

Sec. 21. **REPEALER.**

Minnesota Statutes 1990, sections 222.63, subdivision 5; and 296.17, subdivision 9a, are repealed.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:25 a.m.

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**CHAPTER 582—S.F.No. 2565**

*An act relating to the bureau of mediation services; eliminating the Minnesota public employment relations board; modifying arbitration procedures; amending Minnesota Statutes 1990, sections 14.03, subdivision 2; 43A.06, subdivision 2; 179A.03, subdivisions 3, 5, and 17; 179A.10, subdivisions 1 and 3; 179A.12, subdivision 3; 179A.13, subdivision 3; 179A.16, subdivisions 3, 5, and 8; 179A.17; 179A.18, subdivision 1; 179A.20, subdivision 1; 179A.21, subdivisions 2 and 3; 179A.22, subdivision 4; and 179A.25; Minnesota Statutes 1991 Supplement, sections 179A.04, subdivision 3; 179A.13, subdivision 2; and 179A.16, subdivisions 4, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 179A; repealing Minnesota Statutes 1990, section 179A.05, as amended.*

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

Section 1. Minnesota Statutes 1990, section 14.03, subdivision 2, is amended to read:

Subd. 2. **CONTESTED CASE PROCEDURES.** The contested case procedures of the administrative procedure act provided in sections 14.57 to 14.69 do not apply to (a) the Minnesota municipal board, (b) the commissioner of corrections, (c) the unemployment insurance program and the social security disability determination program in the department of jobs and training, (d) the ~~director~~ commissioner of mediation services, (e) the workers' compensation division in the department of labor and industry, (f) the workers' compensation court of appeals, or (g) the board of pardons; ~~or~~ (h) the public employment relations board.

Sec. 2. Minnesota Statutes 1990, section 43A.06, subdivision 2, is amended to read:

Subd. 2. **HEARINGS.** The commissioner shall represent the state at hearings conducted by the commissioner of the bureau of mediation services ~~and the public employment relations board.~~

Sec. 3. Minnesota Statutes 1990, section 179A.03, subdivision 3, is amended to read:

Subd. 3. **BOARD BUREAU.** "~~Board~~" "Bureau" means the Minnesota ~~public employment relations board~~ bureau of mediation services.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1990, section 179A.03, subdivision 5, is amended to read:

Subd. 5. **COMMISSIONER.** "Commissioner of the Minnesota bureau of mediation services" or "commissioner" means the commissioner of the bureau of mediation services.

Sec. 5. Minnesota Statutes 1990, section 179A.03, subdivision 17, is amended to read:

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

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

Sec. 6. Minnesota Statutes 1991 Supplement, section 179A.04, subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) ~~certify to the board items of dispute between parties subject to action of the board under section 179A.16~~ maintain a list of arbitrators for referral to employers and exclusive representatives for the resolution of grievance or interest disputes;

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(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner ~~or the board~~;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all ~~orders and decisions of the board~~; all decisions of ~~arbitration arbitrators and panels~~ authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the commissioner's orders and decisions. All ~~orders and decisions~~ catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2;

(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges;

(l) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner; ~~and~~

(m) provide to the parties a list of arbitrators as required by section 179A.16, subdivision 4; and

(n) from the names provided by representative organizations, maintain a list of arbitrators to conduct teacher discharge or termination hearings according to section 125.12 or 125.17. The persons on the list shall meet at least one of the following requirements:

(1) be a former or retired judge;

(2) be a qualified arbitrator on the list maintained by ~~either the bureau of mediation services or the public employment relations board~~ according to ~~section 179A.05, subdivision 6~~;

(3) be a present, former, or retired administrative law judge; or

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(4) be a neutral individual who is learned in the law and admitted to practice in Minnesota, who is qualified by experience to conduct these hearings, and who is without bias to either party.

Each year, the Minnesota education association shall provide a list of seven names, the Minnesota federation of teachers a list of seven names, and the Minnesota school boards association a list of 14 names of persons to be on the list. The commissioner may adopt rules about maintaining and updating the list.

**Sec. 7. [179A.051] APPEALS OF COMMISSIONER'S DECISIONS.**

Decisions of the commissioner relating to supervisory, confidential, essential, and professional employees, appropriateness of a unit, or fair share fee challenges may be reviewed on certiorari by the court of appeals. A petition for a writ of certiorari must be filed and served on the other party or parties and the commissioner within 30 days from the date of the mailing of the commissioner's decision. The petition must be served on the other party or parties at the party's or parties' last known address.

Sec. 8. Minnesota Statutes 1990, section 179A.10, subdivision 1, is amended to read:

Subdivision 1. **EXCLUSIONS.** The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for executive branch state employees. The following employees shall be excluded from any appropriate unit:

(1) the positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with section 43A.18, subdivision 3, and so designated in the official state compensation schedules;

(2) unclassified positions in the state university system and the community college system defined as managerial by their respective boards;

(3) positions of physician employees compensated under section 43A.17, subdivision 4;

(4) positions of all unclassified employees appointed by a constitutional officer;

(5) positions in the bureau of ~~mediation services and the public employment relations board~~;

(6) positions of employees whose classification is pilot or chief pilot;

(7) administrative law judge and compensation judge positions in the office of administrative hearings; and

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(8) positions of all confidential employees.

The governor may upon the unanimous written request of exclusive representatives of units and the commissioner direct that negotiations be conducted for one or more units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.

Sec. 9. Minnesota Statutes 1990, section 179A.10, subdivision 3, is amended to read:

Subd. 3. **STATE EMPLOYEE SEVERANCE.** Each of the following groups of employees has the right, as specified in this subdivision, to separate from the general professional, health treatment, or general supervisory units provided for in subdivision 2: attorneys, physicians, professional employees of the higher education coordinating board who are compensated under section 43A.18, subdivision 4, state patrol-supervisors, regional enforcement officers employed by the department of natural resources, and criminal apprehension investigative-supervisors. This right must be exercised by petition during the 60-day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they have no right to meet and negotiate, but retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The right to separate must be exercised as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a statewide basis wish to separate from their units may petition the commissioner for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the commissioner shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the units provided in subdivision 2. This election must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the commissioner shall certify that result. This election, where not inconsistent with other provisions of this section, is governed by section ~~179A.16~~ 179A.12. If a group of employees elects to sever, the group may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.

Sec. 10. Minnesota Statutes 1990, section 179A.12, subdivision 3, is amended to read:

Subd. 3. **OBTAINING ELECTIONS.** Any employee organization may obtain a certification election upon petition to the commissioner stating that at least 30 percent of the employees of a proposed ~~employee~~ appropriate unit wish to be represented by the petitioner. Any employee organization may obtain a representation election upon petition to the commissioner stating that the cur-

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rently certified representative no longer represents the majority of employees in an established unit and that at least 30 percent of the employees in the established unit wish to be represented by the petitioner rather than by the currently certified representative. An individual employee or group of employees in a unit may obtain a decertification election upon petition to the commissioner stating the certified representative no longer represents the majority of the employees in an established unit and that at least 30 percent of the employees wish to be unrepresented.

Sec. 11. Minnesota Statutes 1991 Supplement, section 179A.13, subdivision 2, is amended to read:

Subd. 2. **EMPLOYERS.** Public employers, their agents and representatives are prohibited from:

(1) interfering, restraining, or coercing employees in the exercise of the rights guaranteed in sections 179A.01 to 179A.25;

(2) dominating or interfering with the formation, existence, or administration of any employee organization or contributing other support to it;

(3) discriminating in regard to hire or tenure to encourage or discourage membership in an employee organization;

(4) discharging or otherwise discriminating against an employee because the employee has signed or filed an affidavit, petition, or complaint or given information or testimony under sections 179A.01 to 179A.25;

(5) refusing to meet and negotiate in good faith with the exclusive representative of its employees in an appropriate unit;

(6) refusing to comply with grievance procedures contained in an agreement;

(7) distributing or circulating a blacklist of individuals exercising a legal right or of members of a labor organization for the purpose of preventing black-listed individuals from obtaining or retaining employment;

(8) violating rules established by the commissioner regulating the conduct of representation elections;

(9) refusing to comply with a valid decision of a binding arbitration panel or arbitrator;

(10) violating or refusing to comply with any lawful order or decision issued by the commissioner ~~of the board~~;

(11) refusing to provide, upon the request of the exclusive representative, all information pertaining to the public employer's budget both present and proposed, revenues, and other financing information provided that in the executive

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branch of state government this clause may not be considered contrary to the budgetary requirements of sections 16A.10 and 16A.11; or

(12) granting or offering to grant the status of permanent replacement employee to a person for performing bargaining unit work for the employer during a lockout of employees in an employee organization or during a strike authorized by an employee organization that is an exclusive representative.

Sec. 12. Minnesota Statutes 1990, section 179A.13, subdivision 3, is amended to read:

Subd. 3. **EMPLOYEES.** Employee organizations, their agents or representatives, and public employees are prohibited from:

(1) restraining or coercing employees in the exercise of rights provided in sections 179A.01 to 179A.25;

(2) restraining or coercing a public employer in the election of representatives to be employed to meet and negotiate or to adjust grievances;

(3) refusing to meet and negotiate in good faith with a public employer, if the employee organization is the exclusive representative of employees in an appropriate unit;

(4) violating rules established by the commissioner regulating the conduct of representation elections;

(5) refusing to comply with a valid decision of an arbitration panel or arbitrator;

(6) calling, instituting, maintaining, or conducting a strike or boycott against any public employer on account of any jurisdictional controversy;

(7) coercing or restraining any person with the effect to:

(a) force or require any public employer to cease dealing or doing business with any other person or;

(b) force or require a public employer to recognize for representation purposes an employee organization not certified by the commissioner;

(c) refuse to handle goods or perform services;

(d) preventing an employee from providing services to the employer;

(8) committing any act designed to damage or actually damaging physical property or endangering the safety of persons while engaging in a strike;

(9) forcing or requiring any employer to assign particular work to employees in a particular employee organization or in a particular trade, craft, or class rather than to employees in another employee organization or in another trade, craft, or class;

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(10) causing or attempting to cause a public employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

(11) engaging in an unlawful strike;

(12) picketing which has an unlawful purpose such as secondary boycott;

(13) picketing which unreasonably interferes with the ingress and egress to facilities of the public employer;

(14) seizing or occupying or destroying property of the employer;

(15) violating or refusing to comply with any lawful order or decision issued by the commissioner ~~or the board~~.

Sec. 13. Minnesota Statutes 1990, section 179A.16, subdivision 3, is amended to read:

Subd. 3. **PROCEDURE.** Within 15 days from the time the commissioner has certified a matter to be ready for binding arbitration because of an agreement under subdivision 1 or in accordance with subdivision 2, both parties shall submit their final positions on the items in dispute. ~~The commissioner shall submit these matters to the board once the 15-day period for the submission of final positions has elapsed, along with any final positions submitted by the parties.~~ In the event of a dispute over the items to be submitted to binding arbitration involving essential employees, the commissioner shall determine the items to be decided by the arbitration panel based on the efforts to mediate the dispute and the positions submitted by the parties during the course of those efforts. The parties may stipulate items to be excluded from arbitration.

Sec. 14. Minnesota Statutes 1991 Supplement, section 179A.16, subdivision 4, is amended to read:

Subd. 4. **CONSTRUCTION SELECTION OF ARBITRATION ARBITRATOR OR PANEL OF ARBITRATORS.** The parties may select persons who are members of the arbitration roster maintained by the ~~board~~ bureau to act as the ~~arbitration arbitrator or~~ panel in their dispute by mutual agreement. In the event of a mutual agreement on the ~~members of the arbitration arbitrator or~~ panel, the commissioner shall advise the ~~board~~ in writing of the ~~selection of the panel members; and the persons selected shall serve as the arbitration arbitrator or~~ panel. If the parties ~~have~~ do not mutually agree ~~agree~~ upon the ~~arbitrator or panel members by the time the commissioner certifies the matter to the board, the board commissioner shall provide the parties to the interest arbitration a list of seven arbitrators. The board commissioner shall mail the list of arbitrators to the parties within five working days. The parties shall alternately strike names from the list of arbitrators until only a single arbitrator remains, unless the parties request and mutually agree to utilize a panel of three arbitrators. If the parties are unable to agree on who shall strike the first name, the~~

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question must be decided by the flip of a coin. The arbitrator or arbitrators remaining after the striking procedure shall constitute the ~~arbitration~~ arbitrator or panel.

Sec. 15. Minnesota Statutes 1990, section 179A.16, subdivision 5, is amended to read:

Subd. 5. **JURISDICTION OF THE ARBITRATOR OR PANEL**. The ~~arbitration~~ arbitrator or panel selected by the parties has jurisdiction over the items of dispute certified to and submitted by the ~~board~~ commissioner. However, the arbitrator or panel has no jurisdiction or authority to entertain any matter or issue that is not a term and condition of employment, unless the matter or issue was included in the employer's final position. Any ~~order~~ decision or part of an ~~order~~ decision issued by a ~~panel~~ which determines a matter or issue which is not a term or condition of employment and was not included in the employer's final position is void and of no effect. A decision ~~of the panel~~ which violates, is in conflict with, or causes a penalty to be incurred under: (1) the laws of Minnesota; or (2) rules promulgated under law, or municipal charters, ordinances, or resolutions, provided that the rules, charters, ordinances, and resolutions are consistent with this chapter, has no force or effect and shall be returned to the arbitrator or panel to make it consistent with the laws, rules, charters, ordinances, or resolutions.

Sec. 16. Minnesota Statutes 1991 Supplement, section 179A.16, subdivision 6, is amended to read:

Subd. 6. **POWERS OF THE ARBITRATOR OR PANEL**. ~~If the parties are unable to agree on a prompt, mutually acceptable date for an arbitration panel to meet, the panel may propose a series of dates on which to meet. The parties shall alternatively strike dates until a single date remains. The hearing must be held on that date.~~

The ~~arbitration~~ arbitrator or panel may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any dispute before it. The arbitrator or panel may administer oaths and affidavits and may examine witnesses. Attendance of witnesses and the production of evidence may be required from any place in the state at any hearing. However, ~~the panel's meeting~~ any hearing shall be held in the county where the principal administrative offices of the employer are located, unless another location is selected by agreement of the parties. In case of refusal to obey a subpoena issued under this section, the district court of the state for the county where the proceeding is pending or where the person who refuses to obey is found, or resides, or transacts business shall, on application of the arbitrator or panel, have jurisdiction to issue an order requiring the person to appear before the panel, to produce evidence, or to give testimony. Failure to obey the order may be punished by the court as a contempt.

Sec. 17. Minnesota Statutes 1991 Supplement, section 179A.16, subdivision 7, is amended to read:

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Subd. 7. **DECISION BY THE ARBITRATOR OR PANEL**. The ~~panel's order decision~~ shall be issued by the arbitrator or a majority vote of its members of the panel. The ~~order decision~~ shall resolve the issues in dispute between the parties as submitted by the ~~board commissioner~~. For principals and assistant principals, the arbitrator or panel shall be restricted to selecting between the final offers of the parties on each impasse item. For other employees, if the parties agree in writing, the arbitrator or panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety. In considering a dispute and issuing its ~~order decision~~, the arbitrator or panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The ~~panel's decision and order~~ shall be final and binding on all parties.

The arbitrator or panel shall render its ~~order decision~~ within 30 days from the date that all arbitration proceedings have concluded. This deadline may be extended only with the approval of the ~~chair of the board commissioner~~. The ~~board commissioner~~ shall adopt rules establishing criteria to be followed in determining whether an extension should be granted. The ~~panel's order decision~~ must be for the period stated in the ~~order decision~~, except that ~~orders decisions~~ determining contracts for teacher units are effective to the end of the contract period determined by section 179A.20.

The arbitrator or panel shall send its decision ~~and orders~~ to ~~the board~~, the commissioner, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator or panel issues a decision, the arbitrator or panel shall report the settlement to ~~the board and~~ the commissioner.

The parties may at any time ~~prior to~~ before or after issuance of ~~an order a decision~~ of the ~~arbitration arbitrator or panel~~, agree upon terms and conditions of employment regardless of the terms and conditions of employment determined by the ~~order decision~~. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

Sec. 18. Minnesota Statutes 1990, section 179A.16, subdivision 8, is amended to read:

Subd. 8. **PAYMENT OF THE ARBITRATOR OR PANEL**. The arbitrator or panel members ~~of the panel~~ shall be paid actual and necessary traveling and other expenses incurred in the performance of their duties plus an allowance of \$180 for each day or part of a day spent considering a dispute. All costs of the panel shall be shared equally by the parties to the dispute.

Sec. 19. Minnesota Statutes 1990, section 179A.17, is amended to read:

**179A.17 NEW EXCLUSIVE REPRESENTATIVES.**

Subdivision 1. **FOR TEACHERS.** If a new or different exclusive represen-

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tative of teachers employed by a local school district is certified by the commissioner at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the commissioner, section 179A.18, subdivision 2, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract no later than 60 days after a certification by the commissioner of a new or different exclusive representative or the resolution by the commissioner of a representation proceeding. Either party may petition the commissioner of ~~mediation services~~ for assistance in reaching an agreement. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the commissioner of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation as specified in section 179A.18, subdivision 2, clause (1)(b).

Subd. 2. **NONTEACHERS.** If a new or different exclusive representative of employees other than teachers employed by a local school district is certified by the commissioner, or if on the expiration date of an existing contract a representation proceeding is before the commissioner, section 179A.18, subdivision 1, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the employees shall execute a written contract or memorandum of contract no later than 45 days after a certification by the commissioner of a new or different exclusive representative or the resolution by the commissioner of a representation proceeding. Either party may petition the commissioner of ~~mediation services~~ for assistance in reaching an agreement. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the commissioner of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated for a period of no less than 45 days in mediation sessions.

Sec. 20. Minnesota Statutes 1990, section 179A.18, subdivision 1, is amended to read:

Subdivision 1. **WHEN AUTHORIZED.** ~~Confidential, Essential, and managerial~~ employees may not strike. Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other public employees may strike only under the following circumstances:

(1)(a) The collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 2, has occurred; and

(b) The exclusive representative and the employer have participated in mediation over a period of at least 45 days, provided that the mediation period established by section 179A.17, subdivision 2, shall govern negotiations pursu-

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ant to that section. For the purposes of this subclause the mediation period commences on the day following receipt by the commissioner of a request for mediation; or

(2) The employer violates section 179A.13, subdivision 2, clause (9); or

(3) In the case of state employees,

(a) The legislative commission on employee relations has not given approval during a legislative interim to a negotiated agreement or arbitration ~~award~~ decision under section 179A.22, subdivision 4, within 30 days after its receipt; or

(b) The entire legislature rejects or fails to ratify a negotiated agreement or arbitration ~~award~~ decision, which has been approved during a legislative interim by the legislative commission on employee relations, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.

Sec. 21. Minnesota Statutes 1990, section 179A.20, subdivision 1, is amended to read:

Subdivision 1. **WRITTEN CONTRACT.** The exclusive representative and the employer shall execute a written contract or memorandum of contract containing the terms of the negotiated agreement or interest arbitration ~~award~~ decision and any terms established by law.

Sec. 22. Minnesota Statutes 1990, section 179A.21, subdivision 2, is amended to read:

Subd. 2. **SELECTION.** If the parties to a contract cannot agree upon an arbitrator or panel of arbitrators as provided by the contract grievance procedures or the procedures established by the commissioner, the parties shall; ~~under direction of the board;~~ alternately strike names from a list of ~~five~~ arbitrators selected by the ~~board~~ commissioner until only one name remains. This arbitrator shall decide the grievance and the decision is binding upon the parties. The parties shall share equally the costs and fees of the arbitrator.

Sec. 23. Minnesota Statutes 1990, section 179A.21, subdivision 3, is amended to read:

Subd. 3. **LIMITS.** Arbitration decisions authorized or required by a grievance procedure are subject to the limitations contained in section 179A.16, subdivision 5. The arbitrator shall send ~~the board and~~ the commissioner a copy of each grievance arbitration decision and any written explanation. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the ~~board and the~~ commissioner.

Sec. 24. Minnesota Statutes 1990, section 179A.22, subdivision 4, is amended to read:

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Subd. 4. **AGREEMENTS.** The commissioner of employee relations is authorized to enter into agreements with exclusive representatives. The negotiated agreements and arbitration ~~awards~~ decision shall be submitted to the legislature to be accepted or rejected in accordance with this section and section 3.855.

If a proposed agreement or arbitration ~~award~~ decision is rejected or is not approved by the legislature prior to its adjournment in an odd-numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration ~~award~~ decision. The proposed agreement or arbitration ~~award~~ decision shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration ~~award~~ decision shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration ~~award~~ decision to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration ~~award~~ decision which were paid pursuant to the interim approval by the commission shall not be affected but these wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbitration ~~award~~ decision or upon adjournment by the legislature without acting upon the agreement or arbitration ~~award~~ decision.

Sec. 25. Minnesota Statutes 1990, section 179A.25, is amended to read:

**179A.25 INDEPENDENT REVIEW.**

It is the public policy of the state of Minnesota that every public employee should be provided with the right of independent review, by a disinterested person or agency, of any grievance arising out of the interpretation of or adherence to terms and conditions of employment. When such review is not provided under statutory, charter, or ordinance provisions for a civil service or merit system, the governmental agency may provide for such review consistent with the provisions of law or charter. If no other procedure exists for the independent review of such grievances, the employee may present the grievance to the ~~public employment relations panel~~ commissioner under procedures established by the ~~board~~ commissioner.

Sec. 26. **REPEALER.**

Minnesota Statutes 1990, section 179A.05, as amended by Laws 1991, chapter 238, article 2, section 1, is repealed.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:12 p.m.

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