

1.1 moves to amend H.F. No. 1670 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 APPROPRIATIONS

1.5 Section 1. LABOR AND INDUSTRY AND BUREAU OF MEDIATION SERVICES
1.6 APPROPRIATIONS.

1.7 (a) The sums shown in the columns marked "Appropriations" are appropriated to the
1.8 agencies and for the purposes specified in this article. The appropriations are from the
1.9 general fund, or another named fund, and are available for the fiscal years indicated for
1.10 each purpose. The figures "2022" and "2023" used in this article mean that the appropriations
1.11 listed under them are available for the fiscal year ending June 30, 2022, or June 30, 2023,
1.12 respectively. "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The
1.13 biennium" is fiscal years 2022 and 2023.

1.14 (b) If an appropriation in this article is enacted more than once in the 2021 regular or
1.15 special legislative session, the appropriation must be given effect only once.

1.16 APPROPRIATIONS

1.17 Available for the Year

1.18 Ending June 30

1.19 2022

2023

1.20 Sec. 2. DEPARTMENT OF LABOR AND
1.21 INDUSTRY

1.22 Subdivision 1. Total Appropriation \$ 33,158,000 \$ 33,442,000

1.23 Appropriations by Fund

1.24 2022

2023

1.25 General 6,320,000 6,604,000

2.1	<u>Workers'</u>		
2.2	<u>Compensation</u>	<u>23,691,000</u>	<u>23,691,000</u>
2.3	<u>Workforce</u>		
2.4	<u>Development</u>	<u>3,147,000</u>	<u>3,147,000</u>

2.5 The amounts that may be spent for each
 2.6 purpose are specified in the following
 2.7 subdivisions.

2.8	<u>Subd. 2. General Support</u>		<u>6,515,000</u>	<u>6,515,000</u>
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2.9 Appropriations by Fund

2.10	<u>General</u>	<u>476,000</u>	<u>476,000</u>
2.11	<u>Workers'</u>		
2.12	<u>Compensation</u>	<u>6,039,000</u>	<u>6,039,000</u>

2.13 \$476,000 each year is for system upgrades.
 2.14 This appropriation is available until June 30,
 2.15 2023. The base amount in fiscal year 2024 is
 2.16 zero. This appropriation includes funds for
 2.17 information technology project services and
 2.18 support subject to Minnesota Statutes, section
 2.19 16E.0466. Any ongoing information
 2.20 technology costs must be incorporated into
 2.21 the service level agreement and must be paid
 2.22 to the Office of MN.IT Services by the
 2.23 commissioner of labor and industry under the
 2.24 rates and mechanism specified in that
 2.25 agreement.

2.26	<u>Subd. 3. Labor Standards and Apprenticeship</u>		<u>7,391,000</u>	<u>7,675,000</u>
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2.27 Appropriations by Fund

2.28	<u>General</u>	<u>5,644,000</u>	<u>5,928,000</u>
2.29	<u>Workforce</u>		
2.30	<u>Development</u>	<u>1,747,000</u>	<u>1,747,000</u>

2.31 (a) \$2,046,000 each year is for wage theft
 2.32 prevention.
 2.33 (b) \$151,000 each year is from the workforce
 2.34 development fund for prevailing wage
 2.35 enforcement.

3.1 (c) \$1,271,000 each year is from the workforce
3.2 development fund for the apprenticeship
3.3 program under Minnesota Statutes, chapter
3.4 178.

3.5 (d) \$100,000 each year is from the workforce
3.6 development fund for labor education and
3.7 advancement program grants under Minnesota
3.8 Statutes, section 178.11, to expand and
3.9 promote registered apprenticeship training for
3.10 minorities and women.

3.11 (e) \$225,000 each year is from the workforce
3.12 development fund for grants to the
3.13 Construction Careers Foundation for the
3.14 Helmets to Hard Hats Minnesota initiative.
3.15 Grant funds must be used to recruit, retain,
3.16 assist, and support National Guard, reserve,
3.17 and active duty military members' and
3.18 veterans' participation into apprenticeship
3.19 programs registered with the Department of
3.20 Labor and Industry and connect them with
3.21 career training and employment in the building
3.22 and construction industry. The recruitment,
3.23 selection, employment, and training must be
3.24 without discrimination due to race, color,
3.25 creed, religion, national origin, sex, sexual
3.26 orientation, marital status, physical or mental
3.27 disability, receipt of public assistance, or age.
3.28 This is a onetime appropriation.

3.29 (f) \$84,000 the first year and \$34,000 the
3.30 second year are for outreach and enforcement
3.31 efforts related to changes to the parenting
3.32 leave and accommodation law.

3.33 (g) \$84,000 the first year and \$34,000 the
3.34 second year are for outreach and enforcement

4.1 efforts related to changes to the Women's
4.2 Economic Security Act.

4.3 (h) \$1,306,000 the first year and \$1,941,000
4.4 the second year are for earned sick and safe
4.5 time compliance and enforcement efforts
4.6 under Minnesota Statutes, sections 181.9445
4.7 to 181.9448, and chapter 177. The base
4.8 amount in fiscal years 2024 and 2025 is
4.9 \$1,631,000.

4.10 (i) \$300,000 each year is for earned sick and
4.11 safe time grants to community organizations
4.12 under Minnesota Statutes, section 177.50,
4.13 subdivision 4.

4.14 (j) \$131,000 the first year and \$27,000 the
4.15 second year are for purposes of implementing
4.16 the Emergency Rehire and Retention Law.
4.17 The base amount in fiscal year 2024 and after
4.18 is zero.

4.19 (k) \$344,000 the first year and \$147,000 the
4.20 second year are for the purposes of the Safe
4.21 Workplaces for Meat and Poultry Processing
4.22 Workers Act under Minnesota Statutes,
4.23 sections 179.87 to 179.8757.

4.24 **Subd. 4. Workers' Compensation** 12,582,000 12,582,000

4.25 (a) This appropriation is from the workers'
4.26 compensation fund.

4.27 (b) \$700,000 each year is from the workers'
4.28 compensation fund for the workers'
4.29 compensation Claims Access and Management
4.30 Platform User System (CAMPUS)
4.31 modernization. This appropriation is available
4.32 until June 30, 2023. The base amount in fiscal
4.33 year 2024 is zero.

5.1	<u>Subd. 5. Workplace Safety</u>		<u>5,070,000</u>	<u>5,070,000</u>
5.2	<u>This appropriation is from the workers'</u>			
5.3	<u>compensation fund.</u>			
5.4	<u>Subd. 6. Workforce Development Initiatives</u>		<u>1,600,000</u>	<u>1,600,000</u>
5.5	<u>Appropriations by Fund</u>			
5.6	<u>General</u>	<u>200,000</u>	<u>200,000</u>	
5.7	<u>Workforce</u>			
5.8	<u>Development</u>	<u>1,400,000</u>	<u>1,400,000</u>	
5.9	<u>(a) \$200,000 each year is for identification of</u>			
5.10	<u>competency standards under Minnesota</u>			
5.11	<u>Statutes, section 175.46.</u>			
5.12	<u>(b) \$1,100,000 each year is from the</u>			
5.13	<u>workforce development fund for the youth</u>			
5.14	<u>skills training grants under Minnesota Statutes,</u>			
5.15	<u>section 175.46. Of this amount, \$100,000 each</u>			
5.16	<u>year is for administration of the program.</u>			
5.17	<u>(c) \$300,000 each year is from the workforce</u>			
5.18	<u>development fund for the pipeline program.</u>			
5.19	<u>Sec. 3. WORKERS' COMPENSATION COURT</u>			
5.20	<u>OF APPEALS</u>	<u>\$</u>	<u>2,283,000</u>	<u>\$</u>
5.21	<u>This appropriation is from the workers'</u>			
5.22	<u>compensation fund.</u>			
5.23	<u>Sec. 4. BUREAU OF MEDIATION SERVICES</u>	<u>\$</u>	<u>2,805,000</u>	<u>\$</u>
5.24	<u>(a) \$68,000 each year is for grants to area</u>			
5.25	<u>labor management committees. Grants may</u>			
5.26	<u>be awarded for a 12-month period beginning</u>			
5.27	<u>July 1 each year. Any unencumbered balance</u>			
5.28	<u>remaining at the end of the first year does not</u>			
5.29	<u>cancel but is available for the second year.</u>			
5.30	<u>(b) \$560,000 each year is for purposes of the</u>			
5.31	<u>Public Employment Relations Board under</u>			
5.32	<u>Minnesota Statutes, section 179A.041.</u>			

6.1 (c) \$47,000 each year is for rulemaking,
 6.2 staffing, and other costs associated with peace
 6.3 officer grievance procedures.

6.4 **Sec. 5. MINNESOTA MANAGEMENT AND**
 6.5 **BUDGET** **\$** **3,000** **\$**

6.6 \$3,000 in fiscal year 2022 is for printing costs
 6.7 associated with earned sick and safe time. This
 6.8 is a onetime appropriation.

6.9 **Sec. 6. ATTORNEY GENERAL** **\$** **222,000** **\$** **222,000**

6.10 \$222,000 each year is for enforcement of the
 6.11 Safe Workplaces for Meat and Poultry
 6.12 Processing Workers Act under Minnesota
 6.13 Statutes, sections 179.87 to 179.8757.

6.14 **Sec. 7. CANCELLATION; FISCAL YEAR 2021**

6.15 (a) \$203,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
 6.16 Special Session chapter 7, article 1, section 3, subdivision 2, is canceled.

6.17 (b) \$102,000 of the fiscal year 2021 general fund appropriation under Laws 2019, First
 6.18 Special Session chapter 7, article 1, section 5 is canceled.

6.19 **ARTICLE 2**

6.20 **LABOR AND INDUSTRY POLICY**

6.21 Section 1. Minnesota Statutes 2020, section 13.7905, subdivision 6, is amended to read:

6.22 Subd. 6. **Occupational safety and health.** (a) Certain data gathered or prepared by the
 6.23 commissioner of labor and industry as part of occupational safety and health inspections or
 6.24 reports are classified under sections 182.659, subdivision 8, 182.663, subdivision 4, and
 6.25 182.668, subdivision 2.

6.26 (b) Certain data gathered or prepared by the commissioner of labor and industry as part
 6.27 of occupational safety and health citations are classified under section 182.66, subdivision
 6.28 4.

7.1 Sec. 2. Minnesota Statutes 2020, section 13.7905, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 8. **Data on individuals who are minors.** Disclosure of data on minors is governed
7.4 by section 181A.112.

7.5 Sec. 3. Minnesota Statutes 2020, section 177.24, is amended by adding a subdivision to
7.6 read:

7.7 Subd. 3a. **Gratuities; credit cards or charges.** (a) Gratuities received by an employee
7.8 through a debit, charge, or credit card payment shall be credited to that pay period in which
7.9 they are received by the employee.

7.10 (b) Where a gratuity is received by an employee through a debit, charge, or credit card
7.11 payment, the full amount of gratuity indicated in the payment must be distributed to the
7.12 employee for the pay period in which it is received and no later than the next scheduled pay
7.13 period.

7.14 **EFFECTIVE DATE.** This section is effective August 1, 2021.

7.15 Sec. 4. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

7.16 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
7.17 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
7.18 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
7.19 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.987, or with any rule
7.20 promulgated under section 177.28. The commissioner shall issue an order requiring an
7.21 employer to comply with sections 177.41 to 177.435 or 181.987 if the violation is repeated.
7.22 For purposes of this subdivision only, a violation is repeated if at any time during the two
7.23 years that preceded the date of violation, the commissioner issued an order to the employer
7.24 for violation of sections 177.41 to 177.435 or 181.987 and the order is final or the
7.25 commissioner and the employer have entered into a settlement agreement that required the
7.26 employer to pay back wages that were required by sections 177.41 to 177.435. The
7.27 department shall serve the order upon the employer or the employer's authorized
7.28 representative in person or by certified mail at the employer's place of business. An employer
7.29 who wishes to contest the order must file written notice of objection to the order with the
7.30 commissioner within 15 calendar days after being served with the order. A contested case
7.31 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
7.32 calendar days after being served with the order, the employer fails to file a written notice
7.33 of objection with the commissioner, the order becomes a final order of the commissioner.

8.1 **EFFECTIVE DATE.** This section is effective October 15, 2021.

8.2 Sec. 5. Minnesota Statutes 2020, section 178.012, subdivision 1, is amended to read:

8.3 Subdivision 1. **Apprenticeship rules.** Federal regulations governing apprenticeship in
8.4 effect on ~~July 1, 2013~~ January 18, 2017, as provided by Code of Federal Regulations, title
8.5 29, ~~part parts~~ parts 29, sections 29.1 to 29.6 and 29.11, and 30 are the apprenticeship rules in this
8.6 state, subject to amendment by this chapter or by rule under section 178.041.

8.7 Sec. 6. Minnesota Statutes 2020, section 179A.10, subdivision 2, is amended to read:

8.8 Subd. 2. **State employees.** Unclassified employees, unless otherwise excluded, are
8.9 included within the units which include the classifications to which they are assigned for
8.10 purposes of compensation. Supervisory employees shall only be assigned to units 12 ~~and~~₂
8.11 16, and 18. The following are the appropriate units of executive branch state employees:

8.12 (1) law enforcement unit;

8.13 (2) craft, maintenance, and labor unit;

8.14 (3) service unit;

8.15 (4) health care nonprofessional unit;

8.16 (5) health care professional unit;

8.17 (6) clerical and office unit;

8.18 (7) technical unit;

8.19 (8) correctional guards unit;

8.20 (9) state university instructional unit;

8.21 (10) state college instructional unit;

8.22 (11) state university administrative unit;

8.23 (12) professional engineering unit;

8.24 (13) health treatment unit;

8.25 (14) general professional unit;

8.26 (15) professional state residential instructional unit;

8.27 (16) supervisory employees unit; ~~and~~

8.28 (17) public safety radio communications operator unit; and

9.1 (18) law enforcement supervisors unit.

9.2 Each unit consists of the classifications or positions assigned to it in the schedule of
9.3 state employee job classification and positions maintained by the commissioner. The
9.4 commissioner may only make changes in the schedule in existence on the day prior to
9.5 August 1, 1984, as required by law or as provided in subdivision 4.

9.6 Sec. 7. Minnesota Statutes 2020, section 179A.10, subdivision 3, is amended to read:

9.7 Subd. 3. **State employee severance.** Each of the following groups of employees has the
9.8 right, as specified in this subdivision, to separate from the general professional, health
9.9 treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians,
9.10 and professional employees of the Minnesota Office of Higher Education who are
9.11 compensated under section 43A.18, subdivision 4, ~~State Patrol supervisors, enforcement~~
9.12 ~~supervisors employed by the Department of Natural Resources, and criminal apprehension~~
9.13 ~~investigative supervisors.~~ This right must be exercised by petition during the 60-day period
9.14 commencing 270 days prior to the termination of a contract covering the units. If one of
9.15 these groups of employees exercises the right to separate from the units they have no right
9.16 to meet and negotiate, but retain the right to meet and confer with the commissioner of
9.17 management and budget and with the appropriate appointing authority on any matter of
9.18 concern to them. The right to separate must be exercised as follows: An employee
9.19 organization or group of employees claiming that a majority of any one of these groups of
9.20 employees on a statewide basis wish to separate from their units may petition the
9.21 commissioner for an election during the petitioning period. If the petition is supported by
9.22 a showing of at least 30 percent support for the petitioner from the employees, the
9.23 commissioner shall hold an election to ascertain the wishes of the majority with respect to
9.24 the issue of remaining within or severing from the units provided in subdivision 2. This
9.25 election must be conducted within 30 days of the close of the petition period. If a majority
9.26 of votes cast endorse severance from the unit in favor of separate meet and confer status
9.27 for any one of these groups of employees, the commissioner shall certify that result. This
9.28 election, where not inconsistent with other provisions of this section, is governed by section
9.29 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following
9.30 the same procedures specified above for severance, but may only do so during the periods
9.31 provided for severance.

10.1 Sec. 8. Minnesota Statutes 2020, section 181.53, is amended to read:

10.2 **181.53 CONDITIONS PRECEDENT TO EMPLOYMENT NOT REQUIRED.**

10.3 (a) No person, whether acting directly or through an agent, or as the agent or employee
10.4 of another, shall require as a condition precedent to employment any written statement as
10.5 to the participation of the applicant in a strike, or as to a personal record, for more than one
10.6 year immediately preceding the date of application; nor shall any person, acting in any of
10.7 these capacities, use or require blanks or forms of application for employment in
10.8 contravention of this section. Nothing in this section precludes an employer from requesting
10.9 or considering an applicant's criminal history pursuant to section 364.021 or other applicable
10.10 law.

10.11 (b) Except as provided in paragraph (c), no person or employer, whether acting directly
10.12 or through an agent, shall seek to obtain; require consent to a request for; or use an employee
10.13 or prospective employee's credit information, including the employee or prospective
10.14 employee's credit score, credit history, credit account balances, payment history, savings
10.15 or checking account balances, or savings or checking account numbers:

10.16 (1) as a condition precedent to employment;

10.17 (2) as a basis for hiring, compensation, or any other term, privilege, or condition of
10.18 employment; or

10.19 (3) as a basis for discharge or any other adverse employment action.

10.20 (c) Paragraph (b) does not apply if:

10.21 (1) the information sought is required by a state or federal law or regulation;

10.22 (2) the employer or prospective employer is a financial institution or a credit union;

10.23 (3) the employer or prospective employer has a bona fide business purpose for requesting
10.24 the information that is substantially related to the employee or prospective employee's
10.25 position; or

10.26 (4) the employee or prospective employee's position:

10.27 (i) is a managerial position that involves setting the financial direction or control of the
10.28 employer or prospective employer;

10.29 (ii) involves routine access to confidential financial and personal information, other than
10.30 information customarily provided in a routine retail transaction;

11.1 (iii) involves regular access to cash totaling \$10,000 or more of the employer, prospective
 11.2 employer, a customer, or a client;

11.3 (iv) is a peace officer; or

11.4 (v) requires a financial fiduciary responsibility to the employer, prospective employer,
 11.5 a customer, or a client, including the authority to issue payments, collect debts, transfer
 11.6 money, or enter into contracts.

11.7 (d) In addition to any remedies otherwise provided by law, an employee or prospective
 11.8 employee injured by a violation of paragraph (b) may bring a civil action to recover any
 11.9 and all damages recoverable at law, together with costs and disbursements, including
 11.10 reasonable attorney fees, and may receive such injunctive and other equitable relief as
 11.11 determined by the court. If the district court determines that a violation of paragraph (b)
 11.12 occurred, the court may order any appropriate relief, including but not limited to
 11.13 reinstatement, back pay, restoration of lost service credit, if appropriate, compensatory
 11.14 damages, and the expungement of any adverse records of an employee or prospective
 11.15 employee who was the subject of the alleged acts of misconduct.

11.16 Sec. 9. Minnesota Statutes 2020, section 181.939, is amended to read:

11.17 **181.939 NURSING MOTHERS, LACTATING EMPLOYEES, AND PREGNANCY**
 11.18 **ACCOMMODATIONS.**

11.19 Subdivision 1. **Nursing mothers.** (a) An employer must provide reasonable ~~unpaid~~
 11.20 break ~~time~~ times each day to an employee who needs to express breast milk for ~~her~~ infant
 11.21 ~~child~~. The break ~~time~~ must, if possible, times may run concurrently with any break ~~time~~
 11.22 ~~times~~ already provided to the employee. ~~An employer is not required to provide break time~~
 11.23 ~~under this section if to do so would unduly disrupt the operations of the employer. An~~
 11.24 employer shall not reduce an employee's compensation for time used for the purpose of
 11.25 expressing milk.

11.26 (b) The employer must make reasonable efforts to provide a room or other location, in
 11.27 close proximity to the work area, other than a bathroom or a toilet stall, that is shielded from
 11.28 view and free from intrusion from coworkers and the public and that includes access to an
 11.29 electrical outlet, where the employee can express ~~her~~ milk in privacy. The employer would
 11.30 be held harmless if reasonable effort has been made.

11.31 Subd. 2. **Pregnancy accommodations.** (a) An employer must provide reasonable
 11.32 accommodations to an employee for health conditions related to pregnancy or childbirth
 11.33 upon request, with the advice of a licensed health care provider or certified doula, unless

12.1 the employer demonstrates that the accommodation would impose an undue hardship on
12.2 the operation of the employer's business. A pregnant employee shall not be required to
12.3 obtain the advice of a licensed health care provider or certified doula, nor may an employer
12.4 claim undue hardship for the following accommodations: (1) more frequent restroom, food,
12.5 and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The employee and
12.6 employer shall engage in an interactive process with respect to an employee's request for a
12.7 reasonable accommodation. "Reasonable accommodation" may include but is not limited
12.8 to temporary transfer to a less strenuous or hazardous position, seating, frequent restroom
12.9 breaks, and limits to heavy lifting. Notwithstanding any other provision of this subdivision,
12.10 an employer shall not be required to create a new or additional position in order to
12.11 accommodate an employee pursuant to this subdivision and shall not be required to discharge
12.12 an employee, transfer another employee with greater seniority, or promote an employee.

12.13 (b) Nothing in this subdivision shall be construed to affect any other provision of law
12.14 relating to sex discrimination or pregnancy or in any way diminish the coverage of pregnancy,
12.15 childbirth, or health conditions related to pregnancy or childbirth under any other provisions
12.16 of any other law.

12.17 (c) An employer shall not require an employee to take a leave or accept an
12.18 accommodation.

12.19 Subd. 3. **Employer.** (e) For the purposes of this section, "employer" means a person or
12.20 entity that employs one or more employees and includes the state and its political
12.21 subdivisions.

12.22 Subd. 4. **No employer retribution.** (d) An employer ~~may~~ shall not retaliate against an
12.23 employee for asserting rights or remedies under this section.

12.24 Sec. 10. Minnesota Statutes 2020, section 181.940, subdivision 2, is amended to read:

12.25 Subd. 2. **Employee.** "Employee" means a person who performs services for hire for an
12.26 employer from whom a leave is requested under sections 181.940 to 181.944 for:

12.27 (1) at least ~~12 months~~ 90 days preceding the request; and

12.28 (2) for an average number of hours per week equal to one-half the full-time equivalent
12.29 position in the employee's job classification as defined by the employer's personnel policies
12.30 or practices or pursuant to the provisions of a collective bargaining agreement, during the
12.31 ~~12-month~~ 90-day period immediately preceding the leave.

12.32 Employee includes all individuals employed at any site owned or operated by the
12.33 employer but does not include an independent contractor.

13.1 Sec. 11. Minnesota Statutes 2020, section 181.940, subdivision 3, is amended to read:

13.2 Subd. 3. **Employer.** "Employer" means a person or entity that employs ~~24~~ one or more
13.3 employees ~~at at least one site, except that, for purposes of the school leave allowed under~~
13.4 ~~section 181.9412, employer means a person or entity that employs one or more employees~~
13.5 ~~in Minnesota. The term~~ and includes an individual, corporation, partnership, association,
13.6 nonprofit organization, group of persons, state, county, town, city, school district, or other
13.7 governmental subdivision.

13.8 Sec. 12. **[181.987] USE OF SKILLED AND TRAINED CONTRACTOR**
13.9 **WORKFORCES AT OIL REFINERIES.**

13.10 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
13.11 the meanings given.

13.12 (b) "Contractor" means a vendor that enters into or seeks to enter into a contract with
13.13 an owner or operator of an oil refinery to perform construction, alteration, demolition,
13.14 installation, repair, maintenance, or hazardous material handling work at the site of the oil
13.15 refinery. Contractor includes all contractors or subcontractors of any tier performing work
13.16 as described in this paragraph at the site of the oil refinery. Contractor does not include
13.17 employees of the owner or operator of an oil refinery.

13.18 (c) "Registered apprenticeship program" means an apprenticeship program registered
13.19 with the Department of Labor and Industry under chapter 178 or with the United States
13.20 Department of Labor Office of Apprenticeship or a recognized state apprenticeship agency
13.21 under Code of Federal Regulations, title 29, parts 29 and 30.

13.22 (d) "Skilled and trained workforce" means a workforce in which a minimum of 85 percent
13.23 of the employees of the contractor or subcontractor of any tier working at the site of the oil
13.24 refinery meet one of the following criteria:

13.25 (1) are currently registered as apprentices in a registered apprenticeship program in the
13.26 applicable trade;

13.27 (2) have graduated from a registered apprenticeship program in the applicable trade; or

13.28 (3) have completed all of the classroom training and work hour requirements needed to
13.29 graduate from the registered apprenticeship program their employer participates in.

13.30 Subd. 2. **Use of contractors by owner, operator; requirement.** (a) An owner or operator
13.31 of an oil refinery shall, when contracting with contractors for the performance of construction,
13.32 alteration, demolition, installation, repair, maintenance, or hazardous material handling

14.1 work at the site of the oil refinery, require that the contractors performing that work, and
14.2 any subcontractors of any tier, use a skilled and trained workforce when performing all
14.3 work at the site of the oil refinery.

14.4 (b) The requirement under this subdivision applies only when each contractor and
14.5 subcontractor of any tier is performing work at the site of the oil refinery.

14.6 Subd. 3. **Penalties.** The Division of Labor Standards shall receive complaints of violations
14.7 of this section. The commissioner of labor and industry shall fine an owner, operator,
14.8 contractor, or subcontractor of any tier not less than \$5,000 nor more than \$10,000 for each
14.9 violation of the requirements in this section. Each shift on which a violation of this section
14.10 occurs shall be considered a separate violation. This penalty is in addition to any penalties
14.11 provided under section 177.27, subdivision 7. In determining the amount of a civil penalty
14.12 under this subdivision, the appropriateness of the penalty to the size of the violator's business
14.13 and the gravity of the violation shall be considered.

14.14 Subd. 4. **Civil actions.** A person injured by a violation of this section may bring a civil
14.15 action for damages against an owner or operator of an oil refinery. The court may award to
14.16 a prevailing plaintiff under this subdivision damages, attorney fees, costs, disbursements,
14.17 and any other appropriate relief as otherwise provided by law.

14.18 **EFFECTIVE DATE.** This section is effective October 15, 2021.

14.19 Sec. 13. **[181A.112] DATA ON INDIVIDUALS WHO ARE MINORS.**

14.20 (a) When the commissioner collects, creates, receives, maintains, or disseminates the
14.21 following data on individuals who the commissioner knows are minors, the data are
14.22 considered private data on individuals, as defined in section 13.02, subdivision 12, except
14.23 for data classified as public data according to section 13.43:

14.24 (1) name;

14.25 (2) date of birth;

14.26 (3) Social Security number;

14.27 (4) telephone number;

14.28 (5) e-mail address;

14.29 (6) physical or mailing address;

14.30 (7) location data;

14.31 (8) online account access information; and

15.1 (9) other data that would identify participants who have registered for events, programs,
15.2 or classes sponsored by the Department of Labor and Industry.

15.3 (b) Data about minors classified under this section maintain their classification as private
15.4 data on individuals after the individual is no longer a minor.

15.5 Sec. 14. Minnesota Statutes 2020, section 182.66, is amended by adding a subdivision to
15.6 read:

15.7 Subd. 4. **Classification of citation data.** Notwithstanding section 13.39, subdivision 2,
15.8 the data in a written citation is classified as public as soon as the commissioner has received
15.9 confirmation that the employer has received the citation. All data in the citation is public,
15.10 including but not limited to the employer's name; the employer's address; the address of the
15.11 worksite; the date or dates of inspection; the date the citation was issued; the provision of
15.12 the act, standard, rule, or order alleged to have been violated; the severity level of the citation;
15.13 the description of the nature of the violation; the proposed abatement date; the proposed
15.14 penalty; and any abatement guidelines.

15.15 Sec. 15. Minnesota Statutes 2020, section 182.666, subdivision 1, is amended to read:

15.16 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly
15.17 violates the requirements of section 182.653, or any standard, rule, or order adopted under
15.18 the authority of the commissioner as provided in this chapter, may be assessed a fine not to
15.19 exceed ~~\$70,000~~ \$136,532 for each violation. The minimum fine for a willful violation is
15.20 ~~\$5,000~~ \$9,753.

15.21 Sec. 16. Minnesota Statutes 2020, section 182.666, subdivision 2, is amended to read:

15.22 Subd. 2. **Serious violations.** Any employer who has received a citation for a serious
15.23 violation of its duties under section 182.653, or any standard, rule, or order adopted under
15.24 the authority of the commissioner as provided in this chapter, shall be assessed a fine not
15.25 to exceed ~~\$7,000~~ \$13,653 for each violation. If a serious violation under section 182.653,
15.26 subdivision 2, causes or contributes to the death of an employee, the employer shall be
15.27 assessed a fine of up to \$25,000 for each violation.

15.28 Sec. 17. Minnesota Statutes 2020, section 182.666, subdivision 3, is amended to read:

15.29 Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation
15.30 of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically

16.1 determined not to be of a serious nature as provided in section 182.651, subdivision 12,
16.2 may be assessed a fine of up to ~~\$7,000~~ \$13,653 for each violation.

16.3 Sec. 18. Minnesota Statutes 2020, section 182.666, subdivision 4, is amended to read:

16.4 Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation
16.5 for which a citation has been issued under section 182.66 within the period permitted for
16.6 its correction, which period shall not begin to run until the date of the final order of the
16.7 commissioner in the case of any review proceedings under this chapter initiated by the
16.8 employer in good faith and not solely for delay or avoidance of penalties, may be assessed
16.9 a fine of not more than ~~\$7,000~~ \$13,653 for each day during which the failure or violation
16.10 continues.

16.11 Sec. 19. Minnesota Statutes 2020, section 182.666, subdivision 5, is amended to read:

16.12 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,
16.13 as prescribed under this chapter, except those prescribed under section 182.661, subdivision
16.14 3a, shall be assessed a fine of up to ~~\$7,000~~ \$13,653 for each violation.

16.15 Sec. 20. Minnesota Statutes 2020, section 182.666, is amended by adding a subdivision
16.16 to read:

16.17 Subd. 6a. **Increases for inflation.** (a) Each year, beginning in 2022, the commissioner
16.18 shall determine the percentage change in the Minneapolis-St. Paul-Bloomington, MN-WI,
16.19 Consumer Price Index for All Urban Consumers (CPI-U) from the month of October in the
16.20 preceding calendar year to the month of October in the current calendar year.

16.21 (b) The commissioner shall increase the fines in subdivisions 1, 2, 3, 4, and 5, except
16.22 for the fine for a serious violation under section 182.653, subdivision 2, that causes or
16.23 contributes to the death of an employee, by the percentage change determined by the
16.24 commissioner under paragraph (a), if the percentage change is greater than zero. The fines
16.25 shall be increased to the nearest one dollar.

16.26 (c) If the percentage change determined by the commissioner under paragraph (a) is not
16.27 greater than zero, the commissioner shall not change any of the fines in subdivisions 1, 2,
16.28 3, 4, and 5.

16.29 (d) A fine increase under this subdivision takes effect on the next January 1 after the
16.30 commissioner determines the percentage change under paragraph (a) and the increase applies
16.31 to all fines assessed on or after the next January 1.

17.1 (e) No later than December 1 of each year, the commissioner shall give notice in the
17.2 State Register of any increase to the fines in subdivisions 1, 2, 3, 4, and 5.

17.3 Sec. 21. [299F.48] AUTOMATIC SPRINKLER SYSTEMS IN EXISTING
17.4 HIGH-RISE BUILDINGS.

17.5 Subdivision 1. Requirements. This section applies to an existing building in which at
17.6 least one story used for human occupancy is 75 feet or more above the lowest level of fire
17.7 department vehicle access. An automatic sprinkler system must be installed in those portions
17.8 of the entire existing building in which an automatic sprinkler system would be required if
17.9 the building were constructed on the effective date of this section. The automatic sprinkler
17.10 system must comply with standards in the State Fire Code and the State Building Code and
17.11 must be fully operational by August 1, 2033.

17.12 Subd. 2. Exemptions. (a) Subdivision 1 does not apply to:

17.13 (1) a monument or war memorial that is included in the National Register of Historic
17.14 Places or the state register of historic places;

17.15 (2) an airport control tower or control room;

17.16 (3) an open parking structure;

17.17 (4) a building used for agricultural purposes;

17.18 (5) a residential building in which at least 70 percent of the dwelling units are owner
17.19 occupied;

17.20 (6) elevator equipment rooms and elevator shafts;

17.21 (7) electric generation and distribution facilities operated by a public utility, a municipal
17.22 utility, or a cooperative electric association;

17.23 (8) areas utilized for surgery, surgical recovery, emergency backup power systems, and
17.24 electrical closets within facilities licensed by the Department of Health; or

17.25 (9) a manufacturing facility that is required to meet the fire safety standards adopted by
17.26 the Occupational Safety and Health Administration in Code of Federal Regulations, title
17.27 29, part 1910, subpart L.

17.28 (b) Subdivision 1 does not apply to an area used exclusively for telecommunications
17.29 equipment and associated generator and power equipment and under exclusive control of
17.30 a telecommunications provider if:

18.1 (1) the area is separated from the remainder of the building by construction equivalent
18.2 to a one-hour fire resistant wall and two-hour floor and ceiling assemblies; and

18.3 (2) the area has an automatic fire detection and alarm system that complies with standards
18.4 in the State Fire Code and State Building Code.

18.5 Subd. 3. **Reporting.** By August 1, 2023, the owner of a building subject to subdivision
18.6 1 shall submit to the state fire marshal a letter stating the owner's intent to comply with this
18.7 section and a plan for achieving compliance by the deadline in subdivision 1.

18.8 Subd. 4. **Extensions.** The commissioner, or the state fire marshal as the commissioner's
18.9 designee, may grant extensions to the deadline for reporting under subdivision 3 or the
18.10 deadline for compliance under subdivision 1. Any extension must observe the spirit and
18.11 intent of this section and be tailored to ensure public welfare and safety. To be eligible for
18.12 an extension, the building owner must apply to the commissioner and demonstrate a genuine
18.13 inability to comply within the time prescribed despite appropriate effort to do so.

18.14 Subd. 5. **Rules.** The commissioner may adopt rules to implement this section.

18.15 Subd. 6. **Working group.** The commissioner may appoint a working group to advise
18.16 the commissioner on the implementation of this section, including the adoption of rules,
18.17 and to advise the commissioner on applications for extensions. If appointed, a working
18.18 group must include a representative from: the state fire marshal's office, the Department of
18.19 Administration, the Minnesota State Fire Chiefs Association, a chapter of the Minnesota
18.20 Building Owners and Managers Association, the Minneapolis Public Housing Authority,
18.21 the Minnesota Multi Housing Association, the Minnesota Hotel and Motel Association, the
18.22 Fire Marshals Association of Minnesota, professional engineers or licensed architects, a
18.23 municipal water authority of a city of the first class, a national association of fire sprinkler
18.24 contractors, and a resident of a building subject to subdivision 1.

18.25 Subd. 7. **Effect on other laws.** This section does not supersede the State Building Code
18.26 or State Fire Code.

18.27 Sec. 22. Minnesota Statutes 2020, section 326B.07, subdivision 1, is amended to read:

18.28 Subdivision 1. **Membership.** (a) The Construction Codes Advisory Council consists of
18.29 the following members:

18.30 (1) the commissioner or the commissioner's designee representing the department's
18.31 Construction Codes and Licensing Division;

19.1 (2) the commissioner of public safety or the commissioner of public safety's designee
19.2 representing the Department of Public Safety's State Fire Marshal Division;

19.3 (3) one member, appointed by the commissioner, engaged in each of the following
19.4 occupations or industries:

19.5 (i) certified building officials;

19.6 (ii) fire chiefs or fire marshals;

19.7 (iii) licensed architects;

19.8 (iv) licensed professional engineers;

19.9 (v) commercial building owners and managers;

19.10 (vi) the licensed residential building industry;

19.11 (vii) the commercial building industry;

19.12 (viii) the heating and ventilation industry;

19.13 (ix) a member of the Plumbing Board;

19.14 (x) a member of the Board of Electricity;

19.15 (xi) a member of the Board of High Pressure Piping Systems;

19.16 (xii) the boiler industry;

19.17 (xiii) the manufactured housing industry;

19.18 (xiv) public utility suppliers;

19.19 (xv) the Minnesota Building and Construction Trades Council; ~~and~~

19.20 (xvi) local units of government;

19.21 (xvii) the energy conservation industry; and

19.22 (xviii) a building accessibility advocate.

19.23 (b) The commissioner or the commissioner's designee representing the department's
19.24 Construction Codes and Licensing Division shall serve as chair of the advisory council. For
19.25 members who are not state officials or employees, compensation and removal of members
19.26 of the advisory council are governed by section 15.059. The terms of the members of the
19.27 advisory council shall be four years. The terms of eight of the appointed members shall be
19.28 coterminous with the governor and the terms of the remaining nine appointed members
19.29 shall end on the first Monday in January one year after the terms of the other appointed

20.1 members expire. An appointed member may be reappointed. Each council member shall
 20.2 appoint an alternate to serve in their absence.

20.3 Sec. 23. Minnesota Statutes 2020, section 326B.092, subdivision 7, is amended to read:

20.4 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license is
 20.5 the base license fee plus any applicable board fee, continuing education fee, and contractor
 20.6 recovery fund fee and additional assessment, as set forth in this subdivision.

20.7 (b) For purposes of this section, "license duration" means the number of years for which
 20.8 the license is issued except that if the initial license is not issued for a whole number of
 20.9 years, the license duration shall be rounded up to the next whole number.

20.10 (c) If there is a continuing education requirement for renewal of the license, then a
 20.11 continuing education fee must be included in the renewal license fee. The continuing
 20.12 education fee for all license classifications shall be \$5.

20.13 ~~(e)~~ (d) The base license fee shall depend on whether the license is classified as an entry
 20.14 level, master, journeyworker, or business license, and on the license duration. The base
 20.15 license fee shall be:

License Classification	License Duration	
	1 year	2 years
Entry level	\$10	\$20
Journeyworker	\$20	\$40
Master	\$40	\$80
Business		\$180

20.22 ~~(d) If there is a continuing education requirement for renewal of the license, then a~~
 20.23 ~~continuing education fee must be included in the renewal license fee. The continuing~~
 20.24 ~~education fee for all license classifications shall be: \$10 if the renewal license duration is~~
 20.25 ~~one year; and \$20 if the renewal license duration is two years.~~

20.26 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.925,
 20.27 then a board fee must be included in the license fee and the renewal license fee. The board
 20.28 fee for all license classifications shall be: \$4 if the license duration is one year; and \$8 if
 20.29 the license duration is two years.

20.30 (f) If the application is for the renewal of a license issued under sections 326B.802 to
 20.31 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision
 20.32 3, and any additional assessment required under section 326B.89, subdivision 16, must be
 20.33 included in the license renewal fee.

21.1 (g) Notwithstanding the fee amounts described in paragraphs ~~(e)~~ (d) to (f), for the period
 21.2 ~~July 1, 2017~~ October 1, 2021, through September 30, ~~2021~~ 2023, the following fees apply:

21.3	License Classification	License Duration	
21.4		1 year	2 years
21.5	Entry level	\$10	\$20
21.6	Journeyworker	\$15	\$30
21.7	Master	\$30	\$60
21.8	Business		\$120

21.9 ~~If there is a continuing education requirement for renewal of the license, then a continuing~~
 21.10 ~~education fee must be included in the renewal license fee. The continuing education fee for~~
 21.11 ~~all license classifications shall be \$5.~~

21.12 Sec. 24. Minnesota Statutes 2020, section 326B.0981, subdivision 4, is amended to read:

21.13 Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet
 21.14 continuing education course must be approved by the International Distance Education
 21.15 Certification Center (IDECC) or the International Association for Continuing Education
 21.16 and Training (IACET) before the course is submitted for the commissioner's approval. The
 21.17 approval must accompany the course submitted.

21.18 (b) Paragraphs (a) and (c) do not apply to approval of an Internet continuing education
 21.19 course for manufactured home installers. An Internet continuing education course for
 21.20 manufactured home installers must be approved by the United States Department of Housing
 21.21 and Urban Development or by the commissioner of labor and industry. The approval must
 21.22 accompany the course completion certificate issued to each student by the course sponsor.

21.23 (c) An Internet continuing education course must:

21.24 (1) specify the minimum computer system requirements;

21.25 (2) provide encryption that ensures that all personal information, including the student's
 21.26 name, address, and credit card number, cannot be read as it passes across the Internet;

21.27 (3) include technology to guarantee seat time;

21.28 (4) include a high level of interactivity;

21.29 (5) include graphics that reinforce the content;

21.30 (6) include the ability for the student to contact an instructor or course sponsor within
 21.31 a reasonable amount of time;

- 22.1 (7) include the ability for the student to get technical support within a reasonable amount
22.2 of time;
- 22.3 (8) include a statement that the student's information will not be sold or distributed to
22.4 any third party without prior written consent of the student. Taking the course does not
22.5 constitute consent;
- 22.6 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
22.7 updating and administration, except that this provision does not apply to live courses taught
22.8 by an actual instructor and delivered over the Internet;
- 22.9 (10) provide viewing access to the online course at all times to the commissioner,
22.10 excluding minimal downtime for updating and administration;
- 22.11 (11) include a process to authenticate the student's identity;
- 22.12 (12) inform the student and the commissioner how long after its purchase a course will
22.13 be accessible;
- 22.14 (13) inform the student that license education credit will not be awarded for taking the
22.15 course after it loses its status as an approved course;
- 22.16 (14) provide clear instructions on how to navigate through the course;
- 22.17 (15) provide automatic bookmarking at any point in the course;
- 22.18 (16) provide questions after each unit or chapter that must be answered before the student
22.19 can proceed to the next unit or chapter;
- 22.20 (17) include a reinforcement response when a quiz question is answered correctly;
- 22.21 (18) include a response when a quiz question is answered incorrectly;
- 22.22 (19) include a final examination in which the student must correctly answer 70 percent
22.23 of the questions;
- 22.24 (20) allow the student to go back and review any unit at any time, except during the final
22.25 examination;
- 22.26 (21) provide a course evaluation at the end of the course. At a minimum, the evaluation
22.27 must ask the student to report any difficulties caused by the online education delivery
22.28 method;
- 22.29 (22) provide a completion certificate when the course and exam have been completed
22.30 and the provider has verified the completion. Electronic certificates are sufficient and shall
22.31 include the name of the provider, date and location of the course, educational program

23.1 identification that was provided by the department, hours of instruction or continuing
23.2 education hours, and licensee's or attendee's name and license, certification, or registration
23.3 number or the last four digits of the licensee's or attendee's Social Security number; and

23.4 (23) allow the commissioner the ability to electronically review the class to determine
23.5 if credit can be approved.

23.6 ~~(e)~~ (d) The final examination must be either an encrypted online examination or a paper
23.7 examination that is monitored by a proctor who certifies that the student took the examination.

23.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.9 Sec. 25. Minnesota Statutes 2020, section 326B.106, subdivision 1, is amended to read:

23.10 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
23.11 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
23.12 Construction Codes Advisory Council establish a code of standards for the construction,
23.13 reconstruction, alteration, and repair of buildings, governing matters of structural materials,
23.14 design and construction, fire protection, health, sanitation, and safety, including design and
23.15 construction standards regarding heat loss control, illumination, and climate control. The
23.16 code must also include duties and responsibilities for code administration, including
23.17 procedures for administrative action, penalties, and suspension and revocation of certification.
23.18 The code must conform insofar as practicable to model building codes generally accepted
23.19 and in use throughout the United States, including a code for building conservation. In the
23.20 preparation of the code, consideration must be given to the existing statewide specialty
23.21 codes presently in use in the state. Model codes with necessary modifications and statewide
23.22 specialty codes may be adopted by reference. The code must be based on the application
23.23 of scientific principles, approved tests, and professional judgment. To the extent possible,
23.24 the code must be adopted in terms of desired results instead of the means of achieving those
23.25 results, avoiding wherever possible the incorporation of specifications of particular methods
23.26 or materials. To that end the code must encourage the use of new methods and new materials.
23.27 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall
23.28 administer and enforce the provisions of those sections.

23.29 (b) The commissioner shall develop rules addressing the plan review fee assessed to
23.30 similar buildings without significant modifications including provisions for use of building
23.31 systems as specified in the industrial/modular program specified in section 326B.194.
23.32 Additional plan review fees associated with similar plans must be based on costs
23.33 commensurate with the direct and indirect costs of the service.

24.1 (c) Beginning with the 2018 edition of the model building codes and every six years
24.2 thereafter, the commissioner shall review the new model building codes and adopt the model
24.3 codes as amended for use in Minnesota, within two years of the published edition date. The
24.4 commissioner may adopt amendments to the building codes prior to the adoption of the
24.5 new building codes to advance construction methods, technology, or materials, or, where
24.6 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
24.7 or the use of a building.

24.8 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model
24.9 residential energy code and the new model commercial energy code in accordance with
24.10 federal law for which the United States Department of Energy has issued an affirmative
24.11 determination in compliance with United States Code, title 42, section 6833. Beginning in
24.12 2022, the commissioner shall act on the new model commercial energy code by adopting
24.13 each new published edition of ASHRAE 90.1 or a more efficient standard, and amending
24.14 it as necessary to achieve a minimum of eight percent energy efficiency with each edition,
24.15 as measured against energy consumption by an average building in each applicable building
24.16 sector in 2003. These amendments must achieve a net zero energy standard for new
24.17 commercial buildings by 2036 and thereafter. The commissioner may adopt amendments
24.18 prior to adoption of the new energy codes, as amended for use in Minnesota, to advance
24.19 construction methods, technology, or materials, or, where necessary to protect the health,
24.20 safety, and welfare of the public, or to improve the efficiency or use of a building.

24.21 Sec. 26. Minnesota Statutes 2020, section 326B.89, subdivision 1, is amended to read:

24.22 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
24.23 the meanings given them.

24.24 (b) "Gross annual receipts" means the total amount derived from residential contracting
24.25 or residential remodeling activities, regardless of where the activities are performed, and
24.26 must not be reduced by costs of goods sold, expenses, losses, or any other amount.

24.27 (c) "Licensee" means a person licensed as a residential contractor or residential remodeler.

24.28 (d) "Residential real estate" means a new or existing building constructed for habitation
24.29 by one to four families, and includes detached garages intended for storage of vehicles
24.30 associated with the residential real estate.

24.31 (e) "Fund" means the contractor recovery fund.

24.32 (f) "Owner" when used in connection with real property, means a person who has any
24.33 legal or equitable interest in real property and includes a condominium or townhome

25.1 association that owns common property located in a condominium building or townhome
25.2 building or an associated detached garage. Owner does not include any real estate developer
25.3 or any owner using, or intending to use, the property for a business purpose and not as
25.4 owner-occupied residential real estate.

25.5 (g) "Cycle One" means the time period between July 1 and December 31.

25.6 (h) "Cycle Two" means the time period between January 1 and June 30.

25.7 Sec. 27. Minnesota Statutes 2020, section 326B.89, subdivision 5, is amended to read:

25.8 Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the
25.9 fund to an owner or a lessee in an amount greater than \$75,000 per licensee. The
25.10 commissioner shall not pay compensation from the fund to owners and lessees in an amount
25.11 that totals more than ~~\$300,000~~ \$800,000 per licensee. The commissioner shall only pay
25.12 compensation from the fund for a final judgment that is based on a contract directly between
25.13 the licensee and the homeowner or lessee that was entered into prior to the cause of action
25.14 and that requires licensure as a residential building contractor or residential remodeler.

25.15 Sec. 28. Minnesota Statutes 2020, section 326B.89, subdivision 9, is amended to read:

25.16 Subd. 9. **Satisfaction of applications for compensation.** The commissioner shall pay
25.17 compensation from the fund to an owner or a lessee pursuant to the terms of an agreement
25.18 that has been entered into under subdivision 7, clause (1), or pursuant to a final order that
25.19 has been issued under subdivision 7, clause (2), or subdivision 8 by December 1 of the fiscal
25.20 year following the fiscal year during which the agreement was entered into or during which
25.21 the order became final, subject to the limitations of this section. ~~At the end of each fiscal~~
25.22 ~~year the commissioner shall calculate the amount of compensation to be paid from the fund~~
25.23 ~~pursuant to agreements that have been entered into under subdivision 7, clause (1), and final~~
25.24 ~~orders that have been issued under subdivision 7, clause (2), or subdivision 8. If the calculated~~
25.25 ~~amount exceeds the amount available for payment, then the commissioner shall allocate the~~
25.26 ~~amount available among the owners and the lessees in the ratio that the amount agreed to~~
25.27 ~~or ordered to be paid to each owner or lessee bears to the amount calculated. The~~
25.28 ~~commissioner shall mail notice of the allocation to all owners and lessees not less than 45~~
25.29 ~~days following the end of the fiscal year. 31 for applications submitted by July 1 or June~~
25.30 30 for applications submitted by January 1 of the fiscal year. The commissioner shall not
25.31 pay compensation to owners or lessees that totals more than \$400,000 per licensee during
25.32 Cycle One of a fiscal year nor shall the commissioner pay out during Cycle One if the payout
25.33 will result in the exhaustion of a licensee's fund. If compensation paid to owners or lessees

26.1 in Cycle One would total more than \$400,000 or would result in exhaustion of a licensee's
26.2 fund in Cycle One, the commissioner shall not make a final determination of compensation
26.3 for claims against the licensee until the completion of Cycle Two. If the claims against a
26.4 licensee for the fiscal year result in the exhaustion of a licensee's fund or the fund as a whole,
26.5 the commissioner must prorate the amount available among the owners and lessees based
26.6 on the amount agreed to or ordered to be paid to each owner or lessee. The commissioner
26.7 shall mail notice of the proration to all owners and lessees no later than March 31 of the
26.8 current fiscal year. Any compensation paid by the commissioner in accordance with this
26.9 subdivision shall be deemed to satisfy and extinguish any right to compensation from the
26.10 fund based upon the verified application of the owner or lessee.

26.11 **Sec. 29. LAW ENFORCEMENT SUPERVISORS TRANSITION.**

26.12 (a) Until a negotiated collective bargaining agreement with an exclusive representative
26.13 of the law enforcement supervisors unit established under Minnesota Statutes, section
26.14 179A.10, subdivision 2, clause (18), is approved under Minnesota Statutes, section 3.855:

26.15 (1) state patrol supervisors and enforcement supervisors employed by the Department
26.16 of Natural Resources shall remain in the commissioner's plan;

26.17 (2) criminal apprehension investigative supervisors and other law enforcement supervisor
26.18 positions currently in the general supervisory employees unit shall remain in the general
26.19 supervisory employees unit represented by the Middle Management Association; and

26.20 (3) employees in positions to be included in the law enforcement supervisors unit shall
26.21 be authorized to participate in certification elections for the law enforcement supervisors
26.22 unit and any negotiation and collective bargaining activities of the law enforcement
26.23 supervisors unit.

26.24 (b) In assigning positions included in the law enforcement supervisors unit, employees
26.25 in positions under paragraph (a), clause (2), shall have the right to remain in the general
26.26 supervisory employees unit represented by the Middle Management Association. If a group
26.27 of employees exercises this right, the appropriate unit for such employees shall be the general
26.28 supervisory employees unit represented by the Middle Management Association, and the
26.29 commissioner shall assign them to such unit.

26.30 **Sec. 30. REPEALER.**

26.31 (a) Minnesota Statutes 2020, section 181.9414, is repealed.

26.32 (b) Minnesota Rules, part 5200.0080, subpart 7, is repealed effective August 1, 2021.

ARTICLE 3

EARNED SICK AND SAFE TIME

27.1

27.2

27.3 Section 1. Minnesota Statutes 2020, section 181.942, subdivision 1, is amended to read:

27.4 Subdivision 1. **Comparable position.** (a) An employee returning from a leave of absence
27.5 under section 181.941 is entitled to return to employment in the employee's former position
27.6 or in a position of comparable duties, number of hours, and pay. An employee returning
27.7 from a leave of absence longer than one month must notify a supervisor at least two weeks
27.8 prior to return from leave. An employee returning from a leave under section 181.9412 or
27.9 ~~181.9413~~ sections 181.9445 to 181.9448 is entitled to return to employment in the employee's
27.10 former position.

27.11 (b) If, during a leave under sections 181.940 to 181.944, the employer experiences a
27.12 layoff and the employee would have lost a position had the employee not been on leave,
27.13 pursuant to the good faith operation of a bona fide layoff and recall system, including a
27.14 system under a collective bargaining agreement, the employee is not entitled to reinstatement
27.15 in the former or comparable position. In such circumstances, the employee retains all rights
27.16 under the layoff and recall system, including a system under a collective bargaining
27.17 agreement, as if the employee had not taken the leave.

27.18 Sec. 2. **[181.9445] DEFINITIONS.**

27.19 Subdivision 1. **Definitions.** For the purposes of section 177.50 and sections 181.9445
27.20 to 181.9447, the terms defined in this section have the meanings given them.

27.21 Subd. 2. **Commissioner.** "Commissioner" means the commissioner of labor and industry
27.22 or authorized designee or representative.

27.23 Subd. 3. **Domestic abuse.** "Domestic abuse" has the meaning given in section 518B.01.

27.24 Subd. 4. **Earned sick and safe time.** "Earned sick and safe time" means leave, including
27.25 paid time off and other paid leave systems, that is paid at the same hourly rate as an employee
27.26 earns from employment that may be used for the same purposes and under the same
27.27 conditions as provided under section 181.9447.

27.28 Subd. 5. **Employee.** "Employee" means any person who is employed by an employer,
27.29 including temporary and part-time employees, who performs work for at least 80 hours in
27.30 a year for that employer in Minnesota. Employee does not include:

27.31 (1) an independent contractor; or

28.1 (2) an individual employed by an air carrier as a flight deck or cabin crew member who
28.2 is subject to United States Code, title 45, sections 181 to 188, and who is provided with
28.3 paid leave equal to or exceeding the amounts in section 181.9446.

28.4 Subd. 6. **Employer.** "Employer" means a person who has one or more employees.
28.5 Employer includes an individual, a corporation, a partnership, an association, a business
28.6 trust, a nonprofit organization, a group of persons, a state, county, town, city, school district,
28.7 or other governmental subdivision. In the event that a temporary employee is supplied by
28.8 a staffing agency, absent a contractual agreement stating otherwise, that individual shall be
28.9 an employee of the staffing agency for all purposes of section 177.50 and sections 181.9445
28.10 to 181.9448.

28.11 Subd. 7. **Family member.** "Family member" means:

28.12 (1) an employee's:

28.13 (i) child, foster child, adult child, legal ward, or child for whom the employee is legal
28.14 guardian;

28.15 (ii) spouse or registered domestic partner;

28.16 (iii) sibling, stepsibling, or foster sibling;

28.17 (iv) parent or stepparent;

28.18 (v) grandchild, foster grandchild, or stepgrandchild; or

28.19 (vi) grandparent or stepgrandparent;

28.20 (2) any of the family members listed in clause (1) of a spouse or registered domestic
28.21 partner;

28.22 (3) any individual related by blood or affinity whose close association with the employee
28.23 is the equivalent of a family relationship; and

28.24 (4) up to one individual annually designated by the employee.

28.25 Subd. 8. **Health care professional.** "Health care professional" means any person licensed
28.26 under federal or state law to provide medical or emergency services, including doctors,
28.27 physician assistants, nurses, and emergency room personnel.

28.28 Subd. 9. **Prevailing wage rate.** "Prevailing wage rate" has the meaning given in section
28.29 177.42 and as calculated by the Department of Labor and Industry.

28.30 Subd. 10. **Retaliatory personnel action.** "Retaliatory personnel action" means:

29.1 (1) any form of intimidation, threat, reprisal, harassment, discrimination, or adverse
29.2 employment action, including discipline, discharge, suspension, transfer, or reassignment
29.3 to a lesser position in terms of job classification, job security, or other condition of
29.4 employment; reduction in pay or hours or denial of additional hours; the accumulation of
29.5 points under an attendance point system; informing another employer that the person has
29.6 engaged in activities protected by this chapter; or reporting or threatening to report the actual
29.7 or suspected citizenship or immigration status of an employee, former employee, or family
29.8 member of an employee to a federal, state, or local agency; and

29.9 (2) interference with or punishment for participating in any manner in an investigation,
29.10 proceeding, or hearing under this chapter.

29.11 Subd. 11. **Sexual assault.** "Sexual assault" means an act that constitutes a violation
29.12 under sections 609.342 to 609.3453 or 609.352.

29.13 Subd. 12. **Stalking.** "Stalking" has the meaning given in section 609.749.

29.14 Subd. 13. **Year.** "Year" means a regular and consecutive 12-month period, as determined
29.15 by an employer and clearly communicated to each employee of that employer.

29.16 Sec. 3. **[181.9446] ACCRUAL OF EARNED SICK AND SAFE TIME.**

29.17 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
29.18 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.
29.19 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
29.20 the employer agrees to a higher amount.

29.21 (b) Employers must permit an employee to carry over accrued but unused sick and safe
29.22 time into the following year. The total amount of accrued but unused earned sick and safe
29.23 time for an employee must not exceed 80 hours at any time, unless an employer agrees to
29.24 a higher amount.

29.25 (c) Employees who are exempt from overtime requirements under United States Code,
29.26 title 29, section 213(a)(1), as amended through the effective date of this section, are deemed
29.27 to work 40 hours in each workweek for purposes of accruing earned sick and safe time,
29.28 except that an employee whose normal workweek is less than 40 hours will accrue earned
29.29 sick and safe time based on the normal workweek.

29.30 (d) Earned sick and safe time under this section begins to accrue at the commencement
29.31 of employment of the employee.

30.1 (e) Employees may use accrued earned sick and safe time beginning 90 calendar days
30.2 after the day their employment commenced. After 90 days from the day employment
30.3 commenced, employees may use earned sick and safe time as it is accrued. The
30.4 90-calendar-day period under this paragraph includes both days worked and days not worked.

30.5 Sec. 4. [181.9447] USE OF EARNED SICK AND SAFE TIME.

30.6 Subdivision 1. Eligible use. An employee may use accrued earned sick and safe time
30.7 for:

30.8 (1) an employee's:

30.9 (i) mental or physical illness, injury, or other health condition;

30.10 (ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury,
30.11 or health condition; or

30.12 (iii) need for preventive medical or health care;

30.13 (2) care of a family member:

30.14 (i) with a mental or physical illness, injury, or other health condition;

30.15 (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness,
30.16 injury, or other health condition; or

30.17 (iii) who needs preventive medical or health care;

30.18 (3) absence due to domestic abuse, sexual assault, or stalking of the employee or
30.19 employee's family member, provided the absence is to:

30.20 (i) seek medical attention related to physical or psychological injury or disability caused
30.21 by domestic abuse, sexual assault, or stalking;

30.22 (ii) obtain services from a victim services organization;

30.23 (iii) obtain psychological or other counseling;

30.24 (iv) seek relocation due to domestic abuse, sexual assault, or stalking; or

30.25 (v) seek legal advice or take legal action, including preparing for or participating in any
30.26 civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault,
30.27 or stalking;

30.28 (4) closure of the employee's place of business due to weather or other public emergency
30.29 or an employee's need to care for a family member whose school or place of care has been
30.30 closed due to weather or other public emergency; and

31.1 (5) when it has been determined by the health authorities having jurisdiction or by a
31.2 health care professional that the presence of the employee or family member of the employee
31.3 in the community would jeopardize the health of others because of the exposure of the
31.4 employee or family member of the employee to a communicable disease, whether or not
31.5 the employee or family member has actually contracted the communicable disease.

31.6 Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and
31.7 safe time as provided in this paragraph. If the need for use is foreseeable, an employer may
31.8 require advance notice of the intention to use earned sick and safe time but must not require
31.9 more than seven days' advance notice. If the need is unforeseeable, an employer may require
31.10 an employee to give notice of the need for earned sick and safe time as soon as practicable.

31.11 Subd. 3. **Documentation.** When an employee uses earned sick and safe time for more
31.12 than three consecutive days, an employer may require reasonable documentation that the
31.13 earned sick and safe time is covered by subdivision 1. For earned sick and safe time under
31.14 subdivision 1, clauses (1) and (2), reasonable documentation may include a signed statement
31.15 by a health care professional indicating the need for use of earned sick and safe time. For
31.16 earned sick and safe time under subdivision 1, clause (3), an employer must accept a court
31.17 record or documentation signed by a volunteer or employee of a victims services organization,
31.18 an attorney, a police officer, or an antiviolenace counselor as reasonable documentation. An
31.19 employer must not require disclosure of details relating to domestic abuse, sexual assault,
31.20 or stalking or the details of an employee's or an employee's family member's medical
31.21 condition as related to an employee's request to use earned sick and safe time under this
31.22 section.

31.23 Subd. 4. **Replacement worker.** An employer may not require, as a condition of an
31.24 employee using earned sick and safe time, that the employee seek or find a replacement
31.25 worker to cover the hours the employee uses as earned sick and safe time.

31.26 Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the smallest
31.27 increment of time tracked by the employer's payroll system, provided such increment is not
31.28 more than four hours.

31.29 Subd. 6. **Retaliation prohibited.** An employer shall not take retaliatory personnel action
31.30 against an employee because the employee has requested earned sick and safe time, used
31.31 earned sick and safe time, requested a statement of accrued sick and safe time, or made a
31.32 complaint or filed an action to enforce a right to earned sick and safe time under this section.

31.33 Subd. 7. **Reinstatement to comparable position after leave.** An employee returning
31.34 from a leave under this section is entitled to return to employment in a comparable position.

32.1 If, during a leave under this section, the employer experiences a layoff and the employee
32.2 would have lost a position had the employee not been on leave, pursuant to the good faith
32.3 operation of a bona fide layoff and recall system, including a system under a collective
32.4 bargaining agreement, the employee is not entitled to reinstatement in the former or
32.5 comparable position. In such circumstances, the employee retains all rights under the layoff
32.6 and recall system, including a system under a collective bargaining agreement, as if the
32.7 employee had not taken the leave.

32.8 Subd. 8. **Pay and benefits after leave.** An employee returning from a leave under this
32.9 section is entitled to return to employment at the same rate of pay the employee had been
32.10 receiving when the leave commenced, plus any automatic adjustments in the employee's
32.11 pay scale that occurred during leave period. The employee returning from a leave is entitled
32.12 to retain all accrued preleave benefits of employment and seniority as if there had been no
32.13 interruption in service, provided that nothing under this section prevents the accrual of
32.14 benefits or seniority during the leave pursuant to a collective bargaining or other agreement
32.15 between the employer and employees.

32.16 Subd. 9. **Part-time return from leave.** An employee, by agreement with the employer,
32.17 may return to work part time during the leave period without forfeiting the right to return
32.18 to employment at the end of the leave, as provided under this section.

32.19 Subd. 10. **Notice and posting by employer.** (a) Employers must give notice to all
32.20 employees that they are entitled to earned sick and safe time, including the amount of earned
32.21 sick and safe time, the accrual year for the employee, and the terms of its use under this
32.22 section; that retaliation against employees who request or use earned sick and safe time is
32.23 prohibited; and that each employee has the right to file a complaint or bring a civil action
32.24 if earned sick and safe time is denied by the employer or the employee is retaliated against
32.25 for requesting or using earned sick and safe time.

32.26 (b) Employers must supply employees with a notice in English and other appropriate
32.27 languages that contains the information required in paragraph (a) at commencement of
32.28 employment or the effective date of this section, whichever is later.

32.29 (c) The means used by the employer must be at least as effective as the following options
32.30 for providing notice:

32.31 (1) posting a copy of the notice at each location where employees perform work and
32.32 where the notice must be readily observed and easily reviewed by all employees performing
32.33 work; or

32.34 (2) providing a paper or electronic copy of the notice to employees.

33.1 The notice must contain all information required under paragraph (a). The commissioner
33.2 shall create and make available to employers a poster and a model notice that contains the
33.3 information required under paragraph (a) for their use in complying with this section.

33.4 (d) An employer that provides an employee handbook to its employees must include in
33.5 the handbook notice of employee rights and remedies under this section.

33.6 Subd. 11. **Required statement to employee.** (a) Upon request of the employee, the
33.7 employer must provide, in writing or electronically, current information stating the
33.8 employee's amount of:

33.9 (1) earned sick and safe time available to the employee; and

33.10 (2) used earned sick and safe time.

33.11 (b) Employers may choose a reasonable system for providing the information in paragraph
33.12 (a), including but not limited to listing information on each pay stub or developing an online
33.13 system where employees can access their own information.

33.14 Subd. 12. **Employer records.** (a) Employers shall retain accurate records documenting
33.15 hours worked by employees and earned sick and safe time taken and comply with all
33.16 requirements under section 177.30.

33.17 (b) An employer must allow an employee to inspect records required by this section and
33.18 relating to that employee at a reasonable time and place.

33.19 Subd. 13. **Confidentiality and nondisclosure.** (a) If, in conjunction with this section,
33.20 an employer possesses:

33.21 (1) health or medical information regarding an employee or an employee's family
33.22 member;

33.23 (2) information pertaining to domestic abuse, sexual assault, or stalking;

33.24 (3) information that the employee has requested or obtained leave under this section; or

33.25 (4) any written or oral statement, documentation, record, or corroborating evidence
33.26 provided by the employee or an employee's family member, the employer must treat such
33.27 information as confidential.

33.28 Information given by an employee may only be disclosed by an employer if the disclosure
33.29 is requested or consented to by the employee, when ordered by a court or administrative
33.30 agency, or when otherwise required by federal or state law.

34.1 (b) Records and documents relating to medical certifications, recertifications, or medical
34.2 histories of employees or family members of employees created for purposes of section
34.3 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
34.4 separate from the usual personnel files. At the request of the employee, the employer must
34.5 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
34.6 three years prior to the current calendar year.

34.7 (c) Employers may not discriminate against any employee based on records created for
34.8 the purposes of section 177.50 or sections 181.9445 to 181.9448.

34.9 **Sec. 5. [181.9448] EFFECT ON OTHER LAW OR POLICY.**

34.10 Subdivision 1. **No effect on more generous sick and safe time policies.** (a) Nothing
34.11 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting
34.12 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise
34.13 conflict with, the minimum standards and requirements provided in sections 181.9445 to
34.14 181.9447.

34.15 (b) Nothing in sections 181.9445 to 181.9447 shall be construed to limit the right of
34.16 parties to a collective bargaining agreement to bargain and agree with respect to earned sick
34.17 and safe time policies or to diminish the obligation of an employer to comply with any
34.18 contract, collective bargaining agreement, or any employment benefit program or plan that
34.19 meets or exceeds, and does not otherwise conflict with, the minimum standards and
34.20 requirements provided in this section.

34.21 (c) Employers who provide earned sick and safe time to their employees under a paid
34.22 time off policy or other paid leave policy that meets or exceeds, and does not otherwise
34.23 conflict with, the minimum standards and requirements provided in sections 181.9445 to
34.24 181.9448 are not required to provide additional earned sick and safe time.

34.25 (d) An employer may opt to satisfy the requirements of sections 181.9445 to 181.9448
34.26 for construction industry employees by:

34.27 (1) paying at least the prevailing wage rate as defined by section 177.42 and as calculated
34.28 by the Department of Labor and Industry; or

34.29 (2) paying at least the required rate established in a registered apprenticeship agreement
34.30 for apprentices registered with the Department of Labor and Industry.

34.31 An employer electing this option is deemed to be in compliance with sections 181.9445 to
34.32 181.9448 for construction industry employees who receive either at least the prevailing

35.1 wage rate or the rate required in the applicable apprenticeship agreement regardless of
35.2 whether the employees are working on private or public projects.

35.3 (e) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy
35.4 whereby employees may donate unused accrued sick and safe time to another employee.

35.5 (f) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and
35.6 safe time to an employee before accrual by the employee.

35.7 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
35.8 require financial or other reimbursement to an employee from an employer upon the
35.9 employee's termination, resignation, retirement, or other separation from employment for
35.10 accrued earned sick and safe time that has not been used. If an employee is transferred to
35.11 a separate division, entity, or location, but remains employed by the same employer, the
35.12 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
35.13 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
35.14 to 181.9448. When there is a separation from employment and the employee is rehired
35.15 within 180 days of separation by the same employer, previously accrued earned sick and
35.16 safe time that had not been used must be reinstated. An employee is entitled to use accrued
35.17 earned sick and safe time and accrue additional earned sick and safe time at the
35.18 commencement of reemployment.

35.19 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
35.20 place of an existing employer, all employees of the original employer who remain employed
35.21 by the successor employer are entitled to all earned sick and safe time accrued but not used
35.22 when employed by the original employer, and are entitled to use all earned sick and safe
35.23 time previously accrued but not used.

35.24 (b) If, at the time of transfer of the business, employees are terminated by the original
35.25 employer and hired within 30 days by the successor employer following the transfer, those
35.26 employees are entitled to all earned sick and safe time accrued but not used when employed
35.27 by the original employer, and are entitled to use all earned sick and safe time previously
35.28 accrued but not used.

35.29 Sec. 6. **REPEALER.**

35.30 Minnesota Statutes 2020, section 181.9413, is repealed.

35.31 Sec. 7. **EFFECTIVE DATE.**

35.32 This article is effective 180 days following final enactment.

36.1 **ARTICLE 4**

36.2 **EARNED SICK AND SAFE TIME ENFORCEMENT**

36.3 Section 1. Minnesota Statutes 2020, section 177.27, subdivision 2, is amended to read:

36.4 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
36.5 of employees working in the state to submit to the commissioner photocopies, certified
36.6 copies, or, if necessary, the originals of employment records which the commissioner deems
36.7 necessary or appropriate. The records which may be required include full and correct
36.8 statements in writing, including sworn statements by the employer, containing information
36.9 relating to wages, hours, names, addresses, and any other information pertaining to the
36.10 employer's employees and the conditions of their employment as the commissioner deems
36.11 necessary or appropriate.

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

36.15 The commissioner may fine the employer up to ~~\$1,000~~ \$10,000 for each failure to submit
36.16 or deliver records as required by this section, ~~and up to \$5,000 for each repeated failure.~~
36.17 This penalty is in addition to any penalties provided under section 177.32, subdivision 1.
36.18 In determining the amount of a civil penalty under this subdivision, the appropriateness of
36.19 such penalty to the size of the employer's business and the gravity of the violation shall be
36.20 considered.

36.21 Sec. 2. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

36.22 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
36.23 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
36.24 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
36.25 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.9445 to 181.9448, or
36.26 with any rule promulgated under section 177.28. The commissioner shall issue an order
36.27 requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated.
36.28 For purposes of this subdivision only, a violation is repeated if at any time during the two
36.29 years that preceded the date of violation, the commissioner issued an order to the employer
36.30 for violation of sections 177.41 to 177.435 and the order is final or the commissioner and
36.31 the employer have entered into a settlement agreement that required the employer to pay
36.32 back wages that were required by sections 177.41 to 177.435. The department shall serve
36.33 the order upon the employer or the employer's authorized representative in person or by

37.1 certified mail at the employer's place of business. An employer who wishes to contest the
37.2 order must file written notice of objection to the order with the commissioner within 15
37.3 calendar days after being served with the order. A contested case proceeding must then be
37.4 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
37.5 served with the order, the employer fails to file a written notice of objection with the
37.6 commissioner, the order becomes a final order of the commissioner.

37.7 Sec. 3. Minnesota Statutes 2020, section 177.27, subdivision 7, is amended to read:

37.8 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
37.9 violated a section identified in subdivision 4, or any rule adopted under section 177.28, and
37.10 the commissioner issues an order to comply, the commissioner shall order the employer to
37.11 cease and desist from engaging in the violative practice and to take such affirmative steps
37.12 that in the judgment of the commissioner will effectuate the purposes of the section or rule
37.13 violated. The commissioner shall order the employer to pay to the aggrieved parties back
37.14 pay, gratuities, and compensatory damages, less any amount actually paid to the employee
37.15 by the employer, and for an additional equal amount as liquidated damages. Any employer
37.16 who is found by the commissioner to have repeatedly or willfully violated a section or
37.17 sections identified in subdivision 4 shall be subject to a civil penalty of up to ~~\$1,000~~ \$10,000
37.18 for each violation for each employee. In determining the amount of a civil penalty under
37.19 this subdivision, the appropriateness of such penalty to the size of the employer's business
37.20 and the gravity of the violation shall be considered. In addition, the commissioner may order
37.21 the employer to reimburse the department and the attorney general for all appropriate
37.22 litigation and hearing costs expended in preparation for and in conducting the contested
37.23 case proceeding, unless payment of costs would impose extreme financial hardship on the
37.24 employer. If the employer is able to establish extreme financial hardship, then the
37.25 commissioner may order the employer to pay a percentage of the total costs that will not
37.26 cause extreme financial hardship. Costs include but are not limited to the costs of services
37.27 rendered by the attorney general, private attorneys if engaged by the department,
37.28 administrative law judges, court reporters, and expert witnesses as well as the cost of
37.29 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
37.30 order from the date the order is signed by the commissioner until it is paid, at an annual rate
37.31 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
37.32 escrow accounts for purposes of distributing damages.

37.33 Sec. 4. **[177.50] EARNED SICK AND SAFE TIME ENFORCEMENT.**

37.34 Subdivision 1. **Definitions.** The definitions in section 181.9445 apply to this section.

38.1 Subd. 2. **Rulemaking authority.** The commissioner may adopt rules to carry out the
38.2 purposes of this section and sections 181.9445 to 181.9448.

38.3 Subd. 3. **Individual remedies.** In addition to any other remedies provided by law, a
38.4 person injured by a violation of sections 181.9445 to 181.9448 may bring a civil action to
38.5 recover general and special damages, along with costs, fees, and reasonable attorney fees,
38.6 and may receive injunctive and other equitable relief as determined by a court. An action
38.7 to recover damages under this subdivision must be commenced within three years of the
38.8 violation of sections 181.9445 to 181.9448 that caused the injury to the employee.

38.9 Subd. 4. **Grants to community organizations.** The commissioner may make grants to
38.10 community organizations for the purpose of outreach to and education for employees
38.11 regarding their rights under sections 181.9445 to 181.9448. The community-based
38.12 organizations must be selected based on their experience, capacity, and relationships in
38.13 high-violation industries. The work under such a grant may include the creation and
38.14 administration of a statewide worker hotline.

38.15 Subd. 5. **Report to legislature.** (a) The commissioner must submit an annual report to
38.16 the legislature, including to the chairs and ranking minority members of any relevant
38.17 legislative committee. The report must include, but is not limited to:

38.18 (1) a list of all violations of sections 181.9445 to 181.9448, including the employer
38.19 involved, and the nature of any violations; and

38.20 (2) an analysis of noncompliance with sections 181.9445 to 181.9448, including any
38.21 patterns by employer, industry, or county.

38.22 (b) A report under this section must not include an employee's name or other identifying
38.23 information, any health or medical information regarding an employee or an employee's
38.24 family member, or any information pertaining to domestic abuse, sexual assault, or stalking
38.25 of an employee or an employee's family member.

38.26 Subd. 6. **Contract for labor or services.** It is the responsibility of all employers to not
38.27 enter into any contract or agreement for labor or services where the employer has any actual
38.28 knowledge or knowledge arising from familiarity with the normal facts and circumstances
38.29 of the business activity engaged in, or has any additional facts or information that, taken
38.30 together, would make a reasonably prudent person undertake to inquire whether, taken
38.31 together, the contractor is not complying or has failed to comply with this section. For
38.32 purposes of this subdivision, "actual knowledge" means information obtained by the employer
38.33 that the contractor has violated this section within the past two years and has failed to present
38.34 the employer with credible evidence that such noncompliance has been cured going forward.

39.1 **EFFECTIVE DATE.** This section is effective 180 days after final enactment.

39.2 **ARTICLE 5**

39.3 **EMERGENCY REHIRE AND RETENTION**

39.4 Section 1. **DEFINITIONS.**

39.5 Subdivision 1. **Applicability.** For the purposes of sections 1 to 4, the following terms
39.6 have the meanings given in this section.

39.7 Subd. 2. **Air carrier.** "Air carrier" means a person undertaking by any means, directly
39.8 or indirectly, to provide air transportation of persons, property, or mail.

39.9 Subd. 3. **Aircraft.** "Aircraft" means any contrivance invented, used, or designed for
39.10 navigation of or flight in the air, but excluding parachutes.

39.11 Subd. 4. **Airport.** "Airport" means any area of land or water, except a restricted landing
39.12 area, which is designed for the landing and takeoff of aircraft, whether or not facilities are
39.13 provided for the shelter, surfacing, or repair of aircraft, or for receiving or discharging
39.14 passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other
39.15 airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter
39.16 established.

39.17 Subd. 5. **Airport authority.** "Airport authority" means an authority created pursuant to
39.18 Minnesota Statutes, section 360.0426.

39.19 Subd. 6. **Airport facility management.** "Airport facility management" means a person
39.20 directing or supervising airport management activities, including but not limited to:

39.21 (1) information management;

39.22 (2) building and property management;

39.23 (3) civil services;

39.24 (4) procurement and logistics management; and

39.25 (5) legal services.

39.26 Subd. 7. **Airport hospitality operation.** (a) "Airport hospitality operation" means a
39.27 business that:

39.28 (1) prepares, delivers, inspects, or provides any other service in connection with the
39.29 preparation of food or beverage for aircraft crew or passengers at an airport; or

40.1 (2) provides food and beverage, retail, or other consumer goods or services to the public
40.2 at an airport.

40.3 (b) Airport hospitality operation does not include an air carrier certified by the Federal
40.4 Aviation Administration.

40.5 Subd. 8. **Airport service provider.** (a) "Airport service provider" means a business that
40.6 performs, under contract with a passenger air carrier, airport facility management, or airport
40.7 authority, functions on the property of the airport that are directly related to the air
40.8 transportation of persons, property, or mail, including but not limited to:

40.9 (1) the loading and unloading of property on aircraft;

40.10 (2) assistance to passengers under Code of Federal Regulations, title 14, part 382;

40.11 (3) security;

40.12 (4) airport ticketing and check-in functions;

40.13 (5) ground-handling of aircraft;

40.14 (6) aircraft cleaning and sanitization functions; or

40.15 (7) airport authority.

40.16 (b) Airport service provider does not include an air carrier certificated by the Federal
40.17 Aviation Administration.

40.18 Subd. 9. **Building service.** "Building service" means janitorial, building maintenance,
40.19 or security services.

40.20 Subd. 10. **Business day.** "Business day" means Monday through Friday, excluding any
40.21 holidays as defined in Minnesota Statutes, section 645.44.

40.22 Subd. 11. **Change in control.** "Change in control" means any sale, assignment, transfer,
40.23 contribution, or other disposition of all or substantially all of the assets used in the operation
40.24 of an enterprise or a discrete portion of the enterprise that continues in operation as an
40.25 enterprise, or a controlling interest, including by consolidation, merger, or reorganization,
40.26 of the incumbent employer or any person who controls the incumbent employer.

40.27 Subd. 12. **Declared emergency.** "Declared emergency" means a national security or
40.28 peacetime emergency declared by the governor under Minnesota Statutes, section 12.31, a
40.29 local emergency declared by the mayor of a municipality or the chair of a county board of
40.30 commissioners under Minnesota Statutes, section 12.29, a federal public health emergency

41.1 declared by the secretary of the Department of Health and Human Services, or a major
41.2 disaster or national emergency declared by the president.

41.3 Subd. 13. **Eligible employee.** (a) "Eligible employee" means an individual:

41.4 (1) whose primary place of employment is at an enterprise subject to a change in control;

41.5 (2) who is employed directly by the incumbent employer, or by an employer who has
41.6 contracted with the incumbent employer to provide services at the enterprise subject to a
41.7 change in control; and

41.8 (3) who has worked for the incumbent employer for at least one month prior to the
41.9 execution of the transfer document.

41.10 (b) Eligible employee does not include a managerial, supervisory, or confidential
41.11 employee.

41.12 Subd. 14. **Employee.** "Employee" means an individual who performs services for hire
41.13 for at least two hours in a particular week for an employer.

41.14 Subd. 15. **Employer.** "Employer" means any person who directly, indirectly, or through
41.15 an agent or any other person, including through the services of a temporary service or staffing
41.16 agency or similar entity, owns or operates an enterprise and employs one or more employees.

41.17 Subd. 16. **Enterprise.** "Enterprise" means a hotel, event center, airport hospitality
41.18 operation, airport service provider, or the provision of building service to office, retail, or
41.19 other commercial buildings.

41.20 Subd. 17. **Event center.** (a) "Event center" means a publicly or privately owned structure
41.21 of more than 50,000 square feet or 2,000 seats that is used for the purposes of public
41.22 performances, sporting events, business meetings, or similar events, and includes concert
41.23 halls, stadiums, sports arenas, racetracks, coliseums, and convention centers.

41.24 (b) Event center also includes any contracted, leased, or sublet premises connected to
41.25 or operated in conjunction with the event center's purpose, including food preparation
41.26 facilities, concessions, retail stores, restaurants, bars, and structured parking facilities.

41.27 Subd. 18. **Hotel.** (a) "Hotel" means a building, structure, enclosure, or any part thereof:

41.28 (1) used as, maintained as, advertised as, or held out to be a place where sleeping
41.29 accommodations, lodging, and other related services are furnished to the public; and

41.30 (2) containing 75 or more guest rooms, or suites of rooms, except adjoining rooms do
41.31 not constitute a suite of rooms. The number of guest rooms, or suites of rooms, shall be

42.1 calculated based on the room count on the opening of the hotel or on December 31, 2019,
42.2 whichever is greater.

42.3 (b) Hotel also includes any contracted, leased, or sublet premises connected to or operated
42.4 in conjunction with the hotel's purpose, or providing services thereat.

42.5 Subd. 19. **Incumbent employer.** "Incumbent employer" means a person who owns or
42.6 operates an enterprise subject to a change in control prior to the change in control.

42.7 Subd. 20. **Laid-off employee.** "Laid-off employee" means any employee who was
42.8 employed by the employer for six months or more in the 12 months preceding January 31,
42.9 2020, and whose most recent separation from actively performing services for hire occurred
42.10 after January 31, 2020, and was due to a public health directive, government shutdown
42.11 order, lack of business, a reduction in force, or other economic, nondisciplinary reason
42.12 related to the declared emergency.

42.13 Subd. 21. **Length of service.** "Length of service" means the total of all periods of time
42.14 during which an employee has actively been performing services for hire with the employer,
42.15 including periods of time when the employee was on leave or on vacation.

42.16 Subd. 22. **Person.** "Person" means an individual, corporation, partnership, limited
42.17 partnership, limited liability partnership, limited liability company, business trust, estate,
42.18 trust, association, joint venture, agency, instrumentality, or any other legal or commercial
42.19 entity, whether domestic or foreign.

42.20 Subd. 23. **Successor employer.** "Successor employer" means a person that owns or
42.21 operates an enterprise subject to a change in control after the change in control.

42.22 Subd. 24. **Transfer document.** "Transfer document" means the purchase agreement or
42.23 other documents creating a binding agreement to effect the change in control.

42.24 Sec. 2. **EMERGENCY REHIRE AND RETENTION OF LAID-OFF EMPLOYEES.**

42.25 Subdivision 1. **Rehire and recall requirements.** (a) An employer shall offer its laid-off
42.26 employees in writing, to their last known physical address, and by e-mail and text message
42.27 to the extent the employer possesses such information, all job positions that become available
42.28 after the effective date of this section for which the laid-off employees are qualified. A
42.29 laid-off employee is qualified for a position if the employee either:

42.30 (1) held the same or similar position at the enterprise at the time of the employee's most
42.31 recent separation from actively performing services for hire with the employer; or

43.1 (2) is or can be qualified for the position with the same training that would be provided
43.2 to a new employee hired into that position.

43.3 (b) The employer shall offer positions to laid-off employees in an order of preference
43.4 corresponding to paragraph (a), clauses (1) and (2). If more than one employee is entitled
43.5 to preference for a position, the employer shall offer the position to the laid-off employee
43.6 with the greatest length of service for the enterprise.

43.7 (c) A laid-off employee who is offered a position pursuant to this section shall be given
43.8 at least five business days in which to accept or decline the offer. An employer may make
43.9 simultaneous conditional offers of employment to laid-off employees, with a final offer of
43.10 employment conditioned on application of the priority system in paragraph (b).

43.11 (d) An employer that declines to recall a laid-off employee on the grounds of lack of
43.12 qualifications and instead hires someone other than a laid-off employee shall provide the
43.13 laid-off employee a written notice within 30 days identifying those hired in lieu of that
43.14 recall, along with all reasons for the decision.

43.15 (e) This section also applies in any of the following circumstances:

43.16 (1) the ownership of the employer changed after the separation from employment of a
43.17 laid-off employee but the enterprise is conducting the same or similar operations as before
43.18 the declared emergency;

43.19 (2) the form of organization of the employer changed after the declared emergency;

43.20 (3) substantially all of the assets of the employer were acquired by another entity which
43.21 conducts the same or similar operations using substantially the same assets; or

43.22 (4) the employer relocates the operations at which a laid-off employee was employed
43.23 before the declared emergency to a different location.

43.24 Subd. 2. **Successor employer and retention requirements** (a)(1) The incumbent
43.25 employer shall, within 15 days after the execution of a transfer document, provide to the
43.26 successor employer the name, address, date of hire, and employment occupation classification
43.27 of each eligible employee.

43.28 (2) The successor employer shall maintain a preferential hiring list of eligible employees
43.29 identified by the incumbent employer under clause (1), and shall be required to hire from
43.30 that list for a period beginning upon the execution of the transfer document and continuing
43.31 for six months after the enterprise is open to the public under the successor employer.

44.1 (3) If the successor employer extends an offer of employment to an eligible employee,
44.2 the successor employer shall retain written verification of that offer for at least three years
44.3 from the date the offer was made. The verification shall include the name, address, date of
44.4 hire, and employment occupation classification of each eligible employee.

44.5 (b)(1) A successor employer shall retain each eligible employee hired pursuant to this
44.6 subdivision for no fewer than 90 days following the eligible employee's employment
44.7 commencement date. During this 90-day transition employment period, eligible employees
44.8 shall be employed under the terms and conditions established by the successor employer
44.9 or as required by law. The successor employer shall provide eligible employees with a
44.10 written offer of employment. This offer shall remain open for at least five business days
44.11 from the date of the offer. A successor employer may make simultaneous conditional offers
44.12 of employment to eligible employees, with a final offer of employment conditioned on
44.13 application of the priority system set forth in clause (2).

44.14 (2) If, within the period established in paragraph (a), clause (2), the successor employer
44.15 determines that it requires fewer eligible employees than were required by the incumbent
44.16 employer, the successor employer shall retain eligible employees by seniority within each
44.17 job classification to the extent that comparable job classifications exist.

44.18 (3) During the 90-day transition employment period, the successor employer shall not
44.19 discharge without cause an eligible employee retained pursuant to this subdivision.

44.20 (4) At the end of the 90-day transition employment period, the successor employer shall
44.21 perform a written performance evaluation for each eligible employee retained pursuant to
44.22 this section. If the eligible employee's performance during the 90-day transition employment
44.23 period is satisfactory, the successor employer shall consider offering the eligible employee
44.24 continued employment under the terms and conditions established by the successor employer
44.25 or as required by law. The successor employer shall retain a record of the written performance
44.26 evaluation for a period of no fewer than three years.

44.27 (c)(1) The incumbent employer shall post written notice of the change in control at the
44.28 location of the affected enterprise within five business days following the execution of the
44.29 transfer document. Notice shall remain posted during any closure of the enterprise and for
44.30 six months after the enterprise is open to the public under the successor employer.

44.31 (2) Notice shall include but not be limited to the name of the incumbent employer and
44.32 its contact information, the name of the successor employer and its contact information,
44.33 and the effective date of the change in control.

45.1 (3) Notice shall be posted in a conspicuous place at the enterprise so as to be readily
45.2 viewed by eligible employees, other employees, and applicants for employment.

45.3 Subd. 3. **Employment protections.** No employer shall refuse to employ, terminate,
45.4 reduce in compensation, or otherwise take any adverse action against any employee for
45.5 seeking to enforce their rights under sections 1 to 4, by any lawful means, for participating
45.6 in proceedings related to these sections, opposing any practice prescribed by these sections,
45.7 or otherwise asserting rights under these sections. This subdivision shall also apply to any
45.8 employee who mistakenly, but in good faith, alleges noncompliance with these sections.

45.9 Subd. 4. **Collective bargaining rights.** (a) All of the provisions in sections 1 to 4 may
45.10 be waived in a valid collective bargaining agreement, but only if the waiver is explicitly set
45.11 forth in that agreement in clear and unambiguous terms. Unilateral implementation of terms
45.12 and conditions of employment by either party to a collective bargaining relationship shall
45.13 not constitute or be permitted as a waiver of all or any part of the provisions of sections 1
45.14 to 4.

45.15 (b) Nothing in sections 1 to 4 limits the right of employees to bargain collectively with
45.16 their employers through representatives of their own choosing to establish retention or
45.17 rehiring conditions more favorable to the employees than those required by these sections.

45.18 Sec. 3. **ENFORCEMENT AND COMPLIANCE.**

45.19 Subdivision 1. **Enforcement.** (a) An employee, including any eligible employee, may
45.20 file an action in the Minnesota District Court, or may file a complaint with the Department
45.21 of Labor and Industry, Labor Standards and Apprenticeship Division, against the employer,
45.22 or in the case of a violation of section 2, subdivision 2, incumbent employer or the successor
45.23 employer, for violations of section 2, and may be awarded any or all of the following, as
45.24 appropriate:

45.25 (1) hiring and reinstatement rights pursuant to section 2, with the 90-day transition
45.26 employment period not commencing until the eligible employee's employment
45.27 commencement date with the successor employer;

45.28 (2) front pay or back pay for each day during which the violation continues, which shall
45.29 be calculated at a rate of compensation not less than the highest of any of the following
45.30 rates:

45.31 (i) the average regular rate of pay received by the employee or eligible employee during
45.32 the last three years of that employee's employment in the same occupation classification;

46.1 (ii) the most recent regular rate received by the employee or eligible employee while
46.2 employed by the employer, incumbent employer, or successor employer; or

46.3 (iii) the regular rate received by the individual in the position during the time that the
46.4 employee or eligible employee should have been employed;

46.5 (3) value of the benefits the employee or eligible employee would have received under
46.6 the employer or successor employer's benefit plan; or

46.7 (4) in an action brought in the district court, a prevailing employee shall be awarded
46.8 reasonable attorneys' fees and costs.

46.9 (b) The Labor Standards and Apprenticeship Division shall investigate complaints filed
46.10 under this section, and if an employer, incumbent employer, or successor employer is found
46.11 to have violated section 2, the division shall determine and issue an award to an employee
46.12 pursuant to paragraph (a).

46.13 (c) No criminal penalties shall be imposed for a violation of section 2.

46.14 (d) This subdivision shall not be construed to limit a discharged employee or eligible
46.15 employee's right to pursue any other remedies available to an employee in law or equity.

46.16 Subd. 2. **Compliance.** The commissioner of labor and industry may issue a compliance
46.17 order under Minnesota Statutes, section 177.27, subdivision 4, requiring an employer to
46.18 comply with section 2.

46.19 Subd. 3. **Interaction with local law.** Nothing in this section shall prohibit a local
46.20 government agency from enacting ordinances that impose greater standards than, or establish
46.21 additional enforcement provisions to, those prescribed by this section.

46.22 Sec. 4. **CITATION.**

46.23 Sections 1 to 4 may be cited as the "Emergency Rehire and Retention Law."

46.24 Sec. 5. **EFFECTIVE DATES.**

46.25 Sections 1 to 4 are effective the day following final enactment and expire December 31,
46.26 2022.

ARTICLE 6

ESSENTIAL WORKERS EMERGENCY LEAVE

Section 1. ESSENTIAL WORKERS EMERGENCY LEAVE ACT.

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.

(b) "Airport service provider" means a business other than an air carrier certificated by the Federal Aviation Administration, that performs, under contract with a passenger air carrier, airport facility management, or airport authority, functions on the property of the airport that are directly related to the air transportation of persons, property, or mail, including but not limited to:

(1) the loading and unloading of property on aircraft;

(2) assistance to passengers under Code of Federal Regulations, title 14, part 382;

(3) security;

(4) airport ticketing and check-in functions;

(5) ground-handling of aircraft;

(6) aircraft cleaning and sanitization functions; or

(7) airport authority.

(c) "Child" means a biological, adopted, or foster child, stepchild, legal ward, or child for whom the essential worker is a legal guardian.

(d) "Emergency paid sick leave" means paid leave time provided under this section for a reason provided in subdivision 2 that is not:

(1) fully compensated through workers' compensation benefits or unemployment insurance benefits; or

(2) guaranteed to essential workers through other paid sick leave benefits under state law or federal law or an executive order related to COVID-19.

(e) "Essential worker" means a person who performs services for hire for an employer for one day or more, and who:

(1) is an emergency responder or health care provider as defined in Code of Federal Regulations, title 29, section 826.30(c), including but not limited to nurses, peace officers, firefighters, correctional institution personnel, emergency medical services personnel, and social workers;

48.1 (2) is a licensed or unlicensed personnel employed by or under contract with:

48.2 (i) a hospital, boarding care home, or outpatient surgical center licensed under Minnesota
48.3 Statutes, sections 144.50 to 144.56;

48.4 (ii) a nursing home licensed under Minnesota Statutes, sections 144A.01 to 144A.162;

48.5 (iii) a housing with services establishment registered under Minnesota Statutes, section
48.6 144D.02, and operating under Minnesota Statutes, sections 144G.01 to 144G.07;

48.7 (iv) the arranged home care provider of an establishment specified in item (iii);

48.8 (v) an unlicensed health care clinic; or

48.9 (vi) an unlicensed office of a physician or advanced practice registered nurse;

48.10 (3) is a public school employee;

48.11 (4) works for an airport service provider; or

48.12 (5) works for a private employer performing work in the following sectors:

48.13 (i) building service, including janitorial, building maintenance, and security services;

48.14 (ii) child care;

48.15 (iii) food service, including food manufacture, production, processing, preparation, sale,
48.16 and delivery;

48.17 (iv) hotel accommodations;

48.18 (v) manufacturing; or

48.19 (vi) retail, including but not limited to sales, fulfillment, distribution, and delivery.

48.20 (f) "Employer" means a person who employs one or more essential workers, including
48.21 but not limited to a corporation, partnership, limited liability company, association, group
48.22 of persons, hospital, state, county, town, city, school district, or governmental subdivision,
48.23 excluding the federal government.

48.24 (g) "Retaliatory personnel action" means any form of intimidation, threat, reprisal,
48.25 harassment, discrimination, or adverse employment action, including discipline, discharge,
48.26 suspension, transfer, or reassignment to a lesser position in terms of job classification, job
48.27 security, or other condition of employment; reduction in pay or hours or denial of additional
48.28 hours; the accumulation of points under an attendance point system; informing another
48.29 employer that the person has engaged in activities protected by this section; or reporting or

49.1 threatening to report the actual or suspected citizenship or immigration status of an employee,
49.2 former employee, or family member of an employee to a federal, state, or local agency.

49.3 Subd. 2. **Emergency paid sick leave.** An employer shall provide emergency paid sick
49.4 leave to an essential worker who is unable to work or telework due to any of the following
49.5 reasons:

49.6 (1) the essential worker is subject to a federal, state, or local quarantine or isolation order
49.7 related to COVID-19;

49.8 (2) the essential worker has been advised by a health care provider to self-quarantine
49.9 due to concerns related to COVID-19;

49.10 (3) the essential worker is experiencing symptoms of COVID-19 and seeking a medical
49.11 diagnosis;

49.12 (4) the essential worker is seeking or awaiting the results of a diagnostic test for, or a
49.13 medical diagnosis of, COVID-19 and the essential worker has been exposed to COVID-19
49.14 or the essential worker's employer has requested a test or diagnosis;

49.15 (5) the essential worker is obtaining an immunization related to COVID-19 or recovering
49.16 from an injury, disability, illness, or condition related to the immunization;

49.17 (6) the essential worker is caring for an individual who is subject to an order as described
49.18 in clause (1) or has been advised as described in clause (2); or

49.19 (7) the essential worker is caring for a child of the essential worker if the school or place
49.20 of care of the child has been closed, or the child care provider of the child is unavailable
49.21 due to COVID-19 precautions.

49.22 Subd. 3. **Duration and use of leave.** (a) An essential worker shall be entitled to
49.23 emergency paid sick leave as provided under this section for the following number of hours
49.24 through March 31, 2021, and an equal number of hours for the period beginning April 1,
49.25 2021:

49.26 (1) up to 80 hours for an essential worker who:

49.27 (i) the employer considers to work full time;

49.28 (ii) works or was scheduled to work on average what are considered full-time hours by
49.29 the employer, including pursuant to any applicable collective bargaining agreement; or

49.30 (iii) works or was scheduled to work at least 40 hours per week for the employer on
49.31 average over a two-week period;

50.1 (2) a number of hours equal to the number of hours that an essential worker works for
50.2 the employer on average over a two-week period for any essential worker who:

50.3 (i) the employer considers to work part time;

50.4 (ii) works or was scheduled to work on average what are considered part-time hours by
50.5 the employer, including pursuant to any applicable collective bargaining agreement; or

50.6 (iii) works or was scheduled to work fewer than 40 hours per week for the employer on
50.7 average over a two-week period; or

50.8 (3) 14 times the average number of hours an essential worker worked per day for the
50.9 employer for the previous six months, or for the entire period the essential worker has
50.10 worked for the employer, whichever is shorter, for an essential worker who works variable
50.11 hours and who is not covered by clause (1) or (2).

50.12 (b) Leave under this section shall be available for use by an essential worker for a reason
50.13 listed in subdivision 2 beginning the day following final enactment and may be used
50.14 intermittently, provided that any amount of leave taken under this section shall end with
50.15 the essential worker's next scheduled work shift immediately following the termination of
50.16 the essential worker's need for leave under a reason provided in subdivision 2.

50.17 (c) After the first workday or portion thereof that an essential worker receives leave
50.18 under this section, an employer may require the essential worker to follow reasonable notice
50.19 procedures to continue receiving leave.

50.20 (d) Leave under this section expires 30 days after a peacetime emergency declared by
50.21 the governor in an executive order that relates to the infectious disease known as COVID-19
50.22 is terminated or rescinded.

50.23 Subd. 4. **Amount of compensation.** (a) An essential worker shall receive compensation
50.24 for each hour of emergency paid sick leave received under this section in an amount that
50.25 shall be the greater of:

50.26 (1) the essential worker's regular rate of pay for the essential worker's last pay period,
50.27 including pursuant to any collective bargaining agreement that applies;

50.28 (2) the state minimum wage in effect under Minnesota Statutes, section 177.24; or

50.29 (3) the local minimum wage to which the essential worker is entitled.

50.30 (b) In no event shall emergency paid sick time provided under this section exceed \$511
50.31 per day, nor shall emergency paid sick time provided under this section exceed \$5,110 in

51.1 the aggregate for the period ending March 31, 2021, or \$5,110 in the aggregate for the period
51.2 beginning April 1, 2021.

51.3 (c) Unused or remaining leave under this section shall not carry over past the expiration
51.4 of this section.

51.5 (d) Nothing in this section shall be construed to require financial or other reimbursement
51.6 to an essential worker from an employer upon the essential worker's termination, resignation,
51.7 retirement, or other separation from employment for emergency paid sick time under this
51.8 section that has not been used by the essential worker.

51.9 Subd. 5. Relationship to other leave. (a) Except as provided in paragraph (c), emergency
51.10 paid sick leave under this section shall be in addition to any paid or unpaid leave provided
51.11 to an essential worker by an employer under a collective bargaining agreement, negotiated
51.12 agreement, contract, or any other employment policy.

51.13 (b) An essential worker may use leave provided under this section first, and except as
51.14 provided in paragraph (c), an employer shall not require an essential worker to use other
51.15 paid or unpaid leave provided by the employer before the essential worker uses the leave
51.16 provided under this section or in lieu of the leave provided under this section.

51.17 (c) Notwithstanding paragraphs (a) and (b), if an employer has already provided an
51.18 essential worker with additional paid leave for any reason provided in subdivision 2, and
51.19 the leave was in addition to the regular amount of paid leave provided by the employer and
51.20 compensated the essential worker in an amount equal to or greater than the amount of
51.21 compensation provided under this section, the employer may credit the other additional
51.22 paid leave toward the total number of hours of emergency paid sick leave required under
51.23 this section; provided, however, that if the other paid leave compensated the essential worker
51.24 at an amount less than the amount of compensation provided under this section, the employer
51.25 is required to comply with this section to the extent of the deficiency to receive the credit
51.26 under this paragraph.

51.27 (d) An employer shall provide notice to essential workers of the requirements for
51.28 emergency paid sick leave provided under this section.

51.29 (e) Nothing in this section shall be deemed:

51.30 (1) to limit the rights of an essential worker or employer under any law, rule, regulation,
51.31 or collectively negotiated agreement, or the rights and benefits that accrue to essential
51.32 workers through collective bargaining agreements, or the rights of essential workers with
51.33 respect to any other employment benefits; or

52.1 (2) to prohibit any personnel action that otherwise would have been taken regardless of
52.2 a request to use, or use of, any leave provided by this section.

52.3 (f) Nothing in this section shall prevent an employer from providing, or the parties to a
52.4 collective bargaining agreement from agreeing to, leave benefits that meet or exceed and
52.5 do not otherwise conflict with the requirements for emergency paid sick leave under this
52.6 section.

52.7 Subd. 6. **Requirements and enforcement.** (a) An employer shall not take any retaliatory
52.8 personnel action against an essential worker for requesting or obtaining emergency paid
52.9 sick leave under this section or for bringing a complaint related to this section, including a
52.10 proceeding that seeks enforcement of this section.

52.11 (b) The Department of Labor and Industry shall enforce this section. The commissioner
52.12 has the authority provided under Minnesota Statutes, section 177.27, subdivision 4, including
52.13 the authority to issue an order requiring an employer to comply with this section. The
52.14 commissioner may investigate complaints of violations of this section as necessary to
52.15 determine whether a violation has occurred. If the commissioner finds that an employer has
52.16 violated this section, the commissioner shall fine the employer up to \$1,000 for each willful
52.17 violation for each essential worker.

52.18 **EFFECTIVE DATE.** This section is effective the day following final enactment for
52.19 essential workers hired by an employer on or after the day following final enactment. This
52.20 section applies retroactively from March 13, 2020, for essential workers who were employed
52.21 on or after March 13, 2020, and are currently employed as of the day following final
52.22 enactment or May 17, 2021, whichever is earlier. Subdivisions 1 to 5 sunset on September
52.23 30, 2021, or 30 days after a peacetime emergency declared by the governor in an executive
52.24 order that relates to the infectious disease known as COVID-19 is terminated or rescinded,
52.25 whichever is later. Subdivision 6 sunsets June 30, 2023.

52.26 **ARTICLE 7**

52.27 **SAFE WORKPLACES FOR MEAT AND POULTRY PROCESSING WORKERS**

52.28 Section 1. [179.87] TITLE.

52.29 Sections 179.87 to 179.8757 may be titled the Safe Workplaces for Meat and Poultry
52.30 Processing Workers Act.

53.1 Sec. 2. **[179.871] DEFINITIONS.**

53.2 Subdivision 1. **Definitions.** For purposes of sections 179.87 to 179.8757, the terms in
53.3 this section have the meanings given.

53.4 Subd. 2. **Authorized employee representative.** "Authorized employee representative"
53.5 has the meaning given in section 182.651, subdivision 22.

53.6 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of labor and industry
53.7 or the commissioner's designee.

53.8 Subd. 4. **Coordinator.** "Coordinator" means the meatpacking industry worker rights
53.9 coordinator or the coordinator's designee.

53.10 Subd. 5. **Meat-processing worker.** "Meat-processing worker" or "worker" means any
53.11 individual who a meat-processing employer suffers or permits to work directly in contact
53.12 with raw meatpacking products in a meatpacking operation, including independent contractors
53.13 and persons performing work for an employer through a temporary service or staffing
53.14 agency.

53.15 Subd. 6. **Meatpacking operation.** "Meatpacking operation" or "meat-processing
53.16 employer" means a business in which slaughtering, butchering, meat canning, meatpacking,
53.17 meat manufacturing, poultry canning, poultry packing, poultry manufacturing, pet food
53.18 manufacturing, egg production, processing of meatpacking products, or rendering occurs.
53.19 Meatpacking operation or meat-processing employer does not mean a grocery store, deli,
53.20 restaurant, or other business preparing meat or poultry products for immediate consumption.

53.21 Subd. 7. **Meatpacking products.** "Meatpacking products" means meat food products
53.22 and poultry food products as defined in section 31A.02, subdivision 10.

53.23 Subd. 8. **Public health emergency.** "Public health emergency" means a peacetime
53.24 emergency declared by the governor under section 12.31, a federal public health emergency
53.25 declared by the secretary of the Department of Health and Human Services, or a national
53.26 emergency declared by the president due to infectious disease or another significant threat
53.27 to public health.

53.28 Sec. 3. **[179.8715] WORKER RIGHTS COORDINATOR.**

53.29 (a) The commissioner must appoint a meatpacking industry worker rights coordinator
53.30 in the Department of Labor and Industry and provide the coordinator with necessary office
53.31 space, furniture, equipment, supplies, and assistance.

54.1 (b) The coordinator must enforce sections 179.87 to 179.8757, including inspecting,
54.2 reviewing, and recommending improvements to the practices and procedures of meatpacking
54.3 operations in Minnesota. A meat-processing employer must grant the coordinator full access
54.4 to all meatpacking operations in this state at any time that meatpacking products are being
54.5 processed or meat-processing workers are on the job.

54.6 (c) No later than December 1 each year, the coordinator must submit a report to the
54.7 governor and the chairs and ranking minority members of the legislative committees with
54.8 jurisdiction over labor. The report must include recommendations to promote better treatment
54.9 of meat-processing workers. The coordinator shall also post the report on the Department
54.10 of Labor and Industry's website.

54.11 **Sec. 4. [179.872] REFUSAL TO WORK UNDER DANGEROUS CONDITIONS.**

54.12 (a) A meat-processing worker has a right to refuse to work under conditions that the
54.13 worker reasonably believes would expose the worker, other workers, or the public to an
54.14 unreasonable risk of illness or injury, or exposure to illness or injury, including the infectious
54.15 disease known as COVID-19.

54.16 (b) A meat-processing employer must not discriminate or take adverse action against
54.17 any worker for a good faith refusal to work if the worker has requested that the employer
54.18 correct a hazardous condition and that condition remains uncorrected.

54.19 (c) A meat-processing worker who has refused in good faith to work under paragraph
54.20 (a) or (b) and who has not been reassigned to other work by the meat-processing employer
54.21 must, in addition to retaining a right to continued employment, continue to be paid by the
54.22 employer for the hours that would have been worked until such time as the meat-processing
54.23 employer can demonstrate that the condition has been remedied.

54.24 **Sec. 5. [179.874] UNEMPLOYMENT INSURANCE; DANGEROUS MEAT**
54.25 **PACKING CONDITIONS.**

54.26 (a) Notwithstanding any law to the contrary, the provisions of this section govern
54.27 unemployment insurance claims for meat-processing workers.

54.28 (b) An individual who left employment because a meat-processing employer failed to
54.29 cure a working condition that made the work environment unsuitable for health or safety
54.30 reasons has good cause for leaving employment.

55.1 (c) During a public health emergency, an individual must not be required to prove that
55.2 a working condition that made the environment unsuitable for health or safety reasons was
55.3 unique to the worker or that the risk was not customary to the worker's occupation.

55.4 (d) An individual must be deemed to have exhausted reasonable alternatives to leaving
55.5 if the individual, authorized employee representative, or another employee notified the
55.6 meat-processing employer of the unsafe or unhealthy working condition and the employer
55.7 did not cure it or if the employer knew or should have had reason to know that the condition
55.8 made the work environment unsuitable and did not cure it.

55.9 (e) During a public health emergency, an individual has good cause to leave employment
55.10 if the individual leaves to care for a seriously ill or quarantined family or household member.

55.11 (f) An individual has good cause to refuse an offer of employment or reemployment if
55.12 the meat-processing employer has not cured a working condition that makes the work
55.13 environment unsuitable for health or safety reasons, including any condition that required
55.14 the workplace to close or reduce operations pursuant to a state or federal executive order
55.15 issued during a public health emergency.

55.16 (g) An individual has good cause to refuse an offer of employment or reemployment
55.17 from a meat-processing employer if the conditions of work would require the individual to
55.18 violate government public health guidance or to assume an unreasonable health risk.

55.19 (h) An individual has good cause to refuse an offer of employment or reemployment
55.20 from a meat-processing employer if the individual is required to care for a child whose
55.21 school is closed due to a public health emergency or if the individual is required to otherwise
55.22 care for a family or household member during a public health emergency.

55.23 **Sec. 6. [179.875] ENFORCEMENT AND COMPLIANCE.**

55.24 Subdivision 1. **Administrative enforcement.** The coordinator, either on the coordinator's
55.25 initiative or in response to a complaint, may inspect a meatpacking operation and subpoena
55.26 records and witnesses. If a meat-processing employer does not comply with the coordinator's
55.27 inspection, the coordinator may seek relief as provided in this section.

55.28 Subd. 2. **Compliance authority.** The commissioner of labor and industry may issue a
55.29 compliance order under section 177.27, subdivision 4, requiring an employer to comply
55.30 with sections 179.87 to 179.8757.

55.31 Subd. 3. **Private civil action.** If a meat-processing employer does not comply with a
55.32 provision in sections 179.87 to 179.8757, an aggrieved worker, authorized employee
55.33 representative, or other person may bring a civil action in a court of competent jurisdiction

56.1 within three years of an alleged violation and, upon prevailing, must be awarded the relief
56.2 provided in this section. Pursuing administrative relief is not a prerequisite for bringing a
56.3 civil action.

56.4 Subd. 4. **Other government enforcement.** The attorney general may enforce sections
56.5 179.87 to 179.8757 under section 8.31. A city or county attorney may also enforce these
56.6 sections. Such law enforcement agencies may inspect meatpacking operations and subpoena
56.7 records and witnesses and, where such agencies determine that a violation has occurred,
56.8 may bring a civil action as provided in this section.

56.9 Subd. 5. **Relief.** (a) In a civil action or administrative proceeding brought to enforce
56.10 sections 179.87 to 179.8757, the court or coordinator must order relief as provided in this
56.11 subdivision.

56.12 (b) For any violation of sections 179.87 to 179.8757:

56.13 (1) an injunction to order compliance and restrain continued violations, including through
56.14 a stop work order or business closure;

56.15 (2) payment to a prevailing worker by a meat-processing employer of reasonable costs,
56.16 disbursements, and attorney fees; and

56.17 (3) a civil penalty payable to the state of not less than \$100 per day per worker affected
56.18 by the meat-processing employer's noncompliance with sections 179.87 to 179.8757.

56.19 (c) For any violation of section 179.872:

56.20 (1) reinstatement of the worker to the same position held before any adverse personnel
56.21 action or to an equivalent position, reinstatement of full fringe benefits and seniority rights,
56.22 and compensation for unpaid wages, benefits and other remuneration, or front pay in lieu
56.23 of reinstatement; and

56.24 (2) compensatory damages payable to the aggrieved worker equal to the greater of \$5,000
56.25 or twice the actual damages, including unpaid wages, benefits and other remuneration, and
56.26 punitive damages.

56.27 Subd. 6. **Whistleblower enforcement; penalty distribution.** (a) The relief provided in
56.28 this section may be recovered through a private civil action brought on behalf of the
56.29 commissioner in a court of competent jurisdiction by another individual, including an
56.30 authorized employee representative, pursuant to this subdivision.

56.31 (b) The individual must give written notice to the coordinator of the specific provision
56.32 or provisions of sections 179.87 to 179.8757 alleged to have been violated. The individual

57.1 or representative organization may commence a civil action under this subdivision if no
57.2 enforcement action is taken by the coordinator within 30 days.

57.3 (c) Civil penalties recovered pursuant to this subdivision must be distributed as follows:

57.4 (1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and

57.5 (2) 30 percent to the individual or authorized employee representative.

57.6 (d) The right to bring an action under this subdivision shall not be impaired by private
57.7 contract. A public enforcement action must be tried promptly, without regard to concurrent
57.8 adjudication of a private claim for the same alleged violation.

57.9 **Sec. 7. [179.8755] RETALIATION AGAINST EMPLOYEES AND**
57.10 **WHISTLEBLOWERS PROHIBITED.**

57.11 (a) No meat-processing employer or other person may discriminate or take adverse
57.12 action against any worker or other person who raises a concern about meatpacking operation
57.13 health and safety practices or hazards to the employer, the employer's agent, other workers,
57.14 a government agency, or to the public, including through print, online, social, or any other
57.15 media.

57.16 (b) If an employer or other person takes adverse action against a worker or other person
57.17 within 90 days of the worker's or person's engagement or attempt to engage in activities
57.18 protected by sections 179.87 to 179.8757, such conduct raises a presumption that the action
57.19 is retaliatory. The presumption may be rebutted by clear and convincing evidence that the
57.20 action was taken for other permissible reasons.

57.21 (c) No meat-processing employer or other person may attempt to require any worker to
57.22 sign a contract or other agreement that would limit or prevent the worker from disclosing
57.23 information about workplace health and safety practices or hazards, or to otherwise abide
57.24 by a workplace policy that would limit or prevent such disclosures. Any such agreements
57.25 or policies are hereby void and unenforceable as contrary to the public policy of this state.
57.26 An employer's attempt to impose such a contract, agreement, or policy shall constitute an
57.27 adverse action enforceable under sections 179.87 to 179.8757.

57.28 (d) Reporting or threatening to report a meat-processing worker's suspected citizenship
57.29 or immigration status, or the suspected citizenship or immigration status of a family member
57.30 of the worker, to a federal, state, or local agency because the worker exercises a right under
57.31 sections 179.87 to 179.8757 constitutes an adverse action for purposes of establishing a
57.32 violation of that worker's rights. For purposes of this paragraph, "family member" means a

58.1 spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild
58.2 related by blood, adoption, marriage, or domestic partnership.

58.3 (e) Any worker who brings a complaint under sections 179.87 to 179.8757 and suffers
58.4 retaliation is entitled to treble damages in addition to lost pay and recovery of attorney fees
58.5 and costs.

58.6 (f) Any company who is found to have retaliated against a food processing worker must
58.7 pay a fine of up to \$5,000 to the commissioner.

58.8 **Sec. 8. [179.8756] MEATPACKING WORKER CHRONIC INJURIES AND**
58.9 **WORKPLACE SAFETY.**

58.10 Subdivision 1. **Safe worker program required; facility committee.** (a) Meat-processing
58.11 employers must adopt a safe worker program as part of the employer's work accident and
58.12 injury reduction program to minimize and prevent musculoskeletal disorders. For purposes
58.13 of this section, "musculoskeletal disorders" includes carpal tunnel syndrome, tendinitis,
58.14 rotator cuff injuries, trigger finger, epicondylitis, muscle strains, and lower back injuries.

58.15 (b) The meat-processing employer's safe worker program must be developed and
58.16 implemented by a committee of individuals who are knowledgeable of the tasks and work
58.17 processes performed by workers at the employer's facility. The committee must include:

58.18 (1) a certified professional ergonomist;

58.19 (2) a licensed, board-certified physician, with preference given to a physician who has
58.20 specialized experience and training in occupational medicine, or if it is not practicable for
58.21 a physician to be a member of the committee, the employer must ensure that its safe worker
58.22 program is reviewed and approved by a licensed, board-certified physician, with preference
58.23 given to a physician who has specialized experience and training in occupational medicine;
58.24 and

58.25 (3) at least three workers employed in the employer's facility who have completed a
58.26 general industry outreach course approved by the commissioner, one of whom must be an
58.27 authorized employee representative if the employer is party to a collective bargaining
58.28 agreement.

58.29 Subd. 2. **Program elements.** (a) The committee must establish written procedures to
58.30 identify ergonomic hazards and contributing risk factors, which must include:

58.31 (1) the ergonomic assessment tools used to measure ergonomic hazards;

59.1 (2) all jobs where the committee has an indication or knowledge that ergonomic hazards
59.2 may exist; and

59.3 (3) workers who perform the same job or a sample of workers in that job who have the
59.4 greatest exposure to the ergonomic hazard.

59.5 (b) The committee must conduct ergonomic assessments to identify hazards and
59.6 contributing risk factors; review all surveillance data at least quarterly to identify ergonomic
59.7 hazards and contributing risk factors; and maintain records of the hazard identification
59.8 process, which, at a minimum, must include the completed ergonomic assessment tools,
59.9 the results of the ergonomic assessments including the jobs and workers evaluated, and the
59.10 assessment dates.

59.11 (c) The committee must implement a written ergonomic hazard prevention and control
59.12 plan to identify and select methods to eliminate, prevent, or control the ergonomic hazards
59.13 and contributing risk factors. The plan must:

59.14 (1) set goals, priorities, and a timeline to eliminate, prevent, or control the ergonomic
59.15 hazards and contributing risk factors identified;

59.16 (2) identify the person or persons responsible for ergonomic hazard assessments and
59.17 implementation of controls;

59.18 (3) rely upon the surveillance data and the ergonomic risk assessment results; and

59.19 (4) take into consideration the severity of the risk, the numbers of workers at risk, and
59.20 the likelihood that the intervention will reduce the risk.

59.21 (d) A meat-processing employer must control, reduce, or eliminate ergonomic hazards
59.22 which lead to musculoskeletal disorders to the extent feasible by using engineering, work
59.23 practice, and administrative controls.

59.24 (e) The committee must monitor at least annually the implementation of the plan including
59.25 the effectiveness of controls and evaluate progress in meeting program goals.

59.26 Subd. 3. **New employee training.** (a) A meat-processing employer must work with the
59.27 committee to provide each new employee with information regarding:

59.28 (1) the committee and its members;

59.29 (2) the facility's hazard prevention and control plan;

59.30 (3) early signs and symptoms of musculoskeletal injuries and the procedures for reporting
59.31 them;

60.1 (4) procedures for reporting other injuries and hazards;

60.2 (5) engineering and administrative hazard controls implemented in the workplace,
60.3 including ergonomic hazard controls; and

60.4 (6) the availability and use of personal protective equipment.

60.5 (b) A meat-processing employer must work with the committee and ensure that new
60.6 workers receive safety training prior to starting a job that the worker has not performed
60.7 before. The employer must provide the safety training during working hours and compensate
60.8 the new employee at the employee's standard rate of pay. The employer also must give a
60.9 new employee an opportunity within 30 days of the employee's hire date to receive a refresher
60.10 training on the topics covered in the new worker safety training. The employer must provide
60.11 new employee training in a language and with vocabulary that the employee can understand.

60.12 Subd. 4. **New task and annual safety training.** (a) Meat-processing employers must
60.13 provide every worker who is assigned a new task if the worker has no previous work
60.14 experience with training on how to safely perform the task, the ergonomic and other hazards
60.15 associated with the task, and training on the early signs and symptoms of musculoskeletal
60.16 injuries and the procedures for reporting them. The employer must give a worker an
60.17 opportunity within 30 days of receiving the new task training to receive refresher training
60.18 on the topics covered in the new task training. The employer must provide this training in
60.19 a language and with vocabulary that the employee can understand.

60.20 (b) Meat-processing employers must provide each worker with no less than eight hours
60.21 of safety training each year. This annual training must address health and safety topics that
60.22 are relevant to the establishment, such as cuts, lacerations, amputations, machine guarding,
60.23 biological hazards, lockout/tagout, hazard communication, ergonomic hazards, and personal
60.24 protective equipment. At least two of the eight hours of annual training must be on topics
60.25 related to the facility's ergonomic injury prevention program, including the assessment of
60.26 surveillance data, the ergonomic hazard prevention and control plan, and the early signs
60.27 and symptoms of musculoskeletal disorders and the procedures for reporting them. The
60.28 employer must provide this training in a language and with vocabulary that the employee
60.29 can understand.

60.30 Subd. 5. **Attestation and record keeping.** Meat-processing employers must maintain
60.31 a written attestation dated and signed by each person who provides training and each
60.32 employee who receives training pursuant to this section. This attestation must certify that
60.33 the employer has provided training consistent with the requirements of this section. The

61.1 employer must ensure that these records are up to date and available to the commissioner,
61.2 the coordinator, and the authorized employee representative upon request.

61.3 Subd. 6. **Medical services and qualifications.** (a) Meat-processing employers must
61.4 ensure that:

61.5 (1) all first-aid providers, medical assistants, nurses, and physicians engaged by the
61.6 employer are licensed and perform their duties within the scope of their licensed practice;

61.7 (2) medical management of musculoskeletal disorders is under direct supervision of a
61.8 licensed physician specializing in occupational medicine who will advise on best practices
61.9 for management and prevention of work-related musculoskeletal disorders; and

61.10 (3) medical management of musculoskeletal injuries follows the most current version
61.11 of the American College of Occupational and Environmental Medicine practice guidelines.

61.12 (b) Meat-processing employers must make a record of all worker visits to medical or
61.13 first aid personnel, regardless of severity or type of illness or injury, and make these records
61.14 available to the coordinator and the authorized employee representative.

61.15 (c) Meat-processing employers must maintain records of all ergonomic injuries suffered
61.16 by workers for at least five years.

61.17 (d) The coordinator may compile, analyze, and publish annually, either in summary or
61.18 detailed form, all reports or information obtained under sections 179.87 to 179.8757,
61.19 including information about safe worker programs, and may cooperate with the United
61.20 States Department of Labor in obtaining national summaries of occupational deaths, injuries,
61.21 and illnesses. The coordinator must preserve the anonymity of each employee with respect
61.22 to whom medical reports or information is obtained.

61.23 (e) Meat-processing employers must not institute or maintain any program, policy, or
61.24 practice that discourages employees from reporting injuries, hazards, or safety standard
61.25 violations.

61.26 Subd. 7. **Rulemaking required.** The commissioner must adopt rules requiring employers
61.27 to maintain accurate records of meat-processing worker exposure to ergonomic hazards.

61.28 Subd. 8. **Pandemic protections.** (a) This subdivision applies during a peacetime public
61.29 health emergency declared under section 12.31, subdivision 2.

61.30 (b) Meat-processing employers must maintain at least a six-foot radius of space around
61.31 and between each worker. An employer may accomplish such distancing by increasing
61.32 physical space between workstations, slowing production speeds, staggering shifts and

62.1 breaks, adjusting shift size, or a combination thereof. The employer must reconfigure
62.2 common or congregate spaces to allow for such distancing, including lunch rooms, break
62.3 rooms, and locker rooms. The coordinator must reinforce social distancing by allowing
62.4 workers to maintain six feet of distance along with the use of plastic barriers.

62.5 (c) Meat-processing employers must provide employees with face masks and must make
62.6 face shields available on request. Face masks, including replacement face masks, and face
62.7 shields must be provided at no cost to the employee. All persons present at the meatpacking
62.8 operation must wear face masks in the facility except in those parts of the facility where
62.9 infection risk is low because workers work in isolation.

62.10 (d) Meat-processing employers must provide all meat-processing workers with the ability
62.11 to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing
62.12 stations. The employer must ensure that restrooms have running hot and cold water and
62.13 paper towels and are in sanitary condition. The employer must provide gloves to those who
62.14 request them.

62.15 (e) Meat-processing employers must clean and regularly disinfect all frequently touched
62.16 surfaces in the workplace, such as workstations, training rooms, machinery controls, tools,
62.17 protective garments, eating surfaces, bathrooms, showers, and other similar areas. Employers
62.18 must install and maintain ventilation systems that ensure unidirectional air flow, outdoor
62.19 air, and filtration in both production areas and common areas such as cafeterias and locker
62.20 rooms.

62.21 (f) Meat-processing employers must disseminate all required communications, notices,
62.22 and any published materials regarding these protections in English, Spanish, and other
62.23 languages as required for employees to understand the communication.

62.24 (g) Meat-processing employers must provide adequate break time for workers to use
62.25 the bathroom, wash their hands, and don and doff protective equipment.

62.26 (h) Meat-processing employers must provide sufficient personal protective equipment
62.27 for each employee for each shift, plus replacements, at no cost to the employee.
62.28 Meat-processing employers must provide training in proper use of personal protective
62.29 equipment, safety procedures, and sanitation.

62.30 (i) As part of the meat-processing employer's accident, injury, and illness reduction
62.31 program, the employer must create a health and safety committee consisting of equal parts
62.32 company management, employees, and authorized employee representatives. The health
62.33 and safety committee must meet at least twice a year and present results to the commissioner.

63.1 If the meatpacking operation has no collective bargaining agreement, a local labor
63.2 representative must be appointed.

63.3 (j) Meat-processing employers must record all injuries and illnesses in the facility and
63.4 make these records available upon request to the health and safety committee. The employer
63.5 also must make its records available to the commissioner, and where there is a collective
63.6 bargaining agreement, to the authorized bargaining representative.

63.7 (k) Meat-processing employers must provide paid sick time for workers to recuperate
63.8 from illness or injury or to care for ill family members. For purposes of this paragraph,
63.9 "family member" includes:

63.10 (1) biological, adopted, or foster children, stepchildren, children of domestic partners
63.11 or spouses, and legal wards of workers;

63.12 (2) biological parents, stepparents, foster parents, adoptive parents, or legal guardians
63.13 of a worker or a worker's spouse or domestic partner;

63.14 (3) a worker's legally married spouse or domestic partner as registered under the laws
63.15 of any state or political subdivision;

63.16 (4) a worker's grandparent, whether from a biological, step-, foster, or adoptive
63.17 relationship;

63.18 (5) a worker's grandchild, whether from a biological, step-, foster, or adoptive
63.19 relationship;

63.20 (6) a worker's sibling, whether from a biological, step-, foster, or adoptive relationship;
63.21 and

63.22 (7) any other individual related by blood or affinity to the worker whose association
63.23 with the worker is the equal of a family relationship.

63.24 (l) All meat-processing workers must accrue at least one hour of paid sick time for every
63.25 30 hours worked. For purposes of this paragraph, paid sick time means time that is
63.26 compensated at the same hourly rate, including the same benefits, as is normally earned by
63.27 the worker.

63.28 (m) Meat-processing employers may provide all paid sick time a worker is expected to
63.29 accrue at the beginning of the year or at the start of the worker's employment.

63.30 (n) Meat-processing employers must carry an employee's earned paid sick time over
63.31 into the following calendar year. If a worker does not wish to carry over sick time, the
63.32 meat-processing employer must pay the worker for accrued sick time. If a worker chooses

64.1 to receive pay in lieu of carried-over sick time, the employer must provide the worker with
64.2 an amount of paid sick time that meets or exceeds the requirements of sections 179.87 to
64.3 179.8757, to be available for the worker's immediate use at the start of the following calendar
64.4 year.

64.5 (o) Meat-processing employers must maintain records for at least three years showing
64.6 hours worked and paid sick time accrued and used by workers. Employers must allow the
64.7 commissioner and coordinator access to these records in order to ensure compliance with
64.8 the requirements of sections 179.87 to 179.8757.

64.9 (p) If a meat-processing employer transfers a worker to another division or location of
64.10 the same meat-processing employer, the worker is entitled to all earned paid sick time
64.11 accrued in the worker's previous position. If a worker is separated from employment and
64.12 rehired within one year by the same meat-processing employer, the meat-processing employer
64.13 must reinstate the worker's earned sick time to the level accrued by the worker as of the
64.14 date of separation.

64.15 (q) If a meat-processing employer is succeeded by a different employer, all workers of
64.16 the original employer are entitled to all earned paid sick time they accrued when employed
64.17 by the original employer.

64.18 (r) Meat-processing employers must not require workers to find or search for a
64.19 replacement worker to take the place of the worker as a condition of the worker using paid
64.20 sick time.

64.21 (s) Meat-processing employers must not require workers to disclose details of private
64.22 matters as a condition of using paid sick time, including details of a worker or family
64.23 member's illness, domestic violence, sexual abuse or assault, or stalking and harassment.
64.24 If the employer does possess such information, it must be treated as confidential and not
64.25 disclosed without the express permission of the worker.

64.26 (t) Meat-processing employers must provide workers written notice of their rights and
64.27 the employer's requirements under this section at the time the worker begins employment.
64.28 This notice must be provided in English, Spanish, or the employee's language of fluency.
64.29 The amount of paid sick time a worker has accrued, the amount of paid sick time a worker
64.30 has used during the current year, and the amount of pay the worker has received as paid
64.31 sick time must be recorded on or attached to the worker's paycheck. Meat-processing
64.32 employers must display a poster in a conspicuous location in each facility where workers
64.33 are employed that displays the information required under this paragraph. The poster must

65.1 be displayed in English and any language of fluency that is read or spoken by at least five
65.2 percent of the employer's workers.

65.3 (u) Nothing in this subdivision shall be construed to:

65.4 (1) prohibit or discourage an employer from adopting or retaining a paid sick time policy
65.5 that is more generous than the one provided in this subdivision;

65.6 (2) diminish the obligation of an employer to comply with a collective bargaining
65.7 agreement, or any other contract that provides more generous paid sick time to a worker
65.8 than provided for in this subdivision; or

65.9 (3) override any provision of local law that provides greater rights for paid sick time
65.10 than is provided for in this subdivision.

65.11 Subd. 9. **Small Processor Exemption.** Meat-processing operations having gross sales
65.12 or service of \$1,000,000 or less for the immediately previous license or fiscal year are
65.13 exempt from the requirements of this section.

65.14 Sec. 9. **[179.8757] NOTIFICATION REQUIRED.**

65.15 (a) Meat-processing employers must provide written information and notifications about
65.16 employee rights under section 179.86 and sections 179.87 to 179.8757 to workers in their
65.17 language of fluency at least annually. If a worker is unable to understand written information
65.18 and notifications, the employer must provide such information and notices orally in the
65.19 worker's language of fluency.

65.20 (b) The coordinator must notify covered employers of the provisions of sections 179.87
65.21 to 179.8757 and any recent updates at least annually.

65.22 (c) The coordinator must place information explaining sections 179.87 to 179.8757 on
65.23 the Department of Labor and Industry's website in at least English, Spanish, and any other
65.24 language that at least ten percent of meat-processing workers communicate in fluently. The
65.25 coordinator must also make the information accessible to persons with impaired visual
65.26 acuity."

65.27 Amend the title accordingly