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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3585

03/24/2016 Authored by Drazkowski

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

1.1 A bill for an act  
1.2 relating to public employment; ratifying labor agreements and compensation  
1.3 plans; repealing authority for exclusive representatives to charge fair share  
1.4 fees and for certain dues deductions; requiring open meetings; requiring  
1.5 affirmative approval before interim implementation of state employee collective  
1.6 bargaining agreements; requiring legislative approval of political subdivision  
1.7 compensation waivers; prohibiting wage or salary increases after contract  
1.8 expiration; forbidding retroactive wage or salary increases; limiting certain  
1.9 compensation for unused vacation; changing law regarding time off to perform  
1.10 exclusive representative duties; amending Minnesota Statutes 2014, sections  
1.11 3.855, subdivision 2; 16A.133, subdivision 1; 43A.17, subdivision 9, by adding  
1.12 a subdivision; 179A.04, subdivisions 1, 3; 179A.06, subdivision 6; 179A.07,  
1.13 subdivision 6; 179A.20, subdivision 6, by adding a subdivision; 179A.60,  
1.14 subdivision 7; 256B.0711, subdivision 4; Minnesota Statutes 2015 Supplement,  
1.15 section 179A.051; proposing coding for new law in Minnesota Statutes, chapter  
1.16 179A; repealing Minnesota Statutes 2014, sections 179A.03, subdivision 9;  
1.17 179A.06, subdivision 3; 179A.14, subdivision 3.

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

1.19 ARTICLE 1

1.20 CONTRACTS AND COMPENSATION PLANS

1.21 Section 1. LABOR CONTRACT AND COMPENSATION PLAN APPROVAL.

1.22 Subdivision 1. American Federation of State, County, and Municipal Employees.

1.23 The labor agreement between the state of Minnesota and the American Federation of State,  
1.24 County, and Municipal Employees, Council 5, submitted to the Legislative Coordinating  
1.25 Commission Subcommittee on Employee Relations on October 29, 2015, and implemented  
1.26 after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, is ratified.

1.27 Subd. 2. Minnesota Association of Professional Employees. The labor agreement  
1.28 between the state of Minnesota and the Minnesota Association of Professional Employees,  
1.29 submitted to the Legislative Coordinating Commission Subcommittee on Employee

2.1 Relations on October 29, 2015, and implemented after 30 days as provided in Minnesota  
 2.2 Statutes, section 3.855, subdivision 2, is ratified.

2.3 Subd. 3. **Middle Management Association.** The labor agreement between the state  
 2.4 of Minnesota and the Middle Management Association, submitted to the Legislative  
 2.5 Coordinating Commission Subcommittee on Employee Relations on October 29, 2015,  
 2.6 and implemented after 30 days as provided in Minnesota Statutes, section 3.855,  
 2.7 subdivision 2, is ratified.

2.8 Subd. 4. **Minnesota Nurses Association.** The labor agreement between the  
 2.9 state of Minnesota and the Minnesota Nurses Association, approved by the Legislative  
 2.10 Coordinating Commission Subcommittee on Employee Relations on January 15, 2016,  
 2.11 is ratified.

2.12 Subd. 5. **Commissioner's plan.** The commissioner of management and budget's  
 2.13 compensation plan for unrepresented state employees, submitted to the Legislative  
 2.14 Coordinating Commission Subcommittee on Employee Relations on October 29, 2015,  
 2.15 is approved with these changes:

2.16 (1) the provisions in section 14, "Salary Administration" that provide for general  
 2.17 salary increases effective July 1, 2015, and July 1, 2016, are not approved;

2.18 (2) the provisions in section 14, "Salary Administration" that provide for  
 2.19 performance-based increases that are to be effective December 30, 2015, and December  
 2.20 28, 2016, may not exceed two percent; and

2.21 (3) the provisions in section 14, "Salary Administration" that provide for  
 2.22 performance-based increases expire June 30, 2017.

2.23 Subd. 6. **Managerial compensation plan.** The managerial compensation plan,  
 2.24 submitted to the Legislative Coordinating Commission Subcommittee on Employee  
 2.25 Relations on October 29, 2015, is approved with these changes:

2.26 (1) the provisions in section 14, "Salary Administration" that provide for general  
 2.27 salary increases effective July 1, 2015, and July 1, 2016, are not approved;

2.28 (2) the provisions in section 14, "Salary Administration" that provide for  
 2.29 performance-based increases that are to be effective December 30, 2015, and December  
 2.30 28, 2016, may not exceed two percent; and

2.31 (3) the provisions in section 14, "Salary Administration" that provide for  
 2.32 performance-based increases expire June 30, 2017.

## 2.33 **ARTICLE 2**

### 2.34 **FAIR SHARE AND DUES DEDUCTION**

2.35 Section 1. Minnesota Statutes 2014, section 16A.133, subdivision 1, is amended to read:

3.1 Subdivision 1. **Payroll direct deposit and deductions.** An agency head in the  
 3.2 executive, judicial, and legislative branch shall, upon written request signed by an  
 3.3 employee, directly deposit all or part of an employee's pay to those credit unions or  
 3.4 financial institutions, as defined in section 47.015, designated by the employee.

3.5 An agency head must, upon written request of an employee, deduct from the pay of  
 3.6 the employee a requested amount to be paid to the Minnesota Benefit Association, ~~or to~~  
 3.7 ~~any organizations contemplated by section 179A.06, of which the employee is a member.~~

3.8 Sec. 2. Minnesota Statutes 2014, section 179A.04, subdivision 1, is amended to read:

3.9 Subdivision 1. **Petitions.** The commissioner shall accept and investigate all petitions  
 3.10 for:

3.11 (1) certification or decertification as the exclusive representative of an appropriate  
 3.12 unit;

3.13 (2) mediation services;

3.14 (3) any election or other voting procedures provided for in sections 179A.01 to  
 3.15 179A.25; and

3.16 (4) certification to the Board of Arbitration; and

3.17 ~~(5) fair share fee challenges, upon the receipt of a filing fee. The commissioner shall~~  
 3.18 ~~hear and decide all issues in a fair share fee challenge.~~

3.19 Sec. 3. Minnesota Statutes 2014, section 179A.04, subdivision 3, is amended to read:

3.20 Subd. 3. **Other duties.** (a) The commissioner shall:

3.21 (1) provide mediation services as requested by the parties until the parties reach  
 3.22 agreement, and may continue to assist parties after they have submitted their final  
 3.23 positions for interest arbitration;

3.24 (2) issue notices, subpoenas, and orders required by law to carry out duties under  
 3.25 sections 179A.01 to 179A.25;

3.26 (3) assist the parties in formulating petitions, notices, and other papers required to be  
 3.27 filed with the commissioner or the board;

3.28 (4) conduct elections;

3.29 (5) certify the final results of any election or other voting procedure conducted  
 3.30 under sections 179A.01 to 179A.25;

3.31 (6) adopt rules relating to the administration of this chapter and the conduct of  
 3.32 hearings and elections;

3.33 (7) receive, catalogue, file, and make available to the public all decisions of  
 3.34 arbitrators and panels authorized by sections 179A.01 to 179A.25, all grievance arbitration

4.1 decisions to the extent the decision is public under section 13.43, subdivision 2, paragraph  
4.2 (b), and the commissioner's orders and decisions;

4.3 (8) adopt, subject to chapter 14, a grievance procedure that fulfills the purposes of  
4.4 section 179A.20, subdivision 4, that is available to any employee in a unit not covered by  
4.5 a contractual grievance procedure;

4.6 (9) maintain a schedule of state employee classifications or positions assigned to  
4.7 each unit established in section 179A.10, subdivision 2;

4.8 (10) collect fees established by rule for empanelment of persons on the labor  
4.9 arbitrator roster maintained by the commissioner ~~or in conjunction with fair share fee~~  
4.10 ~~challenges~~. Arbitrator application fees will be \$100 per year for initial applications and  
4.11 renewals effective July 1, 2007;

4.12 (11) provide technical support and assistance to voluntary joint labor-management  
4.13 committees established for the purpose of improving relationships between exclusive  
4.14 representatives and employers, at the discretion of the commissioner;

4.15 (12) provide to the parties a list of arbitrators as required by section 179A.16,  
4.16 subdivision 4;

4.17 (13) maintain a list of up to 60 arbitrators for referral to employers and exclusive  
4.18 representatives for the resolution of grievance or interest disputes. Each person on the  
4.19 list must be knowledgeable about collective bargaining and labor relations in the public  
4.20 sector, well versed in state and federal labor law, and experienced in and knowledgeable  
4.21 about labor arbitration. To the extent practicable, the commissioner shall appoint members  
4.22 to the list so that the list is gender and racially diverse; and

4.23 (14) upon request of the board, provide administrative support and other assistance  
4.24 to the board, including assistance in development and adoption of board rules.

4.25 (b) From the names provided by representative organizations, the commissioner  
4.26 shall maintain a list of arbitrators to conduct teacher discharge or termination hearings  
4.27 according to section 122A.40 or 122A.41. The persons on the list must meet at least  
4.28 one of the following requirements:

4.29 (1) be a former or retired judge;

4.30 (2) be a qualified arbitrator on the list maintained by the bureau;

4.31 (3) be a present, former, or retired administrative law judge; or

4.32 (4) be a neutral individual who is learned in the law and admitted to practice in  
4.33 Minnesota, who is qualified by experience to conduct these hearings, and who is without  
4.34 bias to either party.

5.1 Each year, education Minnesota shall provide a list of up to 14 names and the Minnesota  
 5.2 School Boards Association a list of up to 14 names of persons to be on the list. The  
 5.3 commissioner may adopt rules about maintaining and updating the list.

5.4 Sec. 4. Minnesota Statutes 2015 Supplement, section 179A.051, is amended to read:

5.5 **179A.051 APPEALS OF COMMISSIONER'S DECISIONS.**

5.6 (a) Decisions of the commissioner relating to supervisory, confidential, essential,  
 5.7 and professional employees, or appropriateness of a unit, ~~or fair share fee challenges~~ may  
 5.8 be reviewed on certiorari by the Court of Appeals. A petition for a writ of certiorari must  
 5.9 be filed and served on the other party or parties and the commissioner within 30 days from  
 5.10 the date of the mailing of the commissioner's decision. The petition must be served on the  
 5.11 other party or parties at the party's or parties' last known address.

5.12 (b) Decisions of the commissioner relating to unfair labor practices under section  
 5.13 179A.12, subdivision 11, may be appealed to the board if the appeal is filed with the board  
 5.14 and served on all other parties no later than 30 days after service of the commissioner's  
 5.15 decision.

5.16 Sec. 5. Minnesota Statutes 2014, section 179A.06, subdivision 6, is amended to read:

5.17 Subd. 6. **Dues checkoff.** Public employees, other than state employees, have the  
 5.18 right to request and be allowed dues checkoff for the exclusive representative. In the  
 5.19 absence of an exclusive representative, public employees have the right to request and be  
 5.20 allowed dues checkoff for the organization of their choice.

5.21 Sec. 6. Minnesota Statutes 2014, section 179A.60, subdivision 7, is amended to read:

5.22 Subd. 7. **Contract negotiations and administration.** The exclusive representative  
 5.23 of employees of a new joint powers entity shall upon certification be responsible to  
 5.24 negotiate a new collective bargaining agreement, file grievances, and otherwise administer  
 5.25 the prior collective bargaining agreement until a new collective bargaining agreement is  
 5.26 agreed to, ~~and to receive dues or fair-share fees.~~

5.27 Sec. 7. Minnesota Statutes 2014, section 256B.0711, subdivision 4, is amended to read:

5.28 Subd. 4. **Duties of the commissioner of human services.** (a) The commissioner  
 5.29 shall afford to all participants within a covered program the option of employing an  
 5.30 individual provider to provide direct support services.

5.31 (b) The commissioner shall ensure that all employment of individual providers is  
 5.32 in conformity with this section and section 179A.54, including by modifying program

6.1 operations as necessary to ensure proper classification of individual providers, to require  
6.2 that all relevant vendors within covered programs assist and cooperate as needed,  
6.3 including providers of fiscal support, fiscal intermediary, financial management, or similar  
6.4 services to provide support to participants and participants' representatives with regard to  
6.5 employing individual providers, and to otherwise fulfill the requirements of this section,  
6.6 including the provisions of paragraph (f).

6.7 (c) The commissioner shall:

6.8 (1) establish for all individual providers compensation rates, payment terms and  
6.9 practices, and any benefit terms, provided that these rates and terms may permit individual  
6.10 provider variations based on traditional and relevant factors otherwise permitted by law;

6.11 (2) provide for required orientation programs within three months of hire for  
6.12 individual providers newly hired on or after January 1, 2015, regarding their employment  
6.13 within the covered programs through which they provide services;

6.14 (3) have the authority to provide for relevant training and educational opportunities  
6.15 for individual providers, as well as for participants and participants' representatives  
6.16 who receive services from individual providers, including opportunities for individual  
6.17 providers to obtain certification documenting additional training and experience in areas  
6.18 of specialization;

6.19 (4) have the authority to provide for the maintenance of a public registry of  
6.20 individuals who have consented to be included to:

6.21 (i) provide routine, emergency, and respite referrals of qualified individual providers  
6.22 who have consented to be included in the registry to participants and participants'  
6.23 representatives;

6.24 (ii) enable participants and participants' representatives to gain improved access  
6.25 to, and choice among, prospective individual providers, including by having access  
6.26 to information about individual providers' training, educational background, work  
6.27 experience, and availability for hire; and

6.28 (iii) provide for appropriate employment opportunities for individual providers and a  
6.29 means by which they may more easily remain available to provide services to participants  
6.30 within covered programs; and

6.31 (5) establish other appropriate terms and conditions of employment governing the  
6.32 workforce of individual providers.

6.33 (d) The commissioner's authority over terms and conditions of individual providers'  
6.34 employment, including compensation, payment, and benefit terms, employment  
6.35 opportunities within covered programs, individual provider orientation, training, and  
6.36 education opportunities, and the operation of public registries shall be subject to the state's

7.1 obligations to meet and negotiate under chapter 179A, as modified and made applicable  
7.2 to individual providers under section 179A.54, and to agreements with any exclusive  
7.3 representative of individual providers, as authorized by chapter 179A, as modified and  
7.4 made applicable to individual providers under section 179A.54. Except to the extent  
7.5 otherwise provided by law, the commissioner shall not undertake activities in paragraph  
7.6 (c), clauses (3) and (4), prior to July 1, 2015, unless included in a negotiated agreement  
7.7 and an appropriation has been provided by the legislature to the commissioner.

7.8 (e) The commissioner shall cooperate in the implementation of section 179A.54  
7.9 with the commissioner of management and budget in the same manner as would be  
7.10 required of an appointing authority under section 179A.22 with respect to any negotiations  
7.11 between the executive branch of the state and the exclusive representative of individual  
7.12 providers, as authorized under sections 179A.22 and 179A.54. Any entity providing  
7.13 relevant services within covered programs, including providers of fiscal support, fiscal  
7.14 intermediary, financial management, or similar services to provide support to participants  
7.15 and participants' representatives with regard to employing individual providers shall assist  
7.16 and cooperate with the commissioner of human services in the operations of this section,  
7.17 including with respect to the commissioner's obligations under paragraphs (b) and (f).

7.18 (f) The commissioner shall, no later than September 1, 2013, and then monthly  
7.19 thereafter, compile and maintain a list of the names and addresses of all individual  
7.20 providers who have been paid for providing direct support services to participants within  
7.21 the previous six months. The list shall not include the name of any participant, or indicate  
7.22 that an individual provider is a relative of a participant or has the same address as a  
7.23 participant. The commissioner shall share the lists with others as needed for the state to  
7.24 meet its obligations under chapter 179A as modified and made applicable to individual  
7.25 providers under section 179A.54, and to facilitate the representational processes under  
7.26 section 179A.54, subdivisions 9 and 10. In order to effectuate this section and section  
7.27 179A.54, questions of employee organization access to other relevant data on individual  
7.28 providers relating to their employment or prospective employment within covered  
7.29 programs shall be governed by chapter 179A and section 13.43, and shall be treated the  
7.30 same as labor organization access to personnel data under section 13.43, subdivision 6.  
7.31 This shall not include access to private data on participants or participants' representatives.  
7.32 Nothing in this section or section 179A.54 shall alter the access rights of other private  
7.33 parties to data on individual providers.

7.34 (g) The commissioner shall immediately commence all necessary steps to ensure  
7.35 that services offered under all covered programs are offered in conformity with this  
7.36 section, to gather all information that may be needed for promptly compiling lists required

8.1 under this section, including information from current vendors within covered programs,  
 8.2 and to complete any required modifications to currently operating covered programs by  
 8.3 September 1, 2013.

8.4 ~~(h) Beginning January 1, 2014, the commissioner of human services shall~~  
 8.5 ~~specifically require that any fiscal support, fiscal intermediary, financial management, or~~  
 8.6 ~~similar entities providing payroll assistance services with respect to individual providers~~  
 8.7 ~~shall make all needed deductions on behalf of the state of dues check off amounts~~  
 8.8 ~~or fair-share fees for the exclusive representative, as provided in section 179A.06,~~  
 8.9 ~~subdivisions 3 and 6. All contracts with entities for the provision of payroll-related~~  
 8.10 ~~services shall include this requirement.~~

8.11 **Sec. 8. REPEALER.**

8.12 Minnesota Statutes 2014, sections 179A.03, subdivision 9; and 179A.06, subdivision  
 8.13 3, are repealed.

8.14 **ARTICLE 3**

8.15 **OTHER PUBLIC EMPLOYMENT PROVISIONS**

8.16 Section 1. Minnesota Statutes 2014, section 3.855, subdivision 2, is amended to read:

8.17 Subd. 2. **State employee negotiations.** (a) The commissioner of management and  
 8.18 budget shall regularly advise the commission on the progress of collective bargaining  
 8.19 activities with state employees under the state Public Employment Labor Relations Act.  
 8.20 During negotiations, the commission may make recommendations to the commissioner  
 8.21 as it deems appropriate but no recommendation shall impose any obligation or grant any  
 8.22 right or privilege to the parties.

8.23 (b) The commissioner shall submit to the chair of the commission any negotiated  
 8.24 collective bargaining agreements, arbitration awards, compensation plans, or salaries for  
 8.25 legislative approval or disapproval. Negotiated agreements shall be submitted within five  
 8.26 days of the date of approval by the commissioner or the date of approval by the affected state  
 8.27 employees, whichever occurs later. Arbitration awards shall be submitted within five days  
 8.28 of their receipt by the commissioner. If the commission disapproves a collective bargaining  
 8.29 agreement, award, compensation plan, or salary, the commission shall specify in writing  
 8.30 to the parties those portions with which it disagrees and its reasons. If the commission  
 8.31 approves a collective bargaining agreement, award, compensation plan, or salary, it shall  
 8.32 submit the matter to the legislature to be accepted or rejected under this section.

8.33 (c) When the legislature is not in session, the commission may give interim approval  
 8.34 to a negotiated collective bargaining agreement, salary, compensation plan, or arbitration



9.1 award. ~~When the legislature is not in session, failure of the commission to disapprove a~~  
 9.2 ~~collective bargaining agreement or arbitration award within 30 days constitutes approval.~~  
 9.3 The commission shall submit the negotiated collective bargaining agreements, salaries,  
 9.4 compensation plans, or arbitration awards for which it has provided approval to the entire  
 9.5 legislature for ratification at a special legislative session called to consider them or at its  
 9.6 next regular legislative session as provided in this section. Approval or disapproval by the  
 9.7 commission is not binding on the legislature.

9.8 (d) When the legislature is not in session, the proposed collective bargaining  
 9.9 agreement, arbitration decision, salary, or compensation plan must be implemented upon  
 9.10 its approval by the commission, and state employees covered by the proposed agreement  
 9.11 or arbitration decision do not have the right to strike while the interim approval is in  
 9.12 effect. Wages and economic fringe benefit increases provided for in the agreement or  
 9.13 arbitration decision paid in accordance with the interim approval by the commission are  
 9.14 not affected, but the wages or benefit increases must cease to be paid or provided effective  
 9.15 upon the rejection of the agreement, arbitration decision, salary, or compensation plan, or  
 9.16 upon adjournment of the legislature without acting on it.

9.17 Sec. 2. Minnesota Statutes 2014, section 43A.17, subdivision 9, is amended to read:

9.18 Subd. 9. **Political subdivision compensation limit.** (a) The salary and the value  
 9.19 of all other forms of compensation of a person employed by a political subdivision  
 9.20 of this state, excluding a school district, may not exceed 110 percent of the salary of  
 9.21 the governor as set under section 15A.082, except as provided in this subdivision. For  
 9.22 purposes of this subdivision, "political subdivision of this state" includes a statutory or  
 9.23 home rule charter city, county, town, metropolitan or regional agency, or other political  
 9.24 subdivision, but does not include a hospital, clinic, or health maintenance organization  
 9.25 owned by such a governmental unit.

9.26 (b) Beginning in 2006, the limit in paragraph (a) must be adjusted annually in  
 9.27 January. The limit must equal the limit for the prior year increased by the percentage  
 9.28 increase, if any, in the Consumer Price Index for all-urban consumers from October of the  
 9.29 second prior year to October of the immediately prior year.

9.30 (c) Deferred compensation and payroll allocations to purchase an individual annuity  
 9.31 contract for an employee are included in determining the employee's salary. Other forms  
 9.32 of compensation which must be included to determine an employee's total compensation  
 9.33 are all other direct and indirect items of compensation which are not specifically excluded  
 9.34 by this subdivision. Other forms of compensation which must not be included in a  
 9.35 determination of an employee's total compensation for the purposes of this subdivision are:

10.1 (1) employee benefits that are also provided for the majority of all other full-time  
 10.2 employees of the political subdivision, vacation and sick leave allowances, health and  
 10.3 dental insurance, disability insurance, term life insurance, and pension benefits or like  
 10.4 benefits the cost of which is borne by the employee or which is not subject to tax as  
 10.5 income under the Internal Revenue Code of 1986;

10.6 (2) dues paid to organizations that are of a civic, professional, educational, or  
 10.7 governmental nature; and

10.8 (3) reimbursement for actual expenses incurred by the employee which the  
 10.9 governing body determines to be directly related to the performance of job responsibilities,  
 10.10 including any relocation expenses paid during the initial year of employment.

10.11 The value of other forms of compensation is the annual cost to the political  
 10.12 subdivision for the provision of the compensation.

10.13 (d) The salary of a medical doctor or doctor of osteopathy occupying a position that  
 10.14 the governing body of the political subdivision has determined requires an M.D. or D.O.  
 10.15 degree is excluded from the limitation in this subdivision.

10.16 (e) The commissioner may increase the limitation in this subdivision for a position  
 10.17 that the commissioner has determined requires special expertise necessitating a higher  
 10.18 salary to attract or retain a qualified person. The commissioner shall review each  
 10.19 proposed increase giving due consideration to salary rates paid to other persons with  
 10.20 similar responsibilities in the state and nation. The commissioner may not increase the  
 10.21 limitation until the commissioner has presented the proposed increase to the Legislative  
 10.22 Coordinating Commission and received the commission's recommendation on it. The  
 10.23 recommendation is advisory only. If the commission does not give its recommendation on  
 10.24 a proposed increase within 30 days from its receipt of the proposal, the commission is  
 10.25 deemed to have made no recommendation is approved by the Legislative Coordinating  
 10.26 Commission and the legislature under section 3.855. If the commissioner grants or granted  
 10.27 an increase under this paragraph, the new limitation must be adjusted beginning in August  
 10.28 2005 and in each subsequent calendar year in January by the percentage increase equal to  
 10.29 the percentage increase, if any, in the Consumer Price Index for all-urban consumers from  
 10.30 October of the second prior year to October of the immediately prior year.

10.31 Sec. 3. Minnesota Statutes 2014, section 43A.17, is amended by adding a subdivision  
 10.32 to read:

10.33 Subd. 13. **Limit on compensation for unused vacation.** An employee terminating  
 10.34 state service under a compensation plan established under Minnesota Statutes 2015,  
 10.35 section 43A.18, subdivision 2, 3, 3a, 3b, or 4, paragraph (c), may not be compensated for

11.1 more than 275 hours of vacation leave. To be eligible to liquidate unused vacation leave,  
 11.2 an employee covered by one of these plans and terminating service must have at least six  
 11.3 months of continuous vacation eligible service. An employee covered by one of these  
 11.4 plans and terminating service who has ten years or more of continuous state service must  
 11.5 liquidate unused vacation leave to the employee's health care savings plan.

11.6 Sec. 4. Minnesota Statutes 2014, section 179A.07, subdivision 6, is amended to read:

11.7 Subd. 6. **Time off.** A public employer must afford reasonable time off to elected  
 11.8 officers or appointed representatives of the exclusive representative to conduct the duties  
 11.9 of the exclusive representative and must, upon request, provide for leaves of absence to  
 11.10 elected or appointed officials of the exclusive representative or to a full-time appointed  
 11.11 official of an exclusive representative of teachers in another Minnesota school district. Time  
 11.12 off provided under this subdivision must not be used to engage in any political activities.

11.13 Sec. 5. **[179A.165] LABOR NEGOTIATION, MEDIATION, AND**  
 11.14 **ARBITRATION OPEN TO THE PUBLIC.**

11.15 (a) All negotiations between a representative of a public employer and the exclusive  
 11.16 representative of a labor organization for an agreement establishing terms and conditions  
 11.17 of employment must be open to the public. All meetings involving a representative of  
 11.18 a public employer, the exclusive representative of a labor organization, and any labor  
 11.19 arbitrator, mediator, or similar labor dispute meeting facilitator seeking an agreement  
 11.20 establishing terms and conditions of employment must be open to the public.

11.21 (b) Notwithstanding paragraph (a), a meeting may be closed to the public for the  
 11.22 specific purpose of receiving information about a specific employee when the information  
 11.23 has a direct bearing on the issues being negotiated, arbitrated, or mediated, and the release  
 11.24 of that information would violate the employee's reasonable expectation of privacy.

11.25 (c) For any public meeting under this section, any printed materials shared between  
 11.26 the parties to the meeting must be made available to members of the public during or  
 11.27 prior to the meeting.

11.28 (d) For any public meeting under this section, public employers must follow the  
 11.29 notification procedures for special meetings of public bodies under section 13D.04,  
 11.30 subdivision 2. In addition, public employers must post notice of the public meeting on the  
 11.31 home page of the public employer's Web site at least four days in advance of the meeting.

11.32 (e) For any public meeting under this section, the public employer must arrange a  
 11.33 room that the employer anticipates will be large enough to accommodate members of  
 11.34 the public who wish to attend the meeting.

12.1 Sec. 6. Minnesota Statutes 2014, section 179A.20, subdivision 6, is amended to read:

12.2 Subd. 6. **Contract in effect.** (a) Except as provided in paragraph (b), during the  
12.3 period after contract expiration and prior to the date when the right to strike matures, and  
12.4 for additional time if the parties agree, the terms of an existing contract shall continue in  
12.5 effect and shall be enforceable upon both parties.

12.6 (b) During the period after contract expiration, no increase in an hourly wage rate or  
12.7 salary may take effect. A contract may not contain a provision contrary to this paragraph.

12.8 Sec. 7. Minnesota Statutes 2014, section 179A.20, is amended by adding a subdivision  
12.9 to read:

12.10 Subd. 7. **No retroactive increases.** A contract may not provide a retroactive  
12.11 increase in an hourly wage rate or salary.

12.12 Sec. 8. **REPEALER.**

12.13 Minnesota Statutes 2014, section 179A.14, subdivision 3, is repealed.

APPENDIX  
Article locations in 16-7004

ARTICLE 1	CONTRACTS AND COMPENSATION PLANS .....	Page.Ln 1.19
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**179A.03 DEFINITIONS.**

Subd. 9. **Fair share fee challenge.** "Fair share fee challenge" means any proceeding or action instituted by a public employee, a group of public employees, or any other person, to determine their rights and obligations with respect to the circumstances or the amount of a fair share fee.

**179A.06 RIGHTS AND OBLIGATIONS OF EMPLOYEES.**

Subd. 3. **Fair share fee.** An exclusive representative may require employees who are not members of the exclusive representative to contribute a fair share fee for services rendered by the exclusive representative. The fair share fee must be equal to the regular membership dues of the exclusive representative, less the cost of benefits financed through the dues and available only to members of the exclusive representative. In no event may the fair share fee exceed 85 percent of the regular membership dues. The exclusive representative shall provide advance written notice of the amount of the fair share fee to the employer and to unit employees who will be assessed the fee. The employer shall provide the exclusive representative with a list of all unit employees.

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

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

**179A.14 NEGOTIATION PROCEDURES.**

Subd. 3. **Public meetings.** All negotiations, mediation sessions, and hearings between public employers and public employees or their respective representatives are public meetings except when otherwise provided by the commissioner.