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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 77

01/05/2023 Authored by Jordan, Becker-Finn, Stephenson, Frazier, Freiberg and others
The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to state government; permitting legislative employees to obtain elections
1.3 for exclusive representation to bargain collectively as to terms of employment;
1.4 amending Minnesota Statutes 2022, sections 3.07; 3.09; 43A.18, subdivision 6;
1.5 179A.01; 179A.03, subdivision 15, by adding subdivisions; 179A.12, subdivision
1.6 4; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

1.8 Section 1. Minnesota Statutes 2022, section 3.07, is amended to read:

1.9 3.07 ADDITIONAL EMPLOYEES.

1.10 Each house, after its organization, may appoint and at pleasure remove the employees
1.11 provided for by its permanent rules or recommended by its Committee on Rules, subject to
1.12 terms and conditions of employment under applicable collective bargaining agreements.

1.13 All officers and employees shall receive the compensation provided by the permanent rules
1.14 of the electing or appointing body or recommended by its Committee on Rules. Unless
1.15 otherwise expressly provided by law, no officer or employee shall receive any other
1.16 compensation for services.

1.17 Sec. 2. Minnesota Statutes 2022, section 3.09, is amended to read:

1.18 3.09 COMPENSATION OF EMPLOYEES.

1.19 The compensation of officers and employees shall be at the rates fixed by the permanent
1.20 rules of the electing or appointing body or recommended by its Committee on Rules, subject
1.21 to terms and conditions of employment under applicable collective bargaining agreements.

2.1 Sec. 3. Minnesota Statutes 2022, section 43A.18, subdivision 6, is amended to read:

2.2 Subd. 6. **Legislative and judicial branch compensation.** Total compensation plans for
2.3 unclassified employees of the legislature and of legislative commissions shall be determined
2.4 by the legislature consistent with chapter 3 and consistent with terms and conditions of
2.5 employment under applicable collective bargaining agreements, provided that insurance
2.6 benefits for these employees and for legislators shall be determined by the Legislative
2.7 Coordinating Commission, consistent with sections 43A.22 to 43A.30. Total compensation
2.8 plans for unclassified employees of the judicial branch shall be determined by the appointing
2.9 authority, unless other law provides a different method for establishing this compensation.
2.10 Judicial branch compensation plans shall be consistent with sections 43A.22 to 43A.30.

2.11 Sec. 4. Minnesota Statutes 2022, section 179A.01, is amended to read:

2.12 **179A.01 PUBLIC POLICY.**

2.13 (a) It is the public policy of this state and the purpose of sections 179A.01 to 179A.25
2.14 to promote orderly and constructive relationships between all public employers and their
2.15 employees. This policy is subject to the paramount right of the citizens of this state to keep
2.16 inviolate the guarantees for their health, education, safety, and welfare.

2.17 (b) The relationships between the public, public employees, and employer governing
2.18 bodies involve responsibilities to the public and a need for cooperation and employment
2.19 protection which are different from those found in the private sector. The importance or
2.20 necessity of some services to the public can create imbalances in the relative bargaining
2.21 power between public employees and employers. As a result, unique approaches to
2.22 negotiations and resolutions of disputes between public employees and employers are
2.23 necessary.

2.24 (c) Unresolved disputes between the public employer and its employees are injurious
2.25 to the public as well as to the parties. Adequate means must be established for minimizing
2.26 them and providing for their resolution. Within these limitations and considerations, the
2.27 legislature has determined that overall policy is best accomplished by:

2.28 (1) granting public employees certain rights to organize and choose freely their
2.29 representatives;

2.30 (2) requiring public employers to meet and negotiate with public employees in an
2.31 appropriate bargaining unit and providing that the result of bargaining be in written
2.32 agreements; and

3.1 (3) establishing special rights, responsibilities, procedures, and limitations regarding
 3.2 public employment relationships which will provide for the protection of the rights of the
 3.3 public employee, the public employer, and the public at large.

3.4 ~~(d) Nothing in sections 179A.01 to 179A.25 impairs, modifies, or alters the authority~~
 3.5 ~~of the legislature to establish rates of pay, or retirement or other benefits for its employees.~~

3.6 Sec. 5. Minnesota Statutes 2022, section 179A.03, is amended by adding a subdivision to
 3.7 read:

3.8 Subd. 9a. **Legislative appointing authority.** "Legislative appointing authority" means:

3.9 (1) the secretary of the senate for employees of the senate;

3.10 (2) the chief clerk of the house of representatives for employees of the house of
 3.11 representatives; and

3.12 (3) the executive director of the Legislative Coordinating Commission for employees
 3.13 of the joint legislative offices and commissions, including the Legislative Coordinating
 3.14 Commission, the Office of the Legislative Auditor, the Office of the Revisor of Statutes,
 3.15 the Legislative Reference Library, the Legislative Budget Office, Geographic Information
 3.16 Services, the Legislative-Citizen Commission on Minnesota Resources, the Legislative
 3.17 Commission on Pensions and Retirement, the Legislative Water Commission, the Mississippi
 3.18 River Parkway Commission, the Legislative Energy Commission, and the Lessard-Sams
 3.19 Outdoor Heritage Council.

3.20 Sec. 6. Minnesota Statutes 2022, section 179A.03, is amended by adding a subdivision to
 3.21 read:

3.22 Subd. 9b. **Legislative employee.** "Legislative employee" means a public employee
 3.23 employed by a legislative entity.

3.24 Sec. 7. Minnesota Statutes 2022, section 179A.03, is amended by adding a subdivision to
 3.25 read:

3.26 Subd. 9c. **Legislative entity.** "Legislative entity" means any one of the following: the
 3.27 senate, the house of representatives, the Legislative Coordinating Commission, the Office
 3.28 of the Legislative Auditor, the Office of the Revisor of Statutes, the Legislative Reference
 3.29 Library, the Legislative Budget Office, Geographic Information Services, the
 3.30 Legislative-Citizen Commission on Minnesota Resources, the Legislative Commission on
 3.31 Pensions and Retirement, the Legislative Water Commission, the Mississippi River Parkway

4.1 Commission, the Legislative Energy Commission, or the Lessard-Sams Outdoor Heritage
 4.2 Council.

4.3 Sec. 8. Minnesota Statutes 2022, section 179A.03, subdivision 15, is amended to read:

4.4 Subd. 15. **Public employer or employer.** (a) "Public employer" or "employer" means:

4.5 (1) the state of Minnesota for employees of the state not otherwise provided for in this
 4.6 subdivision or section 179A.10 for executive branch employees;

4.7 (2) the Board of Regents of the University of Minnesota for its employees;

4.8 (3) the state court administrator for court employees;

4.9 (4) the secretary of the senate for senate employees, the chief clerk of the house of
 4.10 representatives for employees of the house of representatives, and the executive director of
 4.11 the Legislative Coordinating Commission for employees of the joint offices and commissions;

4.12 (5) the state Board of Public Defense for its employees;

4.13 ~~(5)~~ (6) Hennepin Healthcare System, Inc.; and

4.14 ~~(6)~~ (7) notwithstanding any other law to the contrary, the governing body of a political
 4.15 subdivision or its agency or instrumentality which has final budgetary approval authority
 4.16 for its employees. However, the views of elected appointing authorities who have standing
 4.17 to initiate interest arbitration, and who are responsible for the selection, direction, discipline,
 4.18 and discharge of individual employees shall be considered by the employer in the course
 4.19 of the discharge of rights and duties under sections 179A.01 to 179A.25.

4.20 (b) When two or more units of government subject to sections 179A.01 to 179A.25
 4.21 undertake a project or form a new agency under law authorizing common or joint action,
 4.22 the employer is the governing person or board of the created agency. The governing official
 4.23 or body of the cooperating governmental units shall be bound by an agreement entered into
 4.24 by the created agency according to sections 179A.01 to 179A.25.

4.25 (c) "Public employer" or "employer" does not include a "charitable hospital" as defined
 4.26 in section 179.35, subdivision 2, except that a charitable hospital as defined by section
 4.27 179.35, subdivision 2, is a public employer for purposes of sections 179A.051, 179A.052,
 4.28 and 179A.13.

4.29 (d) Nothing in this subdivision diminishes the authority granted pursuant to law to an
 4.30 appointing authority with respect to the selection, direction, discipline, or discharge of an
 4.31 individual employee if this action is consistent with general procedures and standards relating

5.1 to selection, direction, discipline, or discharge which are the subject of an agreement entered
5.2 into under sections 179A.01 to 179A.25.

5.3 **Sec. 9. [179A.106] LEGISLATIVE EMPLOYEE UNITS.**

5.4 **Subdivision 1. Legislative employee units.** (a) Each legislative appointing authority or
5.5 the authority's designee shall meet and negotiate with the exclusive representative of each
5.6 of the units specified in this section. The units specified in this section are the only
5.7 appropriate units for legislative employees. Legislative employees, unless otherwise excluded,
5.8 are included within the units that include the classifications to which they are assigned for
5.9 purposes of compensation. Initial assignment of classifications to bargaining units shall be
5.10 made by the hiring entities by August 15 of each even-numbered year. An exclusive
5.11 representative may appeal the initial assignment decision of the hiring entities by filing a
5.12 petition with the commissioner within 45 days of being certified as the exclusive
5.13 representative for legislative employees.

5.14 (b) The legislative unit consists of clerical, support, administrative, technical, and security
5.15 employees of a legislative entity.

5.16 (c) The legislative professional employee unit consists of professional employees of a
5.17 legislative entity.

5.18 (d) Copies of collective bargaining agreements entered into under this section must be
5.19 submitted to the Legislative Coordinating Commission for the commission's information.

5.20 **Subd. 2. Exclusions.** The following employees are excluded from the appropriate units
5.21 under subdivision 1:

5.22 (1) pages and interns;

5.23 (2) temporary employees;

5.24 (3) managerial employees;

5.25 (4) confidential employees; and

5.26 (5) supervisory employees.

5.27 **Subd. 3. Employee organizations representing more than one legislative entity**
5.28 **unit.** Whenever an employee organization or one or more subordinate bodies of the same
5.29 employee organization is certified as the exclusive representative of the employees in more
5.30 than one legislative entity unit, all legislative entity units for which the employee organization
5.31 or one or more subordinate bodies of the same employee organization has been certified
5.32 will be combined into one unit and the employee organization certified as an exclusive

6.1 representative of the employees of the new, combined unit. The commissioner shall issue
6.2 a certification within 45 days of receipt of a petition demonstrating that an employee
6.3 organization or one or more subordinate bodies of the same employee organization is certified
6.4 as the exclusive representative of employees in more than one legislative employee unit.

6.5 Sec. 10. Minnesota Statutes 2022, section 179A.12, subdivision 4, is amended to read:

6.6 Subd. 4. **State unit elections.** The commissioner shall not consider a petition for a
6.7 decertification election during the term of a contract covering employees of the executive,
6.8 legislative, or judicial branches of the state of Minnesota except for a period from not more
6.9 than 270 to not less than 210 days before its date of termination.

6.10 Sec. 11. **[179A.227] LEGISLATIVE EMPLOYEES; NEGOTIATIONS.**

6.11 Subdivision 1. **Employer.** The employer of legislative employees, for purposes of
6.12 sections 179A.01 to 179A.25, is as follows:

6.13 (1) the secretary of the senate for senate employees;

6.14 (2) for employees of the house of representatives, the chief clerk of the house of
6.15 representatives; and

6.16 (3) for employees of the joint legislative offices and commissions, the executive director
6.17 of the Legislative Coordinating Commission.

6.18 Subd. 2. **Duties.** In all negotiations between a legislative entity and an exclusive
6.19 representative of legislative employees, a legislative entity must be represented by its
6.20 respective legislative appointing authority or the authority's designee.

6.21 Subd. 3. **Agreements.** The legislative appointing authorities are authorized to enter into
6.22 agreements with exclusive representatives.