

PUBLIC EMPLOYMENT RELATIONS BOARD
Meeting Minutes
Monday, November 20, 2023 at 10:00 A.M.

Attending Board Members: Laura Cooper, Margaret Luger-Nikolai, Martin Munic
Attending Alternate Board Members: Marlin Osthus, Richard Kaspari, Scott Lepak
Also attending: Jess Anna Glover, PERB Executive Director/General Counsel

1. CALL TO ORDER by Chair Cooper at 10:05 a.m.
2. APPROVAL OF MINUTES FROM NOVEMBER 3, 2023 MEETING – Luger moved, Munic seconded. Minutes approved.
3. BOARD CHAIR REPORT
4. EXECUTIVE DIRECTOR REPORT
 - a. FY2024 Budget/Finance Update
Monthly budget materials presented at next meeting. Will include moving expense items.
 - b. Case Management System
Have a project manager with MNIT to manage and support the search for alternatives. Will look to use Odyssey funds.
 - c. Meeting Minutes
Because of member recusals and timing for public and non-public case information, meeting minutes will reflect public information and will not specify the type of order (dismissal, complaint, etc.). However, individual notes to case files will be created containing the specifics of meeting decision details. Samples were provided.
 - d. Office Move
On schedule to be up and running by January 2. Will use all of approved \$50,000 Odyssey Funds for conference room 7.
 - e. Staffing Updates
 - i. Investigator – Pursuing 3 avenues to hiring investigator(s): 1) temporary posting, 2) temporary mobility leave candidate, and 3) the revised permanent posting. The temporary position posting is up. Minimum qualification being reviewed, and eligible candidates forwarded by HR to JAG. Mobility leave hire was approved by the state ethics folks. Needed their approval of hiring someone from MAPE contract for the position. Approval based on mandatory commitment to screen off access for anything that may be a conflict. Several steps to go with a mobility hire but hopeful. Working on revising the permanent posting, which will need to be audited by HR.
 - ii. Office and Administrative Support Sr. – Waiting on HR to complete the position audit. Confusion again by HR. Working with HR manager.

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f. Hearing Officers

RFP contains requirement of not being an advocate in a labor relations matter for an employer or union for 12 months prior. That “neutrality” requirement mirrored the BMS requirement, which has since been changed. Cooper motion, Luger second adoption of an alternative way of demonstrating “neutrality” by submitting 2 letters from employer representatives and 2 letters from union representatives supporting the hearing officer’s neutral credentials. Adopted.

g. Orders Issued: 24-U-001 Complaint and Notice of Hearing.

5. DISCUSSION ITEMS

- i. Priority to help parties while maintaining neutrality. Notify and request for amended charge when part of technical assistance, not legal advice.

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 11:20 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).
- 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. Recommendation adopted. JAG to follow up.
- c. **24-U-006** Anoka Hennepin Education Minnesota and Anoka Hennepin Public Schools – Charge filed August 18, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (5). NOTE: Luger-Nikolai is recused; Kaspari was assigned and presented. Discussion. Munic moved, Kaspari second, a motion to issue Order. Motion approved.
- d. **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 presented. Discussion. Luger-Nikolai moved, Munic seconded, a motion to approve Order for Production Under Minn. Stat. § 13.43, Subd. 6. Motion approved. JAG will draft an Order on ULP charge approved at 11/3/2023 meeting.

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- e. **24-U-009** Steven Wayne Suck and Carpenters Local Union 322 – Charge filed September 19, 2023. Amended Charge filed September 25, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1) and (5). JAG update. Discussion. Osthus drafting Order.

- f. **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.

- g. **24-U-011** Teamsters Local 320 and University of Minnesota – Charge filed September 22, 2023. Charge alleges violation of MN Statutes 179A.07, Subd. 9A and 179A.13, Subd. 2 (1). Charge withdrawn after party settlement.

- h. **24-U-018** Eden Prairie Education Association and Eden Prairie Schools, ISD 272 – Charge filed October 24, 2023. Charge alleges violation of MN Statutes 179A.13, subd. 2(5). Munic presented. Discussion.

- i. **24-U-019** Education Minnesota St. Francis and St. Francis Area Schools – Charge filed on October 25, 2023. Charge alleges violation of MN Statutes 179A.13, subd. 2(5). Munic presented. Discussion.

The meeting was opened after discussion at 12:35.

- 7. The meeting was adjourned at 12:35