

5510.1210 TRANSFER OF EXCLUSIVE REPRESENTATIVE STATUS.

Subpart 1. **Filing petition.** A petition transferring exclusive representative status must include:

A. documentation substantiating that the requirements of parts 5510.0110 to 5510.2310 have been met;

B. a copy of the incumbent exclusive representative's current constitution or bylaws unless on file with the commissioner;

C. documentation substantiating that the requirements of the constitution or bylaws of the exclusive representative have been met;

D. a copy of the current constitution or bylaws of the employee organization which has agreed to accept the transfer of the exclusive representative's rights and obligations, unless on file with the bureau; and

E. a copy of the current labor contract and certification of the exclusive representative.

Subp. 2. **Right to transfer.** An exclusive representative may transfer its rights and obligations to another employee organization by complying with subparts 3, 4, 5, and 6.

Subp. 3. **Notice.** The exclusive representative must provide advance written notice of the proposed transfer to each member of the exclusive representative in the appropriate unit. The notice must state the time and location of the meeting or meetings to be held by the exclusive representative relating to the proposed transfer.

Subp. 4. **Meeting.** The exclusive representative must hold a meeting or meetings to permit discussion of the proposed transfer at a time and location which is reasonably convenient for the majority of the members of the exclusive representative in the appropriate unit.

Subp. 5. **Election.** The exclusive representative must conduct a secret ballot election among its members in the appropriate unit to determine approval or rejection of the proposed transfer in accordance with the constitutional requirements of the exclusive representative.

Subp. 6. **Petition.** If all employees in the appropriate unit have been afforded the opportunity to become members of the exclusive representative, and if a majority of the members of the exclusive representative voting in the election required by subpart 5 vote in favor of the transfer, a petition shall be filed by the exclusive representative with the commissioner.

Subp. 7. **Order.** Based on the record of hearing or an investigation, the commissioner may:

A. issue a transfer of exclusive representative order;

- B. order a representation election; or
- C. dismiss the petition.

Subp. 8. **Rights.** The incoming exclusive representative shall have all rights and obligations established by the labor contract in effect and the act; and administer the existing labor contract until its expiration.

Statutory Authority: *MS s 179A.04*

History: *9 SR 735; 11 SR 141; L 1987 c 186 s 15; 23 SR 1564*

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