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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2070

02/01/2012 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 public employment labor relations; prohibiting the use of state funds  
1.3 to collect union dues or fair share fees; prohibiting automatic deductions from  
1.4 employees' earnings for union dues or fair share fees; amending Minnesota  
1.5 Statutes 2010, sections 16A.133, subdivision 1; 179A.06, subdivisions 3, 6;  
1.6 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 16A.133, subdivision 1, is amended to  
1.9 read:

1.10 Subdivision 1. **Payroll direct deposit and deductions.** An agency head in the  
1.11 executive, judicial, and legislative branch shall, upon written request signed by an  
1.12 employee, directly deposit all or part of an employee's pay to those credit unions or  
1.13 financial institutions, as defined in section 47.015, designated by the employee.

1.14 An agency head must, upon written request of an employee, deduct from the pay of  
1.15 the employee a requested amount to be paid to the Minnesota Benefit Association, ~~or to~~  
1.16 ~~any organizations contemplated by section 179A.06,~~ of which the employee is a member.

1.17 Sec. 2. Minnesota Statutes 2010, section 179A.06, subdivision 3, is amended to read:

1.18 Subd. 3. **Fair share fee.** An exclusive representative may require employees who  
1.19 are not members of the exclusive representative to contribute a fair share fee for services  
1.20 rendered by the exclusive representative. The fair share fee must be equal to the regular  
1.21 membership dues of the exclusive representative, less the cost of benefits financed through  
1.22 the dues and available only to members of the exclusive representative. In no event may  
1.23 the fair share fee exceed 85 percent of the regular membership dues. The exclusive  
1.24 representative shall provide advance written notice of the amount of the fair share fee to

2.1 the employer and to unit employees who will be assessed the fee. The employer shall  
 2.2 provide the exclusive representative with a list of all unit employees.

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

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

2.13 Sec. 3. Minnesota Statutes 2010, section 179A.06, subdivision 6, is amended to read:

2.14 Subd. 6. **Dues check off.** Public employees do not have the right to ~~request and~~  
 2.15 ~~be allowed dues check off for the~~ have payments made to their exclusive representative  
 2.16 through an automatic deduction from their earnings. In the absence of an exclusive  
 2.17 representative, public employees do not have the right to ~~request and be allowed dues~~  
 2.18 ~~check off for~~ have payments made to the organization of their choice through an automatic  
 2.19 deduction from their earnings.

2.20 Sec. 4. **[179A.075] PAYMENT OF UNION DUES AND FAIR SHARE FEES.**

2.21 No public funds or resources shall be expended to collect dues for any exclusive  
 2.22 representative or other employee organization. Employers shall not automatically deduct  
 2.23 union dues or fair share fees from the earnings of public employees. Employers shall  
 2.24 not pay union dues or fair share fees to an exclusive representative or other employee  
 2.25 organization on behalf of an employee.