

## CHAPTER 179A

## PUBLIC EMPLOYMENT LABOR RELATIONS

|          |  |          |   |
|----------|--|----------|---|
| 179A.07  | Rights and obligations of employers.         | 179A.103 | General provisions for court employees. |
| 179A.10  | State units.                                 | 179A.15  | Mediation.                              |
| 179A.101 | Court units.                                 |          |   |
| 179A.102 | Transition to new bargaining unit structure. |          |   |

**179A.07 RIGHTS AND OBLIGATIONS OF EMPLOYERS.**

*[For text of subs 1 to 6, see M.S.2000]*

Subd. 7. [Repealed, 1Sp2001 c 10 art 2 s 102]

**179A.10 STATE UNITS.**

*[For text of subd 1, see M.S.2000]*

Subd. 2. **State employees.** Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units 12 and 16. The following are the appropriate units of executive branch state employees:

- (1) law enforcement unit;
- (2) craft, maintenance, and labor unit;
- (3) service unit;
- (4) health care nonprofessional unit;
- (5) health care professional unit;
- (6) clerical and office unit;
- (7) technical unit;
- (8) correctional guards unit;
- (9) state university instructional unit;
- (10) state college instructional unit;
- (11) state university administrative unit;
- (12) professional engineering unit;
- (13) health treatment unit;
- (14) general professional unit;
- (15) professional state residential instructional unit; and
- (16) supervisory employees unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to August 1, 1984, as required by law or as provided in subdivision 4.

*[For text of subs 3 and 4, see M.S.2000]*

**History:** 2001 c 133 s 2

**179A.101 COURT UNITS.**

Subdivision 1: **Court employee units.** (a) The state court administrator shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for court employees. Court employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Initial assignment of classifications to bargaining units shall be made by the state court administrator by August 15 of the year preceding the year in which the state

assumes the cost of court administration in the judicial district in which the bargaining unit is located. An exclusive representative may appeal the initial assignment decision of the state court administrator by filing a petition with the commissioner within 45 days of being certified as the exclusive representative for a judicial district. The units in this subdivision are the appropriate units of court employees.

(b) The judicial district unit consists of clerical, administrative, and technical employees of a judicial district under section 480.181, subdivision 1, paragraph (b), or of two or more of these districts that are represented by the same employee organization or one or more subordinate bodies of the same employee organization. The judicial district unit includes individuals, not otherwise excluded, whose work is typically clerical or secretarial in nature, including nontechnical data recording and retrieval and general office work, and individuals, not otherwise excluded, whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training.

(c) The appellate courts unit consists of clerical, administrative, and technical employees of the court of appeals and clerical, administrative, and technical employees of the supreme court. The appellate courts unit includes individuals, not otherwise excluded, whose work is typically clerical or secretarial in nature, including nontechnical data recording and retrieval and general office work, and individuals, not otherwise excluded, whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training.

(d) The court employees professional employee unit consists of professional employees, not otherwise excluded, that are employed by the supreme court, the court of appeals, or a judicial district under section 480.181, subdivision 1, paragraph (b).

(e) The court employees court reporter unit consists of court reporters not otherwise excluded who are employed by a judicial district under section 480.181, subdivision 1, paragraph (a).

(f) Notwithstanding any provision of this chapter or any other law to the contrary, judges may appoint and remove court reporters at their pleasure.

(g) Copies of collective bargaining agreements entered into under this section must be submitted to the legislative coordinating commission for the commission's information.

*[For text of subs 2 and 3, see M.S.2000]*

**History:** 1Sp2001 c 5 art 5 s 2

**NOTE:** The amendment to subdivision 1 by Laws 2001, First Special Session chapter 5, article 5, section 2, is effective July 1, 2003, in the second and fourth districts; July 1, 2004, in the first and third districts; and July 1, 2005, in the sixth and tenth districts. Laws 2001, First Special Session chapter 5, article 5, section 2, the effective date.

## 179A.102 TRANSITION TO NEW BARGAINING UNIT STRUCTURE.

*[For text of subs 1 to 5, see M.S.2000]*

Subd. 6. **Contract and representation responsibilities:** (a) Notwithstanding the provisions of section 179A.101, the exclusive representatives of units of court employees certified prior to the effective date of the judicial district coming under section 480.181, subdivision 1, paragraph (b), remain responsible for administration of their contracts and for other contractual duties and have the right to dues and fair share fee deduction and other contractual privileges and rights until a contract is agreed upon with the state court administrator for a new unit established under section 179A.101. Exclusive representatives of court employees certified after the effective date of Laws 1999, chapter 216, article 7, section 10, in the judicial district are immediately upon certification responsible for bargaining on behalf of employees within the unit. They are also responsible for administering grievances arising under previous contracts covering employees included within the unit which remain unresolved upon agreement with the state court administrator on a contract for a new unit established under section 179A.101. Where the employer does not object, these responsibilities may be

varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation begin on July 1 of the year in which the state assumes the funding of court administration in the judicial district, except that exclusive representatives certified after the effective date of Laws 1999, chapter 216, article 7, section 10, shall immediately, upon certification, have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract holder, including the rights in section 179A.07, subdivision 6. This section does not affect an existing collective bargaining contract. Incoming exclusive representatives of court employees from judicial districts that come under section 480.181, subdivision 1, paragraph (b), are immediately, upon certification, responsible for bargaining on behalf of all previously unrepresented employees assigned to their units. All other rights and duties of exclusive representatives begin on July 1 of the year in which the state assumes the funding of court administration in the judicial district.

(b) Nothing in Laws 2001, First Special Session chapter 5, or Laws 1999, chapter 216, article 7, sections 3 to 15, prevents an exclusive representative certified after the effective dates of those provisions from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 179A.101 if the employees were unrepresented for collective bargaining purposes before that certification.

**History:** *1Sp2001 c 5 art 5 s 3*

**NOTE:** The amendment to subdivision 6 by Laws 2001, First Special Session chapter 5, article 5, section 3, is effective July 1, 2003, in the second and fourth districts; July 1, 2004, in the first and third districts; and July 1, 2005, in the sixth and tenth districts. Laws 2001, First Special Session chapter 5, article 5, section 3, the effective date.

### 179A.103 GENERAL PROVISIONS FOR COURT EMPLOYEES.

Subdivision 1. **Contracts.** Contracts for the period commencing July 1 of the year in which the state assumes the cost of court administration in the judicial district for the judicial district court employees must be negotiated with the state court administrator. Negotiations for those contracts may begin any time after July 1 of the year before the state assumes the cost, and may be initiated by either party notifying the other of the desire to begin the negotiating process. Negotiations are subject to this chapter.

*[For text of subs 2 to 4, see M.S.2000]*

**History:** *1Sp2001 c 5 art 5 s 4*

**NOTE:** The amendment to subdivision 1 by Laws 2001, First Special Session chapter 5, article 5, section 4, is effective July 1, 2003, in the second and fourth districts; July 1, 2004, in the first and third districts; and July 1, 2005, in the sixth and tenth districts. Laws 2001, First Special Session chapter 5, article 5, section 4, the effective date.

### 179A.15 MEDIATION.

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the commissioner for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be served on the commissioner in writing. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition and upon concluding that mediation would be useful, the commissioner shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

If the commissioner determines that mediation would be useful in resolving a dispute, the commissioner may mediate the dispute even if neither party has filed a petition for mediation. In these cases, the commissioner shall proceed as if a petition had been filed.

The commissioner shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the commissioner for conferences and shall continue in conference until excused by the commissioner.

**History:** *1Sp2001 c 10 art 2 s 61*