

PUBLIC EMPLOYMENT RELATIONS BOARD

Meeting Minutes

Friday, March 8, 2024 at 9:30 A.M.

Bandana Square PERB/BMS Conf Room

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

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

PERB Staff: Jess Anna Glover, Executive Director/ General Counsel, Jose Murillo, Office Administrative Specialist

Public: Christopher Hoodecheck, Attorney, Flaherty & Hood

1. Meeting called to order at 9:35 a.m.
2. APPROVAL OF MINUTES FROM FEBRUARY 16, 2024 MEETING. Motion by Munic, Luger-Nikolai second. Motion approved.
3. BOARD CHAIR REPORT
 - a. *Stephens v. Board of Regents*
Discussion. Cited in many briefs, but after review of district court decision it has limited applicability, and not in the labor setting.
 - b. Evolving process
Discussion. Thanks to the many hours of work by members, but recognize it is not sustainable for board members. We will continue to focus on priority cases and members will provide notice if unable to make deadlines for assigned tasks.
4. EXECUTIVE DIRECTOR REPORT
 - a. FY2024 Budget/Finance Update
February reports available and FY24Q3 updated at April meeting. Change to payroll with additional staff.
 - b. Staff Updates
Welcome Jose Luis Murillo!
Investigators – In process.
Student worker – Posted and candidate applications under consideration.
 - c. Hearing Officers – RFP selection process
Applicants will be reviewed and scored through subcommittee of Luger-Nikolai, Lepak, and Kaspari.

Disappointing response to RFP. Considering other options to add to HO roster like hiring from other state agencies, reposting the RFP through the Register, or modifying applicant requirements. Feedback was that the RFP process is cumbersome, no real guarantee of work, no cancellation fees, hourly rate is low, and current law license required in statute is a barrier.

Feedback on application hypothetical sample answer response given by Cooper.
 - d. Orders Issued - None

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e. Other

- i. BMS and PERB open house is April 17, 2024. Please plan to attend.
- ii. Legislation – Discussion. Proposing three language changes after consideration of operational issues.
 1. 179A.041, Subd. 2 – change to allow alternate member participation when appointed member is unavailable. Right now, only allowed for conflicts of interest.
 2. 179A.13, subd. 1(d) – change to hearing officer requirement for a JD rather than law license. May result in more applicants for hearing officer roster.
 3. 179A.13, subd. 1(b) – change to hearing 30 days after complaint or mutual agreement of the parties rather than current timeline of 5-20 days. Change reflects practice.

Luger-Nikolai will draft language and start the process for these changes at the Capitol. JAK will support.

5. NEXT MEETINGS

- a. Friday, April 5, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- b. Friday, April 26, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- c. Friday, May 17, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- d. Monday, June 3, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)

6. ACTIVE CASES

The meeting was closed at 10:26 a.m. for deliberations regarding active cases. Recusals are noted below. This portion of the meeting is closed pursuant to Minn. Stat. §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-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-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

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24-U-025	Minnesota Public Employee Association (MNPEA) and City of Minneapolis – Charge filed on November 15, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1), (2), (3), (4), (8), and (10).	
24-U-026	AFSCME Council 65 and Central Community Transit – Charge filed on November 17, 2023. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1), (2), and (5).	
24-U-029	Law Enforcement Labor Services and Lyon County – Charge filed on December 19, 2023. Charge alleges violation of MN Statutes 179A.13 Subd. 2(1) and 2(5).	
24-U-033	International Union of Operating Engineers Local 49 and Fillmore County – Charge filed on January 19, 2024. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1) and (5)	
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
24-U-036	Minnesota Nurses Association and Mcloed County – Charge filed on February 2, 2024. Charge alleges violation of MN Statutes 179A.13, Subd. 2(5).	
24-U-037	City Employee’ LIUNA Local 363 and Minneapolis Park and Recreation Board – Charge filed on February 15, 2024. Charge alleges violation of MN Statutes 179A.13, Subd. 2(1).	

The meeting was reopened at 12:17 p.m.

7. The meeting was adjourned at 12:18 p.m.