

1.1 A bill for an act

1.2 relating to human rights; increasing punitive damages caps for certain employers;
1.3 amending Minnesota Statutes 2006, section 363A.29, subdivision 4, as amended.

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

1.5 Section 1. Minnesota Statutes 2006, section 363A.29, subdivision 4, as amended by
1.6 Laws 2008, chapter 215, section 1, is amended to read:

1.7 Subd. 4. **Civil penalty; punitive damages.** (a) The administrative law judge shall
1.8 order any respondent found to be in violation of any provision of sections 363A.08 to
1.9 363A.19 and 363A.28, subdivision 10, to pay a civil penalty to the state. This penalty is
1.10 in addition to compensatory and punitive damages to be paid to an aggrieved party. The
1.11 administrative law judge shall determine the amount of the civil penalty to be paid, taking
1.12 into account the seriousness and extent of the violation, the public harm occasioned by
1.13 the violation, whether the violation was intentional, and the financial resources of the
1.14 respondent. Any penalties imposed under this provision shall be paid into the general fund
1.15 of the state. In all cases where the administrative law judge finds that the respondent has
1.16 engaged in an unfair discriminatory practice, the administrative law judge shall order the
1.17 respondent to pay an aggrieved party, who has suffered discrimination, compensatory
1.18 damages in an amount up to three times the actual damages sustained. In all cases, the
1.19 administrative law judge may also order the respondent to pay an aggrieved party, who
1.20 has suffered discrimination, damages for mental anguish or suffering and reasonable
1.21 attorney's fees, in addition to punitive damages in an amount not more than \$25,000
1.22 pursuant to section 549.20.

1.23 (b) In any case where a political subdivision is a respondent, the total of punitive
1.24 damages awarded an aggrieved party may not exceed \$25,000 and in that case if there are

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2.1 two or more respondents the punitive damages may be apportioned among them. Punitive
2.2 damages may only be assessed against a political subdivision in its capacity as a corporate
2.3 entity and no regular or ex officio member of a governing body of a political subdivision
2.4 shall be personally liable for payment of punitive damages pursuant to subdivisions 3 to 6.

2.5 (c) Notwithstanding paragraph (a), the following limitations apply to punitive
2.6 damage awards based on unfair discriminatory practices by employers under section
2.7 363A.08:

2.8 (1) for an employer who has 15 to 100 employees in each of 20 or more calendar
2.9 weeks in the current or preceding calendar year, \$50,000;

2.10 (2) for an employer who has 101 to 200 employees in each of 20 or more calendar
2.11 weeks in the current or preceding calendar year, \$100,000;

2.12 (3) for an employer who has 201 to 500 employees in each of 20 or more calendar
2.13 weeks in the current or preceding calendar year, \$200,000; or

2.14 (4) for an employer who has more than 500 employees in each of 20 or more
2.15 calendar weeks in the current or preceding calendar year, \$300,000.