

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2306

02/15/2012 Authored by Drazkowski

The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act  
1.2 relating to labor relations; providing for access to labor organization membership  
1.3 information; clarifying fair share fee challenges; modifying independent review  
1.4 of grievances; amending Minnesota Statutes 2010, sections 179.16, by adding  
1.5 subdivisions; 179A.06, subdivision 3; 179A.12, by adding subdivisions;  
1.6 179A.25; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

1.8 Section 1. Minnesota Statutes 2010, section 179.16, is amended by adding a  
1.9 subdivision to read:

1.10 Subd. 2a. **Certification; conditions.** To be certified as the exclusive representative  
1.11 by the commissioner under subdivision 2, a labor organization's bylaws must be approved  
1.12 or amended by a majority of members of the labor organization in a secret ballot vote. No  
1.13 member may delegate a vote by proxy or any other manner.

1.14 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
1.15 and applies to certifications on or after that date.

1.16 Sec. 2. Minnesota Statutes 2010, section 179.16, is amended by adding a subdivision  
1.17 to read:

1.18 Subd. 2b. **Recertification.** Once every three years, the commissioner must verify  
1.19 that an organization certified under subdivision 2 or 2a continues to meet the requirements  
1.20 for certification.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
1.22 and applies to certifications on or after that date. For organizations certified prior to the

2.1 effective date of this section, the commissioner must recertify the organization within  
 2.2 three years from the date of enactment.

2.3 Sec. 3. Minnesota Statutes 2010, section 179A.06, subdivision 3, is amended to read:

2.4 Subd. 3. **Fair share fee.** An exclusive representative may require employees who  
 2.5 are not members of the exclusive representative to contribute a fair share fee for services  
 2.6 rendered by the exclusive representative. The fair share fee must be equal to the regular  
 2.7 membership dues of the exclusive representative, less the cost of benefits financed through  
 2.8 the dues and available only to members of the exclusive representative. In no event may  
 2.9 the fair share fee exceed 85 percent of the regular membership dues. The exclusive  
 2.10 representative shall provide advance written notice of the amount of the fair share fee to  
 2.11 the employer and to unit employees who will be assessed the fee. The employer shall  
 2.12 provide the exclusive representative with a list of all unit employees.

2.13 A challenge by an employee or by a person aggrieved by the fee must be filed in  
 2.14 writing with the commissioner, the public employer, and the exclusive representative  
 2.15 within 30 days after receipt of the written notice. All challenges must specify those  
 2.16 portions of the fee challenged and the reasons for the challenge. The burden of proof  
 2.17 relating to the amount of the fair share fee is on the exclusive representative. The  
 2.18 commissioner shall hear and decide all issues in these challenges.

2.19 ~~The employer shall deduct the fee from the earnings of the employee and transmit~~  
 2.20 ~~the fee to the exclusive representative 30 days after the written notice was provided. If~~  
 2.21 ~~a challenge is filed, the deductions for a fair share fee must be held in escrow by the~~  
 2.22 ~~employer pending a decision by the commissioner.~~

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

2.24 Sec. 4. Minnesota Statutes 2010, section 179A.12, is amended by adding a subdivision  
 2.25 to read:

2.26 Subd. 10a. **Certification; conditions.** To be certified as the exclusive representative  
 2.27 by the commissioner under subdivision 10, an employee organization's bylaws must be  
 2.28 approved or amended by a majority of members of the employee organization in a secret  
 2.29 ballot vote. No member may delegate a vote by proxy or any other manner.

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
 2.31 and applies to certifications on or after that date.

3.1 Sec. 5. Minnesota Statutes 2010, section 179A.12, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 10b. **Recertification.** Once every three years, the commissioner must  
3.4 verify that an organization certified under subdivision 10 or 10a continues to meet the  
3.5 requirements for certification.

3.6 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
3.7 and applies to certifications on or after that date. For organizations certified prior to the  
3.8 effective date of this section, the commissioner must recertify the organization within  
3.9 three years from the date of enactment.

3.10 Sec. 6. **[179A.121] ELECTIONS; ACCESS TO INFORMATION.**

3.11 An employee organization shall upon request, provide to any person eligible to  
3.12 vote in an election under this chapter, the names and contact information of all members  
3.13 eligible to vote in the election.

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

3.15 Sec. 7. Minnesota Statutes 2010, section 179A.25, is amended to read:

3.16 **179A.25 INDEPENDENT REVIEW.**

3.17 It is the public policy of the state of Minnesota that every public employee should  
3.18 be provided with the right of independent review, by a disinterested person or agency, of  
3.19 any grievance arising out of the interpretation of or adherence to terms and conditions  
3.20 of employment. When such review is not provided under statutory, charter, or ordinance  
3.21 provisions for a civil service or merit system, the governmental agency may provide for  
3.22 such review consistent with the provisions of law or charter. If no other procedure exists  
3.23 for the independent review of such grievances, the employee may present the grievance  
3.24 to the commissioner under procedures established by the commissioner. Results and  
3.25 findings of the independent review shall be posted on the Web site of the Bureau of  
3.26 Mediation Services or its successor, within 60 days of issuance. For the purposes of this  
3.27 section, a grievance arising out of the interpretation or adherence to terms and conditions  
3.28 of employment includes grievances a member of a labor organization may have against  
3.29 the labor organization or the employer.

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