

## CHAPTER 181

### EMPLOYMENT; WAGES, CONDITIONS, HOURS, RESTRICTIONS

181.635 Recruitment; food processing employment.

181.973 Employee peer counseling debriefing.

#### 181.635 RECRUITMENT; FOOD PROCESSING EMPLOYMENT.

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

(a) "Employer" means a person who employs another to perform a service for hire. Employer includes any agent or attorney of an employer who, for money or other valuable consideration paid or promised to be paid, performs any recruiting.

(b) "Person" means a corporation, partnership, limited liability company, limited liability partnership, association, individual, or group of persons.

(c) "Recruits" means to induce an individual, directly or through an agent, to relocate to Minnesota to work in food processing by an offer of employment.

(d) "Food processing" means canning, packing, or otherwise processing poultry or meat for consumption.

(e) "Terms and conditions of employment" means the following:

- (1) nature of the work to be performed;
- (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other items;
- (3) anticipated hours of work per week, including overtime;
- (4) anticipated slow-down or shutdown or if hours of work per week vary more than 25 percent from clause (3);
- (5) duration of the work;
- (6) workers' compensation coverage and name, address, and telephone number of insurer and department of labor and industry;
- (7) employee benefits available, including any health plans, sick leave, or paid vacation;
- (8) transportation and relocation arrangements with allocation of costs between employer and employee;
- (9) availability and description of housing and any costs to employee associated with housing; and
- (10) any other item of value offered, and allocation of costs of item between employer and employee.

**Subd. 2. Recruiting; required disclosure.** An employer shall provide written disclosure of the terms and conditions of employment to a person at the time it recruits the person to relocate to work in the food processing industry. The disclosure requirement does not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1). The disclosure must be written in English and Spanish, dated and signed by the employer and the person recruited, and maintained by the employer for two years. A copy of the signed and completed disclosure must be delivered immediately to the recruited person. The disclosure may not be construed as an employment contract.

**Subd. 3. Civil action.** A person injured by a violation of this section has a cause of action for damages for the greater of \$500 per violation or twice their actual damages, plus costs and reasonable attorney's fees. A damage award shall be the greater of \$750 or three times actual damages for a person injured by an intentional violation of this section.

**Subd. 4. Fine.** The department of labor and industry shall fine an employer not less than \$200 or more than \$500 for each violation of this section.

**Subd. 5. Applicability.** A public agency providing employment services is not an employer under this section.

Subd. 6. **Standard disclosure form.** The department of labor and industry shall provide a standard form for use at the employer's option in making the disclosure required in subdivision 2. The form shall be available in English and Spanish.

**History:** 1995 c 154 s 1

#### **181.973 EMPLOYEE PEER COUNSELING DEBRIEFING.**

A person engaged in a public safety peer counseling debriefing shall not, without the permission of the person being debriefed, be allowed to disclose any information or opinion which the peer group member has acquired during the debriefing. However, this does not prohibit a peer counselor from disclosing information the peer counselor reasonably believes indicates that the person may be a danger to self or others, if the information is used only for the purpose of eliminating the danger to the person or others. Any information or opinion disclosed in violation of this paragraph is not admissible as evidence in any personnel or occupational licensing matter involving the person being debriefed.

For purposes of this paragraph, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress.

**History:** 1995 c 259 art 1 s 38