

5510.1110 CHALLENGE TO AFFILIATION PETITION.

Subpart 1. **Filing petition.** A petition challenging affiliation under Minnesota Statutes, section 179A.06, subdivision 2 must include:

- A. a statement of the reasons the affiliation is improper;
- B. the name of the employee organization involved;
- C. the date the petition is signed; and
- D. the name and title of the person signing the petition.

Subp. 2. **Certification status.**

A. If the commissioner determines that the affiliation of an employee organization is improper according to Minnesota Statutes, section 179A.06, subdivision 2, the commissioner must:

(1) withdraw the certification of the involved employee organization as the exclusive representative for the unit for which the challenge was raised; and

(2) dismiss any matters pending before the commissioner involving questions of representation or mediation.

B. If the commissioner determines that the affiliation of an employee organization is proper according to Minnesota Statutes, section 179A.06, subdivision 2, the commissioner must affirm its standing as a proper employee organization and dismiss the challenge petition.

Subp. 3. **Contract status.** Upon the withdrawal of the status of exclusive representative after a commissioner determination of improper affiliation, a labor contract is void on the date of the determination if:

- A. the contract is within the meaning of Minnesota Statutes, section 179A.20;
- B. the contract covers employees of the unit for which withdrawal was ordered; and
- C. the involved organization is a party to the contract.

Statutory Authority: *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

History: *9 SR 735; L 1987 c 186 s 15; 46 SR 1387*

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