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S.F. No. 4384 – Labor standards policy and technical changes

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Date: March 5, 2024

S.F. 4384 makes policy and technical changes to labor standards provisions under the jurisdiction of the Department of Labor and Industry.

Section 1 [§ 13.79] Identity of complainants. Modifies the statute governing the data classification for individuals that make complaints for certain alleged labor standards violations to adjust for the fact that a complainant may not necessarily be an employee. The identity of complainants under this section is protected as private data. Removes the requirement that data must appear on complaint forms to be considered private data. Allows the commissioner of labor and industry to disclose this data to other government agencies with the consent of the complainant.

Section 2 [§ 177.27] Submission of record; penalty. Allows the commissioner of labor and industry to determine the time and manner in which records must be produced when the commissioner requests records from employers.

Section 3 [§ 177.27] Compliance orders. Provides the commissioner with authority to issue a compliance order for Minn. Stat. § 181.10 (providing that wages must be paid every 15 days) and Minn. Stat. § 181.64 (prohibiting false statements as inducement to entering employment).

Section 4 [§ 177.27] Employer liability. Clarifies the remedies allowed under the Labor Standards Division’s compliance order authority. Clarifies that when the commissioner issues a compliance order for violations of retaliation the commissioner may order reinstatement and any other appropriate relief.

Section 5 [§ 177.30] Employer recordkeeping. Adds employee earnings statements to those records that must be retained by an employer for three years.

Section 6 [§ 177.42] Project definition for prevailing wages. Clarifies the definition of “project” for purposes of clarifying the scope of work that triggers prevailing wage requirements.

Section 7 [§ 181.212] Nursing Home Workforce Standards Board voting. Modifies the voting requirements for the Nursing Home Workforce Standards Board to require that any measure passed by the board must have the support of two out of the three commissioner members.

Sections 8 to 10 [§§ 181.939, 181.941, and 181.943] Continuation of benefits for parental leave. Aligns continuation of benefits language in the pregnancy accommodations and pregnancy and parenting leave sections in Chapter 181 with the Paid Family and Medical Leave law. Requires an employer to continue group insurance and health care benefits for the employee and any dependents while on a pregnancy or parental leave, provided the employee continues to pay for the employee share of benefits. Prohibits reducing the length of pregnancy and parental leave by any period of paid or unpaid leave taken for prenatal care medical appointments.

Section 11 [§181A.08] Power of the commissioner related to child labor. Updates compliance order authority, employer liability, and the amount of time an employer has to object to a compliance order (15 days) within the child labor laws to align with authority and liability provisions under Minnesota Statutes, Chapter 177.

Section 12 [§181A.12] Fines; penalty. Clarifies the existing penalty structure for violations of child labor laws by an employer. Allows the commissioner to consider various factors, including the size of the business, the gravity of the violation, and the history of violations when determining the fine amount.

Section 13 [§181A.12] Liquidated damages. Add liquidated damages for violations by employers for employing minors in hazardous occupations.

Section 14 [§181A.12] Retaliation. Adds retaliation protections applicable to the child protection laws.