

Minnesota

Employment Law Workbook Addendum

(Update on legislation enacted from Jan. 1, 2015- Dec. 31, 2016)

Topics

I. Discrimination

The Minnesota Human Rights Act provides that any person aggrieved by a violation of the Act may file a civil action to seek redress for the alleged discriminatory practice. The new law amends the Act to require the aggrieved person to send a notice to the business establishment or place of public accommodation alleged to be in violation of the Act's accessibility requirements with respect to architectural barriers prior to filing a lawsuit for a violation. The notice must:

- cite the law(s) alleged to have been violated;
- identify each architectural barrier that is the subject of the alleged violation and specify its location on the premises; and
- give the recipient a reasonable time to respond, which cannot be less than 30 days.

In addition, the notice may not include a request or demand for money, or an offer or agreement to accept money, but may offer to engage in pre-litigation settlement discussions. The aggrieved person may not file suit prior to the expiration of the response period designated in the notice. The notice requirement does not apply to a person who is not represented by counsel.

If a civil action is brought against a business for accessibility violations, the business has an affirmative defense if it demonstrates that:

- the architectural barrier has been removed in a manner that complies with accessibility requirements under law;
- compliance with the accessibility requirements under law is not readily achievable or cannot be accomplished by alternative means; or
- the alleged architectural barrier does not violate accessibility requirements under law.

Further, in an action challenging an audit concluding that an alleged architectural barrier complies with the law or that compliance is not readily achievable, the plaintiff will bear the burden of showing that the architectural barrier does not comply with those accessibility requirements or that compliance is readily achievable or can be accomplished by alternative means.

Minn. Stat. § 363A.28 and Minn. Stat. § 363A.331 (Effective Date 05/23/2016).

II. Pre-Employment Inquiry Guidelines

No new laws or regulations enacted in 2015 or 2016.

III. Family and Medical Leave

No new laws or regulations enacted in 2015 or 2016.

IV. Wage and Hour Laws

In 2014, Minnesota enacted increases to the state's minimum wage to be implemented through annual increases beginning in 2014 and continuing through 2018. The latest annual minimum wage increases, effective August 1, 2016, are:

- large employers (those with annual gross revenues of \$500,000 or more) must pay at least \$9.50 per hour;
- small employers (those with annual gross revenues of less than \$500,000) must pay at least \$7.75 per hour;
- the training wage rate, \$7.75 per hour, may be paid to employees younger than 20 years of age for the first 90 consecutive days of employment; and
- the youth wage rate, at least \$7.75 per hour, may be paid to employees younger than 18 years of age.

The state has updated its minimum wage poster to reflect the wage rate increases and has published the poster on its website.

Minn. Stat. § 177.24 (Effective 08/01/2016).

V. Drug Testing

No new laws or regulations enacted in 2015 or 2016.

VI. Noncompete and Other Employment Agreements

No new laws or regulations enacted in 2015 or 2016.

VII. Workplace Safety

No new laws or regulations enacted in 2015 or 2016.

VIII. Workers' Compensation

No new laws or regulations enacted in 2015 or 2016.

IX. Miscellaneous