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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3601

02/20/2020 Authored by Noor, Cantrell, Considine, Mariani, Xiong, J., and others
The bill was read for the first time and referred to the Committee on Labor
03/09/2020 Adoption of Report: Re-referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to employment; prohibiting employers or prospective employers from
1.3 requiring or using credit information as a condition of employment or for
1.4 employment purposes; amending Minnesota Statutes 2018, section 181.53.

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

1.6 Section 1. Minnesota Statutes 2018, section 181.53, is amended to read:

1.7 181.53 CONDITIONS PRECEDENT TO EMPLOYMENT NOT REQUIRED.

1.8 (a) No person, whether acting directly or through an agent, or as the agent or employee
1.9 of another, shall require as a condition precedent to employment any written statement as
1.10 to the participation of the applicant in a strike, or as to a personal record, for more than one
1.11 year immediately preceding the date of application; nor shall any person, acting in any of
1.12 these capacities, use or require blanks or forms of application for employment in
1.13 contravention of this section. Nothing in this section precludes an employer from requesting
1.14 or considering an applicant's criminal history pursuant to section 364.021 or other applicable
1.15 law.

1.16 (b) Except as provided in paragraph (c), no person or employer, whether acting directly
1.17 or through an agent, shall seek to obtain; require consent to a request for; or use an employee
1.18 or prospective employee's credit information, including the employee or prospective
1.19 employee's credit score, credit history, credit account balances, payment history, savings
1.20 or checking account balances, or savings or checking account numbers:

1.21 (1) as a condition precedent to employment;

- 2.1 (2) as a basis for hiring, compensation, or any other term, privilege, or condition of
2.2 employment; or
- 2.3 (3) as a basis for discharge or any other adverse employment action.
- 2.4 (c) Paragraph (b) does not apply if:
- 2.5 (1) the information sought is required by a state or federal law or regulation;
- 2.6 (2) the employer or prospective employer is a financial institution or a credit union;
- 2.7 (3) the employer or prospective employer has a bona fide business purpose for requesting
2.8 the information that is substantially related to the employee or prospective employee's
2.9 position; or
- 2.10 (4) the employee or prospective employee's position:
- 2.11 (i) is a managerial position that involves setting the financial direction or control of the
2.12 employer or prospective employer;
- 2.13 (ii) involves routine access to confidential financial and personal information, other than
2.14 information customarily provided in a routine retail transaction;
- 2.15 (iii) involves regular access to cash totaling \$10,000 or more of the employer, prospective
2.16 employer, a customer, or a client;
- 2.17 (iv) is a peace officer; or
- 2.18 (v) requires a financial fiduciary responsibility to the employer, prospective employer,
2.19 a customer, or a client, including the authority to issue payments, collect debts, transfer
2.20 money, or enter into contracts.
- 2.21 (d) In addition to any remedies otherwise provided by law, an employee or prospective
2.22 employee injured by a violation of paragraph (b) may bring a civil action to recover any
2.23 and all damages recoverable at law, together with costs and disbursements, including
2.24 reasonable attorney fees, and may receive such injunctive and other equitable relief as
2.25 determined by the court. If the district court determines that a violation of paragraph (b)
2.26 occurred, the court may order any appropriate relief, including but not limited to
2.27 reinstatement, back pay, restoration of lost service credit, if appropriate, compensatory
2.28 damages, and the expungement of any adverse records of an employee or prospective
2.29 employee who was the subject of the alleged acts of misconduct.