

# BYLAWS OF ADVISORY TASK FORCE ON WORKER MISCLASSIFICATION

## ARTICLE I

### NAME

**Section 1. Name.** This task force shall be known as the Attorney General’s Advisory Task Force on Worker Misclassification (“Task Force”).

## ARTICLE II

### MISSION AND PURPOSE

**Section 2. Mission and Purpose.** The mission and purpose of the Task Force is to (1) serve in an advisory capacity to the Attorney General; (2) study the issue of employee misclassification and its impacts on workers, the business community, and the public at large; (3) explore best practices in policy and enforcement from examples based in Minnesota and in other states and jurisdictions; (4) propose a set of recommendations for both enforcement and regulatory reform (“charge”).

## ARTICLE III

### DURATION

**Section 3. Duration.** The Task Force shall exist until dissolved by the Attorney General in accordance with these bylaws because its charge is complete or one year from the first meeting, whichever is sooner.

## ARTICLE IV

### APPOINTMENT AND MEMBERSHIP

**Section 4.1. Membership.** The Task Force shall consist of 15 members appointed at the sole discretion of the Attorney General, from the following groups:

- (a) Advocates for Workers
- (b) Legislators
- (c) Academics/Researchers
- (d) Minnesotans with Interest in the Topic from Greater Minnesota
- (e) Minnesotans with Interest in the Topic from the Metro Area
- (f) Minnesota Department of Labor and Industry Representative
- (g) Minnesota Department of Employment and Economic Development Representative
- (h) Minnesota Department of Revenue Representative

**Section 4.2. Membership Term.** Each member shall be appointed to a one-year term. Each member’s appointment will terminate at the end of their one-year term, upon the charge of the task force being deemed complete by the Attorney General, or the Task Force’s existence ends by operation of law, whichever is sooner.

**Section 4.3. Voluntary Resignation.** A member may voluntarily step down from the Task Force. Members choosing to step down before the end of their term shall give notice of their intent to step down at least 30 days prior to their last day of service, if possible.

**Section 4.4. Removal.** A member may be removed from the Task Force in the manner described in Minnesota Statutes section 15.059, subdivision 4.

**Section 4.5. Vacancies.** The Attorney General's Office staff liaison shall notify the Minnesota Secretary of State of any vacancy occurring in accordance with time periods in Minnesota Statutes section 15.0597, subdivision 4 (i.e., 45 days before expiration of a term of membership, or 15 days otherwise). All membership vacancies shall be posted and filled through the open appointment process using the Minnesota Secretary of State's website.

## **ARTICLE V** **CO-CHAIRS AND RESPONSIBILITIES**

**Section 5.1. Co-Chairs.** The task force shall have two co-chairs, one appointed by the Attorney General and one elected by members. The co-chairs shall each serve one-year terms. The election of a co-chair will occur at the first meeting of the Task Force.

**Section 5.2. Co-Chair Responsibilities.** The general responsibility of the co-chairs is to manage the activities of the members of the Task Force for the purpose of achieving its charge, as specified under Section 2, and to act for the Task Force as the liaison with staff for the Attorney General's Office.

Additional co-chair responsibilities include, but are not limited to, the following:

- (a) Manage attendance in accordance with the guidelines set forth in Article VIII.
- (b) Ensure each meeting ends with a clear set of action items and next steps to be accomplished.
- (c) Create and assign members to Task Force subcommittees, as needed (agenda and minutes are the responsibility of the committee members).

**Section 5.3. Co-Chair Authority.** The co-chairs shall have all such powers that are consistent with and necessary to ensure the success of the charge of the Task Force, provided that the co-chairs shall not incur or approve expenditures on behalf of the Attorney General's Office without approval from the staff liaison from the Attorney General's Office, establish an activity not explicitly within the Task Force's charge, or act contrary to any applicable Minnesota law. Whenever a question arises as to co-chair or Task Force authority or responsibility, the co-chairs shall consult with the staff liaison for the Attorney General's Office prior to acting.

## **ARTICLE VI** **WORK GROUPS AND SUBCOMMITTEES**

**Section 6. Work Groups.** The Task Force may establish temporary work groups and subcommittees as necessary for special purposes. This bylaw may be amended by the Task Force in its first meeting, if work groups or subcommittees are created.

**ARTICLE VII**  
**ATTORNEY GENERAL SUPPORT OF TASK FORCE**

**Section 7. Attorney General Support.** The Task Force shall be supported by appropriate staff from the Attorney General's Office. The Task Force will have one person assigned as a primary liaison from the Attorney General Office ("AGO Liaison"). The AGO Liaison will invite other Attorney General staff to support the Task Force, as needed. While staff from the Attorney General's Office will support the Task Force and may participate in the meetings, they will not have any decision making authority over or on behalf of the Task Force.

The AGO Liaison will work in conjunction with the co-chairs to create agendas, record minutes, coordinate meetings, and ensure the Task Force is consistently making progress in accomplishing its charge in a timely manner. Additionally, the AGO Liaison may support the Task Force by providing requested documents and materials, arranging communications and meetings with outside organizations or individuals, preparing reports, and other logistical and administrative support.

Additional AGO Liaison responsibilities include, but are not limited to, the following:

- (a) Ensure that the Minnesota Secretary of State is provided with the information required by Minnesota Statutes section 15.0597, subdivision 2.
- (b) Ensure the Task Force properly maintains its registration with the Minnesota Secretary of State by submitting by July 15 each year the information required by Minnesota Statutes section 15.0599, subdivision 3.
- (c) At least one week prior to each Task Force meeting, develop and provide the agenda and other materials to members.
- (d) Prepare meeting minutes and follow-up after each meeting with an email summary to all members describing the action items and next steps.

**ARTICLE VIII**  
**VIRTUAL MEETINGS, CONDUCTING BUSINESS, AND PUBLIC TESTIMONY**

**Section 8.1. Attendance.** Members shall attend all meetings. Attendance records will be kept by the co-chairs. Members who know beforehand that they will be unable to attend a scheduled meeting should notify the co-chairs and the AGO Liaison in advance. A virtual meeting option will be made available and accommodations will be made to members who may not be able to attend a meeting in person.

**Section 8.2. Proxies.** If the member is unable to attend the scheduled meeting, members may designate a person to attend a meeting as the member's proxy by notifying the co-chairs of the identity of the person who will act as the member's proxy prior to the meeting. The proxy may not be a different member of the Task Force.

**Section 8.3. Quorum.** The Task Force may only take official action when a quorum is in attendance at a meeting. 8 of the 15 members of the Task Force constitute a quorum. The Task

Force shall not conduct any business that requires a vote or action if a quorum is not present at the meeting and any such vote or action should be postponed until the next scheduled meeting at which a quorum is established. Ex officio members shall not be counted when determining if a quorum is present at a meeting.

**Section 8.4. Conducting Business.** The Task Force may take official action and conduct official business by a simple majority vote of the members attending the meeting.

**Section 8.5. Schedule.** The Task Force shall meet at least once a month. The Task Force may vote to increase the frequency and length of the meetings at its first or any subsequent meeting. In its first meeting, the Task Force shall decide and vote on a meeting schedule for the forthcoming six month period.

**Section 8.6. Location.** Meetings shall be held in public locations in the Twin Cities metropolitan area or in Greater Minnesota, and a virtual attendance option will be provided using Microsoft Teams. Meeting locations must have nearby accessible parking, be easily reachable by public transportation, and be accessible to persons with disabilities. The AGO Liaison will assist in room reservation.

**Section 8.7. Notice to Attorney General.** If the Task Force creates work groups or subcommittees, they shall set their own meeting schedule and notify the co-chairs and the AGO Liaison of the date and time of all meetings as soon as practicable after a meeting is scheduled.

**Section 8.8. Official Actions.** Only the Task Force may take official action and conduct official business in the name of the Task Force. Any actions taken by subcommittees, work groups, or staff of the Minnesota Attorney General's Office shall not be considered official action taken or official business conducted by the Task Force until confirmed by the Task Force. 5

**Section 8.9. Open Meeting Law.** The Task Force acknowledges that Minnesota's Open Meeting Law, Minn. Stat. ch. 13D, requires the Task Force to create a schedule for regular meetings and make that schedule available to the public; that the law gives the public the right to attend Task Force meetings to watch and listen to the proceedings; and that the law also requires the Attorney General's Office to keep meeting minutes of all the activities of the Task Force. The Task Force further acknowledges that all materials given to members must also be made available to the public during the meeting, and that a "meeting" as contemplated by the law means when a quorum or more of a governmental body is gathered in person or via electronic devices, regardless of what action is taken or contemplated. The Task Force agrees to and shall abide by the Open Meeting Law.

**Section 8.10. Virtual Public Testimony.** The co-chairs of the Task Force shall designate as the final agenda item for each meeting some time for testimony by public attendees who wish to testify before the Task Force. The designated time shall be decided the day of the meeting based on the number of testifiers present, but shall not exceed 30 minutes. The AGO Liaison will provide an electronic sign in sheet to record public attendance and number of testifiers. Each member of the public who provides testimony to the Task Force shall introduce themselves for the record and shall be limited to 3 minutes to speak.

The co-chairs shall coordinate with staff of the Minnesota Attorney General's Office to invite guest testifiers and outside organizations that can provide expert input, who may testify to the Task Force for a time left to the discretion of the co-chairs.

**ARTICLE IXI**  
**COMPENSATION, BYLAW AMENDMENTS, REPORTS, AND DISSOLUTION**

**Section 9.1. Compensation.** In accordance with Minnesota Statutes section 15.014, members shall not be compensated for their services to the Task Force.

**Section 9.2. Amendments.** Members of the Task Force may amend these bylaws by a 2/3's majority vote of all members of the Task Force at a regular meeting. Any amendment to these bylaws shall take immediate effect.

**Section 9.3. Reports.** The Task Force shall submit to the Attorney General a final, comprehensive report of all its findings and recommendations by the end of its one-year term. Additionally, recommendations concerning the 2024 legislative session may be submitted by the end of 2023, and summary reports concerning the progress the Task Force has made towards achieving its charge may be submitted to the Attorney General on a quarterly basis.

**Section 9.4. Dissolution.** The Task Force shall be dissolved by the Attorney General upon submission of its final report. At the time of dissolution, all remaining documents, records, equipment and supplies belonging to the Task Force shall be transferred to the Attorney General's Office.