

Tilmaamo/Hage loogu talagalay Shaqaalaha oo ku saabsan Sharciga Minnesota ee Xatooyada Mushaharka

Xeer-dejinta Minnesota ayaa ansixisay, guddoomiyaha gobolkuna wuu saxiixay Xeerka cusub ee Minnesota ee Xatooyada Mushaharka Shaqaalaha. Sharciga cusub wuxuu beddelayaa sharciyada shaqada ee hadda jira waxaana la socda shuruudaha mushaharka iyo saacadaha oo cusub, ilaalinta iyo ciqaabta. Hagahani wuxuu sharaxayaa qodobada sharciga cusub oo bixin doona macluumaad dheeraad ah iyo ilaalin loo fidinayo shaqaalaha.

Dhammaan shuruudaha sharciga cusubi waxay dhaqan galayaan **July 1, 2019**, marka laga reebo qodobada sharciga cusub ee wax ka beddelaya Xeerarka Minnesota ee § 609.52 (xatooyada mushaharka ee dembiga ah iyo ciqaabta). Qodobada sharciga cusub ee loogu talagalay xatooyada mushaharka iyo ciqaabtu waxay dhaqan galayaan **Ogoosto. 1, 2019**.

Sharciga cusub ee Xatooyada Mushaharka oo dhammaystiran ayaa laga helayaa boga internetka ee www.dli.mn.gov/sites/default/files/pdf/wage_theft_law_summary.pdf.

Su'aalo iyo jawaabo ku saabsan Sharciga Xatooyada Mushaharka ee cusub ayaa laga helayaa boga internetka www.dli.mn.gov/business/employment-practices/wage-theft-qa.

Qoraalka dhammaystiran ee sharciga cusub ayaa laga helayaa boga internetka www.revisor.mn.gov/laws/2019/1/Session+Law/Chapter/7/.

Ilaalinta/Difaacidda cusub ee shaqaalaha

Macluumaad dheeraad ah oo loo shaqeeyaha looga baahan yahay in uu siiyo shaqaalaha marka ay bilaabaya shaqada (beddelka Minn. Stat. § 181.032)

Loo shaqeeyayaasha hadda wuxuu sharciga Minnesota uga baahan yahay in ay shaqaalaha siiyaan ogeysiis qoraal ah oo ku saabsan xaalada shaqadooda iyo shuruudaha shaqada, oo ay ku jiraan mushaharka, saacadaha iyo nacfiyadu.

Sharciga Cusub ee Xatooyada Mushaharku wuxuu u baahan yahay in dhammaan loo shaqeeyayaashu ay shaqaale kasta siiyaan ogeysiis qoraal ah bilowga shaqadiisa. Ogeysiiska waa inuu ku jiro macluumaadka gaarka ah ee soo socda ee ku saabsan xaalada shaqaalaynta shaqaalaha iyo shuruudaha shaqada (Cusub).

Hoos waxaa ku qoran macluumaadka gaarka ah ee ay tahay in loo shaqeeyuhu uu ku daro ogeysiiska lasiinayo shaqaalaha marka ay bilaabaya shaqo.^{1,2,3}

¹Shaqaalaha muhaajiriinta ah waxay xaq u leeyihiin ilaalin/difaacid dheeraad ah sida ku cad Xeerka Minn. Stat. §§ 181.85-181.91.

²Shaqaalaha ka shaqeeya warshadaha hilibka waxay kaloo xaq u leeyihiin ogeysiis dheeraad ah sida ku cad Xeerka Minn. Stat. § 179.86.

³Shaqaalaha u shaqeeya loo shaqeeyayaasha ay u shaqeeyaan 10 qof ama ka badan oo shaqaale ah, kuwaas oo aan ahayn shaqaale beereed ama shaqaale ku-meel-gaar ah oo si ku-meel-gaar ah u shaqeeya, waa inay sidoo kale helaan shuruudaha heshiiska oo qoraal ah sida ku qoran Xeerka Minn. Stat. § 181.55-181.57.

- Xaaladda shaqaalaynta shaqaalaha iyo in shaqaaluhu ka reeban yahay heerka mushaharka ugu yar (minimum wage), saacadaha shaqada dheeraadka ah (overtime) iyo sharciyada kale ee mushaharka iyo saacadaha ee gobolka, iyo waxa saldhigga u ah **(Cusub)**.
- Tirada maalmaha mushaharka ee ku jira muddada mushaharka shaqaalaha iyo maalinta mushahar bixinta ee joogtada ah **(Cusub)**.
- Taariikhda shaqaaluhu uu heli doono mushaharka uu shaqeeyay ee ugu horreeya **(Cusub)**.
- Heerka mushaharka shaqaaluhu ku shaqeeyo iyo qorshaha uu ku salaysan yahay, oo ay ku jiraan haddii shaqaalaha mushaharka lagu siiyo saacad ahaan, maalin ahaan, asbuuc ahaan, mushahar ahaan, qayb ahaan, gunno ahaan ama nidaamkii lagu dabakhayo wixii dheeraad ah **(Cusub)**.
- Lacagta loo ogolyahay, haddii ay jirto, taas oo loo ogolyahay in loo dalbado kharashka cuntooyinka iyo jiifka **(Cusub)**.
- Bixinta fasax mushahar leh, wakhtiga xanuunsashada ama wakhtigii kale ee mushahar wata (PTO), habka wakhtiga mushaharka wata uu shaqaaluhu ku mutaysto iyo shuruudaha isticmaalkeeda **(Cusub)**.
- Liiska waxyaabaha laga yaabo in laga jaro mushaharka shaqaalaha **(Cusub)**.
- Magaca sharciga ah iyo magaca shaqo ee loo shaqeeyaha, haddii ay kala duwan yihiin **(Cusub)**.
- Cinwaanka degaanka ee xafiiska ugu weyn ee loo shaqeeyo ama goobta ganacsiga iyo cinwaanka boostada, haddii ay kala duwan yihiin **(Cusub)**.
- Lambarka telefoonka ee loo shaqeeyaha **(Cusub)**.

Loo shaqeeyayaasha waxaa looga baahan yahay inay haystaan koobiga/nuqulka ogeysiiska oo ay saxiixeen shaqaale kasta **(Cusub)**. Dhamaan loo shaqeeyayaashu waa inay shaqaalaha siiyaan ogeysiiska oo ku qoran Ingiriis. Ogaysiiska waa inuu la socdo bayaan, ku qoran luuqado kala duwan, oo u sheegaya shaqaalaha inay codsan karaan ogeysiiska in lagu siiyo luuqad kale **(Cusub)**. Loo shaqeeyuhu waa inuu ogeysiiska ku bixiyo luuqad kale haddii uu shaqaaluhu codsado **(Cusub)**. Loo shaqeeyayaasha sidoo kale waxaa looga baahan yahay inay qoraal ahaan shaqaalaha ku siiyaan wixii isbeddel ah ee macluumaadka ogaysiiskan ka mid ah ka hor taariikhda uu isbeddelku dhaqan gelayo **(Cusub)**.

Waaxda Shaqaalaha iyo Waxsoosaarku (Department of Labor and Industry DLI) waxay samaysay tusaale laga heli karo internetka www.dli.mn.gov/sites/default/files/doc/employee_notice_form.docx. Loo shaqeeyayaashu waxay isticmaali karaan ogeysiiska tusaalaha ah ama iyaga ayaa mid ay leeyihiin samaysan karaan.

Macluumaad dheeraad ah oo loo shaqeeyaha looga baahan yahay in uu shaqaalaha u raaciyu cadaynta dakhliga (beddelka Minn. Stat. § 181.032)

Qoraalka dakhligu (ama jeega dabadiisu) waa diiwaanada mushahar bixinta shaqada ee loo-shaqeeyayaasha iyo shaqaalaha oo caddaynaya macluumaadka ku saabsan mushaharka la bixiyay, saacadaha la shaqeeyay, kharashyada laga jaray iyo nacfiyada shaqaaluhu kasbaday. Sharciga gobolka ee jira wuxuu u baahan yahay in shaqaalaha la siiyo cadaynta dakhliga oo qoraal ah ama hab elektaroonig ah dhammaadka muddada mushahar kasta iyo in uu macluumaad gaar ah la socdo qoraalka dakhliga. (Shaqaaluhu waxay codsan karaan in cadaynta dakhliga lagu siiyo iyada oo qoraal ah halkii lagu siin lahaa iyada oo kombiyuutarka ku jirta. Haddii la bixiyo cadaynta dakhliga oo kombiyuurka ku jirta, waa in loo shaqeeyuhu uu u diyaariyo shaqaalaha kombiyuutar uu loo shaqeeyuhu leeyahay inta lagu jiro saacadaha shaqada ee caadiga ah ee shaqaalaha si uu u eego oo uu u daabacdo cadaynta dakhliga.) Sharciga cusub wuxuu u baahan yahay macluumaadka soo socda oo dheeraad ah in lagu daro cadaynta dakhliga ee la siiyo shaqaale kasta muddada mushahar bixin kasta:

- Magaca shaqaalaha.
- Tirada saacadaha uu shaqeeyuhu shaqeeyay muddada mushaharka.

- Heerka mushaharka shaqaaluhu ku shaqeeyo iyo qorshaha uu ku salaysantahay, oo ay ku jiraan haddii shaqaalaha mushaharka lagu siiyo saacad ahaan, yoomiye ahaan, asbuuc ahaan, mushahar ahaan, qayb ahaan, gunno ahaan ama nidaam kale **(Cusub)**.
- Lacagta loo ogolyahay ee loo dalbaday kharashka cuntooyinka iyo jifka **(Cusub)**.
- Tirada wadarta mushaharka guud ee uu shaqaaluhu shaqaystay muddada mushaharka.
- Mushaharka saafiga ah marka laga jaray dhammaan kharashyada.
- Liiska kharashyada laga jaray mushaharka shaqaalaha.
- Taariikhda muddada mushaharku ay ku dhammaatay.
- Magaca sharciga ah iyo magaca shaqo ee loo shaqeeyaha.
- Xiriirka telefoonka ee loo shaqeeyaha **(Cusub)**.
- Cinwaanka degaanka ee xafiiska ugu weyn ee loo shaqeeyo ama goobta ganacsiga iyo cinwaanka boostada, haddii ay kala duwan yihiin **(Cusub)**.

Shaqaaluhu waa inay haystaan koobiga cadaynta dakhliga oo ay dib u eegaan maalinta mushahar kasta si ay u hubiyaan inay si sax ah u muujinayso saacadaha ay shaqeeyeen iyo mushaharka la siiyey. Waxaa sidoo kale lagula talinayaa in shaqaaluhu ay qortaan saacadaha ay shaqeeyaan maalin kasta, qiimaha mushaharka ay ku shaqaynayaan saacadaha ay shaqeeyaan iyo wixii loo baahanyahay in laga jaro mushaharkooda.

Faahfaahinta iyo shuruudaha mushaharka iyo gunnooyinka ay tahay in loo shaqeeyuhu uu bixiyo iyo marka laga rabo in loo shaqeeyayaashu ay shaqaalaha siiyaan mushaharka iyo gunnooyinka (beddelka Minn. Stat. § 181.101)

Loo shaqeeyayaashu waa inay bixiyaan mushaharka oo dhan, oo ay ku jiraan mushaharka, dakhliga iyo lacagta karaameynta ah(tibta) **(Cusub)** ee uu shaqaystay shaqaaluhu ugu yaraan 31-kii maalmoodba mar iyo in ay dhammaan gunnooyinka ay shaqaaluhu shaqaysteen bixiyaan ugu yaraan saddexdii biloodba mar **(Cusub)** maalinta mushahar bixinta caadiga ah.

Sharciga Xatooyada Mushaharku wuxuu si dheeraad ah usii faahfaahinayanaa in xeerka Minn. Stat. § 181.101 bixinayo xuquuqo waxku ool ah dhanka bixinta gunnooyinka iyo mushaharka, in lagu bixiyo heerka khidmada mushaharka shaqaaluhu ku shaqeeyo ama heerka mushaharka uu sharcigu qabo, hadba midkii badan, iyo sidoo kale xaq u lahaanshaha in lasiiyo mushaharka iyo gunnooyinka uu shaqaaluhu kasbaday maalinta mushahar bixinta oo joogto ah **(Cusub)**.

Cusub: Loo shaqeeyayaashu waxaa waajib ku ah inaysan ka aar-goosan shaqaalaha haddii ay codsadaan xuquuqda iyo wax hagaajinta waafaqsan sida uu qabo Sharciga mushaharka iyo saacadaha Minnesota (beddelka Minn. Stat. § 181.03)

Loo shaqeeyaha waxaa laga mamnuucay in uu ka aargoosto qof u shaqaynaya oo xuquuqdiisa dalbaday ama dalbaday in wax laga qabto iyadoo la raacayo Xeerka Minnesota Fair Labor Standards Act, Xeerka Minnesota Prevailing Wage Act iyo shuruudo ka mid ah Xeerka Minn. Stat., Cutubka 181, Sharciga Bixinta Mushaharka, oo ay ku jirto cabasho u gudbinta DLI ama u sheegista loo shaqeeyaha ujeeddada shaqaalaha oo ah inay gudbinayaan cabasho. Waxaa dheer wixii kale ee sixitaan ah ee uu sharcigu bixiyo, loo shaqeeyaha ku xad-gudba qayb-hoosaadkan wuxuu mas'uul ka yahay ciqaab madani ah oo dhan \$700 illaa \$3,000 xadgudub kasta.

Cusub: Gudoon wadaha(Commissioner) waxaa laga rabaa in uu la wadaago wixii tallaabo sharci fulin ah (beddelka Minn. Stat. § 177.27)

DLI, gudoon wadaha ama wakiilka u idmani waa inuu bixiyo nuqul amar u hogaansamid ah oo lasiinayo loo shaqeeyaha iyo hirgelinta amarka ama macluumaadka ku qeexan amarka ay tahay in ay u hoggaansamaan oo siinayo hay'adaha soo socda:

- Hay'adda shati bixinta ama shuruucda ee hal ama dhowr hay'adood oo dawladeed ama wakaalado ka tirsan qaybta siyaasadda ee loo shaqeeyuhu uu u hogaansamo.
- Hay'ad qandaraasle ah oo dadwayne oo loo shaqeeyuhu la leeyahay heshiis guud.
- Shaqaalaha uu amarkani dantiisa saamaynayo.

Xadgudubka Dembi fudud(Misdemeanor) (beddelka Minn. Stat. § 177.32)

Sida uu qabo sharciga hadda jiraa, loo shaqeeyihii lagu ogaado in uu caqabad ku noqday amaba daahiyey in gudoon waduhu fuliyo waajibaadka looga baahan yahay sida uu dhigayo Sharciga Minnesota Fair Labor Standards Act ama Sharciga Prevailing Wage Act wuxuu ku jiraa faldambi misdemeanor ah. **Sharciga cusub ee Xatooyada Mushaharku waxay ku daraysaa in wixii caqabadayn ama daahin ah ee ka timaada loo shaqeeye ee lagu caqabadeeyo in gudoon waduhu fuliyo waajibaadka looga baahan yahay sida uu dhigayo Xeerarka Minn. Stat. §§ 181.01 illaa 181.723 ama 181.79 uu sidoo kale ku jiro faldambiyeed misdemeanor ah (Cusub).**

Cusub: Dembiga "xatooyada mushaharka" iyo ciqaabaha dembiyeed ee gelidda dembiga "xatooyada mushaharka" (beddelka Minn. Stat. § 609.52)

Dembiga "xatooyada mushaharka" wuxuu dhacaa marka loo shaqeeyuhu, iyada oo ujeedadiisu tahay in uu khayaamo:

- Uu ku guuldaraysto inuu shaqaalaha ku siiyo dhammaan mushaharka, gunnooyinka, dakhliga ama gunnooyinka heerka mushaharka shaqaaluhu ku shaqeeyo ama heerka mushaharka ee uu sharcigu qabo, hadba midkii badan.
- Uu si toos ah ama si aan toos ahaynba u sababo in uu shaqaaluhu bixiyo risiidka mushahar ka badan inta uu dhab ahaantii shaqaalaha loo siiyey shaqo uu qabtay.
- Uu si toos ah ama si aan toos ahayn uga dalbado ama ka helo shaqaaluhu in ay dib u soo celiyaan mushaharka uu shaqaaluhu ku mutaystay heshiiska shaqada ee loo shaqeeyaha.
- Uu sameeyo ama isku dayo in uu u ekaysiiyo in mushaharkii shaqaalaha lasiiyey uu ka badnaa tirada dhab ahaantii lasiiyey shaqaalaha.

"Loo shaqeeye" waxaa lagu qeexay "shakhsi, shuraako, urur, shirkad, shirkad ganacsi, ama qof ama koox dad ah oo si toos ah ama si aan toos ahayn u meelmarisa danaha loo shaqeeye ee la xiriira shaqaale."

"Shaqaaale" waxaa lagu qeexay "qof kasta oo u shaqeeya loo-shaqeeye."

"Xatooyada mushaharka" ayaa lagu daray qeexidda dembiga xatooyada sida ku cad Xeerka Minn. Stat. § 609.52, qayb-hoosaadka. 2(19), iyo ciqaabaha lagu mutaysto samaynta xatooyada mushaharku waa sidan soo socota:

- Xiritaan aan ka badnayn 20 sano, bixinta ganaax aan ka badnayn \$100,000 ama labadaba haddii qiimaha mushaharka la xaday uu ka badan yahay \$35,000.
- Xiritaan aan ka badnayn 10 sano, bixinta ganaax aan ka badnayn \$20,000 ama labadaba haddii qiimaha mushaharka la xaday uu ka badan yahay \$5,000.
- Xiritaan aan ka badnayn shan sano, bixinta ganaax aan ka badnayn \$10,000 ama labadaba haddii qiimaha mushaharka la xaday uu ka badan yahay \$1,000 laakiin uusan ka badnayn \$5000.
- Xiritaan aan ka badnayn hal sano, bixinta ganaax aan ka badnayn \$3,000 ama labadaba haddii qiimaha hantida ama adeegyada la xaday uu ka badan yahay \$500 laakiin uusan ka badnayn \$1000.

Marka la go'aaminayo qiimaha mushaharka la xaday, sharcigu wuxuu ogolyahay in qaddarka mushaharka shaqaalaha ee laga xaday la isku uruuriyo muddo lix bilood gudeheed ah.

Waxa uu shaqaaluhu samayn karo haddii aan dhammaan mushaharka ay xaqa u leeyihiin lagu siinin muddada uu sharcigu qabo gudeheed

La soo xiriir DLI

Haddii aad qabto wax su'aalo ah oo ku saabsan Sharciga Xatooyada Mushaharka ee cusub ama aad aamisan tahay in loo shaqeeyahaagu uu ku xadgudbay xeer ka mid ah Sharciga Minnesota Fair Labor Standards Act, sharciga Minnesota Prevailing Wage Act ama qaybo ka mid ah Minnesota Payment of Wages Act, ama lagaa aargoostay maadama oo aad dalbatay xuquuqdaada sida uu sharcigu qabo, soo wac Waaxda Shaqaalaha iyo Waxsoosaarka Shaqaalaha (Department of Labor and Industry's Labor Standards) 651-284-5075. Qofkii lasoo xiriira Waaxda (Hay'ada) si uu u helo macluumaad ama si uu waaxda cabasho ugu soo gudbiyo way qarín doontaa.

- Haddii loo-shaqeeyahaagu ku guuldaraysto inuu ku siiyo mushaharkaaga oo dhan iyo/ama uu ku guuldaraysto in uu ku bixiyo wakhtigii loogu talagalay, Koomishineerka ayaa wuxuu ku amri karaa loo-shaqeeyaha inuu ku bixiyo mushaharka aad kasbatay heerka mushaharka aad adiga iyo loo-shaqeeyahaagu ku heshiiseen ama heerka qiimaha ee uu qabo sharcigu ama heshiiska qandaraasku, hadba midkoodii badan.
- Intaa waxaa dheer, gudoon waduhu wuxuu sidoo kale amar ku bixin karaa in loo-shaqeeyuhu uu bixiyo lacag u dhiganta mushaharkaagii oo magdhow ahaan ah iyo/ama in uu bixiyo ganaax u dhigma celceliska dakhligaaga maalintii ama in uu bixiyo ganaax u dhigma 1/15 gunnooyinkii aad kasbatay ee aan laakiin lagu siinin maalin kasta oo lacag ay kaa maqnayd si looga jawaabo amarka gudoon wadaha.

Maxkamad dacwad ka xarayso

- Maxkamadda sheegashooyinka yaryar waxaa loogu talagalay khilaafka ah \$15,000 ama ka yar (qareen looma baahna).
- Maxkamada degmada waxaa loogu talagalay khilaafka ka badan \$15,000.