

1.1 A bill for an act

1.2 relating to public employment; modifying definition of supervisory employee;  
1.3 amending Minnesota Statutes 2008, section 179A.03, subdivision 17.

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

1.5 Section 1. Minnesota Statutes 2008, section 179A.03, subdivision 17, is amended to  
1.6 read:

1.7 Subd. 17. **Supervisory employee.** "Supervisory employee" means a person who has  
1.8 the authority to undertake a majority of the following supervisory functions in the interests  
1.9 of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward,  
1.10 or discipline of other employees, direction of the work of other employees, or adjustment  
1.11 of other employees' grievances on behalf of the employer. To be included as a supervisory  
1.12 function which the person has authority to undertake, the exercise of the authority by  
1.13 the person may not be merely routine or clerical in nature but must require the use of  
1.14 independent judgment. An employee, ~~other than an essential employee,~~ who has authority  
1.15 to effectively recommend a supervisory function, is deemed to have authority to undertake  
1.16 that supervisory function for the purposes of this subdivision. The administrative head of  
1.17 a municipality, municipal utility, or police or fire department, and the administrative head's  
1.18 assistant, are always considered supervisory employees.

1.19 The removal of employees by the employer from a nonsupervisory appropriate  
1.20 unit for the purpose of designating the employees as "supervisory employees" shall  
1.21 require either the prior written agreement of the exclusive representative and the written  
1.22 approval of the commissioner or a separate determination by the commissioner before the  
1.23 redesignation is effective.