



**MINNEAPOLIS DEPARTMENT OF CIVIL RIGHTS
RULES IMPLEMENTING THE MINNEAPOLIS FREELANCE WORKERS PROTECTION ORDINANCE**

Rule 1. Definitions.

- 1.1 *Ordinance* means the Minneapolis Code of Ordinances, Title 2, Chapter 40, Article VI
- 1.2 *City* means the City of Minneapolis.
- 1.3 *Reported Violation* means the alleged violation of Chapter 40, Article VI, reported on the Department's "Report of Violation" form and submitted to the Department.
- 1.4 Unless defined above, the capitalized words used in these rules are defined in the Ordinance, section 40.720.

Rule 2. Location of Services.

- 2.1 A Freelancer's contract is covered by the ordinance if it is for work that is to be performed in Minneapolis, regardless of the location of the Hiring Party.
- 2.2 If a contract for work includes a Minneapolis office address for the freelancer, the Department will presume that the work will be performed in Minneapolis. This presumption can be rebutted by showing that the parties intended for the work to occur outside the City and not at the freelancer's office.
- 2.3 An individual who travels through the City and stops in the City as a purpose of the contracted work (e.g. to make pickups or deliveries or perform other duties that are part of the contract), is covered by the Ordinance.

Rule 3: Enforcement by the Department.

- 3.1 Any Freelancer or person may report an alleged violation of the Ordinance, using the Department's "Report of Violation" form, to the Minneapolis Department of Civil Rights Labor Standards Enforcement Division in person, online, by U.S. Mail or by email.
- 3.2 A Freelancer, who is otherwise covered by the Ordinance, is covered regardless of immigration status.

- 3.3 The Department may investigate an anonymous report of a suspected violation pursuant to the requirements of Rule 4.1.
- 3.4 The Department shall provide a simple form for reports of violation.
- 3.5 Reported Violations must be filed within two years of an alleged violation, unless the violation is also alleged to be willful. If the violation is alleged to be willful (not due to mistake), the Reported Violation must be filed within three years of the alleged violation.
- 3.6 A Reported Violation must include a description of the facts that form the basis of the alleged violation(s), and should, when possible, include approximate date(s) of the alleged violation(s), the names and contact information of person(s) with personal knowledge of the facts alleged, and documents or other evidentiary material, including the contract whenever possible. If it is not possible to attach a written contract for services, the Reported Violation should explain why this is not possible.
- 3.7 The Department has sole discretion to decide whether to investigate, prioritize or pursue a violation of the Ordinance. The Department may not investigate a Reported Violation that is frivolous on its face, undefined or does not identify the alleged violator.
- 3.8 The Department may provide technical assistance or otherwise attempt to settle a dispute informally.
- 3.9 The Minnesota Government Data Practices Act governs the data provided to the Department.
- 3.10 If the Department decides not to investigate or otherwise pursue a Reported Violation, the Department must provide a written notification to the reporter and include an explanation of its decision and the reporter's rights to appeal. The reporter may, within 21 calendar days of the date of the written notification, file a request for reconsideration with the Director. The Director shall respond in writing to the request for reconsideration within 10 calendar days.
- 3.11 The Department shall not investigate any Reported Violation made by or on behalf of a Freelancer if it knows that the Freelancer has commenced a civil action arising from the same facts or circumstances, unless the civil action is first dismissed without prejudice. A party may notify the Department in writing that a civil action has been commenced by providing a copy of the civil complaint.

Rule 4. Investigation process.

- 4.1 The Department may conduct an investigation on its own initiative or following receipt of a Reported Violation.
- 4.2 Upon a Department decision to pursue an investigation, the Department shall send, by U.S. mail, a notice of investigation to the Hiring Party. The notice of investigation shall include pertinent facts, allegations, and jurisdictional authority.
- 4.3 A warning not to retaliate against the Freelancer shall accompany the notice of investigation.

- 4.4 A Hiring Party shall submit all payment records or other data requested by the Department in the format requested by the Department.
- 4.5 A Hiring Party may submit to the department any additional documentation, evidence, or written information it deems necessary.
- 4.6 Hiring Party responses must be submitted within 21 calendar days of the date of the request for a response.
- 4.7 When deemed appropriate by the Director, the Department may hold fact finding or settlement conferences during the investigation of a Reported Violation to identify undisputed elements of a Reported Violation, define and resolve the disputed elements of the Reported Violation, or attempt to settle the dispute through negotiated agreement. The Director shall provide written notice of such a conference at least 10 calendar days in advance.
- 4.8 A Hiring Party's failure to timely and fully respond to a request issued by the Department or refusal to reasonably participate in a fact-finding or settlement conference creates a rebuttable presumption of a violation.
- 4.9 The Director may extend any of the time limits in this Rule for a reasonable period upon request or upon the Director's initiative to promote full and fair proceedings.

Rule 5. Disposition of Investigation.

- 5.1 The Department may negotiate a settlement of the investigation prior to the issuance of a determination.
- 5.2 Except where the matter is settled prior to issuance of a determination or where the Department declines to pursue a Reported Violation, the Department shall issue a written determination and findings of fact resulting from its investigation and a statement of whether a violation occurred based upon a preponderance of the evidence. Such a determination shall be issued in writing to the Hiring Party and reporter and include explanation of rights to appeal.
- 5.3 The Department may order any appropriate relief as a result of its investigation and determination including, but not limited to, administrative fines and remedies listed in section 40.790(d) of the Ordinance.

Rule 6. Appeals

- 6.1 A Freelancer or Hiring Party may appeal a determination by filing an appeal in writing to the Department within 21 calendar days from the date of service of the written determination.
- 6.2 In addition to procedures specified in Minneapolis Code of Ordinances § 40.130, appeals shall be governed by Minneapolis Code of Ordinances, Title 1, Chapter 2, Administrative Enforcement and Hearing Process, section 2.100.

- 6.3 The hearing officer shall consider the record submitted to it by the Department and any written position statements submitted by the parties. A party may not produce new information for the purpose of challenging the Department's findings or an administrative fine if the information was previously available yet not submitted. This rule shall not prevent the hearing officer from taking testimony in the discretion of the hearing officer.