

1.1 Senator ..... moves to amend S.F. No. 1462 as follows:

1.2 Page 12, delete subdivision 2 and insert

1.3 "Subd. 2. **Transfer of staff; protections; applicability of collective bargaining**

1.4 **agreements.** (a) Personnel relating to the administration of grant programs under Minnesota  
1.5 Statutes, sections 122A.635 and 122A.70, with the Professional Educator Licensing and  
1.6 Standards Board may be transferred to the Department of Education beginning August 1,  
1.7 2025, with 30 days notice from the commissioner of management and budget and after  
1.8 approval by the commissioner.

1.9 (b) The following protections apply to employees who are transferred to the department  
1.10 from the Professional Educator Licensing and Standards Board to administer grant programs  
1.11 under Minnesota Statutes, sections 122A.635 and 122A.70:

1.12 (1) no transferred employee shall have their employment status and job classification  
1.13 altered as a result of the transfer;

1.14 (2) transferred employees who were represented by an exclusive representative prior to  
1.15 the transfer shall continue to be represented by the same exclusive representative after the  
1.16 transfer;

1.17 (3) any applicable collective bargaining agreements with exclusive representatives shall  
1.18 continue in full force and effect for transferred employees after the transfer;

1.19 (4) when an employee in a temporary unclassified position is transferred to the  
1.20 department, the total length of time that the employee has served in the appointment shall  
1.21 include all time served in the appointment at the transferring agency and the time served in  
1.22 the appointment at the department. An employee in a temporary unclassified position who  
1.23 was hired by a transferring agency through an open competitive selection process in  
1.24 accordance with a policy enacted by the commissioner of management and budget is  
1.25 considered to have been hired through that selection process after the transfer; and

1.26 (5) the state must meet and negotiate with the exclusive representatives of the transferred  
1.27 employees about any proposed changes affecting or relating to the transferred employees'  
1.28 terms and conditions of employment to the extent that the proposed changes are not addressed  
1.29 in the applicable collective bargaining agreement.

1.30 Subd. 3. **Future transfer.** (a) If the state transfers ownership or control of any facilities,  
1.31 services, or operations of the department related to the administration of grant programs  
1.32 under Minnesota Statutes, sections 122A.635 and 122A.70, to another private or public

2.1 entity by subcontracting, sale, assignment, lease, or other transfer, the state must require as  
2.2 a written condition of the transfer of ownership or control the following:

2.3 (1) employees who perform work in the facilities, services, or operations related to the  
2.4 administration of grant programs under Minnesota Statutes, sections 122A.635 and 122A.70  
2.5 must be offered employment with the entity acquiring ownership or control before the entity  
2.6 offers employment to any individual who was not employed by the transferring agency at  
2.7 the time of the transfer; and

2.8 (2) the wage and benefit standards of the transferred employees must not be reduced by  
2.9 the entity acquiring ownership or control through the expiration of the collective bargaining  
2.10 agreement in effect at the time of the transfer or for a period of two years after the transfer,  
2.11 whichever is longer.

2.12 (b) There is no liability on the part of, and no cause of action arises against, the state of  
2.13 Minnesota or its officers or agents for any action or inaction of any entity acquiring ownership  
2.14 or control of any facilities, services, or operations of the department related to the  
2.15 administration of grant programs under Minnesota Statutes, sections 122A.635 and 122A.70."