

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3428

| (SENATE AUTHORS: MCEWEN) | | |
|--------------------------|--------|---|
| DATE | D-PG | OFFICIAL STATUS |
| 02/12/2024 | 11536 | Introduction and first reading Referred to Labor |
| 02/22/2024 | 11690a | Comm report: To pass as amended and re-refer to State and Local Government and Veterans |
| 03/21/2024 | 12469a | Comm report: To pass as amended and re-refer to Finance |

1.1

A bill for an act

1.2

relating to labor; making technical and policy changes to certain public employee

1.3

labor relations provisions; requiring rulemaking; amending Minnesota Statutes

1.4

2022, sections 179A.041, subdivision 2; 179A.09, by adding subdivisions; 179A.12,

1.5

subdivision 5; 179A.13, subdivisions 1, 2; 179A.40, subdivision 1; 179A.54,

1.6

subdivision 5; Minnesota Statutes 2023 Supplement, sections 13.43, subdivision

1.7

6; 179A.03, subdivisions 14, 18; 179A.041, subdivision 10; 179A.06, subdivision

1.8

6; 179A.07, subdivisions 8, 9; 179A.10, subdivision 2; 179A.12, subdivisions 2a,

1.9

6, 11.

1.10

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

1.11

Section 1. Minnesota Statutes 2023 Supplement, section 13.43, subdivision 6, is amended

1.12

to read:

1.13

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

1.14

Employment Relations Board. (a) Personnel data must be disseminated to labor

1.15

organizations and the Public Employment Relations Board to the extent necessary to conduct

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elections, investigate and process grievances, and implement the provisions of chapters 179

1.17

and 179A. Notwithstanding any other provision of this chapter, personnel data shall be

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disseminated to labor organizations, the Public Employment Relations Board, and the Bureau

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of Mediation Services to the extent the dissemination is ordered or authorized by the

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commissioner of the Bureau of Mediation Services or the Public Employment Relations

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Board or its employees or agents. Employee Social Security numbers are not necessary to

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implement the provisions of chapters 179 and 179A.

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(b) Personnel data described under section 179A.07, subdivision 8, must be disseminated

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to an exclusive representative under the terms of that subdivision.

(c) An employer who disseminates personnel data to a labor organization pursuant to this subdivision shall not be subject to liability under section 13.08. Nothing in this paragraph shall impair or limit any remedies available under section 325E.61.

(d) The home addresses, nonemployer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is amended to read:

Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means any person appointed or employed by a public employer except:

(1) elected public officials;

(2) election officers;

(3) commissioned or enlisted personnel of the Minnesota National Guard;

(4) emergency employees who are employed for emergency work caused by natural disaster;

(5) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;

(6) employees, other than employees working for a Minnesota school district or charter school in a position for which no license is required by the Professional Educator Licensing Standards Board, whose positions are basically temporary or seasonal in character and: (i) are not for more than 67 working days in any calendar year; or (ii) ~~are not working for a Minnesota school district or charter school; or~~ (iii) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;

(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 professional or technical services contract as defined in section 16C.08, subdivision 1;

(8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;

(9) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;

(10) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;

(11) with respect to court employees:

(i) personal secretaries to judges;

(ii) law clerks;

(iii) managerial employees;

(iv) confidential employees; and

(v) supervisory employees; or

(12) with respect to employees of Hennepin Healthcare System, Inc., managerial, supervisory, and confidential employees.

(b) The following individuals are public employees regardless of the exclusions of paragraph (a), clauses (5) to (7):

(1) an employee hired by a school district or the Board of Trustees of the Minnesota State Colleges and Universities except at the university established in the Twin Cities metropolitan area under section 136F.10 or for community services or community education instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching 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;

(2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same 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 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 change in the classification or title of the position;

(3) an early childhood family education teacher employed by a school district; and

(4) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities as the instructor of record to teach (i) one class for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.

Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 18, is amended to read:

Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisory or confidential employee, employed by a school district:

(1) in a position for which the person must be licensed by the Professional Educator Licensing and Standards Board or the commissioner of education;

(2) in a position as a physical therapist, occupational therapist, art therapist, music therapist, or audiologist; or

(3) in a position creating and delivering instruction to children in a preschool, school readiness, school readiness plus, or prekindergarten program or other school district or charter school-based early education program, except that an employee in a bargaining unit certified before January 1, 2023, may remain in a bargaining unit that does not include teachers unless an exclusive representative files a petition for a unit clarification ~~or to transfer exclusive representative status.~~

Sec. 4. Minnesota Statutes 2022, section 179A.041, subdivision 2, is amended to read:

Subd. 2. **Alternate members.** (a) The appointing authorities shall appoint alternate members to serve ~~only~~ in the ~~case~~ event of a member having a conflict of interest or being unavailable for a meeting under subdivision 9, as follows:

(1) one alternate, appointed by the governor, who is an officer or employee of an exclusive representative of public employees, to serve as an alternate to the member appointed by the governor who is an officer or employee of an exclusive representative of public employees. This alternate must not be an officer or employee of the same exclusive representative of public employees as the member for whom the alternate serves;

(2) one alternate, appointed by the governor, who is a representative of public employers, to serve as an alternate to the member appointed by the governor who is a representative of public employers. This alternate must not represent the same public employer as the member for whom the alternate serves; and

(3) one alternate, appointed by the member who is an officer or employee of an exclusive representative of public employees and the member who is a representative of public employers, who is not an officer or employee of an exclusive representative of public employees, or a representative of a public employer, to serve as an alternate for the member that represents the public at large.

(b) Each alternate member shall serve a term that is coterminous with the term of the member for whom the alternate member serves as an alternate.

Sec. 5. Minnesota Statutes 2023 Supplement, section 179A.041, subdivision 10, is amended to read:

Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of the a board meeting when ~~it~~ the board is:

(1) deliberating on the merits of an unfair labor practice ~~charges~~ charge under sections 179.11, 179.12, and 179A.13;

(2) reviewing a hearing officer's recommended decision and order ~~of a hearing officer~~ under section 179A.13; or

(3) reviewing ~~decisions of the~~ a commissioner of the Bureau of Mediation Services relating to decision on an unfair labor ~~practices~~ practice under section 179A.12, subdivision 11.

Sec. 6. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended to read:

Subd. 6. **Payroll deduction, authorization, and remittance.** (a) Public employees ~~have the right to~~ may request and be allowed payroll deduction for the exclusive representative and ~~the~~ its associated political fund ~~associated with the exclusive representative and registered pursuant to~~ under section 10A.12. If there is no exclusive representative, public employees may request payroll deduction for the organization of their choice. A public employer must provide payroll deduction according to any public employee's request under this paragraph.

(b) A public employer must rely on a certification from ~~any~~ an exclusive representative requesting remittance of a deduction that the organization has and will maintain an authorization, signed, either by hand or electronically according to section 325L.02, paragraph (h), by the public employee from whose salary or wages the deduction is to be made, ~~which may include an electronic signature by the public employee as defined in section 325L.02, paragraph (h).~~ An exclusive representative making such a certification ~~must not be~~ is not

6.1 required to provide the public employer a copy of the authorization unless a dispute arises
6.2 about the authorization's existence or terms ~~of the authorization~~. ~~The exclusive representative~~
6.3 ~~must indemnify the public employer for any successful claims made by the employee for~~
6.4 ~~unauthorized deductions in reliance on the certification.~~

6.5 ~~(b)~~ (c) A ~~dues~~ payroll deduction authorization ~~remains in effect~~ is effective until the
6.6 exclusive representative notifies the employer ~~receives notice from the exclusive~~
6.7 ~~representative~~ that a public employee has changed or canceled ~~their~~ the employee's
6.8 authorization in writing in accordance with the terms of the original ~~authorizing document,~~
6.9 ~~and~~ authorization. When determining whether deductions have been properly changed or
6.10 canceled, a public employer must rely on information from the exclusive representative
6.11 receiving remittance of the deduction ~~regarding whether the deductions have been properly~~
6.12 ~~changed or canceled. The exclusive representative must indemnify the public employer,~~
6.13 ~~including any reasonable attorney fees and litigation costs, for any successful claims made~~
6.14 ~~by the employee for unauthorized deductions made in reliance on such information.~~

6.15 ~~(e)~~ (d) Deduction authorization under this section is:

6.16 (1) independent from the public employee's membership status in the organization to
6.17 which payment is remitted; and is

6.18 (2) effective regardless of whether a collective bargaining agreement authorizes the
6.19 deduction.

6.20 ~~(d) Employers~~ (e) An employer must ~~commence~~:

6.21 (1) begin deductions within 30 days ~~of notice of authorization from the~~ after an exclusive
6.22 representative submits a certification under paragraph (b); and ~~must~~

6.23 (2) remit the deductions to the exclusive representative within 30 days of the deduction.
6.24 ~~The failure of an employer to comply with the provisions of this paragraph shall be an unfair~~
6.25 ~~labor practice under section 179A.13, the relief for which shall be reimbursement by the~~
6.26 ~~employer of deductions that should have been made or remitted based on a valid authorization~~
6.27 ~~given by the employee or employees.~~

6.28 ~~(e) In the absence of an exclusive representative, public employees have the right to~~
6.29 ~~request and be allowed payroll deduction for the organization of their choice.~~

6.30 (f) An exclusive representative must indemnify a public employer:

6.31 (1) for any successful employee claim for unauthorized employer deductions made by
6.32 relying on an exclusive representative's certification under paragraph (b); and

(2) for any successful employee claim for unauthorized employer deductions made by relying on information for changing or canceling deductions under paragraph (c), with indemnification including any reasonable attorney fees and litigation costs.

~~(f)~~ (g) Any dispute under this subdivision must be resolved through an unfair labor practice proceeding under section 179A.13. It is an unfair labor practice if an employer fails to comply with paragraph (e), and the employer must reimburse deductions that should have been made or remitted based on a valid authorization given by the employee or employees.

Sec. 7. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 8, is amended to read:

Subd. 8. **Bargaining unit information.** (a) Within 20 calendar days ~~from the date of hire of~~ after a bargaining unit employee is hired, a public employer must provide the following ~~contact~~ information on the employee to an ~~an~~ the unit's exclusive representative in an Excel file format or other format agreed to by the exclusive representative:

(1) name;

(2) job title;

(3) worksite location, including location within in a facility when appropriate;

(4) home address;

(5) work telephone number;

(6) home and personal cell phone numbers on file with the public employer;

(7) date of hire; and

(8) work email address and personal email address on file with the public employer.

(b) Every 120 calendar days ~~beginning on January 1, 2024~~, a public employer must provide to ~~an~~ a bargaining unit's exclusive representative in an Excel file or similar format agreed to by the exclusive representative the ~~following~~ information under paragraph (a) for all bargaining unit employees: ~~name; job title; worksite location, including location within a facility when appropriate; home address; work telephone number; home and personal cell phone numbers on file with the public employer; date of hire; and work email address and personal email address on file with the public employer.~~

(c) ~~A public employer must notify an exclusive representative within 20 calendar days of the separation of~~ If a bargaining unit employee separates from employment or transfer transfers out of the bargaining unit of a bargaining unit employee, the employee's public

8.1 employer must notify the employee's exclusive representative within 20 calendar days after
8.2 the separation or transfer, including the reason for the separation or transfer.

8.3 Sec. 8. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 9, is amended
8.4 to read:

8.5 Subd. 9. **Access.** (a) A public employer must allow an exclusive representative or the
8.6 representative's agent to meet in person with a newly hired employees, without charge to
8.7 the pay or leave time of the employees, for 30 minutes, employee within 30 calendar days
8.8 from the date of hire, during new employee orientations or, if the employer does not conduct
8.9 new employee orientations, at individual or group meetings arranged by the employer in
8.10 coordination with the exclusive representative or the representative's agent during the newly
8.11 hired employees' regular working hours. For an orientation or meeting under this paragraph,
8.12 an employer must allow the employee and exclusive representative up to 30 minutes to meet
8.13 and must not charge the employee's pay or leave time during the orientation or meeting, or
8.14 the pay or leave time of an agent of the exclusive representative using time off under
8.15 subdivision 6. An orientation or meeting may be held virtually or for longer than 30 minutes
8.16 only by mutual agreement of the employer and exclusive representative.

8.17 (b) An exclusive representative ~~shall~~ must receive ~~no less than~~ at least ten days' notice
8.18 ~~in advance~~ of an orientation, ~~except that~~ but a shorter notice may be provided ~~where~~ if there
8.19 is an urgent need critical to the employer's operations ~~of the public employer~~ that was not
8.20 reasonably foreseeable. Notice of and attendance at new employee orientations and other
8.21 meetings under this paragraph ~~must be~~ and paragraph (a) are limited to the public employer;

8.22 (1) the employees;

8.23 (2) the exclusive representative, ~~and~~;

8.24 (3) any vendor contracted to provide a service for ~~purposes of the meeting. Meetings~~
8.25 ~~may be held virtually or for longer than 30 minutes; and~~

8.26 (4) the public employer or its designee, who may attend only by mutual agreement of
8.27 the public employer and exclusive representative.

8.28 ~~(b)~~ (c) A public employer must allow an exclusive representative to communicate with
8.29 bargaining unit members ~~using their employer-issued email addresses regarding~~ by email
8.30 on:

8.31 (1) collective bargaining;

8.32 (2) the administration of collective bargaining agreements;

9.1 (3) the investigation of grievances; and other workplace-related complaints and issues;
9.2 and

9.3 (4) internal matters involving the governance or business of the exclusive representative;
9.4 ~~consistent with the employer's generally applicable technology use policies.~~

9.5 (d) An exclusive representative may communicate with bargaining unit members under
9.6 paragraph (c), via the members' employer-issued email addresses, but the communication
9.7 must be consistent with the employer's generally applicable technology use policies.

9.8 ~~(e)~~ (e) A public employer must allow an exclusive representative to meet with bargaining
9.9 unit members in facilities owned or leased by the public employer ~~regarding~~ to communicate
9.10 on:

9.11 (1) collective bargaining;

9.12 (2) the administration of collective bargaining agreements;

9.13 (3) the investigation of grievances and other workplace-related complaints and issues;
9.14 and

9.15 (4) internal matters involving the governance or business of the exclusive representative;
9.16 ~~provided the use does not interfere with governmental operations and the exclusive~~
9.17 ~~representative complies with worksite security protocols established by the public employer.~~
9.18 ~~Meetings conducted.~~

9.19 (f) The following applies for a meeting under paragraph (e):

9.20 (1) a meeting cannot interfere with government operations;

9.21 (2) the exclusive representative must comply with employer-established worksite security
9.22 protocols;

9.23 (3) a meeting in a government buildings pursuant to this paragraph must not building
9.24 cannot be for the purpose of supporting or opposing any candidate for partisan political
9.25 office or for the purpose of distributing literature or information regarding on partisan
9.26 elections; and

9.27 (4) an exclusive representative conducting a meeting in a government building or other
9.28 government facility pursuant to this subdivision may be charged for maintenance, security,
9.29 and other costs related to the use of using the government building or facility that would
9.30 not otherwise be incurred by the government entity.

10.1 Sec. 9. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision to
10.2 read:

10.3 Subd. 4. **Unit mergers.** Upon the request of an exclusive representative for bargaining
10.4 units, the commissioner must designate as a single unit two bargaining units represented
10.5 by the exclusive representative, subject to subdivision 2 of this section as well as any other
10.6 statutory bargaining unit designation.

10.7 Sec. 10. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision
10.8 to read:

10.9 Subd. 5. **Position classifications.** For the purpose of determining whether a new position
10.10 should be included in an existing bargaining unit, the position shall be analyzed with respect
10.11 to its assigned duties, without regard to title or telework status.

10.12 Sec. 11. Minnesota Statutes 2023 Supplement, section 179A.10, subdivision 2, is amended
10.13 to read:

10.14 Subd. 2. **State employees.** (a) Unclassified employees, unless otherwise excluded, are
10.15 included within the units ~~which~~ that include the classifications to which they are assigned
10.16 for purposes of compensation. Supervisory employees ~~shall only~~ can be assigned only to
10.17 ~~units~~ unit 12 ~~and~~ or 16. The following units are the appropriate units of executive branch
10.18 state employees:

10.19 (1) law enforcement unit;

10.20 (2) craft, maintenance, and labor unit;

10.21 (3) service unit;

10.22 (4) health care nonprofessional unit;

10.23 (5) health care professional unit;

10.24 (6) clerical and office unit;

10.25 (7) technical unit;

10.26 (8) correctional guards unit;

10.27 (9) state university instructional unit;

10.28 (10) state college instructional unit;

10.29 (11) state university administrative unit;

- 11.1 (12) professional engineering unit;
- 11.2 (13) health treatment unit;
- 11.3 (14) general professional unit;
- 11.4 (15) professional state residential instructional unit;
- 11.5 (16) supervisory employees unit;
- 11.6 (17) public safety radio communications operator unit;
- 11.7 (18) licensed peace officer special unit; and
- 11.8 (19) licensed peace officer leader unit.

11.9 ~~Each unit consists of the classifications or positions assigned to it in the schedule of~~
11.10 ~~state employee job classification and positions maintained by the commissioner. The~~
11.11 ~~commissioner may only make changes in the schedule in existence on the day prior to~~
11.12 ~~August 1, 1984, as required by law or as provided in subdivision 4.~~

11.13 (b) The following positions are included in the licensed peace officer special unit:

- 11.14 (1) State Patrol lieutenant;
- 11.15 (2) NR district supervisor - enforcement;
- 11.16 (3) assistant special agent in charge;
- 11.17 (4) corrections investigation assistant director 2;
- 11.18 (5) corrections investigation supervisor; and
- 11.19 (6) commerce supervisor special agent.

11.20 (c) The following positions are included in the licensed peace officer leader unit:

- 11.21 (1) State Patrol captain;
- 11.22 (2) NR program manager 2 enforcement; and
- 11.23 (3) special agent in charge.

11.24 (d) Each unit consists of the classifications or positions assigned to it in the schedule of
11.25 state employee job classification and positions maintained by the commissioner. The
11.26 commissioner may make changes in the schedule in existence on the day before August 1,
11.27 1984, only:

- 11.28 (1) as required by law; or
- 11.29 (2) as provided in subdivision 4.

12.1 Sec. 12. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 2a, is amended
12.2 to read:

12.3 Subd. 2a. **Majority verification procedure.** ~~(a) Notwithstanding any other provision~~
12.4 ~~of this section,~~ An employee organization may file a petition with the commissioner
12.5 requesting certification as the exclusive representative of ~~an~~ a proposed appropriate unit
12.6 ~~based on a verification that~~ for which there is no currently certified exclusive representative.
12.7 The petition must verify that over 50 percent of the employees in the proposed appropriate
12.8 unit wish to be represented by the ~~petitioner~~ organization. ~~The commissioner shall require~~
12.9 ~~dated representation authorization signatures of affected employees as verification of the~~
12.10 ~~employee organization's claim of majority status.~~

12.11 (b) ~~Upon receipt of an employee organization's petition, accompanied by employee~~
12.12 ~~authorization signatures under this subdivision, the commissioner shall investigate the~~
12.13 ~~petition.~~ If the commissioner determines that over 50 percent of the employees in ~~an~~ the
12.14 appropriate unit have provided authorization signatures designating the petitioning employee
12.15 organization ~~specified in the petition~~ as their exclusive representative, the commissioner
12.16 ~~shall not order an election but shall~~ must certify the employee organization as the employees'
12.17 exclusive representative without ordering an election under this section.

12.18 Sec. 13. Minnesota Statutes 2022, section 179A.12, subdivision 5, is amended to read:

12.19 Subd. 5. **Commissioner to investigate.** ~~The commissioner shall,~~ Upon receipt of an
12.20 ~~employee organization's receiving a petition to the commissioner under subdivision 3~~ 1a
12.21 or 2a, the commissioner must:

12.22 (1) investigate to determine if sufficient evidence of a question of representation exists;
12.23 and

12.24 (2) hold hearings necessary to determine the appropriate unit and other matters necessary
12.25 to determine the representation rights of the affected employees and employer.

12.26 Sec. 14. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 6, is amended
12.27 to read:

12.28 Subd. 6. **Authorization signatures.** ~~In~~ (a) When determining the numerical status of
12.29 an employee organization for purposes of this section, the commissioner ~~shall~~ must require
12.30 a dated representation authorization signatures of affected employees signature of each
12.31 affected employee as verification of the statements contained in the joint request or petitions
12.32 petition. These

13.1 ~~(b) An authorization signatures shall be~~ signature is privileged and confidential
 13.2 information available to the commissioner only. ~~An electronic signatures~~ signature, as
 13.3 defined in section 325L.02, paragraph (h), ~~shall be~~ is valid as ~~an authorization signatures~~
 13.4 signature.

13.5 ~~(c) An authorization signatures shall be~~ signature is valid for a ~~period of~~ one year
 13.6 following the signature date ~~of signature~~.

13.7 Sec. 15. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 11, is amended
 13.8 to read:

13.9 Subd. 11. **Unfair labor practices.** The commissioner may void the result of an election
 13.10 or majority verification procedure and order a new election or procedure if the commissioner
 13.11 finds ~~that~~ one of the following:

13.12 (1) there was an unfair labor practice that:

13.13 (i) was committed by an employer ~~or~~, a representative candidate ~~or~~, an employee, or a
 13.14 group of employees; ~~and that the unfair labor practice~~

13.15 (ii) affected the result of ~~an~~ the election or the majority verification procedure ~~pursuant~~
 13.16 ~~to subdivision 2a;~~ or that

13.17 (2) procedural or other irregularities in the conduct of the election or majority verification
 13.18 procedure may have substantially affected ~~its~~ the results; ~~the commissioner may void the~~
 13.19 ~~result and order a new election or majority verification procedure.~~

13.20 Sec. 16. Minnesota Statutes 2022, section 179A.13, subdivision 1, is amended to read:

13.21 Subdivision 1. **Actions.** (a) The practices specified in this section are unfair labor
 13.22 practices. Any employee, employer, employee or employer organization, exclusive
 13.23 representative, or any other person or organization aggrieved by an unfair labor practice as
 13.24 defined in this section may file an unfair labor practice charge with the board.

13.25 (b) Whenever it is charged that any party has engaged in or is engaging in any unfair
 13.26 labor practice, an investigator designated by the board shall promptly conduct an investigation
 13.27 of the charge. Unless after the investigation the board finds that the charge has no reasonable
 13.28 basis in law or fact, the board shall promptly issue a complaint and cause to be served upon
 13.29 the party a complaint stating the charges, accompanied by a notice of hearing before a
 13.30 qualified hearing officer designated by the board at the offices of the bureau or other location
 13.31 as the board deems appropriate, ~~not less than five days nor more than 20 days~~ more than
 13.32 30 days after serving the complaint absent mutual agreement of the parties, provided that

14.1 no complaint shall be issued based upon any unfair labor practice occurring more than six
14.2 months prior to the filing of a charge. A complaint issued under this subdivision may be
14.3 amended by the board at any time prior to the issuance of an order based thereon. The party
14.4 who is the subject of the complaint has the right to file an answer to the original or amended
14.5 complaint prior to hearing and to appear in person or by a representative and give testimony
14.6 at the place and time fixed in the complaint. In the discretion of the hearing officer conducting
14.7 the hearing or the board, any other party may be allowed to intervene in the proceeding and
14.8 to present testimony. The board or designated hearing officers shall not be bound by the
14.9 rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

14.10 (c) Designated investigators must conduct the investigation of charges.

14.11 (d) Hearing officers must ~~be licensed to practice law in the state of Minnesota~~ have a
14.12 juris doctor and must conduct the hearings and issue recommended decisions and orders.

14.13 (e) The board or its designees shall have the power to issue subpoenas and administer
14.14 oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers,
14.15 and records pursuant to the issuance of a subpoena, the board may apply to a court of
14.16 competent jurisdiction to request that the party be ordered to appear to testify or produce
14.17 the requested evidence.

14.18 (f) A full and complete record shall be kept of all proceedings before the board or
14.19 designated hearing officer and shall be transcribed by a reporter appointed by the board.

14.20 (g) The party on whom the burden of proof rests shall be required to sustain the burden
14.21 by a preponderance of the evidence.

14.22 (h) At any time prior to the close of a hearing, the parties may by mutual agreement
14.23 request referral to mediation, at which time the commissioner shall appoint a mediator, and
14.24 the hearing shall be suspended pending the results of the mediation.

14.25 (i) If, upon a preponderance of the evidence taken, the hearing officer determines that
14.26 any party named in the charge has engaged in or is engaging in an unfair labor practice,
14.27 then a recommended decision and order shall be issued stating findings of fact and
14.28 conclusions, and requiring the party to cease and desist from the unfair labor practice, to
14.29 post a cease-and-desist notice in the workplace, and ordering any appropriate relief to
14.30 effectuate the policies of this section, including but not limited to reinstatement, back pay,
14.31 and any other remedies that make a charging party whole. If back pay is awarded, the award
14.32 must include interest at the rate of seven percent per annum. The order further may require
14.33 the party to make reports from time to time, and demonstrate the extent to which the party
14.34 has complied with the order.

(j) If there is no preponderance of evidence that the party named in the charge has engaged in or is engaging in the unfair labor practice, then the hearing officer shall issue a recommended decision and order stating findings of fact and dismissing the complaint.

(k) Parties may file exceptions to the hearing officer's recommended decision and order with the board no later than 30 days after service of the recommended decision and order. The board shall review the recommended decision and order upon timely filing of exceptions or upon its own motion. If no timely exceptions have been filed, the parties must be deemed to have waived their exceptions. Unless the board reviews the recommended decision and order upon its own motion, it must not be legal precedent and must be final and binding only on the parties to the proceeding as issued in an order issued by the board. If the board does review the recommended decision and order, the board may adopt all, part, or none of the recommended decision and order, depending on the extent to which it is consistent with the record and applicable laws. The board shall issue and serve on all parties its decision and order. The board shall retain jurisdiction over the case to ensure the parties' compliance with the board's order. Unless overturned by the board, the parties must comply with the recommended decision and order.

(l) Until the record has been filed in the court of appeals or district court, the board at any time, upon reasonable notice and in a manner it deems appropriate, may modify or set aside, in whole or in part, any finding or order made or issued by it.

(m) Upon a final order that an unfair labor practice has been committed, the board or the charging party may petition the district court for the enforcement of the order and for appropriate temporary relief or a restraining order. When the board petitions the court, the charging party may intervene as a matter of right.

(n) Whenever it appears that any party has violated a final order of the board issued pursuant to this section, the board must petition the district court for an order directing the party and its officers, agents, servants, successors, and assigns to comply with the order of the board. The board shall be represented in this action by its general counsel, who has been appointed by the board. The court may grant or refuse, in whole or in part, the relief sought, provided that the court also may stay an order of the board pending disposition of the proceedings. The court may punish a violation of its order as in civil contempt.

(o) The board shall have power, upon issuance of an unfair labor practice complaint alleging that a party has engaged in or is engaging in an unfair labor practice, to petition the district court for appropriate temporary relief or a restraining order. Upon the filing of any such petition, the court shall cause notice thereof to be served upon such parties, and

thereupon shall have jurisdiction to grant to the board or commissioner temporary relief or a restraining order as it deems appropriate. Nothing in this paragraph precludes a charging party from seeking injunctive relief in district court after filing the unfair labor practice charge.

(p) The proceedings in paragraphs (m), (n), and (o) shall be commenced in the district court for the county in which the unfair labor practice which is the subject of the order or administrative complaint was committed, or where a party alleged to have committed the unfair labor practice resides or transacts business.

Sec. 17. Minnesota Statutes 2022, section 179A.13, subdivision 2, is amended to read:

Subd. 2. **Employers.** Public employers, their agents and representatives are prohibited from:

(1) interfering, restraining, or coercing employees in the exercise of the rights guaranteed in sections 179A.01 to 179A.25;

(2) dominating or interfering with the formation, existence, or administration of any employee organization or contributing other support to it;

(3) discriminating in regard to hire or tenure to encourage or discourage membership in an employee organization;

(4) discharging or otherwise discriminating against an employee because the employee has signed or filed an affidavit, petition, or complaint or given information or testimony under sections 179A.01 to 179A.25;

(5) refusing to meet and negotiate in good faith with the exclusive representative of its employees in an appropriate unit;

(6) refusing to comply with grievance procedures contained in an agreement;

(7) distributing or circulating a blacklist of individuals exercising a legal right or of members of a labor organization for the purpose of preventing blacklisted individuals from obtaining or retaining employment;

(8) violating rules established by the commissioner regulating the conduct of representation elections;

(9) refusing to comply with a valid decision of a binding arbitration panel or arbitrator;

(10) violating or refusing to comply with any lawful order or decision issued by the commissioner or the board;

(11) refusing to provide, upon the request of the exclusive representative, all information pertaining to the public employer's budget both present and proposed, revenues, and other financing information provided that in the executive branch of state government this clause may not be considered contrary to the budgetary requirements of sections 16A.10 and 16A.11; ~~or~~

(12) granting or offering to grant the status of permanent replacement employee to a person for performing bargaining unit work for the employer during a lockout of employees in an employee organization or during a strike authorized by an employee organization that is an exclusive representative;

(13) failing or refusing to provide information that is relevant to enforcement or negotiation of a contract within a reasonable time from receiving a request by an exclusive representative, not to exceed ten days for information relevant to contract enforcement or 30 days for information relevant to contract negotiation;

(14) refusing to reallocate a position after the commissioner has determined the position was not placed into the correct bargaining unit; or

(15) refusing to restore a position to classified service after determination that the position was incorrectly placed into unclassified service under section 43A.08.

Sec. 18. Minnesota Statutes 2022, section 179A.40, subdivision 1, is amended to read:

Subdivision 1. **Units.** The following are the appropriate employee units of the Hennepin Healthcare System, Inc. All units shall exclude supervisors, managerial employees, and confidential employees. No additional units of Hennepin Healthcare System, Inc., shall be eligible to be certified for the purpose of meeting and negotiating with an exclusive representative. The units include all:

(1) registered nurses;

(2) physicians except those employed as interns, residents, or fellows;

(3) professionals except for registered nurses and physicians;

(4) technical and paraprofessional employees;

(5) carpenters, electricians, painters, and plumbers;

(6) health general service employees;

(7) interpreters;

18.1 (8) emergency medical technicians/emergency medical dispatchers (EMT/EMD), and
18.2 paramedics;

18.3 (9) bioelectronics specialists, bioelectronics technicians, and electronics technicians;

18.4 (10) skilled maintenance employees; ~~and~~

18.5 (11) clerical employees; and

18.6 (12) physicians employed as interns, residents, and fellows.

18.7 Sec. 19. Minnesota Statutes 2022, section 179A.54, subdivision 5, is amended to read:

18.8 Subd. 5. ~~Legislative action on~~ Collective bargaining agreements. ~~Any agreement~~
18.9 ~~reached between the state and the exclusive representative of individual providers under~~
18.10 ~~chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance~~
18.11 ~~with sections 3.855 and 179A.22~~ The commissioner of management and budget is authorized
18.12 to enter into and implement agreements, including interest arbitration decisions, with the
18.13 exclusive representative of individual providers as provided in section 179A.22, subdivision
18.14 4, except for terms and conditions requiring appropriations, changes to state law, or approval
18.15 from the federal government which shall be contingent upon and executed following receipt
18.16 of appropriations and state and federal approval.

18.17 Sec. 20. RULEMAKING.

18.18 The commissioner of the Bureau of Mediation Services must adopt rules on petitions
18.19 for majority verification, including technical changes needed for consistency with Minnesota
18.20 Statutes, section 179A.12, and the commissioner may use the expedited rulemaking process
18.21 under Minnesota Statutes, section 14.389.

18.22 Sec. 21. REVISOR INSTRUCTION.

18.23 The revisor of statutes must renumber Minnesota Statutes, section 179A.12, subdivision
18.24 3, as Minnesota Statutes, section 179A.12, subdivision 1a.