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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1690**

02/13/2023 Authored by Jordan, Greenman, Hill, Long, Berg and others
The bill was read for the first time and referred to the Committee on Labor and Industry Finance and Policy
03/06/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to labor relations; modifying public labor relations; modifying teacher
1.3 probationary period requirements; amending Minnesota Statutes 2022, sections
1.4 13.43, subdivision 6; 120A.414, subdivision 2; 122A.181, subdivision 5; 122A.26,
1.5 subdivision 2; 122A.40, subdivision 5; 122A.41, subdivision 2; 179A.03,
1.6 subdivisions 14, 18, 19; 179A.06, subdivision 6, by adding a subdivision; 179A.07,
1.7 subdivisions 1, 6, by adding subdivisions; 179A.12, subdivisions 6, 11, by adding
1.8 a subdivision; 572B.17; proposing coding for new law in Minnesota Statutes,
1.9 chapter 16A; repealing Minnesota Statutes 2022, section 179A.12, subdivision 2.

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

1.11 Section 1. Minnesota Statutes 2022, section 13.43, subdivision 6, is amended to read:

1.12 Subd. 6. **Access by labor organizations.** (a) Personnel data ~~may~~ must be disseminated
1.13 to labor organizations to the extent that the responsible authority determines that the
1.14 dissemination is necessary to conduct elections, notify employees of fair share fee
1.15 assessments, and implement the provisions of chapters 179 and 179A. Personnel data shall
1.16 be disseminated to labor organizations and to the Bureau of Mediation Services to the extent
1.17 the dissemination is ordered or authorized by the commissioner of the Bureau of Mediation
1.18 Services. Personnel data described under section 179A.07, subdivision 8, must be
1.19 disseminated to an exclusive representative under the terms of that subdivision.

1.20 (b) The home addresses, phone numbers, email addresses, dates of birth, negotiation
1.21 units and groupings of employees, and emails or other communications between exclusive
1.22 representatives and their members, prospective members, and nonmembers are private data
1.23 on individuals.

2.1 Sec. 2. **[16A.1335] EMPLOYEE SALARIES AND BENEFITS IN EVENT OF STATE**
2.2 **GOVERNMENT SHUTDOWN.**

2.3 Subdivision 1. **Definition.** As used in this section, "government shutdown" means that,
2.4 as of July 1 of an odd-numbered year, legislation appropriating money for the general
2.5 operations of (1) an executive agency, (2) an office or department of the legislature, including
2.6 each house of the legislature and the Legislative Coordinating Commission, or (3) a judicial
2.7 branch agency or department, including a court, has not been enacted for the biennium
2.8 beginning July 1 of that year.

2.9 Subd. 2. **Payment required.** Notwithstanding section 16A.17, subdivision 8, state
2.10 employees must be provided payment for lost salary and benefits resulting from their absence
2.11 from work during a government shutdown. An employee is eligible for a payment under
2.12 this section only upon the employee's return to work.

2.13 Subd. 3. **Appropriation; limitation.** (a) In the event of a government shutdown, the
2.14 amount necessary to pay the salary and benefits of employees of any impacted agency,
2.15 office, or department is appropriated beginning on that July 1 to that agency, office, or
2.16 department. The appropriation is made from the fund or funds from which an appropriation
2.17 was made in the previous fiscal year for salary and benefits paid to each affected employee.

2.18 (b) Amounts appropriated under this subdivision may not exceed the amount or amounts
2.19 appropriated for general operations of the affected agency, office, or department in the
2.20 previous fiscal year.

2.21 Subd. 4. **Certification of amount for employees in the legislative and judicial**
2.22 **branches.** By June 25 of an odd-numbered year, if a government shutdown appears
2.23 imminent, the director of the Legislative Coordinating Commission, the chief clerk of the
2.24 house of representatives, the secretary of the senate, and the chief clerk of the supreme court
2.25 must each certify to the commissioner of management and budget the amount needed for
2.26 salaries and benefits for each fiscal year of the next biennium, and the commissioner of
2.27 management and budget shall make the certified amount available on July 1 of that year,
2.28 or on another schedule that permits payment of all salary and benefit obligations required
2.29 by this section in a timely manner.

2.30 Subd. 5. **Subsequent appropriations.** A subsequent appropriation to the agency, office,
2.31 or department for regular operations for a biennium in which this section has been applied
2.32 may only supersede and replace the appropriation provided by subdivision 3 by express
2.33 reference to this section.

3.1 Sec. 3. Minnesota Statutes 2022, section 120A.414, subdivision 2, is amended to read:

3.2 Subd. 2. **Plan.** A school board may adopt an e-learning day plan after ~~consulting meeting~~
3.3 and negotiating with the exclusive representative of the teachers. A charter school may
3.4 adopt an e-learning day plan after consulting with its teachers, or after meeting and
3.5 negotiating with the exclusive representative for its teachers. The plan must include
3.6 accommodations for students without Internet access at home and for digital device access
3.7 for families without the technology or an insufficient amount of technology for the number
3.8 of children in the household. A school's e-learning day plan must provide accessible options
3.9 for students with disabilities under chapter 125A.

3.10 Sec. 4. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:

3.11 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
3.12 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
3.13 limited to the district or charter school that requested the initial Tier 1 license.

3.14 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
3.15 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

3.16 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
3.17 ~~section 179A.03, subdivision 18.~~

3.18 Sec. 5. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:

3.19 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
3.20 ~~which that~~ qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
3.21 requirements as a teacher. A person who teaches in an early childhood and family education
3.22 program ~~which that~~ is offered through a community education program and which qualifies
3.23 for community education aid pursuant to section 124D.20 or early childhood and family
3.24 education aid pursuant to section 124D.135 shall continue to meet licensure requirements
3.25 as a teacher. A person who teaches in a community education course ~~which that~~ is offered
3.26 for credit for graduation to persons under 18 years of age shall continue to meet licensure
3.27 requirements as a teacher.

3.28 (b) A person who teaches a driver training course ~~which that~~ is offered through a
3.29 community education program to persons under 18 years of age shall be licensed by the
3.30 Professional Educator Licensing and Standards Board or be subject to section 171.35. A
3.31 license ~~which that~~ is required for an instructor in a community education program pursuant
3.32 to this ~~subdivision~~ paragraph shall not be construed to bring an individual within the

4.1 definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41,
4.2 subdivision 1, ~~clause~~ paragraph (a).

4.3 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

4.4 Sec. 6. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:

4.5 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first
4.6 teaching experience in Minnesota in a single district is deemed to be a probationary period
4.7 of employment, and, the probationary period in each district in which the teacher is thereafter
4.8 employed shall be one year. The school board must adopt a plan for written evaluation of
4.9 teachers during the probationary period that is consistent with subdivision 8. Evaluation
4.10 must occur at least three times periodically throughout each school year for a teacher
4.11 performing services during that school year; the first evaluation must occur within the first
4.12 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,
4.13 and other staff development opportunities and days on which a teacher is absent from school
4.14 must not be included in determining the number of school days on which a teacher performs
4.15 services. Except as otherwise provided in paragraph (b), during the probationary period any
4.16 annual contract with any teacher may or may not be renewed as the school board shall see
4.17 fit. However, the board must give any such teacher whose contract it declines to renew for
4.18 the following school year written notice to that effect before July 1. If the teacher requests
4.19 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason
4.20 in writing, including a statement that appropriate supervision was furnished describing the
4.21 nature and the extent of such supervision furnished the teacher during the employment by
4.22 the board, within ten days after receiving such request. The school board may, after a hearing
4.23 held upon due notice, discharge a teacher during the probationary period for cause, effective
4.24 immediately, under section 122A.44.

4.25 (b) A board must discharge a probationary teacher, effective immediately, upon receipt
4.26 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has
4.27 been revoked due to a conviction for child abuse or sexual abuse.

4.28 (c) A probationary teacher whose first three years of consecutive employment are
4.29 interrupted for active military service and who promptly resumes teaching consistent with
4.30 federal reemployment timelines for uniformed service personnel under United States Code,
4.31 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
4.32 of paragraph (a).

4.33 (d) A probationary teacher whose first three years of consecutive employment are
4.34 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12

5.1 months of when the leave began is considered to have a consecutive teaching experience
5.2 for purposes of paragraph (a) if the probationary teacher completes a combined total of
5.3 three years of teaching service immediately before and after the leave.

5.4 (e) A probationary teacher must complete at least ~~120~~ 60 days of teaching service each
5.5 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
5.6 workshops, and other staff development opportunities and days on which a teacher is absent
5.7 from school do not count as days of teaching service under this paragraph.

5.8 Sec. 7. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:

5.9 Subd. 2. **Probationary period; discharge or demotion.** (a) ~~All teachers in the public~~
5.10 ~~schools in cities of the first class during the first three years of consecutive employment~~
5.11 ~~shall be deemed to be in a probationary period of employment during which period any~~
5.12 ~~annual contract with any teacher may, or may not, be renewed as the school board, after~~
5.13 ~~consulting with the peer review committee charged with evaluating the probationary teachers~~
5.14 ~~under subdivision 3, shall see fit.~~ The first three consecutive years of a teacher's first teaching
5.15 experience in Minnesota in a single district is deemed to be a probationary period of
5.16 employment, and the probationary period in each district in which the teacher is thereafter
5.17 employed shall be one year. The school site management team or the school board if there
5.18 is no school site management team, shall adopt a plan for a written evaluation of teachers
5.19 during the probationary period according to subdivisions 3 and 5. Evaluation by the peer
5.20 review committee charged with evaluating probationary teachers under subdivision 3 shall
5.21 occur at least three times periodically throughout each school year for a teacher performing
5.22 services during that school year; the first evaluation must occur within the first 90 days of
5.23 teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and
5.24 other staff development opportunities and days on which a teacher is absent from school
5.25 shall not be included in determining the number of school days on which a teacher performs
5.26 services. The school board may, during such probationary period, discharge or demote a
5.27 teacher for any of the causes as specified in this code. A written statement of the cause of
5.28 such discharge or demotion shall be given to the teacher by the school board at least 30
5.29 days before such removal or demotion shall become effective, and the teacher so notified
5.30 shall have no right of appeal therefrom.

5.31 (b) A probationary teacher whose first three years of consecutive employment are
5.32 interrupted for active military service and who promptly resumes teaching consistent with
5.33 federal reemployment timelines for uniformed service personnel under United States Code,

6.1 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
6.2 of paragraph (a).

6.3 (c) A probationary teacher whose first three years of consecutive employment are
6.4 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
6.5 months of when the leave began is considered to have a consecutive teaching experience
6.6 for purposes of paragraph (a) if the probationary teacher completes a combined total of
6.7 three years of teaching service immediately before and after the leave.

6.8 (d) A probationary teacher must complete at least ~~120~~ 60 days of teaching service each
6.9 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
6.10 workshops, and other staff development opportunities and days on which a teacher is absent
6.11 from school do not count as days of teaching service under this paragraph.

6.12 Sec. 8. Minnesota Statutes 2022, section 179A.03, subdivision 14, is amended to read:

6.13 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
6.14 any person appointed or employed by a public employer except:

6.15 (1) elected public officials;

6.16 (2) election officers;

6.17 (3) commissioned or enlisted personnel of the Minnesota National Guard;

6.18 (4) emergency employees who are employed for emergency work caused by natural
6.19 disaster;

6.20 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
6.21 or 35 percent of the normal work week in the employee's appropriate unit;

6.22 (6) employees whose positions are basically temporary or seasonal in character and: (i)
6.23 are not for more than 67 working days in any calendar year; ~~or~~ (ii) are not working for a
6.24 Minnesota school district or charter school; or (iii) are not for more than 100 working days
6.25 in any calendar year and the employees are under the age of 22, are full-time students
6.26 enrolled in a nonprofit or public educational institution prior to being hired by the employer,
6.27 and have indicated, either in an application for employment or by being enrolled at an
6.28 educational institution for the next academic year or term, an intention to continue as students
6.29 during or after their temporary employment;

6.30 (7) employees providing services for not more than two consecutive quarters to the
6.31 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
6.32 professional or technical services contract as defined in section 16C.08, subdivision 1;

7.1 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
7.2 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
7.3 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

7.4 (9) full-time undergraduate students employed by the school which they attend under a
7.5 work-study program or in connection with the receipt of financial aid, irrespective of number
7.6 of hours of service per week;

7.7 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
7.8 in an adult vocational education program;

7.9 ~~(11) an individual hired by the Board of Trustees of the Minnesota State Colleges and~~
7.10 ~~Universities to teach one course for three or fewer credits for one semester in a year;~~

7.11 ~~(12)~~ (11) with respect to court employees:

7.12 (i) personal secretaries to judges;

7.13 (ii) law clerks;

7.14 (iii) managerial employees;

7.15 (iv) confidential employees; and

7.16 (v) supervisory employees; or

7.17 ~~(13)~~ (12) with respect to employees of Hennepin Healthcare System, Inc., managerial,
7.18 supervisory, and confidential employees.

7.19 (b) The following individuals are public employees regardless of the exclusions of
7.20 paragraph (a), clauses (5) ~~and (6)~~ to (7):

7.21 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
7.22 State Colleges and Universities except at the university established in the Twin Cities
7.23 metropolitan area under section 136F.10 or for community services or community education
7.24 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
7.25 who is a public employee, where the replacement employee is employed more than 30
7.26 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
7.27 position created due to increased enrollment, curriculum expansion, courses which are a
7.28 part of the curriculum whether offered annually or not, or other appropriate reasons;

7.29 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
7.30 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
7.31 year and the cumulative number of days worked in that same position by all employees
7.32 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"

8.1 includes a substantially equivalent position if it is not the same position solely due to a
8.2 change in the classification or title of the position; ~~and~~

8.3 (3) an early childhood family education teacher employed by a school district; and

8.4 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
8.5 Universities as the instructor of record to teach (i) one class for more than three credits in
8.6 a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.

8.7 Sec. 9. Minnesota Statutes 2022, section 179A.03, subdivision 18, is amended to read:

8.8 Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent
8.9 or assistant superintendent, principal, assistant principal, or a supervisory or confidential
8.10 employee, employed by a school district:

8.11 (1) in a position for which the person must be licensed by the Professional Educator
8.12 Licensing and Standards Board or the commissioner of education; ~~or~~

8.13 (2) in a position as a physical therapist, occupational therapist, art therapist, music
8.14 therapist, or audiologist; or

8.15 (3) in a position providing instruction to children in a prekindergarten or early learning
8.16 program, except that an employee in a bargaining unit certified before January 1, 2023, may
8.17 remain in a bargaining unit that does not include teachers unless an exclusive representative
8.18 files a petition for a unit clarification or to transfer exclusive representative status.

8.19 **EFFECTIVE DATE.** This section is effective July 1, 2023.

8.20 Sec. 10. Minnesota Statutes 2022, section 179A.03, subdivision 19, is amended to read:

8.21 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"
8.22 means the hours of employment, the compensation therefor including fringe benefits except
8.23 retirement contributions or benefits other than employer payment of, or contributions to,
8.24 premiums for group insurance coverage of retired employees or severance pay, staffing
8.25 ratios, class sizes in school districts and charter schools, student testing, student-to-personnel
8.26 ratios in school districts, and the employer's personnel policies affecting the working
8.27 conditions of the employees. In the case of professional employees the term does not mean
8.28 educational policies of a school district. "Terms and conditions of employment" is subject
8.29 to section 179A.07.

9.1 Sec. 11. Minnesota Statutes 2022, section 179A.06, subdivision 6, is amended to read:

9.2 Subd. 6. ~~Dues checkoff~~ Payroll deduction, authorization, and remittance. (a) Public
9.3 employees have the right to request and be allowed ~~dues checkoff payroll deduction~~ for the
9.4 exclusive representative. ~~In the absence of an exclusive representative, public employees~~
9.5 ~~have the right to request and be allowed dues checkoff for the organization of their choice,~~
9.6 and the political fund associated with the exclusive representative and registered pursuant
9.7 to section 10A.12. A public employer must rely on a certification from any exclusive
9.8 representative requesting remittance of a deduction that the organization has and will maintain
9.9 an authorization, signed by the public employee from whose salary or wages the deduction
9.10 is to be made, which may include an electronic signature by the public employee as defined
9.11 in section 325L.02, paragraph (h). An exclusive representative making such certification
9.12 must not be required to provide the public employer a copy of the authorization unless a
9.13 dispute arises about the existence or terms of the authorization. The exclusive representative
9.14 must indemnify the public employer for any successful claims made by the employee for
9.15 unauthorized deductions in reliance on the certification.

9.16 (b) A dues deduction authorization remains in effect until the employer receives notice
9.17 from the exclusive representative that a public employee has changed or canceled their
9.18 authorization in writing in accordance with the terms of the original authorizing document,
9.19 and a public employer must rely on information from the exclusive representative receiving
9.20 remittance of the deduction regarding whether the deductions have been properly changed
9.21 or canceled. The exclusive representative must indemnify the public employer for any
9.22 successful claims made by the employee for unauthorized deductions made in reliance on
9.23 such information.

9.24 (c) Deduction authorization under this section is independent from the public employee's
9.25 membership status in the organization to which payment is remitted and is effective regardless
9.26 of whether a collective bargaining agreement authorizes the deduction.

9.27 (d) Employers must commence deductions within 30 days of notice of authorization
9.28 from the exclusive representative and must remit the deductions to the exclusive
9.29 representative within 30 days of the deduction. The failure of an employer to comply with
9.30 the provisions of this paragraph shall be an unfair labor practice under section 179A.13, the
9.31 relief for which shall be reimbursement by the employer of dues that should have been
9.32 deducted or paid based on a valid authorization given by the employee or employees.

9.33 (e) In the absence of an exclusive representative, public employees have the right to
9.34 request and be allowed payroll deduction for the organization of their choice.

10.1 (f) Any dispute under this subdivision must be resolved through an unfair labor practice
10.2 proceeding under section 179A.13.

10.3 Sec. 12. Minnesota Statutes 2022, section 179A.06, is amended by adding a subdivision
10.4 to read:

10.5 Subd. 8. **Liability.** (a) A public employer, a labor organization, or any of its employees
10.6 or agents shall not be liable for and shall have a complete defense to claims or actions under
10.7 the laws of this state for requiring, deducting, receiving, or retaining agency or fair share
10.8 fees from public employees. Current or former public employees shall not have standing
10.9 to pursue these claims or actions if the fees were permitted at the time under the laws of
10.10 this state then in force and paid, through payroll deduction or otherwise, prior to June 27,
10.11 2018.

10.12 (b) This subdivision applies to claims or actions pending on the effective date of this
10.13 section and to claims or actions filed on or after that date.

10.14 (c) The enactment of this section shall not be interpreted to create the inference that any
10.15 relief made unavailable by this section would otherwise be available.

10.16 (d) The legislature finds and declares:

10.17 (1) application of this subdivision to pending claims or actions clarifies state law rather
10.18 than changes it. Public employees who paid agency or fair share fees as a condition of
10.19 employment according to state law and supreme court precedent prior to June 27, 2018,
10.20 had no legitimate expectation of receiving the money under any available cause of action.
10.21 Public employees and organizations who relied on and abided by state law and supreme
10.22 court precedent in deducting and accepting those fees were not liable to refund them or any
10.23 agency or fair share fees paid for collective bargaining representation that employee
10.24 organizations were obligated by state law to provide to public employees. Application of
10.25 this subdivision to pending claims will preserve, rather than interfere with, important reliance
10.26 interests; and

10.27 (2) this subdivision is necessary to provide certainty to public employers and employee
10.28 organizations that relied on state law, and to avoid disruption of public employee labor
10.29 relations.

10.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.1 Sec. 13. Minnesota Statutes 2022, section 179A.07, subdivision 1, is amended to read:

11.2 Subdivision 1. **Inherent managerial policy.** A public employer is not required to meet
11.3 and negotiate on matters of inherent managerial policy. Matters of inherent managerial
11.4 policy include, but are not limited to, such areas of discretion or policy as the functions and
11.5 programs of the employer, its overall budget, utilization of technology, the organizational
11.6 structure, selection of personnel, and direction ~~and the number~~ of personnel. No public
11.7 employer shall sign an agreement which limits its right to select persons to serve as
11.8 supervisory employees or state managers under section 43A.18, subdivision 3, or requires
11.9 the use of seniority in their selection.

11.10 Sec. 14. Minnesota Statutes 2022, section 179A.07, subdivision 6, is amended to read:

11.11 Subd. 6. **Time off.** A public employer must afford reasonable time off to elected officers
11.12 or appointed representatives of the exclusive representative to conduct the duties of the
11.13 exclusive representative and must, upon request, provide for leaves of absence to elected
11.14 or appointed officials of the exclusive representative, to elected or appointed officials of an
11.15 affiliate of an exclusive representative, or to a full-time appointed official of an exclusive
11.16 representative of teachers in another Minnesota school district.

11.17 Sec. 15. Minnesota Statutes 2022, section 179A.07, is amended by adding a subdivision
11.18 to read:

11.19 Subd. 8. **Bargaining unit information.** (a) Within ten calendar days from the date of
11.20 hire of a bargaining unit employee, a public employer must provide the following contact
11.21 information to an exclusive representative in an Excel file format or other format agreed to
11.22 by the exclusive representative: name; job title; worksite location, including location within
11.23 a facility when appropriate; home address; work telephone number; home and personal cell
11.24 phone numbers on file with the public employer; date of hire; and work email address and
11.25 personal email address on file with the public employer.

11.26 (b) Every 120 calendar days beginning on January 1, 2024, a public employer must
11.27 provide an exclusive representative in an Excel file or similar format agreed to by the
11.28 exclusive representative the following information for all bargaining unit employees: name,
11.29 job title, worksite location, home address, work telephone number, home and personal cell
11.30 phone numbers on file with the public employer, date of hire, and work email address and
11.31 personal email address on file with the public employer.

12.1 Sec. 16. Minnesota Statutes 2022, section 179A.07, is amended by adding a subdivision
12.2 to read:

12.3 Subd. 9. Access. (a) A public employer must provide an exclusive representative access
12.4 to members of the bargaining unit, including:

12.5 (1) the right to meet with bargaining unit members on the premises of the public employer
12.6 during the workday to investigate and discuss grievances and other workplace issues;

12.7 (2) the right to conduct worksite meetings during lunch and other breaks, and before
12.8 and after the workday, on the public employer's premises to discuss workplace issues,
12.9 collective bargaining, the administration of collective bargaining agreements, internal matters
12.10 involving the governance or business of the exclusive representative, and other matters
12.11 related to the duties of an exclusive representative; and

12.12 (3) the right to meet in person with newly hired employees, without charge to the pay
12.13 or leave time of the employees, for a minimum of 30 minutes, within 30 calendar days from
12.14 the date of hire, during new employee orientations or, if the employer does not conduct new
12.15 employee orientations, at individual or group meetings. An exclusive representative shall
12.16 receive no less than ten days' notice in advance of an orientation, except that a shorter notice
12.17 may be provided where there is an urgent need critical to the operations of the public
12.18 employer that was not reasonably foreseeable. Notice of and attendance at new employee
12.19 orientations and other meetings under this paragraph must be limited to the public employer,
12.20 the employees, the exclusive representative, and any vendor contracted to provide a service
12.21 for purposes of the meeting. Meetings may be held virtually only by mutual agreement of
12.22 the public employer and exclusive representative.

12.23 (b) A public employer must provide an exclusive representative access to the public
12.24 employer's email system to communicate with bargaining unit members regarding collective
12.25 bargaining, the administration of collective bargaining agreements, the investigation of
12.26 grievances, other workplace-related complaints and issues, and internal matters involving
12.27 the governance or business of the exclusive representative.

12.28 (c) A public employer must provide an exclusive representative access to facilities owned
12.29 or leased by the public employer to conduct meetings with bargaining unit members regarding
12.30 collective bargaining, other workplace-related complaints and issues, and internal matters
12.31 involving the governance or business of the exclusive representative, provided the use does
12.32 not interfere with governmental operations. Meetings conducted in government buildings
12.33 pursuant to this subdivision must not be for the purpose of supporting or opposing any
12.34 candidate for partisan political office, or for the purpose of distributing literature or

13.1 information regarding partisan elections. An exclusive representative conducting a meeting
13.2 in a government building or other government facility pursuant to this subdivision may be
13.3 charged for maintenance, security, and other costs related to the use of the government
13.4 building or facility that would not otherwise be incurred by the government entity.

13.5 Sec. 17. Minnesota Statutes 2022, section 179A.12, is amended by adding a subdivision
13.6 to read:

13.7 Subd. 2a. **Majority verification procedure.** (a) Notwithstanding any other provision
13.8 of this section, an employee organization may file a petition with the commissioner requesting
13.9 certification as the exclusive representative of an appropriate unit based on a verification
13.10 that over 50 percent of the employees in the proposed appropriate unit wish to be represented
13.11 by the petitioner. The commissioner shall require dated representation authorization
13.12 signatures of affected employees as verification of the employee organization's claim of
13.13 majority status.

13.14 (b) Upon receipt of an employee organization's petition, accompanied by employee
13.15 authorization signatures under this subdivision, the commissioner shall investigate the
13.16 petition. If the commissioner determines that over 50 percent of the employees in an
13.17 appropriate unit have provided authorization signatures designating the employee
13.18 organization specified in the petition as their exclusive representative, the commissioner
13.19 shall not order an election but shall certify the employee organization.

13.20 Sec. 18. Minnesota Statutes 2022, section 179A.12, subdivision 6, is amended to read:

13.21 Subd. 6. **Authorization signatures.** In determining the numerical status of an employee
13.22 organization for purposes of this section, the commissioner shall require dated representation
13.23 authorization signatures of affected employees as verification of the statements contained
13.24 in the joint request or petitions. These authorization signatures shall be privileged and
13.25 confidential information available to the commissioner only. Electronic signatures, as defined
13.26 in section 325L.02, paragraph (h), shall be valid as authorization signatures. Authorization
13.27 signatures shall be valid for a period of one year following the date of signature.

13.28 Sec. 19. Minnesota Statutes 2022, section 179A.12, subdivision 11, is amended to read:

13.29 Subd. 11. **Unfair labor practices.** If the commissioner finds that an unfair labor practice
13.30 was committed by an employer or representative candidate or an employee or group of
13.31 employees, and that the unfair labor practice affected the result of an election or majority
13.32 verification procedure pursuant to subdivision 2a, or that procedural or other irregularities

14.1 in the conduct of the election or majority verification procedure may have substantially
14.2 affected its results, the commissioner may void the ~~election~~ result and order a new election
14.3 or majority verification procedure.

14.4 Sec. 20. Minnesota Statutes 2022, section 572B.17, is amended to read:

14.5 **572B.17 WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.**

14.6 (a) An arbitrator may issue a subpoena for the attendance of a witness and for the
14.7 production of records and other evidence at any hearing and may administer oaths. A
14.8 subpoena must be served in the manner for service of subpoenas in a civil action and, upon
14.9 motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the
14.10 manner for enforcement of subpoenas in a civil action.

14.11 (b) On request of a party to or a witness in an arbitration proceeding, an arbitrator may
14.12 permit a deposition of any witness to provide testimony at the arbitration hearing, including
14.13 a witness who cannot be subpoenaed for or is unable to attend a hearing, to be taken under
14.14 conditions determined by the arbitrator for use as evidence in order to make the proceeding
14.15 fair, expeditious, and cost-effective.

14.16 (c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in
14.17 the circumstances, taking into account the needs of the parties to the arbitration proceeding
14.18 and other affected persons and the desirability of making the proceeding fair, expeditious,
14.19 and cost-effective.

14.20 (d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a
14.21 party to the arbitration proceeding to comply with the arbitrator's discovery-related orders,
14.22 including the issuance of a subpoena for the attendance of a witness and for the production
14.23 of records and other evidence at a discovery proceeding, and may take action against a party
14.24 to the arbitration proceeding who does not comply to the extent permitted by law as if the
14.25 controversy were the subject of a civil action in this state.

14.26 (e) An arbitrator may issue a protective order to prevent the disclosure of privileged
14.27 information, confidential information, trade secrets, data classified as nonpublic or private
14.28 pursuant to chapter 13, and other information protected from disclosure as if the controversy
14.29 were the subject of a civil action in this state.

14.30 (f) All laws compelling a person under subpoena to testify and all fees for attending a
14.31 judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an
14.32 arbitration proceeding as if the controversy were the subject of a civil action under the laws
14.33 and rules of civil procedure of this state.

15.1 (g) The court may enforce a subpoena or discovery-related order for the attendance of
15.2 a witness within this state and for the production of records and other evidence issued by
15.3 an arbitrator in connection with an arbitration proceeding in another state upon conditions
15.4 determined by the court in order to make the arbitration proceeding fair, expeditious, and
15.5 cost-effective. A subpoena or discovery-related order issued by an arbitrator must be served
15.6 in the manner provided by law for service of subpoenas in a civil action in this state and,
15.7 upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced
15.8 in the manner provided by law for enforcement of subpoenas in a civil action in this state.

15.9 Sec. 21. **REPEALER.**

15.10 Minnesota Statutes 2022, section 179A.12, subdivision 2, is repealed.

179A.12 EXCLUSIVE REPRESENTATION; ELECTIONS; DECERTIFICATION.

Subd. 2. **Certification upon joint request.** The commissioner may certify an employee organization as an exclusive representative in an appropriate unit upon the joint request of the employer and the organization if, after investigation, the commissioner finds that no unfair labor practice was committed in initiating and submitting the joint request and that the employee organization represents over 50 percent of the employees in the appropriate unit. This subdivision does not reduce the time period or nullify any bar to the employee organization's certification existing at the time of the filing of the joint request.