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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 14

06/12/2020 Authored by Garofalo, Theis, Layman, Kresha, Scott and others
The bill was read for the first time and referred to the Committee on Labor

1.1 A bill for an act
1.2 relating to labor; amending grievance procedure for public employment contracts;
1.3 requiring rulemaking; amending Minnesota Statutes 2018, section 179A.20,
1.4 subdivision 4; repealing Minnesota Statutes 2018, section 179A.21.

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

1.6 Section 1. Minnesota Statutes 2018, section 179A.20, subdivision 4, is amended to read:

1.7 Subd. 4. Grievance procedure. (a) Notwithstanding any contrary provision of law,
1.8 home rule charter, ordinance, or resolution, all contracts negotiated on or after July 1, 2020,
1.9 must include a grievance procedure providing for provided by the Office of Administrative
1.10 Hearings for grievances and appeals, including all written disciplinary actions and termination
1.11 decisions. The chief administrative law judge must adopt rules establishing a procedure for
1.12 this purpose. Compulsory binding arbitration of grievances including all written disciplinary
1.13 actions and termination decisions shall be prohibited in all contracts negotiated on or after
1.14 July 1, 2020. If the parties cannot agree on the grievance procedure, they are subject to the
1.15 grievance procedure promulgated by the commissioner under section 179A.04, subdivision
1.16 3, clause (h) chief administrative law judge.

1.17 (b) Notwithstanding any home rule charter to the contrary, after the probationary period
1.18 of employment, any disciplinary action is subject to the grievance procedure ~~and compulsory~~
1.19 ~~binding arbitration~~ established under this section.

1.20 (c) Employees covered by civil service systems created under chapter 43A, 44, 375,
1.21 387, 419, or 420, by a home rule charter under chapter 410, or by Laws 1941, chapter 423,
1.22 ~~may~~ must pursue a grievance through the procedure established under this section. ~~When~~
1.23 ~~the grievance is also within the jurisdiction of appeals boards or appeals procedures created~~

2.1 ~~by Any contrary provision provided by chapter 43A, 44, 375, 387, 419, or 420, by a home~~
 2.2 ~~rule charter under chapter 410, or by Laws 1941, chapter 423, the employee may proceed~~
 2.3 ~~through the grievance procedure or the civil service appeals procedure, but once a written~~
 2.4 ~~grievance or appeal has been properly filed or submitted by the employee or on the~~
 2.5 ~~employee's behalf with the employee's consent the employee may not proceed in the~~
 2.6 ~~alternative manner or by any other law is nullified.~~

2.7 (d) ~~A teacher who elects a hearing before an arbitrator under section 122A.40, subdivision~~
 2.8 ~~15, or 122A.41, subdivision 13, or who elects or acquiesces to a hearing before the school~~
 2.9 ~~board may not later proceed in the alternative manner nor to challenge the a termination or~~
 2.10 ~~discharge must do so through a the grievance procedure required by this subdivision. Any~~
 2.11 ~~contrary provision provided by chapter 122A or by any other law is nullified.~~

2.12 (e) This section does not require employers or employee organizations to negotiate on
 2.13 matters other than terms and conditions of employment.

2.14 (f) The grievance procedure established under this section shall supersede any inconsistent
 2.15 provisions in chapters 179 and 179A or in Minnesota Rules, chapters 5500 to 5530, and
 2.16 chapters 7300 to 7325.

2.17 **EFFECTIVE DATE.** This section is effective July 1, 2020.

2.18 Sec. 2. **REVISOR INSTRUCTION.**

2.19 By January 15, 2021, the Bureau of Mediation Services, in consultation with the revisor
 2.20 of statutes, the Public Employment Relations Board, and representatives for affected civil
 2.21 service systems and teachers shall prepare legislation that:

2.22 (1) specifies any technical or conforming changes to Minnesota Statutes necessary to
 2.23 effectuate the modification of the grievance procedure in section 1; and

2.24 (2) provides for any transfer of duties necessary to effectuate the modification of the
 2.25 grievance procedure in section 1.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.27 Sec. 3. **REPEALER.**

2.28 Minnesota Statutes 2018, section 179A.21, is repealed.

2.29 **EFFECTIVE DATE.** This section is effective July 1, 2020.

179A.21 GRIEVANCE ARBITRATION.

Subdivision 1. **Definition.** For purposes of this section, "grievance" means a dispute or disagreement as to the interpretation or application of any term or terms of any contract required by section 179A.20.

Subd. 2. **Selection.** If the parties to a contract cannot agree upon an arbitrator or panel of arbitrators as provided by the contract grievance procedures or the procedures established by the commissioner, the parties shall alternately strike names from a list of arbitrators selected by the commissioner until only one name remains. This arbitrator shall decide the grievance and the decision is binding upon the parties. The parties shall share equally the costs and fees of the arbitrator.

Subd. 3. **Limits.** Arbitration decisions authorized or required by a grievance procedure are subject to the limitations contained in section 179A.16, subdivision 5. The arbitrator shall send the commissioner a copy of each grievance arbitration decision and any written explanation. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the commissioner.