

**5510.2810 PETITION FOR MEDIATION.**

Subpart 1. **Petition.** A petition for mediation must be served on the bureau by an exclusive representative, an employer, or jointly. Petition forms may be obtained from the bureau.

Subp. 2. **Commissioner initiation of mediation.** When it is in the public interest, the commissioner may initiate mediation without receiving a petition. Upon notice to the parties, mediation shall proceed in accordance with parts 5510.2410 to 5510.3210.

Subp. 3. **Notice.** Upon receiving a petition for mediation and concluding that mediation would be useful, the commissioner shall serve notice of the time and place for a mediation meeting of the exclusive representative and the employer.

Subp. 4. **Obligation.** It is the duty and obligation of the parties to comply with the notice of the mediation meeting. The parties must be represented by persons having the authority to negotiate in good faith and be prepared to identify unresolved issues and their positions regarding such issues.

Subp. 5. **Mediation meetings.** Joint or separate mediation meetings of the parties may be scheduled by the commissioner. Mediation meetings are informal and must be limited by the commissioner to matters relevant to the settlement of the dispute. The parties must continue to participate in a mediation meeting until excused by the commissioner. Use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings.

A mediation meeting may be closed to the public by the commissioner when, in the commissioner's judgment, closing will facilitate resolution of the dispute. In all cases a meeting will be closed only after receipt by the bureau of a valid and timely petition for mediation or after initiation of mediation by the commissioner. The commissioner may close a meeting to the public prior to its start or at any time during the meeting.

Subp. 5a. **Meetings of governing bodies.** When the commissioner determines that it is in the interest of resolution of a dispute, the commissioner may authorize a closed meeting of the public employer's governing body for the purpose of review and discussion of the status of negotiations and the employer's positions.

No closed meeting may be authorized unless the bureau has received a valid and timely petition for mediation or unless mediation has been initiated by the commissioner.

No closed meeting may be authorized when the commissioner or a representative of the commissioner is not physically present at the meeting unless the bureau has received a timely and valid notice of intent to strike.

In the event the commissioner determines that a closed meeting is necessary, but the commissioner cannot be physically present at the meeting and a timely and valid notice of

intent to strike has been received by the bureau, the commissioner may authorize a closed meeting upon written notice to the governing body and exclusive representative at least 24 hours prior to the closed meeting. The written notice must include the date, time, and place of the closed meeting of the governing body and limit the purpose of the meeting to matters relevant to the dispute.

Subp. 6. [Repealed, 13 SR 1275]

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

**History:** *9 SR 735; 10 SR 997; L 1987 c 186 s 15; 15 SR 1226*

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