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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 312

01/17/2017 Authored by Hornstein and Moran The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act
1.2 relating to employment; prohibiting discrimination against unemployed individuals;
1.3 providing for civil penalties; proposing coding for new law in Minnesota Statutes,
1.4 chapter 181.

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

1.6 Section 1. [181.646] DISCRIMINATION AGAINST UNEMPLOYED INDIVIDUALS
1.7 PROHIBITED.

1.8 Subdivision 1. Definition. As used in this section, "employer" means a person who
1.9 employs another to perform a service for hire. Employer includes any agent, representative,
1.10 or designee of an employer who, for money or other valuable consideration paid or promised
1.11 to be paid, performs any recruiting.

1.12 Subd. 2. General prohibition. It shall be unlawful for an employer to discriminate
1.13 against an individual based on unemployment status by:

1.14 (1) refusing to consider or refusing to offer employment based on that status; or

1.15 (2) directing or requesting an employment agency to take into account unemployment
1.16 status when screening or referring applicants for employment.

1.17 Subd. 3. Advertisements. It shall be unlawful for an employer to publish in print or
1.18 post electronically an employment advertisement that includes any of the following:

1.19 (1) a provision stating or suggesting that current employment is a job qualification;

1.20 (2) a provision stating or suggesting that an application from a job applicant who is
1.21 currently unemployed will not be reviewed and the applicant will not be considered for an
1.22 interview or be hired; or

2.1 (3) a provision stating or suggesting that only applications for employment from
2.2 applicants who are currently employed will be considered or reviewed.

2.3 Subd. 4. **Exceptions.** This section does not prohibit:

2.4 (1) granting a preference in employment decisions to current employees of the employer;

2.5 or

2.6 (2) requiring previous experience that is relevant to the employment.

2.7 Subd. 5. **Penalty.** An employer that violates this section is subject to a civil penalty of
2.8 not more than \$5,000 for the first violation and not more than \$10,000 for each subsequent
2.9 violation.