

S.F. No. 61 – Fair labor standards for agricultural and food processing workers (1st engrossment)

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SF61 amends three areas of worker protection laws: the Packinghouse Workers Bill of Rights, migrant labor laws, and recruitment in food processing employment protections.

Section 1. Compliance orders. [§ 177.27, subd. 4] Adds references to agricultural and food processing worker protection provisions to the list of laws that the DLI may enforce through compliance orders.

Section 2. Definition. [§ 179.86, subd. 1] Includes poultry processing in the definition of “employer” for purposes of the Packinghouse Workers Bill of Rights statute in Chapter 179.

Section 3. Information provided to employee by employer. [§ 179.86, subd. 3] Specifies that information regarding the employer’s workers’ compensation carrier and the right to workers’ compensation coverage be provided by an employer at the start of employment in addition to existing information required on employee’s rights and duties as an employee.

Section 4. Civil action. [§ 179.86, subd. 5] Adds a new subdivision allowing an employee to bring a cause of action for an injury caused by a violation of the Packinghouse Workers Bill of Rights statute. Specifies damage amounts, and includes costs and reasonable attorney fees.

Section 5. Fine. [§ 179.86, subd. 6] Adds a new subdivision specifying that the commissioner of labor and industry fine an employer not less than \$400 or more than \$1,000 for each violation of the information notice requirements. Specifies that the fine be paid to the employee aggrieved by the violation.

Section 6. Prompt payment required. [§ 181.14, subd. 1] Requires wages or commissions for migrant workers to be paid within three days, instead of within five days as required under current law, when the worker quits or resigns.

Section 7. **Definitions.** [§ 181.635, subd. 1] Amends the definition of “recruit” to clarify that recruit also includes inducing an individual to relocate within Minnesota in addition to only mean relocating to the state to work in food processing.

Section 8. **Recruiting; required disclosure.** [§ 181.635, subd. 2] Clarifies that the disclosure required by this subdivision is in addition to the notice requirements under § 181.032.

Section 9. **Civil action.** [§ 181.635, subd. 3] Increases the award amounts allowed for damages in a civil action brought under the section.

Section 10. **Fine.** [§ 181.635, subd. 4] Increases fine amounts for violations of the food processing employment recruitment statutory requirements. Specifies that the fine be paid to the employee aggrieved by the violation.

Section 11. **Standard disclosure form.** [§ 181.635, subd. 6] Specifies that any recruiting disclosure form provided by DLI be provided in additional languages upon request in addition to being provided in English and Spanish.

Section 12. **Agricultural labor.** [§ 181.85, subd. 2] Amends the definition of “agricultural labor.”

Section 13. **Employer.** [§ 181.85, subd. 4] Amends the definition of “employer.”

Section 14. **Terms.** [§ 181.86, subd. 1] Requires the statement that must be provided to migrant workers at the time of recruitment be provided in another language if needed and include information about workers’ compensation insurance coverage.

Section 15. **Biweekly pay.** [§ 181.87, subd. 2] Clarifies that payment may be required sooner than within three days of termination if a worker is discharged.

Section 16. **Guaranteed hours.** [§ 181.87, subd. 3] Clarifies that the bi-weekly 70-hour pay guarantee would be computed by using the highest of the federal, state, or local minimum wage, or any hourly wage rate indicated in the written employment statement. Increases the amount to be paid to migrant workers per day when work is not available under certain conditions.

Section 17. **Statement itemizing deductions from wages.** [§ 181.87, subd. 7] Requires the written statement for deductions from wages by an employer to comply with the notice requirements under § 181.032.

Section 18. **Record keeping.** [§ 181.88] Clarifies record keeping requirements for migrant workers recruited by an employer.

Section 19. **Judgment; damages.** [§ 181.89, subd. 2] Increases penalty amounts for violations of migrant worker protection laws.

Section 20. **Enforcement.** [§ 181.89, subd. 3] Allows the commissioner of labor and industry to assess penalties and provide the penalty to the migrant worker aggrieved by the employer's noncompliance.