



Labor standards in Minnesota

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Laws enforced by Minnesota Department of Labor and Industry's (DLI's) Labor Standards unit

- Minnesota Fair Labor Standards Act (FLSA)
- Women's Economic Security Act
- Child Labor Standards Act
- Other laws related to employment, wage, conditions, hours, etc.

DLI's Labor Standards unit is charged with administering parts or all of Minnesota statutes 177, 181 and 184 as well as Minnesota Administrative Rules Chapter 5200.

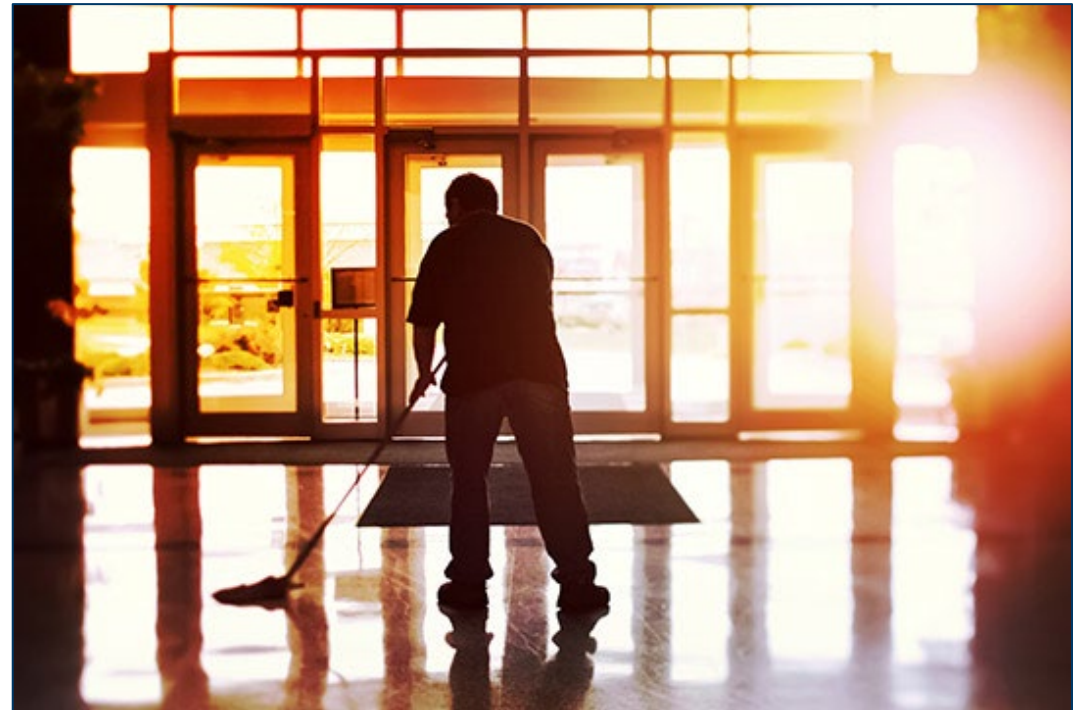


Minnesota FLSA: Who is an employee?

Employee: Any individual employed by an employer.

Exceptions include (not exhaustive list):

- various agricultural workers
- those who meet tests for “executive, administrative, or professional” employees
- independent contractors
- 19+ exceptions (see Minnesota Statutes 177.23, Subdivision 7)



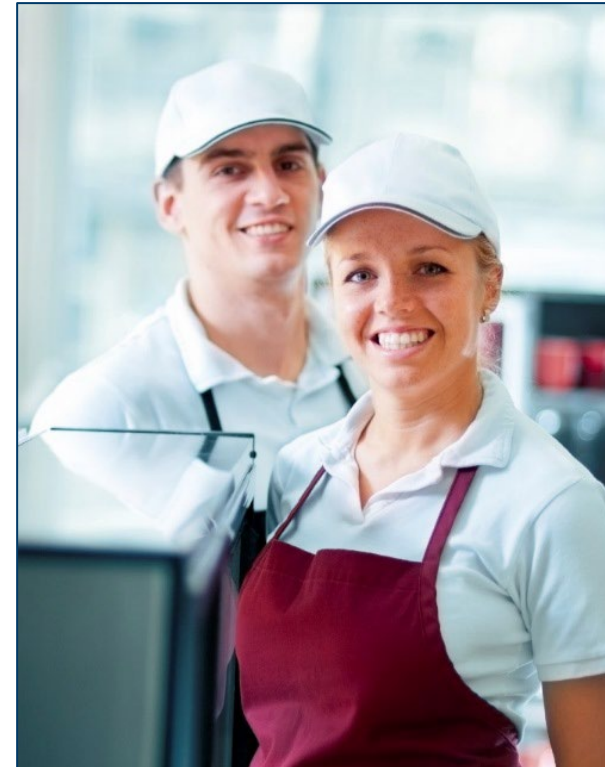
State law: Minimum wage

Employer/employee type	Minimum wage rate (2023)
Large employer: Any enterprise with annual gross revenues of \$500,000 or more	\$10.59/hour
Small employer: Any enterprise with annual gross revenues of less than \$500,000	\$8.63/hour
Training wage: May be paid to employees aged 18 and 19 in the first 90 days of employment	
Youth wage: May be paid to employees aged 17 or younger	
J-1 visa: May be paid to employees of hotels, motels, lodging establishments and resorts working under the authority of a summer work, travel exchange (J) visa	\$8.63/hour

*minimum wage adjusts Jan. 1 of each year.

State law: Hours worked

- The minimum wage must be paid for all hours worked.
- Hours worked include:
 - training time
 - call time
 - cleaning time
 - waiting time
 - travel time



Knowledge check: Paycheck deductions

If an employer owned cell phone is dropped by the employee it is assigned to, can the employer deduct the cost to repair the broken screen from the employee's paycheck?

Answer this question at <https://forms.office.com/g/Ptm20RPKsG>.

State law: Deductions from wages

Allowed deductions from employees (direct or indirect):

- Written agreement to deduct insurance payments, union dues, retirement plans, organization or PAC contributions or savings plans
- Up to \$50 for uniform(s), equipment
- Consumables and travel expenses

State law: Deductions from wages (cont.)

Allowed deductions from employees:

- Employee voluntarily authorizes the deduction in writing or held liable in court. Authorization must state the amount deducted each pay period.
- Purchase or loan: Authorization required, can be made prior to a purchase or loan.
- Deductions cannot bring the employee below the minimum wage.
- The employer must reimburse deductions upon separation.

Final wages upon separation of employment

- Employees terminated, discharged, or fired are due all wages and commissions within 24 hours of a written demand for payment.
- For employees who voluntarily leave employment, wages and commissions are due on the next regularly scheduled payday. If the payday is within five days of the last day of work, the employer has up to 20 days to make final payment.
- Penalties: The employer may be liable to pay their former employee's average daily earnings for up to 15 days the employer is late paying wages.
- Exception: If an employee collected, disbursed or handled money or property, the employer has 10 days after termination to audit and adjust the accounts before paying all final wages.

Knowledge check: Overtime exemptions

Are agricultural workers exempt from overtime?

Answer this question on the question page
at <https://forms.office.com/g/puRBKVgYXb>.

Overtime

Minnesota law: Over 48 hours

This is a general guideline that applies in most situations. DLI refers many overtime cases to the U.S. Department of Labor because the general federal threshold is lower.

Federal law: Over 40 hours

This is a general guideline that applies in most situations. The U.S. Department of Labor should be contacted for further details.

Minnesota's child labor laws



- Minimum age 14 (there are limited exceptions)
- Under 18 restrictions apply to hours worked, start and end times, equipment used and work environment.
- Hours of work for 16 and 17 year olds:
 - Not before 5 a.m. or after 11 p.m. on school days.
 - May work as early as 4:30 a.m. and as late as 11:30 p.m. with written permission from a parent or guardian. Copy of permission should be kept in employee file.

Misclassification

Misclassification:

- The practice of labeling workers as independent contractors instead of employees in order to avoid certain legal obligations, such as worker's compensation, tax obligations and fair labor standards.

Frequent question for Labor Standards:

- Does misclassification lead to a violation of the MFLSA or FLSA? (see MN Admin. Rules 5224.0330)



Knowledge check: Pregnancy accommodations

If an employer only has four employees, are they required to provide accommodations under the nursing mothers law?

Answer this question on the question page at <https://forms.office.com/g/A5NUebeDUB>.

Women's Economic Security Act (WESA)

- Wage disclosure
- Nursing mothers
- Pregnancy and parental leave
- Sick and safe leave
- Pregnancy accommodations



Knowledge check: Employee notice

Are all employees in Minnesota required to receive an employee notice when they start their jobs?

Answer this question on the question page at <https://forms.office.com/g/TnqfX2GPr4>.

Employee notice



Employee notice

1. Employee:	Address:
Phone number:	Email address:
Date employment began:	
2. Legal name of employer:	Main office/principal place of business address:
Phone number:	Email address:
Operating name of employer (if different):	
Mailing address (if different):	
3. Employment status (exempt or non-exempt):	
<input type="checkbox"/> Employee is exempt from: <input type="checkbox"/> minimum wage <input type="checkbox"/> overtime <input type="checkbox"/> other provisions of Minnesota Statutes 177	
Legal basis for exemption:	
<input type="checkbox"/> Employee is non-exempt (entitled to overtime, minimum wage, other protections under Minn. Stat. 177)	
4. Rate or rates of pay	
Paid by: Hour <input type="checkbox"/> Shift <input type="checkbox"/> Day <input type="checkbox"/> Week <input type="checkbox"/> Salary <input type="checkbox"/> Piece <input type="checkbox"/> Commission <input type="checkbox"/> Other method <input type="checkbox"/>	

Employee notice (cont.)

- Employers are required to keep a copy of the notice signed by each employee.
- Employers are also required to provide employees in writing any changes to the information in the notice before the date the changes take effect.



Learn more

- Stay up to date with the Labor Standards unit by signing up for the Wage and Hour Bulletin.
- To sign up, visit dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin or scan the QR code.
- Additional webinars are posted at dli.mn.gov/events.



Wage and Hour Bulletin



Contact us

- Contact the Labor Standards unit at 651-284-5075 or dli.laborstandards@state.mn.us.
- Scan the QR code to save their contact information.



Thank you!

Let us know how we did.

Please take the survey at <https://forms.office.com/g/p6fB7Cikuk> or scan the QR code.





OVERVIEW: WAGE AND HOUR DIVISION



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LAWS ENFORCED BY WHD



Fair Labor
Standards Act



Temporary Worker
Programs



Family and Medical
Leave Act



Employee Polygraph
Protection Act



Davis Bacon and
Related Acts



Wage Garnishment
provisions of the Consumer
Credit Protection Act



Service
Contract Act



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TODAY'S ROADMAP

- FLSA Coverage
- Hours Worked Issues
- Exemptions
- Recordkeeping
- Child Labor
- Enforcement



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FLSA ENTERPRISE COVERAGE

- Enterprises with
 - At least two (2) employees
 - At least \$500,000 a year in business
- Hospitals, businesses providing medical or nursing care for residents, schools, preschools and government agencies (federal, state, and local)

See USDOL-WHD Fact Sheet #14



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FLSA INDIVIDUAL COVERAGE

- Workers who are engaged in:
 - Interstate commerce;
 - Production of goods for commerce;
 - Closely-related process or occupation directly essential (CRADE) to such production; or
 - Domestic service
- Engaging in “interstate commerce” which may include:
 - Making telephone calls to other states
 - Typing letters to send to other states
 - Processing credit card transactions
 - Traveling to other states



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FLSA HOURS WORKED ISSUES

- Suffered or Permitted
- Waiting Time
- Meal and Rest Periods
- Training Time
- Travel Time
- Sleep Time (*See USDOL-WHD Fact Sheet #79D*)

****See USDOL-WHD Fact Sheet #22***



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FLSA HOURS WORKED ISSUES

Work not requested, but suffered or permitted is work time.



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FLSA HOURS WORKED ISSUES

Meal periods are not hours worked when the employee is relieved of duties for the purpose of eating a meal

Rest periods of short duration (normally 5 to 20 minutes) are counted as hours worked and must be paid

**Whether active or inactive.*



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KNOWLEDGE CHECK

TRUE OR FALSE

Under the FLSA, a bona-fide meal period must be at least 20 minutes long, continuous and uninterrupted.

Answer the question at
<https://forms.office.com/g/V0ve0gwxk6>.



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FLSA EXEMPTIONS

The most common FLSA minimum wage and overtime exemption -- often called the "541" or "white collar" exemption -- applies to certain

- Executive Employees
- Administrative Employees
- Professional Employees
- Outside Sales Employees
- Computer Employees

****See USDOL Fact Sheet #17a***



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FLSA EXEMPTIONS

Salary Level (\$684 wk)

Salary Basis (Guaranteed)

Job Duties (Primary Duty)



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FLSA RECORDKEEPING

“Basic records” that a covered employer must keep for each non-exempt worker include:

Full name, sex , DOB if younger than 19

Regular rate of pay, total hours worked, total daily or weekly straight-time earnings, total overtime compensation, if any deductions, date of payment and pay period for payment

****See USDOL-WHD Fact Sheet #21***



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CHILD LABOR UNDER THE FLSA

- **Children under 14**

With limited exceptions, no employment permitted in covered, non-agricultural occupations

- **14 and 15 year olds**

May work outside school hours and for limited periods of time; only non-manufacturing, non-hazardous jobs, and specific conditions apply

- **16 and 17 year olds**

Unlimited hours; may work in any occupation other than those declared hazardous by Secretary of Labor

See USDOL-WHD Fact Sheet #43



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KNOWLEDGE CHECK

TRUE OR FALSE

15 year-old, but not 14 year-old employees can work unlimited hours under the Fair Labor Standards Act.

Answer this question at

<https://forms.office.com/g/vmL2aaas2k>.



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WHERE COMPLAINTS COME FROM

- Employees – Former and Present
- Parent/Guardian
- School Officials
- Other Employers
- Advocacy Groups
- Other Agencies



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COMPLAINT INTAKE

- Complaints are usually submitted in person or by phone
- Complaints can come from third parties
- Complaints are confidential
- Legal Status is not a concern
- No fee to file a complaint



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INVESTIGATION PROCESS

- Initial Conference/Tour Establishment
- Fact Finding
- Interviews
- Records Review
- Determination of Compliance
- Final Conference



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LIMITS OF THE FLSA

- Vacation, holiday, severance, sick pay
- Meal or rest periods, holidays off, vacations
- Premium pay for weekend or holiday work
- Discharge notice, reason for discharge
- Limit on number of hours or days employees
16 years or older may work
- Pay raises, fringe benefits



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FAMILY AND MEDICAL LEAVE ACT

❖ EMPLOYER COVERAGE

- Employers with 50 or more employees
- Public Agencies
- Public and private elementary and secondary schools

❖ EMPLOYEE ELIGIBILITY

- Employed by covered employer
- Worked at least 12 months
- 1,250 hours of service during the 12 months before leave begins
- Employed at a work site with 50 employees within 75 miles

❖ ELIGIBLE EMPLOYEES MAY TAKE FMLA LEAVE:

- For the birth or placement of a child for adoption
- To care for a spouse, son, daughter, or parent with a serious health condition
- For their own serious health condition

See USDOL-Fact Sheet #28



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FOR MORE INFORMATION

- Visit the WHD homepage at:
<https://www.dol.gov/agencies/whd>
- WHD's Worker Portal:
www.dol.gov/agencies/whd/workers
- WHD's Employer Portal:
www.dol.gov/agencies/whd/employers



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CONTACT US

- Contact your local CORPS:
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/corpsFlyer.pdf>
- Visit us at:
<https://www.dol.gov/agencies/whd/contact/local-offices>
- Call the WHD toll-free information and helpline at **1-866-4US-WAGE (1-866-487-9243)**



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