

Subject Agriculture and Food Processing Labor Standards

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Overview

Makes various modifications and additions to the fair labor standards for agricultural and food processing workers. Section 1 adds the Migrant Labor Law to the sections of law that can be enforced by issuing compliance orders. Sections 2 to 5 make changes to the Packinghouse Workers Bill of Rights (Minn. Stat. § 179.86). Section 6 makes a conforming change with the timing of payment required under the Migrant Labor Law. Sections 7 to 11 make changes to the Recruitment in Food Processing Employment Law (Minn. Stat. § 181.635). Sections 12 to 20 make changes to the Migrant Labor Law (Minn. Stat. §§ 181.85 to 181.91).

Summary

Section	Description
1	Compliance orders. Adds the Migrant Labor Law to the sections of law that the Department of Labor and Industry can enforce by issuing compliance orders for violations.
2	Definition. Expands the definition of “employer” under the Packinghouse Workers Bill of Rights to include the poultry processing industry.
3	Information provided by employee to employer. Modifies the requirements for the information that must be provided to packinghouse employees by the employer. Requires information to employees at the start of employment in person and in writing and provides that additional explanation must be provided, including information about workers’ compensation coverage. Clarifies that this information is additional to the notice required under Minn. Stat. § 181.032.

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4	Civil action. Creates a civil action for damages for packinghouse employees for violations of the Packinghouse Workers Bill of Rights.
5	Fine. Creates a fine of \$400 to \$1000 on packinghouse employers for each violation of the information requirements.
6	Prompt payment required. Makes conforming change to require that migrant worker wages are due and payable within three days of quitting or resignation.
7	Definitions. Modifies the definition of “recruits” to include inducing an employee to relocate for employment or the possibility of employment within Minnesota.
8	Recruiting; required disclosure. Modifies the disclosure requirements for recruits by requiring that the disclosure be provided in the person’s preferred language, if it is not English or Spanish, and requiring that the signed disclosure be maintained by the employer for three years. Clarifies that this disclosure is additional to the notice required under Minn. Stat. § 181.032.
9	Civil action. Increases the damage amounts available to plaintiffs in a civil action for violations of the Recruitment in Food Processing Employment Law.
10	Fine. Increases the fine amount for each violation of the Recruitment in Food Processing Employment Law.
11	Standard disclosure form. Provides that the standard disclosure form from the Department of Labor and Industry must be provided in languages other than English and Spanish upon request.
12	Agricultural labor. Modifies the definition of “agricultural labor” to also include labor performed in agriculture, as defined in Minnesota Rules, part 5200.0260.

Section	Description
13	Employer. Expands the definition of “employer” under the Migrant Labor Law to include an individual, partnership, association, corporation, business trust, or any person or group of persons who employs any number of migrant workers through a recruiter.
14	Terms. Requires the written employment statement for migrant workers be provided in the worker’s preferred language, if it is not Spanish. Requires that additional information about workers’ compensation coverage be provided. Clarifies that the written employment statement under this section is additional to the notice required under Minn. Stat. § 181.032.
15	Biweekly pay. Adds a cross reference to Minn. Stat. § 181.13, providing that migrant worker wages are immediately due and payable if discharged.
16	Guaranteed hours. Modifies payment requirements for the 70 guaranteed hours for migrant workers. Requires payment of the highest wage rate applicable under state or federal minimum wage laws, or as provided in the employment statement.
17	Statement itemizing deductions from wages. Requires migrant labor employers to comply with the earning statement requirements under Minn. Stat. § 181.032, part of the wage theft law, in addition to providing an itemized statement of deductions from wages.
18	Record keeping. Requires migrant labor employers to comply with the recordkeeping requirements under Minn. Stat. § 177.30, part of the Minnesota Fair Labor Standards Act, and to maintain the written employment statement required for migrant worker recruits under Minn. Stat. § 181.86 for six years.
19	Judgment; damages. Increases the damage amounts available to plaintiffs in a civil action for violations of the Migrant Labor Law.
20	Enforcement. Allows the Department of Labor and Industry to assess penalties for violations of the Migrant Labor Law to be paid to aggrieved migrant workers.



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