

Subject Labor Policy Omnibus bill

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Overview

This bill as amended is the Labor policy omnibus bill. It includes language from the following labor-related bills: H.F. 1691, H.F. 1831, H.F. 2442, H.F. 1522, H.F. 2165, H.F. 2687, H.F. 2213, H.F. 1551, and H.F. 1872.

Summary

Section	Description
1	Access by labor organizations. [Personnel data] Requires personnel data to be disseminated to labor organizations to the extent necessary for certain public labor relations purposes. Also requires personnel data under section 179A.07, subdivision 8, to be disseminated to a union as provided under that subdivision. Clarifies data that is considered private data on individuals.
2	Employee salaries and benefits in event of state government shutdown. Requires payment of lost salary and benefits to employees of an executive agency, the house of representatives, senate, Legislative Coordinating Commission, or another office or department of the legislature, or to a judicial branch agency, department, or court, if money for their operations has not been appropriated or enacted by July 1st of an odd-numbered year. Appropriates money for this purpose when necessary, requires certification of salary and benefit amounts from the appropriate entity, and specifies how subsequent appropriations would interact.
3	Plan. [E-learning days] Requires a school board to meet and negotiate with the exclusive representative of teachers before adopting an e-learning day.
4	Limitations on license. [Tier 1 license] Allows a teacher with a Tier 1 license to be in the teacher bargaining unit under PELRA.

Section	Description
5	<p>Exceptions. [Community education teachers; licensure requirements]</p> <p>Allows community education and early childhood family education teachers to obtain tenure or continuing contract.</p>
6	<p>Probationary period. [Employment; contracts; termination]</p> <p>Reduces from 120 to 90 the number of days of teaching service a probationary teacher must complete during the probationary period.</p>
7	<p>Probationary period; discharge or demotion. [Teacher Tenure Act; cities of the first class; definitions]</p> <p>Modifies the teacher probationary period to be the same as it is for districts in cities not in the first class. Sets the probationary period in a subsequent district at one year for a teacher that completes the three-year period in the first district. Reduces from 120 to 90 the number of days of teaching service a probationary teacher must complete during the probationary period.</p>
8	<p>Compliance orders.</p> <p>Adds section 181.991 prohibiting restrictive franchise agreements to the laws that the commissioner of labor and industry can enforce by issuing compliance orders.</p>
9	<p>Project. [prevailing wage]</p> <p>Modifies the definition of “project” under existing law to apply the prevailing wage requirements under sections 177.41 to 177.45 to any acquisition of property, predesign, demolition, erection, construction, remodeling, or repair of any building, facility, or public work receiving full or partial state funding.</p>
10	<p>Public employee or employee. [Definitions]</p> <p>Modifies the definition of “public employee” for purposes of PELRA. Allows a temporary or seasonal school district or charter school employee to be counted as a “public employee,” for purposes of collective bargaining. Also adds an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities as the instructor of record to teach (1) one class for more than three credits in a fiscal year, or (2) two or more credit bearing classes in a fiscal year as a “public employee” for collective bargaining purposes, and removes the existing exclusion under PELRA.</p>
11	<p>Teacher. [Definitions]</p> <p>Modifies the definition of “teacher” for purposes of PELRA, which determines what individuals can be in the teacher bargaining unit. Includes in the definition of teacher, a person creating and delivering instruction to children in a prekindergarten or early learning program but allows these teachers to stay in a different bargaining unit certified before January 1, 2023, with some exceptions.</p>

Section	Description
12	Terms and conditions of employment. [Definitions] Requires collective bargaining over staffing ratios, and for school employees, bargaining over adult-to-student ratios in classrooms, student testing, and student-to-personnel ratios.
13	Payroll deduction, authorization, and remittance. Clarifies existing law to allow a payroll deduction for a union based on the union's certification of a public employee's signed authorization for the deduction. A public employee's authorization may be made by electronic signature and remains in effect until the union notifies the employer of a change or cancellation. Specifies other requirements related to deduction timing, requests, and unfair labor practices.
14	Liability. [Rights and obligations of employees] Adds a subdivision establishing a defense to claims or actions based on agency or fair share fees against a public employer, union, or any of its employees or agents. Includes pending claims or actions and those filed after enactment.
15	Inherent managerial policy. Removes the number of personnel as a matter of inherent managerial policy that public employers are not required to meet and negotiate on.
16	Time off. [Rights and obligations of employers] Requires a public employer to give reasonable time off to elected or appointed officials of a union affiliate to conduct union duties.
17	Bargaining unit information. [Rights and obligations of employers] Requires a public employer to provide certain contact information for new employees to the union within 20 calendar days of hire. Requires the employer to provide the union certain contact information for all bargaining unit employees every 120 calendar days beginning on January 1, 2024.
18	Access. [Rights and obligations of employers] Requires a public employer to provide a union access to members of the bargaining unit in specific ways and at specified times, access to the public employer's e-mail system to communicate with bargaining unit members, and access to facilities owned or leased by the public employer to conduct meetings with bargaining unit members for specific reasons. Requires a public employer to provide notice to a union of new hire orientation in advance, as well as providing access to new hires for in person meetings.

Section	Description
19	<p>Majority verification procedure.</p> <p>Allows an employee organization to request certification as the union for a unit – without requiring an election – upon the commissioner’s verification that over 50 percent of employees in the proposed unit wish to be represented by that employee organization. Requires the employee organization to submit authorization signatures by affected employees as verification.</p>
20	<p>Authorization signatures.</p> <p>Provides that a public employee’s authorization signature is valid for one year and may be electronically signed.</p>
21	<p>Unfair labor practices.</p> <p>Adds majority verification procedures under section 179A.12, subdivision 2a, to the unfair labor practices provision under PELRA referencing elections.</p>
22	<p>Employer-sponsored meetings or communication.</p> <p>Subd. 1. Prohibition. Prohibits an employer from firing, disciplining, or otherwise penalizing an employee in their employment because the employee declines to attend, participate, or listen to an employer-sponsored meeting or communication on religious or political matters, as a way to compel the employee’s involvement, or for reporting a violation of this section in good faith.</p> <p>Subd. 2. Remedies. Allows an employee aggrieved by a violation of this section to bring a civil action in district court and provides the relief that may be granted.</p> <p>Subd. 3. Notice. Requires an employer to post notice of the requirements under this section within 30 days of its enactment.</p> <p>Subd. 4. Scope. Does not prohibit employer communications that are required by law, providing information to employees or requiring their attendance at meetings or events that are necessary to their job duties, or employer-sponsored meetings or communications on religious or political matters or speech where the employee’s participation is wholly voluntary.</p> <p>Subd. 5. Definitions. Defines “political matters” and “religious matters” as those terms are used in this section.</p> <p>This section is effective August 1, 2023, and applies to causes of action accruing on or after that date.</p>
23	<p>Restrictive franchise agreements prohibited.</p> <p>Adds new section 181.991, prohibiting restrictive franchise agreements.</p>

Section	Description
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Subd. 1. Definitions. Provides the definitions used in the bill.

Subd. 2. Prohibition on restrictive franchise agreements. Prohibits restrictive franchise agreements. A franchisor cannot restrict, restrain, or prohibit a franchisee from soliciting or hiring employees of the same franchisor or the general franchisor. Existing contracts that violate this prohibition are unenforceable and the franchisee must provide notice to employees of this law.

Subd. 3. Franchise agreement amendment. Requires existing franchise agreements to be amended within one year of the effective date to remove restrictive employment provisions prohibited under subdivision 2 or to sign a memorandum of understanding with each franchisee that provisions that violate this section are void and unenforceable and provide notice of this law.

Subd. 4. Severability. Provides that if any part of the section is found to be unconstitutional or void, the other provisions remain in effect.

This section is effective the day following final enactment.

24 **Authority to inspect.**

Modifies existing law outlining the Minnesota Occupational Safety and Health Administration's (MNOSHA) authority to inspect places of employment to add that neither an employer nor an employer's representative can be present for any employee interview with MNOSHA.

25 **Protection from subpoena; data.**

Modifies existing law protecting the commissioner of labor and industry or an employee of MNOSHA from facing a subpoena relating to an occupational safety and health inspection, to remove certain language and to include both former and current employees of the department.

26 **Classification of citation data.**

Adds a subdivision making written MNOSHA citations and any notice of contest that is filed public 20 days after an employer has received them. Makes all parts of the citation public.

27 **Contestation of time for correction of a violation.**

Adds a subdivision clarifying the procedure if an employer contests the time period to correct a nonserious, nonwillful, or nonrepeat violation. Also provides for a referral to the Office of Administrative Hearings for an expedited contested case hearing if an employer contests the time period to correct a serious, willful, or repeat violation.

Section	Description
28	Safety committees. Clarifies the safety committee requirements under existing law. Provides that an employer with 25 or fewer employees who is required to have A Workplace Accident and Injury Reduction (AWAIR) program under existing law is also required to establish and administer a safety committee as provided under this section.
29	Examination results. [CCLD] Modifies the timeline for when an applicant can submit a new license application after failing the licensing exam from 30 days after the notification of denial to 30 days after the date of the failed examination.
30	Refrigerants designated as acceptable for use. Prohibits using the State Building Code to bar or limit the use of refrigerants that federal law designates as acceptable to use, as long as the equipment that contains the refrigerant is listed and installed in full compliance with all applicable requirements, safety standards, and use conditions required by that federal designation.
31	Elevator. Clarifies, with section 32, the definition of “platform lift.”
32	Platform lift. Defines “platform lift” as a powered device for transporting mobility-impaired people on a guided platform.
33	Exemption from licensing. Allows work to be performed on conveyors other than vertical reciprocating conveyors, platform lifts other than those carrying mobility-impaired people, and dock levelers without being a licensed elevator contractor.
34	Technology system contractor. [CCLD] Expands the definition of “technology system contractor” to include licensed contractors whose responsible licensed individual is a licensed master electrician.
35	Composition. [CCLD] Changes the composition of the Board of Electricity so that instead of including two power limited technicians who are both technology system contractors primarily engaged in installing technology circuits or systems, it will include two power limited technicians, but only one of whom must be a technology system contractor.

Section	Description
36-37	<p>Exemptions from inspections. [Load control equipment inspections]</p> <p>Exempts equipment used exclusively for load control from inspection requirements, effective the day after final enactment, as long as the installation is:</p> <ol style="list-style-type: none">1) done by a licensed electrician employed by a class A electrical contractor;2) for replacement or repair of existing equipment of an electric utility other than a public utility; and3) completed on or before December 31, 2028.
38	<p>Exemptions. [CCLD]</p> <p>Alters the exemption for owners of residential real estate from the requirement to be licensed as a residential building contractor so that it applies only if, once the work is completed, the owner occupies the property for residential purposes or retains it for rental purposes. Clarifies that owners are not exempt from licensing if the work was done for purposes of reselling the property or speculation and that speculation will be assumed if the owner constructs or improves more than one property in a 24 month period unless they are retained for rental purposes.</p>
39	<p>Reciprocity with other states. [CCLD]</p> <p>Rewrites the statute relating to granting reciprocal licenses to people licensed in other states. Sets out new rules for how and when the commissioner may enter into interstate reciprocity agreements about licensing.</p>
40	<p>Composition. [CCLD]</p> <p>Deletes the requirement that the two members of the Board of High Pressure Piping Systems who are journeyworker high pressure pipefitters must be engaged in the business of high pressure piping systems installation.</p>
41	<p>Exceptions. [CCLD]</p> <p>Adjusts an exception from the boiler inspection and licensing provisions to cut the maximum heat input for exempt hot water supply boilers from 500,000 BTU per hour to 200,000 BTU per hour and to stipulate that potable water heaters not exceeding a heat input of 200,000 BTU per hour or a nominal water capacity of 120 gallons (removing language about pressure) are exempt.</p>
42	<p>Sacred communities and micro unit dwellings.</p> <p>Adds section 327.30 setting requirements for placing permanent micro unit dwellings surrounding a religious institution as a sacred community for housing the chronically homeless or extremely low-income individuals and designated volunteers. Defines terms and technical requirements for micro units placed in sacred communities in order to be authorized dwellings under this section.</p>

Section **Description**

Subd. 1. Definitions. Provides definitions for the section, including that “sacred community” means a residential settlement on the grounds of a religious institution’s primary worship location primarily for the purpose of providing permanent housing for chronically homeless or extremely low-income persons and designated volunteers approved by the religious institution.

Subd. 2. Dwelling in micro units in sacred communities authorized. Authorizes religious institutions to provide permanent housing in sacred communities composed of micro units.

Subd. 3. Sacred community requirements. Sets requirements for sacred communities, including housing designated volunteers, providing residents access to utilities, carrying appropriate insurance, approving plans for how the community will function, receiving municipal approval, and complying with landlord and tenant laws.

Subd. 4. Micro unit requirements. Lays out technical standards for micro units to be eligible for placement in a sacred community, including rules and standards related to size, anchoring, grade of materials, insulation, toilets, electrical systems, framing, and life and safety systems. Requires all units and their anchoring be inspected and certified for compliance with these technical standards by a licensed professional engineer or qualified third-party inspector. Stipulates the need to comply with any rules related to utility connections and setback requirements.

This section is effective January 1, 2024.

43 **Witnesses; subpoenas; depositions; discovery.**

Allows an arbitrator to issue a protective order to prevent disclosure of data classified as nonpublic or private under chapter 13.

44 **Repealer.**

Repeals section 179A.12, subdivision 2, requiring certification upon joint request. Replaced by new subdivision 2a, majority verification procedure.



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