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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 62

01/05/2023 Authored by Nelson, M.; Jordan; Hussein; Frederick and Kozlowski
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
01/18/2023 Adoption of Report: Amended and re-referred to the Committee on Labor and Industry Finance and Policy

1.1 A bill for an act
1.2 relating to labor; modifying Public Employment Relations Board data; appropriating
1.3 money; amending Minnesota Statutes 2022, sections 13.43, subdivision 6;
1.4 179A.041, by adding a subdivision; proposing coding for new law in Minnesota
1.5 Statutes, chapter 13.

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

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

1.8 Subd. 6. Access by labor organizations, Bureau of Mediation Services, Public
1.9 Employment Relations Board. Personnel data may be disseminated to labor organizations
1.10 and the Public Employment Relations Board to the extent that the responsible authority
1.11 determines that the dissemination is necessary to conduct elections, notify employees of
1.12 fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel
1.13 data shall be disseminated to labor organizations, the Public Employment Relations Board,
1.14 and to the Bureau of Mediation Services to the extent the dissemination is ordered or
1.15 authorized by the commissioner of the Bureau of Mediation Services or the Public
1.16 Employment Relations Board or its designee.

1.17 Sec. 2. [13.7909] PUBLIC EMPLOYMENT RELATIONS BOARD DATA.

1.18 Subdivision 1. Definition. For purposes of this section, "board" means the Public
1.19 Employment Relations Board.

1.20 Subd. 2. Charge and complaint data. (a) Except as provided in paragraphs (b) and (c),
1.21 all data maintained by the board about a charge or complaint of unfair labor practices and
1.22 appeals of determinations of the commissioner under section 179A.12, subdivision 11, are
1.23 classified as protected nonpublic data or confidential data prior to being admitted into

2.1 evidence at a hearing conducted pursuant to section 179A.13. Data that are admitted into  
2.2 evidence at a hearing conducted pursuant to section 179A.13 are public unless subject to a  
2.3 protective order as determined by the board or a hearing officer.

2.4 (b) Statements by individuals that are provided to the board are private data on  
2.5 individuals, as defined by section 13.02, subdivision 12, prior to being admitted into evidence  
2.6 at a hearing conducted pursuant to section 179A.13, and become public once admitted into  
2.7 evidence.

2.8 (c) Notwithstanding sections 13.43 and 181.932, the following data are public at all  
2.9 times:

2.10 (1) the filing date of unfair labor practice charges;

2.11 (2) the status of unfair labor practice charges as an original or amended charge;

2.12 (3) the names and job classifications of charging parties and charged parties;

2.13 (4) the provisions of law alleged to have been violated in unfair labor practice charges;

2.14 (5) the complaint issued by the board and all data in the complaint;

2.15 (6) the full and complete record of an evidentiary hearing before a hearing officer,  
2.16 including the hearing transcript, exhibits admitted into evidence, and posthearing briefs,  
2.17 unless subject to a protective order;

2.18 (7) recommended decisions and orders of hearing officers pursuant to section 179A.13,  
2.19 subdivision 1, paragraph (i);

2.20 (8) exceptions to the hearing officer's recommended decision and order filed with the  
2.21 board pursuant to section 179A.13, subdivision 1, paragraph (k);

2.22 (9) briefs filed with the board; and

2.23 (10) decisions and orders issued by the board.

2.24 (d) The board may make any data classified as private, protected nonpublic, or  
2.25 confidential pursuant to this subdivision accessible to any person or party if the access will  
2.26 aid the implementation of chapters 179 and 179A or ensure due process protection of the  
2.27 parties.

2.28 Sec. 3. Minnesota Statutes 2022, section 179A.041, is amended by adding a subdivision  
2.29 to read:

2.30 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of  
2.31 the board when it is deliberating on the merits of unfair labor practice charges under sections

3.1 179.11, 179.12, and 179A.13; reviewing a recommended decision and order of a hearing  
3.2 officer under section 179A.13; or reviewing decisions of the commissioner of the Bureau  
3.3 of Mediation Services relating to unfair labor practices under section 179A.12, subdivision  
3.4 11.

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

3.6 Sec. 4. **APPROPRIATIONS.**

3.7 \$500,000 in fiscal year 2024 and \$500,000 in fiscal year 2025 are appropriated from the  
3.8 general fund to the Public Employment Relations Board under Minnesota Statutes, section  
3.9 179A.041.