

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3852

(SENATE AUTHORS: MCEWEN)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11634	Introduction and first reading Referred to Labor
03/25/2024	12761a	Comm report: To pass as amended
04/02/2024	12882	Second reading Special Order: Amended Third reading Passed

1.1 A bill for an act

1.2 relating to labor; making policy and technical changes to programs and provisions

1.3 under the Department of Labor and Industry; making policy and technical changes

1.4 to provisions under the Bureau of Mediation Services; amending Minnesota Statutes

1.5 2022, sections 13.79, subdivision 1; 13.7905, by adding a subdivision; 177.23, by

1.6 adding subdivisions; 177.24, subdivision 1, by adding a subdivision; 177.30;

1.7 178.011, subdivision 9; 178.012, subdivision 1; 178.035, subdivisions 2, 4, 6, 7;

1.8 178.036, subdivisions 3, 4, 5, 6, 7; 178.044, subdivision 3; 178.07, subdivisions

1.9 1, 3; 178.09, subdivision 2; 178.091, subdivisions 2, 4, by adding subdivisions;

1.10 178.10; 179.01, subdivisions 1, 9, 16; 179.06; 179.08; 179.11; 179.12; 179.254,

1.11 subdivision 1; 179.256; 179.26; 179.27; 179.35, subdivision 1; 179.40; 179.43;

1.12 179A.02; 179A.03, subdivision 17; 179A.06, subdivisions 1, 2, 3; 179A.08,

1.13 subdivision 2; 179A.10, subdivision 1; 179A.104, subdivision 1; 179A.12,

1.14 subdivision 1; 179A.15; 179A.16, subdivisions 1, 7; 179A.18, subdivisions 2, 3;

1.15 179A.19, subdivision 6; 179A.20, subdivision 4; 179A.23; 181.941, subdivision

1.16 4; 181.943; 181.950, by adding a subdivision; 181.951, subdivision 1; 181A.08;

1.17 181A.12, subdivision 1, by adding subdivisions; 182.664, subdivisions 3, 5;

1.18 182.665; 182.666, subdivision 6; 182.667, by adding a subdivision; 326.02,

1.19 subdivision 5; 326B.0981, subdivisions 3, 4, 8; 326B.33, subdivisions 7, 21;

1.20 326B.36, subdivision 2; 326B.46, subdivision 6; 626.892, subdivision 12;

1.21 Minnesota Statutes 2023 Supplement, sections 177.27, subdivisions 2, 4, 7; 177.42,

1.22 subdivision 2; 178.01; 181.212, subdivision 7; 181.531, subdivision 3; 181.939,

1.23 subdivision 2; 181.953, subdivisions 1, 3, by adding a subdivision; 182.6526,

1.24 subdivision 1; 182.677, subdivisions 1, 2; 204B.19, subdivision 6; 326B.36,

1.25 subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 178;

1.26 181; 182; repealing Minnesota Statutes 2022, section 178.036, subdivision 10;

1.27 Minnesota Rules, parts 5200.0080, subpart 7; 5200.0400; 5510.0310, subpart 13.

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

2.2 **ARTICLE 1**

2.3 **CONSTRUCTION CODES AND LICENSING**

2.4 Section 1. Minnesota Statutes 2022, section 326.02, subdivision 5, is amended to read:

2.5 Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 shall not apply to the
 2.6 preparation of plans and specifications for the erection, enlargement, or alteration of any
 2.7 building or other structure by any person, for that person's exclusive occupancy or use,
 2.8 unless such occupancy or use involves the public health or safety or the health or safety of
 2.9 the employees of said person, or of the buildings listed in section 326.03, subdivision 2, nor
 2.10 to any detailed or shop plans required to be furnished by a contractor to a registered engineer,
 2.11 landscape architect, architect, or certified interior designer, nor to any standardized
 2.12 manufactured product, nor to any construction superintendent supervising the execution of
 2.13 work designed by an architect, landscape architect, engineer, or certified interior designer
 2.14 licensed or certified in accordance with section 326.03, nor to the planning for and
 2.15 supervision of the construction and installation of work by an electrical or elevator contractor
 2.16 or master plumber as defined in and licensed pursuant to chapter 326B, nor to the planning
 2.17 for and supervision of the construction and installation of work by a licensed well contractor
 2.18 as defined and licensed pursuant to chapter 103I, where such work is within the scope of
 2.19 such licensed activity and not within the practice of professional engineering, or architecture,
 2.20 or where the person does not claim to be a certified interior designer as defined in subdivision
 2.21 2, 3, or 4b.

2.22 Sec. 2. Minnesota Statutes 2022, section 326B.0981, subdivision 3, is amended to read:

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

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

2.31 (c) If textbooks are not used as part of the course, the sponsor must provide students
 2.32 with a syllabus containing the course title; the times and dates of the course offering; the
 2.33 name, address, and telephone number of the course sponsor; the name and affiliation of the

3.1 instructor; and a detailed outline of the subject materials to be covered. Any written or
3.2 printed material given to students must be of readable quality and contain accurate and
3.3 current information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.16 Sec. 3. Minnesota Statutes 2022, section 326B.0981, subdivision 4, is amended to read:

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

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

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

4.31 ~~(c)~~ (d) An Internet continuing education course must:

4.32 (1) specify the minimum computer system requirements;

- 5.1 (2) provide encryption that ensures that all personal information, including the student's
5.2 name, address, and credit card number, cannot be read as it passes across the Internet;
- 5.3 (3) include technology to guarantee seat time;
- 5.4 (4) include a high level of interactivity;
- 5.5 (5) include graphics that reinforce the content;
- 5.6 (6) include the ability for the student to contact an instructor or course sponsor within
5.7 a reasonable amount of time;
- 5.8 (7) include the ability for the student to get technical support within a reasonable amount
5.9 of time;
- 5.10 (8) include a statement that the student's information will not be sold or distributed to
5.11 any third party without prior written consent of the student. Taking the course does not
5.12 constitute consent;
- 5.13 (9) be available 24 hours a day, seven days a week, excluding minimal downtime for
5.14 updating and administration, except that this provision does not apply to live courses taught
5.15 by an actual instructor and delivered over the Internet;
- 5.16 (10) provide viewing access to the online course at all times to the commissioner,
5.17 excluding minimal downtime for updating and administration;
- 5.18 (11) include a process to authenticate the student's identity;
- 5.19 (12) inform the student and the commissioner how long after its purchase a course will
5.20 be accessible;
- 5.21 (13) inform the student that license education credit will not be awarded for taking the
5.22 course after it loses its status as an approved course;
- 5.23 (14) provide clear instructions on how to navigate through the course;
- 5.24 (15) provide automatic bookmarking at any point in the course;
- 5.25 (16) provide questions after each unit or chapter that must be answered before the student
5.26 can proceed to the next unit or chapter;
- 5.27 (17) include a reinforcement response when a quiz question is answered correctly;
- 5.28 (18) include a response when a quiz question is answered incorrectly;
- 5.29 (19) include a final examination in which the student must correctly answer 70 percent
5.30 of the questions;

6.1 (20) allow the student to go back and review any unit at any time, except during the final
6.2 examination;

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

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

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

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

6.16 Sec. 4. Minnesota Statutes 2022, section 326B.0981, subdivision 8, is amended to read:

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

6.21 Sec. 5. Minnesota Statutes 2022, section 326B.33, subdivision 7, is amended to read:

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

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

6.27 (2) the electrical work is:

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

6.30 (ii) performed under the direct supervision of a master electrician or power limited
6.31 technician also employed by the individual's employer on technology circuits, systems,

7.1 apparatus, equipment, or facilities that are owned or leased by the employer and that are
 7.2 located within the limits of property operated, maintained, and either owned or leased by
 7.3 the employer.

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

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

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

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

7.20 Sec. 6. Minnesota Statutes 2022, section 326B.33, subdivision 21, is amended to read:

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

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

7.27 (2) the individual is supervised by:

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

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

8.1 (3) the individual's employer has on file with the commissioner a current certificate of
8.2 responsible person, signed by the responsible master electrician of the contractor, the licensed
8.3 master electrician, the licensed maintenance electrician, the electrical engineer, or the
8.4 licensed power limited technician, and stating that the person signing the certificate is
8.5 responsible for ensuring that the maintenance and repair work performed by the employer's
8.6 employees complies with the Minnesota Electrical Act and the rules adopted under that act.
8.7 The employer must pay a filing fee to file a certificate of responsible person with the
8.8 commissioner. The certificate shall expire two years from the date of filing. In order to
8.9 maintain a current certificate of responsible person, the employer must resubmit a certificate
8.10 of responsible person, with a filing fee, no later than two years from the date of the previous
8.11 submittal.

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

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

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

8.24 (3) technology circuits or systems in hazardous classified locations as covered by ~~chapter~~
8.25 ~~5~~ of the National Electrical Code.

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

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

9.1 (e) Employees of any electrical, communications, or railway utility, cable communications
9.2 company as defined in section 238.02, or a telephone company as defined under section
9.3 237.01 or its employees, or of any independent contractor performing work on behalf of
9.4 any such utility, cable communications company, or telephone company, shall not be required
9.5 to hold a license under sections 326B.31 to 326B.399:

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

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

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

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

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

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

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

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

10.1 Sec. 7. Minnesota Statutes 2022, section 326B.36, subdivision 2, is amended to read:

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

10.4 (1) minor work performed by a contractor;

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

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

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

10.13 (1) class 2 or class 3 remote control circuits that control circuits or systems other than
10.14 class 2 or class 3, except circuits that interconnect these systems exempted by section
10.15 326B.33, subdivision 21, paragraph (b), other than fire alarm; class 2 or class 3 circuits in
10.16 electrical cabinets, enclosures, or devices containing physically unprotected circuits other
10.17 than class 2 or class 3; or technology circuits and systems in hazardous classified locations
10.18 as covered by ~~chapter 5~~ of the National Electrical Code;

10.19 (2) fire alarm systems, other than in one- or two-family dwellings, as defined in ~~articles~~
10.20 ~~100 and 760~~ of the National Electrical Code;

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

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

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

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

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

11.8 Sec. 8. Minnesota Statutes 2023 Supplement, section 326B.36, subdivision 7, is amended
11.9 to read:

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

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

11.15 (2) when owned or leased, and operated and maintained by any electrical,
11.16 communications, or railway utility, cable communications company as defined in section
11.17 238.02, or telephone company as defined under section 237.01, in the exercise of its utility,
11.18 antenna, or telephone function; and

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

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

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

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

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

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

12.3 (6) when the installation, material, and equipment is part of an elevator installation for
12.4 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit
12.5 from the authority having jurisdiction as provided by section 326B.184, and the inspection
12.6 has been or will be performed by an elevator inspector certified and licensed by the
12.7 department. This exemption shall apply only to installations, material, and equipment
12.8 permitted or required to be connected on the load side of the disconnecting means required
12.9 for elevator equipment under the National Electrical Code Article 620, and elevator
12.10 communications and alarm systems within the machine room, car, hoistway, or elevator
12.11 lobby.

12.12 Sec. 9. Minnesota Statutes 2022, section 326B.46, subdivision 6, is amended to read:

12.13 Subd. 6. **Well contractor exempt from licensing and bond; conditions.** No license,
12.14 registration, or bond under sections 326B.42 to 326B.49 is required of a well contractor or
12.15 a limited well/boring contractor who is licensed and bonded under section 103I.525 or
12.16 103I.531 and is engaged in the work or business of designing and installing:

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

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

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

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

12.23 ARTICLE 2

12.24 LABOR STANDARDS

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

12.26 Subdivision 1. **Identity of employees making complaints complainants.** Data that
12.27 identify ~~complaining employees and that appear on complaint forms received by~~ individuals
12.28 who have complained to the Department of Labor and Industry concerning alleged violations
12.29 of the Fair Labor Standards Act, section 181.75 or 181.9641, chapter 177; chapter 181;
12.30 sections 179.86 to 179.877; chapter 181A; or rules adopted pursuant to these statutes, are
12.31 classified as private data. The commissioner may disclose this data to other government
12.32 entities with written consent from the complainant if the commissioner determines that the

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

13.3 Sec. 2. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 2, is amended
 13.4 to read:

13.5 Subd. 2. **Submission of records; penalty.** (a) The commissioner may require the
 13.6 employer of employees working in the state to submit to the commissioner photocopies,
 13.7 certified copies, or, if necessary, the originals of employment records which the commissioner
 13.8 deems necessary or appropriate. The records which may be required include full and correct
 13.9 statements in writing, including sworn statements by the employer, containing information
 13.10 relating to wages, hours, names, addresses, and any other information pertaining to the
 13.11 employer's employees and the conditions of their employment as the commissioner deems
 13.12 necessary or appropriate.

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

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

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

13.23 Sec. 3. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
 13.24 to read:

13.25 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 13.26 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
 13.27 181.032, 181.10, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172,
 13.28 paragraph (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.64, 181.722,
 13.29 181.79, 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991,
 13.30 268B.09, subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under
 13.31 section 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an
 13.32 employer to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation
 13.33 is repeated. For purposes of this subdivision only, a violation is repeated if at any time

14.1 during the two years that preceded the date of violation, the commissioner issued an order
14.2 to the employer for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the
14.3 order is final or the commissioner and the employer have entered into a settlement agreement
14.4 that required the employer to pay back wages that were required by sections 177.41 to
14.5 177.435. The department shall serve the order upon the employer or the employer's authorized
14.6 representative in person or by certified mail at the employer's place of business. An employer
14.7 who wishes to contest the order must file written notice of objection to the order with the
14.8 commissioner within 15 calendar days after being served with the order. A contested case
14.9 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,
14.10 within 15 calendar days after being served with the order, the employer fails to file a written
14.11 notice of objection with the commissioner, the order becomes a final order of the
14.12 commissioner. For the purposes of this subdivision, an employer includes a contractor that
14.13 has assumed a subcontractor's liability within the meaning of section 181.165.

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

14.16 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
14.17 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
14.18 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
14.19 shall order the employer to cease and desist from engaging in the violative practice and to
14.20 take such affirmative steps that in the judgment of the commissioner will effectuate the
14.21 purposes of the section or rule violated. The commissioner shall order the employer to pay
14.22 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
14.23 actually paid to the employee by the employer, and for an additional equal amount as
14.24 liquidated damages. The commissioner may also order reinstatement and any other
14.25 appropriate relief to the aggrieved parties. Any employer who is found by the commissioner
14.26 to have repeatedly or willfully violated a section or sections identified in subdivision 4 shall
14.27 be subject to a civil penalty of up to \$10,000 for each violation for each employee. In
14.28 determining the amount of a civil penalty under this subdivision, the appropriateness of
14.29 such penalty to the size of the employer's business and the gravity of the violation shall be
14.30 considered. In addition, the commissioner may order the employer to reimburse the
14.31 department and the attorney general for all appropriate litigation and hearing costs expended
14.32 in preparation for and in conducting the contested case proceeding, unless payment of costs
14.33 would impose extreme financial hardship on the employer. If the employer is able to establish
14.34 extreme financial hardship, then the commissioner may order the employer to pay a
14.35 percentage of the total costs that will not cause extreme financial hardship. Costs include

15.1 but are not limited to the costs of services rendered by the attorney general, private attorneys
 15.2 if engaged by the department, administrative law judges, court reporters, and expert witnesses
 15.3 as well as the cost of transcripts. Interest shall accrue on, and be added to, the unpaid balance
 15.4 of a commissioner's order from the date the order is signed by the commissioner until it is
 15.5 paid, at an annual rate provided in section 549.09, subdivision 1, paragraph (c). The
 15.6 commissioner may establish escrow accounts for purposes of distributing damages.

15.7 Sec. 5. Minnesota Statutes 2022, section 177.30, is amended to read:

15.8 **177.30 KEEPING RECORDS; PENALTY.**

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

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

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

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

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

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

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

15.30 (7) earnings statements for each employee for each pay period as required by section
 15.31 181.032, paragraphs (a) and (b); and

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

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

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

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

16.19 Sec. 6. Minnesota Statutes 2023 Supplement, section 177.42, subdivision 2, is amended
16.20 to read:

16.21 Subd. 2. **Project.** "Project" means demolition, erection, construction, alteration,
16.22 improvement, restoration, remodeling, or repairing of a public building, structure, facility,
16.23 land, or other public work, which includes any work suitable for and intended for use by
16.24 the public, or for the public benefit, financed in whole or part by state funds. Project also
16.25 includes demolition, erection, construction, alteration, improvement, restoration, remodeling,
16.26 or repairing of a building, structure, facility, land, or public work when the acquisition of
16.27 property, predesign, design, or demolition is financed in whole or part by state funds.

16.28 Sec. 7. Minnesota Statutes 2023 Supplement, section 181.212, subdivision 7, is amended
16.29 to read:

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

17.1 Sec. 8. Minnesota Statutes 2023 Supplement, section 181.939, subdivision 2, is amended
17.2 to read:

17.3 Subd. 2. **Pregnancy accommodations.** (a) An employer must provide reasonable
17.4 accommodations to an employee for health conditions related to pregnancy or childbirth
17.5 upon request, with the advice of a licensed health care provider or certified doula, unless
17.6 the employer demonstrates that the accommodation would impose an undue hardship on
17.7 the operation of the employer's business. A pregnant employee shall not be required to
17.8 obtain the advice of a licensed health care provider or certified doula, nor may an employer
17.9 claim undue hardship for the following accommodations: (1) more frequent or longer
17.10 restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. The
17.11 employee and employer shall engage in an interactive process with respect to an employee's
17.12 request for a reasonable accommodation. Reasonable accommodation may include but is
17.13 not limited to temporary transfer to a less strenuous or hazardous position, temporary leave
17.14 of absence, modification in work schedule or job assignments, seating, more frequent or
17.15 longer break periods, and limits to heavy lifting. Notwithstanding any other provision of
17.16 this subdivision, an employer shall not be required to create a new or additional position in
17.17 order to accommodate an employee pursuant to this subdivision and shall not be required
17.18 to discharge an employee, transfer another employee with greater seniority, or promote an
17.19 employee.

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

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

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

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

17.31 (f) During any leave for which an employee is entitled to benefits or leave under this
17.32 subdivision, the employer must maintain coverage under any group insurance policy, group
17.33 subscriber contract, or health care plan for the employee and any dependents as if the

18.1 employee was not on leave, provided, however, that the employee must continue to pay any
18.2 employee share of the cost of the benefits.

18.3 Sec. 9. Minnesota Statutes 2022, section 181.941, subdivision 4, is amended to read:

18.4 Subd. 4. **Continued insurance.** ~~The employer must continue to make coverage available~~
18.5 ~~to the employee while on leave of absence under any group insurance policy, group subscriber~~
18.6 ~~contract, or health care plan for the employee and any dependents. Nothing in this section~~
18.7 ~~requires the employer to pay the costs of the insurance or health care while the employee~~
18.8 ~~is on leave of absence.~~ During any leave for which an employee is entitled to benefits or
18.9 leave under this section, the employer must maintain coverage under any group insurance
18.10 policy, group subscriber contract, or health care plan for the employee and any dependents
18.11 as if the employee was not on leave, provided, however, that the employee must continue
18.12 to pay any employee share of the cost of the benefits.

18.13 Sec. 10. Minnesota Statutes 2022, section 181.943, is amended to read:

18.14 **181.943 RELATIONSHIP TO OTHER LEAVE.**

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

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

18.20 (2) leave taken for the same purpose by the employee under United States Code, title
18.21 29, chapter 28.

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

18.25 (c) Notwithstanding paragraphs (a) and (b), the length of leave provided under section
18.26 181.941 must not be reduced by any period of paid or unpaid leave taken for prenatal care
18.27 medical appointments.

18.28 Sec. 11. Minnesota Statutes 2022, section 181A.08, is amended to read:

18.29 **181A.08 POWERS AND DUTIES OF THE DEPARTMENT.**

18.30 Subdivision 1. **Inspections.** The commissioner, an authorized representative, or any
18.31 truant officer may enter and inspect the place of business or employment and may interview

19.1 any employees, of any employer of employees in any occupation in the state, all for the
19.2 purpose of ascertaining whether any minors are employed contrary to the provisions of
19.3 sections 181A.01 to 181A.12. Such authorized persons may require that employment
19.4 certificates, age certificates, and lists of minors employed shall be produced for their
19.5 inspection.

19.6 Subd. 2. **Compliance orders.** The commissioner or an authorized representative may
19.7 issue an order requiring an employer to comply with the provisions of sections 181A.01 to
19.8 181A.12 or with any rules promulgated under the provisions of section 181A.09. Any such
19.9 order shall be served by the department upon the employer or an authorized representative
19.10 in person or by certified mail at the employers place of business. If an employer wishes to
19.11 contest the order for any reason, the employer shall file written notice of objection with the
19.12 commissioner within ~~ten~~ 15 calendar days after service of said order upon said employer.
19.13 Thereafter, a public hearing shall be held in accordance with the provisions of sections 14.57
19.14 to 14.69, and such rules consistent therewith as the commissioner shall make. If, within 15
19.15 calendar days after being served with the order, the employer fails to file a written notice
19.16 of objection with the commissioner, the order becomes a final order of the commissioner.

19.17 Subd. 2a. **Employer liability.** If an employer is found by the commissioner to have
19.18 violated any provision of sections 181A.01 to 181A.12, or any rules promulgated under
19.19 section 181A.09, and the commissioner issues an order to comply under subdivision 2, the
19.20 commissioner shall order the employer to cease and desist from engaging in the violative
19.21 practice and to take affirmative steps that in the judgment of the commissioner will effectuate
19.22 the purposes of the section or rule violated. The commissioner may order the employer to
19.23 reimburse the department and the attorney general for appropriate litigation and hearing
19.24 costs expended in preparation for and in conducting the contested case proceeding, unless
19.25 payment of costs would impose extreme financial hardship on the employer. If the employer
19.26 is able to establish extreme financial hardship, then the commissioner may order the employer
19.27 to pay a percentage of the total costs that will not cause extreme financial hardship. Costs
19.28 include but are not limited to the costs of services rendered by the attorney general, private
19.29 attorneys if engaged by the department, administrative law judges, court reporters, and
19.30 expert witnesses as well as the cost of transcripts. Interest shall accrue on, and be added to,
19.31 the unpaid balance of a commissioner's order from the date the order is signed by the
19.32 commissioner until it is paid, at an annual rate provided in section 549.09, subdivision 1,
19.33 paragraph (c).

19.34 Subd. 3. **Restraining orders.** The commissioner or an authorized representative may
19.35 apply to any court of competent jurisdiction for an order restraining the violation of an order

20.1 issued by the commissioner pursuant to subdivision 2, or for an order enjoining and
 20.2 restraining violations of this chapter or rules adopted pursuant to section 181A.09.

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

20.4 Subdivision 1. **Fines; penalty.** (a) Any employer who hinders or delays the department
 20.5 or its authorized representative in the performance of its duties under sections 181A.01 to
 20.6 181A.12 or refuses to admit the commissioner or an authorized representative to any place
 20.7 of employment or refuses to make certificates or lists available as required by sections
 20.8 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12
 20.9 or any rules issued pursuant thereto shall be assessed a fine to be paid to the commissioner
 20.10 for deposit in the general fund. The fine may be recovered in a civil action in the name of
 20.11 the department brought in the district court of the county where the violation is alleged to
 20.12 have occurred or the district court where the commissioner has an office. Fines are ~~in~~ up to
 20.13 the amounts as follows for each violation:

20.14	(1)	employment of minors under the age of 14	\$	500
20.15		(each employee)		
20.16	(2)	employment of minors under the age of 16		500
20.17		during school hours while school is in session		
20.18		(each employee)		
20.19	(3)	employment of minors under the age of 16		500
20.20		before 7:00 a.m. (each employee)		
20.21	(4)	employment of minors under the age of 16		500
20.22		after 9:00 p.m. (each employee)		
20.23	(5)	employment of a high school student under		1,000
20.24		the age of 18 in violation of section 181A.04,		
20.25		subdivision 6 (each employee)		
20.26	(6)	employment of minors under the age of 16		500
20.27		over eight hours a day (each employee)		
20.28	(7)	employment of minors under the age of 16		500
20.29		over 40 hours a week (each employee)		
20.30	(8)	employment of minors under the age of 18 in		1,000
20.31		occupations hazardous or detrimental to their		
20.32		well-being as defined by rule (each employee)		
20.33	(9)	employment of minors under the age of 16 in		1,000
20.34		occupations hazardous or detrimental to their		
20.35		well-being as defined by rule (each employee)		
20.36	(10)	minors under the age of 18 injured in		5,000
20.37		hazardous employment (each employee)		
20.38	(11)	minors employed without proof of age (each		250
20.39		employee)		

21.1 (b) An employer who refuses to make certificates or lists available as required by sections
21.2 181A.01 to 181A.12 shall be assessed a \$500 fine.

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

21.7 Sec. 13. Minnesota Statutes 2022, section 181A.12, is amended by adding a subdivision
21.8 to read:

21.9 Subd. 4. **Liquidated damages.** An employer who employs a minor in violation of section
21.10 181A.04, subdivision 5, may be liable to the minor for an amount equal to the minor's regular
21.11 rate of pay for all hours worked in violation of section 181A.04, subdivision 5, as liquidated
21.12 damages, in addition to the wages earned by the minor.

21.13 Sec. 14. Minnesota Statutes 2022, section 181A.12, is amended by adding a subdivision
21.14 to read:

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

21.24 ARTICLE 3

21.25 OCCUPATIONAL SAFETY AND HEALTH

21.26 Section 1. Minnesota Statutes 2023 Supplement, section 182.6526, subdivision 1, is
21.27 amended to read:

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

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

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

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

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

22.15 (e) "Employee work speed data" means information an employer collects, stores, analyzes,
22.16 or interprets relating to an individual employee's performance of a quota, including but not
22.17 limited to quantities of tasks performed, quantities of items or materials handled or produced,
22.18 rates or speeds of tasks performed, measurements or metrics of employee performance in
22.19 relation to a quota, and time categorized as performing tasks or not performing tasks.
22.20 Employee work speed data does not include itemized earnings statements pursuant to chapter
22.21 181, except for any content of those records that includes employee work speed data as
22.22 defined in this paragraph.

22.23 (f) "Employer" means a person who meets the definition in section 182.651, subdivision
22.24 7, and who directly or indirectly, or through an agent or any other person, including through
22.25 the services of a third-party employer, temporary service, or staffing agency or similar
22.26 entity, employs or exercises control over the wages, hours, or working conditions of 250
22.27 or more employees at a single warehouse distribution center or 1,000 or more employees
22.28 at one or more warehouse distribution centers in the state. For purposes of this paragraph,
22.29 all employees of an employer's unitary business, as defined in section 290.17, subdivision
22.30 4, shall be counted in determining the number of employees employed at a single warehouse
22.31 distribution center or at one or more warehouse distribution centers in the state.

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

22.34 (1) 493110 for General Warehousing and Storage;

23.1 (2) 423 for Merchant Wholesalers, Durable Goods;

23.2 (3) 424 for Merchant Wholesalers, Nondurable Goods;

23.3 (4) 454110 for Electronic Shopping and Mail-Order Houses; and

23.4 (5) 492110 for Couriers and Express Delivery Services.

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

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

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

23.13 Sec. 2. Minnesota Statutes 2022, section 182.664, subdivision 3, is amended to read:

23.14 Subd. 3. **Powers and duties of board.** The review board shall review and decide appeals
23.15 from final decisions and orders of the commissioner, including decisions issued by
23.16 administrative law judges, petitions to vacate final orders of the commissioner, and with
23.17 the agreement of the parties, may review and decide petitions for decisions based on
23.18 stipulated facts. The powers of the board in the conduct of hearings, including the power
23.19 to sign decisions and orders, may be delegated to a member, members, or the board chair.
23.20 The board may schedule a hearing for purposes of taking oral argument. A notice stating
23.21 the time and place of the hearing must be given ten days in advance of such a hearing to
23.22 the parties and copies of the notice of such hearing shall be served by the employer as rules
23.23 of the board shall require. The hearings shall be open to the public and the board's decisions
23.24 and orders shall be maintained and available for examination. Chapter 13D does not apply
23.25 to meetings or hearings of the board when the board is deliberating to reach its decision on
23.26 an appeal or petition under its jurisdiction.

23.27 Sec. 3. Minnesota Statutes 2022, section 182.664, subdivision 5, is amended to read:

23.28 Subd. 5. **Authority of board; ~~standard~~ scope of review.** (a) For the purpose of carrying
23.29 out its functions under this chapter, two members of the board shall constitute a quorum
23.30 and official action can be taken only on the affirmative vote of at least two members. The
23.31 decisions and orders of an administrative law judge, or final orders of the commissioner,
23.32 may be appealed to the review board by the employer, employee, or their authorized

24.1 representatives or any party, within 30 days following service by mail of the administrative
 24.2 law judge's decision and order, or final order of the commissioner.

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

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

24.11 Sec. 4. Minnesota Statutes 2022, section 182.665, is amended to read:

24.12 **182.665 JUDICIAL REVIEW.**

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

24.17 Sec. 5. Minnesota Statutes 2022, section 182.666, subdivision 6, is amended to read:

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

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

24.23 (2) the gravity of the violation;

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

24.25 (4) the history of previous violations.

24.26 Sec. 6. Minnesota Statutes 2022, section 182.667, is amended by adding a subdivision to
 24.27 read:

24.28 Subd. 4. **Investigative data.** The commissioner may share active and inactive civil
 24.29 investigative data pursuant to section 13.39 with a city or county attorney for purposes of

25.1 enforcing this section. The commissioner may share complete data and need not withhold
25.2 any data under the requirements of chapter 13 or 182 or any other state privacy law.

25.3 Sec. 7. Minnesota Statutes 2023 Supplement, section 182.677, subdivision 1, is amended
25.4 to read:

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

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

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

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

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

25.19 Sec. 8. Minnesota Statutes 2023 Supplement, section 182.677, subdivision 2, is amended
25.20 to read:

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

25.28 (b) The program shall include:

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

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

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

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

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

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

26.12 ARTICLE 4

26.13 APPRENTICESHIP POLICY

26.14 Section 1. Minnesota Statutes 2022, section 13.7905, is amended by adding a subdivision
 26.15 to read:

26.16 Subd. 10. **Apprentice data.** Apprentice data reported to, maintained by, or collected by
 26.17 the department is governed by section 178.071.

26.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 178.01, is amended to read:

26.19 **178.01 PURPOSES.**

26.20 The purposes of this chapter are: to open to all people regardless of race, color, creed,
 26.21 religion, national origin, sex, ~~creed, color or national origin,~~ gender identity, sexual
 26.22 orientation, marital status, familial status, disability, status with regard to public assistance,
 26.23 or age the opportunity to obtain training and on-the-job learning that will equip them for
 26.24 profitable employment and citizenship; to establish as a means to this end, a program of
 26.25 voluntary apprenticeship under approved apprenticeship agreements providing facilities for
 26.26 their training and guidance in the arts, skills, and crafts of industry and trade or occupation,
 26.27 with concurrent, supplementary instruction in related subjects; to promote apprenticeship
 26.28 opportunities under conditions providing adequate training and on-the-job learning and
 26.29 reasonable earnings; to relate the supply of skilled workers to employment demands; to
 26.30 establish standards for apprentice training; to establish an Apprenticeship Advisory Board
 26.31 and apprenticeship committees to assist in effectuating the purposes of this chapter; to
 26.32 provide for a Division of Apprenticeship within the Department of Labor and Industry; to

27.1 ~~provide for reports to the legislature regarding the status of apprentice training in the state;~~
 27.2 to establish a procedure for the determination of apprenticeship agreement controversies;
 27.3 and to accomplish related ends.

27.4 Sec. 3. Minnesota Statutes 2022, section 178.011, subdivision 9, is amended to read:

27.5 Subd. 9. **Journeyworker.** "Journeyworker" means a person who has attained a level of
 27.6 skill, abilities, and competencies recognized within an industry as having mastered the skills
 27.7 and competencies required for the trade or occupation. Use of the term may also refer to a
 27.8 mentor, technician, specialist, or other skilled worker who has documented sufficient skills
 27.9 and knowledge of an occupation, either through formal apprenticeship or through practical
 27.10 on-the-job experience and formal training.

27.11 Sec. 4. Minnesota Statutes 2022, section 178.012, subdivision 1, is amended to read:

27.12 Subdivision 1. **Apprenticeship rules.** Federal regulations governing apprenticeship ~~in~~
 27.13 ~~effect on January 18, 2017,~~ as provided by Code of Federal Regulations, title 29, parts 29,
 27.14 sections 29.1 to 29.6 and 29.11, and 30, are the apprenticeship rules in this state, subject to
 27.15 amendment by this chapter or by rule under section 178.041.

27.16 Sec. 5. Minnesota Statutes 2022, section 178.035, subdivision 2, is amended to read:

27.17 Subd. 2. **Provisional approval.** The division shall grant a provisional approval period
 27.18 of one year to an applicant demonstrating that the standards submitted meet the requirements
 27.19 of this chapter. The division may review each program granted provisional approval for
 27.20 quality and for conformity with the requirements of this section and section 178.036 at any
 27.21 time, but not less than biannually, during the provisional approval period. After review:

27.22 (1) a program that conforms with the requirements of this chapter:

27.23 (i) may be ~~approved~~ made permanent; or

27.24 (ii) may continue to be provisionally approved through the first full training cycle; and

27.25 (2) a program not in operation or not conforming with the requirements of this chapter
 27.26 during the provisional approval period shall be deregistered.

27.27 The division shall inform the applicant of the results of its review in writing at least 30 days
 27.28 prior to the expiration of the provisional approval period.

28.1 Sec. 6. Minnesota Statutes 2022, section 178.035, subdivision 4, is amended to read:

28.2 Subd. 4. **Program modification.** To apply for modification of or change to a registered
 28.3 program, a sponsor shall submit a written request for modification to the division. The
 28.4 division shall approve or disapprove a modification request within 90 days from the date
 28.5 of receipt. If approved, the modification or change must be recorded and acknowledged
 28.6 within 90 days of its approval as an amendment to the registered program. If not approved,
 28.7 the division shall notify the sponsor in writing of the disapproval and the reasons for the
 28.8 disapproval. The division may provide technical assistance to a sponsor seeking to modify
 28.9 or change a registered program. The division may require program modification to ensure
 28.10 standards of apprenticeship that comply with the requirements of Code of Federal
 28.11 Regulations, title 29, part 29, section 29.5, and this chapter.

28.12 Sec. 7. Minnesota Statutes 2022, section 178.035, subdivision 6, is amended to read:

28.13 Subd. 6. **Certificate.** Upon ~~registration~~ provisional approval of a program, the
 28.14 commissioner shall issue a certificate of registration to the sponsor. Within ~~30~~ 45 days after
 28.15 the certificate is mailed or otherwise delivered to the sponsor, the sponsor must submit to
 28.16 the commissioner a copy of at least one executed apprenticeship agreement.

28.17 Sec. 8. Minnesota Statutes 2022, section 178.035, subdivision 7, is amended to read:

28.18 Subd. 7. **Policy requirement.** It must be the policy of the employer and sponsor that
 28.19 the recruitment, selection, employment, and training of apprentices during their
 28.20 apprenticeship must be without discrimination due to race, color, creed, religion, national
 28.21 origin, sex, gender identity, sexual orientation, marital status, ~~physical or mental~~ familial
 28.22 status, disability, ~~receipt of~~ status with regard to public assistance, or age. The employer
 28.23 and sponsor must take affirmative action to provide equal opportunity in apprenticeship
 28.24 and must operate the apprenticeship program as required under Code of Federal Regulations,
 28.25 title 29, part 30, and under the Minnesota plan for equal opportunity in apprenticeship.

28.26 Sec. 9. Minnesota Statutes 2022, section 178.036, subdivision 3, is amended to read:

28.27 Subd. 3. **Related instruction.** A minimum of 144 hours of related instruction is required
 28.28 ~~in~~ each training cycle. At least 50 hours of related safety instruction is required during the
 28.29 term of apprenticeship. Time spent in related instruction cannot be considered as hours of
 28.30 work as required by the ~~job~~ work process schedule. Related instruction must be designated
 28.31 in hours for each individual trade or occupation included in the standards. Every
 28.32 apprenticeship instructor must meet the Department of Education's requirements for a

29.1 ~~vocational-technical~~ career and technical education instructor or be a subject matter expert,
 29.2 which is an individual such as a journeyworker who is recognized within an industry as
 29.3 having expertise in a specific trade or occupation.

29.4 Sec. 10. Minnesota Statutes 2022, section 178.036, subdivision 4, is amended to read:

29.5 Subd. 4. **Job Work process schedule.** Each ~~time-based~~ apprenticeship program must
 29.6 include not less than 2,000 hours of reasonably continuous employment.

29.7 Sec. 11. Minnesota Statutes 2022, section 178.036, subdivision 5, is amended to read:

29.8 Subd. 5. **Ratios.** If the apprentice is covered by a collective bargaining agreement, the
 29.9 employer must follow the provisions of the collective bargaining agreement regarding the
 29.10 maximum number of apprentices to be employed at the work site for each journeyworker
 29.11 employed at the same work site. In the absence of a collective bargaining agreement, for
 29.12 the purposes of direct supervision and the safety and instruction of the apprentice, the ratio
 29.13 shall be:

29.14 (1) one apprentice for ~~the first~~ each journeyworker employed at the work site ~~plus one~~
 29.15 ~~apprentice for each additional three journeyworkers employed at the work site;~~ except that
 29.16 for occupations in the building and construction trades or any hazardous occupation as
 29.17 defined by section 181A.04, subdivision 5, one apprentice for the first journeyworker
 29.18 employed at the work site plus one apprentice for each additional three journeyworkers
 29.19 employed at the work site;

29.20 (2) the work site ratio utilized by the majority of registered apprenticeship agreements
 29.21 in the same trade or occupation; or

29.22 (3) a program-specific ratio that has been approved by the Apprenticeship Advisory
 29.23 Board.

29.24 Sec. 12. Minnesota Statutes 2022, section 178.036, subdivision 6, is amended to read:

29.25 Subd. 6. **Graduated schedule of wages.** The graduated schedule of wages for an
 29.26 apprenticeship program shall be calculated as a percentage of the journeyworker rate in the
 29.27 majority of registered apprenticeship agreements in the same trade or occupation in the
 29.28 state. If there are no registered apprenticeship agreements in the same trade or occupation,
 29.29 the graduated schedule of wages may be determined by the sponsor with the approval of
 29.30 the division.

30.1 Sec. 13. Minnesota Statutes 2022, section 178.036, subdivision 7, is amended to read:

30.2 Subd. 7. **Probationary period.** The standards must provide a period of probation of not
30.3 more than ~~500 hours of employment and instruction extending over not more than four~~
30.4 ~~months~~ one year or 25 percent of the length of the program, whichever is shorter, during
30.5 which time the apprenticeship agreement shall be terminated by the director upon written
30.6 request of either party, and providing that after such probationary period the apprenticeship
30.7 agreement may be terminated by the director by mutual agreement of all parties thereto, or
30.8 terminated by the director for good and sufficient reason.

30.9 Sec. 14. Minnesota Statutes 2022, section 178.044, subdivision 3, is amended to read:

30.10 Subd. 3. **Journeyworker wage rate.** If the apprentice is not covered by a collective
30.11 bargaining agreement, the journeyworker wage rate upon which the apprenticeship agreement
30.12 graduated schedule of wages is calculated shall be:

30.13 (1) the most current Minnesota state prevailing wage rate determination for the same
30.14 trade or occupation in the county in which the apprentice's employer is located. If an
30.15 apprenticeship agreement ~~entered into after January 1, 2015~~, does not specify fringe benefits,
30.16 the journeyworker wage rate upon which the apprentice wage rate is calculated must be the
30.17 total rate listed in the wage determination; or

30.18 (2) if there is no Minnesota prevailing wage rate determination for the same trade or
30.19 occupation in the county in which the apprentice's employer is located, the journeyworker
30.20 wage may be determined by the sponsor with the approval of the division.

30.21 Sec. 15. Minnesota Statutes 2022, section 178.07, subdivision 1, is amended to read:

30.22 Subdivision 1. **Approval required.** (a) The division shall approve, if it determines that
30.23 it is in the best interest of the apprentice, an apprenticeship agreement prepared by the
30.24 sponsor on a form provided by the commissioner that meets the standards established in
30.25 this section.

30.26 (b) ~~All terminations, cancellations, and transfers of apprenticeship agreements shall be~~
30.27 ~~approved by the division in writing.~~ The division must be notified in writing by the sponsor
30.28 within 45 days of all terminations, cancellations, or transfer of apprenticeship agreements.

30.29 Sec. 16. Minnesota Statutes 2022, section 178.07, subdivision 3, is amended to read:

30.30 Subd. 3. **Contents.** Every apprenticeship agreement entered into under this chapter shall
30.31 contain:

31.1 (1) the names of the contracting parties, and the signatures required by subdivision 2;

31.2 (2) the date of birth, and information as to the race, ethnicity, and sex of the apprentice,
31.3 and, on a voluntary basis, the apprentice's Social Security number, disability status, and
31.4 veteran status;

31.5 (3) contact information of the sponsor and the division;

31.6 (4) a statement of the trade or occupation which the apprentice is to be taught, the date
31.7 on which the apprenticeship will begin, and the number of hours to be spent by the apprentice
31.8 in work and the number of hours to be spent in concurrent, related instruction;

31.9 (5) a statement of the wages to be paid the apprentice under sections 178.036, subdivision
31.10 6, and 178.044, as applicable;

31.11 (6) a statement listing any fringe benefits to be provided to the apprentice;

31.12 (7) a statement incorporating as part of the agreement the registered standards of the
31.13 apprenticeship program on the date of the agreement and as they may be amended during
31.14 the period of the agreement;

31.15 (8) a statement that the apprentice will be accorded equal opportunity in all phases of
31.16 apprenticeship employment and training, without discrimination due to race, color, creed,
31.17 religion, national origin, sex, gender identity, sexual orientation, marital status, ~~physical or~~
31.18 ~~mental~~ familial status, disability, ~~receipt of~~ status with regard to public assistance, or age;
31.19 and

31.20 (9) such additional terms and conditions as may be prescribed or approved by the
31.21 commissioner not inconsistent with the provisions of this chapter.

31.22 **Sec. 17. [178.071] APPRENTICE DATA.**

31.23 **Subdivision 1. Definition.** "Apprentice data" means data on individuals collected,
31.24 maintained, used, or disseminated because an individual has applied for or has been submitted
31.25 for registration as an apprentice with the Division of Apprenticeship, or is currently or has
31.26 been registered as an apprentice with the Division of Apprenticeship.

31.27 **Subd. 2. Classification.** Apprentice data are private data on individuals.

31.28 **Subd. 3. Data sharing.** Apprentice data may be shared with a state agency for the purpose
31.29 of determining compliance with section 116J.871 or 177.41 to 177.44. The division may
31.30 provide apprentice data to the United States Department of Labor.

32.1 Sec. 18. Minnesota Statutes 2022, section 178.09, subdivision 2, is amended to read:

32.2 Subd. 2. **Determination; appeal.** Within 90 days after the receipt of a complaint, the
 32.3 division must issue a determination. The determination of the division shall be filed with
 32.4 the commissioner and written notice shall be served on all parties affected by it. Any person
 32.5 aggrieved by any determination or action of the director may appeal to the commissioner.
 32.6 If no appeal is filed with the commissioner within ~~ten~~ 15 days of the date of service, the
 32.7 division's determination shall become the final order of the commissioner. If an appeal is
 32.8 filed, the commissioner shall appoint and convene a hearing board to be composed of three
 32.9 members of the Apprenticeship Advisory Board appointed under section 178.02, one member
 32.10 being a representative of an employer organization, one representative being a member of
 32.11 an employee organization, and one member representing the general public. The board shall
 32.12 hold a hearing on the appeal after due notice to the interested parties and shall submit to the
 32.13 commissioner findings of fact and a recommended decision accompanied by a memorandum
 32.14 of the reasons for it. Within 30 days after submission, the commissioner may adopt the
 32.15 recommended decision of the board, or disregard the recommended decision of the board
 32.16 and prepare a decision based on the findings of fact and accompanied by a memorandum
 32.17 of reasons for that decision. Written notice of the commissioner's determination and order
 32.18 shall be served on all parties affected by it. Any person aggrieved by the commissioner's
 32.19 determination and order under this section is entitled to judicial review under sections 14.63
 32.20 to 14.68 in the same manner that a person aggrieved by a final decision in a contested case
 32.21 is entitled to judicial review. The commissioner's determination and order under this section
 32.22 shall be a final decision and order of the department for purposes of sections 14.63 to 14.68.

32.23 Sec. 19. Minnesota Statutes 2022, section 178.091, subdivision 2, is amended to read:

32.24 Subd. 2. **Grounds.** (a) The commissioner may deregister a registered apprenticeship
 32.25 program or deny an application for registration if:

32.26 (1) the program does not comply with any requirement of Code of Federal Regulations,
 32.27 title 29, part 29 or ~~32~~ 30, this chapter, or any rule adopted pursuant to section 178.041;

32.28 (2) the program does not have at least one registered apprentice in each trade or
 32.29 occupation, except for the following specified periods of time:

32.30 (i) within the first ~~30~~ 45 days after the date a program is registered; or

32.31 (ii) within one year of the date that a program graduates an apprentice in a trade or
 32.32 occupation and the date of registration for the next apprentice in that trade or occupation;

32.33 or

33.1 (3) the program is not conducted, operated, or administered in accordance with the
 33.2 program's registered standards or with the requirements of this chapter, including but not
 33.3 limited to:

33.4 (i) failure to provide on-the-job learning;

33.5 (ii) failure to provide related instruction;

33.6 (iii) failure of an employer to pay the apprentice a progressively increasing schedule of
 33.7 wages consistent with the apprentice's skills acquired; or

33.8 (iv) persistent and significant failure to perform successfully.

33.9 (b) The commissioner may deregister an apprenticeship program at the written request
 33.10 of the sponsor in a manner consistent with the provisions of Code of Federal Regulations,
 33.11 title 29, part 29, section 29.8(a).

33.12 Sec. 20. Minnesota Statutes 2022, section 178.091, subdivision 4, is amended to read:

33.13 Subd. 4. ~~Orders; hearings related to orders~~ **Corrective action.** (a) If the commissioner
 33.14 determines that a registered apprenticeship program should be deregistered or that an
 33.15 application for registration should be denied, the commissioner shall issue to and serve on
 33.16 the sponsor ~~an order deregistering the program's registration or denying the application for~~
 33.17 ~~registration.~~ a notice to correct containing the following:

33.18 ~~(b) An order issued under this subdivision must specify:~~

33.19 (1) the deficiency and the required remedy or corrective action;

33.20 (2) the time period to effectuate the required remedy or corrective action, which shall
 33.21 be no less than 30 days and no more than 90 60 days; and

33.22 (3) any other requirement consistent with Code of Federal Regulations, title 29, part 29,
 33.23 section 29.8(b).

33.24 ~~(c) The sponsor to whom the commissioner issues an order under this subdivision may~~
 33.25 ~~appeal to a hearing board appointed consistent with section 178.09, subdivision 2.~~

33.26 Sec. 21. Minnesota Statutes 2022, section 178.091, is amended by adding a subdivision
 33.27 to read:

33.28 Subd. 5. Denial of application. If an applicant for registration does not take the required
 33.29 corrective action within the allotted time, the commissioner may deny the application for
 33.30 registration.

34.1 Sec. 22. Minnesota Statutes 2022, section 178.091, is amended by adding a subdivision
34.2 to read:

34.3 Subd. 6. Order of deregistration. If the registered apprenticeship program does not
34.4 take the required corrective action within the allotted time, the commissioner may issue an
34.5 order of deregistration containing the following:

34.6 (1) that certain deficiencies were identified in the notice to correct and the registered
34.7 apprenticeship program did not take the required corrective action;

34.8 (2) based on the deficiencies stated in the notice to correct and the failure of the registered
34.9 apprentice program to remedy those deficiencies, a determination has been made that there
34.10 is reasonable cause to deregister the program;

34.11 (3) that the registered apprenticeship program may appeal this determination within 15
34.12 days to the commissioner consistent with subdivision 7; and

34.13 (4) that, if the registered apprenticeship program does not appeal the determination, the
34.14 order becomes final.

34.15 Sec. 23. Minnesota Statutes 2022, section 178.091, is amended by adding a subdivision
34.16 to read:

34.17 Subd. 7. Appeal. Any person aggrieved by an order of deregistration may appeal to the
34.18 commissioner. If no appeal is filed with the commissioner within 15 days of the date of
34.19 service, the order of deregistration shall become the final order of the commissioner. If an
34.20 appeal is filed, the commissioner shall appoint and convene a hearing board to be composed
34.21 of three members of the Apprenticeship Advisory Board appointed under section 178.02,
34.22 one member being a representative of an employer organization, one representative being
34.23 a member of an employee organization, and one member representing the general public.
34.24 The board shall hold a hearing on the appeal after due notice to the interested parties and
34.25 shall submit to the commissioner findings of fact and a recommended decision accompanied
34.26 by a memorandum of the reasons for the recommended decision. Within 30 days after
34.27 submission, the commissioner may adopt the recommended decision of the board or disregard
34.28 the recommended decision of the board and prepare a decision based on the findings of fact
34.29 and accompanied by a memorandum of reasons for that decision. Written notice of the
34.30 commissioner's determination and order shall be served on all parties affected by the
34.31 commissioner's determination. Any person aggrieved by the commissioner's determination
34.32 and order under this section is entitled to judicial review under sections 14.63 to 14.68 in
34.33 the same manner that a person aggrieved by a final decision in a contested case is entitled

35.1 to judicial review. The commissioner's determination and order under this section shall be
 35.2 a final decision and order of the department for purposes of sections 14.63 to 14.68.

35.3 Sec. 24. Minnesota Statutes 2022, section 178.10, is amended to read:

35.4 **178.10 LIMITATION.**

35.5 (a) The provisions of this chapter shall have no application to those individuals who are
 35.6 apprenticed by the commissioner of corrections pursuant to sections 242.43 and 242.44.

35.7 (b) Nothing in this chapter or any apprenticeship agreement operates to invalidate:

35.8 (1) any apprenticeship provision in any collective bargaining agreement between
 35.9 employers and employees establishing higher apprenticeship standards; or

35.10 (2) any special provision for veterans, ~~minority persons~~ people of color, individuals with
 35.11 a disability, or women, in the standards, apprentice qualifications, or operation of the program
 35.12 or in the apprenticeship agreement which is not otherwise prohibited by law.

35.13 Sec. 25. **REPEALER.**

35.14 (a) Minnesota Rules, part 5200.0400, is repealed.

35.15 (b) Minnesota Statutes 2022, section 178.036, subdivision 10, is repealed.

35.16 **ARTICLE 5**

35.17 **BUREAU OF MEDIATION SERVICES**

35.18 Section 1. Minnesota Statutes 2022, section 179.01, subdivision 1, is amended to read:

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

35.24 Sec. 2. Minnesota Statutes 2022, section 179.01, subdivision 9, is amended to read:

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

36.1 Sec. 3. Minnesota Statutes 2022, section 179.01, subdivision 16, is amended to read:

36.2 Subd. 16. **Professional strikebreaker.** (a) "Professional strikebreaker" means any person
36.3 who:

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

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

36.10 (b) For the purposes of this subdivision;

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

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

36.15 Sec. 4. Minnesota Statutes 2022, section 179.06, is amended to read:

36.16 **179.06 COLLECTIVE BARGAINING AGREEMENTS.**

36.17 Subdivision 1. **Notices.** (a) When any employee, employees, or representative of
36.18 employees, or labor organization shall desire to negotiate a collective bargaining agreement,
36.19 or make any change in any existing agreement, or shall desire any changes in the rates of
36.20 pay, rules or working conditions in any place of employment, it shall give written notice to
36.21 the employer of its demand, which notice shall follow the employer if the place of
36.22 employment is changed, and it shall thereupon be the duty of the employer and the
36.23 representative of employee or labor organization to endeavor in good faith to reach an
36.24 agreement respecting such demand. An employer shall give a like notice to employees,
36.25 representative, or labor organizations of any intended change in any existing agreement. If
36.26 no agreement is reached at the expiration of ten days after service of such notice, any
36.27 employees, representative, labor organization, or employer may at any time thereafter
36.28 petition the commissioner of mediation services to take jurisdiction of the dispute and it
36.29 shall be unlawful for any labor organization or representative to institute or aid in the conduct
36.30 of a strike or for an employer to institute a lockout, unless such petition has been served by
36.31 the party taking such action upon the commissioner and the other parties to the labor dispute
36.32 at least ten days before the strike or lockout becomes effective. Unless the strike or lockout
36.33 is commenced within 90 days from the date of service of the petition upon the commissioner,

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

37.5 (b) A petition by the employer shall be signed by the employer or a duly authorized
 37.6 officer or agent; and a petition by the employees shall be signed by their representative or
 37.7 its officers, or by the committee selected to negotiate with the employer. In either case the
 37.8 petition shall be served by delivering it to the commissioner in person or by sending it by
 37.9 certified mail addressed to the commissioner at the commissioner's office. The petition shall
 37.10 state briefly the nature of the dispute and the demands of the party who serves it. Upon
 37.11 receipt of a petition, the commissioner shall fix a time and place for a conference with the
 37.12 parties to the labor dispute upon the issues involved in the dispute, and shall then take
 37.13 whatever steps the commissioner deems most expedient to bring about a settlement of the
 37.14 dispute, including assisting in negotiating and drafting a settlement agreement. It shall be
 37.15 the duty of all parties to a labor dispute to respond to the summons of the commissioner for
 37.16 joint or several conferences with the commissioner and to continue in such conference until
 37.17 excused by the commissioner, not beyond the ten-day period heretofore prescribed except
 37.18 by mutual consent of the parties.

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

37.24 Sec. 5. Minnesota Statutes 2022, section 179.08, is amended to read:

37.25 **179.08 POWERS OF COMMISSION APPOINTED BY COMMISSIONER.**

37.26 (a) The commission appointed by the commissioner pursuant to the provisions of section
 37.27 179.07 shall have the power to issue subpoenas requiring the attendance and testimony of
 37.28 witnesses and the production of evidence which relates to any matter involved in any such
 37.29 hearing, and may by its chair administer oaths and affirmations, and may examine witnesses.
 37.30 Such attendance of witnesses and the production of such evidence may be required from
 37.31 any place in the state at any designated place of hearing, but whenever practical hearings
 37.32 shall be held in a county where the labor dispute has arisen or exists.

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

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

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

38.10 ~~(d) Any commissioners so appointed shall~~ (d) Any commission members appointed under section
 38.11 179.07 must be paid a per diem allowance not to exceed that established for arbitrators in
 38.12 section 179A.16, subdivision 8, and their necessary expenses while serving.

38.13 Sec. 6. Minnesota Statutes 2022, section 179.11, is amended to read:

38.14 **179.11 EMPLOYEE UNFAIR LABOR PRACTICES.**

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

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

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

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

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

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

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

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

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

39.13 (9) for any person or labor organization to hinder or prevent by intimidation, force,
 39.14 coercion or sabotage, or by threats thereof, the production, transportation, processing or
 39.15 marketing by a producer, processor or marketing organization, of agricultural products, or
 39.16 to combine or conspire to cause or threaten to cause injury to any processor, producer or
 39.17 marketing organization, whether by withholding labor or other beneficial intercourse,
 39.18 refusing to handle, use or work on particular agricultural products, or by other unlawful
 39.19 means, in order to bring such processor or marketing organization against its will into a
 39.20 concerted plan to coerce or inflict damage upon any producer; provided that nothing in this
 39.21 subsection shall prevent a strike which is called by the employees of such producer, processor
 39.22 or marketing organization for the bona fide purpose of improving their own working
 39.23 conditions or promoting or protecting their own rights of organization, selection of bargaining
 39.24 representative or collective bargaining.

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

39.27 (b) It is an unlawful act to violate paragraph (a), clause (2), (3), (4), (5), (6), (7), (8), or
 39.28 (9).

39.29 Sec. 7. Minnesota Statutes 2022, section 179.12, is amended to read:

39.30 **179.12 EMPLOYERS' EMPLOYER UNFAIR LABOR PRACTICES.**

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

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

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

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

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

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

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

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

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

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

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

40.28 ~~The violation of (b) It is an unlawful act to violate paragraph (a), clause (2), (4), (5), (6),~~
40.29 ~~(7), (8), or (9) is an unlawful act.~~

40.30 Sec. 8. Minnesota Statutes 2022, section 179.254, subdivision 1, is amended to read:

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

41.1 Sec. 9. Minnesota Statutes 2022, section 179.256, is amended to read:

41.2 **179.256 NOTIFICATION NOTIFYING CONSTRUCTION WORKER OF**
 41.3 **REIMBURSEMENT.**

41.4 Whenever a construction worker may qualify for the reimbursement of benefit payments
 41.5 to a ~~home~~ benefit fund ~~as described in~~ under section 179.255, the trustees of the benefit
 41.6 fund of which the worker is a member, or their agent, shall so notify the trustees of the
 41.7 benefit fund to which payments will be made during the temporary period of work. Such
 41.8 notification shall be made promptly in writing and shall include the name, address, and
 41.9 Social Security number of the construction worker and the starting date of the temporary
 41.10 period of work.

41.11 Sec. 10. Minnesota Statutes 2022, section 179.26, is amended to read:

41.12 **179.26 DEFINITIONS; CERTAIN REPRESENTATION DISPUTES.**

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

41.16 Sec. 11. Minnesota Statutes 2022, section 179.27, is amended to read:

41.17 **179.27 STRIKES OR BOYCOTTS PROHIBITED.**

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

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

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

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

41.27 Sec. 12. Minnesota Statutes 2022, section 179.35, subdivision 1, is amended to read:

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

42.1 ~~179.35 to 179.39, shall be given~~ defined in this section have the meanings ~~subjoined to~~
 42.2 given them for purposes of sections 179.35 to 179.39.

42.3 Sec. 13. Minnesota Statutes 2022, section 179.40, is amended to read:

42.4 **179.40 SECONDARY BOYCOTT; ~~DECLARATION OF~~ PUBLIC POLICY.**

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

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

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

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

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

42.21 Sec. 14. Minnesota Statutes 2022, section 179.43, is amended to read:

42.22 **179.43 ILLEGAL COMBINATION; ~~VIOLATION OF~~ VIOLATING PUBLIC**
 42.23 **POLICY.**

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

42.27 Sec. 15. Minnesota Statutes 2022, section 179A.02, is amended to read:

42.28 **179A.02 CITATION.**

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

43.1 Sec. 16. Minnesota Statutes 2022, section 179A.03, subdivision 17, is amended to read:

43.2 Subd. 17. **Supervisory employee.** (a) "Supervisory employee" means a person who has
43.3 the authority to undertake a majority of the following supervisory functions in the interests
43.4 of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward, or
43.5 discipline of other employees, direction of the work of other employees, or adjustment of
43.6 other employees' grievances on behalf of the employer. To be included as a supervisory
43.7 function which the person has authority to undertake, the exercise of the authority by the
43.8 person may not be merely routine or clerical in nature but must require the use of independent
43.9 judgment. An employee, other than an essential employee, who has authority to effectively
43.10 recommend a supervisory function, is deemed to have authority to undertake that supervisory
43.11 function for the purposes of this subdivision. The administrative head of a municipality,
43.12 municipal utility, or police or fire department, and the administrative head's assistant, are
43.13 always considered supervisory employees.

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

43.19 Sec. 17. Minnesota Statutes 2022, section 179A.06, subdivision 1, is amended to read:

43.20 Subdivision 1. ~~Expression of~~ Expressing views. (a) Sections 179A.01 to 179A.25 do
43.21 not affect the right of any public employee or the employee's representative to express or
43.22 communicate a view, grievance, complaint, or opinion on any matter related to the conditions
43.23 or compensation of public employment or their betterment, so long as this is not designed
43.24 to and does not interfere with the full faithful and proper performance of the duties of
43.25 employment or circumvent the rights of the exclusive representative. Sections 179A.01 to
43.26 179A.25 do not require any public employee to perform labor or services against the
43.27 employee's will.

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

44.1 Sec. 18. Minnesota Statutes 2022, section 179A.06, subdivision 2, is amended to read:

44.2 Subd. 2. **Right to organize.** (a) Public employees have the right to form and join labor
44.3 or employee organizations, and have the right not to form and join such organizations.
44.4 Public employees in an appropriate unit have the right by secret ballot to designate an
44.5 exclusive representative to negotiate grievance procedures and the terms and conditions of
44.6 employment with their employer. Confidential employees of the state, confidential court
44.7 employees, and confidential University of Minnesota employees are excluded from
44.8 bargaining. Supervisory and managerial court employees are excluded from bargaining.
44.9 Supervisory, managerial, and confidential employees of Hennepin Healthcare System, Inc.,
44.10 are excluded from bargaining. Other confidential employees, supervisory employees,
44.11 principals, and assistant principals may form their own organizations. An employer shall
44.12 extend exclusive recognition to a representative of or an organization of supervisory or
44.13 confidential employees, or principals and assistant principals, for the purpose of negotiating
44.14 terms or conditions of employment, in accordance with sections 179A.01 to 179A.25,
44.15 applicable to essential employees.

44.16 (b) Supervisory or confidential employee organizations shall not participate in any
44.17 capacity in any negotiations which involve units of employees other than supervisory or
44.18 confidential employees. Except for organizations which represent supervisors who are: (1)
44.19 firefighters, emergency medical service employees certified under section 144E.28, 911
44.20 system public safety dispatchers, peace officers subject to licensure under sections 626.84
44.21 to 626.863, guards at correctional facilities, or employees at hospitals other than state
44.22 hospitals; and (2) not state or University of Minnesota employees, a supervisory or
44.23 confidential employee organization which is affiliated with another employee organization
44.24 which is the exclusive representative of nonsupervisory or nonconfidential employees of
44.25 the same public employer shall not be certified, or act as, an exclusive representative for
44.26 the supervisory or confidential employees. For the purpose of this subdivision, affiliation
44.27 means either direct or indirect and includes affiliation through a federation or joint body of
44.28 employee organizations.

44.29 Sec. 19. Minnesota Statutes 2022, section 179A.06, subdivision 3, is amended to read:

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

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

45.5 (b) A challenge by an employee or by a person aggrieved by the fee must be filed in
 45.6 writing with the commissioner, the public employer, and the exclusive representative within
 45.7 30 days after receipt of the written notice. All challenges must specify those portions of the
 45.8 fee challenged and the reasons for the challenge. The burden of proof relating to the amount
 45.9 of the fair share fee is on the exclusive representative. The commissioner shall hear and
 45.10 decide all issues in these challenges.

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

45.15 Sec. 20. Minnesota Statutes 2022, section 179A.08, subdivision 2, is amended to read:

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

45.21 Sec. 21. Minnesota Statutes 2022, section 179A.10, subdivision 1, is amended to read:

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

45.27 (1) the positions and classes of positions in the classified and unclassified services defined
 45.28 as managerial by the commissioner of management and budget in accordance with section
 45.29 43A.18, subdivision 3, and so designated in the official state compensation schedules;

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

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

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

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

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

46.6 (7) positions of all confidential employees; and

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

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

46.14 Sec. 22. Minnesota Statutes 2022, section 179A.104, subdivision 1, is amended to read:

46.15 Subdivision 1. **Employee units.** (a) The state Board of Public Defense shall meet and
46.16 negotiate with the exclusive representative of each of the statewide units specified in this
46.17 section. The units provided in this section are the only appropriate statewide units for state
46.18 employees of the board. Employees of the state Board of Public Defense, unless otherwise
46.19 excluded, are included within the units which include the classifications to which they are
46.20 assigned for purposes of compensation. The following are the appropriate statewide units
46.21 of state employees of the board:

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

46.23 (2) Clerical and Support Staff Unit.

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

46.26 Sec. 23. Minnesota Statutes 2022, section 179A.12, subdivision 1, is amended to read:

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

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

47.7 Sec. 24. Minnesota Statutes 2022, section 179A.15, is amended to read:

47.8 **179A.15 MEDIATION.**

47.9 Subdivision 1. **Petitioning commissioner.** Once notice has been given under section
 47.10 179A.14, the employer or the exclusive representative may petition the commissioner for
 47.11 mediation services.

47.12 Subd. 2. **Petition requirements; scheduling mediation.** (a) A petition by an employer
 47.13 shall be signed by the employer or an authorized officer or agent. A petition by an exclusive
 47.14 representative shall be signed by its authorized officer. All petitions shall be served on the
 47.15 commissioner in writing. The petition shall state briefly the nature of the disagreement of
 47.16 the parties.

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

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

47.25 Subd. 4. **Mediation restricted.** The commissioner shall not furnish mediation services
 47.26 to any employee or employee representative who is not certified as an exclusive
 47.27 representative.

47.28 Subd. 5. **Mediation meetings.** All parties shall respond to the summons of the
 47.29 commissioner for ~~conferences~~ meetings and shall continue ~~in conference~~ meeting until
 47.30 excused by the commissioner.

48.1 Sec. 25. Minnesota Statutes 2022, section 179A.16, subdivision 1, is amended to read:

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

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

48.13 Sec. 26. Minnesota Statutes 2022, section 179A.16, subdivision 7, is amended to read:

48.14 Subd. 7. **Decision by Arbitrator or arbitrator panel; issuing decision.** (a) The decision
48.15 must be issued by the arbitrator or a majority vote of the panel. The decision must resolve
48.16 the issues in dispute between the parties as submitted by the commissioner. For principals
48.17 and assistant principals, the arbitrator or panel is restricted to selecting between the final
48.18 offers of the parties on each impasse item. For other employees, if the parties agree in
48.19 writing, the arbitrator or panel is restricted to selecting between the final offers of the parties
48.20 on each impasse item, or the final offer of one or the other parties in its entirety. In
48.21 considering a dispute and issuing its decision, the arbitrator or panel shall consider the
48.22 statutory rights and obligations of public employers to efficiently manage and conduct their
48.23 operations within the legal limitations surrounding the financing of these operations. The
48.24 decision is final and binding on all parties.

48.25 (b) The arbitrator or panel shall render its decision within 30 days from the date that all
48.26 arbitration proceedings have concluded. The arbitrator or panel may not request that the
48.27 parties waive their right to have the decision rendered within 30 days, unless the
48.28 commissioner grants an extension of the deadline. The commissioner shall remove from
48.29 the roster for six months the name of any arbitrator who does not render the decision within
48.30 30 days or within the extension granted by the commissioner. The commissioner shall adopt
48.31 rules establishing criteria to be followed in determining whether an extension should be
48.32 granted. The decision must be for the period stated in the decision, except that decisions
48.33 determining contracts for teacher units are effective to the end of the contract period
48.34 determined by section 179A.20.

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

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

49.9 Sec. 27. Minnesota Statutes 2022, section 179A.18, subdivision 2, is amended to read:

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

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

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

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

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

49.23 Sec. 28. Minnesota Statutes 2022, section 179A.18, subdivision 3, is amended to read:

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

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

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

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

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

50.10 (b) The first day of the renewed strike notice period shall commence on the day following
 50.11 the expiration of the previous strike notice period or the day following the rejection of the
 50.12 tentative agreement, whichever is later. Notification of intent to strike under subdivisions
 50.13 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement
 50.14 has expired, or if there is no agreement, on or after the date impasse under section 179A.17
 50.15 has occurred.

50.16 Sec. 29. Minnesota Statutes 2022, section 179A.19, subdivision 6, is amended to read:

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

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

51.1 Sec. 30. Minnesota Statutes 2022, section 179A.20, subdivision 4, is amended to read:

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

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

51.10 (c) Employees covered by civil service systems created under chapter 43A, 44, 375,
 51.11 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423,
 51.12 may pursue a grievance through the procedure established under this section. When the
 51.13 grievance is also within the jurisdiction of appeals boards or appeals procedures created by
 51.14 chapter 43A, 44, 375, 387, 419, or 420, by a home rule charter under chapter 410, or by
 51.15 Laws 1941, chapter 423, the employee may proceed through the grievance procedure or the
 51.16 civil service appeals procedure, but once a written grievance or appeal has been properly
 51.17 filed or submitted by the employee or on the employee's behalf with the employee's consent
 51.18 the employee may not proceed in the alternative manner.

51.19 (d) A teacher who elects a hearing before an arbitrator under section 122A.40, subdivision
 51.20 15, or 122A.41, subdivision 13, or who elects or acquiesces to a hearing before the school
 51.21 board may not later proceed in the alternative manner nor challenge the termination or
 51.22 discharge through a grievance procedure required by this subdivision.

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

51.25 Sec. 31. Minnesota Statutes 2022, section 179A.23, is amended to read:

51.26 **179A.23 LIMITATION ON CONTRACTING-OUT OF SERVICES PROVIDED**
 51.27 **BY MEMBERS OF A STATE OF MINNESOTA OR UNIVERSITY OF MINNESOTA**
 51.28 **BARGAINING UNIT.**

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

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

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

52.11 Sec. 32. Minnesota Statutes 2022, section 626.892, subdivision 12, is amended to read:

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

52.16 (b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or
52.17 resolution, peace officers, through their certified exclusive representatives, shall not have
52.18 the right to negotiate for or agree to a collective bargaining agreement or a grievance
52.19 arbitration selection procedure with their employers that is inconsistent with this section.

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

52.25 Sec. 33. **REVISOR INSTRUCTION.**

52.26 The revisor of statutes shall renumber Minnesota Statutes, section 179.35, subdivision
52.27 5, as Minnesota Statutes, section 179.35, subdivision 7.

52.28 Sec. 34. **REPEALER.**

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

53.1

ARTICLE 6

53.2

MINIMUM WAGE

53.3 Section 1. Minnesota Statutes 2022, section 177.23, is amended by adding a subdivision
53.4 to read:

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

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

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

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

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

53.17 Sec. 3. Minnesota Statutes 2022, section 177.24, subdivision 1, is amended to read:

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

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

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

53.28 ~~(b)~~ (a) Except as otherwise provided in sections 177.21 to 177.35²,

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

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

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

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

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

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

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

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

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

54.12 ~~(1) \$6.50 per hour beginning August 1, 2014;~~

54.13 ~~(2) \$7.25 per hour beginning August 1, 2015;~~

54.14 ~~(3) \$7.75 per hour beginning August 1, 2016; and~~

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

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

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

54.25 ~~(1) \$7.25 per hour beginning August 1, 2014;~~

54.26 ~~(2) \$7.50 per hour beginning August 1, 2015;~~

54.27 ~~(3) \$7.75 per hour beginning August 1, 2016; and~~

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

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

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

55.6 ~~(1) \$6.50 per hour beginning August 1, 2014;~~

55.7 ~~(2) \$7.25 per hour beginning August 1, 2015;~~

55.8 ~~(3) \$7.75 per hour beginning August 1, 2016; and~~

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

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

55.13 ~~(f) (c) No later than August 31 of each year, beginning in 2017, the commissioner shall~~
55.14 ~~determine the percentage increase in the rate of inflation, as measured by the implicit price~~
55.15 ~~deflator, national data for personal consumption expenditures as determined by the United~~
55.16 ~~States Department of Commerce, Bureau of Economic Analysis during the 12-month period~~
55.17 ~~immediately preceding that August or, if that data is unavailable, during the most recent~~
55.18 ~~12-month period for which data is available. The minimum wage rates in paragraphs (a)~~
55.19 ~~and (b), (c), (d), and (e) are increased by the lesser of: (1) 2.5 percent, rounded to the~~
55.20 ~~nearest cent; or (2) the percentage calculated by the commissioner, rounded to the nearest~~
55.21 ~~cent. A minimum wage rate shall not be reduced under this paragraph. The new minimum~~
55.22 ~~wage rates determined under this paragraph take effect on the next January 1.~~

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

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

56.6 ~~(2) The commissioner may in a year subsequent to issuing an order under clause (1),~~
 56.7 ~~make a supplemental increase in the minimum wage rate in addition to the increase for a~~
 56.8 ~~year calculated under paragraph (f). The supplemental increase may be in an amount up to~~
 56.9 ~~the full amount of the increase not put into effect because of the order. If the supplemental~~
 56.10 ~~increase is not the full amount, the commissioner may make a supplemental increase of the~~
 56.11 ~~difference, or any part of a difference, in a subsequent year until the full amount of the~~
 56.12 ~~increase ordered not to take effect has been included in a supplemental increase. In making~~
 56.13 ~~a determination to award a supplemental increase under this clause, the commissioner shall~~
 56.14 ~~use the same considerations and use the same process as for an order under clause (1). A~~
 56.15 ~~supplemental wage increase is not subject to and shall not be considered in determining~~
 56.16 ~~whether a wage rate increase exceeds the limits for annual wage rate increases allowed~~
 56.17 ~~under paragraph (f).~~

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

56.19 Sec. 4. Minnesota Statutes 2023 Supplement, section 204B.19, subdivision 6, is amended
 56.20 to read:

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

56.30 (b) A student appointed as a trainee election judge may be excused from school attendance
 56.31 during the hours that the student is serving as a trainee election judge if the student submits
 56.32 a written request signed and approved by the student's parent or guardian to be absent from
 56.33 school and a certificate from the appointing authority stating the hours during which the
 56.34 student will serve as a trainee election judge to the principal of the school at least ten days

57.1 prior to the election. A trainee election judge shall not serve after 10:00 p.m. Notwithstanding
 57.2 section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds
 57.3 of the minimum wage for a ~~large~~ an employer. The principal of the school may approve a
 57.4 request to be absent from school conditioned on acceptable academic performance at the
 57.5 time of service as a trainee election judge.

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

57.7 **Sec. 5. REVISOR INSTRUCTION.**

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

57.10	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
57.11	<u>175.007, subdivision 1,</u>	<u>177.24, subdivision 1,</u>	<u>177.23, subdivision 13</u>
57.12	<u>paragraph (b)</u>	<u>paragraph (a), clause (2)</u>	
57.13	<u>222.50, subdivision 5, clause</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
57.14	<u>(4), item (ii)</u>	<u>paragraph (b)</u>	<u>paragraph (a)</u>
57.15	<u>550.136, subdivision 3,</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
57.16	<u>paragraph (a), clause (2)</u>	<u>paragraph (b), clause (1), item</u>	<u>paragraph (a), clause (3)</u>
57.17		<u>(iii)</u>	
57.18	<u>551.06, subdivision 3,</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
57.19	<u>paragraph (a), clause (2)</u>	<u>paragraph (b), clause (1), item</u>	<u>paragraph (a), clause (3)</u>
57.20		<u>(iii)</u>	
57.21	<u>571.922, paragraph (a), clause</u>	<u>177.24, subdivision 1,</u>	<u>177.24, subdivision 1,</u>
57.22	<u>(2), item (i)</u>	<u>paragraph (b), clause (1), item</u>	<u>paragraph (a), clause (3)</u>
57.23		<u>(iii)</u>	

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

57.25 **ARTICLE 7**

57.26 **MISCELLANEOUS LABOR POLICY**

57.27 Section 1. Minnesota Statutes 2022, section 177.24, is amended by adding a subdivision
 57.28 to read:

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

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

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

58.1 Sec. 2. [181.173] SALARY RANGES REQUIRED IN JOB POSTINGS.

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

58.4 (b) "Employer" means a person or entity that employs 30 or more employees at a
58.5 minimum of one site and includes an individual, corporation, partnership, association,
58.6 nonprofit organization, group of persons, state, county, town, city, school district, or other
58.7 governmental subdivision.

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

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

58.15 Subd. 2. Salary ranges in job postings required. (a) An employer must disclose in
58.16 each posting for each job opening with the employer the starting salary range and a general
58.17 description of all of the benefits and other compensation to be offered to a hired job applicant.

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

58.20 Sec. 3. Minnesota Statutes 2023 Supplement, section 181.531, subdivision 3, is amended
58.21 to read:

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

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

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

59.1 Sec. 4. Minnesota Statutes 2022, section 181.950, is amended by adding a subdivision to
59.2 read:

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

59.6 (1) can detect drugs, alcohol, cannabis, or their metabolites in levels at or above the
59.7 threshold detection levels contained in the standards of one of the programs listed in section
59.8 181.953, subdivision 1; and

59.9 (2) does not require the services of a testing laboratory under section 181.953, subdivision
59.10 1.

59.11 Sec. 5. Minnesota Statutes 2022, section 181.951, subdivision 1, is amended to read:

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

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

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

59.23 Sec. 6. Minnesota Statutes 2023 Supplement, section 181.953, subdivision 1, is amended
59.24 to read:

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

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

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

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

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

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

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

60.11 Sec. 7. Minnesota Statutes 2023 Supplement, section 181.953, subdivision 3, is amended
60.12 to read:

60.13 Subd. 3. **Laboratory testing, reporting, and sample retention requirements.** (a) A
60.14 testing laboratory that is not certified by the National Institute on Drug Abuse according to
60.15 subdivision 1 shall follow the chain-of-custody procedures prescribed for employers in
60.16 subdivision 5. A testing laboratory shall conduct a confirmatory test on all samples that
60.17 produced a positive test result on an initial screening test. A laboratory shall disclose to the
60.18 employer a written test result report for each sample tested within three working days after
60.19 a negative test result on an initial screening test or, when the initial screening test produced
60.20 a positive test result, within three working days after a confirmatory test. A test report must
60.21 indicate the drugs, alcohol, drug or alcohol metabolites, or cannabis or cannabis metabolites
60.22 tested for and whether the test produced negative or positive test results. A laboratory shall
60.23 retain and properly store for at least six months all samples that produced a positive test
60.24 result.

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

60.27 Sec. 8. Minnesota Statutes 2023 Supplement, section 181.953, is amended by adding a
60.28 subdivision to read:

60.29 Subd. 5a. **Oral fluid testing.** (a) An employer may elect to comply with the oral fluid
60.30 testing procedures under this subdivision as an alternative to the drug and alcohol testing
60.31 or cannabis testing procedures for employees and job applicants in this section.

61.1 (b) An employer may request or require an employee or a job applicant to undergo oral
61.2 fluid testing. Within 48 hours of an oral fluid test that indicates a positive test result or the
61.3 test is inconclusive or invalid, the employee or job applicant may request drug or alcohol
61.4 testing or cannabis testing at no cost to the employee or job applicant using the services of
61.5 a testing laboratory under subdivision 1. The rights, notice, and limitations in subdivisions
61.6 7 to 8 and 10 to 11 apply to the employee or job applicant and a laboratory test conducted
61.7 pursuant to this paragraph.

61.8 (c) If the laboratory test under paragraph (b) is positive, any subsequent confirmatory
61.9 retest, if requested by the employee or job applicant, must be conducted following the retest
61.10 procedures provided in subdivision 6, paragraph (c), and subdivision 9 at the employee's
61.11 or job applicant's own expense.

61.12 **Sec. 9. [182.678] SURGICAL SMOKE EVACUATION SYSTEM POLICIES.**

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

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

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

61.21 (d) "Health care employer" means a hospital as defined in section 144.50, subdivision
61.22 2, or an ambulatory surgical facility or outpatient surgical center as defined in section 144.55,
61.23 subdivision 2, paragraph (b).

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

61.28 Subd. 3. **Enforcement.** This section shall be enforced by the commissioner under sections
61.29 182.66 and 182.661. A violation of this section is subject to the penalties provided under
61.30 section 182.666.

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

- 62.1 Sec. 10. **REPEALER.**
- 62.2 Minnesota Rules, part 5200.0080, subpart 7, is repealed.
- 62.3 **EFFECTIVE DATE.** This section is effective August 1, 2024.

APPENDIX
Repealed Minnesota Statutes: S3852-1

178.036 STANDARDS OF APPRENTICESHIP.

Subd. 10. **Training cycle.** The training cycle for related instruction must be designated in hours, days, or months for each individual trade or occupation included in the standards.

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.

5200.0400 APPRENTICESHIP COMMITTEE RULES.

Adoption of apprenticeship committee rules or changes must be submitted to the director of the division in writing for approval.

5510.0310 DEFINITIONS.

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