

Court Triples Time To Bring A Minnesota Whistleblower Claim

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In the recently decided case *Ford v. Minnesota Public Schools*, the Minnesota Court of Appeals rebuffed long-standing precedent by holding that plaintiffs have six years to file a claim under Minnesota's whistleblower statute. This decision effectively reversed *Larson v. New Richland Center*, a case that had been good law since 1995. Since *Larson*, and until *Ford*, courts had reasoned that because whistleblower claims constituted "torts resulting in personal injury," they were subject to Minn. Stat. § 541.07(1)'s two-year statute of limitations. The decision and logic of *Larson* remained relatively unquestioned until the Minnesota Supreme Court decided the case *Sipe v. STS Mfg., Inc.* in 2013. In *Sipe*, the plaintiff sued his employer because he claimed that he had been wrongfully discharged in violation of Minnesota's employee drug testing statute. The employer in *Sipe* brought a motion to dismiss, arguing that the two year statute of limitations set forth in § 541.07(1) precluded the plaintiff's claims. The Minnesota Supreme Court disagreed, and instead ruled that the two-year time period applied only to "common law causes of action not created by statute." Because the court determined that the plaintiff's claim in *Sipe* originated from a statute (as opposed to coming from the common law), it held that the six-year statute of limitations set out in Minn. Stat. § 541.05, subd. 1(2) governed. In light of the *Sipe* decision, the Minnesota Court of Appeals in *Ford* had to decide whether a two-year or six-year statute of limitations applied to the plaintiff's whistleblower claims. To make this determination, the court first had to figure out whether the plaintiff's whistleblower claim existed at common law, or whether it was purely a creature of statute. The court ultimately determined that because the plaintiff's whistleblower cause of action arose from a statute, § 541.07(1)'s two-year limitation did not apply. Instead, the six-year time period set out in § 541.05, subd. 1(2) governed, and the plaintiff's lawsuit was timely. The decision in *Ford* is significant, not only because it reversed nearly 20 years of Minnesota law, but also because it tripled the amount of time employees have to bring whistleblower claims.

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