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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **947**

02/11/2019 Authored by Mahoney and Huot
The bill was read for the first time and referred to the Committee on Labor
03/04/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to wages; prohibiting employers from requiring disclosure of past wages;
1.3 imposing civil penalties; amending Minnesota Statutes 2018, section 181.171,
1.4 subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapter
1.5 181.

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

1.7 Section 1. Minnesota Statutes 2018, section 181.171, subdivision 1, is amended to read:

1.8 Subdivision 1. **Civil action; damages.** A person may bring a civil action seeking redress
1.9 for violations of sections 181.02, 181.03, 181.031, 181.032, 181.08, 181.09, 181.10, 181.101,
1.10 181.11, 181.13, 181.14, 181.145, ~~and 181.15~~, and 181.173 directly to district court. An
1.11 employer who is found to have violated the above sections is liable to the aggrieved party
1.12 for the civil penalties or damages provided for in the section violated. An employer who is
1.13 found to have violated the above sections shall also be liable for compensatory damages
1.14 and other appropriate relief including but not limited to injunctive relief.

1.15 Sec. 2. Minnesota Statutes 2018, section 181.171, subdivision 4, is amended to read:

1.16 Subd. 4. **Employer; definition.** "Employer" means any person having one or more
1.17 employees in Minnesota and includes the state and any political subdivision of the state.
1.18 This definition applies to this section and sections 181.02, 181.03, 181.031, 181.032, 181.06,
1.19 181.063, 181.10, 181.101, 181.13, 181.14, ~~and 181.16~~, and 181.173.

1.20 Sec. 3. **[181.173] WAGE DISCLOSURE REQUIREMENTS PROHIBITED.**

1.21 Subdivision 1. **Seeking wage disclosure prohibited.** An employer shall not:

2.1 (1) seek, from any source, the past wage, salary, earnings, or commission information
2.2 of an employee or prospective employee; or

2.3 (2) use any wage history information received about an employee or prospective employee
2.4 when determining the future wages, salary, earnings, or commissions of that employee.

2.5 Subd. 2. **Civil action; civil penalties.** (a) In addition to other relief allowed in section
2.6 181.171, an employer who has violated this section must pay a civil penalty of \$1,000 per
2.7 violation to the employee or prospective employee.

2.8 (b) In addition to other rights described in section 181.171, an individual aggrieved by
2.9 a violation of this section may bring a collective or class action on behalf of others similarly
2.10 situated.

2.11 (c) An individual aggrieved by a violation of this section is entitled to compensatory
2.12 damages, including lost wages, salary, earnings, or commissions; or the difference in wages,
2.13 salary, earnings, or commissions had the violation not occurred; plus an equal amount as
2.14 liquidated damages. These damages are in addition to any relief awarded by a court under
2.15 section 181.171.