

5510.2710 NEGOTIATION NOTICE.

Subpart 1. **Content of notice.** A written notification of the desire to meet and negotiate an original contract, renewal of a contract, or a reopener of a contract must be served on the other party and the commissioner. The notice may be served on forms available from the commissioner or in other written format which includes the following:

- A. the name, address, and phone number of the exclusive representative;
- B. the name, address, and phone number of the exclusive representative's representative;
- C. the name, address, and phone number of the employer;
- D. the name, address, and phone number of the employer's representative;
- E. a description of the appropriate unit for which such notice is being given;
- F. the date of expiration of the current labor contract, if any;
- G. the total number of employees employed by the employer;
- H. the number of employees in the appropriate unit covered by the notice;
- I. the date the notice is signed; and
- J. the name and title of the person signing the notice.

Subp. 2. **Initial agreement.** An employer shall have ten days following service of a negotiation notice by an employee organization to object to the employee organization's status as exclusive representative, or to contest the appropriateness of the unit. An objection must be made in writing to the employee organization and the commissioner, and the commissioner must investigate the matter pursuant to parts 5510.0110 to 5510.2310.

Subp. 3. **Subsequent agreement.** If a party to an existing labor contract desires to meet and negotiate a subsequent labor contract, the party shall serve written notice of that desire upon the other party to the labor contract and the commissioner at least 60 calendar days prior to the expiration date in the existing labor contract. If a party desires to negotiate a subsequent labor contract, but has failed to provide the required 60-day notice, the party may be compelled to pay a penalty of \$10 per day for each day the notice of intent is late.

Subp. 4. **Late notice penalty.** A \$10-per-day penalty shall be the only penalty for late notice of a desire to negotiate a subsequent labor contract and may be imposed by the commissioner upon request by a party adversely affected by the failure to provide timely notice or the commissioner's own motion. A request or motion to assess a penalty shall be made in writing and served upon the commissioner and the other party to the labor contract within ten days of the requesting party's first knowledge of the other party's desire to negotiate or, in the case of the commissioner's own motion, within 15 days of the receipt of a request for mediation assistance involving the same parties and contract. A request

from a party or motion by the commissioner shall specify the date of first knowledge of the desire to negotiate, the expiration date of the current labor contract, and a brief statement of the adverse results or impact of the late notice. Upon receipt of a written request or after the commissioner's own motion to assess a penalty for late notice, the commissioner shall investigate the matter pursuant to part 5510.1910. If the commissioner finds that the late notice did not prejudice the commissioner or the other party, the commissioner may waive all or a part of the penalty. The penalty shall be payable to the state of Minnesota general fund. The amount of the penalty and its waiver is not subject to appeal.

Statutory Authority: *MS s 179A.04*

History: *9 SR 735; 10 SR 997; L 1987 c 186 s 15; 23 SR 1564*

Published Electronically: *June 11, 2008*