

PUBLIC EMPLOYMENT RELATIONS BOARD
Meeting Minutes
Friday, November 03, 2023

Attending Board Members: Laura Cooper, Margaret Luger-Nikolai, Martin Munic

Attending Alternate Board Members: Richard Kaspari, Scott Lepak

Also attending: Jess Anna Glover, PERB Executive Director/General Counsel

1. CALL TO ORDER by Chair Cooper at 10:14 a.m.
2. APPROVAL OF MINUTES FROM OCTOBER 13, 2023 MEETING
Motion by Luger-Nikolai, second by Munic. Motion approved.
3. BOARD CHAIR REPORT
 - a. November 16, 2023 Employment and Labor Law CLE – Cooper circulated materials and will highlight Hearing Officer RFP on website.
4. EXECUTIVE DIRECTOR REPORT
 - a. FY2024 Budget/Finance Update
Monthly budget materials not available yet. Will review at 11/20 meeting
 - b. Office Move
On schedule to be up and running by January 1. Big thank you to Todd Doncavage for his work on the buildout and move.
 - c. Staffing Update
 - i. Investigator – For immediate needs, we will move forward to hire a temporary investigator through a temporary posting or through a mobility leave. For permanent position, we will revise the job description and go through the audit process.
 - ii. Administrative Support Professional – Will be posting as soon as possible, even if running the search at the same time as other position searches.
 - d. Hearing Officers
For immediate needs, we will move forward with a contract with Jim Lundberg. Through the RFP we will create a roster that JAG will administer through a master contract and individual work orders as the work arises. Previous hearing officers for PERB are not required to submit writing samples.
 - e. Other
 - i. Confirmed recusal list.
 - ii. December 8 meeting will be from 9-12 to allow extra time for cases.
5. DISCUSSION ITEMS

PUBLIC EMPLOYMENT RELATIONS BOARD
Meeting Minutes
Friday, November 03, 2023

- a. Possible statutory amendment proposal on concerted activity
Discussion. The session law that removed authority has expired.

- b. General processing issues
 - i. Circumstances for consolidating cases (Minn. R. 7325.0300)
Discussion. Per the rules, consolidation will happen at the hearing officer stage. PERB may recommend consolidation in Complaints.

 - ii. Partial dismissal in separate orders
Discussion. Dismissal of individual charges will be done through separate orders.

 - iii. Amending charges
Discussion. Priority is to ensure Charged Party has notice of any changes to the charge. We will try to catch any deficiencies when filed and notify the Charging Party to make immediate changes to avoid amendments. However, we will always docket on the date filed regardless of whether we received a revised charge that same day. JAG will amend the investigator handbook to address amendments.

 - iv. Extension of party submission deadlines when potential deferral.
Discussion. To consider the question of deferral, the PERB needs the underlying facts. The submission process will not be bifurcated to address deferral without also receiving information related to the merits of the charge.

6. ACTIVE CASES UPDATE/DISCUSSION (NOTE – THIS PORTION OF THE MEETING MAY BE CLOSED PURSUANT TO MN STATUTES 2022, Section 179A.041, Subd. 10)

The meeting was closed at 11:09 for deliberations regarding cases.

Recusals and member assignments noted below.

- a. **24-U-001** Saint Paul Federation of Educators and Saint Paul Public Schools – Charge filed July 11, 2023. Amended Charge filed July 12, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (1), (2), and (3). NOTE: Luger-Nikolai is recused; Osthus was assigned; Cooper presented. Discussion. Kaspari moved, Munic seconded, a motion to issue an Order on charges. Motion approved.

- b. **24-U-002** AFSCME Council 5 and Hennepin Health Services – Charge filed July 14, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (5). NOTE: Munic is recused; Luger-Nikolai was assigned and presented. Discussion. Memo and recommendations will be reviewed again at November 20 meeting.

PUBLIC EMPLOYMENT RELATIONS BOARD

Meeting Minutes

Friday, November 03, 2023

- c. **24-U-008** International Association of Firefighters Local 1323 and City of Moorhead – Charge filed September 1, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (1) and (5). NOTE: Cooper assigned and presented. Discussion Luger-Nikolai moved, Munic seconded, a motion to issue an Order pursuant to authority in Minn. Stat. 13.43, subd. 6 that charged party must provide data requested by charging party and issue a Order on ULP charges. Motion approved. Munic will draft.

- d. **24-U-009** Steven Wayne Suek and Carpenters Local Union 322 – Charge filed September 19, 2023, amended September 25, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1) and (5). NOTE: Osthus assigned; Cooper presented. Discussion. Munic moved, Luger-Nikolai seconded, a motion to issue an Order. Motion approved.

- e. **24-U-010** Saint Paul Federation of Educators and Saint Paul Public Schools – Charge filed September 20, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (1), (2) and (3). NOTE: Luger-Nikolai is recused; Munic was assigned and presented. Discussion. Kaspari moved, Munic seconded, a motion to issue a Order. Motion approved.

The meeting was opened after discussion at 12:19.

7. The meeting was adjourned at 12:20