

Subject Labor and Industry Omnibus Bill

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## Article 1: Appropriations

Appropriates money to the Department of Labor and Industry, Bureau of Mediation Services, Workers' Compensation Court of Appeals, Minnesota Management and Budget, and Attorney General. See spreadsheet for details.

## Article 2: Labor and Industry Policy

Contains various labor and industry policy provisions.

### Sections Description – Article 2: Labor and Industry Policy

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- 1 **Occupational safety and health citations [§ 13.7905, subd. 6].**  
Makes conforming change with section 14.
- 2 **Data on individuals who are minors [§ 13.7905, subd. 8].**  
Makes conforming change with section 13.
- 3 **Gratuities; credit cards or charges [§ 177.24, subd. 3a].**  
Requires payment of all tips received by an employee on a credit, charge, or debit card with no deduction. Payment of the tip must be included in the pay period the tip was received and must be paid to the employee no later than the next pay period.
- 4 **Compliance orders [§ 177.27, subd. 4].**  
Adds section 14 [§ 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, 2021.
- 5 **Apprenticeship rules [§ 178.012, subd. 1].**  
Makes changes to state apprenticeship law to conform with federal apprenticeship requirements.

**Sections Description – Article 2: Labor and Industry Policy**

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- 6 Law enforcement supervisors unit [§ 179A.10, subd. 2].**  
Creates a new law enforcement supervisors unit under the Public Employment Labor Relations Act (PELRA) for state law enforcement supervisor positions. The unit would include law enforcement supervisor positions that are currently covered under the Middle Management Association (MMA) agreement or commissioner’s plan.
- 7 State employee severance [§ 179A.10, subd. 3].**  
Removes state-patrol supervisors, Department of Natural Resources enforcement supervisors, and criminal apprehension investigative-supervisors as groups that have the right to separate from the general supervisory unit under PELRA. Currently, criminal apprehension investigative-supervisors are under the MMA agreement, while the other two severed and are covered under the commissioner’s plan.
- 8 Request or use of credit information prohibited [§ 181.53].**  
Prohibits employers from requesting or using credit information as a condition of employment, for hiring, firing, or compensation determinations, or in any way that affects the terms and conditions of employment. Credit information includes a credit score or history, credit account balance, payment history, or savings or checking account balances or account numbers. Includes several exceptions for certain types of positions, for a valid business need, or if the information is required under state or federal law. Provides a private civil cause of action for violations.
- 9 Nursing mothers, lactating employees, and pregnancy accommodations [§ 181.939, subds. 1-4].**  
Requires an employer with one or more employees to provide nursing and lactating employees with paid break time to express milk. Removes previous language allowing an employer to opt out if it would cause undue disruption. An employee may, but is not required, to use existing break times provided by the employer. Also requires such an employer to provide a requesting employee with reasonable accommodations for health conditions related to pregnancy or childbirth, unless the employer shows it would be an undue hardship. Accommodations may require advice from a medical provider. Prohibits retaliation against an employee for requesting accommodations or break times for lactation.
- 10-11 Parenting leave and accommodations; definitions [§ 181.940, subds. 2 and 3].**  
Modifies definitions of “employee” and “employer” to expand parenting and pregnancy leave accommodations eligibility. Applies to an employer with one or more employees and to employees who have worked for an employer at least 90 days.

Sections Description – Article 2: Labor and Industry Policy

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12 **Use of skilled and trained contractor workforces at oil refineries [§ 181.987].**

Creates a new requirement that at least 85 percent of the employees of any contractor working at an oil 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, 2021.

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

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

**Subd. 3. Penalties.** Directs the commissioner of labor and industry to fine owners, operators, contractors, or subcontractors at least \$5,000, but no more than \$10,000 for every shift where the skilled and trained workforce requirement 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, 2021.

13 **Data on individuals who are minors [§ 181A.112].**

Classifies child labor data obtained by the commissioner of labor and industry as private data on individuals, unless it is considered public under the Minnesota Government Data Practices Act. Protects a minor’s name, date of birth, social security number, email and mailing addresses, phone number, online access information, and other identifying information from disclosure.

14 **Classification of citation data [§ 182.66, subd. 4].**

Makes citations received by the Minnesota Occupational Safety and Health Administration (MNOSHA) public as soon as MNOSHA confirms that an employer has received them. Includes all parts of a citation.

Sections Description – Article 2: Labor and Industry Policy

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15-20 **Occupational Safety and Health; penalties [§ 182.666, subs. 1-5 and 6a].**

Sections 15 to 19 raise the fine amounts for willful, repeat, serious, nonserious, failure to correct, and posting violations of occupational safety and health standards to conform to federal law. Section 20 provides that future yearly increases to fine amounts will be tied to inflation.

21 **Automatic sprinklers in existing high-rise buildings [§ 299F.48]**

**Subd. 1. Requirements.** Requires existing buildings where humans occupy a floor above the reach of fire department vehicles (75 feet) to have automatic sprinkler systems installed, to code, in every area where one would be required if the building was built today. Applies, for example, to most high-rise residential or office buildings, except those exempt under subdivision 2. Sets August 1, 2033, as the deadline for having sprinklers fully installed.

**Subd. 2. Exemptions.** Exempts certain types of buildings and spaces within buildings from the sprinkler requirement, primarily those where specific activities occur (monuments, airport control, parking, agriculture, elevators, electric plants, telecommunications) or other types of safety laws apply (surgical facilities licensed by the Department of Health or manufacturing facilities covered by federal fire standards). Exempts also most condominium buildings, i.e. “residential building[s] in which at least 70 percent of the dwelling units are owner occupied.”

**Subd. 3. Reporting.** Sets a two year deadline for the owners of buildings subject to this section to inform the state fire marshal of their plans for complying and installing an automatic sprinkler system.

**Subd. 4. Extensions.** Allows the state fire marshal to grant extensions to the deadlines for both reporting a compliance plan and fully installing sprinklers. Requires building owners to apply for an extension and demonstrate a genuine inability to comply within the deadline despite appropriate effort to do so.

**Subd. 5. Rules.** Permits the commissioner to adopt rules to implement this section.

**Subd. 6. Working group.** Provides for the appointment of an advisory working group to advise on implementation of this section and applications for extensions. Requires, if the commissioner elects to appoint a working group, that the group include representatives from 12 specific groups representing a wide range of affected stakeholders.

**Subd. 7. Effect on other laws.** Clarifies that this section does not supersede the State Building Code or State Fire Code.

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- 22      **Construction Codes Advisory Council membership [§ 326B.07, subd. 1].**  
Adds members to the Construction Codes Advisory Council that work in the energy conservation industry and building accessibility advocacy.
- 23      **License fees and license renewal fees [§ 326B.092, subd. 7]**  
Extends fee reductions that were enacted in 2015 and extended in 2017 for construction contractors, electricians, plumbers, high pressure pipefitters, boiler operators, and also for permit and plan review fees.
- 24      **Internet continuing education for manufactured home installers [§ 326B.0981, subd. 4]**  
Modifies the requirements for continuing education courses provided over the internet to manufactured home installers. Unlike courses for other areas of the construction trades, online courses for manufactured home installers would be approved by the United States Department of Housing and Urban Development or the commissioner of labor and industry. This approval would need to accompany the course completion certificate issued to the student by the course sponsor. This section is effective the day after final enactment.
- 25      **State building code; general powers of commissioner of labor and industry [§ 326B.106, subd. 1].**  
Provides framework for the commissioner to adopt the statewide building energy code and reach net zero energy standard for new commercial buildings by 2036.
- 26-28      **Contractor recovery fund [§ 326.89, subs. 1, 5, and 9].**  
Makes changes to the definitions, payment limitations, and applications for compensation for the contractor recovery fund. Clarifies language and increases the frequency and limits on payouts.
- 29      **Law enforcement supervisors transition.**  
Clarifies that until a collective bargaining agreement is negotiated and approved for the new law enforcement supervisors unit under §179A.10, subd. 2 (18), positions to be included in the unit will remain covered by their existing agreement, either the MMA agreement or the commissioner’s plan. Those currently represented by MMA may elect to remain with MMA. Those in the new unit may participate in electing an exclusive representative and negotiations for the new unit during the transition.
- 30      **Career pathway demonstration program.**  
Creates a career pathway demonstration program to promote student participation in a structured career pathway program. The Houston school district operates the Minnesota Virtual Academy, which provides online courses for students throughout the state and offers a high school career pathways program called Stride. Article 1

**Sections Description – Article 2: Labor and Industry Policy**

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appropriates money from the workforce development fund for a \$100,000 grant to the Minnesota Virtual Academy for the manufacturing and trades career pathway of the program operated with Operating Engineers Local 49. Requires a report to the legislature on the program.

**31 Repealer [§ 181.9414, and Minn. R. 5200.0080, subp. 7].**

Paragraph (a) repeals § 181.9414, which is made part of § 181.939, subdivision 2, under section 9. Paragraph (b) repeals the rule allowing a deduction from tips.

### **Article 3: Earned Sick and Safe Time**

Establishes earned sick and safe time requirements for employees who work more than 80 hours a year for an employer.

**Section Description – Article 3: Earned Sick and Safe Time**

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**1 Comparable position [§ 181.942, subd. 1].**

Makes conforming change; requires that an employee be able to return to their former position after using earned sick and safe time.

**2 Definitions [§ 181.9445].**

Provides definitions for the article. Defines “employee” as anyone who has worked at least 80 hours in a year for an employer, but not an independent contractor.

**3 Accrual of earned sick and safe time (ESS) [§ 181.9446].**

Requires employers to allow employees to earn, at a minimum, one hour of paid ESS time for every 30 hours worked, up to at least 48 hours per year. Employees must be able to carry over at least 80 accrued hours of ESS time from year to year. Accrual begins when a qualified employee begins employment, but an employee may not begin using ESS time until they have worked for the employer for a period of 90 calendar days. Salaried employees, who are exempt from the provisions of federal overtime laws, are deemed to work 40 hours per week for purposes of ESS accrual.

**4 Use of earned sick and safe (ESS) time [§ 181.9447].**

**Subd. 1. Eligible use.** Provides the conditions under which an employee may use ESS time. These include: (1) the employee’s mental or physical illness, treatment, or preventative care; (2) care of a sick family member or a family member in need of preventative care or treatment; (3) absence related to domestic abuse, sexual assault, or stalking of the employee or family member; (4) closure of the employee’s workplace due to weather or public emergency or closure of a family member’s school or care facility due to weather or public emergency; and (5) a

**Section Description – Article 3: Earned Sick and Safe Time**

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determination by a health care provider that the employee or family member is at risk of infecting others with a communicable disease. Employees receive their regular hourly rate of employment for ESS time.

**Subd. 2. Notice.** Allows an employer to require reasonable notice of up to seven days when the need for ESS time is foreseeable, or as soon as practicable when the need is unforeseeable.

**Subd. 3. Documentation.** Allows an employer to require an employee to provide reasonable documentation justifying use of three or more consecutive days of ESS time. Provides examples of reasonable documentation for ESS time.

**Subd. 4. Replacement worker.** Prohibits employers from making employees find replacement workers as a condition of using ESS time.

**Subd. 5. Increment of time used.** Allows employees to use ESS time in smaller increments of up to four hours, as tracked by the employer's payroll.

**Subd. 6. Retaliation prohibited.** Prohibits an employer from retaliating against an employee for taking ESS time or for exercising another right under this section.

**Subd. 7. Reinstatement to comparable position after leave.** Requires an employer to reinstate an employee in the same or comparable position after return from use of ESS time.

**Subd. 8. Pay and benefits after leave.** Requires an employer to provide the same pay or benefits to an employee returning from use of ESS time, including seniority and accrued preleave benefits and any automatic pay adjustments.

**Subd. 9. Part-time return from leave.** Provides that an employee returning to work during the ESS leave, on a part-time basis by agreement with the employer, gets the same benefits of reinstatement at the end of the ESS time.

**Subd. 10. Notice and posting by employer.** Requires employers to post notice of employee rights under this section and provide similar notice to employees at the later of commencement of employment or the effective date of this article.

**Subd. 11. Required statement to employee.** Requires an employer, upon employee request, to provide a statement including the amount of ESS time available to the employee and the amount of ESS time used by the employee.

**Subd. 12. Employer records.** Requires an employer to keep records about hours worked and ESS accrual and use, and allows an employee to view that employee's records.

**Section Description – Article 3: Earned Sick and Safe Time**

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**Subd. 13. Confidentiality and nondisclosure.** Sets requirements for confidential treatment of employee records collected in relation to ESS time.

**5 Effect on other law or policy [§ 181.9448].**

**Subd. 1. No effect on more generous sick and safe time policies.** Clarifies that nothing prohibits an employer from providing more generous leave policies than the minimum required by this article. Permits collective bargaining agreements or paid time off policies that provide the same or better leave. An employer may opt out of these requirements for construction workers by paying prevailing wage or the rate established in a registered apprenticeship agreement.

**Subd. 2. Termination; separation; transfer.** Provides that employers are not required to pay out any accrued ESS time on separation. An employee transferred within a single employer retains accrued ESS time and an employee hired back by the same employer within 180 days of termination is entitled to reinstatement of accrued ESS time.

**Subd. 3. Employer succession.** Provides for the rights of accrued but unused ESS time for a retained employee or an employee rehired within 30 days of a transfer when ownership of an employer transfers.

**6 Repealer [§ 181.9413].**

Repeals the section of law that allows employees to use employer provided sick days to care for a sick relative or to provide or receive assistance for domestic abuse, sexual assault, or stalking.

**7 Effective date.**

Effective 180 days following final enactment.

## **Article 4: Earned Sick and Safe Time Enforcement**

Provides enforcement and penalty provisions for earned sick and safe time.

**Section Description – Article 4: Earned Sick and Safe Time Enforcement**

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**1 Submission of records; penalty [§ 177.27, subd. 2].**

Increases the maximum penalty for employers who fail to submit required records to the Department of Labor and Industry from \$1,000 to \$10,000 per violation. Removes penalty for repeated failure.

**Section Description – Article 4: Earned Sick and Safe Time Enforcement**

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**2 Compliance orders [§ 177.27, subd. 4].**

Adds earned sick and safe time to the list of laws that the Department of Labor and Industry may enforce through compliance orders.

**3 Employer liability [§ 177.27, subd. 7].**

Increases the maximum civil penalty, from \$1,000 to \$10,000 for employers who violate any of the sections over which the Department of Labor and Industry has enforcement authority under § 177.27, subd. 4.

**4 Earned sick and safe time enforcement [§ 177.50].**

**Subd. 1. Definitions.** Provides the same definitions from article 1 apply to this article.

**Subd. 2. Rulemaking authority.** Allows the commissioner of labor and industry to adopt rules under this section as well as under the sections created by article 1.

**Subd. 3. Individual remedies.** Allows an employee affected by an employer violation of the ESS provisions to bring a civil law suit in court within three years of the violation.

**Subd. 4. Grants to community organizations.** Allows the Department of Labor and Industry to make grants to community organizations for outreach and education about the ESS provisions.

**Subd. 5. Report to legislature.** Requires an annual report to the legislature, from the Department of Labor and Industry, addressing violations of the ESS provisions and trends in violations by employer, industry, or geography.

**Subd. 6. Contract for labor or services.** Prohibits an employer knowingly contracting with an entity that has violated this section within the last two years and has not cured their noncompliance.

**Effective date.** Effective 180 days following final enactment.

## **Article 5: Emergency Rehire and Retention**

Provides rehire and retention protections to employees in the hospitality industry who are laid off due to a declared emergency or ownership change.

**Section Description – Article 5: Emergency Rehire and Retention**

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**1 Definitions.**

Provides several definitions used in this article.

Defines “enterprise” to include: hotels, airports, and event centers; the facilities attached to them, including restaurants, bars, and retail; as well as related services, including maintenance, security, ticketing, ground-handling, and food and beverage services. Also includes an enterprise providing maintenance and security services to office, retail, or commercial buildings, like a staffing agency.

Defines “declared emergency” as: a national security or peacetime emergency declared by the governor; a locally declared emergency; a federal public health emergency; or a major disaster or national emergency declared by the president.

**2 Emergency rehire and retention of laid-off employees.**

Provides rehire and retention protections for eligible laid-off employees in the hospitality industry due to a declared emergency or a change in control.

**Subd. 1. Rehire and recall requirements.** Requires employers to offer employees laid-off due to a declared emergency information about available job positions for which they qualify, and to rehire employees based on a preference system of qualifications and seniority. Applies to a “laid-off employee” of an enterprise who worked for the employer for at least six months in the year prior to January 31, 2020, and became unemployed after January 31, 2020, due to a declared emergency. Also includes an employer whose form of organization or location changed after a declared emergency, or a new employer conducting substantially similar operations after a change of ownership or acquisition.

**Subd. 2. Successor employer and retention requirements.** Applies to an employer subject to a change of ownership. Requires the previous or “incumbent employer” to provide the new or “successor employer” with information about eligible employees within 15 days of transfer to be used for preferential hiring. Requires the successor employer for the first six months after opening to hire eligible employees from the list for at least a 90-day transition period or to retain employees based on seniority if fewer employee are needed. After 90 days, the successor employer must consider retaining satisfactory employees. Applies to “eligible employees” who worked for the incumbent employer for at least one month before the change of control, excluding supervisors, managers, and confidential employees.

**Subd. 3. Employment protections.** Prohibits adverse action against any employee for asserting their rights or a complaint under these sections.

**Section Description – Article 5: Emergency Rehire and Retention**

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**Subd. 4. Collective bargaining rights.** Allows waivers or agreement to better rehiring or retention conditions for valid collective bargaining agreements.

**3 Enforcement and compliance.**

Provides for investigation and enforcement of complaints by the Department of Labor and Industry, Labor Standards and Apprenticeship Division, which may award hiring and reinstatement rights as provided under this article, daily front or back pay, or missed benefits for violations. Authorizes a district court action for complaints and attorneys' fees and costs for a prevailing employee. Authorizes the commissioner of labor and industry to issue an order to comply with the rehire and retention provisions as provided under § 177.27, subd. 4. Does not limit local law from imposing greater standards.

**4 Citation.**

Refers to these sections as the Emergency Rehire and Retention Law.

**5 Effective dates.**

Applies the day following final enactment until December 31, 2022.

## **Article 6: Essential Workers Emergency Leave**

Provides emergency paid sick leave to essential workers unable to work or telecommute to a COVID-19 related reasons.

**Section Description – Article 6: Essential Workers Emergency Leave**

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**1 Essential Workers Emergency Leave Act.**

**Subd. 1. Definitions.** Provides several definitions for the act. Defines “essential worker” as someone who has worked for an employer one day or more, and is: an emergency responder; a health care provider; a licensed or unlicensed worker employed at a hospital, care home, outpatient surgical center, nursing home, assisted living, arranged home care provider, or an unlicensed health care clinic or practice; a public school employee; an airport service provider worker; or someone working for a private employer in the building maintenance or security services, child care, food service, hotel accommodations, manufacturing, or retail sectors.

**Subd. 2. Emergency paid sick leave.** Requires an employer to provide up to 160 hours of emergency paid sick leave to an essential worker who is unable to work or telework due to one of the qualifying COVID-19 related reasons and who is not

**Section Description – Article 6: Essential Workers Emergency Leave**

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being fully compensated by workers' compensation, unemployment benefits, or other state or federal benefits:

(1) quarantine or isolation order; (2) self-quarantine at advice of a health care provider; (3) seeking medical diagnosis for their COVID-19 symptoms; (4) seeking medical diagnosis or waiting for test results after exposure to COVID-19 or at the request of their employer; (5) receiving or recovering from a COVID-19 vaccine; (6) caring for an individual subject to clause (1) or (2); or (7) caring for their child whose school or child care provider is closed.

**Subd. 3. Duration and use of leave.** Requires employers to provide up to 80 hours of paid leave for a qualifying reason for a full-time essential worker through March 31, 2021, and an additional 80 hours from April 1, 2021, until September 30, 2021 (or the date the act expires). Provides a percentage of hours for part-time and variable hour essential workers. Allows intermittent use of leave and reasonable notice for continued leave. Leave is available until 30 days after the end of the COVID-19 peacetime emergency.

**Subd. 4. Amount of compensation.** Provides full compensation for the leave at essential worker's regular rate of pay or the applicable minimum wage rate, whichever is higher. Leave benefits cannot exceed \$511 per day, or \$10,220 total (\$5,110 total until March 31, 2021, and \$5,110 total from April 1, 2021, until the act expires). Does not allow for carryover of unused leave and offers no benefit upon separation from employment.

**Subd. 5. Relationship to other leave.** Applies in addition to any existing paid time off or leave policy that an employer provides. Allows an essential worker to use emergency sick leave first before using accrued paid time off or unpaid leave. Except that, an employer who already provided additional paid leave that provides the same or better benefits for the listed COVID-19 reasons is not required to provide additional leave—unless the essential worker was paid less for the additional leave than the full amount of emergency paid sick leave required by this act. Employers may offer the same or better leave than required and must provide notice of leave requirements to essential workers.

**Subd. 6. Nursing home reimbursement for emergency paid sick leave benefits.** Allows nursing homes to seek reimbursement for emergency paid sick leave costs from the Department of Human Services through natural disaster assistance as provided under § 12A.10, subdivision 1.

**Subd. 7. Requirements and enforcement.** Prohibits retaliation against essential workers who request or use this leave. Provides for enforcement and

**Section Description – Article 6: Essential Workers Emergency Leave**

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investigation by the Department of Labor and Industry, including authority to issue a compliance order. Allows for \$1,000 fine for willful violations.

**Effective date.** Effective the day following final enactment for eligible essential workers who are hired on or after that date. Effective retroactively from March 13, 2020, for qualified essential workers employed on or after that date who remain currently employed when this act takes effect, or as of May 17, 2021, whichever is earlier. The emergency sick leave expires September 30, 2021, or 30 days after the end of the COVID-19 peacetime emergency, whichever is later, except the enforcement provision remains in place until June 30, 2023.

**Article 7: Safe Workplaces for Meat and Poultry Processing Workers**

Establishes safety requirements for meat and poultry processing operations and workplaces.

**Section Description – Article 7: Safe Workplaces for Meat and Poultry Processing Workers**

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**1 Title [§ 179.87].**

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

**2 Definitions [§179.871].**

Provides 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 staffing agency.

**3 Worker rights coordinator [§ 179.8715].**

Requires the commissioner of labor and industry to appoint a meatpacking industry worker rights coordinator to enforce the Act, who will inspect, review, and recommend practices and procedures for improving meatpacking operations, and must submit an annual report to the governor and legislative committees.

**4 Refusal to work under dangerous conditions [§ 179.872].**

Allows a meat-processing worker to refuse to work if they have a good faith belief there is a hazardous working condition that would put themselves, other workers, or the public at risk, the worker has requested the employer correct the hazardous condition, and the employer has not done so. Requires continued pay for the hours the worker would have worked and prohibits an employer from taking adverse action against the worker for their good faith refusal to work.

**Section Description – Article 7: Safe Workplaces for Meat and Poultry Processing Workers**

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**5 Unemployment insurance; dangerous meatpacking conditions [§ 179.874].**

Leaving meatpacking employment for the following reasons is considered “good cause” for the purposes of qualifying for unemployment insurance benefits: (1) due to an unsafe or unhealthy working condition if the employer was notified or should have known of the condition and did not correct it; (2) due to a condition requiring a workplace closure or reduced operations by executive order during a public health emergency; (3) to care for a seriously ill or quarantined family member or to care for a child whose school is closed during a public health emergency; or (4) if the condition would require the worker to violate public health guidance or pose an unreasonable health risk. Proof of the risk is not required during a public health emergency.

**6 Enforcement and compliance [§ 179.875].**

Gives the worker rights coordinator administrative enforcement authority, the attorney general and state and county attorneys enforcement authority, and the commissioner of labor and industry compliance authority. Provides a private civil action for violations of the Act, including for whistleblower claims. Provides for a civil penalty, damages, payment, attorney’s fees, and injunctive relief for violations.

**7 Retaliation against employees and whistleblowers prohibited [§ 179.8755].**

Prohibits retaliation or any adverse action against a meatpacking worker who reports health or safety concerns, and creates a presumption of retaliation if adverse action is taken against the worker within 90 days of reporting. Prohibits a contract or agreement limiting a worker’s right to report. Provides a fine, lost pay, attorney fees, and three times the amount of damages for whistleblower violations.

**8 Meatpacking worker chronic injuries and workplace safety [§ 179.8756].**

**Subds. 1-5.** Establishes safe worker program requirements for meatpacking employers as part of their work accident and injury reduction program. Requires a knowledgeable committee to develop and implement the program, which must address procedures for identifying, preventing, and reducing ergonomic hazards and contributing risk factors. Requires training and information for new employees or new tasks, and at least eight hours of annual health and safety training. Training compliance records for each employee must be maintained and available upon request.

**Subds. 6-7.** Provides qualifications and requirements for medical and first-aid workers engaged by a meatpacking employer, including guidance on management of musculoskeletal injuries like carpal tunnel, tendinitis, muscle strains, or shoulder, finger, or back injuries. Authorizes rulemaking for record keeping requirements of ergonomic hazards.

**Section Description – Article 7: Safe Workplaces for Meat and Poultry Processing Workers**

**Subd. 8. Pandemic protections.** Provides several pandemic protections that apply during a peacetime public health emergency declared by the governor. Pandemic-specific requirements include: provide and require PPE for employees, maintain social distancing and minimum six-foot radius of space between workers, provide hand sanitizer, and ensure frequent cleaning and disinfecting. General requirements include: provide notice to employees, provide adequate break times and sufficient PPE, establish a health and safety committee, and keep records of workplace injuries and illnesses. Additional sick leave requirements include: provide one hour of paid sick time per 30 hours worked to employees, and allow mandatory carryover of accrued leave from one year to the next or annual payout, at the employee’s option. Employers must maintain and keep sick use records for three years and cannot require employees to disclose private details of the reason for sick leave. An employer or collective bargaining agreement may provide better sick leave benefits than the Act requires.

**Subd. 9. Small Processor Exemption.** Exempts small meat-processing operations with 50 or fewer employees from the requirements of section 8.

**9 Notification required [§ 179.8757].**

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.



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