

CHAPTER 635—H.F.No.295

[Coded in Part]

An act relating to public employees; giving public employees and employers certain rights and obligations; defining unfair practices; amending the public employment labor relations act of 1971; amending Minnesota Statutes 1971, Sections 179.63, Subdivisions 6, 8, 9, 13, and 18, and by adding a subdivision; 179.64, Subdivisions 1 and 7; 179.65, Subdivisions 1, 2, 3, 5, 6 and 7; 179.66, Subdivisions 4 and 5; 179.66, by adding a subdivision; 179.67, Subdivisions 7, 11, and 12; 179.68; 179.69, Subdivisions 3, 5 and 6; 179.70, Subdivision 1; 179.71, Subdivisions 3 and 5; 179.72, Subdivisions 1, 7, 9, and 10; 179.73, Subdivision 2; 179.74, Subdivisions 2, 4 and 5; 179.75, Subdivision 8; repealing Minnesota Statutes 1971, Sections 179.69, Subdivision 7; 179.72, Subdivisions 11 and 13; 179.73, Subdivisions 3, 4, and 5; 179.75, Subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; and 179.77.

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

Section 1. Minnesota Statutes 1971, Section 179.63, Subdivision 6, is amended to read:

Subd. 6. **PUBLIC EMPLOYEES; LABOR RELATIONS.** "Exclusive representative" means an employee organization which has been designated by ~~more than 50 percent of a majority of those~~ votes cast in the appropriate unit and has been certified pursuant to section 179.67.

Sec. 2. Minnesota Statutes 1971, Section 179.63, Subdivision 8, is amended to read:

Subd. 8. "Confidential employee" means any employee who works:

(1) in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating; ~~or~~

~~(2) in a close continuing relationship with public officers or representatives associated with~~ or who actively participates in the meeting and negotiating on behalf of the public employer.

Sec. 3. Minnesota Statutes 1971, Section 179.63, Subdivision 9, is amended to read:

Subd. 9. "Supervisory employee", when the reference is to other than essential employees as defined in subdivision 11, means any person having authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward or disci-

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pline other employees or responsibly to direct them or adjust their grievances on behalf of the employer, or to effectively recommend ~~such action~~ any of the aforesaid actions, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.

Sec. 4. Minnesota Statutes 1971, Section 179.63, is amended by adding a subdivision to read:

Subd. 9a. "Supervisory employee", when the reference is to essential employees, means the administrative head and his assistant of a municipality, municipal utility, police or fire department, or any person having authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward, or discipline other employees or responsibly to direct them or adjust their grievances on behalf of the employer, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.

Sec. 5. Minnesota Statutes 1971, Section 179.63, Subdivision 13, is amended to read:

Subd. 13. "Teacher" means any person other than a superintendent or assistant superintendent, employed by a school district in a position for which the person must be certificated by the state board of education; and such employment does not come within the exceptions stated in subdivision 7, or defined in subdivisions 8, 9, or ~~15~~ 14.

Sec. 6. Minnesota Statutes 1971, Section 179.63, Subdivision 18, is amended to read:

Subd. 18. The term "terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits except retirement contributions or benefits, and the employer's personnel policies affecting the working conditions of the employees. In the case of professional employees the terms ~~mean the hours of employment, the compensation therefor, and economic aspects relating to employment~~, but term does not mean educational policies of a school district. The terms in both cases are subject to the provisions of section 179.66 regarding the rights of public employers and the scope of negotiations.

Sec. 7. Minnesota Statutes 1971, Section 179.64, Subdivision 1, is amended to read:

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179.64 STRIKES; PROHIBITION; PENALTIES. Subdivision 1. 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, whether included or excepted from this act may engage in a strike, nor shall any such person or organization of such persons or its officials or agents cause, condone, instigate, encourage, or cooperate, in a strike except as may be provided in subdivision 7.

Sec. 8. Minnesota Statutes 1971, Section 179.64, Subdivision 7, is amended to read:

Subd. 7. Either a violation of section 179.68, subdivision 2, clause (9), or a refusal by the employer to request binding arbitration when requested by the exclusive representative pursuant to section 179.69, subdivision 3 or 5, is a defense to a violation of this section, except as to essential employees. As to all public employees, no other unfair labor practice or violation of this act by a public employer is not a defense to shall be a violation of this section but may be considered by the court in mitigation of or retraction of any penalties as to employees and employee organizations.

Sec. 9. Minnesota Statutes 1971, Section 179.65, Subdivision 1, is amended to read:

179.65 RIGHTS AND OBLIGATIONS OF EMPLOYEES. Subdivision 1. Nothing contained in sections 179.61 to 179.77 shall be construed to limit, impair or affect the right of any public employee or his 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 or circumvent the rights of the exclusive representative if there be one; nor shall it be construed to require any public employee to perform labor or services against his will. If no exclusive representative has been certified, any public employee individually, or group of employees through their representative, shall have the right of 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, by meeting with their public employer or his representative 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.

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Sec. 10. Minnesota Statutes 1971, Section 179.65, Subdivision 2, is amended to read:

Subd. 2. Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. Public employees in an appropriate unit shall have the right by secret ballot to designate an exclusive representative for the purpose of negotiating grievance procedures and the terms and conditions of employment for such employees with the employer of such unit. Except for employees included in section 179.63, subdivision 10, clause (c), who shall be exempt from contributing until January 1, 1975 only, all public employees who are not members of the exclusive representative may be required by said representative to contribute a fair share fee for services rendered by the exclusive representative, and the employer upon notification by the exclusive representative of such employees shall be obligated to check off said fee from the earnings of the employee and transmit the same to the exclusive representative. In no instance shall the required contribution exceed a pro rata share of the specific expenses incurred for services rendered by the representative in relationship to negotiations and administration of grievance procedures.

Sec. 11. Minnesota Statutes 1971, Section 179.65, Subdivision 3, is amended to read:

Subd. 3. Public employees who are professional employees as defined by section 179.63, subdivision 11 10, have the right to meet and confer with public employers regarding policies and matters not included under section 179.63, subdivision 18, pursuant to section 179.73.

Sec. 12. Minnesota Statutes 1971, Section 179.65, Subdivision 5, is amended to read:

Subd. 5. Public employees shall have the right to request and be allowed dues check off for the ~~employee organization of their selection, provided that dues check off and the proceeds thereof shall not be allowed any employee organization that has lost its right to dues check off pursuant to sections 179.64 to 179.75~~ exclusive representative. In the absence of an exclusive representative, public employees shall have the right to request and be allowed dues check off for the organization of their choice.

Sec. 13. Minnesota Statutes 1971, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals, ~~may join and participate in employee organizations and may form their own organizations, provided,~~

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~~however, that nothing in this section authorizes supervisory or confidential employees, or principals and assistant principals, to be included in an appropriate unit. Affiliation of a supervisory or confidential employee or principal or assistant principal organization with another employee organization which has as its members non-supervisory employees or non-confidential employees, or non-principals or non-assistant principals is permitted. An employer shall not, and shall not be required by the director to extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, but an employer may consult and otherwise communicate with such an organization on appropriate matters in accordance with all other provisions of this act, as though they were essential employees.~~

Sec. 14. Minnesota Statutes 1971, Section 179.65, Subdivision 7, is amended to read:

Subd. 7. An exclusive representative shall have the right to petition the director for arbitration under section 179.69, subdivision 3; provided the exclusive representative or the employer has first petitioned the director for mediation services as are available under section 179.69, subdivision 1.

Sec. 15. Minnesota Statutes 1971, Section 179.66, Subdivision 4, is amended to read:

Subd. 4. A public employer has the obligation to meet and confer negotiate in good faith with the exclusive representative of the supervisory employees, confidential employees, principals and assistant principals, or their representative regarding grievance procedures and the terms and conditions of their employment, but such obligation does not compel the public employer or its representative to agree to a proposal or require the making of a concession.

Sec. 16. Minnesota Statutes 1971, Section 179.66, Subdivision 5, is amended to read:

Subd. 5. Any provision of any contract required by section 179.70, which of itself or in its implementation would be in violation of or in conflict with any statute of the state of Minnesota or rule or regulation promulgated thereunder or provision of a municipal home rule charter or ordinance or resolution adopted pursuant thereto, or rule of any state board or agency governing licensure or registration of an employee, provided such rule, regulation, home rule charter, ordinance, or resolution is not in conflict with sections 179.61 to 179.66 shall be void and of no effect and shall be returned to the arbitrator for an amendment to

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make the provision consistent with the statute, rule, regulation, charter, ordinance or resolution.

Sec. 17. Minnesota Statutes 1971, Section 179.66, is amended by adding a subdivision to read:

Subd. 10. A public employer must afford reasonable time off to elected officers or appointed representatives of the exclusive representative for the purposes of conducting the duties of the exclusive representative and must, upon request, provide for leaves of absence to elected or appointed officials of the exclusive representative.

Sec. 18. Minnesota Statutes 1971, Section 179.67, Subdivision 7, is amended to read:

Subd. 7. An employee organization shall be certified as the exclusive representative of an appropriate unit upon receiving a majority of those votes of ~~the employees~~ cast in the appropriate unit at a certification election.

Sec. 19. Minnesota Statutes 1971, Section 179.67, Subdivision 11, is amended to read:

Subd. 11. If no choice on the ballot receives a majority of those ~~employees~~ votes cast in the unit, the director shall conduct a run off election wherein the ballot shall contain only the two choices receiving the greater number of votes.

Sec. 20. Minnesota Statutes 1971, Section 179.67, Subdivision 12, is amended to read:

Subd. 12. Upon a representative candidate receiving a majority of ~~those~~ votes of all employees cast in a unit, the director shall certify that representative candidate as the exclusive representative of all employees in the unit.

Sec. 21. Minnesota Statutes 1971, Section 179.68, is amended to read:

179.68 UNFAIR PRACTICES. Subdivision 1. The practices specified in this section are unfair practices. Any employee, employer, employee or employer organization, exclusive representative, or any other person or organization aggrieved by an unfair labor practice as defined in sections 179.61 to 179.77 may bring an action in district court of the county wherein the practice is alleged to have occurred for injunctive relief and for damages caused by such unfair labor practice. ~~An unfair practice by a public employer is not a defense to an unlawful strike.~~

Subd. 2. Public employers, their agents or representatives are prohibited from:

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(1) interfering, restraining or coercing employees in the exercise of the rights guaranteed in sections 179.61 to 179.77;

(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 he has signed or filed an affidavit, petition or complaint or given any information or testimony under sections 179.61 to 179.77;

(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 as required by section 179.70;

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

(8) violating any of the rules and regulations established by the director regulating the conduct of representation elections or

(9) refusing to comply with the provisions of a valid decision of ~~an a binding~~ arbitration panel or arbitrator acting pursuant to sections 179.61 to 179.77; ~~provided, however, rejection of an arbitration decision by an employer as authorized by section 179.72, subdivision 9, is not an unfair labor practice;~~

(10) violating or refusing to comply with any lawful order or decision issued by the director 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. In the executive branch of state government, the provisions of this clause shall not be considered contrary to the budgetary requirements set forth in sections 16.14, 16.15 and 16.155.

Subd. 3. Employee organizations, their agents or representatives, and public employees are prohibited from:

(1) restraining or coercing employees in the exercise of their rights as provided in sections 179.61 to 179.77;

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(2) restraining or coercing a public employer in the election of his representatives to be employed for the purposes of meeting and negotiating or the adjustment of grievances;

(3) refusing to meet and negotiate in good faith with a public employer, if they have been designated in accordance with the provisions of sections 179.61 to 179.77 as the exclusive representative of employees in an appropriate unit;

(4) violating any of the rules and regulations established by the director regulating the conduct of representation elections;

(5) refusing to comply with the provisions of a valid decision of an arbitration panel or arbitrator acting pursuant to sections 179.61 to 179.77;

(6) calling, instituting, maintaining or conducting a strike or boycott against any public employer on account of any jurisdictional controversy;

(7) coercing or restraining any person with the effect to:

(a) force or require any public employer to cease dealing or doing business with any other person or;

(b) force or require a public employer to recognize for representation purposes an employee organization not certified by the director;

(c) refuse to handle goods or perform services;

(d) preventing an employee from providing services to the employer;

(8) committing any act designed to damage or actually damaging physical property or endangering the safety of persons while engaging in a strike;

(9) forcing or requiring any employer to assign particular work to employees in a particular employee organization or in a particular trade, craft, or class rather than to employees in another employee organization or in another trade, craft or class;

(10) causing or attempting to cause a public employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

(11) engaging in a an unlawful strike;

(12) ~~any picketing which results in a refusal by any person to deliver goods or perform services;~~

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~~(13) picketing which has an unlawful purpose such as, but not limited to, the furthering of a strike~~ secondary boycott;

(14) ~~(13)~~ picketing which unreasonably interferes with the ingress and egress to facilities of the public employer;

~~(15) (14)~~ seizing or occupying or destroying property of the employer;

~~(16) (15)~~ violating or refusing to comply with any lawful order or decision issued by the director of the board as authorized by sections 179.61 to 179.77;

~~(17) the persistent insistence to negotiate items clearly excluded as negotiable under section 179.63, subdivision 10.~~

Sec. 22. Minnesota Statutes 1971, Section 179.69, Subdivision 3, is amended to read:

Subd. 3. ~~The director shall certify a matter to the board when either or both parties petition for arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. Upon such certification, the parties shall each submit their respective final positions on matters not agreed upon. The parties may stipulate to the board those agreed upon items to be excluded from arbitration. The director shall only certify a matter to the board when either or both parties, except for essential employees, petition for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. Upon such petition and determination by the mediator, the parties shall each submit their respective final positions on matters not agreed upon. If the employer has petitioned for binding arbitration and the director has determined that an impasse has been reached said proceedings shall begin within 15 days thereof and be binding on both parties. The director shall determine the matters not agreed upon based upon his efforts to mediate the dispute. If the employee representative has petitioned for binding arbitration the employer shall have 15 days thereafter to reject the request or agree to submit matters not agreed upon to binding arbitration. If the employer does not respond within 15 days it shall be regarded as a rejection and said rejection shall be a refusal by the employer within the meaning of section 179.64, subdivision 7. Under a petition by either party the parties may stipulate those agreed upon items to be excluded from arbitration.~~

Sec. 23. Minnesota Statutes 1971, Section 179.69, Subdivision 5, is amended to read:

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~~Subd. 5. In the event the employer and exclusive representative fail to execute a contract pursuant to subdivision 4, they shall each submit their respective final positions on those terms and conditions of employment not agreed upon by the parties to the board at least 75 days prior to the last date the employer is required to submit its tax levy or budget, or certify the taxes voted to the appropriate public officer, agency, public body or office, or by October 1, whichever date is earlier. The parties may stipulate to the board those agreed upon items to be excluded from arbitration. In the event the employer and exclusive representative fail to execute a contract pursuant to subdivision 4, they shall each submit their respective final positions on those terms and conditions of employment not agreed upon by the parties to the director at least 75 days prior to the last date the employer is required to submit its tax levy or budget, or certify the taxes voted to the appropriate public officer, agency, public body or office, or by October 1, whichever date is earlier, except in the case of the executive branch of state government, where such final date shall be November 15 of even-numbered years. Either or both parties except for essential employees may after this time petition the director for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 of this section would serve no purpose. If the employer has petitioned for binding arbitration said proceedings shall begin within 15 days thereof and be binding on both parties. The director shall determine the matters not agreed upon based upon his efforts to mediate the dispute. If the employee representative has petitioned for binding arbitration the employer shall have 15 days thereafter to reject the request or agree to submit matters not agreed upon to binding arbitration. If the employer does not respond within 15 days it shall be regarded as a rejection and said rejection shall be a refusal by the employer within the meaning of section 179.64, subdivision 7. Under a petition by either party the parties may stipulate those agreed upon items to be excluded from arbitration. Notwithstanding a failure to comply with subdivisions 3, 4, and 5, the director may maintain jurisdiction under section 179.71, subdivision 2.~~

Sec. 24. Minnesota Statutes 1971, Section 179.69, Subdivision 6, is amended to read:

~~Subd. 6. Upon the director certifying a dispute under subdivision 3 to the board or the board receiving the final positions of disputing parties under subdivision 5, the board shall take jurisdiction of the matter and proceed in accordance with section 179.72. Upon the director certifying a dispute under subdivision 3 or 5 to the board and under either subdivision 3 or 5 the employer has petitioned for binding arbitration or the employee representative has petitioned for binding arbitration and said petition has been~~

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agreed upon by the employer representative within the requisite 15 days, the board shall take jurisdiction of the matter and proceed in accordance with section 179.72. If the employer has not petitioned for binding arbitration under subdivision 3 or 5 or if the employer has not joined in an employee's petition for binding arbitration under subdivision 3 or 5, Minnesota Statutes, Section 179.72, Subdivision 6 shall not be applicable. If no petition has been filed within the time specified under subdivision 3 or 5, at any time thereafter the parties may invoke the provisions of subdivision 3 or 5 and Minnesota Statutes, Section 179.72, Subdivision 6 shall be applicable.

Sec. 25. Minnesota Statutes 1971, Section 179.70, Subdivision 1, is amended to read:

179.70 CONTRACTS; GRIEVANCES; ARBITRATION. Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. ~~The contracts shall not be for a term exceeding three years. The duration of the contract shall be negotiable except in no event shall contracts be for a term exceeding three years.~~ Any contract between employer school board and an exclusive representative of teachers shall in every instance be for a an initial term of two years one year commencing on July 1 of each even numbered year, ~~except, however, such contracts entered into prior to July 1, 1972 shall expire on June 30, 1972, 1974, through June 30, 1975, and thereafter for a term of two years beginning on July 1 of each odd-numbered year.~~ All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances. In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5(i).

Sec. 26. Minnesota Statutes 1971, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units. In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, ~~the history and extent of organization,~~ involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, ~~the desires of the employees and employers,~~ geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

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In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform or effectively recommend a majority of those functions referred to in section 179.63, subdivisions 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

Sec. 27. Minnesota Statutes 1971, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by this section, the director shall:

(a) retain mediation jurisdiction over the parties for purposes of this subdivision until such time as the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required under section 179.72, subdivision 6; or section 179.69, subdivision 6;

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to 179.77. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to 179.77;

(f) furnish clerical and administrative services to the Minnesota public employment relations board as may be required;

(g) adopt reasonable and proper rules and regulations relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. Such rules and regulations shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that every such rule or regulation shall be filed with the secretary of state,

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and any change therein or additions thereto shall not take effect until 20 days after such filing;

(h) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and all arbitration panels authorized by sections 179.61 to 179.77 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

(i) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. Such grievance procedures shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15; said grievance procedure to be available to any public employee employed in a unit not covered by a negotiated grievance procedure as contained in section 179.70, subdivision 1;

(j) conduct elections.

Sec. 28. Minnesota Statutes 1971, Section 179.72, Subdivision 1, is amended to read:

179.72 PUBLIC EMPLOYMENT RELATIONS BOARD; POWERS AND DUTIES; ARBITRATION. Subdivision 1. There is hereby established a public employment relations board with the powers and duties assigned to it by this section. The board shall consist of five members appointed by the ~~chief justice of the supreme court~~ governor of the state of Minnesota. Two members shall be representative of public employees; two shall be representative of public employers; and one shall be representative of the public at large. Public employers and employee organizations representing public employees may submit for consideration names of persons representing their interests to serve as members of the board. Members shall be appointed for a term of four years, except that of the members first appointed two shall be appointed for a term ending the first Monday in April, 1974, and three for a term to expire on the first Monday in April, 1976. Members shall hold office until their successors are appointed and qualified and vacancies shall be filled by the ~~chief justice of the supreme court~~ governor of the state of Minnesota for the unexpired term. The board shall select one of its members to serve as chairman for a term beginning May 1 each year. The director of mediation services shall provide secretarial and administrative services to the board.

Sec. 29. Minnesota Statutes 1971, Section 179.72, Subdivision 7, is amended to read:

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Subd. 7. The arbitration panel or arbitrator selected by the parties shall resolve the issues in dispute between the parties as submitted by the board, and the panel's decision and order shall be final and binding upon the parties; ~~subject, however, to the provisions of subdivision 9 and~~. Provided, however, that no decision of the panel which violates any provision of the laws of Minnesota or rules or regulations promulgated thereunder or municipal charters or ordinances or resolutions enacted pursuant thereto, or which causes a penalty to be incurred thereunder, shall have any force or effect. In considering a dispute and issuing its order the panel shall give due consideration to the statutory rights and obligations of public employers to efficiently manage and conduct its operations within the legal limitations surrounding the financing of such operations. The panel's orders shall be issued by a majority vote of its members considering a given dispute. The panel shall have no jurisdiction over nor authority to entertain any matter or issue not within the definition stated in section 179.63, subdivision 18; provided, however, items not within terms and conditions of employment may be included in an arbitration decision if such items are contained in the employer's final position. Any issue or order or part thereof issued by the panel determining any matter not included under section 179.63, subdivision 18 or the employer's final position shall be void and of no effect. The panel shall render its decision within ten days from the date of submission of the parties ~~respective positions that all arbitration proceedings have been concluded~~, but in any event must issue its order by the last date the employer is required by statute, charter, ordinance or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for such period as the panel shall direct, except that orders determining contracts for teacher units shall be effective to the next June 30 of the next even numbered year end of the contract period as determined by section 179.70, subdivision 1.

Sec. 30. Minnesota Statutes 1971, Section 179.72, Subdivision 9, is amended to read:

Subd. 9. Upon issuing its decision and order involving any dispute, the panel shall transmit the order to the board and to the appropriate representative or officer of the public employer and the employees.

~~The public employer shall have ten days from the receipt of the order to accept or reject the decision and order; if the public employer takes no action within the ten day period the order shall be deemed to have been accepted and shall be final. The public employer may reject the order by certification to the director and if so rejected the order shall be of no force or effect.~~

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Sec. 31. Minnesota Statutes 1971, Section 179.72, Subdivision 10, is amended to read:

Subd. 10. At the request of ~~both parties~~ the exclusive representative to a dispute involving ~~other than any~~ essential employees, ~~the parties may agree that the decision of an arbitration panel established under this section~~ board shall proceed in accordance with section 179.72 and the order shall be binding on both notwithstanding the provisions of subdivision 9 parties. The parties may stipulate those agreed upon items to be excluded from arbitration.

Sec. 32. Minnesota Statutes 1971, Section 179.73, Subdivision 2, is amended to read:

Subd. 2. The professional employees shall select a representative to meet and confer with a representative or committee of the public employer on matters not specified under section 179.63, subdivision 18 relating to the services being provided to the public. The public employer shall provide the facilities and set the time for such conferences to take place, provided that the parties shall meet together at least once every four months.

Sec. 33. Minnesota Statutes 1971, Section 179.74, Subdivision 2, is amended to read:

Subd. 2. The employer of state employees shall be ~~the employee's appointing authority,~~ for purposes of sections 179.61 to 179.77, jointly the commissioner of administration and the director of civil service, or their representative. If the commissioner and director are succeeded in their personnel functions by another state officer, he shall be the employer of state employees for the purposes of sections 179.61 to 179.77.

Sec. 34. Minnesota Statutes 1971, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The negotiating team shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other ~~compensation composition.~~ Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Sec. 35. Minnesota Statutes 1971, Section 179.74, Subdivision 5, is amended to read:

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Subd. 5. The negotiating team is authorized to and may enter into ~~tentative~~ agreements to The provisions of said agreements which establish wages and economic fringe benefits shall be submitted to the legislature to be accepted, rejected or modified.

Sec. 36. Minnesota Statutes 1971, Section 179.75, Subdivision 8, is amended to read:

Subd. 8. Minnesota Statutes ~~1969~~ 1971, Sections 185.07 to ~~185.18~~ 185.19, shall ~~not be held to~~ apply to any all public employee employees, including those specifically excepted from the definition of public employee in section 179.63, subdivision 7, except as sections 185.07 to 185.19 may be inconsistent with section 179.68.

Sec. 37. Minnesota Statutes 1971, Sections 179.69, Subdivision 7; 179.72, Subdivisions 11 and 13; 179.73, Subdivisions 3, 4, and 5; and 179.75, Subdivisions 1, 2, 3, 4, 5, 6, 7, and 9; and 179.77, are repealed.

Sec. 38. **EFFECTIVE DATE.** This act shall take effect the day following its final enactment.

Approved May 24, 1973.

CHAPTER 636—H.F.No.633

[Coded in Part]

An act relating to towns; authorizing all towns to make local improvements and to assess the cost thereof against benefited property; amending Minnesota Statutes 1971, Section 429.011, by adding a subdivision.

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

Section 1. Minnesota Statutes 1971, Section 429.011, is amended by adding a subdivision to read:

Subd. 2b. **MUNICIPALITIES; LOCAL IMPROVEMENTS AND ASSESSMENTS.** "Municipality" also includes any town not having the powers granted herein pursuant to any other law in the case of construction, reconstruction or improvement of a town road including curbs and gutters and storm sewers and in the case of those improvements designated in section 429.021, subdivision 1, clauses (1), (2), (4), (5), (6), (7), (8) and (10); provided that any improvement or assessments authorized by this subdivision may be

Changes or additions indicated by underline, deletions by ~~strikeout~~.