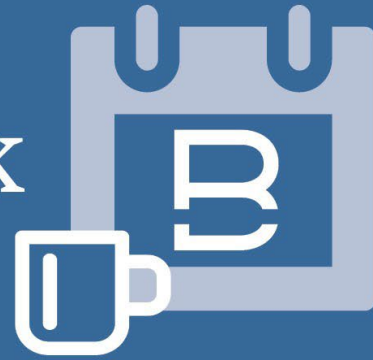


The Work Week

Bassford Remele Employment Practice Group



July 15, 2024

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.

[Bassford Remele Employment Practice Group](#)

Recent Case Law Construing the Minnesota Human Rights Act

[Michael J. Pfau](#)

Last week, we [covered](#) amendments to the Minnesota Human Rights Act (“MHRA”) which become effective August 1, 2024. Recently, a few cases were decided that provided clarity of the MHRA’s reach. In two cases, the courts analyzed whether remote employees are protected by the MHRA, and another case construed the MHRA to provide a cause of action for failure to accommodate religious beliefs.

Remote Employees Living Outside of Minnesota are not Covered Under the MHRA.

In [Kuklenski v. Medtronic USA, Inc.](#), the United States District Court for the District of Minnesota analyzed whether remote employees are protected by the MHRA. A former worker, who was a Michigan resident, brought an action against a Minnesota-based employer, alleging age and disability discrimination under the MHRA.

Medtronic moved for summary judgment on the employee’s MHRA claims on the ground that the MHRA protects only an employee “who resides or works in” Minnesota, as defined by Minnesota Statute § 363A.03, subd. 15. The employee admitted that she does not reside in Minnesota but argued she is an employee who works in this state because she had frequent communication with Medtronic employees in Minnesota, her supervisors were mostly located in Minnesota, and in addition to her many contacts with Minnesota, she visited the state to work for Medtronic on multiple occasions. The Court found that because she did not work in this state when Medtronic allegedly discriminated against her, a reasonable juror could not find she was an employee protected under the MHRA and therefore dismissed the MHRA claims on summary judgment.

In a similar case, the United States District Court for the District of Minnesota dismissed a former employee’s MHRA claims on the same grounds as *Kuklenski*. In [Walton v. Medtronic USA, Inc.](#), the former employee lived and worked in Kansas City, Kansas, and rarely traveled to Minnesota for work. Relying on

the *Kuklenski* decision, the court held the former employee did not work in Minnesota for purposes of the MHRA and thus was not an employee protected under the MHRA. *Kuklenski* and *Walton* now make it clear that remote employees living outside of Minnesota are not covered under the MHRA.

Religious Accommodation Claims are Actionable Under the MHRA.

In [Ringhofer v. Mayo Clinic, Ambulance](#), the Eighth Circuit reversed the district court's dismissal of failure to accommodate religious beliefs under the MHRA after former employees sued claiming Mayo terminated them for refusing Covid-19 vaccinations or testing. The MHRA makes it unlawful for an employer to "discharge" or "discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment" because of "religion." Minn. Stat. § 363A.08, subd. 2. The district court dismissed these claims, ruling that the MHRA does not have a cause of action for failure to accommodate religious beliefs. The Eighth Circuit held that because the MHRA is to be construed liberally, the MHRA does provide a failure-to-accommodate claim. This is particularly noteworthy for Minnesota employers in light of [the United States Supreme Court raising the threshold for denying religious accommodation requests last summer](#).

From discrimination claims to accommodation requests, the Bassford Remele [Employment Law](#) group provides counsel and diligent representation to ensure compliance with the MHRA and to protect the rights and interests of employers and employees alike. Please feel free to reach out to our team with any questions.

LEARN MORE ABOUT OUR EMPLOYMENT PRACTICE » »
