

SURVIVOR STATE EMPLOYMENT GUIDE

MINNESOTA

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Minnesota law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Minnesota law (**Minn. Stat. 518B.01**), an employer cannot discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain a protective order or a restraining order.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Minnesota has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Minnesota law, survivors may have access to several types of leave from work related to domestic abuse, sexual harassment, stalking, or harassment:

- **Sick and Safe Days:** Under Minnesota law (**Minn. Stat. 181.9413**), an employee may use their sick leave for safety leave. This means an employee can use their sick leave to provide or receive help because of sexual assault, domestic abuse, harassment, or stalking. To be able to use this leave, an employee must have worked for the employer for at least 12 months, the employee must have worked at least half-time for the employer for those 12 months, the employer must have at least 21 or more employees at the place where the employee works, and the employer must already offer personal sick leave. The employee can use the leave for themselves or due to an illness or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. The leave is limited to 160 hours in a 12-month period. The leave is not required to be paid.

- **Time Off for Crime Victims:** Under Minnesota law (**Minn. Stat. 611A.036**), a victim or witness who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony must be given reasonable time off from work to attend criminal proceedings related to the victim's case. The employer is also required to allow a victim of a violent crime, as well as the victim's spouse or immediate family members, reasonable time off from work to attend criminal proceedings related to the victim's case. An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to attend a criminal proceeding under this law.
- **Time Off for a Protective Order:** Under Minnesota law (**Minn. Stat. 518B.01**), an employer cannot discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain a protective order or a restraining order. An employee who is absent from the workplace shall give 48 hours advance notice to the employer unless it is impracticable to do so or it would impact the health and safety of the employee.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Minnesota law (**Minn. Stat. 268.095**), an otherwise eligible individual can still receive unemployment benefits if he or she quits a job due to domestic abuse, sexual assault, harassment, or stalking of the individual or an immediate family member of the individual. Under this law, "immediate family member" means the individual's spouse, parent, stepparent, child, stepchild, or grandchild. Under this law, "domestic abuse" means physical harm, bodily injury, or assault, the infliction of fear of physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct, sexual extortion, or interference with an emergency call. See **Minn. Stat. 518B.01**.

- *Do I have to show proof of domestic violence?* Under Minnesota law (**Minn. Stat. 268.101**), an individual must provide all information necessary to determine if they are eligible for unemployment insurance.

OTHER RESOURCES

"Job Rights: Victims of Violence and Harassment" by Law Help Minnesota