

WRITTEN TESTIMONY OF MATT EHLING
MINNESOTA COALITION ON GOVERNMENT INFORMATION (MNCOGI)
In Support of HF 52/“Complaint Status” provision of HF 76 (Special Session)
House Judiciary Committee, June 15, 2020

MNCOGI thanks Representatives Her for bringing forward the change to the complaint data provisions of the “personnel data” section of Chapter 13 (Minn. Stat. § 13.43) contained in HF 52. (That change is also incorporated into lines 4.23 - 7.7 of HF 76, authored by Representative Mariani, which is before the committee today).

Minn. Stat. § 13.43 governs the classification of “personnel data” pertaining to all government employees, and specifies which data is “public” and which is “private” (or “not public”). Minn. Stat. § 13.43 classifies most personnel data on government employees as “private,” with the exception of specific data set out in § 13.43 subd. 2(a), such as: “the existence and status of any complaint or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.”

Paragraph (g) of the bill language clarifies that the “status” of a complaint made about a peace officer includes “the fact that a peace officer has been suspended with pay, suspended without pay, placed on administrative leave, or terminated or otherwise separated from employment with a right to appeal the decision or elect arbitration.”

The bill language provides more standardization about which information constitutes public “complaints status” data, and thus ensures public access to that information. Police agencies have sometimes differed by jurisdiction in how they present public “status” data about complaints, and the bill language provides standardized criteria to make such data more uniform across agencies. MNCOGI supports this statutory change, since it enhances public review of a key government function - in this case, police work.

In the interest of statutory uniformity, MNCOGI would recommend extending the same clarification about “complaint status” data to all other employees who are covered by Minn. Stat. § 13.43. Since its adoption in the early 1980s, the provisions of the “personnel data” section have largely applied to government employees in the same way,* and MNCOGI believes that a change made to the “complaint status” definition of § 13.43 subd. 2(a) should apply to all other employees subject to that statute. Thus, MNCOGI urges the legislature to apply this definitional change uniformly across Chapter 13’s personnel data section at some point. However, if such a change is not enacted through HF 76, MNCOGI still considers the bill’s existing “complaint status” language to be a positive step forward for government transparency.

*(NOTE - Under the current statute, government employees are treated similarly in regard to how their personnel data is classified by the current statute, unless those employees are considered to be “public officials” under Minn. Stat. § 13.43 subd. 2(e). If an employee is considered to be a “public official,” then a greater amount of complaint-related data may be released about them. Public personnel data about government employees who are not “public officials” is set out in the list at Minn. Stat. § 13.43 subd. 2(a).)