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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2939

03/10/2014 Authored by Anzelc, Metsa, Melin and Sundin
The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries
03/27/2014 Adoption of Report: Amended and Placed on the General Register
Read Second Time

1.1 A bill for an act
1.2 relating to labor and employment; providing employee protections in joint powers
1.3 agreements; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

1.5 Section 1. [179A.60] JOINT POWERS AGREEMENTS.

1.6 Subdivision 1. Definition. For the purposes of this section, "entity" means any
1.7 organization, except for service delivery authorities created under section 402A.35, acting
1.8 on behalf of two or more home rule charter or statutory cities, school districts, counties,
1.9 or other governmental units or boards under any law providing for joint and cooperative
1.10 action between governmental units or bodies. Governmental units that form an entity
1.11 are members of the entity.

1.12 Subd. 2. Application. Notwithstanding the provisions of section 179A.12 or
1.13 any other law, this section governs the initial certification and decertification, if any, of
1.14 exclusive representatives for an entity. Employees of an entity are public employees and
1.15 joint powers entities are public employers under section 179A.03.

1.16 Subd. 3. Certification and decertification. The commissioner of the Bureau of
1.17 Mediation Services shall follow the process in section 179A.102, subdivisions 1 to 4, in
1.18 determining the initial certification and decertification, if any, of exclusive representatives
1.19 for an appropriate unit of employees of a newly formed joint powers entity.

1.20 Subd. 4. Existing collective bargaining agreements. The terms and conditions of
1.21 collective bargaining agreements covering employees of members of the new joint powers
1.22 entity prior to their employment by the joint powers entity shall govern the employment of
1.23 employees who become employees of a joint powers entity until a successor agreement
1.24 becomes effective after the formation of the joint powers entity, and shall be enforced by

2.1 the exclusive representative certified to represent the entity member's employees until a  
2.2 new exclusive representative is certified.

2.3 Subd. 5. **Contract negotiations and administration.** The exclusive representative  
2.4 of employees of a new joint powers entity shall upon certification be responsible to  
2.5 negotiate a new collective bargaining agreement, file grievances, and otherwise administer  
2.6 the prior collective bargaining agreement until a new collective bargaining agreement is  
2.7 agreed to, and to receive dues or fair share fees.

2.8 Subd. 6. **Investigation and discipline.** If an employee who is transferred from the  
2.9 employment of a member to the employment of a joint powers entity is under investigation  
2.10 by the member of the entity at the time of the transfer and would be subject to discipline  
2.11 by the member of the entity, the new joint powers entity may discipline the employee for  
2.12 just cause and the employee's union may file a grievance under the collective bargaining  
2.13 agreement the employee was covered by as an employee of a member of the entity, or the  
2.14 new collective bargaining agreement after it is agreed to.

2.15 Subd. 7. **Entity not created.** Notwithstanding this section, a contract between two  
2.16 local government units does not create a joint powers entity under this section, if under the  
2.17 contract, no employee's employment is terminated and employees continue to work for the  
2.18 same employer, continue to be covered by the same collective bargaining agreement, and  
2.19 continue to do the same or similar work.

2.20 Subd. 8. **Employee personnel files.** A new entity shall be entitled to receive from a  
2.21 member of the entity, at no charge, copies of all public data maintained by the member  
2.22 regarding all employees of the member who become employees of the entity.

2.23 Subd. 9. **Seniority.** Upon creation of a new entity, seniority shall be based on the  
2.24 employee's continuous service with a member of the entity and the employee's service  
2.25 with the entity.

2.26 Subd. 10. **Layoffs and recalls.** Layoffs and recalls shall be based on seniority as  
2.27 defined herein. Recall rights shall continue to apply until a new collective bargaining  
2.28 agreement is agreed to by the parties.

2.29 **EFFECTIVE DATE.** This section is effective January 15, 2015.