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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 438

01/28/2019 Authored by Quam
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; amending the definition of public employee to include
1.3 replacement employees who are employed for more than 60 days as a replacement
1.4 teacher or faculty member; amending Minnesota Statutes 2018, section 179A.03,
1.5 subdivision 14.

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

1.7 Section 1. Minnesota Statutes 2018, section 179A.03, subdivision 14, is amended to read:

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

1.10 (1) elected public officials;

1.11 (2) election officers;

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

1.13 (4) emergency employees who are employed for emergency work caused by natural
1.14 disaster;

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

1.17 (6) employees whose positions are basically temporary or seasonal in character and: (i)
1.18 are not for more than 67 working days in any calendar year; or (ii) are not for more than
1.19 100 working days in any calendar year and the employees are under the age of 22, are
1.20 full-time students enrolled in a nonprofit or public educational institution prior to being
1.21 hired by the employer, and have indicated, either in an application for employment or by

2.1 being enrolled at an educational institution for the next academic year or term, an intention  
2.2 to continue as students during or after their temporary employment;

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

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

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

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

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

2.16 (12) with respect to court employees:

2.17 (i) personal secretaries to judges;

2.18 (ii) law clerks;

2.19 (iii) managerial employees;

2.20 (iv) confidential employees; and

2.21 (v) supervisory employees;

2.22 (13) with respect to employees of Hennepin Healthcare System, Inc., managerial,  
2.23 supervisory, and confidential employees.

2.24 (b) The following individuals are public employees regardless of the exclusions of  
2.25 paragraph (a), clauses (5) and (6):

2.26 (1) an employee hired by a school district or the Board of Trustees of the Minnesota  
2.27 State Colleges and Universities except at the university established in the Twin Cities  
2.28 metropolitan area under section 136F.10 or for community services or community education  
2.29 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member  
2.30 who is a public employee, where the replacement employee is employed more than ~~30~~ 60  
2.31 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching

3.1 position created due to increased enrollment, curriculum expansion, courses which are a  
3.2 part of the curriculum whether offered annually or not, or other appropriate reasons;

3.3 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same  
3.4 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar  
3.5 year and the cumulative number of days worked in that same position by all employees  
3.6 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"  
3.7 includes a substantially equivalent position if it is not the same position solely due to a  
3.8 change in the classification or title of the position; and

3.9 (3) an early childhood family education teacher employed by a school district.

3.10 **EFFECTIVE DATE.** This section is effective July 1, 2019.