and job titles that  
5.24 will be electronically monitored and the technologies that will be used;

5.25 (4) the frequency of electronic monitoring and worker data collection;

5.26 (5) a description of where, how, and for how long worker data will be stored;

5.27 (6) the names of any vendors conducting electronic monitoring on the employer's behalf;

5.28 (7) who is authorized to access the worker data gathered and under what conditions,  
5.29 including the names of vendors and labor contractors;

5.30 (8) whether and how any worker data collected by the electronic monitoring tool will  
5.31 be used as an input into an automated decision system;

6.1 (9) whether and how any worker data collected by electronic monitoring will, either  
6.2 alone or in conjunction with an automated decision system, be used to make an  
6.3 employment-related decision by the employer, and if so, the nature of that decision;

6.4 (10) whether any worker data collected by the electronic monitoring tool will be used  
6.5 to assess workers' productivity performance or to set productivity standards, and if so, how;  
6.6 and

6.7 (11) an up to date list of all electronic monitoring tools the employer is currently using;  
6.8 and

6.9 (12) a description of the worker's rights under sections 181.9932 to 181.9938.

6.10 Sec. 3. [181.9933] RECORDS.

6.11 Subdivision 1. **Data records.** (a) Employers must maintain records of data collected via  
6.12 an electronic monitoring tool for 36 months after its collection to ensure compliance with  
6.13 requests for data from workers or the commissioner of labor and industry.

6.14 (b) Employers must destroy any worker data collected via an electronic monitoring tool  
6.15 no later than 37 months after collection unless the worker has provided written and informed  
6.16 consent to the retention of their data by the employer.

6.17 (c) Employers must protect the confidentiality, integrity, and accessibility of worker  
6.18 data using data security practices consistent with data and cyber privacy laws and appropriate  
6.19 to the volume and nature of the worker data collected.

6.20 Subd. 2. **Record requests.** (a) A worker has the right to request a copy of any of their  
6.21 data collected through an electronic monitoring tool and any corroborating evidence used  
6.22 by a human reviewer.

6.23 (b) An employer must provide copies of the data requested within seven days of receiving  
6.24 a worker's request.

6.25 Subd. 3. **Record corrections.** (a) A worker has the right to request corrections to worker  
6.26 data collected with an electronic monitoring tool and any corroborating evidence used by  
6.27 a human reviewer.

6.28 (b) An employer that receives a request to correct any of the information in paragraph  
6.29 (a) must investigate and determine whether such disputed data is inaccurate.

6.30 (c) If an employer determines that the disputed data is inaccurate, the employer must:

7.1 (1) promptly correct the disputed data and inform the worker of the employer's decision  
7.2 and action;

7.3 (2) review and adjust any employment-related decisions that were partially or solely  
7.4 based on the inaccurate data, and inform the worker of the adjustment; and

7.5 (3) inform any third parties with which the employer shared the inaccurate data, or from  
7.6 which the employer received the inaccurate data, of the error and direct them to correct it.

7.7 (d) If an employer, upon investigation, determines that the disputed data is accurate, the  
7.8 employer must inform the worker of:

7.9 (1) the decision not to amend the disputed data;

7.10 (2) the steps taken to verify the accuracy of the data; and

7.11 (3) the evidence supporting the decision not to amend the disputed data.

7.12 **Sec. 4. [181.9934] EMPLOYER REQUIREMENTS.**

7.13 Subdivision 1. **Use of electronic monitoring tools.** (a) An employer may only use an  
7.14 electronic monitoring tool to collect worker data for the following purposes:

7.15 (1) accomplishing, or facilitating the accomplishment of, an essential job function;

7.16 (2) ensuring the quality of goods and services;

7.17 (3) conducting periodic assessments of worker performance;

7.18 (4) ensuring or facilitating compliance with laws and regulations;

7.19 (5) protecting the health, safety, or security of workers or the security of the employer's  
7.20 facilities or computer networks; or

7.21 (6) administering wages and benefits.

7.22 (b) If the electronic monitoring tool is being used for an allowed purpose:

7.23 (1) the employer must specify the intended purpose of the electronic monitoring tool;

7.24 (2) the electronic monitoring tool must only be used for the purpose specified;

7.25 (3) the type and activated capabilities of the electronic monitoring tool must be narrowly  
7.26 tailored to accomplish that purpose; and

7.27 (4) the electronic monitoring tool must operate in a manner that is limited to the smallest  
7.28 number of workers, collects the least amount of data as is feasible, and is collected no more  
7.29 frequently than necessary for achieving that purpose.

8.1 Subd. 2. Prohibitions. (a) An employer is prohibited from using an electronic monitoring  
8.2 tool to:

8.3 (1) prevent compliance with or cause a violation of any federal, state, or local law or  
8.4 regulation;

8.5 (2) obtain or infer a worker's immigration status; veteran status; ancestral history; religious  
8.6 or political beliefs; health or reproductive status, history, or plan; emotional or psychological  
8.7 state; neural data; sexual or gender orientation; disability; criminal record; or credit history;

8.8 (3) make predictions or inferences about a worker's behavior, beliefs, intentions,  
8.9 personality, emotional state, health, or other characteristics or behavior that are unrelated  
8.10 to the worker's essential job functions;

8.11 (4) identify, predict, or take adverse action against a worker for exercising their legal  
8.12 rights;

8.13 (5) draw on facial recognition, gait, or emotion recognition technologies;

8.14 (6) monitor workers who are off-duty and not performing work-related tasks;

8.15 (7) conduct audio or visual monitoring of bathrooms or other similarly private areas,  
8.16 including locker rooms, changing areas, breakrooms, smoking areas, worker cafeterias,  
8.17 lounges, areas designated for expressing breast milk, or areas designated for prayer or other  
8.18 religious activity, including data collection on the frequency of use of those private areas;

8.19 (8) monitor a workplace in a worker's residence, a worker's personal vehicle, or property  
8.20 owned or leased by a worker;

8.21 (9) threaten the health, welfare, safety, or legal rights of workers or the general public;  
8.22 or

8.23 (10) collect data for a purpose that was not disclosed in the notice required by section  
8.24 181.9932.

8.25 (b) An employer must not require workers to:

8.26 (1) physically implant devices that collect or transmit data, including devices that are  
8.27 installed subcutaneously or incorporated into items of clothing or personal accessories;

8.28 (2) install applications that collect or transmit worker data on a worker's personal device;

8.29 (3) wear or embed devices that collect or transmit worker data; or

8.30 (4) carry or use any device with location tracking applications or services enabled unless  
8.31 the location tracking is:

9.1 (i) conducted during work hours only;

9.2 (ii) strictly necessary to accomplish essential job functions; and

9.3 (iii) narrowly limited to only the activities and times necessary to accomplish essential  
9.4 job functions.

9.5 (c) An employer must not take any adverse action against a worker based on data from  
9.6 a continuous time-tracking tool, except in cases of egregious misconduct.

9.7 Subd. 3. **Employment-related decisions.** (a) An employer must not rely solely on an  
9.8 electronic monitoring tool when making an employment-related decision.

9.9 (b) When an employer relies in part on an electronic monitoring tool in making an  
9.10 employment-related decision, the employer must: (1) ensure the accuracy of the worker  
9.11 data; and (2) use a designated internal reviewer to conduct an investigation and compile  
9.12 corroborating information for the decision. This information may include, but is not limited  
9.13 to, supervisory or managerial evaluations, personnel files, employee work products, or peer  
9.14 reviews. The designated internal reviewer must:

9.15 (i) be granted sufficient authority, discretion, resources, and time to corroborate the  
9.16 worker data collected by the electronic monitoring tool;

9.17 (ii) have sufficient expertise in the operation of similar systems, and a sufficient  
9.18 understanding of the electronic monitoring tool in question to interpret its outputs as well  
9.19 as results of relevant impact assessments;

9.20 (iii) have the education, training, or experience sufficient to allow the reviewer to make  
9.21 a well-informed decision, including education about the limitations and biases of electronic  
9.22 monitoring tools and training on workers' rights under sections 181.9931 to 181.9938; and

9.23 (iv) be protected from retaliation for exercising their responsibilities.

9.24 (c) When an employer cannot corroborate the worker data collected by the electronic  
9.25 monitoring tool, or the human reviewer has concluded that the worker data collected by the  
9.26 electronic monitoring tool is inaccurate, incomplete, or misleading, the employer must not  
9.27 rely on the worker data to make the employment-related decision.

9.28 Sec. 5. **[181.9935] POST-USE NOTICE AND RIGHT TO ACCESS.**

9.29 Subdivision 1. **Notice.** (a) An employer that has used worker data collected by an  
9.30 electronic monitoring tool to make an employment-related decision must provide the affected  
9.31 worker with a written notice:

10.1 (1) at the time the employer informs the worker of the decision, or no later than 15  
10.2 business days from the date of the decision, whichever is earlier; or

10.3 (2) if the decision will result in the discipline or termination of the worker, at least 30  
10.4 days before the discipline or termination will take effect.

10.5 (b) The notice in paragraph (a) must be all of the following:

10.6 (1) written in plain language as a separate, standalone communication;

10.7 (2) in the language in which routine communications and other information are provided  
10.8 to workers; and

10.9 (3) provided via a simple and easy-to-use method, including an email, hyperlink, or  
10.10 other written format.

10.11 (b) A notice under paragraph (a) must contain the following information:

10.12 (1) that the employer used worker data collected by an electronic monitoring tool to  
10.13 make one or more employment-related decisions with respect to the worker;

10.14 (2) a description of the worker's rights under sections 181.9932 to 181.9938;

10.15 (3) a form or a link to an electronic form for the worker to file an appeal or request  
10.16 detailed information about the worker data and the electronic monitoring tool used in the  
10.17 decision; and

10.18 (4) that the employer is prohibited from retaliating against the worker for exercising  
10.19 their rights under this part.

10.20 Subd. 2. **Right to access.** (a) When responding to a worker's access request, an employer  
10.21 must provide the following information to the worker:

10.22 (1) a plain language explanation of the specific decision for which the employer used  
10.23 the worker data collected by an electronic monitoring tool;

10.24 (2) the specific electronic monitoring tool used to collect the worker data, how the tool  
10.25 works to gather and analyze the data, and the locations where and increments of time when  
10.26 the data is gathered;

10.27 (3) a machine-readable copy of the worker data gathered via the electronic monitoring  
10.28 tool;

10.29 (4) any additional information used in the decision-making process gathered through  
10.30 sources other than electronic monitoring, including any performance standards used,

11.1 inferences about the worker made by automated decision systems, and aggregate benchmark  
11.2 data from other workers; and

11.3 (5) the names of any vendors conducting electronic monitoring on the employer's behalf.

11.4 (b) An employer must respond to an access request no later than 14 calendar days from  
11.5 the date the employer received the request.

11.6 (c) A service provider, contractor, or vendor must provide full assistance to the employer  
11.7 in responding to a worker request for access, including any of that worker's data in its  
11.8 possession, and any relevant information about the electronic monitoring tool.

11.9 **Sec. 6. [181.9936] RIGHT TO APPEAL.**

11.10 (a) An employer that uses worker data collected through an electronic monitoring tool  
11.11 to make an employment-related decision must provide the affected worker with a form, or  
11.12 a link to an electronic form, to appeal the decision.

11.13 (b) The appeal form provided to an affected worker must include:

11.14 (1) the option to request access to the worker data used to make the decision;

11.15 (2) the option to request access to any corroborating or supporting evidence provided  
11.16 by a human reviewer to verify the worker data collected through an electronic monitoring  
11.17 tool;

11.18 (3) space for the worker's reason for an appeal and any evidence the worker has to support  
11.19 the appeal; and

11.20 (4) information on how the worker can designate an authorized representative who can  
11.21 also access the data.

11.22 (c) A worker must appeal the employment-related decision within 30 days of when the  
11.23 worker was notified under section 181.9935 of the use of the automated decision system.

11.24 (d) An employer must respond to a worker submitting an appeal form within five business  
11.25 days of receiving that form. To respond to an appeal, the employer must designate a human  
11.26 reviewer who:

11.27 (1) will objectively evaluate all evidence;

11.28 (2) has sufficient authority, discretion, and resources to evaluate the decision, including  
11.29 education about the limitations and biases of electronic monitoring tools and training on  
11.30 workers' rights under sections 181.9931 to 181.9938;

11.31 (3) has the authority to overturn the employer's decision; and

12.1 (4) was not involved in making the decision that the worker is appealing.

12.2 (e) After reviewing the evidence, the human reviewer must produce a clear, written  
12.3 document describing the result of the appeal and the reasons for that result. This document  
12.4 must be provided to both the employer and the worker.

12.5 (f) If the human reviewer determines that the employment-related decision should be  
12.6 overturned, the employer must rectify the decision within five business days of receiving  
12.7 the decision.

12.8 **Sec. 7. [181.9937] DATA SALE AND SECURITY.**

12.9 (a) An employer must not transfer, sell, or license worker data, including deidentified  
12.10 or aggregated data, to a vendor, subcontractor, or other third party, including another  
12.11 employer, unless:

12.12 (1) the vendor is under contract to analyze or interpret the worker data and the contract  
12.13 prohibits the sale or licensing of the worker data;

12.14 (2) the vendor implements reasonable security procedures to protect the worker data  
12.15 from unauthorized or illegal access, destruction, use, modification, or disclosure; and

12.16 (3) the vendor agrees to be jointly and severally liable for worker data breaches.

12.17 (b) An employer must not share worker data with the state or a local government unless  
12.18 required to do so by law.

12.19 (c) An employer or vendor must keep worker data secure by preventing unauthorized  
12.20 access and implementing a security system with up-to-date safeguards in place.

12.21 (d) Worker data collected by an employer or a vendor must be accessible only to  
12.22 authorized personnel.

12.23 (e) If a data breach occurs, the employer must give notice to workers of the specific  
12.24 categories of data that were impacted as soon as possible.

12.25 (f) A vendor must return to the worker and employer all worker data collected through  
12.26 electronic monitoring tools in a user-friendly format and delete any remaining copies of the  
12.27 worker data at the end of the vendor's contract with the employer.

12.28 **Sec. 8. [181.9938] ENFORCEMENT.**

12.29 Subdivision 1. **Retaliation.** An employer must not discharge, threaten to discharge,  
12.30 demote, suspend, or in any manner discriminate or retaliate against any worker for using

13.1 or attempting to use their rights under this section and sections 181.9931 to 181.9937,  
13.2 including, but not limited to, filing a complaint with the commissioner of labor and industry,  
13.3 alleging a violation, cooperating in an investigation or prosecution of an alleged violation,  
13.4 taking any action to invoke or assist in enforcing these rights, or exercising or attempting  
13.5 to exercise any of these rights.

13.6 Subd. 2. **Enforcement.** (a) The commissioner of labor and industry must enforce this  
13.7 section and sections 181.9931 to 181.9937, including investigating alleged violations,  
13.8 ordering appropriate temporary relief to mitigate a violation or maintain the status quo  
13.9 pending the completion of a full investigation or hearing, issuing citations against employers,  
13.10 and filing civil actions.

13.11 (b) An employer who violates this section or section 181.9931 to 181.9937 may be liable  
13.12 to the plaintiff in a civil action for any and all damages recoverable at law, including punitive  
13.13 damages, such injunctive and other equitable relief as determined by the court, civil penalties  
13.14 as provided in subdivision 3, together with costs and disbursements, including reasonable  
13.15 attorney fees.

13.16 (c) A civil action under this section may be brought in a district court of competent  
13.17 jurisdiction by:

13.18 (1) the commissioner of labor and industry;

13.19 (2) the attorney general under section 8.31; or

13.20 (3) a worker aggrieved by the violation, or the worker's exclusive representative.

13.21 Subd. 3. **Civil penalties.** (a) An employer who violates section 181.9932 or section  
13.22 181.9935 is subject to a civil penalty of \$1,000 per violation and each day a worker is  
13.23 affected constitutes a separate violation.

13.24 (b) An employer who violates section 181.9933, 181.9934, 181.9936, or 181.9937 is  
13.25 subject to a civil penalty of \$2,500 per violation. Each day a worker is affected constitutes  
13.26 a separate violation and under section 181.9934 each use of an electronic monitoring tool  
13.27 constitutes a separate violation.

13.28 Subd. 4. **Joint and several liability.** Each employer and labor contractor or vendor  
13.29 engaged by an employer to provide services is jointly and severally liable for any violation  
13.30 of this section or sections 181.9931 to 181.9937.

13.31 Subd. 5. **Preemption.** This section does not preempt any city, county, or city and county  
13.32 ordinance that provides equal or greater protection to workers who are covered by this  
13.33 section and sections 181.9931 to 181.9937.

14.1 Subd. 6. **Severability.** The provisions of this section and sections 181.9931 to 181.9937  
14.2 are severable. If any provision or its application is held invalid, that invalidity does not  
14.3 affect other provisions or applications that can be given effect without the invalid provision  
14.4 or application.

14.5 Subd. 7. **Model notice.** The commissioner of labor and industry must create and publish  
14.6 model language that employers may use for the notices required under sections 181.9932  
14.7 and 181.9935.