

108.1

ARTICLE 7

108.2

AGRICULTURE AND FOOD PROCESSING WORKERS

108.3 Section 1. Minnesota Statutes 2022, section 179.86, subdivision 1, is amended to read:

108.4 Subdivision 1. **Definition.** For the purpose of this section, "employer" means an employer
108.5 in the meatpacking or poultry processing industry.

108.6 Sec. 2. Minnesota Statutes 2022, section 179.86, subdivision 3, is amended to read:

108.7 Subd. 3. **Information provided to employee by employer.** (a) At the start of
108.8 employment, an employer must provide an explanation in an employee's native language
108.9 of the employee's rights and duties as an employee ~~either~~ both person to person ~~or~~ and
108.10 through written materials that, at a minimum, include:

108.11 (1) a complete description of the salary and benefits plans as they relate to the employee;

108.12 (2) a job description for the employee's position;

108.13 (3) a description of leave policies;

108.14 (4) a description of the work hours and work hours policy; ~~and~~

108.15 (5) a description of the occupational hazards known to exist for the position; and

111.1

ARTICLE 7

111.2

AGRICULTURE AND FOOD PROCESSING WORKERS

111.3 Section 1. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

111.4 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
111.5 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
111.6 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),
111.7 181.275, subdivision 2a, 181.635, 181.722, 181.79, 181.85 to 181.89, and 181.939 to
111.8 181.943, or with any rule promulgated under section 177.28. The commissioner shall issue
111.9 an order requiring an employer to comply with sections 177.41 to 177.435 if the violation
111.10 is repeated. For purposes of this subdivision only, a violation is repeated if at any time
111.11 during the two years that preceded the date of violation, the commissioner issued an order
111.12 to the employer for violation of sections 177.41 to 177.435 and the order is final or the
111.13 commissioner and the employer have entered into a settlement agreement that required the
111.14 employer to pay back wages that were required by sections 177.41 to 177.435. The
111.15 department shall serve the order upon the employer or the employer's authorized
111.16 representative in person or by certified mail at the employer's place of business. An employer
111.17 who wishes to contest the order must file written notice of objection to the order with the
111.18 commissioner within 15 calendar days after being served with the order. A contested case
111.19 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
111.20 calendar days after being served with the order, the employer fails to file a written notice
111.21 of objection with the commissioner, the order becomes a final order of the commissioner.

111.22 Sec. 2. Minnesota Statutes 2022, section 179.86, subdivision 1, is amended to read:

111.23 Subdivision 1. **Definition.** For the purpose of this section, "employer" means an employer
111.24 in the meatpacking or poultry processing industry.

111.25 Sec. 3. Minnesota Statutes 2022, section 179.86, subdivision 3, is amended to read:

111.26 Subd. 3. **Information provided to employee by employer.** (a) At the start of
111.27 employment, an employer must provide an explanation in an employee's native language
111.28 of the employee's rights and duties as an employee ~~either~~ both person to person ~~or~~ and
111.29 through written materials that, at a minimum, include:

111.30 (1) a complete description of the salary and benefits plans as they relate to the employee;

111.31 (2) a job description for the employee's position;

111.32 (3) a description of leave policies;

112.1 (4) a description of the work hours and work hours policy; ~~and~~

112.2 (5) a description of the occupational hazards known to exist for the position; and

108.16 (6) when workers' compensation insurance coverage is required by chapter 176, the
108.17 name of the employer's workers' compensation insurance carrier, the carrier's ~~phone~~ number,
108.18 and the insurance policy number.

108.19 (b) The explanation must also include information on the following employee rights as
108.20 protected by state or federal law and a description of where additional information about
108.21 those rights may be obtained:

108.22 (1) the right to organize and bargain collectively and refrain from organizing and
108.23 bargaining collectively;

108.24 (2) the right to a safe workplace; ~~and~~

108.25 (3) the right to be free from discrimination; and

108.26 (4) the right to workers' compensation insurance coverage.

108.27 (c) The Department of Labor and Industry shall provide a standard explanation form for
108.28 use at the employer's option for providing the information required in this subdivision. The
108.29 form shall be available in English and Spanish and additional languages upon request.

109.1 (d) The requirements under this subdivision are in addition to the requirements under
109.2 section 181.032.

109.3 Sec. 3. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to
109.4 read:

109.5 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of
109.6 action for damages for the greater of \$1,000 per violation or twice the employee's actual
109.7 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of
109.8 \$1,400 or three times actual damages for an employee injured by an intentional violation
109.9 of this section. Damages awarded under this subdivision shall be reduced by the amount of
109.10 any fine paid to the employee under subdivision 6.

109.11 Sec. 4. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to
109.12 read:

109.13 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less
109.14 than \$400 or more than \$1,000 for each violation of subdivision 3. The fine shall be payable
109.15 to the employee aggrieved, except the amount payable to the employee shall be reduced by
109.16 any damages awarded under subdivision 5.

109.17 Sec. 5. Minnesota Statutes 2022, section 181.14, subdivision 1, is amended to read:

109.18 Subdivision 1. **Prompt payment required.** (a) When any such employee quits or resigns
109.19 employment, the wages or commissions earned and unpaid at the time the employee quits
109.20 or resigns shall be paid in full not later than the first regularly scheduled payday following
109.21 the employee's final day of employment, unless an employee is subject to a collective
109.22 bargaining agreement with a different provision. Wages are earned and unpaid if the

112.3 (6) when workers' compensation insurance coverage is required by chapter 176, the
112.4 name of the employer's workers' compensation insurance carrier, the carrier's ~~phone~~ telephone
112.5 number, and the insurance policy number.

112.6 (b) The explanation must also include information on the following employee rights as
112.7 protected by state or federal law and a description of where additional information about
112.8 those rights may be obtained:

112.9 (1) the right to organize and bargain collectively and refrain from organizing and
112.10 bargaining collectively;

112.11 (2) the right to a safe workplace; ~~and~~

112.12 (3) the right to be free from discrimination; and

112.13 (4) the right to workers' compensation insurance coverage.

112.14 (c) The Department of Labor and Industry shall provide a standard explanation form for
112.15 use at the employer's option for providing the information required in this subdivision. The
112.16 form shall be available in English and Spanish and additional languages upon request.

112.17 (d) The requirements under this subdivision are in addition to the requirements under
112.18 section 181.032.

112.19 Sec. 4. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to
112.20 read:

112.21 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of
112.22 action for damages for the greater of \$1,000 per violation or twice the employee's actual
112.23 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of
112.24 \$1,400 or three times actual damages for an employee injured by an intentional violation
112.25 of this section.

112.26 Sec. 5. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to
112.27 read:

112.28 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less
112.29 than \$400 or more than \$1,000 for each violation of subdivision 3. The fine shall be payable
112.30 to the employee aggrieved.

113.1 Sec. 6. Minnesota Statutes 2022, section 181.14, subdivision 1, is amended to read:

113.2 Subdivision 1. **Prompt payment required.** (a) When any such employee quits or resigns
113.3 employment, the wages or commissions earned and unpaid at the time the employee quits
113.4 or resigns shall be paid in full not later than the first regularly scheduled payday following
113.5 the employee's final day of employment, unless an employee is subject to a collective
113.6 bargaining agreement with a different provision. Wages are earned and unpaid if the

109.23 employee was not paid for all time worked at the employee's regular rate of pay or at the
109.24 rate required by law, including any applicable statute, regulation, rule, ordinance, government
109.25 resolution or policy, contract, or other legal authority, whichever rate of pay is greater. If
109.26 the first regularly scheduled payday is less than five calendar days following the employee's
109.27 final day of employment, full payment may be delayed until the second regularly scheduled
109.28 payday but shall not exceed a total of 20 calendar days following the employee's final day
109.29 of employment.

109.30 (b) Notwithstanding the provisions of paragraph (a), in the case of migrant workers, as
109.31 defined in section 181.85, the wages or commissions earned and unpaid at the time the
109.32 employee quits or resigns shall become due and payable within ~~five~~ three days thereafter.

110.1 Sec. 6. Minnesota Statutes 2022, section 181.635, subdivision 1, is amended to read:

110.2 Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

110.3 (a) "Employer" means a person who employs another to perform a service for hire.
110.4 Employer includes any agent or attorney of an employer who, for money or other valuable
110.5 consideration paid or promised to be paid, performs any recruiting.

110.6 (b) "Person" means a corporation, partnership, limited liability company, limited liability
110.7 partnership, association, individual, or group of persons.

110.8 (c) "Recruits" means to induce an individual, directly or through an agent, to relocate
110.9 to Minnesota or within Minnesota to work in food processing by an offer of employment
110.10 or of the possibility of employment.

110.11 (d) "Food processing" means canning, packing, or otherwise processing poultry or meat
110.12 for consumption.

110.13 (e) "Terms and conditions of employment" means the following:

110.14 (1) nature of the work to be performed;

110.15 (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other
110.16 items;

110.17 (3) anticipated hours of work per week, including overtime;

110.18 (4) anticipated slowdown or shutdown or if hours of work per week vary more than 25
110.19 percent from clause (3);

110.20 (5) duration of the work;

110.21 (6) workers' compensation coverage and name, address, and telephone number of insurer
110.22 and Department of Labor and Industry;

110.23 (7) employee benefits available, including any health plans, sick leave, or paid vacation;

113.7 employee was not paid for all time worked at the employee's regular rate of pay or at the
113.8 rate required by law, including any applicable statute, regulation, rule, ordinance, government
113.9 resolution or policy, contract, or other legal authority, whichever rate of pay is greater. If
113.10 the first regularly scheduled payday is less than five calendar days following the employee's
113.11 final day of employment, full payment may be delayed until the second regularly scheduled
113.12 payday but shall not exceed a total of 20 calendar days following the employee's final day
113.13 of employment.

113.14 (b) Notwithstanding the provisions of paragraph (a), in the case of migrant workers, as
113.15 defined in section 181.85, the wages or commissions earned and unpaid at the time the
113.16 employee quits or resigns shall become due and payable within ~~five~~ three days thereafter.

113.17 Sec. 7. Minnesota Statutes 2022, section 181.635, subdivision 1, is amended to read:

113.18 Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

113.19 (a) "Employer" means a person who employs another to perform a service for hire.
113.20 Employer includes any agent or attorney of an employer who, for money or other valuable
113.21 consideration paid or promised to be paid, performs any recruiting.

113.22 (b) "Person" means a corporation, partnership, limited liability company, limited liability
113.23 partnership, association, individual, or group of persons.

113.24 (c) "Recruits" means to induce an individual, directly or through an agent, to relocate
113.25 to Minnesota or within Minnesota to work in food processing by an offer of employment
113.26 or of the possibility of employment.

113.27 (d) "Food processing" means canning, packing, or otherwise processing poultry or meat
113.28 for consumption.

113.29 (e) "Terms and conditions of employment" means the following:

113.30 (1) nature of the work to be performed;

113.31 (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other
113.32 items;

114.1 (3) anticipated hours of work per week, including overtime;

114.2 (4) anticipated slowdown or shutdown or if hours of work per week vary more than 25
114.3 percent from clause (3);

114.4 (5) duration of the work;

114.5 (6) workers' compensation coverage and name, address, and telephone number of insurer
114.6 and Department of Labor and Industry;

114.7 (7) employee benefits available, including any health plans, sick leave, or paid vacation;

110.24 (8) transportation and relocation arrangements with allocation of costs between employer
110.25 and employee;

110.26 (9) availability and description of housing and any costs to employee associated with
110.27 housing; and

110.28 (10) any other item of value offered, and allocation of costs of item between employer
110.29 and employee.

111.1 Sec. 7. Minnesota Statutes 2022, section 181.635, subdivision 2, is amended to read:

111.2 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written
111.3 disclosure of the terms and conditions of employment to a person at the time it recruits the
111.4 person to relocate to work in the food processing industry. The disclosure requirement does
111.5 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).
111.6 The disclosure must be written in English and Spanish, or English and another language if
111.7 the person's preferred language is not English or Spanish, dated and signed by the employer
111.8 and the person recruited, and maintained by the employer for ~~two~~ three years. A copy of
111.9 the signed and completed disclosure must be delivered immediately to the recruited person.
111.10 The disclosure may not be construed as an employment contract.

111.11 (b) The requirements under this subdivision are in addition to the requirements under
111.12 section 181.032.

111.13 Sec. 8. Minnesota Statutes 2022, section 181.635, subdivision 3, is amended to read:

111.14 Subd. 3. **Civil action.** A person injured by a violation of this section has a cause of action
111.15 for damages for the greater of ~~\$500~~ \$1,000 per violation or twice their actual damages, plus
111.16 costs and reasonable attorney's fees. A damage award shall be the greater of ~~\$750~~ \$1,400
111.17 or three times actual damages for a person injured by an intentional violation of this section.
111.18 Damages awarded under this subdivision shall be reduced by the amount of any fine paid
111.19 to the employee under subdivision 4.

111.20 Sec. 9. Minnesota Statutes 2022, section 181.635, subdivision 4, is amended to read:

111.21 Subd. 4. **Fine.** The Department of Labor and Industry shall fine an employer not less
111.22 than ~~\$200~~ \$400 or more than ~~\$500~~ \$1,000 for each violation of this section. The fine shall
111.23 be payable to the employee aggrieved, except the amount payable to the employee shall be
111.24 reduced by any damages awarded under subdivision 3.

111.25 Sec. 10. Minnesota Statutes 2022, section 181.635, subdivision 6, is amended to read:

111.26 Subd. 6. **Standard disclosure form.** The Department of Labor and Industry shall provide
111.27 a standard form for use at the employer's option in making the disclosure required in
111.28 subdivision 2. The form shall be available in English and Spanish and additional languages
111.29 upon request.

114.8 (8) transportation and relocation arrangements with allocation of costs between employer
114.9 and employee;

114.10 (9) availability and description of housing and any costs to employee associated with
114.11 housing; and

114.12 (10) any other item of value offered, and allocation of costs of item between employer
114.13 and employee.

114.14 Sec. 8. Minnesota Statutes 2022, section 181.635, subdivision 2, is amended to read:

114.15 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written
114.16 disclosure of the terms and conditions of employment to a person at the time it recruits the
114.17 person to relocate to work in the food processing industry. The disclosure requirement does
114.18 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).
114.19 The disclosure must be written in English and Spanish, or another language if the person's
114.20 preferred language is not Spanish, dated and signed by the employer and the person recruited,
114.21 and maintained by the employer for ~~two~~ three years. A copy of the signed and completed
114.22 disclosure must be delivered immediately to the recruited person. The disclosure may not
114.23 be construed as an employment contract.

114.24 (b) The requirements under this subdivision are in addition to the requirements under
114.25 section 181.032.

114.26 Sec. 9. Minnesota Statutes 2022, section 181.635, subdivision 3, is amended to read:

114.27 Subd. 3. **Civil action.** A person injured by a violation of this section has a cause of action
114.28 for damages for the greater of ~~\$500~~ \$1,000 per violation or twice their actual damages, plus
114.29 costs and reasonable attorney's fees. A damage award shall be the greater of ~~\$750~~ \$1,400
114.30 or three times actual damages for a person injured by an intentional violation of this section.

115.1 Sec. 10. Minnesota Statutes 2022, section 181.635, subdivision 4, is amended to read:

115.2 Subd. 4. **Fine.** The Department of Labor and Industry shall fine an employer not less
115.3 than ~~\$200~~ \$400 or more than ~~\$500~~ \$1,000 for each violation of this section. The fine shall
115.4 be payable to the employee aggrieved.

115.5 Sec. 11. Minnesota Statutes 2022, section 181.635, subdivision 6, is amended to read:

115.6 Subd. 6. **Standard disclosure form.** The Department of Labor and Industry shall provide
115.7 a standard form for use at the employer's option in making the disclosure required in
115.8 subdivision 2. The form shall be available in English and Spanish and additional languages
115.9 upon request.

112.1 Sec. 11. Minnesota Statutes 2022, section 181.85, subdivision 2, is amended to read:

112.2 Subd. 2. **Agricultural labor.** "Agricultural labor" means field labor associated with the
112.3 cultivation and harvest of fruits and vegetables and work performed in processing fruits and
112.4 vegetables for market, as well as labor performed in agriculture as defined in Minnesota
112.5 Rules, part 5200.0260.

112.6 Sec. 12. Minnesota Statutes 2022, section 181.85, subdivision 4, is amended to read:

112.7 Subd. 4. **Employer.** "Employer" means ~~a processor of fruits or vegetables~~ an individual,
112.8 partnership, association, corporation, business trust, or any person or group of persons that
112.9 employs, either directly or indirectly through a recruiter, ~~more than 30~~ one or more migrant
112.10 workers ~~per day for more than seven days~~ in any calendar year.

112.11 Sec. 13. Minnesota Statutes 2022, section 181.86, subdivision 1, is amended to read:

112.12 Subdivision 1. **Terms.** (a) An employer that recruits a migrant worker shall provide the
112.13 migrant worker, at the time the worker is recruited, with a written employment statement
112.14 which shall state clearly and plainly, in English and Spanish, or English and another language
112.15 if the worker's preferred language is not English or Spanish:

112.16 (1) the date on which and the place at which the statement was completed and provided
112.17 to the migrant worker;

112.18 (2) the name and permanent address of the migrant worker, of the employer, and of the
112.19 recruiter who recruited the migrant worker;

112.20 (3) the date on which the migrant worker is to arrive at the place of employment, the
112.21 date on which employment is to begin, the approximate hours of employment, and the
112.22 minimum period of employment;

112.23 (4) the crops and the operations on which the migrant worker will be employed;

112.24 (5) the wage rates to be paid;

112.25 (6) the payment terms, as provided in section 181.87;

112.26 (7) any deduction to be made from wages; ~~and~~

112.27 (8) whether housing will be provided; and

112.28 (9) when workers' compensation insurance coverage is required by chapter 176, the
112.29 name of the employer's workers' compensation insurance carrier, the carrier's ~~phone~~ number,
112.30 and the insurance policy number.

113.1 (b) The Department of Labor and Industry shall provide a standard employment statement
113.2 form for use at the employer's option for providing the information required in subdivision
113.3 1. The form shall be available in English and Spanish and additional languages upon request.

115.10 Sec. 12. Minnesota Statutes 2022, section 181.85, subdivision 2, is amended to read:

115.11 Subd. 2. **Agricultural labor.** "Agricultural labor" means field labor associated with the
115.12 cultivation and harvest of fruits and vegetables and work performed in processing fruits and
115.13 vegetables for market, as well as labor performed in agriculture as defined in Minnesota
115.14 Rules, part 5200.0260.

115.15 Sec. 13. Minnesota Statutes 2022, section 181.85, subdivision 4, is amended to read:

115.16 Subd. 4. **Employer.** "Employer" means ~~a processor of fruits or vegetables~~ an individual,
115.17 partnership, association, corporation, business trust, or any person or group of persons that
115.18 employs, either directly or indirectly through a recruiter, ~~more than 30~~ one or more migrant
115.19 workers ~~per day for more than seven days~~ in any calendar year.

115.20 Sec. 14. Minnesota Statutes 2022, section 181.86, subdivision 1, is amended to read:

115.21 Subdivision 1. **Terms.** (a) An employer that recruits a migrant worker shall provide the
115.22 migrant worker, at the time the worker is recruited, with a written employment statement
115.23 which shall state clearly and plainly, in English and Spanish, or another language if the
115.24 worker's preferred language is not Spanish:

115.25 (1) the date on which and the place at which the statement was completed and provided
115.26 to the migrant worker;

115.27 (2) the name and permanent address of the migrant worker, of the employer, and of the
115.28 recruiter who recruited the migrant worker;

116.1 (3) the date on which the migrant worker is to arrive at the place of employment, the
116.2 date on which employment is to begin, the approximate hours of employment, and the
116.3 minimum period of employment;

116.4 (4) the crops and the operations on which the migrant worker will be employed;

116.5 (5) the wage rates to be paid;

116.6 (6) the payment terms, as provided in section 181.87;

116.7 (7) any deduction to be made from wages; ~~and~~

116.8 (8) whether housing will be provided; and

116.9 (9) when workers' compensation insurance coverage is required by chapter 176, the
116.10 name of the employer's workers' compensation insurance carrier, the carrier's ~~telephone~~
116.11 number, and the insurance policy number.

116.12 (b) The Department of Labor and Industry shall provide a standard employment statement
116.13 form for use at the employer's option for providing the information required in subdivision
116.14 1. The form shall be available in English and Spanish and additional languages upon request.

113.4 (c) The requirements under this subdivision are in addition to the requirements under
113.5 section 181.032.

113.6 Sec. 14. Minnesota Statutes 2022, section 181.87, subdivision 2, is amended to read:

113.7 Subd. 2. **Biweekly pay.** The employer shall pay wages due to the migrant worker at
113.8 least every two weeks, except on termination, when the employer shall pay within three
113.9 days unless payment is required sooner pursuant to section 181.13.

113.10 Sec. 15. Minnesota Statutes 2022, section 181.87, subdivision 3, is amended to read:

113.11 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant
113.12 worker a minimum of 70 hours pay for work in any two successive weeks and, should the
113.13 pay for hours actually offered by the employer and worked by the migrant worker provide
113.14 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker
113.15 the difference within three days after the scheduled payday for the pay period involved.
113.16 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the
113.17 employment statement, or the federal, state, or local minimum wage, whichever is ~~higher~~
113.18 highest. Any pay in addition to the hourly wage rate specified in the employment statement
113.19 shall be applied against the guarantee. This guarantee applies for the minimum period of
113.20 employment specified in the employment statement beginning with the date on which
113.21 employment is to begin as specified in the employment statement. The date on which
113.22 employment is to begin may be changed by the employer by written, telephonic, or
113.23 telegraphic notice to the migrant worker, at the worker's last known physical address or
113.24 email address, no later than ten days prior to the previously stated beginning date. The
113.25 migrant worker shall contact the recruiter to obtain the latest information regarding the date
113.26 upon which employment is to begin no later than five days prior to the previously stated
113.27 beginning date. This guarantee shall be reduced, when there is no work available for a period
113.28 of seven or more consecutive days during any two-week period subsequent to the
113.29 commencement of work, by five hours pay for each such day, when the unavailability of
113.30 work is caused by climatic conditions or an act of God, provided that the employer pays
113.31 the migrant worker, on the normal payday, the sum of ~~\$5~~ \$50 for each such day.

114.1 Sec. 16. Minnesota Statutes 2022, section 181.87, subdivision 7, is amended to read:

114.2 Subd. 7. **Statement itemizing deductions from wages.** The employer shall provide a
114.3 written statement at the time wages are paid clearly itemizing each deduction from wages.
114.4 The written statement shall also comply with all other requirements for an earnings statement
114.5 in section 181.032.

114.6 Sec. 17. Minnesota Statutes 2022, section 181.88, is amended to read:

114.7 **181.88 RECORD KEEPING.**

114.8 Every employer subject to the provisions of sections 181.85 to 181.90 shall maintain
114.9 complete and accurate records ~~of the names of, the daily hours worked by, the rate of pay~~
114.10 ~~for and the wages paid each pay period to~~ for every individual migrant worker recruited by

116.15 (c) The requirements under this subdivision are in addition to the requirements under
116.16 section 181.032.

116.17 Sec. 15. Minnesota Statutes 2022, section 181.87, subdivision 2, is amended to read:

116.18 Subd. 2. **Biweekly pay.** The employer shall pay wages due to the migrant worker at
116.19 least every two weeks, except on termination, when the employer shall pay within three
116.20 days unless payment is required sooner pursuant to section 181.13.

116.21 Sec. 16. Minnesota Statutes 2022, section 181.87, subdivision 3, is amended to read:

116.22 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant
116.23 worker a minimum of 70 hours pay for work in any two successive weeks and, should the
116.24 pay for hours actually offered by the employer and worked by the migrant worker provide
116.25 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker
116.26 the difference within three days after the scheduled payday for the pay period involved.
116.27 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the
116.28 employment statement, or the federal, state, or local minimum wage, whichever is ~~higher~~
116.29 highest. Any pay in addition to the hourly wage rate specified in the employment statement
116.30 shall be applied against the guarantee. This guarantee applies for the minimum period of
116.31 employment specified in the employment statement beginning with the date on which
117.1 employment is to begin as specified in the employment statement. The date on which
117.2 employment is to begin may be changed by the employer by written, telephonic, or
117.3 telegraphic notice to the migrant worker, at the worker's last known physical address or
117.4 email address, no later than ten days prior to the previously stated beginning date. The
117.5 migrant worker shall contact the recruiter to obtain the latest information regarding the date
117.6 upon which employment is to begin no later than five days prior to the previously stated
117.7 beginning date. This guarantee shall be reduced, when there is no work available for a period
117.8 of seven or more consecutive days during any two-week period subsequent to the
117.9 commencement of work, by five hours pay for each such day, when the unavailability of
117.10 work is caused by climatic conditions or an act of God, provided that the employer pays
117.11 the migrant worker, on the normal payday, the sum of ~~\$5~~ \$50 for each such day.

117.12 Sec. 17. Minnesota Statutes 2022, section 181.87, subdivision 7, is amended to read:

117.13 Subd. 7. **Statement itemizing deductions from wages.** The employer shall provide a
117.14 written statement at the time wages are paid clearly itemizing each deduction from wages.
117.15 The written statement shall also comply with all other requirements for an earnings statement
117.16 in section 181.032.

117.17 Sec. 18. Minnesota Statutes 2022, section 181.88, is amended to read:

117.18 **181.88 RECORD KEEPING.**

117.19 Every employer subject to the provisions of sections 181.85 to 181.90 shall maintain
117.20 complete and accurate records ~~of the names of, the daily hours worked by, the rate of pay~~
117.21 ~~for and the wages paid each pay period to~~ for every individual migrant worker recruited by

114.11 that employer; as required by section 177.30 and shall ~~preserve the records~~ also maintain
114.12 the employment statements required under section 181.86 for a period of at least three years.

114.13 Sec. 18. Minnesota Statutes 2022, section 181.89, subdivision 2, is amended to read:

114.14 Subd. 2. **Judgment; damages.** If the court finds that any defendant has violated the
114.15 provisions of sections 181.86 to 181.88, the court shall enter judgment for the actual damages
114.16 incurred by the plaintiff or the appropriate penalty as provided by this subdivision, whichever
114.17 is greater. The court may also award court costs and a reasonable attorney's fee. The penalties
114.18 shall be as follows:

114.19 (1) whenever the court finds that an employer has violated the record-keeping
114.20 requirements of section 181.88, ~~\$50~~ \$200;

114.21 (2) whenever the court finds that an employer has recruited a migrant worker without
114.22 providing a written employment statement as provided in section 181.86, subdivision 1,
114.23 ~~\$250~~ \$800;

114.24 (3) whenever the court finds that an employer has recruited a migrant worker after having
114.25 provided a written employment statement, but finds that the employment statement fails to
114.26 comply with the requirement of section 181.86, subdivision 1 or section 181.87, ~~\$250~~ \$800;

114.27 (4) whenever the court finds that an employer has failed to comply with the terms of an
114.28 employment statement which the employer has provided to a migrant worker or has failed
114.29 to comply with any payment term required by section 181.87, ~~\$500~~ \$1,600;

114.30 (5) whenever the court finds that an employer has failed to pay wages to a migrant worker
114.31 within a time period set forth in section 181.87, subdivision 2 or 3, ~~\$500~~ \$1,600; and

115.1 (6) whenever penalties are awarded, they shall be awarded severally in favor of each
115.2 migrant worker plaintiff and against each defendant found liable.

115.3 Sec. 19. Minnesota Statutes 2022, section 181.89, is amended by adding a subdivision to
115.4 read:

115.5 Subd. 3. **Enforcement.** In addition to any other remedies available, the commissioner
115.6 may assess the penalties in subdivision 2 and provide the penalty to the migrant worker
115.7 aggrieved by the employer's noncompliance.

117.22 that employer; as required by section 177.30 and shall ~~preserve the records~~ also maintain
117.23 the employment statements required under section 181.86 for a period of at least three years.

117.24 Sec. 19. Minnesota Statutes 2022, section 181.89, subdivision 2, is amended to read:

117.25 Subd. 2. **Judgment; damages.** If the court finds that any defendant has violated the
117.26 provisions of sections 181.86 to 181.88, the court shall enter judgment for the actual damages
117.27 incurred by the plaintiff or the appropriate penalty as provided by this subdivision, whichever
117.28 is greater. The court may also award court costs and a reasonable attorney's fee. The penalties
117.29 shall be as follows:

117.30 (1) whenever the court finds that an employer has violated the record-keeping
117.31 requirements of section 181.88, ~~\$50~~ \$200;

118.1 (2) whenever the court finds that an employer has recruited a migrant worker without
118.2 providing a written employment statement as provided in section 181.86, subdivision 1,
118.3 ~~\$250~~ \$800;

118.4 (3) whenever the court finds that an employer has recruited a migrant worker after having
118.5 provided a written employment statement, but finds that the employment statement fails to
118.6 comply with the requirement of section 181.86, subdivision 1 or section 181.87, ~~\$250~~ \$800;

118.7 (4) whenever the court finds that an employer has failed to comply with the terms of an
118.8 employment statement which the employer has provided to a migrant worker or has failed
118.9 to comply with any payment term required by section 181.87, ~~\$500~~ \$1,600;

118.10 (5) whenever the court finds that an employer has failed to pay wages to a migrant worker
118.11 within a time period set forth in section 181.87, subdivision 2 or 3, ~~\$500~~ \$1,600; and

118.12 (6) whenever penalties are awarded, they shall be awarded severally in favor of each
118.13 migrant worker plaintiff and against each defendant found liable.

118.14 Sec. 20. Minnesota Statutes 2022, section 181.89, is amended by adding a subdivision to
118.15 read:

118.16 Subd. 3. **Enforcement.** In addition to any other remedies available, the commissioner
118.17 may assess the penalties in subdivision 2 and provide the penalty to the migrant worker
118.18 aggrieved by the employer's noncompliance.