

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3585

03/24/2016 Authored by Drazkowski
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

04/25/2016 Adoption of Report: Amended and re-referred to the Committee on State Government Finance
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration

04/27/2016 Adoption of Report: Re-referred to the Committee on State Government Finance

05/02/2016 Adoption of Report: Re-referred to the Committee on Ways and Means

05/17/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act

1.2 relating to public employment; ratifying labor agreements and a compensation

1.3 plan; requiring affirmative approval before interim implementation of state

1.4 employee collective bargaining agreements; prohibiting exclusive representatives

1.5 from requiring political contributions; requiring open meetings; amending

1.6 Minnesota Statutes 2014, sections 3.855, subdivision 2; 179A.14, subdivision 3;

1.7 proposing coding for new law in Minnesota Statutes, chapter 179A.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 **ARTICLE 1**

1.10 **CONTRACTS AND COMPENSATION PLANS**

1.11 Section 1. **LABOR CONTRACT AND COMPENSATION PLAN APPROVAL.**

1.12 **Subdivision 1. American Federation of State, County, and Municipal Employees.**

1.13 The labor agreement between the state of Minnesota and the American Federation of State,

1.14 County, and Municipal Employees, Council 5, submitted to the Legislative Coordinating

1.15 Commission Subcommittee on Employee Relations on October 29, 2015, and implemented

1.16 after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, is ratified.

1.17 **Subd. 2. Minnesota Association of Professional Employees.** The labor agreement

1.18 between the state of Minnesota and the Minnesota Association of Professional Employees,

1.19 submitted to the Legislative Coordinating Commission Subcommittee on Employee

1.20 Relations on October 29, 2015, and implemented after 30 days as provided in Minnesota

1.21 Statutes, section 3.855, subdivision 2, is ratified.

1.22 **Subd. 3. Middle Management Association.** The labor agreement between the state

1.23 of Minnesota and the Middle Management Association, submitted to the Legislative

1.24 Coordinating Commission Subcommittee on Employee Relations on October 29, 2015,

2.1 and implemented after 30 days as provided in Minnesota Statutes, section 3.855,
2.2 subdivision 2, is ratified.

2.3 Subd. 4. **Minnesota Nurses Association.** The labor agreement between the
2.4 state of Minnesota and the Minnesota Nurses Association, approved by the Legislative
2.5 Coordinating Commission Subcommittee on Employee Relations on January 15, 2016,
2.6 is ratified.

2.7 Subd. 5. **Managerial compensation plan.** The managerial compensation plan,
2.8 submitted to the Legislative Coordinating Commission Subcommittee on Employee
2.9 Relations on October 29, 2015, is approved with these changes:

2.10 (1) the provisions in section 14, "Salary Administration" that provide for general
2.11 salary increases effective July 1, 2015, and July 1, 2016, are not approved;

2.12 (2) the provisions in section 14, "Salary Administration" that provide for
2.13 performance-based increases that are to be effective December 30, 2015, and December
2.14 28, 2016, may not exceed two percent; and

2.15 (3) the provisions in section 14, "Salary Administration" that provide for
2.16 performance-based increases expire June 30, 2017.

2.17 **ARTICLE 2**

2.18 **OTHER PUBLIC EMPLOYMENT PROVISIONS**

2.19 Section 1. Minnesota Statutes 2014, section 3.855, subdivision 2, is amended to read:

2.20 Subd. 2. **State employee negotiations.** (a) The commissioner of management and
2.21 budget shall regularly advise the commission on the progress of collective bargaining
2.22 activities with state employees under the state Public Employment Labor Relations Act.
2.23 During negotiations, the commission may make recommendations to the commissioner
2.24 as it deems appropriate but no recommendation shall impose any obligation or grant any
2.25 right or privilege to the parties.

2.26 (b) The commissioner shall submit to the chair of the commission any negotiated
2.27 collective bargaining agreements, arbitration awards, compensation plans, or salaries for
2.28 legislative approval or disapproval. Negotiated agreements shall be submitted within five
2.29 days of the date of approval by the commissioner or the date of approval by the affected state
2.30 employees, whichever occurs later. Arbitration awards shall be submitted within five days
2.31 of their receipt by the commissioner. If the commission disapproves a collective bargaining
2.32 agreement, award, compensation plan, or salary, the commission shall specify in writing
2.33 to the parties those portions with which it disagrees and its reasons. If the commission
2.34 approves a collective bargaining agreement, award, compensation plan, or salary, it shall
2.35 submit the matter to the legislature to be accepted or rejected under this section.

3.1 (c) When the legislature is not in session, the commission may give interim approval
3.2 to a negotiated collective bargaining agreement, salary, compensation plan, or arbitration
3.3 award. ~~When the legislature is not in session, failure of the commission to disapprove a~~
3.4 ~~collective bargaining agreement or arbitration award within 30 days constitutes approval.~~
3.5 The commission shall submit the negotiated collective bargaining agreements, salaries,
3.6 compensation plans, or arbitration awards for which it has provided approval to the entire
3.7 legislature for ratification at a special legislative session called to consider them or at its
3.8 next regular legislative session as provided in this section. Approval or disapproval by the
3.9 commission is not binding on the legislature.

3.10 (d) When the legislature is not in session, the proposed collective bargaining
3.11 agreement, arbitration decision, salary, or compensation plan must be implemented upon
3.12 its approval by the commission, and state employees covered by the proposed agreement
3.13 or arbitration decision do not have the right to strike while the interim approval is in
3.14 effect. Wages and economic fringe benefit increases provided for in the agreement or
3.15 arbitration decision paid in accordance with the interim approval by the commission are
3.16 not affected, but the wages or benefit increases must cease to be paid or provided effective
3.17 upon the rejection of the agreement, arbitration decision, salary, or compensation plan, or
3.18 upon adjournment of the legislature without acting on it.

3.19 **Sec. 2. [179A.065] VOLUNTARY CONTRIBUTIONS.**

3.20 (a) This section applies to an exclusive representative of employees whose collective
3.21 bargaining agreements are subject to approval under section 3.855.

3.22 (b) An exclusive representative may not require a contribution to a candidate,
3.23 principal campaign committee, political party, political committee, political fund, or
3.24 political action committee as a condition of membership or participation in the exclusive
3.25 representative.

3.26 (c) An exclusive representative wishing to make expenditures for political purposes
3.27 must make the expenditures only from a separate political fund that is apart from any fund or
3.28 account containing money received by an exclusive representative as dues. The exclusive
3.29 representative must ensure that each contribution to the political fund is made voluntarily
3.30 and specifically to that fund. An exclusive representative may not transfer money paid as
3.31 dues to its political fund. For purposes of this section, "political purposes" means an act
3.32 done with the intent or in a way to influence or tend to influence, directly or indirectly, any
3.33 person to refrain from voting or to vote for or against any ballot question, or for or against
3.34 any candidate for public office at any caucus, political convention, primary, or election.

4.1 Sec. 3. Minnesota Statutes 2014, section 179A.14, subdivision 3, is amended to read:

4.2 Subd. 3. **Public meetings.** (a) All negotiations, mediation sessions, and hearings
4.3 between public employers and public employees or their respective representatives are
4.4 public meetings except when otherwise provided by the commissioner.

4.5 (b) The employer must give advance notice on the front page of the employer's Web
4.6 site of public negotiation sessions involving contracts subject to approval under section
4.7 3.855. If a public negotiation session is temporarily recessed, to the extent possible, the
4.8 employer must post notice on the employer's Web site of when the negotiation session
4.9 is expected to reconvene. The employer must also give this advance notice to members
4.10 of the legislative subcommittee on employee relations, in the manner requested by the
4.11 members. For any public negotiation sessions involving contracts subject to approval
4.12 under section 3.855, the employer must:

4.13 (1) make available to the public before or during the meeting any printed materials
4.14 shared between representatives of the employer and exclusive representatives; and

4.15 (2) arrange a room that the employer anticipates will be large enough to
4.16 accommodate members of the public who wish to attend.

APPENDIX
Article locations in H3585-2

ARTICLE 1 CONTRACTS AND COMPENSATION PLANS Page.Ln 1.9
ARTICLE 2 OTHER PUBLIC EMPLOYMENT PROVISIONS Page.Ln 2.17