



March 6, 2023

Dear Chair Nelson and Members of the Labor and Industry Finance and Policy Committee,

We are writing on behalf of the League of Minnesota Cities, Association of Minnesota Counties, and the Minnesota Inter-County Association regarding HF 1690 (Jordan). First, we thank Representative Jordan for her willingness to meet with our organizations to consider our concerns and opportunities for changes as this bill moves forward.

As public employers, we recognize that our number one asset in delivering essential services is our workforce. Public employers have a long history of collective bargaining in which employers and employees have come to the table to reach benefits agreements. As drafted, however, HF 1690 vastly expands the rights, access, and bargainable conditions for bargaining units. We are concerned that as drafted, the proposal would be disruptive to operations, limit inherent managerial responsibilities, and potentially impact public employers' abilities to guarantee a smooth delivery of critical public services. At this time, our organizations are opposed to HF 1690 for the following reasons.

- **Conditions that could be impacted by factors beyond the control of an employer should not be used at the bargaining table.** Sec. 9 of the bill adds “staffing ratios” as subject to collective bargaining. As public employers, we have a mandate to provide certain services on behalf of the state, and our members work hard to ensure that those mandates are fulfilled. However, the public sector is not exempt from the workforce shortages and hiring challenges such as those currently being felt statewide. At the same time, demand for public service is often also driven by changing events and conditions that are sometimes predictable, and other times less so. The responsibility of employers to routinely balance competing priorities in ways that ensures shifting demands can be met has long been recognized as a fundamental managerial role. We are concerned that setting “staffing ratios” in collective bargaining agreements could result in an employer inadvertently failing to maintain their side of an agreement in cases where workforce shortages, funding limitations, and other external factors impact the ability for certain staffing numbers to be met, or maintaining staffing ratios on one area of public service when the better managerial decision may be to temporarily shift workers to another priority.
- **Providing e-mail access to unions will create data concerns.** Many public employers have e-mail use policies that state unequivocally that all data, including e-mails, are the property of the employer. This is needed to prevent employees from operating side-businesses or other inappropriate uses. We are concerned that authorizing this access creates data privacy and retention issues. Additionally, the bill requires the sharing of



otherwise private data that some employees may not wish to be shared regardless of how they feel about union membership.

- **Authorizing unlimited access to public facilities will create safety and security concerns.** Under the current bill, a bargaining group would have the right to meet at any time and location owned by the public employer without any requirement to coordinate. This would be very disruptive to operations and potentially unsafe. At a minimum, the language should require that the bargaining unit members provide the employer advance notice of meetings and follow the same procedures and policies as other outside guests for using city facilities.
- **Authorizing meetings with new hires for an indefinite amount of time will be disruptive to operations.** Sec. 13 of the bill would provide an exclusive representative the right to meet with newly hired employees on paid time for a minimum of 30 minutes and would create no maximum for how long these meetings could last. We would like this language to provide a maximum of 30 minutes to limit disruption to business operations.

Again, we appreciate Representative Jordan's time to meet and discuss the above concerns and hope to continue those discussions as the bill moves forward.

Sincerely,

Alex Hassel, League of Minnesota Cities
Matt Hilgart, Association of Minnesota Counties
Matt Massman, Minnesota Inter-County Association