

Managing married co-workers presents a unique challenge for any employer, especially if one spouse separates from employment on bad terms. Some employers may be tempted to divorce themselves from the remaining employee. That's a temptation that must be avoided, the Minnesota Supreme Court said on April 13, 2011 in *Taylor v. LSI Corp.*, <http://bit.ly/iWaJTY>.

In the *Taylor* case, LeeAnn and Gary Taylor were married, and they both worked for LSI. He was the company's president; she was its sales and marketing coordinator. After Mr. Taylor offered a "forced" resignation, but before that resignation took effect, LSI fired Mrs. Taylor. According to the Taylors, LSI fired her because the company believed she would feel uncomfortable or awkward staying with the company after Mr. Taylor's departure. Mrs. Taylor also claimed to have been told that, "due to her husband's situation . . . and the fact that it was likely [the Taylors] were going to have to relocate, [LSI] was eliminating [her] position." The company claimed to have legitimate business reasons for dismissing Mrs. Taylor.

Mrs. Taylor then sued LSI, claiming that her termination violated the marital discrimination provisions of the Minnesota Human Rights Act (MHRA), <http://bit.ly/la9EWA>. A key issue in the case was whether or not Mrs. Taylor had a legitimate claim when LSI's actions were not "directed at the institution of marriage." Marital discrimination has long been prohibited by the MHRA, but in 1984 the Minnesota Supreme Court ruled in another case that in order for a marital status discrimination claim to exist under the MHRA, there had to be evidence that the employer's actions were "directed at the institution of marriage," not just evidence that one spouse was treated adversely because of the other spouse's situation.

However, in the *Taylor* case, the court noted that since its 1984 decision, the legislature amended the MHRA to provide broader protections for marital status discrimination. The legislature did this by re-defining "marital status" to include "protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse." Based on this new definition, the court specifically rejected the notion that the MHRA still requires a showing that the employer's actions were directed at the institution of marriage. Thus, because Mrs. Taylor's claim fit within the new definition, the court allowed her claim to proceed.

Employing married co-workers presents special challenges, including how to treat the remaining employee after his/her spouse is fired or otherwise separates from employment. As tempting as it may be to try to avoid discomfort and awkwardness by dismissing the remaining spouse, the *Taylor* case makes it clear that doing so would likely violate the MHRA.

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