



May 7, 2014

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED],

The [REDACTED] posed the follow questions to Senator Sandra Pappas about the “familial status” section of the WESA Conference Committee Report (HF2536). As the agency charged with implementation of this provision, we wish to offer technical guidance about these questions. The initial letter from the Association states:

*“Every one of the employer representatives who have expressed concerns about the provision would agree that familial status should not be a factor or consideration in offers of employment or promotions. However, we are concerned that the provision could be interpreted more broadly than that. So we would greatly appreciated clarification that hopefully in a letter from you that the following does not constitute discrimination based on familial status:*

- 1. Failure to provide special accommodations such as additional leave or exceptions to other company policies due to an employee’s parentage of minor children or pregnancy other than what accommodations are already required under current law,*
- 2. Failure to provide special accommodations in work schedules, e.g. daytime rather than evening or night, due to an employee’s parentage of minor children*
- 3. Failure to provide special accommodations or exceptions to ordinary performance expectations or evaluations due to an employee’s parentage of minor children or pregnancy*
- 4. Imposition of higher employee costs for health insurance, e.g. for family or employee plus one coverage as opposed to single coverage as long as any employer subsidy/share is identical to that provided to other employees*
- 5. Failure to provide special accommodations such as preferred parking spots or additional commuting expense or transit expense reimbursements or vouchers due to an employee’s parentage of minor children or pregnancy that may require additional expense or frequency to bring a minor child to or from daycare and/or school*
- 6. Requiring the employee to reimburse for personal use of company phones at a higher level than other employees due to more frequent personal use due to an employee’s parentage of minor*

AN EQUAL OPPORTUNITY EMPLOYER

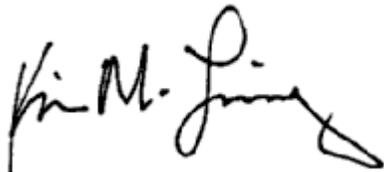
*children or to use their own phone for personal calls if a similar requirement is imposed on other employees*

- 7. Failure to provide on-site day care or employer reimbursement for day care expense*
- 8. Failure to provide child care expense reimbursement under a tax-advantaged, flexible spending account, and*
- 9. Failure to provide special accommodations or exceptions to employee travel requirements due to an employee's parentage of minor children"*

Familial status has been a protected class for housing under the Minnesota Human Rights Act for several decades; this proposal would add it as a protected class for employment. Familial Status is defined in Minnesota Statute 363A.03 subd. 18 as, "the condition of one or more minors being domiciled with (1) their parent or parents or the minor's legal guardian or (2) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority."

The Minnesota Department of Human Rights does not interpret any of the above scenarios as being discrimination based on familial status, if this legislation were adopted to add familial status as a protected class under the Minnesota Human Rights Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin M. Lindsey". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kevin M. Lindsey  
Commissioner

*Copies:*

Senator Sandra Pappas

Matt Massman, Governor's Office

Allison Jones, Governor's Office

Kara Josephson, Committee Administrator, State and Local Government Committee

Kate Perushek, Legislative Director to the Speaker