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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4508

03/04/2024 Authored by Jordan, Frazier, Berg, Virnig, Noor and others
The bill was read for the first time and referred to the Committee on Labor and Industry Finance and Policy

1.1 A bill for an act
1.2 relating to labor; amending the definition of public employee; modifying bargaining
1.3 units for university of Minnesota employees; amending Minnesota Statutes 2022,
1.4 section 179A.11, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes
1.5 2023 Supplement, section 179A.03, subdivision 14.

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

1.7 Section 1. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is
1.8 amended to read:

1.9 Subd. 14. Public employee or employee. (a) "Public employee" or "employee" means
1.10 any person appointed or employed by a public employer except:

1.11 (1) elected public officials;

1.12 (2) election officers;

1.13 (3) commissioned or enlisted personnel of the Minnesota National Guard;

1.14 (4) emergency employees who are employed for emergency work caused by natural
1.15 disaster;

1.16 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
1.17 or 35 percent of the normal work week in the employee's appropriate unit;

1.18 (6) employees whose positions are basically temporary or seasonal in character and: (i)
1.19 are not for more than 67 working days in any calendar year; or (ii) are not working for a
1.20 Minnesota school district or charter school; or (iii) are not for more than 100 working days
1.21 in any calendar year and the employees are under the age of 22, are full-time students
1.22 enrolled in a nonprofit or public educational institution prior to being hired by the employer,

2.1 ~~and have indicated, either in an application for employment or by being enrolled at an~~
 2.2 ~~educational institution for the next academic year or term, an intention to continue as students~~
 2.3 ~~during or after their temporary employment;~~

2.4 (7) employees providing services for not more than two consecutive quarters to the
 2.5 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
 2.6 professional or technical services contract as defined in section 16C.08, subdivision 1;

2.7 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
 2.8 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
 2.9 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

2.10 ~~(9) full-time undergraduate students employed by the school which they attend under a~~
 2.11 ~~work-study program or in connection with the receipt of financial aid, irrespective of number~~
 2.12 ~~of hours of service per week;~~

2.13 ~~(10)~~ (9) an individual who is employed for less than 300 hours in a fiscal year as an
 2.14 instructor in an adult vocational education program;

2.15 ~~(11)~~ (10) with respect to court employees:

2.16 (i) personal secretaries to judges;

2.17 (ii) law clerks;

2.18 (iii) managerial employees;

2.19 (iv) confidential employees; and

2.20 (v) supervisory employees; or

2.21 ~~(12)~~ (11) with respect to employees of Hennepin Healthcare System, Inc., managerial,
 2.22 supervisory, and confidential employees.

2.23 (b) The following individuals are public employees regardless of the exclusions of
 2.24 paragraph (a), clauses (5) to (7):

2.25 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
 2.26 State Colleges and Universities except at the university established in the Twin Cities
 2.27 metropolitan area under section 136F.10 or for community services or community education
 2.28 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
 2.29 who is a public employee, where the replacement employee is employed more than 30
 2.30 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
 2.31 position created due to increased enrollment, curriculum expansion, courses which are a
 2.32 part of the curriculum whether offered annually or not, or other appropriate reasons;

3.1 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
 3.2 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
 3.3 year and the cumulative number of days worked in that same position by all employees
 3.4 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
 3.5 includes a substantially equivalent position if it is not the same position solely due to a
 3.6 change in the classification or title of the position;

3.7 (3) an early childhood family education teacher employed by a school district; ~~and~~

3.8 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
 3.9 Universities or the University of Minnesota as the instructor of record to teach (i) one class
 3.10 for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a
 3.11 fiscal year; and

3.12 (5) an individual who: (i) is paid by the Board of Regents of the University of Minnesota
 3.13 for work performed at the direction of the university or any of its employees or contractors;
 3.14 and (ii) is enrolled in three or more university credit-bearing classes or one semester as a
 3.15 full-time student or post-doctoral fellow during the fiscal year in which the work is
 3.16 performed. For purposes of this section, work paid by the university includes but is not
 3.17 limited to work that is required as a condition of receiving a stipend or tuition benefit,
 3.18 whether or not the individual also receives educational benefit from performing that work.
 3.19 Individuals who perform supervisory functions in regard to any of the aforementioned
 3.20 workers are not considered supervisory employees for the purpose of section 179A.06,
 3.21 subdivision 2.

3.22 Sec. 2. Minnesota Statutes 2022, section 179A.11, subdivision 1, is amended to read:

3.23 Subdivision 1. **Units.** (a) The following are ~~the~~ appropriate units of University of
 3.24 Minnesota employees. All units shall exclude managerial and confidential employees.
 3.25 ~~Supervisory employees shall only be assigned to unit 13. No additional units of University~~
 3.26 ~~of Minnesota employees shall be recognized for the purpose of meeting and negotiating.~~

3.27 (1) The Law Enforcement Unit ~~consists of~~ includes the positions of all employees with
 3.28 the power of arrest.

3.29 (2) The Craft and Trades Unit ~~consists of~~ includes the positions of all employees whose
 3.30 work requires specialized manual skills and knowledge acquired through formal training
 3.31 or apprenticeship or equivalent on-the-job training or experience.

4.1 (3) The Service, Maintenance, and Labor Unit ~~consists of~~ includes the positions of all
4.2 employees whose work is typically that of maintenance, service, or labor and which does
4.3 not require extensive previous training or experience, except as provided in unit 4.

4.4 (4) The Health Care Nonprofessional and Service Unit ~~consists of~~ includes the positions
4.5 of all nonprofessional employees of the University of Minnesota hospitals, dental school,
4.6 and health service whose work is unique to those settings, excluding labor and maintenance
4.7 employees as defined in unit 3.

4.8 (5) The Nursing Professional Unit ~~consists of~~ includes all positions which are required
4.9 to be filled by registered nurses.

4.10 (6) The Clerical and Office Unit ~~consists of~~ includes the positions of all employees
4.11 whose work is typically clerical or secretarial, including nontechnical data recording and
4.12 retrieval and general office work, except as provided in unit 4.

4.13 (7) The Technical Unit ~~consists of~~ includes the positions of all employees whose work
4.14 is not typically manual and which requires specialized knowledge or skills acquired through
4.15 two-year academic programs or equivalent experience or on-the-job training, except as
4.16 provided in unit 4.

4.17 ~~(8) The Twin Cities Instructional Unit consists of the positions of all instructional~~
4.18 ~~employees with the rank of professor, associate professor, assistant professor, including~~
4.19 ~~research associate or instructor, including research fellow, located on the Twin Cities~~
4.20 ~~campuses.~~

4.21 ~~(9)~~ (8) The Outstate Instructional Unit ~~consists of~~ includes the positions of all instructional
4.22 employees with the rank of professor, associate professor, assistant professor, including
4.23 research associate or instructor, including research fellow, located at the Duluth campus,
4.24 provided that the positions of instructional employees of the same ranks at the Morris,
4.25 Crookston, or ~~Waseca~~ Rochester campuses shall be included within this unit if a majority
4.26 of the eligible employees voting at a campus so vote during an election conducted by the
4.27 commissioner, provided that the election or majority verification procedure shall not be
4.28 held until the Duluth campus has voted in favor of representation. The election shall be held
4.29 or majority verification procedure shall take place when an employee organization or group
4.30 of employees petitions the commissioner stating that a majority of the eligible employees
4.31 at one of these campuses wishes to join the unit and this petition is supported by a showing
4.32 of at least 30 percent support from eligible employees at that campus and is filed between
4.33 September 1 and November 1.

5.1 ~~Should both units 8 and 9 elect exclusive bargaining representatives, those representatives~~
 5.2 ~~may by mutual agreement jointly negotiate a contract with the regents, or may negotiate~~
 5.3 ~~separate contracts with the regents. If the exclusive bargaining representatives jointly~~
 5.4 ~~negotiate a contract with the regents, the contract shall be ratified by each unit. For the~~
 5.5 ~~purposes of this section, "instructional employees" shall include all individuals who spend~~
 5.6 ~~35 percent or more of their work time creating, delivering, and assessing the mastery of~~
 5.7 ~~credit-bearing coursework.~~

5.8 (10) The Graduate Assistant Unit ~~consists of~~ includes the positions of all graduate
 5.9 assistants who are enrolled in the graduate school and who hold the rank of research assistant,
 5.10 teaching assistant, teaching associate I or II, project assistant, graduate school fellow,
 5.11 graduate school trainee, professional school fellow, professional school trainee, or
 5.12 administrative fellow I or II. None of the listed ranks refer to ranks under the job category
 5.13 of professionals-in-training.

5.14 (11) ~~The Academic Professional and Administrative Staff Unit consists of all academic~~
 5.15 ~~professional and administrative staff positions that are not defined as included in an~~
 5.16 ~~instructional unit, the supervisory unit, the clerical unit, or the technical unit.~~

5.17 (12) ~~The Noninstructional Professional Unit consists of the positions of all employees~~
 5.18 ~~meeting the requirements of section 179A.03, subdivision 13, clause (1) or (2), which are~~
 5.19 ~~not defined as included within an instructional unit, the Academic Professional and~~
 5.20 ~~Administrative Staff Unit, or the supervisory unit.~~

5.21 (13) ~~The Supervisory Employees Unit consists of the positions of all supervisory~~
 5.22 ~~employees.~~

5.23 (b) All University of Minnesota employees whose positions are not within an enumerated
 5.24 bargaining unit in this subdivision may organize in the manner set forth in section 179A.09,
 5.25 and the commissioner must place special weight on the desires of the petitioning employee
 5.26 representatives.

5.27 Sec. 3. Minnesota Statutes 2022, section 179A.11, subdivision 2, is amended to read:

5.28 Subd. 2. **University of Minnesota employee severance.** (a) Each of the following
 5.29 groups of University of Minnesota employees has the right, as specified in this subdivision,
 5.30 to separate from the instructional and supervisory units: (1) health sciences instructional
 5.31 employees at all campuses with the rank of professor, associate professor, assistant professor,
 5.32 including research associate, or instructor, including research fellow, (2) instructional
 5.33 employees of the law school with the rank of professor, associate professor, assistant

6.1 professor, including research associate, or instructor, including research fellow, (3)
 6.2 instructional supervisors, (4) noninstructional professional supervisors, and (5) academic
 6.3 professional and administrative staff supervisors.

6.4 ~~This~~ (b) The right to separate may be exercised:

6.5 (1) by petition between September 1 and November 1. If a group separates from its unit,
 6.6 it has no right to meet and negotiate, but retains the right to meet and confer with the
 6.7 appropriate officials on any matter of concern to the group. The right to separate must be
 6.8 exercised as follows: An employee organization or group of employees claiming that a
 6.9 majority of any one of these groups of employees on a statewide basis wish to separate from
 6.10 their unit may petition the commissioner for an election during the petitioning period. If the
 6.11 petition is supported by a showing of at least 30 percent support from the employees, the
 6.12 commissioner ~~shall~~ may hold an election on the separation issue or the petitioning group
 6.13 may proceed under the process set forth in section 179A.12. This election must be conducted
 6.14 within 30 days of the close of the petition period. If a majority of votes cast endorse severance
 6.15 from their unit, the commissioner shall certify that result; or

6.16 (2) by the group's exclusion from a proposed unit in a representation petition.

6.17 (c) Where not inconsistent with other provisions of this section, the election is governed
 6.18 by section 179A.12. If a group of employees severs, it may rejoin that unit by following the
 6.19 procedures for severance during the periods for severance.

6.20 Sec. 4. Minnesota Statutes 2022, section 179A.11, is amended by adding a subdivision to
 6.21 read:

6.22 Subd. 3. **Joint bargaining.** Units organized under this section that have elected exclusive
 6.23 bargaining representatives may by mutual agreement jointly negotiate a contract with the
 6.24 regents, or may negotiate separate contracts with the regents. If the exclusive bargaining
 6.25 representatives jointly negotiate a contract with the regents, the contract must be ratified
 6.26 by each unit.