

May 9, 2022

Senator Eric Pratt
Chair, Jobs and Economic Growth
Finance and Policy Committee
3219 Minnesota Senate Building
St. Paul, MN 55155

Representative Mohamud Noor
Chair, Workforce and Business Development
Finance and Policy Committee
379 State Office Building
St. Paul, MN 55155

Re: Conference Committee on House and Senate Versions of S.F. 4091

Dear Conference Committee Members,

Thank you for the opportunity to comment on provisions of S.F. 4091, the Omnibus Supplemental Jobs, Labor & Industry, Commerce, and Energy Finance and Policy bill that relate to the Department of Labor and Industry (DLI). The agency appreciates that the following items are included in both the House and Senate versions of the bill:

- **Growing the Youth Skills Training Program (YST)** to support additional YST partnerships to offer safe, healthy and meaningful work experience to 16- and 17-year-old student learners. The House appropriates the requested \$747,000 which funds both a grant increase and program administration while the Senate bill appropriates \$25,000 one time. This year, the department received 32 proposals totaling \$2.9 million in requests for YST grant funding, three times the amount of funding available. A \$25,000 one-time increase to YST is insufficient to meaningfully support additional YST partnerships. DLI urges funding at the agency's requested amount.
- **Correcting errors for construction fee reductions for building permit and plan review services** from last session. DLI prefers the House position that sunsets the fee reductions on October 1, 2023. This sunset would provide an opportunity to evaluate the balance in the Construction Code Fund to determine whether an ongoing fee reduction is fiscally reasonable.
- **Adding effective dates for the Workers' Compensation Advisory Council recommendations** that became law earlier this session. These technical provisions within the prior law passed without effective dates recommended by the Council and without these additions the provisions wouldn't be effective until August 1, 2022.

Regard window cleaning safety features for new and certain existing buildings in both bills, DLI prefers the House language that provides for expedited rulemaking and indicates that the State Building Code must include a nationally recognized window cleaning safety standard but doesn't specify which one. The Senate language names a standard that dates back to 2001. In terms of provisions in both bills that exempt certain load management devices from inspection, DLI encourages conferees to work with stakeholders to come to consensus on the language.

The agency supports House inclusion of the following Governor's proposals and asks the Conference Committee to adopt these provisions in the final bill:

- **Keeping Minnesota OSHA penalties in line with federal OSHA** for employers that fail to provide safe and healthy workplaces for their workers to ensure continued federal funding and encourage employers to take workplace safety and health violations more seriously;
- **Increasing funding for registered apprenticeship and the LEAP grant** to establish a separate Apprenticeship Division within DLI and increase the participation of women, people of color, and Indigenous people in registered apprenticeship programs;
- **Additional funding for prevailing wage enforcement** to ensure that persons working on public works are compensated according to the real value of the services they perform;
- **Requiring accrual of earned sick and safe time** so Minnesotans don't have to make the difficult choice between caring for themselves or a loved one or paying their bills;
- **A comprehensive paid family and medical leave program** to provide Minnesotans economic stability and needed time away from work to welcome a new family member, care for an aging loved one, or recover from an illness or injury, easing the financial burden on families during significant life events;
- **Strengthening fair labor standards for agricultural and food processing workers** to expand protections and build awareness of workplace rights;
- **Better protecting combatant safety and health** through regulatory changes to the Office of Combative Sports;
- **Providing DLI regulatory oversight of assisted living facilities** and assisted living with dementia care facilities to ensure these facilities designed for the elderly and vulnerable adults meet minimum safety standards;
- **Improving energy efficiency in commercial and large multi-family buildings** to reduce greenhouse gas emissions and address climate change. DLI supports the statewide approach in Article 7 Section 14 to improve commercial energy codes by adding a minimum eight percent efficiency to the model code. While provisions in the Energy Conservation Article 18, Section 5 would similarly improve energy efficiency in these building by allowing municipalities to adopt the most recently published new model commercial energy code, DLI prefers the statewide approach in Article 7.
- **Providing a two-year fee holiday for building and construction trade professional licensees.** This fee holiday would provide economic relief to individuals renewing or applying for a personal license in the construction trades.

I also appreciate House inclusion of the proposal to require petroleum refinery contractors to participate in registered apprenticeship for work in the construction and maintenance of petroleum refineries, as it would ensure workers have access to the skills and training needed to perform the job safely. Additional funding for logger safety grants would be welcomed by the industry. Funding would enable employers to purchase or maintain recommended safety equipment and invest in training to reduce the risk of injury to their employees. The veterans' liaison coordinator position within registered apprenticeship would enable the agency to better support veterans in the trades and increase veteran participation in registered apprenticeship in industries in and beyond construction.

The agency has concerns with the following provisions that appear in the Senate version of the omnibus bill and requests they not be included in the final bill:

- **Exemption from plumbing licensure for backflow prevention repair or rebuilding in irrigation systems.** The Minnesota Plumbing Board unanimously objected to these provisions citing concern over safety of the potable water system.
- **The \$50,000 appropriation for equine experiential mental health therapy for first responders** is better allocated to the commissioner of public safety. This type of therapy is not covered under PTSD treatment parameters for purposes of a workers' compensation claim and could create confusion if related to a claim for an injured worker.
- **Changes to the wage theft law** including employee notification requirements and penalties for willful violations of the notice requirements and failure to pay employees. While some provisions are clarifications of how DLI has interpreted current law and are therefore not needed, others we object to as they undermine the purpose of the law to better inform workers of the conditions of their employment, prevent wage theft, and ensure workers are paid the wages they have earned.

I look forward to working with conference committee members on these important issues. Thank you.

Sincerely,



Roslyn C. Robertson
Commissioner

cc: Senator Jason Rarick
Senator Gary Dahms
Senator David Senjem
Senator Nick Frenz
Representative Rob Ecklund
Representative Jamie Long
Representative Zack Stephenson
Representative Chris Swedzinski