

● MINNESOTA FAIR LABOR STANDARDS ACT

STATUTORY CITATION: Minn. Stat. §§ 177.21 – 177.35

GENERAL SUMMARY: Among other provisions, the Minnesota Fair Labor Standards Act requires employers in the state to pay their covered employees no less than the specified minimum hourly wage applicable to their respective operations. The Act establishes two distinct minimum wage rates, one for workers employed by large establishments and one for workers in small establishments. There is also a designated rate for workers under the age of 20, applicable to hours worked during the first 90 days on the job.

In addition to the minimum wage provisions, the Act also prescribes recordkeeping and posting requirements.

PROVISIONS APPLICABLE TO AGRICULTURE

MINIMUM WAGE — With four exceptions, described further on, agricultural employers must comply with the state minimum wage provisions outlined below.

Large Employers — Farm operators and other agricultural establishments that have an annual gross sales volume of \$500,000 or more must pay their workers age 20 and over no less than \$9.50 for every hour of work. For the first 90 consecutive days of employment, workers under the age of 20 may be paid no less than \$7.75 an hour.

Small Employers — Farm employers with gross annual sales of less than \$500,000 must pay all their workers no less than \$7.75 for every hour of work.

Beginning in 2017, these rates are expected to be increased annually, either (1) by 2.5 percent, or (2) by a percentage rate determined by the state labor commissioner using prescribed inflation data. However, the commissioner may order an increase not to take effect if economic conditions suggest an impending downturn in the state's economy.

EXCEPTIONS — Agricultural employers are not required to pay any of the minimum wage rates shown above to:

- (1) A farmworker who receives a salary (that is, the worker is not paid by the hour) and works on a farming unit or operation where no more than 2 such workers are employed.
- (2) A farmworker who receives a weekly salary (that is, the worker is not paid by the hour), and the salary is greater than the equivalent of 48 hours at the state minimum wage plus 17 hours at time-and-a-half. At the current minimum wage, this excludes any worker who receives a weekly salary of roughly \$698 or more on a large farm, or \$569 or more on a small farm.
- (3) A worker under 18 who is employed to perform hand field work when one or both of the worker's parents are also hand field workers.
- (4) A worker under 18 who is employed as a corn detasseler.

DEDUCTIONS — To the extent that the resulting wages would amount to less than the applicable minimum, no direct or indirect deductions may be made for any of the following items:

- (1) Special clothing which is required by the employer, by the nature of the job, or by law as a condition of the job, and which is not generally appropriate for use except on that job.
- (2) Purchased or rented equipment used on the job, except for tools, vehicles or other equipment which may be used outside the employment.
- (3) Consumable supplies required in the course of work.
- (4) Travel expenses in the course of employment, except those incurred in traveling between the worker's residence and the workplace.

RECORDKEEPING — Every employer subject to the Act must make and keep a record of (1) the name, address and occupation of each worker, (2) the rate of pay and amount paid each pay period to each worker, and (3) the hours worked each day and each workweek by the worker.

POSTING — Every employer subject to the Act must post summaries of the Act and the associated regulations in a conspicuous location accessible to each covered worker.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Such violations are subject to a fine of from \$700 to \$3,000.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070)*. Representatives of this agency are responsible for assuring employer compliance with the state Fair Labor Standards Act, and for that purpose are authorized to examine payroll records, books and other documents related to wages, hours and working conditions at any place of business or employment. The Department may investigate wage claims or complaints by any worker against an employer if failure to pay a wage may violate state law or an agency regulation. In addition to the unpaid wages involved, an

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employer who pays a worker less than the required minimum wage may also be liable to the worker for an additional equal amount as liquidated damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — As an alternative to enforcement action by the Department, a worker may take private civil action to collect a minimum wage claim, using legal counsel of the worker's own choice. A judgment against the employer may include court costs and attorney's fees.