

STATEMENT OF NEED AND REASONABLE

5510.0110 Application.

Identifies the procedures available to resolve questions of representation, unit clarification, and fair share fee challenges.

5510.0210 Policy.

Provides that these rules will be applied and interpreted in a manner which best effectuates the purposes of the act.

Minn. Stat. 14.115 (Supp. 83) has been reviewed and considered in the promulgation of these rules, and is not applicable under subd. 7(b). These rules do not affect small business directly because they govern public sector employment relationships only.

5510.0310 Definitions.

Subparts
1 through
23

The definitions used in these rules describe the terminology of specific bureau responsibilities authorized by the act, and terminology pertinent to the bureau's activities to carry out those responsibilities.

5510.0410 Filing Petition.

Subparts
1 through
3

Define the general requirements necessary for the filing of a petition; identifies what petitions may be filed by an employee, employer, employee organization, or exclusive representative; and identifies what petitions may be filed singularly or jointly by employee organizations, exclusive representatives and employees. These subparts clarify the requirements of the act and simplify the petition process promulgated by the bureau to administer the act.

5510.0410 Filing Petition.

Subparts
1 through
4

Identifies the requirements which an employee organization, exclusive representative or public employee are subject to in terms of filing petitions. These subparts address the general conditions to which

each party is subject; the eligibility for filing single-party or joint-party petitions; and the general information to be provided on all petitions. The subparts provide all parties a general overview of all types of petitions, who can file them, and the minimum information needed by the bureau to process the same.

5510.0510 Limitation on Filing Petition.

Subparts 1, 2, 3, and 4 Maintains the intent of Minn. Stat. 179A.14, Subd. 12, by extending the one-year bar standard to petitions for unit clarification, elections for certification, representation, and decertification, and transfer of exclusive representative status. The specific bar standards relate to contract coverage and negotiations certified to impasse in terms of when such questions of representation on appropriateness of unit may be raised. These subparts provide stability to the labor-management relationship, but also recognize the need to resolve unit clarification and representation questions in an orderly fashion.

5510.0510 Limitations on Filing Petition.

Subpart 5 Clarifies the requirement of Minn. Stat. 179A.06, subd. 3, regarding the timely receipt of fair share fee challenges.

5510.0510 Limitation on Filing Petition.

Subpart 6 Reaffirms the application of Minn. Stat. 179A.03, subd. 6, in relationship to petitions for certification and representation elections; petitions for amendment of certification and transfer of exclusive representation status.

5510.0510 Limitation on Filing Petition.

Subpart 7 Clarifies that all petitions must be filed in person or by mail.

5510.0610 Withdrawal.

Subpart 1 Generally defines what is considered a timely withdrawal relative to petitions and authorization signatures for certification, representation, or decertification elections; and limits the withdrawal of petitions for unit clarification, transfer of exclusive representative status, fair share fee challenge, amendment of certification and determination of affiliation to any time prior to the close of the hearing conducted by the bureau. This rule establishes reasonable time lines that direct and guide the parties while maximizing prudent use of staff and financial resources of the bureau.

5510.0610 Withdrawal.

Subparts 2, 3, and 4 Specifically addresses the status of petitions for certification, representation and decertification elections if one or more of the petitioners withdraws as provided in 5510.0610, subpart 1. This rule standardizes the director's processing of or dismissal of petitions and precisely identifies those criteria for the parties.

5510.0710 Certification, Representation, and Decertification Petitions.

Subpart 1 Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to fully understand the request of the petitioner and for the bureau to carry out its responsibilities under the act.

5510.0710 Certification, Representation and Decertification Petitions.

Subpart 2 Requires that a showing of interest in the form of authorization signatures must be at least 30 percent of the estimated number of employees in the established or proposed appropriate unit as required by Minn. Stat. 179A.12, subd. 3. Additionally, the petitioning

employee organization is advised that the cut off for submission of a showing of interest is up to the close of the hearing. This time frame for submission of a showing of interest allows for responsible and systematic processing of petitions.

5510.0810 Authorization Signatures.

Subpart 1 Reaffirms the confidentiality of authorization signatures submitted to the director and establishes how such signatures may be withdrawn. This expresses current bureau policy which previously was not clear, particularly to the employees signing the authorization cards.

5510.0810 Authorization Signatures.

Subpart 2 Sets the criteria for determining the validity of authorization cards. This rule provides the bureau with sufficient information to assess the soundness of authorization signatures and assures that the rights of all parties are preserved.

5510.0810 Authorization Signatures.

Subparts 3 and 4 Sets the criteria for assessing the invalidity of authorization cards. If authorization cards are found to be invalid, the original petition, or intervenors on a petition, will be denied and a one-year bar for that unit shall be applied to the party submitting the fraudulent cards. The penalties for invalid authorization cards are not excessively harsh, but do establish adequate standards to uphold the integrity of the cards.

5510.0910 Unit Clarification Petition.

Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to understand the request of the petitioner and for the bureau to carry out its responsibilities under the act.

5510.1010 Amendment of Certification Petition.

Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to understand the request of the petitioner and for the bureau to carry out its responsibilities under the act.

5510.1110 Challenge to Affiliation Petition.

Subpart 1 Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to understand the request of the petitioner and for the bureau to carry out its responsibilities under the act.

5510.1110 Challenge to Affiliation Petition.

Subpart 2 Establishes that if an improper affiliation is determined, the certification, if any, of the involved employee organization will be withdrawn and any matters of representation or mediation pending before the bureau will be dismissed. All parties have a right and a need to know the effects of a determination of the question of affiliation. The penalty imposed is consistent with the intent of Minn. Stat. 179A.06, subd. 2.

5510.1110 Challenge to Affiliation Petition.

Subpart 3 Establishes that upon the withdrawal of a certification of exclusive representative as provided for in 5510.1110, subpart 2, any contract within the meaning of Minn. Stat. 179A.20 shall be null and void as of the date of the director's determination. All parties have a right to know the effect of a determination of the question of affiliation. The penalty imposed is consistent with the intent of Minn. Stat. 179A.06, subd. 2.

5510.1210 Transfer of Exclusive Representative Status.

Subpart 1 Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to understand the request of the petitioner and for the bureau to carry out its responsibilities under the Act. This procedure was established to allow a noncontroversial and voluntary take over of a certified exclusive representative by an employee organization during the term of a contract and at a time other than the open window period. The procedure was initially developed in 1975 pursuant to requests from employee organizations which indicated that the then-established representation procedures of the act were too restrictive and overly burdensome when there was a non-contested question of representation.

5510.1210 Transfer of Exclusive Representative Status.

Subparts 2, 3, 4, 5, 6, 7, and 8 Establishes the procedures by which an exclusive representative may transfer its status to another employee organization. This procedure is consistent with the intent of the act and provides stability, continuity and protection of the rights of all involved parties. These subparts codify existing practice which has been supported by court decision.

5510.1310 Abandonment of Exclusive Representative Status.

Subpart 1 Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to understand the request of the petitioner and for the bureau to carry out its responsibilities under the act.

5510.1310

Abandonment of Exclusive Representative Status.

Subparts
2, 3, 4,
and 5

Provides a means by which an exclusive representative may disclaim representation of a unit without undergoing an election. This procedure maintains the effect of a labor contract yet allows the involved employees to seek other representation without being subject to Minn. Stat. 179A.12, subd. 12. The rights and desires of employee organizations certified as exclusive representatives and the employees represented are preserved without violation of the act and imposition of any penalties.

5510.1410

Fair Share Fee Challenge Petition.

Subparts
1, 2, 3,
4, and 5

Identifies the procedure promulgated by the bureau to implement Minn. Stat. 179A.06, subd. 3. The rule defines: 1) when advance written notice of fair share fee assessment must be provided; 2) what the notice must contain; 3) what information the employer is required to give the exclusive representative so that employees may be properly notified; 4) the manner in which the notice must be served on the employees; 5) when the employer shall deduct the fee; 6) when the fee should be transmitted to the exclusive representative if there is no challenge filed; and 7) that the employer must escrow the fair share fee if there is a challenge filed. These subparts codify existing practice that has been supported by court decision.

5510.1510

Fair Share Fee Challenge Petition.

Subpart 1

Identifies the specific information required in addition to the general requirements delineated in 5510.0410. Securing adequate and pertinent information is essential for the parties to understand the request of the petitioner and for the bureau to carry out its responsibilities under the act.

5510.1510 Fair Share Fee Challenge Petition.

Subpart 2 Defines how a petition must be filed with the director and that such petitions must be received by the director within 30 days from the date the employee receives notice of the assessment. This subpart codifies existing practice and is consistent with Minn. Stat. 179A.06, subd. 3.

5510.1510 Fair Share Fee Challenge Petition.

Subpart 3 Identifies the proper form of the filing fee and that absent such fee, the petition will be returned. This subpart codifies existing practice and is consistent with Minn. Stat. 179A.04, subd. 1(e).

5510.1510 Fair Share Fee Challenge Petition.

Subparts 4, 5, and 6 Specify bureau procedure when a fair share fee challenge petition and the filing fee are received. This procedure codifies existing practice, is consistent with the intent of the act, and preserves the due process rights of all parties.

1510.1610 Investigation or Hearing.

Establishes that a valid and timely fair share fee challenge petition shall be investigated by the director. The exclusive representative has the burden of proof to establish the validity of the fee, and failure of a party to appear at a hearing may prejudice its rights. The director must secure adequate information to resolve fair share fee challenges. Parties have a responsibility to present their positions on the issues raised. This rule codifies existing practice and preserves the due process rights of the parties.

5510.1710 Fair Share Fee Application.

Establishes that the director's determination relative to the amount of the fair share fee shall apply from the effective date of the assessment being challenged to all employees in an appropriate unit

who have an employment relationship which is similar to the petitioner, and who were assessed the fair share fee. If the fair share fee determination involves the assertion of lack of proper notice, such determinations will apply only to those employees who have filed or joined a challenge. This rule codifies existing practice which has been supported by court decision and is consistent with the intent of Minn. Stat. 179A.06, subd. 3.

5510.1810 Joint-Party Petition.

Subpart 1 For certification of exclusive representative petitions, identifies the specific information required in addition to the requirements delineated in 5510.0410 and 5510.0710. Securing adequate and pertinent information is essential for the bureau to carry out its responsibilities under the act and to assess the appropriateness of the petition.

5510.0810 Joint-Party Petition.

Subpart 2 For unit clarification petitions, identifies the specific information required in addition to the requirements delineated in 5510.0410 and 5510.0910. Securing adequate and pertinent information is essential for the bureau to carry out its responsibilities under the act and to assess the appropriateness of the petition.

5510.1910 Hearings or Investigations.

Subparts 1, 2, and 3 Lawful stipulations of agreement between the parties are encouraged, and the scope of a hearing inquiry and the conditions under which petitions may be consolidated for hearing are defined. The parties' knowledge of the bureau's position in these areas reduces staff and person hours necessary to resolve a dispute and fosters voluntary settlement of disputes.

5510.1910 Hearings or Investigations.

Subparts
4 and 5

These subparts address actions or options available to the bureau and the parties prior to the conduct of a hearing. The director may issue a cease desist order prohibiting negotiations and maintaining the status quo, in part or in whole, of the employees' terms and conditions of employment. The director may also conduct a prehearing conference. These activities may resolve issues prior to hearing, frame the issues, and provide opportunity for submission of evidence or testimony by the parties at the hearing. This constitutes a codification of existing practice and is consistent with the intent of the act.

5510.1910 Hearings or Investigations.

Subpart 6

Defines the basis upon which requests for subpoenas may be made and delineates the manner in which such subpoenas shall be served. This subpart reflects current policy and is consistent with statutory requirements, including Minn. Stat. 179A.04, subd. 3(b).

5510.1910 Hearings or Investigations.

Subpart 7

Identifies the manner in which employee organizations or employee groups may intervene on a petition for certification, representation, or decertification election. This subpart reflects current practice and is consistent with Minn. Stat. 179A.12, subd. 3.

5510.1910 Hearings or Investigations.

Subparts
8, 9, 10,
and 11

Details the formal structure of the hearing including presentation of evidence, testimony of witnesses, sequestering of witnesses, general rules of evidence, and the components of the record. Additionally, the method and procedure for requesting continuances and postponements are defined. Given full knowledge of the rules and procedures governing

the conduct of the hearings, all parties are able to represent their respective positions and their due process rights are preserved. Additionally, this notice provides for an orderly hearing and maximizes the opportunity for all parties to contribute to the record.

5510.1910 Hearings or Investigations.

Subparts
12 and 13

These subparts outline the sequence of events at a hearing and prohibit the presence of television, newsreel, motion picture, still or other camera, and mechanical recording devices, other than that provided by the director. These subparts provide order to the hearing, minimizing distractions, so that a clear and complete record may be developed. These subparts express current practice and standardize, to the extent possible, hearings conducted by the director.

5510.1910 Hearings or Investigations.

Subpart 14

Establishes that all determinations issued by the director must be based upon the record. This reflects current practice, clarifies for all parties the basis upon which the director makes determinations, and is consistent with the intent of the act.

5510.1910 Hearings or Investigations.

Subpart 15

Clarifies the status of bureau orders that have been appealed to the board. This subpart eliminates confusion on the part of all parties in terms of the effectiveness of the director's order between the time an appeal is made until the board renders a decision.

5510.2010 Elections.

Subparts
1 through
6

Identify the manner by which an election shall be ordered by the director as provided for in Minn. Stat. 179A.12, subd. 3 through 10. These subparts address the following items:

1. Showing of interest;
2. Conduct of an on-site or mail ballot election;
3. Components of the election order;
4. Voter eligibility;
5. Correction of voter eligibility list; and
6. Right to vote.

These subparts provide essential information to all parties in terms of how an election is to be conducted and their rights and responsibilities. Additionally, by allowing elections to be conducted by mail ballot, as well as on-site, the rule recognizes the demands on personnel resources, budgetary considerations and the desires of the parties.

5510.2010 Elections.

Subpart 7 Details the choices contained on election ballots for certification, representation and decertification elections conducted by the director. Reaffirms the importance and application of 5510.1310, subparts 8, 9, and 17; 5510.0610, subparts 2, 3, and 4; and 5510.0710, subpart 2; 5510.1910, subpart 7; and 5510.2010, subpart 1. In short, any employee organization other than an incumbent exclusive representative must provide the proper showing of interest in order to appear on the ballot. In the case of representation election ballots, the choice of "no" will only appear if a 30 percent showing of interest has been submitted. This subpart is consistent with the intent of Minn. Stat. 179A.12.

5510.2010 Elections.

Subpart 8 Establishes the procedure for securing an absentee ballot as required by Minn. Stat. 179A.12, subd. 8. The procedure preserves the rights of the employees to vote while setting reasonable timelines that maintain the orderly conduct of the election.

5510.2010 Elections.

Subpart 9 Generally describes in what manner the election shall be conducted in terms of on-site or mail ballot, the location and polling hours. The subpart also defines the rights and responsibilities of observers and the authority of the director to impose additional requirements in terms of the number of observers. Knowledge of these procedures is essential to the conduct of a fair and orderly election and such procedure is consistent with the intent of Minn. Stat. 179A.12.

5510.2010 Elections.

Subpart 10 Identifies how the election ballot is to be marked, including the fact that a ballot which is defaced or identifies the voter shall be voided. The procedure is also outlined as to how a voter can obtain a new ballot should the original ballot be spoiled. Voters who are physically disabled or unable to read or write may receive assistance from the director in casting their ballots. Voters issued an absentee ballot are not allowed to vote on-site if the absentee ballot has been mailed to them prior to the election regardless of whether the ballot has been returned. This policy supports the rights of all eligible voters to cast their ballots, and also preserves the integrity of the election process. This subpart codifies current bureau practice.

5510.2010 Elections.

Subpart 11 Provides that in the event of an appeal to the board, the director shall conduct the scheduled election unless otherwise ordered by the board. This subpart is consistent with 5510.1910 subpart 15. It is incumbent upon the board to determine whether the issue under appeal would require postponement of the election. By not automatically staying an election when an appeal is made to the board, the question of representation may be resolved in a timely fashion without having the wheels of justice

impede that process, unless the board determines otherwise. This procedure is consistent with the board's rules.

5510.2010 Elections.

Subparts
12 and 13

Identifies the procedure for tabulation of ballots including mixing any mail ballots with those cast on site; ruling on ballots as to whether they are valid, void, or blank; and the disposition of blank or void ballots, as well as mail ballots returned by employees whose names have been deleted from the eligibility list. Upon completion of tabulation, the parties present are provided with a written tabulation of the results, and the director maintains all election materials for at least 60 days after the election date. These subparts assure that the ballots will be tabulated in an orderly and fair fashion and that all parties will be provided with the written results. Maintenance of the election materials guarantees that all materials will be available should an appeal be made to the board or the courts. This procedure protects the rights of the parties, is consistent with the act, and reflects current bureau policy.

5510.2010 Elections.

Subpart 14

Explains the manner in which a run-off election will be processed and what choices will appear on the ballot. This subpart is consistent with the requirements of Minn. Stat. 179A.12, subd. 9.

5510.2010 Elections.

Subpart 15

Provides that a tie vote in a certification election will result in no exclusive representative being certified; a tie vote in a representation election will result in the continued certification of the incumbent exclusive representative; and a tie vote in a decertification election will result in the continued certification of the incumbent exclusive representative.

This subpart is consistent with Minn. Stat. 179A.03, subd. 8; and Minn. Stat. 179A.12, subds. 1, 2, 3, and 10. Logically, if a majority of those voting is required to certify an employee organization as an exclusive representative, then the same majority vote is required to change or decertify an incumbent exclusive representative.

5510.2110

Unfair Election Practices.

Subparts
1 through
5

Defines unfair election practice charges and the manner in which they may be filed either before or after the conduct of an election. A charge must be filed within ten calendar days from the date of the tabulation of ballots, shall be in writing, shall be signed by the charging party, and shall state the name and address of the party against whom the charge is made. A copy of any charge so filed shall be served by the charging party on all other parties to the election. Charges filed prior to an election may result in 1) postponement of the election until the charge has been heard or investigated in accordance with 5510.1910; 2) proceeding with the conduct of the election and then hearing and investigating the charges to determine whether the election should be voided; or 3) proceeding with the conduct of the election, but impounding the ballots cast until a hearing or an investigation has been completed and a determination rendered. If charges are filed after the election has been completed, the director may 1) stay the certification of the election results; 2) conduct a hearing or investigation; and 3) rescind the certification of exclusive representative or the certification of election results. These subparts provide a means of resolving charges filed under Minn. Stat. 179A.12, subd. 11, in an orderly fashion while preserving the rights of all parties. This is consistent with the intent of the act and codifies existing practice.

5510.2210

Request for Reconsideration.

Subparts
1, 2, 3,
and 4

Provides a means whereby parties may seek reconsideration of a director's determination without the necessity of formally appealing the matter to the board. Upon presentation of compelling grounds, such review is warranted. Every effort is provided to preserve the rights of all parties to due process and a just determination. Subpart 3 specifically declares that unfair election practice charges shall not be a ground for reconsideration. Unfair election practice charges are governed by 5510.2110 and it is appropriate that only one avenue of redress be provided.

5510.2310

Status of Employee Organization.

Subparts
1, 2, and
3

The processing of certification, representation, decertification, or transfer of exclusive representative status petitions may result in a change in or lack of exclusive representative prior to the expiration of a contract as delineated in Minn. Stat. 179A.20, subd. 1. This requires that the incoming and outgoing exclusive representatives must be knowledgeable concerning their continuing rights and responsibilities and of the point at which the transition is complete. Conjointly, the legal status of the contract and the rights of the involved employees must be preserved throughout the process. These subparts clearly define the standards established by the bureau to provide a smooth transition. The procedures codify existing policy and are consistent with the intent of the act.

5510.2410 Application.

Identifies the dispute resolution systems available to public sector labor and management to resolve disputes concerning the terms and conditions of employment.

5510.2510 Policy.

Provides that these rules will be applied and interpreted in a manner which best effectuates the purposes of the act. Minn. Stat. 14.115 (supp. 83) has been reviewed and considered in the promulgation of these rules, and is not applicable under subp. 7(b). These rules do not affect small businesses directly because they govern public sector employment relationships only.

5510.2610 Definitions.

The definitions used in these rules describe the terminology of specific bureau responsibilities authorized by the act, and terminology pertinent to the bureau's activities to carry out those responsibilities.

5510.2710 Negotiation Notice.

Requires that either the exclusive representative or the employer give written notice to the other party and the director of the desire to commence negotiations. This rule codifies current practice and is consistent with Minn. Stat. 179A.14, subd. 1.

5510.2810 Petition for Mediation.

Subparts
1, 2, and 3

Defines that the mediation process may be initiated by either party upon written petition or, if in the public interest, by the director. Following initiation, mediation meetings are scheduled by written notice at a time and place convenient for the exclusive representative and the employer. These subparts express current bureau policy and are consistent with Minn. Stat. 179A.15.

5510.2810 Petition for Mediation.

Subpart 4 Establishes the obligation that the exclusive representative and the employer have to the mediation process. The rule requires the attendance of each party's representative who shall have the authority to negotiate in good faith in an effort to reach an agreement concerning the terms and conditions of employment. While the parties may select and engage the services of a representative of their choice, absence of authority to reach agreement by the representative(s) would be contrary to the intent of the act, particularly Minn. Stat. 179A.01 and Minn. Stat. 179A.15.

5510.2810 Petition for Mediation.

Subpart 5 The director's decision to close a mediation meeting is solely for the purpose of meeting the statutory mandate of Minn. Stat. 179A.15 which states that the director "shall then take the most expedient steps to bring about a settlement..." This procedure reflects current policy, maximizes the opportunity for the parties to reach agreement, and constitutes a responsible use of authority granted by law.

5510.2810 Petition for Mediation.

Subpart 6 Defines the specific information which will be considered confidential by the Bureau. The exchange of positions, written or verbal, which take place during the mediation process have been determined to be confidential by several minnesota district courts as a necessity in maintaining the impartiality of the individual mediator and the mediation process. The process requires that each party be assured that its discussions with the mediator remain private. Absent this assurance no party can be realistically expected to candidly discuss

with the mediator their limits, priorities, or alternatives regarding the issues in dispute. Without confidentiality the appearance of impartiality is subject to question by all parties, a situation which limits the effectiveness of the mediation process and the resolution of labor-management disputes. This procedure codifies current bureau practice.

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 1 and strike notice for all public employees, except confidential,
essential, supervisory employees, and principals and assistant principals.
Specifically establishes the date on which the thirty or sixty day mediation period commences as the day following receipt of a mediation petition or written notice of mediation by the director. Identification of the specific date for calculation of the mediation period eliminates possible conflict among the parties in determining the mediation period. This subpart reflects current practice and is consistent with Minn. Stat. 179A.18, subs. 1(b) and 2(b).

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 2 and strike notice for all public employees, except confidential,
essential, supervisory employees, and principals and assistant principals.
Clarifies that either the exclusive representative or the employer may request that the director declare the negotiations at an impasse. Such a request, during the mediation period, will be considered an offer to arbitrate the issues remaining in dispute. This subpart codifies current practice and is consistent with Minn. Stat. 179A.16, subs. 1 and 2.

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 3 and strike notice for all public employees, except confidential,
essential, supervisory employees, and principals and assistant principals.

Identifies the specific conditions under which negotiations are considered to be at impasse and that either the exclusive representative or the employer may offer to arbitrate the issues remaining in dispute. This procedure codifies current policy and is consistent with the act.

5510.2910

Subpart 4

Renewal of existing contract: mediation period, impasse, arbitration and strike notice for all public employees, except confidential, essential, supervisory employees, and principals and assistant principals.

Establishes:

1. The time periods during which a joint request to arbitrate the disputed terms and conditions of employment may be submitted to the director. Such a joint request must be in writing, signed by authorized representatives of the parties, include a list of the items in dispute, and contain a statement committing to arbitrate the terms in dispute. The rule encourages the parties to arbitrate disputes as opposed to engaging in a work stoppage and further avoids any misunderstanding concerning the agreement of the parties to arbitrate the items in dispute.
2. The conditions and requirements for a single party arbitration offer consistent with a joint request for arbitration as per 5510.2910, subpart 4, paragraph 1.
3. The requirement that an acceptance of a single party offer to arbitrate shall be effective only upon receipt of written acceptance of the offer by the bureau and the offering party. The offer and the acceptance becomes binding on the parties unless they mutually agree in writing otherwise. The rule sets out an orderly means of the parties to submit issues in dispute to arbitration.

4. The four actions that must be taken by a party to reject an offer to arbitrate.
5. The condition that an offer to arbitrate by a party is considered withdrawn if it is rejected in accordance with 5510.2910, subpart 4, paragraph 4. The rule limits the duration of the offer to arbitrate, but does not restrict either party from again offering to arbitrate a dispute.

This procedure codifies existing practice and is consistent with the act.

5510.2910 Renewal of existing contract: mediation, period, impasse, arbitration,
Subpart 5 and strike notice for all public employees, except confidential,
essential, supervisory employees, and principals and assistant principals.

Establishes the procedures and notice requirements for the director to notify the public employment relations board when the parties have agreed to arbitrate a dispute over the terms and conditions of employment.

This procedure is consistent with Minn. Stat. 179A.16.

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 6 and strike notice for all public employees, except confidential,
essential, supervisory employees, and principals and assistant principals.

Allows the parties to mutually agree in writing to resolve their dispute by final offer arbitration. If the final offer option is agreed upon, the parties must submit the agreement to the Bureau prior to the date final positions are due. Absent mutual agreement to arbitrate by final offer, the dispute will be decided by conventional arbitration. If final offer arbitration is agreed upon, modification of a party's final position is specifically limited to only changes which the parties agree to in writing. Absent mutual agreement, the final positions submitted to the director may not be modified. This subpart provides a means for the parties to continue to attempt to resolve the items in dispute, while

continuing to maintain the confidentiality of their respective final positions and the integrity of the arbitration process. This procedure codifies existing practice and is consistent with Minn. Stat. 179A.16.

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 7, and strike notice for all public employees, except confidential,
A and B essential, supervisory employees, and principals and assistant principals.

Establishes the conditions which must be met by an exclusive representative for the director to accept a notice of intent to strike as valid and timely. This subpart is consistent with Minn. Stat. 179A.18.

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 7, and strike notice for all public employees, except confidential,
C essential, supervisory employees, and principals and assistant principals.

Provides for the calculation of the thirty day strike notice period into the ten day no-strike period and the twenty day right to strike period. In addition the rule provides for a five day "grace period" for the receipt of a notice. The rules establish an orderly and single source for the computation of the calendar of actions which can be taken during the strike notice period, thus avoiding confusion or dispute on the part of the exclusive representative, employer, or the bureau. This subpart is consistent with Minn. Stat. 179A.18, and codifies existing practice.

5510.2910 Renewal of existing contract; mediation period, impasse, arbitration,
Subpart 7, and strike notice for all public employees, except confidential,
D essential, supervisory employees, and principals and assistant principals.

Establishes the conditions under which an original strike notice expires and the manner in which the notice may be renewed, subject to the same standards as an originally served notice. This codifies existing practice and is consistent with the act.

5510.2910 Renewal of existing contract: mediation period, impasse, arbitration,
Subpart 7, and strike notice for all public employees, except confidential,
E essential, supervisory employees, and principals and assistant
principals.

Requires the director to notify all parties to a dispute that a valid and timely notice of intent to strike has been received and the dates during which a strike can legally commence. The rule provides all parties with a common timetable of legal strike actions. This subpart codifies existing practice and is consistent with the act.

5510.3010 Renewal of existing contract: mediation period, impasse, and arbitration
Subparts for confidential, essential, supervisory employees, and principals
1 and 2 and assistant principals.

Identifies the procedures to follow for requesting the director to determine that negotiations between the parties are at impasse. If impasse is declared the rule provides for written notification to the parties of the decision and the timetable for the submission of final positions. This procedure is consistent with Minn. Stat. 179A.16, subds. 2 and 3, and provides for an orderly processing of such requests.

5510.3010 Renewal of existing contract: mediation period, impasse, and arbitration
Subpart 3 for confidential, essential, supervisory employees, and
principals and assistant principals.

Provides that essential employees and certain employees considered to be essential, or their employers, may mutually agree to submit a negotiation impasse to final offer arbitration. Absent a mutual agreement the impasse will be determined by conventional arbitration. This subpart is consistent with Minn. Stat. 179A.16, subd. 7, and codifies existing practice.

5510.3010 Renewal of existing contract: mediation period, impasse, and
Subpart 4 arbitration for confidential, essential, supervisory employees,
and for principals and assistant principals.

Restricts the modification of a final position, if the final offer option is selected, to changes which the parties mutually agree to in writing. Absent such an agreement the final positions submitted to the director stand as submitted. This subpart provides a means for the parties to continue to attempt to resolve the items in dispute, while continuing to maintain the confidentiality of their respective final positions and the integrity of the arbitration process. This procedure codifies existing practice and is consistent with Minn. Stat. 179A.16.

5510.3010 Renewal of existing contract: mediation period, impasse, and arbitration
Subpart 5 for confidential, essential, supervisory employees, and principals
and assistant principals.

Establishes the procedures and notice requirements for the director to notify the board of a negotiations impasse between essential employees or employees treated as essential and their employer. This procedure codifies existing practice and is consistent with Minn. Stat. 179A.16.

5510.3010 Renewal of existing contract: mediation period, impasse, and arbitration
Subpart 6 for confidential, essential, supervisory employees, and
principals and assistant principals.

Identifies a final position as confidential data thereby retaining the integrity of the arbitration process.

5510.3110 New or different exclusive representative: mediation period, impasse,
Subpart 1 arbitration, and strike notice for all public employees.

Except as provided otherwise by this rule the standards and conditions established by 5510.2810 and 5510.2910 shall apply where an original or different exclusive representative is certified by the director.

5510.3110 New or different exclusive representative: mediation period,
Subpart 2 impasse, arbitration, and strike notice for all public employees.

Establishes that negotiations between and exclusive representative and the employer shall commence following determination of a question of representation by the director.

5510.3110 New or different exclusive representative: mediation period,
Subpart 3 impasse, arbitration and strike notice for all public employees.

Establishes the commencement of the sixty or forty-five day mediation period as effective the day following the certification of an original or different exclusive rpresentative by the director. The rule provides a consistency with 5510.2810 and 5510.2910.

5510.3210 Contract Transmittal.

Minn. Stat. 179A.04, subd. 3(g) states that the director shall "receive, catalogue, and file...all decisions of arbitration panels..." It logically follows that for the bureau to maintain a complete record of all mediation matters that the signed contract should also be a part of the bureau's records. Having the contracts on file also allows the bureau to make its records available to employers, exclusive representatives, and other interested persons who wish to do research. While the bureau's ability in this area is limited, the services provided assist persons attempting to increase their knowledge of labor relations.