

HOUSE OF REPRESENTATIVES

State of Minnesota

SIXTY-NINTH
SESSION

H. F.

No. 541



Introduced by Enebo, Moe, Simoneau, Osthoff and Abeln.
 Read First Time Feb. 20, 1975 and Referred to the Committee on
 Labor-Management Relations.
 Committee Recommendation and Adoption of Report, to Pass as Amended
 Mar. 6, 1975.
 Read Second Time Mar. 6, 1975.
 Committee of the Whole, Progress to Thursday, Mar. 13, 1975. Mar. 10, 1975.
 Progress, Mar. 13, 1975. Amended. Progress as Amended, Mar. 24, 1975.
 Mar. 17, 1975. To Pass as Amended Mar. 24, 1975.

1 A bill for an act

2 relating to labor relations; providing for
 3 successor clauses in collective bargaining
 4 agreements; requiring successor employers to
 5 assume certain obligations; requiring notice of
 6 collective bargaining agreements to successor
 7 employers; requiring notice of successor
 8 transactions to exclusive representatives;
 9 allowing successor transactions in violation of a
 10 collective bargaining agreement to be enjoined;
 11 amending Minnesota Statutes 1974, Chapter 179, by
 12 adding a section.

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

14 Section 1. Minnesota Statutes 1974, Chapter 179, is
 15 amended by adding a section to read:

16 [179.125] [SUCCESSOR EMPLOYERS.] Subdivision 1. Every
 17 collective bargaining agreement covering employees within
 18 this state shall provide that the agreement is binding upon
 19 the employer's successors, assigns, purchasers, lessees or
 20 transferees.

21 Subd. 2. An employer shall give written notice of the
 22 existence of a collective bargaining agreement to any
 23 prospective successor, assignee, purchaser, lessee or
 24 transferee; which notice shall specifically state that said
 25 successor, assignee, purchaser, lessee or transferee is
 26 bound by the provisions of the collectively bargained

1 agreement. A copy of said notice shall also be sent by
2 certified mail to a responsible officer of all labor
3 organizations representing such employees not later than
4 thirty days prior to consummating a reorganization,
5 consolidation, sale, assignment, lease, or other type of
6 transfer covered by this act. All labor organizations
7 representing said employees shall also be advised of the
8 exact nature of the transaction, not including financial
9 details. The responsibility of the employer to give notice
10 to any labor organization shall not be lessened by any
11 termination of business activity prior to a reorganization,
12 consolidation, assignment, sale, leasing, or other transfer.
13 Written notice of a termination of business activity by the
14 employer shall be given all labor organizations representing
15 the employees no less than 30 days prior to such
16 termination. No transaction shall be considered final and
17 closed until all notices have been given as required by this
18 act.

19 Subd. 3. Whenever a reorganization, consolidation,
20 assignment, sale, lease, or other form of transfer appears
21 likely to compromise, impair, modify, diminish, or
22 extinguish the collectively bargained contract rights,
23 claims, or benefits of any employee within this state, it
24 shall be an unfair labor practice under section 179.12 and a
25 suit may be maintained in the courts of this state to enjoin
26 the transaction. The suit shall be maintained in the
27 district court of a county wherein the practice is

28 threatened or has occurred and shall be maintained in
29 accordance with the provisions of section 179,14 except that
30 a temporary restraining order may be issued without notice
31 upon a proper showing by the party bringing the suit that
32 the unfair labor practice is threatened and will be

1 committed unless restrained, or has been committed and will
2 be continued unless restrained,

3 Sec. 2. This act is effective the day following final
4 enactment.

From the Reader of the Conference on Alternative State & Local Public Policies held June 10-13, 1976 in Austin, Texas. The reader was edited and compiled by Derek Shearer, California Public Policy Center Los Angeles, California and Lee Webb, Professor of Public Policy, Goddard College Plainfield, Vermont.

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