

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**

**S.F. No. 208**

(SENATE AUTHORS: HANN, Nienow and Olson)

DATE	D-PG	OFFICIAL STATUS
02/02/2011	159	Introduction and first reading Referred to State Government Innovation and Veterans
03/16/2011	513a 514	Comm report: To pass as amended and re-refer to Education Rule 12.10: report of votes in committee

1.1 A bill for an act

1.2 relating to education; identifying a process for negotiating teacher employment  
1.3 contracts; amending Minnesota Statutes 2010, sections 179A.16, subdivision 1;  
179A.18, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes,  
chapter 179A; repealing Minnesota Statutes 2010, sections 123B.05; 179A.18,  
subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2010, section 179A.16, subdivision 1, is amended to  
1.9 read:

1.10 Subdivision 1. **Nonessential employees.** An exclusive representative or an  
1.11 employer of a unit of employees other than essential employees or teachers may request  
1.12 interest arbitration by providing written notice of the request to the other party and the  
1.13 commissioner. The written request for arbitration must specify the items to be submitted to  
1.14 arbitration and whether conventional, final-offer total-package, or final-offer item-by-item  
1.15 arbitration is contemplated by the request.

1.16 The items to be submitted to arbitration and the form of arbitration to be used are  
1.17 subject to mutual agreement. If an agreement to arbitrate is reached, it must be reduced to  
1.18 writing and a copy of the agreement filed with the commissioner. A failure to respond, or  
1.19 to reach agreement on the items or form of arbitration, within 15 days of receipt of the  
1.20 request to arbitrate constitutes a rejection of the request.

1.21 Sec. 2. **[179A.175] TEACHER CONTRACTS.**

1.22 Notwithstanding section 179A.16 and other law to the contrary, a school board and  
1.23 the exclusive representative of the teachers may meet and negotiate and enter into an  
1.24 employment contract only during the three-month period preceding September 1 when

**S.F. No. 208, as introduced - 87th Legislative Session (2011-2012) [11-1269]**

2.1 school is not in session. If the school board and the exclusive representative fail to reach a  
2.2 certified written agreement by September 1 in the odd-numbered year, the negotiations  
2.3 must be suspended until the next even-numbered calendar year and resume during the  
2.4 three-month period preceding September 1 when school is again not in session. During  
2.5 the time the negotiations are suspended, employee compensation must be according to  
2.6 the terms of the collective bargaining agreement in effect in the preceding collective  
2.7 bargaining cycle. If agreement is not reached during the three-month period in the  
2.8 even-numbered year, the school board may either:

- 2.9 (1) require the matter to be determined by an arbitrator selected by the Bureau of  
2.10 Mediation Services based on a final offer total package from each party; or  
2.11 (2) unilaterally implement the items contained in the board's final offer.

2.12 Sec. 3. Minnesota Statutes 2010, section 179A.18, subdivision 1, is amended to read:

2.13 Subdivision 1. **When authorized.** Essential employees and teachers may not strike.  
2.14 Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other  
2.15 public employees may strike only under the following circumstances:

2.16 (1)(i) the collective bargaining agreement between their exclusive representative and  
2.17 their employer has expired or, if there is no agreement, impasse under section 179A.17,  
2.18 subdivision 2, has occurred; and

2.19 (ii) the exclusive representative and the employer have participated in mediation  
2.20 over a period of at least 45 days, provided that the mediation period established by section  
2.21 179A.17, subdivision 2, governs negotiations under that section, and provided that for the  
2.22 purposes of this subclause the mediation period commences on the day following receipt  
2.23 by the commissioner of a request for mediation; or

2.24 (2) the employer violates section 179A.13, subdivision 2, clause (9); or

2.25 (3) in the case of state employees, (i) the Legislative Coordinating Commission has  
2.26 rejected a negotiated agreement or arbitration decision during a legislative interim; or (ii)  
2.27 the entire legislature rejects or fails to ratify a negotiated agreement or arbitration decision,  
2.28 which has been approved during a legislative interim by the Legislative Coordinating  
2.29 Commission, at a special legislative session called to consider it, or at its next regular  
2.30 legislative session, whichever occurs first.

2.31 Sec. 4. Minnesota Statutes 2010, section 179A.18, subdivision 3, is amended to read:

2.32 Subd. 3. **Notice.** In addition to the other requirements of this section, no employee  
2.33 may strike unless written notification of intent to strike is served on the employer and the  
2.34 commissioner by the exclusive representative at least ten days prior to the commencement

**S.F. No. 208, as introduced - 87th Legislative Session (2011-2012) [11-1269]**

3.1 of the strike. For all employees ~~other than teachers~~, if more than 30 days have expired  
3.2 after service of a notification of intent to strike, no strike may commence until ten days  
3.3 after service of a new written notification. ~~For teachers, no strike may commence more~~  
3.4 ~~than 25 days after service of notification of intent to strike unless, before the end of the~~  
3.5 ~~25-day period, the exclusive representative and the employer agree that the period during~~  
3.6 ~~which a strike may commence shall be extended for an additional period not to exceed five~~  
3.7 ~~days. Teachers are limited to one notice of intent to strike for each contract negotiation~~  
3.8 ~~period, provided, however, that a strike notice may be renewed for an additional ten days,~~  
3.9 ~~the first five of which shall be a notice period during which no strike may occur, if the~~  
3.10 ~~following conditions have been satisfied:~~

3.11 ~~(1) an original notice was provided pursuant to this section; and~~

3.12 ~~(2) a tentative agreement to resolve the dispute was reached during the original~~  
3.13 ~~strike notice period; and~~

3.14 ~~(3) such tentative agreement was rejected by either party during or after the original~~  
3.15 ~~strike notice period.~~

3.16 The first day of the renewed strike notice period shall commence on the day following  
3.17 the expiration of the previous strike notice period or the day following the rejection  
3.18 of the tentative agreement, whichever is later. Notification of intent to strike under  
3.19 subdivisions 1, clause (1); and 2, clause (1), may not be served until the collective  
3.20 bargaining agreement has expired, or if there is no agreement, on or after the date impasse  
3.21 under section 179A.17 has occurred.

3.22 **Sec. 5. REPEALER.**

3.23 Minnesota Statutes 2010, sections 123B.05; and 179A.18, subdivision 2, are  
3.24 repealed.

3.25 **Sec. 6. EFFECTIVE DATE.**

3.26 Sections 1 to 5 are effective beginning July 1, 2013, and apply to all teacher  
3.27 collective bargaining agreements entered into or modified after that date.