

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1805

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DATE
03/06/2017

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to state government; classifying certain data of the Public Employment
1.3 Relations Board; exempting the Public Employment Relations Board from the
1.4 open meetings law in certain cases; amending Minnesota Statutes 2016, sections
1.5 13.43, subdivision 6; 13D.01, subdivision 2; proposing coding for new law in
1.6 Minnesota Statutes, chapter 13.

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

1.8 Section 1. Minnesota Statutes 2016, section 13.43, subdivision 6, is amended to read:

1.9 Subd. 6. **Access by labor organizations, Bureau of Mediation Services, and Public**
1.10 **Employment Relations Board.** Personnel data may be disseminated to labor organizations
1.11 and the Public Employment Relations Board to the extent that the responsible authority
1.12 determines that the dissemination is necessary to conduct elections, notify employees of
1.13 fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel
1.14 data shall be disseminated to labor organizations, the Public Employment Relations Board,
1.15 and to the Bureau of Mediation Services to the extent the dissemination is ordered or
1.16 authorized by the commissioner of the Bureau of Mediation Services or the Public
1.17 Employment Relations Board or its designee.

1.18 Sec. 2. **[13.7909] PUBLIC EMPLOYMENT RELATIONS BOARD DATA.**

1.19 Subdivision 1. **Definition.** For purposes of this section, "board" means the Public
1.20 Employment Relations Board.

1.21 Subd. 2. **Not public data.** (a) Except as provided in this subdivision, all data maintained
1.22 by the board about a charge or complaint of unfair labor practices and appeals of
1.23 determinations of the commissioner under section 179A.12, subdivision 11, are classified

as protected nonpublic data or confidential data and become public when admitted into evidence at a hearing conducted pursuant to section 179A.13. The data may be subject to a protective order as determined by the board or a hearing officer.

(b) Notwithstanding sections 13.43 and 181.932, the following data are public:

(1) the filing date of unfair labor practice charges;

(2) the status of unfair labor practice charges as an original or amended charge;

(3) the names and job classifications of charging parties and charged parties;

(4) the provisions of law alleged to have been violated in unfair labor practice charges;

(5) the complaint issued by the board and all data in the complaint;

(6) the full and complete record of an evidentiary hearing before a hearing officer, including the hearing transcript, exhibits admitted into evidence, and posthearing briefs, unless subject to a protective order;

(7) recommended decisions and orders of hearing officers pursuant to section 179A.13, subdivision 1, paragraph (i);

(8) exceptions to the hearing officer's recommended decision and order filed with the board pursuant to section 179A.13, subdivision 1, paragraph (k);

(9) briefs filed with the board; and

(10) decisions and orders issued by the board.

(c) Notwithstanding paragraph (a), individuals have access to their own statements provided to the board under paragraph (a).

(d) The board may make any data classified as protected nonpublic or confidential pursuant to this subdivision accessible to any person or party if the access will aid the implementation of chapters 179 and 179A or ensure due process protection of the parties.

Sec. 3. Minnesota Statutes 2016, section 13D.01, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** This chapter does not apply:

(1) to meetings of the commissioner of corrections;

(2) to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings;

(3) to meetings of the Public Employment Relations Board when it is deliberating on the merits of unfair labor practice charges under sections 179.11, 179.12, and 179A.13;

3.1 reviewing a recommended decision and order of a hearing officer under section 179A.13;
3.2 reviewing decisions of the commissioner of the Bureau of Mediation Services relating to
3.3 unfair labor practices under section 179A.12, subdivision 11; or exercising its hiring authority
3.4 under section 179A.041; or

3.5 ~~(3)~~ (4) as otherwise expressly provided by statute.

3.6 Sec. 4. **EFFECTIVE DATE.**

3.7 Sections 1 to 3 are effective July 1, 2017.