



MINNESOTA STATE

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April 8, 2024

TO: Members of the Senate Labor Committee

SUBJECT: SF 5266: Public employee definition modification

Dear Chair McEwen and Committee Members,

Please accept this letter regarding SF 5266, and the proposal in the bill to amend the definition of a public employee under 179A.03, subdivision 14, in Article 8, Sec. 1, paragraph (9).

The change would have the effect of making undergraduate student employees “public employees” of our state colleges and universities if they work 14 hours or more per week, or 35 percent of a normal work week. Those student workers who become public employees will have the same rights under Chapter 179A as other state employees assigned to state-wide bargaining units.

Minnesota State employs approximately 9,700 student workers in a variety of jobs on campus, many as part of a work-study program in connection with the receipt of financial aid with variable hours. The proposed legislation will require Minnesota State to assign all student workers who satisfy the new definition of “public employee” to the appropriate state-wide bargaining unit. We estimate that as many as 60 percent of the current student workers will be assigned to bargaining units as a result of this proposed legislation.

Absorbing existing student workers into existing bargaining units creates areas of potential conflict. Our student workers benefit from flexibility, which is a characteristic of student employment. They can currently scale their hours to be most compatible with their education requirements in ways that are not typical of labor contracts with public employers. Financial aid offices, student advising, and campus offices encourage this flexibility to ensure student success with their educational goals.

Under normal circumstances on our campuses, students might work eight hours one week and 20 hours the next. They might work close to full-time during breaks and scale back during exams, for example. They also might have two or more jobs on a campus.

Currently student workers are hired based on eligibility for financial aid as a function of the regulations around work study funds. Current bargaining unit vacancy filling procedures are inconsistent with the eligibility criteria for work study funds.

Also currently, the federal Family Educational Rights and Privacy Act (FERPA) designates most data on students that are maintained by our colleges and universities as educational records which are private. FERPA imposes cumbersome procedures to make education data available to third parties who do not have an educational reason to have access to the data. FERPA may impose irreconcilable barriers to compliance with the new provisions in PELRA (Minn. Stat. 179A.07, Subd. 8), requiring public employers to disclose certain data on employees to exclusive representatives.

Amending the definition of “public employees” to include undergraduate student workers would close to double the size of the Minnesota State workforce and by necessity the number of state employees in the administration offices of our colleges, universities, and system who support the Minnesota State workforce (e.g. Human Resources, Labor-Relations, Payroll and Administration). Applying existing labor contract terms and conditions of employment to thousands of new public employees, who have heretofore not been subject to these terms, will require a significant investment in new administrative and human resources staff.

For work-study students and student workers, currently our administrative work is focused mainly on issuing payments to students, and much of that is through financial aid mechanisms. As public employees, Minnesota State will need to manage much more than student payroll and financial aid awards to include, but not limited to legal and contractual requirements related to hiring, notifications, and benefits management including advising on insurance eligibility, retirement, short-term and long-term disability, and student eligibility for other contractual benefits. In addition to the tracking of earned sick and vacation time, Minnesota State will need to manage contracted leaves, requests for leaves under the FMLA, employee expense reimbursements, new employee orientations, employee discipline, coaching supervisors on managing public employee performance, as well as handling workers compensation and unemployment compensation hearings.

Adding several thousand public employees to the Minnesota State roster significantly raises the likelihood of consulting on and responding to additional labor contract disputes (grievances) which would, at a minimum require additional Labor Relations Associates to adjudicate disputes, meet and negotiate with the exclusive representative of public employees, and otherwise uphold the rights and obligations of public employees and public employers under state law.

In addition, under 179A.06, a public employer must allow an exclusive rep to meet in person with newly hired (public) employees for 30 minutes, within 30 calendar days from the date of hire, and allow for communication using the public employer's technology regarding collective bargaining, the administration of collective bargaining agreements, the investigation of grievances, and internal matters involving the governance or business of the exclusive rep. This includes the duty to provide contact information to an exclusive representative, which under state statute would include data that the employer/college/university is prohibited from providing under Federal privacy laws without the student's consent.

Finally, I want to highlight that students are currently paying \$1.5 million between the two student associations - Students United and Lead MN. These associations, while they are not labor unions, are already established in statute as the organizations that represent students and the student voice.

Thank you for the opportunity to provide our comments regarding removing undergraduate student employees from the definition of "public employee."

Respectfully,

A handwritten signature in blue ink, appearing to read "Eric Davis".

Eric Davis, Vice Chancellor of Human Resources  
Minnesota State