

Information Brief

Martha Clark, 296-5059
 Mark Shepard, 296-5051
 Legislative Analysts

Public Employment Labor Relations Act

This information brief summarizes the Public Employment Labor Relations Act (PELRA). PELRA establishes the rules for collective bargaining between Minnesota public employers and representatives of public employees. A chart diagramming the procedures for resolving bargaining impasses ends this brief.

Contents	Page
PELRA provides for the establishment of bargaining units, and gives public employees the right to elect a union as the exclusive representative of the bargaining unit.	2
PELRA establishes the scope of collective bargaining.	3
PELRA contains procedures for resolving bargaining impasses. (Chart is on page 5.)	3
PELRA contains several provisions governing the terms of contracts.	4
The Bureau of Mediation Services (BMS) is the agency responsible for most administrative tasks under PELRA.	5

This publication can be made available in alternative formats upon request. Please call Karin Johnson, (612) 296-5038 (voice); (612) 296-9896 or 1-800-657-3550 (TDD).

PELRA provides for the establishment of bargaining units, and gives public employees the right to elect a union as the exclusive representative of the bargaining unit.

Bargaining Unit Determination

Employees who are interested in electing a union as their exclusive representative must petition the Bureau of Mediation Services (BMS) for determination of the appropriate bargaining unit. The BMS attempts to ensure that employees in bargaining units have a community of interest, according to factors specified in statute. The law requires the BMS to place particular importance upon the history and extent of organization and the desires of the petitioning employees.

Some employees (e.g. police and fire) are designated as essential employees, which means that they may not legally strike. These employees cannot be in the same bargaining unit as other employees. Supervisors and confidential employees (those who participate in bargaining on behalf of the employer or who have access to bargaining information) also cannot be in the same bargaining unit as other employees.

State and University Units

There are special provisions governing establishment of bargaining units for the state and the University of Minnesota. In 1980, the legislature established in statute the bargaining units for these employees. There are 17 state bargaining units and 13 University units, based on occupational lines. For example, all clerical state employees are assigned to one bargaining unit, and all registered nurses are in another. Before 1980, there were well over 100 bargaining units for state employees, with employees in different agencies and geographical locations often being assigned to different units.

Elections

A union is certified as the exclusive representative of employees in a bargaining unit only if it receives the majority of votes cast in an election held among bargaining unit employees. Once a union is selected as exclusive representative, it has a duty to represent all employees in the bargaining unit, both union members and non-members. PELRA also provides procedures for employees to decertify a union as the exclusive representative.

"Fair Share" Fee

No employee has to belong to a union. However, PELRA permits a union to impose a "fair share" fee on non-union members that it represents. This fee may be up to 85 percent of regular membership dues. The fee must be based only on services that are provided to all people the union represents, and cannot include services provided only to members.

FEB 16 1996

LEGISLATIVE REFERENCE LIBRARY
STATE OFFICE BUILDING
ST. PAUL, MN 55155

PELRA establishes the scope of collective bargaining

PELRA requires public employers to meet and negotiate with elected public employee unions on "terms and conditions of employment." The duty to meet and negotiate in good faith does not compel either the employer or the union to agree to a proposal.

The statute defines "terms and conditions of employment" to include hours of employment, compensation (including fringe benefits), and personnel policies affecting working conditions. However, a public employer is not required to negotiate on matters of inherent managerial policy, such as the functions and programs of the employer, its overall budget, use of technology, organizational structure, and selection and direction of personnel. PELRA also prohibits bargaining over pension benefits, which are established in other law.

PELRA contains procedures for resolving bargaining impasses.

PELRA sets procedures for resolving impasses when the public employer and the union are not able to reach agreement on a contract.

Mediation The initial step used to resolve impasses is mediation, in which a mediator from the BMS attempts to assist the two sides in reaching an agreement. A mediator does not have authority to impose a settlement on either side.

Arbitration Another tool for resolving impasses is binding arbitration. Arbitration that establishes the terms of a contract is known as interest arbitration.

For most employees, interest arbitration is available only if both the employer and the union agree to use it. For employees designated as essential (e.g. police and fire), either party can have the matter sent to arbitration (if the BMS finds that good-faith bargaining has occurred and that there is an impasse). PELRA specifies procedures for selection of an arbitrator. Once the arbitrator renders an award, it is binding on both sides. (However, the legislature may reject an arbitration award affecting state employees.)

There are three different forms of interest arbitration.

Conventional. For most bargaining impasses in Minnesota, an arbitrator is free to choose the position of either party on any item in dispute, or to choose a new position that is different from that submitted by either party.

Final offer, item-by-item. For principals and assistant principals, an arbitrator must choose between the final offers of the parties on each impasse item.

Final offer, total package. In this form of arbitration, the arbitrator must select the final offer of one or the other party in its entirety. This form of arbitration is not mandated for any groups in Minnesota, but may be used if both parties to the dispute agree to use it.

A chart on page 5 provides an overview of the processes for resolving impasses in bargaining.

Strikes Employees who are not designated essential may strike after their contract expires and after certain procedural and notice requirements are met. This broad right for most employees to strike was granted in 1980. Before 1980, employees could strike only if the employer turned down a request to use binding interest arbitration, or if the employer refused to implement the arbitration award. Essential employees cannot legally strike under any conditions.

PELRA contains several provisions governing the terms of contracts.

Generally, the employer and the exclusive representative negotiate to decide the conditions of a collectively bargained contract. However, PELRA contains some requirements and prohibitions. For example, PELRA provides that collective bargaining contracts may be for a period of up to three years. For teachers, contracts must be for a term of two years. Also, PELRA requires that all contracts include a grievance procedure providing for binding arbitration of grievances. If the parties cannot agree on a grievance procedure, they are covered by a procedure the BMS adopts.

The Bureau of Mediation Services is the agency responsible for most administrative tasks under PELRA.

The BMS certifies bargaining units and conducts elections to determine if a union will represent employees. It also makes determinations about the status of individual employees, such as whether or not an employee is supervisory. In addition to these quasi-judicial functions, the bureau provides mediation services, and also administers the process of selecting arbitrators.

The BMS is headed by a single commissioner, appointed by and serving at the pleasure of the governor. This is different from the federal model, and the model used in many other states, in which quasi-judicial labor agency functions are performed by a multi-member board, usually with staggered terms that overlap the term of the chief executive.

Minnesota's administrative structure also differs from the federal model and from many other states in that no administrative agency hears complaints of unfair labor practices (e.g. refusal to bargain in good faith). District courts hear these charges.

Resolving Bargaining Impasses

