

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3229

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DATE	D-PG	OFFICIAL STATUS
04/02/2025	1278	Introduction and first reading Referred to Labor

1.1A bill for an act

1.2relating to labor law; creating and regulating collective bargaining rights for

1.3transportation network company drivers; authorizing rulemaking; proposing coding

1.4for new law as Minnesota Statutes, chapter 179B.

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

1.6Section 1. [179B.01] DEFINITIONS.

1.7Subdivision 1. Definitions. For purposes of this chapter, the following terms have the

1.8meanings given.

1.9Subd. 2. Active driver. "Active driver" means a driver who, in the most recent two

1.10quarters for which data is available, completed at least the median number of rides as

1.11calculated by the commissioner under section 179B.03, subdivision 2, paragraph (b), clause

1.12(2).

1.13Subd. 3. Bargaining representative. "Bargaining representative" means a labor

1.14organization that has been certified by the commissioner under section 179B.06, subdivision

1.152.

1.16Subd. 4. Board. "Board" means the Public Employment Relations Board.

1.17Subd. 5. Bureau. "Bureau" means the Bureau of Mediation Services established under

1.18section 179.02.

1.19Subd. 6. Commissioner. "Commissioner" means the commissioner of the Bureau of

1.20Mediation Services.

1.21Subd. 7. Company union. (a) "Company union" means any committee, employee

1.22representation plan, or association of drivers or others that exists for the purpose, in whole

or in part, of working with TNCs concerning grievances or terms and conditions of work for drivers and that was:

(1) initiated or created by a TNC, or initiated or created at the suggestion of a TNC;

(2) involved a TNC in forming the company union's governing rules or policies;

(3) involved a TNC in or supervision of the company union's management, operations, or elections; or

(4) maintained, financed, controlled, or dominated by a TNC, or assisted by a TNC in maintaining or financing, unless required to do so by this chapter or any regulations implementing this chapter, whether by compensating anyone for services performed on the company union's behalf or by donating free services, equipment, materials, office or meeting space, or anything else of value, or by any other means.

(b) A labor organization must not be deemed a company union solely because it has negotiated or been granted the right to designate drivers to be released with pay for the purpose of providing representation or other labor relations services on behalf of drivers or others represented by the labor organization.

(c) A labor organization must not be deemed a company union solely because, in the course of providing representation to drivers for whom it is the exclusive representative, a TNC allows agents of the labor organization to meet with drivers on the TNC's premises.

Subd. 8. **Digital network.** "Digital network" has the meaning given in section 65B.472, subdivision 1, paragraph (b).

Subd. 9. **District court.** "District court" means the district court for the county:

(1) in which the unfair labor practice that is the subject of the order or administrative complaint was committed; or

(2) in which a party alleged to have committed the unfair labor practice resides or transacts business.

Subd. 10. **Driver.** "Driver" has the meaning given in section 65B.472, subdivision 1, paragraph (n).

Subd. 11. **Exclusive representative.** "Exclusive representative" means a labor organization that has been certified by the commissioner under section 179B.06, subdivision 3.

Subd. 12. **Labor organization.** "Labor organization" means any organization:

- 3.1 (1) in which drivers participate;
- 3.2 (2) that exists for the purposes, in whole or in part, of:
- 3.3 (i) collective bargaining;
- 3.4 (ii) working with TNCs regarding grievances or terms and conditions of work; or
- 3.5 (iii) providing other mutual aid or protection; and
- 3.6 (3) that is not a company union under subdivision 7.

3.7 Subd. 13. **Lockout.** (a) "Lockout" means a refusal by a TNC to permit a driver normal

3.8 access to the TNC's means of connecting drivers to individuals seeking transportation

3.9 service, as a result of a dispute with the driver or the labor organization representing the

3.10 driver, that affects the driver's compensation, benefits, hours, and other terms and conditions

3.11 of work.

3.12 (b) Lockout does not include a termination of engagement of a driver for good cause,

3.13 under the deactivation standards set forth in section 181C.04, that does not involve the driver

3.14 exercising any rights guaranteed by this chapter.

3.15 Subd. 14. **Quarter.** "Quarter" means each of the following time periods of every calendar

3.16 year:

- 3.17 (1) January 1 through March 31;
- 3.18 (2) April 1 through June 30;
- 3.19 (3) July 1 through September 30; and
- 3.20 (4) October 1 through December 31.

3.21 Subd. 15. **Transportation network company or TNC.** "Transportation network

3.22 company" or "TNC" has the meaning given in section 65B.472, subdivision 1, paragraph

3.23 (m).

3.24 Sec. 2. **[179B.02] RIGHTS OF DRIVERS.**

3.25 Subdivision 1. **To organize.** A driver has the following rights:

- 3.26 (1) to self-organize;
- 3.27 (2) to form, join, or assist labor organizations;
- 3.28 (3) to not form, join, or assist labor organizations; and

4.1 (4) to designate an exclusive representative to bargain collectively regarding grievance
4.2 procedures and the terms and conditions of the drivers' work.

4.3 Subd. 2. **To meet and negotiate.** Drivers, through their exclusive representative, have
4.4 the right and obligation to meet and negotiate in good faith with TNCs regarding grievance
4.5 procedures and the terms and conditions of the drivers' work. This obligation does not
4.6 compel the exclusive representative to agree to a proposal or require the making of a
4.7 concession.

4.8 Subd. 3. **To engage in concerted activity.** Drivers have the right to engage in concerted
4.9 activities for the purpose of collective bargaining or other mutual aid or protection, free
4.10 from interference, restraint, or coercion by TNCs, and have the right to refrain from any or
4.11 all concerted activities. Nothing in this chapter prohibits drivers from exercising the right
4.12 to confer with TNCs, provided that during the conference there is no attempt by the TNC,
4.13 directly or indirectly, to interfere with, restrain, or coerce drivers in the exercise of the rights
4.14 guaranteed by this section.

4.15 Sec. 3. **[179B.03] DUTIES OF COMMISSIONER OF BUREAU OF MEDIATION**
4.16 **SERVICES.**

4.17 Subdivision 1. **Duties.** In addition to the duties outlined in sections 179B.05, 179B.06,
4.18 and 179B.07, the commissioner must:

4.19 (1) provide mediation services as requested by the parties;

4.20 (2) assist the parties in formulating petitions, notices, and other papers required to be
4.21 filed with the commissioner;

4.22 (3) adopt rules relating to the administration of this chapter and the conduct of hearings
4.23 and elections;

4.24 (4) provide the parties with a list of qualified arbitrators as requested by the parties; and

4.25 (5) collect and interpret driver data under subdivision 2.

4.26 Subd. 2. **Driver data.** (a) Beginning October 1, 2025, within 30 days of the end of each
4.27 quarter, each TNC must submit to the commissioner, in an electronic format to be determined
4.28 by the commissioner, a list of the names, license numbers, phone numbers, mailing addresses,
4.29 email addresses, and number of completed rides originating in Minnesota in the previous
4.30 quarter for each driver who completed at least one ride originating in Minnesota on that
4.31 TNC's platform in the previous quarter.

(b) For each quarter, beginning January 1, 2026, the commissioner must use the data provided by all TNCs under paragraph (a) to determine:

(1) the distribution of the number of rides completed by all drivers for whom data has been submitted, who completed at least five rides in the previous two quarters; and

(2) the median number of rides completed by drivers for whom data has been submitted, who completed at least five rides in the previous two quarters.

(c) For each quarter, beginning January 1, 2026, the commissioner must create a list that contains only the data supplied in paragraph (a) for active drivers.

Sec. 4. **[179B.04] UNFAIR LABOR PRACTICES.**

Subdivision 1. Unfair labor practices of TNCs. It is an unfair labor practice for a TNC to:

(1) fail to provide the commissioner any information required under this chapter, or to provide intentionally inaccurate information;

(2) refuse to negotiate in good faith with an exclusive representative regarding compensation, hours, or terms and conditions of work;

(3) fail to provide the commissioner or an exclusive representative with the driver data required under section 179B.03, subdivision 2, paragraph (a);

(4) fail to provide a bargaining representative or exclusive representative with relevant information requested by the labor organization for purposes of bargaining and the performance of its other duties as the drivers' representative;

(5) refuse to continue all the terms of a final determination under section 179B.07, subdivision 6, until a new determination is issued;

(6) lockout drivers;

(7) spy on or surveil, directly or indirectly, any activities of drivers, labor organizations, or any other person exercising the rights guaranteed by this chapter;

(8) dominate or interfere with the formation, existence, or administration of any driver organization or to contribute financial or other support to any such organization, directly or indirectly, unless required by this chapter or any regulations implementing this chapter, including but not limited to the following actions:

(i) participating or assisting in, supervising, or controlling the initiation or creation of any such organization or the meetings, management, operations, elections, formulation, or amendment of constitutions, rules, or policies, of any such organization;

(ii) offering incentives to drivers to join any such organization; and

(iii) donating free services, equipment, materials, office or meeting space, or anything else of value for use by any such organization, except that a TNC is not prohibited from allowing drivers to perform representational work protected under this chapter during working hours without loss of time or pay or from allowing agents of a certified driver bargaining organization to meet with drivers on the TNC's premises;

(9) form a company union as defined in section 179B.01, subdivision 7;

(10) require a driver to join a company union or labor organization or to refrain from forming, joining, or assisting a labor organization of the driver's choosing;

(11) discriminate in any term or condition of work to encourage membership in any company union or discourage membership in any labor organization;

(12) deactivate or otherwise discriminate against a driver because the driver signed or filed any affidavit, petition, or complaint or gave any information or testimony in accordance with this chapter;

(13) distribute a list of (i) individuals exercising any right created or confirmed by this chapter, or (ii) members of a labor organization, for the purpose of preventing individuals on the list from obtaining or retaining opportunities for remuneration; or

(14) perform any other actions that interfere with, restrain, or coerce drivers in exercising the rights guaranteed by this chapter.

Subd. 2. **Unfair labor practices of labor organizations.** It is an unfair labor practice for a labor organization to:

(1) refuse to collectively bargain in good faith with TNCs;

(2) restrain or coerce drivers in exercising the rights guaranteed by this chapter, except this paragraph does not impair the right of a labor organization to set its own rules for acquisition or retention of membership in the labor organization;

(3) where the labor organization is the exclusive representative, fail to fulfill its duty of fair representation of drivers through arbitrary, discriminatory, or bad faith acts or omissions; or

(4) restrain or coerce a driver in selecting a labor organization for purposes of collective bargaining and representation.

Sec. 5. **[179B.05] PREVENTION OF UNFAIR LABOR PRACTICES.**

Subdivision 1. General enforcement power. (a) The board has the duties and powers in this section to prevent the unfair labor practices in section 179B.04.

(b) The board's enforcement power cannot be affected or impaired by any adjustment, mediation, or conciliation in labor disputes established by law or by a determination under section 179B.07.

(c) The board has rulemaking power to execute the duties assigned to the board in this chapter.

Subd. 2. Notice to drivers. (a) To prevent unfair labor practices, at least annually, each TNC must send to each of its drivers who have completed at least one ride in the past year, a text message and an email, in a form determined by the board, notifying the driver of the driver's rights under this chapter and the procedure for filing an unfair labor practice charge.

(b) The board must post a copy of the notice to drivers in paragraph (a) on the bureau's website.

Subd. 3. Filing an unfair labor practice charge. (a) Any TNC or labor organization aggrieved by an unfair labor practice in section 179B.04 may file an unfair labor practice charge with the board.

(b) When a charge is filed under paragraph (a), the board must designate an investigator to promptly conduct an investigation of the charge.

(c) Unless the board finds, after investigation, that the charge has no reasonable basis in law or fact, the board must promptly issue a complaint stating the charges and serve the complaint on the party against which the charge was filed. The complaint must be accompanied by a notice of hearing.

(d) Notwithstanding paragraph (c), no complaint can be issued based upon an unfair labor practice occurring more than six months prior to the filing of a charge under paragraph (a).

(e) A complaint issued under this subdivision may be amended by the board at any time prior to the issuance of an order based on that complaint.

Subd. 4. Hearing an unfair labor practice complaint. (a) Unfair labor practice complaints must be heard:

8.1 (1) before a hearing officer licensed to practice law in Minnesota and designated by the
8.2 board;

8.3 (2) at the offices of the board or another location the board deems appropriate; and

8.4 (3) at least five days but no more than 20 days after serving the complaint under
8.5 subdivision 3, paragraph (c).

8.6 (b) The party who is the subject of the complaint has the right to:

8.7 (1) file an answer to the original or amended complaint prior to the hearing; and

8.8 (2) appear in person or by a representative and give testimony at the hearing.

8.9 (c) Other parties may be allowed to intervene in a proceeding or present testimony at a
8.10 hearing at the discretion of the hearing officer.

8.11 (d) The board must appoint a reporter to transcribe a full and complete record of all
8.12 hearing proceedings.

8.13 (e) The board and designated hearing officers:

8.14 (1) are not bound by the rules of evidence applicable to courts, except for the rules of
8.15 privilege recognized by law; and

8.16 (2) have the power to issue notices, subpoenas, and orders required by law to carry out
8.17 duties under this chapter.

8.18 (f) If any party fails to appear or testify or to produce books, papers, and records pursuant
8.19 to the issuance of a subpoena, the board may apply to a court of competent jurisdiction to
8.20 request that the party be ordered to appear, testify, or produce the requested evidence.

8.21 (g) At any time prior to the close of a hearing, the parties may by mutual agreement
8.22 request referral to mediation, at which time the board must appoint a mediator and the
8.23 hearing must be suspended pending the results of the mediation.

8.24 **Subd. 5. Issuing a recommended decision and order.** (a) If, upon a preponderance of
8.25 evidence, the hearing officer determines that any party named in the complaint has engaged
8.26 in or is engaging in an unfair labor practice:

8.27 (1) the hearing officer must issue a recommended decision and an order stating findings
8.28 of fact and conclusions, and requiring the party:

8.29 (i) to cease and desist from the unfair labor practice; and

8.30 (ii) if the party is a TNC, to send a cease-and-desist notice to each of the TNC's drivers
8.31 who completed at least one ride in the last year, using a form designated by the board;

(2) the hearing officer may order any appropriate relief, 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; and

(3) the hearing officer may require the party to make periodic reports to demonstrate the extent to which the party has complied with the order.

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

(c) Unless the board reviews the recommended decision and order on its own motion under subdivision 6, the recommended decision and order is not legal precedent and is final and binding only on the parties to the proceeding.

Subd. 6. **Review by the board.** (a) The board may review a recommended decision and order on the board's own motion.

(b) The board must review a recommended decision and order if a party to the complaint files an exception no later than 30 days after service of the recommended decision and order.

(c) If the board reviews the recommended decision and order, the board:

(1) may adopt all, part, or none of the recommended decision and order, based on the extent to which the recommended decision and order is consistent with the record and applicable laws; and

(2) must issue and serve on all parties a final decision and order.

The board retains jurisdiction over the case to ensure the parties' compliance with the final decision and order.

(d) Until overturned by an order of the board, the parties must comply with the hearing officer's recommended decision and order.

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

Subd. 7. **Enforcement by a district court.** (a) Upon issuance of a final order that an unfair labor practice has been committed, either the board or the charging party may petition the district court for enforcement of the order, appropriate temporary relief, or a restraining order. If the board petitions the court, the charging party may intervene as a matter of right.

10.1 (b) When it appears that any party has violated a final order of the board issued under
10.2 this section:

10.3 (1) the board must:

10.4 (i) petition the district court for an order directing the party and its officers, agents,
10.5 servants, successors, and assignees to comply with the board's order; and

10.6 (ii) appoint counsel to represent the board in the enforcement action; and

10.7 (2) the district court may:

10.8 (i) grant or refuse, in whole or in part, the relief sought;

10.9 (ii) stay an order of the board pending disposition of the proceedings; and

10.10 (iii) punish a violation of the district court's order as in civil contempt.

10.11 Subd. 8. **Petitioning the board for injunctive relief.** (a) A party filing an unfair labor
10.12 practice charge under this section may petition the board to obtain injunctive relief, pending
10.13 a decision on the merits by the board or a hearing officer.

10.14 (b) When a petition for injunctive relief is filed, the board must petition the district court,
10.15 upon notice to all parties, for the necessary injunctive relief, if the petitioner shows that:

10.16 (1) there is reasonable cause to believe an unfair labor practice has occurred;

10.17 (2) immediate and irreparable injury, loss, or damage will result because of the unfair
10.18 labor practice, making any judgment on the merits ineffective, and requiring maintenance
10.19 or restoration of the status quo to provide meaningful relief; and

10.20 (3) the balance of the hardships weighs in favor of issuing the injunction.

10.21 Immediate and irreparable harm includes discouraging drivers from exercising their rights
10.22 under this chapter. Immediate and irreparable injury, loss, or damage is presumed if the
10.23 TNC fails to provide the required data under section 179B.03, subdivision 2, paragraph (a),
10.24 to any party.

10.25 (c) If the board determines not to seek injunctive relief, the charging party may seek
10.26 injunctive relief by petition to the district court and the board must be joined as a necessary
10.27 party.

10.28 (d) If the board fails to act on a petition for injunctive relief within ten days, the board,
10.29 for purposes of review, must be deemed to have made a final order determining not to seek
10.30 injunctive relief.

11.1 (e) Nothing in this subdivision precludes a charging party from seeking injunctive relief
11.2 in district court after filing the unfair labor practice charge.

11.3 Subd. 9. **Injunctive relief in district court.** (a) When a petition for injunctive relief is
11.4 filed with the district court, upon notice to all parties, the district court may grant the
11.5 necessary injunctive relief if the petitioner shows that:

11.6 (1) there is reasonable cause to believe an unfair labor practice has occurred;

11.7 (2) immediate and irreparable injury, loss, or damage will result because of the unfair
11.8 labor practice, rendering a resulting judgment on the merits ineffectual, thus necessitating
11.9 the maintenance of, or return to, the status quo to provide meaningful relief; and

11.10 (3) the balance of the hardships weighs in favor of issuing the injunction.

11.11 Immediate and irreparable harm includes discouraging drivers from exercising their rights
11.12 under this chapter. Immediate and irreparable injury, loss, or damage is presumed if the
11.13 TNC fails to provide an accurate list of the drivers' names and addresses.

11.14 (b) Any injunctive relief granted by the district court expires on:

11.15 (1) a decision by a hearing officer or the board finding that no unfair labor practice
11.16 occurred;

11.17 (2) a successful appeal of the grant of injunctive relief;

11.18 (3) a successful motion by the respondent to vacate or modify the injunction under
11.19 Minnesota Rules of Civil Procedure;

11.20 (4) a recommended decision and order by a hearing officer finding that an unfair labor
11.21 practice occurred to which the respondent fails to file an exception and implements the
11.22 remedy; or

11.23 (5) a final decision and order by the board finding that an unfair labor practice occurred
11.24 to which the respondent implements the remedy.

11.25 (c) Notwithstanding paragraph (b), injunctive relief granted by the district court does
11.26 not expire if the board notifies the district court that the district court's injunctive relief
11.27 implements a remedial order issued by the board.

11.28 (d) The board or hearing officer must conclude the hearing process and issue a decision
11.29 on the merits within 60 days after the imposition of injunctive relief under this subdivision,
11.30 unless an extension is mutually agreed by the respondent and charging party.

12.1 (e) An appeal of any order granting, denying, modifying, or vacating injunctive relief
12.2 ordered by the court under this subdivision must be made in accordance with Minnesota
12.3 Rules of Civil Procedure and Minnesota Rules of Appellate Procedure.

12.4 (f) The petitioner for injunctive relief under this subdivision is not required to give any
12.5 undertakings or bond and is not liable for any damages or costs that may be sustained by
12.6 reason of any injunctive relief ordered.

12.7 **Sec. 6. [179B.06] REPRESENTATIVES.**

12.8 Subdivision 1. **Bargaining unit.** For purposes of this chapter, every driver is included
12.9 in a single industry-wide bargaining unit.

12.10 Subd. 2. **Certification as bargaining representative.** (a) A labor organization may file
12.11 a petition with the commissioner requesting certification as a bargaining representative.
12.12 The petition must include:

12.13 (1) sufficient evidence to demonstrate that the organization meets the definition of a
12.14 labor organization under section 179B.01, subdivision 12; and

12.15 (2) cards, petitions, or other evidence, which may be in electronic form, sufficient to
12.16 demonstrate that at least five percent of active drivers want to be represented by the labor
12.17 organization for the purpose of collective bargaining.

12.18 (b) To be valid, a card, petition, or other evidence submitted under paragraph (a), clause
12.19 (2), must have been executed by an active driver no more than one year before the date the
12.20 labor organization submits the evidence to the commissioner.

12.21 (c) The commissioner must investigate any petition filed under paragraph (a) and make
12.22 a determination about certification within 45 days of receiving a petition.

12.23 (d) If the commissioner determines that the petition fails to meet the requirements of
12.24 paragraph (a), the petition must be rejected without prejudice to the labor organization's
12.25 ability to resubmit a new petition.

12.26 (e) If the commissioner determines that the petition meets the requirements of paragraph
12.27 (a), the commissioner must:

12.28 (1) certify the labor organization as a bargaining representative;

12.29 (2) require each TNC to send to all drivers who completed at least one ride in the last
12.30 year a notice, in a form determined by the commissioner, stating that the labor organization
12.31 is seeking to represent drivers for the purpose of initiating a bargaining process to establish
12.32 terms and conditions for the industry;

(3) provide the labor organization the data in section 179B.03, subdivision 2, paragraph (c), for the most recent available quarter and updated versions of that data for each quarter for the next year; and

(4) for six months from the date of the commissioner's certification, not certify any other labor organization as the exclusive representative of the bargaining unit without an election.

Subd. 3. Certification as exclusive representative. (a) A labor organization that provides evidence to the commissioner that the labor organization has been authorized to act as the bargaining representative of at least 25 percent of active drivers must be certified as the exclusive representative of all drivers in the bargaining unit, as follows:

(1) if the commissioner determines that the labor organization has been designated as the bargaining representative by at least 25 percent of active drivers, the commissioner must certify the labor organization as the exclusive representative, subject to clause (2); and

(2) if the labor organization seeking certification as the exclusive representative under this subdivision provides evidence that at least 25 percent, but less than a majority of active drivers, have designated the labor organization to act as their bargaining representative, the commissioner must wait seven days before certifying the labor organization as the exclusive representative. If, during those seven days, another labor organization provides evidence that at least 25 percent of active drivers have authorized the labor organization to act as their bargaining representative, or if a driver provides evidence that at least 25 percent of active drivers do not wish to be represented by any labor organization, the commissioner must hold a representation election, as expeditiously as possible, among all active drivers.

(b) A labor organization that has been certified under subdivision 2 as the bargaining representative of at least five percent of active drivers may petition the commissioner to conduct an election among all active drivers. The election must be conducted as soon as possible.

(c) In an election among all active drivers:

(1) the labor organization receiving a majority of the valid votes cast must be certified as the exclusive representative of the entire bargaining unit; or

(2) when two or more labor organizations are on the ballot and none of the options receive a majority of the valid votes cast, there must be a runoff election between the two organizations receiving the first and second largest number of votes. The labor organization receiving a majority of the valid votes cast in the runoff election must be certified as the exclusive representative of the entire bargaining unit. If a majority of the valid votes cast

14.1 are for "no labor organization," the commissioner must not certify any labor organization
14.2 as the exclusive representative.

14.3 (d) Once the commissioner certifies a labor organization as the exclusive representative,
14.4 the commissioner must notify all TNCs of the certification.

14.5 (e) A labor organization certified as the exclusive representative has the exclusive
14.6 authority to represent the entire bargaining unit, without challenge by another labor
14.7 organization, for the greater of:

14.8 (1) a period of one year; or

14.9 (2) the period during which recommendations made binding by a final determination
14.10 under section 179B.07, subdivision 6, are in effect.

14.11 (f) When an exclusive representative is open to challenge, as defined by paragraph (e),
14.12 active drivers may petition the commissioner for a decertification election. If an active driver
14.13 demonstrates that at least 25 percent of active drivers support decertification, the
14.14 commissioner must schedule an election to determine whether the labor organization has
14.15 retained its status as exclusive representative. The labor organization retains its status as
14.16 exclusive representative if it receives a majority of valid votes cast by active drivers.

14.17 (g) When a labor organization is designated the exclusive representative for the bargaining
14.18 unit, only that labor organization is entitled to:

14.19 (1) receive from the TNCs on a quarterly basis the driver data in section 179B.03,
14.20 subdivision 2, paragraph (a);

14.21 (2) receive from the commissioner on a quarterly basis the driver data in section 179B.03,
14.22 subdivision 2, paragraph (c); and

14.23 (3) engage in bargaining with the TNCs for negotiated recommendations to the
14.24 commissioner of labor and industry regarding compensation, benefits, and terms and
14.25 conditions of work for drivers.

14.26 (h) For purposes of this subdivision, the operative list of active drivers must be based
14.27 on the most recent quarterly list provided by the commissioner under section 179B.03,
14.28 subdivision 2, paragraph (c).

14.29 Subd. 4. **Dues deduction.** (a) A labor organization designated as the exclusive
14.30 representative under subdivision 3 has a right to voluntary membership dues deductions.

(b) To receive a dues deduction from an individual, the labor organization must present the TNC with a dues deduction authorization card signed by that driver either by hand or with an electronic signature, as defined in section 325L.02, paragraph (h).

(c) A TNC must start making dues deductions as soon as practicable, but in no case later than 30 days after receiving proof of a signed dues deduction authorization card, and dues must be submitted to the labor organization within 30 days of the deduction.

(d) Once established, a membership dues deduction must remain in full force and effect until the individual revokes membership in the labor organization in writing in accordance with the terms of the signed authorization.

Subd. 5. **Functions of a neutral body.** (a) A determination of a numerical threshold under subdivisions 2 and 3 may be made, and an election under subdivision 3 may be conducted, by a neutral body agreed upon by:

(1) the labor organization or driver seeking the determination or election; and

(2) the relevant TNCs.

(b) The fees of the neutral body must be paid by the commissioner.

(c) The neutral body must report the results of the determination or election to the commissioner. The commissioner must certify the results if the commissioner is satisfied that the determination was made or election was conducted in accordance with this chapter.

(d) If no neutral body has been agreed to within ten days of the request for certification or the need for election, the commissioner may designate a neutral body or serve as the neutral body.

Sec. 7. [179B.07] BARGAINING.

Subdivision 1. **Requirement to bargain.** Once the commissioner certifies a labor organization as the exclusive representative, all TNCs are required to bargain with the exclusive representative regarding compensation, benefits, and terms and conditions of work, including a dispute resolution process for disputes about the terms of the final determination of the commissioner of labor and industry.

Subd. 2. **Negotiating recommendations.** (a) To facilitate negotiations with the exclusive representative, TNCs may form an industry association to negotiate on behalf of the TNCs and approve negotiated recommendations.

(b) If the TNCs choose not to form an industry association, any negotiated recommendations must be approved by:

16.1 (1) at least two TNCs; and

16.2 (2) TNCs representing at least 80 percent of the market share of the industry in Minnesota,
16.3 with votes determined in proportion to the number of rides completed by drivers contracting
16.4 directly with each TNC in the two quarters preceding the certification of the exclusive
16.5 representative.

16.6 (c) Once the exclusive representative and TNCs have reached a set of negotiated
16.7 recommendations for the industry that have been approved under paragraph (b) or by the
16.8 industry association, the negotiated recommendations must be submitted by the exclusive
16.9 representative to a vote by all drivers who have completed at least 100 trips in the previous
16.10 quarter. If the majority of valid votes cast are for approval, the negotiated recommendations
16.11 must be submitted to the commissioner of labor and industry for approval by a final
16.12 determination. If the majority of valid votes cast are not in favor of the negotiated
16.13 recommendations, the labor organization and the TNCs must resume bargaining.

16.14 Subd. 3. **Impasse.** (a) For purposes of this section, an impasse may be deemed to exist
16.15 if the TNCs and the exclusive representative have failed to achieve agreement on negotiated
16.16 recommendations by the end of a 180-day period that begins on either:

16.17 (1) the day the exclusive representative is certified; or

16.18 (2) the expiration date of negotiated recommendations made binding by a prior final
16.19 determination by the commissioner of labor and industry under subdivision 6.

16.20 (b) Upon impasse, any of the TNCs or the exclusive representative may request that the
16.21 commissioner hold an impasse proceeding.

16.22 (c) If an impasse proceeding is requested, the commissioner must appoint a mediator
16.23 from a list of qualified persons maintained by the commissioner. The parties may decline
16.24 the commissioner's selection and select a mediator satisfactory to them.

16.25 (d) If the mediator selected under paragraph (c) is unable to achieve agreement between
16.26 the parties within 30 days after the day the commissioner appointed a mediator, any party
16.27 may petition the commissioner to refer the dispute to an arbitrator.

16.28 (e) If the commissioner receives a timely petition from any party to refer the dispute to
16.29 an arbitrator, the commissioner must first hold an election among all active drivers to choose
16.30 between decertifying the exclusive representative and submitting the dispute to the arbitrator.
16.31 If the majority of valid votes cast are for decertification, the exclusive representative must
16.32 be decertified and any recommendations previously negotiated and made binding through
16.33 a final determination from the commissioner of labor and industry must remain in place

until the recommendations expire as provided by the terms of the final determination. If the majority of eligible votes cast are to have an arbitrator appointed, the commissioner must notify the TNCs and the exclusive representative of the need to appoint an arbitrator.

Subd. 4. **Selection of an arbitrator.** (a) For purposes of this subdivision, the TNCs form one group and the exclusive representatives form another group. All groups must:

(1) have an equal say in the selection of the arbitrator; and

(2) share equally the cost of the arbitrator.

(b) If the groups are unable to agree upon the arbitrator within seven days of the commissioner notifying the groups of the need to appoint an arbitrator, the commissioner must submit to the groups a list of persons qualified to be selected as an arbitrator. Upon submission of the list, a representative of each of the two groups must alternately strike from the list one of the names, with the order of striking determined by lot, until only one name remains. The representatives of the groups must notify the commissioner of the final name and the remaining person must be appointed by the commissioner as the arbitrator.

(c) Each group must select a representative for the striking process in paragraph (b).

(d) If the groups have not selected an arbitrator within 12 days of the commissioner's notice under subdivision 3, paragraph (e), clause (2), the commissioner must appoint an arbitrator.

Subd. 5. **Arbitration proceedings.** (a) Once appointed, the arbitrator must hold hearings on all matters related to the dispute. The arbitrator has discretion and authority to:

(1) determine the order of presentation by the parties;

(2) decide all procedural issues; and

(3) require the production of additional oral or written evidence from the parties.

(b) Each party may choose its own representative for the proceedings, including self-representation or representation by counsel. The exclusive representative and all TNCs engaging at least 50 active drivers may each present either orally or in writing, or both, statements of fact, supporting witnesses, other evidence, and arguments for their respective positions. Any TNC engaging fewer than 50 active drivers may also submit materials to the arbitrator, but only in writing.

(c) Upon the request of any party, a full and complete record of the proceedings must be kept, with the cost borne by the requesting party. If a record of the hearing is created, it must be shared with all parties regardless of which party paid for the record.

(d) Within 60 days of the arbitrator's appointment, the arbitrator must make a just and reasonable determination of the matters in dispute that will apply to all TNCs and the exclusive representative. The arbitrator must specify the basis for the findings, taking into consideration, in addition to any factors recommended by the parties that the arbitrator finds to be consistent with this chapter, the following:

(1) whether the compensation, benefits, hours, and conditions of work of the drivers are sufficient to provide those individuals a standard of living that permits them to rent or own housing in the community and to sustain themselves and their families in good health and reasonable prosperity, including by setting money aside for emergencies and retirement. This amount must take into account the real cost of living, may substantially exceed any statutory minimum wage, and should be an amount that makes it unnecessary for drivers and their dependents to rely upon any public benefits;

(2) whether the most efficient way to provide benefits is through a portable benefits fund and, if so, how to best assess each TNC a portion of the costs of providing those benefits;

(3) the financial ability of the TNCs to pay for the compensation and benefits in question and the impact of those costs on the services provided by TNCs;

(4) the establishment of reasonable dispute resolution mechanisms for disputes arising from compliance with the final determination; and

(5) comparison of the particularities of this industry to those of other trades or professions, including specifically:

(i) hazards of work;

(ii) physical qualifications;

(iii) educational qualifications;

(iv) mental qualifications;

(v) job training and skills; and

(vi) reasonable expenses incurred by drivers in providing services to TNCs.

(e) Any party, within seven days of the filing of the determination by the arbitrator, may petition the commissioner to set aside the determination for any of the following reasons:

(1) there was corruption in the selection of the arbitrator;

(2) the arbitrator's determination was procured by corruption, fraud, or other undue means; or

19.1 (3) the rights of the petitioning party were substantially prejudiced by the misconduct
19.2 of the arbitrator.

19.3 If the commissioner finds that the petitioner has established a prima facie case that any of
19.4 these grounds exist, the commissioner must within ten days vacate the determination of the
19.5 arbitrator and must order the selection and appointment of a new arbitrator under subdivision
19.6 4.

19.7 Subd. 6. **Final determinations.** (a) The commissioner of labor and industry must review
19.8 and either approve or disapprove:

19.9 (1) any recommendations negotiated between TNCs and an exclusive representative
19.10 under subdivision 2; and

19.11 (2) any determination reached by an arbitrator under subdivision 5.

19.12 (b) In deciding whether to grant approval to the negotiated recommendations or
19.13 determination made by the arbitrator, the commissioner of labor and industry must:

19.14 (1) consider the factors specified in subdivision 5, paragraph (d), and the state's interest
19.15 in protecting drivers' health and general well-being against unfair competition of wage and
19.16 labor standards that do not promote stable working conditions in the transportation network
19.17 industry;

19.18 (2) afford the exclusive representative, all TNCs, and all drivers who have completed
19.19 at least 100 trips in the previous quarter, no more than 30 days to submit comments and
19.20 arguments concerning whether approval is warranted; and

19.21 (3) issue a final determination within 60 days of the deadline for submitting comments.

19.22 (c) In the event of disapproval, the commissioner of labor and industry may make
19.23 recommendations for amendments to the negotiated recommendations or arbitrator's
19.24 determination that would cause the commissioner of labor and industry to approve and
19.25 afford the parties an opportunity to respond to those recommendations.

19.26 (d) The commissioner of labor and industry's final determination is an order with
19.27 conclusive effect as to all parties subject to the review process in section 179B.09.

19.28 (e) The commissioner of labor and industry's final determination must include a date
19.29 following which new recommendations may be set for the bargaining unit through the
19.30 bargaining process set forth in this section. This date must not be more than three years
19.31 following the date of the issuance of the final determination.

(f) If, before the date set in paragraph (e), the commissioner of labor and industry determines that market conditions have changed, the commissioner of labor and industry must give the exclusive representative, all TNCs, and all drivers who have completed at least 100 trips in the previous quarter the opportunity to submit comments and arguments concerning whether the final determination should be changed. After receiving those comments, the commissioner of labor and industry may change the final determination.

Sec. 8. **[179B.08] NO EROSION OF MINIMUM STANDARDS.**

Final determinations under section 179B.07, subdivision 6, do not diminish or erode a minimum labor standard that would otherwise apply to a driver.

Sec. 9. **[179B.09] JUDICIAL REVIEW.**

Subdivision 1. **Bureau of Mediation Services.** Unless reversed or modified in proceedings for enforcement or judicial review as provided in this chapter, final orders of the commissioner of the bureau under section 179B.06 are conclusive against: (1) all parties to those proceedings; and (2) persons who had an opportunity to be parties to those proceedings.

Subd. 2. **Department of Labor and Industry.** Unless reversed or modified in proceedings for enforcement or judicial review as provided in this chapter, final orders of the commissioner of labor and industry, including final determinations made under section 179B.07, subdivision 6, are conclusive against: (1) all parties to those proceedings; and (2) persons who had an opportunity to be parties to those proceedings.

Subd. 3. **Not subject to judicial review.** Except in a proceeding brought to challenge a final order of the commissioner of labor and industry or the commissioner of the bureau, the determination of an arbitrator is not subject to judicial review.