

206.15

ARTICLE 16

206.16

BUREAU OF MEDIATION SERVICES POLICY

206.17 Section 1. Minnesota Statutes 2018, section 13.43, subdivision 6, is amended to read:

206.18 Subd. 6. **Access by labor organizations, Bureau of Mediation Services, Public**
206.19 **Employment Relations Board.** Personnel data may be disseminated to labor organizations
206.20 and the Public Employment Relations Board to the extent that the responsible authority
206.21 determines that the dissemination is necessary to conduct elections, notify employees of
206.22 fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel
206.23 data shall be disseminated to labor organizations, the Public Employment Relations Board,
206.24 and to the Bureau of Mediation Services to the extent the dissemination is ordered or
206.25 authorized by the commissioner of the Bureau of Mediation Services or the Public
206.26 Employment Relations Board or its designee.

206.27 Sec. 2. [13.7909] PUBLIC EMPLOYMENT RELATIONS BOARD DATA.

206.28 Subdivision 1. **Definition.** For purposes of this section, "board" means the Public
206.29 Employment Relations Board.

206.30 Subd. 2. **Nonpublic data.** (a) Except as provided in this subdivision, all data maintained
206.31 by the board about a charge or complaint of unfair labor practices and appeals of
207.1 determinations of the commissioner under section 179A.12, subdivision 11, are classified
207.2 as protected nonpublic data or confidential data, and become public when admitted into
207.3 evidence at a hearing conducted pursuant to section 179A.13. The data may be subject to
207.4 a protective order as determined by the board or a hearing officer.

207.5 (b) Notwithstanding sections 13.43 and 181.932, the following data are public:

207.6 (1) the filing date of unfair labor practice charges;

207.7 (2) the status of unfair labor practice charges as an original or amended charge;

207.8 (3) the names and job classifications of charging parties and charged parties;

207.9 (4) the provisions of law alleged to have been violated in unfair labor practice charges;

207.10 (5) the complaint issued by the board and all data in the complaint;

207.11 (6) the full and complete record of an evidentiary hearing before a hearing officer,
207.12 including the hearing transcript, exhibits admitted into evidence, and posthearing briefs,
207.13 unless subject to a protective order;

207.14 (7) recommended decisions and orders of hearing officers pursuant to section 179A.13,
207.15 subdivision 1, paragraph (i);

207.16 (8) exceptions to the hearing officer's recommended decision and order filed with the
207.17 board pursuant to section 179A.13, subdivision 1, paragraph (k);

- 207.18 (9) briefs filed with the board; and
- 207.19 (10) decisions and orders issued by the board.
- 207.20 (c) Notwithstanding paragraph (a), individuals have access to their own statements
207.21 provided to the board under paragraph (a).
- 207.22 (d) The board may make any data classified as protected nonpublic or confidential
207.23 pursuant to this subdivision accessible to any person or party if the access will aid the
207.24 implementation of chapters 179 and 179A or ensure due process protection of the parties.
- 207.25 Sec. 3. Minnesota Statutes 2018, section 179A.041, is amended by adding a subdivision
207.26 to read:
- 207.27 Subd. 10. **Open meetings.** Chapter 13D does not apply to meetings of the board when
207.28 it is deliberating on the merits of unfair labor practice charges under sections 179.11, 179.12,
207.29 and 179A.13; reviewing a recommended decision and order of a hearing officer under
207.30 section 179A.13; or reviewing decisions of the commissioner of the Bureau of Mediation
207.31 Services relating to unfair labor practices under section 179A.12, subdivision 11.
- 208.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 208.2 Sec. 4. Laws 2014, chapter 211, section 13, as amended by Laws 2015, First Special
208.3 Session chapter 1, article 7, section 1, Laws 2016, chapter 189, article 7, section 42, and
208.4 Laws 2017, chapter 94, article 12, section 1, is amended to read:
- 208.5 Sec. 13. **EFFECTIVE DATE.**
- 208.6 Sections 1 to 3 and 6 to 11 are effective ~~July~~ January 1, 2020. Sections 4, 5, and 12 are
208.7 effective July 1, 2014.
- 208.8 **EFFECTIVE DATE.** This section is effective the day following final enactment. Until
208.9 January 1, 2020, any employee, employer, employee or employer organization, exclusive
208.10 representative, or any other person or organization aggrieved by an unfair labor practice as
208.11 defined in Minnesota Statutes, section 179A.13, may bring an action for injunctive relief
208.12 and for damages caused by the unfair labor practice in the district court of the county in
208.13 which the practice is alleged to have occurred.