

176.14

ARTICLE 9

176.15

EARNED SICK AND SAFE TIME

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

176.17 Subdivision 1. **Comparable position.** (a) An employee returning from a leave of absence
176.18 under section 181.941 is entitled to return to employment in the employee's former position
176.19 or in a position of comparable duties, number of hours, and pay. An employee returning
176.20 from a leave of absence longer than one month must notify a supervisor at least two weeks
176.21 prior to return from leave. An employee returning from a leave under section 181.9412 or
176.22 ~~181.9413~~ sections 181.9445 to 181.9448 is entitled to return to employment in the employee's
176.23 former position.

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

177.1 Sec. 2. [181.9445] DEFINITIONS.

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

177.4 Subd. 2. Commissioner. "Commissioner" means the commissioner of labor and industry
177.5 or authorized designee or representative.

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

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

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

177.14 (1) an independent contractor; or

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

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

177.25 Subd. 7. Family member. "Family member" means:

177.26 (1) an employee's:

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

177.29 (ii) spouse or registered domestic partner;

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

177.31 (iv) parent or stepparent;

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

178.2 (vi) grandparent or stepgrandparent;

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

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

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

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

178.11 Subd. 9. **Prevailing wage rate.** "Prevailing wage rate" has the meaning given in section
178.12 177.42 and as calculated by the Department of Labor and Industry.

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

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

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

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

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

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

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

178.30 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
178.31 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.

179.1 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
179.2 the employer agrees to a higher amount.

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

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

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

179.14 (e) Employees may use accrued earned sick and safe time beginning 90 calendar days
179.15 after the day their employment commenced. After 90 days from the day employment
179.16 commenced, employees may use earned sick and safe time as it is accrued. The
179.17 90-calendar-day period under this paragraph includes both days worked and days not worked.

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

179.19 Subdivision 1. **Eligible use.** An employee may use accrued earned sick and safe time
179.20 for:

179.21 (1) an employee's:

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

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

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

179.26 (2) care of a family member:

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

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

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

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

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

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

180.6 (iii) obtain psychological or other counseling;

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

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

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

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

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

180.24 Subd. 3. **Documentation.** When an employee uses earned sick and safe time for more
180.25 than three consecutive days, an employer may require reasonable documentation that the
180.26 earned sick and safe time is covered by subdivision 1. For earned sick and safe time under
180.27 subdivision 1, clauses (1) and (2), reasonable documentation may include a signed statement
180.28 by a health care professional indicating the need for use of earned sick and safe time. For
180.29 earned sick and safe time under subdivision 1, clause (3), an employer must accept a court
180.30 record or documentation signed by a volunteer or employee of a victims services organization,
180.31 an attorney, a police officer, or an antiviolence counselor as reasonable documentation. An
180.32 employer must not require disclosure of details relating to domestic abuse, sexual assault,
180.33 or stalking or the details of an employee's or an employee's family member's medical

181.1 condition as related to an employee's request to use earned sick and safe time under this
181.2 section.

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

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

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

181.13 Subd. 7. **Reinstatement to comparable position after leave.** An employee returning
181.14 from a leave under this section is entitled to return to employment in a comparable position.
181.15 If, during a leave under this section, the employer experiences a layoff and the employee
181.16 would have lost a position had the employee not been on leave, pursuant to the good faith
181.17 operation of a bona fide layoff and recall system, including a system under a collective
181.18 bargaining agreement, the employee is not entitled to reinstatement in the former or
181.19 comparable position. In such circumstances, the employee retains all rights under the layoff
181.20 and recall system, including a system under a collective bargaining agreement, as if the
181.21 employee had not taken the leave.

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

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

181.33 Subd. 10. **Notice and posting by employer.** (a) Employers must give notice to all
181.34 employees that they are entitled to earned sick and safe time, including the amount of earned

182.1 sick and safe time, the accrual year for the employee, and the terms of its use under this
182.2 section; that retaliation against employees who request or use earned sick and safe time is
182.3 prohibited; and that each employee has the right to file a complaint or bring a civil action
182.4 if earned sick and safe time is denied by the employer or the employee is retaliated against
182.5 for requesting or using earned sick and safe time.

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

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

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

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

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

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

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

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

182.24 (2) used earned sick and safe time.

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

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

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

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

183.3 (1) health or medical information regarding an employee or an employee's family
183.4 member;

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

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

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

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

183.13 (b) Records and documents relating to medical certifications, recertifications, or medical
183.14 histories of employees or family members of employees created for purposes of section
183.15 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
183.16 separate from the usual personnel files. At the request of the employee, the employer must
183.17 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
183.18 three years prior to the current calendar year.

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

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

183.22 Subdivision 1. No effect on more generous sick and safe time policies. (a) Nothing
183.23 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting
183.24 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise
183.25 conflict with, the minimum standards and requirements provided in sections 181.9445 to
183.26 181.9447.

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

184.1 (c) Employers who provide earned sick and safe time to their employees under a paid
184.2 time off policy or other paid leave policy that meets or exceeds, and does not otherwise
184.3 conflict with, the minimum standards and requirements provided in sections 181.9445 to
184.4 181.9448 are not required to provide additional earned sick and safe time.

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

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

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

184.11 An employer electing this option is deemed to be in compliance with sections 181.9445 to
184.12 181.9448 for construction industry employees who receive either at least the prevailing
184.13 wage rate or the rate required in the applicable apprenticeship agreement regardless of
184.14 whether the employees are working on private or public projects.

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

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

184.19 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
184.20 require financial or other reimbursement to an employee from an employer upon the
184.21 employee's termination, resignation, retirement, or other separation from employment for
184.22 accrued earned sick and safe time that has not been used. If an employee is transferred to
184.23 a separate division, entity, or location, but remains employed by the same employer, the
184.24 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
184.25 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
184.26 to 181.9448. When there is a separation from employment and the employee is rehired
184.27 within 180 days of separation by the same employer, previously accrued earned sick and
184.28 safe time that had not been used must be reinstated. An employee is entitled to use accrued
184.29 earned sick and safe time and accrue additional earned sick and safe time at the
184.30 commencement of reemployment.

184.31 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
184.32 place of an existing employer, all employees of the original employer who remain employed
184.33 by the successor employer are entitled to all earned sick and safe time accrued but not used

185.1 when employed by the original employer, and are entitled to use all earned sick and safe
185.2 time previously accrued but not used.

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

185.8 Sec. 6. **REPEALER.**

185.9 Minnesota Statutes 2020, section 181.9413, is repealed.

185.10 Sec. 7. **EFFECTIVE DATE.**

185.11 This article is effective 180 days following final enactment.

185.12 **ARTICLE 10**

185.13 **EARNED SICK AND SAFE TIME ENFORCEMENT**

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

185.15 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
185.16 of employees working in the state to submit to the commissioner photocopies, certified
185.17 copies, or, if necessary, the originals of employment records which the commissioner deems
185.18 necessary or appropriate. The records which may be required include full and correct
185.19 statements in writing, including sworn statements by the employer, containing information
185.20 relating to wages, hours, names, addresses, and any other information pertaining to the
185.21 employer's employees and the conditions of their employment as the commissioner deems
185.22 necessary or appropriate.

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

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

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

186.2 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
186.3 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
186.4 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
186.5 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.9445 to 181.9448, or
186.6 with any rule promulgated under section 177.28. The commissioner shall issue an order
186.7 requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated.
186.8 For purposes of this subdivision only, a violation is repeated if at any time during the two
186.9 years that preceded the date of violation, the commissioner issued an order to the employer
186.10 for violation of sections 177.41 to 177.435 and the order is final or the commissioner and
186.11 the employer have entered into a settlement agreement that required the employer to pay
186.12 back wages that were required by sections 177.41 to 177.435. The department shall serve
186.13 the order upon the employer or the employer's authorized representative in person or by
186.14 certified mail at the employer's place of business. An employer who wishes to contest the
186.15 order must file written notice of objection to the order with the commissioner within 15
186.16 calendar days after being served with the order. A contested case proceeding must then be
186.17 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
186.18 served with the order, the employer fails to file a written notice of objection with the
186.19 commissioner, the order becomes a final order of the commissioner.

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

186.21 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
186.22 violated a section identified in subdivision 4, or any rule adopted under section 177.28, and
186.23 the commissioner issues an order to comply, the commissioner shall order the employer to
186.24 cease and desist from engaging in the violative practice and to take such affirmative steps
186.25 that in the judgment of the commissioner will effectuate the purposes of the section or rule
186.26 violated. The commissioner shall order the employer to pay to the aggrieved parties back
186.27 pay, gratuities, and compensatory damages, less any amount actually paid to the employee
186.28 by the employer, and for an additional equal amount as liquidated damages. Any employer
186.29 who is found by the commissioner to have repeatedly or willfully violated a section or
186.30 sections identified in subdivision 4 shall be subject to a civil penalty of up to ~~\$1,000~~ \$10,000
186.31 for each violation for each employee. In determining the amount of a civil penalty under
186.32 this subdivision, the appropriateness of such penalty to the size of the employer's business
186.33 and the gravity of the violation shall be considered. In addition, the commissioner may order
186.34 the employer to reimburse the department and the attorney general for all appropriate
186.35 litigation and hearing costs expended in preparation for and in conducting the contested

187.1 case proceeding, unless payment of costs would impose extreme financial hardship on the
187.2 employer. If the employer is able to establish extreme financial hardship, then the
187.3 commissioner may order the employer to pay a percentage of the total costs that will not
187.4 cause extreme financial hardship. Costs include but are not limited to the costs of services
187.5 rendered by the attorney general, private attorneys if engaged by the department,
187.6 administrative law judges, court reporters, and expert witnesses as well as the cost of
187.7 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
187.8 order from the date the order is signed by the commissioner until it is paid, at an annual rate
187.9 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
187.10 escrow accounts for purposes of distributing damages.

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

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

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

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

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

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

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

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

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

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

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