

5510.1210 TRANSFERRING 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 effective 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 effective constitution or bylaws of the employee organization that has agreed to accept the transfer of the exclusive representative's rights and obligations, unless on file with the commissioner; and

E. a copy of the effective 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 to 6.

Subp. 3. **Notice of transfer.**

A. The exclusive representative must provide advance written notice of the proposed transfer to each member of the exclusive representative in the appropriate unit.

B. The notice must state the time and location of the meeting to be held by the exclusive representative relating to the proposed transfer.

Subp. 4. **Meeting.** The exclusive representative must hold a meeting to permit members to discuss the proposed transfer at a time and location that 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 approve or reject the proposed transfer according to the exclusive representative's constitutional requirements or bylaws.

Subp. 6. **Petition.** The exclusive representative must file with the commissioner a petition if:

A. all employees in the appropriate unit have been afforded the opportunity to become members of the exclusive representative; and

B. a majority of the exclusive representative's members voting in the election under subpart 5 vote in favor of the transfer.

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

A. issue a transfer of exclusive representative order;

B. order a representation election; or

C. dismiss the petition.

Subp. 8. **Rights of incoming exclusive representative.** The incoming exclusive representative has all rights and obligations established by the effective labor contract and the act and must administer the labor contract until it expires.

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

History: *9 SR 735; 11 SR 141; L 1987 c 186 s 15; 23 SR 1564; 46 SR 1387*

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