

A bill for an act
relating to public employment; modifying definition of supervisory employee;
amending Minnesota Statutes 2008, section 179A.03, subdivision 17.

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

Section 1. Minnesota Statutes 2008, section 179A.03, subdivision 17, is amended to
read:

Subd. 17. **Supervisory employee.** "Supervisory employee" means a person who has
the authority to undertake a majority of the following supervisory functions in the interests
of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward,
or discipline of other employees, direction of the work of other employees, or adjustment
of other employees' grievances on behalf of the employer. To be included as a supervisory
function which the person has authority to undertake, the exercise of the authority by
the person may not be merely routine or clerical in nature but must require the use of
independent judgment. An employee, ~~other than an essential employee,~~ who has authority
to effectively recommend a supervisory function, is deemed to have authority to undertake
that supervisory function for the purposes of this subdivision. The administrative head of
a municipality, municipal utility, or police or fire department, and the administrative head's
assistant, are always considered supervisory employees.

The removal of employees by the employer from a nonsupervisory appropriate
unit for the purpose of designating the employees as "supervisory employees" shall
require either the prior written agreement of the exclusive representative and the written
approval of the commissioner or a separate determination by the commissioner before the
redesignation is effective.