

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 961

02/10/2021 Authored by Ecklund; Lislegard; Hansen, R.; Sandstede; Sundin and others
The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

03/10/2021 Adoption of Report: Amended and re-referred to the Committee on State Government Finance and Elections

03/15/2021 Adoption of Report: Re-referred to the Committee on Environment and Natural Resources Finance and Policy

02/03/2022 By motion, recalled and re-referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

02/28/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

04/07/2022 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

04/21/2022 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

05/16/2022 Passed by the Senate as Amended and returned to the House
Refused to concur and a Conference Committee was appointed

- 1.1 A bill for an act
- 1.2 relating to labor; adding a supervisory law enforcement unit; appropriating money;
- 1.3 amending Minnesota Statutes 2020, section 179A.10, subdivisions 2, 3.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2020, section 179A.10, subdivision 2, is amended to read:
- 1.6 Subd. 2. **State employees.** Unclassified employees, unless otherwise excluded, are
- 1.7 included within the units which include the classifications to which they are assigned for
- 1.8 purposes of compensation. Supervisory employees shall only be assigned to units 12 ~~and~~,
- 1.9 16, and 18. The following are the appropriate units of executive branch state employees:
- 1.10 (1) law enforcement unit;
- 1.11 (2) craft, maintenance, and labor unit;
- 1.12 (3) service unit;
- 1.13 (4) health care nonprofessional unit;
- 1.14 (5) health care professional unit;
- 1.15 (6) clerical and office unit;
- 1.16 (7) technical unit;
- 1.17 (8) correctional guards unit;
- 1.18 (9) state university instructional unit;
- 1.19 (10) state college instructional unit;
- 1.20 (11) state university administrative unit;

- 2.1 (12) professional engineering unit;
- 2.2 (13) health treatment unit;
- 2.3 (14) general professional unit;
- 2.4 (15) professional state residential instructional unit;
- 2.5 (16) supervisory employees unit; ~~and~~
- 2.6 (17) public safety radio communications operator unit; and
- 2.7 (18) law enforcement supervisors unit.

2.8 Each unit consists of the classifications or positions assigned to it in the schedule of
2.9 state employee job classification and positions maintained by the commissioner. The
2.10 commissioner may only make changes in the schedule in existence on the day prior to
2.11 August 1, 1984, as required by law or as provided in subdivision 4.

2.12 Sec. 2. Minnesota Statutes 2020, section 179A.10, subdivision 3, is amended to read:

2.13 Subd. 3. **State employee severance.** Each of the following groups of employees has the
2.14 right, as specified in this subdivision, to separate from the general professional, health
2.15 treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians,
2.16 and professional employees of the Minnesota Office of Higher Education who are
2.17 compensated under section 43A.18, subdivision 4, ~~State Patrol supervisors, enforcement~~
2.18 ~~supervisors employed by the Department of Natural Resources, and criminal apprehension~~
2.19 ~~investigative supervisors.~~ This right must be exercised by petition during the 60-day period
2.20 commencing 270 days prior to the termination of a contract covering the units. If one of
2.21 these groups of employees exercises the right to separate from the units they have no right
2.22 to meet and negotiate, but retain the right to meet and confer with the commissioner of
2.23 management and budget and with the appropriate appointing authority on any matter of
2.24 concern to them. The right to separate must be exercised as follows: An employee
2.25 organization or group of employees claiming that a majority of any one of these groups of
2.26 employees on a statewide basis wish to separate from their units may petition the
2.27 commissioner for an election during the petitioning period. If the petition is supported by
2.28 a showing of at least 30 percent support for the petitioner from the employees, the
2.29 commissioner shall hold an election to ascertain the wishes of the majority with respect to
2.30 the issue of remaining within or severing from the units provided in subdivision 2. This
2.31 election must be conducted within 30 days of the close of the petition period. If a majority
2.32 of votes cast endorse severance from the unit in favor of separate meet and confer status
2.33 for any one of these groups of employees, the commissioner shall certify that result. This

3.1 election, where not inconsistent with other provisions of this section, is governed by section
3.2 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following
3.3 the same procedures specified above for severance, but may only do so during the periods
3.4 provided for severance.

3.5 Sec. 3. **LAW ENFORCEMENT SUPERVISORS TRANSITION.**

3.6 (a) Until a negotiated collective bargaining agreement with an exclusive representative
3.7 of the law enforcement supervisors unit is approved under Minnesota Statutes, section 3.855:

3.8 (1) state patrol supervisors and enforcement supervisors employed by the Department
3.9 of Natural Resources shall remain in the commissioner's plan;

3.10 (2) criminal apprehension investigative supervisors and other law enforcement supervisor
3.11 positions currently in the general supervisory employees unit shall remain in the general
3.12 supervisory employees unit represented by the Middle Management Association; and

3.13 (3) employees in positions to be included in the law enforcement supervisors unit shall
3.14 be authorized to participate in certification elections for the law enforcement supervisors
3.15 unit and any negotiation and collective bargaining activities of the law enforcement
3.16 supervisors unit.

3.17 (b) In assigning positions included in the law enforcement supervisors unit, employees
3.18 in positions under paragraph (a), clause (2), shall have the right to remain in the general
3.19 supervisory employees unit represented by the Middle Management Association. If a group
3.20 of employees exercises this right, the appropriate unit for such employees shall be the general
3.21 supervisory employees unit represented by the Middle Management Association, and the
3.22 commissioner shall assign them to such unit.

3.23 Sec. 4. **APPROPRIATION.**

3.24 \$128,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
3.25 of management and budget for the purposes of implementing the new law enforcement
3.26 supervisors unit under Minnesota Statutes, section 179A.10, subdivision 2, clause (18). The
3.27 base for this appropriation in fiscal year 2024 and beyond is \$24,000.