

Subject Public labor relations

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### Overview

This bill modifies public labor provisions under the Public Employment Labor Relations Act (PELRA) and Minnesota Government Data Practices Act (MGDPA).

## Summary

Section	Description
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| 1 | <p><b>Access by labor organizations.</b></p> <p>Amends the MGDPA to provide labor organizations with access to personnel data as needed to conduct elections, notify employees of fair share fees, and implement labor and public labor statutes. Personnel data is data on individual employees and applicants of government entities. Most personnel data is considered private unless made public under the MGDPA.</p>   |
| 2 | <p><b>Public employee or employee.</b></p> <p>Makes (1) part-time employees and (2) temporary or seasonal employees working for a Minnesota school district or charter school “public employees” and “employees” under PELRA. PELRA grants public employees the right to unionize and bargain collectively, sets criteria for bargaining units, and provides rules and procedures for collective bargaining, grievances, and impasses between public employers and representatives of public employees.</p> |
| 3 | <p><b>Terms and conditions of employment.</b></p> <p>Adds class sizes, student testing, and student to personnel ratios in Minnesota school districts to the mandatory terms of collective bargaining under PELRA. Requires school districts and union representatives of school district public employees to meet and negotiate over these terms. Also applies to charter school class sizes.</p>  |
| 4 | <p><b>Liability.</b></p> <p>Provides a complete defense to fair share fee challenges for fees permitted under state law to be paid as a condition of public employment prior to the <i>Janus v. AFSCME</i> decision on June 27, 2018. Applies to pending claims and future actions</p>  |

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challenging the deduction, receipt, retention, or requirement of fair share fees from public employees prior to June 27, 2018. Finds that public employers and organizations are not liable for refunds of fair share fees required as a condition of public employment pre-*Janus*. A fair share or agency fee is the amount paid by non-union members of a bargaining unit to cover the union's services and costs of representing them. In *Janus*, the U.S. Supreme Court ruled that fair share fees could not be charged to non-consenting public sector employees.

5 **Access.**

Requires public employers to provide union representatives with access to bargaining unit members at work, including meetings with members before, during, or after the work day or on break times, depending on the topic, and 30-minute meetings with newly hired employees. Also gives union representatives the right to use government facilities and e-mail systems for bargaining unit communications and meetings; investigations into grievances and workplace issues; administration of collective negotiations; and internal union matters. Meetings cannot interfere with government operations or promote partisan activity and associated costs may be charged to the union representative organization.

6 **Bargaining unit information.**

Requires public employers to provide union representatives the contact information for newly hired employees within ten days of hire and represented employees every 120 days. Information includes: name; job title; date of hire; home and work addresses; home, work, and cell numbers; and personal and work email addresses.

7 **Witnesses; subpoenas; depositions; discovery.**

Allows an arbitrator to protect disclosure of nonpublic or private data during arbitration proceedings. Nonpublic data under the MGDPA is data on a business or entity only available to the subject or with the subject's consent. Private data under the MGDPA includes personnel data such as an employee's personal contact information or date of birth.



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