

1 Bureau of Mediation Services

2

3 Adopted Permanent Rules Relating to Public Employee Labor

4 Relations

5

6 Rules as Adopted

7 5510.0510 LIMITATION ON FILING PETITION. [Withdrawn at 15 SR

8 452]

9 5510.1410 FAIR SHARE FEE REQUIREMENTS.

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

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

17 [For text of items A to C, see M.R.]

18 D. sufficient information to identify expenditures
19 for benefits available only to members of the exclusive
20 representative and sufficient information to identify
21 expenditures for collective bargaining and contract
22 administration services that have been provided for bargaining
23 unit employees without regard to membership status. This
24 information shall include the most recent documentation of the
25 preceding year's actual expenditures and of the current year's
26 projected expenditures;

27 [For text of items E and F, see M.R.]

28 [For text of subps 2 and 3, see M.R.]

29 Subp. 4. Assessment. On the effective day of the fair
30 share fee assessment and thereafter, the amount of the
31 assessment shall be deducted by the employer from the pay of the
32 employee. The initial amounts deducted must be held in escrow
33 by the employer and not remitted to the exclusive representative
34 for a period of 30 calendar days from the date notice is
35 provided under subpart 1.

1 If at the end of the 30-day period an employee has not
2 challenged the fair share fee assessment, subsequent assessments
3 shall be promptly remitted to the exclusive representative.

4 If an employee challenges the fair share fee assessment,
5 the assessment for that employee shall continue to be deducted,
6 but must be held in escrow by the employer until otherwise
7 ordered by the commissioner.

8 5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

9 Subpart 1. Filing petition. A petition challenging a fair
10 share fee assessment may be filed by individual employees and
11 must include:

12 [For text of items A to C, see M.R.]

13 D. the amount of regular membership dues in the unit;

14 E. the amount of the fair share fee assessment;

15 F. the specific activities or expenditures of the
16 exclusive representative which the petitioner believes are not
17 in conformance with the statutory prerequisites of Minnesota
18 Statutes, section 179A.06, subdivision 3; and

19 G. the date on which the petitioner received notice
20 of the fair share fee assessment.

21 [For text of subp 2, see M.R.]

22 Subp. 3. Filing fee. The challenge petition must be
23 accompanied by a certified check or other guaranteed form of
24 payment in the amount of \$10, made payable to "Bureau of
25 Mediation Services." A challenge petition filed without the
26 proper filing fee shall be returned to the individual filing the
27 petition.

28 Subp. 4. Receipt of petition. Upon receipt of the
29 challenge petition and fee, the commissioner shall provide the
30 petitioner with an acknowledgment and receipt, along with a copy
31 of the rules governing such challenge.

32 [For text of subps 5 and 6, see M.R.]

33 5510.1910 HEARINGS OR INVESTIGATIONS.

34 [For text of subps 1 to 9, see M.R.]

35 Subp. 10. The record. The commissioner shall maintain the

1 record in each case. The record shall contain:

2 [For text of items A to D, see M.R.]

3 E. an audiomagnetic or stenographic recording of the
4 hearing.

5 The commissioner shall retain the audiomagnetic or
6 stenographic recording of the hearing for a period not less than
7 60 calendar days after the issuance of his order.

8 Subp. 10a. **Requests for transcripts.** The audiomagnetic
9 recording of a hearing before the bureau may be transcribed in
10 whole or in part upon the written request of any party or
11 person, provided that the party or person requesting the
12 transcript makes a request within the 60-day retention period
13 and agrees in writing to pay full costs of preparation of the
14 transcript.

15 Subp. 10b. **Preparation of case record on appeal to PERB.**
16 Any person or party appealing a determination of the
17 commissioner to the board must agree in writing to pay for the
18 cost of preparing the transcript of the hearing upon which the
19 determination was based, as well as the costs of duplicating all
20 relevant exhibits and other written case file material. If the
21 appeal involves only a portion of the elements or factors
22 decided by the commissioner, and only parts of the hearing are
23 relevant to that element or factor, a partial transcript and
24 record may be purchased. The extent of the transcript and
25 record necessary to provide the board with the complete record
26 upon which that portion of the commissioner's determination was
27 based will be determined by the commissioner, based upon the
28 scope of the issues under appeal. However, any party to an
29 appeal may request that a portion of the entire record be added
30 to the record submitted by the commissioner to PERB. The party
31 making such a request must agree in writing to pay for the cost
32 of preparing this additional record. Any partial transcript
33 shall include all testimony and evidence relevant to the issues
34 under appeal.

35 [For text of subps 11 to 15, see M.R.]

1 5510.2810 PETITION FOR MEDIATION.

2 [For text of subps 1 to 4, see M.R.]

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

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

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

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

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

31 In the event the commissioner determines that a closed
32 meeting is necessary, but the commissioner cannot be physically
33 present at the meeting and a timely and valid notice of intent
34 to strike has been received by the bureau, the commissioner may
35 authorize a closed meeting upon written notice to the governing
36 body and exclusive representative at least 24 hours prior to the

08/06/90

[REVISOR] PMM/JC AR1646

1 closed meeting. The written notice must include the date, time,
2 and place of the closed meeting of the governing body and limit
3 the purpose of the meeting to matters relevant to the dispute.