

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 443

DATE: February 17, 2005

Version: As introduced

Authors: Paymar and others

Subject: Expanding the protection against employer retaliation for crime victims

Analyst: Rebecca Pirius, 651-296-5044

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

Minnesota law currently protects victims and witnesses involved in criminal proceedings from employer retaliation if they need to leave work to attend a court proceeding. This bill expands that protection to certain family members of a victim in the case of a heinous crime. In addition, the bill provides protection from employer retaliation to victims seeking an Order for Protection or Restraining Order in civil proceedings. Finally, the bill establishes civil remedies for aggrieved persons.

Section

1 Order for protection hearings. (a) Prohibits employer retaliation against a victim who takes a reasonable time off from work to obtain relief under the Domestic Abuse Act. An employee who is absent from work must give advance notice, except in cases of imminent danger to the health or safety of the employee or the employee's child. An employer may ask for verification as to the employee's whereabouts, but any information provided must be kept confidential.

(b) Establishes a misdemeanor penalty for an employer who discharges an employee in retaliation for exercising his or her rights under this section. In addition, the court shall award back wages and reinstatement. The court may also find the employer in contempt.

Section

(c) Establishes a civil cause of action for an aggrieved employee. A prevailing plaintiff may seek damages, costs and disbursements, attorney's fees, reinstatement, injunctive relief, and other equitable relief. The total damage award under this section is limited to six weeks of lost wages.

2 Restraining order hearings. Prohibits employer retaliation against a victim of harassment who takes a reasonable time off from work to obtain a restraining order. This section contains the same provisions as found in section 1 pertaining to notice, verification, confidentiality, criminal penalties, and civil remedies.

3 Criminal proceedings. Expands on the current provision in law that prohibits employer retaliation against a victim or witness who takes a reasonable time off from work to answer a subpoena or answer the request of a prosecutor.

Subd. 1. Victim or witness. Allows a victim or witness to take reasonable time off from work to answer a subpoena or answer the request of a prosecutor.

Subd. 2. Victim's spouse or next of kin. Allows the victim of a heinous crime, as well as the victim's spouse or next of kin, to take reasonable time off from work to attend proceedings involving prosecution of the heinous crime. The victim and his or her family member need not be asked to attend or issued a subpoena for these protections to vest.

Subd. 3. Prohibited acts. Prohibits employer retaliation against an employee who takes a reasonable time off from work to attend a criminal proceeding as provided in this section.

Subd. 4. Verification; confidentiality. Provides that an employee who is absent from work must give advance notice, unless an emergency prevents the employee from doing so. An employer may ask for verification as to the employee's whereabouts, but any information provided must be kept confidential.

Subd. 5. Penalty. Provides the same criminal penalties as found in section 1.

Subd. 6. Civil action. Provides the same civil remedies as found in section 1.

Subd. 7. Definition. Defines "heinous crime" to include acts of homicide, first-degree assault, and criminal sexual conduct committed with force or involving a minor.