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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 645

02/18/2013 Authored by Anzelc; Melin; Metsa; Dehn, R.; Newton and others
The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries

1.1 A bill for an act
1.2 relating to the legislature; authorizing certain legislative employees to organize
1.3 and to select representatives to negotiate collective bargaining agreements;
1.4 amending Minnesota Statutes 2012, sections 43A.18, subdivision 6; 43A.24,
1.5 subdivision 2; 179A.01.

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

1.7 Section 1. Minnesota Statutes 2012, section 43A.18, subdivision 6, is amended to read:

1.8 Subd. 6. **Legislative and judicial branch compensation.** Except for legislative
1.9 employees covered by collective bargaining agreements, total compensation plans
1.10 for unclassified employees of the legislature and of legislative commissions shall be
1.11 determined by the legislature consistent with chapter 3, provided that insurance benefits
1.12 for ~~these~~ employees not covered by collective bargaining agreements and for legislators
1.13 shall be determined by the Legislative Coordinating Commission, consistent with sections
1.14 43A.22 to 43A.30. Total compensation plans for unclassified employees of the judicial
1.15 branch shall be determined by the appointing authority, unless other law provides a
1.16 different method for establishing this compensation. Judicial branch compensation plans
1.17 shall be consistent with sections 43A.22 to 43A.30.

1.18 **EFFECTIVE DATE.** This section is effective January 1, 2014.

1.19 Sec. 2. Minnesota Statutes 2012, section 43A.24, subdivision 2, is amended to read:

1.20 Subd. 2. **Other eligible persons.** The following persons are eligible for state paid
1.21 life insurance and hospital, medical, and dental benefits as determined in applicable
1.22 collective bargaining agreements or by the commissioner or by plans pursuant to section
1.23 43A.18, subdivision 6, or by the Board of Regents for employees of the University of

2.1 Minnesota not covered by collective bargaining agreements. Coverages made available,
2.2 including optional coverages, are as contained in the plan established pursuant to section
2.3 43A.18, subdivision 2:

2.4 (1) a member of the state legislature, provided that changes in benefits resulting
2.5 in increased costs to the state shall not be effective until expiration of the term of the
2.6 members of the existing house of representatives. An eligible member of the state
2.7 legislature may decline to be enrolled for state paid coverages by filing a written waiver
2.8 with the commissioner. The waiver shall not prohibit the member from enrolling the
2.9 member or dependents for optional coverages, without cost to the state, as provided for in
2.10 section 43A.26. A member of the state legislature who returns from a leave of absence
2.11 to a position previously occupied in the civil service shall be eligible to receive the life
2.12 insurance and hospital, medical, and dental benefits to which the position is entitled;

2.13 (2) an employee of the legislature or an employee of a permanent study or interim
2.14 committee or commission or a state employee on leave of absence to work for the
2.15 legislature, during a regular or special legislative session, as determined in applicable
2.16 collective bargaining agreements or by the Legislative Coordinating Commission;

2.17 (3) a judge of the appellate courts or an officer or employee of these courts; a judge
2.18 of the district court, a judge of county court, or a judge of county municipal court; a
2.19 district court referee, judicial officer, court reporter, or law clerk; a district administrator;
2.20 an employee of the Office of the District Administrator that is not in the Second or
2.21 Fourth Judicial District; a court administrator or employee of the court administrator in a
2.22 judicial district under section 480.181, subdivision 1, paragraph (b), and a guardian ad
2.23 litem program employee;

2.24 (4) a salaried employee of the Public Employees Retirement Association;

2.25 (5) a full-time military or civilian officer or employee in the unclassified service of
2.26 the Department of Military Affairs whose salary is paid from state funds;

2.27 (6) a salaried employee of the Minnesota Historical Society, whether paid from state
2.28 funds or otherwise, who is not a member of the governing board;

2.29 (7) an employee of the regents of the University of Minnesota;

2.30 (8) notwithstanding section 43A.27, subdivision 3, an employee of the state of
2.31 Minnesota or the regents of the University of Minnesota who is at least 60 and not yet
2.32 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent
2.33 insurance and benefits pursuant to section 43A.18 or other law, who has at least 20
2.34 years of service and retires, earlier than required, within 60 days of March 23, 1982; or
2.35 an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has
2.36 at least 20 years of state service and retires, earlier than required, from employment at

3.1 Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not
3.2 yet 65 years of age on July 1, 1982, and is covered by the Minnesota State Retirement
3.3 System correctional employee retirement plan or the State Patrol retirement fund, who
3.4 has at least 20 years of state service and retires, earlier than required, within 60 days of
3.5 March 23, 1982. For purposes of this clause, a person retires when the person terminates
3.6 active employment in state or University of Minnesota service and applies for a retirement
3.7 annuity. Eligibility shall cease when the retired employee attains the age of 65, or when
3.8 the employee chooses not to receive the annuity that the employee has applied for. The
3.9 retired employee shall be eligible for coverages to which the employee was entitled at the
3.10 time of retirement, subject to any changes in coverage through collective bargaining or
3.11 plans established pursuant to section 43A.18, for employees in positions equivalent to that
3.12 from which retired, provided that the retired employee shall not be eligible for state-paid
3.13 life insurance. Coverages shall be coordinated with relevant health insurance benefits
3.14 provided through the federally sponsored Medicare program;

3.15 (9) an employee of an agency of the state of Minnesota identified through the process
3.16 provided in this paragraph who is eligible to retire prior to age 65. The commissioner
3.17 and the exclusive representative of state employees shall enter into agreements under
3.18 section 179A.22 to identify employees whose positions are in programs that are being
3.19 permanently eliminated or reduced due to federal or state policies or practices. Failure to
3.20 reach agreement identifying these employees is not subject to impasse procedures provided
3.21 in chapter 179A. The commissioner must prepare a plan identifying eligible employees
3.22 not covered by a collective bargaining agreement in accordance with the process outlined
3.23 in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires
3.24 when the person terminates active employment in state service and applies for a retirement
3.25 annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of
3.26 the month in which the retired employee chooses not to receive an annuity, or the employee
3.27 is eligible for employer-paid health insurance from a new employer. The retired employees
3.28 shall be eligible for coverages to which they were entitled at the time of retirement, subject
3.29 to any changes in coverage through collective bargaining or plans established under
3.30 section 43A.18 for employees in positions equivalent to that from which they retired,
3.31 provided that the retired employees shall not be eligible for state-paid life insurance;

3.32 (10) employees of the state Board of Public Defense, with eligibility determined by
3.33 the state Board of Public Defense in consultation with the commissioner of management
3.34 and budget; and

4.1 (11) employees of supporting organizations of Enterprise Minnesota, Inc.,
4.2 established after July 1, 2003, under section 116O.05, subdivision 4, as paid for by the
4.3 supporting organization.

4.4 **EFFECTIVE DATE.** This section is effective January 1, 2014.

4.5 Sec. 3. Minnesota Statutes 2012, section 179A.01, is amended to read:

4.6 **179A.01 PUBLIC POLICY.**

4.7 (a) It is the public policy of this state and the purpose of sections 179A.01 to
4.8 179A.25 to promote orderly and constructive relationships between all public employers
4.9 and their employees. This policy is subject to the paramount right of the citizens of this
4.10 state to keep inviolate the guarantees for their health, education, safety, and welfare.

4.11 (b) The relationships between the public, public employees, and employer governing
4.12 bodies involve responsibilities to the public and a need for cooperation and employment
4.13 protection which are different from those found in the private sector. The importance or
4.14 necessity of some services to the public can create imbalances in the relative bargaining
4.15 power between public employees and employers. As a result, unique approaches to
4.16 negotiations and resolutions of disputes between public employees and employers are
4.17 necessary.

4.18 (c) Unresolved disputes between the public employer and its employees are injurious
4.19 to the public as well as to the parties. Adequate means must be established for minimizing
4.20 them and providing for their resolution. Within these limitations and considerations, the
4.21 legislature has determined that overall policy is best accomplished by:

4.22 (1) granting public employees certain rights to organize and choose freely their
4.23 representatives;

4.24 (2) requiring public employers to meet and negotiate with public employees in
4.25 an appropriate bargaining unit and providing that the result of bargaining be in written
4.26 agreements; and

4.27 (3) establishing special rights, responsibilities, procedures, and limitations regarding
4.28 public employment relationships which will provide for the protection of the rights of the
4.29 public employee, the public employer, and the public at large.

4.30 ~~(d) Nothing in sections 179A.01 to 179A.25 impairs, modifies, or alters the authority~~
4.31 ~~of the legislature to establish rates of pay, or retirement or other benefits for its employees.~~

4.32 **EFFECTIVE DATE.** This section is effective January 1, 2014.