

PUBLIC EMPLOYMENT RELATIONS BOARD

Meeting Minutes

Monday, December 8, 2023 at 9:00 A.M.

Attending Board Members: Laura Cooper, Margaret Luger-Nikolai

Attending Alternate Board Members: Marlin Osthus, Richard Kaspari, Scott Lepak

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

Public attending: Christopher Hoodecheck, Attorney, Flaherty & Hood, P.A., 24-U-008 City of Moorhead

1. CALL TO ORDER by Chair Cooper at 9:05 a.m.
2. APPROVAL OF MINUTES FROM NOVEMBER 20, 2023 MEETING – Luger-Nikolai moved, Lepak seconded. Minutes approved.
3. BOARD CHAIR REPORT
4. EXECUTIVE DIRECTOR REPORT
 - a. FY2024 Budget/Finance Update
Monthly and annual budget materials presented at second January meeting. Hope to have moving expenses reflected in those numbers.
 - b. Office Move
The moving schedule is as follows: pack up (12/11- 12/14), move and installation (12/18-12/22), and unpack (12/26-12/28). Technology installations in conference rooms will happen in January. As of January 2, 2024, our address will be 1021 Bandana Blvd. E, Suite 225, St. Paul, MN 55108. PERB emails, phones, and fax will remain the same. Notices will be posted on the BMS and PERB doors during the move with contact information, including contact if want to file in-person.
 - c. Logo package
PERB received the state-issued logo/branding package. Materials, including powerpoints and website, will be updated to include logo. Will print small batches of letterhead, envelopes, notecards, and PERB business cards for member and staff use.
 - d. Staffing Updates
 - i. Investigator
Lindsey Drozd hired as Investigator (Temporary) for up to 12 months starting January 3. Still pursuing candidate for mobility leave.
 - ii. Office & Administrative Support, Sr.
Visit <http://www.mn.gov/careers/> and search for Job# [71704](#) in open positions. Also available on our website, circulated by the Board, Veteran Recruitment through DEED Vets Employment Rep, MinnesotaWorks.net (postings from the state career website are copied by this posting site automatically), and the MMB Workforce email list which reaches hundreds of diverse organizations, individuals, and publications. Open until filled. First review of resumes December 27.

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- e. Hearing Officers – RFP and selection
Applied for waiver of insurance requirement. Luger-Nikolai will draft an essay response as an evaluation tool. Selection committee will be Lepak and additional members identified based on volume of applicants.
- f. Student Worker
We will still move forward to have a student worker, but the process is delayed.
- g. Orders Issued
24-U-008 - Order for Production under Minn. Stat. §13.43
- h. Other
Confirmed Westlaw subscription and use.
Confirmed recusal list.
Will order *The Developing Labor Law: The Board, the Courts, and the National Labor Relations Act* (John R. Higgins, Jr., Ex. Ed.) (2022).

5. DISCUSSION ITEMS

- a. Open Meeting
Discussion. Deliberations are not open meeting, including deliberations over editing orders.

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 10:10 for deliberations regarding cases.

Recusals are noted below.

Case No.	Case. Filed. Alleged violation. Notes.	Member recusal
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), and (3). Status update.	Luger-Nikolai
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). Status update.	Munic

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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). Status update and discussion.	Luger-Nikolai
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). Status update. Compliance with Order for Production under Minn. Stat. 13.43 complete. Discussion. JAG to draft Order.	
24-P-009	Steven Wayne Suek 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). Motion to issue Order by Lepak, Luger-Nikolai seconded. Motion adopted.	
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) and (3). Status update and discussion.	Luger-Nikolai
24-U-012	University Education Association and University of Minnesota – Charge filed October 6, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (5). Discussion.	Luger-Nikolai
24-U-014	AFSCME Council 65 and City of Hibbing – Charge filed October 11, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (1), (5), and (6). Discussion.	Lepak
24-U-015	Inter Faculty Organization and Saint Cloud State University – Charge filed on October 13, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1) and (3). Discussion. Motion to issue an Order by Luger-Nikolai, seconded by Lepak. Motion passed.	Kaspari
24-U-021	AFSCME Council 5 and City of Lino Lakes – Charge filed on November 2, 2023. Charge alleges violation of MN Statutes 179A.13, subd. 2(6). Status update - withdrawn/closed.	Lepak
24-U-022	AFSCME Local 517 and Washington County – Charge filed on November 7, 2023. Charge alleges violation of MN Statutes 179A.13, subd. 2(1) and (5). Status update.	

The meeting was opened after case deliberations.

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7. Upcoming meetings schedule established:
 - a. Friday, January 12, 2024 at 9:00 a.m. (Bandana Square BMS/PERB Conf Rm)
 - b. Friday, January 26, 2024 at 9:00 a.m. (Bandana Square BMS/PERB Conf Rm)
 - c. Friday, February 16, 2024 at 9 a.m. (Bandana Square BMS/PERB Conf Rm)

8. The meeting was adjourned at 11:40.