

Subject Use of skilled and trained contractor workforces at oil refineries

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Overview

This bill requires at least 85 percent of the employees of any contractor working at an oil refinery to have experience with a registered apprenticeship program in the applicable trade. It also establishes fines for violation of this requirement and creates a private right of action to sue such contractors for damages.

Summary

Section	Description
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1	Compliance orders.
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Adds the new requirement in section 2 to the list of statutes the commissioner may issue a compliance order to an employer about.

Effective date: This section is effective October 15, 2021.

2	[181.987] Use of skilled and trained contractor workforces at oil refineries.
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Creates a new requirement about how the workforce of contractors working at oil refineries must be trained. Establishes fines and a private right of action to punish violators.

Subd. 1. Definitions. Provides definitions, including defining “skilled and trained workforce” as a minimum of 85 percent of the employees of a contractor or subcontractor working at the site of the oil refinery either currently or previously being registered apprentices in the applicable trade.

Subd. 2. Use of contractors by owner, operator; requirement. Requires the owner or operator of an oil refinery to require that all contractors and subcontractors performing certain types of work on site to use a skilled and trained workforce as defined in subdivision 1.

Subd. 3. Penalties. Directs the commissioner of labor and industry to fine owners, operators, contractors, or subcontractors at least \$5,000, but no more than \$10,000 for every shift where the skilled and trained workforce requirement

Section **Description**

is violated, in addition to other penalties. Allows the size of the penalty to be scaled to the size of the violator's business and the gravity of the violation.

Subd. 4. Civil actions. Creates a private right of action for anyone injured by a violation of this section to sue the violator for damages in district court. Stipulates there is a rebuttable presumption that a losing bidder for the work the violator did has suffered damages of the projected profit in their losing bid. Allows the court to award a successful plaintiff these damages, plus attorney fees, cost, disbursements, the civil penalties under subdivision 3, and other relief.

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