

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2006

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DATE	D-PG	OFFICIAL STATUS
02/27/2014	5882	Introduction and first reading Referred to Judiciary
03/17/2014	6270a	Comm report: To pass as amended and re-refer to Jobs, Agriculture and Rural Development
03/27/2014		Comm report: To pass as amended and re-refer to Finance

A bill for an act

1.1 relating to human rights; prohibiting discrimination in employment based on
 1.2 status as a family caregiver; amending Minnesota Statutes 2012, sections
 1.3 363A.03, by adding a subdivision; 363A.08, subdivisions 1, 2, 3, 4; 363A.20,
 1.4 subdivision 1.
 1.5

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 363A.03, is amended by adding a
 1.8 subdivision to read:

1.9 Subd. 18a. **Family caregiver.** "Family caregiver" means a person who cares for a
 1.10 child, parent, grandparent, sibling, spouse, or domestic partner, or who serves as a health
 1.11 care agent. For purposes of this subdivision:

1.12 (1) "child" means a minor or adult: biological child, adopted child, foster child,
 1.13 grandchild, stepchild, legal ward, or a person to whom the caregiver stands in loco parentis;

1.14 (2) "parent" means a biological parent, foster parent, stepparent, adoptive parent,
 1.15 or legal guardian of a caregiver or the caregiver's spouse;

1.16 (3) "grandparent" means a parent of a parent;

1.17 (4) "sibling" means a biological, foster, or adoptive sibling or stepsibling;

1.18 (5) "spouse" means a person to whom the caregiver is legally married under the
 1.19 laws of Minnesota;

1.20 (6) "domestic partner" means an individual recognized as the domestic partner
 1.21 of the family caregiver either by operation of a Minnesota municipal domestic partner
 1.22 registration ordinance or by an employer of either of the domestic partners; and

1.23 (7) "health care agent" means an individual who has been appointed as a health care
 1.24 agent pursuant to a health care directive executed under chapter 145C.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 2. Minnesota Statutes 2012, section 363A.08, subdivision 1, is amended to read:

2.3 Subdivision 1. **Labor organization.** Except when based on a bona fide occupational
2.4 qualification, it is an unfair employment practice for a labor organization, because of race,
2.5 color, creed, religion, national origin, sex, marital status, status with regard to public
2.6 assistance, familial status, status as a family caregiver, disability, sexual orientation, or age:

2.7 (1) to deny full and equal membership rights to a person seeking membership or
2.8 to a member;

2.9 (2) to expel a member from membership;

2.10 (3) to discriminate against a person seeking membership or a member with respect
2.11 to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities,
2.12 or privileges of employment; or

2.13 (4) to fail to classify properly, or refer for employment or otherwise to discriminate
2.14 against a person or member.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.16 Sec. 3. Minnesota Statutes 2012, section 363A.08, subdivision 2, is amended to read:

2.17 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it
2.18 is an unfair employment practice for an employer, because of race, color, creed, religion,
2.19 national origin, sex, marital status, status with regard to public assistance, familial status,
2.20 status as a family caregiver, membership or activity in a local commission, disability,
2.21 sexual orientation, or age to:

2.22 (1) refuse to hire or to maintain a system of employment which unreasonably
2.23 excludes a person seeking employment; or

2.24 (2) discharge an employee; or

2.25 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,
2.26 upgrading, conditions, facilities, or privileges of employment.

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.28 Sec. 4. Minnesota Statutes 2012, section 363A.08, subdivision 3, is amended to read:

2.29 Subd. 3. **Employment agency.** Except when based on a bona fide occupational
2.30 qualification, it is an unfair employment practice for an employment agency, because of
2.31 race, color, creed, religion, national origin, sex, marital status, status with regard to public

3.1 assistance, familial status, status as a family caregiver, disability, sexual orientation, or
3.2 age to:

3.3 (1) refuse or fail to accept, register, classify properly, or refer for employment or
3.4 otherwise to discriminate against a person; or

3.5 (2) comply with a request from an employer for referral of applicants for
3.6 employment if the request indicates directly or indirectly that the employer fails to comply
3.7 with the provisions of this chapter.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.9 Sec. 5. Minnesota Statutes 2012, section 363A.08, subdivision 4, is amended to read:

3.10 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
3.11 based on a bona fide occupational qualification, it is an unfair employment practice for an
3.12 employer, employment agency, or labor organization, before a person is employed by an
3.13 employer or admitted to membership in a labor organization, to:

3.14 (1) require or request the person to furnish information that pertains to race, color,
3.15 creed, religion, national origin, sex, marital status, status with regard to public assistance,
3.16 familial status, status as a family caregiver, disability, sexual orientation, or age; or, subject
3.17 to section 363A.20, to require or request a person to undergo physical examination; unless
3.18 for the sole and exclusive purpose of national security, information pertaining to national
3.19 origin is required by the United States, this state or a political subdivision or agency of
3.20 the United States or this state, or for the sole and exclusive purpose of compliance with
3.21 the Public Contracts Act or any rule, regulation, or laws of the United States or of this
3.22 state requiring the information or examination. A law enforcement agency may, after
3.23 notifying an applicant for a peace officer or part-time peace officer position that the law
3.24 enforcement agency is commencing the background investigation on the applicant, request
3.25 the applicant's date of birth, gender, and race on a separate form for the sole and exclusive
3.26 purpose of conducting a criminal history check, a driver's license check, and fingerprint
3.27 criminal history inquiry. The form shall include a statement indicating why the data is
3.28 being collected and what its limited use will be. No document which has date of birth,
3.29 gender, or race information will be included in the information given to or available to
3.30 any person who is involved in selecting the person or persons employed other than the
3.31 background investigator. No person may act both as background investigator and be
3.32 involved in the selection of an employee except that the background investigator's report
3.33 about background may be used in that selection as long as no direct or indirect references
3.34 are made to the applicant's race, age, or gender; or

4.1 (2) seek and obtain for purposes of making a job decision, information from any
4.2 source that pertains to the person's race, color, creed, religion, national origin, sex,
4.3 marital status, status with regard to public assistance, familial status, status as a family
4.4 caregiver, disability, sexual orientation, or age, unless for the sole and exclusive purpose
4.5 of compliance with the Public Contracts Act or any rule, regulation, or laws of the United
4.6 States or of this state requiring the information; or

4.7 (3) cause to be printed or published a notice or advertisement that relates to
4.8 employment or membership and discloses a preference, limitation, specification, or
4.9 discrimination based on race, color, creed, religion, national origin, sex, marital status,
4.10 status with regard to public assistance, familial status, status as a family caregiver,
4.11 disability, sexual orientation, or age.

4.12 (b) Any individual who is required to provide information that is prohibited by this
4.13 subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28,
4.14 subdivisions 1 to 9.

4.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.16 Sec. 6. Minnesota Statutes 2012, section 363A.20, subdivision 1, is amended to read:

4.17 Subdivision 1. **Employment.** (a) The provisions of section 363A.08 shall not apply
4.18 to the employment of any individual:

4.19 (1) by the individual's parent, grandparent, spouse, child, or grandchild; or

4.20 (2) in the domestic service of any person.

4.21 (b) Section 363A.08 does not require employers to provide special accommodations
4.22 to a family caregiver that it does not provide to other employees, except as required by
4.23 existing state or federal law.

4.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.