

5510.2810 PETITION FOR MEDIATION.

Subpart 1. **Petition.** A petition for mediation must be served in accordance with Minnesota Statutes, section 179A.15.

Subp. 2. **Commissioner-initiated mediation.** According to Minnesota Statutes, section 179A.15, the commissioner may initiate mediation without receiving a petition. Upon notice to the parties, mediation must proceed according to parts 5510.2410 to 5510.3005.

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

Subp. 4. **Party obligation.**

A. It is the duty and obligation of the parties to comply with the notice under subpart 3.

B. 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 on the unresolved issues.

Subp. 5. **Mediation meetings.**

A. The commissioner must schedule joint or separate mediation meetings of the parties according to Minnesota Statutes, section 179A.15. Mediation meetings are informal and must be limited by the commissioner to matters relevant to settling the dispute. The parties must continue to participate in a mediation meeting until excused by the commissioner. Recording devices or methods are prohibited in mediation meetings.

B. In accordance with Minnesota Statutes, section 179A.14, subdivision 3, a mediation meeting is closed to the public unless the commissioner determines that closing the meeting will not facilitate a resolution. In all cases, a meeting is closed only after the commissioner receives a valid and timely petition for mediation or after the commissioner initiates mediation.

Subp. 5a. **Meetings of governing bodies.**

A. When the commissioner determines that it is in the interest of resolving a dispute, the commissioner must authorize a closed meeting of the public employer's governing body to review and discuss the status of negotiations and the employer's positions.

B. A closed meeting must not be authorized unless the commissioner has received a valid and timely petition for mediation or unless mediation has been initiated by the commissioner.

C. A closed meeting must not be authorized when the commissioner is not physically present at the meeting unless the commissioner has received a timely and valid notice of intent to strike.

D. The commissioner must authorize a closed meeting upon written notice to the employer's governing body and exclusive representative at least 24 hours before the closed meeting if the commissioner:

- (1) determines that a closed meeting is necessary according to item A; and
- (2) cannot be physically present at the meeting and the commissioner has received a timely and valid notice of intent to strike.

E. The notice under item D must:

- (1) include the date, time, and place of the closed meeting of the governing body; and
- (2) limit the purpose of the meeting to matters relevant to the dispute.

Subp. 6. [Repealed, 13 SR 1275]

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

History: *9 SR 735; 10 SR 997; L 1987 c 186 s 15; 15 SR 1226; 46 SR 1387*

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