

1.1 moves to amend H.F. No. 3014, the first engrossment, as follows:

1.2 Page 1, after line 11, insert:

1.3 "Sec. 2. Minnesota Statutes 2012, section 179A.03, subdivision 14, is amended to read:

1.4 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee"

1.5 means any person appointed or employed by a public employer except:

1.6 (1) elected public officials;

1.7 (2) election officers;

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

1.9 (4) emergency employees who are employed for emergency work caused by natural
1.10 disaster;

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

1.13 (6) employees whose positions are basically temporary or seasonal in character and:

1.14 (i) are not for more than 67 working days in any calendar year; or (ii) are not for more
1.15 than 100 working days in any calendar year and the employees are under the age of 22, are
1.16 full-time students enrolled in a nonprofit or public educational institution prior to being
1.17 hired by the employer, and have indicated, either in an application for employment or by
1.18 being enrolled at an educational institution for the next academic year or term, an intention
1.19 to continue as students during or after their temporary employment;

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

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

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

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

2.6 (11) an individual hired by the Board of Trustees of the Minnesota State Colleges
2.7 and Universities to teach one course for three or fewer credits for one semester in a year;

2.8 (12) with respect to court employees:

2.9 (i) personal secretaries to judges;

2.10 (ii) law clerks;

2.11 (iii) managerial employees;

2.12 (iv) confidential employees; and

2.13 (v) supervisory employees;

2.14 (13) with respect to employees of Hennepin Healthcare System, Inc., managerial,
2.15 supervisory, and confidential employees.

2.16 (b) The following individuals are public employees regardless of the exclusions of
2.17 paragraph (a), clauses (5) and (6):

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

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

2.32 (3) an early childhood family education teacher employed by a school district.

2.33 Sec. 3. Minnesota Statutes 2012, section 179A.03, subdivision 15, is amended to read:

2.34 Subd. 15. **Public employer or employer.** (a) "Public employer" or "employer"
2.35 means:

3.1 (1) the state of Minnesota for employees of the state not otherwise provided for in
3.2 this subdivision or section 179A.10 for executive branch employees;

3.3 (2) the Board of Regents of the University of Minnesota for its employees;

3.4 (3) the state court administrator for court employees;

3.5 (4) the state Board of Public Defense for its employees;

3.6 (5) Hennepin Healthcare System, Inc.; and

3.7 (6) notwithstanding any other law to the contrary, the governing body of a political
3.8 subdivision or its agency or instrumentality which has final budgetary approval authority
3.9 for its employees. However, the views of elected appointing authorities who have
3.10 standing to initiate interest arbitration, and who are responsible for the selection, direction,
3.11 discipline, and discharge of individual employees shall be considered by the employer in
3.12 the course of the discharge of rights and duties under sections 179A.01 to 179A.25.

3.13 (b) When two or more units of government subject to sections 179A.01 to 179A.25
3.14 undertake a project or form a new agency under law authorizing common or joint action,
3.15 the employer is the governing person or board of the created agency. The governing
3.16 official or body of the cooperating governmental units shall be bound by an agreement
3.17 entered into by the created agency according to sections 179A.01 to 179A.25.

3.18 (c) "Public employer" or "employer" does not include a "charitable hospital" as
3.19 defined in section 179.35, subdivision 2, except that a charitable hospital as defined by
3.20 section 179.35, subdivision 3, is a public employer for purposes of sections 179A.051;
3.21 179A.052; and 179A.13.

3.22 (d) Nothing in this subdivision diminishes the authority granted pursuant to law to
3.23 an appointing authority with respect to the selection, direction, discipline, or discharge of
3.24 an individual employee if this action is consistent with general procedures and standards
3.25 relating to selection, direction, discipline, or discharge which are the subject of an
3.26 agreement entered into under sections 179A.01 to 179A.25."

3.27 Page 5, line 12, after "section" insert "179.11, 179.12,"

3.28 Page 11, after line 2, insert:

3.29 "Sec. 11. **[179A.135] UNFAIR LABOR PRACTICES INVOLVING**
3.30 **CHARITABLE HOSPITALS.**

3.31 Any charitable hospital as defined in section 179.35, subdivision 2, any hospital
3.32 employee as defined in section 179.35, subdivision 3, any labor organizations as defined
3.33 in section 179.01, subdivision 6, or any other person or organization connected with a
3.34 charitable hospital, who is aggrieved by an unfair labor practice as defined in sections
3.35 179.11 and 179.12, may file an unfair labor practice charge with the Public Employment

- 4.1 Relations Board that will be processed in accordance with the provisions of sections
- 4.2 179A.051, 179A.052, and 179A.13."
- 4.3 Renumber the sections in sequence and correct the internal references
- 4.4 Amend the title accordingly