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State of Minnesota

HOUSE OF REPRESENTATIVES

SPECIAL SESSION

H. F. No. 72

06/12/2020 Authored by Her, Stephenson, Howard, Davnie, Hausman and others
The bill was read for the first time and referred to the Committee on Labor
06/17/2020 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to labor; amending arbitrator selection for peace officer grievance
1.3 arbitrations; authorizing rulemaking; proposing coding for new law in Minnesota
1.4 Statutes, chapter 626.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [626.892] PEACE OFFICER GRIEVANCE ARBITRATION SELECTION
1.7 PROCEDURE.

1.8 Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this
1.9 section have the meanings given them.

1.10 (b) "Commissioner" means the commissioner of the Bureau of Mediation Services.

1.11 (c) "Employer" means a political subdivision or law enforcement agency employing a
1.12 peace officer.

1.13 (d) "Grievance" means a dispute or disagreement regarding any written disciplinary
1.14 action, discharge, or termination decision of a peace officer arising under a collective
1.15 bargaining agreement covering peace officers.

1.16 (e) "Grievance arbitration" means binding arbitration of a grievance under the grievance
1.17 procedure in a collective bargaining agreement covering peace officers, as required by this
1.18 section or sections 179A.04, 179A.20, and 179A.21, subdivision 3, to the extent those
1.19 sections are consistent with this section.

1.20 (f) "Grievance procedure" has the meaning given in section 179A.20, subdivision 4,
1.21 except as otherwise provided in this section or to the extent inconsistent with this section.

2.1 (g) "Peace officer" means a licensed peace officer or part-time peace officer subject to
2.2 licensure under sections 626.84 to 626.863.

2.3 Subd. 2. **Applicability.** Notwithstanding any contrary provision of law, home rule
2.4 charter, ordinance, or resolution, effective the day following final enactment, the arbitrator
2.5 selection procedure established under this section shall apply to all peace officer grievance
2.6 arbitrations for written disciplinary action, discharge, or termination, and must be included
2.7 in the grievance procedure for all collective bargaining agreements covering peace officers
2.8 negotiated on or after that date. This section does not authorize arbitrators appointed under
2.9 this section to hear arbitrations of public employees who are not peace officers.

2.10 Subd. 3. **Roster of arbitrators.** The governor, in consultation with community and law
2.11 enforcement stakeholders, shall appoint a roster of six persons specifically suited and
2.12 qualified by training and experience to act as arbitrators for peace officer grievance
2.13 arbitrations under this section. Arbitrators appointed to the roster shall only hear grievance
2.14 arbitrations for peace officers as provided under this section. The governor shall exercise
2.15 this power of appointment as conferred by law. Arbitrator terms and roster requirements
2.16 under Minnesota Rules, chapters 5500 to 5530, shall apply to the extent consistent with this
2.17 section.

2.18 Subd. 4. **Arbitrator qualifications.** A person seeking appointment to the arbitrator
2.19 roster under this section must complete initial training on culture competency, racism,
2.20 implicit bias, and recognizing and valuing community diversity and cultural differences,
2.21 and must continue to complete the training as required during the person's appointment.
2.22 The commissioner may adopt rules establishing training and requirements for this purpose.

2.23 Subd. 5. **Selection of arbitrators.** The commissioner shall assign or appoint an arbitrator
2.24 or panel of arbitrators from the roster to a peace officer grievance arbitration under this
2.25 section on a random or rotating basis. The parties shall not participate in, negotiate for, or
2.26 agree to the selection of an arbitrator or arbitration panel under this section. The arbitrator
2.27 or panel shall decide the grievance, and the decision is binding subject to the provisions of
2.28 chapter 572B.

2.29 Subd. 6. **Interaction with other laws.** (a) Sections 179A.21, subdivision 2, and 572B.11,
2.30 paragraph (a), and rules for arbitrator selection promulgated pursuant to section 179A.04
2.31 shall not apply to a peace officer grievance arbitration under this section.

2.32 (b) Notwithstanding any contrary provision of law, home rule charter, ordinance, or
2.33 resolution, peace officers, through their certified exclusive representatives, shall not have

3.1 the right to negotiate for or agree to a collective bargaining agreement or a grievance
3.2 arbitration selection procedure with their employers that is inconsistent with this section.

3.3 (c) The arbitrator selection procedure for peace officer grievance arbitrations established
3.4 under this section supersedes any inconsistent provisions in chapter 179A or 572B or in
3.5 Minnesota Rules, chapters 5500 to 5530 and 7315 to 7325. Other arbitration requirements
3.6 in those chapters remain in full force and effect for peace officer grievance arbitrations,
3.7 except as provided in this section or to the extent inconsistent with this section.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.