

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2204

02/13/2012 Authored by Bills

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to labor; modifying public employees' fair share fee; amending
1.3 Minnesota Statutes 2010, section 179A.06, subdivision 3.

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

1.5 Section 1. Minnesota Statutes 2010, section 179A.06, subdivision 3, is amended to
1.6 read:

1.7 Subd. 3. **Fair share fee.** An exclusive representative may require employees who
1.8 are not members of the exclusive representative to contribute a fair share fee for services
1.9 rendered by the exclusive representative. The fair share fee must be equal to the regular
1.10 membership dues of the exclusive representative, less (1) the cost of benefits financed
1.11 through the dues and available only to members of the exclusive representative, (2) any
1.12 amounts paid to national organizations affiliated with the exclusive representative, and (3)
1.13 any amounts for contributions to foundations, political action committees, or publications.

1.14 In no event may the fair share fee exceed 85 percent of the regular membership dues.
1.15 The exclusive representative shall provide advance written notice of the amount of the
1.16 fair share fee to the employer and to unit employees who will be assessed the fee. The
1.17 employer shall provide the exclusive representative with a list of all unit employees.

1.18 A challenge by an employee or by a person aggrieved by the fee must be filed in
1.19 writing with the commissioner, the public employer, and the exclusive representative
1.20 within 30 days after receipt of the written notice. All challenges must specify those
1.21 portions of the fee challenged and the reasons for the challenge. The burden of proof
1.22 relating to the amount of the fair share fee is on the exclusive representative. The
1.23 commissioner shall hear and decide all issues in these challenges.

2.1 The employer shall deduct the fee from the earnings of the employee and transmit
2.2 the fee to the exclusive representative 30 days after the written notice was provided. If
2.3 a challenge is filed, the deductions for a fair share fee must be held in escrow by the
2.4 employer pending a decision by the commissioner.