

CHAPTER 76—H.F.No. 823

An act relating to labor; prohibiting certain terminations; requiring notice of reasons for terminations; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. [181.931] DEFINITIONS.

Subdivision 1. GENERALLY. For the purpose of sections 1 to 5 the terms defined in this section have the meanings given them.

Subd. 2. EMPLOYEE. "Employee" means a person who performs services for hire in Minnesota for an employer. Employee does not include an independent contractor.

Subd. 3. EMPLOYER. "Employer" means any person having one or more employees in Minnesota and includes the state and any political subdivision of the state.

Sec. 2. [181.932] DISCLOSURE OF INFORMATION BY EMPLOYEES.

Subdivision 1. PROHIBITED ACTION. An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

(a) the employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal or state law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;

(b) the employee is requested by a public body or office to participate in an investigation, hearing, inquiry; or

(c) the employee refuses to participate in any activity that the employee, in good faith, believes violates any state or federal law or rule or regulation adopted pursuant to law.

Subd. 2. DISCLOSURE OF IDENTITY. No public official or law enforcement official shall disclose, or cause to disclose, the identity of any employee making a report or providing information under subdivision 1 without the employee's consent unless the investigator determines that disclosure is necessary for prosecution. If the disclosure is necessary for prosecution, the employee shall be informed prior to the disclosure.

Subd. 3. FALSE DISCLOSURES. This section does not permit an employee to make statements or disclosures knowing that they are false or that they are in reckless disregard of the truth.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. COLLECTIVE BARGAINING RIGHTS. This section does not diminish or impair the rights of a person under any collective bargaining agreement.

Subd. 5. CONFIDENTIAL INFORMATION. This section does not permit disclosures that would violate federal or state law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by common law.

Sec. 3. [181.933] NOTICE OF TERMINATION.

Subdivision 1. NOTICE REQUIRED. An employee who has been involuntarily terminated may, within five working days following such termination, request in writing that the employer inform the employee of the reason for the termination. Within five working days following receipt of such request, an employer shall inform the terminated employee in writing of the truthful reason for the termination.

Subd. 2. DEFAMATION ACTION PROHIBITED. No communication of the statement furnished by the employer to the employee under subdivision 1 may be made the subject of any action for libel, slander, or defamation by the employee against the employer.

Sec. 4. [181.934] EMPLOYEE NOTICE.

The department of labor and industry shall promulgate rules for notification of employees by employers of an employee's rights under sections 1 to 5.

Sec. 5. [181.935] INDIVIDUAL REMEDIES; PENALTY.

(a) In addition to any remedies otherwise provided by law, an employee injured by a violation of section 2 may bring a civil action to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive such injunctive and other equitable relief as determined by the court.

(b) An employer who failed to notify, as required under section 3 or 4, an employee injured by a violation of section 2 is subject to a civil penalty of \$25 per day per injured employee not to exceed \$750 per injured employee.

Approved May 11, 1987

CHAPTER 77—H.F.No. 830

An act relating to state energy contracts; imposing additional requirements on bidders for state energy efficiency installment purchase contracts; amending Minnesota Statutes 1986, section 16B.16, subdivision 1.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.