

1.1 Senator moves to amend S.F. No. 5266 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 APPROPRIATIONS

1.5 Section 1. Laws 2023, chapter 53, article 14, section 1, is amended to read:

1.6 Section 1. **EARNED SICK AND SAFE TIME APPROPRIATIONS.**

1.7 (a) \$1,445,000 in fiscal year 2024 and ~~\$2,209,000~~ \$1,899,000 in fiscal year 2025 are

1.8 appropriated from the general fund to the commissioner of labor and industry for enforcement

1.9 and other duties regarding earned sick and safe time under Minnesota Statutes, sections

1.10 181.9445 to 181.9448, and chapter 177. ~~The base for this appropriation is \$1,899,000 for~~

1.11 ~~fiscal year 2026 and each year thereafter.~~

1.12 (b) \$300,000 in fiscal year 2024 and \$300,000 in fiscal year 2025 are appropriated from

1.13 the general fund to the commissioner of labor and industry for grants to community

1.14 organizations under Minnesota Statutes, section 177.50, subdivision 4. This is a onetime

1.15 appropriation.

1.16 (c) \$310,000 in fiscal year 2025 is appropriated from the general fund to the commissioner

1.17 of labor and industry for rulemaking related to earned sick and safe time under Minnesota

1.18 Statutes, sections 181.9445 to 181.9448, and chapter 177. This is a onetime appropriation

1.19 and is available until June 30, 2027.

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

1.21 Sec. 2. Laws 2023, chapter 53, article 19, section 2, subdivision 1, is amended to read:

1.22				44,044,000
1.23	Subdivision 1. Total Appropriation	\$	47,710,000	\$ <u>44,476,000</u>

1.24 Appropriations by Fund

1.25		2024	2025
1.26			4,889,000
1.27	General	7,200,000	<u>5,042,000</u>
1.28	Workers'		32,390,000
1.29	Compensation	30,599,000	<u>32,669,000</u>
1.30	Workforce		
1.31	Development	9,911,000	6,765,000

2.1 The amounts that may be spent for each
2.2 purpose are specified in the following
2.3 subdivisions. The general fund base for this
2.4 appropriation is ~~\$4,936,000~~ \$5,089,000 in
2.5 fiscal year 2026 and ~~\$4,958,000~~ \$5,042,000
2.6 in fiscal year 2027 and each year thereafter.

2.7 The workers compensation fund base is
2.8 ~~\$32,749,000~~ \$32,892,000 in fiscal year 2026
2.9 and \$32,458,000 in fiscal year 2027 and each
2.10 year thereafter. The workforce development
2.11 fund base is \$6,765,000 in fiscal year 2026
2.12 and each year thereafter.

2.13 Sec. 3. Laws 2023, chapter 53, article 19, section 2, subdivision 3, is amended to read:

2.14			6,270,000
2.15	Subd. 3. Labor Standards	6,520,000	<u>6,423,000</u>

2.16	Appropriations by Fund		
2.17			4,635,000
2.18	General	4,957,000	<u>4,788,000</u>
2.19	Workforce		
2.20	Development	1,563,000	1,635,000

2.21 The general fund base for this appropriation
2.22 is ~~\$4,682,000~~ \$4,835,000 in fiscal year 2026
2.23 and ~~\$4,704,000~~ \$4,788,000 in fiscal year 2027
2.24 and each year thereafter.

2.25 (a) \$2,046,000 each year is for wage theft
2.26 prevention.

2.27 (b) \$1,563,000 the first year and \$1,635,000
2.28 the second year are from the workforce
2.29 development fund for prevailing wage
2.30 enforcement.

2.31 (c) \$134,000 the first year and \$134,000 the
2.32 second year are for outreach and enforcement
2.33 efforts related to changes to the nursing
2.34 mothers, lactating employees, and pregnancy
2.35 accommodations law.

(d) \$661,000 the first year and \$357,000 the second year are to perform work for the Nursing Home Workforce Standards Board. The base for this appropriation is \$404,000 in fiscal year 2026 and \$357,000 in fiscal year 2027.

(e) \$225,000 the first year and \$169,000 the second year are for the purposes of the Safe Workplaces for Meat and Poultry Processing Workers Act.

(f) \$27,000 the first year is for the creation and distribution of a veterans' benefits and services poster under Minnesota Statutes, section 181.536.

(g) \$141,000 the second year is to inform and educate employers relating to Minnesota Statutes, section 181.960.

(h) \$12,000 the second year is for enforcement, education, and outreach under Minnesota Statutes, section 181.2751.

Sec. 4. Laws 2023, chapter 53, article 19, section 2, subdivision 5, is amended to read:

Subd. 5. Workplace Safety		8,644,000	<u>7,559,000</u> <u>7,838,000</u>
Appropriations by Fund			
General	2,000,000	-0-	
Workers' Compensation			<u>7,559,000</u>
	6,644,000		<u>7,838,000</u>

The workers compensation fund base for this appropriation is ~~\$7,918,000~~ \$8,061,000 in fiscal year 2026 and \$7,627,000 in fiscal year 2027 and each year thereafter. \$2,000,000 the first year is for the ergonomics safety grant program. This appropriation is

4.1 available until June 30, 2026. This is a onetime
4.2 appropriation.

4.3 Sec. 5. Laws 2023, chapter 53, article 19, section 4, is amended to read:

4.4 Sec. 4. **BUREAU OF MEDIATION SERVICES** \$ 3,707,000 \$ 3,789,000

4.5 ~~(a) \$750,000 each year is for purposes of the~~
4.6 ~~Public Employment Relations Board under~~
4.7 ~~Minnesota Statutes, section 179A.041.~~

4.8 ~~(b) \$68,000 each year is for grants to area~~
4.9 ~~labor management committees. Grants may~~
4.10 ~~be awarded for a 12-month period beginning~~
4.11 ~~July 1 each year. Any unencumbered balance~~
4.12 ~~remaining at the end of the first year does not~~
4.13 ~~cancel but is available for the second year.~~

4.14 ~~(c) \$47,000 each year is for rulemaking,~~
4.15 ~~staffing, and other costs associated with peace~~
4.16 ~~officer grievance procedures.~~

4.17 EFFECTIVE DATE. This section is effective retroactively from July 1, 2023.

4.18 Sec. 6. APPROPRIATIONS.

4.19 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
4.20 and for the purposes specified in this article. The appropriations are from the general fund,
4.21 or another named fund, and are available for the fiscal years indicated for each purpose.
4.22 The figures "2024" and "2025" used in this article mean that the appropriations listed under
4.23 them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.
4.24 "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"
4.25 is fiscal years 2024 and 2025.

4.26	<u>APPROPRIATIONS</u>			
4.27	<u>Available for the Year</u>			
4.28	<u>Ending June 30</u>			
4.29		<u>2024</u>	<u>2025</u>	
4.30	Sec. 7. <u>DEPARTMENT OF HEALTH</u>	\$	<u>-0-</u> \$	<u>174,000</u>
4.31	<u>\$174,000 the second year is for technical</u>			
4.32	<u>assistance for rulemaking for acceptable blood</u>			

5.1 lead levels for workers. This appropriation is

5.2 onetime and is available until June 30, 2026.

5.3 Sec. 8. ATTORNEY GENERAL'S OFFICE \$ -0- \$ 120,000

5.4 \$120,000 the second year is for enforcement

5.5 of compensation for internet content creators

5.6 under Minnesota Statutes, section 181A.13.

5.7 This appropriation is available until June 30,

5.8 2026. The base for this appropriation is

5.9 \$120,000 for fiscal year 2026 and \$240,000

5.10 for fiscal year 2027 and each year thereafter.

5.11 Sec. 9. UNIVERSITY OF MINNESOTA \$ -0- \$

5.12 \$..... the second year is for labor relations

5.13 staffing costs. The base for this appropriation

5.14 is \$..... for fiscal year 2026 and \$..... for

5.15 fiscal year 2027 and each year thereafter.

5.16 Sec. 10. MINNESOTA STATE \$ -0- \$

5.17 \$..... the second year is for labor relations

5.18 staffing costs.

5.19 **ARTICLE 2**

5.20 **COMBATIVE SPORTS - DEPARTMENT OF LABOR AND INDUSTRY**

5.21 Section 1. Minnesota Statutes 2023 Supplement, section 341.25, is amended to read:

5.22 **341.25 RULES.**

5.23 (a) The commissioner may adopt rules that include standards for the physical examination

5.24 and condition of combatants and referees.

5.25 (b) The commissioner may adopt other rules necessary to carry out the purposes of this

5.26 chapter, including, but not limited to, the conduct of all combative sport contests and their

5.27 manner, supervision, time, and place.

5.28 (c) The most recent version of the Unified Rules of Mixed Martial Arts, as promulgated

5.29 by the Association of Boxing Commissions, is incorporated by reference and made a part

5.30 of this chapter except as qualified by this chapter and Minnesota Rules, chapter 2202. In

5.31 the event of a conflict between this chapter and the Unified Rules, this chapter must govern.

(d) The most recent version of the Unified Rules of Boxing, as promulgated by the Association of Boxing Commissions, is incorporated by reference and made a part of this chapter except as qualified by this chapter and Minnesota Rules, chapter 2201. In the event of a conflict between this chapter and the Unified Rules, this chapter must govern.

(e) The most recent version of the Unified Rules of Kickboxing and Unified Rules of Muay Thai, as promulgated by the Association of Boxing Commissions, ~~is~~ are incorporated by reference and made a part of this chapter except as qualified by this chapter and any applicable Minnesota Rules. In the event of a conflict between this chapter and ~~the Unified Rules~~ those rules, this chapter must govern. If a promoter seeks to hold a kickboxing event governed by a different set of kickboxing rules, the promoter must send the commissioner a copy of the rules under which the proposed bouts will be conducted at least 45 days before the event. The commissioner may approve or deny the use of the alternative rules at the commissioner's discretion. If the alternative rules are approved for an event, this chapter and any applicable Minnesota Rules, except of those incorporating the Unified Rules of Kickboxing and Unified Rules of Muay Thai, must govern if there is a conflict between the rules and Minnesota law.

Sec. 2. Minnesota Statutes 2023 Supplement, section 341.28, subdivision 5, is amended to read:

Subd. 5. Regulatory authority; martial arts and amateur boxing. (a) Unless this chapter specifically states otherwise, contests or exhibitions for martial arts and amateur boxing are exempt from the requirements of this chapter and officials at these events are not required to be licensed under this chapter.

(b) Martial arts and amateur boxing contests, unless subject to the exceptions set forth in subdivision 6 or 7, must be regulated by a nationally recognized organization approved by the commissioner. The organization must have a set of written standards, procedures, or rules used to sanction the combative sports it oversees.

(c) Any regulatory body overseeing a martial arts or amateur boxing event must submit bout results to the commissioner within 72 hours after the event. If the regulatory body issues suspensions, the regulatory body must submit to the commissioner a list of any suspensions resulting from the event within 72 hours after the event. Regulatory bodies that oversee combative sports or martial arts contests under subdivision 6 or 7 are not subject to this paragraph.

Sec. 3. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to read:

Subd. 7. Regulatory authority; youth competition. Combative sports or martial arts contests between individuals under the age of 18 years are exempt from the requirements of this chapter and officials at these events are not required to be licensed under this chapter. A contest under this subdivision must be regulated by (1) a widely recognized organization that regularly oversees youth competition, or (2) a local government.

Sec. 4. Minnesota Statutes 2022, section 341.29, is amended to read:

341.29 JURISDICTION OF COMMISSIONER.

The commissioner shall:

(1) have sole direction, supervision, regulation, control, and jurisdiction over all combative sport contests that are held within this state unless a contest is exempt from the application of this chapter under federal law;

(2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

(3) grant a license to an applicant if, in the judgment of the commissioner, the financial responsibility, experience, character, and general fitness of the applicant are consistent with the public interest, ~~convenience, or necessity~~ and in the best interests of combative sports and conforms with this chapter and the commissioner's rules;

(4) deny, suspend, or revoke a license using the enforcement provisions of section 326B.082, except that the licensing reapplication time frames remain within the sole discretion of the commissioner; and

(5) serve final nonlicensing orders in performing the duties of this chapter which are subject to the contested case procedures provided in sections 14.57 to 14.69.

Sec. 5. Minnesota Statutes 2023 Supplement, section 341.30, subdivision 4, is amended to read:

Subd. 4. Prelicensure requirements. (a) Before the commissioner issues a promoter's license to an individual, corporation, or other business entity, the applicant shall complete a licensing application on the Office of Combative Sports website or on forms prescribed by the commissioner and shall:

(1) show on the licensing application the owner or owners of the applicant entity and the percentage of interest held by each owner holding a 25 percent or more interest in the applicant;

(2) provide the commissioner with a copy of the latest financial statement of the applicant;

(3) provide proof, where applicable, of authorization to do business in the state of Minnesota; and

(4) deposit with the commissioner a surety bond in an amount set by the commissioner, which must not be less than \$10,000. The bond shall be executed in favor of this state and shall be conditioned on the faithful performance by the promoter of the promoter's obligations under this chapter and the rules adopted under it.

(b) Before the commissioner issues a license to a combatant, the applicant shall:

(1) submit to the commissioner the results of current medical examinations on forms prescribed by the commissioner that state that the combatant is cleared to participate in a combative sport contest. The applicant must undergo and submit the results of the following medical examinations, which do not exempt a combatant from the requirements in section 341.33:

(i) a physical examination performed by a licensed medical doctor, doctor of osteopathic medicine, advance practice nurse practitioner, or a physician assistant. Physical examinations are valid for one year from the date of the exam;

(ii) an ophthalmological examination performed by an ophthalmologist or optometrist that includes dilation designed to detect any retinal defects or other damage or a condition of the eye that could be aggravated by combative sports. Ophthalmological examinations are valid for one year from the date of the exam;

(iii) blood work results for HBsAg (Hepatitis B surface antigen), HCV (Hepatitis C antibody), and HIV. Blood work results are good for one year from the date blood was drawn. The commissioner shall not issue a license to an applicant submitting positive test results for HBsAg, HCV, or HIV; and

(iv) other appropriate neurological or physical examinations before any contest, if the commissioner determines that the examination is desirable to protect the health of the combatant;

(2) complete a licensing application on the Office of Combative Sports website or on forms prescribed by the commissioner; and

(3) provide proof that the applicant is 18 years of age. Acceptable proof is a photo driver's license, state photo identification card, passport, or birth certificate combined with additional photo identification.

(c) Before the commissioner issues an amateur combatant license to an individual, the applicant must submit proof of qualifications that includes at a minimum: (1) an applicant's prior bout history and evidence showing that the applicant has completed at least six months of training in a combative sport; or (2) a letter of recommendation from a coach or trainer.

(d) Before the commissioner issues a professional combatant license to an individual, the applicant must submit proof of qualifications that includes an applicant's prior bout history showing the applicant has competed in at least four sanctioned combative sports contests. If the applicant has not competed in at least four sanctioned combative sports contests, the commissioner may still grant the applicant a license if the applicant provides evidence demonstrating that the applicant has sufficient skills and experience in combative sports or martial arts to compete as a professional combatant.

~~(e)~~ (e) Before the commissioner issues a license to a referee, judge, or timekeeper, the applicant must submit proof of qualifications that may include certified training from the Association of Boxing Commissions, licensure with other regulatory bodies, professional references, or a log of bouts worked.

~~(d)~~ (f) Before the commissioner issues a license to a ringside physician, the applicant must submit proof that they are licensed to practice medicine in the state of Minnesota and in good standing.

Sec. 6. Minnesota Statutes 2023 Supplement, section 341.321, is amended to read:

341.321 FEE SCHEDULE.

(a) The fee schedule for professional and amateur licenses issued by the commissioner is as follows:

(1) referees, \$25;

(2) promoters, \$700;

(3) judges and knockdown judges, \$25;

(4) trainers and seconds, \$40;

(5) timekeepers, \$25;

(6) professional combatants, \$70;

10.1 (7) amateur combatants, \$35; and

10.2 (8) ringside physicians, \$25.

10.3 All license fees shall be paid no later than the weigh-in prior to the contest. No license may
10.4 be issued until all prelicensure requirements in section 341.30 are satisfied and fees are
10.5 paid.

10.6 (b) A promoter or event organizer of an event regulated by the Department of Labor and
10.7 Industry must pay, per event, a combative sport contest fee of.

10.8 (c) If the promoter sells tickets for the event, the event fee is \$1,500 per event or four
10.9 percent of the gross ticket sales, whichever is greater. The fee must be paid as follows:

10.10 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;

10.11 (2) \$1,000 at the weigh-in prior to the contest;

10.12 (3) if four percent of the gross ticket sales is greater than \$1,500, the balance is due to
10.13 the commissioner within 14 days of the completed contest; and

10.14 (4) the value of all complimentary tickets distributed for an event, to the extent they
10.15 exceed five percent of total event attendance, counts toward gross tickets sales for the
10.16 purposes of determining a combative sports contest fee. For purposes of this clause, the
10.17 lowest advertised ticket price shall be used to calculate the value of complimentary tickets.

10.18 (d) If the promoter does not sell tickets and receives only a flat payment from a venue
10.19 to administer the event, the event fee is \$1,500 per event or four percent of the flat payment,
10.20 whichever is greater. The fee must be paid as follows:

10.21 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;

10.22 (2) \$1,000 at the weigh-in prior to the contest; and

10.23 (3) if four percent of the flat payment is greater than \$1,500, the balance is due to the
10.24 commissioner within 14 days of the completed contest.

10.25 ~~(e)~~ (e) All fees and penalties collected by the commissioner must be deposited in the
10.26 commissioner account in the special revenue fund.

10.27 Sec. 7. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a
10.28 subdivision to read:

10.29 Subd. 3. **Medical records.** The commissioner may, if the commissioner determines that
10.30 doing so would be desirable to protect the health of a combatant, provide the combatant's
10.31 medical information collected under this chapter to the physician conducting a prebout exam

11.1 under this section or to the ringside physician or physicians assigned to the combatant's
11.2 combative sports contest.

11.3 Sec. 8. Minnesota Statutes 2023 Supplement, section 341.355, is amended to read:

11.4 **341.355 CIVIL PENALTIES.**

11.5 When the commissioner finds that a person has violated one or more provisions of any
11.6 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the
11.7 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each
11.8 violation, or a civil penalty that deprives the person of any economic advantage gained by
11.9 the violation, or both. The commissioner may also impose these penalties against a person
11.10 who has violated section 341.28, subdivision 5, paragraph (b) or (c), or subdivision 7.

11.11 **ARTICLE 3**

11.12 **BUREAU OF MEDIATION SERVICES**

11.13 Section 1. Minnesota Statutes 2022, section 626.892, subdivision 10, is amended to read:

11.14 Subd. 10. **Training.** (a) A person appointed to the arbitrator roster under this section
11.15 must complete training as required by the commissioner during the person's appointment.
11.16 At a minimum, an initial training must include:

11.17 (1) at least six hours on the topics of cultural competency, racism, implicit bias, and
11.18 recognizing and valuing community diversity and cultural differences; and

11.19 (2) at least six hours on topics related to the daily experience of peace officers, which
11.20 may include ride-alongs with on-duty officers or other activities that provide exposure to
11.21 the environments, choices, and judgments required of officers in the field.

11.22 (b) The commissioner may adopt rules establishing training requirements consistent
11.23 with this subdivision.

11.24 ~~(b) An arbitrator appointed to the roster of arbitrators in 2020 must complete the required~~
11.25 ~~initial training by July 1, 2021.~~ (c) An arbitrator appointed to the roster of arbitrators after
11.26 2020 must complete the required initial training within six months of the arbitrator's
11.27 appointment.

11.28 ~~(e)~~ (d) The Bureau of Mediation Services must pay for all costs associated with the
11.29 required training ~~must be borne by the arbitrator.~~

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

12.1 **Sec. 2. REPEALER.**

12.2 (a) Minnesota Statutes 2022, sections 179.81; 179.82; 179.83, subdivision 1; 179.84,
12.3 subdivision 1; and 179.85, are repealed.

12.4 (b) Minnesota Rules, parts 5520.0100; 5520.0110; 5520.0120; 5520.0200; 5520.0250;
12.5 5520.0300; 5520.0500; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620;
12.6 5520.0700; 5520.0710; and 5520.0800, are repealed.

12.7 **ARTICLE 4**

12.8 **PUBLIC EMPLOYEE LABOR RELATIONS (PELRA)**

- 13.1 (1) elected public officials;
- 13.2 (2) election officers;
- 13.3 (3) commissioned or enlisted personnel of the Minnesota National Guard;
- 13.4 (4) emergency employees who are employed for emergency work caused by natural
13.5 disaster;
- 13.6 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
13.7 or 35 percent of the normal work week in the employee's appropriate unit;
- 13.8 (6) employees, other than employees working for a Minnesota school district or charter
13.9 school in a position for which no license is required by the Professional Educator Licensing
13.10 Standards Board, whose positions are basically temporary or seasonal in character and: (i)
13.11 are not for more than 67 working days in any calendar year; or (ii) ~~are not working for a~~
13.12 ~~Minnesota school district or charter school; or~~ (iii) are not for more than 100 working days
13.13 in any calendar year and the employees are under the age of 22, are full-time students
13.14 enrolled in a nonprofit or public educational institution prior to being hired by the employer,
13.15 and have indicated, either in an application for employment or by being enrolled at an
13.16 educational institution for the next academic year or term, an intention to continue as students
13.17 during or after their temporary employment;
- 13.18 (7) employees providing services for not more than two consecutive quarters to the
13.19 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
13.20 professional or technical services contract as defined in section 16C.08, subdivision 1;
- 13.21 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
13.22 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
13.23 employees for purposes of sections 179A.051, 179A.052, and 179A.13;
- 13.24 (9) full-time undergraduate students employed by the school which they attend under a
13.25 work-study program or in connection with the receipt of financial aid, irrespective of number
13.26 of hours of service per week;
- 13.27 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
13.28 in an adult vocational education program;
- 13.29 (11) with respect to court employees:
- 13.30 (i) personal secretaries to judges;
- 13.31 (ii) law clerks;
- 13.32 (iii) managerial employees;

14.1 (iv) confidential employees; and

14.2 (v) supervisory employees; or

14.3 (12) with respect to employees of Hennepin Healthcare System, Inc., managerial,
14.4 supervisory, and confidential employees.

14.5 (b) The following individuals are public employees regardless of the exclusions of
14.6 paragraph (a), clauses (5) to (7):

14.7 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
14.8 State Colleges and Universities except at the university established in the Twin Cities
14.9 metropolitan area under section 136F.10 or for community services or community education
14.10 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
14.11 who is a public employee, where the replacement employee is employed more than 30
14.12 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
14.13 position created due to increased enrollment, curriculum expansion, courses which are a
14.14 part of the curriculum whether offered annually or not, or other appropriate reasons;

14.15 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
14.16 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
14.17 year and the cumulative number of days worked in that same position by all employees
14.18 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
14.19 includes a substantially equivalent position if it is not the same position solely due to a
14.20 change in the classification or title of the position;

14.21 (3) an early childhood family education teacher employed by a school district; and

14.22 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
14.23 Universities as the instructor of record to teach (i) one class for more than three credits in
14.24 a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.

14.25 Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 18, is amended
14.26 to read:

14.27 Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent
14.28 or assistant superintendent, principal, assistant principal, or a supervisory or confidential
14.29 employee, employed by a school district:

14.30 (1) in a position for which the person must be licensed by the Professional Educator
14.31 Licensing and Standards Board or the commissioner of education;

15.1 (2) in a position as a physical therapist, occupational therapist, art therapist, music
15.2 therapist, or audiologist; or

15.3 (3) in a position creating and delivering instruction to children in a preschool, school
15.4 readiness, school readiness plus, or prekindergarten program or other school district or
15.5 charter school-based early education program, except that an employee in a bargaining unit
15.6 certified before January 1, 2023, may remain in a bargaining unit that does not include
15.7 teachers unless an exclusive representative files a petition for a unit clarification ~~or to transfer~~
15.8 ~~exclusive representative status.~~

15.9 Sec. 4. Minnesota Statutes 2022, section 179A.041, subdivision 2, is amended to read:

15.10 Subd. 2. **Alternate members.** (a) The appointing authorities shall appoint alternate
15.11 members to serve ~~only~~ in the ~~ease~~ event of a member having a conflict of interest or being
15.12 unavailable for a meeting under subdivision 9, as follows:

15.13 (1) one alternate, appointed by the governor, who is an officer or employee of an exclusive
15.14 representative of public employees, to serve as an alternate to the member appointed by the
15.15 governor who is an officer or employee of an exclusive representative of public employees.
15.16 This alternate must not be an officer or employee of the same exclusive representative of
15.17 public employees as the member for whom the alternate serves;

15.18 (2) one alternate, appointed by the governor, who is a representative of public employers,
15.19 to serve as an alternate to the member appointed by the governor who is a representative of
15.20 public employers. This alternate must not represent the same public employer as the member
15.21 for whom the alternate serves; and

15.22 (3) one alternate, appointed by the member who is an officer or employee of an exclusive
15.23 representative of public employees and the member who is a representative of public
15.24 employers, who is not an officer or employee of an exclusive representative of public
15.25 employees, or a representative of a public employer, to serve as an alternate for the member
15.26 that represents the public at large.

15.27 (b) Each alternate member shall serve a term that is coterminous with the term of the
15.28 member for whom the alternate member serves as an alternate.

15.29 Sec. 5. Minnesota Statutes 2023 Supplement, section 179A.041, subdivision 10, is amended
15.30 to read:

15.31 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of
15.32 ~~the~~ a board meeting when ~~it~~ the board is:

16.1 (1) deliberating on the merits of an unfair labor practice ~~charges~~ charge under sections
16.2 179.11, 179.12, and 179A.13;

16.3 (2) reviewing a hearing officer's recommended decision and order ~~of a hearing officer~~
16.4 under section 179A.13; or

16.5 (3) reviewing ~~decisions of the~~ a commissioner ~~of the Bureau of Mediation Services~~
16.6 ~~relating to~~ decision on an unfair labor ~~practices~~ practice under section 179A.12, subdivision
16.7 11.

16.8 Sec. 6. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended
16.9 to read:

16.10 Subd. 6. **Payroll deduction, authorization, and remittance.** (a) Public employees ~~have~~
16.11 ~~the right to~~ may request ~~and be allowed~~ payroll deduction for the exclusive representative
16.12 ~~and the~~ its associated political fund ~~associated with the exclusive representative and registered~~
16.13 ~~pursuant to~~ under section 10A.12. If there is no exclusive representative, public employees
16.14 may request payroll deduction for the organization of their choice. A public employer must
16.15 provide payroll deduction according to any public employee's request under this paragraph.

16.16 (b) A public employer must rely on a certification from ~~any~~ an exclusive representative
16.17 requesting remittance of a deduction that the organization has and will maintain an
16.18 authorization, signed, either by hand or electronically according to section 325L.02, paragraph
16.19 (h), by the public employee from whose salary or wages the deduction is to be made, which
16.20 ~~may include an electronic signature by the public employee as defined in section 325L.02,~~
16.21 ~~paragraph (h).~~ An exclusive representative making such a certification ~~must not be~~ is not
16.22 required to provide the public employer a copy of the authorization unless a dispute arises
16.23 about the authorization's existence or terms ~~of the authorization. The exclusive representative~~
16.24 ~~must indemnify the public employer for any successful claims made by the employee for~~
16.25 ~~unauthorized deductions in reliance on the certification.~~

16.26 (b) (c) A ~~dues~~ payroll deduction authorization ~~remains in effect~~ is effective until the
16.27 exclusive representative notifies the employer ~~receives notice from the exclusive~~
16.28 ~~representative~~ that a public employee has changed or canceled ~~their~~ the employee's
16.29 authorization in writing in accordance with the terms of the original ~~authorizing document,~~
16.30 ~~and~~ authorization. When determining whether deductions have been properly changed or
16.31 canceled, a public employer must rely on information from the exclusive representative
16.32 receiving remittance of the deduction ~~regarding whether the deductions have been properly~~
16.33 ~~changed or canceled. The exclusive representative must indemnify the public employer,~~

17.1 ~~including any reasonable attorney fees and litigation costs, for any successful claims made~~
 17.2 ~~by the employee for unauthorized deductions made in reliance on such information.~~

17.3 ~~(e)~~ (d) Deduction authorization under this section is:

17.4 (1) independent from the public employee's membership status in the organization to
 17.5 which payment is remitted; and is

17.6 (2) effective regardless of whether a collective bargaining agreement authorizes the
 17.7 deduction.

17.8 ~~(d) Employers~~ (e) An employer must ~~commence~~:

17.9 (1) begin deductions within 30 days of notice of authorization from the ~~after an exclusive~~
 17.10 ~~representative~~ submits a certification under paragraph (b); and must

17.11 (2) remit the deductions to the exclusive representative within 30 days of the deduction.
 17.12 ~~The failure of an employer to comply with the provisions of this paragraph shall be an unfair~~
 17.13 ~~labor practice under section 179A.13, the relief for which shall be reimbursement by the~~
 17.14 ~~employer of deductions that should have been made or remitted based on a valid authorization~~
 17.15 ~~given by the employee or employees.~~

17.16 ~~(e) In the absence of an exclusive representative, public employees have the right to~~
 17.17 ~~request and be allowed payroll deduction for the organization of their choice.~~

17.18 (f) An exclusive representative must indemnify a public employer:

17.19 (1) for any successful employee claim for unauthorized employer deductions made by
 17.20 relying on an exclusive representative's certification under paragraph (b); and

17.21 (2) for any successful employee claim for unauthorized employer deductions made by
 17.22 relying on information for changing or canceling deductions under paragraph (c), with
 17.23 indemnification including any reasonable attorney fees and litigation costs.

17.24 ~~(f)~~ (g) Any dispute under this subdivision must be resolved through an unfair labor
 17.25 practice proceeding under section 179A.13. It is an unfair labor practice if an employer fails
 17.26 to comply with paragraph (e), and the employer must reimburse deductions that should have
 17.27 been made or remitted based on a valid authorization given by the employee or employees.

17.28 Sec. 7. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 8, is amended
 17.29 to read:

17.30 Subd. 8. **Bargaining unit information.** (a) Within 20 calendar days ~~from the date of~~
 17.31 ~~hire of~~ after a bargaining unit employee is hired, a public employer must provide the

18.1 following ~~contact~~ information on the employee to an the unit's exclusive representative in
 18.2 an Excel file format or other format agreed to by the exclusive representative:

18.3 (1) name;

18.4 (2) job title;

18.5 (3) worksite location, including location ~~within~~ in a facility when appropriate;

18.6 (4) home address;

18.7 (5) work telephone number;

18.8 (6) home and personal cell phone numbers on file with the public employer;

18.9 (7) date of hire; and

18.10 (8) work email address and personal email address on file with the public employer.

18.11 (b) Every 120 calendar days ~~beginning on January 1, 2024~~, a public employer must
 18.12 provide to ~~an~~ a bargaining unit's exclusive representative in an Excel file or similar format
 18.13 agreed to by the exclusive representative the ~~following~~ information under paragraph (a) for
 18.14 all bargaining unit employees: ~~name; job title; worksite location, including location within~~
 18.15 ~~a facility when appropriate; home address; work telephone number; home and personal cell~~
 18.16 ~~phone numbers on file with the public employer; date of hire; and work email address and~~
 18.17 ~~personal email address on file with the public employer.~~

18.18 (c) ~~A public employer must notify an exclusive representative within 20 calendar days~~
 18.19 ~~of the separation of~~ If a bargaining unit employee separates from employment or transfer
 18.20 transfers out of the bargaining unit of a bargaining unit employee, the employee's public
 18.21 employer must notify the employee's exclusive representative within 20 calendar days after
 18.22 the separation or transfer, including the reason for the separation or transfer.

18.23 Sec. 8. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 9, is amended
 18.24 to read:

18.25 Subd. 9. **Access.** (a) A public employer must allow an exclusive representative or the
 18.26 representative's agent to meet in person with a newly hired employees, ~~without charge to~~
 18.27 ~~the pay or leave time of the employees, for 30 minutes,~~ employee within 30 calendar days
 18.28 from the date of hire; during new employee orientations or, if the employer does not conduct
 18.29 new employee orientations, at individual or group meetings arranged by the employer in
 18.30 coordination with the exclusive representative or the representative's agent during the newly
 18.31 hired employees' regular working hours. For an orientation or meeting under this paragraph,
 18.32 an employer must allow the employee and exclusive representative up to 30 minutes to meet

19.1 and must not charge the employee's pay or leave time during the orientation or meeting, or
19.2 the pay or leave time of an agent of the exclusive representative using time off under
19.3 subdivision 6. An orientation or meeting may be held virtually or for longer than 30 minutes
19.4 only by mutual agreement of the employer and exclusive representative.

19.5 (b) An exclusive representative shall must receive no less than at least ten days' notice
19.6 in advance of an orientation, except that but a shorter notice may be provided where if there
19.7 is an urgent need critical to the employer's operations of the public employer that was not
19.8 reasonably foreseeable. Notice of and attendance at new employee orientations and other
19.9 meetings under this paragraph must be and paragraph (a) are limited to the public employer;

19.10 (1) the employees;

19.11 (2) the exclusive representative, and;

19.12 (3) any vendor contracted to provide a service for purposes of the meeting. Meetings
19.13 may be held virtually or for longer than 30 minutes; and

19.14 (4) the public employer or its designee, who may attend only by mutual agreement of
19.15 the public employer and exclusive representative.

19.16 ~~(b)~~ (c) A public employer must allow an exclusive representative to communicate with
19.17 bargaining unit members using their employer-issued email addresses regarding by email
19.18 on:

19.19 (1) collective bargaining;

19.20 (2) the administration of collective bargaining agreements;

19.21 (3) the investigation of grievances; and other workplace-related complaints and issues;
19.22 and

19.23 (4) internal matters involving the governance or business of the exclusive representative;
19.24 consistent with the employer's generally applicable technology use policies.

19.25 (d) An exclusive representative may communicate with bargaining unit members under
19.26 paragraph (c), via the members' employer-issued email addresses, but the communication
19.27 must be consistent with the employer's generally applicable technology use policies.

19.28 ~~(e)~~ (e) A public employer must allow an exclusive representative to meet with bargaining
19.29 unit members in facilities owned or leased by the public employer regarding to communicate
19.30 on:

19.31 (1) collective bargaining;

20.1 (2) the administration of collective bargaining agreements;

20.2 (3) the investigation of grievances and other workplace-related complaints and issues;

20.3 and

20.4 (4) internal matters involving the governance or business of the exclusive representative,

20.5 ~~provided the use does not interfere with governmental operations and the exclusive~~

20.6 ~~representative complies with worksite security protocols established by the public employer.~~

20.7 ~~Meetings conducted.~~

20.8 (f) The following applies for a meeting under paragraph (e):

20.9 (1) a meeting cannot interfere with government operations;

20.10 (2) the exclusive representative must comply with employer-established worksite security

20.11 protocols;

20.12 (3) a meeting in a government buildings pursuant to this paragraph must not building

20.13 cannot be for the purpose of supporting or opposing any candidate for partisan political

20.14 office or for the purpose of distributing literature or information regarding on partisan

20.15 elections; and

20.16 (4) an exclusive representative conducting a meeting in a government building or other

20.17 government facility ~~pursuant to this subdivision~~ may be charged for maintenance, security,

20.18 and other costs related to ~~the use of~~ using the government building or facility that would

20.19 not otherwise be incurred by the government entity.

20.20 Sec. 9. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision to

20.21 read:

20.22 Subd. 4. **Unit mergers.** Upon the request of an exclusive representative for bargaining

20.23 units, the commissioner must designate as a single unit two bargaining units represented

20.24 by the exclusive representative, subject to subdivision 2 of this section as well as any other

20.25 statutory bargaining unit designation.

20.26 Sec. 10. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision

20.27 to read:

20.28 Subd. 5. **Position classifications.** For the purpose of determining whether a new position

20.29 should be included in an existing bargaining unit, the position shall be analyzed with respect

20.30 to its assigned duties, without regard to title or telework status.

21.1 Sec. 11. Minnesota Statutes 2023 Supplement, section 179A.10, subdivision 2, is amended
21.2 to read:

21.3 Subd. 2. **State employees.** (a) Unclassified employees, unless otherwise excluded, are
21.4 included within the units ~~which~~ that include the classifications to which they are assigned
21.5 for purposes of compensation. Supervisory employees ~~shall only~~ can be assigned only to
21.6 ~~units~~ unit 12 and or 16. The following units are the appropriate units of executive branch
21.7 state employees:

21.8 (1) law enforcement unit;

21.9 (2) craft, maintenance, and labor unit;

21.10 (3) service unit;

21.11 (4) health care nonprofessional unit;

21.12 (5) health care professional unit;

21.13 (6) clerical and office unit;

21.14 (7) technical unit;

21.15 (8) correctional guards unit;

21.16 (9) state university instructional unit;

21.17 (10) state college instructional unit;

21.18 (11) state university administrative unit;

21.19 (12) professional engineering unit;

21.20 (13) health treatment unit;

21.21 (14) general professional unit;

21.22 (15) professional state residential instructional unit;

21.23 (16) supervisory employees unit;

21.24 (17) public safety radio communications operator unit;

21.25 (18) licensed peace officer special unit; and

21.26 (19) licensed peace officer leader unit.

21.27 ~~Each unit consists of the classifications or positions assigned to it in the schedule of~~
21.28 ~~state employee job classification and positions maintained by the commissioner. The~~

22.1 ~~commissioner may only make changes in the schedule in existence on the day prior to~~
22.2 ~~August 1, 1984, as required by law or as provided in subdivision 4.~~

22.3 (b) The following positions are included in the licensed peace officer special unit:

22.4 (1) State Patrol lieutenant;

22.5 (2) NR district supervisor - enforcement;

22.6 (3) assistant special agent in charge;

22.7 (4) corrections investigation assistant director 2;

22.8 (5) corrections investigation supervisor; and

22.9 (6) commerce supervisor special agent.

22.10 (c) The following positions are included in the licensed peace officer leader unit:

22.11 (1) State Patrol captain;

22.12 (2) NR program manager 2 enforcement; and

22.13 (3) special agent in charge.

22.14 (d) Each unit consists of the classifications or positions assigned to it in the schedule of
22.15 state employee job classification and positions maintained by the commissioner. The
22.16 commissioner may make changes in the schedule in existence on the day before August 1,
22.17 1984, only:

22.18 (1) as required by law; or

22.19 (2) as provided in subdivision 4.

22.20 Sec. 12. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 2a, is amended
22.21 to read:

22.22 Subd. 2a. **Majority verification procedure.** (a) ~~Notwithstanding any other provision~~
22.23 ~~of this section,~~ An employee organization may file a petition with the commissioner
22.24 requesting certification as the exclusive representative of ~~an~~ a proposed appropriate unit
22.25 ~~based on a verification that~~ for which there is no currently certified exclusive representative.
22.26 The petition must verify that over 50 percent of the employees in the proposed appropriate
22.27 unit wish to be represented by the petitioner organization. ~~The commissioner shall require~~
22.28 ~~dated representation authorization signatures of affected employees as verification of the~~
22.29 ~~employee organization's claim of majority status.~~

(b) ~~Upon receipt of an employee organization's petition, accompanied by employee authorization signatures under this subdivision, the commissioner shall investigate the petition.~~ If the commissioner determines that over 50 percent of the employees in an the appropriate unit have provided authorization signatures designating the petitioning employee organization ~~specified in the petition~~ as their exclusive representative, the commissioner ~~shall not order an election but shall~~ must certify the employee organization as the employees' exclusive representative without ordering an election under this section.

Sec. 13. Minnesota Statutes 2022, section 179A.12, subdivision 5, is amended to read:

Subd. 5. **Commissioner to investigate.** ~~The commissioner shall, Upon receipt of an employee organization's~~ receiving a petition to the commissioner under subdivision 3 1a or 2a, the commissioner must:

(1) investigate to determine if sufficient evidence of a question of representation exists;
and

(2) hold hearings necessary to determine the appropriate unit and other matters necessary to determine the representation rights of the affected employees and employer.

Sec. 14. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 6, is amended to read:

Subd. 6. **Authorization signatures.** ~~In (a) When~~ determining the numerical status of an employee organization for purposes of this section, the commissioner ~~shall~~ must require a dated representation authorization signatures of affected employees signature of each affected employee as verification of the statements contained in the ~~joint request or petitions~~ petition. ~~These~~

(b) An authorization signatures shall be signature is privileged and confidential information available to the commissioner only. An electronic signatures signature, as defined in section 325L.02, paragraph (h), ~~shall be~~ is valid as an authorization signatures signature.

(c) An authorization signatures shall be signature is valid for ~~a period of one year~~ following the signature date ~~of signature.~~

24.1 Sec. 15. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 11, is amended
24.2 to read:

24.3 Subd. 11. **Unfair labor practices.** The commissioner may void the result of an election
24.4 or majority verification procedure and order a new election or procedure if the commissioner
24.5 finds ~~that~~ one of the following:

24.6 (1) there was an unfair labor practice that:

24.7 (i) was committed by an employer or, a representative candidate or, an employee, or a
24.8 group of employees; and ~~that the unfair labor practice~~

24.9 (ii) affected the result of an the election or the majority verification procedure pursuant
24.10 ~~to subdivision 2a;~~ or ~~that~~

24.11 (2) procedural or other irregularities in the conduct of the election or majority verification
24.12 procedure may have substantially affected its the results; ~~the commissioner may void the~~
24.13 ~~result and order a new election or majority verification procedure.~~

24.14 Sec. 16. Minnesota Statutes 2022, section 179A.13, subdivision 1, is amended to read:

24.15 Subdivision 1. **Actions.** (a) The practices specified in this section are unfair labor
24.16 practices. Any employee, employer, employee or employer organization, exclusive
24.17 representative, or any other person or organization aggrieved by an unfair labor practice as
24.18 defined in this section may file an unfair labor practice charge with the board.

24.19 (b) Whenever it is charged that any party has engaged in or is engaging in any unfair
24.20 labor practice, an investigator designated by the board shall promptly conduct an investigation
24.21 of the charge. Unless after the investigation the board finds that the charge has no reasonable
24.22 basis in law or fact, the board shall promptly issue a complaint and cause to be served upon
24.23 the party a complaint stating the charges, accompanied by a notice of hearing before a
24.24 qualified hearing officer designated by the board at the offices of the bureau or other location
24.25 as the board deems appropriate, ~~not less than five days nor more than 20 days~~ more than
24.26 30 days after serving the complaint absent mutual agreement of the parties, provided that
24.27 no complaint shall be issued based upon any unfair labor practice occurring more than six
24.28 months prior to the filing of a charge. A complaint issued under this subdivision may be
24.29 amended by the board at any time prior to the issuance of an order based thereon. The party
24.30 who is the subject of the complaint has the right to file an answer to the original or amended
24.31 complaint prior to hearing and to appear in person or by a representative and give testimony
24.32 at the place and time fixed in the complaint. In the discretion of the hearing officer conducting
24.33 the hearing or the board, any other party may be allowed to intervene in the proceeding and

to present testimony. The board or designated hearing officers shall not be bound by the rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

(c) Designated investigators must conduct the investigation of charges.

(d) Hearing officers must ~~be licensed to practice law in the state of Minnesota~~ have a juris doctor and must conduct the hearings and issue recommended decisions and orders.

(e) The board or its designees shall have the power to issue subpoenas and administer oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers, and records pursuant to the issuance of a subpoena, the board may apply to a court of competent jurisdiction to request that the party be ordered to appear to testify or produce the requested evidence.

(f) A full and complete record shall be kept of all proceedings before the board or designated hearing officer and shall be transcribed by a reporter appointed by the board.

(g) The party on whom the burden of proof rests shall be required to sustain the burden by a preponderance of the evidence.

(h) At any time prior to the close of a hearing, the parties may by mutual agreement request referral to mediation, at which time the commissioner shall appoint a mediator, and the hearing shall be suspended pending the results of the mediation.

(i) If, upon a preponderance of the evidence taken, the hearing officer determines that any party named in the charge has engaged in or is engaging in an unfair labor practice, then a recommended decision and order shall be issued stating findings of fact and conclusions, and requiring the party to cease and desist from the unfair labor practice, to post a cease-and-desist notice in the workplace, and ordering any appropriate relief to effectuate the policies of this section, including but not limited to reinstatement, back pay, and any other remedies that make a charging party whole. If back pay is awarded, the award must include interest at the rate of seven percent per annum. The order further may require the party to make reports from time to time, and demonstrate the extent to which the party has complied with the order.

(j) If there is no preponderance of evidence that the party named in the charge has engaged in or is engaging in the unfair labor practice, then the hearing officer shall issue a recommended decision and order stating findings of fact and dismissing the complaint.

(k) Parties may file exceptions to the hearing officer's recommended decision and order with the board no later than 30 days after service of the recommended decision and order. The board shall review the recommended decision and order upon timely filing of exceptions

or upon its own motion. If no timely exceptions have been filed, the parties must be deemed to have waived their exceptions. Unless the board reviews the recommended decision and order upon its own motion, it must not be legal precedent and must be final and binding only on the parties to the proceeding as issued in an order issued by the board. If the board does review the recommended decision and order, the board may adopt all, part, or none of the recommended decision and order, depending on the extent to which it is consistent with the record and applicable laws. The board shall issue and serve on all parties its decision and order. The board shall retain jurisdiction over the case to ensure the parties' compliance with the board's order. Unless overturned by the board, the parties must comply with the recommended decision and order.

(l) Until the record has been filed in the court of appeals or district court, the board at any time, upon reasonable notice and in a manner it deems appropriate, may modify or set aside, in whole or in part, any finding or order made or issued by it.

(m) Upon a final order that an unfair labor practice has been committed, the board or the charging party may petition the district court for the enforcement of the order and for appropriate temporary relief or a restraining order. When the board petitions the court, the charging party may intervene as a matter of right.

(n) Whenever it appears that any party has violated a final order of the board issued pursuant to this section, the board must petition the district court for an order directing the party and its officers, agents, servants, successors, and assigns to comply with the order of the board. The board shall be represented in this action by its general counsel, who has been appointed by the board. The court may grant or refuse, in whole or in part, the relief sought, provided that the court also may stay an order of the board pending disposition of the proceedings. The court may punish a violation of its order as in civil contempt.

(o) The board shall have power, upon issuance of an unfair labor practice complaint alleging that a party has engaged in or is engaging in an unfair labor practice, to petition the district court for appropriate temporary relief or a restraining order. Upon the filing of any such petition, the court shall cause notice thereof to be served upon such parties, and thereupon shall have jurisdiction to grant to the board or commissioner temporary relief or a restraining order as it deems appropriate. Nothing in this paragraph precludes a charging party from seeking injunctive relief in district court after filing the unfair labor practice charge.

(p) The proceedings in paragraphs (m), (n), and (o) shall be commenced in the district court for the county in which the unfair labor practice which is the subject of the order or

27.1 administrative complaint was committed, or where a party alleged to have committed the
27.2 unfair labor practice resides or transacts business.

27.3 Sec. 17. Minnesota Statutes 2022, section 179A.13, subdivision 2, is amended to read:

27.4 Subd. 2. **Employers.** Public employers, their agents and representatives are prohibited
27.5 from:

27.6 (1) interfering, restraining, or coercing employees in the exercise of the rights guaranteed
27.7 in sections 179A.01 to 179A.25;

27.8 (2) dominating or interfering with the formation, existence, or administration of any
27.9 employee organization or contributing other support to it;

27.10 (3) discriminating in regard to hire or tenure to encourage or discourage membership in
27.11 an employee organization;

27.12 (4) discharging or otherwise discriminating against an employee because the employee
27.13 has signed or filed an affidavit, petition, or complaint or given information or testimony
27.14 under sections 179A.01 to 179A.25;

27.15 (5) refusing to meet and negotiate in good faith with the exclusive representative of its
27.16 employees in an appropriate unit;

27.17 (6) refusing to comply with grievance procedures contained in an agreement;

27.18 (7) distributing or circulating a blacklist of individuals exercising a legal right or of
27.19 members of a labor organization for the purpose of preventing blacklisted individuals from
27.20 obtaining or retaining employment;

27.21 (8) violating rules established by the commissioner regulating the conduct of
27.22 representation elections;

27.23 (9) refusing to comply with a valid decision of a binding arbitration panel or arbitrator;

27.24 (10) violating or refusing to comply with any lawful order or decision issued by the
27.25 commissioner or the board;

27.26 (11) refusing to provide, upon the request of the exclusive representative, all information
27.27 pertaining to the public employer's budget both present and proposed, revenues, and other
27.28 financing information provided that in the executive branch of state government this clause
27.29 may not be considered contrary to the budgetary requirements of sections 16A.10 and
27.30 16A.11; ~~or~~

28.1 (12) granting or offering to grant the status of permanent replacement employee to a
28.2 person for performing bargaining unit work for the employer during a lockout of employees
28.3 in an employee organization or during a strike authorized by an employee organization that
28.4 is an exclusive representative;

28.5 (13) failing or refusing to provide information that is relevant to enforcement or
28.6 negotiation of a contract within a reasonable time from receiving a request by an exclusive
28.7 representative, not to exceed ten days for information relevant to contract enforcement or
28.8 30 days for information relevant to contract negotiation;

28.9 (14) refusing to reallocate a position after the commissioner has determined the position
28.10 was not placed into the correct bargaining unit; or

28.11 (15) refusing to restore a position to classified service after determination that the position
28.12 was incorrectly placed into unclassified service under section 43A.08.

28.13 Sec. 18. Minnesota Statutes 2022, section 179A.40, subdivision 1, is amended to read:

28.14 Subdivision 1. **Units.** The following are the appropriate employee units of the Hennepin
28.15 Healthcare System, Inc. All units shall exclude supervisors, managerial employees, and
28.16 confidential employees. No additional units of Hennepin Healthcare System, Inc., shall be
28.17 eligible to be certified for the purpose of meeting and negotiating with an exclusive
28.18 representative. The units include all:

28.19 (1) registered nurses;

28.20 (2) physicians except those employed as interns, residents, or fellows;

28.21 (3) professionals except for registered nurses and physicians;

28.22 (4) technical and paraprofessional employees;

28.23 (5) carpenters, electricians, painters, and plumbers;

28.24 (6) health general service employees;

28.25 (7) interpreters;

28.26 (8) emergency medical technicians/emergency medical dispatchers (EMT/EMD), and
28.27 paramedics;

28.28 (9) bioelectronics specialists, bioelectronics technicians, and electronics technicians;

28.29 (10) skilled maintenance employees; ~~and~~

28.30 (11) clerical employees; and

29.1 (12) physicians employed as interns, residents, and fellows.

29.2 Sec. 19. Minnesota Statutes 2022, section 179A.54, subdivision 5, is amended to read:

29.3 Subd. 5. ~~Legislative action on~~ **Collective bargaining agreements.** ~~Any agreement~~
29.4 ~~reached between the state and the exclusive representative of individual providers under~~
29.5 ~~chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance~~
29.6 ~~with sections 3.855 and 179A.22~~ The commissioner of management and budget is authorized
29.7 to enter into and implement agreements, including interest arbitration decisions, with the
29.8 exclusive representative of individual providers as provided in section 179A.22, subdivision
29.9 4, except for terms and conditions requiring appropriations, changes to state law, or approval
29.10 from the federal government which shall be contingent upon and executed following receipt
29.11 of appropriations and state and federal approval.

29.12 Sec. 20. **RULEMAKING.**

29.13 The commissioner of the Bureau of Mediation Services must adopt rules on petitions
29.14 for majority verification, including technical changes needed for consistency with Minnesota
29.15 Statutes, section 179A.12, and the commissioner may use the expedited rulemaking process
29.16 under Minnesota Statutes, section 14.389.

29.17 Sec. 21. **REVISOR INSTRUCTION.**

29.18 The revisor of statutes must renumber Minnesota Statutes, section 179A.12, subdivision
29.19 3, as Minnesota Statutes, section 179A.12, subdivision 1a.

29.20 **ARTICLE 5**

29.21 **EARNED SICK AND SAFE TIME MODIFICATIONS**

29.22 Section 1. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
29.23 to read:

29.24 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
29.25 employer to comply with sections 177.21 to 177.435, 177.50, 179.86, 181.02, 181.03,
29.26 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172,
29.27 paragraph (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.722, 181.79,
29.28 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991, 268B.09,
29.29 subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under section
29.30 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an employer
29.31 to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.

For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner. For the purposes of this subdivision, an employer includes a contractor that has assumed a subcontractor's liability within the meaning of section 181.165.

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

Sec. 2. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a subdivision to read:

Subd. 6. Rulemaking authority. The commissioner may adopt rules to carry out the purposes of this section and sections 181.9445 to 181.9448.

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

Sec. 3. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a subdivision to read:

Subd. 7. Remedies. (a) If an employer does not provide earned sick and safe time pursuant to section 181.9446, or does not allow the use of earned sick and safe time pursuant to section 181.9447, the employer is liable to all employees who were not provided or not allowed to use earned sick and safe time for an amount equal to all earned sick and safe time that should have been provided or could have been used, plus an additional equal amount as liquidated damages.

(b) If the employer does not possess records sufficient to determine the earned sick and safe time an employee should have been provided pursuant to paragraph (a), the employer is liable to the employee for an amount equal to 48 hours of earned sick and safe time for each year earned sick and safe time was not provided, plus an additional equal amount as liquidated damages.

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

31.2 Sec. 4. Minnesota Statutes 2023 Supplement, section 181.032, is amended to read:

31.3 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**
31.4 **TO EMPLOYEE.**

31.5 (a) At the end of each pay period, the employer shall provide each employee an earnings
31.6 statement, either in writing or by electronic means, covering that pay period. An employer
31.7 who chooses to provide an earnings statement by electronic means must provide employee
31.8 access to an employer-owned computer during an employee's regular working hours to
31.9 review and print earnings statements, and must make statements available for review or
31.10 printing for a period of three years.

31.11 (b) The earnings statement may be in any form determined by the employer but must
31.12 include:

31.13 (1) the name of the employee;

31.14 (2) the rate or rates of pay and basis thereof, including whether the employee is paid by
31.15 hour, shift, day, week, salary, piece, commission, or other method;

31.16 (3) allowances, if any, claimed pursuant to permitted meals and lodging;

31.17 (4) the total number of hours worked by the employee unless exempt from chapter 177;

31.18 ~~(5) the total number of earned sick and safe time hours accrued and available for use~~
31.19 ~~under section 181.9446;~~

31.20 ~~(6) the total number of earned sick and safe time hours used during the pay period under~~
31.21 ~~section 181.9447;~~

31.22 ~~(7)~~ (5) the total amount of gross pay earned by the employee during that period;

31.23 ~~(8)~~ (6) a list of deductions made from the employee's pay;

31.24 ~~(9)~~ (7) any amount deducted by the employer under section 268B.14, subdivision 3, and
31.25 the amount paid by the employer based on the employee's wages under section 268B.14,
31.26 subdivision 1;

31.27 ~~(10)~~ (8) the net amount of pay after all deductions are made;

31.28 ~~(11)~~ (9) the date on which the pay period ends;

31.29 ~~(12)~~ (10) the legal name of the employer and the operating name of the employer if
31.30 different from the legal name;

32.1 ~~(13)~~ (11) the physical address of the employer's main office or principal place of business,
32.2 and a mailing address if different; and

32.3 ~~(14)~~ (12) the telephone number of the employer.

32.4 (c) An employer must provide earnings statements to an employee in writing, rather
32.5 than by electronic means, if the employer has received at least 24 hours notice from an
32.6 employee that the employee would like to receive earnings statements in written form. Once
32.7 an employer has received notice from an employee that the employee would like to receive
32.8 earnings statements in written form, the employer must comply with that request on an
32.9 ongoing basis.

32.10 (d) At the start of employment, an employer shall provide each employee a written notice
32.11 containing the following information:

32.12 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by
32.13 the hour, shift, day, week, salary, piece, commission, or other method, and the specific
32.14 application of any additional rates;

32.15 (2) allowances, if any, claimed pursuant to permitted meals and lodging;

32.16 (3) paid vacation, sick time, or other paid time-off accruals and terms of use;

32.17 (4) the employee's employment status and whether the employee is exempt from minimum
32.18 wage, overtime, and other provisions of chapter 177, and on what basis;

32.19 (5) a list of deductions that may be made from the employee's pay;

32.20 (6) the number of days in the pay period, the regularly scheduled pay day, and the pay
32.21 day on which the employee will receive the first payment of wages earned;

32.22 (7) the legal name of the employer and the operating name of the employer if different
32.23 from the legal name;

32.24 (8) the physical address of the employer's main office or principal place of business, and
32.25 a mailing address if different; and

32.26 (9) the telephone number of the employer.

32.27 (e) The employer must keep a copy of the notice under paragraph (d) signed by each
32.28 employee acknowledging receipt of the notice. The notice must be provided to each employee
32.29 in English. The English version of the notice must include text provided by the commissioner
32.30 that informs employees that they may request, by indicating on the form, the notice be
32.31 provided in a particular language. If requested, the employer shall provide the notice in the
32.32 language requested by the employee. The commissioner shall make available to employers

33.1 the text to be included in the English version of the notice required by this section and assist
33.2 employers with translation of the notice in the languages requested by their employees.

33.3 (f) An employer must provide the employee any written changes to the information
33.4 contained in the notice under paragraph (d) prior to the date the changes take effect.

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

33.6 Sec. 5. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 4, is amended
33.7 to read:

33.8 Subd. 4. **Earned sick and safe time.** "Earned sick and safe time" means leave, including
33.9 paid time off and other paid leave systems, that is paid at the same ~~hourly~~ base rate as an
33.10 employee earns from employment that may be used for the same purposes and under the
33.11 same conditions as provided under section 181.9447, but in no case shall this ~~hourly~~ base
33.12 rate be less than that provided under section 177.24 or an applicable local minimum wage.

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

33.14 Sec. 6. Minnesota Statutes 2023 Supplement, section 181.9445, is amended by adding a
33.15 subdivision to read:

33.16 Subd. 4a. **Base rate.** "Base rate" means:

33.17 (1) for employees paid on an hourly basis, the same rate received per hour of work;

33.18 (2) for employees paid on an hourly basis who receive multiple hourly rates, the rate
33.19 the employee would have been paid for the period of time in which leave was taken;

33.20 (3) for employees paid on a salary basis, the same rate guaranteed to the employee as if
33.21 the employee had not taken the leave; and

33.22 (4) for employees paid solely on a commission, piecework, or any basis other than hourly
33.23 or salary, a rate no less than the applicable local, state, or federal minimum wage, whichever
33.24 is greater.

33.25 For purposes of this section and section 181.9446, base rate does not include commissions;
33.26 shift differentials that are in addition to an hourly rate; premium payments for overtime
33.27 work; premium payments for work on Saturdays, Sundays, holidays, or scheduled days off;
33.28 bonuses; or gratuities as defined by section 177.23.

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

34.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 5, is amended
34.2 to read:

34.3 Subd. 5. **Employee.** "Employee" means any person who is employed by an employer,
34.4 including temporary and part-time employees, who ~~performs~~ is anticipated by the employer
34.5 to perform work for at least 80 hours in a year for that employer in Minnesota. Employee
34.6 does not include:

34.7 (1) an independent contractor; or

34.8 (2) an individual who is a paid on-call member of a department charged with the
34.9 prevention or suppression of fires within the boundaries of the state.

34.10 ~~(2) an individual employed by an air carrier as a flight deck or cabin crew member who:~~

34.11 ~~(i) is subject to United States Code, title 45, sections 181 to 188;~~

34.12 ~~(ii) works less than a majority of their hours in Minnesota in a calendar year; and~~

34.13 ~~(iii) is provided with paid leave equal to or exceeding the amounts in section 181.9446.~~

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

34.15 Sec. 8. Minnesota Statutes 2023 Supplement, section 181.9446, is amended to read:

34.16 **181.9446 ACCRUAL OF EARNED SICK AND SAFE TIME.**

34.17 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
34.18 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.
34.19 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
34.20 the employer agrees to a higher amount.

34.21 (b)(1) Except as provided in clause (2), employers must permit an employee to carry
34.22 over accrued but unused sick and safe time into the following year. The total amount of
34.23 accrued but unused earned sick and safe time for an employee must not exceed 80 hours at
34.24 any time, unless an employer agrees to a higher amount.

34.25 (2) In lieu of permitting the carryover of accrued but unused sick and safe time into the
34.26 following year as provided under clause (1), an employer may provide an employee with
34.27 earned sick and safe time for the year that meets or exceeds the requirements of this section
34.28 that is available for the employee's immediate use at the beginning of the subsequent year
34.29 as follows: (i) 48 hours, if an employer pays an employee for accrued but unused sick and
34.30 safe time at the end of a year at the same hourly base rate as an employee earns from
34.31 employment and in no case at a rate less than that provided under section 177.24 or an

applicable local minimum wage; or (ii) 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of a year ~~at the same or greater hourly rate as an employee earns from employment. In no case shall this hourly rate be less than that provided under section 177.24, or an applicable local minimum wage.~~

(c) Employees who are exempt from overtime requirements under United States Code, title 29, section 213(a)(1), as amended through January 1, 2024, are deemed to work 40 hours in each workweek for purposes of accruing earned sick and safe time, except that an employee whose normal workweek is less than 40 hours will accrue earned sick and safe time based on the normal workweek.

(d) Earned sick and safe time under this section begins to accrue at the commencement of employment of the employee.

(e) Employees may use earned sick and safe time as it is accrued.

Sec. 9. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 1, is amended to read:

Subdivision 1. **Eligible use.** An employee may use accrued earned sick and safe time for:

(1) an employee's:

(i) mental or physical illness, injury, or other health condition;

(ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; ~~or~~

(iii) need for preventive medical or health care; or

(iv) need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member;

(2) care of a family member:

(i) with a mental or physical illness, injury, or other health condition;

(ii) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or

(iii) who needs preventive medical or health care;

(3) absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:

(i) seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;

(ii) obtain services from a victim services organization;

(iii) obtain psychological or other counseling;

(iv) seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or

(v) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking;

(4) closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency;

(5) the employee's inability to work or telework because the employee is: (i) prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or (ii) seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and

(6) when it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

For the purposes of this subdivision, a public emergency shall include a declared emergency as defined in section 12.03 or a declared local emergency under section 12.29.

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

Sec. 10. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 3, is amended to read:

Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for more than three consecutive scheduled work days, an employer may require reasonable documentation that the earned sick and safe time is covered by subdivision 1.

(b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6), reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause (1), (2), (5), or (6).

(c) For earned sick and safe time under subdivision 1, clause (3), an employer must accept a court record or documentation signed by a volunteer or employee of a victims services organization, an attorney, a police officer, or an antiviolence counselor as reasonable documentation. If documentation cannot be obtained in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

(d) For earned sick and safe time to care for a family member under subdivision 1, clause (4), an employer must accept as reasonable documentation a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose as reasonable documentation.

(e) An employer must not require disclosure of details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use earned sick and safe time under this section.

(f) Written statements by an employee may be written in the employee's first language and need not be notarized or in any particular format.

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

Sec. 11. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 5, is amended to read:

Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the ~~smallest increment of time tracked by the employer's payroll system, provided such increment is not more than four hours~~ same increment of time for which employees are paid, provided an

38.1 employer is not required to provide leave in less than 15-minute increments nor can the
38.2 employer require use of earned sick and safe time in more than four-hour increments.

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

38.4 Sec. 12. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 10, is amended
38.5 to read:

38.6 Subd. 10. **Employer records and required statement to employees.** (a) Employers
38.7 shall retain accurate records documenting hours worked by employees and earned sick and
38.8 safe time taken and comply with all requirements under section 177.30.

38.9 (b) At the end of each pay period, the employer shall provide, in writing or electronically,
38.10 information stating the employee's current amount of:

38.11 (1) the total number of earned sick and safe time hours available to the employee for
38.12 use under section 181.9446; and

38.13 (2) the total number of earned sick and safe time hours used during the pay period under
38.14 section 181.9447.

38.15 Employers may choose a reasonable system for providing this information, including
38.16 but not limited to listing information on or attached to each earnings statement or an
38.17 electronic system where employees can access this information. An employer who chooses
38.18 to provide this information by electronic means must provide employee access to an
38.19 employer-owned computer during an employee's regular working hours to review and print.

38.20 ~~(b)~~ (c) An employer must allow an employee to inspect records required by this section
38.21 and relating to that employee at a reasonable time and place.

38.22 (d) The records required by this section must be kept for three years.

38.23 (e) All records required to be kept under this section must be readily available for
38.24 inspection by the commissioner upon demand. The records must be either kept at the place
38.25 where employees are working or kept in a manner that allows the employer to comply with
38.26 this paragraph within 72 hours.

38.27 Sec. 13. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 11, is amended
38.28 to read:

38.29 Subd. 11. **Confidentiality and nondisclosure.** (a) If, in conjunction with this section,
38.30 an employer possesses:

39.1 (1) health or medical information regarding an employee or an employee's family
39.2 member;

39.3 (2) information pertaining to domestic abuse, sexual assault, or stalking;

39.4 (3) information that the employee has requested or obtained leave under this section; or

39.5 (4) any written or oral statement, documentation, record, or corroborating evidence
39.6 provided by the employee or an employee's family member, the employer must treat such
39.7 information as confidential.

39.8 Information given by an employee may only be disclosed by an employer if the disclosure
39.9 is requested or consented to by the employee, when ordered by a court or administrative
39.10 agency, or when otherwise required by federal or state law.

39.11 (b) Records and documents relating to medical certifications, recertifications, or medical
39.12 histories of employees or family members of employees created for purposes of section
39.13 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
39.14 separate from the usual personnel files. At the request of the employee, the employer must
39.15 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
39.16 three years prior to the current calendar year, unless state or federal law, rule, or regulation
39.17 requires the employer to retain such records.

39.18 (c) Employers may not discriminate against any employee based on records created for
39.19 the purposes of section 177.50 or sections 181.9445 to 181.9448.

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

39.21 Sec. 14. Minnesota Statutes 2023 Supplement, section 181.9447, is amended by adding
39.22 a subdivision to read:

39.23 **Subd. 12. Weather event exception.** Notwithstanding subdivision 1, an employee may
39.24 not use sick and safe time under the conditions in subdivision 1, clause (4), if:

39.25 (1) the employee's preassigned or foreseeable work duties during a public emergency
39.26 or weather event would require them to respond to the public emergency or weather event;

39.27 (2) the employee is a firefighter; a peace officer subject to licensure under sections
39.28 626.84 to 626.863; a 911 telecommunicator as defined in section 403.02, subdivision 17c;
39.29 a guard at a correctional facility; or a public employee holding a commercial driver's license;
39.30 and

39.31 (3) one of the following two conditions are met:

(i) the employee is represented by an exclusive representative under section 179A.03, subdivision 8, and the collective bargaining agreement or memorandum of understanding governing the employee's position explicitly references section 181.9447, subdivision 1, clause (4), and clearly and unambiguously waives application of that section for the employee's position; or

(ii) the employee is not represented by an exclusive representative, the employee is needed for the employer to maintain minimum staffing requirements, and the employer has a written policy explicitly referencing section 181.9447, subdivision 1, clause (4), that is provided to such employees in a manner that meets the requirements of other earned sick and safe time notices under section 181.9447, subdivision 9.

Sec. 15. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 1, is amended to read:

Subdivision 1. **No effect on more generous sick and safe time policies.** (a) Nothing in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting or retaining earned sick and safe time policies that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448, provided that all time provided to an employee by an employer for absences from work due to personal illness or injury, but not including short-term or long-term disability or other salary continuation benefits, meet or exceed the minimum standards and requirements provided in sections 181.9445 to 181.9448.

(b) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of parties to a collective bargaining agreement to bargain and agree with respect to earned sick and safe time policies or to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in this section.

(c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for a greater amount, accrual, or use by employees of paid sick and safe time or that extends other protections to employees.

(d) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to create any power or duty in conflict with federal law.

(e) Employers who provide earned sick and safe time to their employees under a paid time off policy or other paid leave policy that may be used for the same purposes and under the same conditions as earned sick and safe time, and that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

(f) The provisions of sections 181.9445 to 181.9448 may be waived by a collective bargaining agreement with a bona fide building and construction trades labor organization that has established itself as the collective bargaining representative for the affected building and construction industry employees, provided that for such waiver to be valid, it shall explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive application of those sections to such employees.

(g) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph (d), who provides services through a consumer support grant under section 256.476, consumer-directed community supports under section 256B.4911, or community first services and supports under section 256B.85, to a family member who is a participant, as defined in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year, provided that the funds are returned to the participant's budget. Once an individual provider has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned sick and safe time until the start of the participant's next service plan year.

~~(g)~~ (h) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.

~~(h)~~ (i) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and safe time to an employee before accrual by the employee.

EFFECTIVE DATE. This section is effective the day following final enactment, except paragraph (a) is effective January 1, 2025.

Sec. 16. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 2, is amended to read:

Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued earned sick and safe time that has not been used. If an employee is transferred to

a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all earned sick and safe time accrued at the prior division, entity, or location and is entitled to use all earned sick and safe time as provided in sections 181.9445 to 181.9448. When there is a separation from employment and the employee is rehired within 180 days of separation by the same employer, previously accrued earned sick and safe time that had not been used or otherwise disbursed to the benefit of the employee upon separation must be reinstated. An employee is entitled to use accrued earned sick and safe time and accrue additional earned sick and safe time at the commencement of reemployment.

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

ARTICLE 6

MISCELLANEOUS LABOR PROVISIONS

Section 1. Minnesota Statutes 2022, section 181.960, subdivision 3, is amended to read:

Subd. 3. **Employer.** "Employer" means a person who has ~~20~~ one or more employees. Employer does not include a state agency, statewide system, political subdivision, or advisory board or commission that is subject to chapter 13.

Sec. 2. Minnesota Statutes 2022, section 181A.03, subdivision 1, is amended to read:

Subdivision 1. **General.** As used in sections 181A.01 to ~~181A.12~~ 181A.13, the terms defined in this section shall have the following meanings.

Sec. 3. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web application, or digital application, including a mobile application. Online platform includes a social network, advertising network, mobile operating system, search engine, email service, monetization platform to sell digital services, streaming service, paid subscription, or Internet access service.

Sec. 4. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 7a. **Content creation.** "Content creation" means content shared on an online platform that generates compensation.

Sec. 5. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 7b. **Content creator.** "Content creator" means an individual or individuals 18 years of age or older, including family members, who create content performed in Minnesota that generates compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or individuals, or family members, for the purposes of that content creator.

Sec. 6. **[181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.**

Subdivision 1. **Minors featured in content creation.** (a) Except as otherwise provided in this section, A minor is considered engaged in the work of content creation when the following criteria are met at any time during the previous 12-month period:

(1) at least 30 percent of the content creator's compensated content produced within a 30-day period included the likeness, name, or photograph of any minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of a minor or, if more than one minor regularly appears in the creator's content, any of the minors, visually appears or is the subject of an oral narrative in a segment as compared to the total length of the segment; and

(2) the number of views received on any online platform met the online platform's threshold for generating compensation or the content creator received actual compensation for content equal to or greater than \$0.01 per view.

(b) A minor under the age of 14 is prohibited from engaging in the work of content creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content creator, the minor shall receive 100 percent of the proceeds of the creator's compensation for the content they have appeared in, less any amount owed to another minor.

(c) A minor who is under the age of 18 and over the age of 13, may produce, create, and publish their own content and are entitled to all compensation for their own content creation. A minor engaged in the work of content creation as the producer, creator, and publisher of content must also follow the requirements in paragraph (b).

(d) A minor who appears incidentally in a video that depicts a public event that a reasonable person would know to be a broadcast, including a concert, competition, or sporting event, and is published by a content creator is not considered a violation of this section.

Subd. 2. **Records required.** (a) All content creators whose content features a minor engaged in the work of content creation shall maintain the following records and retain the records until the minor reaches the age of 21:

(1) the name and documentary proof of the age of the minor engaged in the work of content creation;

(2) the amount of content creation that generated compensation as described in subdivision 1 during the reporting period;

(3) the total number of minutes of content creation for which the content creator received compensation during the reporting period;

(4) the total number of minutes a minor was featured in content creation during the reporting period;

(5) the total compensation generated from content creation featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the work of content creation as required by subdivision 3.

(b) The records required by this subdivision must be readily accessible to the minor for review. The content creator shall provide notice to the minor of the existence of the records.

Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation consistent with this section must be compensated by the content creator. The content creator must set aside gross earnings on the content that includes the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor until the minor reaches the age of majority, according to the following distribution:

(1) if only one minor meets the content threshold described in subdivision 1, the percentage of total gross earnings on any segment, including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in subdivision 1; or

(2) if more than one minor meets the content threshold described in subdivision 1 and a segment includes more than one of those minors, the percentage described in clause (1) for all minors in any segment must be equally divided between the minors regardless of differences in percentage of content provided by the individual minors.

(b) A trust account required under this section must, at a minimum, provide that:

45.1 (1) the money in the account is available only to the minor engaged in the work of content
45.2 creation;

45.3 (2) the account is held by a bank, corporate fiduciary, or trust company, as those terms
45.4 are defined in chapter 48A;

45.5 (3) the money in the account becomes available to the minor engaged in the work of
45.6 content creation upon the minor attaining the age of 18 years or upon a declaration that the
45.7 minor is emancipated; and

45.8 (4) that the account meets the requirements of chapter 527, the Uniform Transfers to
45.9 Minors Act.

45.10 Subd. 4. **Civil action; enforcement.** (a) If a content creator knowingly or recklessly
45.11 violates this section, a minor or a person who was a minor at the time of the alleged violation
45.12 may commence a civil action to enforce the provisions of this section regarding the trust
45.13 account. In any action brought in accordance with this paragraph, the court may award
45.14 actual damages, including any compensation owed under this section.

45.15 (b) Along with the civil action provided in paragraph (a), the minor may commence a
45.16 civil action against the content creator for damages, injunctive relief, and any other relief
45.17 the court finds just and equitable to enforce this section.

45.18 (c) The attorney general may enforce subdivision 1 of this section, pursuant to section
45.19 8.31, and may recover costs and fees.

45.20 (d) This section does not affect a right or remedy available under any other law of the
45.21 state.

45.22 (e) Nothing in this section shall be interpreted to have any effect on a party that is neither
45.23 the content creator nor the minor who engaged in the work of content creation.

45.24 Subd. 5. **Content deletion requests.** (a) A person 13 years of age or older who was
45.25 featured as a minor child in content of a content creator may request the permanent deletion
45.26 of the content from an online platform. An online platform must have an easily accessible
45.27 form available online for submission of the deletion request.

45.28 (b) An online platform that receives a deletion request shall remove and permanently
45.29 delete the content for which the request was made within seven days after the request was
45.30 submitted.

(c) Any contract between a content creator and an online platform that would reasonably be anticipated to feature a minor child must include notification to the social media platform of the rights under this subdivision.

Subd. 6. **Minimum age exemption.** A minor 14 years of age or over compensated under this section is exempt from the minimum age provisions of section 181A.04, subdivision 1.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 7. RULEMAKING; ACCEPTABLE BLOOD LEAD LEVELS FOR WORKERS.

The commissioner of labor and industry, in consultation with the commissioner of health, shall adopt rules to:

(1) lower the acceptable blood lead levels above which require mandatory removal of workers from the lead exposure; and

(2) lower the blood lead levels required before a worker is allowed to return to work. The thresholds established must be based on the most recent public health information on the safety of lead exposure.

ARTICLE 7
CONSTRUCTION CODES AND LICENSING

Section 1. Minnesota Statutes 2023 Supplement, section 326B.106, subdivision 16, is amended to read:

Subd. 16. **Electric vehicle charging.** The code shall require a minimum number of electric vehicle ready spaces, electric vehicle capable spaces, and electric vehicle charging stations either within or adjacent to new commercial and multifamily structures that provide on-site parking facilities. ~~Residential structures with fewer than four dwelling units are exempt from this subdivision.~~ Single-family homes, two-family homes, and townhouses that provide on-site parking shall be required by the code to provide not less than one electric-vehicle-capable space per dwelling unit or parking space, whichever is less.

Sec. 2. Minnesota Statutes 2022, section 326B.89, subdivision 5, is amended to read:

Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the fund to an owner or a lessee in an amount greater than ~~\$75,000~~ \$100,000 per licensee. The commissioner shall not pay compensation from the fund to owners and lessees in an amount that totals more than \$550,000 per licensee. The commissioner shall only pay compensation

from the fund for a final judgment that is based on a contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that requires licensure as a residential building contractor or residential remodeler.

EFFECTIVE DATE. This section is effective July 1, 2024.

ARTICLE 8

UNIVERSITY OF MINNESOTA COLLECTIVE BARGAINING

Section 1. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is amended to read:

Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means any person appointed or employed by a public employer except:

(1) elected public officials;

(2) election officers;

(3) commissioned or enlisted personnel of the Minnesota National Guard;

(4) emergency employees who are employed for emergency work caused by natural disaster;

(5) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;

(6) employees whose positions are basically temporary or seasonal in character and: (i) are not for more than 67 working days in any calendar year; or (ii) are not working for a Minnesota school district or charter school; ~~or (iii) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;~~

(7) employees providing services for not more than two consecutive quarters to the Board of Trustees of the Minnesota State Colleges and Universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;

(8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;

48.1 ~~(9) full-time undergraduate students employed by the school which they attend under a~~
48.2 ~~work-study program or in connection with the receipt of financial aid, irrespective of number~~
48.3 ~~of hours of service per week;~~

48.4 ~~(10)~~ (9) an individual who is employed for less than 300 hours in a fiscal year as an
48.5 instructor in an adult vocational education program;

48.6 ~~(11)~~ (10) with respect to court employees:

48.7 (i) personal secretaries to judges;

48.8 (ii) law clerks;

48.9 (iii) managerial employees;

48.10 (iv) confidential employees; and

48.11 (v) supervisory employees; or

48.12 ~~(12)~~ (11) with respect to employees of Hennepin Healthcare System, Inc., managerial,
48.13 supervisory, and confidential employees.

48.14 (b) The following individuals are public employees regardless of the exclusions of
48.15 paragraph (a), clauses (5) to (7):

48.16 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
48.17 State Colleges and Universities except at the university established in the Twin Cities
48.18 metropolitan area under section 136F.10 or for community services or community education
48.19 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
48.20 who is a public employee, where the replacement employee is employed more than 30
48.21 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
48.22 position created due to increased enrollment, curriculum expansion, courses which are a
48.23 part of the curriculum whether offered annually or not, or other appropriate reasons;

48.24 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
48.25 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
48.26 year and the cumulative number of days worked in that same position by all employees
48.27 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
48.28 includes a substantially equivalent position if it is not the same position solely due to a
48.29 change in the classification or title of the position;

48.30 (3) an early childhood family education teacher employed by a school district; ~~and~~

48.31 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
48.32 Universities or the University of Minnesota as the instructor of record to teach (i) one class

49.1 for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a
49.2 fiscal year; and

49.3 (5) an individual who: (i) is paid by the Board of Regents of the University of Minnesota
49.4 for work performed at the direction of the university or any of its employees or contractors;
49.5 and (ii) is enrolled in three or more university credit-bearing classes or one semester as a
49.6 full-time student or post-doctoral fellow during the fiscal year in which the work is
49.7 performed. For purposes of this section, work paid by the university includes but is not
49.8 limited to work that is required as a condition of receiving a stipend or tuition benefit,
49.9 whether or not the individual also receives educational benefit from performing that work.
49.10 Individuals who perform supervisory functions in regard to any of the aforementioned
49.11 workers are not considered supervisory employees for the purpose of section 179A.06,
49.12 subdivision 2.

49.13 Sec. 2. Minnesota Statutes 2022, section 179A.11, subdivision 1, is amended to read:

49.14 Subdivision 1. **Units.** (a) The following are the appropriate units of University of
49.15 Minnesota employees. All units shall exclude managerial and confidential employees.
49.16 ~~Supervisory employees shall only be assigned to unit 13. No additional units of University~~
49.17 ~~of Minnesota employees shall be recognized for the purpose of meeting and negotiating.~~

49.18 (1) The Law Enforcement Unit ~~consists of~~ includes the positions of all employees with
49.19 the power of arrest.

49.20 (2) The Craft and Trades Unit ~~consists of~~ includes the positions of all employees whose
49.21 work requires specialized manual skills and knowledge acquired through formal training
49.22 or apprenticeship or equivalent on-the-job training or experience.

49.23 (3) The Service, Maintenance, and Labor Unit ~~consists of~~ includes the positions of all
49.24 employees whose work is typically that of maintenance, service, or labor and which does
49.25 not require extensive previous training or experience, except as provided in unit 4.

49.26 (4) The Health Care Nonprofessional and Service Unit ~~consists of~~ includes the positions
49.27 of all nonprofessional employees of the University of Minnesota hospitals, dental school,
49.28 and health service whose work is unique to those settings, excluding labor and maintenance
49.29 employees as defined in unit 3.

49.30 (5) The Nursing Professional Unit ~~consists of~~ includes all positions which are required
49.31 to be filled by registered nurses.

(6) The Clerical and Office Unit ~~consists of~~ includes the positions of all employees whose work is typically clerical or secretarial, including nontechnical data recording and retrieval and general office work, except as provided in unit 4.

(7) The Technical Unit ~~consists of~~ includes the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.

~~(8) The Twin Cities Instructional Unit consists of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate or instructor, including research fellow, located on the Twin Cities campuses.~~

~~(9)~~ (8) The Outstate Instructional Unit ~~consists of~~ includes the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston, or ~~Waseea~~ Rochester campuses shall be included within this unit if a majority of the eligible employees voting at a campus so vote during an election conducted by the commissioner, provided that the election or majority verification procedure shall not be held until the Duluth campus has voted in favor of representation. The election shall be held or majority verification procedure shall take place when an employee organization or group of employees petitions the commissioner stating that a majority of the eligible employees at one of these campuses wishes to join the unit and this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed between September 1 and November 1.

~~Should both units 8 and 9 elect exclusive bargaining representatives, those representatives may by mutual agreement jointly negotiate a contract with the regents, or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract shall be ratified by each unit. For the purposes of this section, "instructional employees" shall include all individuals who spend 35 percent or more of their work time creating, delivering, and assessing the mastery of credit-bearing coursework.~~

(10) The Graduate Assistant Unit ~~consists of~~ includes the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, graduate school fellow,

51.1 graduate school trainee, professional school fellow, professional school trainee, or
51.2 administrative fellow I or II. None of the listed ranks refer to ranks under the job category
51.3 of professionals-in-training.

51.4 ~~(11) The Academic Professional and Administrative Staff Unit consists of all academic~~
51.5 ~~professional and administrative staff positions that are not defined as included in an~~
51.6 ~~instructional unit, the supervisory unit, the clerical unit, or the technical unit.~~

51.7 ~~(12) The Noninstructional Professional Unit consists of the positions of all employees~~
51.8 ~~meeting the requirements of section 179A.03, subdivision 13, clause (1) or (2), which are~~
51.9 ~~not defined as included within an instructional unit, the Academic Professional and~~
51.10 ~~Administrative Staff Unit, or the supervisory unit.~~

51.11 ~~(13) The Supervisory Employees Unit consists of the positions of all supervisory~~
51.12 ~~employees.~~

51.13 (b) All University of Minnesota employees whose positions are not within an enumerated
51.14 bargaining unit in this subdivision may organize in the manner set forth in section 179A.09,
51.15 and the commissioner must place special weight on the desires of the petitioning employee
51.16 representatives.

51.17 Sec. 3. Minnesota Statutes 2022, section 179A.11, subdivision 2, is amended to read:

51.18 Subd. 2. **University of Minnesota employee severance.** (a) Each of the following
51.19 groups of University of Minnesota employees has the right, as specified in this subdivision,
51.20 to separate from the instructional and supervisory units: (1) health sciences instructional
51.21 employees at all campuses with the rank of professor, associate professor, assistant professor,
51.22 including research associate, or instructor, including research fellow, (2) instructional
51.23 employees of the law school with the rank of professor, associate professor, assistant
51.24 professor, including research associate, or instructor, including research fellow, (3)
51.25 instructional supervisors, (4) noninstructional professional supervisors, and (5) academic
51.26 professional and administrative staff supervisors.

51.27 ~~This~~ (b) The right to separate may be exercised:

51.28 (1) by petition between September 1 and November 1. If a group separates from its unit,
51.29 it has no right to meet and negotiate, but retains the right to meet and confer with the
51.30 appropriate officials on any matter of concern to the group. The right to separate must be
51.31 exercised as follows: An employee organization or group of employees claiming that a
51.32 majority of any one of these groups of employees on a statewide basis wish to separate from
51.33 their unit may petition the commissioner for an election during the petitioning period. If the

petition is supported by a showing of at least 30 percent support from the employees, the commissioner ~~shall~~ may hold an election on the separation issue or the petitioning group may proceed under the process set forth in section 179A.12. This election must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from their unit, the commissioner shall certify that result; or

(2) by the group's exclusion from a proposed unit in a representation petition.

(c) Where not inconsistent with other provisions of this section, the election is governed by section 179A.12. If a group of employees severs, it may rejoin that unit by following the procedures for severance during the periods for severance.

Sec. 4. Minnesota Statutes 2022, section 179A.11, is amended by adding a subdivision to read:

Subd. 3. **Joint bargaining.** Units organized under this section that have elected exclusive bargaining representatives may by mutual agreement jointly negotiate a contract with the regents, or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract must be ratified by each unit.

ARTICLE 9

PATIENT CARE STAFF PROTECTIONS

Section 1. Minnesota Statutes 2022, section 144.05, subdivision 7, is amended to read:

Subd. 7. Expiration of report mandates. (a) If the submission of a report by the commissioner of health to the legislature is mandated by statute and the enabling legislation does not include a date for the submission of a final report, the mandate to submit the report shall expire in accordance with this section.

(b) If the mandate requires the submission of an annual report and the mandate was enacted before January 1, 2021, the mandate shall expire on January 1, 2023. If the mandate requires the submission of a biennial or less frequent report and the mandate was enacted before January 1, 2021, the mandate shall expire on January 1, 2024.

(c) Any reporting mandate enacted on or after January 1, 2021, shall expire three years after the date of enactment if the mandate requires the submission of an annual report and shall expire five years after the date of enactment if the mandate requires the submission of a biennial or less frequent report, unless the enacting legislation provides for a different expiration date.

(d) The commissioner shall submit a list to the chairs and ranking minority members of the legislative committees with jurisdiction over health by February 15 of each year, beginning February 15, 2022, of all reports set to expire during the following calendar year in accordance with this section. The mandate to submit a report to the legislature under this paragraph does not expire.

EFFECTIVE DATE. This section is effective retroactively from January 1, 2024.

Sec. 2. Minnesota Statutes 2022, section 144.7065, subdivision 8, is amended to read:

Subd. 8. **Root cause analysis; corrective action plan.** (a) Following the occurrence of an adverse health care event, the facility must conduct a root cause analysis of the event. In conducting the root cause analysis, the facility must consider as one of the factors staffing levels and the impact of staffing levels on the event. Following the analysis, the facility must: (1) implement a corrective action plan to implement the findings of the analysis or (2) report to the commissioner any reasons for not taking corrective action. If the root cause analysis and the implementation of a corrective action plan are complete at the time an event must be reported, the findings of the analysis and the corrective action plan must be included in the report of the event. The findings of the root cause analysis and a copy of the corrective action plan must otherwise be filed with the commissioner within 60 days of the event.

(b) During the root cause analysis, the facility must notify any individual whose conduct may be under review no less than three days in advance of any meeting or interview with the individual about the adverse event. The notice shall inform the individual of the subject, purpose, date, and time of the meeting or interview.

Sec. 3. Minnesota Statutes 2022, section 144.7067, subdivision 2, is amended to read:

Subd. 2. **Duty to analyze reports; communicate findings.** (a) The commissioner shall: (1) analyze adverse event reports, corrective action plans, and findings of the root cause analyses to determine patterns of systemic failure in the health care system and successful methods to correct these failures;

(2) communicate to individual facilities the commissioner's conclusions, if any, regarding an adverse event reported by the facility;

(3) communicate with relevant health care facilities any recommendations for corrective action resulting from the commissioner's analysis of submissions from facilities; and

(4) publish an annual report:

- 54.1 (i) describing, by institution, adverse events reported;
- 54.2 (ii) outlining, in aggregate, corrective action plans and the findings of root cause analyses;
- 54.3 and
- 54.4 (iii) making recommendations for modifications of state health care operations.

54.5 (b) Notwithstanding section 144.05, subdivision 7, the mandate to publish an annual

54.6 report under this subdivision does not expire.

54.7 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2023.

54.8 Sec. 4. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended

54.9 to read:

54.10 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an

54.11 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,

54.12 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172, paragraph

54.13 (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.2751, 181.635, 181.722, 181.79,

54.14 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991, 268B.09,

54.15 subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under section

54.16 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an employer

54.17 to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.

54.18 For purposes of this subdivision only, a violation is repeated if at any time during the two

54.19 years that preceded the date of violation, the commissioner issued an order to the employer

54.20 for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or

54.21 the commissioner and the employer have entered into a settlement agreement that required

54.22 the employer to pay back wages that were required by sections 177.41 to 177.435. The

54.23 department shall serve the order upon the employer or the employer's authorized

54.24 representative in person or by certified mail at the employer's place of business. An employer

54.25 who wishes to contest the order must file written notice of objection to the order with the

54.26 commissioner within 15 calendar days after being served with the order. A contested case

54.27 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,

54.28 within 15 calendar days after being served with the order, the employer fails to file a written

54.29 notice of objection with the commissioner, the order becomes a final order of the

54.30 commissioner. For the purposes of this subdivision, an employer includes a contractor that

54.31 has assumed a subcontractor's liability within the meaning of section 181.165.

Sec. 5. **[181.2751] ADDITIONAL PATIENT ASSIGNMENTS; RETALIATION
AGAINST PATIENT CARE STAFF PROHIBITED.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Assignment" means the designation of nursing tasks or activities to be performed by a nurse or unlicensed assistive person.

(c) "Emergency" means a period when replacement staff are not able to report for duty for the next shift or increased patient need, because of unusual, unpredictable, or unforeseen circumstances such as, but not limited to, an act of terrorism, a disease outbreak, adverse weather conditions, or natural disasters which impact continuity of patient care.

(d) "Emergency medical condition" means a condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in placing the individual's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of bodily organs.

(e) "Facility" means:

(1) an acute care hospital licensed under sections 144.50 to 144.58; or

(2) any facility, regardless of the type of facility and regardless of the facility's license, where patient care staff employed by the state provide patient care.

(f) "Nurse" has the meaning given in section 148.171, subdivision 9, and includes nurses employed by the state of Minnesota.

(g) "Patient" means a patient of a facility.

(h) "Patient care staff" means a person in a nonsupervisory and nonmanagerial position who provides direct care; who provides supportive, rehabilitative, or therapeutic services to patients; or who directly provides nursing care to patients more than 60 percent of the time, but who is not:

(1) a licensed physician;

(2) a physician assistant licensed under chapter 147A; or

(3) an advanced practice registered nurse licensed under sections 148.171 to 148.285, unless working as a registered nurse.

Subd. 2. **Prohibited actions.** Except as provided in subdivision 5 and subject to compliance with the process established in subdivision 3, as applicable, a facility and the facility's agent shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate because the patient care staff:

(1) makes a request to engage in the process established in subdivision 3; or

(2) fails to accept an assignment of one or more additional patients after following the process established in subdivision 3 because the patient care staff reasonably determines that accepting an additional patient assignment, may create an unnecessary danger to a patient's life, health, or safety or may otherwise constitute a ground for disciplinary action under section 148.261.

Subd. 3. **Process.** (a) A patient care staff may decline to accept an additional patient assignment if the following process is met:

(1) the patient care staff notifies the charge nurse, or their direct supervisor if a charge nurse is unavailable, stating in writing that the patient care staff reasonably determines that the additional patient assignment may create an unnecessary danger to a patient's life, health, or safety or may otherwise constitute a ground for disciplinary action under section 148.261.

The notification must include:

(i) the name of the requesting patient care staff;

(ii) the date and time of the request; and

(iii) a brief explanation of why the patient care staff is requesting to decline the additional patient assignment under the process in this subdivision; and

(2) the charge nurse or direct supervisor must evaluate the relevant factors to assess and determine the adequacy of resources and invoke any chain of command policy to meet patient care needs. Any chain of command policy must be available on all units in a place that is accessible to workers and must include contact information for all individuals in the chain of command.

(b) If the issue cannot be resolved through reallocation of resources or by other possible measures by the charge nurse or direct supervisor and the patient care staff reasonably determines that accepting an additional patient assignment may create an unnecessary danger to a patient's life, health, or safety, the patient care staff may decline to accept the additional patient assignment.

(c) If a patient care staff is unable to complete a written request due to immediate patient care needs, the patient care staff may orally invoke the process under this subdivision by

57.1 notifying the charge nurse or direct supervisor of the request. A written request that meets
57.2 the requirements of this subdivision must be completed before leaving the work setting at
57.3 the end of the work period.

57.4 (d) A retrospective review of any process request, including an examination of the
57.5 reasonableness of the patient care staff's determination pursuant to paragraph (a) or (b), may
57.6 be initiated by the individuals involved and may be completed at the unit level or at the
57.7 hospital nurse staffing committee level.

57.8 Subd. 4. **State patient care staff.** Subdivision 2 applies to patient care staff employed
57.9 by the state regardless of the type of facility where the patient care staff is employed and
57.10 regardless of the facility's license, if the patient care staff is involved in patient care.

57.11 Subd. 5. **Collective bargaining rights.** (a) This section does not diminish or impair the
57.12 rights of a person under any collective bargaining agreement.

57.13 (b) At any point in the process provided under subdivision 3 or during any retrospective
57.14 review of a process under subdivision 3, paragraph (d), involving patient care staff covered
57.15 by a collective bargaining agreement, the patient care staff has the right to have a
57.16 representative of the labor organization present at any meeting and have reasonable time to
57.17 consult with a labor organization representative regarding the subject and purpose of the
57.18 meeting.

57.19 Subd. 6. **Emergency.** A patient care staff may be required to accept an additional patient
57.20 assignment in an emergency or when there is an emergency medical condition that has not
57.21 been stabilized.

57.22 Subd. 7. **Enforcement.** The commissioner may enforce this section by issuing a
57.23 compliance order under section 177.27, subdivision 4. The commissioner may defer
57.24 investigation and enforcement while the parties participate in alternative dispute resolution
57.25 services to resolve disputes of alleged violations of this section. The commissioner may
57.26 assess a fine of up to \$5,000 for each violation of this section.

57.27 Subd. 8. **Professional obligations.** (a) Nothing in this section modifies a nurse's
57.28 professional obligations under sections 148.171 to 148.285.

57.29 (b) It is not a violation of the Nurse Practice Act under sections 148.171 to 148.285 or
57.30 of any duty to a patient if a nurse, in good faith, makes a request under subdivision 3,
57.31 paragraph (a), clause (1); fails to accept an assignment under subdivision 3, paragraph (a),
57.32 clause (2); or declines an assignment after following the process in subdivision 3.

58.1 (c) Nothing in this section shall be construed to allow discrimination against classes and
58.2 status protected by the Minnesota Human Rights Act, chapter 363A."

58.3 Delete the title and insert:

58.4 "A bill for an act

58.5 relating to labor and industry; modifying previous appropriations; appropriating
58.6 money; modifying combative sports regulations; modifying supplemental
58.7 appropriations and other provisions related to the Bureau of Mediation Services;
58.8 making technical and policy changes to certain public employee labor relations
58.9 provisions; modifying earned sick and safe time; authorizing rulemaking; providing
58.10 compensation for minors appearing in Internet content creation; prohibiting
58.11 retaliation against patient care staff; amending Minnesota Statutes 2022, sections
58.12 144.05, subdivision 7; 144.7065, subdivision 8; 144.7067, subdivision 2; 179A.041,
58.13 subdivision 2; 179A.09, by adding subdivisions; 179A.11, subdivisions 1, 2, by
58.14 adding a subdivision; 179A.12, subdivision 5; 179A.13, subdivisions 1, 2; 179A.40,
58.15 subdivision 1; 179A.54, subdivision 5; 181.960, subdivision 3; 181A.03,
58.16 subdivision 1, by adding subdivisions; 326B.89, subdivision 5; 341.28, by adding
58.17 a subdivision; 341.29; 626.892, subdivision 10; Minnesota Statutes 2023
58.18 Supplement, sections 13.43, subdivision 6; 177.27, subdivision 4; 177.50, by
58.19 adding subdivisions; 179A.03, subdivisions 14, 18; 179A.041, subdivision 10;
58.20 179A.06, subdivision 6; 179A.07, subdivisions 8, 9; 179A.10, subdivision 2;
58.21 179A.12, subdivisions 2a, 6, 11; 181.032; 181.9445, subdivisions 4, 5, by adding
58.22 a subdivision; 181.9446; 181.9447, subdivisions 1, 3, 5, 10, 11, by adding a
58.23 subdivision; 181.9448, subdivisions 1, 2; 326B.106, subdivision 16; 341.25; 341.28,
58.24 subdivision 5; 341.30, subdivision 4; 341.321; 341.33, by adding a subdivision;
58.25 341.355; Laws 2023, chapter 53, article 14, section 1; article 19, sections 2,
58.26 subdivisions 1, 3, 5; 4; proposing coding for new law in Minnesota Statutes,
58.27 chapters 181; 181A; repealing Minnesota Statutes 2022, sections 179.81; 179.82;
58.28 179.83, subdivision 1; 179.84, subdivision 1; 179.85; Minnesota Rules, parts
58.29 5520.0100; 5520.0110; 5520.0120; 5520.0200; 5520.0250; 5520.0300; 5520.0500;
58.30 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620; 5520.0700; 5520.0710;
58.31 5520.0800."