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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 4296

03/29/2018 Authored by Drazkowski The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to state government; prohibiting an exclusive representative from charging
1.3 a fair share fee to nonmembers; amending Minnesota Statutes 2016, section
1.4 179A.06, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2016, section 179A.06, subdivision 3, is amended to read:

1.7 Subd. 3. Fair share fee. An exclusive representative may shall not require employees
1.8 who are not members of the exclusive representative to contribute a fair share fee for services
1.9 rendered by the exclusive representative. The fair share fee must be equal to the regular
1.10 membership dues of the exclusive representative, less the cost of benefits financed through
1.11 the dues and available only to members of the exclusive representative. In no event may
1.12 the fair share fee exceed 85 percent of the regular membership dues. The exclusive
1.13 representative shall provide advance written notice of the amount of the fair share fee to
1.14 the employer and to unit employees who will be assessed the fee. The employer shall provide
1.15 the exclusive representative with a list of all unit employees.

1.16 A challenge by an employee or by a person aggrieved by the fee must be filed in writing
1.17 with the commissioner, the public employer, and the exclusive representative within 30
1.18 days after receipt of the written notice. All challenges must specify those portions of the
1.19 fee challenged and the reasons for the challenge. The burden of proof relating to the amount
1.20 of the fair share fee is on the exclusive representative. The commissioner shall hear and
1.21 decide all issues in these challenges.

1.22 The employer shall deduct the fee from the earnings of the employee and transmit the
1.23 fee to the exclusive representative 30 days after the written notice was provided. If a challenge

2.1 is filed, the deductions for a fair share fee must be held in escrow by the employer pending
2.2 a decision by the commissioner.

2.3 **EFFECTIVE DATE.** This section is effective the day following a decision by the
2.4 United States Supreme Court holding that public employees who are not members of an
2.5 exclusive representative shall not be required to pay fair share fees.