

2022 State Legislative Questionnaire Issue Background

1. Labor Rights and Standards - Prevailing Wage

The Davis-Bacon Act, at both the federal and state levels, is designed to outlaw wage exploitation in public construction contracts by preventing the undercutting of local standards.

Under current state law, prevailing wages must be paid only on state-contracted work for a building or facility in which a public agency will rent, lease or purchase at least 50% of the project. But there are many types of Public Private Partnerships (PPPs) that don't meet that threshold – organized labor supports requiring that prevailing wage standards be expanded to apply to all PPPs.

There is no evidence that prevailing wage laws result in higher costs for government. In fact, research by the Economic Policy Institute, reviewing dozens of studies of prevailing wage laws, refutes the claims that prevailing wage laws raise the cost of government public works projects. That research concludes that prevailing wage laws also help to reduce occupational injuries and fatalities, increase the pool of skilled construction workers, and enhance state revenues. When our tax dollars are spent on public construction – whether independently or with participation from the private sector – family-supporting wage jobs should be created or maintained, and superior work should be expected.

The Minnesota AFL-CIO will aggressively oppose attempts to weaken our state's prevailing wage law or to exempt certain public projects from prevailing wage standards. When contractors compete on the basis of skill and productivity, we all benefit. When they compete to have the lowest wages or labor standards, we all lose.

2. Corporate Interference – Preemption

Corporate or local interference, a.k.a. "Preemption", is designed to strip local governments of the authority to enact ordinances related to the minimum wage or any other benefit, term of employment, working condition, or attendance or leave policy that exceeds state or federal law.

Previous attempts to enact Local Interference laws in Minnesota were part of an alarming effort around the country in which powerful corporate interests, including the Koch Brothers and the American Legislative Exchange Council (ALEC), attempted to interfere with the democratic process in order to stop people in local communities from improving basic, minimum workplace standards.

The effort in Minnesota was to stop improvements being made at the Metropolitan Airports Commission, in Minneapolis, Saint Paul, and Duluth, as well as in other communities.

State legislators should be defenders of local control, not defenders of corporate special interests. The state legislature should protect local control and democracy. State law sets a floor and local communities should have the freedom to improve on state standards. Every community is different. Local communities should have the freedom to set standards that work for their local families.

This attack on local democracy would have far-reaching and lasting impacts on families, communities, workers, and their local representatives, including:

- Working families in cities across the state would see basic workplace standards suppressed.
- Low-income workers who have been stepping into leadership positions in municipal policy development commissions around the state would have their voices silenced.

- Without the authority to make workplaces safer for workers, consumers, or the public, local government's ability to promote public health and the safety of their residents would be curtailed.
- Mayors, City Council Members, County Commissioners, School Boards Members, Park District Commissioners, members of the Metropolitan Airports Commission and the Metropolitan Council, and other local elected officials would be stripped of basic powers they have had for decades.

The Minnesota AFL-CIO opposes any attempt by the state legislature to interfere with or preempt local governments' democratic authority to enact local community ordinances.

3. Transportation Funding

Minnesota is facing an \$18 billion funding gap over the next 20 years just to maintain our current system of state and county highways, city streets, town roads and bridges and a \$7 billion gap to maintain our current transit system and meet the needs of transit users. We need new, dedicated revenue to connect communities, expand access to jobs and housing, stabilize our climate, and improve daily life for all Minnesotans.

Better transportation options, including more transit access, and reliable roads and bridges, are essential to growing jobs, spurring economic development, and improving quality of life across the state.

Without long-term action on transportation, Minnesota will continue to fall behind - businesses and families will have higher costs, companies will lose top workers to other markets, and communities will struggle to ensure access to jobs, services, and opportunity for all residents, from seniors to new arrivals to the next generation.

Transportation projects require planning, design and construction which can take many years. The Minnesota legislature needs to focus on the need for ongoing, dedicated funding for highways, bridges and transit throughout Minnesota. For the state achieve our goal of a safer and more effective transportation system a comprehensive funding package with stable, dedicated funding is needed

To succeed in the 21st century, Minnesota communities need strong employment bases, productive workers who can get to jobs affordably, and ways for residents of every age and ability to access opportunity. Transportation underpins all of these.

Additionally, Minnesota AFL-CIO affiliate union members in the transportation trades face potential unsafe operating conditions and potential job loss. American transportation sector carriers in the trucking, airline, rail, and maritime industries are moving rapidly to implement autonomous vehicle operations. However, many of the operating, safety, public interest, and liability issues with new automation technologies remain untested and unresolved. Due to the potentially dangerous consequence of any technological failure during the transportation of people and goods, labor supports legislation requiring common carrier and other commercial modes of transportation maintain appropriate and safe staffing levels.

4 Capital Investment - Bonding

Bonding bills, the process the state uses to pay for capital projects, requires, by state constitution, a three-fifths majority vote in each chamber of the Legislature to pass - that means 81 votes in the House and 41 votes in the Senate.

Simply stated, bonds are a form of debt that's very similar to a loan. Government agencies borrow money by selling bonds to investors. In return, investors get a regular stream of interest payments from the state

and the promise of a full refund at the end of the bond's life. The maximum term of Minnesota bonds is 20 years, according to the constitution, but many don't last that long. There are several different types of bonds, but Minnesota issues general obligation bonds for infrastructure, which guarantees repayment to investors.

Substantial bonding bills create thousands of good-paying jobs while making critical investments statewide in projects. Examples are higher education projects to make buildings more energy efficient and improve the education and job training for students, transportation and transit projects that improve and expand access and modes, housing, and basic infrastructure.

The Minnesota AFL-CIO supports large bonding bills to address the ever-growing backlog of aging infrastructure in the state.

5 Minnesota OSHA

Minnesota's Occupational Safety and Health Act (OSHA) is a Gold Standard program nationally, however, that is in danger as we are out of conformity with increased Federal OSHA penalties. Federal OSHA states that we must follow the increased penalties, or they could take Minnesota OSHA over. The Federal Regulation Update, January 2019, under "Department of Labor Federal Civil Penalties Inflation Adjustment Act, it states, "Minnesota OSHA has not adopted this final rule."

By not being in conformity Minnesota runs the risk of Federal OSHA taking over the state program. This is dangerous for several reasons. Minnesota OSHA protects workers for many more on the job dangers. Additionally, Minnesota OSHA operates a consultation unit for Minnesota businesses, assisting them in safe workplace practices.

Legislation is required for Minnesota OSHA to conform to the Federal OSHA penalties. It is important to note that these penalties are for serious, failure to abate (violations discovered), and willful or repeated violations. These penalties are for very, very serious situations for workers.

Minnesota OSHA covers many more hazardous substances in the workplace. This is not only important for employees working with and around these substances but for the firefighters that go into these workplaces to fight fires. If firefighters do not know what hazardous substances are in the workplace, they are much more susceptible to serious injury. Additionally, Federal OSHA requires only one-time training in the Right-to-Know about hazardous substances. Minnesota OSHA has retained annual training requirements for all "chemicals, physical agents and infectious agents," as well as a three-year recordkeeping requirement. The record keeping requirement is especially important to firefighters.

Minnesota OSHA requires joint labor management safety committees in high hazard industries, a Workplace Accident and Injury Reduction Program (AWAIR) in certain industries and requires employer-paid personal protective equipment. Federal OSHA contains none of these requirements. These are only some of the additional protections Minnesota OSHA provides that Federal OSHA does not require.

The Minnesota AFL-CIO supports state legislation to conform Minnesota OSHA penalties to the Federal OSHA penalties.

6 Defined Benefit Plans

A defined benefit pension plan is a type of pension plan which an employer/sponsor promises a specified pension payment, lump-sum (or combination thereof) on retirement that is predetermined by a formula based on the employee's earnings history, tenure of service and age, rather than depending directly on individual investment returns. A traditional pension plan that *defines* a *benefit* for an employee upon that

employee's retirement is a defined benefit plan. A defined benefit plan is 'defined' in the sense that the benefit formula is defined and known in advance. In the private sector, defined benefit plans are often funded exclusively by employer contributions.

Conversely, for a "defined contribution retirement saving plan", the formula for computing the employer's and employee's contributions is defined and known in advance, but the benefit to be paid out is **not known in advance**. The most common type of formula used is based on the employee's terminal earnings (final salary). Under this formula, benefits are based on a percentage of average earnings during a specified number of years at the end of a worker's career.

The Minnesota AFL-CIO supports defined benefit pension plans. These plans best provide a dignified retirement for workers.

7 Forty Hour Work Week

The federal 40-hour work week law took effect on October 24, 1940, after which overtime must be paid. Thirty-five states have state have 40-hour workweek laws to protect workers and provide overtime pay for those not covered under the federal law. Minnesota is the only state that has a 48-hour work week in state law. Overtime pay after 40 hours is required in thirty-five states but not Minnesota.

Studies have shown that people who routinely work extended hours are less productive and the quality of work declines than for those who work 40 hours a week. Union workers know that the effects of working 50 hours a week are negative and anything over 40 hours jeopardizes worker safety.

Overtime pay must be paid for over 40 hours a week for the health and safety of the states working people The Minnesota AFL-CIO supports state legislation to enact a 40-hour work week – after which overtime is paid – in the state of Minnesota.

8. Paid Family and Medical Leave

Only 13% of Minnesotans have access to paid family leave, meaning workers are often forced to choose between their families and their jobs. This provision would create an insurance program to provide all Minnesota employees with a percentage of their wages for up to 12 weeks so they can afford to take time off to bond with a new child, care for an elder or seriously-ill family member, or deal with pregnancy-related health concerns.

The Minnesota AFL-CIO, the Children's Defense Fund and ISIAH are co-chairs of the effort to pass Paid Family and Medical Leave in Minnesota.

9. Earned Sick and Safe Time

More than 1 million working Minnesotans lack access to paid sick time. This provision would guarantee Minnesota workers have access to earned sick and safe time to care for themselves, a sick child, or a loved one, or to seek services due to domestic violence, stalking, or sexual assault.

The Minnesota AFL-CIO supports earned sick and safe time legislation. It is right and humane to allow workers time off to care for a child or get help due to domestic abuse or sexual assault.

10. Corporate and Wealthy Tax Cuts

The 2017 Tax Act gave corporations massive tax cuts. This massive corporate giveaway translates into less money for public education, health care, infrastructure, and investment in working people and their families and communities.

The 2018 Minnesota Legislature's tax conformity bill prioritized tax cuts for corporations rather than working people and thus failed to earn the Governor's signature. While the 2019 Minnesota legislature passed legislation making minor modifications affecting union members and low-income working Minnesotans, corporate tax cuts remain at both the Federal and State levels.

It is now up to 2020 and 2021 state legislators to address tax fairness for Minnesotans.

11. Public Employee Contracts

The state workers from the American Federation of State, County and Municipal Employees (AFSCME) and Minnesota Association of Professional Employees (MAPE) and a variety of other unions (MNA, Government Engineers, etc.) negotiate contracts with the Governor's Administration every two years. When there is agreement and the contracts are ratified by union members the contracts take effect on an interim basis. The legislature must, however, approve the contracts. If the legislature does not approve the contracts by the end of the legislative session workers' wages and/or benefits revert to the old contract. The 2017-18 legislature was very anti public employee and in 2017 the Subcommittee on Employee Relations recommended to the full legislature that the contracts negotiated between the unions and State of Minnesota be rejected. In the 2019 Session Senate Republicans again tried to restrict how contracts are negotiated.

In early 2016 SEIU Healthcare Minnesota and the State negotiated a contract for self-directed homecare workers which cost \$24 million for FY18-19 and the same for FY20-21. Instead of approving the funding and ratifying the contract, the legislature passed a budget that appropriated half the funding and allowed the executive branch to ratify the contract without legislative approval. While a new contract has been negotiated and ratified with the half-funding, SEIU Healthcare Minnesota will introduce legislation to restore a fully funded contract. In the next round of negotiations SEIU Healthcare will be seeking a living wage for homecare workers.

The Minnesota AFL-CIO strongly supports the collective bargaining process and oppose legislative involvement to restrict that process for any public employee union.

13 Staffing Level Requirements

Hospital nurse staffing has an important relationship to patient safety and quality of care. Research shows that hospitals with low nurse staffing levels tend to have higher rates of poor patient outcomes such as pneumonia, shock, cardiac arrest, and urinary tract infections.

When people are hospitalized, in a nursing home, having a baby, or learning to manage a chronic condition in their own home - some of their most vulnerable moments - nurses are the health care providers they are most likely to encounter; spend the greatest amount of time with; and, along with other health care providers, depend on for their recovery.

Research is now beginning to document what physicians, patients, other health care providers, and nurses themselves have long known: how well we are cared for by nurses affects our health, and sometimes can be a matter of life or death. As physicians in the American College of Critical Care Medicine have noted: "Critical care nurses do the majority of patient assessment, evaluation, and care in the ICU [intensive care unit]" (Brilli et al., 2001:2011).

Many hospitals restructuring and redesign initiatives that have been widely adopted over the last two decades have changed the ways in which licensed nurses and nurse assistants are organized to provide patient care. Many of these changes have been focused largely on increasing efficiency and done in a way that damaged trust between nursing staff and management. Changes were poorly managed so that

intended results were not achieved, rarely involved nurses in decision making pertaining to the redesign of their work and did not employ practices that encouraged the dissemination of knowledge throughout the organization.

The Minnesota AFL-CIO supports legislation that requires patient assignment limits for all direct care nurses in hospitals, clinics, and long-term care facilities.

14 – 15. Health Care

People making between 233 – 400% of poverty are eligible for MN Sure. More than 250,000 Minnesotans have gained access to health insurance since 2014 – who did not have insurance previously. Minnesota has the second lowest uninsured rate in the nation, however, for too many in the state, health insurance options are limited, and costs are steep.

The affiliated unions of the National AFL-CIO passed a resolution at the 2017 National AFL-CIO Convention, entitled “Making Health Care for All a Reality.” The resolution proposes steps to get to a single payer, Medicare for All. The resolution states that before single payer is realized we must strengthen worker health plans take on excessive prices – including prescription drug prices, defend public health programs and tackle the opioid epidemic. The Minnesota AFL-CIO supports this resolution and additionally has passed a resolution to address the high price of prescription drugs.

16. Drivers Licenses for All

Allowing undocumented workers to obtain Minnesota Drivers’ Licenses should not be political. Everyone must take a written exam and a road test before a driver’s license is issued by the state. Undocumented workers would go through the same process to get a driver’s license. Naturally after obtaining a drivers’ license a person must obtain car insurance. It is better for public safety when drivers have a license and insurance. Besides allowing undocumented workers to obtain drivers’ licenses is the right thing to do. The Minnesota AFL-CIO is not alone in this belief. Law enforcement, business, faith groups, immigrant organizations and many others have testified at the Minnesota Capitol in favor of undocumented workers obtaining driver’s licenses.

17. Revenue for Fully Funded Schools

Minnesota’s share of funding for public school districts has not kept pace with inflation – it’s now 12.7 percent less than 2003 in real dollars. Reversing Minnesota’s perpetual underfunding of education and expanding access to full-service community schools must be addressed now.

It’s time for Minnesota to fully fund public education to give students and educators the safe and welcoming schools they deserve. That means the state needs to invest at least \$4.3 billion over the next two years into strategies proven to help our students succeed.

19. Responsible Mining

Minnesota is home to the largest untapped deposits of copper, nickel, and cobalt in the United States, minerals which are badly needed to produce wind turbines, solar energy, electric vehicles, and large capacity batteries. We are home to 95% of the nation’s nickel, 88% of our cobalt, and a third of our copper. Responsible development of critical minerals could become Minnesota’s most important contribution to the global fight against climate change. At the same time, we recognize the need to protect our water and other natural resources by requiring nonferrous mines to meet Minnesota’s high environmental standards.

Mining has a long and important place in the history of Minnesota. Northern Minnesota's "Iron Range" is named after the large deposits of iron ore and taconite found there. For over a hundred years, workers have been mining iron ore and turning it into the materials that have built our country.

From miners (members of United Steelworkers) to construction workers (members of the Building Trades unions), the operation of the mines directly creates thousands of high-wage union jobs. In addition, the mining industry supports thousands of spin-off jobs in Iron Range communities. Public employees, educators, health care workers and others are all affected by the economic activity generated by the mining industry.

While some who oppose mining would argue that the mining industry threatens to pollute Minnesota's water, land and air, the truth is that Minnesota has some of the most stringent environmental regulations in the United States and the world. We support a robust process, based in science that thoroughly investigates every project before proceeding.

Currently, minerals to produce energy efficient products are often mined in countries with little or no environmental or labor standards. Minnesota has always set the bar for mineral extraction that allows us to be good global citizens while putting Northern Minnesota communities to work.

20. Clean Energy Projects and Jobs

Clean energy projects have the potential to create family-supporting jobs and careers for skilled construction workers, especially in Greater Minnesota, but only when we put local people first in the clean energy transition. Conventional plant host communities and workforce, including AFL-CIO members, need support as we face the challenge of developing new employment and economic opportunities to replace losses from plant retirements.

Wind, solar, and other sources of renewable energy account for a rapidly growing share of energy production in Minnesota and across the country. Unions affiliated with the Minnesota AFL-CIO have assisted with the growth of the renewable energy industry. In fact, union members affiliated with the Minnesota AFL-CIO have invested in the growth of renewable energy through affiliated pension plans.

Wind, solar and other renewable energy projects can create family supporting jobs and careers for local construction workers – especially in Greater Minnesota – where jobs that offer family-supporting pay and benefits. These benefits are evident on many renewable energy projects where the developers and owners selected responsible contractors, employing union labor. However, benefits to workers and communities are lost when developers and owner of renewable energy projects select non-union contractors relying on out-of-state workers.

The Minnesota AFL-CIO supports renewable energy projects but also calls on renewable energy developers, project owners and investors to commit to hiring local skilled union workers and employ responsible contractors that provide area standard wages and benefits with safe workplaces.

21. Safety Net for Seniors

Minnesota seniors, a rapidly growing demographic, are the largest group filing for bankruptcy and ending up homeless often due to an expensive health episode. Over 22,500 abuse, neglect and exploitation complaints went to the MN Department of Health in 2018. This is up from 4,000 in 2010. To illustrate, Kristine Sundberg of Elder Voice states, "22,500 is just for 2018! That is up from 4,000 in 2010. We have an epidemic on our hands."

The Minnesota Department of Health had a 150% increase in complaints about abuse, neglect or financial exploitation between 2015 and 2018. Again, Kristine Sundberg, “Thousands of seniors and vulnerable adults are suffering and dying without sufficient regulation and enforcement.”

22. Restore the Vote

Restoring voting rights to individuals who have been convicted of a felony once they have completed their term of incarceration is one very important way to reincorporate a person into society. In fact, a large majority of those disenfranchised have never spent time in prison and hold jobs and pay taxes.

In 2014, 13 states and the District of Columbia had laws to reinstate voting rights after a prison term was completed. Now 14 states have laws restoring voting rights. These states include North Dakota, Indiana, Illinois, Ohio and Michigan.

The Minnesota AFL-CIO supports restoration of voting rights for felons who have served their sentences. 450 convention delegates passed a resolution in support of restoring voting rights during at the 2014 Minnesota AFL-CIO State Convention.

27. Worker’s Compensation

Post-Traumatic Stress Disorder (PTSD) was added to Minnesota’s workers’ compensation system in 2013. In 2018 a provision was added that presumed (rebuttable presumption) workers suffering from PTSD got it due to the type of work they did. Workers included first responders, firefighters, corrections officers, and various law enforcement personnel. Nurses, however, were not included.

The Permanent Partial Disability (PPD) Schedule provides benefits for the permanent loss of a body function. This is called an impairment rating. In late 2021, the Minnesota Department of Labor and Industry (DLI) provided information that the PPD schedule had not been substantially increased since 1983. As an example, a benefit level for a 5% of whole-body permanency rating in 1983 paid \$3,750 and in 2022 it pays \$3,950. Today’s dollar value would pay \$9,920.

Doctors, medical specialists, and surgeons often determine that seriously injured workers often need surgery or special treatment. Insurance companies often use Independent Medical Exams and repeatedly request more data to delay treatment for these seriously injured workers. With no deadlines on these insurer requests, injured workers often wait 6-12 months for surgery.

