

SUPREME COURT OF MINNESOTA

Hansen v. Robert Half International, Inc.

813 N.W.2d 906 (Minn. 2012) · Decided May 30, 2012

SUMMARY

The Minnesota Supreme Court reviewed summary judgment in an employment termination dispute involving the Minnesota Parenting Leave Act and the Minnesota Human Rights Act. The court held that an employee need not expressly invoke the Parenting Leave Act when requesting leave, but an extension of leave does not extend reinstatement rights absent a specific agreement. The court also affirmed judgment for the employer on the retaliation claim because it was not adequately pleaded and on the sex-discrimination claim because the termination resulted from a bona fide reduction in force and pregnancy was not shown to be a motivating factor.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	G. Barry Anderson; Dietzen
JURISDICTION	Minnesota
DECIDED	May 30, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from summary judgment for the employer on claims under the Minnesota Parenting Leave Act and Minnesota Human Rights Act.
STANDARD OF REVIEW	Summary judgment is reviewed to determine whether genuine issues of material fact exist and whether the lower courts correctly applied the law. Statutory construction is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Minnesota.
PARTIES	Kim Hansen v. Robert Half International, Inc.

TOPICS

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PRACTICE AREAS

[employment law](#)[employment discrimination](#)[family and medical leave](#)

QUESTIONS PRESENTED

1. Whether an employee must expressly invoke the Minnesota Parenting Leave Act when requesting qualifying leave.
2. Whether an employer's agreement to extend Minnesota Parenting Leave Act leave also extends the employee's statutory right to reinstatement.
3. Whether Hansen pleaded a retaliation claim under the Minnesota Parenting Leave Act.
4. Whether Hansen established the additional showing required for sex-discrimination claims arising from a bona fide reduction in force.

HOLDINGS

1. An employee need not specifically reference or invoke the Minnesota Parenting Leave Act when requesting leave. The employee need only inform the employer of a qualifying reason for the leave and otherwise be eligible for statutory protection.
2. An employer's agreement to extend MPLA leave does not, by itself, extend the employee's right to reinstatement. Reinstatement after an extended leave requires a specific agreement to reinstate.
3. Hansen's amended complaint did not plead an MPLA retaliation claim because it alleged only that her termination was pretextual and did not allege retaliation for requesting or obtaining leave.
4. Hansen failed to establish the additional showing required for a discrimination claim arising from a bona fide reduction in force: evidence that her sex was a factor in the decision to eliminate her position.

KEY QUOTATIONS

“The common and approved usage of the word “under” has never been “to expressly invoke.”” (at 915-916)

“In construing the MPLA liberally, an employee should be entitled to the protections of the Act when she informs her employer of a qualifying reason for the needed leave and is otherwise eligible for such leave.” (at 916)

“Because the FMLA provides that upon return from a leave covered by the Act, an employee is entitled to be restored to the same or equivalent position by the employer, we find the jurisprudence interpreting the FMLA instructive.” (at 917)

FACTUAL BACKGROUND

Hansen worked for RHI in its permanent-placement division and had a reduced work schedule after returning from her first maternity leave. Her production declined during 2008, and she took pregnancy-related leave after giving birth to her second child on August 29, 2008. She returned on December 1, 2008, but RHI eliminated her position the next day as part of a substantial reduction in force caused by an economic downturn, relying on her comparatively low production numbers and tenure. RHI did not count Hansen's maternity leave in calculating her 2008 performance.

PROCEDURAL HISTORY

Hansen sued RHI, alleging failure to reinstate her after maternity leave, retaliation for taking maternity leave, and sex discrimination. The district court granted RHI summary judgment on all claims and denied Hansen's partial-summary-judgment motion. The court of appeals affirmed, and the Minnesota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. French, 460 N.W.2d 2, 4 (Minn. 1990)
- Eischen Cabinet Co. v. Hildebrandt, 683 N.W.2d 813, 815 (Minn. 2004)
- American Family Insurance Group v. Schroedl, 616 N.W.2d 273, 277 (Minn. 2000)
- Gassler v. State, 787 N.W.2d 575, 584 (Minn. 2010)
- Hans Hagen Homes, Inc. v. City of Minnetrista, 728 N.W.2d 536, 539 (Minn. 2007)
- Kobus v. College of St. Scholastica, Inc., 608 F.3d 1034, 1036-37 (8th Cir. 2010)
- Rask v. Fresenius Medical Care North America, 509 F.3d 466, 474 (8th Cir. 2007)
- Blankholm v. Fearing, 222 Minn. 51, 54, 22 N.W.2d 853, 855 (1946)
- Hunt v. Rapides Healthcare Systems, LLC, 277 F.3d 757, 763-64 (5th Cir. 2001)
- Mondaine v. American Drug Stores, Inc., 408 F. Supp. 2d 1169, 1205-06 (D. Kan. 2006)
- Roberge v. Cambridge Cooperative Creamery Co., 243 Minn. 230, 232, 67 N.W.2d 400, 402 (1954)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973)
- Hoover v. Norwest Private Mortgage Banking, 632 N.W.2d 534, 542 (Minn. 2001)
- Goins v. Western Group, 635 N.W.2d 717, 724 (Minn. 2001)
- Hubbard v. United Press International, Inc., 330 N.W.2d 428, 442 (Minn. 1983)
- Dietrich v. Canadian Pacific Ltd., 536 N.W.2d 319, 324-25 (Minn. 1995)
- Holley v. Sanyo Manufacturing, Inc., 771 F.2d 1161, 1165-66 (8th Cir. 1985)
- Munshi v. Alliant Techsystems, Inc., No. CIV. 99-516PAMJGL, 2001 WL 1636494, at *4 (D. Minn. June 26, 2001)
- Smith v. DataCard Corp., 9 F. Supp. 2d 1067, 1079 (D. Minn. 1998)