

5510.0310 DEFINITIONS.

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

Subp. 1a. **Act.** "Act" means the Public Employment Labor Relations Act under Minnesota Statutes, sections 179A.01 to 179A.25.

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 that 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. 3a. **Appropriate unit or unit.** "Appropriate unit" or "unit" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 2.

Subp. 4. [Repealed, 46 SR 1387]

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 [Repealed, 23 SR 1564]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 granting 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 wish to be represented by the petitioner.

Subp. 8a. **Commissioner.** "Commissioner" means the commissioner of the bureau or an authorized agent.

Subp. 9. **Decertification petition.** "Decertification petition" means a petition filed by an individual employee or group of employees stating that:

A. the exclusive representative no longer represents the majority of the employees in an appropriate unit; and

B. at least 30 percent of the employees no longer wish to be represented by the exclusive representative.

Subp. 10. **Determination of affiliation or affiliation.** "Determination of affiliation" or "affiliation" means determining the 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 [Repealed by amendment, L 1987 c 186 s 15]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 commissioner-issued order, the day after issuance unless otherwise provided.

Subp. 12a. **Employee.** "Employee" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 14.

Subp. 12b. **Employee organization.** "Employee organization" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 6.

Subp. 12c. **Employer.** "Employer" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 15.

Subp. 12d. **Exclusive representative.** "Exclusive representative" has the meaning given in Minnesota Statutes, section 179A.03, subdivision 8.

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 the dates designated under 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 before a labor contract expires:

- 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:

A. an exclusive representative, employee organization, or public employer recognized by the commissioner whose legal rights, duties, and privileges are directly determined in proceedings under parts 5510.0110 to 5510.3005; or

B. a public employee who has filed a 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:

A. the exclusive representative no longer represents the majority of employees in an appropriate unit; and

B. 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, unless another manner of service is required by law, delivering a document electronically, in person, by facsimile, or by United States mail, postage prepaid, addressed to the bureau or a party at its last known address.

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

Subp. 21. [Repealed, 46 SR 1387]

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

Subp. 23. **Unfair election practice.** "Unfair election practice" means a practice or action that affects the result of a certification, representation, or decertification election, specifically:

A. any prohibition defined in part 5510.2110 or a violation of a commissioner-issued election order; and

B. any unfair practice as defined under Minnesota Statutes, section 179A.13, committed by an:

- (1) employer or its agents;
- (2) employee organization or its agents; or
- (3) employee.

Subp. 24. **Unit clarification or clarification petition.** "Unit clarification" or "clarification petition" means the commissioner's determination 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 179.02; 179.82; 179A.04; 179A.16; 626.892*

History: *9 SR 735; L 1987 c 186 s 15; 23 SR 1564; 27 SR 637; 46 SR 1387*

Published Electronically: *July 27, 2022*