

1.1 A bill for an act
1.2 relating to human rights; providing for a suspension of the running of the statute
1.3 of limitations for sexual harassment claims when employer investigations are
1.4 pending; amending Minnesota Statutes 2006, section 363A.28, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2006, section 363A.28, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **For filing claim; filing options.** (a) A claim of an unfair discriminatory
1.9 practice must be brought as a civil action pursuant to section 363A.33, subdivision 1, filed
1.10 in a charge with a local commission pursuant to section 363A.07, subdivision 3, or filed in
1.11 a charge with the commissioner within one year after the occurrence of the practice.

1.12 (b) The running of the one-year limitation period is suspended during the time a
1.13 potential charging party and respondent are voluntarily engaged in a dispute resolution
1.14 process involving a claim of unlawful discrimination under this chapter, including
1.15 arbitration, conciliation, mediation or grievance procedures pursuant to a collective
1.16 bargaining agreement or statutory, charter, ordinance provisions for a civil service or
1.17 other employment system or a school board sexual harassment or sexual violence policy.
1.18 A potential respondent who participates in such a process with a potential charging
1.19 party before a charge is filed or a civil action is brought shall notify the department and
1.20 the charging party in writing of the participation in the process and the date the process
1.21 commenced and shall also notify the department and the charging party of the ending date
1.22 of the process. A respondent who fails to provide this notification is barred from raising
1.23 the defense that the statute of limitations has run unless one year plus a period of time
1.24 equal to the suspension period has passed.

2.1 (c) The running of the one-year limitation period for a claim against an employer for
2.2 sexual harassment occurring within the scope of employment is suspended during any
2.3 period of time when the employer is conducting an investigation of the alleged sexual
2.4 harassment in response to a complaint from the potential charging party. The limitation
2.5 period does not begin to run again until the employer notifies the potential charging party
2.6 of the completion of the investigation, whether the investigation resulted in disciplinary
2.7 action, and the final disposition of any disciplinary action.