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State of Minnesota

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Page No. 376

HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

NINETY-THIRD SESSION

S. F. No. 3852

- 04/04/2024 Companion to House File No. 3947. (Authors:Nelson, M.,)
Read First Time and Sent for Comparison
- 04/08/2024 Substituted for H. F. No. 3852
Read for the Second Time
- 04/11/2024 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to labor; adopting labor policy provisions; amending Minnesota Statutes

1.3 2022, sections 13.79, subdivision 1; 177.23, by adding subdivisions; 177.24,

1.4 subdivision 1, by adding a subdivision; 177.30; 179.01, subdivisions 1, 9, 16;

1.5 179.06; 179.08; 179.11; 179.12; 179.254, subdivision 1; 179.256; 179.26; 179.27;

1.6 179.35, subdivision 1; 179.40; 179.43; 179A.02; 179A.03, subdivision 17; 179A.06,

1.7 subdivisions 1, 2, 3; 179A.08, subdivision 2; 179A.10, subdivision 1; 179A.104,

1.8 subdivision 1; 179A.12, subdivision 1; 179A.15; 179A.16, subdivisions 1, 7;

1.9 179A.18, subdivisions 2, 3; 179A.19, subdivision 6; 179A.20, subdivision 4;

1.10 179A.23; 181.941, subdivision 4; 181.943; 181.950, by adding a subdivision;

1.11 181.951, subdivision 1; 181A.08; 181A.12, subdivision 1, by adding subdivisions;

1.12 182.664, subdivisions 3, 5; 182.665; 182.666, subdivision 6; 182.667, by adding

1.13 a subdivision; 326.02, subdivision 5; 326B.0981, subdivisions 3, 4, 8; 326B.33,

1.14 subdivisions 7, 21; 326B.36, subdivision 2; 326B.46, subdivision 6; 626.892,

1.15 subdivision 12; Minnesota Statutes 2023 Supplement, sections 177.27, subdivisions

1.16 2, 4, 7; 177.42, subdivision 2; 181.212, subdivision 7; 181.531, subdivision 3;

1.17 181.939, subdivision 2; 181.953, subdivisions 1, 3, by adding a subdivision;

1.18 182.6526, subdivision 1; 182.677, subdivisions 1, 2; 204B.19, subdivision 6;

1.19 326B.36, subdivision 7; proposing coding for new law in Minnesota Statutes,

1.20 chapters 181; 182; repealing Minnesota Rules, parts 5200.0080, subpart 7;

1.21 5510.0310, subpart 13.

1.22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.23 Section 1. Minnesota Statutes 2022, section 13.79, subdivision 1, is amended to read:

1.24 Subdivision 1. **Identity of employees making complaints complainants.** Data that

1.25 identify ~~complaining employees and that appear on complaint forms received by~~ individuals

1.26 who have complained to the Department of Labor and Industry concerning alleged violations

1.27 of the Fair Labor Standards Act, section 181.75 or 181.9641, chapter 177; chapter 181;

1.28 sections 179.86 to 179.877; chapter 181A; or rules adopted pursuant to these statutes, are

1.29 classified as private data. The commissioner may disclose this data to other government

1.30 entities with written consent from the complainant if the commissioner determines that the

2.1 disclosure furthers an enforcement action of the Department of Labor and Industry or another
2.2 government entity.

2.3 Sec. 2. Minnesota Statutes 2022, section 177.23, is amended by adding a subdivision to
2.4 read:

2.5 Subd. 12. **Large employer.** "Large employer" means an enterprise whose annual gross
2.6 volume of sales made or business done is not less than \$500,000, exclusive of excise taxes
2.7 at the retail level that are separately stated, and covered by the Minnesota Fair Labor
2.8 Standards Act, sections 177.21 to 177.35.

2.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.10 Sec. 3. Minnesota Statutes 2022, section 177.23, is amended by adding a subdivision to
2.11 read:

2.12 Subd. 13. **Small employer.** "Small employer" means an enterprise whose annual gross
2.13 volume of sales made or business done is less than \$500,000, exclusive of excise taxes at
2.14 the retail level that are separately stated, and covered by the Minnesota Fair Labor Standards
2.15 Act, sections 177.21 to 177.35.

2.16 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.17 Sec. 4. Minnesota Statutes 2022, section 177.24, subdivision 1, is amended to read:

2.18 Subdivision 1. **Amount.** ~~(a) For purposes of this subdivision, the terms defined in this~~
2.19 ~~paragraph have the meanings given them.~~

2.20 ~~(1) "Large employer" means an enterprise whose annual gross volume of sales made or~~
2.21 ~~business done is not less than \$500,000 (exclusive of excise taxes at the retail level that are~~
2.22 ~~separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21~~
2.23 ~~to 177.35.~~

2.24 ~~(2) "Small employer" means an enterprise whose annual gross volume of sales made or~~
2.25 ~~business done is less than \$500,000 (exclusive of excise taxes at the retail level that are~~
2.26 ~~separately stated) and covered by the Minnesota Fair Labor Standards Act, sections 177.21~~
2.27 ~~to 177.35.~~

2.28 ~~(b)~~ (a) Except as otherwise provided in sections 177.21 to 177.35:

2.29 ~~(1)~~ every large employer must pay each employee wages at a rate of at least:

2.30 ~~(i)~~ (1) \$8.00 per hour beginning August 1, 2014;

- 3.1 ~~(ii) (2) \$9.00 per hour beginning August 1, 2015;~~
3.2 ~~(iii) (3) \$9.50 per hour beginning August 1, 2016; and~~
3.3 ~~(iv) (4) the rate established under paragraph (f) (c) beginning January 1, 2018; and.~~

3.4 ~~(2) every small employer must pay each employee at a rate of at least:~~

3.5 ~~(i) \$6.50 per hour beginning August 1, 2014;~~

3.6 ~~(ii) \$7.25 per hour beginning August 1, 2015;~~

3.7 ~~(iii) \$7.75 per hour beginning August 1, 2016; and~~

3.8 ~~(iv) the rate established under paragraph (f) beginning January 1, 2018.~~

3.9 ~~(e) (b) Notwithstanding paragraph (b) (a), during the first 90 consecutive days of~~
3.10 ~~employment, an employer may pay an employee under the age of 20 years a wage of at~~
3.11 ~~least:~~

3.12 ~~(1) \$6.50 per hour beginning August 1, 2014;~~

3.13 ~~(2) \$7.25 per hour beginning August 1, 2015;~~

3.14 ~~(3) \$7.75 per hour beginning August 1, 2016; and~~

3.15 ~~(4) the rate established under paragraph (f) (c) beginning January 1, 2018.~~

3.16 No employer may take any action to displace an employee, including a partial displacement
3.17 through a reduction in hours, wages, or employment benefits, in order to hire an employee
3.18 at the wage authorized in this paragraph.

3.19 ~~(d) Notwithstanding paragraph (b), an employer that is a "hotel or motel," "lodging~~
3.20 ~~establishment," or "resort" as defined in Minnesota Statutes 2012, section 157.15,~~
3.21 ~~subdivisions 7, 8, and 11, must pay an employee working under a contract with the employer~~
3.22 ~~that includes the provision by the employer of a food or lodging benefit, if the employee is~~
3.23 ~~working under authority of a summer work travel exchange visitor program (J) nonimmigrant~~
3.24 ~~visa, a wage of at least:~~

3.25 ~~(1) \$7.25 per hour beginning August 1, 2014;~~

3.26 ~~(2) \$7.50 per hour beginning August 1, 2015;~~

3.27 ~~(3) \$7.75 per hour beginning August 1, 2016; and~~

3.28 ~~(4) the rate established under paragraph (f) beginning January 1, 2018.~~

4.1 ~~No employer may take any action to displace an employee, including a partial displacement~~
4.2 ~~through a reduction in hours, wages, or employment benefits, in order to hire an employee~~
4.3 ~~at the wage authorized in this paragraph.~~

4.4 ~~(e) Notwithstanding paragraph (b), a large employer must pay an employee under the~~
4.5 ~~age of 18 at a rate of at least:~~

4.6 ~~(1) \$6.50 per hour beginning August 1, 2014;~~

4.7 ~~(2) \$7.25 per hour beginning August 1, 2015;~~

4.8 ~~(3) \$7.75 per hour beginning August 1, 2016; and~~

4.9 ~~(4) the rate established under paragraph (f) beginning January 1, 2018.~~

4.10 ~~No employer may take any action to displace an employee, including a partial displacement~~
4.11 ~~through a reduction in hours, wages, or employment benefits, in order to hire an employee~~
4.12 ~~at the wage authorized in this paragraph.~~

4.13 ~~(f)~~ (c) No later than August 31 of each year, ~~beginning in 2017~~, the commissioner shall
4.14 determine the percentage increase in the rate of inflation, as measured by the implicit price
4.15 deflator, national data for personal consumption expenditures as determined by the United
4.16 States Department of Commerce, Bureau of Economic Analysis during the 12-month period
4.17 immediately preceding that August or, if that data is unavailable, during the most recent
4.18 12-month period for which data is available. The minimum wage rates in paragraphs (a)
4.19 ~~and (b), (c), (d), and (e)~~ are increased by the lesser of: (1) ~~2.5~~ 5 percent, rounded to the
4.20 nearest cent; or (2) the percentage calculated by the commissioner, rounded to the nearest
4.21 cent. A minimum wage rate shall not be reduced under this paragraph. The new minimum
4.22 wage rates determined under this paragraph take effect on the next January 1.

4.23 ~~(g)(1)~~ (d)(1) No later than September 30 of each year, ~~beginning in 2017~~, the
4.24 commissioner may issue an order that an increase calculated under paragraph ~~(f)~~ (c) not
4.25 take effect. The commissioner may issue the order only if the commissioner, after
4.26 consultation with the commissioner of management and budget, finds that leading economic
4.27 indicators, including but not limited to projections of gross domestic product calculated by
4.28 the United States Department of Commerce, Bureau of Economic Analysis; the Consumer
4.29 Confidence Index issued by the Conference Board; and seasonally adjusted Minnesota
4.30 unemployment rates, indicate the potential for a substantial downturn in the state's economy.
4.31 Prior to issuing an order, the commissioner shall also calculate and consider the ratio of the
4.32 rate of the calculated change in the minimum wage rate to the rate of change in state median
4.33 income over the same time period used to calculate the change in wage rate. Prior to issuing

5.1 the order, the commissioner shall hold a public hearing, notice of which must be published
5.2 in the State Register, on the department's website, in newspapers of general circulation, and
5.3 by other means likely to inform interested persons of the hearing, at least ten days prior to
5.4 the hearing. The commissioner must allow interested persons to submit written comments
5.5 to the commissioner before the public hearing and for 20 days after the public hearing.

5.6 (2) The commissioner may in a year subsequent to issuing an order under clause (1),
5.7 make a supplemental increase in the minimum wage rate in addition to the increase for a
5.8 year calculated under paragraph ~~(f)~~ (c). The supplemental increase may be in an amount up
5.9 to the full amount of the increase not put into effect because of the order. If the supplemental
5.10 increase is not the full amount, the commissioner may make a supplemental increase of the
5.11 difference, or any part of a difference, in a subsequent year until the full amount of the
5.12 increase ordered not to take effect has been included in a supplemental increase. In making
5.13 a determination to award a supplemental increase under this clause, the commissioner shall
5.14 use the same considerations and use the same process as for an order under clause (1). A
5.15 supplemental wage increase is not subject to and shall not be considered in determining
5.16 whether a wage rate increase exceeds the limits for annual wage rate increases allowed
5.17 under paragraph ~~(f)~~ (c).

5.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.19 Sec. 5. Minnesota Statutes 2022, section 177.24, is amended by adding a subdivision to
5.20 read:

5.21 **Subd. 3a. Gratuities; credit cards or charges.** (a) Gratuities received by an employee
5.22 through a debit, charge, credit card, or electronic payment shall be credited to that pay period
5.23 in which they are received by the employee.

5.24 (b) Where a gratuity is received by an employee through a debit, charge, credit card, or
5.25 electronic payment, the full amount of gratuity indicated in the payment must be distributed
5.26 to the employee no later than the next scheduled pay period.

5.27 **EFFECTIVE DATE.** This section is effective August 1, 2024.

5.28 Sec. 6. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 2, is amended
5.29 to read:

5.30 **Subd. 2. Submission of records; penalty.** (a) The commissioner may require the
5.31 employer of employees working in the state to submit to the commissioner photocopies,
5.32 certified copies, or, if necessary, the originals of employment records which the commissioner

6.1 deems necessary or appropriate. The records which may be required include full and correct
6.2 statements in writing, including sworn statements by the employer, containing information
6.3 relating to wages, hours, names, addresses, and any other information pertaining to the
6.4 employer's employees and the conditions of their employment as the commissioner deems
6.5 necessary or appropriate.

6.6 (b) Employers and persons requested by the commissioner to produce records shall
6.7 respond within the time and in the manner specified by the commissioner.

6.8 (c) The commissioner may require the records to be submitted by certified mail delivery
6.9 or, if necessary, by personal delivery by the employer or a representative of the employer,
6.10 as authorized by the employer in writing.

6.11 (d) The commissioner may fine the employer up to \$10,000 for each failure to submit
6.12 or deliver records as required by this section. This penalty is in addition to any penalties
6.13 provided under section 177.32, subdivision 1. In determining the amount of a civil penalty
6.14 under this subdivision, the appropriateness of such penalty to the size of the employer's
6.15 business and the gravity of the violation shall be considered.

6.16 Sec. 7. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
6.17 to read:

6.18 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
6.19 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
6.20 181.032, 181.10, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172,
6.21 paragraph (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.64, 181.722,
6.22 181.79, 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991,
6.23 268B.09, subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under
6.24 section 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an
6.25 employer to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation
6.26 is repeated. For purposes of this subdivision only, a violation is repeated if at any time
6.27 during the two years that preceded the date of violation, the commissioner issued an order
6.28 to the employer for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the
6.29 order is final or the commissioner and the employer have entered into a settlement agreement
6.30 that required the employer to pay back wages that were required by sections 177.41 to
6.31 177.435. The department shall serve the order upon the employer or the employer's authorized
6.32 representative in person or by certified mail at the employer's place of business. An employer
6.33 who wishes to contest the order must file written notice of objection to the order with the
6.34 commissioner within 15 calendar days after being served with the order. A contested case

7.1 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,
7.2 within 15 calendar days after being served with the order, the employer fails to file a written
7.3 notice of objection with the commissioner, the order becomes a final order of the
7.4 commissioner. For the purposes of this subdivision, an employer includes a contractor that
7.5 has assumed a subcontractor's liability within the meaning of section 181.165.

7.6 Sec. 8. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 7, is amended
7.7 to read:

7.8 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
7.9 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
7.10 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
7.11 shall order the employer to cease and desist from engaging in the violative practice and to
7.12 take such affirmative steps that in the judgment of the commissioner will effectuate the
7.13 purposes of the section or rule violated. The commissioner shall order the employer to pay
7.14 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
7.15 actually paid to the employee by the employer, and for an additional equal amount as
7.16 liquidated damages. The commissioner may also order reinstatement and any other
7.17 appropriate relief to the aggrieved parties. Any employer who is found by the commissioner
7.18 to have repeatedly or willfully violated a section or sections identified in subdivision 4 shall
7.19 be subject to a civil penalty of up to \$10,000 for each violation for each employee. In
7.20 determining the amount of a civil penalty under this subdivision, the appropriateness of
7.21 such penalty to the size of the employer's business and the gravity of the violation shall be
7.22 considered. In addition, the commissioner may order the employer to reimburse the
7.23 department and the attorney general for all appropriate litigation and hearing costs expended
7.24 in preparation for and in conducting the contested case proceeding, unless payment of costs
7.25 would impose extreme financial hardship on the employer. If the employer is able to establish
7.26 extreme financial hardship, then the commissioner may order the employer to pay a
7.27 percentage of the total costs that will not cause extreme financial hardship. Costs include
7.28 but are not limited to the costs of services rendered by the attorney general, private attorneys
7.29 if engaged by the department, administrative law judges, court reporters, and expert witnesses
7.30 as well as the cost of transcripts. Interest shall accrue on, and be added to, the unpaid balance
7.31 of a commissioner's order from the date the order is signed by the commissioner until it is
7.32 paid, at an annual rate provided in section 549.09, subdivision 1, paragraph (c). The
7.33 commissioner may establish escrow accounts for purposes of distributing damages.

8.1 Sec. 9. Minnesota Statutes 2022, section 177.30, is amended to read:

8.2 **177.30 KEEPING RECORDS; PENALTY.**

8.3 (a) Every employer subject to sections 177.21 to 177.44 must make and keep a record
8.4 of:

8.5 (1) the name, address, and occupation of each employee;

8.6 (2) the rate of pay, and the amount paid each pay period to each employee;

8.7 (3) the hours worked each day and each workweek by the employee, including for all
8.8 employees paid at piece rate, the number of pieces completed at each piece rate;

8.9 (4) a list of the personnel policies provided to the employee, including the date the
8.10 policies were given to the employee and a brief description of the policies;

8.11 (5) a copy of the notice provided to each employee as required by section 181.032,
8.12 paragraph (d), including any written changes to the notice under section 181.032, paragraph
8.13 (f);

8.14 (6) for each employer subject to sections 177.41 to 177.44, and while performing work
8.15 on public works projects funded in whole or in part with state funds, the employer shall
8.16 furnish under oath signed by an owner or officer of an employer to the contracting authority
8.17 and the project owner every two weeks, a certified payroll report with respect to the wages
8.18 and benefits paid each employee during the preceding weeks specifying for each employee:
8.19 name; identifying number; prevailing wage master job classification; hours worked each
8.20 day; total hours; rate of pay; gross amount earned; each deduction for taxes; total deductions;
8.21 net pay for week; dollars contributed per hour for each benefit, including name and address
8.22 of administrator; benefit account number; and telephone number for health and welfare,
8.23 vacation or holiday, apprenticeship training, pension, and other benefit programs; ~~and~~

8.24 (7) earnings statements for each employee for each pay period as required by section
8.25 181.032, paragraphs (a) and (b); and

8.26 (8) other information the commissioner finds necessary and appropriate to enforce
8.27 sections 177.21 to 177.435. The records must be kept for three years in the premises where
8.28 an employee works except each employer subject to sections 177.41 to 177.44, and while
8.29 performing work on public works projects funded in whole or in part with state funds, the
8.30 records must be kept for three years after the contracting authority has made final payment
8.31 on the public works project.

9.1 (b) All records required to be kept under paragraph (a) must be readily available for
9.2 inspection by the commissioner upon demand. The records must be either kept at the place
9.3 where employees are working or kept in a manner that allows the employer to comply with
9.4 this paragraph within 72 hours.

9.5 (c) The commissioner may fine an employer up to \$1,000 for each failure to maintain
9.6 records as required by this section, and up to \$5,000 for each repeated failure. This penalty
9.7 is in addition to any penalties provided under section 177.32, subdivision 1. In determining
9.8 the amount of a civil penalty under this subdivision, the appropriateness of such penalty to
9.9 the size of the employer's business and the gravity of the violation shall be considered.

9.10 (d) If the records maintained by the employer do not provide sufficient information to
9.11 determine the exact amount of back wages due an employee, the commissioner may make
9.12 a determination of wages due based on available evidence.

9.13 Sec. 10. Minnesota Statutes 2023 Supplement, section 177.42, subdivision 2, is amended
9.14 to read:

9.15 Subd. 2. **Project.** "Project" means demolition, erection, construction, alteration,
9.16 improvement, restoration, remodeling, or repairing of a public building, structure, facility,
9.17 land, or other public work, which includes any work suitable for and intended for use by
9.18 the public, or for the public benefit, financed in whole or part by state funds. Project also
9.19 includes demolition, erection, construction, alteration, improvement, restoration, remodeling,
9.20 or repairing of a building, structure, facility, land, or public work when the acquisition of
9.21 property, predesign, design, or demolition is financed in whole or part by state funds.

9.22 Sec. 11. Minnesota Statutes 2022, section 179.01, subdivision 1, is amended to read:

9.23 Subdivision 1. ~~Words, terms, and phrases~~ **Scope.** Unless the language or context
9.24 clearly indicates that a different meaning is intended, the ~~following words, terms, and~~
9.25 ~~phrases, for the purposes of sections 179.01 to 179.17, shall be given the meanings subjoined~~
9.26 ~~to them~~ defined in this section have the meanings given them for purposes of sections 179.01
9.27 to 179.17.

9.28 Sec. 12. Minnesota Statutes 2022, section 179.01, subdivision 9, is amended to read:

9.29 Subd. 9. **Lockout.** "Lockout" ~~is~~ means the refusal of the employer to furnish work to
9.30 employees as a result of a labor dispute.

10.1 Sec. 13. Minnesota Statutes 2022, section 179.01, subdivision 16, is amended to read:

10.2 Subd. 16. **Professional strikebreaker.** (a) "Professional strikebreaker" means any person
10.3 who:

10.4 ~~(a)~~ (1) makes an offer to an employer at whose place of business a labor dispute is
10.5 presently in progress to work as a replacement for an employee or employees involved in
10.6 such labor dispute; and

10.7 ~~(b)~~ (2) during a period of five years immediately preceding such offer, has, on more
10.8 than one occasion, made an offer to employers to work as a temporary employee to personally
10.9 replace employees involved in labor disputes.

10.10 (b) For the purposes of this subdivision;

10.11 (1) "work" ~~shall mean~~ means the rendering of services for wages or other consideration.
10.12 ~~For the purposes of this subdivision;~~ and

10.13 (2) "offer" ~~shall include~~ includes arrangements made for or on behalf of employers by
10.14 any person.

10.15 Sec. 14. Minnesota Statutes 2022, section 179.06, is amended to read:

10.16 **179.06 COLLECTIVE BARGAINING AGREEMENTS.**

10.17 Subdivision 1. **Notices.** (a) When any employee, employees, or representative of
10.18 employees, or labor organization shall desire to negotiate a collective bargaining agreement,
10.19 or make any change in any existing agreement, or shall desire any changes in the rates of
10.20 pay, rules or working conditions in any place of employment, it shall give written notice to
10.21 the employer of its demand, which notice shall follow the employer if the place of
10.22 employment is changed, and it shall thereupon be the duty of the employer and the
10.23 representative of employee or labor organization to endeavor in good faith to reach an
10.24 agreement respecting such demand. An employer shall give a like notice to employees,
10.25 representative, or labor organizations of any intended change in any existing agreement. If
10.26 no agreement is reached at the expiration of ten days after service of such notice, any
10.27 employees, representative, labor organization, or employer may at any time thereafter
10.28 petition the commissioner of mediation services to take jurisdiction of the dispute and it
10.29 shall be unlawful for any labor organization or representative to institute or aid in the conduct
10.30 of a strike or for an employer to institute a lockout, unless such petition has been served by
10.31 the party taking such action upon the commissioner and the other parties to the labor dispute
10.32 at least ten days before the strike or lockout becomes effective. Unless the strike or lockout
10.33 is commenced within 90 days from the date of service of the petition upon the commissioner,

11.1 it shall be unlawful for any of the parties to institute or aid in the conduct of a strike or
11.2 lockout without serving a new petition in the manner prescribed for the service of the original
11.3 petition, provided that the 90-day period may be extended by written agreement of the
11.4 parties filed with the commissioner.

11.5 (b) A petition by the employer shall be signed by the employer or a duly authorized
11.6 officer or agent; and a petition by the employees shall be signed by their representative or
11.7 its officers, or by the committee selected to negotiate with the employer. In either case the
11.8 petition shall be served by delivering it to the commissioner in person or by sending it by
11.9 certified mail addressed to the commissioner at the commissioner's office. The petition shall
11.10 state briefly the nature of the dispute and the demands of the party who serves it. Upon
11.11 receipt of a petition, the commissioner shall fix a time and place for a conference with the
11.12 parties to the labor dispute upon the issues involved in the dispute, and shall then take
11.13 whatever steps the commissioner deems most expedient to bring about a settlement of the
11.14 dispute, including assisting in negotiating and drafting a settlement agreement. It shall be
11.15 the duty of all parties to a labor dispute to respond to the summons of the commissioner for
11.16 joint or several conferences with the commissioner and to continue in such conference until
11.17 excused by the commissioner, not beyond the ten-day period heretofore prescribed except
11.18 by mutual consent of the parties.

11.19 **Subd. 2. Commissioner, powers and duties.** The commissioner may at the request of
11.20 either party to a labor dispute render assistance in settling the dispute without the necessity
11.21 of filing the formal petition ~~referred to in~~ under subdivision 1. If the commissioner takes
11.22 jurisdiction of the dispute as a result of such a request, the commissioner ~~shall~~ must then
11.23 proceed ~~as provided in~~ according to subdivision 1.

11.24 Sec. 15. Minnesota Statutes 2022, section 179.08, is amended to read:

11.25 **179.08 POWERS OF COMMISSION APPOINTED BY COMMISSIONER.**

11.26 (a) The commission appointed by the commissioner pursuant to the provisions of section
11.27 179.07 shall have the power to issue subpoenas requiring the attendance and testimony of
11.28 witnesses and the production of evidence which relates to any matter involved in any such
11.29 hearing, and may by its chair administer oaths and affirmations, and may examine witnesses.
11.30 Such attendance of witnesses and the production of such evidence may be required from
11.31 any place in the state at any designated place of hearing, but whenever practical hearings
11.32 shall be held in a county where the labor dispute has arisen or exists.

11.33 (b) In case of contumacy or refusal to obey a subpoena issued under paragraph (a), the
11.34 district court of the state for the county where the proceeding is pending or in which the

12.1 person guilty of such contumacy or refusal to obey is found, or resides, or transacts business,
12.2 or application by the commission shall have jurisdiction to issue to such person an order
12.3 requiring such person to appear before the commission, there to produce evidence as so
12.4 ordered, or there to give testimony touching the matter under investigation or in question,
12.5 and any failure to obey such order of the court may be punished by the court as a contempt
12.6 thereof.

12.7 (c) Any party to or party affected by the dispute may appear before the commission in
12.8 person or by attorney or by their representative, and shall have the right to offer competent
12.9 evidence and to be heard on the issues before the report of the commission is made.

12.10 (d) ~~Any commissioners so appointed shall~~ commission members appointed under section
12.11 179.07 must be paid a per diem allowance not to exceed that established for arbitrators in
12.12 section 179A.16, subdivision 8, and their necessary expenses while serving.

12.13 Sec. 16. Minnesota Statutes 2022, section 179.11, is amended to read:

12.14 **179.11 EMPLOYEE UNFAIR LABOR PRACTICES.**

12.15 (a) ~~It shall be~~ is an unfair labor practice:

12.16 (1) for any employee or labor organization to institute a strike if such strike is a violation
12.17 of any valid collective agreement between any employer and its employees or labor
12.18 organization and the employer is, at the time, in good faith complying with the provisions
12.19 of the agreement, or to violate the terms and conditions of such bargaining agreement;

12.20 (2) for any employee or labor organization to institute a strike if the calling of such strike
12.21 is in violation of sections 179.06 or 179.07;

12.22 (3) for any person to seize or occupy property unlawfully during the existence of a labor
12.23 dispute;

12.24 (4) for any person to picket or cause to be picketed a place of employment of which
12.25 place the person is not an employee while a strike is in progress affecting the place of
12.26 employment, unless the majority of persons engaged in picketing the place of employment
12.27 at these times are employees of the place of employment;

12.28 (5) for more than one person to picket or cause to be picketed a single entrance to any
12.29 place of employment where no strike is in progress at the time;

12.30 (6) for any person to interfere in any manner with the operation of a vehicle or the
12.31 operator thereof when neither the owner nor operator of the vehicle is at the time a party to
12.32 a strike;

13.1 (7) for any employee, labor organization, or officer, agent, or member thereof, to compel
13.2 or attempt to compel any person to join or to refrain from joining any labor organization or
13.3 any strike against the person's will by any threatened or actual unlawful interference with
13.4 the person, or immediate family member, or physical property, or to assault or unlawfully
13.5 threaten any such person while in pursuit of lawful employment;

13.6 (8) unless the strike has been approved by a majority vote of the voting employees in a
13.7 collective bargaining unit of the employees of an employer or association of employers
13.8 against whom such strike is primarily directed, for any person or labor organization to
13.9 cooperate in engaging in, promoting, or inducing a strike. Such vote shall be taken by secret
13.10 ballot at an election called by the collective bargaining agent for the unit, and reasonable
13.11 notice shall be given to all employees in the collective bargaining unit of the time and place
13.12 of election; or

13.13 (9) for any person or labor organization to hinder or prevent by intimidation, force,
13.14 coercion or sabotage, or by threats thereof, the production, transportation, processing or
13.15 marketing by a producer, processor or marketing organization, of agricultural products, or
13.16 to combine or conspire to cause or threaten to cause injury to any processor, producer or
13.17 marketing organization, whether by withholding labor or other beneficial intercourse,
13.18 refusing to handle, use or work on particular agricultural products, or by other unlawful
13.19 means, in order to bring such processor or marketing organization against its will into a
13.20 concerted plan to coerce or inflict damage upon any producer; provided that nothing in this
13.21 subsection shall prevent a strike which is called by the employees of such producer, processor
13.22 or marketing organization for the bona fide purpose of improving their own working
13.23 conditions or promoting or protecting their own rights of organization, selection of bargaining
13.24 representative or collective bargaining.

13.25 ~~The violation of clauses (2), (3), (4), (5), (6), (7), (8) and (9) are hereby declared to be~~
13.26 ~~unlawful acts.~~

13.27 (b) It is an unlawful act to violate paragraph (a), clause (2), (3), (4), (5), (6), (7), (8), or
13.28 (9).

13.29 Sec. 17. Minnesota Statutes 2022, section 179.12, is amended to read:

13.30 **179.12 EMPLOYERS' EMPLOYER UNFAIR LABOR PRACTICES.**

13.31 (a) It is an unfair labor practice for an employer:

13.32 (1) to institute a lockout of its employees in violation of a valid collective bargaining
13.33 agreement between the employer and its employees or labor organization if the employees

14.1 at the time are in good faith complying with the provisions of the agreement, or to violate
14.2 the terms and conditions of the bargaining agreement;

14.3 (2) to institute a lockout of its employees in violation of section 179.06 or 179.07;

14.4 (3) to encourage or discourage membership in a labor organization by discrimination in
14.5 regard to hire or tenure of employment or any terms or conditions of employment; provided,
14.6 that this clause does not apply to the provisions of collective bargaining agreements entered
14.7 into voluntarily by an employer and its employees or a labor organization representing the
14.8 employees as a bargaining agent, as provided by section 179.16;

14.9 (4) to discharge or otherwise to discriminate against an employee because the employee
14.10 has signed or filed an affidavit, petition, or complaint or given information or testimony
14.11 under this chapter;

14.12 (5) to spy directly or through agents or any other persons upon activities of employees
14.13 or their representatives in the exercise of their legal rights;

14.14 (6) to distribute or circulate a blacklist of individuals exercising a legal right or of
14.15 members of a labor organization for the purpose of preventing individuals who are blacklisted
14.16 from obtaining or retaining employment;

14.17 (7) to engage or contract for the services of a person who is an employee of another if
14.18 the employee is paid a wage that is less than the wage to be paid by the engaging or
14.19 contracting employer under an existing union contract for work of the same grade or
14.20 classification;

14.21 (8) willfully and knowingly to utilize a professional strikebreaker to replace an employee
14.22 or employees involved in a strike or lockout at a place of business located within this state;
14.23 or

14.24 (9) to grant or offer to grant the status of permanent replacement employee to a person
14.25 for performing bargaining unit work for an employer during a lockout of employees in a
14.26 labor organization or during a strike of employees in a labor organization authorized by a
14.27 representative of employees.

14.28 ~~The violation of (b) It is an unlawful act to violate paragraph (a), clause (2), (4), (5), (6),~~
14.29 ~~(7), (8), or (9) is an unlawful act.~~

14.30 Sec. 18. Minnesota Statutes 2022, section 179.254, subdivision 1, is amended to read:

14.31 Subdivision 1. **Scope.** For the purposes of sections 179.254 to ~~179.256~~ 179.257, the
14.32 ~~following terms shall defined in this section~~ have the meanings subscribed to given them.

15.1 Sec. 19. Minnesota Statutes 2022, section 179.256, is amended to read:

15.2 **179.256 NOTIFICATION NOTIFYING CONSTRUCTION WORKER OF**
15.3 **REIMBURSEMENT.**

15.4 Whenever a construction worker may qualify for the reimbursement of benefit payments
15.5 to a ~~home~~ benefit fund ~~as described in~~ under section 179.255, the trustees of the benefit
15.6 fund of which the worker is a member, or their agent, shall so notify the trustees of the
15.7 benefit fund to which payments will be made during the temporary period of work. Such
15.8 notification shall be made promptly in writing and shall include the name, address, and
15.9 Social Security number of the construction worker and the starting date of the temporary
15.10 period of work.

15.11 Sec. 20. Minnesota Statutes 2022, section 179.26, is amended to read:

15.12 **179.26 DEFINITIONS; CERTAIN REPRESENTATION DISPUTES.**

15.13 When used in sections 179.26 to 179.29, unless the context clearly indicates otherwise,
15.14 ~~each of the following words: "employee," "labor organization," "strike," and "lockout shall"~~
15.15 have the ~~meaning ascribed to it~~ meanings given them in section 179.01.

15.16 Sec. 21. Minnesota Statutes 2022, section 179.27, is amended to read:

15.17 **179.27 STRIKES OR BOYCOTTS PROHIBITED.**

15.18 When certification of a representative of employees for collective bargaining purposes
15.19 has been made by proper federal or state authority, it is unlawful during the effective period
15.20 of such certification for any employee, representative of employees, or labor organization
15.21 to conduct a strike or boycott against the employer of such employees or to picket any place
15.22 of business of the employer in order, by such strike, boycott, or picketing, to:

15.23 (1) ~~to~~ deny the right of the representative so certified to act as such representative ~~or;~~

15.24 (2) ~~to~~ prevent such representative from acting as authorized by such certification; ~~or~~

15.25 (3) ~~to~~ interfere with the business of the employer in an effort to do either act ~~specified~~
15.26 ~~in clauses~~ under clause (1) and or (2) hereof.

15.27 Sec. 22. Minnesota Statutes 2022, section 179.35, subdivision 1, is amended to read:

15.28 Subdivision 1. **Scope.** Unless the language or context clearly indicates that a different
15.29 meaning is intended, the ~~following words, terms and phrases, for the purposes of sections~~

16.1 ~~179.35 to 179.39, shall be given~~ defined in this section have the meanings ~~subjoined to~~
16.2 given them for purposes of sections 179.35 to 179.39.

16.3 Sec. 23. Minnesota Statutes 2022, section 179.40, is amended to read:

16.4 **179.40 SECONDARY BOYCOTT; ~~DECLARATION OF~~ PUBLIC POLICY.**

16.5 (a) As a guide to the interpretation and application of sections 179.40 to 179.47, the
16.6 public policy of this state is declared to be:

16.7 (1) to protect and promote the interests of the public, employees, and employers alike,
16.8 with due regard to the situation and to the rights of the others;

16.9 (2) to promote industrial peace, regular and adequate income for employees, and
16.10 uninterrupted production of goods and services; and

16.11 (3) to reduce the serious menace to the health, morals, and welfare of the people of this
16.12 state arising from economic insecurity due to stoppages and interruptions of business and
16.13 employment.

16.14 (b) It is recognized that whatever may be the rights of disputants with respect to each
16.15 other in any controversy, they should not be permitted, in their controversy, to intrude
16.16 directly into the primary rights of third parties to earn a livelihood, transact business, and
16.17 engage in the ordinary affairs of life by lawful means and free from molestation, interference,
16.18 restraint, or coercion. The legislature, therefore, declares that, in its considered judgment,
16.19 the public good and the general welfare of the citizens of this state will be promoted by
16.20 prohibiting secondary boycotts and other coercive practices in this state.

16.21 Sec. 24. Minnesota Statutes 2022, section 179.43, is amended to read:

16.22 **179.43 ILLEGAL COMBINATION; ~~VIOLATION OF~~ VIOLATING PUBLIC**
16.23 **POLICY.**

16.24 A secondary boycott as ~~hereinbefore~~ defined under section 179.41 is ~~hereby declared~~
16.25 ~~to be~~ an illegal combination in restraint of trade and in violation of the public policy of this
16.26 state.

16.27 Sec. 25. Minnesota Statutes 2022, section 179A.02, is amended to read:

16.28 **179A.02 CITATION.**

16.29 Sections 179A.01 to 179A.25 ~~shall be known~~ may be cited as the "Public Employment
16.30 Labor Relations Act."

17.1 Sec. 26. Minnesota Statutes 2022, section 179A.03, subdivision 17, is amended to read:

17.2 Subd. 17. **Supervisory employee.** (a) "Supervisory employee" means a person who has
17.3 the authority to undertake a majority of the following supervisory functions in the interests
17.4 of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward, or
17.5 discipline of other employees, direction of the work of other employees, or adjustment of
17.6 other employees' grievances on behalf of the employer. To be included as a supervisory
17.7 function which the person has authority to undertake, the exercise of the authority by the
17.8 person may not be merely routine or clerical in nature but must require the use of independent
17.9 judgment. An employee, other than an essential employee, who has authority to effectively
17.10 recommend a supervisory function, is deemed to have authority to undertake that supervisory
17.11 function for the purposes of this subdivision. The administrative head of a municipality,
17.12 municipal utility, or police or fire department, and the administrative head's assistant, are
17.13 always considered supervisory employees.

17.14 (b) The removal of employees by the employer from a nonsupervisory appropriate unit
17.15 for the purpose of designating the employees as "supervisory employees" shall require either
17.16 the prior written agreement of the exclusive representative and the written approval of the
17.17 commissioner or a separate determination by the commissioner before the redesignation is
17.18 effective.

17.19 Sec. 27. Minnesota Statutes 2022, section 179A.06, subdivision 1, is amended to read:

17.20 Subdivision 1. ~~Expression of~~ Expressing views. (a) Sections 179A.01 to 179A.25 do
17.21 not affect the right of any public employee or the employee's representative to express or
17.22 communicate a view, grievance, complaint, or opinion on any matter related to the conditions
17.23 or compensation of public employment or their betterment, so long as this is not designed
17.24 to and does not interfere with the full faithful and proper performance of the duties of
17.25 employment or circumvent the rights of the exclusive representative. Sections 179A.01 to
17.26 179A.25 do not require any public employee to perform labor or services against the
17.27 employee's will.

17.28 (b) If no exclusive representative has been certified, any public employee individually,
17.29 or group of employees through their representative, has the right to express or communicate
17.30 a view, grievance, complaint, or opinion on any matter related to the conditions or
17.31 compensation of public employment or their betterment, by meeting with their public
17.32 employer or the employer's representative, so long as this is not designed to and does not
17.33 interfere with the full, faithful, and proper performance of the duties of employment.

18.1 Sec. 28. Minnesota Statutes 2022, section 179A.06, subdivision 2, is amended to read:

18.2 Subd. 2. **Right to organize.** (a) Public employees have the right to form and join labor
18.3 or employee organizations, and have the right not to form and join such organizations.
18.4 Public employees in an appropriate unit have the right by secret ballot to designate an
18.5 exclusive representative to negotiate grievance procedures and the terms and conditions of
18.6 employment with their employer. Confidential employees of the state, confidential court
18.7 employees, and confidential University of Minnesota employees are excluded from
18.8 bargaining. Supervisory and managerial court employees are excluded from bargaining.
18.9 Supervisory, managerial, and confidential employees of Hennepin Healthcare System, Inc.,
18.10 are excluded from bargaining. Other confidential employees, supervisory employees,
18.11 principals, and assistant principals may form their own organizations. An employer shall
18.12 extend exclusive recognition to a representative of or an organization of supervisory or
18.13 confidential employees, or principals and assistant principals, for the purpose of negotiating
18.14 terms or conditions of employment, in accordance with sections 179A.01 to 179A.25,
18.15 applicable to essential employees.

18.16 (b) Supervisory or confidential employee organizations shall not participate in any
18.17 capacity in any negotiations which involve units of employees other than supervisory or
18.18 confidential employees. Except for organizations which represent supervisors who are: (1)
18.19 firefighters, emergency medical service employees certified under section 144E.28, 911
18.20 system public safety dispatchers, peace officers subject to licensure under sections 626.84
18.21 to 626.863, guards at correctional facilities, or employees at hospitals other than state
18.22 hospitals; and (2) not state or University of Minnesota employees, a supervisory or
18.23 confidential employee organization which is affiliated with another employee organization
18.24 which is the exclusive representative of nonsupervisory or nonconfidential employees of
18.25 the same public employer shall not be certified, or act as, an exclusive representative for
18.26 the supervisory or confidential employees. For the purpose of this subdivision, affiliation
18.27 means either direct or indirect and includes affiliation through a federation or joint body of
18.28 employee organizations.

18.29 Sec. 29. Minnesota Statutes 2022, section 179A.06, subdivision 3, is amended to read:

18.30 Subd. 3. **Fair share fee.** (a) An exclusive representative may require employees who
18.31 are not members of the exclusive representative to contribute a fair share fee for services
18.32 rendered by the exclusive representative. The fair share fee must be equal to the regular
18.33 membership dues of the exclusive representative, less the cost of benefits financed through
18.34 the dues and available only to members of the exclusive representative. In no event may

19.1 the fair share fee exceed 85 percent of the regular membership dues. The exclusive
19.2 representative shall provide advance written notice of the amount of the fair share fee to
19.3 the employer and to unit employees who will be assessed the fee. The employer shall provide
19.4 the exclusive representative with a list of all unit employees.

19.5 (b) A challenge by an employee or by a person aggrieved by the fee must be filed in
19.6 writing with the commissioner, the public employer, and the exclusive representative within
19.7 30 days after receipt of the written notice. All challenges must specify those portions of the
19.8 fee challenged and the reasons for the challenge. The burden of proof relating to the amount
19.9 of the fair share fee is on the exclusive representative. The commissioner shall hear and
19.10 decide all issues in these challenges.

19.11 (c) The employer shall deduct the fee from the earnings of the employee and transmit
19.12 the fee to the exclusive representative 30 days after the written notice was provided. If a
19.13 challenge is filed, the deductions for a fair share fee must be held in escrow by the employer
19.14 pending a decision by the commissioner.

19.15 Sec. 30. Minnesota Statutes 2022, section 179A.08, subdivision 2, is amended to read:

19.16 Subd. 2. **Meet and confer.** The professional employees shall select a representative to
19.17 meet and confer with a representative or committee of the public employer on matters not
19.18 specified under section 179A.03, subdivision 19, relating to the services being provided to
19.19 the public. The public employer shall provide the facilities and set the time for these
19.20 ~~conferences~~ meetings to take place. The parties shall meet at least once every four months.

19.21 Sec. 31. Minnesota Statutes 2022, section 179A.10, subdivision 1, is amended to read:

19.22 Subdivision 1. **Exclusions.** (a) The commissioner of management and budget shall meet
19.23 and negotiate with the exclusive representative of each of the units specified in this section,
19.24 except as provided in section 43A.06, subdivision 1, paragraph (c). The units provided in
19.25 this section are the only appropriate units for executive branch state employees. The following
19.26 employees shall be excluded from any appropriate unit:

19.27 (1) the positions and classes of positions in the classified and unclassified services defined
19.28 as managerial by the commissioner of management and budget in accordance with section
19.29 43A.18, subdivision 3, and so designated in the official state compensation schedules;

19.30 (2) unclassified positions in the Minnesota State Colleges and Universities defined as
19.31 managerial by the Board of Trustees;

19.32 (3) positions of all unclassified employees appointed by a constitutional officer;

20.1 (4) positions in the Bureau of Mediation Services and the Public Employment Relations
20.2 Board;

20.3 (5) positions of employees whose classification is pilot or chief pilot;

20.4 (6) administrative law judge and compensation judge positions in the Office of
20.5 Administrative Hearings;

20.6 (7) positions of all confidential employees; and

20.7 (8) positions of employees of the State Board of Investment who are employed under
20.8 the terms and conditions of the compensation plan approved under section 43A.18,
20.9 subdivision 3b.

20.10 (b) The governor may upon the unanimous written request of exclusive representatives
20.11 of units and the commissioner direct that negotiations be conducted for one or more units
20.12 in a common proceeding or that supplemental negotiations be conducted for portions of a
20.13 unit or units defined on the basis of appointing authority or geography.

20.14 Sec. 32. Minnesota Statutes 2022, section 179A.104, subdivision 1, is amended to read:

20.15 Subdivision 1. **Employee units.** (a) The state Board of Public Defense shall meet and
20.16 negotiate with the exclusive representative of each of the statewide units specified in this
20.17 section. The units provided in this section are the only appropriate statewide units for state
20.18 employees of the board. Employees of the state Board of Public Defense, unless otherwise
20.19 excluded, are included within the units which include the classifications to which they are
20.20 assigned for purposes of compensation. The following are the appropriate statewide units
20.21 of state employees of the board:

20.22 (1) Assistant District and Assistant State Public Defender Unit; and

20.23 (2) Clerical and Support Staff Unit.

20.24 (b) Each unit consists of the classifications or positions assigned to it in the schedule of
20.25 job classifications and positions maintained by the state Board of Public Defense.

20.26 Sec. 33. Minnesota Statutes 2022, section 179A.12, subdivision 1, is amended to read:

20.27 Subdivision 1. **Certification continued.** (a) Any employee organization holding formal
20.28 recognition by order of the commissioner or by employer voluntary recognition on the
20.29 effective date of Extra Session Laws 1971, chapter 33, under any law that is repealed by
20.30 Extra Session Laws 1971, chapter 33, is certified as the exclusive representative until it is
20.31 decertified or another representative is certified in its place.

21.1 (b) Any teacher organization as defined by Minnesota Statutes 1969, section 125.20,
21.2 subdivision 3, which on the effective date of Extra Session Laws 1971, chapter 33, has a
21.3 majority of its members on a teacher's council in a school district as provided in Minnesota
21.4 Statutes 1969, section 125.22 is certified as the exclusive representative of all teachers of
21.5 that school district until the organization is decertified or another organization is certified
21.6 in its place.

21.7 Sec. 34. Minnesota Statutes 2022, section 179A.15, is amended to read:

21.8 **179A.15 MEDIATION.**

21.9 Subdivision 1. Petitioning commissioner. Once notice has been given under section
21.10 179A.14, the employer or the exclusive representative may petition the commissioner for
21.11 mediation services.

21.12 Subd. 2. Petition requirements; scheduling mediation. (a) A petition by an employer
21.13 shall be signed by the employer or an authorized officer or agent. A petition by an exclusive
21.14 representative shall be signed by its authorized officer. All petitions shall be served on the
21.15 commissioner in writing. The petition shall state briefly the nature of the disagreement of
21.16 the parties.

21.17 (b) Upon receipt of a petition and upon concluding that mediation would be useful, the
21.18 commissioner shall fix a time and place for a ~~conference~~ meeting with the parties to negotiate
21.19 the issues not agreed upon, and shall then take the most expedient steps to bring about a
21.20 settlement, including assisting in negotiating and drafting an agreement.

21.21 Subd. 3. Commissioner-initiated mediation. If the commissioner determines that
21.22 mediation would be useful in resolving a dispute, the commissioner may mediate the dispute
21.23 even if neither party has filed a petition for mediation. In these cases, the commissioner
21.24 shall proceed as if a petition had been filed.

21.25 Subd. 4. Mediation restricted. The commissioner shall not furnish mediation services
21.26 to any employee or employee representative who is not certified as an exclusive
21.27 representative.

21.28 Subd. 5. Mediation meetings. All parties shall respond to the summons of the
21.29 commissioner for ~~conferences~~ meetings and shall continue ~~in conference~~ meeting until
21.30 excused by the commissioner.

22.1 Sec. 35. Minnesota Statutes 2022, section 179A.16, subdivision 1, is amended to read:

22.2 Subdivision 1. **Petitioning for arbitration; nonessential employees.** (a) An exclusive
22.3 representative or an employer of a unit of employees other than essential employees may
22.4 request interest arbitration by providing written notice of the request to the other party and
22.5 the commissioner. The written request for arbitration must specify the items to be submitted
22.6 to arbitration and whether conventional, final-offer total-package, or final-offer item-by-item
22.7 arbitration is contemplated by the request.

22.8 (b) The items to be submitted to arbitration and the form of arbitration to be used are
22.9 subject to mutual agreement. If an agreement to arbitrate is reached, it must be reduced to
22.10 writing and a copy of the agreement filed with the commissioner. A failure to respond, or
22.11 to reach agreement on the items or form of arbitration, within 15 days of receipt of the
22.12 request to arbitrate constitutes a rejection of the request.

22.13 Sec. 36. Minnesota Statutes 2022, section 179A.16, subdivision 7, is amended to read:

22.14 Subd. 7. ~~Decision by Arbitrator or arbitrator panel; issuing decision.~~ (a) The decision
22.15 must be issued by the arbitrator or a majority vote of the panel. The decision must resolve
22.16 the issues in dispute between the parties as submitted by the commissioner. For principals
22.17 and assistant principals, the arbitrator or panel is restricted to selecting between the final
22.18 offers of the parties on each impasse item. For other employees, if the parties agree in
22.19 writing, the arbitrator or panel is restricted to selecting between the final offers of the parties
22.20 on each impasse item, or the final offer of one or the other parties in its entirety. In
22.21 considering a dispute and issuing its decision, the arbitrator or panel shall consider the
22.22 statutory rights and obligations of public employers to efficiently manage and conduct their
22.23 operations within the legal limitations surrounding the financing of these operations. The
22.24 decision is final and binding on all parties.

22.25 (b) The arbitrator or panel shall render its decision within 30 days from the date that all
22.26 arbitration proceedings have concluded. The arbitrator or panel may not request that the
22.27 parties waive their right to have the decision rendered within 30 days, unless the
22.28 commissioner grants an extension of the deadline. The commissioner shall remove from
22.29 the roster for six months the name of any arbitrator who does not render the decision within
22.30 30 days or within the extension granted by the commissioner. The commissioner shall adopt
22.31 rules establishing criteria to be followed in determining whether an extension should be
22.32 granted. The decision must be for the period stated in the decision, except that decisions
22.33 determining contracts for teacher units are effective to the end of the contract period
22.34 determined by section 179A.20.

23.1 (c) The arbitrator or panel shall send its decision to the commissioner, the appropriate
23.2 representative of the public employer, and the employees. If any issues submitted to
23.3 arbitration are settled voluntarily before the arbitrator or panel issues a decision, the arbitrator
23.4 or panel shall report the settlement to the commissioner.

23.5 (d) The parties may, at any time before or after issuance of a decision of the arbitrator
23.6 or panel, agree upon terms and conditions of employment regardless of the terms and
23.7 conditions of employment determined by the decision. The parties shall, if so agreeing,
23.8 execute a written contract or memorandum of contract.

23.9 Sec. 37. Minnesota Statutes 2022, section 179A.18, subdivision 2, is amended to read:

23.10 Subd. 2. **School district requirements.** Except as otherwise provided by section 179A.17,
23.11 subdivision 1, teachers employed by a local school district, other than principals and assistant
23.12 principals, may strike only under the following circumstances:

23.13 (1)(i) the collective bargaining agreement between their exclusive representative and
23.14 their employer has expired or, if there is no agreement, impasse under section 179A.17,
23.15 subdivision 1, has occurred; and

23.16 (ii) the exclusive representative and the employer have participated in mediation over
23.17 a period of at least 30 days. For the purposes of this item the mediation period commences
23.18 on the day that a mediator designated by the commissioner first attends a ~~conference~~ meeting
23.19 with the parties to negotiate the issues not agreed upon; and

23.20 (iii) neither party has requested interest arbitration or a request for binding interest
23.21 arbitration has been rejected; or

23.22 (2) the employer violates section 179A.13, subdivision 2, clause (9).

23.23 Sec. 38. Minnesota Statutes 2022, section 179A.18, subdivision 3, is amended to read:

23.24 Subd. 3. **Strike notice.** (a) In addition to the other requirements of this section, no
23.25 employee may strike unless written notification of intent to strike is served on the employer
23.26 and the commissioner by the exclusive representative at least ten days prior to the
23.27 commencement of the strike. For all employees other than teachers, if more than 30 days
23.28 have expired after service of a notification of intent to strike, no strike may commence until
23.29 ten days after service of a new written notification. For teachers, no strike may commence
23.30 more than 25 days after service of notification of intent to strike unless, before the end of
23.31 the 25-day period, the exclusive representative and the employer agree that the period during
23.32 which a strike may commence shall be extended for an additional period not to exceed five

24.1 days. Teachers are limited to one notice of intent to strike for each contract negotiation
24.2 period, provided, however, that a strike notice may be renewed for an additional ten days,
24.3 the first five of which shall be a notice period during which no strike may occur, if the
24.4 following conditions have been satisfied:

24.5 (1) an original notice was provided pursuant to this section; ~~and~~

24.6 (2) a tentative agreement to resolve the dispute was reached during the original strike
24.7 notice period; and

24.8 (3) such tentative agreement was rejected by either party during or after the original
24.9 strike notice period.

24.10 (b) The first day of the renewed strike notice period shall commence on the day following
24.11 the expiration of the previous strike notice period or the day following the rejection of the
24.12 tentative agreement, whichever is later. Notification of intent to strike under subdivisions
24.13 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement
24.14 has expired, or if there is no agreement, on or after the date impasse under section 179A.17
24.15 has occurred.

24.16 Sec. 39. Minnesota Statutes 2022, section 179A.19, subdivision 6, is amended to read:

24.17 Subd. 6. **Hearings.** (a) Any public employee is entitled to request the opportunity to
24.18 establish that the employee did not violate this section. The request shall be filed in writing
24.19 with the officer or body having the power to remove the employee, within ten days after
24.20 notice of termination is served upon the employee. The employing officer or body shall
24.21 within ten days commence a proceeding at which the employee shall be entitled to be heard
24.22 for the purpose of determining whether the provisions of this section have been violated by
24.23 the public employee. If there are contractual grievance procedures, laws or rules establishing
24.24 proceedings to remove the public employee, the hearing shall be conducted in accordance
24.25 with whichever procedure the employee elects. The election shall be binding and shall
24.26 terminate any right to the alternative procedures. The same proceeding may include more
24.27 than one employee's employment status if the employees' defenses are identical, analogous,
24.28 or reasonably similar. The proceedings shall be undertaken without unnecessary delay.

24.29 (b) Any person whose termination is sustained in the administrative or grievance
24.30 proceeding may appeal in accordance with chapter 14.

25.1 Sec. 40. Minnesota Statutes 2022, section 179A.20, subdivision 4, is amended to read:

25.2 Subd. 4. **Grievance procedure.** (a) All contracts must include a grievance procedure
25.3 providing for compulsory binding arbitration of grievances including all written disciplinary
25.4 actions. If the parties cannot agree on the grievance procedure, they are subject to the
25.5 grievance procedure ~~promulgated~~ adopted by the commissioner under section 179A.04,
25.6 subdivision 3, paragraph (a), clause ~~(h)~~ (8).

25.7 (b) Notwithstanding any home rule charter to the contrary, after the probationary period
25.8 of employment, any disciplinary action is subject to the grievance procedure and compulsory
25.9 binding arbitration.

25.10 (c) Employees covered by civil service systems created under chapter 43A, 44, 375,
25.11 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423,
25.12 may pursue a grievance through the procedure established under this section. When the
25.13 grievance is also within the jurisdiction of appeals boards or appeals procedures created by
25.14 chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter under chapter 410, or by
25.15 Laws 1941, chapter 423, the employee may proceed through the grievance procedure or the
25.16 civil service appeals procedure, but once a written grievance or appeal has been properly
25.17 filed or submitted by the employee or on the employee's behalf with the employee's consent
25.18 the employee may not proceed in the alternative manner.

25.19 (d) A teacher who elects a hearing before an arbitrator under section 122A.40, subdivision
25.20 15, or 122A.41, subdivision 13, or who elects or acquiesces to a hearing before the school
25.21 board may not later proceed in the alternative manner nor challenge the termination or
25.22 discharge through a grievance procedure required by this subdivision.

25.23 (e) This section does not require employers or employee organizations to negotiate on
25.24 matters other than terms and conditions of employment.

25.25 Sec. 41. Minnesota Statutes 2022, section 179A.23, is amended to read:

25.26 **179A.23 LIMITATION ON CONTRACTING-OUT OF SERVICES PROVIDED**
25.27 **BY MEMBERS OF A STATE OF MINNESOTA OR UNIVERSITY OF MINNESOTA**
25.28 **BARGAINING UNIT.**

25.29 (a) Any contract entered into after March 23, 1982, by the state of Minnesota or the
25.30 University of Minnesota involving services, any part of which, in the absence of the contract,
25.31 would be performed by members of a unit provided in sections 179A.10 and 179A.11, shall
25.32 be subject to section 16C.06 and shall provide for the preferential employment by a party

26.1 of members of that unit whose employment with the state of Minnesota or the University
26.2 of Minnesota is terminated as a result of that contract.

26.3 (b) Contracts entered into by the state of Minnesota for the purpose of providing court
26.4 reporter services or transcription of the record of a hearing which was recorded by means
26.5 of an audio magnetic recording device shall be subject to section 16C.08 and the preferential
26.6 employment provisions enumerated in this section. Any court reporter seeking a contract
26.7 pursuant to the preferential employment provisions of this section shall be given preference
26.8 when the services are needed only if that court reporter's charges for the services requested
26.9 are no greater than the average of the charges made for the identical services by other court
26.10 reporters in the same locality who are also under contract with the state for those services.

26.11 **Sec. 42. [181.173] SALARY RANGES REQUIRED IN JOB POSTINGS.**

26.12 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
26.13 the meanings given.

26.14 (b) "Employer" means a person or entity that employs 30 or more employees at one or
26.15 more sites in Minnesota and includes an individual, corporation, partnership, association,
26.16 nonprofit organization, group of persons, state, county, town, city, school district, or other
26.17 governmental subdivision.

26.18 (c) "Posting" means any solicitation intended to recruit job applicants for a specific
26.19 available position, including recruitment done directly by an employer or indirectly through
26.20 a third party, and includes any postings made electronically or via printed hard copy, that
26.21 includes qualifications for desired applicants.

26.22 (d) "Salary range" means the minimum and maximum annual salary or hourly range of
26.23 compensation, based on the employer's good faith estimate, for a job opportunity of the
26.24 employer at the time of the posting of an advertisement for such opportunity.

26.25 Subd. 2. Salary ranges in job postings required. (a) An employer must disclose in
26.26 each posting for each job opening with the employer the starting salary range, and a general
26.27 description of all of the benefits and other compensation, including but not limited to any
26.28 health or retirement benefits, to be offered to a hired job applicant.

26.29 (b) An employer that does not plan to offer a salary range for a position must list a fixed
26.30 pay rate. A salary range may not be open ended.

26.31 **EFFECTIVE DATE. This section is effective January 1, 2025.**

27.1 Sec. 43. Minnesota Statutes 2023 Supplement, section 181.212, subdivision 7, is amended
27.2 to read:

27.3 Subd. 7. **Voting.** The affirmative vote of five board members is required for the board
27.4 to take any action, including actions necessary to establish minimum nursing home
27.5 employment standards under section 181.213. At least two of the five affirmative votes
27.6 must be cast by the commissioner members or their appointees.

27.7 Sec. 44. Minnesota Statutes 2023 Supplement, section 181.531, subdivision 3, is amended
27.8 to read:

27.9 Subd. 3. **Notice.** (a) The commissioner shall develop an educational poster providing
27.10 notice of employees' rights provided under this section. The notice shall be available in
27.11 English and the five most common languages spoken in Minnesota.

27.12 ~~Within 30 days of August 1, 2023,~~ (b) An employer subject to this section shall post
27.13 and keep posted, a the notice of employee rights under this section created pursuant to this
27.14 subdivision in a place where employee notices are customarily placed located within the
27.15 workplace.

27.16 **EFFECTIVE DATE.** This section is effective October 1, 2024.

27.17 Sec. 45. Minnesota Statutes 2023 Supplement, section 181.939, subdivision 2, is amended
27.18 to read:

27.19 Subd. 2. **Pregnancy accommodations.** (a) An employer must provide reasonable
27.20 accommodations to an employee for health conditions related to pregnancy or childbirth
27.21 upon request, with the advice of a licensed health care provider or certified doula, unless
27.22 the employer demonstrates that the accommodation would impose an undue hardship on
27.23 the operation of the employer's business. A pregnant employee shall not be required to
27.24 obtain the advice of a licensed health care provider or certified doula, nor may an employer
27.25 claim undue hardship for the following accommodations: (1) more frequent or longer
27.26 restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The
27.27 employee and employer shall engage in an interactive process with respect to an employee's
27.28 request for a reasonable accommodation. Reasonable accommodation may include but is
27.29 not limited to temporary transfer to a less strenuous or hazardous position, temporary leave
27.30 of absence, modification in work schedule or job assignments, seating, more frequent or
27.31 longer break periods, and limits to heavy lifting. Notwithstanding any other provision of
27.32 this subdivision, an employer shall not be required to create a new or additional position in
27.33 order to accommodate an employee pursuant to this subdivision and shall not be required

28.1 to discharge an employee, transfer another employee with greater seniority, or promote an
28.2 employee.

28.3 (b) Nothing in this subdivision shall be construed to affect any other provision of law
28.4 relating to sex discrimination or pregnancy or in any way diminish the coverage of pregnancy,
28.5 childbirth, or health conditions related to pregnancy or childbirth under any other provisions
28.6 of any other law.

28.7 (c) An employer shall not require an employee to take a leave or accept an
28.8 accommodation.

28.9 (d) An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain,
28.10 coerce, or otherwise retaliate or discriminate against an employee for asserting rights or
28.11 remedies under this subdivision.

28.12 (e) For the purposes of this subdivision, "employer" means a person or entity that employs
28.13 one or more employees and includes the state and its political subdivisions.

28.14 (f) During any leave for which an employee is entitled to benefits or leave under this
28.15 subdivision, the employer must maintain coverage under any group insurance policy, group
28.16 subscriber contract, or health care plan for the employee and any dependents as if the
28.17 employee was not on leave, provided, however, that the employee must continue to pay any
28.18 employee share of the cost of the benefits.

28.19 Sec. 46. Minnesota Statutes 2022, section 181.941, subdivision 4, is amended to read:

28.20 Subd. 4. **Continued insurance.** ~~The employer must continue to make coverage available~~
28.21 ~~to the employee while on leave of absence under any group insurance policy, group subscriber~~
28.22 ~~contract, or health care plan for the employee and any dependents. Nothing in this section~~
28.23 ~~requires the employer to pay the costs of the insurance or health care while the employee~~
28.24 ~~is on leave of absence.~~ During any leave for which an employee is entitled to benefits or
28.25 leave under this section, the employer must maintain coverage under any group insurance
28.26 policy, group subscriber contract, or health care plan for the employee and any dependents
28.27 as if the employee was not on leave, provided, however, that the employee must continue
28.28 to pay any employee share of the cost of the benefits.

28.29 Sec. 47. Minnesota Statutes 2022, section 181.943, is amended to read:

28.30 **181.943 RELATIONSHIP TO OTHER LEAVE.**

28.31 (a) The length of leave provided under section 181.941 may be reduced by any period
28.32 of:

29.1 (1) paid parental, disability, personal, medical, or sick leave, or accrued vacation provided
29.2 by the employer so that the total leave does not exceed 12 weeks, unless agreed to by the
29.3 employer; or

29.4 (2) leave taken for the same purpose by the employee under United States Code, title
29.5 29, chapter 28.

29.6 (b) Nothing in sections 181.940 to 181.943 prevents any employer from providing leave
29.7 benefits in addition to those provided in sections 181.940 to 181.944 or otherwise affects
29.8 an employee's rights with respect to any other employment benefit.

29.9 (c) Notwithstanding paragraphs (a) and (b), the length of leave provided under section
29.10 181.941 must not be reduced by any period of paid or unpaid leave taken for prenatal care
29.11 medical appointments.

29.12 Sec. 48. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision
29.13 to read:

29.14 Subd. 9a. **Oral fluid test.** "Oral fluid test" means analysis of a saliva sample for the
29.15 purpose of measuring the presence of the same substances as drug and alcohol testing and
29.16 cannabis testing that:

29.17 (1) can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the
29.18 threshold detection levels contained in the standards of one of the programs listed in section
29.19 181.953, subdivision 1; and

29.20 (2) does not require the services of a testing laboratory under section 181.953, subdivision
29.21 1.

29.22 Sec. 49. Minnesota Statutes 2022, section 181.951, subdivision 1, is amended to read:

29.23 Subdivision 1. **Limitations on testing.** (a) An employer may not request or require an
29.24 employee or job applicant to undergo drug and alcohol testing except as authorized in this
29.25 section.

29.26 (b) An employer may not request or require an employee or job applicant to undergo
29.27 drug or alcohol testing unless the testing is done pursuant to a written drug and alcohol
29.28 testing policy that contains the minimum information required in section 181.952; and,
29.29 either: (1) is conducted by a testing laboratory which participates in one of the programs
29.30 listed in section 181.953, subdivision 1; or (2) complies with the oral fluid test procedures
29.31 under section 181.953, subdivision 5a.

30.1 (c) An employer may not request or require an employee or job applicant to undergo
30.2 drug and alcohol testing on an arbitrary and capricious basis.

30.3 Sec. 50. Minnesota Statutes 2023 Supplement, section 181.953, subdivision 1, is amended
30.4 to read:

30.5 Subdivision 1. **Use of licensed, accredited, or certified laboratory required.** (a) Except
30.6 as provided under subdivision 5a, an employer who requests or requires an employee or
30.7 job applicant to undergo drug or alcohol testing or cannabis testing shall use the services
30.8 of a testing laboratory that meets one of the following criteria for drug testing:

30.9 (1) is certified by the National Institute on Drug Abuse as meeting the mandatory
30.10 guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;

30.11 (2) is accredited by the College of American Pathologists, 325 Waukegan Road,
30.12 Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program;
30.13 or

30.14 (3) is licensed to test for drugs by the state of New York, Department of Health, under
30.15 Public Health Law, article 5, title V, and rules adopted under that law.

30.16 (b) For alcohol testing, the laboratory must either be:

30.17 (1) licensed to test for drugs and alcohol by the state of New York, Department of Health,
30.18 under Public Health Law, article 5, title V, and the rules adopted under that law; or

30.19 (2) accredited by the College of American Pathologists, 325 Waukegan Road, Northfield,
30.20 Illinois, 60093-2750, in the laboratory accreditation program.

30.21 Sec. 51. Minnesota Statutes 2023 Supplement, section 181.953, subdivision 3, is amended
30.22 to read:

30.23 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** (a) A
30.24 testing laboratory that is not certified by the National Institute on Drug Abuse according to
30.25 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in
30.26 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that
30.27 produced a positive test result on an initial screening test. A laboratory shall disclose to the
30.28 employer a written test result report for each sample tested within three working days after
30.29 a negative test result on an initial screening test or, when the initial screening test produced
30.30 a positive test result, within three working days after a confirmatory test. A test report must
30.31 indicate the drugs, alcohol, drug or alcohol metabolites, or cannabis or cannabis metabolites
30.32 tested for and whether the test produced negative or positive test results. A laboratory shall

31.1 retain and properly store for at least six months all samples that produced a positive test
31.2 result.

31.3 (b) This subdivision and the chain-of-custody procedures under subdivision 5 do not
31.4 apply to oral fluid testing under subdivision 5a.

31.5 Sec. 52. Minnesota Statutes 2023 Supplement, section 181.953, is amended by adding a
31.6 subdivision to read:

31.7 Subd. 5a. **Oral fluid testing.** (a) When drug and alcohol testing or cannabis testing is
31.8 otherwise authorized under section 181.951, an employer may request an employee or job
31.9 applicant to undergo oral fluid testing according to the procedures under this subdivision
31.10 as an alternative to using the services of a testing laboratory under subdivision 1.

31.11 (b) The employee must be informed of the test result at the time of the oral fluid test.
31.12 Within 48 hours of an oral fluid test that indicates a positive test result or that is inconclusive
31.13 or invalid, the employee or job applicant may request drug or alcohol testing or cannabis
31.14 testing at no cost to the employee or job applicant using the services of a testing laboratory
31.15 under subdivision 1, and according to the existing laboratory testing standards in subdivisions
31.16 1 to 5. The rights, notice, and limitations in subdivision 6, paragraph (b), and subdivisions
31.17 7 to 8 and 10 to 11 apply to an employee or job applicant and a laboratory test conducted
31.18 pursuant to this paragraph.

31.19 (c) If the laboratory test under paragraph (b) indicates a positive result, any subsequent
31.20 confirmatory retest, if requested by the employee or job applicant, must be conducted
31.21 following the retest procedures provided in subdivision 6, paragraph (c), and subdivision 9
31.22 at the employee's or job applicant's own expense.

31.23 (d) Nothing in this subdivision is intended to modify the existing requirements for drug
31.24 and alcohol testing or cannabis testing in the workplace under sections 181.950 to 18.957,
31.25 unless stated otherwise.

31.26 Sec. 53. **[181.9881] RESTRICTIVE EMPLOYMENT COVENANTS; VOID IN**
31.27 **SERVICE CONTRACTS.**

31.28 Subdivision 1. **Definitions.** (a) "Customer" means an individual, partnership, association,
31.29 corporation, business, trust, or group of persons hiring a service provider for services.

31.30 (b) "Employee," as used in this section, means any individual who performs services
31.31 for a service provider, including independent contractors. "Independent contractor" has the
31.32 meaning given in section 181.988, subdivision 1, paragraph (d).

32.1 (c) "Service provider" means any partnership, association, corporation, business, trust,
32.2 or group of persons acting directly or indirectly as an employer or manager for work
32.3 contracted or requested by a customer.

32.4 Subd. 2. Restrictive employment covenants; void and unenforceable. (a) No service
32.5 provider may restrict, restrain, or prohibit in any way a customer from directly or indirectly
32.6 soliciting or hiring an employee of a service provider.

32.7 (b) Any provision of an existing contract that violates paragraph (a) is void and
32.8 unenforceable.

32.9 (c) When a provision in an existing contract violates this section, the service provider
32.10 must provide notice to their employees of this section and the restrictive covenant in the
32.11 existing contract that violates this section.

32.12 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to contracts
32.13 and agreements entered into on or after that date.

32.14 Sec. 54. Minnesota Statutes 2022, section 181A.08, is amended to read:

32.15 **181A.08 POWERS AND DUTIES OF THE DEPARTMENT.**

32.16 Subdivision 1. **Inspections.** The commissioner, an authorized representative, or any
32.17 truant officer may enter and inspect the place of business or employment and may interview
32.18 any employees, of any employer of employees in any occupation in the state, all for the
32.19 purpose of ascertaining whether any minors are employed contrary to the provisions of
32.20 sections 181A.01 to 181A.12. Such authorized persons may require that employment
32.21 certificates, age certificates, and lists of minors employed shall be produced for their
32.22 inspection.

32.23 Subd. 2. **Compliance orders.** The commissioner or an authorized representative may
32.24 issue an order requiring an employer to comply with the provisions of sections 181A.01 to
32.25 181A.12 or with any rules promulgated under the provisions of section 181A.09. Any such
32.26 order shall be served by the department upon the employer or an authorized representative
32.27 in person or by certified mail at the employers place of business. If an employer wishes to
32.28 contest the order for any reason, the employer shall file written notice of objection with the
32.29 commissioner within ~~ten~~ 15 calendar days after service of said order upon said employer.
32.30 Thereafter, a public hearing shall be held in accordance with the provisions of sections 14.57
32.31 to 14.69, and such rules consistent therewith as the commissioner shall make. If, within 15
32.32 calendar days after being served with the order, the employer fails to file a written notice
32.33 of objection with the commissioner, the order becomes a final order of the commissioner.

33.1 Subd. 2a. **Employer liability.** If an employer is found by the commissioner to have
33.2 violated any provision of sections 181A.01 to 181A.12, or any rules promulgated under
33.3 section 181A.09, and the commissioner issues an order to comply under subdivision 2, the
33.4 commissioner shall order the employer to cease and desist from engaging in the violative
33.5 practice and to take affirmative steps that in the judgment of the commissioner will effectuate
33.6 the purposes of the section or rule violated. The commissioner may order the employer to
33.7 reimburse the department and the attorney general for appropriate litigation and hearing
33.8 costs expended in preparation for and in conducting the contested case proceeding, unless
33.9 payment of costs would impose extreme financial hardship on the employer. If the employer
33.10 is able to establish extreme financial hardship, then the commissioner may order the employer
33.11 to pay a percentage of the total costs that will not cause extreme financial hardship. Costs
33.12 include but are not limited to the costs of services rendered by the attorney general, private
33.13 attorneys if engaged by the department, administrative law judges, court reporters, and
33.14 expert witnesses as well as the cost of transcripts. Interest shall accrue on, and be added to,
33.15 the unpaid balance of a commissioner's order from the date the order is signed by the
33.16 commissioner until it is paid, at an annual rate provided in section 549.09, subdivision 1,
33.17 paragraph (c).

33.18 **Subd. 3. Restraining orders.** The commissioner or an authorized representative may
33.19 apply to any court of competent jurisdiction for an order restraining the violation of an order
33.20 issued by the commissioner pursuant to subdivision 2, or for an order enjoining and
33.21 restraining violations of this chapter or rules adopted pursuant to section 181A.09.

33.22 **Sec. 55.** Minnesota Statutes 2022, section 181A.12, subdivision 1, is amended to read:

33.23 **Subdivision 1. Fines; penalty.** (a) Any employer who hinders or delays the department
33.24 or its authorized representative in the performance of its duties under sections 181A.01 to
33.25 181A.12 or refuses to admit the commissioner or an authorized representative to any place
33.26 of employment or refuses to make certificates or lists available as required by sections
33.27 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12
33.28 or any rules issued pursuant thereto shall be assessed a fine to be paid to the commissioner
33.29 for deposit in the general fund. The fine may be recovered in a civil action in the name of
33.30 the department brought in the district court of the county where the violation is alleged to
33.31 have occurred or the district court where the commissioner has an office. Fines are ~~in~~ up to
33.32 the amounts as follows for each violation:

34.1	(1)	employment of minors under the age of 14	\$	500
34.2		(each employee)		
34.3	(2)	employment of minors under the age of 16		500
34.4		during school hours while school is in session		
34.5		(each employee)		
34.6	(3)	employment of minors under the age of 16		500
34.7		before 7:00 a.m. (each employee)		
34.8	(4)	employment of minors under the age of 16		500
34.9		after 9:00 p.m. (each employee)		
34.10	(5)	employment of a high school student under		1,000
34.11		the age of 18 in violation of section 181A.04,		
34.12		subdivision 6 (each employee)		
34.13	(6)	employment of minors under the age of 16		500
34.14		over eight hours a day (each employee)		
34.15	(7)	employment of minors under the age of 16		500
34.16		over 40 hours a week (each employee)		
34.17	(8)	employment of minors under the age of 18 in		1,000
34.18		occupations hazardous or detrimental to their		
34.19		well-being as defined by rule (each employee)		
34.20	(9)	employment of minors under the age of 16 in		1,000
34.21		occupations hazardous or detrimental to their		
34.22		well-being as defined by rule (each employee)		
34.23	(10)	minors under the age of 18 injured in		5,000
34.24		hazardous employment (each employee)		
34.25	(11)	minors employed without proof of age (each		250
34.26		employee)		

34.27 (b) An employer who refuses to make certificates or lists available as required by sections
34.28 181A.01 to 181A.12 shall be assessed a \$500 fine.

34.29 (c) Notwithstanding the factors in section 14.045, subdivision 3, the commissioner need
34.30 only consider the size of the business of the employer, the gravity of the violation, and the
34.31 history of previous violations when determining the total amount of fines to issue under
34.32 this subdivision.

34.33 Sec. 56. Minnesota Statutes 2022, section 181A.12, is amended by adding a subdivision
34.34 to read:

34.35 Subd. 4. **Liquidated damages.** An employer who employs a minor in violation of section
34.36 181A.04, subdivision 5, may be liable to the minor for an amount equal to the minor's regular
34.37 rate of pay for all hours worked in violation of section 181A.04, subdivision 5, as liquidated
34.38 damages, in addition to the wages earned by the minor.

35.1 Sec. 57. Minnesota Statutes 2022, section 181A.12, is amended by adding a subdivision
35.2 to read:

35.3 Subd. 5. **Retaliation.** An employer shall not discharge, discipline, penalize, interfere
35.4 with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee
35.5 for asserting rights or remedies under sections 181A.01 to 181A.12 or any rules promulgated
35.6 under section 181A.09, including but not limited to filing a complaint with the department,
35.7 informing the employer of the employee's intention to file a complaint, or participating in
35.8 an investigation by the department. In addition to any other remedies provided by law, the
35.9 commissioner may order an employer in violation of this subdivision to provide back pay,
35.10 compensatory damages, reinstatement, and any other appropriate relief to the aggrieved
35.11 employee.

35.12 Sec. 58. Minnesota Statutes 2023 Supplement, section 182.6526, subdivision 1, is amended
35.13 to read:

35.14 Subdivision 1. **Definitions.** (a) The terms defined in this subdivision have the meanings
35.15 given.

35.16 (b) "Aggregated employee work speed data" means a compilation of employee work
35.17 speed data for multiple employees, in summary form, assembled in full or in another form
35.18 such that the data cannot be identified with any individual.

35.19 (c) "Commissioner" means the commissioner of labor and industry.

35.20 (d)(1) Except as provided in clause (2), "employee" means ~~an employee~~ a person who
35.21 meets the definition in section 182.651, subdivision 9, and who works at a warehouse
35.22 distribution center.

35.23 (2) For the purposes of subdivisions 2, 3, and 4 only, "employee" means ~~a nonexempt~~
35.24 ~~employee performing~~ a person who meets the definition in section 182.651, subdivision 9,
35.25 does not meet any of the exceptions set forth in section 177.23, subdivision 7, clauses (1)
35.26 to (19), and who performs warehouse work occurring on the property of a warehouse
35.27 distribution center and. Employee does not include a nonexempt employee any person
35.28 performing solely manufacturing, administrative, sales, accounting, human resources, or
35.29 driving work at, or to and from, a warehouse distribution center.

35.30 (e) "Employee work speed data" means information an employer collects, stores, analyzes,
35.31 or interprets relating to an individual employee's performance of a quota, including but not
35.32 limited to quantities of tasks performed, quantities of items or materials handled or produced,
35.33 rates or speeds of tasks performed, measurements or metrics of employee performance in

36.1 relation to a quota, and time categorized as performing tasks or not performing tasks.
36.2 Employee work speed data does not include itemized earnings statements pursuant to chapter
36.3 181, except for any content of those records that includes employee work speed data as
36.4 defined in this paragraph.

36.5 (f) "Employer" means a person who meets the definition in section 182.651, subdivision
36.6 7, and who directly or indirectly, or through an agent or any other person, including through
36.7 the services of a third-party employer, temporary service, or staffing agency or similar
36.8 entity, employs or exercises control over the wages, hours, or working conditions of 250
36.9 or more employees at a single warehouse distribution center or 1,000 or more employees
36.10 at one or more warehouse distribution centers in the state. For purposes of this paragraph,
36.11 all employees of an employer's unitary business, as defined in section 290.17, subdivision
36.12 4, shall be counted in determining the number of employees employed at a single warehouse
36.13 distribution center or at one or more warehouse distribution centers in the state.

36.14 (g) "Warehouse distribution center" means an establishment as defined by any of the
36.15 following North American Industry Classification System (NAICS) codes:

36.16 (1) 493110 for General Warehousing and Storage;

36.17 (2) 423 for Merchant Wholesalers, Durable Goods;

36.18 (3) 424 for Merchant Wholesalers, Nondurable Goods;

36.19 (4) 454110 for Electronic Shopping and Mail-Order Houses; and

36.20 (5) 492110 for Couriers and Express Delivery Services.

36.21 (h) "Quota" means a work standard under which:

36.22 (1) an employee or group of employees is assigned or required to perform at a specified
36.23 productivity speed, or perform a quantified number of tasks, or handle or produce a quantified
36.24 amount of material, or perform without a certain number of errors or defects, as measured
36.25 at the individual or group level within a defined time period; or

36.26 (2) an employee's actions are categorized and measured between time performing tasks
36.27 and not performing tasks, and the employee's failure to complete a task performance standard
36.28 may have an adverse impact on the employee's continued employment.

36.29 Sec. 59. Minnesota Statutes 2022, section 182.664, subdivision 3, is amended to read:

36.30 Subd. 3. **Powers and duties of board.** The review board shall review and decide appeals
36.31 from final decisions and orders of the commissioner, including decisions issued by
36.32 administrative law judges, petitions to vacate final orders of the commissioner, and with

37.1 the agreement of the parties, may review and decide petitions for decisions based on
37.2 stipulated facts. The powers of the board in the conduct of hearings, including the power
37.3 to sign decisions and orders, may be delegated to a member, members, or the board chair.
37.4 The board may schedule a hearing for purposes of taking oral argument. A notice stating
37.5 the time and place of the hearing must be given ten days in advance of such a hearing to
37.6 the parties and copies of the notice of such hearing shall be served by the employer as rules
37.7 of the board shall require. The hearings shall be open to the public and the board's decisions
37.8 and orders shall be maintained and available for examination. Chapter 13D does not apply
37.9 to meetings or hearings of the board when the board is deliberating to reach its decision on
37.10 an appeal or petition under its jurisdiction.

37.11 Sec. 60. Minnesota Statutes 2022, section 182.664, subdivision 5, is amended to read:

37.12 Subd. 5. **Authority of board; ~~standard~~ scope of review.** (a) For the purpose of carrying
37.13 out its functions under this chapter, two members of the board shall constitute a quorum
37.14 and official action can be taken only on the affirmative vote of at least two members. The
37.15 decisions and orders of an administrative law judge, or final orders of the commissioner,
37.16 may be appealed to the review board by the employer, employee, or their authorized
37.17 representatives or any party, within 30 days following service by mail of the administrative
37.18 law judge's decision and order, or final order of the commissioner.

37.19 (b) The review board shall have authority to revise, ~~confirm~~ affirm, remand, or reverse
37.20 the decision and order of administrative law judges, ~~or,~~

37.21 (c) The review board shall also have authority to affirm, or vacate and remand, final
37.22 orders of the commissioner when a petition to vacate a final order is filed. The board shall
37.23 only vacate and remand a final order of the commissioner relating to a petition to vacate
37.24 upon a showing of good cause. For purposes of this section, good cause is limited to fraud,
37.25 mistake of fact ~~or by the commissioner~~, mistake of law by the commissioner, or newly
37.26 discovered evidence.

37.27 Sec. 61. Minnesota Statutes 2022, section 182.665, is amended to read:

37.28 **182.665 JUDICIAL REVIEW.**

37.29 Any person aggrieved by a final order of the board in a contested case, by a final order
37.30 of the board on a petition to vacate a final order of the commissioner, or by any standard,
37.31 rule, or order promulgated by the commissioner, is entitled to judicial review thereof in
37.32 accordance with the applicable provisions of chapter 14.

38.1 Sec. 62. Minnesota Statutes 2022, section 182.666, subdivision 6, is amended to read:

38.2 Subd. 6. **Authority to assess fines; considerations.** Only the commissioner shall have
38.3 authority to assess all proposed fines provided in this section, ~~giving~~. Notwithstanding the
38.4 factors in section 14.045, subdivision 3, the commissioner must give due consideration only
38.5 to the following factors:

38.6 (1) appropriateness of the fine with respect to the size of the business of the employer;

38.7 (2) the gravity of the violation;

38.8 (3) the good faith of the employer; and

38.9 (4) the history of previous violations.

38.10 Sec. 63. Minnesota Statutes 2022, section 182.667, is amended by adding a subdivision
38.11 to read:

38.12 Subd. 4. **Investigative data.** The commissioner may share active and inactive civil
38.13 investigative data pursuant to section 13.39 with a city or county attorney for purposes of
38.14 enforcing this section. The commissioner may share complete data and need not withhold
38.15 any data under the requirements of chapter 13 or 182 or any other state privacy law.

38.16 Sec. 64. Minnesota Statutes 2023 Supplement, section 182.677, subdivision 1, is amended
38.17 to read:

38.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the definitions in this
38.19 subdivision apply unless otherwise specified.

38.20 (b) "Health care facility" means a hospital with a North American Industrial Classification
38.21 system code of 622110, 622210, or 622310; an outpatient surgical center with a North
38.22 American Industrial Classification system code of 621493; and a nursing home with a North
38.23 American Industrial Classification system code of 623110.

38.24 (c) "Warehouse distribution center" means ~~an employer~~ a site in Minnesota with 100 or
38.25 more employees ~~in Minnesota~~ and a North American Industrial Classification system code
38.26 of 493110, 423110 to 423990, 424110 to 424990, 454110, or 492110.

38.27 (d) "Meatpacking site" means a ~~meatpacking or poultry processing~~ site in Minnesota
38.28 with 100 or more employees ~~in Minnesota~~ and a North American Industrial Classification
38.29 system code of 311611 to 311615, except 311613.

38.30 (e) "Musculoskeletal disorder" or "MSD" means a disorder of the muscles, nerves,
38.31 tendons, ligaments, joints, cartilage, blood vessels, or spinal discs.

39.1 Sec. 65. Minnesota Statutes 2023 Supplement, section 182.677, subdivision 2, is amended
39.2 to read:

39.3 Subd. 2. **Ergonomics program required.** (a) Every employer with employees at a
39.4 licensed health care facility, warehouse distribution center, or meatpacking site in the state
39.5 shall create and implement an effective written ergonomics program establishing the
39.6 employer's plan to minimize the risk of its employees developing or aggravating
39.7 musculoskeletal disorders. The ergonomics program shall focus on eliminating the risk. To
39.8 the extent risk exists, the ergonomics program must include feasible administrative or
39.9 engineering controls to reduce the risk.

39.10 (b) The program shall include:

39.11 (1) an assessment to identify and reduce musculoskeletal disorder risk factors in the
39.12 facility;

39.13 (2) an initial and ongoing training of employees on ergonomics and its benefits, including
39.14 the importance of reporting early symptoms of musculoskeletal disorders;

39.15 (3) a procedure to ensure early reporting of musculoskeletal disorders to prevent or
39.16 reduce the progression of symptoms, the development of serious injuries, and lost-time
39.17 claims;

39.18 (4) a process for employees to provide possible solutions that may be implemented to
39.19 reduce, control, or eliminate workplace musculoskeletal disorders;

39.20 (5) procedures to ensure that physical plant modifications and major construction projects
39.21 are consistent with program goals; and

39.22 (6) annual evaluations of the ergonomics program and whenever a change to the work
39.23 process occurs.

39.24 Sec. 66. **[182.678] SURGICAL SMOKE EVACUATION SYSTEM POLICIES.**

39.25 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this
39.26 subdivision have the meanings given.

39.27 (b) "Surgical smoke" means the gaseous by-product produced by energy-generating
39.28 devices including surgical plume, smoke plume, bio-aerosols, laser-generated airborne
39.29 contaminants, or lung-damaging dust.

39.30 (c) "Smoke evacuation system" means equipment that effectively captures and filters
39.31 surgical smoke at the site of origin before the smoke makes contact with the eyes or the
39.32 respiratory tract of occupants in the room.

40.1 (d) "Health care employer" means a hospital as defined in section 144.50, subdivision
40.2 2, or an ambulatory surgical facility or outpatient surgical center as defined in section 144.55,
40.3 subdivision 2, paragraph (b).

40.4 Subd. 2. **Surgical smoke evacuation system policies required.** A health care employer
40.5 shall adopt and implement policies to prevent exposure to surgical smoke by requiring the
40.6 use of a smoke evacuation system during any surgical procedure that is likely to generate
40.7 surgical smoke.

40.8 Subd. 3. **Enforcement.** This section shall be enforced by the commissioner under sections
40.9 182.66 and 182.661. A violation of this section is subject to the penalties provided under
40.10 section 182.666.

40.11 **EFFECTIVE DATE.** This section is effective January 1, 2025.

40.12 Sec. 67. Minnesota Statutes 2023 Supplement, section 204B.19, subdivision 6, is amended
40.13 to read:

40.14 **Subd. 6. Trainee election judges.** (a) Notwithstanding any other requirements of this
40.15 section, a student enrolled in a high school in Minnesota or who is in a home school in
40.16 compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible
40.17 to be appointed as a without party affiliation trainee election judge in the county in which
40.18 the student maintains residence, or a county adjacent to the county in which the student
40.19 maintains residence. The student must meet qualifications for trainee election judges specified
40.20 in rules of the secretary of state. A student appointed under this subdivision while enrolled
40.21 in a high school or receiving instruction in a home school may continue to serve as a trainee
40.22 election judge after the student graduates and until the student reaches the age of 18.

40.23 (b) A student appointed as a trainee election judge may be excused from school attendance
40.24 during the hours that the student is serving as a trainee election judge if the student submits
40.25 a written request signed and approved by the student's parent or guardian to be absent from
40.26 school and a certificate from the appointing authority stating the hours during which the
40.27 student will serve as a trainee election judge to the principal of the school at least ten days
40.28 prior to the election. A trainee election judge shall not serve after 10:00 p.m. Notwithstanding
40.29 section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds
40.30 of the minimum wage for a ~~large~~ an employer. The principal of the school may approve a
40.31 request to be absent from school conditioned on acceptable academic performance at the
40.32 time of service as a trainee election judge.

40.33 **EFFECTIVE DATE.** This section is effective January 1, 2025.

41.1 Sec. 68. Minnesota Statutes 2022, section 326.02, subdivision 5, is amended to read:

41.2 Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 shall not apply to the
41.3 preparation of plans and specifications for the erection, enlargement, or alteration of any
41.4 building or other structure by any person, for that person's exclusive occupancy or use,
41.5 unless such occupancy or use involves the public health or safety or the health or safety of
41.6 the employees of said person, or of the buildings listed in section 326.03, subdivision 2, nor
41.7 to any detailed or shop plans required to be furnished by a contractor to a registered engineer,
41.8 landscape architect, architect, or certified interior designer, nor to any standardized
41.9 manufactured product, nor to any construction superintendent supervising the execution of
41.10 work designed by an architect, landscape architect, engineer, or certified interior designer
41.11 licensed or certified in accordance with section 326.03, nor to the planning for and
41.12 supervision of the construction and installation of work by an electrical or elevator contractor
41.13 or master plumber as defined in and licensed pursuant to chapter 326B, nor to the planning
41.14 for and supervision of the construction and installation of work by a licensed well contractor
41.15 as defined and licensed pursuant to chapter 103I, where such work is within the scope of
41.16 such licensed activity and not within the practice of professional engineering, or architecture,
41.17 or where the person does not claim to be a certified interior designer as defined in subdivision
41.18 2, 3, or 4b.

41.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

41.20 Sec. 69. Minnesota Statutes 2022, section 326B.0981, subdivision 3, is amended to read:

41.21 Subd. 3. **Content.** (a) Continuing education consists of approved courses that impart
41.22 appropriate and related knowledge in the regulated industries pursuant to this chapter and
41.23 other applicable federal and state laws, rules, and regulations. Courses may include relevant
41.24 materials that are included in licensing exams subject to the limitations imposed in
41.25 subdivision 11. The burden of demonstrating that courses impart appropriate and related
41.26 knowledge is upon the person seeking approval or credit.

41.27 (b) Except as required for Internet continuing education, course examinations will not
41.28 be required for continuing education courses.

41.29 (c) If textbooks are not used as part of the course, the sponsor must provide students
41.30 with a syllabus containing the course title; the times and dates of the course offering; the
41.31 name, address, and telephone number of the course sponsor; the name and affiliation of the
41.32 instructor; and a detailed outline of the subject materials to be covered. Any written or
41.33 printed material given to students must be of readable quality and contain accurate and
41.34 current information.

42.1 (d) Upon completion of an approved course, licensees shall earn one hour of continuing
42.2 education credit for each classroom hour approved by the commissioner. Each continuing
42.3 education course must be attended in its entirety in order to receive credit for the number
42.4 of approved hours. Courses may be approved for full or partial credit, and for more than
42.5 one regulated industry.

42.6 (e) Continuing education credit in an approved course shall be awarded to presenting
42.7 instructors on the basis of one credit for each hour of the initial presentation. Continuing
42.8 education credits for completion of an approved course may only be used once for renewal
42.9 of a specific license.

42.10 (f) Courses will be approved using the following guidelines:

42.11 (1) course content must demonstrate significant intellectual or practical content and deal
42.12 with matters directly related to the practice in the regulated industry, workforce safety, or
42.13 the business of running a company in the regulated industry. Courses may also address the
42.14 professional responsibility or ethical obligations of a licensee related to work in the regulated
42.15 industry;

42.16 (2) the following courses may be approved if they are specifically designed for the
42.17 regulated industry and are in compliance with paragraph (g):

42.18 (i) courses approved by the Minnesota Board of Continuing Legal Education; or

42.19 (ii) courses approved by the International Code Council, National Association of Home
42.20 Building, or other nationally recognized professional organization of the regulated industry;
42.21 and

42.22 (3) courses must be presented and attended in a suitable classroom or construction setting,
42.23 except for Internet education courses which must meet the requirements of subdivision ~~5a~~
42.24 4. Courses presented via video recording, simultaneous broadcast, or teleconference may
42.25 be approved provided the sponsor is available at all times during the presentation, except
42.26 for Internet education courses which must meet the requirements of subdivision ~~5a~~ 4.

42.27 (g) The following courses will not be approved for credit:

42.28 (1) courses designed solely to prepare students for a license examination;

42.29 (2) courses in mechanical office skills, including typing, speed reading, or other machines
42.30 or equipment. Computer courses are allowed, if appropriate and related to the regulated
42.31 industry;

43.1 (3) courses in sales promotion, including meetings held in conjunction with the general
43.2 business of the licensee;

43.3 (4) courses in motivation, salesmanship, psychology, or personal time management;

43.4 (5) courses that are primarily intended to impart knowledge of specific products of
43.5 specific companies, if the use of the product or products relates to the sales promotion or
43.6 marketing of one or more of the products discussed; or

43.7 (6) courses where any of the educational content of the course is the State Building Code
43.8 that include code provisions that have not been adopted into the State Building Code unless
43.9 the course materials clarify that the code provisions have been officially adopted into a
43.10 future version of the State Building Code and the effective date of enforcement.

43.11 (h) Nothing in this subdivision shall limit an authority expressly granted to the Board
43.12 of Electricity, Board of High Pressure Piping Systems, or Plumbing Board.

43.13 Sec. 70. Minnesota Statutes 2022, section 326B.0981, subdivision 4, is amended to read:

43.14 Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet
43.15 continuing education course must be approved by the International Distance Education
43.16 Certification Center (IDECC) or the International Association for Continuing Education
43.17 and Training (IACET) before the course is submitted for the commissioner's approval. The
43.18 approval must accompany the course submitted.

43.19 (b) Paragraphs (a) and ~~(e)~~ (d) do not apply to approval of an Internet continuing education
43.20 course for manufactured home installers. An Internet continuing education course for
43.21 manufactured home installers must be approved by the United States Department of Housing
43.22 and Urban Development or by the commissioner of labor and industry. The approval must
43.23 accompany the course completion certificate issued to each student by the course sponsor.

43.24 (c) Paragraph (a) does not apply to approval of an Internet continuing education course
43.25 for elevator constructors. An Internet continuing education course for elevator constructors
43.26 must be approved by the commissioner of labor and industry. The approval must accompany
43.27 the course completion certificate issued to each student by the course sponsor.

43.28 ~~(e)~~ (d) An Internet continuing education course must:

43.29 (1) specify the minimum computer system requirements;

43.30 (2) provide encryption that ensures that all personal information, including the student's
43.31 name, address, and credit card number, cannot be read as it passes across the Internet;

43.32 (3) include technology to guarantee seat time;

- 44.1 (4) include a high level of interactivity;
- 44.2 (5) include graphics that reinforce the content;
- 44.3 (6) include the ability for the student to contact an instructor or course sponsor within
44.4 a reasonable amount of time;
- 44.5 (7) include the ability for the student to get technical support within a reasonable amount
44.6 of time;
- 44.7 (8) include a statement that the student's information will not be sold or distributed to
44.8 any third party without prior written consent of the student. Taking the course does not
44.9 constitute consent;
- 44.10 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
44.11 updating and administration, except that this provision does not apply to live courses taught
44.12 by an actual instructor and delivered over the Internet;
- 44.13 (10) provide viewing access to the online course at all times to the commissioner,
44.14 excluding minimal downtime for updating and administration;
- 44.15 (11) include a process to authenticate the student's identity;
- 44.16 (12) inform the student and the commissioner how long after its purchase a course will
44.17 be accessible;
- 44.18 (13) inform the student that license education credit will not be awarded for taking the
44.19 course after it loses its status as an approved course;
- 44.20 (14) provide clear instructions on how to navigate through the course;
- 44.21 (15) provide automatic bookmarking at any point in the course;
- 44.22 (16) provide questions after each unit or chapter that must be answered before the student
44.23 can proceed to the next unit or chapter;
- 44.24 (17) include a reinforcement response when a quiz question is answered correctly;
- 44.25 (18) include a response when a quiz question is answered incorrectly;
- 44.26 (19) include a final examination in which the student must correctly answer 70 percent
44.27 of the questions;
- 44.28 (20) allow the student to go back and review any unit at any time, except during the final
44.29 examination;

45.1 (21) provide a course evaluation at the end of the course. At a minimum, the evaluation
45.2 must ask the student to report any difficulties caused by the online education delivery
45.3 method;

45.4 (22) provide a completion certificate when the course and exam have been completed
45.5 and the provider has verified the completion. Electronic certificates are sufficient and shall
45.6 include the name of the provider, date and location of the course, educational program
45.7 identification that was provided by the department, hours of instruction or continuing
45.8 education hours, and licensee's or attendee's name and license, certification, or registration
45.9 number or the last four digits of the licensee's or attendee's Social Security number; and

45.10 (23) allow the commissioner the ability to electronically review the class to determine
45.11 if credit can be approved.

45.12 ~~(d)~~ (e) The final examination must be either an encrypted online examination or a paper
45.13 examination that is monitored by a proctor who certifies that the student took the examination.

45.14 Sec. 71. Minnesota Statutes 2022, section 326B.0981, subdivision 8, is amended to read:

45.15 Subd. 8. **Facilities.** Except for Internet education offered pursuant to subdivision ~~5a~~ 4,
45.16 each course of study must be conducted in a classroom or other facility that is adequate to
45.17 comfortably accommodate the instructors and the number of students enrolled. The sponsor
45.18 may limit the number of students enrolled in a course.

45.19 Sec. 72. Minnesota Statutes 2022, section 326B.33, subdivision 7, is amended to read:

45.20 Subd. 7. **Power limited technician.** (a) Except as otherwise provided by law, no
45.21 individual shall install, alter, repair, plan, lay out, or supervise the installing, altering,
45.22 repairing, planning, or laying out of electrical wiring, apparatus, or equipment for technology
45.23 circuits or systems unless:

45.24 (1) the individual is licensed by the commissioner as a power limited technician; and

45.25 (2) the electrical work is:

45.26 (i) for a licensed contractor and the individual is an employee, partner, or officer of, or
45.27 is the licensed contractor; or

45.28 (ii) performed under the direct supervision of a master electrician or power limited
45.29 technician also employed by the individual's employer on technology circuits, systems,
45.30 apparatus, equipment, or facilities that are owned or leased by the employer and that are

46.1 located within the limits of property operated, maintained, and either owned or leased by
46.2 the employer.

46.3 (b) An applicant for a power limited technician's license shall (1) be a graduate of a
46.4 four-year electrical course offered by an accredited college or university; or (2) have had
46.5 at least 36 months' experience, acceptable to the commissioner, in planning for, laying out,
46.6 supervising, installing, altering, and repairing wiring, apparatus, or equipment for power
46.7 limited systems, provided however, that up to 12 months (2,000 hours) of experience credit
46.8 for successful completion of a two-year post high school electrical course or other technical
46.9 training approved by the commissioner may be allowed.

46.10 (c) Licensees must attain 16 hours of continuing education acceptable to the board every
46.11 renewal period.

46.12 ~~(d) A company holding an alarm and communication license as of June 30, 2003, may~~
46.13 ~~designate one individual who may obtain a power limited technician license without passing~~
46.14 ~~an examination administered by the commissioner by submitting an application and license~~
46.15 ~~fee of \$30.~~

46.16 ~~(e) A person who has submitted an application by December 30, 2007, to take the power~~
46.17 ~~limited technician examination administered by the department is not required to meet the~~
46.18 ~~qualifications set forth in paragraph (b).~~

46.19 Sec. 73. Minnesota Statutes 2022, section 326B.33, subdivision 21, is amended to read:

46.20 Subd. 21. **Exemptions from licensing.** (a) An individual who is a maintenance electrician
46.21 is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

46.22 (1) the individual is engaged in the maintenance and repair of electrical equipment,
46.23 apparatus, and facilities that are owned or leased by the individual's employer and that are
46.24 located within the limits of property operated, maintained, and either owned or leased by
46.25 the individual's employer;

46.26 (2) the individual is supervised by:

46.27 (i) the responsible master electrician for a contractor who has contracted with the
46.28 individual's employer to provide services for which a contractor's license is required; or

46.29 (ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer,
46.30 or, if the maintenance and repair work is limited to technology circuits or systems work, a
46.31 licensed power limited technician; and

47.1 (3) the individual's employer has on file with the commissioner a current certificate of
47.2 responsible person, signed by the responsible master electrician of the contractor, the licensed
47.3 master electrician, the licensed maintenance electrician, the electrical engineer, or the
47.4 licensed power limited technician, and stating that the person signing the certificate is
47.5 responsible for ensuring that the maintenance and repair work performed by the employer's
47.6 employees complies with the Minnesota Electrical Act and the rules adopted under that act.
47.7 The employer must pay a filing fee to file a certificate of responsible person with the
47.8 commissioner. The certificate shall expire two years from the date of filing. In order to
47.9 maintain a current certificate of responsible person, the employer must resubmit a certificate
47.10 of responsible person, with a filing fee, no later than two years from the date of the previous
47.11 submittal.

47.12 (b) Employees of a licensed electrical or technology systems contractor or other employer
47.13 where provided with supervision by a master electrician in accordance with subdivision 1,
47.14 or power limited technician in accordance with subdivision 7, paragraph (a), clause (1), are
47.15 not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying
47.16 out, installing, altering, and repairing of technology circuits or systems except planning,
47.17 laying out, or installing:

47.18 (1) in other than residential dwellings, class 2 or class 3 remote control circuits that
47.19 control circuits or systems other than class 2 or class 3, except circuits that interconnect
47.20 these systems through communication, alarm, and security systems are exempted from this
47.21 paragraph;

47.22 (2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing
47.23 physically unprotected circuits other than class 2 or class 3; or

47.24 (3) technology circuits or systems in hazardous classified locations as covered by ~~chapter~~
47.25 ~~5~~ of the National Electrical Code.

47.26 (c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and
47.27 class 3 remote control wiring associated with plug or cord and plug connected appliances
47.28 other than security or fire alarm systems installed in a residential dwelling are not required
47.29 to hold a license under sections 326B.31 to 326B.399.

47.30 (d) Heating, ventilating, air conditioning, and refrigeration contractors and their
47.31 employees are not required to hold or obtain a license under sections 326B.31 to 326B.399
47.32 when performing heating, ventilating, air conditioning, or refrigeration work as described
47.33 in section 326B.38.

48.1 (e) Employees of any electrical, communications, or railway utility, cable communications
48.2 company as defined in section 238.02, or a telephone company as defined under section
48.3 237.01 or its employees, or of any independent contractor performing work on behalf of
48.4 any such utility, cable communications company, or telephone company, shall not be required
48.5 to hold a license under sections 326B.31 to 326B.399:

48.6 (1) while performing work on installations, materials, or equipment which are owned
48.7 or leased, and operated and maintained by such utility, cable communications company, or
48.8 telephone company in the exercise of its utility, antenna, or telephone function, and which:

48.9 (i) are used exclusively for the generation, transformation, distribution, transmission, or
48.10 metering of electric current, or the operation of railway signals, or the transmission of
48.11 intelligence and do not have as a principal function the consumption or use of electric current
48.12 or provided service by or for the benefit of any person other than such utility, cable
48.13 communications company, or telephone company; and

48.14 (ii) are generally accessible only to employees of such utility, cable communications
48.15 company, or telephone company or persons acting under its control or direction; and

48.16 (iii) are not on the load side of the service point or point of entrance for communication
48.17 systems;

48.18 (2) while performing work on installations, materials, or equipment which are a part of
48.19 the street lighting operations of such utility; or

48.20 (3) while installing or performing work on outdoor area lights which are directly
48.21 connected to a utility's distribution system and located upon the utility's distribution poles,
48.22 and which are generally accessible only to employees of such utility or persons acting under
48.23 its control or direction.

48.24 (f) ~~An owner shall not be~~ individual who physically performs electrical work on a
48.25 residential dwelling that is located on a property the individual owns and actually occupies
48.26 as a residence or owns and will occupy as a residence upon completion of its construction
48.27 is not required to hold or obtain a license under sections 326B.31 to 326B.399 if the
48.28 residential dwelling has a separate electrical utility service not shared with any other
48.29 residential dwelling.

48.30 (g) Companies and their employees licensed under section 326B.164 shall not be required
48.31 to hold or obtain a license under sections 326B.31 to 326B.399 while performing elevator
48.32 work.

49.1 Sec. 74. Minnesota Statutes 2022, section 326B.36, subdivision 2, is amended to read:

49.2 Subd. 2. **Technology systems.** (a) The installation of the technology circuits or systems
49.3 described in paragraph (b), except:

49.4 (1) minor work performed by a contractor;

49.5 (2) work performed by a heating, ventilating, or air conditioning contractor as described
49.6 in section 326B.38; and

49.7 (3) work performed by cable company employees when installing cable communications
49.8 systems or telephone company employees when installing telephone systems,
49.9 must be inspected as provided in this section for compliance with the applicable provisions
49.10 of the National Electrical Code and the applicable provisions of the National Electrical
49.11 Safety Code, as those codes were approved by the American National Standards Institute.

49.12 (b) The inspection requirements in paragraph (a) apply to:

49.13 (1) class 2 or class 3 remote control circuits that control circuits or systems other than
49.14 class 2 or class 3, except circuits that interconnect these systems exempted by section
49.15 326B.33, subdivision 21, paragraph (b), other than fire alarm; class 2 or class 3 circuits in
49.16 electrical cabinets, enclosures, or devices containing physically unprotected circuits other
49.17 than class 2 or class 3; or technology circuits and systems in hazardous classified locations
49.18 as covered by ~~chapter 5~~ of the National Electrical Code;

49.19 (2) fire alarm systems, other than in one- or two-family dwellings, as defined in ~~articles~~
49.20 ~~100 and 760~~ of the National Electrical Code;

49.21 (3) technology circuits and systems contained within critical care areas of health care
49.22 facilities as defined by the safety standards identified in section 326B.35, including, but not
49.23 limited to, anesthesia and resuscitative alarm and alerting systems, medical monitoring, and
49.24 nurse call systems; and

49.25 (4) physical security systems within detention facilities; and.

49.26 ~~(5) circuitry and equipment for indoor lighting systems as defined in article 411 of the~~
49.27 ~~National Electrical Code.~~

49.28 (c) For the purposes of this subdivision "minor work" means the adjustment or repair
49.29 and replacement of worn or defective parts of a technology circuit or system. Minor work
49.30 may be inspected under this section at the request of the owner of the property or the person
49.31 doing the work.

50.1 (d) Notwithstanding this subdivision, if an electrical inspector observes that a contractor,
50.2 employer, or owner has not complied with accepted standards when the work was performed,
50.3 as provided in the most recent editions of the National Electrical Code and the National
50.4 Electrical Safety Code as approved by the American National Standards Institute, the
50.5 inspector may order the contractor, employer, or owner who has performed the work to file
50.6 ~~a request for electrical inspection~~ an electrical permit, pay an inspection fee, and make any
50.7 necessary repairs to comply with applicable standards and require that the work be inspected.

50.8 Sec. 75. Minnesota Statutes 2023 Supplement, section 326B.36, subdivision 7, is amended
50.9 to read:

50.10 Subd. 7. **Exemptions from inspections.** Installations, materials, or equipment shall not
50.11 be subject to inspection under sections 326B.31 to 326B.399:

50.12 (1) when owned or leased, operated and maintained by any employer whose maintenance
50.13 electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing
50.14 electrical maintenance work only as defined by rule;

50.15 (2) when owned or leased, and operated and maintained by any electrical,
50.16 communications, or railway utility, cable communications company as defined in section
50.17 238.02, or telephone company as defined under section 237.01, in the exercise of its utility,
50.18 antenna, or telephone function; and

50.19 (i) are used exclusively for the generations, transformation, distribution, transmission,
50.20 load control, or metering of electric current, or the operation of railway signals, or the
50.21 transmission of intelligence, and do not have as a principal function the consumption or use
50.22 of electric current by or for the benefit of any person other than such utility, cable
50.23 communications company, or telephone company; and

50.24 (ii) are generally accessible only to employees of such utility, cable communications
50.25 company, or telephone company or persons acting under its control or direction; and

50.26 (iii) are not on the load side of the service point or point of entrance for communication
50.27 systems;

50.28 (3) when used in the street lighting operations of an electrical utility;

50.29 (4) when used as outdoor area lights which are owned and operated by an electrical
50.30 utility and which are connected directly to its distribution system and located upon the
50.31 utility's distribution poles, and which are generally accessible only to employees of such
50.32 utility or persons acting under its control or direction;

51.1 (5) when the installation, material, and equipment are in facilities subject to the
51.2 jurisdiction of the federal Mine Safety and Health Act; or

51.3 (6) when the installation, material, and equipment is part of an elevator installation for
51.4 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit
51.5 from the authority having jurisdiction as provided by section 326B.184, and the inspection
51.6 has been or will be performed by an elevator inspector certified and licensed by the
51.7 department. This exemption shall apply only to installations, material, and equipment
51.8 permitted or required to be connected on the load side of the disconnecting means required
51.9 for elevator equipment under the National Electrical Code ~~Article 620~~, and elevator
51.10 communications and alarm systems within the machine room, car, hoistway, or elevator
51.11 lobby.

51.12 Sec. 76. Minnesota Statutes 2022, section 326B.46, subdivision 6, is amended to read:

51.13 Subd. 6. **Well contractor exempt from licensing and bond; conditions.** No license,
51.14 registration, or bond under sections 326B.42 to 326B.49 is required of a well contractor or
51.15 a limited well/boring contractor who is licensed and bonded under section 103I.525 or
51.16 103I.531 and is engaged in the work or business of designing and installing:

51.17 (1) water service pipe from a well to a pressure tank;

51.18 (2) a frost-free water hydrant with an antisiphon device on a well water service pipe
51.19 located entirely outside of a building requiring potable water;

51.20 (3) a control valve, located outside the building, on a well water service pipe; or

51.21 (4) a main control valve located within two feet of the pressure tank on the distribution
51.22 supply line.

51.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

51.24 Sec. 77. Minnesota Statutes 2022, section 626.892, subdivision 12, is amended to read:

51.25 Subd. 12. **Interaction with other laws.** (a) Sections 179A.21, subdivision 2, and 572B.11,
51.26 paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04
51.27 shall not apply to discipline-related grievance arbitrations involving peace officers governed
51.28 under this section.

51.29 (b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or
51.30 resolution, peace officers, through their certified exclusive representatives, shall not have

52.1 the right to negotiate for or agree to a collective bargaining agreement or a grievance
52.2 arbitration selection procedure with their employers that is inconsistent with this section.

52.3 (c) The arbitrator selection procedure for peace officer grievance arbitrations established
52.4 under this section supersedes any inconsistent provisions in chapter 179A or 572B or in
52.5 Minnesota Rules, chapters 5500 to 5530 and ~~7315 to~~ 7325. Other arbitration requirements
52.6 in those chapters remain in full force and effect for peace officer grievance arbitrations,
52.7 except as provided in this section or to the extent inconsistent with this section.

52.8 Sec. 78. **REVISOR INSTRUCTION.**

52.9 The revisor of statutes shall renumber Minnesota Statutes, section 179.35, subdivision
52.10 5, as Minnesota Statutes, section 179.35, subdivision 7.

52.11 Sec. 79. **REVISOR INSTRUCTION.**

52.12 In each of the statutory sections listed in Column A, the revisor of statutes shall replace
52.13 the statutory citation in Column B with the statutory citation listed in Column C.

52.14	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
52.15	<u>175.007, subdivision 1,</u>	<u>177.24, subdivision 1,</u>	<u>177.23, subdivision 13</u>
52.16	<u>paragraph (b)</u>	<u>paragraph (a), clause (2)</u>	
52.17	<u>222.50, subdivision 5, clause</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
52.18	<u>(4), item (ii)</u>	<u>paragraph (b)</u>	<u>paragraph (a)</u>
52.19	<u>550.136, subdivision 3,</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
52.20	<u>paragraph (a), clause (2)</u>	<u>paragraph (b), clause (1), item</u>	<u>paragraph (a), clause (3)</u>
52.21		<u>(iii)</u>	
52.22	<u>551.06, subdivision 3,</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
52.23	<u>paragraph (a), clause (2)</u>	<u>paragraph (b), clause (1), item</u>	<u>paragraph (a), clause (3)</u>
52.24		<u>(iii)</u>	
52.25	<u>571.922, paragraph (a), clause</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
52.26	<u>(2), item (i)</u>	<u>paragraph (b), clause (1), item</u>	<u>paragraph (a), clause (3)</u>
52.27		<u>(iii)</u>	

52.28 Sec. 80. **REPEALER.**

52.29 Minnesota Rules, part 5510.0310, subpart 13, is repealed.

52.30 Sec. 81. **REPEALER.**

52.31 Minnesota Rules, part 5200.0080, subpart 7, is repealed.

52.32 **EFFECTIVE DATE.** This section is effective August 1, 2024.

5200.0080 GRATUITIES/TIPS CREDITS.

Subp. 7. **Credit cards or charges.** Gratuities presented to a direct service employee via inclusion on a charge or credit card shall be credited to that pay period in which they are received by the direct service employee and for which they appear on the direct service employee's tip statement.

Where a tip is given by a customer through a credit or charge card, the full amount of tip must be allowed the direct service employee minus only the percentage deducted from the tip in the same ratio as the percentage deducted from the total bill by the service company.

5510.0310 DEFINITIONS.

Subp. 13. **Hearing officer or mediator.** "Hearing officer" or "mediator" means the commissioner or an authorized agent.