

March 21, 2006

This letter is in response to your March 10, 2006, letter to Mediator Lori Morrell inquiring about the Bureau's policy with regard to processing a notice of intent to strike. Your letter succinctly states the Bureau's policy, namely, that no intent to strike notice will be processed until after there has been at least one mediation meeting held. The afore-mentioned policy is based on our interpretation of Minn. Stat. § 179A.18, subd. 1, which states in pertinent part:

179A.18. Strikes authorized

Subdivision. 1. When authorized. ...Except as otherwise provided by subdivision 2 and section 179A.17, subdivision 2, other public employees may strike only under the following circumstances:

(1)(a) the collective bargaining agreement between their exclusive representative and their employer has expired, or, if there is no agreement, impasse under section 179A.17, subdivision 2, has occurred: and

(b) the exclusive representative and the employer have participated in mediation over a period of at least 45 days....

Our interpretation of the above statute is that a strike cannot be authorized without the exclusive representative and the employer having "participated in mediation" under the statute. During my tenure as Commissioner and for a number of years prior, the Bureau has interpreted this section to require at least one mediation session prior to authorizing a strike.

James A. Cunningham, Jr.  
Commissioner