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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **441**

01/28/2021 Authored by Xiong, J.; Hassan; Gomez; Vang and Lee
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to human rights; adding a provision to the certificate of compliance
- 1.3 provision in the Human Rights Act; amending Minnesota Statutes 2020, sections
- 1.4 363A.36, subdivision 3; 363A.44, subdivision 4.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 363A.36, subdivision 3, is amended to read:
- 1.7 Subd. 3. ~~Revocation of certificate~~ Violations; remedies. Certificates of compliance
- 1.8 may be suspended or revoked by the commissioner if a holder of a certificate has not made
- 1.9 a good faith effort to implement an affirmative action plan that has been approved by the
- 1.10 commissioner. If a contractor does not effectively implement an affirmative action plan
- 1.11 approved by the commissioner pursuant to subdivision 1, or fails to make a good faith effort
- 1.12 to do so, the commissioner may refuse to approve subsequent plans submitted by that firm
- 1.13 or business. The commissioner may impose fines or actions as follows:
- 1.14 (1) issue fines up to \$5,000 per violation; and
- 1.15 (2) suspend or revoke a certificate of compliance until the contractor has paid all
- 1.16 outstanding fines and otherwise complies with this section.
- 1.17 EFFECTIVE DATE. This section is effective July 1, 2021, for all current and future
- 1.18 certificate holders.
- 1.19 Sec. 2. Minnesota Statutes 2020, section 363A.44, subdivision 4, is amended to read:
- 1.20 Subd. 4. ~~Revocation of certificate~~ Violations; remedies. An equal pay certificate for
- 1.21 a business may be suspended or revoked by the commissioner when the business fails to
- 1.22 make a good-faith effort to comply with the laws identified in subdivision 2, paragraph (a),

2.1 clause (1), fails to make a good-faith effort to comply with this section, or has multiple
2.2 violations of this section or the laws identified in subdivision 2, paragraph (a), clause (1).
2.3 The commissioner may also issue a fine due to lack of compliance with this section of up
2.4 to \$5,000 per violation. The commissioner may suspend or revoke an equal pay certificate
2.5 until the business has paid all outstanding fines and otherwise complies with this section.
2.6 Prior to issuing a fine or suspending or revoking a certificate, the commissioner must first
2.7 have sought to conciliate with the business regarding wages and benefits due to employees.

2.8 **EFFECTIVE DATE.** This section is effective July 1, 2021, for all current and future
2.9 certificate holders.