

II. EXECUTIVE SUMMARY²

A. Should There be an Extension of Collective Bargaining?

The first question is whether legislative employees should be extended the right to collective bargaining at all. That SF 83 and HF 77 were introduced demonstrates that some Minnesota legislators believe that collective bargaining rights should be extended to legislative employees. However, SF 83 did not become law, but it was the impetus for enacted legislation that required reports and recommendations regarding collective bargaining for legislative staff. Moreover, per the legislative directive, we are required to take into consideration the views of the employees who were interviewed and surveyed, as well as the group of expert employees who were previously employed by the Legislature. In our report, we are directed to consider “employees of the House, Senate, and joint legislative offices for whom collective bargaining may or may not be appropriate.”

A review of the CESO report shows that a majority of the employees who were interviewed and surveyed do not have an interest in collective bargaining and the majority do not believe that the concerns that they have could be addressed via collective bargaining. Additionally, the group of retirees provided to assist also questioned how collective bargaining would work in this environment and whether the issues that most employees seemed to care about could be addressed via contract negotiations. As a result, it appears that most employees have no interest in collective bargaining at this time and, as such, it is not recommended. This opinion is supported by the overall satisfaction among employees with their wages and conditions of employment and augmented by the fact that only a few states have extended bargaining rights to any group of legislative employees (NCSL report) and that the few that have, have had challenges along the way.

For example, it took the Oregon Legislative Assembly two years of negotiations to reach agreement with IBEW Local 89 for a CBA covering its nonpartisan employees. That agreement was signed on February 8, 2024, and runs only to December 31, 2024. At the request of either party, the contract can be reopened for negotiations over a successor collective bargaining agreement (CBA), with negotiations to begin no “later than the first week of June, 2024.” And, in Washington, there are currently four bargaining units consisting of separate House and Senate democratic partisan bargaining units and two separate House and Senate GOP partisan bargaining units. This resulted in four different sets of negotiations, supplemented by coalition bargaining over wages and some other issues. For the Senate GOP negotiations, the Senate’s bargaining team was composed of the Director of the Office of State Legislative Labor Relations (OSLLR), her assistant, the Deputy Secretary of State, the Secretary’s executive assistant, and the Senate HR Officer. The staffing for the other three sets of separate negotiations involved a minimum of four Employer representatives. We were

² The NCSL Report and CESO Report are summarized below, and results are incorporated into recommendations where appropriate.

Table 1: Total survey response rate by employee position

Employee Position	Response %	Response #
Partisan - Committee Administrator	5.22%	27
Partisan - Leadership Staff	4.45%	23
Partisan - Legislative Assistant	16.25%	84
Partisan - Other	5.61%	29
Partisan - Research	5.42%	28
Partisan - Supervisor/Lead Worker	0.97%	5
Nonpartisan - Administrative (Such as Aide, Assistant, Clerk, Indexer, Specialist, Student Worker)	9.48%	49
Nonpartisan - Department Head	4.26%	22
Nonpartisan - Elected/Constitutional	0.58%	3
Nonpartisan - Supervisor/Lead Worker	8.32%	43
Nonpartisan - Technical/Non-Administrative (Such as Attorney/Counsel, Auditor, Budget Analyst, Editor, Fiscal Analyst, Fiscal Services, Front Desk, Human Resources, Information/Technology, Librarian, Media Production, Program Evaluator, Researcher, Writer)	32.69%	169
Prefer not to answer	6.77%	35
Total Response	100%	517

Figure 2 contains the results of the survey question related to length of service. 62% of respondents reported being employed in the Minnesota Legislature for four years or more, while 38% were employed for less than four years.

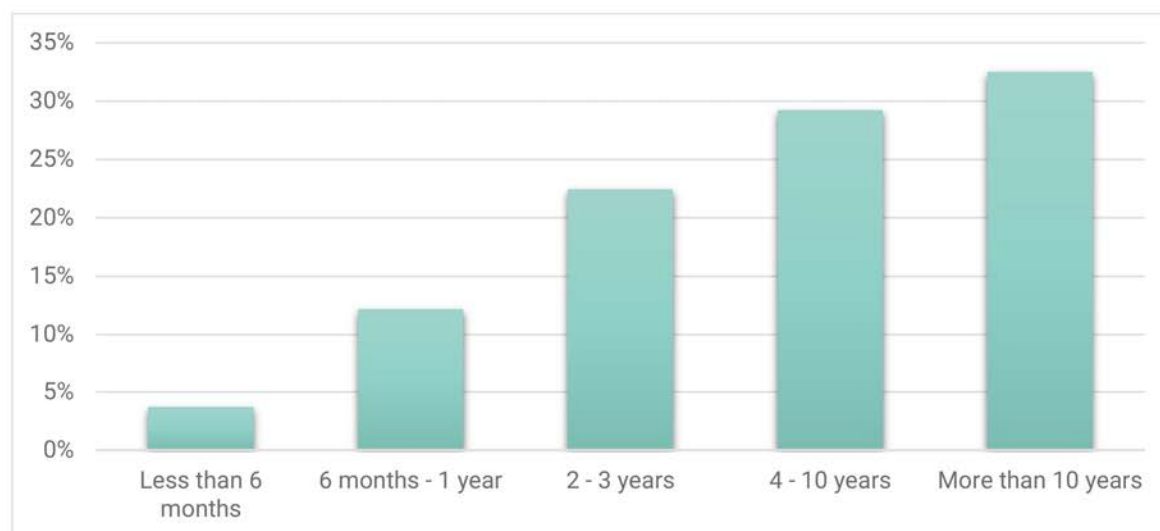


Figure 2: Employee length of service in the Minnesota State Legislature

Figure 17 contains results from which factors that respondents thought union representation could improve. The top three responses were pay, collective bargaining power, and a voice in the workplace. Only pay had more than 50% responding that union representation could make an improvement.

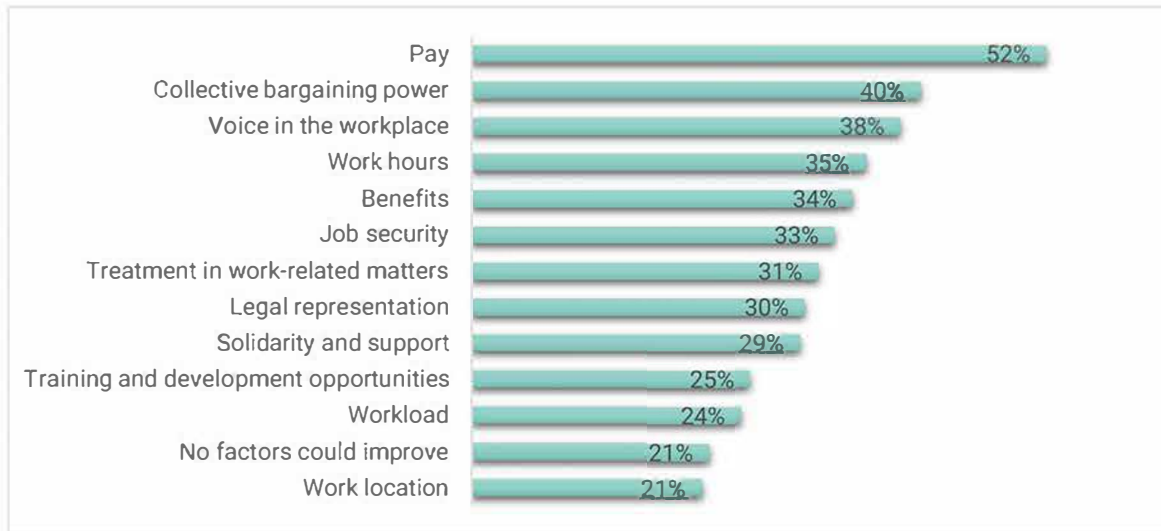


Figure 17: Overall employee response to question, “Which employment factors do you think union representation could improve in the legislature, if any? Select all that apply.”

The top concerns the legislative body felt a union could help improve were pay, collective bargaining power, and voice in the workplace for both the House and Senate employees overall, as well as House and Senate Partisan employees. For employees in the joint legislative offices, the top concerns were pay, benefits, and collective bargaining power. For House and Senate nonpartisan employees, the top responses were work hours, voice in the workplace, and pay. There were differences among the caucuses on what would be improved.

Union Experience

Figure 18 contains responses related to union experience. 62% stated they had no prior union experience, while 34% indicated they did.

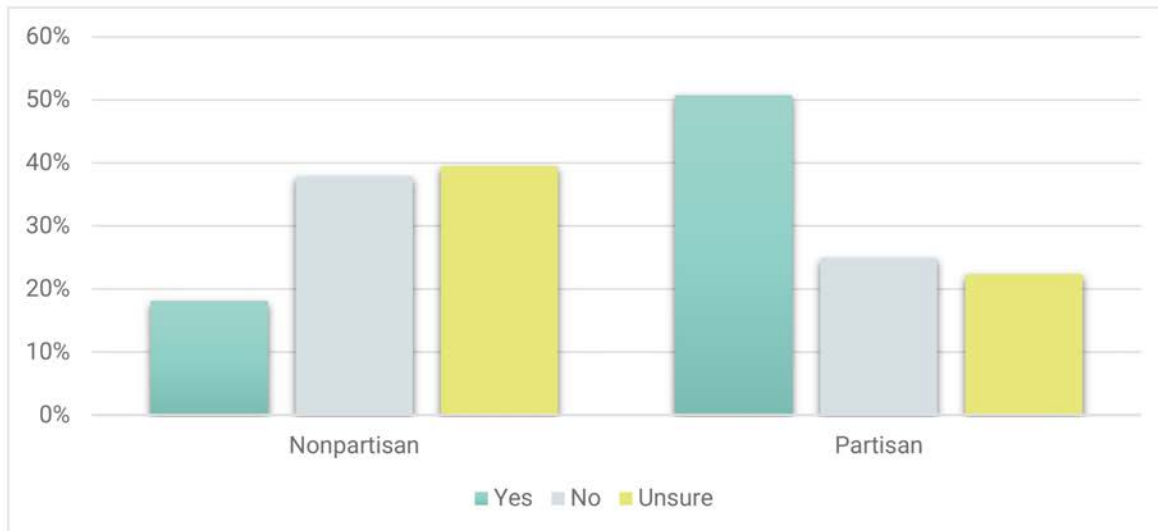


Figure 23: Nonpartisan/partisan employee response to question, "Do you want to be represented by a union?"



Employees also expressed through comments and interviews why they wanted or did not want union representation listed below, which reflected the most frequently shared insights and perspectives from employees.

Yes – want union representation

- *Desire for fair and equitable treatment: There is a lack of respect and mistreatment from leaders/members*
- *Desire for fair wages and increases: Employees would like to be involved in deciding pay structure and be clear on policies and criteria for increases*
- *Desire for basic protections and formal grievance procedures*

No – do not want union representation

- *Political perception for nonpartisan staff: Nonpartisan staff need to maintain nonpartisanship status and even the act of voting on a union could be perceived as political*
- *Currently satisfied with employer and benefits: Employees are satisfied with their work, environment, employer, and benefits and do not see a need for a union*
- *Need to meet constitutional deadlines: Do not want delays in legislative work due to reduction in hours or implementing a strike*
- *Legislative environment is too complicated: It is not a typical workplace and implements work schedules and hiring practices in a unique manner to complete work*
- *Division of employees: The political nature of unions may further divide employees based on their views*
- *Staff turnover with elections: Do not see a union environment working when staff changes every two years and majority can change*

Figure 24 contains results for whether participants foresaw changes that could influence personal decision about unionization. Most employees (73%) do not foresee any changes that would influence their decision on unionization.

Closing Summary

In summary, CESO HR advises a thorough evaluation before implementing union representation within the legislature, as no employee groups emerged as clearly suitable without concerns. While the partisan employees appeared to be the most suitable group based solely on dissatisfaction levels and interest in unionization, the unionization of a single employee group may not be in the best interest of the legislature or effectively address the issues employees are seeking to resolve through union representation. A comprehensive review and assessment of the challenges and barriers to establishing a union contract in the legislative environment should be considered to ensure that any decision made is in the best interest of both the employees and the organization.

CESO HR is prepared to continue to support the Minnesota State Legislature through its ongoing partnership with implementation of any or all future action items or other needs as identified and desired by the legislature.

179B.16 ILLEGAL STRIKES.

Subdivision 1. **Strikes Illegal.** All strikes by legislative employees are illegal. No unfair labor practice or violation of this Act by a legislative employer gives legislative employees a right to strike. Those factors may be considered, however, by the court in mitigation of or retraction of any penalties provided by this section.

Subd. 2. **Individual penalties.** Notwithstanding any other law, legislative employees who strike in violation of this section may have their appointment or employment terminated by the employer effective the date the violation first occurs. The termination shall be made by serving written notice upon the employee. Service may be made by certified mail.

Subd. 3. **Presumption of strike.** For purposes of this section, an employee who is absent from any portion of a work assignment without permission, or who abstains wholly or in part from the full performance of duties without permission from the employer on a day when a strike not authorized by this section occurs is prima facie presumed to have engaged in an illegal strike on that day.

Subd. 5. **Compensation.** No employee is entitled to any daily pay, wages, reimbursement of expenses, or per diem for the days on which the employee engaged in a strike.

Subd. 6. **Hearings.** Any legislative employee is entitled to request the opportunity to establish that the employee did not violate this section. The request shall be filed in writing with the officer or body having the power to remove the employee, within ten days after notice of termination is served upon the employee. The employer or body shall within ten days commence a proceeding at which the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by the legislative employee.

Subd. 7. **Employee organization penalties.** An employee organization which has been found to have violated this section: (1) shall lose its status, if any, as exclusive representative; and (2) may not be so certified by the commissioner for a period of two years following the finding. No employer may deduct employee payments to any such organization for a period of two years.

179B.17 CONTRACTS.

Subdivision 1. **Written contract.** The exclusive representative and the legislative employers, once ratified by the employees and approved by the House and Senate Rules Committees and then the Legislative Coordinating Commission, shall execute a written contract or memorandum of contract containing the terms of the negotiated agreement and any terms established by law.

Subd. 2. **No contract provisions contrary to law.** No provision of a contract shall be in conflict with:

- (1) the laws of the state of Minnesota or federal law; or
- (2) rules and regulations promulgated under law, provided that the rules and resolutions are consistent with this chapter.

Subd. 2a. **Former employee benefits.** A contract may not oblige an employer to fund all or part of the cost of health care benefits for a former employee beyond the duration of the contract. A personnel policy may not obligate an employer to fund all or part of health care benefits for a former employee beyond the duration of the policy. A policy may not extend beyond the termination of the contract of the longest duration covering other employees of the employer or, if none, the termination of the budgetary cycle during which the policy is adopted.