REVISOR

H. F. No. 50

State of Minnesota

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NINETIETH SESSION

01/05/2017

Authored by Quam and Drazkowski The bill was read for the first time and referred to the Committee on Education Innovation 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 2016, 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 2016, 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) closted public officials:				
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 1 4	disaster;				
1.14	uisaster,				
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;				
1.10	or 55 percent of the normal work week in the employee's appropriate and,				
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				

1

	12/12/16	REVISOR	KRB/EP	17-0789		
2.1 2.2	being enrolled at an educational instite to continue as students during or after		-	an intention		
2.3	-			ers to the		
2.3	(7) employees providing services for not more than two consecutive quarters to the 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 employe	ed for less than 300 ho	ours in a fiscal year as	an instructor		
2.13	in an adult vocational education prog	gram;				
2.14	(11) an individual hired by the Be	oard of Trustees of th	he Minnesota State C	olleges and		
2.15	Universities to teach one course for t	three or fewer credits	s for one semester in a	a year;		
2.16	(12) with respect to court employ	vees:				
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	f Hennepin Healthca	re System, Inc., mana	agerial,		
2.23	supervisory, and confidential employ	/ees.				
2.24	(b) The following individuals are	public employees re	egardless of the exclu	sions of		
2.25	paragraph (a), clauses (5) and (6):					
2.26	(1) an employee hired by a school	ol district or the Boar	d of Trustees of the N	Ainnesota		
2.27	State Colleges and Universities exce	pt at the university e	stablished in the Twin	n Cities		
2.28	metropolitan area under section 136F	.10 or for community	services or communi	ty education		
2.29	instruction offered on a noncredit ba	sis: (i) to replace an	absent teacher or fact	ulty member		
2.30	who is a public employee, where the	replacement employ	yee is employed more	than 30 60		
2.31	working days as a replacement for th	at teacher or faculty	member; or (ii) to tak	e a teaching		

	12/12/16	REVISOR	KRB/EP	17-0789		
3.1 3.2	position created due to increased enrollment, curriculum expansion, courses which are a 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 3.5	position has already been filled under paragraph (a), clause (6), item (i), in the same calendar year and the cumulative number of days worked in that same position by all employees					
3.6 3.7	exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a					
3.8 3.9	change in the classification or title of t(3) an early childhood family educ	1	oyed by a school dist	rict.		
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3.10 **EFFECTIVE DATE.** This section is effective July 1, 2017.