

## State Legislative Questionnaire Issue Background

### **1) Oppose Attempts to Undermine, Weaken or Create Exemptions of Labor Laws**

The Fair Labor Standards Act administered by the Minnesota Department of Labor and Industry (DLI) has standards on child labor, age/hour worked restrictions for those who are 16-17, overtime, minimum wages, wage theft, Women's Economic Security Act (WESA), apprenticeship, Occupational Safety and Health (OSHA), prevailing wage, workers compensation, Construction Codes, and other laws.

Additionally, they administer the new Earned and Sick Time Law (ESST) law, work with other agencies on public sector labor law reforms and prevailing wage enhancements, stronger OSHA penalties and public disclosure of employers who violate OSHA laws to name a few new laws.

Finally, on Workers Compensation, the Department collaborates with the Workers' Compensation Advisory Council (WCCA) which is composed of six labor and six business members. The WCAC advises the DLI commissioner about matters of workers' compensation and submits its recommendations for proposed changes to the workers' compensation statutes to the proper legislative committees. WCAC's recommendations must be supported by a majority of business and labor members.

The Minnesota AFL-CIO and affiliated unions, representing over 270,000 union members, oppose legislation to weaken, undermine or carve-out unions from any labor laws. Including more union and non-union workers under labor laws is needed, NOT excluding more workers.

### **2) Paid Family and Medical Leave**

The Minnesota AFL-CIO, the Children's Defense Fund and ISIAIH co-chaired the effort to pass Paid Family and Medical Leave (PFML) in Minnesota for 9 years.

Then in 2023 Paid Family and Medical Leave passed. The new law is a publicly administered PFML insurance program which begins January 1, 2026. In brief, the law will provide partial wage replacement and job-protections to workers who need to take family or medical leave for at least seven days. It provides up to up to 12 weeks per year of job-protected family or medical leave with partial wage replacement, capped at 20 weeks, when both types of leave are needed in one year.

In 2024, the Department of Employment and Economic Development (DEED), who will administer the program, suggested that there needed to be a waiting week for medical leave benefits. The PFML coalition argued this was never agreed to when the law passed. The coalition also argued that a waiting week was not necessary and did not need to be considered until 2026 or 2027 after the PFML program is in place. Also, the waiting week would reduce workers' access to benefits of the program.

The Minnesota AFL-CIO opposes legislation that would reduce workers' access to or benefits from PFML.

### **3) 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 is part of an alarming effort around the country in which powerful corporate interests, including the Koch Brothers and the American Legislative

Exchange Council (ALEC), who 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 is 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 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 labor ordinances or any community ordinances.

#### **4) 2020 Presidential Election & Attempted Coup of January 6, 2021**

President Joesph Biden clearly won the 2020 Presidential Election. The Republican United States Supreme Court threw out attempt after attempt by then President Trump and then former President Trump and his cronies to overturn the election.

Then President Trump spoke to a group of supporters on the Capitol Mall, who then stormed the United States Capitol in in an attempt to stop the certification of the election, yelling, "Hang Mike Pence," as Vice President Pence refused to stop certification of the election as he acknowledged he had no legal no authority to do. Legislators, Republican and Democrat, took shelter, from those who assaulted the Capitol. The mob also assaulted Capitol Security Police leading one officer's death, injuring others. Days after the attempted coup another officer took his own life.

Today, in 2024, Donald Trump claims he still won the election and many of his supporters agree. To make matters worse some in Congress and conservative television and talk radio personalities now says January 6,2021 was a "peaceful protest" and those jailed are "patriots."

The attempted coup to today's attempt to rewrite history has to be denounced in the strongest terms and democracy must prevail!

## **5) Racial Disparities**

Racism, white supremacy, and anti-blackness were systematically embedded in American society from our nation's founding when slavery was the economy's dominant base and, despite historic and heroic struggles and progress to destroy its basis in law, continues to persist. As a result, people of color face systematic barriers that continue to create vast racial disparities and unsafe communities.

The Minnesota AFL-CIO is committed to dismantling these systems of oppression to build safer communities. We cannot arrest and incarcerate our way to safety and equity but invest in evidence-based and innovative solutions to reduce both crime and racial disparities such as:

- Basic needs such as access to healthy and affordable food.
- Affordable and equitable housing.
- Pathways to good paying jobs for community members regardless of race that can support families.
- Fully and equitably funded public schools able to hire and retain high quality teachers and support staff that reflect our diverse communities and meet students' social-emotional needs with adequate support.
- Affordable, high quality, and culturally competent physical and mental healthcare.
- Well-resourced police departments that build trust with the public through transparency, accountability, cultural competency, increasing diversity; implement training on de-escalation, racial profiling, and implicit bias; and do not tolerate or ignore misconduct.

## **6) Investments in Public Education**

The 2023 state budget made a significant increase in public funding for E-12 Schools of 10.2% over the previous base. This was \$2.26 billion over the previous base funding. It is important to remember, however, schools had for 20 years been underfunded and therefore educators and other support professional's wages were stagnant. The 2023 legislation began to make transformational investments, but you do make up 20 years of under-funding in one biennium.

The days of asking educators and school professionals to get by with less and teach and support larger class sizes must not stand. The Minnesota AFL-CIO supports further investment in public education.

## **7) (and 7a) Transportation Funding**

While funding our roads, bridges and transit has been very difficult for the State Legislature to address, legislators did just that in 2023. While more needs to be done, legislators passed, and the Governor signed a law to provide new funding of \$1.2 billion for one-time investments. \$500 -\$700 million per year, from a variety of sources, will be ongoing. By authorizing a match in state dollars money, the new law will bring in billions in President Biden's Investing in America initiative, passed by Congress in 2021. Due to the Infrastructure Investment Jobs Act (IIJA) the state will receive over \$5 billion over 5 years for roads and bridges, and transit, plus funds for broadband, water infrastructure, and clean energy.

The Minnesota AFL-CIO and transportation unions support revisiting one of the state funding sources, a 50-cent fee on delivery orders of over \$100 **only if** an alternative funding source can be found. Other than this issue, the Minnesota AFL-CIO opposes any attempt to reduce any dedicated funding sources for roads, bridges, or transit.

## **8) 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 put, bonds are a form of debt that is 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 do not last that long. There are several distinct 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 project, for example 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.

In 2023 the largest infrastructure investment in years was made by the legislature of \$2.6 billion, although \$1.075 was cash. This amount of cash in a total bonding bill was almost unheard of but a large surplus allowed this expenditure.

Regardless, of the 2023 bill it is important to pass capital invest years regularly as it often takes most projects to be planned out over time so when one or more projects are completed others will then be "shovel ready."

The Minnesota AFL-CIO supports consistent bonding or capital investment bills to address what is always an ever-growing backlog of aging infrastructure in the state.

## **9) 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.

In the public sector defined benefit plans, through a variety of plans, funds retirements for state employees and educators. It is vital these plans remain solvent and provide Cost of Living Increases (COLA's).

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.

## **10) Forty Hour Work Week**

The federal 40-hour work week law took effect on October 24, 1940, after which overtime must be paid. Thirty-six states 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-six 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 over 40 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 state's working people.

## **11) Raising Revenues**

In 2023 the legislature and Governor began to make up for years and years of underinvestment. The tax bill provided \$1 billion in new revenue from progressive sources for the biennium. Included was a reduction in itemized and standard deductions for 4<sup>th</sup> tier tax filers, and a net investment income tax of 1% of those making over \$1 million. The legislation also created an income-targeted tax Child Tax Credit of up to \$1,750 per child.

The Minnesota AFL-CIO looks at this as a start for a fairer tax system, but we should look further at corporations and the richest amongst us who pay little or no taxes to pay to help sustain services and programs for the next generation.

## **12) 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 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.

### **13) Anti-Retaliation Protections for Healthcare Workers**

In 2024 the Minnesota AFL-CIO supported the Healthcare Employee Anti-Retaliation and Labor (HEAL) Act to protect healthcare workers from retaliation for refusing to take on too many patients, as an additional assignment may create unnecessary danger to a patients' health, safety, or life.

When healthcare workers voice concerns they often face retaliation, including unfair scheduling, being sent home without pay, or being denied time off. Healthcare workers seek protections with the HEAL Act when they voice their concerns about being assigned too many patients to be able to care for them properly.

Care workers are the ones by patients' sides every day in our hospitals. When patients' experience falls, often due to low staffing levels by hospital executives, those bedside care workers need to be included in the process and protected in discussions about what went wrong and how to improve patient care moving forward.

The HEAL Act legislation is supported by the Minnesota AFL-CIO, the Minnesota Nurses Association (MNA), AFSCME Councils 5 and 65, SEIU Healthcare, United Food and Commercial Worker (UFCW) Local 1189, the United Steelworkers (USW) and the Minnesota Association of Professional Employees (MAPE).

### **14) Public Option in MNSure**

People making over 200% of Federal Poverty Level are eligible for subsidized private insurance on MN Sure. Often private plans in MNSure are expensive and have bad networks of providers. 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.

A public option based on Minnesota Care with additional state funding subsidies would be a much better solution than MN Sure for those making over 200% of poverty.

The Minnesota AFL-CIO supports a public option for those over 200% of the Federal Poverty Level.

### **15) Medicare For All**

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, tackle the opioid epidemic, and improve health equity.

A Medicare for All system, which guarantees healthcare for all, must retain the critical role of workers' health plans, does not diminish the hard-fought benefits union members have won for themselves and all working people, and provides multiemployer and other worker health plans the opportunity to administer core health benefits and to provide supplemental benefits.

## **16 (a and b) Responsible Mining**

One of the most important ways Minnesota can help the fight against climate change is by leading the world in the responsible production of copper, nickel, and other precious metals. Renewable and electric vehicle technologies consume these precious metals at roughly five times the rate of conventional technologies. Yet, today, most of these precious metals are mined in countries without strong labor or environmental protections. Northeastern Minnesota holds the world's second-largest copper deposit (34 percent of U.S. resources) and the world's third-largest nickel deposit (95 percent of U.S. resources).

The Minnesota AFL-CIO supports efforts to safely and responsibly develop Minnesota's nonferrous critical mineral resources, using the best available science and the state's rigorous permitting process, in order to support a successful clean energy transition.

Additionally, the Minnesota AFL-CIO opposes the "so-called" Prove it First proposal supported by those who oppose mining. This idea circumvents the comprehensive science-based environmental review and permitting process already in place, bans mining, and puts Minnesota's ability to lead on climate change at risk. If we had used this concept for iron ore and taconite mining there would never have been iron ore or taconite mining.

## **17) Utilities**

Minnesota's investor-owned, cooperative, and municipal utilities and Minnesota's approach to utility regulation have delivered affordable and reliable electric and natural gas service and provided high-quality union jobs for generations of Minnesotans. The Minnesota AFL-CIO opposes all forms of utility deregulation and supports the central role of regulated utilities in providing reliable, affordable, and fair electric and gas service, including supporting utility ownership of energy assets and resources.

The Minnesota AFL-CIO supports Minnesota's successful system of utility regulation and opposes efforts to deregulate utility services and to shrink the role of regulated, cooperative, or municipal utilities in the delivery of electric and gas service.

## **18) Clean Energy**

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. 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.

The Minnesota AFL-CIO supports protecting local workers and supporting local communities in the transition from conventional to clean energy by working to ensure that energy projects create high-quality local jobs, and by supporting a comprehensive approach that includes renewable and nuclear power as well as emerging technologies such as battery storage, biofuels, carbon capture, clean hydrogen, and renewable natural gas.

## **19) 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.”

The Minnesota AFLCIO supports State programs and funding designed to help seniors age in place and the system should be better organized to provide community based nonprofit senior support organizations the ability to direct state funded services to individual seniors and families based on their individual needs with increased flexible funding to ensure a wider range of services.

The Minnesota AFL-CIO also supports an increase in pay of Personal Care Attendants (PCA’s) and in-home health care workers who provide services to assist seniors’ ability to stay in their homes and supports raising the reimbursement rate to home-health agencies that employ PCAs to ensure a skilled and available personal care workforce.

## **20) Workplace Safety**

Minnesota’s Occupational Safety and Health Act (OSHA) is a Gold Standard program nationally.

Minnesota OSHA covers many 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.

In the 2023 legislative session unions advocated for more workplace safety standards in dangerous, hazardous and/or high injury industries. Union legislation, including Meatpacking Health and Safety, Refinery Safety, Railroad Workplace Safety, protections for Nurses Against Workplace Violence, and a Board to set Nursing Home Workforce Standards all passed into law.

The Minnesota AFL-CIO supports worker and union-led state legislation that increases workplace safety.

## **21) Protect Protest Activity**

There has been past legislation to increase penalties for those engaged in protest activity that would have penalize unions and union members for unions conducting activities related to union organizing, contract enforcement, strikes, or other protest activities and poses. Such legislation poses a risk to First



Amendment rights to freedom of speech and assembly.

The Minnesota AFL-CIO has successfully fought back this legislation in the past and opposes any such legislation in the future.

## **22) Misclassification**

Too many employers across industries misclassify their workers as independent contractors, depriving those workers of labor rights and protections such as minimum wage, overtime, worker's compensation, access to unemployment insurance, the right to collectively bargain, and paid leave laws.

The Minnesota AFL-CIO supports legislation to strengthen and streamline enforcement of Minnesota's worker misclassification laws, and to adopt a presumption that a worker is an employee unless the employer can prove otherwise under a clear and fair independent contractor test that would apply across Minnesota statutes.

## **23) Housing – Reduce or Eliminate Housing Restrictions**

Minnesota faces a critical shortage of affordable housing. State and local governments are stepping up to help finance new projects with grants and tax incentives. Unfortunately, too often we find public money being channeled to irresponsible developers that build new housing projects on the backs of workers. Wage theft and other forms of abuse are endemic in the housing industry. Our leaders have a duty to protect construction workers by requiring developers that receive public funds to hire responsible contractors and to use best practices to prevent tax fraud, wage theft and exploitation.

The Minnesota AFL-CIO supports critically needed investments in housing infrastructure and ensuring that all forms of public financing include high-road labor standards, greater transparency, and project owner accountability.

## **24) Housing – High-road Labor Standards**

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## **25) Childcare**

Working people and Union members in Minnesota need childcare solutions that address workforce issues, cost, and needs. The Minnesota AFL-CIO supports legislation consistent with the Great Starts Framework, including:

- Expanding monthly subsidies up the income scale into the middle class, to the extent possible with available funding, and
- Reducing family co-pays within the Child-Care Assistance Program to no more than 7% of family income, and
- Developing a compensation framework that increases early care and education wages aligned with experience and education, and benefits, including paid time off and health insurance.

## **26) Broadband Installation**

Hundreds of thousands of Minnesotans still lack high-speed internet services to access healthcare, education, and business opportunities. While Minnesota invests \$1 billion in closing the digital divide, many broadband installers struggle with low wages, meager benefits, inadequate training, and high turnover - conditions that fuel damaging strikes on existing gas, electric, and other utility lines. Our leaders must require broadband companies to use a skilled workforce, hold companies responsible for unsafe practices, and steer public dollars toward contractors that provide family-supporting jobs and high-quality training.

The Minnesota AFL-CIO supports raising standards for broadband installation, including requiring use of a skilled, well-trained workforce to ensure worker and public safety, and to protect the integrity of existing public and utility infrastructure.

## **27) Minimum Wage – Oppose all Subminimum Wages**

Minnesota, despite the large business minimum wage, has one of the highest percentages of workers earning a subminimum wage. Minnesota's minimum wage has a subminimum youth wage, a training wage, a small business minimum wage, and J1 visa wage for hotels, motels, and lodging establishments.

The state's minimum wage has a yearly escalator capped at 2.5% per year. Also, the Commissioner of Labor and Industry, in consultation with the Commissioner of Management and Budget, has the ability to block minimum wage increases.

Finally, the Task Force on Eliminating Subminimum Wages recommended phasing out subminimum wages for people with disabilities and to expand statewide infrastructure to support people with disabilities in competitive employment and support the phasing out the use of subminimum wages for people with disabilities no later than 2028.

The Minnesota AFL-CIO supports using only the large business minimum wage and deleting all subminimum wages of the state's minimum wage, increasing the annual escalator substantially and eliminating any ability of commissioners to stop the annual minimum wage increase.

The Minnesota AFL-CIO also supports phasing out subminimum wages for people with disabilities by 2028.

