

CHAPTER 146—H. F. No. 144

[Coded as Sections 179.51 to 179.58]

An act to prohibit strikes by certain public employees; to provide certain disciplinary action with respect thereto; to provide for the adjustment of grievances and reporting the facts relative thereto; and to provide conditions of reemployment.

Be it enacted by the Legislature of the State of Minnesota:

WHEREAS, there have been a number of work stoppages and strikes by public employees in the State of Minnesota which have seriously interfered with the functions of government at various levels, and

WHEREAS, strikes by public employees are a real danger to the safety and welfare of the general public and are a dangerous threat to government on all levels, and constitute a strike against the public itself,

NOW, THEREFORE, the Legislature of the State of Minnesota does hereby declare that strikes by public employees cause waste, loss of time and wages, and endanger the very foundation of government and should be prohibited by law, and does further declare that, in order to minimize any possible controversies, there shall be made available governmental facilities for the adjustment of grievances relating to public employment conditions and policy.

[179.51] Section 1. **Strikes by public employees prohibited.** No person holding a position by appointment or employment in the government of the State of Minnesota, or in the government of any one or more of the political subdivisions thereof, or in the service of the public schools, or of the State University, or in the service of any authority, commission, or board, or any other branch of the public service, hereinafter called a "public employee" shall strike, or participate in a strike. As used in this act the word "strike" shall mean the failure to report for duty, the wilful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

[179.52] **Sec. 2. Right of complaint not limited.** Nothing contained in this act shall be construed to limit, impair or affect the right of any public employee or his or her representative to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full, faithful and proper performance of the duties of employment; nor shall it be construed to require any public employee to perform labor or service against his will.

[179.53] **Sec. 3. Submission of grievance.** No person exercising any authority, supervision or direction over any public employee shall have the power to authorize, approve or consent to a strike by one or more public employees and such person shall not authorize, approve or consent to such strike, nor shall any person discharge, demote, or cause any public employee to be discharged, or demoted, or separated from his employment because of participation in the submission of a grievance.

[179.54] **Sec. 4. Violation, penalty.** Notwithstanding any other provision of law, any public employee who violates the provisions of this act shall thereby abandon and terminate his appointment or employment and shall no longer hold such position, or be entitled to any of the rights or emoluments thereof, except if appointed or reappointed as hereinafter provided.

[179.55] **Sec. 5. Re-employment of striking employee.** Notwithstanding any other provision of law, a person knowingly violating the provisions of this act may, subsequent to such violation, be appointed, or reappointed, employed or reemployed, as a public employee but only upon the following conditions: (a) his compensation shall in no event exceed that received by him immediately prior to such violation, (b) the compensation of such person shall not be increased until after the expiration of one year from such appointment or reappointment, employment or reemployment, and (c) the said person shall be on probation for two years with respect to such civil service status, tenure of employment, or contract of employment, as he may have theretofore been entitled.

[179.56] **Sec. 6. Employee to establish fact of no violation.** Any public employee, upon request, shall be entitled, as hereinafter provided, to establish that he did not violate the

provisions of this act. Such request must be filed in writing with the officer or body having the power to remove such employee, within ten days after regular compensation of such employee has ceased, whereupon such officer, or body, shall within ten days commence a proceeding at which such person shall be entitled to be heard for the purpose of determining whether the provisions of this act have been violated by such public employee, and if there be laws and regulations establishing proceedings to remove such public employee, the hearing shall be conducted in accordance therewith. Such proceedings shall be undertaken without unnecessary delay.

[179.57] Sec. 7. **Adjustment panel.** In order to avoid or minimize any possible controversies by making available full and adequate governmental facilities for the adjustment of grievances, the governmental agency involved, at the request of the public employees, shall set up a panel of three members, one to be selected by the employees, one by the governmental agency, and the two so selected to select a third member. Provided, that if after five days, the two members cannot agree upon the third member, the senior or presiding judge of the District Court of the County wherein the dispute has arisen may appoint such third member upon application by either of the appointed members in writing by giving five days' notice thereof in writing to the other member. The members of the panel shall be compensated for all necessary expenses by the State, or the political subdivision thereof, or the authority involved. The panel shall meet within fifteen days. If the grievance can be adjusted through negotiation and informal conferences between the various parties, it shall be so adjusted; if the results of the conference negotiations are not satisfactory to all parties concerned, the panel shall afford the public employees and the governmental agency a full hearing after which the panel shall make their findings, a copy of which shall be sent to the Governor, to the Legislature, and to the head of the agency, or political subdivision involved, and to the employees.

[179.58] Sec. 8. **Sections 185.07 to 185.18 not applicable.** Minnesota Statutes 1949, Sections 185.07 to 185.18 inclusive shall not be held to apply to any governmental employee, or any other public official, affected by this act.

Approved March 24, 1951.