

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 505

(SENATE AUTHORS: CARLSON, Latz, Goodwin, Wiger and Koenen)

DATE	D-PG	OFFICIAL STATUS
02/18/2013	271	Introduction and first reading Referred to Jobs, Agriculture and Rural Development

A bill for an act
relating to employment; prohibiting employment discrimination based on credit
history; amending Minnesota Statutes 2012, section 363A.08, subdivisions 1, 2,
3, 4; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. **[181.9632] PERSONAL CREDIT HISTORY; PROHIBITIONS.**

An employer shall not inquire into, consider, request, or require any employee or
applicant for employment to furnish, authorize the release of, or otherwise provide to the
employer the employee's or applicant's credit history except when based on a bona fide
occupational qualification or as required by state or federal law.

EFFECTIVE DATE. This section is effective September 1, 2013.

Sec. 2. Minnesota Statutes 2012, section 363A.08, subdivision 1, is amended to read:

Subdivision 1. **Labor organization.** Except when based on a bona fide occupational
qualification, it is an unfair employment practice for a labor organization, because of race,
color, creed, religion, national origin, sex, marital status, status with regard to public
assistance, disability, sexual orientation, credit history, or age:

(1) to deny full and equal membership rights to a person seeking membership or
to a member;

(2) to expel a member from membership;

(3) to discriminate against a person seeking membership or a member with respect
to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities,
or privileges of employment; or

(4) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

EFFECTIVE DATE. This section is effective September 1, 2013.

Sec. 3. Minnesota Statutes 2012, section 363A.08, subdivision 2, is amended to read:

Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, credit history, or age to:

(1) refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(2) discharge an employee; or

(3) discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

EFFECTIVE DATE. This section is effective September 1, 2013.

Sec. 4. Minnesota Statutes 2012, section 363A.08, subdivision 3, is amended to read:

Subd. 3. **Employment agency.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, credit history, or age to:

(1) refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(2) comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

EFFECTIVE DATE. This section is effective September 1, 2013.

Sec. 5. Minnesota Statutes 2012, section 363A.08, subdivision 4, is amended to read:

Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to:

(1) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance,

disability, sexual orientation, credit history, or age; or, subject to section 363A.20, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting a criminal history check, a driver's license check, and fingerprint criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any person who is involved in selecting the person or persons employed other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(2) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, credit history, or age, unless for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(3) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, credit history, or age.

(b) Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28, subdivisions 1 to 9.

EFFECTIVE DATE. This section is effective September 1, 2013.