

**CHAPTER 7315**  
**PUBLIC EMPLOYMENT RELATIONS BOARD**  
**INDEPENDENT REVIEW**

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**7315.0210 SCOPE.**

This chapter applies to procedures governing independent review pursuant to Minnesota Statutes, section 179A.25.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.0400 DEFINITIONS.**

*[For text of subpart 1, see M.R.]*

**Subp. 2. Party.** "Party" means any public employee, public employer, exclusive representative of public employees, public employee organization, or public employer organization whose legal rights, duties, or privileges will be directly determined in an independent review.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.0500 PETITION.**

**Subpart 1. Authority to petition.** An employee may petition the board in writing for independent review of a grievance arising out of the interpretation of or adherence to terms and conditions of employment when no other such procedure exists to hear that grievance. The petitioner must provide all parties a copy of the petition at the time of filing with the board.

**Subp. 2. Petition contents.** The petition must contain:

*[For text of items A to C, see M.R.]*

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.0650 ANSWER.**

Within 15 calendar days after receipt of a petition, all other parties shall file with the board and provide to the other parties an answer to the petition. The answer must contain a concise statement specifying whether:

*[For text of items A to D, see M.R.]*

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.0900 PRESIDING OFFICER; BOARD OR PANEL.**

The board, as a full body or as a panel of three of its members, may hear and

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decide an independent review. Whenever possible, a panel must consist of an equal number of representatives of public employees and public employers, and the member who represents the public at large.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.1000 PRESIDING OFFICER; ADMINISTRATIVE LAW JUDGE.**

The board may appoint an administrative law judge to hear the grievance. The administrative law judge shall have authority as the board deems necessary and appropriate to hear the grievance. The administrative law judge must submit to the board recommended findings, conclusions, and order as requested by the board. The final decision on the grievance shall in all cases be made by the board.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.1100 BRIEFS.**

The board may request the parties to submit a brief if the written brief will assist the board in making its determination. If briefs are necessary, the board must establish a briefing schedule and notify the parties of the dates for submission of the briefs.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.1200 NOTICE OF HEARING.**

At least 15 calendar days before the hearing date, the board must provide to all parties by certified mail a notice of hearing providing:

*[For text of items A to D, see M.R.]*

A copy of this chapter must be included with the notice of hearing.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.1300 CONTINUANCE OF HEARING.**

A request for continuance of hearing, if mutually consented to by all of the parties, must be granted by the board's executive director. If there is no mutual consent, the board must consider the request for continuance at its next meeting and may grant the request upon good cause shown. If a board meeting is not scheduled that provides the opportunity for the board to consider the request and provide a timely response, the board chair has the authority to consider and decide the request.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.1800 SUBSTITUTION OF PARTY'S REPRESENTATIVE.**

Substitution of a party's representative may be allowed only if notice of the substitution is served on all other parties and the board at least seven calendar days before the hearing date.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.1900 CONSOLIDATION.**

*[For text of subps 1 and 2, see M.R.]*

Subp. 3. **Order.** The board must serve on all parties the order of consolidation.

Subp. 4. **Severance from consolidation.** Within seven calendar days of receipt of the order of consolidation, a party may file with the board a petition for severance from consolidation which must include the reasons why the requirements of subpart 1 are not met.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2000** [Repealed, 15 SR 2107]

**7315.2100 THE HEARING.**

Subpart 1. **How conducted.** The hearing must be conducted as follows:

*[For text of item A, see M.R.]*

B. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, must be stated orally, together with a statement of the grounds of the objection and included in the record of the hearing. No objection shall be deemed waived by further participation in the hearing.

*[For text of item C, see M.R.]*

D. Witnesses must testify under oath and shall be subject to cross-examination by all parties.

*[For text of item E, see M.R.]*

Subp. 2. **Transcript of board hearing.** A verbatim record must be taken by a hearing reporter or recording equipment of any hearing conducted pursuant to subpart 1.

*[For text of subp 3, see M.R.]*

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2200 BOARD DECISIONS AND ORDERS.**

All decisions and orders issued by the board must be in writing and must be accompanied by a statement of the reasons therefor. All decisions and orders shall be binding on all parties and served on all parties to the case.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2300 REQUEST FOR REHEARING.**

The board on its own motion or on petition of any party and for good cause shown, may reopen, rehear, and redetermine an independent review decision. The petition for rehearing by the parties must be served on all parties and the board within 15 calendar days of the date of the board's written decision.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2400 PETITION FOR REHEARING.**

A petition for rehearing must contain:

- A. the name and address of the petitioner;
- B. the board designation of the case;
- C. a statement as to the issues on which rehearing is sought; and
- D. the reason why the issue should be reheard.

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**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2500 CONSIDERATION.**

The board may consider evidence and argument in written or oral form with respect to granting or denying the petition to rehear.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2600 DETERMINATION.**

A petition for rehearing may be granted only if the petition or the board record reveals:

- A. irregularities in board proceeding;
- B. errors of law occurring during board proceedings;
- C. newly discovered material evidence;
- D. a change in existing law material to the independent review; or
- E. good cause for failure to appear.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2700 NOTICE OF REHEARING.**

A notice of rehearing must be provided in the same manner prescribed for a hearing by part 7315.1200.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2800 REHEARING PROCEDURE.**

A rehearing of an independent review must be conducted in the same manner prescribed for a hearing by part 7315.2100.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*

**7315.2900 DECISION AFTER REHEARING.**

The decision after rehearing must be issued in the same manner prescribed for the decision after a hearing by part 7315.2200.

**Statutory Authority:** *MS s 14.06; 179A.05; 179A.25*

**History:** *15 SR 2107*