



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

March 8, 2012

The Honorable Michelle L. Fischbach
President of the Senate
226 State Capitol
St. Paul, Minnesota 55155

Dear Madam President:

I have vetoed and am returning Chapter 129, Senate File 134, a bill to change the definition of a public employee.

This bill modifies a provision of the Public Employee Labor Relations Act (PELRA) that defines which temporary or seasonal workers are considered public employees. Public employees are afforded certain rights under PELRA, including the right to bargain for wages and benefits, protection from dismissal without cause, and the right to file grievances against wrongful employers. The particular change provided in this bill affects students who perform temporary or seasonal work for public employers, including state agencies, schools, and municipalities.

Current law states that certain fulltime students under the age of 22, who work for a public employer for up to 100 days a year, are not public employees. This bill would exclude all fulltime students, of any age, who are temporary or seasonal employees of a public employer, and who work for up to 100 days a year, from being public employees.

According to the Minnesota Bureau of Mediation Services, this change in the law would have several effects on older workers, which in my judgment, are harmful. Under this bill, students older than the age of 22 would not be considered public employees and, therefore, would not be eligible for the benefits contained in the labor agreement covering their positions, because the labor agreement would only cover employees meeting the definition of a public employee.

Among the rights and benefits for which they would not be eligible, are those benefits found in collective bargaining agreements, which include: Health Care Benefits, Negotiated Wage Rates and Negotiated Wage Increases, Vacation, Sick Leave, Job Protection (not being discharged without just cause), Protection from Discipline without just cause, and Overtime.

One of the reasons this age limitation is in statute, is to provide protections for workers beyond the age where they often have health care coverage through their families. This bill puts in jeopardy adults who happen to be in school but work temporary or seasonal jobs. They would find themselves without insurance, benefits and other protections afforded other public employees.

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Current law balances the interests of students to access the rights and benefits of PELRA, while providing public employers the flexibility to hire student employees for short term or seasonal work. This change would result in a significant increase in temporary seasonal positions lacking job protections and fringe benefits provided by PELRA. I cannot support it.

Sincerely,

A handwritten signature in black ink, reading "Mark Dayton". The signature is fluid and cursive, with the first name "Mark" and last name "Dayton" clearly distinguishable.

Mark Dayton
Governor

cc: Senator David H. Senjem, Senate Majority Leader
Senator Thomas M. Bakk, Senate Minority Leader
Senator Claire Robling
Representative Kurt Zellers, Speaker of the House
Representative Paul Thissen, House Minority Leader
Representative Mike Beard
The Honorable Mark Ritchie, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives