

# Labor Relations Issues

---

## Meet and Confer Labor-Management Negotiations

**M**ost of the state's labor agreements provide for "meet and confer" meetings whenever an Appointing Authority initiates a planning process or management study which may result in a layoff. The appointing authority should also meet and confer with the affected union(s) prior to the implementation of any layoff.

"Meet and confer," as defined in the state collective bargaining law, means the exchange of views and concerns between employers and their employees. "Meet and confer" is not the same as "meet and negotiate." The parties are under no obligation of intent to reach agreement when "meeting and conferring." Any agreement reached by the Appointing Authority is subject to approval by Minnesota Management & Budget (MMB).

"Meet and negotiate" is also defined in the law and means the performance of the mutual obligations of public employers and the exclusive representatives of public employees to meet at reasonable times, including where possible meeting in advance of the budget making process, with the good faith intent of entering into an agreement on terms and conditions of employment. This obligation does not compel either party to agree to a proposal or to make a concession. The Employer is obliged in negotiations to have a good faith intent of entering into an agreement. Such is not the case in "meet and confer." Although the employer **may** enter into an agreement after meeting and conferring with the exclusive representative, the employer need not have such intent.

The contracts mention "negotiations" regarding a Memorandum of Understanding. The obligation of the employer, therefore, is to reduce any agreements to a Memorandum of Understanding. There is no obligation, however, to reach agreement.

### Topics for Discussion

Master agreements with representatives of state employees contain specific references to issues which should be addressed by the "meet and confer" process. Agencies which are initiating a planning process or management study which is anticipated to result in layoff should read the contract(s) carefully and consult with MMB's Labor Relations Division with any questions.

The following topics are cited in at least one statewide contract:

- length of layoff notice
- job and retraining opportunities
- alternative placement methods
- early retirement options pursuant to M.S. 43A.24, Subd. 2(i)
- bumping and/or vacancy options for part-time employees to preserve their insurance eligibility or contribution
- claiming rights
- other methods of mitigating layoff or their effect on employees

Although the employer need not have an intent to reach agreement on layoff mitigation, MMB encourages agreement. Layoff is emotionally and financially traumatic to employees, but it is also expensive for the employer. Redeploying existing staff to address continuing needs is much more efficient than laying off an employee.