



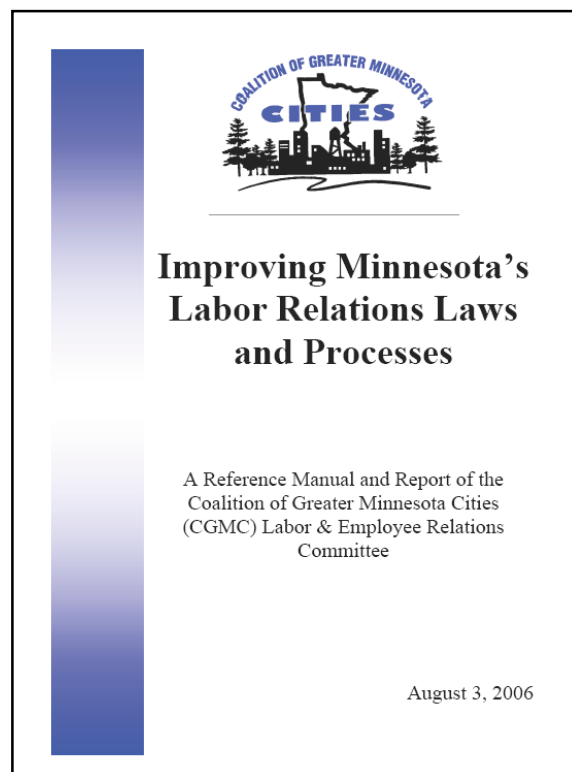
A special notice to all CGMC member cities from the Labor and Employee Relations Committee:

IMPROVING MINNESOTA'S LABOR RELATIONS LAWS AND PROCESSES

A Reference Manual and Report of the Coalition of Greater Minnesota Cities (CGMC) Labor & Employee Relations Committee is now available to all cities that join the committee!

LABOR RELATIONS PROCESS REFERENCE MANUAL AND GUIDE

- ✓ Easy to follow, user-friendly reference manual identifying and analyzing how Minnesota's labor processes currently work
- ✓ Footnoted with references to applicable statutes and rules
- ✓ Contains detailed step-by-step analysis of the following labor relations processes:
 - Labor contract/collective bargaining agreement negotiations
 - Interest (contract impasse) arbitration
 - Grievance (contract interpretation dispute) arbitration
 - Independent review
 - BMS petition and hearing procedures
 - Strike process
- ✓ Identifies specific issues or problems that greater Minnesota cities have experienced while utilizing Minnesota's labor relations processes, including the following
 - Labor contract negotiations – change in past practice and negotiable issues
 - Interest arbitration – certification of issues, motion practice, factors considered
 - Grievance arbitration – arbitrator selection and time to issue awards
 - Independent review – repeal independent review statute
 - BMS hearing procedures – factors considered and union eligibility
 - Strike process – effect of contract following expirations and replacement workers
- ✓ Makes recommendations to improve such processes
- ✓ Establishes a baseline for future legislative action



SAMPLE OF REFERENCE MANUAL CONTENTS

The following is an index of one of the topical areas:

INTEREST ARBITRATION PROCESS

BACKGROUND

1. Interest arbitration defined
2. Applicable statutes and rules
3. Availability of arbitration as a dispute resolution mechanism
4. Types of arbitration
 - A. Conventional interest arbitration
 - B. Final-offer total-package interest arbitration
 - C. Final-offer item-by-item interest arbitration

MEDIATION

1. Impasse
2. Impasse defined
3. Mediation process
4. Role of the mediator
5. Mediation fails - certify issues for arbitration

PRE-ARBITRATION

1. Petition for arbitration
2. BMS certification of issues for arbitration
3. Final positions
4. Selecting the arbitrator
5. Scheduling the arbitration hearing
6. Stipulation
7. Discovery and subpoenas
8. Determine arbitrability
9. Gather relevant information and data
10. Developing the arbitration case book

ARBITRATION

1. Jurisdiction of arbitrator
2. Representation
3. Order of presentation of case to the arbitrator
4. Presentation of case book
5. Do not exchange case books
6. Witnesses
7. Exhibits and evidence at hearing
8. Transcript/tape recording of hearing proceedings

POST-HEARING

1. Post-hearing briefing
2. Settlement prior to arbitration decision
3. Costs of arbitration
4. Arbitrator's decision/award

APPEAL OF DECISION

1. Change of award
2. Reconsideration of arbitrator's decision/award
3. Judicial review of arbitration award
 - A. Vacating an award
 - B. Modification or correction
4. Appeals

INTEREST ARBITRATION PROCESS

STEPS IN THE INTEREST (LABOR CONTRACT) ARBITRATION PROCESS FOR DETERMINING CERTIFIED ISSUES THAT HAVE REACHED IMPASSE DURING THE NEGOTIATION OF A NEW PUBLIC EMPLOYMENT COLLECTIVE BARGAINING AGREEMENT WITH A LABOR UNION

The following is a simple outline of suggested steps for proceeding through the interest (labor contract) arbitration process.

BACKGROUND

1. Interest arbitration defined

An interest/contract arbitration is a hearing, trial-type process involving the determination and imposition by a neutral third party, an arbitrator, of the terms and conditions to be contained in a labor contract/collective bargaining agreement between a city and a public employee union. An interest/contract arbitration arises when the union and the city have made substantial, good-faith bargaining efforts and are unable to reach agreement ("impasse") in labor contract negotiations regarding the terms and conditions of employment to be contained in a new CBA between the city and an employee union.²⁶

2. Applicable statutes and rules

The statutes governing public employment labor relations labor contract arbitrations are contained in PELRA.²⁷ The arbitration process is governed by the provisions of the Uniform Arbitration Act.²⁸ The applicable BMS rules governing all arbitration proceedings under PELRA are contained in Minnesota Rules, Parts 5500.2200 to 5500.2800 and 5510.2930.

3. Availability of arbitration as a dispute resolution mechanism

Only unions that are classified as "essential employees" (e.g., police, firefighters, confidential employees, supervisory employees, etc.) have the right to arbitrate for terms and conditions of employment in a CBA as these unionized employees do not have the right to engage in a strike.²⁹ Non-essential employees may only arbitrate terms and conditions of employment for a new CBA if the city and the union mutually agree to arbitrate.³⁰

4. Types of arbitration

There are three types of interest arbitrations, which are defined by the arbitrator's authority to impose terms and conditions of employment: 1) conventional interest arbitration; 2) final-offer total-package interest arbitration; and 3) final-offer item-by-item interest arbitration. Unless an agreement to arbitrate is reached between the city and union, interest arbitration shall be conventional interest arbitration for all essential employee unions, except with respect to firefighter unions, which, by statute, shall be final-offer total-package interest arbitration, unless otherwise agreed by the city and firefighter union.³¹

A. Conventional interest arbitration

In conventional interest arbitration, the arbitrator has the authority to impose

*Sample page from **Improving Minnesota's Labor Relations Laws and Processes***

Bruce Messelt, City Manager, Moorhead, had this to say about *Improving Minnesota's Labor Relations Laws and Processes* at the CGMC Summer Conference on August 4, 2006:

I have never seen anything like it in the states that I have been involved in professional management. ... It took the mystique completely out of the game, and I think it's really going to become not just the handbook, but in many ways, the bible for negotiations and labor relations activities for many years to come.