

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2647

03/05/2012 Authored by Myhra; Garofalo; Kelly; Anderson, D.; Erickson and others
The bill was read for the first time and referred to the Committee on Education Finance
03/07/2012 Adoption of Report: Pass and re-referred to the Committee on Civil Law
03/19/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to education; clarifying the definition of public data relating to
1.3 agreements involving payment of public money; amending Minnesota Statutes
1.4 2010, section 13.43, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2010, section 13.43, subdivision 2, is amended to read:

1.7 Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and
1.8 subject to the limitations described in subdivision 5a, the following personnel data on
1.9 current and former employees, volunteers, and independent contractors of a government
1.10 entity is public:

1.11 (1) name; employee identification number, which must not be the employee's Social
1.12 Security number; actual gross salary; salary range; terms and conditions of employment
1.13 relationship; contract fees; actual gross pension; the value and nature of employer paid
1.14 fringe benefits; and the basis for and the amount of any added remuneration, including
1.15 expense reimbursement, in addition to salary;

1.16 (2) job title and bargaining unit; job description; education and training background;
1.17 and previous work experience;

1.18 (3) date of first and last employment;

1.19 (4) the existence and status of any complaints or charges against the employee,
1.20 regardless of whether the complaint or charge resulted in a disciplinary action;

1.21 (5) the final disposition of any disciplinary action together with the specific reasons
1.22 for the action and data documenting the basis of the action, excluding data that would
1.23 identify confidential sources who are employees of the public body;

2.1 ~~(6) the terms of any agreement settling any dispute arising out of an employment~~
2.2 ~~relationship, including a buyout agreement as defined in section 123B.143, subdivision 2,~~
2.3 ~~paragraph (a); except that the agreement must include specific reasons for the agreement~~
2.4 ~~if it involves the payment of more than \$10,000 of public money; the complete terms~~
2.5 ~~of any agreement:~~

2.6 (i) arising out of, or arrangement resulting from, amending or otherwise modifying
2.7 an employment relationship, including a buyout agreement as defined in section 123B.143,
2.8 subdivision 2, paragraph (a); or

2.9 (ii) involving the payment of more than \$10,000 of public money, or associated with
2.10 terminating an employment relationship, provided that an agreement under this clause
2.11 must include all of the specific reasons for the agreement;

2.12 (7) work location; a work telephone number; badge number; work-related continuing
2.13 education; and honors and awards received; and

2.14 (8) payroll time sheets or other comparable data that are only used to account for
2.15 employee's work time for payroll purposes, except to the extent that release of time sheet
2.16 data would reveal the employee's reasons for the use of sick or other medical leave
2.17 or other not public data.

2.18 (b) For purposes of this subdivision, a final disposition occurs when the government
2.19 entity makes its final decision about the disciplinary action, regardless of the possibility of
2.20 any later proceedings or court proceedings. Final disposition includes a resignation by an
2.21 individual when the resignation occurs after the final decision of the government entity,
2.22 or arbitrator. In the case of arbitration proceedings arising under collective bargaining
2.23 agreements, a final disposition occurs at the conclusion of the arbitration proceedings,
2.24 or upon the failure of the employee to elect arbitration within the time provided by the
2.25 collective bargaining agreement. A disciplinary action does not become public data if an
2.26 arbitrator sustains a grievance and reverses all aspects of any disciplinary action.

2.27 (c) The government entity may display a photograph of a current or former employee
2.28 to a prospective witness as part of the government entity's investigation of any complaint
2.29 or charge against the employee.

2.30 (d) A complainant has access to a statement provided by the complainant to a
2.31 government entity in connection with a complaint or charge against an employee.

2.32 (e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation
2.33 of a complaint or charge against a public official, or if a public official resigns or is
2.34 terminated from employment while the complaint or charge is pending, all data relating to
2.35 the complaint or charge are public, unless access to the data would jeopardize an active

3.1 investigation or reveal confidential sources. For purposes of this paragraph, "public
3.2 official" means:

3.3 (1) the head of a state agency and deputy and assistant state agency heads;

3.4 (2) members of boards or commissions required by law to be appointed by the
3.5 governor or other elective officers; ~~and~~

3.6 (3) executive or administrative heads of departments, bureaus, divisions, or
3.7 institutions within state government; and

3.8 (4) individuals in a political subdivision acting in a management capacity.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment
3.10 and applies to any agreement entered into or modified after that date.