

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4071

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DATE
02/22/2024

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Introduction and first reading
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to employment; requiring overtime for a seventh consecutive day of work;
1.3 specifying minimum time between employee work shifts; amending Minnesota
1.4 Statutes 2022, section 177.25, subdivision 1; Minnesota Statutes 2023 Supplement,
1.5 section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes,
1.6 chapter 181.

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

1.8 Section 1. Minnesota Statutes 2022, section 177.25, subdivision 1, is amended to read:

1.9 Subdivision 1. **Compensation required.** (a) No employer may employ an employee
1.10 for a workweek longer than 48 hours, unless the employee receives compensation for
1.11 employment in excess of 48 hours in a workweek at a rate of at least 1-1/2 times the regular
1.12 rate at which the employee is employed. The state of Minnesota or a political subdivision
1.13 may grant time off at the rate of 1-1/2 hours for each hour worked in excess of 48 hours in
1.14 a week in lieu of monetary compensation. An employer does not violate the overtime pay
1.15 provisions of this section by employing any employees for a workweek in excess of 48
1.16 hours without paying the compensation for overtime employment prescribed (1) if the
1.17 employee is employed under an agreement meeting the requirement of section 7(b)(2) of
1.18 the Fair Labor Standards Act of 1938, as amended, or (2) if the employee is employed as a
1.19 sugar beet hand laborer on a piece rate basis, provided that the regular rate of pay received
1.20 per hour of work exceeds the applicable wage provided in section 177.24, subdivision 1 by
1.21 at least 40 cents.

1.22 (b) An employee must receive compensation for employment at a rate of at least 1-1/2
1.23 times the regular rate of each hour worked on the seventh consecutive day of work in a

2.1 workweek, regardless of whether the employee has worked in excess of 40 hours during
2.2 the workweek.

2.3 Sec. 2. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
2.4 to read:

2.5 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
2.6 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
2.7 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172, paragraph
2.8 (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.722, 181.79, 181.85
2.9 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991, 181.9912, 268B.09,
2.10 subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under section
2.11 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an employer
2.12 to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.
2.13 For purposes of this subdivision only, a violation is repeated if at any time during the two
2.14 years that preceded the date of violation, the commissioner issued an order to the employer
2.15 for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or
2.16 the commissioner and the employer have entered into a settlement agreement that required
2.17 the employer to pay back wages that were required by sections 177.41 to 177.435. The
2.18 department shall serve the order upon the employer or the employer's authorized
2.19 representative in person or by certified mail at the employer's place of business. An employer
2.20 who wishes to contest the order must file written notice of objection to the order with the
2.21 commissioner within 15 calendar days after being served with the order. A contested case
2.22 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,
2.23 within 15 calendar days after being served with the order, the employer fails to file a written
2.24 notice of objection with the commissioner, the order becomes a final order of the
2.25 commissioner. For the purposes of this subdivision, an employer includes a contractor that
2.26 has assumed a subcontractor's liability within the meaning of section 181.165.

2.27 Sec. 3. **[181.9912] MINIMUM TIME BETWEEN SHIFTS.**

2.28 (a) Unless an employee consents to work such hours in writing, no employer may require
2.29 an employee to work hours that occur (1) less than 11 hours after the end of the previous
2.30 shift, or (2) during the 11 hours following the end of a shift that spanned two days. An
2.31 employer must pay an employee 1-1/2 times the employee's regular rate of pay for any such
2.32 hours worked by a consenting employee.

2.33 (b) For the purposes of paragraph (a), the terms defined have the following meanings:

3.1 (1) "employee" means an individual employed by an employer;

3.2 (2) "employer" means a person or entity that employs one or more employees. The
3.3 employer includes an individual, corporation, partnership, association, nonprofit organization,
3.4 group of persons, state, county, town, city, school district, or other governmental subdivision;
3.5 and

3.6 (3) "shift" means the consecutive hours an employer requires an employee to work or
3.7 to be on call to work. Breaks totaling two hours or less shall not be considered an interruption
3.8 of consecutive hours.