



# Minnesota

## Human Resources LEGAL FACT SHEET

*Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in May 2018, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.*

## ARE THERE MINNESOTA STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

### HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday/ Pay Rate <sup>1</sup>	<b>NO</b>	Agreement of hire law does not apply to farm labor.
Reporting <sup>2</sup>	<b>YES</b>	<u>New hires</u> and rehires must be reported to the Minnesota New Hire Reporting Center within 20 days.

### WAGES

TOPIC	ANSWER	DETAILS
Payday <sup>3</sup>	<b>YES</b>	Must pay employees at least once every 31 days, on regular paydays that you establish in advance. Employers must pay overtime by the payday immediately following the regular payday for the pay period in which overtime was earned.
Final Pay <sup>4</sup>	<b>YES</b>	If an <u>employee is fired</u> , wages owed are immediately due and payable upon written demand of the employee (within 24 hours of the demand). A fired employee can request in writing the reason for being terminated within 15 working days of termination – employers must give a truthful response in writing within 10 days from receipt of the request.  If an employee quits, the wages are due on the next regular payday (unless this is less than 5 calendar days after the employee's last day), but no more than 20 days from their last day of work.
Overtime <sup>5</sup>	<b>YES</b>	<u>Must pay overtime</u> to nonexempt employees for time worked over 48 hours in a workweek. The rate is at least 1.5 times the employee's regular pay.  Some farmworkers are exempt if they are paid a certain minimum salary. For large employers (grossing \$500,000 or more a year), workers earning a salary of at least \$709.28 a week are exempt. For small employers (grossing <\$500,000 a year), workers earning at least \$578.45 a week are exempt. These dollar amounts change when the MN minimum wage changes.  Two or fewer individuals employed at any given time on a farm being paid a salary are also exempt.
Minimum Wage <sup>6</sup>	<b>YES</b>	<u>\$7.87 per hour</u> for small employers (gross annual revenue < \$500,000) and youth aged 17 or younger  \$9.65 per hour for large employers (gross annual revenue of \$500,000 or more)

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# WAGES

(Continued)

TOPIC	ANSWER	DETAILS
Hours Worked <sup>7</sup>	YES	<p>Minnesota minimum wage law <u>defines hours worked</u> as including training time, call time, cleaning time, waiting time. It also includes any other time the worker is either on the employer's premises, involved in performing work-related duties, or is required to remain on the premises until work is available. Rest periods of less than 20 minutes must be treated as hours worked.</p> <p>Bona fide meal periods (typically at least 30 minutes) do not count toward hours worked (when the worker is completely relieved of duties and is at least thirty minutes long).</p>
Reporting Time Pay	NO	<p>Minnesota law does not require pay for reporting for a scheduled shift; pay is required for the <u>hours worked</u>.</p>
Pay Stub <sup>8</sup>	YES	<p>For each payday, <u>employers must give a paycheck statement</u> that includes:</p> <ul style="list-style-type: none"> <li>• the name of the employee;</li> <li>• the hourly rate of pay (if applicable);</li> <li>• the total number of hours worked (except if exempt from overtime pay);</li> <li>• the total amount of gross pay earned by the employee during that period;</li> <li>• a list of deductions made from the employee's pay;</li> <li>• the net amount of pay after all deductions are made;</li> <li>• the date on which the pay period ends; and</li> <li>• the legal name of the employer and the operating name of the employer if different from the legal name</li> </ul> <p>An employer who chooses to provide an earnings statement by electronic means must provide employees access to an employer-owned computer during an employee's regular working hours to review and print earnings statements.</p> <p>An employer must provide earnings statements to an employee in writing, rather than by electronic means, if the employer has received at least 24 hours' notice from an employee that the employee would like to receive earnings statements in written form. Once an employer has received notice from an employee that the employee would like to receive earnings statements in written form, the employer must comply with that request on an ongoing basis.</p>
Taxes and Withholding <sup>9</sup>	YES	<p>If you employ agricultural workers, you are required to <u>withhold Minnesota income tax</u> if both of the following are true:</p> <ul style="list-style-type: none"> <li>• Your employees work or live in Minnesota.</li> <li>• You are required to withhold federal income tax from their wages.</li> </ul> <p>You must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R.</p> <p>Employers must pay Minnesota Unemployment Insurance taxes if:</p> <ul style="list-style-type: none"> <li>• You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year; OR,</li> <li>• You employed four or more employees who each worked for some part of a day in 20 or more calendar weeks of the current or prior calendar year.</li> </ul> <p>Certain family employment is excluded from coverage requirements (a parent employed by their son/daughter, a person employed by their spouse, or a child under 18 employed by a parent). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Minnesota in calculating how much you owe for federal unemployment taxes. <a href="#">More details.</a></p>
Bonuses <sup>10</sup>	YES	<p>Discretionary bonuses do not constitute wages and do not need to be included when computing the regular rate of pay for overtime compensation. On the other hand, nondiscretionary bonuses are considered part of wages and the regular rate of pay.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p>

# WAGES

(Continued)

TOPIC	ANSWER	DETAILS
Deductions <sup>11</sup>	YES	<p>Deductions for benefits (like health insurance premiums, other insurance, or retirement accounts) must be agreed to in writing between the employer and employee.</p> <p>You can only make wage deductions <u>for loss, theft, damage, faulty workmanship, or to collect on a debt</u> if:</p> <ul style="list-style-type: none"> <li>• <i>The employee voluntarily authorizes the amount to be deducted in advance of the deduction, in writing, after the loss or indebtedness has occurred; or,</i></li> <li>• <i>the employee is found guilty or held liable in court.</i></li> </ul> <p>Other deductions are allowed if a union collective bargaining agreement allows for it; the employee took out a loan and agreed (in writing) to have the loan cost taken out of the wages; or there is a court order allowing the deduction.</p> <p>No deductions, direct or indirect, may be made for the items below if the deduction would reduce the wages below the minimum wage or if they amount to more than \$50:</p> <ul style="list-style-type: none"> <li>• <i>purchased or rented uniforms or specially designed clothing required by the employer, by the nature of the employment, or by statute as a condition of employment, which is not generally appropriate for use except in that employment;</i></li> <li>• <i>purchased or rented equipment used in employment, except tools of a trade, a motor vehicle, or any other equipment which may be used outside the employment;</i></li> <li>• <i>consumable supplies required in the course of that employment;</i></li> <li>• <i>travel expenses in the course of employment except those incurred in traveling to and from the employee's residence and place of employment.</i></li> </ul> <p><b>Meals and Lodging</b></p> <p>The reasonable cost of meals and lodgings can be considered a form of wages (considered payment in kind) and count toward the minimum wage, but an employee has to agree in writing to receive part of their wages as meals/ lodgings. The meals/lodging must be provided for the employee benefit, not for the convenience of the employer. Reasonable cost generally means the cost to the employer to provide it – not the fair market value. The max allowance for a meal is 60% of the hourly minimum wage.</p> <p>Meal periods of less than 20 minutes may not be deducted from hours worked, nor may meal periods be deducted where the employee is not entirely free from work responsibility. The employer must keep a record of each meal accepted by the employee before any meal credit can be taken.</p> <p>To be part of wages, lodging must be adequate, decent, and sanitary according to usual and customary standards. In this instance, a lodging allowance of not more than 75% of the adult minimum wage for one hour of work may be taken per day.</p> <p>Where more than one employee shares the same residence, the lodging allowance for the total number of employees sharing the residence shall not exceed the fair market value of the residence. The tenancy shall be evidenced by a written or oral lease agreement providing for at least a month-to-month tenancy, and shall include exclusive, self-contained bathroom and kitchen facilities.</p>

# CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor <sup>12</sup>	YES	<p>Work permit required if under 16. Age certificate required if under 18.</p> <p><u>Minimum age:</u></p> <ul style="list-style-type: none"> <li>• <i>During school hours: 16 (except 14 or 15 year olds who have been granted a work permit)</i></li> <li>• <i>Outside school hours: 12, with permission from parent or guardian</i></li> </ul> <p>Max hours: None, but if they are under 16, they cannot be required to work before 7am or after 9pm. High school students aged 16 or 17 cannot be required to work past 11pm on a night before school, or before 5am on a school day.</p> <p>There is work that is <u>prohibited or restricted for minors</u>.</p> <p><u>More details.</u></p>

# RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll <sup>13</sup>	YES	<p>Keep <u>employee records</u> for a minimum of three years from the last date they worked. These records must be kept for employees covered under Minnesota overtime and minimum wage law:</p> <ul style="list-style-type: none"> <li>• <i>name, address, Social Security number and occupation;</i></li> <li>• <i>rate of pay, deductions (taxes, insurance, union dues, other) and the amount paid each pay period;</i></li> <li>• <i>beginning and ending hours worked each day, including a.m. and p.m. designations, plus total hours worked each day and each work week;</i></li> <li>• <i>a record of free meals accepted; and</i></li> <li>• <i>proof of age of minors employed.</i></li> </ul>
Personnel Files – Employee Access <sup>14</sup>	YES	<p>Minnesota employers are required to provide employees with access to their <u>personnel record upon written request</u>. A current employee is entitled to review his or her personnel record once every six months. A former employee may either request to review his or her personnel file once a year or obtain a copy of his or her personnel file free of charge once a year for as long as the record is maintained. The employer must comply with the request within 7 working days (14 working days if the records are located out-of-state).</p> <p>A personnel record can include items like: any application for employment; wage or salary history; notices of commendation, warning, discipline, or termination; authorization for a deduction or withholding of pay; fringe benefit information, etc. Minnesota law specifies the <u>items it does not include</u>.</p>
Unemployment Insurance <sup>15</sup>	YES	<p>Employers must submit electronic, <u>quarterly wage reports</u>. The report must have the employee name, SSN, gross wages, and paid hours worked.</p> <p>All employer records must be open to <u>inspection, audit, and verification at any reasonable time</u> and as often as deemed necessary. Records must be kept for a minimum of four years. The type of records that can be inspected include:</p> <ul style="list-style-type: none"> <li>• <i>Information for each worker:</i> <ul style="list-style-type: none"> <li>- <i>First and last name</i></li> <li>- <i>Social Security number</i></li> <li>- <i>Location where services were performed</i></li> <li>- <i>Rate of pay</i></li> <li>- <i>Actual days and number of hours worked</i></li> <li>- <i>Gross earnings and the amount paid</i></li> </ul> </li> <li>• <i>Payroll Records:</i> <ul style="list-style-type: none"> <li>- <i>Payroll register</i></li> <li>- <i>Individual earnings records</i></li> <li>- <i>Time cards (selective review)</i></li> </ul> </li> <li>• <i>Federal Records:</i> <ul style="list-style-type: none"> <li>- <i>Forms W-2 and W-3</i></li> <li>- <i>Forms 940 and 941</i></li> <li>- <i>Forms 1096 and 1099</i></li> <li>- <i>Federal income tax returns</i></li> </ul> </li> <li>• <i>General Accounting:</i> <ul style="list-style-type: none"> <li>- <i>Chart of accounts</i></li> <li>- <i>Detailed general ledger</i></li> </ul> </li> </ul>
Workers' Compensation <sup>16</sup>	YES	<p>Minnesota Workers' Compensation law does not explicitly require employers retain injury records, but see OSHA requirements for recordkeeping obligations. Additionally, there are still reporting requirements under 'Health and Safety' below.</p> <p>The Department of Workers' Compensation has the right to inspect and investigate employers during regular working hours and at other reasonable times in regard to any records about workers' comp policies, number of employees, conditions of employments, benefits, employment contracts, and anything else that would be relevant to the enforcement of Workers' Compensation law.</p>
OSHA	YES	Employers must comply with the federal <u>OSHA recordkeeping standard</u> . See the federal fact sheet for details.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

## WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms <sup>17</sup>	YES	Minnesota has adopted the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner. [Note: There is no specific OSHA standard applicable to dairy farms about bathrooms; it would fall under the general duty clause]
Working Hours	NO	No max hour or day requirements for adults, but may be subject to overtime pay (see above). See Child Labor (above) for maximum hours for minors.
Rest and Meal Breaks <sup>18</sup>	YES	Minnesota state law requires employers to <u>provide restroom time and sufficient time to eat a meal</u> . Within each consecutive four-hour period, employers must give workers enough time to go to the nearest restroom. If a rest break is less than 20 minutes long, it is counted as hours worked. Employers must also give workers who work eight or more consecutive hours a meal break. Minnesota law suggests that 30 minutes is enough for a meal time, and it is not counted in hours worked if the worker is completely relieved from work duties during it.
Labor Relations	NO	No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection <sup>19</sup>	YES	Employers cannot retaliate against an employee if, in good faith, they report a violation or suspected violation of state/federal law or they refuse to carry out their work because they believe it could be a violation of state or federal law. Retaliation can mean firing, disciplining, threatening, or discriminating against an employee in terms of compensation, terms of employment, conditions, location, or privileges.
Paid Vacation or Sick Leave	NO	Not required under Minnesota law. Employers who choose to provide such benefits must follow their written policy/contract. However, if the employer provides paid time off for the illness or injury of the worker, time off for the illness or injury of a family member must also be paid.
Breaks for Nursing Mothers <sup>20</sup>	YES	Employers must give nursing mothers daily, unpaid break time to express breast milk. You must make a reasonable effort to provide a private location, other than a bathroom, close to the workplace that is shielded from view, has an electrical outlet, and where no one will intrude. <a href="#">More details and resources</a> . You cannot retaliate against an employee for asserting their right to breastfeeding accommodations.
Pregnancy Leave and Accommodations <sup>21</sup>	YES	A pregnant employee may request and her employer must provide: (a) more frequent restroom, food and water breaks; (b) seating; and/or (c) limits on lifting more than 20 pounds. A pregnant employee may request other reasonable workplace accommodations when she has been given advice from a health care provider or doula; and the accommodation would not impose an undue hardship on the employer's business. Other accommodations may include the temporary transfer to a less strenuous or hazardous job. An employer cannot require an employee to take an accommodation. An employer cannot retaliate against an employee for requesting or taking an accommodation. <a href="#">More details</a> . See "Family and Medical Leave" below for information on pregnancy leave.
Voting Leave <sup>22</sup>	YES	Every employee who is eligible to vote in an election has the <u>right to be absent from work</u> for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. An employee selected to serve as an election judge may, after giving an employer at least 20 days' written notice, be absent from a place of work for the purpose of serving as an election judge without penalty. An employer may reduce the salary or wages of an employee serving as an election judge by the amount paid to the election judge by the appointing authority during the time the employee was absent from the place of employment.

# WORKING CONDITIONS

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TOPIC	ANSWER	DETAILS
School Conference and Activities Leave <sup>23</sup>	YES	Every employee is entitled to take up to 16 hours unpaid leave a year for each child to attend their children's school conferences, classroom activities, child care, or other early childhood program.
Family and Medical Leave <sup>24</sup>	YES	<p>The following family and medical leave requirements apply to employers with 21 employees in at least one site and for employees that worked at least half-time for the employer for at least 12 months prior to the leave.</p> <p>Employers must grant an unpaid leave of absence to an employee who is a biological or adoptive parent in conjunction with the birth or adoption of a child or a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions. The length of leave shall be determined by the employee, but it cannot exceed 12 weeks unless agreed to by the employer.</p> <p>An employer who permits paternity or maternity time off to a biological father or mother shall, upon request, grant time off, with or without pay, to an adoptive father or mother. The minimum period of this time off shall be four weeks, or, if the employer has an established policy of time off for a biological parent which sets a period of time off of less than four weeks, that period of time shall be the minimum period for an adoptive parent. <a href="#">More details.</a></p> <p><u>An employee may use personal sick leave benefits provided by the employer</u> for absences due to an illness of or injury to the employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer.</p> <p>An employee may use sick leave for "safety leave," whether or not the employee's employer allows use of sick leave for that purpose for such reasonable periods of time as may be necessary. "Safety leave" may be used for assistance to the employee or assistance to the relatives described above for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking.</p>
Military and Other Service Leave <sup>25</sup>	YES	<p>Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been ordered into active service in support of a war or other national emergency. The employer may limit the amount of leave to the actual time necessary to attend a send-off or homecoming ceremony, not to exceed one day's duration in any calendar year.</p> <p>An employer must grant up to ten working days of a leave of absence without pay to an employee whose immediate family member, as a member of the United States armed forces, has been injured or killed while engaged in active service.</p> <p>Unless the leave would unduly disrupt the operations of the employer, an employer shall grant a leave of absence without pay to an employee for time spent rendering service as a member of the civil air patrol on the request and under the authority of the state or any of its political subdivisions. Applies to employers with 20 or more employees.</p> <p>Any employee who engages in active service in the time of war or other emergency declared by the proper authority in any of the military or naval forces of the state or of the United States for which leave is not otherwise allowed by law or during convalescence for an injury or disease incurred during active service, as documented by proper military authority, and any other documentation as reasonably requested by the employer; shall be entitled to leave of absence from the employee's employment without pay during such service and with right of reinstatement. Federal rules may also apply; employers should refer to the federal fact sheet.</p>
Jury Duty Leave <sup>26</sup>	YES	An employer is required to provide leave to an employee who receives a summons, responds thereto, <u>serves as a juror, or attends court for prospective jury service.</u> The employer is not required to pay the employee for jury leave.

## WORKING CONDITIONS

(Continued)

TOPIC	ANSWER	DETAILS
Crime Victim and Witness Leave <sup>27</sup>	YES	<p>An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, reasonable time off from work to attend criminal proceedings related to the victim's case.</p> <p>An employer must allow a victim of a violent crime, as well as the victim's spouse or immediate family members, reasonable time off from work to attend criminal proceedings related to the victim's case.</p> <p>An employer cannot discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to attend a criminal proceeding.</p> <p>For harassment, sexual assault, stalking, and domestic abuse, an employer also cannot discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain relief. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer.</p>
Other Leave <sup>28</sup>	YES	<p><b>Bone Marrow Leave</b> - An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours, unless agreed to by the employer.</p> <p><b>Political Activity Leave</b> - If an employee gives at least ten days' written notice to the employer, the employee may be absent from work to attend any meeting of the state central committee or executive committee of a major political party if the employee is a member of the committee, or may attend any convention of major political party delegates including meetings of official convention committees if the employee is a delegate or alternate delegate to that convention. An employee who has given proper notice cannot be penalized by the employer or have wages or salary reduced on account of absence or for the actual time of the absence.</p>

## HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination <sup>29</sup>	YES	<p>Minnesota <a href="#">law prohibits employment discrimination</a> based on race, color, creed, religion, national origin, sex, pregnancy, childbirth, marital status, disability, status with regard to public assistance, sexual orientation, familial status, age, membership or activity in a local commission and the use of medical marijuana.</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment. Undocumented workers are protected under Minnesota state law. Employers should <a href="#">carefully review their legal requirements</a>. Employers also have a duty to provide reasonable accommodations for a known disability of a qualified disabled worker or applicant unless it would impose an undue hardship on the business. <a href="#">More details and examples</a>.</p> <p>Employers cannot pay men and women different wages for comparable work on jobs that have virtually the same requirements in terms of skill, effort, and responsibility. Wage differences based on seniority, merit, quantity or quality of production or other factors other than sex are permitted.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Forced Labor <sup>30</sup>	YES	<p>Human trafficking is illegal in Minnesota. Trafficking for labor means: recruitment, harboring, transportation, provision, or obtaining of a person for labor subjection to forced labor, forced services, debt bondage, or slavery. <a href="#">More details</a>.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

# HUMAN RIGHTS

(Continued)

TOPIC	ANSWER	DETAILS
Harassment/ Sexual Harassment <sup>31</sup>	YES	<p>Minnesota employment discrimination law (above) also prohibits harassment based on the same protected categories described above. In addition, it <a href="#">prohibits sexual harassment in the workplace</a>. Harassment is unwelcome conduct. It is unlawful when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Unlawful sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> <li>• <i>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</i></li> <li>• <i>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just “treated her right.”</i></li> <li>• <i>The conduct interferes with an employee’s work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or “just to go out for drinks after work.” The worker says she isn’t interested, but the co-worker won’t take ‘no’ for an answer.</i></li> </ul> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>

# HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
Workers’ Compensation <sup>32</sup>	YES	<p>It is required but limited. Employers that are “family farms” do not have to provide workers’ compensation. Family farm is defined as a farm operation that pays cash wages, exclusive of machine hire, to farm laborers for services during the previous year:</p> <ul style="list-style-type: none"> <li>• <i>that are less than \$8,000; or,</i></li> <li>• <i>that are less than the state average annual wage, if the farm operation has total liability and medical payment coverage equal to \$300,000 and \$5,000, respectively, under a farm liability insurance policy, and the policy covers injuries to farm laborers.</i></li> </ul> <p><a href="#">More details.</a></p> <p><a href="#">Workplace fatalities and serious injuries</a> must be reported to the Department of Labor and Industry within 48 hours via telephone to be followed by the First Report of Injury form. For other injuries, where lost time is more than three days, the FROI form must be submitted to the insurance company within 10 days. Insurance companies and self-insured employers must file the FROI form with the Department within 14 days.</p> <p><a href="#">More details.</a></p> <p>See Federal OSHA requirements for accident reporting to OSHA.</p>
Housing	YES/NO	<p>Minnesota law does not explicitly address standards for permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.</p>



# HEALTH AND SAFETY

(Continued)

TOPIC	ANSWER	DETAILS
OSHA <sup>33</sup>	YES	<p>Minnesota has an approved OSHA ‘state-plan’, which means it is at least as effective as federal OSHA. Similar to federal OSHA, Minnesota OSHA has a general duty clause that requires employers to provide employees a workplace free from recognized hazards that can cause death or serious physical harm.</p> <p>For the most part, Minnesota OSHA has incorporated federal OSHA standards. But there are some differences <a href="#">summarized here</a>. Key differences that apply to dairy farms include:</p> <ul style="list-style-type: none"> <li>• <i>A workplace accident and injury reduction (AWAIR) program – Farms are required to have a comprehensive safety and health program. <a href="#">More details.</a></i></li> <li>• <i>Employer-paid PPE – Employers must provide and pay for all required personal protective equipment (PPE) for employees.</i></li> <li>• <i>Heat Protection - Applies to farms with 11 or more workers. You must have a training program for employees if they are regularly exposed to high heat environments indoors. “High heat” depends on the intensity of workload and humidity. The information from the training needs to be available in writing for workers to look at later. Instead of an oral training program, it can be provided in writing. Training has to be provided in a language the workers understand. <a href="#">More details. And here.</a></i></li> <li>• <i>Recordkeeping – All employers with 11 or more full- or part-time workers must comply with federal OSHA recordkeeping requirements, regardless of industry. Follow federal OSHA for the actual process of recordkeeping (i.e. which forms, etc.)</i></li> <li>• <i>Reporting – Must report all work-related fatalities within eight hours to Minnesota OSHA. Within 24 hours, must report work-related inpatient hospitalizations, amputations, or losses of an eye.</i></li> <li>• <i>Hazard Communication and Right-to-Know requirements apply to farms with 11 or more workers. These laws include initial and annual training on chemicals and physical agents (such as noise) that employees are exposed to. The employer has to maintain safety data sheets. There are also labeling requirements for hazardous substances, but these apply to ALL farms, no matter how many employees. <a href="#">More details.</a></i></li> </ul> <p>Employers should review federal OSHA for additional requirements.</p>

## References

1. Minn. Stat. 181.57
2. Minn. Stat. 256.998
3. Minn. Stat. 181.101; Minn. R. 5200.0150
4. Minn. Stat. 181.13; 181.14; 181.933
5. Minn. Stat. 177.23; 177.25
6. Minn. Stat. 177.24
7. Minn. Admin. Rule 5200.0120
8. Minn. Stat. 181.032;
9. Minn. Stat. 290.92; 268.035 (subd. 11); 268.035(subd. 20)
10. Minn. Admin. Rules 5200.0140
11. Minn. Stat. 181.06; 181.79; 177.24(subd 4); Minn. Admin. Rules 5200.0060; 5200.0070
12. Minn. Stat. 181A.03; 181A.04; 181A.05; 181A.06; 181A.07; 181A.11
13. Minn. Stat. 177.30
14. Minn. Stat. 181.961
15. Minn. Stat. 268.044; 268.186
16. Minn. Stat. 176.184
17. Minn. Stat. 32D.02
18. Minn. Stat. 177.254; 177.253; Minn. Admin. Rules 5200.0120
19. Minn. Stat. 181.932
20. Minn. Stat. 181.939
21. Minn. Stat. 181.9414
22. Minn. Stat. 204C.04, 204B.195
23. Minn. Stat. 181.9412
24. Minn. Stat. 181.9413, 181.92, 181.940, 181.941
25. Minn. Stat. 181.946, 181.947, 181.948, 192.26, 192.261, 192.34
26. Minn. Stat. 593.50
27. Minn. Stat. 593.50, 611A.036, 609.748, 518B.01
28. Minn. Stat. 181.945, 202A.135
29. Minn. Stat. 363A.03; 363A.08; 152.32.3; 181.67
30. Minn. Stat. 609.281 et seq
31. See above
32. Minn. Stat. 176.011; 176.041; 176.051; 500.24
33. Minn. Stat. 182.653; Minn. Admin. Code 5206, 5208