

MINNESOTA BUREAU OF MEDIATION SERVICES

REQUEST FOR COMMENTS

Possible Amendments to Rules Relating to Arbitration, Mediation, and Collective Bargaining; Minnesota Rules, Chapters 5500, 5505, 5510, 5520, and 5530; Revisor's ID Number R-4677

Subject of Rules. The Minnesota Bureau of Mediation Services (bureau) requests comments on the bureau's possible amendments to its rules on arbitration, mediation, collective bargaining, and other topics authorized under Minnesota Statutes, chapters 179 and 179A. The bureau also requests comments on possible rules governing grievance arbitration for peace officers.

The bureau's rules have not been substantially amended in over 30 years. Accordingly, much of the rule amendments update obsolete, duplicative, and unnecessary language; the rule amendments will also undergo style-and-form changes to make it easier for the public to read the rules and to comply with them. Overall, the bureau seeks to update its rules and enhance the ability for the bureau to carry out its statutorily required duties.

In addition to updating its current rules, the bureau is proposing new rules on grievance arbitration for peace officers, as authorized under House File 1, passed in July 2020's Second Special Session of the 91st legislature. Furthermore, other possible rule amendments on other topics could occur as the bureau proceeds through the rulemaking process and receives public comments.

Persons Affected. The rule amendments likely affect:

- public employers and employees, including peace officers;
- labor organizations;
- arbitrators on the bureau's arbitration roster and prospective applicants for placement on the arbitration roster;
- attorneys and consultants representing clients before the bureau;
- private-sector employers and employees; and
- peace-officer organizations.

Statutory Authority. The bureau has the statutory authority to amend and adopt rules under Minnesota Statutes, sections 179.02, subdivisions 3 and 4; 179.82, subdivision 2; 179A.04, subdivision 3, paragraph (a), clauses (6) and (8); 179A.16, subdivision 7; and 626.892, subdivision 10.

Public Comment. Interested individuals or groups may email or mail comments or information on these possible rules until the bureau publishes a notice of intent to adopt the rules. The bureau will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the publication date of this Request for Comments. The bureau plans to consult with its arbitration advisory committee and may appoint a rulemaking advisory committee to comment on the proposed rules on peace-officer grievance arbitration.

The bureau is also interested in:

- whether local governments might be required to adopt or amend an ordinance or other regulation to implement the possible rules;
- whether the cost of complying with the rule in the first year after the rule takes effect will exceed \$25,000 for one small city or business under Minnesota Statutes, section 14.127; and
- the possible cumulative effect of the rule with other federal and state regulations.

Rules Drafts. The bureau has not yet drafted the possible rules but anticipates that rule drafts will be available on its [website \(https://mn.gov/bms/\)](https://mn.gov/bms/) as drafts become available.

Agency Contact Person. Written comments, questions, requests to receive rule drafts, and requests for more information on these possible rules should be directed to Ian Lewenstein, ian.lewenstein@state.mn.us, 651-539-1414, or the Bureau of Mediation Services, 1380 Energy Lane, Suite 2, St. Paul, MN 55108.

Alternative Format. Upon request, this information can be made available in an alternative format such as large print, braille, or audio. To make such a request, please contact the agency contact person.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if a proceeding to adopt rules is started. The bureau is required to submit to the judge only those written comments received in response to the rules after they are proposed in a notice of intent to adopt the rules published in the *State Register*; if you submit comments before the notice is published and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: October 26, 2020

Janet Johnson, Commissioner
Bureau of Mediation Services