



Minnesota Department of Human Rights Equal Pay Certificate

The Minnesota Human Rights Act: Equal Pay Requirement for State Contractors

On May 11, 2014, Governor Mark Dayton signed the Women's Economic Security Act (WESA) into law. The law, in part, creates an obligation for certain state contractors to obtain an Equal Pay Certificate from the Minnesota Department of Human Rights prior to executing a contract. The new law concerning Equal Pay Certificates can be found in the Minnesota Human Rights Act at Minn. Stat. §363A.44. This document seeks to provide answers to the most frequently asked questions about the new law.

Frequently Asked Questions

I heard that the Women's Economic Security Act immediately amended the Human Rights Act when the Governor signed the new law; did my business need to have an Equal Pay Certificate as of May 11 to do business with the State of Minnesota?

No, WESA did immediately amend the Human Rights Act to prohibit employers from discriminating against employees on the basis of their familial status, and also amended Chapter 181 to require employers to make minor pregnancy accommodations without a note from a doctor. However, the WESA provisions concerning Equal Pay Certificates don't go into effect until August 1, 2014.

I plan on bidding on a contract prior to August 1, 2014 but don't expect the contract to be awarded until after August 1st; do I need to obtain an equal pay certificate?

No. The requirement for contractors to obtain an Equal Pay Certificate applies to solicitations issued on or after August 1, 2014.

Do I need to obtain an Equal Pay Certificate if I have a contract with the State of Minnesota to provide services to vulnerable individuals under Minn. Stat. 256B? is familial status defined?

No. The new law exempts businesses that have a license, certification, registration, provider agreement or provider enrollment contract to provide goods and services to individuals under chapters 43A, 62A, 62C, 62D, 62E, 256B, 256I, 256L, and 268A.

Do I need to obtain an Equal Pay Certificate if I have a contract with the State Board of Investment?

Maybe. The new law exempts some, but not all, contracts between contractors and the State Board of Investment. If you are a contractor subject to having a Workforce Certificate from the Department of Human Rights, you are subject to also obtaining an Equal Pay Certificate from the Department of Human Rights if your agreement is \$500,000 or more.

The primary place of my business is Wisconsin. My business employs more than 250 full time employees of which all but 35 are located in Wisconsin. The 35 employees located in Minnesota are assigned to work on a \$1,000,000 contract with the State of Minnesota. Does my business need to have an Equal Pay Certificate since less than 40 employees in Minnesota will be working on the project?

Yes. The business must obtain an Equal Pay Certificate from the Department because the business employs more than 40 employees in the state of its primary place of business and the contract is \$500,000 or more

Our business has 55 full-time employees, 30 employees in North Dakota and 25 employees in Minnesota. Do we need to obtain an Equal Pay Certificate?

No. The business does not employ more than 40 full time employees in Minnesota or its primary place of business.

Can we have our Director of Human Resources sign our equal pay compliance statement?

No. The equal pay compliance statement must be signed by the Chief Executive Officer or Chairperson of the Board.

Does the Department have a sample equal pay compliance statement that contractors can use?

Yes. The Department has a sample equal pay compliance statement that contractors can submit as part of their application for an Equal Pay Certificate.

What is the application fee for an Equal Pay Certificate?

The application fee is \$150. All checks should be made out to the "Minnesota Department of Human Rights."

How often do I need to renew my Equal Pay Certificate?

Equal Pay Certificates, similar to Workforce Certificates, are good for 4 years.

Do I need a Certificate of Equal pay for each contract I am awarded?

No. A company needs one Certificate of Equal Pay once every four years for all contracts it is awarded from the state.