

**Subject** Workforce requirements at petroleum refineries

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## Overview

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 and a private right of action to punish violators and allows the commissioner to issue compliance orders.

## Summary

Section	Description
1	<p><b>Compliance orders. [§ 177.27, subd. 4]</b></p> <p>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 October 15, 2023.</p>
2	<p><b>Use of skilled and trained contractor workforces at petroleum refineries. [§ 181.987]</b></p> <p>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 and a private right of action to punish violators. Effective October 15, 2023.</p> <p><b>Subd. 1. Definitions.</b> 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 previously being registered apprentices in the applicable trade or having completed all requirements to graduate from a registered apprenticeship. The minimum percentage begins at 65 percent by October 15, 2023, and steps up annually by 10 percent until reaching 85 percent by October 15, 2025.</p> <p><b>Subd. 2. Use of contractors by owner, operator; requirement.</b> 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</p>

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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.

**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.

**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. Allows the court to award a successful plaintiff these damages, plus attorney fees, cost, disbursements, and other relief.

**Effective date.** This section is effective October 15, 2023.



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