

CHAPTER 46—H.F.No. 966

An act relating to labor; modifying provisions governing overtime for state nurses; requiring a report; amending Minnesota Statutes 2006, sections 177.27, subdivision 4; 181.275, subdivision 1, by adding subdivisions.

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

Section 1. Minnesota Statutes 2006, section 177.27, subdivision 4, is amended to read:

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.35, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, 181.12, 181.13, 181.14, 181.145, 181.15, 181.275, subdivision 2a, and 181.79, or with any rule promulgated under section 177.28. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner.

Sec. 2. Minnesota Statutes 2006, section 181.275, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them:

(1) "emergency" means a period when replacement staff are not able to report for duty for the next shift or increased patient need, because of unusual, unpredictable, or unforeseen circumstances such as, but not limited to, an act of terrorism, a disease outbreak, adverse weather conditions, or natural disasters which impact continuity of patient care;

(2) "normal work period" means 12 or fewer consecutive hours consistent with a predetermined work shift;

(3) "nurse" has the meaning given in section 148.171, subdivision 9, and includes nurses employed by the state of Minnesota; and

(4) "taking action against" means discharging; disciplining; threatening; reporting to the Board of Nursing; discriminating against; or penalizing regarding compensation, terms, conditions, location, or privileges of employment.

Sec. 3. Minnesota Statutes 2006, section 181.275, is amended by adding a subdivision to read:

Subd. 2a. **State nurses.** Subdivision 2 applies to a nurse employed by the state of Minnesota regardless of the type of facility in which the nurse is employed and regardless of the facility's license, if the nurse is involved in resident or patient care.

Sec. 4. Minnesota Statutes 2006, section 181.275, is amended by adding a subdivision to read:

Subd. 2b. **Department of Corrections nurses.** Section 181.275 does not apply to nurses employed by the state at a facility operated by the Department of Corrections. This subdivision expires July 1, 2008.

Sec. 5. Minnesota Statutes 2006, section 181.275, is amended by adding a subdivision to read:

Subd. 2c. **Collective bargaining rights.** This section does not diminish or impair the rights of a person under any collective bargaining agreement.

Sec. 6. **DEPARTMENT OF CORRECTIONS COMPLIANCE REQUIREMENTS.**

The Department of Corrections must develop a budget and plan by February 1, 2008, to bring the department into compliance with section 181.275 by July 1, 2008. The department must also report by February 1, 2008, to the standing committees of the house of representatives and senate with jurisdiction over employment issues on the following:

(1) department procedures for hiring nurses. If hiring procedures vary by facility, the report must address procedures at each facility;

(2) procedures used at each facility for scheduling nurses;

(3) daily staffing levels at each facility including the ratio of supervisors to nurses at each facility;

(4) how the department determines the supervisor to nurse ratio at each facility;

(5) the department's average annual expenditures at each facility on pool nurses and nurse overtime; and

(6) the number of pool nurses employed each year at each facility.

Presented to the governor May 4, 2007

Signed by the governor May 8, 2007, 4:05 p.m.