

Regulatory Register

Keeping you informed of changes in government regulations



An exclusive member-only service of the
Minnesota Grocers Association



January 1, 2024 New Laws

There are several important new laws taking effect at the beginning of the new year. If you haven't already started to prepare for these changes, now is the time. We've compiled a description of these new regulations and the requirements below. If you have question about implementation, please reach out to the MGA team.

Earned Sick and Safe Time (ESST)

Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. The Department of Labor and Industry (DOLI) has released all of their anticipated ESST FAQ's. Those can be viewed [HERE](#).

Actions

- Provide employees with a notice by Jan. 1, 2024, or at the start of employment, informing them about earned sick and safe time. DOLI has indicated that a standard posting should be available soon.
- Update employee handbook to include a notice of employee ESST rights and company policy and accrual/carryover rates.
- As of Jan 1, 2024, employers must include the following on earnings statements provided to employees at the end of each pay period:
 - the total number of sick and safe time hours available for use by the employee;
 - and the total number of sick and safe time hours used by the employee in the pay period.

Ban on PFAS in Food Packaging

Due to a law passed in 2021, Minnesota will be implementing measures to regulate PFAS in food packaging on January 1, 2024. No person shall manufacture or knowingly sell, offer for sale, distribute for sale, distribute, or offer for use in Minnesota a food package that contains intentionally added PFAS.

The MGA has been working with the Minnesota Pollution Control Agency for clarification on how this new law will be implemented and enforced. We have also asked for clarification as to how determinations will be made on what constitutes "intentionally added" PFAS. Watch for additional information.

Ban on Inquiries into Past Pay History

Minnesota has become the 29th state to prohibit employers from inquiring into an applicant's salary history. This change will amend the Minnesota Human Rights.

Actions

- Update hiring materials and forms to remove references to prior pay history
- Update hiring practices to ensure that interviewers are aware they can no longer ask applicants about prior pay

Ergonomics Standards for Warehouse and Meatpacking Facilities

A new provision passed last session will require certain employers to create and implement an effective written ergonomics program establishing the employer's plan to minimize the risk of its employees developing or aggravating musculoskeletal disorders. This law applies to licensed health care facilities, warehouse distribution centers, and meatpacking sites in the state of Minnesota.

- Warehouse distribution centers with 100 or more employees in Minnesota with the following NAICS codes: 493110; 423110; 423990; 424110; 424990; 454110; and 492110.
- Meatpacking sites with 100 or more employees in Minnesota with the following NAICS codes: 311611 to 311615; except 311613.

The law states that the ergonomics program should focus on eliminating the risk. To the extent risk exists, the ergonomics program must include feasible administrative or engineering controls to reduce the risk.

The program shall include:

- An assessment to identify and reduce musculoskeletal disorder risk factors in the facility
- Initial and ongoing training of employees on ergonomics and its benefits, including the importance of reporting early symptoms of musculoskeletal disorders
- A procedure to ensure early reporting of musculoskeletal disorders to prevent or reduce the progression of symptoms, the development of serious injuries, and lost-time claims
- A process for employees to provide possible solutions that may be implemented to reduce, control, or eliminate workplace musculoskeletal disorders
- Procedures to ensure that physical plant modifications and major construction projects are consistent with program goals
- Annual evaluations of the ergonomics program and whenever a change to the work process occurs

The commissioner of DOLI is expected to make training materials available to all employers, upon request, at no cost, and certain employers may qualify for a grant program.

Minimum Wage Increase Effective January 1, 2024

On January 1, 2024, the state's minimum wage rates will be adjusted for inflation. Large employers (over \$500,000 in annual sales) wage is \$10.59 an hour while the small employer (under \$500,000) wage is \$8.63. A 90-day training wage for 18 and 19-year olds will be \$8.63. A youth wage for employees under 18 years of age will be \$8.63. These changes could trigger the need for employers to provide an updated employee notice. As part of Minnesota wage theft requirements, employers are required to provide each employee with a written notice of any change before the change takes effect, including a change to the employee's rate of pay. Also, be sure to update any minimum wage postings and signage in your workplace.

Provision	Previous State Wage	New Minimum Wage
Large Employer Wage	\$10.59/hour	\$10.85/hour on January 1, 2024
Small Employer Wage	\$8.63/hour	\$8.85/hour on January 1, 2024
90-Day Training Wage (18 and 19 years of age)	\$8.63/hour	\$8.85/hour on January 1, 2024
Youth Wage (Under 18 years of age)	\$8.63/hour	\$8.85/hour on January 1, 2024

[Steve Barthel](#), Government and Community Relations Manager and [Jamie Pfuhl](#), President are here to assist. Do not hesitate to contact us with any questions or concerns.

DISCLAIMER: This information is provided by MGA as a service to its members. This information does not constitute legal advice. As legal advice must be tailored to the specific circumstances of each case and laws and regulations are frequently changing, nothing provided herein should be used as a substitute for the advice of counsel in the relevant jurisdiction.

FOLLOW US!

