

1 Public Employment Relations Board

2

3 Adopted Rules Governing Issues and Appeals, Arbitration of Terms
4 and Conditions of Employment, Arbitration of Grievances, and
5 Independent Review

6

7 Rules as Adopted

8 8 MCAR S 3.001 Application.

9 This chapter shall apply to:

10 A. Issues relating to the meaning of the terms supervisory
11 employee, confidential employee, essential employee, or
12 professional employee.

13 B. Appeals from determinations of the director relating to
14 the appropriateness of a unit.

15 C. Appeals from determinations of the director relating to a
16 fair share fee challenge.

17 8 MCAR S 3.003 Definitions.

18 A. Board. "Board" means the Public Employment Relations
19 Board or a panel of the Public Employment Relations Board.

20 B. Bureau. "Bureau" means the Bureau of Mediation Services.

21 C. Director. "Director" means the Director of the Bureau of
22 Mediation Services.

23 D. Party. "Party" means any person, public employee, public
24 employer, exclusive representative of public employees, public
25 employee organization, or public employer organization whose
26 legal rights, duties, or privileges will be directly determined
27 in an appeal.

28 E. Appeal. "Appeal" means (1) issues relating to the
29 meaning of the terms supervisory employee, confidential
30 employee, essential employee, or professional employee, (2)
31 appeals from determinations of the director relating to the
32 appropriateness of a unit, and (3) appeals from determinations
33 of the director relating to a fair share fee challenge.

34 F. Presiding officer. "Presiding officer" means the board,
35 one or more of its members, or a hearing examiner appointed by

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1 the board.

2 G. Service; serve. "Service" or "serve" means service of a
3 document required by this chapter, by person, or certified
4 United States mail, with return requested, postage prepaid, and
5 addressed to the party at its last known address, unless some
6 other manner of service is required by law. Certified mail
7 means mail which must be signed for by the addressee upon
8 receipt of said mail. Unless otherwise expressly stated by this
9 chapter, service is effective upon receipt.

10 H. Time. In computing any period of time prescribed or
11 allowed by this chapter, the day of act or event from which the
12 designated period of time begins to run shall not be included.
13 The last day of the time period so computed shall be included
14 unless it is a Saturday, Sunday, or legal holiday. For any time
15 period of ten days or less, Saturdays, Sundays, or legal
16 holidays shall not be included in computing the period of time.

17 8 MCAR S 3.004 Presiding officer.

18 A. Board or panel. The board, as a full body or as a panel
19 of one or more of its members, may hear and decide an appeal.
20 Whenever feasible, a panel shall consist of an equal number of
21 representatives of public employees and public employers, unless
22 otherwise agreed to by the parties.

23 B. Hearing examiner. The board may appoint a hearing
24 examiner to hear an appeal. The hearing examiner shall have
25 such authority as the board deems necessary and appropriate to
26 hear the appeal. The hearing examiner shall submit to the board
27 recommended findings. The final decision on the appeal shall in
28 all cases be made by the board.

29 8 MCAR S 3.005 Initiating an appeal.

30 A. Time limits. Within ten days of the date of a
31 determination by the director, any party, or parties, may
32 initiate an appeal by serving a copy of a notice of appeal upon
33 all other parties with a copy to the director and filing the
34 original with the board.

35 B. Notice of appeal. A notice of appeal shall include:

- 1 1. the name and address of the appellant;
- 2 2. the names and addresses of all parties who were
- 3 parties to the appeal;
- 4 3. a copy of the director's determination from which the
- 5 appeal is being taken;
- 6 4. a statement of which issues the appellant seeks board
- 7 review, why the issues should be resolved in the appellant's
- 8 favor, and what remedy is requested;
- 9 5. a statement that the appellant understands the
- 10 director's rules governing the preparation of and payment for
- 11 the record and transcript on appeal and agrees to abide by those
- 12 rules; and
- 13 6. the signature of the appellant or its representative.

14 8 MCAR S 3.006 Answer.

15 Within ten days after service of a notice of appeal, all
16 other parties may submit an answer to the notice of appeal. A
17 copy of such answer shall be served on all parties to the appeal
18 and filed with the board. Failure to submit an answer shall not
19 be deemed an admission of any statement contained in the notice
20 of appeal or a waiver of any rights afforded the respondent by
21 any statute or rule.

22 8 MCAR S 3.0061 Briefs.

23 The board may establish a briefing schedule as it deems
24 appropriate.

25 8 MCAR S 3.007 Notice of hearing.

26 A. Contents of notice. At least 15 days prior to the
27 hearing date, the board shall serve upon all parties a notice of
28 hearing stating:

- 29 1. the date, time, and place of hearing;
- 30 2. the rights of the parties to representation (see 8
- 31 MCAR S 3.009); and
- 32 3. that failure to appear may prejudice the party's
- 33 rights (see 8 MCAR S 3.011).

34 B. Copy of rules included. A copy of this chapter shall be
35 included with the notice of hearing.

1 8 MCAR S 3.008 Continuance of hearing.

2 A request for continuance must be served upon the parties
3 and filed with the board not less than seven days prior to the
4 hearing unless exceptional circumstances are shown.

5 8 MCAR S 3.010 Informal and summary disposition.

6 A. Informal disposition. Informal disposition may be made
7 of any appeal or any issue by stipulation, settlement, or
8 agreement at any point in the proceedings so long as the
9 stipulation, settlement, or agreement does not violate any law
10 and is approved by the board.

11 B. Summary disposition. The board, on its own motion or on
12 motion of any party, may:

- 13 1. dismiss an appeal if the board lacks jurisdiction;
- 14 2. summarily affirm the director's determination if the
15 appeal presents no question of substantial merit;
- 16 3. limit the issues to be considered to those which
17 present a question of substantial merit;
- 18 4. summarily reverse or remand in the case of obvious
19 error; or
- 20 5. grant other appropriate relief.

21 8 MCAR S 3.011 Default.

22 The board may decide an appeal adversely to a party who
23 fails to appear after receiving due notice and an opportunity
24 for hearing.

25 8 MCAR S 3.012 Intervention.

26 The board may, upon timely application, allow a person to
27 intervene in an appeal if the applicant establishes that its
28 legal rights, duties, or privileges will be directly determined
29 in the appeal.

30 8 MCAR S 3.013 Substitution of party.

31 Substitution of a party or its representative may be
32 allowed only if notice of the substitution is served on all
33 other parties and filed with the board at least five days prior
34 to the hearing date.

1 8 MCAR S 3.014 Consolidation.

2 A. Basis. The board may consolidate cases either on its own
3 motion or on motion of any party if it determines that:

- 4 1. separate appeals present substantially the same issues;
- 5 2. a decision in one case would affect the rights of a
6 party in another case; and
- 7 3. consolidation would not substantially prejudice any
8 party.

9 B. Stipulation. Notwithstanding the requirements of A., the
10 parties may stipulate and agree to consolidation subject to
11 board approval.

12 C. Order. The board shall serve on all parties the order of
13 consolidation.

14 D. Severance from consolidation. Within five days of
15 receipt of the order of consolidation, a party may file with the
16 board a petition for severance from consolidation which shall
17 include the reasons why the requirements of A. are not met.

18 8 MCAR S 3.015 Remand.

19 At any time prior to its decision, the board may remand to
20 the director all or part of the appeal for rehearing, the taking
21 of specified additional evidence, or other appropriate action.

22 8 MCAR S 3.016 Extension of time.

23 The parties, with the approval of the presiding officer,
24 may stipulate and agree to extend any time period provided in
25 this chapter.

26 8 MCAR S 3.017 The hearing.

27 A. The board record.

- 28 1. Prior to the hearing, the board shall prepare an
29 official record in each appeal which shall contain:
 - 30 a. the record of the proceedings before the director;
 - 31 b. the determination of the director;
 - 32 c. notice of appeal and any supporting documents;
 - 33 d. if consolidation has occurred, the order of
34 consolidation and any supporting documents;

1 e. notice of hearing and any supporting documents;

2 f. any stipulations, settlements, or agreements

3 entered into by any of the parties; and

4 g. pleadings, motions, and intermediate rulings of the
5 presiding officer.

6 2. Additional evidence admitted pursuant to C. shall
7 become part of the board record.

8 B. Hearing procedure.

9 1. The presiding officer shall open the hearing and
10 introduce the board record.

11 2. Unless otherwise directed by the presiding officer,
12 the party who initiated the appeal shall begin the argument and
13 shall be followed by the other parties in a sequence determined
14 by the presiding officer.

15 3. Each party shall be allowed 30 minutes for its oral
16 argument and an additional five minutes for its rebuttal.

17 4. The presiding officer may allow filing of memoranda by
18 the parties.

19 C. Additional evidence.

20 1. The presiding officer may admit additional evidence on
21 motion of any party if the motion is filed with the presiding
22 officer and served on all other parties within the time limits
23 established by the presiding officer.

24 2. The presiding officer may admit evidence which
25 possesses probative value commonly accepted by reasonably
26 prudent persons in the conduct of their affairs. The presiding
27 officer shall give effect to any rule or privilege recognized by
28 law.

29 3. The presiding officer shall direct the sequence of any
30 argument regarding the admissibility of the proposed additional
31 evidence.

32 4. When oral evidence is heard, witnesses shall testify
33 under oath and shall be subject to cross-examination by all
34 parties. The decision to hear oral evidence does not constitute
35 a waiver of any evidentiary objection available to a party.

36 5. Upon a showing of good cause the presiding officer may

1 allow the taking of depositions to preserve testimony in the
2 same manner as prescribed by the Minnesota Rules of Civil
3 Procedure.

4 6. Upon admission, the additional evidence becomes part
5 of the board record.

6 7. Except as otherwise provided in C., the hearing shall
7 be conducted as provided in B.

8 D. Transcript of board hearing. A verbatim record shall be
9 taken by a hearing reporter or recording equipment of any
10 hearing conducted pursuant to B. or C.

11 E. Decorum.

12 1. The presiding officer may prohibit the operation of a
13 television, newsreel, motion picture, still, or other camera and
14 mechanical recording devices in the hearing room while the
15 hearing is in progress if such operation shall be determined to
16 have a significantly adverse affect effect on the hearing.

17 2. No person shall interfere with the free, proper, and
18 lawful access to or egress from the hearing room. No person
19 shall interfere or threaten interference with the hearing.

20 8 MCAR S 3.018 Board decisions and orders.

21 All decisions and orders issued by the board shall be in
22 writing and shall be accompanied by a statement of the reasons
23 therefor.

24 All decisions and orders shall be served on all parties and
25 filed with the director.

26 8 MCAR S 3.019 Rehearing.

27 A. Board right to rehear. The board, on its own motion or
28 on petition of any party and for good cause shown, may reopen,
29 rehear, and redetermine an appeal. The petition for rehearing
30 must be served on all parties and filed with the board within
31 ten days of the determination of the appeal.

32 B. Petition for rehearing. A petition for rehearing shall
33 contain:

- 34 1. the name and address of the petitioner;
35 2. the board designation of the case;

1 3. a statement as to which issues rehearing is sought;
2 and

3 4. the reasons why the issues should be reheard.

4 C. Consideration. The board may consider evidence and
5 argument in written or oral form with respect to granting or
6 denying the petition.

7 D. Determination. A petition for rehearing may be granted
8 only if the petition or the board record reveals:

9 1. irregularities in the board proceedings;

10 2. errors of law occurring during the board proceedings;

11 3. newly discovered material evidence;

12 4. a change in existing law material to the appeal; or

13 5. good cause for failure to appear.

14 E. Notice of rehearing. A notice of rehearing shall be
15 provided in the same manner prescribed for a hearing by 8 MCAR S
16 3.007.

17 F. Rehearing procedure. A rehearing of an appeal shall be
18 conducted in the same manner prescribed for a hearing by 8 MCAR
19 S 3.017.

20 G. Decision after rehearing. The decision after rehearing
21 shall be issued in the same manner prescribed for the decision
22 after a hearing by 8 MCAR SS 3.010, 3.011, and 3.018.

23 8 MCAR S 3.030 Application.

24 This chapter shall apply to the procedures governing the
25 arbitration of disputes concerning the terms and conditions of
26 employment.

27 8 MCAR S 3.032 Definitions.

28 A. Arbitrator. "Arbitrator" means one or a panel of three
29 arbitrators.

30 B. Party. "Party" means any exclusive representative and
31 any employer or employer organization engaged in the arbitration
32 of terms and conditions of employment.

33 C. Except as otherwise provided herein, the words, terms,
34 and phrases in this chapter shall have the same meaning and
35 definition as defined in 8 MCAR S 3.003.

1 8 MCAR S 3.034 Certification of impasse.

2 A. Contents. A certification by the director pursuant to
3 Minnesota Statutes, section 179.69 shall contain the following:

- 4 1. the petition or petitions requesting arbitration;
- 5 2. a concise statement by the director indicating that an
6 impasse has been reached and that the requirements of Minnesota
7 Statutes, section 179.69 have been met;
- 8 3. a determination by the director of the matters in
9 dispute; and
- 10 4. the final positions submitted by the parties.

11 B. Filing. The certification shall be filed with the board
12 and served upon the parties by the director.

13 8 MCAR S 3.035 Selection of an arbitrator.

14 When the director has certified an impasse to the board
15 pursuant to Minnesota Statutes, section 179.69, the board shall
16 submit to the parties a list of seven names for the selection of
17 an arbitrator. If a party desires a single arbitrator, it shall
18 notify the board in writing of its request. Such request must
19 be received by the board or postmarked within five days after
20 the requesting party's receipt of the list of arbitrators and
21 before striking of names commences. In selecting the single
22 arbitrator or a three-member panel, the parties shall
23 alternately strike names from the list until the appropriate
24 number of names remains. If the parties are unable to agree on
25 who shall strike the first name, the question shall be decided
26 by the flip of a coin. In the case of a three-member panel, the
27 parties shall designate a convenor. If the parties fail to
28 agree upon a convenor, each party shall strike, in the continued
29 order of striking, one name from the panel. The remaining
30 arbitrator shall act as the convenor for the purpose of
31 commencing the proceedings. After selection, the parties shall
32 immediately notify the board in writing of the name of the
33 single arbitrator or the names of the panel and convenor.

34 8 MCAR S 3.036 Submission to arbitrator.

35 The board shall submit to the arbitrator the certification

1 of impasse of the director.

2 8 MCAR S 3.037 Panel chair.

3 The three-member panel shall, at its initial session,
4 select one member as chair. If the panel cannot agree, the
5 convenor shall serve as chair.

6 8 MCAR S 3.038 Arbitration procedures.

7 The arbitration proceedings shall be conducted and the
8 award shall be rendered pursuant to Minnesota Statutes, section
9 179.72. The procedures and authority of the Uniform Arbitration
10 Act in Minnesota Statutes, sections 572.08 to 572.30 shall apply
11 to the arbitration proceedings except as they are inconsistent
12 with the Public Employment Labor Relations Act.

13 8 MCAR S 3.040 Payment of arbitrator.

14 The term "consideration of a dispute," as used in Minnesota
15 Statutes, section 179.72, subdivision 6, includes, but is not
16 limited to, time incurred in preparation, conduct of hearings,
17 deliberations, and preparation of the decision.

18 8 MCAR S 3.041 Professional responsibility.

19 In arbitrating disputes concerning terms and conditions of
20 employment pursuant to Minnesota Statutes, section 179.72,
21 arbitrators shall conform to the standards and procedures set
22 forth in the Code of Professional Responsibility for Arbitrators
23 of Labor-Management Disputes as approved by the National Academy
24 of Arbitrators, American Arbitration Association, and Federal
25 Mediation and Conciliation Service on April 28, 1975,
26 incorporated herein by reference, to the extent not inconsistent
27 with the provisions of the Public Employment Labor Relations
28 Act, 8 MCAR SS 3.030-3.049, or other applicable law or rule,
29 provided that:

30 A. Part 5(B)(1)(c), paragraph 112, of the Code of
31 Professional Responsibility shall not be construed as limiting
32 the right of the parties to order a copy of the hearing
33 transcript; and

34 B. Part 6(A)(1)(b), paragraph 124, of the Code of

1 Professional Responsibility shall not be construed as limiting
2 the right of the parties to submit written briefs to the
3 arbitrator.

4 8 MCAR S 3.050 Application.

5 This chapter shall apply to the arbitration of grievances
6 pursuant to Minnesota Statutes, section 179.70, subdivision 4.

7 8 MCAR S 3.052 Definitions.

8 A. Arbitrator. "Arbitrator" means a single arbitrator.

9 B. Party. "Party" means any person authorized by contract
10 or law to select the arbitrator of a grievance.

11 C. Except as otherwise provided in this chapter, the words,
12 terms, and phrases in this chapter shall have the same meaning
13 and definition as defined in 8 MCAR S 3.003.

14 8 MCAR S 3.053 Petition.

15 A. Authority to petition. A party may petition the board in
16 writing for a list of five arbitrators. The petitioner shall
17 provide all parties a copy of the petition at the time of filing
18 with the board.

19 B. Contents of petition. The petition shall include:

- 20 1. the name and address of the petitioner;
- 21 2. the names and addresses of the adverse parties;
- 22 3. a concise statement of the nature of the grievance and
23 the relief requested; and
- 24 4. a copy of the provisions of the contract applicable to
25 the grievance.

26 8 MCAR S 3.054 Selection of the arbitrator.

27 Upon receipt of a petition, the board shall submit to the
28 parties a list of five names for the selection of an
29 arbitrator. Within five days after receipt of the list of
30 arbitrators, the parties shall alternately strike names from the
31 list until one name remains. If the parties are unable to agree
32 on who shall strike the first name, the question shall be
33 decided by the flip of a coin.

34 After selection, the parties shall immediately notify the

1 board in writing of the name of the arbitrator.

2 8 MCAR S 3.0541 Uniform Arbitration Act.

3 The procedures and authority of the Uniform Arbitration Act
4 in Minnesota Statutes, sections 572.08 to 572.30 shall apply to
5 the arbitration proceedings except as they are inconsistent with
6 the Public Employment Labor Relations Act.

7 8 MCAR S 3.055 Professional responsibility.

8 In arbitrating grievances pursuant to Minnesota Statutes,
9 section 179.70, arbitrators shall conform to the standards and
10 procedures set forth in the Code of Professional Responsibility
11 for Arbitrators of Labor-Management Disputes as approved by the
12 National Academy of Arbitrators, American Arbitration
13 Association, and Federal Mediation and Conciliation Service on
14 April 28, 1975, incorporated herein by reference, to the extent
15 not inconsistent with the provisions of the Public Employment
16 Labor Relations Act, 8 MCAR SS 3.050-3.059, or other applicable
17 law or rule, provided that:

18 A. Part 5(B)(1)(c), paragraph 112, of the Code of
19 Professional Responsibility shall not be construed as limiting
20 the right of the parties to order a copy of the hearing
21 transcript; and

22 B. Part 6(A)(1)(b), paragraph 124, of the Code of
23 Professional Responsibility shall not be construed as limiting
24 the right of the parties to submit written briefs to the
25 arbitrator.

26 8 MCAR S 3.060 Application.

27 This chapter shall apply to independent review pursuant to
28 Minnesota Statutes, section 179.76.

29 8 MCAR S 3.062 Definitions.

30 A. Party. "Party" means any person, public employee, public
31 employer, exclusive representative of public employees, public
32 employee organization, or public employer organization whose
33 legal rights, duties, or privileges will be directly determined
34 in an independent review.

1 B. Except as otherwise provided in this chapter, the words,
2 terms, and phrases in this chapter shall have the same meaning
3 and definition as defined in 8 MCAR S 3.003.

4 8 MCAR S 3.063 Petition.

5 A. Authority to petition. An employee may petition the
6 board in writing for independent review of a grievance arising
7 out of the interpretation of or adherence to terms and
8 conditions of employment when no other such procedure exists to
9 hear that grievance. The petitioner shall provide all parties a
10 copy of the petition at the time of filing with the board.

11 B. Petition contents. The petition shall contain:

12 1. the name, address, and telephone number of the
13 petitioner;

14 2. the name, address, and telephone number of the other
15 parties;

16 3. a concise statement specifying:

17 a. the terms and conditions of employment claimed to
18 be violated;

19 b. whether the terms and conditions of employment
20 claimed to be violated are established by law, rule, contract,
21 or practice;

22 c. the law, rule, contract provision, or practice
23 claimed to be violated;

24 d. the conduct which is claimed to violate the law,
25 rule, contract, or practice;

26 e. the relief requested; and

27 f. why independent review of the grievance is not
28 available under any other procedure.

29 8 MCAR S 3.0641 Answer.

30 Within ten days after receipt of a petition, all other
31 parties shall file with the board and provide to the other
32 parties an answer to the petition. The answer shall contain a
33 concise statement specifying whether:

34 1. the terms and conditions of employment claimed to be
35 violated are established by law, rule, contract, or practice;

1 2. the law, rule, contract provision, or practice has
2 been violated by the respondent;

3 3. if a violation is found, the relief requested is
4 appropriate; and

5 4. independent review of the grievance is not available
6 under any other procedure.

7 8 MCAR S 3.0651 Jurisdiction.

8 The board, on its own motion or on motion of any party, may
9 dismiss a petition if the board lacks jurisdiction. The board
10 may conduct a hearing on the question of jurisdiction.

11 8 MCAR S 3.0661 Presiding officers.

12 A. Board or panel. The board, as a full body or as a panel
13 of one or more of its members, may hear and decide an
14 independent review. Whenever possible, a panel shall consist of
15 an equal number of representatives of public employees and
16 public employers, unless otherwise agreed to by the parties.

17 B. Hearing examiner. The board may appoint a hearing
18 examiner to hear the grievance. The hearing examiner shall have
19 such authority as the board deems necessary and appropriate to
20 hear the grievance. The hearing examiner shall submit to the
21 board recommended findings. The final decision on the grievance
22 shall in all cases be made by the board.

23 8 MCAR S 3.067 Briefs. The board may establish a briefing
24 schedule as it deems appropriate.

25 8 MCAR S 3.068 Notice of hearing.

26 At least 15 days prior to the hearing date, the board shall
27 serve upon all parties a notice of hearing providing:

- 28 1. the date, time, and place of hearing;
29 2. a statement of the grievance to be determined;
30 3. the rights of the parties to representation; and
31 4. that failure to appear may prejudice the party's
32 rights.

33 A copy of this chapter shall be included with the notice of
34 hearing.

1 8 MCAR S 3.069 Continuance of hearing.

2 A request for continuance must be served upon the parties
3 and filed with the board within seven days of the hearing unless
4 exceptional circumstances are shown.

5 8 MCAR S 3.070 Right to representation.

6 Any party may be represented by a designated agent in an
7 independent review proceeding before the board.

8 8 MCAR S 3.071 Informal disposition.

9 Informal disposition may be made of any grievance or any
10 issue by stipulation, settlement, or agreement at any point in
11 the proceedings so long as the stipulation, settlement, or
12 agreement does not violate any law and is approved by the board.

13 8 MCAR S 3.072 Default.

14 The board may decide a grievance adversely to a party who
15 fails to appear after receiving due notice and an opportunity
16 for hearing.

17 8 MCAR S 3.073 Intervention.

18 The board may, upon timely application, allow a person to
19 intervene in an independent review proceeding if the applicant
20 establishes that its legal rights, duties, or privileges will be
21 directly determined in the matter.

22 8 MCAR S 3.074 Substitution of party.

23 Substitution of a party or its representative may be
24 allowed only if notice of the substitution is served on all
25 other parties and filed with the board at least five days prior
26 to the hearing date.

27 8 MCAR S 3.075 Consolidation.

28 A. Basis. The board may consolidate cases either on its own
29 motion or on motion of any party if it determines that:

30 1. separate grievances present substantially the same
31 issues;

32 2. a decision in one case would affect the rights of a
33 party in another case; and

1 3. consolidation would not substantially prejudice any
2 party.

3 B. Stipulation. Notwithstanding the requirements of A., the
4 parties may stipulate and agree to consolidation subject to
5 board approval.

6 C. Order. The board shall serve on all parties the order of
7 consolidation.

8 D. Severance from consolidation. Within five days of
9 receipt of the order of consolidation, a party may file with the
10 board a petition for severance from consolidation which shall
11 include the reasons why the requirements of A., are not met.

12 8 MCAR S 3.076 Extension of time.

13 The parties, with the approval of the presiding officer,
14 may stipulate and agree to extend any time period provided in
15 this chapter.

16 8 MCAR S 3.077 The hearing.

17 A. The hearing shall be conducted as follows:

18 1. It shall be the duty of the presiding officer to
19 inquire fully into the facts in dispute, to call, examine, and
20 cross-examine witnesses and to require the production of
21 documentary or other evidence as the presiding officer may deem
22 necessary to be fully acquainted with all facts relating to the
23 case.

24 2. Any objection with respect to the conduct of the
25 hearing, including any objection to the introduction of
26 evidence, shall be stated orally, together with a statement of
27 the grounds of the objection and included in the record of the
28 hearing. No objection shall be deemed waived by further
29 participation in the hearing.

30 3. The presiding officer may admit evidence which
31 possesses probative value commonly accepted by reasonably
32 prudent persons in the conduct of their affairs. The presiding
33 officer shall give effect to any rule or privilege recognized by
34 law.

35 4. Witnesses shall testify under oath and shall be

1 subject to cross-examination by all parties.

2 5. Upon a showing of good cause the presiding officer may
3 allow the taking of depositions to preserve testimony in the
4 same manner as prescribed by the Minnesota Rules of Civil
5 Procedure.

6 B. Transcript of board hearing. A verbatim record shall be
7 taken by a hearing reporter or recording equipment of any
8 hearing conducted pursuant to A.

9 C. Decorum.

10 1. The presiding officer may prohibit the operation of a
11 television, newsreel, motion picture, still, or other camera and
12 mechanical recording devices in the hearing room while the
13 hearing is in progress if such operation shall be determined to
14 have a significantly adverse effect on the hearing.

15 2. No person shall interfere with the free, proper, and
16 lawful access to or egress from the hearing room. No person
17 shall interfere or threaten interference with the hearing.

18 8 MCAR S 3.078 Board decisions and orders.

19 All decisions and orders issued by the board shall be in
20 writing and shall be accompanied by a statement of the reasons
21 therefor. All decisions and orders shall be binding on all
22 parties and served on all parties to the case.

23

24 Repealer. 8 MCAR SS 3.033; 3.039; 3.064; and 3.065 are repealed.