

From: Minnesota Department of Labor and Industry [MNDLI@public.govdelivery.com]
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To: Jeanette Mefford
Subject: Wage and Hour Bulletin: New Wage Theft Law effective July 1



Wage and Hour Bulletin

June 2019

Minnesota enacts Wage Theft Law, effective July 1

Minnesota recently enacted a new Wage Theft Law that amends existing state labor laws and adds new wage and hour requirements, protections and sanctions.

Beginning July 1, new requirements for all Minnesota employers include providing an employee notice upon employment and additional information for already-required earnings statements and employer recordkeeping.

Increased enforcement of state wage and hour laws and criminal penalties for employers that commit wage theft are also included in the new law.

Employee notice

As of July 1, employers must provide each employee with a written notice at the start of their employment and keep a signed copy of the notice on file.

The notice must contain required information about an employee's employment status and terms of employment.

The notice must also include a statement, in multiple languages, that informs employees they may request the notice be provided to them in another language. (DLI will be providing the translations of this statement on the employee notice example in the near future.)

Employers may use the example notice or create their own.

- View/print: [Employee notice example](#)

New earnings statement requirements

Earnings statements (or paystubs) are important payroll records for employers and employees that document information about wages paid, hours worked, deductions made and benefits accrued by an employee. Existing state law requires earning statements be provided to employees in writing or by electronic means at the end of each pay period and specific information be included on the earnings statement.

The new law requires the following additional information be included on the earnings statements provided to employees each pay period:

- Employee's rate or rates of pay and basis thereof, including whether the employee is paid by the hour, shift, day, week, salary, piece, commission or other method.
- Allowances claimed for permitted meals and lodging.
- Employer's telephone contact.
- Physical address of employer's main office or principal place of business and a mailing address, if different.

A complete list of existing and new earnings statement requirements is outlined in [Guidance for employers on Minnesota's new Wage Theft Law](#).

New recordkeeping requirements

Under existing law, employers are required to keep various records for three years. It is in the employer's interest to maintain complete and accurate records that can be used to demonstrate an employer's compliance with state wage and hour laws.

The new law requires the following additional records be kept by an employer:

- Each employee's hours worked each day and each workweek, including, for all employees paid at piece rate, the number of pieces completed at each piece rate.
- A list of personnel policies with brief descriptions of each policy that were provided to each employee, including the date the policies were

given to the employee.

- A copy of the new notice that is required to be provided to and signed by each employee at the start of employment and a copy of any written changes to the notice that were provided to each employee.

The records must either be kept at the place where employees are working or kept in a manner that allows the employer to comply with the commissioner's demand within 72 hours.

If records maintained by the employer do not provide sufficient information to determine the exact amount of back wages due, the commissioner may make a determination of wages due based on available evidence.

A complete list of existing and new recordkeeping requirements is outlined in Guidance for employers on Minnesota's new Wage Theft Law.

Expanded enforcement authority, increased violation penalties

The new Wage Theft Law expands the Department of Labor and Industry's and Attorney General's enforcement authority and increases penalties for employers when wage theft occurs.

The statutes related to the crime of "wage theft" and criminal sanctions for committing "wage theft" become effective Aug. 1, 2019.

Additional information available

DLI's Wage Theft Legislation 2019 and Summaries webpage has complete informatino about the Wage Theft Law, including the following.

- Employee notice example
- Guidance for employees on Minnesota's new Wage Theft Law
- Guidance for employers on Minnesota's new Wage Theft Law
- Legal language of the law changes
- Q&A about new Wage Theft Law
- Summary of Minnesota's new Wage Theft Law

Questions?