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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3723

03/12/2018 Authored by Drazkowski and Lucero 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; prohibiting exclusive representatives from requiring
1.3 political contributions; prohibiting the state from facilitating payroll deductions
1.4 for political purposes; amending Minnesota Statutes 2016, sections 16A.133;
1.5 179A.06, subdivisions 3, 6; 181.06, by adding a subdivision; 181.063; proposing
1.6 coding for new law in Minnesota Statutes, chapter 179A.

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

1.8 Section 1. Minnesota Statutes 2016, section 16A.133, is amended to read:

1.9 16A.133 CREDIT UNION, PARKING, OTHER DEDUCTIONS.

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

1.14 An agency head must, upon written request of an employee, deduct from the pay of the
1.15 employee a requested amount to be paid to the Minnesota Benefit Association, or to any
1.16 organizations contemplated by section 179A.06, of which the employee is a member. Any
1.17 such deductions must comply with section 181.06, subdivision 3, as applicable.

1.18 Subd. 2. Parking, and the like. With the written consent of an employee, an agency
1.19 head shall deduct from the employee's pay the amount needed to pay for services or facilities
1.20 supplied under law to the employee by the state. Food and housing, garage and parking
1.21 facilities, and other facilities and services may be paid for in this way. Any such deductions
1.22 must comply with section 181.06, subdivision 3, as applicable.

2.1 Sec. 2. Minnesota Statutes 2016, section 179A.06, subdivision 3, is amended to read:

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

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

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

2.21 (b) Any public employer deduction of union dues or fair share fees from public employee  
2.22 wages must comply with the requirements of section 181.06, subdivision 3.

2.23 Sec. 3. Minnesota Statutes 2016, section 179A.06, subdivision 6, is amended to read:

2.24 Subd. 6. **Dues checkoff.** Public employees have the right to request and be allowed dues  
2.25 checkoff for the exclusive representative. In the absence of an exclusive representative,  
2.26 public employees have the right to request and be allowed dues checkoff for the organization  
2.27 of their choice. Employers must comply with the requirements of section 181.06, subdivision  
2.28 3, in association with any such requests.

2.29 Sec. 4. [179A.065] VOLUNTARY CONTRIBUTIONS.

2.30 (a) This section applies to any exclusive representative governed by this chapter.

3.1 (b) An exclusive representative may not require a contribution to a candidate, principal  
3.2 campaign committee, political party, political committee, political fund, or political action  
3.3 committee as a condition of membership or participation in the exclusive representative.

3.4 (c) An exclusive representative wishing to make expenditures for political purposes  
3.5 must make the expenditures only from a separate political fund that is apart from any fund  
3.6 or account containing money received by an exclusive representative as dues. The exclusive  
3.7 representative must ensure that each contribution to the political fund is made voluntarily  
3.8 and specifically to that fund. An exclusive representative may not transfer money paid as  
3.9 dues to its political fund. For purposes of this section, "political purposes" means an act  
3.10 done with the intent or in a way to influence or tend to influence, directly or indirectly, any  
3.11 person to refrain from voting or to vote for or against any ballot question, or for or against  
3.12 any candidate for public office at any caucus, political convention, primary, or election.

3.13 Sec. 5. Minnesota Statutes 2016, section 181.06, is amended by adding a subdivision to  
3.14 read:

3.15 Subd. 3. **Certain payroll deductions; public employees.** (a) For the purposes of this  
3.16 subdivision, "public employee" has the meaning given in section 179A.03, subdivision 14.

3.17 (b) Notwithstanding anything to the contrary, payroll deductions or assignments of wages  
3.18 to pay the portion of public employee union dues or fair share fees used for political purposes  
3.19 under section 179A.065 must conform to the requirements of this subdivision.

3.20 (c) An employer must not deduct or allow the deduction of the portion of union dues or  
3.21 fair share fees used for political purposes under section 179A.065 from the wages of any  
3.22 public employee.

3.23 Sec. 6. Minnesota Statutes 2016, section 181.063, is amended to read:

3.24 **181.063 ASSIGNMENT OF WAGES, PUBLIC EMPLOYEES.**

3.25 (a) Any officer or employee of a county, town, city, school district, or the state, or any  
3.26 department thereof, has the same right to sell, assign, or transfer salary or wages as any  
3.27 officer of or person employed by any corporation, firm, or person.

3.28 (b) Any public employer deduction of fair share fees or union dues from public employee  
3.29 wages must comply with the requirements of section 181.06, subdivision 3.