

PERB Meeting Minutes

Date: May 16, 2024

Location: Bandana Square PERB/BMS Conf Room 5

Attendance

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

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

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

1. CALL TO ORDER at 9:31 a.m.

2. APPROVAL OF MINUTES FROM APRIL 30, 2024 MEETING.

Munic moved, Luger-Nikolai second. Minutes approved.

3. EXECUTIVE DIRECTOR REPORT

a. FY2024 Budget/Finance Update

PERB is currently in the middle of a biennium. ED/GC will start work on FY25 budget with BMS and DOC in the coming weeks.

b. Staffing Updates

Law Clerk - Welcome Sara Seid!

Investigator Hiring – Distribution of job posting was extensive. First review of resumes and applications will start on May 23. Interviews are scheduled for June 3 and 4. Marlin Osthus will participate in interviews.

c. Legislation

SF3428 – Includes our language changes, the language is waiting to be placed on the finance committee report.

d. Other

Hearing officers – JAK confirmed with BMS Commissioner that BMS does not see a conflict with POGAR arbitrators serving as PERB Hearing Officers because statutory prohibition is hearing “labor arbitration.”

Appointment authority – JAK is working with BMS on an agreement to give the ED/GC the authority to appoint a mediator in PERB cases, rather than having the BMS Commissioner appoint a mediator. PERB does its own case management, appointment of Hearing Officers, and the contracting required to hire mediators, so it makes sense that we would do the appointment of the mediators as well.

4. NEXT MEETINGS

- a. Monday, June 3, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- b. Friday, June 28, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- c. Friday, July 26, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)
- d. Thursday, August 15, 2024 at 9:30 a.m. (Bandana Square BMS/PERB Conf Rm)

5. OTHER

- a. Discussion – Deferrals

General discussion of PERB authority and requirements to issue a deferral order. Deferral is an interim order, not a final order of the PERB. Additionally, discussed: language used in deferral orders; possible role of deferral used for record development if the case depends on CBA language interpretation; efficiency of resources; and compliance with PERB statutory authority for orders. No decisions. Discussion will continue after the PERB has reviewed prior deferral orders and in case-specific discussions.

The meeting was closed at 10:46 a.m. for deliberations regarding active cases. Recusals are noted below. This portion of the meeting is closed pursuant to Minn. Stat. Section 179A.014, subd. 10.

Case No.		Member recusal
24-U-001	St. Paul Federation of Educators and St. Paul Public Schools – amended Charge filed July 12, 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-027	AFSCME Council 65 and Yellow Medicine County – Charge filed on December 13, 2023. Charge alleges violation of Minn. Stat. §179A.13, subd. 2(5) and 179A.01 C(2)	

24-U-036	Minnesota Nurses Association and McLeod County – Charge filed on February 2, 2024, amended charge filed on April 24, 2024. Charge alleges violation of Minn. Stat. §179A.13, subd. 2(1) and (5).	
24-U-044	Teamsters Local 120 and City of Saint Paul – Charge filed on April 3, 2024, amended Charge filed on April 3, 2024. Charge alleges violation of Minn. Stat. §179A.13, subd. 2(5).	

8. The meeting was reopened and adjourned at 11:22 a.m.