

PUBLIC EMPLOYMENT RELATIONS BOARD
Meeting Minutes
Friday, February 16, 2024 at 9:00 A.M.

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

1. Meeting called to order at 9:01a.m.
2. APPROVAL OF MINUTES FROM JANUARY 26, 2024 MEETING – Luger-Nikolai moved, Munic second. Minutes approved.
3. BOARD CHAIR REPORT
 - a. Recommendation for resources and training related to public sector decisions from other states.
 - b. Vacation coordination among members will be helpful for continuity of work.
4. EXECUTIVE DIRECTOR REPORT
 - a. FY2024 Budget/Finance Update
January reports available and FY24 Q3 update at April meeting.
 - b. Staff Updates
OAS Sr. - Jose Luis Murillo starts on February 21, 2024.
 - c. Hearing Officers – RFP selection process
RFP open until Feb 26.
Recommended process to evaluate apps: Meg, Scott, Marlin if need a 3rd.
 - d. Orders Issued – NONE
 - e. Other
 - i. Interagency Agreement with BMS and DOC completed through June 30, 2025. The IA is based on the current processes and support including that the DOC will continue to provide financial services and process financial transactions. BMS continues in this fiduciary role.
 - ii. Case management selection is moving forward. MyCase is going through the layers of approval, procurement, and security testing. Approximate date for transition/implementation is end of April.
 - iii. BMS/PERB open house will be held on April 17, 2024. Opportunity for public employment stakeholders to visit the new conference rooms and meeting spaces that are available.
 - iv. Jennifer Moreau is the Assistant Attorney General assigned to the PERB. Her conflicts will be same as Scott Lepak's conflicts. Waiting for additional information from the AGO regarding billing and when/if the PERB can take our own cases without AG representation.

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- v. Legislative Session kickoff and update:
 - 1. SF3428/HF3415 – The BMS’s PELRA clean up bill that are only plain-language changes; no substantive changes. We will monitor.
 - 2. SF3793/HF3428 – Also a BMS PELRA clean up bill with readability/plain-language changes; no substantive changes. We will monitor.
 - 3. PERB is now set up to submit fiscal note information separate from BMS.
- vi. The FMCS/LEA conferences are together this year in NYC on June 26-30.
- vii. Where’s JAK
 - 1. Presentation with AFSME Council 65 in St. Cloud – January 22, 2024. Approximately 30+ people attending. Presented on Board structure, PERB statutes in PELRA, and PERB rules at MN Rules 7325.
 - 2. Manager Core is a big time commitment for 3 weeks including synchronous instruction the last 2 weeks on Tuesday-Friday then Tuesday-Thursday. Additional online modules required and will finish with another synchronous week in March. Lots of great content and a resources for Board member training in the future.

5. OTHER

- a. Two data requests received on same day this week from same law firm. One associated with a case, one from organizational client. JAK will work on responses and confirm with Munic.
- b. Assignment of cases to Board members with focus on cases that meet the priority status elements for Board review.

6. NEXT MEETINGS

- a. Friday, March 8, 2024 at 9:30 – 12:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- b. April 5, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- c. April 19, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)

7. ACTIVE CASES

The meeting was closed at 9:55 a.m. for deliberations regarding active cases. Recusals are noted below. This portion of the meeting is closed pursuant to Minn. Stat. Section 179A.041, Subd. 10.

Case No.		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).	Luger-Nikolai
24-U-004	Saint Paul Federation of Educators and Saint Paul Public Schools – Charge filed August 8, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2 (1) and (2).	Luger-Nikolai

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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).	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).	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).	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).	Kaspari
24-U-016	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).	Luger-Nikolai
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).	Luger-Nikolai
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).	Luger-Nikolai
24-U-035	Bemidji Education Association and Bemidji Area Schools, ISD 31 – Charge filed on January 22, 2024. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1) and MN Statutes 179A.06, subd. 7	Luger-Nikolai

The meeting was reopened at 12:13 p.m.

8. DISCUSSION

Discussion on meeting minutes. Board meeting minutes will reflect cases discussed. All other notes are case deliberations. Orders issued are announced after issued and posted on the PERB website.

Discussion on mediation after a complaint is issued and a Hearing Officer is assigned. MN Rules 7325.0120 require BMS mediator or BMS assignment of mediator; MN Rules 7325.0130 allow staff mediator only during investigation phase. HOs will need to ask parties to sign a mediation agreement that allows them to use that HO for mediation and then hearing, if don't settle. If no agreement,

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would need to assign new HO. HO Handbook will be updated to reflect that. JAK will discuss with BMS a permanent appointment authority for the PERB to allow for HOs, qualified staff, and alternate Board members for mediation.

9. The meeting was adjourned at 12:15 p.m.