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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 769

- 02/07/2019 Authored by Carlson, L.; Mahoney and Ecklund
The bill was read for the first time and referred to the Committee on Labor
- 02/25/2019 Adoption of Report: Re-referred to the Committee on Government Operations
- 03/07/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to labor; modifying Public Employment Relations Board data; appropriating

1.3 money; amending Minnesota Statutes 2018, sections 13.43, subdivision 6;

1.4 179A.041, by adding a subdivision; Laws 2014, chapter 211, section 13, as

1.5 amended; proposing coding for new law in Minnesota Statutes, chapter 13.

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

1.7 Section 1. Minnesota Statutes 2018, section 13.43, subdivision 6, is amended to read:

1.8 Subd. 6. **Access by labor organizations, Bureau of Mediation Services, Public**

1.9 **Employment Relations Board.** Personnel data may be disseminated to labor organizations

1.10 and the Public Employment Relations Board to the extent that the responsible authority

1.11 determines that the dissemination is necessary to conduct elections, notify employees of

1.12 fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel

1.13 data shall be disseminated to labor organizations, the Public Employment Relations Board,

1.14 and to the Bureau of Mediation Services to the extent the dissemination is ordered or

1.15 authorized by the commissioner of the Bureau of Mediation Services or the Public

1.16 Employment Relations Board or its designee.

1.17 Sec. 2. **[13.7909] PUBLIC EMPLOYMENT RELATIONS BOARD DATA.**

1.18 Subdivision 1. **Definition.** For purposes of this section, "board" means the Public

1.19 Employment Relations Board.

1.20 Subd. 2. **Nonpublic data.** (a) Except as provided in this subdivision, all data maintained

1.21 by the board about a charge or complaint of unfair labor practices and appeals of

1.22 determinations of the commissioner under section 179A.12, subdivision 11, are classified

1.23 as protected nonpublic data or confidential data, and become public when admitted into

2.1 evidence at a hearing conducted pursuant to section 179A.13. The data may be subject to
2.2 a protective order as determined by the board or a hearing officer.

2.3 (b) Notwithstanding sections 13.43 and 181.932, the following data are public:

2.4 (1) the filing date of unfair labor practice charges;

2.5 (2) the status of unfair labor practice charges as an original or amended charge;

2.6 (3) the names and job classifications of charging parties and charged parties;

2.7 (4) the provisions of law alleged to have been violated in unfair labor practice charges;

2.8 (5) the complaint issued by the board and all data in the complaint;

2.9 (6) the full and complete record of an evidentiary hearing before a hearing officer,

2.10 including the hearing transcript, exhibits admitted into evidence, and posthearing briefs,

2.11 unless subject to a protective order;

2.12 (7) recommended decisions and orders of hearing officers pursuant to section 179A.13,
2.13 subdivision 1, paragraph (i);

2.14 (8) exceptions to the hearing officer's recommended decision and order filed with the

2.15 board pursuant to section 179A.13, subdivision 1, paragraph (k);

2.16 (9) briefs filed with the board; and

2.17 (10) decisions and orders issued by the board.

2.18 (c) Notwithstanding paragraph (a), individuals have access to their own statements

2.19 provided to the board under paragraph (a).

2.20 (d) The board may make any data classified as protected nonpublic or confidential

2.21 pursuant to this subdivision accessible to any person or party if the access will aid the

2.22 implementation of chapters 179 and 179A or ensure due process protection of the parties.

2.23 Sec. 3. Minnesota Statutes 2018, section 179A.041, is amended by adding a subdivision
2.24 to read:

2.25 Subd. 10. **Open meetings.** Chapter 13D does not apply to meetings of the board when

2.26 it is deliberating on the merits of unfair labor practice charges under sections 179.11, 179.12,

2.27 and 179A.13; reviewing a recommended decision and order of a hearing officer under

2.28 section 179A.13; or reviewing decisions of the commissioner of the Bureau of Mediation

2.29 Services relating to unfair labor practices under section 179A.12, subdivision 11.

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.1 Sec. 4. Laws 2014, chapter 211, section 13, as amended by Laws 2015, First Special
3.2 Session chapter 1, article 7, section 1, Laws 2016, chapter 189, article 7, section 42, and
3.3 Laws 2017, chapter 94, article 12, section 1, is amended to read:

3.4 Sec. 13. **EFFECTIVE DATE.**

3.5 Sections 1 to 3 and 6 to 11 are effective ~~July~~ January 1, 2020. Sections 4, 5, and 12 are
3.6 effective July 1, 2014.

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment. Until
3.8 January 1, 2020, any employee, employer, employee or employer organization, exclusive
3.9 representative, or any other person or organization aggrieved by an unfair labor practice as
3.10 defined in Minnesota Statutes, section 179A.13, may bring an action for injunctive relief
3.11 and for damages caused by the unfair labor practice in the district court of the county in
3.12 which the practice is alleged to have occurred.

3.13 Sec. 5. **APPROPRIATIONS.**

3.14 \$435,000 in fiscal year 2020 and \$435,000 in fiscal year 2021 are appropriated from the
3.15 general fund to the Public Employment Relations Board under Minnesota Statutes, section
3.16 179A.041.