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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 857

02/08/2021 Authored by Erickson, Pierson and Scott

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act
1.2 relating to education; classifying teachers as essential employees; amending
1.3 Minnesota Statutes 2020, sections 179A.03, subdivision 7; 179A.18, subdivision
1.4 3; repealing Minnesota Statutes 2020, section 179A.18, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2020, section 179A.03, subdivision 7, is amended to read:

1.7 Subd. 7. Essential employee. "Essential employee" means firefighters, peace officers
1.8 subject to licensure under sections 626.84 to 626.863, 911 system and police and fire
1.9 department public safety dispatchers, guards at correctional facilities, confidential employees,
1.10 supervisory employees, assistant county attorneys, assistant city attorneys, principals, and
1.11 assistant principals, and teachers. However, for state employees, "essential employee" means
1.12 all employees in law enforcement, public safety radio communications operators, health
1.13 care professionals, correctional guards, professional engineering, and supervisory collective
1.14 bargaining units, irrespective of severance, and no other employees. For University of
1.15 Minnesota employees, "essential employee" means all employees in law enforcement,
1.16 nursing professional and supervisory units, irrespective of severance, and no other employees.
1.17 "Firefighters" means salaried employees of a fire department whose duties include, directly
1.18 or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires.
1.19 Employees for whom the state court administrator is the negotiating employer are not
1.20 essential employees. For Hennepin Healthcare System, Inc. employees, "essential employees"
1.21 means all employees.

1.22 EFFECTIVE DATE. This section is effective July 1, 2021.

2.1 Sec. 2. Minnesota Statutes 2020, section 179A.18, subdivision 3, is amended to read:

2.2 Subd. 3. **Notice.** In addition to the other requirements of this section, no employee may
 2.3 strike unless written notification of intent to strike is served on the employer and the
 2.4 commissioner by the exclusive representative at least ten days prior to the commencement
 2.5 of the strike. ~~For all employees other than teachers, If more than 30 days have expired after~~
 2.6 ~~service of a notification of intent to strike, no strike may commence until ten days after~~
 2.7 ~~service of a new written notification. For teachers, no strike may commence more than 25~~
 2.8 ~~days after service of notification of intent to strike unless, before the end of the 25-day~~
 2.9 ~~period, the exclusive representative and the employer agree that the period during which a~~
 2.10 ~~strike may commence shall be extended for an additional period not to exceed five days.~~
 2.11 ~~Teachers are limited to one notice of intent to strike for each contract negotiation period,~~
 2.12 ~~provided, however, that a strike notice may be renewed for an additional ten days, the first~~
 2.13 ~~five of which shall be a notice period during which no strike may occur, if the following~~
 2.14 ~~conditions have been satisfied:~~

2.15 ~~(1) an original notice was provided pursuant to this section; and~~

2.16 ~~(2) a tentative agreement to resolve the dispute was reached during the original strike~~
 2.17 ~~notice period; and~~

2.18 ~~(3) such tentative agreement was rejected by either party during or after the original~~
 2.19 ~~strike notice period.~~

2.20 The first day of the renewed strike notice period shall commence on the day following the
 2.21 expiration of the previous strike notice period or the day following the rejection of the
 2.22 tentative agreement, whichever is later. Notification of intent to strike under subdivisions
 2.23 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement
 2.24 has expired, or if there is no agreement, on or after the date impasse under section 179A.17
 2.25 has occurred.

2.26 **EFFECTIVE DATE.** This section is effective July 1, 2021.

2.27 Sec. 3. **REPEALER.**

2.28 Minnesota Statutes 2020, section 179A.18, subdivision 2, is repealed.

2.29 **EFFECTIVE DATE.** This section is effective July 1, 2021.

179A.18 STRIKES AUTHORIZED.

Subd. 2. **School district requirements.** Except as otherwise provided by section 179A.17, subdivision 1, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(i) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and

(ii) the exclusive representative and the employer have participated in mediation over a period of at least 30 days. For the purposes of this item the mediation period commences on the day that a mediator designated by the commissioner first attends a conference with the parties to negotiate the issues not agreed upon; and

(iii) neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or

(2) the employer violates section 179A.13, subdivision 2, clause (9).