

PERB Meeting Minutes

Date: April 5, 2024

Location: Bandana Square PERB/BMS Conf Room

Attendance

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

Alternate Board Members: Richard Kaspari, Scott Lepak

PERB Staff: Jess Anna King, Executive Director/General Counsel, Jose Luis Murillo, Office Administrator

Public: Nicholas Garcia Lisle, Attorney, Flaherty & Hood

1. CALL TO ORDER at 9:35 am.

2. APPROVAL OF MINUTES FROM MARCH 8, 2024 MEETING

Luger-Nikolai moved, Munic second. Minutes approved.

4. EXECUTIVE DIRECTOR REPORT

- a. Reminder – Open House – April 17, 2024 from 3:30-5:00
- b. FY2024 Budget/Finance Update – Quarterly Report
FY24, Q3 discussion on good financial position, first year of biennium roll over, and increased expenses for hearing officers and transcription. March reports available.
- c. Staffing Updates
Student worker – hired, starting on May 15, 2024.
Investigators – still waiting on HR audit of revised position.
- d. Hearing Officers and Hearings
 - i. Appointments - Stephen Swanson, James Lundberg, and Jeffrey Jacobs
 - ii. Contracts are in place to appoint hearing officers on specific cases.
 - iii. Additional hearing officers – We will continue to consider additional ways to recruit hearing officers. The proposed legislative change is intended to help. We will look into individual contract for our needs and opening up the RFP again.

- iv. Offsite hearing request process and criteria – Minn. Stat. §179A.13, subd 1(a) requires hearings be held at the BMS/PERB office or other location as the board deems appropriate. There’s a pending request to hold the hearing offsite at a location agreed to by the parties and the hearing officer. Board motion by Cooper, seconded by Munic, to delegate authority to approve an offsite request to the PERB ED/GC, and specifically authorize approval of a request for an offsite hearing where the hearing officer and the parties agree. Motion passed. Additional factors such as cost, timing, and the ability to ensure a good recording of the hearing may be considered with requests.

- v. Transcripts
Minn. Stat. §179A.13, subd. 1(f) requires a full record of the hearing be made and that it shall be transcribed. Minn. Rules 7325.0320, subpart 1 requires a digital or written transcription of the hearing provided to the parties at cost. Previously, recording of hearings have been made, maintained, and transcribed when necessary for an appeal. We will investigate recording and transcription technology and services to ensure we are complying with this and make transcripts available to the parties or hearing officers on request, not just on appeal. We will be testing current technology through new conference rooms at the BMS/PERB in a mock-hearing test, and if successful, for an upcoming hearing.

- e. Orders Issued
035 – Complaint issued 3/19/2024
033 – Complaint issued 4/1/2024

- f. Legislation
SF3428 contains our three approved edits and has been referred to the Finance Committee.

5. NEXT MEETINGS

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

7. ACTIVE CASES

The meeting was closed at 10:43 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 Minn. Stat. §179A.13, subds. 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 Minn. Stat. §179A.13, subds. 2 (1), (2) and (3).	Luger-Nikolai
24-U-023	AFSCME Council 5 and Dakota County – Charge filed on November 7, 2023. Charge alleges violation of Minn. Stat. §179A.06, subd. 7; Minn. Stat. §179A.07, subds. 6 and 9; and Minn. Stat. §179A.13, subd. 2(2).	
24-U-035	Bemidji Education Association and Bemidji Area Schools, ISD 31 – Charge filed on January 22, 2024. Charge alleges violation of Minn. Stat. §179A.13, subd. 2(1) and Minn. Stat. §179A.06, subd. 7.	Luger-Nikolai
24-U-036	Minnesota Nurses Association and McLeod County – Charge filed on February 2, 2024. Charge alleges violation of Minn. Stat. §179A.13, subd. 2(5).	

The meeting was reopened at 11:57 a.m.

8. ADJOURN at 12:03 p.m.