

HOUSE RESEARCH

Bill Summary

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Overview

Creates a Public Employment Relations Board (PERB) to hear unfair labor practice charges under the Public Employment Labor Relations Act (PELRA) and unfair labor practice charges involving charitable hospitals. Many of these charges currently are heard in district court. Unfair labor practices relating to elections of an exclusive representative currently are considered by the Commissioner of Mediation Services. PERB would have authority to review the commissioner's determinations on these issues. The bill also provides that public employees have the right to engage in concerted activity for the purpose of collective bargaining or other mutual aid or protection.

Section

- 1** **Board.** Adds a definition of the Public Employment Relations Board (PERB) in the Public Employment Labor Relations Act (PELRA).
- 2** **Public employee.** Provides that employees of charitable hospitals are public employees under PELRA for purposes of resolving unfair labor practice charges.
- 3** **Public employer.** Provides that charitable hospitals are public employers under PELRA for purposes of resolving unfair labor practice charges.
- 4** **Other duties.** Requires the commissioner of mediation services to assist parties in formulating petitions, notices, and other papers to be filed with PERB. Requires the commissioner to provide administrative support to PERB, upon request.

Section

5 PERB; power, authority, and duties. Requires the governor to appoint three members to PERB:

- one officer or employee of an exclusive representative;
- one representative of public employers; and
- one representative of the public-at-large, appointed by the other two members.

Provides a method for appointing alternative members if a conflict of interest exists. Provides that membership terms, compensation, removal of members and filling of vacancies must be as provided in section 15.0575.

Provides that PERB would hear unfair labor practice cases under section 179A.13, and would hear appeals from determinations of the commissioner of mediation services relating to unfair labor practices in the context of exclusive representative elections.

Requires PERB to adopt rules governing presentation of issues and taking of appeals, and be prepared to hear cases by July 1, 2015.

Authorizes PERB to hire investigators, hearing officers and other employees.

6 Appeals of commissioner's decisions. Provides that decisions of the commissioner of mediation services relating to unfair labor practices in the context of exclusive representative elections may be appealed to the board within 30 days after the commissioner's decision.

7 Appeals of board's decisions. Provides that PERB decisions, including dismissals of unfair labor practices charges, may be reviewed by the Court of Appeals.

8 Concerted activity. Provides that public employees have the right to engage in concerted activity for the purpose of collective bargaining or other mutual aid or protection.

9 Exclusions. Provides that PERB employees are excluded from state bargaining units.

10 Unfair labor practices. Strikes language providing that unfair labor practices will be heard in district court, and provides that unfair labor practices charges will be filed with PERB.

Provides for PERB investigation, and potential complaints and hearings. Specifies related procedures and qualifications of hearing officers. Provides that if the PERB hearing officer determines an unfair labor practice has occurred, a recommended decision and order shall be issued stating findings of fact and conclusions, and requiring the party to cease and desist from the unfair labor practice. Authorizes reinstatement orders and back pay and compensatory damages up to three times actual damages.

Provides that parties may file exceptions to the hearing officer's recommended decision with the PERB board. Specifies procedures for PERB on review of the recommended decisions and orders. Permits PERB or any party to petition a district court for enforcement of PERB's order, and specifies related procedures.

Section

Provides that PERB must not defer to any grievance and arbitration procedure or other legal process in investigating and deciding an unfair labor practice charge.

Makes it an unfair labor practice for an employer or an employee organization to refuse to comply with a PERB order or decision.

11 Unfair labor practices involving charitable hospitals. Provides for PERB to hear unfair labor practice charges involving charitable hospitals.

12 Appropriation. Appropriates \$125,000 in fiscal year 2015 to the Bureau of Mediation Services for purposes of PERB. This appropriation is added to the base.

Directs the Bureau of Mediation Services to call the first meeting of PERB and assist with initial operations, including adoption of rules.

13 Effective date. Specifies effective dates.