

Subject Jobs and Labor Omnibus Finance Bill

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Overview

This bill as amended is the joint omnibus bill for the Economic Development Finance and Policy Committee, the Workforce Development Finance and Policy Committee, and the Labor and Industry Finance and Policy Committee.

Article 1: Appropriations; Economic Development

Appropriates money to the Department of Employment and Economic Development and Explore Minnesota Tourism. See fiscal spreadsheet for details.

Article 2: Grants Management

Requires financial review of nonprofit grant recipients.

Section	Description – Article 2: Grants Management
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1	Financial review of nonprofit grant recipients required.
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Requires any entity that awards a grant to a nonprofit organization pursuant to this bill to first assess the nonprofit's financial standing and management. Authorizes grantors with significant concerns to postpone or forgo the grant altogether or award the grant subject to additional technical assistance and requirements imposed by the grantor to protect the state's interests.

Specifies information that grantors must require each nonprofit applicant to provide, including the nonprofit's latest annual return filed with the Internal Revenue Service, where applicable, and evidence of registration and good standing with the Office of the Secretary of State and the Office of the Attorney General. Requires nonprofits with more than \$750,000 in annual revenue to submit audited financial statements. Requires grantors to document and retain specified information, including whether and how the applicant resolved the grantor's initial concerns regarding the nonprofit's financial standing and management.

2	Report requirement.
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Requires all grant recipients under article 1 not already subject to a reporting requirement to submit a report to the legislature that outlines the use of grant funds and outcomes, including a list of specific reporting items.

Article 3: Economic Development Policy

Section	Description – Article 3: Economic Development Policy
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1	[116J.418] Office of Child Care Community Partnerships.
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Establishes the Office of Child Care Community Partnerships within the Department of Employment and Economic Development to coordinate with government and business entities to promote investment in child care businesses and access and to administer child care economic development grants, among other duties. Requires an annual report to the legislature on the office's activities.

Section Description – Article 3: Economic Development Policy

- 2 **[116J.681] Small business navigators.**
Creates small business navigator positions as part of the Small Business Assistance Office to help small businesses and entrepreneurs navigate state programs and other potential sources of support.
- 3 **Definitions. [Economic Development]**
Modifies the definition of “economic development” under existing law to exclude financial assistance for detached single-family affordable homeownership units on a single project site with fewer than five units.
- 4 **Prevailing wage required.**
Expands existing prevailing wage requirements and enforcement provisions for projects receiving state financial assistance for economic development related purposes under § 116J.871, subdivision 2. In addition to paying the prevailing wage rate to laborers and mechanics on such projects, as currently required, additional enforcement and other requirements under the prevailing wage law and the Minnesota Fair Labor Standards Act would apply, including the commissioner’s enforcement and compliance authority, recordkeeping, and penalty provisions.

Paragraph (b) clarifies that the issuing state agency is the contracting authority for the purpose of certain recordkeeping and reporting requirements, and that the project is considered a public works project. Requires the person receiving financial assistance to notify employers on the project of certain recordkeeping and reporting requirements, and in turn, the employers must provide certain information to the state agency as the contracting authority.
- 5 **[116J.8746] Small business partnership program.**
Codifies the small business partnership program, formerly known as the business development competitive grant program.

 Subd. 1. Definitions. Defines terms, including that an “eligible business” is one that is either (1) located in greater Minnesota, (2) in the field of high technology, or (3) majority owned by people who are people of color, women, immigrants, veterans, people with disabilities, low-income, or LGBTQ+.

 Subd. 2. Establishment. Establishes the program to make grants statewide to community-based nonprofits to provide free or low-cost professional business development and technical assistance services to eligible businesses.

 Subd. 3. Grants to nonprofits. Sets the rules for the competitive grants to the nonprofits. Allows up to ten percent of the grant amount to be used by the nonprofit for administration. Requires preference for nonprofits that can

Section Description – Article 3: Economic Development Policy

demonstrate successful outcomes serving historically underserved communities and increasing economic mobility of clients.

Subd. 4. Administration. Allows the commissioner of employment and economic development to use up to five percent of program funds for administration and monitoring.

Subd. 5. Reporting. Stipulates grant recipients provide annual reports to the commissioner on the use of funds and program impact. Requires the commissioner to make reports to the legislature every two years on the use of funds and program impact.

6 Minnesota job creation fund business designation; requirements.

Lowers the requirements for participation in the job creation fund incentives to only require retention of 100 employees rather than 200 for projects located in the metropolitan area and 50 employees rather than 75 for projects located in greater Minnesota. Also lowers the capital investment requirement from \$25,000,000 to \$10,000,000 for projects located in greater Minnesota.

7 Certification; benefits.

Allows the job creation fund to award up to \$1,000,000 in job creation awards to projects with 100 new or retained employees, rather than 200, in the metropolitan area or with 50 new or retained employees, rather than 75 in greater Minnesota. Allows the installation and purchase of machinery and equipment to count towards capital investment. Stipulates that a job creation award of \$2,000 per retained job may be provided if the business meets these new lower standards for at least two years.

8 Job creation award.

Adds higher award amounts for creating jobs paying higher wages: \$3,000 incentives for jobs paying at least \$45,000 but less than \$55,000; and \$4,000 incentives for jobs paying at least \$55,000. Allows a business to receive a onetime \$2,000 award for each job retained and maintained under the conditions set out in section 7 (above) if the retained job pays total compensation, including nonmandated benefits, equal to 150 percent of the federal poverty level for a family of four.

9 Transfer.

Allows the commissioner to transfer up to \$2,000,000 of a fiscal year appropriation between the Minnesota job creation fund program and the redevelopment grant program to meet business demand.

Section Description – Article 3: Economic Development Policy

10 [116J.8751] Launch Minnesota.

Codifies the existing Launch Minnesota program that provides support for entrepreneurs and emerging technology-based companies.

11 Grant amount; project phasing.

Increases the maximum grant amount for the targeted community capital project grant program from \$1,500,000 to \$3,000,000.

12 [116J.9925] Community wealth-building grant program.

Creates the community wealth-building grant program.

Subd. 1. Definitions. Defines terms for the program, including that “community business” means a cooperative, employee-owned business, or commercial land trust that is at least 51 percent owned by people who are Black, Indigenous, People of Color, immigrants, low-income, women, veterans, or people with disabilities. Defines “partner organization” to mean a community development financial institution or nonprofit corporation.

Subd. 2. Establishment. Establishes the community wealth-building grant program to make grants to partner organizations to fund low-interest loans to community businesses. Sets goals for the program.

Subd. 3. Grants to partner organizations. Awards grants to partner organizations through a competitive process that will consider defined criteria relating to the organization’s ability to administer the program in accordance with its goals. Requires the commissioner to ensure that loans are made to businesses statewide and that reasonable attempts are made to balance the amount of funding going inside and outside the metropolitan area. Allows partner organizations to use up to ten percent of their award for specialized technical and legal assistance to the businesses they serve. Sets grants as being for five-year terms.

Subd. 4. Loans to community businesses. Requires grantee partner organizations to establish a plan for making low-interest loans to community businesses and get that plan approved by the commissioner. Sets plan requirements, such as prioritization of loans in the lowest income areas and minimum (\$50,000) and maximum (\$2,500,000) amounts for the state contribution, as well as interest rates and loan origination fee allowances. Stipulates that 50 percent of all repayments on principal of a loan under the program go back into the state account, with all other repayments remaining with the partner organization to fund loan servicing and additional technical assistance.

Section Description – Article 3: Economic Development Policy

Subd. 5. Community wealth-building account. Creates the community wealth-building account in the special revenue fund in the state treasury. Appropriates funds in this account for grants under this section.

Subd. 6. Reports. Requires annual reports from partner organizations to the commissioner and from the commissioner to the legislature on loans made through the program.

13 [116J.9926] Emerging developer fund program.

Creates the emerging developer fund program, with the proposed coding 116J.9926, to make grants partner organizations to make grants and loans to less established developers from targeted groups to pursue development projects that are intended to reduce racial and socioeconomic disparities. Includes minorities, women, people with disabilities, and low-income people as the groups potentially eligible for grants and loans under the program. Allows partner organizations to use up to ten percent of grant funds for administrative costs. Limits predevelopment grants to \$100,000 and all types of loans to \$1,000,000. Sets loan duration as six months to eight years, all at low or zero interest, depending on the use of loan proceeds and analysis of project risk. Mandates flexible collateral requirements and allows both personal guaranty requirements and largely unsecured loans. Anticipates repayment of loans once permanent financing or a conventional loan is secured, with no prepayment penalty. Allows the commissioner to require a recipient to work with a more experienced developer or professional services consultant as the project develops. Directs all loan repayments to the emerging developer fund account in the special revenue fund, also created in this bill, which will fund additional loans. Defines what expenses are eligible uses of the various types of grants and loans. Requires annual reports to the legislature on grants and loans made under the program.

14 Empowering enterprise program.

Establishes a grant program for federally certified community development financial institutions, nonprofits, and cities to develop and implement local economic relief programs to assist businesses and nonprofits in communities adversely affected by civil unrest, particularly microenterprises in those areas. Allows assistance in the form of both grants and loans and sets out procedures. Limits grants and loans to \$500,000 each per entity and requires staying in the community for a minimum of three years. Directs loan repayments back to the general fund. Requires annual reporting of performance measures to the commissioner and legislature. Exempts assistance under this section from the laws governing business subsidies and grantmaking. Allows the commissioner to use up to seven percent of the appropriation for administrative expenses of the department and participating eligible organizations.

Section Description – Article 3: Economic Development Policy

Effective date: This section is effective the day following final enactment and expires the day after the last loan is repaid or forgiven.

15 Canadian boarder counties economic relief program.

Creates the Canadian border counties economic relief program to assist businesses adversely affected by the 2021 closure of the Boundary Waters Canoe Area Wilderness or the closures of the Canadian border since 2020. Directs the Northland Foundation to design the grant making process for approval by the commissioner of employment and economic development and to establish performance measures for the grants. Allows for a maximum grant of \$50,000 per business and exempts the program from all normal business subsidy requirements, though businesses must still provide for job creation and retention goals and wage and benefit goals. Makes the program effective July 1, 2023, and causes it to expire on June 30, 2024.

Limits eligibility for grants to businesses:

- 1) located within a county that shares a border with Canada;
- 2) able to document a reduction of at least ten percent in gross receipts in 2021 compared to 2019; and
- 3) able to explain in writing how the closures in 2020 and 2021 resulted in that reduction in receipts.

16 Repealer.

Repeals:

- 1) subdivision 6 of the targeted community capital project grant program which made provisions of chapter 16A relating to general fund appropriations for capital projects apply to this grant program and which kept grants available until the project is completed or abandoned; and
- 2) the existing uncodified version of the Launch Minnesota program (since the program is being codified by section 8 above).

Article 4: Workforce Development Policy

Makes a variety of workforce development policy changes, including creating new programs.

Section Description – Article 4: Workforce Development Policy

1 [116J.545] Getting to work grant program.

Creates the getting to work grant program in statute to make grants to nonprofits to provide, repair, or maintain motor vehicles for low-income workers to help them get

Section Description – Article 4: Workforce Development Policy

- and keep employment. Stipulates an educational or counseling component must be part of each program and sets out the application process and the eligibility criteria. Requires a report to the legislature.
- 2 **Meetings.**
Changes the timing of meetings of the Energy Transition Advisory Committee from monthly to quarterly, with annual submission of an updated energy transition plan.
- 3 **Expiration.**
Extends the existence of the Energy Transition Advisory Committee from ending the day after the energy transition plan is submitted to the fixed date of June 30, 2027.
- 4 **Definitions.**
Expands the definition of “eligible community” for the community energy transition grant program to also include communities where the power plant had a current operating license that expires within 15 years of the effective date of this section.
- 5 **Grant awards; limitations.**
Allows the commissioner of employment and economic development to award community energy transition grants on a rolling basis rather than a competitive grant process. Increases the maximum grant award from \$500,000 to \$1,000,000.
- 6 **Eligible expenditures.**
Permits the commissioner to transfer part of the department’s allowed administrative funding to the Environmental Quality Board to assist communities with regulatory coordination and provide technical assistance. Expands the nonexclusive list of examples of permissible uses for the community energy transition grants.
- 7 **[116J.659] Office of New Americans.**
Creates the Office of New Americans within the Department of Employment and Economic Development, lead by a governor-appointed assistant commissioner, to coordinate and guide access to state programs and services for immigrants and refugees, with particular focus on economic development and workforce programming. Establishes a list of duties, regular reporting to the legislature, and an advisory interdepartmental Coordinating Council on Immigrant and Refugee Affairs. Allows the office to apply for grants for interested state agencies, community partners, and stakeholders to assist in the duties of the office.
- 8-11 **Youthbuild (multiple sections).**
Modifies the Youthbuild program to allow participation of individuals with incomes of up to 80 percent of the area median income, rather than only 50 percent. Expands

Section Description – Article 4: Workforce Development Policy

the facilities that Youthbuild participants can work on to include playhouses for day care centers and tiny houses for transitional housing. Updates a citation to federal law.

12 [116L.43] Targeted populations workforce grants.

Subd. 1. Definitions. Defines terms for the section, including that “community-based organization” means a nonprofit that provides workforce development programming or services, has an annual budget of no more than \$1,000,000, has its primary office in a historically underserved community of color or low-income community, and serves a population that generally reflects the demographics of that local community. Defines “small business” as an independently owned and operated business with either no more than 20 full-time employees, no more than \$1,000,000 in annual gross revenue, or no more than \$2,500,000 in annual gross revenue if it is a technical or professional service business.

Subd. 2. Job and entrepreneurial skills training grants. Creates a competitive grant program for community-based organizations to provide training that leads to employment or business development. Limits grants to \$750,000 per year per organization and requires grants be for two years. Allows partnering with other organizations. Exempts the grants from the requirements of the uniform outcome report cards.

Subd. 3. Diversity and inclusion training for small employers. Creates a competitive grant program for small businesses to obtain diversity and inclusion training, including creating and implementing a plan to actively hire and retain people of color. Limits grants to \$300,000 per year per business, with a maximum of one grant per business per biennium. Requires submission of plans for use of funds and for implementation of a diversity and inclusion plan after training is complete. Exempts the grants from the requirements of the uniform outcome report cards and the laws against subsidies to private businesses.

Subd. 4. Capacity building. Creates a capacity building grant program for community-based organizations to cover the costs of staff, infrastructure, training, and service model development. Limits grants to \$50,000 per organization with a limit of one grant per organization. Exempts the grants from the requirements of the uniform outcome report cards. Requires grant recipients to submit a report to the commissioner on the use of grant funds and the impact of the funding on the organization’s future ability to provide workforce services.

13-14 Minnesota Youth Program (multiple sections).

Raises the maximum participant age for the Minnesota Youth Program from 21 to 24.

Section Description – Article 4: Workforce Development Policy

15 Definitions.

Updates a federal citation for the Youth-at-Work program.

16 Noncovered employment.

Modifies the definition of “noncovered employment” in existing law to add employment by a foreign agricultural worker on a temporary H-2A visa. Employers would not pay unemployment insurance taxes on the wages of a temporary agricultural worker on an H-2A visa, and such wages would not be included in the worker’s wage credits for the purposes of unemployment insurance.

17 Provider rate increases.

Requires the commissioner of employment and economic development, if sufficient funding is available, to provide for an annual growth factor adjustment of at least three percent for providers of extended employment services for persons with severe disabilities and, as of July 1, 2023, to increase reimbursement rates by the amount of this adjustment. Stipulates that the commissioner of management and budget must include an annual inflationary adjustment in reimbursement rates for providers as a budget change request in the biennial budget submitted to the legislature.

18 Transmittal of fees to commissioner of management and budget.

Providing that a larger portion of the fee collected for dissolutions is given to the Minnesota Family Resiliency Partnership.

19 Public infrastructure project.

Expands the definition of “public infrastructure project” for the purposes of the Destination Medical Center to also include design and predesign, compliance services, construction costs, community engagement, and transit costs incurred on or after March 16, 2020.

Effective date: This section is effective the day following final enactment.

20 Definitions.

Expands the definition of “transit costs” for the purposes of the Destination Medical Center to include, but not be limited to, buses and other means of transit, bus charging stations and equipment, and costs permitted under the definition of a public infrastructure project, including transit costs incurred on or after March 16, 2020.

Effective date: This section is effective the day following final enactment.

Section Description – Article 4: Workforce Development Policy

21 State transit aid.

Modifies the state transit aid formula for the Destination Medical Center, including allowing city or county contributions in excess of the ratio to carry forward and be credited toward subsequent years.

Effective date: This section is effective the day following final enactment.

22 Disposition of licensing fees.

Increasing the amount of the marriage license fee collected that goes to the Minnesota Family Resiliency Partnership.

23 Minnesota employer reasonable accommodation fund.

Creates a program to reimburse eligible employers for the cost of providing reasonable accommodations to applicants or employees with disabilities. Limits participation to employers with a principal place of business in Minnesota, employing 500 employees or less, with no more than \$5,000,000 in gross annual revenue. Awards reimbursement on a rolling basis for a maximum of \$30,000 per employer per year, for onetime accommodation costs between \$250 and \$15,000 per individual with a disability or for ongoing accommodation costs without limitation. Creates an account in the special revenue fund for the purposes of the program. Allows the commissioner to provide technical assistance to applicants about accommodations requests and for up to 20 percent of the biennial appropriation to the program to be used for administration and marketing expenses. Requires public notification about the availability of funds under the program and annual reports to the legislature. Sets the program to expire June 30, 2025, or when money appropriated for its purpose expires, whichever is later.

24 Engagement to address barriers to employment.

Requires the commissioner to engage stakeholders to identify the barriers that adults with mental illness face in obtaining and retaining employment and recommend strategies to address those barriers through a report to the legislature by February 1, 2024.

25 Southwestern Minnesota workforce development scholarship pilot program.

Creates the southwestern Minnesota workforce development scholarships pilot program which will award students scholarships at Minnesota West colleges for study of in-demand fields as determined by the local workforce development board. Requires scholarship applicants to commit to three years of full-time employment with any qualified local employer in their field, if this obligation is not met, the scholarship converts to a loan. Prioritizes grants to applicants continuing in the program and then students sponsored by an employer. Requires reports to the legislature on program outcomes and sets other administrative procedures.

Section Description – Article 4: Workforce Development Policy

- 26 **Unemployment insurance fine reduction and interest elimination.**
Requires the commissioner to make recommendations to the legislature by January 1, 2024, of how the unemployment insurance system will reduce the fines (from 40 percent to 15 percent) and eliminate interest applied to misrepresentation overpayments, including a timeline for these changes.

Article 5: Capitol Area

Creates and funds a Capitol Area Community Vitality Task Force and appropriates money for road projects within the Capitol Area.

Section Description – Article 5: Capitol Area

- 1 **Capitol Area Community Vitality Task Force; appropriation.**
Establishes a Capitol Area Community Vitality Task Force. The purpose of the task force is to make recommendations to the Capitol Area Architectural and Planning (CAAP) Board on the administration, program plan, and oversight of the Capitol Area community vitality account, newly established by this bill. The recommendations of the task force must receive approval by the CAAP Board, and the board must submit them to the legislature no later than February 1, 2024. Requires the task force to seek and receive the approval of the St. Paul planning council district that includes the Capitol Area before approving any construction work on the State Office Building. Provides an appropriation to support the work of the task force.
- 2 **Capitol Area community vitality account.**
Establishes a Capitol Area community vitality account in the special revenue fund. Money is appropriated to the commissioner of administration to improve the livability, economic health, and safety of communities within the Capitol Area. No funds may be expended until a detailed program and oversight plan, recommended by the Capitol Area Community Vitality Task Force, has been approved by the CAAP Board and further approved by the legislature in the form of a law. The bill appropriates \$5,000,000 to this account in fiscal year 2024.
- 3 **Capitol Mall Design Framework; appropriations.**
Appropriates \$1,000,000 to the Capitol Area Architectural and Planning Board for the purpose of updating the Capitol Mall Design Framework, and for initial implementation of the framework. Specific requirements for the updated framework and a timeline for completion are included. This section also appropriates \$5,000,000 to the commissioner of administration for implementing the framework, prioritizing certain projects specified in the bill.

Article 6: Appropriations; Labor

Appropriates money to the Department of Labor and Industry, Workers' Compensation Court of Appeals, and Bureau of Mediation Services. See fiscal spreadsheet for details.

Article 7: Agriculture and Food Processing Workers

Makes various modifications and additions to labor standards for agricultural and food processing workers. Section 1 adds these sections of law to the commissioner of labor and industry's authority to issue compliance orders. Sections 2 to 5 make changes to the Packinghouse Workers Bill of Rights (§ 179.86). Section 6 makes a conforming change with the timing of payment required under the Migrant Labor Law. Sections 7 to 11 make changes to the Recruitment in Food Processing Employment Law (§ 181.635). Sections 12 to 20 make changes to the Migrant Labor Law (§§ 181.85 to 181.91).

Section Description - Article 7: Agriculture and Food Processing Workers

- 1 Compliance orders.**
Adds the Migrant Labor Law, the Packinghouse Workers Bill of Rights, and the Recruitment in Food Processing Employment Law to the sections of law that the Department of Labor and Industry can enforce by issuing compliance orders for violations.
- 2 Definition.**
Expands the definition of "employer" under the Packinghouse Workers Bill of Rights to include the poultry processing industry.
- 3 Information provided by employee to employer.**
Modifies the requirements for the information that must be provided to packinghouse employees by the employer. Requires information to be provided in an employee's native language at the start of employment in person and in writing and provides that additional explanation must be provided, including certain information when workers' compensation coverage is required. Requires the Department of Labor and Industry to provide a standard form providing this information for employer use. Clarifies that this information is additional to the notice required under § 181.032.
- 4 Civil action.**
Creates a civil action for damages for packinghouse employees for violations of the Packinghouse Workers Bill of Rights.

Section Description - Article 7: Agriculture and Food Processing Workers

- 5 **Fine.**
Creates a fine of \$400 to \$1,000 on packinghouse employers for each violation of the information requirements to be paid to the aggrieved employee.
- 6 **Prompt payment required.**
Makes conforming change to require that migrant worker wages are due and payable within three days of quitting or resignation.
- 7 **Definitions.**
Modifies the definition of “recruits” to include inducing an employee to relocate for employment or the possibility of employment within Minnesota.
- 8 **Recruiting; required disclosure.**
Modifies the disclosure requirements for recruits by requiring that the disclosure be provided in the person’s preferred language, if it is not English or Spanish, and requiring that the signed disclosure be maintained by the employer for three years. Clarifies that this disclosure is additional to the notice required under § 181.032.
- 9 **Civil action.**
Increases the damage amounts available to plaintiffs in a civil action for violations of the Recruitment in Food Processing Employment Law.
- 10 **Fine.**
Increases the fine amount for each violation of the Recruitment in Food Processing Employment Law to be paid to the aggrieved employee.
- 11 **Standard disclosure form.**
Provides that the standard disclosure form from the Department of Labor and Industry must be provided in languages other than English and Spanish upon request.
- 12 **Agricultural labor.**
Modifies the definition of “agricultural labor” to also include labor performed in agriculture, as defined in Minnesota Rules, part 5200.0260.
- 13 **Employer.**
Expands the definition of “employer” under the Migrant Labor Law to include an individual, partnership, association, corporation, business trust, or any person or group of persons who employs one or more migrant workers through a recruiter in any calendar year.

Section Description - Article 7: Agriculture and Food Processing Workers

- 14 **Terms.**
Requires the written employment statement for migrant workers be provided in the worker's preferred language, in addition to English and Spanish. Requires that additional information about workers' compensation coverage be provided when coverage is required. Requires the Department of Labor and Industry to provide a standard form providing this information for employer use. Clarifies that the written employment statement under this section is additional to the notice required under § 181.032.
- 15 **Biweekly pay.**
Adds a cross reference to § 181.13, providing that migrant worker wages are immediately due and payable if discharged.
- 16 **Guaranteed hours.**
Modifies payment requirements for the 70 guaranteed hours for migrant workers. Requires payment of the highest wage rate applicable under local, state, or federal minimum wage laws, or as provided in the employment statement. Clarifies that an employer may change an employment start date with notice to the migrant worker's last known physical address or email address. Requires a \$50 minimum payment per day when no work is available for seven days or more due to climate conditions or an act of God.
- 17 **Statement itemizing deductions from wages.**
Requires migrant labor employers to comply with the earning statement requirements under § 181.032, part of the wage theft law, in addition to providing an itemized statement of deductions from wages.
- 18 **Record keeping.**
Requires migrant labor employers to comply with the recordkeeping requirements under § 177.30, part of the Minnesota Fair Labor Standards Act, and to maintain the written employment statement required for migrant worker recruits under § 181.86 for six years.
- 19 **Judgment; damages.**
Increases the damage amounts available to plaintiffs in a civil action for violations of the Migrant Labor Law.
- 20 **Enforcement.**
Allows the Department of Labor and Industry to assess penalties for violations of the Migrant Labor Law to be paid to aggrieved migrant workers.

Article 8: Nursing Home Workforce Standards

Establishes the Minnesota Nursing Home Workforce Standards Board and requires the board to adopt rules establishing minimum nursing home employment standards for nursing home workers, certifying worker organizations to provide training to nursing home workers, and establishing curriculum requirements for training. It also requires nursing home employers to post notices informing nursing home workers of their rights and obligations under the minimum nursing home employment standards and prohibits nursing home employers from retaliating against nursing home workers for certain conduct. The article authorizes the commissioner of labor and industry to investigate violations and enforce minimum nursing home employment standards, and authorizes civil actions by nursing home workers.

Section Description - Article 8: Nursing Home Workforce Standards

- 1 **Title.**
Provides that §§ 181.211 to 181.217 may be cited as the Minnesota Nursing Home Workforce Standards Board Act.
- 2 **Compliance orders.**
Authorizes the commissioner of labor and industry to issue orders to comply with any rule establishing nursing home employment standards under § 181.213 or notice requirements under § 181.215.
- 3 **Employer liability.**
Authorizes the commissioner of labor and industry to impose liability on employers for violations of any rule establishing nursing home employment standards under § 181.213 or notice requirements under § 181.215. Under existing law, the commissioner must order an employer to pay back pay, gratuities, compensatory damages, and liquidated damages to an aggrieved employee, and may impose a civil penalty of up to \$1,000 for each willful or repeat violation.
- 4 **Definitions.**
Adds § 181.211. Defines terms for sections governing the Nursing Home Workforce Standards Board. Terms defined are board, certified worker organization, commissioner, compensation, employer organization, nursing home, nursing home employer, nursing home worker, and worker organization.
- 5 **Minnesota Nursing Home Workforce Standards Board; establishment.**
Adds § 181.212. Establishes the board, specifies voting members of the board, and provides for terms, vacancies, election of a chairperson, staffing, compensation, application of other laws, voting, hearings and investigations, and department support.

Subd. 1. Board established; membership. Establishes the Minnesota Nursing Home Workforce Standards Board and lists voting members of the board: the

Section Description - Article 8: Nursing Home Workforce Standards

commissioners of human services, health, and labor and industry or designees; three members who represent nursing home employers or employer organizations; and three members who represent nursing home workers or worker organizations, all appointed by the governor in accordance with existing law. In appointing members who represent nursing home employers or employer organizations, the governor must consider the geographic distribution of nursing homes in the state.

Subd. 2. Terms; vacancies. Provides that board members appointed to represent nursing home employers or employer organizations and nursing home workers or worker organizations shall serve four-year terms following the initial staggered lot determination of term length for certain members under section 11. Specifies that the governor shall fill vacancies of members representing nursing home employers or employer organizations and nursing home workers or worker organizations by appointment for the unexpired term, and prohibits members appointed to represent nursing home employers or employer organizations and nursing home workers or worker organizations from being appointed to more than two consecutive terms. Board members serve until a successor is appointed.

Subd. 3. Chairperson. Requires the board to elect a member to serve as its chairperson.

Subd. 4. Staffing. Allows the commissioner to employ an executive director for the board and other personnel.

Subd. 5. Board compensation. Allows board members to be compensated at \$55 per day spent on board activities, plus expenses as authorized by the commissioner's plan. Provides that members who are public employees must not receive the daily payment for activities unless they use vacation time or compensatory time for board activities, and allows members who are public employees to be reimbursed for expenses.

Subd. 6. Application of other laws. Provides that board meetings must comply with Open Meeting Law requirements and that the board is subject to the Data Practices Act and existing law governing appointments to multimember agencies.

Subd. 7. Voting. Provides that an affirmative vote of five board members is required to take action.

Subd. 8. Hearings and investigations. Requires the board to hold public hearings and conduct investigations into nursing home working conditions in accordance with § 181.213.

Section Description - Article 8: Nursing Home Workforce Standards

Subd. 9. Department support. Requires the commissioner of labor and industry to provide staff support to the board in performing rulemaking and its assigned duties, as well as office space and supplies.

Subd. 10. Antitrust compliance. Requires the board to establish operating procedures that meet all state and federal antitrust requirements and may prohibit board member access to data to meet the requirements of this subdivision.

6 Duties of the board; minimum nursing home employment standards.

Adds § 181.213. Requires the board to adopt rules that establish minimum nursing home employment standards based on the board's investigations of market conditions and existing wages, benefits, and working conditions for nursing home workers.

Subd. 1. Authority to establish minimum nursing home employment standards. Requires the board to adopt rules establishing minimum nursing home employment standards that include standards for compensation, and may include recommendations for occupational health and safety standards. Requires the board to establish statewide standards, and allows adoption of standards for specific occupations. Requires initial standards to be adopted by August 1, 2024, and allows the board to use the expedited rulemaking process to adopt initial rules. Requires the board to consult with the department in developing standards prior to the rulemaking adoption process.

If minimum standards considered by the board fall within the jurisdiction of occupational safety and health, requires the board to recommend any occupational safety and health standards to the commissioner of labor and industry, and requires the commissioner to adopt rules establishing the recommended standards unless the recommended standard is outside the commissioner's authority, poses enforceability challenges, is infeasible to implement, or is otherwise unlawful.

Subd. 2. Investigation of market conditions. Requires the board to investigate market conditions and existing wages, benefits, and working conditions for nursing home workers for specific geographic areas and for specific nursing home occupations, and to seek to adopt minimum standards that meet or exceed existing conditions for a majority of nursing home workers. Makes initial employment standards established by the board effective January 1, 2025, and these standards remain in effect until any subsequent standards are adopted. Lists information the board must consider when making determinations of reasonably necessary employment standards.

Section Description - Article 8: Nursing Home Workforce Standards

Specifies the process by which the board and the commissioner of human services must determine the impact of compliance with new employment standards on the MA nursing facility reimbursement rates. Makes implementation of any new nursing home employment standards contingent upon an appropriation to fund the nursing facility rate increase necessary to comply with the new employment standards. Prohibits the budget and economic forecasts from assuming an increase in nursing facility payment rates resulting from the new employment standards until the board certifies the rates will need to be increased and the legislature appropriates funding for the payment rate increases.

Subd. 3. Review of standards. Requires the board to review previously adopted minimum nursing home employment standards every two years and update the standards or recommend updates to them using the expedited rulemaking process.

Subd. 4. Variance and waiver. Requires the board to adopt procedures for temporary variances and waivers of standards for individual nursing homes facing a risk of closure for noncompliance with a standard.

Subd. 5. Conflict. Except as provided in paragraphs (b) and (c), if there is a conflict with a rule adopted by the board and a rule adopted by another state agency, the board rule applies to nursing home workers and nursing home employers. However, under paragraph (b), if the conflicting rule adopted by the other state agency is adopted after the board's rule and is more protective or beneficial than the board's rule, the rule of the other state agency applies to nursing home workers and nursing home employers. Under paragraph (c), if the commissioner of health determines that a rule adopted or recommended by the board conflicts with a federal regulation or state standard for nursing home certification or licensure of nursing homes, the conflicting federal regulation or state standard will apply to nursing home workers and nursing home employers.

Subd. 6. Effect on other agreements. Provides that the statutes governing the Nursing Home Workforce Standards Board do not limit the rights of parties to a collective bargaining agreement to bargain and agree on nursing home employment standards, and do not diminish the obligations of nursing home employers to comply with contracts, collective bargaining agreements, and employment benefit programs and plans that meet or exceed and do not conflict with the requirements in statutes and board rules.

7 Duties of the board; training for nursing home workers.

Adds § 181.214. Requires the board to certify worker organizations to provide training to nursing home workers, establish curriculum requirements, and annually

Section Description - Article 8: Nursing Home Workforce Standards

review the adequacy of curriculum requirements and revise them as appropriate. Also lists duties of certified worker organizations and nursing home employers, and requires nursing home workers to be compensated for training at their regular hourly rate, plus travel expenses for any offsite training.

Subd. 1. Certification of worker organizations. Requires the board to certify worker organizations to provide training to nursing home workers, and to establish certification criteria in rule and establish a process for renewal of certification. Allows the board to use the expedited rulemaking process to establish certification criteria.

Subd. 2. Curriculum. Requires the board to establish curriculum requirements for nursing home worker training, and lists information a curriculum must provide. Requires the board to hold at least one public hearing to solicit input on the requirements before establishing initial curriculum requirements.

Subd. 3. Topics covered in training session. Provides that a certified worker organization is not required to cover all training topics in a single training session, and allows the organization to provide instructions on the topics over the course of up to three training sessions.

Subd. 4. Annual review of curriculum requirements. Requires the board to annually review the adequacy of its curriculum requirements, including holding at least one public hearing to solicit input, and to revise requirements as appropriate.

Subd. 5. Duties of certified worker organizations. Lists requirements for certified worker organizations providing training to nursing home workers. Allows certified worker organizations to survey training attendees to assess the effectiveness of training sessions and industry compliance with the Act and laws governing nursing home working conditions or worker health and safety.

Subd. 6. Nursing home employer duties regarding training. Requires a nursing home employer to submit written documentation to certify compliance to the board that every two years each of its nursing home workers completed one hour of required training. If requested by the certified worker organization, requires a nursing home employer to provide the organization with names and contact information of nursing home workers who attended the training, unless nursing home workers opt out of having their information provided.

Subd. 7. Training compensation. Requires a nursing home employer to compensate nursing home workers at their regular hourly rate for hours of

Section Description - Article 8: Nursing Home Workforce Standards

training completed according to this section and reimburse them for any reasonable travel expenses associated with attending offsite training sessions.

8 Required notices.

Adds § 181.215. Requires nursing home employers to provide notices informing nursing home workers of their rights and obligations regarding applicable minimum nursing home employment standards and local minimum standards. Specifies minimum requirements for providing notice by a readily seen posting or through paper or electronic copies, and requires the notice to inform nursing home workers that they may request the notice to be provided in a specific language. Requires the board to adopt rules using the expedited rulemaking process specifying minimum content and posting requirements for notices required in this section, and to make available a template or sample notice.

9 Retaliation prohibited.

Adds § 181.216. Prohibits retaliation, including discharge or demotion, against a nursing home worker for exercising any right under the Minnesota Nursing Home Workforce Standards Board Act, for participating in any hearing, investigation, proceeding, or training as provided under the Act, for informing another employer that a nursing home worker has engaged in protected activities under the Act, or for reporting or threatening to report the immigration or citizenship status of a current or former nursing home worker or the worker's family member. Requires reinstatement with the same conditions of employment for a nursing home worker who experiences retaliation.

10 Enforcement.

Adds § 181.217. Provides for enforcement of the Minnesota Nursing Home Workforce Standards Board Act by the commissioner of labor and industry.

Subd. 1. Minimum nursing home employment standards. Except as provided in § 181.213, subdivision 4, paragraphs (b) or (c), requires nursing home employers to follow at least the minimum employment standards for wages and other compensation for nursing home workers. Except as provided in § 181.213, subdivision 4, paragraphs (b) or (c), prohibits nursing home employment that would provide lower wages or other compensation than the minimum required by state law.

Subd. 2. Investigations. Authorizes the commissioner of labor and industry to investigate suspected violations of the Minnesota Nursing Home Workforce Standards Board Act.

Subd. 3. Civil action by nursing home worker. Allows a nursing home worker or class of nursing home workers aggrieved by a violation of the minimum

Section Description - Article 8: Nursing Home Workforce Standards

employment standards under the Act to bring a civil cause of action in district court. Requires the employer to pay any wages, benefits, or overtime owed, plus an additional equal amount as liquidated damages. Allows employees to seek damages and other appropriate relief, including attorney's fees. Also authorizes the court to issue orders to comply and to order reinstatement of an employee subject to retaliation. Provides that a labor agreement that fails to meet minimum nursing home employment standards is not a defense.

11 Initial appointments.

Requires the governor to make initial appointments to the Minnesota Nursing Home Workforce Standards Board no later than August 1, 2023, and the board to hold its first meeting within 30 days after appointments are made. The initial terms of board members appointed to represent nursing home employers or employer organizations and nursing home workers or worker organizations will be determined by lot by the secretary of state, with one member each appointed to an initial two-year, three-year, or four-year term respectively. Effective the day following final enactment.

Article 9: Petroleum Refinery Skilled Workers

Creates a new requirement that at least a certain percent of the employees of any contractor working at a petroleum refinery must have experience with a registered apprenticeship program in the applicable trade. Establishes fines to punish violators and allows the commissioner to issue compliance orders.

Section Description - Article 9: Petroleum Refinery Skilled Workers

1 Compliance orders. [§ 177.27, subd. 4]

Adds section 2 [§ 181.987] to the list of statutes the commissioner of labor and industry may issue a compliance order to an employer about, effective January 1, 2024.

2 Use of skilled and trained contractor workforces at petroleum refineries. [§ 181.987]

Creates a new requirement that at least a certain percent of the employees of any contractor working at a petroleum refinery must have experience with a registered apprenticeship program in the applicable trade. Establishes fines to punish violators. Effective October 15, 2023.

Subd. 1. Definitions. Provides definitions, including defining "skilled and trained workforce" as a minimum percent of the employees of a contractor or subcontractor working at the site of the petroleum refinery either currently or

Section Description - Article 9: Petroleum Refinery Skilled Workers

previously being registered apprentices in the applicable trade or having completed all requirements to graduate from a registered apprenticeship or a comparable combination of experience and training. The minimum percentage begins at 30 percent by January 1, 2024, and steps up annually by 15 percent until reaching 60 percent by January 1, 2026.

Subd. 2. Use of contractors by owner, operator; requirement. Requires the owner or operator of a petroleum 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, unless hired to perform OEM work necessary to comply with equipment warranty requirements or unless subject to a project labor agreement or collectively bargained maintenance agreement involving a registered apprenticeship program or if there is an emergency or lack of workers that makes compliance impracticable.

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 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.

This section is effective January 1, 2024, and applies to contracts entered, extended, or renewed on or after that date. Requires existing contracts entered before that date to be renegotiated to comply with this section by January 1, 2025.

Article 10: Combative Sports

Makes a variety of technical changes to the combative sports licensing system, including excluding martial arts and amateur boxing from licensure under this chapter, specifically listing kickboxing as a combative sport, reducing fees, and modifying licensing requirements.

Section Description - Article 10: Combative Sports

- 1 **Combatant.**
Modifies the definition of "combatant" to exclude martial artists and amateur boxers and to specifically include kickboxers.
- 2 **Combative sport.**
Adds kickboxing to the list of combative sports.

Section Description - Article 10: Combative Sports

- 3 **Combative sports contest.**
Adds kickboxing to the list of types of combative sports contests and removes martial art contests.
- 4 **Martial art.**
Removes kickboxing and Muay Thai from the list of disciplines fitting the definition of a “martial art.”
- 5 **Kickboxing.**
Defines “kickboxing” as the act of attack and defense with the fists using padded gloves and bare feet.
- 6 **Tough person contest.**
Redefines “tough person contest” as a boxing match or similar contest where combatants wear headgear and gloves weighing at least 12 ounces.
- 7 **Advisory council.**
Reduces the membership of the advisory council from nine members to five and removes the requirement to include a retired courtroom judge. Stipulates all members must have knowledge of combative sports and that appointments and terms will be governed by the general rules for council members under chapter 15 now. Exempts meetings about challenges to the outcome of a combative sports contest from the open meeting requirements under chapter 13D.
- 8 **Rules.**
Incorporates into the rules by reference the most recent version of the Unified Rules of Mixed Martial Arts, Unified Rules of Boxing, and the Unified Rules of Kickboxing.
- 9 **Commissioner duties.**
Specifically includes kickboxing in the arts the commissioner shall develop policies and procedures for regulating. Directs the commissioner to approve regulatory bodies to oversee martial arts and amateur boxing contests.
- 10 **Regulatory authority; tough person contests.**
Makes all tough person contests subject to the most recent version of the Unified Rules of Boxing and requires wearing headgear. Removes language about the length and number of rounds allowed.
- 11 **Regulatory authority; mixed martial arts contests.**
Limits the regulation to just mixed martial arts contests, excluding martial arts contests and similar sporting events.

Section Description - Article 10: Combative Sports

- 12 Regulatory authority; kickboxing contests.**
States that all kickboxing contests are subject to this chapter and all event officials must be licensed.
- 13 Regulatory authority; martial arts and amateur boxing.**
Exempts martial arts and amateur boxing contests from this chapter and all event officials from the requirement to be licensed under this chapter, but does require regulation by a nationally recognized organization approved by the commissioner. Requires this regulatory body to submit bout results and any suspensions to the commissioner within 72 hours of the event.
- 14 Regulatory authority; certain students.**
Exempts from this chapter and licensing requirements all combative sports or martial arts contests regulated by the Minnesota State High School League, National Collegiate Athletic Association, National Junior Collegiate Athletic Association, National Association of Intercollegiate Athletics or any similar organization for interscholastic athletics.
- 15 Prelicensure requirements.**
Makes conforming changes to requirements for a promoter license and limits deposits to surety bonds rather than also allowing cash bonds. Modifies the requirements for a combatant's license to clarify the medical requirements. Requires submission of proof of qualifications before a license may be issued to a referee, judge, or timekeeper. Stipulates ringside physicians to receive a license must submit proof of licensure to practice medicine in Minnesota.
- 16 Expiration and application.**
Changes the length of licenses issued on or after January 1, 2023, to a full year.
- 17 Fee schedule.**
Reduces fees for promoters, trainers and seconds, and professional and amateur combatants. Makes conforming changes to the promoter license. Streamlines contest fees to \$500 or four percent of gross ticket sales, whichever is greater, with \$500 due when the contest is scheduled and any balance within 14 days of the contest's completion.
- 18 [341.322] Payment schedule.**
Allows the commissioner to establish a schedule of payments from a promoter to referees, judges, timekeepers, and physicians.

Section Description - Article 10: Combative Sports

- 19 **[341.323] Event approval.**
Requires informing the commissioner at least six weeks before a combative sports contest of the time, date, and location of the contest. Stipulates that at least 72 hours before the contest the promoter must submit a copy of any agreement with combatants on payment of gate receipts, proof of insurance, and proof of adequate event security and ambulance presence. Requires promoters to be licensed under this chapter from when the contest is scheduled through the end of the contest. Clarifies that the commissioner’s discretion in approving a contest is not limited by this section.
- 20 **[341.324] Ambulance.**
Requires promoters to provide at their expense at every combative sports contest a licensed ambulance service with two emergency medical technicians.
- 21 **Physical examination required; fees.**
Stipulates that female combatants must take and submit a negative pregnancy test as part of their medical examination. Makes conforming changes.
- 22 **[341.331] Prohibited performance enhancing substances and testing.**
Prohibits combatants from using a wide variety of performance enhancing substances and masking agents. Sets rules for when the commissioner may administer drug testing of combatants and discipline those who test positive or fail to provide samples.
- 23 **[341.345] Challenging the outcome of a combative sport contest.**
Allows combatants to challenge the outcome of a combative sport contest and sets rules for the form and timing of that challenge, the opponent’s response, review by licensed officials, and the commissioner’s decision, as well as any request for a hearing before an administrative law judge.
- 24 **Civil penalties.**
Allows the commissioner to impose civil penalties on those who violate the rules imposed by the regulatory bodies for martial arts or amateur boxing contests, so as to remove any economic advantage gained by the violation.

Article 11: Miscellaneous

Makes miscellaneous policy and technical changes to labor and industry provisions.

Section Description - Article 11: Miscellaneous

- 1-6, 9, 10, 30 **Division of apprenticeship (multiple sections).**
Sections 1 to 6, 9, 10, and 30 create the Division of Apprenticeship, separate from the Division of Labor Standards and remove obsolete language.
- 7 **Labor education advancement grant program.**
Modifies the labor education advancement grant program to focus on both recruiting and retaining people of color, Indigenous people, and women in registered apprenticeship programs. Allows grants to nonprofits and Tribal governments as well as community-based organizations.
- 8 **Posting of veterans' benefits and services.**
Requires the commissioner of labor and industry to create and distribute a veterans' benefits and services poster in consultation with the commissioner of veterans' affairs. Provides the minimum information that must be included in the poster and requires annual review and update of content. Requires employers with 50 or more full-time employees to display the poster.
- 11-16 **OSHA penalty conformance.**
Makes several conforming changes to OSHA penalties. Sections 11 to 15 increase the fine amounts for willful or repeat, serious, nonserious, failure to correct, and posting violations of occupational safety and health standards to conform to federal law. Section 16 provides that future yearly increases to fine amounts will be tied to inflation.
- 17 **Ergonomics.**
Adds § 182.677. Establishes an ergonomics program under MNOSHA. Requires all licensed health care facilities and warehouse distribution centers or meatpacking sites with 100 or more employees to create and implement a written ergonomics program meeting specified requirements and assess its effectiveness annually. Requires employee training and employee involvement in the ergonomics program, as well as recordkeeping of worker medical visits and ergonomic injuries. Gives MNOSHA enforcement authority and establishes an ergonomics grant program for employers to make safety improvements. MNOSHA would provide education and outreach, prepare training materials for employers, and may propose an ergonomics occupational safety and health standard.
- Effective date: This section is effective November 1, 2023, except for subdivisions 9 and 12 (reporting encouraged and the grant program) which shall be effective July 1, 2023.

Section Description - Article 11: Miscellaneous

18-19 Construction codes and licensing fees.

Reduces fees for the reinstatement of licenses after revocation, suspension, or voluntary termination. Provides a refund for contractor recovery fund fees when a license is not issued.

20-23, 27 State Building Code – electric vehicle charging infrastructure.

Makes modifications to the State Building Code related to electric vehicle charging infrastructure by defining terms and requiring a minimum number of specific types of charging infrastructure for new commercial and multifamily structures (other than those with fewer than four dwelling units) that provide onsite parking facilities.

24 State Building Code – assisted living with dementia care facilities.

Modifies the definition of a “state licensed facility” under the State Building Code to include assisted living facilities, including those with dementia care, for the purposes of the Department of Labor and Industry’s building plan review and inspection authority.

25 State Building Code – model commercial energy code.

Directs the commissioner of labor and industry to consider amendments to the model commercial energy codes related to climate change, greenhouse gas emissions, and energy efficiency and resiliency. Beginning in 2024, the commissioner is directed to adopt each new published edition of the ASHRAE 90.1 or a more efficient standard and to adopt incremental changes to commercial energy codes between 2024 and 2036 that move towards 80 percent or greater reduction in annual net energy consumption by 2036. Requires a report to the legislature on progress towards that goal the year following each new code adoption. Clarifies that this requirement does not limit a public utility’s ability to offer code support programs through its energy conservation and optimizations plans or to claim the resulting energy savings.

26, 29 State Building Code – adult-sized changing facilities and window cleaning safety.

Directs the commissioner of labor and industry to adopt rules using expedited rulemaking to require window cleaning safety features that comply with a nationally recognized standard as part of the State Building Code. Requires compliance with this new standard for all new buildings and for renovations of existing buildings when there is not currently a safe window cleaning feature and it is feasible to add one.

Directs the commissioner of labor and industry to adopt rules requiring adult-size changing facilities as part of the State Building Code. Provides expedited rulemaking authority to the commissioner for that purpose. This change would apply only to new construction or substantially remodeled bathrooms.

Section Description - Article 11: Miscellaneous

Effective date: These changes are both effective the day after final enactment.

28 Contractor licensing.

Adds penetration of roof coverings to install a solar photovoltaic system to the areas of work that count as the special skill of residential roofing. Adds assembly of a support system for a solar photovoltaic system to the areas of work that count as the special skill of general installation specialties.

A person who performs two or more special skills is required to be licensed as a residential building contractor. This involves registration with the Department of Labor and Industry, payment of a fee, and complying with laws relating to continuing education, bonding, insurance, contracts, and contribution to the contractor recovery fund, among other provisions.

Article 12: Public Employment Relations Board

Makes changes related to the Public Employment Relations Board (PERB) data.

Section Description - Article 12: Public Employment Relations Board

1 Access by labor organizations, Bureau of Mediation Services, Public Employment Relations Board.

Amends the Minnesota Government Data Practices Act (MGDPA) to allow the PERB access to personnel data if the labor organization responsible authority determines it's necessary for certain purposes or if ordered by the Bureau of Mediation Services, the PERB, its employees, or agents.

2 Public Employment Relations Board data.

Adds a new provision to the MGDPA related to the PERB data.

(a) Except as provided in paragraphs (b) and (c), classifies data maintained by the PERB related to an unfair labor practice charge or appeal as protected nonpublic or confidential data under the MGDPA before being admitted into evidence at a hearing. Clarifies that such data becomes public once admitted into evidence at a hearing unless subject to protective order.

(b) Makes individual statements provided to the PERB private data on individuals before being admitted into evidence at a hearing, at which point it becomes public.

(c) Makes other types of data related to the PERB public data at all times, including the: (1) filing date of an unfair labor charge; (2) status of an unfair labor practice charge; (3) name and job class of the charging and charged party; (4) alleged

Section Description - Article 12: Public Employment Relations Board

provision(s) of law violated in charges; (5) complaint issued by the PERB; and (6) unless subject to a protection order: (i) the full and complete record of an evidentiary hearing on a charge; (ii) recommended decisions and orders; (iii) exceptions to a recommended decision and order filed with the PERB; (iv) briefs filed with the PERB; and (v) decisions and orders issued by the PERB.

(d) Allows the PERB to grant access to data classified as private, protected nonpublic, or confidential data to any person if it would aid in implementing chapters 179 and 179A or ensure due process protection.

3 Open Meeting Law; exceptions.

Provides that open meeting law requirements under existing law do not apply to certain meetings of the PERB, including those deliberating the merits of unfair labor charges, reviewing a recommended decision and order, or reviewing a decision by the Bureau of Mediations Services related to unfair labor practices. Effective the day following final enactment.

Article 13: Meat and Poultry Processing

Establishes the Safe Workplaces for Meat and Poultry Processing Workers Act.

Section Description – Article 13: Meat and Poultry Processing

1 Title.

Titles the new sections created under this article as the Safe Workplaces for Meat and Poultry Workers Act (the Act).

2 Definitions.

Provides several definitions used in the Act. Defines “meat-processing worker” as an individual working directly with raw meatpacking products in the meatpacking operation, including independent contractors and those hired by a temp service or staffing agency. Also includes workers inspecting or packaging meatpacking products or cleaning, maintaining, or sanitizing equipment and services. The provisions of the Act apply to a “meatpacking operation” with 100 or more employees in the specified Minnesota and North American Industrial Classification system codes.

3 Worker rights coordinator.

Requires the commissioner of labor and industry to appoint a meatpacking industry worker rights coordinator as part of the department. Provides enforcement authority of the Act to the commissioner, who may inspect, review, and recommend practices and procedures for improving meatpacking operations. Starting December 1, 2024,

Section Description – Article 13: Meat and Poultry Processing

requires the coordinator to submit an annual report to the governor and relevant legislative committees with recommendations for treatment of meatpacking workers.

4 Refusal to work under dangerous conditions.

Allows a meatpacking worker to refuse to work under dangerous conditions as provided under existing law. Prohibits discrimination and requires continued pay for the worker as required by existing law.

5 Enforcement and compliance.

Provides administrative enforcement and compliance authority to the commissioner of labor and industry over meatpacking operations and alleged violations of certain provisions under §§ 179.8755, 179.8756, and 179.8757. Allows the commissioner to seek relief as provided under existing law if a meatpacking employer does not comply. Provides a private civil cause of action for an aggrieved worker or authorized employee representative for violations of the Act. Also gives the attorney general and city and county attorneys enforcement authority over the Act. Provides certain relief in a civil action or administrative proceeding, including an injunction, payment of costs and fees to the prevailing worker, and a daily civil penalty to the state. A worker subject to retaliation is entitled to three times the amount of damages, plus lost pay, fees, and costs. A company faces up to a \$10,000 fine for retaliation.

Further provides a private civil action for whistleblower claims. Requires written notice to the worker rights coordinator of the specific violation, and allows for a private cause of action if no enforcement authority is taken by the commissioner within 30 days. Recovery of a civil penalty for whistleblower claims will be paid 70 percent paid to the commissioner for enforcement, and 30 percent to the individual or authorized employee representative.

6 Retaliation against employees and whistleblowers prohibited.

Prohibits discharge or discrimination against a meatpacking worker who reports health or safety concerns, or for exercising a right under the Act. Prohibits a contract or agreement from limiting a worker's right to disclose health or safety hazards. Reporting the immigration or citizenship status or suspected status of a meatpacking worker or a worker's family member for exercising a right under the Act is considered an adverse employment action.

7 Meatpacking worker chronic injuries and workplace safety.

Subd. 1. Facility committee. Establishes requirements for meatpacking employers' ergonomics programs under § 182.677, subdivision 2, to be developed and implemented by a knowledgeable committee. The facility

Section Description – Article 13: Meat and Poultry Processing

committee must include a certified ergonomist, licensed physician, and at least three workers from the facility.

Subd. 2. New task and annual safety training. Requires safety and ergonomics training and information for new employees or when employees are assigned new tasks. Training must be provided in an understandable language. Also requires at least eight hours of annual health and safety training for all employees, including at least two hours on topics related to ergonomic injury prevention.

Subd. 3. Medical services and qualifications. Provides qualifications and requirements for medical staff and first-aid workers engaged by a meatpacking employer, including guidance on medical management and prevention of musculoskeletal injuries. Requires the worker rights coordinator to report annually on ergonomics programs.

Subd. 4. Pandemic protections. Provides several protections that apply during a peacetime public health emergency declared by the governor involving airborne transmission. Pandemic-specific requirements include: provide and require PPE for employees; maintain social distancing and minimum six-foot radius of space between workers without nonporous separation barriers; provide handwashing or hand sanitizing facilities; and ensure frequent cleaning and disinfecting.

Other general requirements that apply during a peacetime public health emergency include: provide required notices to employees in a language they understand; provide adequate break times and sufficient PPE; keep records of workplace injuries and illnesses; and make redacted records available upon request.

Also provides for enforcement and penalties for violations of this subdivision.

Effective date: This section is effective November 1, 2023, except for subdivision 4 which is effective July 1, 2023.

8 Notification required.

Employers must provide written notice to employees of their rights under the Act in a language they understand at least annually. The worker rights coordinator must provide annual updates and post information for employees, including on the DLI website.

Effective date: This section is effective November 1, 2023.

Section Description – Article 13: Meat and Poultry Processing

9 Refusal to work under dangerous conditions.

Modifies and expands existing law that allows an employee acting in good faith to refuse to work under dangerous conditions. In addition to relief under § 182.669, allows an administrative law judge to order reinstatement of an aggrieved worker, compensation for unpaid wages and benefits, or front pay, plus compensatory damages.

Article 14: Warehouse Workers

Establishes worker safety requirements for warehouse distribution centers.

Section Description - Article 14: Warehouse Workers

1 Warehouse distribution worker safety.

Provides several worker safety requirements for warehouse distribution centers.

Subd. 1. Definitions. Provides definitions used in the article. Applies to employers with 250 or more employees at one warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers.

Subd. 2. Written description required. Requires written description to employees of each quota they are required to meet. Notice must be in understandable plain language in the employee's preferred language and must be given at the time of hire, or within 30 days of enactment, and at least two working days before the quota will take effect. The notice must include how the work standards for the quota will be measured, such as a certain speed, certain output amount, or certain error or defect rate for a certain period of time or group, and any employment consequence for not meeting the quota. Prohibits adverse employment action against an employee for failing to meet a quota that was not disclosed.

Subd. 3. Breaks. Prohibits employers from requiring employees to meet quotas that would interfere with compliance of required meal, rest, restroom break (including reasonable travel time), or prayer periods, or otherwise prevent compliance with any Occupational Safety and Health Administration (OSHA) workplace safety standard. Also prohibits employers from taking adverse employment action against employees who do not meet such a quota.

Subd. 4. Work speed data. Allows employees to request: (1) a written description of each quota they are required to meet; (2) a copy of their work speed data for the most recent 90 days; and (3) a copy of the last six months of aggregated work speed data for similar employees at their worksite. Requests

Section Description - Article 14: Warehouse Workers

may be made orally or in writing up to four times a year. Requires employers to provide the requested data within 72 hours. Also requires employers to provide a copy of an employee's work speed data for the most recent 90 days when the employee is disciplined or fired for failing to meet a quota. Prohibits retaliation against employees for seeking this data.

Subd. 5. High rates of injury. Requires the commissioner of labor and industry to investigate violations under this section if OSHA data shows a 30 percent higher than the year's average incidence rate for nonfatal occupational injuries and illnesses in that industry. Requires employer to hold monthly safety meetings for two years until incidence rates fall below 30 percent higher than the average.

Subd. 6. Enforcement. Provides enforcement by the commissioner of labor and industry, as provided under existing law. The commissioner may inspect and investigate and issue written citations for violations, set a reasonable timeline to correct violations, and impose a penalty. Citations, penalties, and remedies are set under existing law. Also creates a private civil cause of action for an employee aggrieved by violations of this section. An employee may commence an action within one year of a violation, and if successful, the district court may order damages and costs, an injunction to comply, and other equitable relief, including reinstatement with back pay. Does not preempt OSHA standards that are more restrictive.

2 Severability.

Provides that if any provision or application of the article is found to be void by a court that the remaining provisions will remain in effect.

Article 15: Construction Worker Wage Protections

Creates wage protection laws for construction workers and allows for investigation by the Department of Labor and Industry as well as private lawsuits when construction workers are not paid by subcontractors or contractors for work on construction projects that are not related to single family homes or duplexes unless the project is for construction on ten or more homes.

Section Description - Article 15: Construction Worker Wage Protections

1 Examination of records.

Allows the commissioner of labor and industry to inspect employment records related to wages, hours, and conditions of employment, and places of employment to ensure compliance with the construction worker's wage protection provisions in new § 181.165.

Section Description - Article 15: Construction Worker Wage Protections

2 Compliance orders.

Allows the commissioner of labor and industry to issue compliance orders to enforce the construction worker's wage protection provisions in new § 181.165. Defines an employer to include a contractor assuming a subcontractor's liability under that section.

3 Court action.

Allows an employee to bring a civil action for unpaid wages and overtime under the construction worker's wage protection provisions in new § 181.165, including a contractor who has assumed a subcontractor's liability to recover unpaid wages, overtime, and liquidated damages in district court.

4 District court jurisdiction.

An action under section 3 can be brought in the county where the employer failed to pay the wages.

5 Attorney fees and costs.

Allows an employee who prevails in a case against an employer for unpaid wages as a construction worker to collect attorney's fees, court costs, and witness fees.

6 Wage protection; construction workers.

Adds new § 181.165.

Subd. 1. Definitions. Provides definitions related to wage protection for construction workers, including definitions for a claimant, contractor, owner, and subcontractor.

Subd. 2. Assumption of liability. Provides that a contractor who is overseeing a construction project is liable for unpaid wages, penalties, and fringe benefits owed to a person claiming unpaid wages or fringe benefits by law or contract by the contractor or any subcontractor for that person's performance of labor on the construction project. Allows a contractor who satisfies unpaid wage claims to seek actual and liquidated damages from a subcontractor for any fees and costs incurred in doing so.

Subd. 3. Enforcement. Allows a person who can file a complaint with the commission or a private lawsuit for unpaid construction wages to designate another person, organization, or collective bargaining agent to file the complaint on their behalf. This section provides that a contractor is jointly and severally liable for subcontractors for construction worker's unpaid wages, penalties, and benefits.

Section Description - Article 15: Construction Worker Wage Protections

Subd. 4. Payroll records; data. Requires subcontractors to provide payroll records containing certain information to a contractor or subcontractor within 15 days of a request. A contractor or subcontractor can disclose that a construction worker works for them but cannot disclose any personal identifying information publicly unless required by law.

Subd. 5. Payments to contractors and subcontractors. Provides owners who hire contractors must still pay contractors, and contractors must pay subcontractors, and nothing in this section changes those arrangements.

Subd. 6. Exemption. Allows a collective bargaining agreement with a bona fide building and construction trade labor organization representing workers on a construction project to waive provisions under this section in certain circumstances. Also provides the construction worker's wage protection provisions under this section do not apply to construction work when prevailing wage applies.

7 Employer; definition.

Adds contractors who assume contractor liability to the definition of employer for section 181.171.

8 Effective date.

Provides that this bill would be effective on August 1, 2023, and would apply to contracts signed, renewed, amended, or modified on or after that date.



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