

# Public Employment Relations Board (PERB)

## Background Information

### *Background*

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The Public Employment Relations Board (PERB) was created in 2014 to process and rule on unfair labor practices (ULPs) under the Public Employment Labor Relations Act (PELRA). Of the 35 states that have unfair labor practices, 32 of them use an administrative process similar to the one outlined in this legislation. Minnesota, Arkansas and Texas are the only three states that use state courts to adjudicate ULPs.

### *Data Privacy and Open Meeting Law Technical Bill*

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#### Why this language is important:

This proposed legislation clarifies how sensitive data maintained by the PERB will be classified under the Minnesota Government Data Practices Act (MGDPA). The proposed legislation will provide clear guidance to entities and individuals filing or defending ULP charges. This proposed legislation will also make it possible for public employers to share private personnel data with the PERB during the investigation of a ULP charge. It also exempts the PERB from the Open Meeting law under specific circumstances.

#### Protections this language provides:

1. Amends the MGDPA to address the sensitive nature of the data maintained by the PERB.
2. Amends a provision to allow public employers to provide private personnel data to the PERB either on their own initiative or in response to an order or authorization issued by the PERB.

#### The language exempts the PERB from the Open Meeting law for the following purposes:

- Deliberate the merits of ULP charges;
- Review a hearing officer's recommended decision and order;
- Review decisions of the BMS commissioner relating to ULP's; or
- Exercise the PERB's hiring authority under section 179A.041.

### *Funding for the Public Employment Relations Board*

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When the PERB was established, \$125,000 was appropriated for the purpose of developing rules and setting up initial operations.

Unfortunately, during the subsequent sessions the PERB has been unable to secure the necessary resources to operate. Because funds were not available for the PERB to carry out its statutory mandate, the legislature delayed the effective date for the PERB's authority to July 1, 2020.

To be successful, the PERB must be properly funded. The PERB's primary purpose is to enforce a law that has been largely unenforced since its adoption. Prior to the creation of the PERB, ULPs were filed as lawsuits in district court. District court litigation is very expensive and time-consuming, which prevents ULP lawsuits from being filed.