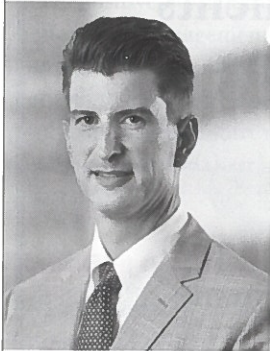


## Two Historic Legislative Sessions Yield Numerous Victories For Employee And Civil Rights Advocates



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### Introduction

The two most recent legislative sessions in Minnesota, in 2023 and 2024, were two of the most productive in many decades. In that context, Minnesota legislators adopted numerous new legal initiatives and enhanced existing legal requirements to broaden employee protections and civil rights in wide-ranging respects. The extensive legal reforms passed during the 2023 and 2024 legislative sessions and signed into law by Governor Tim Walz firmly secure Minnesota as a national leader in the advancement of protections and rights to meet the challenges of the Twenty First Century.

### I. The Minnesota Legislature Adopted An Array Of New Laws That Significantly Expand Employee Protections And Civil Rights Across The State

In contrast to the current United States Congress, the Minnesota Legislature focused on legislating in 2023 and in 2024 to address community needs and concerns in the public interest. In that context, Governor Walz signed legislative provisions into law that do the following:

- Require employers to provide paid family and medical leave to their employees beginning on January 1, 2026 (Minn. Stat. §§ 268B.01, *et seq.*);
- Prohibit enforcement of any non-compete agreement that limits an employee's ability to accept a job with a different employer in the field in which they work and any non-compete term in a service agreement that prevents a customer from hiring a vendor's employees in, for example, the residential property management field when a homeowners association changes property management companies (Minn. Stat. § 181.988; Minn. Stat. § 181.9881);
- Create a cause of action regarding employee misclassification and, moreover, authorize substantial remedies that include the recovery of compensatory damages – such as back pay, benefits, and employer contributions to, for example, Social Security – and up to \$10,000 in financial penalties per violation

per employee (Minn. Stat. § 181.722, Subd. 4; Minn. Stat. § 181.723, Subd. 7);

- Protect employees in the construction industry from wage theft by obligating general contractors to pay any earned wages and benefits that their subcontractors fail to pay for any reason, including without limitation when misclassifying employees as independent contractors (Minn. Stat. § 181.165);
- Compel warehouse employers like Amazon to provide warehouse employees with written information about all applicable performance standards in clear terms and in each employee's preferred language, bar those employers from terminating or otherwise disciplining an employee based on an undisclosed performance standard, empower employees to obtain their own performance data from their employers, guarantee warehouse employee breaks, and enable employees to sue their employers for violations of this provision to obtain injunctive and compensatory relief and reimbursement of reasonable attorney's fees and litigation costs (Minn. Stat. § 182.6526);
- Establish new safety and pandemic protection measures in the meat processing industry, authorize employees to refuse to work under dangerous conditions while still being paid, and enable employees to sue their employers for violations of this provision to obtain injunctive and compensatory relief and reimbursement of reasonable attorney's fees and litigation costs (Minn. Stat. §§ 179.87, *et seq.*);
- Ban any mandatory employee meeting about an employer's religious and/or political views, including anti-union captive audience meetings, and prohibit any adverse action against an employee who refuses to attend any such meeting (Minn. Stat. § 181.531);
- Mandate that large warehouse distribution centers, meat and poultry packing plants, and health care facilities develop and implement meaningful ergonomics programs to reduce the risk of repetitive strain injuries (Minn. Stat. § 182.677); and

- Create an industry standards board for the nursing home sector that establishes minimum wage rates and benefits for employees working in that essential field (Minn. Stat. §§ 181.211, et seq.).

## II. The Minnesota Legislature Also Amended Existing Laws To Enhance Employee Protections And Civil Rights Around Minnesota

Besides enacting numerous new laws that widen the circle of protections and rights, the Minnesota legislature updated laws already in force to improve the existing legal framework. In particular, the amended laws accomplish as follows:

- Expand leave opportunities for employees while reinforcing anti-retaliation protection by codifying the right to (1) 12-week unpaid parental leave regardless of employee tenure (Minn. Stat. §§ 181.940, et seq.) and (2) one hour of paid sick and safe leave time for every 30 hours they work – up to 48 hours each year (Minn. Stat. §§ 181.032, et seq.);
- Explicitly prohibit discrimination on the basis of “traits associated with race, including but not limited to hair texture and hair styles such as braids, locs and twists” (Minn. Stat. § 363A.03, Subd. 36a);
- Enhance employee rights to reasonable accommodations regarding pregnancy, nursing, and lactation through, for example, sufficient leave time, adequate breaks, and improved lactation rooms (Minn. Stat. § 181.939);
- Explicitly prohibit considering or even inquiring about a job applicant’s pay history to determine compensation (Minn. Stat. § 363A.08, Subd. 8);
- Empower educators to bargain to reduce class sizes, improve staffing ratios, and limit the use of standardized testing not required by applicable law (Minn. Stat. § 179A.03, Subd. 19);
- Require employers with 30 employees or more to post pay ranges or specific pay rates, as applicable, and a general description of employee benefits (Minn. Stat. § 181.173);
- Compel public employers to allow the representative union to meet with bargaining unit employees within 30 days of hire and, moreover, to communicate on a continuing basis via employer-issued email accounts regarding collective bargaining, administration of collective bargaining agreements, grievances and other workplace-related issues, and internal matters involving union affairs (Minn. Stat. § 179A.07);

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- Require employers of migrant employees to provide employment notices in the employees' preferred language (Minn. Stat. § 181.86); and
- Preclude employers from testing job applicants for cannabis or denying employment on the basis of cannabis test results unless otherwise required by applicable law, from prohibiting employee cannabis use when not working and not on employer property, and from testing employees for cannabis on the basis and with the frequency done in the past (Minn. Stat. §§ 181.950, *et seq.*).

In response to an omnibus bill proposed by the Minnesota Department of Human Rights ("MDHR") during the 2024 legislative session, the first such bill ever proposed by the Department, the Minnesota Legislature amended the Minnesota Human Rights Act ("MHRA") in transformative ways that achieve the following:

- Eliminates the cap on punitive damages that can be awarded under the MHRA regarding all non-governmental defendants (Minn. Stat. § 363A.33, Subd. 8(a));
- Explicitly recognizes that the damages multiplier under the MHRA, which authorizes triple damages, applies to emotional distress damages in addition to economic damages and, moreover, that a jury rather than a judge decides all damages questions under the MHRA (Minn. Stat. § 363A.33, Subd. 8(a));
- Explicitly prohibits intersectional discrimination under the MHRA – that is, discrimination based on more than one protected class (Minn. Stat. § 363A.02, Subd. 1);
- Explicitly updates the definition of gender identity and deletes statutory language that erroneously linked sexual orientation to criminal conduct as well as language that allowed nonprofit organizations to discriminate based on sexual orientation (Minn. Stat. § 363A.03, Subd. 44; Minn. Stat. § 363A.20, Subd. 3);
- Explicitly recognizes that episodic impairments and impairments in remission are disabilities under the MHRA (Minn. Stat. § 363A.03, Subd. 12);
- Explicitly confirms that familial status as a protected class under the MHRA includes people who have legal status or custody of a minor or who reside with and care for a person who is not able to care for themselves (Minn. Stat. § 363A.03, Subd. 18);
- Explicitly recognizes that the reference to "exclusive" remedies under the MHRA pertains only to the MDHR's administrative process and that those remedies are available in addition to all other remedies permitted at law and/or equity (Minn. Stat. § 363A.04);
- Explicitly tolls the limitations period while the MDHR investigates claims under the MHRA filed with the

MDHR and, moreover, extends the limitations period to file claims under the MHRA in court to 90 days after the MDHR dismisses a charge filed under the MHRA with the MDHR (Minn. Stat. § 363A.29, Subd. 2; Minn. Stat. § 363A.33, Subd. 1); and

- Explicitly prohibits harassment based on any protected class under the MHRA (Minn. Stat. § 363A.03, Subd. 13).

The MHRA amendments also acknowledge the existence of the previously recognized religious ministerial exemption under the United States and Minnesota Constitutions. Therefore, the MHRA amendments eliminate the statutory exception regarding sexual orientation and clarify that the MHRA should be interpreted to incorporate the established ministerial exemption analysis.

### Conclusion

The stunning multitude of new laws and amendments to existing laws enacted in 2023 and in 2024 concerning employee protections and civil rights, as outlined above, provides an inspiring example of what can be done when people of conscience and commitment collaborate to build for a better tomorrow. The resounding success of the last two legislative sessions bodes well for Minnesota, but it will take effort by everyone to make the promise offered by the recent legislative action a reality for all Minnesotans. **T**

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