

7325.0400 EXCEPTIONS.

Subpart 1. **Appeals from decisions of the commissioner.** Appeals from decisions of the commissioner of the Bureau of Mediation Services under Minnesota Statutes, section 179A.12, subdivision 11, regarding unfair labor practices found to occur in the course of a representation election are subject to review by the board in the same manner as recommended decisions and orders of board hearing officers.

Subp. 2. **Number of copies.** Whenever this part requires a document to be submitted to the board, four paper copies and an electronic copy must be submitted to the board and the document must be served upon all other parties to the proceeding.

Subp. 3. **Content of statement of exceptions.** A party filing exceptions or cross-exceptions under Minnesota Statutes, section 179A.13, subdivision 1, paragraph (k), must specifically identify in its statement of exceptions the portions of the hearing officer's decision and order to which each exception is made and the grounds for each exception.

Subp. 4. **Brief supporting exceptions.** The party filing exceptions or cross-exceptions must submit with the statement of its exceptions a brief supporting its exceptions. The brief shall reference any exhibits, offers of proof, or the identity of any witnesses whose testimony supports its exceptions or cross-exceptions. Briefs may not exceed 35 pages in length, except with permission of the board.

Subp. 5. **Request for oral argument.** A request to present oral argument to the board must be filed with the statement of exceptions or cross-exceptions. The board shall grant a request for oral argument if it finds oral argument would be helpful to its decision-making process.

Subp. 6. **Response to exceptions.** Within 15 days of service of the excepting party's exceptions, all nonexcepting parties to the hearing must file with the board and serve upon all other parties their responses to the excepting party's exceptions, any cross-exceptions they wish to submit, their brief, and any request for oral argument before the board.

Subp. 7. **Response content.** All responses to exceptions and any cross-exceptions must state with specificity the portions of the hearing officer's decision to which responses to exceptions or cross-exceptions are directed and the grounds for each response to an exception and the grounds for any cross-exceptions.

Subp. 8. **Responses to cross-exceptions.** Within 15 days of service of any cross-exceptions, all nonexcepting parties may submit to the board and serve upon all other parties a response to any cross-exceptions filed stating their position with regard to the cross-exceptions. Any response to cross-exceptions shall reference any exhibits, offers of proof, or the identity of any witnesses whose testimony supports its position.

Subp. 9. **Request to file an amicus brief.** A person or entity seeking to submit an amicus brief to the board must submit to the board a request to file an amicus brief within

ten days of the first filing of exceptions in any pending matter. A request to the board to submit an amicus brief must include identification of the person or entity seeking to file the amicus brief, reasons for wishing to file the amicus brief, and any requests for an oral argument.

Subp. 10. **Granting an amicus brief request.** If the board grants the request to submit the amicus brief, it shall state in its order the deadline for submission of the brief and whether the amicus will be permitted to present an oral argument.

Subp. 11. **Invitation of amicus briefs.** The board may invite the submission of amicus briefs on any pending matter if it finds receipt of arguments of other persons or entities would be helpful in its decision-making process. If the board invites the submission of amicus briefs, it shall state in its order the deadline for the submission of briefs and whether the invited amicus will be permitted to present an oral argument. Oral argument must be permitted if it would be helpful to the board in its decision-making process.

Subp. 12. **Appeals of board decisions.** Decisions of the board may be reviewed on certiorari by the Court of Appeals in accordance with Minnesota Statutes, section 179A.052.

Statutory Authority: *MS s 179A.041*

History: *40 SR 5*

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