

State of Minnesota

H. F. No. 3092

prior to the hearing provided under this subdivision 4, and shall represent the appointing authority at the hearing.

(c) For discharge, suspension, or demotion of an employee serving an initial probationary period, and for noncertification in any subsequent probationary period, grievance procedures shall be as provided in the plan established pursuant to section 43A.18.

(d) Within ten business days of receipt of the employee's written notice of appeal, the ~~commissioner of the Bureau of Mediation Services~~ Chief Administrative Law Judge of the Office of Administrative Hearings shall ~~provide both parties with a list of potential arbitrators according to the rules of the Bureau of Mediation Services to hear the appeal. The process of selecting the arbitrator from the list shall be determined by the plan~~ assign a temporary administrative law judge as provided in section 14.49.

The hearing shall be conducted pursuant to the contested case procedures in chapter 14 and rules of the Bureau of Mediation Services Office of Administrative Hearings and shall be closed to the public. If the ~~arbitrator~~ judge finds, based on the hearing record, that the action appealed was not taken by the appointing authority for just cause, the employee shall be reinstated to the position, or an equal position in another division within the same agency, without loss of pay. If the ~~arbitrator~~ judge finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, the ~~arbitrator~~ judge may ~~reinstate~~ order the reinstatement of the employee, with full, partial, or no pay, or may modify the appointing authority's action. The judge's order shall be the final decision, but it may be appealed under the provisions of sections 14.63 to 14.69. The appointing authority shall bear the costs of the ~~arbitrator~~ Office of Administrative Hearings for hearings provided for in this section; each party shall bear their own attorney fees, costs, and expenses.

EFFECTIVE DATE. This section is effective August 1, 2022.