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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1860

02/28/2019 Authored by Hansen, Mariani, Sundin, Lee, Ecklund and others
The bill was read for the first time and referred to the Committee on Labor
03/11/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to labor relations; clarifying terms related to meatpacking workers;
1.3 providing for notification in languages other than English and Spanish;
1.4 appropriating money; amending Minnesota Statutes 2018, sections 179.86,
1.5 subdivisions 1, 3; 181.635, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2018, section 179.86, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definition.** For the purpose of this section, "employer" means:

1.9 (1) an employer ~~in the meatpacking industry~~; employing more than 20 full-time equivalent
1.10 employees in one location who pack, can, or otherwise process poultry or meat for human
1.11 consumption; or

1.12 (2) an employer of any size whose employees routinely clean or sterilize meat processing
1.13 or poultry processing equipment used by an employer as defined in clause (1).

1.14 Sec. 2. Minnesota Statutes 2018, section 179.86, subdivision 3, is amended to read:

1.15 Subd. 3. **Information provided to employee by employer.** (a) An employer must
1.16 provide an explanation ~~in an employee's native language~~ of the employee's rights and duties
1.17 as an employee either person to person or through written materials that, at a minimum,
1.18 include:

- 1.19 (1) a complete description of the salary and benefits plans as they relate to the employee;
1.20 (2) a job description for the employee's position;
1.21 (3) a description of leave policies;

2.1 (4) a description of the work hours and work hours policy; and

2.2 (5) a description of the occupational hazards known to exist for the position.

2.3 (b) The explanation must also include information on the following employee rights as
2.4 protected by state or federal law and a description of where additional information about
2.5 those rights may be obtained:

2.6 (1) the right to organize and bargain collectively and refrain from organizing and
2.7 bargaining collectively;

2.8 (2) the right to a safe workplace; and

2.9 (3) the right to be free from discrimination.

2.10 (c) The explanation must be provided in a language the employee speaks fluently.

2.11 (d) An employer may require an employee to disclose the languages the employee speaks,
2.12 understands, and reads fluently. If an employer requires such disclosure, and an employee
2.13 has not provided it, an employer is not required to provide the information required under
2.14 this section in a language other than English to the employee.

2.15 Sec. 3. Minnesota Statutes 2018, section 181.635, subdivision 2, is amended to read:

2.16 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written
2.17 disclosure of the terms and conditions of employment to a person at the time it recruits the
2.18 person to relocate to work in the food processing industry. The disclosure requirement does
2.19 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).
2.20 The disclosure must be written in ~~English and Spanish~~, a language the employee speaks
2.21 fluently in addition to any other languages preferred by the employer. The disclosure must
2.22 be dated and signed by the employer and the person recruited, and maintained by the
2.23 employer for two years. If the employer has any reason to doubt the employee's ability to
2.24 read, the employer must read the disclosure out loud to the employee in a language the
2.25 employee speaks fluently before the disclosure is signed. A copy of the signed and completed
2.26 disclosure must be delivered immediately to the recruited person. The disclosure may not
2.27 be construed as an employment contract.

2.28 (b) An employer may require an employee to disclose the languages the employee speaks,
2.29 understands, and reads fluently. If an employer requires such disclosure, and an employee
2.30 has not provided it, an employer is not required to make the disclosure in the form required
2.31 under paragraph (a) with respect to the employee.

3.1 Sec. 4. **APPROPRIATION.**

3.2 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the general
3.3 fund to the commissioner of labor and industry for its responsibilities under Minnesota
3.4 Statutes, section 179.86. At least 50 percent of the money appropriated must be used to fund
3.5 grants to community-based groups for outreach, education, and technical assistance to
3.6 employees and employers.