

A bill for an act

relating to the military; prohibiting discrimination in employment against the immediate family member of any service member; permitting civil actions; providing penalties; amending Minnesota Statutes 2006, section 192.34.

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

Section 1. Minnesota Statutes 2006, section 192.34, is amended to read:

192.34 DISCRIMINATION WITH RESPECT TO EMPLOYMENT.

Subdivision 1. Service member. It shall be unlawful for any employer to discharge any person from employment because of membership in the military or naval forces of the United States, of this state, or any other state, or to hinder or prevent any person from performing any military service that person may be called upon to perform by proper authority, or to dissuade any person from enlistment in the military service by threat or injury, in case that person shall so enlist, in respect to that person's employment, trade or business. ~~Any person violating any of the provisions of this section shall be deemed guilty of a gross misdemeanor.~~

Subd. 2. Family of service member. It shall be unlawful for any employer to:

(1) discharge from employment or take adverse employment action against any employee because of the membership of that employee's spouse, parent, or child in the military forces of the United States, of this state, or any other state;

(2) discharge from employment, take adverse employment action against, or otherwise hinder an employee from attending the following kinds of events relating to the military service of the employee's spouse, parent, or child and to which the employee is invited or otherwise called upon to attend by proper military authorities:

2.1 (i) departure or return ceremonies for deploying or returning military personnel
2.2 or units;

2.3 (ii) family training or readiness events sponsored or conducted by the military; and

2.4 (iii) events held as part of official military reintegration programs.

2.5 The employee must provide reasonable notice to the employer when requesting time off.

2.6 The employer must provide a reasonable amount of nonpaid time off for the employee.

2.7 The employer must not compel the employee to use accumulated but unused vacation
2.8 for these events.

2.9 Subd. 3. **Action for damages.** An employer who violates this section is liable to a
2.10 person who suffers damage as a result of the violation. The person damaged may bring an
2.11 action against the employer to cover any damages sustained, plus costs and reasonable
2.12 attorney fees.

2.13 Subd. 4. **Criminal penalty.** Violation of this section is a gross misdemeanor.

2.14 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to
2.15 violations occurring on or after that date.