

1 Bureau of Mediation Services

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3 Adopted Permanent Rules Relating to Fair Share Fee Assessment

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5 Rules as Adopted

6 5510.1410 FAIR SHARE FEE REQUIREMENTS.

7 Subpart 1. Advance notice of fair share fee assessment.

8 The exclusive representative must provide written notice of the
9 amount of the fair share fee assessment to the director, the
10 employer, and each employee assessed: upon initial
11 implementation of the fair share fee assessment; to employees
12 hired after the original notice has been issued; and upon a
13 change in the amount of the fair share fee assessment. The
14 notice must contain:

15 A. to C. [Unchanged.]

16 D. sufficient information to identify expenditures
17 for benefits available only to members of the exclusive
18 representative and sufficient information to identify
19 expenditures for collective bargaining and contract
20 administration services that have been provided for bargaining
21 unit employees without regard to membership status;

22 E. and F. [Unchanged.]

23 Subp. 2. Employer provided information. Unless an
24 alternate method of fair share notice procedure has been
25 requested and approved by the director, the employer shall
26 provide to the exclusive representative the name, home mailing
27 address, and social security number or other necessary payroll
28 deduction information for all employees in the appropriate
29 unit. Questions of necessary payroll deduction information
30 shall be determined by the director.

31 Subp. 3. Mailing notice. Unless an alternate method of
32 fair share notice procedure has been requested and approved by
33 the director, the notice of the fair share fee assessment shall
34 be mailed by the exclusive representative to the employee's last
35 known home mailing address provided by the employer.

1 Subp. 4. [Unchanged.]

2 5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

3 Subpart 1. **Filing petition.** A petition challenging a fair
4 share fee assessment may be filed by individual employees and
5 must include:

6 A. to H. [Unchanged.]

7 I. the amount by which the fair share fee assessment
8 should be adjusted to conform to the statutory prerequisites of
9 Minnesota Statutes, section 179A.06, subdivision 3;

10 J. the specific activities or expenditures of the
11 exclusive representative which the challenger believes are not
12 in conformance with the statutory prerequisites of Minnesota
13 Statutes, section 179A.06, subdivision 3; and

14 K. the date on which the petitioner received notice
15 of the fair share fee assessment.

16 Subp. 2. and 3. [Unchanged.]

17 Subp. 4. **Receipt of petition.** Upon receipt of the
18 challenge petition and fee, the director shall provide the
19 challenger with an acknowledgement and receipt, along with a
20 copy of the rules governing such challenge.

21 Subp. 5. **Service on exclusive representative and**
22 **employer.** A copy of the challenge petition shall be served by
23 the petitioner upon the exclusive representative and the
24 employer, in person or by mail, within the 30-calendar-day
25 challenge period. Failure to serve a copy of a challenge
26 petition upon the exclusive representative or employer in a
27 timely manner shall be grounds for dismissing the petition.

28 Subp. 6. [Unchanged.]

29 5510.1710 APPLICABILITY OF FAIR SHARE FEE CHALLENGE

30 DETERMINATION.

31 The determination of the validity of the amount of the fair
32 share fee assessment shall apply from the effective date of the
33 assessment being challenged to all employees in an appropriate
34 unit who have an employment relationship which is similar to the
35 petitioner, and who were assessed the same fair share fee.

1 Fair share fee determinations based on lack of proper
2 notice apply only to employees who have filed a challenge.