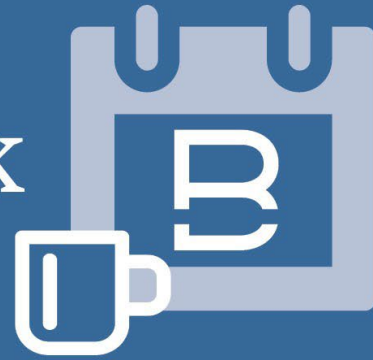


# The Work Week

Bassford Remele Employment Practice Group



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Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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## Expanded Definition of “Disability” in Minnesota’s Human Rights Act

[Benjamin H. Formell](#)

Adding to a notable list of recent legislative developments in Minnesota employment law, the Minnesota state legislature recently enacted a significant modification to the Minnesota Human Rights Act. The change expands the class of people and conditions potentially protected under Minnesota’s anti-discrimination law in the employment context.

Specifically, “disability” has historically been defined to refer to a person who: “(1) has a physical, sensory, or mental impairment which materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.” This definition has not encapsulated certain intermittent health concerns. The new legislation expands this definition to include a person who “has an impairment that is episodic or in remission and would materially limit a major life activity when active.”

Minnesota Human Rights Commissioner Rebecca Lucero, expressing support for the change in a recent *Star Tribune* article, said: “When we get stuck on: ‘Are you technically disabled under the law,’ I think we are missing the fact that we are humans, we are families.” The update in language brings the Minnesota definition in line with the standard under the federal Americans with Disabilities Act. Although, unlike the federal act, this new legislation applies even to employers with fewer than 15 employees. Commissioner Lucero further summarized the motivation behind the legislation as a desire “to make sure we’re getting things right at the state level” and stated that the change “[m]akes it very clear that here in Minnesota we have very strong Civil Rights laws and we are here to support people with disabilities.”

For now, it remains unclear just how broadly courts will read this new provision, although the legislation comes in response to a 2021 lawsuit by a former Minnesota State Fair employee whose employment was allegedly terminated as she recovered from cancer. Read in concert with the already-existing provisions of the law, the new definition will broaden coverage to situations and classes of people not previously contemplated by employers navigating Minnesota’s anti-discrimination law. The legislation is set to take effect later this year on August 1, 2024.

At [Bassford Remele](#), we regularly monitor legislative changes and advise our clients on disability matters. We'll continue to monitor cases as courts begin to address this expanded definition of "disabled." Let us know if we can be of assistance in the meantime!

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