

HOUSE RESEARCH

Bill Summary

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Overview

The bill makes changes in definitions, data classifications, and charge procedures under the Human Rights Act.

Section

- 1 **Closed intake file.** Defines this to mean investigative data on a matter where a charge was not filed. Makes confidential or protected nonpublic (not accessible to anyone but the department) investigative data, records of contact with a potential charging party, and other data that identify the potential charging party or respondent and witnesses. Current law only addresses a closed matter where a charge was filed.
- 2 **Human rights investigative data.** Amends this definition. Provides that it includes solicited and unsolicited written documents. Also includes documents for the purpose of determining whether to draft or file a discrimination charge.
- 3 **Sexual harassment.** Amends this definition. Strikes the provision that in the employment setting, the employer knows/should know of the harassment and fails to act. Parallels federal hostile environment case law.
- 4 **Business discrimination.** Makes a grammatical change. Also adds national origin to the list of bases on which a person cannot refuse to do business with someone.
- 5 **Inquiry into charge.** Amends the human rights act probable cause process. Allows the commissioner to "vacate and remand for further consideration" a no probable cause determination after receiving a request for reconsideration. Currently, in this situation, the commissioner must either reaffirm or reverse the no probable cause finding.
- 6 **Access to open files.** Makes specified items in an open case file available to the charging party and respondent only when a verified charge of discrimination is filed. Expands current law on when the commissioner may share data in an open file: to promote public health or safety; or to

assist another government entity or the human rights department in processing a complaint or eliminating duplicate efforts. Follows current law in specifying that data shared with another government entity retains the same classification it had in the possession of the entity that shared the data.

- 7 **Access to closed files.** Makes data in a closed intake file, defined above, either confidential or protected nonpublic (non accessible to the subject or anyone else outside the agency).