

5510.0310 DEFINITIONS.

Subpart 1. **General.** For the purpose of parts 5510.0110 to 5510.2310 the words defined in this part have the meanings given them.

Subp. 2. **Amendment of certification or amendment of exclusive representative.** "Amendment of certification" or "amendment of exclusive representative" means a change in the certification by the commissioner of a nature which the commissioner deems does not raise a question of representation.

Subp. 3. **Appearance status.** "Appearance status" means the status of a nonparty having an interest in a matter before the commissioner to participate in bureau proceedings.

Subp. 4. **Act.** "Act" means the Public Employment Labor Relations Act of 1971, Minnesota Statutes, sections 179A.01 to 179A.25, as amended.

Subp. 5. [Repealed, 23 SR 1564]

Subp. 6. **Bureau.** "Bureau" means the Bureau of Mediation Services.

Subp. 7. **Certification of exclusive representative or certification.** "Certification of exclusive representative" or "certification" means the granting of the status of exclusive representative to an employee organization by a written order of the commissioner.

Subp. 8. **Certification petition.** "Certification petition" means a petition filed by an employee organization stating that at least 30 percent of the employees of a proposed appropriate unit, which is presently unrepresented, wish to be represented by the petitioner.

Subp. 8a. **Commissioner.** "Commissioner" means the commissioner of the Bureau of Mediation Services or an authorized agent.

Subp. 9. **Decertification petition.** "Decertification petition" means a petition filed by an individual employee or group of employees stating that the current exclusive representative no longer represents the majority of the employees in an appropriate unit and that at least 30 percent of the employees no longer wish to be represented.

Subp. 10. **Determination of affiliation or affiliation.** "Determination of affiliation" or "affiliation" means the determination of affiliation of a supervisory or confidential employee organization under Minnesota Statutes, section 179A.06, subdivision 2.

Subp. 11. [Repealed by amendment, L 1987 c 186 s 15]

Subp. 12. **Effective date of orders.** "Effective date of orders" means, for any order issued by the commissioner, the day following issuance unless otherwise provided.

Subp. 13. **Hearing officer or mediator.** "Hearing officer" or "mediator" means the commissioner or an authorized agent.

Subp. 14. **Holiday or legal holiday.** "Holiday" or "legal holiday" means those dates designated by Minnesota Statutes, section 645.44, subdivision 5, as holidays for the state of Minnesota.

Subp. 15. **Open-window period.** "Open-window period" means the following period of time prior to the expiration of a labor contract:

- A. for the state executive branch, 270 to 210 days;
- B. for teachers, 180 to 120 days; and
- C. for all other public employees, 120 to 60 days.

Subp. 16. **Party.** "Party" means any exclusive representative, employee organization, or public employer recognized by the commissioner whose legal rights, duties, and privileges will be directly determined in the proceedings; or any public employee who has filed a fair share fee challenge or decertification petition.

Subp. 17. **Petition.** "Petition" means a written document containing information required by the commissioner.

Subp. 18. **Representation petition.** "Representation petition" means a petition filed by an employee organization stating that the exclusive representative no longer represents the majority of employees in an appropriate unit; and at least 30 percent of the employees in the appropriate unit wish to be represented by the petitioner.

Subp. 19. **Service or serve.** "Service" or "serve" means delivery of a document required by parts 5510.0110 to 5510.2310, in person, by facsimile, or by the United States Postal Service, postage prepaid and addressed to the bureau or a party at its last known address, unless some other manner of service is required by law. Unless otherwise provided by these parts, service upon the commissioner or a party is effective upon receipt.

Subp. 20. **Showing of interest or interest.** "Showing of interest" or "interest" means the submission of authorization signatures in the form of individual authorization cards to show support for a petition filed with the commissioner.

Subp. 21. **Time.** "Time" means, in computing any period of time prescribed or allowed by parts 5510.0110 to 5510.2310, that the day or any act or event on which the designated period of time begins to run shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, or legal holiday.

Subp. 22. **Transfer of exclusive representative status.** "Transfer of exclusive representative status" means the transfer of the rights and obligations of an exclusive representative to another employee organization.

Subp. 23. **Unfair election practice.** "Unfair election practice" means any prohibition defined in part 5510.2110, or a violation of an election order issued by the commissioner,

and any unfair practice as defined by Minnesota Statutes, section 179A.13, committed by an employer or its agents or an employee organization or its agents, or an employee, which affects the result of a certification, representation, or decertification election.

Subp. 24. **Unit clarification or clarification petition.** "Unit clarification" or "clarification petition" means a determination of the commissioner regarding an appropriate unit involving:

A. inclusions or exclusions of positions or job classifications in an appropriate unit;

B. the confidential, supervisory, or essential status of positions, classifications, or the unit itself;

C. modification of the unit description; or

D. modification of the unit structure.

Statutory Authority: *MS s 179A.04*

History: *9 SR 735; L 1987 c 186 s 15; 23 SR 1564; 27 SR 637*

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